

**Enhancing Access to Justice for Women Living
in Rural and Remote Areas of British
Columbia:
Reviewing Practices from Canada and Abroad
to Improve Our Response**

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Reviewing Practices from Canada and Abroad to Improve Our
Response**

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ABBREVIATIONS AND ACRONYMS

A2J	Access to Justice
APB	Access Pro Bono
BC	British Columbia
BCCLA	British Columbia Civil Liberties Association
BWSS	Battered Women Support Services
CBA	Canadian Bar Association
CCEL	Canadian Centre for Elder Law
CCWS	Community Coordination for Women's Safety
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women (1979)
CLAS	Community Legal Assistance Society
CRT	Civil Resolution Tribunal
CRTC	Canadian Radio-Television and Communications
CSOs	Civil society organizations
EVA BC	Ending Violence Association of British Columbia
FREDA	Feminist Research Education Development Action
ICATs	Interagency Case Assessment Teams
ICLC	Indigenous Community Legal Clinic
ICT	Information, communication technology
ISDN	Integrated Services Digital Network
IT	Information technology
JES	Justice Education Society
LBTIQ	Lesbian, bi-sexual, transgender, intersex, queer
LEAF	Legal Education and Action Fund
LRS	Lawyer Referral Service

LSS	Legal Services Society
M&E	Monitoring and evaluation
MCFD	Ministry of Children and Family Development
NGO	Non-governmental organization
PIAC	Public Interest Advocacy Centre
PLS	People's Law School
PODV	Provincial Office of Domestic Violence
PSS	Parent Support Services
R&R	Rural and remote areas
RCMP	Royal Canadian Mounted Police
REAL	Rural Education and Access to Lawyers
SDG	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Programme
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAW	Violence against women
WA2J	Women's access to justice

GLOSSARY OF TERMS

Access to justice	is the ability of people to seek and obtain a remedy through formal or informal institutions of justice, in conformity with human rights standards (UNDP).
Access to justice services	means any services provided to ensure access to justice. Services can include but are not limited to, “ensuring physical accessibility to the courthouse, simplifying procedural rules, using plain language in a statute, explaining what the law means on the internet, provision of translation, dispute resolution other than through the courts, legal aid and similar steps to removing barriers of various kinds” (Law Commission of Ontario).
Access to justice-related service	means any services that respond to the broad factors which create barriers to access to justice. Examples of services that create safe and supportive environments which enable women to participate in the justice system can include counselling and support services, court accompaniment services, women’s outreach services, translation and interpretive services, victim services, and transition houses to name justice a few.
Accessibility	refers to justice services that are physically accessible (services are within a safe and physical reach for people), economically accessible (affordable) and linguistically accessible (information is provided in various formats and languages) (UN Inter-agency Essential Services Package).
Availability	refers to the coverage of justice services delivery and is to be in reach to all populations regardless of their age, identity, culture, sexual orientation, gender identity, ethnicity and language preference, in the whole territory of the State, including remote, rural and isolated areas (UN Inter-agency Essential Services Package).
Appropriateness	refers to justice services which are delivered in a way that is agreeable to women and is sensitive to her needs and perspectives (UN Inter-agency Essential Services Package).
Gender responsive justice	means ensuring that the laws, the justice institutions, the justice processes and the justice outcomes do not discriminate against anyone on the basis of gender. It necessitates taking a gender perspective on the rights themselves, as well as the assessment of access and obstacles to the enjoyment of these rights for women and men and adopting gender sensitive strategies for protecting and promoting them.
Justice	covers such attributes as being derived from law and focuses on concepts such as: accountability of the person who commits wrong or violates the rights of another; protection and vindication of rights

of those that are harmed; fairness in terms of all parties; and refers to a mechanism for administering justice that can provide a fair outcome and has appropriate capacity and authority.

Legal needs

are the legal problems that individuals cannot resolve effectively using their own means. The improvement brought about by the resolution of the problem ought to lead to improved welfare for the individual (Currie).

Legal problem

is a problem that has a legal solution.

Rural population

refers to persons living in or outside of towns or municipalities outside of the commuting zone of urban areas with 10,000 or more people (Statistics Canada).

Remote communities

will be deemed remote based on the degree of isolation they have from other communities. The availability of commercial transportation between communities will be a significant determining factor (Canadian Forum on Civil Justice).

Women's access to justice

means access by women, in particular from poor and disadvantaged groups, to fair, effective, affordable and accountable mechanism, for the protection of rights, control of abuse of power, and resolution of conflicts. This includes the ability of women to seek and obtain a fair and just remedy through formal and informal justice systems and the ability to influence and participate in law-making processes and institutions (UN Women).

Women's empowerment

means empowering women to participate fully in all sectors of life and is seen as essential to build stronger economies, achieve internationally agreed goals for development and sustainability and improve the quality of life for women, men, families and communities (UN Women).

EXECUTIVE SUMMARY

Unhindered access to justice is key to women's legal empowerment. All women should have access to fair, effective, affordable and accountable mechanisms for the protection their rights and the ability to seek and obtain a fair and just remedy through formal and informal justice systems. However, for women living in rural and remote communities achieving these goals can be challenging. Rural and remote areas have infrastructure, resource, communication and social barriers that can impede and complicate justice service delivery. Adding the gender dimension to those issues increases the complexity of the challenge. A woman living in a rural and remote area is at increased risk of experiencing multiple forms of disadvantage that can affect her mental and physical health and wellbeing. A lack of access to legal, health and social assistance and support to address these issues can further compound her problems.

Considerable research has been conducted internationally on how to strengthen access to justice generally, and access to justice for women more specifically. Much of this work is focused on the challenges of providing access from a service provider perspective, service provision in urban centres, and offers generic solutions. Discussions on access to justice for women in rural and remote areas have been more limited. This paper seeks to contribute to this discourse by focusing attention on access to justice issues for women living in rural and remote areas of British Columbia. The overall objective of this project is to inform and advance the discussion of how to ensure that women throughout the province of British Columbia, regardless of their location, are guaranteed effective access to justice and are adequately considered in any justice reforms.

A broad lens is applied to access to justice services to include both justice services provided to ensure access to justice across all dimensions of law as well as any justice-related services that respond to the broad factors which create barriers to access to justice.

This paper provides an overview of international norms and standards related to access to justice for women. It discusses the six interrelated elements of women's access to justice - justiciability, availability, accessibility, good quality, provision of remedies and accountability - found in the UN Committee on the Elimination of Discrimination against Women (CEDAW) General Recommendation No. 33 on women's access to justice.

The next section, Section II, then presents an overview of justice services in British Columbia. Findings highlight that although a number of organizations provide services in rural and remote areas, few services are targeted specifically at women in those areas. Monitoring and evaluation of available services is limited, and impact evaluations are virtually non-existent. There is limited sex and location disaggregated data available to gauge the extent to which women access these services, and to determine whether the services meet the needs of the diverse women in the area, or women's level of satisfaction with services.

Section III develops a situational analysis framework that permitted assessment of issues and challenges identified in the literature review from four perspectives – the enabling environment, the supply side of justice, the demand side of justice, and the quality of services. This review found that around the world challenges for women's access to justice in remote and rural communities is a challenging and complex issue.

Challenges can be rooted in the geographic, demographic, social, and cultural characteristics of rural and remote communities. Justice needs are determined by the combinations of these elements present in the communities, and in the diverse groups of women within those communities. For British Columbia, the situational analysis reinforces necessary elements relating to the enabling environment, particularly the need for ongoing needs analysis that carefully explores the common and unique legal needs of women in

rural and remote areas, and to use findings to inform access to justice policy and program development, implementation, enhancement and adjustment. The situation analysis examined the challenges from the supply side of justice, which highlighted that justice infrastructure, human resources, supporting infrastructure, and services are all limited in rural and remote areas. There are few lawyers and even fewer women lawyers available. Women are reluctant to engage in the justice system with these and other appropriate supports in place.

In terms of the demand side of justice, the study found that further work is required to determine the extent to which services are physically, economically, and linguistically accessible, and appropriate for women living in rural and remote communities, and especially for those women who face intersectional and compounded forms of disadvantage. Challenges raised included concerns about the limited awareness of rights and justice services, the direct and indirect costs associated with accessing justice services, the limited services that support language, literacy and legal literacy needs, limited culturally sensitive and gender response justice services, challenges associated with the use technology and the need for innovative and creative solutions that reduce time, travel and costs associated with the provision of on-site services.

The quality related issues raised underscored the importance of service providers recognizing the challenges women living in rural and remote communities face, having an understanding and appreciation of the unique needs of women in a community, and developing, resourcing and delivering services in cooperation with women in the community to ensure they are gender sensitive and delivered in a way that respects local women's context and cultural needs. Issues raised with regard to the provision of remedies included the need for safety and protection for victims of violence and meaningful redress for harms suffered. Accountability issues identified included the need for monitoring and evaluation frameworks to ensure the justice system and justice services provided are consistent with the principles outlined, and that service providers meet the distinct needs of the population they are serving. The analysis also identified the need for internal and external oversight mechanisms necessary to maintain the integrity of services provided.

Recognizing that women living in rural and remote areas present with a number of characteristics that can contribute to their marginalization from the access to justice discourse, the final section, Section IV, seeks to develop an understanding of the gender and spatial dimensions of accessing for women living in those areas. It is based again based on six elements of access to justice found in CEDAW General Recommendation No. 33. In this segment, the further aspects of each component detailed in CEDAW General Recommendation No. 33 are elaborated, and a series of challenges and considerations has been developed, based on the challenges facing women living in rural and remote areas discussed in the previous section.

A number of innovative and creative solutions found in the literature review are presented from a gender and spatial perspective to permit further exploration of how access to justice interventions can be implemented, enhanced or adapted to meet the specific needs of women living in rural and remote British Columbia.

Findings highlight that customizing justice programmes to address the unique legal needs and barriers to access for women living in rural and remote communities in British Columbia requires more detailed analysis of their legal needs, justice service requirements and barriers to justice. It is necessary to increase women's empowerment through legal awareness. In particular, there is concern that women living in rural and remote communities may be excluded from the increasing number of online programs due to low comfort levels with using technology. This again reinforces the need for multiple modes and formats to deliver legal information that is tailored to the characteristics and cultural and linguistic needs of the user group. To further improve the gender and cultural responsiveness of existing justice services, providers must consider the barriers women in rural and remote communities face and only then determine the most appropriate response. Partnerships and collective and coordinated services were identified as essential to

the delivery of comprehensive services for women in rural and remote communities, and for the mutual support and professional development of justice service providers. Technology is increasingly used to bridge distances between women in rural and remote communities and services providers, lawyers and clients, and witnesses in court where face to face interactions are not required. Technology can also be used to support self-help and self- representation, and to assist users in early resolution of their legal problems without having to go to court. A number of programmes included human support to assist women in using technology, and several highlighted the use of technologies to develop “one stop shops” in rural and remote areas that can respond to a range of issues and problems faced by women by linking them through teleconferencing, videoconference and other electronic supports to the particular expertise they need. A number of programs focused on growing the legal profession, and increasing and retaining the number of women in rural and remote areas have the potential to improve access to legal services in rural and remote communities. The review also highlighted the need to explore gender and rurality considerations for self-help and self-representation to ensure that access to justice initiatives include women living in rural and remote areas.

INTRODUCTION

“Justice is central to the effort to help women become equal partners in decision-making and development. Without justice, women are disenfranchised, disempowered and denied their rightful place. But with sound legal and justice systems, women can flourish and contribute to the advancement of society as a whole, including by helping to improve those very same systems for future generations – daughters and sons alike”

Ban Ki Moon, Secretary-General of the United Nations¹

Access to justice is both a basic human right and a means of achieving other human rights. Unhindered access to justice for women is a critical pathway to the achievement of substantive equality. All women, irrespective of where they live, should have access to fair, effective, affordable and accountable mechanisms for the protection of their rights and be able to seek and obtain a fair and just remedy through formal and informal justice systems.²

Access to justice for women in rural and remote areas is a complex issue that many countries are challenged to deliver. Challenges can be rooted in the geographic, demographic, social and cultural characteristics that define rurality and remoteness and in the varied combination of these elements that determine the legal and social services needs of individual communities.³ Rural and remote areas have infrastructure, resource, communication and social barriers that impede and or complicate service delivery. Adding the gender dimension to those issues increases the complexity of the challenge.

Women living in rural and remote areas are at increased risk of experiencing multiple forms of disadvantage. Their barriers to justice can be significant, multidimensional and can create impacts in their lives.⁴ Remoteness and gender inequality can increase their risk for additional life problems and legal problems. These problems often occur in clusters, where one problem can serve as a trigger for other problems. Experiencing multiple problems can be cumulative and can have a compounding effect.⁵ For example, a woman who decides to leave the family home with her children due to family problems may encounter multiple challenges, including debt, housing, employment, social assistance, additional family problems, and legal actions. Unresolved problems can affect her mental and physical health and her sense of well-being. A lack of access to legal, health and social assistance and support to address these issues further compounds her problems.

The right of access to justice for women and the right of women living in rural areas has garnered increasing international attention, culminating in recent recommendations from the UN Committee on the Elimination of Discrimination Against Women: General Recommendation No. 33 (CEDAW G.R. No. 33) on women’s access to justice adopted July 2015 and General Recommendation No. 34 (CEDAW G.R. No. 34) on rural rights adopted July 2016. These recommendations reinforce the need for comprehensive and inclusive

¹ UN Women. Progress of the World’s Women: In Pursuit of Justice. 2011. <<http://www.unwomen.org/en/digital-library/publications/2011/7/progress-of-the-world-s-women-in-pursuit-of-justice>>

² Boyce, Caitlin “Mapping of Women’s Access to Justice Activities of Select IANGWE Members in Non-conflict Settings”. Forthcoming (draft report received from UN Women).

³ Canadian Forum on Civil Justice (CFCJ). “Rural and Remote Access to Justice: A Literature Review.” *Boldness Project*. Nov. 2015. <http://boldnessproject.ruralandremoteeaccessstojustice.com/wp-content/uploads/2016/01/Rural-Remote-Lit-Review_newcoverpage.pdf>

⁴ De Plevitz, Loretta and Loban, Heron. “Access to Information on Civil Law for Remote and Rural Indigenous Peoples Australia.” *Indigenous Law Bulletin* 7.15 (2009): 22-25.

⁵ Currie, Ab. “The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians”. 2009. Report prepared for the Department of Justice Canada. <http://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr07_la1-rr07_aj1/rr07_la1.pdf>

approaches that ensure access to justice for all women, especially for women who often face multi-faceted discrimination and inequality resulting from living in rural and remote areas.

Considerable international research and publications have been produced on access to justice. In recent years there has been debate, both in Canada and abroad, on how to strengthen access to justice for all, and a variety of innovative initiatives and programmes to enhance access to justice have been introduced. However, the majority of discussion in British Columbia and abroad has focused on urban centres and generic solutions, with little focus on the situation of women living in rural and remote areas, and consideration of whether justice interventions take into account the realities they face. This work seeks to contribute to this important discourse by focusing attention on access to justice issues for women living in rural and remote areas of British Columbia. This is a foundational piece of work that maps justice services and issues and highlights good practices that can be considered for this very narrow segment of the population. Rather than providing a series of recommendations, this report is intended to raise questions and issues that promote further thought, research, analysis and action on this important topic.

I. CONTEXT AND BACKGROUND

1. Background and objectives of the research

1.1 Background

Research demonstrates that a focus on access to justice issues for women generally, access to justice in rural and remote areas, and access to justice for women living in rural and remote areas has been very limited. Ensuring that this group of women is adequately considered and included in any access to justice reforms is critical. Failure to address this important issue risks perpetuating women's geographic and social isolation.

Issues of definitions

There are no universal definitions of 'justice' or 'access to justice' let alone 'women's access to justice', or 'rural and remote' in the international instruments nor consistently used by governments or academics.

This report relies on a broad understanding of the terms of 'justice' and 'access to justice'. '**Justice**' covers such attributes as being derived from law and focuses on concepts such as: accountability of the person who commits wrong or violates the rights of another; protection and vindication of rights of those that are harmed; fairness in terms of all parties; and refers to a mechanism for administering justice that can provide a fair outcome and has appropriate capacity and authority. '**Gender responsive justice**' means ensuring that the laws, the justice institutions, the justice processes and the justice outcomes do not discriminate against anyone on the basis of gender. It necessitates taking a gender perspective on the rights themselves, as well as the assessment of access and obstacles to the enjoyment of these rights for women and men and adopting gender sensitive strategies for protecting and promoting them. As justice is a necessary prerequisite for "access to justice", gender responsive justice is a necessary prerequisite for "women's access to justice".

'**Access to justice**' has been defined by the United Nations Development Programme (UNDP) as "the ability of people to seek and obtain a remedy through formal or informal institutions of justice, in conformity with human rights standards".⁶ UN Women expanded on UNDP's definition to define '**women's access to justice**' as: "access by women, in particular from poor and disadvantaged groups, to fair, effective, affordable and accountable mechanism, for the protection of rights, control of abuse of power, and resolution of conflicts. This includes the ability of women to seek and obtain a fair and just remedy through formal and informal justice systems and the ability to influence and participate in law-making processes and institutions."⁷ Access to justice goes beyond the mere ability of women to seek and obtain a remedy through the formal justice system. It also encompasses confidence and trust in the justice systems, both formal and informal, in their capacity to render fair, accessible and sustainable outcomes. Institutions of justice should be physically, financially and symbolically accessible to women. Access to justice in formal systems also incorporates legal protection, legal awareness, legal aid and counsel, adjudication and enforcement. As such, it requires a strong justice system that is independent, impartial, and responsive to the needs of the women.⁸

This report relies on a nuanced appreciation of '**rural and remote**' based on density and distance and an appreciation of the unique needs of the residents in these communities. Rural and remote are terms

⁶ UNDP. "Programming for Justice: Access for All. A Practitioner's Guide to a Human Rights Based Approach to Access to Justice". 2005. p. 5. <https://www.un.org/ruleoflaw/files/Justice_Guides_ProgrammingForJustice-AccessForAll.pdf>

⁷ Boyce.

⁸ Thailand Institute of Justice (TIJ) & University of Cambridge. "Scoping Study – Women's Access to Justice: Perspectives from the ASEAN region." 2016. <http://www.tijthailand.org/useruploads/files/womens2j_asean_final.pdf>

commonly used to understand different degrees of isolation.⁹ ‘Rural’ and ‘remote’ places have been distinguished generally along the lines of distance and density, with remote places having less people per square kilometer and farther away from services.¹⁰ However, Canadian statistical agencies do not provide for a separate definition for ‘remote areas’ and present remoteness as just one factor that identifies one category of ‘rural’ community.¹¹ One concern raised is that rural and remote communities are often seen as a “single entity for policy making and programme development” with rurality characteristics being more examined than those of remote communities.¹² To view rural and remote communities as separate concepts requires a better understanding of their different social and cultural characteristics and their populations’ different needs.¹³

In this report, **access to justice services**, broadly speaking means any services provided to ensure access to justice. As the Law Commission of Ontario describes these services can include: “ensuring physical accessibility to the courthouse, simplifying procedural rules, using plain language in a statute, explaining what the law means on the internet, provision of translation, dispute resolution other than through the courts, legal aid and similar steps to removing barriers of various kinds”.¹⁴ Access to justice services also includes access to police services who are charged with the responsibility of ensuring access to the criminal justice system and ensuring protection and safety, and are held accountable for investigating violations of the right to be free from violence. **Access to justice-related services**: means any services that respond to the broad factors which create barriers to access to justice. Examples of services that create safe and supportive environments which enable women to participate in the justice system can include counselling and support services, court accompaniment services, women’s outreach services, translation and interpretive services, victim services, and transition houses to name justice a few. **Legal needs** are the legal problems that individuals cannot resolve effectively using their own means and the improvement brought about by the resolution of the problem ought to lead to improved welfare for the individual.¹⁵ A problem is a **legal problem** when it has a legal solution. The access to justice discussion includes the different areas of law: constitutional law, civil law, family law, criminal law, and administrative, social and labour law, as well as women who have legal problems as plaintiffs, defendants, complainants, victims, suspects, accused persons and offenders.

For the purposes of this report, the geographic characteristics of distance and density are used to define the following:

Rural population: persons living in or outside of towns or municipalities outside of the commuting zone of urban areas with 10,000 or more people¹⁶.

Remote communities: communities will be deemed remote based on the degree of isolation they have from other communities. The availability of commercial transportation between communities will be a significant determining factor¹⁷.

⁹ Wendt, S., Bryant, L., Chung, D., & Elder, A. “Seeking help for domestic violence: Exploring rural women’s coping experiences: State of the Knowledge Paper”. *Landscapes: State of the Knowledge*, 4. 2015. Alexandria, NSW: Australia’s National Research Organisation for Women’s Safety.

¹⁰ CFCJ “Rural and Remote Access to Justice”. Also see as an example the Australian Bureau of Statistics define ‘rural’ as non-urban localities with populations of less than 25,000 and remote as communities with fewer than 5000 people and very limited access to services. Australian Bureau of Statistics. “Australian Statistical Geography Standard”. 2015. Canberra: ABS.

¹¹ CFCJ “Rural and Remote Access to Justice”.

¹² Nuffield as cited in CFCJ “Rural and Remote Access to Justice”.

¹³ CFCJ “Rural and Remote Access to Justice”.

¹⁴ Law Commission of Ontario website < <http://www.lco-cdo.org/en/our-current-projects/family-law-reform/increasing-access-to-family-justice-through-comprehensive-entry-points-and-inclusivity-final-report-february-2013/part-i-section-i-what-we-mean-by-access-to-justice/>.

¹⁵ Johnsen, as cited in Currie.

¹⁶ Canada. Statistics Canada. “Rural and Small Town Canada Analysis Bulletin”. [Ottawa]: Statistics Canada. 2015. <<http://www.statcan.gc.ca/pub/21-006-x/2008008/section/s2-eng.htm>>

¹⁷ CFCJ “Rural and Remote Access to Justice”.

In addition, a broader rural/remote lens has been adopted that integrates the demographic, economic, social and cultural aspects of rural and remote life.¹⁸ As one scholar suggests, rural and remote areas should not be seen as merely physical spaces but as social spaces as well, “where meanings of ‘what is rural’ are shaped and understood through lived experience, and are negotiated, contested and fluid”.¹⁹ This means that they must not be viewed as one single rural and remote space but rather as a multiplicity of social spaces that overlap the same geographical areas and shift over time.

Lack of focus on women and rural and remote

In British Columbia, government and a variety of non-governmental organizations deliver programmes and services that focus on improving access to justice for British Columbians. These include the Legal Services Society, the Law Foundation and Access Pro Bono BC to Justice Access Centres, Mediate BC, and the Courthouse Libraries Society and many others. Several, including the Legal Services Society, Access Pro Bono Society of BC, Canadian Bar Association BC’s Rural Education and Access to Lawyers programme, BC Victim Services, Ending Violence BC and the Courthouse Libraries Society have initiatives that focus on rural and remote areas. However, what has not been clarified is whether justice is available and accessible to women in rural and remote areas, whether the services available are gender responsive and the extent to which women access these services.

Concerns have been expressed by some scholars regarding how the discourse on access to justice has included the issue of rural and remote or women users. The Canadian Forum on Civil Justice, which undertook a recent literature review on access to justice in rural and remote communities noted that the literature is generally focused on the characteristics of the system rather than to the characteristics of the population, and that this resulted in overemphasis on the geographical constraints.²⁰ Another scholar, Hughes, has critiqued the discourse as being generally focused on the lack of affordability of legal services and the complexity of the legal process along with ‘generic solutions’ such as building capacity for people to help themselves and to access limited legal services, with little consideration to the different characteristics of the various groups accessing services.²¹ Where there has been an examination of women’s access to justice in rural and remote areas this has tended to focus on the issue of violence against women rather than other justice needs. Overall, there has been less focus in the literature on the role that socio-cultural constructions of gender, rurality and remoteness has on access to justice issues.

Creative solutions have been developed across Canada and other countries in urban, rural and remote communities to enhance access to justice. Numerous reports have been written on how to enhance access to justice. This study offers a review of access to justice from a gendered and spatial perspective to permit exploration of if and how justice interventions can be adapted to meet the specific needs of women living in rural and remote British Columbian communities.

¹⁸ Blaney, Elizabeth & Janovicek, Nancy. “Reflecting on Violence Prevention Programs in Rural Communities: Defining the Six Lenses / Analysis Screens.” 2004.

¹⁹ Mundy, Trish. “Engendering ‘Rural’ Practice: Women’s Lived and Imagined Experience of Legal Practice in Regional, Rural and Remote Communities in Queensland.” *Griffith Law Review* 22.2 (2014): 481-503.

²⁰ CFCJ “Rural and Remote Access to Justice”.

²¹ Hughes, Patricia. “Advancing Access to Justice through Generic Solutions: The Risk of Perpetuating Exclusion.” *Windsor Yearbook of Access to Justice* 31.1 (2013): 1-22.

1.2 Objectives

The overall objective of this project is to inform and advance the discussion of how to ensure that women throughout the province of British Columbia, regardless of their location, are guaranteed effective access to justice. It provides a review of the ways living in rural and remote places can impact the systemic disadvantage experienced by women in accessing justice, and provides examples of how communities in Canada and abroad have addressed these challenges.

1.3 Scope

The focus of this report is on adults who identify as women. This report acknowledges the intersection between women's rights and children's rights in aspects of family law, however, recognizing the specialized nature of juvenile justice, a review of the needs of the girl child is beyond the scope of this research. The target audience of this report is governmental and non-governmental actors who seek to better understand the perspectives and access to justice needs of women living in rural and remote areas. These include policy makers in the government, legal aid providers, academics studying these issues, and civil society organizations engaged in providing legal services and non-governmental organizations promoting access to justice.

1.4 Structure of the research report

Section I: Context and Background sets out the background, objective and methodology for the research. This section provides an overview of international norms and standards related to access to justice for women and then presents a framework based on these norms and standards, tailored to enhance the discussion on how to improve access to justice for women living in rural and remote areas.

Section II: Mapping of BC Justice Services sets out the population and community overview and summarizes available justice services in British Columbia.

Section III: The Situational Analysis: Realities for Women Living in Rural and Remote Areas in Accessing Justice explores the literature to identify the key issues that state justice institutions and justice providers face when delivering justice as well as those experienced by women in accessing justice. In addition, it examines the existing justice services available for women in British Columbia as well as discusses the challenges they face in accessing these services.

Section IV: Considerations for Gender and Spatial Responsive Good Practices uses the CEDAW General Recommendation No. 33 on women's access to justice, modified to take into account the characteristics of women living in rural and remote areas, and presents a framework for change that can be used to promote change and to take their situation into account in the broader access to justice discourse. It reviews the literature to identify considerations of good practice to reduce and eliminate the barriers in accessing justice for women living in rural and remote areas.

Finally, the **Conclusion** summarizes the issues and questions that can be considered to promote further thought on how to include the realities of women living in rural and remote areas into the broader access to justice discourse.

2. Methodology

This research involved two main components: (1) a mapping of services that address adult women's access to justice needs in rural and remote British Columbia and (2) a review of international standards and the literature for the identification of the main issues regarding women's access to justice in rural and remote areas. The report presents access to justice issues for women in rural and remote areas based on the British Columbia service mapping and international literature review. This segment is followed by a presentation of examples of good practices that are consistent with international norms and standards, and that can be considered for the development of improved access to justice services in British Columbia.

2.1 Mapping justice services in British Columbia

This research concentrates on services to address adult women's access to justice needs in rural and remote British Columbia. It identifies agencies and organizations in British Columbia that provide access to justice and justice-related services, and in particular services for women and women in rural and remote areas. The review is based on information gathered from organizational websites, records and reports, and government and non-governmental organization reports, supplemented by information provided by personnel in key agencies reviewed. Services were mapped and analyzed to determine where these services are available, how they are provided, the strengths and weaknesses of these methods of service delivery, and gaps in services for women in rural and remote British Columbia.

2.2 The literature review

The research included a literature review, consisting of a desk review of the literature, including secondary sources. The review involved conducting academic database and Internet searches of English-based sources. This scope of this research was three-fold:

- A review of the relevant international standards.
- An exploration of the literature with the purpose of identifying the realities faced by women accessing justice in rural and remote areas.
- A review of practical community-based solutions developed and implemented across Canada and in other countries to improve access to justice for women living in rural and remote communities.

The information from the literature review was synthesized and analyzed using a situational analysis framework that covers four essential access to justice dimensions across the whole justice continuum: (1) the enabling environment of laws, policies and budgets; (2) the supply side of justice that involves the justice institutions and actors; (3) the demand-side of justice that involves women's ability to seek justice and legal empowerment to participate in the justice system; and (4) the quality of services that effectively address gender discrimination in justice processes and outcomes.²² The framework will be described further in Section III.

3. The international legal and policy framework

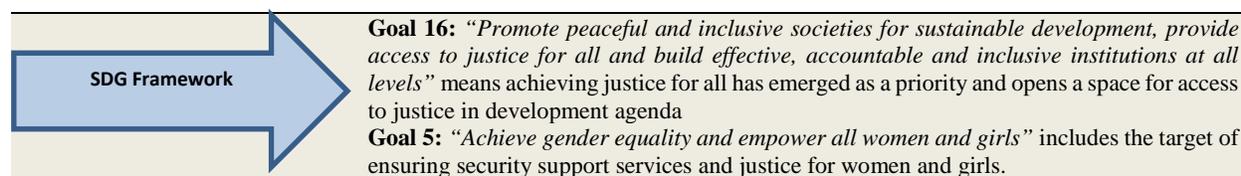
3.1 Guided by international standards and norms

Sustainable Development Goals (SDG)

The importance of ensuring justice was overwhelmingly supported by Member States of the United Nations in the 2030 Agenda for Sustainable Development through SDG 16 which aims to *promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive*

²² This represents a modification of the "Theory of Change Model" for use in analyzing access to justice.

institutions at all levels. Furthermore, SDG 5 provides as a goal to *achieve gender equality and empower all women and girls.* The UN Secretary-General identifies access to justice as one of the means of implementation of all the SDGs.²³ Therefore, women’s access to justice is an essential component of the rule of law, a contributor to poverty reduction, development, as well as peace and security.



The UN Committee on the Elimination of Discrimination against Women

The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), the treaty body which oversees the progress for women in those countries that are States Parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women²⁴, including Canada, have recently adopted two General Recommendations that offer detailed and comprehensive guidance on a State’s obligations to ensure access to justice for women²⁵ and the rights of women living in rural areas²⁶.

General Recommendation No 33 on women’s access to justice provides that “the right of access to justice for women is essential to the realization of all the rights protected under the Convention on the Elimination of All Forms of Discrimination against Women”. It provides recommendations to States Parties as to how to: ensure the multidimensional right to access to justice; remove discriminatory laws, procedures and practices; address stereotyping and gender bias in the justice system; promote education and awareness-raising; ensure legal aid and public defences; and makes recommendations for specific areas of law (e.g. constitutional, civil, family, criminal and administrative, social and labour law).

General Recommendation No 34 on the rights of rural women discusses a number of factors that can combine to make justice inaccessible for rural women. This includes: discriminatory or otherwise inadequate legal frameworks; complex legal systems; lack of information; discriminatory stereotypes and practices; and the parallel existence of often overlapping and conflicting statutory, customary and religious laws and authorities. The CEDAW Committee makes a number of recommendations to ensure that rural women have access to justice that is in line with their General Recommendation No. 33, specifically calling on States Parties to:

- Conduct a gender impact analysis of current laws to assess their impact on rural women
- Enact legislation to regulate the relationship between different mechanisms within plural legal systems in order to reduce conflicts of law and ensure that rural women can claim their rights
- Increase rural women’s awareness and legal literacy by providing them with information on their legal rights
- Ensure free or affordable access to legal services and legal aid
- Promoting rural women’s legal empowerment, including through gender responsive quasi-judicial and judicial procedures

²³ United Nations. “Transforming our world: The 2030 Agenda for Sustainable Development”. 2015. GA Res 70/1 UNGOAR, 79th Sess. Also see, generally, the UN Sustainable Development Knowledge Platform.

²⁴ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13 <<http://www.refworld.org/docid/3ae6b3970.html>>

²⁵ CEDAW Committee. General Recommendation No. 33 (CEDAW G.R. No. 33) on women’s access to justice. 2015. <http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf>

²⁶ CEDAW Committee. General Recommendation No. 34 (CEDAW G.R. No. 34) on rural rights. 2016. <http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf>

- Dismantle barriers to rural women’s access to justice by ensuring that formal and informal justice mechanisms and dispute resolution alternatives are available to them
- Ensure physical access to courts and other justice mechanisms, for example, through the provision of mobile courts which are accessible to rural women
- Provide training to the judiciary, lawyers, law enforcement officials, paralegals, traditional leaders, and other relevant authorities and officials in rural areas, on the rights of rural women and the negative impact of discrimination against them.

CEDAW G.R. No. 33	Describes useful elements of access to justice that are most relevant to women – such as, for example, the provision on information on rights and procedures, the availability of accessible legal aid and legal assistance, and the provision of gender training and sensitization to justice professionals.
CEDAW G.R. No. 34	Describes a number of recommended actions to ensure that rural women have access to justice – such as, for example, ensuring physical access to courts through the provision of mobile courts where required and specific training to justice providers on the rights of rural women.

These recommendations reinforce the need for comprehensive and inclusive approaches that ensure access to justice for all women, especially for women who often face multi-faceted discrimination and inequality, such as resulting from living in rural and remote areas. The concepts of rural and remote areas and gender are factors that have impact on many aspects of life, from social relationships and economic opportunities to justice seeking behaviour and challenges in pursuing justice.²⁷

3.2 Interrelated and essential components to women’s access to justice

The CEDAW Committee did not specifically define the term ‘women’s access to justice’ in its General Recommendation No. 33, but rather described broadly the necessary elements required to ensure for an extensive and comprehensive understanding of what is meant by accessing justice for women. It entails different elements, such as normative legal frameworks (e.g. legal protection, in terms of the legal framework that sets down acceptable substantive and procedural standards), legal awareness (e.g., awareness of the laws, awareness of one’s rights and procedures for accessing the legal system; awareness of alternative dispute resolution mechanisms); legal assistance of various kinds including legal aid and public defense; and effective administration of the justice institutions (e.g., timely and fair adjudication of disputes; other conflict resolution mechanisms, enforcement of remedies, and oversight of the operation of the justice system).²⁸ Broad considerations include distance, cost, time and opportunity cost, familiarity and complexity of procedures and social and psychological barriers.

CEDAW requires State parties to look at the following six interrelated and essential components of women’s access to justice:

1. **Justiciability** requires the unhindered access by women to justice as well as their ability and empowerment to claim their rights under CEDAW as legal entitlements.
2. **Availability** requires the establishment of justice institutions, such as courts and quasi-judicial bodies, across the State Party in urban, rural and remote areas, as well as their maintenance and funding.

²⁷ Pruitt, Lisa. “Gender, Geography and Rural Justice”. *Berkeley Journal of Gender, Law & Justice*, 13, 338 (2008).

²⁸ UNDP. “Programming for Justice: Access for All”.

3. ***Accessibility*** requires that all justice systems, both formal and quasi-judicial systems, are secure, affordable and physically accessible to women, and are adapted and appropriate to the needs of women including those who face intersectional or compounded forms of discrimination.
4. ***Good quality*** requires that all components of justice system adhere to international standards of competence, efficiency, independence and impartiality and provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women. It also requires that justice systems are contextualized, dynamic, participatory, open to innovative practical measures, gender-sensitive, and take account of the increasing demands for justice by women.
5. ***Provision of remedies*** requires the ability of women to receive from justice systems viable protection and meaningful redress for any harm that they may suffer.
6. ***Accountability*** of justice systems is ensured through monitoring of the functioning of justice systems to guarantee that they are in accordance with the principles of justiciability, availability, accessibility, good quality and provision of remedies. The accountability of justice systems also refers to the monitoring of the actions of justice system professionals and of their legal responsibility in cases in which they violate the law.

Diagram 1: Interrelated and essential components to women’s access to justice



The need for a broad understanding of women’s access to justice

Women’s access to justice needs to be understood in an expansive and comprehensive manner. It is more than ensuring equal rights in law or reforming legal systems to make them efficient and affordable. It moves beyond the old definitions of access to courts through legal aid. It is about ensuring the sensitivity and responsiveness of justice systems to the needs and realities of women, as well as empowering women throughout the justice chain, starting with women being aware of their entitlement to equally enjoy their human rights and covers all their interactions with justice systems, including the formulation and implementation of appropriate remedies. It implies that every component of justice systems, whether formal, informal, or semi-formal, is independent, impartial, effective, efficient, available, accessible, gender sensitive, of good quality, adaptable and responsive to women’s diverse needs. Facilitating access to justice is an essential step towards empowering women and achieving substantive gender equality.

This need for a broad understanding of access to justice is echoed by a number of scholars and practitioners domestically and internationally. In Canada, the *Road Map for Change*, a review of the civil and family justice, promotes a broad understanding of what is meant by access to justice.²⁹ It focuses on a more expansive, user-centered vision of accessible justice that includes elements of increasing public awareness of rights and ways to avoid legal problems, and to participate effectively to achieve a just outcome, through negotiations, informal dispute resolution or courts.³⁰ The Canadian Bar Association, in its report *Reaching Equal Justice* also talks about ‘access to justice’ in the context of inclusion, referring to the building of an inclusive justice system that will be “equally accessible to all, regardless of finances, capacity of social situation” and will be “based on people’s relationship to the justice system and their need for assistance in different situations”.³¹ Literature from other countries also calls for a more robust concept of justice and a broader conception of access to justice, one that goes beyond simple access to lawyers and courtrooms. The “thin” lawyers-and-courtrooms approach to access to justice often does not recognize the underlying cause of an individual’s or community’s legal problems. The concept of access to justice should include the process of identifying an individual’s or a community’s legal needs. Some have called for a ‘thicker’ conception of access to justice.³²

For justice to be meaningful to women, it needs to be inclusive of all women. Inclusive justice is time sensitive and financially, geographically and linguistically accessible to all women, particularly those who are marginalized and excluded. The discussion of women’s access to justice needs to reflect the legal needs related to the cultural diversity of women in rural and remote areas, particularly recognizing that many of these women are Aboriginal women. To have inclusive gender responsive justice is to ensure the ability of all women, irrespective of her economic or social status, political background, geographic location, disability, sexual orientation and gender identity, to have unhindered access to justice. As one scholar notes, an intersectionality approach recognises the historical, social and political context in which women live and how factors such as space (location), age, ethnicity, etc. intersect in particular ways to shape women experience and their access to justice.³³

Box 1: CEDAW Committee’s decision *Kell v Canada*³⁴

“Cecilia Kell, an Aboriginal woman from the Northwest Territories, took her fight for adequate legal assistance all the way to the United Nations. In 2012, the CEDAW Committee found that she had been discriminated against when she was refused adequate legal aid to protect her from an abusive ex-spouse. The Committee asked the government to “review its legal aid system to ensure that Aboriginal women who are victims of domestic violence have effective access to justice” and “recruit and train more Aboriginal women to provide legal aid to women in their communities.” In so doing, it highlighted the ways in which the government’s failure to invest in legal aid has a disproportionate effect on marginalized individuals, especially women in rural and remote communities”.

Source: Track, L., Rahman, S., & Govender, K. “Putting Justice Back on the Map: The route to equal and accessible family justice”. 2014.

²⁹ Action Committee on Access to Justice in Civil and Family Matters. “Access to Civil and Family Justice: A Roadmap for Change.” Oct. 2013. <http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf>

³⁰ Action Committee on Access to Justice in Civil and Family Matters.

³¹ Canadian Bar Association. “Reaching Equal Justice Report: An Invitation to Envision and Act.” Nov. 2013.

³² Pruitt, Lisa and Showman, Bradley. “Law Stretched Thin: Access to Justice in Rural America.” *UC Davis Legal Studies Research Paper* 391.24 (Aug. 2014): 35.

³³ Blaney and Janovicek.

³⁴ *Kell v Canada*, Communication No. 19/2008, CEDAW/C/51/D/19/2. 26 April 2012.

II MAPPING OF BC JUSTICE SERVICES

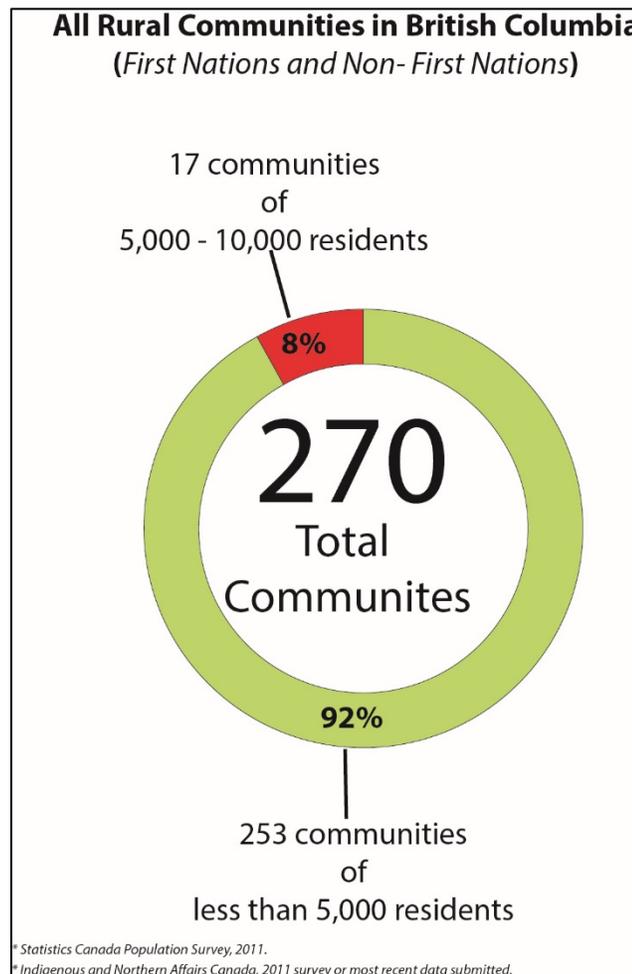
1. Population and Community Overview

Population of British Columbia

The 2011 enumerated census population of British Columbia was 4,400,057. The total rural population of British Columbia is 304,912, or seven (7%), percent of the total population. 250,557 persons live in non-First Nations rural communities and 54,355 live in First Nations communities. Residents with an Aboriginal identity make up 19.2% (61,380 people) of the population of the North.³⁵

This review focuses on the 270 communities in British Columbia with populations of less than 10,000 persons. Of these 200 (74%) are Aboriginal reserves and settlements³⁶ and 70 (26%) are non-First Nations communities.

Diagram 2: Combined rural communities



³⁵ Statistics Canada population survey. 2011. Excludes census data for Indian Reserves and settlements <<http://www12.statcan.ca/census-recensement/2011/dp-pd/hlt-fst/pd-pl/Table-Tableau.cfm?LANG=Eng&T=802&SR=1&S=51&O=A&RPP=25&PR=59&CMA=0>>

³⁶ Indigenous and Northern Affairs Canada. 2011 survey or most recent available data submitted.

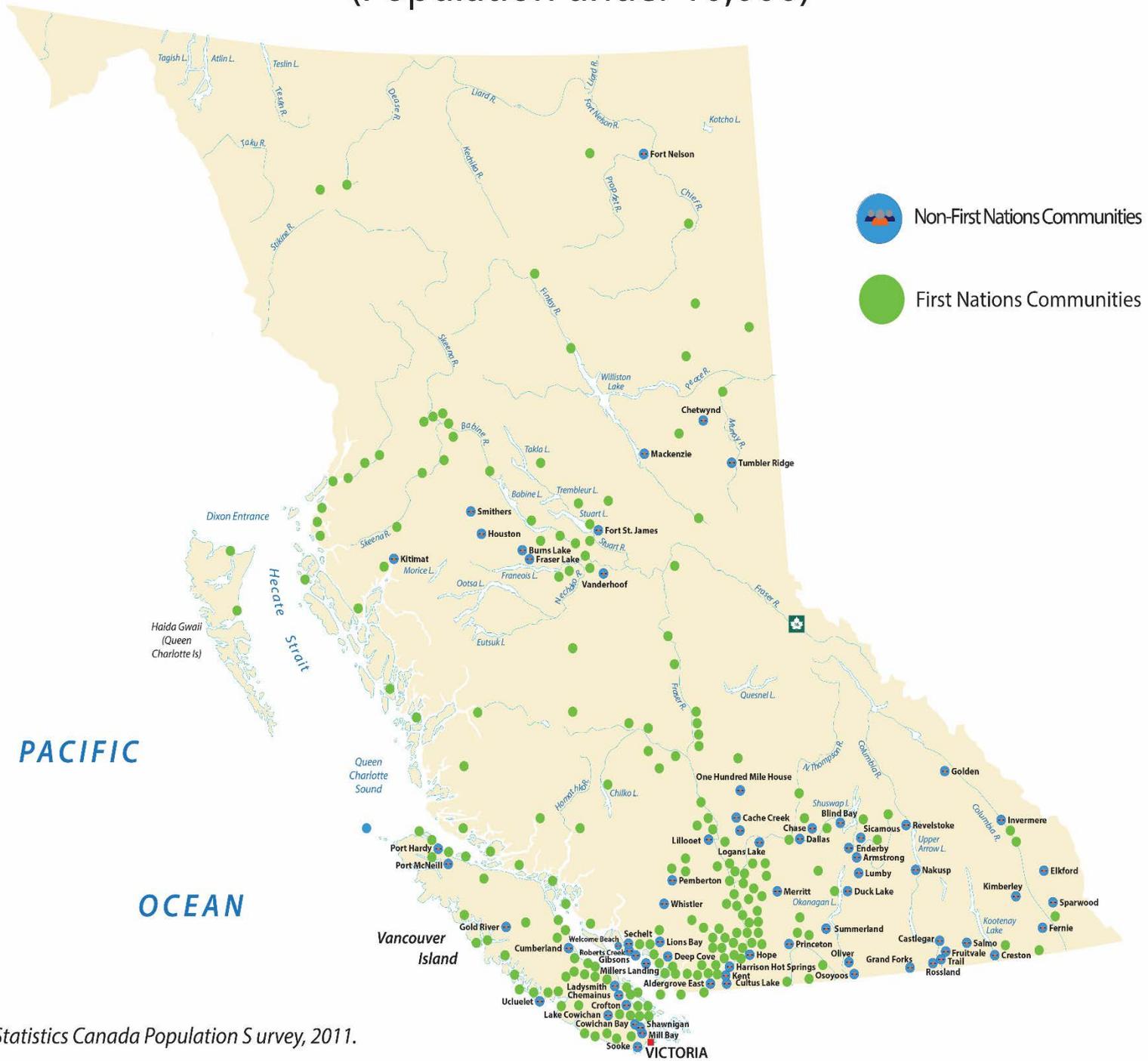
Ninety-two (92%) percent of rural communities in British Columbia have a population of fewer than 5,000 people. Eight (8%) percent of communities have a population between 5,000 to 10,000 people. Seventy-five (75%) percent of non-First Nations communities have a population of less than 5000 persons. All of the First Nations communities have populations of less than 5000 persons, with 89% having populations of less than 1000 persons.

The more remote and isolated communities are located in the northern half of the province. The majority of rural communities are located in the more populated southern half of the province, with more access larger communities for services than communities located in the northern half of the province.

Diagram 3: Map of BC rural communities

(see next page)

Rural communities in British Columbia (Population under 10,000)



* Statistics Canada Population Survey, 2011.

2. British Columbia’s Access to Justice and Justice-Related Services

British Columbia literature focused on the issues of justice to access for adult women (age 18 years and older) was limited, and focused to a significant extent on violence against women. Some literature focused on the specific issues of access to justice of Indigenous women in rural and remote communities, however, literature focusing on the access to justice for women with disabilities, older women, immigrant and refugee women and LBTIQ persons in remote communities was even more limited.

This segment provides an overview of the types of programmes and services available in British Columbia that seek to improve access to justice for British Columbians. It is not the intent or within the scope of this project to provide an exhaustive list of access to justice services. The lists include public legal information and education services, legal advice and representation services, state justice services (e.g. police, prosecution and courts), and supports for justice service providers and advocacy services. Each segment includes a comment on how or if these organizations provide specific services for women, and particularly for women in rural and remote communities. Several organizations that provide woman-specific services and are based in larger communities are included to highlight services that are lacking in rural and remote communities.

It is important to note that many of the organizations listed administer programs and services through partners and intermediaries at the local community level.

2.1 Public Legal Information and Education

The primary focus of the following organizations is the provision of public legal information and education. Information on services provided by the Legal Services Society, British Columbia’s largest supplier of public legal education and information, is included in Section 2.2.

Justice Education Society (JES)	
<p>One of Justice Education Society’s (JES) priorities is to improve people’s legal capabilities by providing legal help, information and services, and public legal education programmes and resources.³⁷ Education services include online courses, and teaching resources and court visits for teachers and students. Information services include guides, information sheets and videos on topics including rights, how to access legal help, the legal system, and civil, family and criminal law.</p> <p>JES also administers the Northern Native Public Legal Education programme, which provides culturally sensitive outreach services for First Nations communities throughout northern BC.</p> <p>Information specific to women includes online materials related to family law, human rights, housing, and violence against women.</p> <p>A 2008 report by JES, focused on the self-help services in rural and remote communities, incorporates a significant focus on women.³⁸ JES also conducted a survey of new media technologies that included a focus on rural and remote communities, but did not specifically mention women.</p>	

³⁷ Reid, G. and Malcolmson, J. “Voices from the Field Needs Mapping Self-help Services in Rural and Remote Communities”. Final Report Prepared for the Justice Education Society and submitted to the Supreme Court Self-help Information Centre (SHIC) Advisory Committee. May 2008.

³⁸ Reid and Malcolmson.

ACCESS: In rural and remote communities, services can be accessed by phone or online. Online services are supported by virtual assistants. Court Information Assistants are available to provide information and make referrals.

Clicklaw BC	
<p>Clicklaw features legal information and education resources aimed at increasing public awareness of legal rights, building awareness of laws and how the legal system functions, and assisting people in solving a broad range of legal problems. It provides information on legal research and reform and a “help map” for law related assistance by topic and location³⁹ for the public, advocates and community workers. Information for the site is contributed by Clicklaw partners⁴⁰.</p> <p>The website contains a variety of books, guides, video, and web based resources, a number of which focus on justice related issues that affect women. They also provide maps and various web links to resources for women throughout the province.</p>	
<p>ACCESS: Information can be accessed online.</p>	

Courthouse Libraries BC	
<p>Courthouse Libraries BC provides libraries of legal information for legal professionals, the public and intermediaries who assist the public. They offer training and study kits for legal professionals, intermediaries and public librarians, online information, and personal assistance to persons visiting a courthouse library in person.</p> <p>Twenty-eight physical courthouse libraries are located in communities throughout BC. Staff are available to assist clients in their searches.</p> <p>Online legal information is available via Clicklaw and Clicklaw Wikibooks. A video tutorial is available to assist users in finding the information they are seeking. The site includes access to legal documents and case law. Support can be obtained by phone or email.</p> <p>The Courthouse Libraries BC website includes a notation that they are committed to supporting legal professionals regardless of where they are in the province.</p> <p>There is no other information on supports specifically for women in rural and remote BC.</p>	   
<p>ACCESS: Online and in person in twenty-eight locations across the province. The only libraries in communities with a population of less than 10,000 persons are in Smithers and Rossland.</p>	

Court Services Online	
<p>Court Services online is BC’s electronic court registry. Court record and search information on civil, appeal, traffic and criminal matters are available to all users for a fee. Registered users can file several civil documents online. An electronic filing assistant is available to provide guidance for completing forms.</p>	

³⁹ Clicklaw website: <http://www.clicklaw.bc.ca/>.

⁴⁰ Clicklaw website, Clicklaw partners page: <http://www.clicklaw.bc.ca/content/partners>.

There is nothing specific to women or women in rural and remote BC included on the website.	
ACCESS: Online. Fee charged for usage.	

People’s Law School (PLS)	
<p>The People’s Law School (PLS) assists organizations and individuals to improve their legal capabilities through publications and multimedia, justice theatre, public education events, lesson plans, guides and resources for instructors, and referral services. They also maintain a resources library.</p> <p>Nothing on this site is specific to women in rural and remote BC.</p>	    
ACCESS: Website, by phone or email to their PLS ASK team, or in person visit.	

Battered Women Support Services (BWSS)	
<p>The Battered Women Support Services administers training and education programmes for women and service providers, counselling services for abused women, a crisis line and referral services.</p> <p>BWSS has conducted research and made programming recommendations on addressing the unique needs of marginalized groups of women, and especially immigrant women.⁴¹</p> <p>BWSS focuses exclusively on women’s needs and supports. They maintain access information about women’s organizations, transition houses, community organizations and victim services and available supports in BC, listed by region. They also offer cultural services run by Aboriginal women for Aboriginal women in partnership with other organizations.⁴²</p> <p>This agency focuses exclusively on services for women and their families. Many of the listed services and transition houses are in rural and remote communities.</p>	   

Parent Support Services of British Columbia	
<p>Parent Support Services of British Columbia (PSS) offers grandparents and parents legal information, legal guides, support lines, support circles and advocacy. They offer a legal guide that focuses on child protection and the Ministries, youth and the law, custody and guardianship, access and safety, adoption, child protection and</p>	  

⁴¹ Escola, Daniela and Nizher, Parminder. “Engaging Immigrant Women in the Legal System: Community Worker Engagement Reports. Battered Women Support Services”. 2008.

⁴² Battered Women’s Support Services website: <http://www.bwss.org/>.

<p>court processes, alternatives to court, using courts, financial assistance and benefits, arranging travel with children, and wills and estates.⁴³</p> <p>The Grandparents Raising Grandchildren Support Line assists grandparents or other relatives raising a family member's child to navigate complex services systems such as the Ministry of Children and Family Development and delegated Aboriginal authorities to find the answers, assistance, and resources they need to prevent or solve problems, and increase awareness of available benefits and services that will support their whole family.⁴⁴ The support line is staffed by workers trained in advocacy, social work, family law, and government services related to kinship caregiving.</p> <p>PSS partners with local community agencies to create support circles, confidential groups where participants can discuss parenting concerns and strategies with no cost to the participant⁴⁵. Child-minding and transportation is often available at little or no cost.</p> <p>PSS serves clients predominantly from the Lower Mainland, Fraser Valley, Vancouver Island, Prince George and the Interior regions of British Columbia.</p> <p>As face to face services are restricted to predominantly the lower mainland, women in rural and remote areas cannot access them.</p> <p>There is no information on the website specific to women in rural and remote communities.</p>	
<p>ACCESS: Access for women in small and rural communities without local support circles is via local and toll free phone numbers.</p>	

<p>VictimLinkBC</p>	
<p>VictimLinkBC operates a toll-free, confidential, multilingual telephone service, available across BC and the Yukon</p> <p>They provide information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence, including victims of human trafficking exploited for labour or sexual services. They also provide direct services to victims. These include providing financial assistance to victims of violent crime, their immediate family members and some witnesses and providing updates on cases and notifications of changes to custodial status.</p> <p>Staff are trained victim service workers and can connect people to a network of community, social, health, justice and government resources, including victim services, transition houses and counselling resources. They also provide information on the justice system, relevant federal and provincial legislation and programmes, crime prevention, safety planning, protection order registry and other resources such as posters and wallet cards in nine languages.</p>	

⁴³ Parent Support Services of British Columbia. "Grandparents Raising Grandchildren: A Legal Guide". 2014. <<http://parentsupportbc.ca/grg/legalguide/revised2014>>

⁴⁴ Parent Support Services of British Columbia website: http://www.parentsupportbc.ca/grandparents_raising_grandchildren.

⁴⁵ Parent Support Services of British Columbia website: <http://www.parentsupportbc.ca/about>.

There is a Directory of Victim Services and Violence Against Women Programmes on the VictimLink BC website. ⁴⁶ There is nothing else specific to women in rural and remote communities on the website.	
ACCESS: Referral services can be accessed by phone call to a 1-800 number twenty-four hours a day, seven days a week. Assistance is available in 110 languages, including seventeen North American Aboriginal languages.	

2.2 Legal Advice and Representation Services

Legal Services Society (LSS): Legal Aid	
<p>LSS administers legal aid in British Columbia. Legal aid provides free legal information for anyone through extensive publications and online services, advice and representation on family problems, child protection matters, criminal law issues and some immigration, mental health and prison law matters for eligible low-income individuals.</p> <p>The Aboriginal Legal Aid website provides information on legal rights for Aboriginal persons on topics ranging from family law, abuse and violence, homes on the reserve, bail and sentencing, First Nations Courts. Social assistance, wills and estates.⁴⁷</p> <p>LSS funds duty counsel for First Nations Court in New Westminster and provides funds for elders to participate in the court process.</p> <p>Intake assistants, and in some communities, legal information outreach workers, provide information and referral services to duty counsel and other community services for legal advice. Aboriginal community legal workers are paralegals and provide, in addition to information services, legal advice under the supervision of a lawyer.</p> <p>LSS provides free print and online legal aid, legal rights and family law publications in twelve languages, and assist telephone and in person callers to identify and locate services to assist them in resolving their problems.</p> <p>Through their contracted Community Partners in thirty-four locations, LSS provides access to legal aid, and legal information assistance and connects the public with print and online public legal information and referral services. Community Partners primarily serve rural, remote and Aboriginal communities and provide outreach to an additional sixty-two communities. LSS provides training and support to the Community Partners.</p> <p>In addition to its corporate site, which provides information on legal aid and how to access services, LSS maintains an extensive Family Law website, Family Law in BC. It has been described as the Grand Central Station for family law in British Columbia, and was used by over 740,000 unique visitors over 1.5 million times in 2016/17.</p> <p>Family Duty Counsel, contracted by LSS can provide advice and assistance, but do not take on entire cases or represent clients at trial. They are present in nearly every Family Court. Family Advice Lawyers provide advice on issues including parenting</p>	

⁴⁶ VictimLinkBC website: <http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>.

⁴⁷ Aboriginal Legal Aid in BC website: <http://aboriginal.legalaid.bc.ca/>.

<p>arrangements to child support, court procedures and property division. LSS also provides duty counsel in criminal courts throughout BC, including in remote circuit courts, and for refugee proceedings.</p> <p>LSS opened a Parents Legal Centre (PLC) in Vancouver in 2016, for families engaged with Ministry of Children and Family Development (MCFD), to provide early intervention and support, and collaborative and early return of children to their parents, if removal cannot be avoided. A PLC is planned for Surrey and further planning is underway for a PLC in one or more Aboriginal communities.</p> <p>Family LawLINE lawyers provide callers with up to six hours of information, coaching and legal advice on issues including parenting arrangements, guardianship and custody, child and spousal support, property division and court procedures.</p> <p>Local agent offices provide a set number of pro bono services and provide information and outreach in their communities in addition to taking legal aid applications.</p> <p>MyLawBC is an interactive website that includes an online negotiation platform for separating couples and guided pathways to develop personalized action plans to address common legal problems such as separation and divorce, wills and personal planning, and foreclosure.⁴⁸</p> <p>LSS supports a broad network of community workers throughout the province with information, resources, workshops and conferences (1100 trained in 2016/17), publications, Family Law in BC website, MyLaw BC website, the poverty law primer, and guidance for finding legal information on the web⁴⁹. They work closely with the BC Law Foundation to offer a boot camp for new advocates and host an advocate training conference each fall.</p> <p>LSS maintains women specific information and publications sections on their corporate website and on MyLawBC. The section for women contains a significant amount of information including fact sheets, online resource, handbooks and information specific to women.</p> <p>LSS have included rural and remote community access to justice issues in a number of reports produced, and have specifically addressed issues affecting women in rural and remote communities in a 2012 report for the Minister of Justice and Attorney General on improving access to justice and outcomes for British Columbians.⁵⁰ They have also included rural and remote community considerations in numerous other reports produced.</p> <p>They maintain sex disaggregated data on persons accessing and using legal advice and representative services, however such information on access and usage of online services or other information services is very limited. They are working to enable access to this data.</p> <p>People who are approved for legal aid representation also have options for collaborative dispute resolution.</p>	
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⁴⁸ Legal Services Society. MyLawBC website: <http://www.mylawbc.com/>.

⁴⁹ Legal Services Society website: <http://www.legalaid.bc.ca/>.

⁵⁰ Legal Services Society. "Making Justice Work Improving Access and Outcomes for British Columbians" Report to the Minister of Justice and Attorney General The Honourable Shirley Bond. July 1, 2012.

ACCESS: There are multiple points of access. Access may be by a toll free phone call to the Legal Aid Call centre, which acts a triage centre to identify issues and connect callers with the resources callers need. Individuals can apply for legal aid in person.

There are thirty-five legal aid offices (staff and local agents) located in BC. Thirty offices are located in larger centres while five (14%) of legal aid offices are located in rural communities. Five of the offices are contracted to do outreach and provide in-person access to take applications and provide information in surrounding Aboriginal communities, reaching an additional 17 First Nations, Reserves and Bands. A map of legal aid offices in BC is available in Appendix A. Community Partners in thirty-four locations help people to make legal aid applications over the phone, 54% of the Community Partner agencies are Aboriginal organizations or First Nations.

The Family LawLINE is accessible by phone. MyLawBC is accessible online, and LiveHelp (online chat) is available on the Family Law Website from volunteer students from each of BC's law schools, through Pro Bono Students Canada.

Access for service providers is through the Society's trusted partner programme, online, and print and multi-media resources, and by phone.

Access Pro Bono BC (APB)	
<p>Volunteer lawyers work with Access Pro Bono BC provide advice and some representation services for low-income people on a range of legal issues, including family, immigration, criminal, and civil law. Pro bono lawyers can provide up to a half hour of free summary legal advice.</p> <p>There are few Access Pro Bono clinics in rural communities. Many Pro Bono lawyers who provide services do not have physical on-location services. Pro Bono BC estimates 80-90% of their calls for service are within reasonable driving distance for participating lawyers. Services for requests from greater distances are provided by telephone or via web based video with team of distance mediators. Callers are allotted 30 minutes of time.</p> <p>The Employment Standards Programme provides free legal representation by volunteer lawyers and law students to low-income employees or former employees appearing before the Employment Standards Branch.</p> <p>The Mental Health Programme provides pro bono representation services to individuals contesting their involuntary detention under the BC Mental Health Act.</p> <p>The Solicitor's Programme facilitates the provision of pro bono legal services to charitable and non-profit community organizations of limited means. APB staff match requests from community organizations throughout the province to a roster lawyer within workable reach.</p> <p>In 2016 APB launched an <i>Islamophobia Legal Assistance Hotline</i>. Staff connect callers with lawyers who provide free legal advice or information on harassment, violence, discrimination and bullying issues. Interpretation is available in ten languages.</p> <p>Their website provides links to justice service providers and online legal resources as well as legal help for non-profits.</p>	  

Although not specifically mentioned, the focus on family law implies that many service users are women. Services can be accessed from rural and remote areas, however, there is no specific mention of services for women in these communities.	
ACCESS: Legal representation is contingent on meeting APB eligibility requirement, a merit assessment of the case, and the volunteer’s capability. Referrals to other resources are provided to callers who do not qualify for Pro Bono services.	
APB can be accessed by email or by phone toll free.	

Community Legal Assistance Society (CLAS)	
<p>The Community Legal Assistance Society provides legal assistance to address the needs of persons disadvantaged or facing discrimination. Services include information and referrals, summary advice, direct representation for service cases, test case litigation, systemic advocacy, law reform, legal supervision services to advocacy organizations, public legal education and training, and legal support to community groups⁵¹. CLAS specializes in housing, income security, workers’ rights, mental health and human rights law.</p> <p>The Community Law Programme provides legal assistance to low-income people across BC on these issues. Services include summary legal advice to outline a client’s options, guidance for self-representation, and full representation.</p> <p>The Mental Health Programme works in conjunction with Access Pro Bono to represent people who have applied to contest their involuntary detention under the BC Mental Health Act before the Mental Health Review Board or who have a BC Review Board Hearing under the Mental Disorder Provisions of the Criminal Code.</p> <p>The BC Human Rights Clinic provides representation to people who have cases before the BC Human Rights Tribunal. Upon acceptance, an advocate assists with the early stages of the complaint, including exploring settlement. If a case goes to a hearing, a lawyer may be able to assist with full representation.</p> <p>CLAS has lawyers who provide both direct client and systemic advocacy services and who work on the Community Advocate Support Line, a telephone service providing legal advice and support to advocates and community workers in BC.</p> <p>Services are provided for men and women. There is no information on the website specific to issues or access to services for women in rural and remote BC.</p>	 
ACCESS: By phone or online.	

The Indigenous Community Legal Clinic	
<p>The Indigenous Community Legal Clinic (ICLC) provides advice, assistance and representation to eligible clients who cannot afford a lawyer and who self-identify as Aboriginal persons⁵².</p> <p>Clinicians are second and third year UBC law students who complete the work under the supervision of two lawyers. The ICLC is thereby able to educate students</p>	  

⁵¹ Community Legal Assistance Society. Annual Report 2015-2016.
 <https://d3n8a8pro7vhmx.cloudfront.net/clastest/pages/582/attachments/original/1481848997/CLAS_15-16_Annual_Report.pdf?1481848997>

⁵² Indigenous Community Legal Clinic website: <http://www.allard.ubc.ca/iclc/your-legal-problem>.

<p>in advocacy and aboriginal legal issues and improve access to justice in the Aboriginal community.</p> <p>ICLC assists individuals with civil, criminal, on reserve housing, employment, family, pardons, and divorce issues, and in completing forms.</p> <p>Services are restricted to the Lower Mainland area. Senior management advised that many users of the services are women.</p>	
<p>ACCESS: Referrals are made by Native Courtworkers or an acquaintance, via the ICLC website, by phone or in person.</p>	

<p>Mediate BC Society</p>	
<p>Mediate BC Society provides people with practical, accessible, and affordable choices to prevent, manage and resolve small claims and family related disputes. They charge fees for their services.</p> <p>Their aim is to build public awareness of conflict management options, pathways and resources through public education seminars, and training for conflict resolution professionals.⁵³ They have recently established a BC Family Unbundling Services Roster of family lawyers and paralegals willing to let clients choose which tasks they want help with and which ones they want to handle on your own. The Society maintains province wide directories of civil, family, child protection and associate mediators.</p> <p>Persons interested in resolving disputes through mediation can contact the Society by phone, email, or online.</p> <p>As family mediation for people going through separation or divorce is a priority service line, many clients will be women. A review of their roster of family mediators indicates a predominance of women mediators. Some documents note a focus on women (e.g. reducing barriers for women in family disputes).</p> <p>Phase II of their distance family mediation focused exclusively on rural and remote communities; Phase III relaxed this requirement. The evaluation of Phase III notes that 19% of clients involved in mediations during this phase were from communities with populations of less than 10,000 persons. Eight percent were from northern communities. The evaluation also found that persons in rural communities found the costs for their services high.⁵⁴</p> <p>Women and women in rural and remote communities are not specifically mentioned on the website or in these reports.</p>	  
<p>ACCESS: Persons interested in resolving disputes through mediation can contact the Society by phone, email, or online. Fees charged for services.</p>	

<p>Family Justice Centres</p>	
<p>Family Justice Centres provide information, education, early assessment, referrals and dispute resolution services to British Columbians going through separation or divorce. Each Centre is staffed by trained, accredited counsellors, who help families</p>	 

⁵³ Mediate BC website, public education & training page: <http://www.mediatebc.com/Education-Training/Public-Education-Training.aspx>.

⁵⁴ Mediate BC Society. "Evaluation of the Distance Family Mediation Project Report on Phase III of the Technology-Assisted Family Mediation Project". Prepared by Catherine Tait Consulting Victoria, British Columbia. March 2013.

<p>with parenting arrangements, contact with a child, guardianship, and support issues. They provide short-term counseling, mediation, emergency and community referral and other services⁵⁵. There is no cost for their services.</p> <p>Family justice services and contact information is available online and in brochures. Queries can be directed to the Centres by phone.</p> <p>The focus on divorce and separation implies that many of the clients of this service would be women. There is no reference on their website to services or access specific to women in rural and remote communities.</p>	
<p>ACCESS: Referral and appointment services are provided by phone. Counselling services are provided in person in the Centres.</p> <p>There are twenty-four Family Justice Centres and two Justice Access Centres in BC. The only rural community with a Family Justice Centre is in Sechelt. To access Family Justice Centre services people in rural communities must travel to the larger centres.</p>	

<p>Civil Resolution Tribunal</p>	
<p>The British Columbia Civil Resolution Tribunal (CRT) is an online tribunal for small claims (less than \$5000) and strata disputes. It aims to make dispute resolution as convenient as possible for people by avoiding the time, cost and stress of going to court⁵⁶.</p> <p>Users are guided with video support through a process to diagnose their problem, determine if their problem can be resolved using a broad range of self-help tools, and begin party to party negotiations to resolve the dispute. If they are unable to resolve their dispute, users can apply for a CRT online tribunal. If approved, Tribunal members, appointed by the BC government in consultation with the Tribunal Chair, hear both sides of the dispute and then make a decision which is binding on both parties.</p> <p>This service was established in 2016. They do not specifically mention women, and although the services offered are online and province wide, the site does not specifically mention services to rural and remote communities.</p>	
<p>ACCESS: The CRT operates 24 hours a day, seven days a week, and can be accessed from a computer or mobile device with an internet connection. Phone, email, mail and video access to CRT is available through Service BC for persons who cannot use or access a computer. In-person meetings and hearings are possible, but are used only when necessary.</p> <p>Fees ranging from \$50- \$200 dollars are discounted for online applications, and can be waived if the applicant is unable to pay.</p>	

2.3 Advocacy and research services

<p>Canadian Bar Association BC</p>
<p>The Canadian Bar Association BC Branch (CBA BC) works on policy development and law reform, and lobbies and responds to matters identified by members and regulatory government initiatives. It leads</p>

⁵⁵ Clicklaw website: <https://www.clicklaw.bc.ca/helpmap/service/1019>.

⁵⁶ Civil Resolution Tribunal website: <https://civilresolutionbc.ca/>.

initiatives on behalf of the legal profession and in partnership with other justice system stakeholders such as the 2017 *An Agenda for Justice*, which includes a significant component on access to justice.

CBA BC operates the Lawyer Referral Service (LRS), which enables the public to access and consult with a lawyer for up to 30 minutes to determine if their problem is a legal problem for \$25 plus taxes, and if required, to be referred to a lawyer for further assistance. Services can be accessed by telephone.

CBA BC also developed and administers the Rural Education and Access to Lawyers Initiative (REAL).⁵⁷ This initiative assists law firms and practitioners in small communities and rural areas of British Columbia to recruit, hire and retain law students and new lawyers. REAL targets high-need communities that have fewer than 1 lawyers per 1000 people⁵⁸.

The Lawyer Referral Service is province wide. Staff determine the area of law for which the caller requires assistance and then provides her/him with the name and telephone number of a lawyer in their geographical area.

There is no information specific to women in rural and remote areas noted on the website.

West Coast Legal Education and Action Fund (LEAF)

West Coast LEAF uses the law to further women's equality using equality rights in three major areas; test case litigation, law reform, and public legal education to advance the equality of women. Current projects include:

The *Establishing a Right to Child Care Project* examines the impact of inadequate childcare on women's human rights. Stories have been collected and analyzed.⁵⁹ A joint policy submission with the Coalition of Child Care Advocates of BC has been made to the provincial and federal governments to take meaningful action on child care to respect women's rights.

West Coast LEAF has made submissions to the Coalition for Public Legal Services and prepared multiple reports calling for increased legal aid in BC. Their position is that the cuts in legal aid services since 2002 disproportionately affect women and women's equality in the province has suffered as a result.

The Family Law Project resulted from work undertaken with a broad range of community organizations, family law practitioners, and academics to address emerging access to justice issues related to family law. They have delivered webinars, developed information booklets, and hosted family law workshops for frontline workers, submissions to policy makers, and have intervened in cases that have direct consequences for family law.

Their public legal education programme educates people on legal tools and strategies, financial issues in the family law context, consent and sexual assault, rights in the workplace and rights online. It encourages people to think critically about the law and society, and to understand and exercise their legal rights.

West Coast LEAF also participates in 'shadow reports' intended to draw the attention of the BC Committee on the Elimination of Discrimination Against Women to areas of inequality for women in BC. Reports have been submitted in 2003, 2008, 2010 and 2016.

West Coast LEAF has defended women's right to fair and equal access to the family law system in the aftermath of relationship violence, worked with the Canadian Centre for Elder Law on older women's rights,

⁵⁷ Canadian Bar Association British Columbia Branch website, "Who we are" page: <http://www.cbabc.org/Who-We-Are>.

⁵⁸ Average lawyer to population ration in BC is 1:450.

⁵⁹ Milne, Kendra "High Stakes: The Impacts of Child Care on the human rights of women and children" West Coast LEAF. 2016. <<http://www.westcoastleaf.org/wp-content/uploads/2016/07/High-Stakes-low-res-for-web.pdf>>

advocated for improvements and funding to Legal Aid, and worked with a broad range of community organizations, family law practitioners, and academics to address emerging issues in the area of family law and access to justice.

A number of their initiatives have incorporated the needs and services for women in rural and remote communities.

BC Public Interest Advocacy Centre (BC PIAC)

BC PIAC's primary aim is to address systemic discrimination that affects low and fixed income people in British Columbia. Priority areas include access to legal aid, access to welfare, and access to justice for racialized and immigrant communities. Recent efforts have included:

1. Partnering with 60 agencies to raise concerns about barriers to accessing income assistance, including specific concerns about the complexities in online application processes for those who do not have access to a computer or lack computer literacy.
2. Partnering with West Coast LEAF to mount a constitutional challenge for denials of funding and restrictive caps on hours of legal services provided for low income people, noting that especially for women going through divorce and custody battles without legal representation that “this reality leaves women and their children particularly vulnerable as they try to navigate the complex justice system”.⁶⁰

Canadian Centre for Elder Law (CCEL)

The Canadian Centre for Elder Law (CCEL), in cooperation with the BC Law Institute carries out research, writing and analysis for law reform, collaborates with government and other entities, and provides materials and support for outreach and public information.⁶¹ They recently completed the second phase of the Older Women’s Rights Dialogue Project, focused on improving understanding of older women’s needs.

The Centre is working with four communities of older women to create policy and public legal education tools to address their priorities. These projects aim to train seniors-serving professionals on the specific needs of older women fleeing violence, and to inform older women of their rights in situations of abuse, assisted by a plain-language handbook of practical legal information.

The CCEL conducted two studies into law and social policy issues that impact the lives of older women (2013 and 2017). Access to justice issues are included in the reports. The project was based in the lower mainland however, it included women from rural communities who identified the lack of public transportation in rural communities as a problem, and who pointed out the importance older women in rural communities place on drivers’ licenses. The reports did not include any other comments, analysis or comparisons between older women in rural and urban communities.

BC Civil Liberties Association (BCCLA)

The BC Civil Liberties Association provides test case litigation, legal education and law reform to protect the civil liberties and human rights of British Columbians. They have intervened in many access to justice cases, including an access to justice case for vulnerable groups (sex trade workers) at the Supreme Court of Canada. They are currently working as part of the Coalition on Missing and Murdered Indigenous Women and Girls in BC to support the National Inquiry.

The BCCLA participates in public events and workshops, is involved in active court cases, provides direct assistance to individuals, and creates and distributes educational resources.

⁶⁰ BC Public Interest Advocacy Centre. Open Letter Regarding Access to Barriers to Applying for Income Assistance. 27 April, 2017. <http://bcpiac.com/constitutional-challenge-inadequate-legal-aid-services/>

⁶¹ Canadian Centre for Elder Law website: <http://www.bcli.org/ccel>.

The Association can be accessed via the casework phone line Tuesdays to Thursdays, by email or by mail. Their website includes publications, self-help guides and resource lists.

The Association's 2011 report⁶², cited as one of the catalysts for the BC missing and murdered women inquiry, raised questions about police actions in northern BC communities that related to victim services, conditions of confinement of women in cells, lack of consultation with Aboriginal communities, cultural differences between new officers and the community, lack of public trust in the police, lack of accountability.

2.4 Courts, Police and Victim Support Services

Courts in Rural Communities in British Columbia

Forty-five circuit courts serve rural communities in British Columbia. Twenty-one courts (46%) are located in rural First Nations and non-First Nations communities while the remainder are located in small urban centres.

A map of locations of courts in rural communities in BC is attached, Appendix B.

First Nations Courts sit in New Westminster, North Vancouver, Kamloops, and, Duncan, and provide services for smaller communities in the area. There are no First Nations Courts that sit in rural and remote communities. Their focus is holistic, recognizing the unique circumstances of First Nations offenders. Local First Nations communities are encouraged to contribute to the proceedings. The Court provides support and healing to assist in rehabilitation and to reduce recidivism. It also seeks to acknowledge and repair the harm done to victims and the community.⁶³

The Native Courtworker and Counselling Association of BC administers the Aboriginal Courtworker Program which works in cooperation with the Courts to provide services to Aboriginal offenders. Their northern British Columbia offices located in Prince George and Terrace provide services to circuit courts in the region.⁶⁴

There are four domestic violence courts in BC, located in Duncan, Nanaimo, Penticton and Kelowna. There are no domestic violence courts in rural and remote communities. The courts bring together specialized professionals from various sectors, including police, Crown counsel, victim services, child protection, corrections, and community organizations to provide an integrated response to domestic violence cases. An additional objective is to provide targeted interventions to better support victims and increase offender accountability.⁶⁵

ACCESS: Circuit courts sit 1-2 times per month to as little as 3 or 4 times per year depending on the size and location of the community and the volume of cases. All cases are heard face to face.

Royal Canadian Mounted Police

The RCMP provide municipal, provincial and federal policing in all rural and remote areas of BC. There are 144 BC RCMP detachment. Sixty are located in urban centres with populations over 10,000 persons. The remaining eighty-four detachments serve 121 non-First Nations communities and rural areas with populations

⁶² British Columbia Civil Liberties Association. "Small Town Justice: A Report on the RCMP in Northern and Rural British Columbia". 2011. Vancouver: British Columbia Civil Liberties Association.

⁶³ Provincial Court of British Columbia website, problem solving courts page: <http://www.provincialcourt.bc.ca/about-the-court/court-innovation/problem-solving-courts>.

⁶⁴ Native Courtworker and Counselling Association of British Columbia website: www.nccabc.ca.

⁶⁵ British Columbia Ministry of Justice. "Framework for Domestic Violence Courts in British Columbia. 2014. <<http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/public/dv-courts-framework.pdf>>

of less than 10,000 persons.⁶⁶ A number of rural communities are in excess of fifty kilometres from the nearest detachment.

The RCMP provide safety and security services in these communities. Their responsibilities include prevention, response to calls, crime control, order maintenance and providing assistance. Specialized response and investigative services are provided to rural and remote detachments on an as required basis by larger detachments in the province.

ACCESS: Police services can be accessed by phone or in person.

Victim Services

The BC Government's Ministry of Public Safety & Solicitor General's Victim Services and Crime Prevention Division funds and supports over 160 police and community based victim service programmes and First Nations court victim support programmes.

Community based services, administered through the Ending Violence Association of BC, are provided by trained individuals from local service organizations, assist victims of family and sexual violence by providing information and referrals, helping victims talk to police, providing assistance in completing forms or preparing victim impact statements, emergency planning, and crisis support. Some communities have specific programmes for women, children, youth, male survivors of sexual abuse, Aboriginal people and people from specific ethnic communities. Community-based victim services are available to victims whether or not they reported the crime to police.

Police based programmes are provided by staff and trained volunteers free of charge to victims of crime or other serious incidents. Services include information and referral to appropriate social, legal, financial, counselling and other services, emotional and follow-up support, crisis response, information on the status of police investigations, practical assistance such as completing victim impact statements and crime victim assistance compensation forms, and in some locations, court support.

There is one Aboriginal court based victim support program in Alert Bay. All other Aboriginal court based programs are in urban centres.

The site provides information for victims of crime and information and resources for victim service providers.⁶⁷ References on the website focus on any victim of crime, and address information on women only in relation to crimes often perpetrated against women (e.g. domestic violence, sexual violence). There are no specific references to needs or access issues for women in rural and remote communities.

ACCESS: Victim support services can be accessed through the police if an incident is reported, or by phone through VictimLinkBC, which provides service in more than 110 languages, including 17 North American Aboriginal languages.

BC Society of Transition Houses

The BC Society of Transition houses is an umbrella organization focused on providing leadership, support and collaboration to enhance the continuum of services and strategies to respond to, prevent and end violence against women, children and youth⁶⁸. They provide training, resources, advocacy, and research for transition, second and third stage houses, safe homes and *Children Who Witness Abuse and Violence Prevention* programmes and for workers providing support services for women and children experiencing violence. They also work to increase public awareness of available services and how to access them.

⁶⁶ Royal Canadian Mounted Police website: "About RCMP in BC" page: <http://bc.rcmp-grc.gc.ca/ViewPage.action?siteNodId=2094&langId=1&contentId=108>.

⁶⁷ British Columbia Ministry of Justice. Directory of Victim Service and Violence Against Women Programs website: <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/bc-criminal-justice-system/if-victim/publications/hsh-english-voc.pdf>.

⁶⁸ BC Society of Transition Houses website: <https://bcsth.ca/who-we-are/>.

Ensuring there is sufficient emergency and longer-term housing for women in rural and remote communities is especially challenging due to the size of the communities, their isolation from other communities, and the lack of services.

ACCESS: Online courses and webinars for service providers are supplemented by training that is rotated through larger towns throughout BC. Travel subsidies are available to draw in people from rural and remote areas.

Ending Violence Association of BC (EVA BC)

EVA BC is a multi-disciplinary association representing eighty-one multi-sectoral organizations. It works with over 200 member programmes, many in small communities, to coordinate and support the work of victim-serving and other anti-violence programmes in BC through issue-based consultation and analysis, resource development, training, research and education.

They develop and distribute resources and tools, educate the public and government bodies on the needs of victims of violence, develop and maintain service standards and foster cross-sectoral coordination and collaboration.

EVA BC provides regular support to front-line workers and administrators in 230 *Stop the Violence (STV)* Counselling programs, STV outreach, multicultural outreach and community-based victim services programmes across BC.

EVA's Community Coordination for Women's Safety (CCWS) has established and supports 70 Interagency Assessment Teams (ICATs) which coordinate risk identification, management and safety planning for domestic violence in 93 communities⁶⁹. In 2015, they partnered with the FREDA Centre⁷⁰ to begin analyzing the efficacy of ICATs in BC.

EVA partnered with organizations in Alberta, Saskatchewan and Manitoba on the Western Canada Sexual Assault Initiative from 2014 to 2016 to develop an updated Sexual Assault Support Worker Handbook, a series of sexual assault disclosure response tips tailored for a range of responders from anti-violence workers to sheriffs and physicians, the Campus Sexual Violence: Guidelines for a Comprehensive Response, and produced the *I Have Been Sexually Assaulted, What Do I Do?* informational pamphlet in six languages.

EVA BC works with over 40 community service organizations, government departments, and universities to better understand and address domestic homicide through the Canadian Domestic Homicide Prevention Initiative for Vulnerable Populations (CDHPVP).⁷¹

EVA BC supports victim services, and victim service providers for women throughout BC including in rural and remote areas and Aboriginal communities. EVA BC and the LSS joined forces on The Indigenous Communities Safety Project (ICSP) to provide knowledge sharing opportunities for Aboriginal staff leadership in Aboriginal communities in BC, on and off reserve, related to criminal justice, family justice and child protection laws, and policies and practices that directly affect women who have experienced violence.

2.5 Usage of justice services in British Columbia

In British Columbia, the organizations that provide justice services have limited quantitative data which is sex- and locale-disaggregated to indicate whether women living in rural and remote British Columbia have different legal needs to those living in urban centres.

⁶⁹ Ending Violence Association of BC. "Annual Report 2015-2016". <http://endingviolence.org/wp-content/uploads/2017/01/Annual-Report-2015-2016_vF.pdf>

⁷⁰ FREDA Centre for Research and Violence Against Women (SFU) website: <http://www.fredacentre.com/>.

⁷¹ Canadian Domestic Homicide Prevention Initiative website: <http://cdhpi.ca/>.

The statistical data provided by Legal Services Society (LSS) gives a partial but incomplete picture of need based on usage data. LSS collects sex disaggregated data on usage of their services, and is able to provide some limited data on the locations of callers requesting service from their call centre.

Table 1: A partial picture of users of services provided by Legal Services Society ⁷²

- Over thirty-three (33.7%) percent of a total of 38,076 service requests for legal aid in 2016 were made by women and approximately sixty-six (66.3%) percent by men. Contracts were issued for sixty-seven (67.8%) percent of women's requests and approximately seventy-eight (78.3%) percent of men's requests.
- Of the 23,967 persons requesting service from the LSS who responded to the question, 44% of clients requesting service identified as having Aboriginal ancestry. Twenty-seven percent of these clients indicated they lived on reserve.
- Nearly twenty percent (19.2%) of requests for service to the LSS call centre were from persons residing in communities with populations less than 10,000 persons.
- LSS data shows there is considerable variation in the areas of law females and males accessed. 57% of women's requests were for family and Child, Family and Community Service Act related requests, while only 13.6% of male request fell into those categories. The vast majority (82%) of male requests for service were for criminal law related matters; for women only 39% were for criminal law related matters.
- The percentage of immigration related requests was similar for females and males (3.5% and 3.6% respectively).
- LSS has recently added a feature that enables the collection of gender disaggregated usage statistics from their MyLawBC site. LSS acknowledges that the data is, at this point not perfect, but rather provides a "best guess" of the breakdown of users, based on Google statistics. For June 12 – July 7, 2017, 66% of the users of the MyLawBC site were female.
- LSS reported that in 2016, 39% of service requests made by women were for criminal matters. However, for women identifying as Aboriginal, 64% of requested services were for criminal matters.

A 2010 West Coast LEAF survey of thirty one BC justice service providing organizations described a "patchwork of legal resources".⁷³ Eighty-six (86%) percent of the organizations provided legal services specifically for women. Eighty (80%) percent reported that specifically women accessed their legal services. Eighty-one (81%) percent of these organizations provided legal information through their advocates; ten (10%) percent provided legal representation; thirty-three (33%) percent provided legal advice, and sixty-seven (67%) percent provided public legal education and community based victim services. Ninety (90%) percent of their work was family law related; seventy-six (76%) percent was child protection related; forty-one (41%) percent was crime related; Forty-eight (48%) percent was poverty related, and eighteen (18%) percent was immigration related.

Other justice services summarized in Sections 2.1 to 2.4 also publish user data. However, for the most part the available data is not sex disaggregated nor is it broken down by geographical location, nor is there information on how women and men use these programmes differently. The following is a sample of justice related service utilization for 2015-2016.

- The Child Protection Mediation Programme completed over 1200 mediations ⁷⁴
- Victim Link BC assisted more than 12,000 people

⁷² Statistical data and commentary provided by Legal Services Society.

⁷³ Rahman, Shahnaz. "Mapping the Gap: Linking Aboriginal Women with Legal Services and Resources". West Coast LEAF. 2011. <<http://www.westcoastleaf.org/wp-content/uploads/2014/10/2010-REPORT-Mapping-the-Gap-A-Summary-of-Legal-Resources-for-Women-in-British-Columbia.pdf>>

⁷⁴ Directory of Victim Services in British Columbia, Ministry of Public Safety & Solicitor General Victim Services and Crime Prevention, 2016.

- The BC Law Foundation’s lawyers supervised 68 advocates who served 60,449 clients in 58 communities.⁷⁵
- 901 Access Pro Bono Society lawyers served 7455 clients.
- Public interest lawyers completed 90 test cases; acted as intervenors in 45 cases and provided direct service in to clients in 4237 cases
- The Community Legal Assistance Society provided legal representation for 295 people detained under the Mental Disorder Provisions of the Criminal Code and for 707 people detained under the Mental Health Act
- The Ending Violence Association BC supported 70 Interagency Assessment Teams (ICATs) which coordinate risk identification, management and safety planning for domestic violence in 93 communities, many in small communities
- The BC Government Victim Support Services and Crime Prevention_website indicates that in 2014-2015, over 12,000 persons were assisted through Victim Link BC.⁷⁶
- The Child Protection Mediation Program completed over 1200 mediations during the 2015/16 fiscal year.⁷⁷
- Legal outreach workers responded to more than 8500 information requests.
- The BC Law Foundation’s lawyers supervised 68 advocates who served 60,449 clients in 58 communities⁷⁸
- 901 Access Pro Bono Society lawyers served 7455 clients.
- Public interest lawyers completed 90 test cases; acted as intervenors in 45 cases and provided direct service in to clients in 4237 cases.⁷⁹
- The Community Legal Assistance Society provided legal representation for 295 people detained under the Mental Disorder Provisions of the Criminal Code and for 707 people detained under the Mental Health Act.
- End Violence BC established and supports 70 Interagency Assessment Teams (ICATs) which coordinate risk identification, management and safety planning for domestic violence in 93 communities, many in small communities⁸⁰.
- The Aboriginal Courtworker Program provided services to 1779 women and 5992 men. They note that approximately 60% of requests for services they receive from offenders are for family related matters.⁸¹

Data for women’s services by community was also lacking. Indications are that this is due in large part to front line service providers who are, in many cases, poorly funded and have very limited staff, focusing their time and attention on providing services. For example, a study of the legal needs of Aboriginal women found that the vast majority of the requests they receive from Aboriginal women are related to family law and child protection issues, and fewer requests for assistance with criminal or poverty law matters or land claims issues⁸². Further research is needed to understand the unique legal needs and gaps in service provision for women living in rural and remote areas.

⁷⁵ Law Foundation of British Columbia. Annual Report 2015-16. <<http://www.lawfoundationbc.org/wp-content/uploads/Annual-Report-2015.pdf>>

⁷⁶ VictimLinkBC website: <http://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>.

⁷⁷ Available from http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/domestic-violence/podv/provincial_domestic_violence_plan_second_annual_report_2016.pdf.

⁷⁸ Law Foundation of British Columbia. Annual Report 2015-16.

⁷⁹ Law Foundation of British Columbia. Annual Report 2015-16, p. 11

⁸⁰ EVA BC Annual Report. 2015-16.

⁸¹ Information provided by Native Courtworkers and Counselling Association of BC.

⁸² Rahman. “Mapping the Gap”. p 5.

III. FRAMING THE ISSUES: REALITIES FOR WOMEN LIVING IN RURAL AND REMOTE AREAS IN ACCESSING JUSTICE

Although there are similar challenges to accessing justice faced by many people, women living in rural and remote areas experience particular barriers that complicate the availability and access to services. The joint impact of the geographical, demographic and social and cultural characteristics that define rurality and remoteness and the historical practices that perpetuate gender inequality can significantly affect their ability to access justice. These impacts must be considered and addressed in the development and delivery of justice services. While the day to day experiences of women living in rural and remote areas differ, there are some common characteristics that influence women’s ability to seek justice. A better understanding of how rural and remote women’s lived realities can impede or enable their access to justice and complicate or facilitate the delivery of justice services is needed. This section reviews the literature, from British Columbia and beyond, on the experience of accessing or attempting to access justice services for women living in rural and remote areas. A framework for the situational analysis is used to help highlight the key aspects to the justice experience for women in rural and remote areas.

The framework for the situational analysis

Justice delivery is not an event but a chain of processes that ultimately ensures that all women, including women living in rural and remote areas, receive answers and redress to any violation of their rights. This requires that four essential aspects or entry points need to be addressed across all levels of the justice chain and throughout the whole justice continuum: (1) the enabling environment of laws, policies and budgets; (2) the supply side of justice that involves the justice institutions and actors; (3) the demand-side of justice that involves women’s ability to seek justice and legal empowerment to participate in the justice system; and (4) the quality of services that effectively address gender discrimination in justice processes and outcomes.⁸³

Table 2: Situational analysis framework

Element	Issues for women living in rural and remote areas
1. Enabling environment of the justice sector	<p><u>Laws and procedures:</u> Do the laws and procedures address the unique legal needs of women living in rural and remote areas (justiciable concerns)?</p> <p><u>Policies:</u> Are there specific justice or access to justice policies regarding rural and remote communities? Do policies create an access to justice obstacle for women or enhance their access to justice? Do these policies promote gender-responsive justice systems?</p> <p><u>Budgets:</u> What resources are allocated for justice institutions and for access to justice services in rural and remote areas? Has there been a gender-based assessment of justice budgets that incorporate a gender perspective at all levels of the budgetary process in order to promote gender equality?</p>
2. Supply side	<p><u>Infrastructure for service delivery:</u> What are the availability, accessibility, adaptability and appropriateness concerns (e.g. geographic distances, lack of public transport)? Are there limited or lack of justice institutions (police stations, prosecution offices, courthouses, prisons, legal aid offices and law firms) in R&R areas?</p> <p><u>Justice personnel:</u> What are the availability accessibility, adaptability and appropriateness concerns? Is there a lack of justice personnel (police, prosecutors, judges, lawyers, legal aid, victim support services)?</p> <p><u>Capacity of justice providers:</u> Are there responsiveness concerns (e.g. gender and racial biases)? Is there a lack of gender sensitive trained personnel?</p>
3. Demand side	<p><u>Knowledge of rights and institutions:</u> Is there a lack of awareness of legal rights and procedures to access justice by women living in R&R areas?</p>

⁸³ This represents a modification of the “Theory of Change Model” for use in analyzing access to justice.

	<p><u>Physically accessible:</u> Are the justice services within safe and physical reach for women in R&R areas? What is the distance required to travel to available justice services?</p> <p><u>Economic accessibility:</u> Are the services affordability for women living in R&R areas (e.g. unemployment, poverty issues, those of moderate means without meaningful access to justice)? What are the direct and indirect costs to accessing justice (e.g. travel costs, legal fees, daycare expenses)?</p> <p><u>Linguistically accessible:</u> Is legal information available in various formats and languages that are accessible to women in R&R areas?</p> <p><u>Social and cultural practices:</u> What practices can obstruct women’s justice seeking efforts in R&R areas?</p>
<p>4. Quality</p>	<p><u>Inclusivity:</u> Are the services equally accessible for different groups of women living in R&R areas?</p> <p><u>Culturally appropriateness:</u> Are access to justice services provided in ways that integrate human rights and culturally sensitive principles? Are the practices of justice institutions sensitive to the difference among ethnic, racial and linguistic groups and demonstrate an awareness of how women’s cultural background, beliefs, traditions, socioeconomic status, history and other factors affect their needs and how they respond to justice services?</p> <p><u>Confidence in the justice system:</u> Do women living in R&R areas have confidence in being able to access justice? Are there available and accessible grievance and/or accountability mechanisms for women living in R&R areas that are denied or dissatisfied with access to justice services?</p> <p><u>Data collection and M&E systems:</u> Is there a lack of specific research for effective monitoring and evaluation?</p>

1. The enabling environment

There is limited research focused on whether laws, justice sector policies and budgets have a differential impact on women living in rural and remote areas as opposed to women living in urban centres. This raises the question of whether rural and remote populations have different demographic profiles than urban populations. The demographic profile of a rural community looks at the community in terms age, income, education, and language, which shapes the population and their needs and often posits ‘rural’ against ‘urban’ as the norm.⁸⁴ Some studies have described the demographic profile of rural and remote places using varying descriptions being comprised of a disproportionate number of: older people; lower education levels; unemployed; single mothers, Aboriginal people.⁸⁵ Traditionally, rural and remote populations are seen as being more homogenous than urban populations. However, the Canadian Forum on Civil Justice cautions the ‘essentializing’ of the rural and remote experience, as the conditions and characteristics can vary greatly, due to different local economies, access to service routes and other distinguishing social and cultural characteristics.⁸⁶ However, Prof. Pruitt has identified some shared common characteristics to describe rural places: traditional, sharing a long history with many families residing over several generations, tendency to be ethnically and culturally homogenous and generally valuing consensus and tradition, high levels of intergenerational poverty, local economies lack diversity; and scarcity of employment opportunities.⁸⁷ Further study is needed with respect to the influence of social and cultural determinants in rural and remote communities in terms of developing and implementing laws, policies and budgets.

⁸⁴ Blaney and Janovicek.

⁸⁵ CFCJ “Rural and Remote Access to Justice”. This review provides a detailed review of studies on demographic profiles looking at diversity and language; age; income and education.

⁸⁶ CFCJ “Rural and Remote Access to Justice”.

⁸⁷ Pruitt. “Gender, Geography and Rural Justice”.

1.1 The legal needs of women living in rural and remote areas

Do women living in rural and remote areas have unique legal needs?

The importance of understanding in greater detail the legal needs of justice users in rural and remote areas in order to appropriately tailor access to justice programmes that address their specific legal needs has been raised by Ontario lawyers exploring the issue of access to lawyers.⁸⁸ This leads to questions of *whether women living in rural and remote areas have different legal needs and if so, what are they?* While it has been observed that people in rural and remote areas in general need the same kinds of legal help that people in urban areas need and that it is the geographical distance from justice services that create many of the complications in terms of availability and access to justice services,⁸⁹ one scholar suggests that those living in rural and remote areas do have distinct needs due to their locale.⁹⁰ Another scholar argues that because spatial aspects of women's lives implicate inequality and agency, they have direct relevance to an array of legal issues.⁹¹

Table 3: Unique legal needs of women living in rural and remote areas

Criminal law

Women living in rural or remote places often experience greater severity of physical abuse, greater frequency of violence, and remain trapped in abusive relationships longer than urban counterparts because they live much further away from available resources; and that there is greater potential to physically isolate women as a tactic of abuse and prevent escape.⁹²

Canadian studies have noted the pervasiveness of violence against Aboriginal women, with one noting that intimate partner violence is seven times higher in Canadian Aboriginal communities than the national average⁹³ and another finding that Aboriginal victims of spousal violence were more likely to experience more severe abuse and for longer periods of time⁹⁴. Aboriginal women have increased vulnerability to sexual exploitation and entry into the survival sex trade during the transition from rural to urban centres.⁹⁵ A report on Missing and Murdered Indigenous Women in BC highlighted the inadequate services for women who are at risk of violence and need to leave an abusive relationship, and noted that poverty law services and representation for income security, employment, shelter issues, debt and consumer matters are inadequate for low income people, and especially for those for whom material needs are keeping them in violent relationships.⁹⁶ Geographical and social isolation impact on their ability to disclose, report, seek help and receive justice.⁹⁷ This includes: increased fear of stigma and shame linked to lack of anonymity and privacy in rural place; reluctance to disclose without appropriate support services in place linked to the scarcity of shelters, counselling, victim services, etc.; a lack of perpetrator accountability, with perpetrators often remaining in the communities; higher levels of poverty, limited employment and housing opportunities for

⁸⁸ Baxter, Jamie and Yoon, Albert. "No Lawyer for a Hundred Miles? Mapping the New Geography of Access to Justice in Canada." *Osgoode Hall Law Journal* 52.1 (2014): 9-57. <<http://digitalcommons.osgoode.yorku.ca/ohlj/vol52/iss1/1>>

⁸⁹ Reid and Malcolmson.

⁹⁰ Spain, Larry. "The Opportunities and Challenges of Providing Equal Access to Justice in Rural Communities." *William Mitchell Law Review* 28.1 (2001).

⁹¹ Pruitt. "Gender, Geography and Rural Justice."

⁹² Wendt et al.; Moore, Elizabeth. "The Pilot Domestic Violence Intervention Court Model (DVICM): Toward Evidence-led Practice in Wagga Wagga in Rural Australia." *New Scholarship in Human Services* 8.1 (2009); Campo, Monica & Tayton, Sarah. "Domestic and Family Violence in Regional, Rural and Remote Communities: An Overview of Key Issues." Australian Institute of Family Studies. 2015. <<https://aifs.gov.au/cfca/publications/domestic-and-family-violence-regional-rural-and-remote-communities>>; and Atlantic Centre of Excellence for Women's Health Rural Research Centre and Transition House Association of Nova Scotia. "Positive mental health outcomes for women experiencing violence and abuse in rural and remote areas". 2011. <https://www.dal.ca/content/dam/dalhousie/pdf/diff/ace-women-health/ACEWH_positive_mental_health_outcomes.pdf>

⁹³ Blaney and Janovicek.

⁹⁴ Brownbridge, 2003 as cited in Atlantic Centre of Excellence "Positive Mental Health Outcomes for Women".

⁹⁵ Inter-American Commission on Human Rights. "Missing and Murdered Indigenous Women in British Columbia, Canada". 21 December 2014. <<http://www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en.pdf>>

⁹⁶ Inter-American Commission on Human Rights.

⁹⁷ Wendt et al.

woman if they leave abusers; and lack of victim friendly police stations and courthouses and specialized justice services.⁹⁸

There is limited focus in the literature about the challenges women in rural and remote areas who have been accused or convicted of crimes face. The British Columbia Ministry of Justice Corrections indicates the rise in the number of female, and particularly Aboriginal female offenders, with the numbers of women in custody increasing by 15% from 2011/12 to 2015/16, and the number of Aboriginal female inmates has increased by 25% over the same time period.⁹⁹ These increases highlight the critical need for justice services for women offenders, and Aboriginal women offenders in particular. There is virtually no support for families of accused women to start mending the family unit before release. Further, there is very limited support to link released women offenders with their community. Shame prevents many women offenders from seeking assistance to mend family and community relationships.¹⁰⁰

Family law

The obstacles women face in accessing justice in family law case (e.g. gender stereotyping resulting in minimizing spousal abuse and safety concerns in child custody and access decisions; being the financially weaker party; and lack of available legal aid)¹⁰¹ can be exacerbated by the social-cultural situation of women living in rural and remote areas. This includes: strong traditional views that problems within the family need to be dealt with ‘in house’;¹⁰² limited access to legal aid; lack of specialized family law lawyers; and professional conflict of interest issues in small rural legal communities.¹⁰³

In Aboriginal communities, women have a number of unique concerns due to the historical context of colonization and the legacy of forced child removal. There is increased fear of losing one’s children. A report by Grand Chief Ed John states that Aboriginal children and youth in BC are over 15 times more likely to be in care than non-Aboriginal children and youth.¹⁰⁴ He notes that Aboriginal families are not aware of their Aboriginal family and community rights to child protection and the specific considerations available to them in family court for property, child support, guardianship, parenting arrangements and contact with a child, including considerations the Court may take into account when making parenting orders. He raises concerns about the need to base decisions on the best interests of the child and the need to take into account a child’s family ties, Aboriginal heritage, traditions, and culture.¹⁰⁵ There is also the concern that Aboriginal people who have the care of children in accordance with customary practices may not be recognized as legally legitimate guardians.¹⁰⁶

Civil law

Consumer rights violations in rural and remote communities give rise to certain unique legal challenges.¹⁰⁷ Given that there are very limited places to shop, consumers may be overcharged or sold expired or substandard goods. Salespersons may misrepresent the benefits of insurance policies, mobile phone plans and funeral schemes. In Australia, a widespread practice of informal credit systems was noted which enables consumers to purchase goods and services but requires them to hand over their debit card and sometimes their PINs to the trader.¹⁰⁸ Other legal issues include problems for groups living in rural and remote areas

⁹⁸ Atlantic Centre of Excellence “Positive Mental Health Outcomes for Women”; Campo and Tayton.

⁹⁹ Ministry of Justice. Corrections Adult Custody Dashboard website: <https://justicebcdashboard.bime.io/dashboard/adult>.

¹⁰⁰ Information provided by senior management at the Native Courtworkers and Counselling Association of BC.

¹⁰¹ Skinnider, Eileen. “Justice Sector’s Response to Violence against Women and Girls: Background paper for Essential Justice Services”. Global Technical Consultation on essential policing and justice sector services to respond to violence against women. June 2014. <https://www.ppdvp.org.nz/wp-content/media/2014/07/Justice-Sectors-Response-to-VAWG_Background-Paper-for-the-Global-Technical-Consultation_1-4-July-2014.pdf>

¹⁰² CFCJ “Rural and Remote Access to Justice”.

¹⁰³ CFCJ “Rural and Remote Access to Justice”.

¹⁰⁴ John, Ed. “Indigenous Resilience, Connectedness and Reunification- from Root Causes to Root Solutions” A Report on Indigenous Child Welfare in British Columbia. 2016.

¹⁰⁵ John. “Indigenous Resilience”.

¹⁰⁶ De Plevitz and Loban.

¹⁰⁷ De Plevitz and Loban.

¹⁰⁸ De Plevitz and Loban.

where wills and estate planning remains a challenge as many Aboriginal people die intestate; and there is no legal aid funding available to undertake test cases or class action which might otherwise address issues of systemic or institutional racism, which can be common in employment and of government service provision.¹⁰⁹

Administrative law

Employment opportunities for women in rural and remote areas are lacking in comparison to those available in urban areas.¹¹⁰ Consequently there is a significant reliance on social assistance programmes in rural areas. Obtaining and maintaining social assistance can be difficult (e.g. unclear legal language, and the requisite attendance of distant workshops) and trigger legal needs (e.g. proof of eligibility, disqualification, abrupt cessation of payments).¹¹¹

The interrelatedness between legal and non-legal problems

An important point raised in the literature is the link between justice issues and other socio-economic issues. Problems tend to “cluster” resulting in “one problem triggering a cascade of other problems”.¹¹² Often people with legal problems find that it is caused by or leads to other, non-legal problems.¹¹³ This can complicate the women’s ability to address overlapping justice and non-justice needs. One issue may result in several referrals to various services which may be limited, not gender responsive or coordinated or easy to access in rural and remote areas. However, this also means that as women seek help for other problems from civil society organizations they might become aware of their legal problems and the reverse could also occur, when women seek help for their legal problems from justice providers, they can become aware of their non-legal problems.

1.2 Undertaking a needs analysis to inform policy development

There is evidence that access to justice policies, practices and services in British Columbia are developed based on analysis of needs, however much of that information has not been publicly documented. For example, changes to the RCMP policy and practice have been informed by the gaps identified in the Inter-American Commission on Human Rights, British Columbia Civil Liberties Association, Human Rights Watch and BC Missing Women Commission of Inquiry reports. Advocacy groups such as West Coast LEAF, the BC Public Interest Advocacy Centre, and the BC Civil Liberties Association, work with many umbrella groups as well as local service providers to identify needs, issues and service gaps, and propose solutions for specific communities such as people living in poverty, women fleeing violence, and Aboriginal communities. A number of the needs they have identified over the past decade have been addressed, but follow-up studies note that many issues also remain outstanding.

Box 2: Services for women who have been sexually assaulted or are fleeing violence.

A woman lawyer who works with women in northern British Columbia noted a shortage of people in the local hospital who are trained to administer rape kits for forensic medical examinations of victims of sexual violence. Her concerns are echoed by a Councilor from Squamish who notes that in the Sea-to-Sky corridor that includes Squamish, patients who want a rape kit must travel an hour or more, sometimes in the back of a police car, to Vancouver General Hospital.¹¹⁴

Source: Kane, Laura. “Rape kit inaccessibility a hurdle to justice for victims in Canada” October 12, 2015.

¹⁰⁹ De Plevitz and Loban.

¹¹⁰ CFCJ “Rural and Remote Access to Justice”.

¹¹¹ Footnote 130 in CFCJ “Rural and Remote Access to Justice”.

¹¹² Footnote 90 in CFCJ “Rural and Remote Access to Justice”.

¹¹³ Hughes.

¹¹⁴ Kane, Laura. “Rape kit inaccessibility a hurdle to justice for victims in Canada” October 12, 2015.

<<http://www.cbc.ca/news/canada/british-columbia/rape-kit-justice-victims-squamish-1.3267448>>

Ensure justice policies do not negatively impact women’s use of technology

For women survivors of violence who seek access to justice, research in Australia noted anecdotal reports of women’s mobile phones being seized by police officers to use as evidence in family violence matters, thereby removing their means to call for assistance, but also to access other justice options.¹¹⁵

2. The Supply Side of Justice – Issues Faced by Justice Service Providers

The supply side of justice explores the obligations of the state, the duty bearers, to ensure that women have the right to access justice. This covers the availability of key justice service supplies; the capacities of relevant actors and institutions to deliver services and interventions or to promote adequate practices.

2.1 Lack of justice infrastructure

The geography of rural and remote areas creates challenges for justice institutions, as they often cannot be within physical reach of the population. Sparse population creates low demand for local infrastructure, makes the provision of justice services and other services that support access to justice (e.g. communications and transport) more difficult in a dispersed rural and remote population.¹¹⁶

Table 4: Infrastructure issues for justice institutions

Police stations	Courts
Rural and remote areas have fewer police resources spread over vast distances. A significant number of communities in rural and remote areas are without local police service. Police response times to emergency calls are significantly longer than in urban areas. ¹¹⁷ For some communities the closest police station might be hours-drive away; they may be staff only during the day (8 am – 4 pm); there may be a ‘doorbell’ that people can use to call the police, but this is practically useless in an emergency situation; there may only be a public phone box but these are frequently broken; and many remote places do not have mobile phone reception. ¹¹⁸ Police stations may lack private spaces in which to conduct interviews. There are often no victim services in the rural local police station. It is often not possible for victims of gender-based violence to have the option to talk to a female officer as only 21.6% of officers in the RCMP are women.	In some rural and remote communities, there is no local court; or the circuit court sits 1-2 times per month or as little as 3 or 4 times a year, dependent on the size and location of the community. This has the potential to stretch out the court case for a long period of time. Resulting in longer waits for justice. Local courts often lack ‘safe rooms’ for victims to wait for their matter to be heard in court without having to be in contact with the perpetrator; lack of private spaces where women can consult with lawyers or justice service providers; in-camera hearing facilities, efficient case management systems (e.g. documents cannot be filed at these locations), or ‘fast track’ arrangements for vulnerable women, victim and witness protection programmes. ¹¹⁹ There is often no access to higher levels of court or specialized courts in these communities (e.g. domestic violence courts or First Nation courts).
BC examples: <ul style="list-style-type: none">• The Tsay Keh Dene/MacKenzie RCMP detachment is staffed only Monday to Friday 8 a.m. to 4 p.m. except for emergencies, with no victim services available. They are responsible for policing another	BC examples: <ul style="list-style-type: none">• In Invermere, circuit court is held every 4 weeks for adult/youth criminal and family court;• In Kitimat circuit court is held for criminal court for 3 days per month (2 days together, and one day approximately two weeks following).

¹¹⁵ George, A. and Harris, B. *Landscapes of violence: Women surviving family violence in regional and rural Victoria*. Geelong Centre for Rural and Regional Law and Justice, Deakin University. 2015.

¹¹⁶ Spain.

¹¹⁷ Blaney and Janovicek; Pruitt, Lisa. “Place Matters: Domestic Violence and Rural Difference.” *UC Davis Legal Studies Research Paper* no. 149 (2008).

¹¹⁸ Adams, Rene and Hunter, Yasmin. “Surviving Justice: Family Violence, Sexual Assault and Child Sexual Assault in Remote Aboriginal Communities in NSW.” *Indigenous Law Bulletin* 7.1 (Nov. 2007): 26-28.

¹¹⁹ Adams and Hunter.

First Nations community, 75 km away on a gravel road¹²⁰.

- The New Hazelton Detachment services a number of First Nations communities, some of the more remote are over 60 km away and do not have cell service. There are no female officers in the Hazelton detachment.

- In Hazelton, a legal service provider noted that in their circuit court facility there are no private spaces for lawyer/client discussions, to separate litigants or to give women any privacy¹²¹.

Legal aid offices

Rural and remote areas often have a lack of accessible legal aid¹²² and an inability of duty counsel to meet the high demand for services in rural communities¹²³. Failure to fund civil legal aid, particularly for family law disputes, has a disproportionate and detrimental impact on women.¹²⁴ There are also limitations on tariffs for service; hours allowed for work is often inadequate to cover the time required to assist women, especially in cases involving violence. There is little focus on Aboriginal and rural needs.

Detention and correctional facilities

Rural and remote areas often have inadequate detention facilities for women awaiting trial or being held until they sober up.¹²⁵ In BC, all ten women's correctional centres, except for Prince George facility are located in the southern half of the province.¹²⁶ There are no Correctional Service Canada Healing Lodges for Women in British Columbia. This means that women offenders from rural and remote communities who are on remand or are convicted will be moved away from their support networks to a facility in one of the larger communities. These women, and in particular Aboriginal women, are likely to find it more difficult to access Aboriginal lawyers and support service providers for their and their family's needs.

BC examples:

- There are 3 legal information outreach offices in Prince Rupert, Terrace and Vancouver, but none in more remote areas, where local agents and community partners are relied on to provide information services.¹²⁷
- Legal aid representation in family law cases is provided only where there are actual or threatened safety or violence issues, or to resolve a serious denial of access to children, and then only to resolve that problem.¹²⁸

BC examples:

- In Fort St. John women cannot brush their teeth or shower if there are no female guards on duty, noting that female guards are rarely available

Note: Regarding **prosecution offices**, scholars have written that rural and remote areas have fewer prosecution resources and support services than urban centers and that the lack of prosecutors and multidisciplinary teams can mean poor prosecution and support for women victims of violence.¹²⁹ As to the situation in British Columbia, the authors were unable to speak to anyone from the British Columbia Prosecution Services.

¹²⁰ Wakefield, Jonny "Still no cops in Kwadcha First Nations. July 2017." <http://www.alaskahighwaynews.ca/regional-news/still-no-cops-in-kwadacha-first-nation-1.2167965>.

¹²¹ Hazelton lawyer, presentation to *Unfounded: Sexual Assault Complaints & Access to Justice Services in BC...A Discussion Forum*. 01 June, 2017

¹²² Doust, Leonard. "Foundation for Change" Report of the Public Commission on Legal Aid in British Columbia. 2011. <http://www.publiccommission.org/media/pdf/pcla_report_03_08_11.pdf>

¹²³ McEown, Carol. "Civil Legal Needs Research Report". 2009. Law Foundation of BC. <<http://www.lawfoundationbc.org/wp-content/uploads/Civil-Legal-Needs-Research-FINAL.pdf>>

¹²⁴ Track et al. "Putting Justice Back on the Map".

¹²⁵ BC Civil Liberties Association "Small town justice"; and Westcoast LEAF. "CEDAW Report Card". 2016.

<http://www.westcoastleaf.org/wp-content/uploads/2016/10/West-Coast-Leaf-CEDAW-2016-web-final.pdf>.

¹²⁶ British Columbia government website, correction centres page: <http://www2.gov.bc.ca/gov/content/justice/criminal-justice/corrections/correctional-centres>.

¹²⁷ Legal Services Society website: http://www.lss.bc.ca/legal_aid/legalAidOffices.php#community_partners.

¹²⁸ Canadian Bar Association British Columbia Branch. "An Agenda for Justice". 2017.

<https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/A4J/AnAgendaForJustice_Executive-Summary_FINAL_Jan27.pdf> p. 7

¹²⁹ Moore.

Box 3: Circuit courts prove challenging for litigants, court staff, and the judiciary in Anahim Lake

Judge Dennis Morgan who has been the circuit court judge in Anahim Lake for three years highlights some of the realities of circuit courts in rural and remote communities. “Every three months a Provincial Court judge, two duty counsel lawyers, Crown counsel, two Sheriffs and a court clerk drive 350 km west of Williams Lake to hold court in the primarily First Nations community of Anahim Lake. . . . The area is also the western edge of the Tsilhqotin first nation and people from both groups make up the approximately 900 people living in the area. Court is scheduled to sit from Monday afternoon till Thursday afternoon. The court time is used almost exclusively for criminal cases, although on occasion Small Claims matters are heard. Currently all family law and child protection files are heard in Williams Lake. The lawyers will arrive early Monday morning to meet with their clients. Crown and defense will often negotiate an appropriate resolution, frequently after consultation with community representatives. Although there is not a formal restorative justice programme, court personnel are guided by a restorative justice culture that is appreciated by the community.”

This example pinpoints some of the significant challenges women in Anahim Lake face if they are required to appear in court on a family matter. They may have to wait up to three months for a court appearance. Then they must make the 700 km round trip to have their matters heard and decided. That trip is dependent on being able to access funds for travel and childcare. Once she arrives, time for consultation with duty counsel is limited. Family and personal supports must be sought to assist during and in the aftermath of a court hearing.

Source: Provincial Court of British Columbia e-News. June 24, 2015.

High cost of delivering justice services

For states that are responsible for delivering justice services, it is extremely costly to deliver such services in communities that have low populations dispersed across wide distances. A comparative literature review done by the Canadian Forum on Civil Justice notes that, because there are no economies of scale, justice services cost more to serve fewer people, and rural and remote communities therefore rely on a smaller range of available services.¹³⁰ Difficulties in delivering justice services include challenging local terrain, weather and the absence of public transport for the point of delivery of services; increased expenses associated with outreach, travel and communications.¹³¹ The low population density and geographic isolation in rural and remote areas can significantly stretch limited financial resources by increasing cost-per client ratios.¹³² However, one scholar cautions and points to the risk that simplistic cost-per-case measurement could overshadow and replace more complex performance and outcome measures necessary to reflect the multiple dimensions of an effective legal service delivery system.¹³³

2.2 Human resource challenges

Rural and remote areas have limited human resource capacity: limited numbers, inadequate cultural- and gender-sensitivity training; inadequate availability of relevant procedures, processes and guidance materials; inadequate supervisory, disciplinary and oversight mechanisms to ensure staff are independent of political and economic pressures. With the limited number of justice providers available in rural and remote communities, women are often not able to access anonymous and confidential justice services. Other human resource challenges: significant workforce shortage (e.g. difficulties in recruitment and retention of staff); single services being responsible for large and remote geographical areas; safety concerns for individuals delivering justice in small and isolated communities; and high burn out rates for local justice providers.¹³⁴ There are also limited opportunities to share knowledge with other colleagues doing similar work and limited formal supervision.¹³⁵ It can take a long time to foster community acceptance for justice providers; understand how to manage confidentiality and ethical dilemmas that arise from engagement in

¹³⁰ CFCJ “Rural and Remote Access to Justice”.

¹³¹ Wendt et al.

¹³² Spain.

¹³³ Spain.

¹³⁴ Campo and Tayton.

¹³⁵ Wendt et al.

multiple relationships within the communities; and appreciate the tensions arising if providers are part of the community and challenge local oppressive or unhelpful beliefs.¹³⁶

In British Columbia, reports acknowledged the shortages of resources in court services, legal aid for civil, family, and poverty law, legal services, victim support, and policing generally, and in rural and remote communities in particular. The need for services is acute for many remote Aboriginal communities. Their residents suffer from overcrowded housing, poverty, and chronic underfunding of programmes and services. They lack the professional and support services that would help children and families remain together and “keep Aboriginal children and families at risk of overrepresentation within the child welfare system”.¹³⁷ There is a lack of Aboriginal legal advocates across British Columbia to work directly with Aboriginal women.

Box 4: The human resources challenges of providing services for women victims of violence

A female lawyer who works with women in northern British Columbia noted that there are some detachments with no women officers, and many with few women officers so women who have been sexually assaulted must tell their story to a male officer.¹³⁸ A senior representative from the BC Society of Transition Houses noted that many rural and remote communities do not have safe homes or transition houses for women and their families who are fleeing violence and that in emergency situations women from these communities may have to be accommodated in volunteer homes or motels in larger communities.¹³⁹

Source: Interview with senior member of BC Society of Transition Houses.

There are a number of challenges in ensuring competent justice service providers who have the capability and capacity to fulfill their roles and responsibilities and tailor services for the diverse rural and remote communities. These challenges include: the lack of opportunities to build their skills and expertise and to ensure their knowledge and skills remain current; the likelihood that the justice providers know both parties in communities where everyone is acquainted and that they have difficulties in setting aside their knowledge of the parties¹⁴⁰; a lack of awareness of specific needs of women who live in rural and remote communities and the misunderstanding of the significance of their existing social networks and underestimating the cost of losing and recreating them¹⁴¹; and the prevalent social and cultural norms and values that support rural patriarchy which can influence how justice service providers respond to cases involving women, particularly intimate partner violence cases¹⁴².

The human resource challenges within the police and the impact on women living in rural and remote areas

Police are, in many cases, the gatekeepers of women’s access to the criminal justice system. How women are received, and how their concerns are heard and addressed can significantly influence their decisions to continue or discontinue their journey in pursuit of justice through the criminal justice system. Police policies defining priority access for women in need, and procedures and internal accountability mechanisms for

¹³⁶ Wendt et al.

¹³⁷ National Collaborating Centre for Aboriginal Health. “Aboriginal and Non-Aboriginal children in child protection services.” 2013. at p 3.

¹³⁸ Hazleton lawyer, presentation to *Unfounded: Sexual Assault Complaints & Access to Justice Services in BC. A Discussion Forum*. 01 June, 2017.

¹³⁹ Interview with senior member of BC Society of Transition Houses.

¹⁴⁰ Pruitt “Place Matters”.

¹⁴¹ Pruitt “Gender, Geography and Rural Justice”. A study cited in this article found judges lacked awareness of the specific needs of women who live in rural and remote communities, such as their heavy reliance on existing social networks in their community for babysitting, transportation, social and emotional support and even assistance paying bills and the difficulty of establishing new networks elsewhere. For example, in the context of termination of parental rights, courts and social service agencies have sometimes used the rural locale against the woman suggesting she move to the city to avail herself of better work and housing opportunities

¹⁴² Pruitt “Place Matters” and Campo and Tayton.

ensuring thorough and complete investigations are critical for an effective response to violence against women.¹⁴³ Much has been written about the inadequate response and resources allocated to the missing women cases and the attendant lack of internal, organizational and public accountability (IACHR¹⁴⁴, Civil Liberties Association¹⁴⁵, Human Rights Watch¹⁴⁶, BC Missing Women Commission of Inquiry¹⁴⁷, and Civilian Review and Complaint Commission for the RCMP¹⁴⁸). Of note is that although many of the failures were attributed to inadequate resources, systems, policies, practices and coordination, all reports also described biases and discriminatory behaviours that had a detrimental outcome on investigations. These ranged from not taking reports seriously to stereotyping women and dismissive attitudes that spoke to the culture of the police. All highlighted a lack of cultural awareness and sensitivity training for police officers. Steps have been taken to provide required training and make policy and practice changes to improve police services and outcomes.¹⁴⁹

There may be a number of reasons for inadequate police responses in rural and remote areas in violence against women cases: they are less likely to have comprehensive training and there is a higher chance that police are familiar with the parties in domestic violence incidents, which can influence a rural victim's decision to report.¹⁵⁰ This inadequate response can lead to a failure to fully investigate, inconsistent and inadequate response to reported breaches of protection orders and inadequate victim support and follow-up.¹⁵¹ The intimacy of small towns can affect a woman's experiences of courts: the public visibility of courts in small towns results in women and their children feeling unsafe and exposed to their perpetrators and that continual breaches of intervention orders not taken seriously by police and court's indifference to the safety concerns of mothers.¹⁵²

Lack of multidisciplinary and specialized justice services

Geographic isolation means there are less specialized justice services and that justice services are therefore most often delivered by general practitioners.¹⁵³ This means that specialized courts and other justice services, such as domestic violence units in the police are generally not available in these communities. In British Columbia, there are no First Nations Courts or Domestic Violence Courts in rural and remote areas. Such Courts sit in urban communities and provide services for smaller communities in the area. Establishing specialized courts in remote and rural areas may be challenging due to low case volume and the absence of victim supports and services.

Generalist justice service providers may be ill equipped to deal with the range of justice needs of women. In terms of lawyers, there are more sole practitioners in rural and remote areas who tend to be general practitioners and there is often a lack of diversity in specialization and lack of knowledge of gender justice issues. Justice services in rural and remote areas are less likely to have integrated or coordinated services

¹⁴³ Montgomery, Ruth. "Justice Sector's Response to Violence against Women and Girls: Background paper for Essential Justice Services". Global Technical Consultation on essential policing and justice sector services to respond to violence against women. June 2014. <https://www.ppdvp.org.nz/wp-content/media/2014/07/Justice-Sectors-Response-to-VAWG_Background-Paper-for-the-Global-Technical-Consultation_1-4-July-2014.pdf>

¹⁴⁴ Inter-American Commission on Human Rights.

¹⁴⁵ BC Civil Liberties Association. "Small Town Justice".

¹⁴⁶ Human Rights Watch. "Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada". New York: Human Rights Watch. 2013.

¹⁴⁷ British Columbia Missing Women Commission of Inquiry. "Forsaken - Report of the Missing Women Commission of Inquiry: Executive Summary". Commissioner: The Honourable Wally T. Oppal. Victoria: Shared Services BC. 2012.

¹⁴⁸ Civilian Review and Complaints Commission for the RCMP website: <https://www.crc-cetp.gc.ca/>.

¹⁴⁹ RCMP Commissioner's Response to Recommendations of the Civilian Review and Complaints Commission for the RCMP and Statement from Deputy Commissioner Craig Callens, Commanding Officer, RCMP in BC (16 February, 2017).

¹⁵⁰ Pruitt "Place Matters".

¹⁵¹ Moore.

¹⁵² Campo and Tayton.

¹⁵³ Pruitt "Place Matters".

with other justice agencies or other non-justice service providers, like health or social services. There are often less volunteer networks available in rural and remote communities making it difficult for justice service providers to find and incorporate volunteers into their justice service delivery models.¹⁵⁴ Furthermore, where the various institutions that form the justice ‘chain’ – police, prosecutors, courts, prisons, social welfare services, medico-legal support service providers –lack the capacity to work together, cases do not proceed through the system efficiently, or have the necessary linkages with other parts of government to ensure that judgments are executed.¹⁵⁵

2.3 Lack of supporting infrastructures and services

Rural and remote areas are often characterized by poor transportation infrastructure.¹⁵⁶ Women can be a great distance from the nearest neighbour, police station or post, emergency services, or a court house or administrative office. Literature notes the lack of transportation as being one of the most significant barriers to accessing justice in these communities, whether this is to the lawyer’s office, legal aid clinic, police station, courthouse or library which has legal education material or computers.¹⁵⁷ Difficulties in accessing justice from a distance are often compounded by the lack of both private and public transport options needed to participate in justice, lack of money for buses or taxis, the need for child care for the time a woman is away, poor road conditions or no roads forcing travel by water or air, and weather conditions can make travel difficult. Transportation challenges also impacts the women’s ability to seek safety from violent situations and access other support services.¹⁵⁸

A West Coast LEAF review of family law services and the women who access them in eight rural British Columbian communities, noted that the lack of transportation options and the impact of weather and remote location was highlighted as a top issues for over 85% of respondents.¹⁵⁹ The need for transportation to access court services is acute as only two of the communities participating in this survey have local courts; one has a local circuit court; and the remainder of the communities are between 62 and 304 km (average 179 km) from the nearest court, requiring women travel considerable distances to meet with duty counsel and attend court sessions.

In situations of intimate partner violence, Australian scholars discuss how perpetrators can take advantage of victim’s isolation, by removing phones, destroy or control access to transport where neighbours might be a distance away.¹⁶⁰ Transportation challenges can lead to failing to appear for appointments or court appearances, which can lead to staying of charges, which can have significant negative impacts for these victims.

Due to the remoteness, there is a shortage of other support services, such as shelters, rape crisis centres and counselling. This can mean that local justice providers have to be ‘all things to all people’ with limited resources and limited access to local referral opportunities (like shelters, health, welfare services).¹⁶¹ Shelters might only have ten beds serving roughly 99,000 people and a women’s sexual assault centre

¹⁵⁴ CFCJ “Rural and Remote Access to Justice”.

¹⁵⁵ The importance of an integrated and coordinated criminal justice response to ensure efficient case management has been highlighted in UNODC. “Strengthening Crime Prevention and Criminal Justice Response to Violence against Women”. 2014. <https://www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence_against_Women.pdf>

¹⁵⁶ Campo and Tayton.

¹⁵⁷ CFCJ “Rural and Remote Access to Justice”.

¹⁵⁸ Moore.

¹⁵⁹ Track et al. “Putting Justice Back on the Map”.

¹⁶⁰ Campo and Tayton.

¹⁶¹ Wendt et al.

serves 7400 square kilometers.¹⁶² Another study found only four percent of shelters in Canada are geared exclusively for village or rural areas, including rural shelters serving reserves.¹⁶³ In addition, the provision and funding of programmes and services for on-reserve children and families is problematic for Aboriginal communities. Inequitable funding for children living on reserve (or ordinarily resident on reserve) continues, and Aboriginal agencies delivering child welfare services on reserve receive less funding than their off-reserve counterparts. For example, foster parents off-reserve received more funds to care for children, and may have greater access to services. Many Aboriginal communities are remote and may lack the professional and support services that would help children and families remain together. Socio-economic issues such as overcrowded housing, poverty, and chronic underfunding of programmes and services keep Aboriginal children and families at risk of overrepresentation within the child welfare system.¹⁶⁴

Lower availability of communication technologies

According to the wireless coverage maps, there is lower availability of communication technologies in rural and remote communities, including Long Term Evolution (LTE), the standard for high speed wireless communication for mobile phones and data terminals.¹⁶⁵ Internet access is often spotty or non-existent in some remote places. There are infrastructure challenges and costs, underdeveloped technology landscapes and the absence of high speed broadband.¹⁶⁶ While certain justice service providers, such as Legal Services Society, have been praised for doing a great job with online resources, these resources are accessible only if Internet access is available, and a person is literate, has access to a computer, and is computer savvy. Many people are encountering access challenges or are completely barred from accessing online information, assistance and supports. Concerns raised about electronic mediums include the “first digital divide” which involves concerns of availability and access to Internet connected computers. While some studies have noted that lower income women who were accessing technology at libraries or community centres might have this access reduced with funding cuts to libraries and community centres in the rural and remote areas¹⁶⁷, with the rise of smart phones access to the internet has increased appreciably.

2.4 Limited number of lawyers

There is a critical lack of lawyers practicing in rural and remote communities. In British Columbia, approximately 80% of the 11,000 lawyers currently practicing practice in the urban areas of the lower mainland and Victoria. The average age of lawyers in rural communities is 52 years, however, in some of these communities the average age is in the 60’s and older. While the average lawyer to population ration in British Columbia is 1:450, there are small communities that have fewer than 1 lawyer per 1000 people.¹⁶⁸ In some rural locations, Legal Services Society is unable to place cases with local lawyers and must fly lawyers in from other communities at considerable expense. Some of the reasons suggested for this scarcity, including perceptions of earning lower income, higher overhead costs; fewer career opportunities, struggle for economic viability, usually small firms or solo practices, lack of professional development and networking opportunities, and lack of anonymity which creates ethical and conflict of interest concerns.¹⁶⁹ Much has been written about various approaches to increase professional growth (e.g. compensation packages, loan repayment plans, practice bonusing, etc.).¹⁷⁰

¹⁶² Young, Leslie. National Online Journalist, Investigative Global News.

¹⁶³ Atlantic Centre of Excellence “Positive Mental Health Outcomes for Women”.

¹⁶⁴ National Collaborating Centre for Aboriginal Health.

¹⁶⁵ See Canadian Coverage Map for all carriers < <http://www.comparecellular.ca/coverage-maps/>>

¹⁶⁶ CFCJ “Rural and Remote Access to Justice”.

¹⁶⁷ Pruitt.

¹⁶⁸ Canadian Bar Association BC. Rural Education and Access to Lawyers Handbook.

<http://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Advocacy/REAL/REAL_Lawyer_Guidebook.pdf>

¹⁶⁹ Baxter and Yoon.; CFCJ “Rural and Remote Access to Justice”.

¹⁷⁰ CFCJ “Rural and Remote Access to Justice”.

Box 5: Lack of legal aid lawyers in BC and the impact for rural and remote areas

The number of lawyers taking on legal aid cases has decreased in the past ten years. LSS notes that the risk is especially high in rural and remote areas of BC¹⁷¹. In 2015-16 only 1001 of BC's 10,000 practicing lawyers took legal aid referrals. A survey of lawyers found that many feel the compensation for legal aid work is inadequate or the number of hours and range of services covered by the tariff does not reflect the time required to deliver quality service.¹⁷² This has severely impacted the LSS ability fill several duty counsel vacancies in rural communities. Providing legal aid in small communities can be expensive, and can limit services. For example, a legal aid lawyer can be flown in for court, however he/she are not flown in for meetings. Lawyers in small communities may encounter professional or family conflicts of interest. Not being familiar with a rural community context and issues can add additional challenges. The difficulties in accessing legal aid and lawyers in small communities leave residents with few alternatives. Several reports noted that clients can often not be referred to lawyers in other communities as many do not have funds to travel.¹⁷³

Source: Legal Service Society Annual report 2015-2016.

There has been little discussion with respect to the situation of female lawyers in rural and remote areas. While women lawyers in British Columbia continue to be underrepresented, with women making up 34% of women lawyers and 29% of women lawyers in private practice¹⁷⁴, this data is not disaggregated per location. There are some anecdotal references to the lack of women lawyers practicing in rural and remote areas of British Columbia. An Australian scholar who explores the challenges female lawyers face in rural practices has highlighted her concerns about entrenched gender stereotyping.¹⁷⁵ There has been some study on the issue of the significant lack of Aboriginal lawyers practicing in family law and child protection matters, especially in rural communities, and how this limits Aboriginal women in accessing legal advice or representation.¹⁷⁶ In addition, there are very few accessible lawyers with an understanding of the history and unique circumstances of Canada's Aboriginal people today. The lack of understanding of the impact of colonialism, residential schools, the intergenerational cycle of abuse and the discrimination that Aboriginal communities have suffered, results in many Aboriginal women having a general mistrust of non-Aboriginal organizations¹⁷⁷ with the result that even though there are many Aboriginal women in need of family law support and assistance, this mistrust can result in Aboriginal women failing to get the assistance and support they need.¹⁷⁸

2.5 Lack of coordinated justice and justice-related services

The limited number of accessible services and resources and a lack of specialized services that respond to women's needs in rural and remote communities increase the marginalization of these women. Siloed responses by justice and justice-related services are more common than the coordination of services.¹⁷⁹ Development and delivery of coordinated services in rural communities can prove challenging. Identifying stakeholders, gaining understanding of each service provider's roles and responsibilities, and developing

¹⁷¹ Legal Services Society. Annual Report 2015-2016. p. 7

http://www.lss.bc.ca/assets/aboutUs/reports/annualReports/annualServicePlanReport_2015.pdf

¹⁷² LSS "Making Justice Work" p. 21.

¹⁷³ Doust; Track et al. "Putting Justice Back on the Map".

¹⁷⁴ Law Society of British Columbia website. Supporting women lawyers in BC page: <https://www.lawsociety.bc.ca/our-initiatives/equity-and-diversity/supporting-women-lawyers-in-bc/>.

¹⁷⁵ Mundy.

¹⁷⁶ Walkem, Ardith. "Building Bridges: Improving Legal Services for Aboriginal Peoples". Prepared for Legal Services Society. 2007, p.3 and Rahman "Mapping the Gap".

¹⁷⁷ Rahman "Mapping the Gap" p. 4.

¹⁷⁸ Rahman "Mapping the Gap" p. 5.

¹⁷⁹ BC Association of Specialized Victim Assistance & Counselling Programs, BC/Yukon Society of Transition Houses and BC Institute against Family Violence. "Critical Elements of an Effective Response to Violence Against Women". Briefing Document. Issue: Addressing Gaps in Service for Marginalized Women. 2007.

http://endingviolence.org/files/uploads/BN_5_MARG_WOMEN.pdf.

and implementing working and referral protocols is critical to the provision of effective services.¹⁸⁰ It has also been noted that ethno-cultural women may be reluctant to use services that involve criminal justice agencies and expertise, and that “highly integrated coordinated approaches may create additional barriers for some women, who may decline access to one system for fear of the consequences of becoming involved with another”.¹⁸¹

2.6 Limited Interpretation and translation services

Appropriate interpreters are critical to successful justice outcomes for women who require translation services. Persons who work with women who face language barriers note that to be successful, interpreters must have the respect, trust and confidence of the client. Interpreters should be individuals with experience in legal interpretation, if possible, have a similar cultural background as the woman or be conversant with the culture of the woman, and have some technical knowledge about word and language nuances in different countries, and have the ability to interpret and properly communicate legal terminology.¹⁸² The lack of availability in rural and remote areas and the cost of language interpretation services may result in pressure on family and friends or members of their ethnic community to act as interpreters. This raises concerns of the quality of interpretation, especially for women who are seeking advice or representation on family law matters.

Women requiring language interpretation encounter barriers to accessing legal representation even where free legal assistance is provided. Using an interpreter will reduce the hours of service available because of caps on hours. Language interpretation extends the time needed for discussion and renders 30 minute appointments inadequate. Women reported that organizations providing free legal advice do not consider the time it takes to interpret the discussion. As a result, a woman using interpretation services may effectively get a reduced amount of legal assistance, as compared with individuals who do not require interpretation. Provincial courts will provide an interpreter for a limited range of activities; Supreme Court will not.

3. The Demand Side of Justice – Issues Faced by Justice Services Users

The demand side of justice examines the issues faced by the rights holders, the women who are using the justice services. This explores issues of the ability and willingness of specific population groups to use services or adopt behaviours. It is important to note at the outset of exploring issues faced by justice service users, that Aboriginal women, and in particular Aboriginal women in rural and remote BC communities, are subject to significant barriers to accessing justice, which are compounded by the impacts of colonialism, residential schools, the intergenerational cycle of abuse and the discrimination that Aboriginal communities have suffered. These barriers may result in Aboriginal women failing to get the assistance and support they need in accessing support services to address their significant need for legal services and resources in family law and child protection matters.¹⁸³

A West Coast LEAF review of the top three access to justice issues in family law in eight rural communities in British Columbia highlighted that many of the issues raised in British Columbia are consistent with issues raised in international literature.

¹⁸⁰ BC Society of Transition Houses and FREDA Centre, SFU. “Building Supports: Promising Practices for Supporting Immigrant & Refugee Women Leaving Violence”. 2016.

¹⁸¹ BC Society of Transition Houses and FREDA Centre, SFU.

¹⁸² Escola and Nizher.

¹⁸³ Rahman “Mapping the Gap”.

Table 5: West Coast LEAF review of the top three ‘access to justice’ issues in family law in eight rural BC communities

Issue	Communities reporting the issue as one of their top 3 issues (n=8)
Costly and inaccessible transportation options, impact of weather and remote location	7
Inaccessibility due to isolation	4
Major conflict for lawyers given the town’s small size and lack of lawyers	2
Unreliable access to computers, internet and phone	3
Lack of child care for people who must attend court or appointments with lawyers	2
Lack of training/lack of capacity of legal aid lawyers to respond to issues of domestic violence	2
Lack of affordable housing, which compounds difficulty women face in leaving abusive relationships	2
Difficulty attracting lawyers to work in a small town	1
Lack of trust and respect between legal services and the community in a colonial context	1

Source: Track et al. “Putting Justice Back on the Map” p. 25-26.

3.1 Geographical isolations

For anyone living in rural and remote communities, the greater the isolation means the greater the lack of justice services¹⁸⁴ and likely the greater the lack of gender responsive justice services. Geography can create barriers for women to reach justice services, merely by the physical locations of justice services which can require more time and more cost to access them.¹⁸⁵ Geographical distances may also contribute to significant social isolation where women may have no or limited access to friends, services, leisure activities and jobs.

Box 6: Impact of geographic isolation on Aboriginal women

A 2011 West Coast LEAF report, based on surveys conducted with twenty-one Aboriginal women serving organizations and focus groups with representatives from six organizations found that in rural and remote locations legal information is more accessible than legal representation or summary advice from a lawyer. Fewer than half of the organizations contacted offer legal advice, and only a small proportion can connect women with full legal representation. Participants were familiar with brochures and websites that could be accessed for legal information and organizations and programmes that could be accessed for legal representation and advice.

Source: Rahman “Mapping the Gap”.

3.2 Costs and higher levels of poverty

The direct costs of obtaining justice (e.g. lawyer fees, court fees) can be high but so too can the indirect cost associated with accessing justice (e.g. transportation costs, lost wages, childcare).¹⁸⁶ Such indirect costs are greater for people living in rural and remote areas due to distances and time required to travel. Costs can be daunting but particularly for women in these places, due to lower income levels and lack of access to family income. There are high rates of women living in poverty in rural and remote communities, with rates especially high for rural households headed by women. One American study found that more than a third of women in rural and remote communities live in impoverished conditions.¹⁸⁷ Characteristics of poverty in rural and remote areas include lower incomes, limited employment opportunities, reduced access to services, distance and isolation.¹⁸⁸ There is limited economic diversity, they have fewer employment

¹⁸⁴ Canada. Department of Justice. Research and Statistics Division. “The Challenges of Youth Justice in Rural and Isolated Areas of Canada”. Ed. Nuffield, Joan. Department of Justice, 15 June 2014.

¹⁸⁵ CFCJ “Rural and Remote Access to Justice”.

¹⁸⁶ CFCJ “Rural and Remote Access to Justice”.

¹⁸⁷ Pruitt “Gender, Geography and Rural Justice”.

¹⁸⁸ Wendt et al.; studies cited in Blaney and Janovicek.

opportunities, and many women are economically dependent on husbands, fathers and children.¹⁸⁹ This impacts their ability to afford transportation, telephone services and child care, all of which might be needed to access justice. When compared to their urban counterparts, rural women are even more likely to perform low-paying, gender-segregated work, frequently working part time and without benefits.¹⁹⁰ Again, their participation in the labour force can also be constrained by long distances separating home, jobs and services, rare public transport, lacking child care centres.¹⁹¹

3.3 Privacy concerns

The paradox of patterns of rural and remote life is that the sparsely populated places physically create greater expectations of privacy, with longer distances between homes; however, the one scholar talks about how rural dwellers experience less privacy because of the nature of small town living.¹⁹² Population sparseness tends to produce ‘high density of acquaintanceship’ and ‘a predominance of personal, face to face social relationships among similar people’.¹⁹³ In other words, women may have more physical privacy but less social privacy.¹⁹⁴ Social scrutiny may make women reluctant to access justice services, particularly in domestic and sexual violence situations. This lack of privacy and lack of anonymity, coupled with fear of stigmatization and the value placed on personal and family reputation, can discourage women from seeking justice and reporting crimes. Lack of anonymity also has implications for women who likely know the police, prosecutors and judges, all of whom could also be neighbours, acquaintances and even friends or family, making women feel that they must choose between confidentiality and justice services.¹⁹⁵ Legal Services Society research has found that in small communities in British Columbia, some people do not want to be seen in service provider’s offices, and feel they don’t have the privacy they need when seeking assistance. They are working with community partners to address this big challenge for delivering sensitive and appropriate legal services¹⁹⁶.

3.4 Social isolation and cultural characteristics

Physical isolation contributes to social isolation which can reinforce rigid values and beliefs about gender roles. Some scholars identify the concept of ‘‘rural patriarchy’’ in discussions about how patriarchal relations are articulated in rural communities and how these attitudes and beliefs subordinate women living in these settings.¹⁹⁷ This sees male as breadwinner and female as homemaker which reinforces male power and control over women’s lives. This term encompasses the conservatism and widespread acceptance of abuse of women that characterizes many rural environments.¹⁹⁸ Other scholars used the term ‘‘rural masculinity’’, seeing traditional gender norms in rural communities as more conservative than in urban areas. One scholar noted: ‘‘masculinity in rural areas is often constructed in a way that privileges strengths, courage and domination’’.¹⁹⁹ Another social characteristic or norm of rural life that has been noted is the idea of self-reliance, family/group loyalty and privacy.²⁰⁰ This links to ideas that family problems should be kept private and emphasizing family harmony as an important rural value. This has consequences for intimate partner violence disclosures as well as seeking justice in family law issues. These social and cultural norms may

¹⁸⁹ Pruitt ‘‘Gender, Geography and Rural Justice’’.

¹⁹⁰ Pruitt ‘‘Gender, Geography and Rural Justice’’.

¹⁹¹ Pruitt ‘‘Gender, Geography and Rural Justice’’.

¹⁹² Pruitt ‘‘Place Matters’’.

¹⁹³ Pruitt ‘‘Place Matters’’.

¹⁹⁴ Blaney and Janovicek; Campo and Tayton.

¹⁹⁵ Pruitt ‘‘Gender’’; Blaney and Janovicek.

¹⁹⁶ Interview with senior LSS administrator.

¹⁹⁷ Blaney and Janovicek.

¹⁹⁸ Campo and Tayton.

¹⁹⁹ Campo and Tayton.

²⁰⁰ Campo and Tayton.

act to protect perpetrators of violence against women, particularly if they are high standing or have visible roles in the community.

An Australian study reported that women said that they felt their community was complicit in the continuation of violence against women as perpetrator behaviour was rarely challenged and there was an overall indifference to violence against women.²⁰¹ Another cultural characteristic mentioned is gun ownership with non-urban communities showing a higher rate of gun ownership.²⁰² Rural gun culture and ownership increases women's vulnerability to serious harm and death as a result of domestic and family violence.²⁰³ This can increase women's feelings of vulnerability in family violent situations. However, one scholar cautions not to see all rural women and men as being more traditional or conservative than those living in urban centres as the rural identity is not stable or fixed and feeds into stereotypes that rural and remote areas are 'backward'.²⁰⁴ Gender relations and identities in rural contexts are nuanced and complex. Scholars also speak of the positive aspects of tight knit communities.²⁰⁵ There can be strong informal community networks which can enhance information sharing between different service providers and community organizations. This can increase trust amongst service providers and community organizations. This is important for public legal education outreach, building confidence in the justice system and enhancing a coordinated approach to justice needs.

Table 6: Particular social norms in certain rural and remote communities

Farming communities	Mining communities
Farm women have unique connections to rural communities because their economic well-being depends on the farm and their resources are invested in the farm and their access to personal resources is mitigated by their spouse who is also their business partners. ²⁰⁶ Literature from Australia shows that women may be reluctant to leave an abusive relationship for fear of bankrupting the family farm or leaving their children without economic security. ²⁰⁷ It is suggested that preserving inheritance, property and family reputation in farming communities are highly valued and this impacts on women's justice seeking behaviours in violent situations or family law issues. ²⁰⁸ The possibility of losing property that has been owned by families for multiple generations deterred women from leaving the relationship.	One Australian scholar talks about the instability of mining communities due to declining resources and markets and the impact of those declines on women living in those communities. This includes weak community cohesion because of the transience of populations; limited employment opportunities for women; little choice about housing; lack of services; and the predominance of the masculine construction of 'mateship' in a male dominant industry. ²⁰⁹ It has been suggested that the demand for sexual services in some Aboriginal communities is linked to the presence of male-dominant transient workforces in nearby mining companies. ²¹⁰

3.5 Awareness of rights and justice services

Legal awareness is critical to seeking justice. Women often do not rely on laws; claim their rights or access justice services because they simply may not know about them. Those who experience a grievance or a legal problem cannot seek a remedy or a solution unless they are actually aware of their rights and of the possibility that a legal remedy may exist. For awareness to be present, sufficient information has to reach

²⁰¹ Campo and Tayton.

²⁰² Campo and Tayton.

²⁰³ Wendt et al.

²⁰⁴ Wendt et al.

²⁰⁵ CFCJ "Rural and Remote Access to Justice".

²⁰⁶ Blaney and Janovicek.

²⁰⁷ Campo and Tayton.

²⁰⁸ Wendt et al.

²⁰⁹ Wendt et al. 'Mateship' is a definitively Australian idiom reflective of masculine behaviour and male bonding which is grounded in loyalty, equality and friendship.

²¹⁰ Canada. Parliament. "Taking Action to End Violence Against Young Women and Girls in Canada". 42nd parl., 1st sess. Rept. 7. [Ottawa]: Parliament, Mar. 2017. Parliament of Canada. Web. [VAW Report].

women in ways they can understand.²¹¹ The literature discusses the frequent obstacles for many women living in rural and remote areas such as the lack of information regarding their rights, their justice needs, available justice services and awareness of self-help tools in order for women to overcome obstacles, they must first have to self-identify a legal need. Some studies suggest that rural residents are less willing to engage the legal system than their urban counterparts and they may thus be less likely to contemplate a legal solution to the problems they face.²¹²

3.6 Language and legal literacy

An Ontario, Canada study identified linguistic and rural access as two of the most critical issues with respect to access to justice. They note that the need for information and service is greatest for low-income linguistic minorities and persons living in rural or remote communities. As most legal problems are linked with other issues, and because linguistics and rural access cut across various elements of the justice system and community serving organizations, this report sees improving linguistic and rural access as a high priority for all services in the justice chain.²¹³ They also note that as legal language is highly contextualized, language and literacy skills are critical to accurate communication and understanding of legal concepts and information. Immigrants, refugees and other women who lack the necessary language and literacy skills, including those who have vision and hearing disabilities, encounter significant barriers to accessing information, supports, advice, and remedies. A lack of service providers who can provide information, communicate, and assist persons with language and literacy challenges will negatively impacts their ability to access justice.

Print and online resources are accessible only to people who are functionally literate and/or have Internet access. A 2010 study in British Columbia noted that approximately nine in every one hundred foreign-born persons in this province had no English language ability.²¹⁴ Print and online materials provide limited assistance for the estimated 40% of British Columbians for whom English is their first language (and 70% of seniors) struggle with literacy.²¹⁵ The study notes that translated print resources may not be the ideal solution for many older immigrant women because many of them have never been given the opportunity to learn to read in any language.

Box 7: Shared stories from senior women

Senior women shared stories about being confused about legal representation regarding a family law matters, and walking away from the experience with a sense of injustice. They described the legal system and entitlements to legal aid as “shrouded in a sense of mystery”, suggesting a need for public education on legal issues and processes. Many women indicated they need clear, plain language information on a range of topics including their rights in relation to powers of attorney; pension entitlement, especially for immigrant and divorced women; grandparent’s rights; will preparation and estate planning options if you have no children or other family; the role of the public guardian and trustee the immigration process; how and when to contact the police.²¹⁶ Another problem senior women identified was that the lawyers often do not take the time to provide clear information and translate legal terms into plain English. There was a repeated call to “speak to us in plain English!”

²¹¹ UNDP *Programming for Justice: Access for All*.

²¹² Pruitt and Snowman “Law Stretched Thin”.

²¹³ Cohl, K. and Thomson, G. *Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services*. Law Foundation of Ontario. 2008.

²¹⁴ British Columbia Justice Services Branch, Ministry of the Attorney General. *Best Practices in the Dissemination of Integral Information to New Immigrants: A scoping review*. Prepared by Paige Muttersbach. 2010.

²¹⁵ Canadian Centre for Elder Law. “We are not all the same: Key Law, Policy and Practice Strategies for Improving the Lives of Older Women in the Lower Mainland. Citing Literacy BC, “Literacy in British Columbia” (Vancouver: Literacy BC, 2010). 2017.

²¹⁶ Canadian Centre for Elder Law. “Your Words are Worth Something: Identifying Barriers to the Well-being of Older Women”. Older Women’s Dialogue Project Report and Canadian Centre for Elder Law. 2013. Canadian Centre for Elder Law. “We are not all the same: Key law, policy, and practice strategies for improving the lives of older women in the lower mainland”. A report of the Older Women’s Dialogue Project CCEL Report No. 8 March 2017.

3.7 Using Technology

Technology is changing quickly. Much of the technology related research focusing on access to technology in rural and remote areas is dated, and may no longer be applicable. However, it is reviewed here in order to raise the issues and concerns of the use of technology for women living in rural and remote areas to promote further study.

Some research from 2007 showed that there was a ‘digital divide’ experienced in rural and remote areas due to cost and connectivity challenges.²¹⁷ According to the CRTC 2010 Communications Monitoring Report, sixteen percent of rural Canadians were without access to broadband Internet.²¹⁸ The question for women’s access to justice in rural and remote areas is whether there is a gendered digital divide as well? Some studies show discrepancies in Internet and information, communication technology (ICT) use and access are based on differences related to disability, ethnic and cultural background, gender, education level, ICT skillset and access to technological and social support.²¹⁹ As stated in one study, ‘online inequalities often mirror offline ones’ in regards to poverty and disadvantage.²²⁰ Rural women are particularly disadvantaged in the digital world, with less access to high speed or broadband Internet, less time, given their double workload, to become familiar with new information and ICTs; and increased poverty levels to be able to afford technology.²²¹ Even if women do have Internet access, websites may not have been developed with consideration for reduced connectivity in rural and remote areas which means that government or community website services will not load without broadband. In addition, standard types of Internet access and cellular services are often satellite and wireless which can be disrupted by the weather and geography. To respond to this issue, “Connecting British Columbia” a multi-year grant programme funded by the British Columbia government and administered by Northern Development Initiative Trust, is developing the infrastructure required to deliver high-speed Internet connectivity to homes and business in rural and remote locations throughout British Columbia. The goal is to achieve 100 percent high speed connectivity before 2021.

Some scholars raise the concern that women living in rural and remote areas may have higher levels of discomfort with technology than those living in urban areas.²²² This can negatively impact their ability to use the Internet to access legal information, self-help material, or justice services delivered on-line. The literature review by the Canadian Forum on Civil Justice found that gender has, although somewhat inconsistently, an impact on Internet accessibility and online activity.²²³ Another report found that forty-eight percent of Canadians lack the literacy skills required to make use of online tools and may need assistance of librarians or community support workers to navigate various websites.²²⁴ Using apps to access legal information is connected to comfort levels with technology. It is also linked to an individual’s ability to afford a personal computer or mobile phone and related service plan. Recent LSS surveys have found that even the most marginalized people now have and use smart phones. For example, seven out of ten Aboriginal legal aid applicants, eight out of ten legal aid applicants, and nine out of ten applicants for family

²¹⁷ Rooksby, Emma, Weckert, John and Lucas, Richard. “The Digital Divide in Australia: Is Rural Australia Losing Out?” in Emma Rooksby and John Weckert (eds), *Information Technology and Social Justice* (Information Science Publishing. (2007) 240-261.

²¹⁸ CRTC Communications Monitoring Report, July 2010. <http://publications.gc.ca/collections/collection_2011/crtc/BC9-9-2010-eng.pdf>

²¹⁹ Mesch, Gustavo. “Minority Status and the Use of Computer-Mediated Communication: A Test of the Social Diversification Hypothesis” *Communication Research*. 39:3. (2012) 317-337.

²²⁰ Hacker, Kenneth, Mason, Shana and Morgan, Eric. “Digital Disempowerment” in Rooksby and Weckert (eds) *Information Technology and Social Justice*. Information Science Publishing. 2007.

²²¹ International Development Research Centre “Rural women in the wired world”. <<https://www.idrc.ca/en/article/rural-women-wired-world>>

²²² George and Harris.

²²³ CFCJ “Rural and Remote Access to Justice”.

²²⁴ CFCJ “Rural and Remote Access to Justice”.

duty counsel have smart phones.²²⁵ However, it is unclear whether this data is disaggregated by sex or locale to determine if this represents usage by women living in rural and remote areas.

The Canadian Centre for Elder Law research with older women noted that online services will not effectively address the legal assistance of many older women and that targeted outreach to older women is needed to make this programme successful²²⁶. They also highlighted that access will require English language and computer literacy. Another study, albeit dated from 2002, found that while putting standardized forms and instructions online facilitates the work of community support staff in a number of ways, female litigants often do not have the requisite level of education and/ or computer skills to download forms and complete them without assistance.²²⁷ This study also found that computers and other self-help resources that are made available to self-representing litigants go unused. Further study on this issue is needed. One American scholar noted technology cannot replace human interaction.²²⁸ If resources are limited, it may be more beneficial for self-help programmes to provide community support staff to help women who are representing themselves than to provide computers and other self-help tools. One scholar notes, “at the earliest stages it may not be necessary that the persons providing assistance have legal training, as long as they have sufficient understanding to explain basic legal information, however at later stages, more expertise would be required. If possible, this could be arranged via skype with the help of the in-person assistance”.²²⁹

The value of hotlines may be limited by the individual’s capacity to take the next step advised by the hotline adviser, such as seeing a lawyer or going somewhere to complete paperwork. It was found that many clients did not follow-up advice because they did not understand it, it was too complex or they could not afford to hire a lawyer.²³⁰ Therefore, exclusive reliance on centralized telephone intake and hotlines for providing brief advice or counsel to clients may exclude some groups completely from access to legal services and disproportionately impact on rural communities.²³¹ The use of web based conference is increasing for mediation where mediation services are not available and the distance makes them inaccessible. The downside of web conferencing was the potential for technical glitches or difficulties.

Box 8: Aboriginal women’s use of the Internet

The report notes that when LSS had provided computer kiosks in Aboriginal settings back in 2005, they were rarely used by Aboriginal people. Possible reasons given were discomfort with using the technology, a preference to deal with their legal problems in other ways, find the Web content not to be relevant to them, or other cultural factors. This report noted that half of all Aboriginal people do not use the Internet (51% of Aboriginal men and 49% of Aboriginal women) and those who do are more likely to have higher education and income levels and live in urban areas. The report indicated that Aboriginal people in rural areas, with lower income and education levels, are the least likely to be able to use and access the Internet.²³² Service providers in Aboriginal communities acknowledge the work of LSS in producing several useful legal resources and fact sheet resources that are very helpful for advocates, but report the websites and some of the online resources are seldom used by Aboriginal women clients, unless an advocate is able to sit with them and help them navigate the online information. Some advocates found navigating through some websites challenging themselves, and therefore would not recommend them to women. The report also notes that some communities do not have legal advocates who can provide this assistance. Many Aboriginal women showed a preference for face to face contact to access information, assistance and resources. This is why LSS uses Community

²²⁵ Data provided by Legal Services Society.

²²⁶ Canadian Centre for Elder Law. “We are not all the same”.

²²⁷ Henschen, Beth. “Lessons from the Country Serving Self-Represented: Litigants in Rural Jurisdictions.” *American Judicature Society* 18.48 (2002): 53-55.

²²⁸ Henschen.

²²⁹ Hughes.

²³⁰ Hughes.

²³¹ Spain.

²³² Walkem “Building Bridges”.

Partners and developed the Aboriginal Legal Aid site to be more accessible to Aboriginal audiences. It is only two years old and developed in response to Sa'hetx report.²³³

Some online processes have created additional barriers. For example, accessing income assistance has become more challenging over the past several years as the application process moved online and fewer Ministry staff were available to provide in person or over the phone assistance. For example, the responsibility for assisting applicants shifted to community agencies.

“ . . . Before someone can apply for assistance they must: create an email address (if they don't have one which is the case for many older and more vulnerable applicants; create a My Self-Serve account and wait for an email confirmation link; create a 4-digit PIN #, and create a BCeID user ID and password to log into the My Self-Serve account . . . the application process has prompted a flood of calls and emails from advocates and individuals confounded by these new requirements”. For example, “I met with my client who is homeless and does not have a computer . . . My client nearly gave up applying for income assistance at multiple points, despite being eligible, and I know there are many people who, because they cannot navigate the bureaucratic and technological hurdles, simply give up on the meager support available. In-person assistance is the only method that actually works for the majority of people who need these services.”²³⁴

3.8 The impact of intersecting identities on accessing justice

Research has shown that experiencing more than one form of disadvantage, such as gender and geographic remoteness, has an “additive effect”.²³⁵ While women face unique challenges in accessing justice, ‘women’ is not a homogenous group. Some groups of women face multiple layers of discrimination and marginalization due to intersecting forms of disadvantage that places further obstacles to equal access to justice. Personal characteristics and situational circumstances among women can lead to complex forms of exclusion within the wider society, multiple legal and other issues as well as make it more difficult to access justice.²³⁶ The concept of intersectionality means that several forms of discrimination, which are based on a number of identity layers, may intersect and produce new forms of discrimination that are unique. Some of the literature highlights the diversity in rural and remote communities.²³⁷

Immigrants, refugees, elderly women, poor women, women with low levels of education and comprehension, women without or with limited English language and literacy skills, and women with physical disabilities, mental health and addiction issues face even greater challenges in accessing justice in rural and remote communities in British Columbia.²³⁸ Lesbians and transsexual women may not be able to access traditional services. Sex trade workers who are particularly vulnerable to physical and sexual assault may face significant barriers to accessing services. Women with mental health and substance use issues might be turned away if frontline justice service providers do not have the training to work with women

²³³ Sa'hetx Consulting Report contained in Legal Services Society. Public Legal Education and Information Resources Accessibility Initiative. 2012. <http://www.lss.bc.ca/assets/aboutUs/reports/PLEI/pleiResourcesAIRReport.pdf>.

²³⁴ Public Interest Advocacy Centre. Open Letter Regarding Access Barriers to Applying for Income Assistance. May 2, 2016. <<http://bcpiac.com/open-letter-access-barriers-income-assistance/>>

²³⁵ Dr. Ab Currie, as cited in Canadian Bar Association. “Reaching Equal Justice Report: An Invitation to Envision and Act.” Nov. 2013.

²³⁶ World Bank. Serbia. Access to Justice for Poor Women and Men. 2015. P 7.

²³⁷ Campo and Tayton.

²³⁸ British Columbia Association of Specialized Victim Assistance and Counselling Programs, Community Coordination for Women's Safety Project. “Building Partnerships to End Violence against Women: A Practical Guide for Rural and Isolated Communities”. 2005.

who presented with these complex and challenging issues. Special consideration must be given to services for Aboriginal women who have suffered historical challenges.

Table 7: The impact of intersecting identities on accessing justice

Aboriginal women
<p>The historical context of colonization cannot be ignored in understanding the unique challenges Aboriginal women face in accessing justice - the legacy of dispossession of land and forced child removal and assimilationist policies, the erosion of Aboriginal culture and continued social discrimination Aboriginal women experience.²³⁹ This has shaped alternative legislative and constitutional legal frameworks that may apply to their communities; lack of confidence or mistrust in the formal justice institutions; fear of losing their children and reliance on the informal justice system of customary dispute resolutions which may reflect gender discriminatory tendencies.²⁴⁰ Aboriginal women are further impacted by living in rural and remote areas. The isolation of some of the communities increases the problems of justice service delivery, characterized by lack of legal aid and rural lawyers and few culturally sensitive police, prosecutors and courts, experiences of overt racism or culturally inappropriate responses when seeking assistance, the lack of public legal education and information accessible to them, and insufficient outreach to remote Aboriginal communities. The tight knit nature of the communities, the pressure from and the notion of loyalty to familial and community structures can influence justice seeking behaviours. Poverty rates tend to be higher amongst Aboriginal women than the general population, and Aboriginal women living in rural and remote communities are disproportionality impacted by the lack of economic opportunities which impacts on their ability to access justice.²⁴¹</p> <p>Aboriginal women face many challenges in accessing justice through the child welfare system.²⁴² Because many Aboriginal communities are remote, they may lack the professional and support services that would help children and families remain together. Without access to legal counsel or other support, Aboriginal women are overwhelmed in court and by the court processes.²⁴³ They also often face procedural, financial, information and cultural barriers, and that all of these barriers are inextricably linked. There is a lack of print and on-line information and materials, specialized justice services and courts that are culturally appropriate about how to obtain assistance.</p>
Ethnic minority, migrant and refugee women
<p>Immigrant and refugee women have multiple needs: they need assistance in breaking through language barriers, accessing information on Canadian laws and rights and available services, addressing sponsorship and immigration barriers, meeting material needs and breaking their social isolation.²⁴⁴ One study found that for such women in rural and remote communities who experience violence, due to their experiences in their home country and lack of knowledge about the Canadian legal system, some women are highly suspicious of the legal system and so try to avoid contact in Canada. They often stay in isolation, fostered by the abuser, without being aware that they have other options.²⁴⁵ The same study found that many immigrant women live in poverty, lack transport to attend appointments, childcare or opportunities to attend appointments during the day. Justice providers may not be culturally sensitive, speak their language or be able to provide written information and resources in their lanaguge. Further research is needed to determine whether geographically isolated places expose minority women to unique structural barriers in accessing justice due to language difficulties, a lack of cultural awareness and sensitivity among service providers, social and cultural isolation,²⁴⁶ xenophobic attitudes and fears about maintaining their residency / visas status²⁴⁷ and experience more uneven economic opportunities.²⁴⁸ Some scholars find that rural populations in Australia tend to be more ‘culturally homogenous’, with less than ten percent born overseas and point out the shortage of research on women minorities living in rural and remote places, the response of justice services to them, as well as the untested assumption that rural</p>

²³⁹ Wendt et al.

²⁴⁰ CFCJ. “Rural and Remote Access to Justice”; Wendt et al; and VAW Parliament report.

²⁴¹ Footnote 97 of CFCJ. “Rural and Remote Access to Justice”.

²⁴² John “Indigenous Resilience”.

²⁴³ John “Indigenous Resilience”.

²⁴⁴ Justice Institute of British Columbia. “Empowerment of immigrant and refugee women who are victims of violence in their intimate partner relationships”. 2008.

²⁴⁵ Daniela and Nizher.

²⁴⁶ Schaffer, 1999 as cited in Wendt et al.

²⁴⁷ Campo and Tayton.

²⁴⁸ Blaney and Janovicek.

places are more conservative and traditional and therefore would be more discriminatory to ethnic minority groups.²⁴⁹

Women with disabilities

Women with disabilities are often not afforded reasonable accommodation to meet their varied needs based on their disability (e.g. sight, mobility, hearing). They experience barriers to accessing justice services, including access to buildings, information and appropriate facilities for giving evidence. In practice, their testimony is frequently excluded, discounted or discredited due to harmful stereotypes by justice providers.²⁵⁰ These barriers are further compounded when living in rural and remote places as specialist services for particular disabilities tend to be scarce. They may also experience increased challenges in traveling long distances, particularly if they are reliant on an abusive partner.²⁵¹ The literature shows that women with disabilities experience high rates of violence.²⁵²

Older women

A 2013 the Canadian Centre for Elder Law BC (CCEL BC) and West Coast LEAF, conducted a series of consultations in the lower mainland of BC, including rural communities in the region, with women 50 to 80+ years of age. It identified a number of areas where women experience barriers to well-being that included income security, pensions and poverty; housing insecurity; family dynamics and vulnerability linked to immigration; safety and freedom from abuse and access to justice information.²⁵³ This study also identified access to legal aid for family matters is especially problematic for older women who are the primary caregivers for their grandchildren. A number of grandmothers offered stories of being unable to access legal assistance when they needed it. This study found that older women: (1) need information on rights or options for maintaining relationships with grandchildren; (2) could not get legal aid when they needed it; (3) find the legal system confusing (4) with limited English fluency have significant difficulty accessing information; (5) need clear, plain language material on their rights, and (6) complain that income assistance staff can be uncompassionate and cruel. They also found that many senior women, and in particularly immigrant women were not aware of transition houses, how to access them, whether staff or volunteers speak their language and whether transition houses can accommodate disabilities or medical needs.²⁵⁴

LBTIQ (Lesbian, Bi-sexual, Transgender, Intersex, Queer)

The most significant barrier for LBTIQ individuals is accessing justice within a misogynistic and homophobic society which may be exacerbated when living in rural and remote communities.²⁵⁵

4. Quality

Quality focuses on the minimum standards for effectiveness. Quality is difficult to measure when there is not a framework established to monitor and evaluate the impact of services implemented and actions taken. This requires systematic and routine collection of data and gender sensitive indicators as well as indicators suited to measure justice delivery in rural and remote areas.

4.1 Monitoring and evaluation frameworks

There is a need for building, monitoring, and evaluating justice programmes and services that are gender and locale sensitive to ensuring access to justice for women living in rural and remote areas and to enhancing public accountability. The government of British Columbia and the Law Society's Access to Justice BC established Access to Justice BC (A2JBC) in 2015 with a goal of improving access to justice in British Columbia. It is comprised of a network of justice system stakeholders working collectively to

²⁴⁹ Pugh & Cheers, 2010 as cited in Wendt et al.

²⁵⁰ Committee on the Rights of Persons with Disabilities. Report on the Day on General Discussion on Women and Girls with Disabilities. 2014.

²⁵¹ Campo and Tayton.

²⁵² Hague, Thiara, & Mullender, 2011; Plummer & Findley, 2012, as cited in Wendt et al.

²⁵³ Canadian Centre for Elder Law "Your words are worth something".

²⁵⁴ Escola and Nizher.

²⁵⁵ Pugh & Cheers, 2010 as cited in Wendt et al.

achieve that goal.²⁵⁶ A2JBC has adopted a measurement framework that seeks to improve access to the justice system by improving population access to justice outcomes, user experience; and costs. The report emphasizes that balancing these three interdependent elements is essential to achieve goal of improving access to justice. The framework includes performance dimensions and indicators for each element that permit measurement at strategic and project levels. It also emphasizes the importance of identifying and focusing on very specific target groups to measure relevant outcomes, user experiences and costs; measuring access to justice for different types of legal problem; and analyzing the paths taken by individuals to address their legal problem. The framework can be adapted for measuring access to justice programs for women in rural and remote areas.

4.2 The need for data for evaluation

There have been a number of reports in British Columbia focusing on challenges associated with accessing justice. The majority have focused on the limited availability of funds and resources, and the capacity of suppliers to provide services within given constraints. Reports have highlighted access issues, but very few have focused on the legal needs women in rural and remote communities. As highlighted in Section 2.5, there is limited data available on the outcomes access to justice initiatives have had for women in general, and women in rural and remote communities specifically. Many of the reports include recommendations for improvements that can positively impact women generally or specific groups of women's (e.g. older women, immigrant and refugee women, Aboriginal women) access to justice. Very few reference the specific needs of women in rural and remote areas.

A number of annual reports and progress reports have been produced measuring progress towards stated goals. However, the majority of evaluations are descriptive, and focus on outputs such as the number of persons served, the number of programs implemented, and the number of users accessing services. Data is not sex or location disaggregated. Except for the studies cited in this report, user satisfaction with services available and provided is also very limited. To date, there is little data, except for anecdotal information, to measure the differences programs introduced have had in improving access to justice for women generally, and more specifically for women in rural and remote communities in British Columbia.

Several organizations have partnered with specialists and academic institutions to conduct more in-depth evaluations of their programmes and services. For example, the Community Coordination for Women's Safety (CCWS) Programme has partnered with the FREDA Centre²⁵⁷ to analyze the efficacy of ICATs in British Columbia. The Provincial Office of Domestic Violence (PODV), in partnership with Kwantlen Polytechnic University, has developed a framework that will support the continued evaluation of progress with the provincial Domestic Violence plan. A number of evaluations are planned, including one for the Legal Services Society's MyLawBC, and Mediate BC's Society's evaluation of the Distance Family Mediation Project.

²⁵⁶ Developed for the A2JBC Working Group by Yvon Dandurand and Jessica Jahn, School of Criminology, University of the Fraser Valley, & International Centre for Criminal Law Reform and Criminal Justice Policy, with the assistance of Ms. Jane Morley and Mr. Tim Roberts.

²⁵⁷ FREDA Centre for Research and Violence Against Women (SFU) website: <http://www.fredacentre.com/>.

IV: CONSIDERATIONS FOR GENDER-AND SPATIAL RESPONSIVE GOOD PRACTICES

1. Framework for Change: Considerations to ensure access to justice for women living in rural and remote areas

Women living in rural and remote areas present with a number of characteristics that can contribute to their marginalization from the access to justice discourse. The framework below (see Table 8) is taken from the CEDAW GR No 33 on women’s access to justice, with the six interrelated and essential components listed in the left hand column and further aspects of each component as detailed in CEDAW GR No 33 are elaborated in the middle column. The right hand column provides a summary of issues, challenges and considerations based on the challenges facing women living in rural and remote areas discussed in the previous section.

This framework endeavors to develop an understanding of the gender and spatial dimensions of accessing justice. Both gender and spatiality analysis can contribute the access to justice debate, which has been overall urban centric and gender neutral, by expanding the ability to recognize and interrupt disadvantage.

Table 8: A framework for change: ensuring access to justice for women (WA2J) living in rural and remote (R&R) areas

WA2J elements	Aspects of each element	Considerations for women living in rural and remote areas
1. Justiciability	Rights and legal protections recognized in law	<ul style="list-style-type: none"> Legislation is often gender neutral and developed without any significant attention being paid to the unique legal needs and localized legal cultures found in R&R areas.²⁵⁸
	Unhindered access to achieve de jure and de facto equality	<ul style="list-style-type: none"> There are a number of common characteristic in R&R areas that might hinder WA2J: the operation of a more conservative and traditional gender regime; more traditional gender expectations within families; patterns of female subservience; and stronger social controls operating through informal and intimate processes and mechanisms.²⁵⁹ A broader understanding is required in terms of unhindered access to a range of justice services such as self-help services, public legal education and information, advice from trained volunteers, paralegal services, summary advice, brief services and referrals, duty counsel, unbundled legal services, and full representation by a lawyer.²⁶⁰
	Justice professionals can handle cases in a gender sensitive manner	<ul style="list-style-type: none"> Justice professionals in R&R are often more generalists than specialists; and experience lack opportunities for professional development. Consider how information technology (IT) approaches can expand the reach of specialists to support justice providers in R&R. Consider innovative IT approaches to enhance professional development and network of justice professionals. There can be a number of diverse groups of women living in R&R areas, including Aboriginal women, immigrant

²⁵⁸ Economides, Kim as cited in CFCJ “Rural and Remote Access to Justice”.

²⁵⁹ Mundy.

²⁶⁰ CBA “Reaching Equal Justice”.

		women, and older women who require gender responsive and culturally appropriate justice services.
	Independence, impartiality, integrity and credibility of judiciary	<ul style="list-style-type: none"> • Certain groups of women living in R&R areas distrust the justice system, including the judiciary, prosecution, and police. • There are concerns of a lack of anonymity where judges, prosecutors, lawyers, and police may be neighbours, friends or family.
	Confront and remove barriers to women’s participation in formal and informal justice systems	<ul style="list-style-type: none"> • One study raised the concern that there is a steady decline in female lawyers and few new female lawyers deciding to practice in R&R communities.²⁶¹ • This study noted that women’s legal practice experience is shaped by a distinctive gender experience linked to R&R cultural characteristics of conservatism and male patriarchy.
	Cooperate with civil society organizations (CSOs) to develop sustainable mechanisms to support WA2J	<ul style="list-style-type: none"> • There are fewer women’s organizations and women CSO groups in R&R than in urban centers.
2. Availability	Creation and maintenance of courts, quasi-judicial bodies and legal services that are geographically available including in remote, rural and isolated areas	<ul style="list-style-type: none"> • Justice infrastructures in sparsely populated regions remain few and poorly resourced, making it difficult to provide timely and affordable justice delivery to women living in R&R. • The infrastructures that exist often lack measures to ensure the safety, privacy, comfort and preservation of dignity of victims and witnesses, or provide for enabling courtroom environments. • Consider the creative use of modern IT, such as e-protection order; e-filing; and mobile specialized courts.
	Availability of knowledge and information products in local languages	<ul style="list-style-type: none"> • Consider and respect the linguistic, literacy, and cultural needs, as well as comfort levels of women living in R&R areas when developing oral, written and electronic information. • Examine the linguistic and literacy barriers faced by women living in R&R areas and explore approaches to reduce these barriers.
	In VAW cases, ensure access to victim support services	<ul style="list-style-type: none"> • Victims of violence are generally more reluctant to disclose without appropriate support services in place. • There is a scarcity of shelters, crisis centres, psychological and counselling services, financial aid, etc. in R&R areas.
	Rules on standing allow groups and CSO with an interest to lodge petitions and participate in proceedings	<ul style="list-style-type: none"> • Consider the value and benefits of allowing legal aid to fund test cases, strategic litigation or class action. • Examine approaches that can address issues of systemic or institutional racism, which can be common in certain remote locations in a number of areas of law such as employment or government service provisions.
3. Accessibility	Remove economic barriers for women with low income and waived	<ul style="list-style-type: none"> • Direct costs of legal services can be daunting for women in R&R areas due to lower income levels, higher poverty rates and lack of access to family income.

²⁶¹ Mundy.

	for women living in poverty	<ul style="list-style-type: none"> • Indirect costs to access justice services are greater in R&R areas due to distance and time required to travel (e.g. transportation, child care, etc.). • Consider ensuring fees for issuing and filing documents and court costs are reduced for women with low income and waived for women living in poverty and expand legal aid for these women.
	Ensure culturally appropriate justice services	<ul style="list-style-type: none"> • Consider the needs of women who face intersectional or compounded forms of discrimination in R&R areas.
	Remove linguistic barriers – translators, assistance for illiterate women	<ul style="list-style-type: none"> • There are concerns that due to the lack of independent translators in R&R areas, reliance on family and friends may have negative consequences for women in terms of privacy and adequacy of translation.
	Develop targeted outreach activities and information appropriate for all groups of women	<ul style="list-style-type: none"> • Consider how outreach activities can be gender sensitive and respond to the social isolation and cultural characteristics in each R&R community (e.g. “rural patriarchy”). • Consider the diverse groups of women, e.g. Aboriginal and ethnic minorities living in R&R areas when developing culturally sensitive outreach activities.
	Access to internet to improve WA2J at all levels, considering development of internet infrastructure	<ul style="list-style-type: none"> • Women in R&R have lower comfort and skill levels in using technology. • Any IT justice programme needs to consider how to ensure that women in R&R areas are also able to use these initiatives.
	Physical environment and locations of justice institutions are welcoming, secure and accessible	<ul style="list-style-type: none"> • Consider giving special attention to ensure safety, privacy, comfort and a woman friendly environment. • Consider giving special attention to ensure access to women with disabilities.
	Establish justice access centres, e.g. One Stop Centres in all areas including rural and remote areas	<ul style="list-style-type: none"> • Consider how to increase access to specialized courts such as the Native Courts and Unified Family or Domestic Violence Courts. • Consider the possibility of integrating “One Stop Center” elements into existing health clinics and shelters.
4. Good quality	Adhere to international standards of competence, efficiency, independence and impartiality	<ul style="list-style-type: none"> • Justice institutions in R&R areas often have limited human resource capacity; inadequate culturally and gender sensitive trained justice service providers; and limited access to specialists. • Rural courts often lack efficient case management systems and fast track arrangements.
	Adopt indicators to measure WA2J	<ul style="list-style-type: none"> • Consider using indicators that allow measurement of WA2J in R&R areas.
	Implement mechanisms to ensure that evidentiary rules, investigations, etc. are impartial and not influenced by gender stereotypes or prejudices	<ul style="list-style-type: none"> • Social and cultural norms and values such as community support for the patriarchal status quo can extend to justice service providers and can lead to the discriminatory application of evidentiary rules. • Concerns have been expressed that some rural justice providers may perceive domestic violence as “having troubles” rather than as a crime.
	Protect women’s privacy and safety	<ul style="list-style-type: none"> • Unique privacy considerations for women in R&R where there is more physical privacy but less social privacy may make women reluctant to access justice services.

		<ul style="list-style-type: none"> • Safety planning is critical, but can be difficult. • Police response time to emergency calls is longer in R&R areas.
	Justice systems should be contextualize, dynamic, participatory, open to innovation, gender sensitive	<ul style="list-style-type: none"> • In addition to the R&R characteristics, it must be remembered that women are not a homogenous group and considerations should be had for intersecting identities (e.g. Aboriginal women, ethnic minorities and migrant women, women with disabilities, young women, and LGBTIQ). • Explore good practices of services which are culturally appropriate and relevant, particularly addressing Aboriginal history of colonization.
5. Provision of remedies	Access to all available judicial and non-judicial remedies	<ul style="list-style-type: none"> • On-line civil dispute resolution mechanisms and on-line self-help material may not be available to women living in R&R areas.
	Adequate, effective promptly attributed, holistic and proportional remedies	<ul style="list-style-type: none"> • It is challenging to provide appropriate and effective remedies in a timely fashion in R&R areas where there are no local courts or infrequent court sittings.
	Take into account unremunerated domestic and caring activities in assessing damages	<ul style="list-style-type: none"> • In certain cultures and R&R areas, there may be more visible traditional gender roles of male breadwinner and female homemaker. If this ‘rural patriarchy’ is reflected within the justice system, it raises the concern that domestic and caring activities will not be taken into account in assessing damages.
6. Accountability	Independent mechanism to observe and monitor WA2J	<ul style="list-style-type: none"> • The oversight mechanism by independent inspectors is particularly important in R&R communities where supervisors may be neighbours, acquaintances and even friends and family of the justice service providers
	Justice professionals are held accountable	<ul style="list-style-type: none"> • Justice institutions have human resource capacity issues in R&R areas that include inadequate supervisory, disciplinary and oversight mechanisms to ensure that justice service providers are independent of political and economic pressures.
	Specific entity to receive complaints, petitions and suggestions	<ul style="list-style-type: none"> • Consider establishing a specific entity with procedures for accessing the complaint mechanism that are easily accessible for women living in R&R areas.
	Data should include the number and geographical distribution of judicial and quasi-judicial bodies; police; lawyers, legal aid, etc	<ul style="list-style-type: none"> • Consider how research examines the complex nature of barriers in R&R areas, the relationship between different barriers and how these work in combination to impact the willingness and ability of women to seek justice.
	Conduct studies to highlight practices that promote or limit WA2J	<ul style="list-style-type: none"> • Consider conducting studies on marginalized women, such as those living in R&R areas. • Consider how to systematically apply the findings to enhance WA2J including for women living in R&R areas.

The following section presents international, Canadian and British Columbia good practices for access to justice that are consistent with the elements and considerations outlined in CEDAW GR No 33, to reduce and eliminate barriers to accessing justice for women living in rural and remote areas. As noted in the previous chapter, most of the literature reviewed identifies generic solutions, as discussed by Hughes²⁶²;

²⁶² Hughes.

however, the practices noted in this section are more particular to women, are applicable for rural and remote locations, or both. It is important to consider if and how generic solutions can be adapted to take into account women living in rural and remote areas.

It is critical to acknowledge that a *one-size fits all* solution is unlikely to be the optimal access to justice solution for women across and within all rural and remote communities. Ensuring solutions developed and implemented to improve access to justice for women living in rural and remote areas requires that they are place-specific and gender sensitive, and that both the common and unique traits of women living in each area are considered in the design, implementation and delivery of solutions for that area.

2. Considerations for good practices

2.1 Understanding women's needs

Understanding in greater detail the legal needs of rural and remote clients is essential in order to adequately tailor access to justice programmes that address their unique legal needs and barriers to access.²⁶³ This is linked to the growth of the legal professional in rural and remote areas. Such incentive programmes, which will be discussed in 2.4, could be more targeted by focusing on specific practice areas based on a better understanding of local justice users' needs. In addition to understanding justice needs any policy should take into account women justice user's capacities. By assessing the relevant justice users' characteristics and barriers she has (e.g. geography, level of computer literacy and comfort level using technology, social and cultural obstacles). This will ensure a more nuanced policy on access to justice that includes and provides for women living in rural and remote areas.

Box 9: Community Conversations

United Way uses a creative form of community needs assessment called “Community Conversations.” The problem United Way’s method seeks to address is this: too often, well-intentioned non-profits come into a community professing to have *the answers* to a community’s problems. Sometimes, those individuals find that the community is not receptive to their solution, that their proposed solutions are redundant, or that a similar method has previously been tried and abandoned. United Way reverses that process by having “kitchen table”-style conversations with residents so these stakeholders can express what is happening in their communities and what they need, thus influencing the organization’s direction and priorities. Community Conversations reflect the same values that underlie legal participatory action research (“PAR”): putting the concerns and perspectives of community stakeholders at the center of the work. Applied to access to justice, these informal “kitchen table” discussions help community organizers and advocates—be they lawyers or not—to identify and address both legal and non-legal issues.

Source: Described in Pruitt and Snowman.

Box 10: Building Police and Community Trust and Cooperation

The Royal Canadian Mounted Police (RCMP) has a National Aboriginal Policing Services (NAPS) section in BC that works closely with Aboriginal groups to develop innovative policing approaches that meet their distinctive needs.²⁶⁴ Establishing, nurturing and expanding these relationships with women at the local level provides the potential to identify and address their specific access to justice needs, ranging from increasing awareness of services, to providing tailored gender and cultural sensitivity training, developing local referral and support networks, and ensuring gender sensitive responses and investigations, thereby improving the levels of trust and confidence between women and men in these communities and the police.

Source: Royal Canadian Mounted Police website. Serving Canada’s Indigenous People page

Box 11: Working with trusted people in each community

²⁶³ Baxter and Yoon.

²⁶⁴ Royal Canadian Mounted Police website. Serving Canada’s Indigenous People page: <http://www.rcmp-grc.gc.ca/aboriginal-autochtone/index-eng.htm>.

LSS has found that people in rural and remote areas tend to get justice related information and advice from trusted intermediaries and advocates. It is therefore critical that local intermediaries and advocates contracted to provide services are trusted people who are trained to recognize issues and can effectively provide service or refer people to the organizations, resources and assistance they require to navigate the system.²⁶⁵ The Legal Services Society works with communities to identify trusted people who are intermediaries and have with face to face contact and networking with local residents to identify training needs and then offer training to help them recognize the issues and effectively deal with them, or refer people to the appropriate organizations/resources and assistance. Intermediaries also help people navigate through their website.

Source: LSS interview with senior personnel.

2.2 Increasing women's empowerment through legal awareness

Increasing availability - knowing when and where to demand justice

Living close to lawyers and other justice service providers does not necessarily ensure ease of access to justice. If women are not aware that their problem is a legal issue, do not have knowledge about their rights or available remedies, or do not know how or where to go to access justice services, they will not demand justice. One of the key problems for the achievement of gender equality lies in the inability of many women to use existing legal standards to realize their rights. The CEDAW Committee calls on all States Parties to increase rural women's awareness and legal literacy by providing them with information on their legal rights and on the existence of the legal systems.²⁶⁶

Box 12: Tasmania Legal Health Checkup

The Tasmania Women's Legal Service created a booklet, "Legal Health Checkup" that contains a set of easy to follow checklists covering almost all areas of life, including lifestyle documents (wills, Powers of Attorneys, enduring guardianships), legal issues that may arise in relationships, finances, rent and housing and rights vis-à-vis the police.

Source: Women's Legal Service. "Legal Health Checkup".

Box 13: Call for Justice and United Way 2-1-1- partnership

Many United Ways across the United States host 2-1-1 information and referral services which provide information on community services such as food, clothing and shelter and are accessible in urban and rural areas. In 2011, the non-profit, Call for Justice, partnered with the United Way 2-1-1 to provide legal referral training to United Way staff. The partnership also reached out to local non-profits to help connect homeless shelters with legal services organization and to law firms to "adopt" a programme aimed to end intergenerational poverty. Communities in more sparsely populated areas partner with urbanized programmes, the greater resources and institutional capacity can be leveraged to increase referral to solo practitioners. This type of partnership can also take advantage of existing legal referral clinics and hotlines. Such partnerships mean that women who access community services hotlines receive help in identifying any legal issues and information regarding legal assistance and lawyers become more aware of community resources and can better connect their clients to other services.

Source: Pruitt.

The need for a "thicker" conception of access to justice

Some scholars posit the need to define access to justice broadly to include helping individuals identify legal needs rather than predominately focusing on the individual's ability to secure a lawyer and resolve a court issue.²⁶⁷ A regional study in Southeast Asia recommends that States support the work of grassroots campaigning and advocacy organizations, especially those working in the area of women's legal empowerment and legal education.²⁶⁸

²⁶⁵ LSS interview with senior personnel.

²⁶⁶ CEDAW G.R. 34, paras 8 - 9.

²⁶⁷ Pruitt and Showman. "Law stretched thin".

²⁶⁸ Thailand Institute of Justice & University of Cambridge.

Enhancing availability of information - the need for multiple models to deliver legal information

With the growing reliance on online public legal education and information, there is an increasing concern that women living in rural and remote communities may be excluded.²⁶⁹ This could be due to a number of factors, including lack of high speed Internet; lack of ability to afford computers or other technology; and high discomfort user levels. The legal literacy ICT initiatives have great potential, especially as ICT for legal education can provide women with anonymity and confidentiality but some scholars note a number of concerns to be aware of: not all women feel comfortable with ICT; most are likely to be premised on English and do not accommodate language or cultural differences or disabilities.²⁷⁰ Research finds that individuals in rural and remote areas who do not use technology for whatever reason, are more likely to turn to trusted intermediaries or pick up materials in strategic locations.²⁷¹ Multiple entry points should be considered before decisions are made on the best entry point for women to access legal education materials and opportunities (e.g. basic information on rights, available services, eligibility for legal aid services, etc.) in the community.

Box 14: Trusted intermediaries - hairdressers as the new front against domestic violence

In Illinois, United States, a new State rule took effect January 2016 requiring salon workers to take training to recognize signs of domestic and sexual violence and provide them with a list of resources to which they can refer clients for help. The law does not require salon workers to act on their suspicion but helps them to recognise warning signs and provide them with resources to pass on to victims so they can help, such as safe houses or hotline or getting restraining orders or get access to legal professionals. Believed to be the first such rule in the United States, the rule provides that professionals covered by the rule will not be able to renew their licences without this training. The rule recognizes the unique relationship between hairdressers and their customers, who often see salons as safe places, may help to curb domestic violence and sexual assault.

Source: Hauser, Christine. "A new front against domestic violence: the hairdresser's chair". December 2016. The New York Times.

Box 15: Dental hygienists address violence against women

Recognizing that there are very limited health resources for women in rural and remote communities of BC, and noting that for many women in these communities their only regular point of contact with a health professional may be a dental hygienist, Ending Violence Association of BC and the BC Dental Hygienists' Association (BCDHA) partnered to provide specialized training for hygienists across the province to recognize indicators of domestic and sexual abuse, know how to respond, and provide referrals and resources. A BC specific resource package has been developed to assist dental hygienists to support clients, dental team members, fellow dental hygienists, family, friends, and their community. The training has the added benefit, given that 98% of dental hygienists are women, that hygienist who experience intimate partner violence will have some basic knowledge and know they have the support of their colleagues.

Source: EVA BC and BC Dental Hygienists' Association (BCDHA). *BC Dental Hygienists Committed to Helping Victims of Violence*. Joint press release. December 7, 2015.

Culturally appropriateness of legal information - tailoring the legal information to the potential users

Legal information and material should be context specific and responsive to the justice needs of the potential users – women living in rural and remote areas. Some scholars have highlighted the importance of understanding in greater detail the legal needs of rural and remote people in order to adequately tailor access to justice programmes that address their unique legal needs and barriers to access.²⁷² Legal education materials should emphasize inclusive justice. There are layers of complexity that needs to be recognized by those developing legal literacy materials for women living in rural and remote areas when making decisions on access to justice programming which appreciates the complexity of different groups of women. Inclusive justice means ensuring a system of justice that is responsive to the rights and concerns of different categories

²⁶⁹ Community Legal Education Ontario. *Public Legal Education and Information in Ontario: Learning from a snapshot*. 2015. Toronto.

²⁷⁰ George, A. and Harris, B. *Landscapes of violence: Women surviving family violence in regional and rural Victoria*. 2015. Geelong Centre for Rural and Regional Law and Justice, Deakin University.

²⁷¹ Community Legal Education Ontario.

²⁷² Baxter and Yoon.

of women, particularly those who are most vulnerable, marginalized and excluded. If justice programmes gloss over these distinctions using a *one size fits all* approach, programmes and services will not be sufficiently tailored to the actual needs of these women.

Box 16: Tailoring information for users with limited literacy skills

The British Columbia Legal Services Society produces MyLawBC action plans for readers with reading levels between grade 6 and grade 8. They also have a variety of other resources targeted at audiences with specific literacy needs. For example, after conducting research in partnership with the Healthy Aboriginal Network they co-produced an animated video that weaves legal information about family violence into a graphic novel. The story is also available as a download or in hardcopy. Based on its success, a second story, *Emily's Choice*, a story about child abuse has been produced in a similar format.²⁷³

Source: The Healthy Aboriginal Network: Health and Social Literacy through Video and Graphic Novels

Box 17: Reaching out to share safety messages for young women with high school students

The Aboriginal Courtworker providing services for the circuit court in the remote Tsay Keh Dene community has adapted information from three women's safety guides developed by the Native Courtworkers and Counselling Association of BC for young women. Each time she goes to the circuit court she works with the local high school to offer a safety course for women students. She designed and leads the session to inform and encourage dialogue and information sharing on young women's safety in a non-threatening manner, rather than approaching the topic through a lens of fear. Response to her outreach has been so positive she has had to repeat the session four times.

Source: Information provided by the Native Courtworkers and Counselling Association of BC.

2.3 Improving gender and cultural responsiveness of existing justice service delivery

How can the existing level of service be improved without just adding more numbers of justice service providers and building more justice institutions?²⁷⁴ There has been much written on how to improve the experience of women victims of violence as they access and participate in the justice system; however less work has focused on women living in rural and remote areas and who experience other legal issues. Gender and culturally sensitive justice services are essential to ensure access to justice for women in rural and remote areas. An important element in addressing specific obstacles women living in rural and remote areas face is to ensure that the existing justice services work to reduce multiple discrimination and secondary victimization on the part of the police, prosecutors, courts and legal aid. Women must feel assured that their privacy and anonymity will be preserved, as they access justice, and throughout their journey in the justice system. A consistent, coordinated multidisciplinary approach by justice service providers and other related service providers to address the unique needs of rural and remote women is critical.

Enhancing good quality - improving existing justice service delivery

Given that it is not realistic to place courts or legal aid offices in each community, scholars have looked at how justice service delivery can be configured to enhance individual services, reduced barriers and operated efficiently and effectively. Recent reports provide a number of options that other jurisdictions have used to enhance access to justice services to hard-to reach people in rural and remote communities.²⁷⁵ These solutions predominately have focused on accessing lawyers and courts, rather than the police and other justice service providers. They include, pro bono representation, limited scope retainers (known as unbundled services), paralegal or other assistance services, and community partnerships. Often the solutions being proposed have not considered the barriers women in rural and remote communities face in terms of geographic isolation and social and cultural characteristics.

²⁷³ Healthy Aboriginal Network website: <https://thehealthyaboriginal.net/portfolio-item/clear-skies/>.

²⁷⁴ Baxter and Yoon.

²⁷⁵ Spain.

Table 9: Some examples of gender analysis of ‘generic solutions’

Issue of unbundled legal services
In order to effectively use unbundled legal services (i.e. where people can obtain legal advice and assistance when they need it for specific functions) users must be able to understand instructions and follow through on those instructions; be able to express themselves; and explain to another lawyer the legal process they have already undergone in the previous service contracts. This makes such a method questionable for women with low literacy and cognitive disabilities; Aboriginal or other women who need time to develop trust in a lawyer; and for women with sensitive legal problems who have to re-tell their problem to new lawyers each time they require services. ²⁷⁶ One scholar notes that “unbundling can really only work for educated, articulate litigants in routine matters”. ²⁷⁷ Providing clearly written retainers and follow up letters of advice in plain language and having a support person such as a community advocate or support worker who is consistently available to provide support along with the unbundled legal services process can make unbundled legal services more effective. There should also be clear guidelines as when to consider unbundled services as an option. It should not be assumed that they can help everybody who cannot afford full legal representation. ²⁷⁸
Address factors that discourage rural lawyers from providing pro bono services
Scholars identify a number of factors that discourage rural lawyers from providing pro bono services, such as lack of institutional capacity to accept new pro bono clients; a disinclination to take on controversial files due to lack of anonymity or potential client conflict of interest; and the fact that rural places have fewer women and minority lawyers who are more likely than white men lawyers to provide pro bono services. ²⁷⁹ A proposed solution is to channel urban resources to meet rural needs, or in other words to leverage the resources of large firms, urban bar associations, law schools and law libraries. There would need to be monitoring of such a proposed solution to ensure that junior female lawyers in large urban law firms are not disproportionately being assigned pro bono files, as this will have a negative impact on their ability to bill which impacts career advancement opportunities.
Use of strategic litigation
Legal aid agencies in a number of countries do not allow for legal representation in class actions or for strategic litigation. A scholar argues that this has a negative effect for those living in rural and remote areas. ²⁸⁰ Using group representation through impact litigation which is designed to obtain relief for a greater number of clients than was formerly possible through group representation, should be considered to expand the impact of legal aid services to women in rural and remote areas.
Limited license legal technicians
A strategy recently adopted by the Washington Supreme Court allows non-lawyers, called “Limited License Legal Technicians,” to perform nine well-defined types of tasks. These tasks include completing legal forms, performing client intake, reviewing and explaining pleadings, identifying needed court documents, performing legal research, drafting letters under attorney supervision, and informing clients of procedures and timelines. This approach might be analogized to the increasing use of paraprofessionals such as nurse practitioners and physician’s assistants which has been very effective in rural areas. ²⁸¹ While the Legal Services Society Act in British Columbia permits LSS to designate paralegals under lawyers’ supervision to deliver legal services, the extent of the use of paralegals by women living in rural and remote areas requires further study.

Enhancing the appropriateness of justice services - culturally sensitive needs assessments

Two British Columbia reports, one engaging immigrant women, and the other on improving services for Aboriginal people emphasize the added significant value of having justice service providers who are reflective of the communities they serve²⁸². They bring a wealth of knowledge from their own experience, and an understanding of the challenges women in a community are dealing, and often struggling with. They

²⁷⁶ Hughes.

²⁷⁷ Hughes.

²⁷⁸ Hughes.

²⁷⁹ Pruitt and Showman.

²⁸⁰ See Spain for further discussion.

²⁸¹ Pruitt and Showman.

²⁸² Escola and Nizher.

can share information and deliver services in a more culturally sensitive and personal way, and focus on the specific issues that are important to that community.²⁸³ A British Columbia government report adds that limited resources in small communities emphasize the need for building service provider capacity through professional development of staff and by providing access to readily available information and resources that can assist in the development and delivery of information, legal assistance and services focused on improving the lives of women in the community²⁸⁴.

Box 18: Addressing the legal needs of low income seniors and persons with terminal illness

Wills Clinics are offered by Access Pro Bono BC in partnership with federal and provincial Justice ministries. Weekly will and representation agreement preparation clinics are held at the Vancouver Justice Access Centre for low-income seniors (age 55+) and people with terminal illnesses. Trained lawyers and articling students draft and execute simple wills and representation agreements. Although not yet operating in rural and remote communities there may be *potential* for this initiative to be adapted and expanded in other communities.

Source: Access Pro Bono BC website.

Box 19: Working with communities to build culturally responsive programming

The British Columbia government worked with three Aboriginal communities in British Columbia on a *Culturally Responsive Crime Prevention Program* to reduce and prevent offending, and reduce crime and violence through the delivery of culturally responsive programmes based on traditional teachings and practices produced a toolkit for other Aboriginal communities. Each community designed and implemented a programme based on their individual context and the unique needs of their community and community members. One community recommended development of a Women's Council to plan more programmes for women. Although each community's program is different, all three reinforced the importance of incorporating the principles of collaboration, community engagement community development, using strengths-based approaches, focusing on and valuing the knowledge and skills that individuals and communities hold, acknowledging challenges, employing evidence-based practices, and maintaining a holistic worldview that recognizes culture, traditions, and language as the foundations to healthy families and communities. Important lessons learned included building respectful, meaningful relationships with persons inside and outside of the community, building and leveraging partnerships between justice, child and family services and traditional teaching and values, and capitalizing on the knowledge, wisdom and strengths of elders.

Source: Reciprocal Consulting. Wise Practices in Crime Prevention Programs: Implemented for and by Aboriginal Communities in BC.

Box 20: The Indigenous Community Legal Clinic

In the lower mainland of British Columbia, the Indigenous Community Legal Clinic (ICLC) provides advice, assistance and representation to eligible clients who cannot afford a lawyer and who self-identify as Aboriginal persons²⁸⁵. Clinicians are second and third year UBC law students who complete the work under the supervision of two lawyers. The ICLC is thereby able to educate students in advocacy and aboriginal legal issues and improve access to justice in the Aboriginal community. ICLC assists individuals with civil, criminal, on reserve housing, employment, family, pardons, and divorce issues, and in completing forms. The ICLC clients benefit from the cultural competency of clinicians, fostering greater trust and satisfaction with the justice system. Because the services offered by the ICLC are free there are no time restrictions for working with clients. Research is required to determine if this model has the potential to assist with improving access to justice in rural communities that have significant Aboriginal populations.

Source: Indigenous Community Legal Clinic. <http://www.allard.ubc.ca/iclc/your-legal-problem>

Box 21: Understanding and responding to user preferences

The Legal Services Society maintains a list of Aboriginal lawyers so intake workers can refer Aboriginal clients to them if that is their preference. When Aboriginal women showed a preference for face to face contact to access information, assistance and resources LSS worked with Aboriginal consultants and community partners to ensure their

²⁸³ Walkem "Building Bridges".

²⁸⁴ BC Justice Services Branch, Ministry of the Attorney General. Best Practices in the Dissemination of Integral Information to New Immigrants: A scoping review. Prepared by Paige Muttersbach. 2010.

²⁸⁵ Indigenous Community Legal Clinic website: <http://www.allard.ubc.ca/iclc/your-legal-problem>.

needs were met. These efforts also led to making their Aboriginal Legal Aid site to be more accessible to Aboriginal audiences.²⁸⁶

Source: Legal Services Society website.

Enhancing accessibility – responding to the issue of mobility

The issue of mobility is an essential element that must be examined to improve access to justice for women in rural and remote areas. The high level of transportation barriers women living in rural and remote areas face prompt justice services to consider if and how their services can become more mobile, deliver services in client's homes, and/or schedule appointments at local agencies or community centres, such as libraries.

²⁸⁷ Some smaller prosecution offices in the United States, have organized the equivalent of a specialized prosecutor by contracting to share a single prosecutor who can travel to different locales on different days to deal with specific cases of violence against women.²⁸⁸ Another example of mobile justice services linked with specialization are the flying squads based in Argentina, where specialized and trained personnel work with the criminal justice system to respond to violence against women in remote areas.

Box 22: Filing protection orders via Skype

New York State has enacted legislation that permits victims of domestic violence to file for temporary orders of protection from a remote location, thereby avoiding the need to travel to a court house. The applicant can file for their order at a remote location and appear electronically, via Skype video link. This process ensures victim safety and eases transportation, child care, and work pressures.

Source: New York State Unified Court System Press Release. November 4, 2016

Ensuring good quality – the protection of women's safety

Considerations for women who are survivors of violence must include measures to ensure women's safety generally, and court safety in family violence matters. High costs make it unlikely that there will be the budgets to build new courts or remodel old ones to provide for separate entrances and waiting areas at courts.²⁸⁹ The use of offsite remote witness facilities such as police stations, legal aid offices or community services offices located in the community could address the concerns of women's safety before, during and after the hearing, as well as ensure that women are more comfortable giving evidence. This can be particularly beneficial for women living in rural and remote areas where courts are very small and there is high visibility in the community. An Australian report notes that the cost of the new technology required for such facilities is much lower than remodeling or building new courthouses; however, would require courts to have compatible technology and provide staff at the offsite facility during the hearings.²⁹⁰ While in Australia, it appears that in the larger regional centres, legal aid offices and larger private law firms already have remote video facilities that can be utilized, it would be important to look beyond justice services and consider whether the health clinics have the remote video facilities that could be made available for this purpose. A note of caution is raised that there is a need to ensure that the use of remote witness facilities does not add to the level of remoteness experienced by certain women, such as Aboriginal women in their dealings with the non-I Aboriginal justice system.²⁹¹ Other approaches to enhance rural court safety

²⁸⁶ Legal Services Society. Legal Services Society Public Legal Education and Information Resources Accessibility Initiative. 2012. <<http://www.lss.bc.ca/assets/aboutUs/reports/PLEI/pleiResourcesAIRReport.pdf>>

²⁸⁷ CFCJ "Rural and Remote Access to Justice".

²⁸⁸ An example of a Spanish practice as cited in UNODC, Handbook on Effective Prosecution Response to Violence against Women and Girls. 2014. <http://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_effective_prosecution_responses_to_violence_against_women_and_girls.pdf>

²⁸⁹ George and Harris.

²⁹⁰ Rowden, E., Wallace, A., Tait, D., Hanson, M. & Jones, D. "Gateways to Justice: design and operational guidelines for remote participation in court proceedings". 2013. University of Western Sydney: Sydney. <<http://www.uws.edu.au/justice/justice/publications>>

²⁹¹ Wallace, Anne. "Virtual Justice in the Bush: The Use of Court Technology in Remote and Regional Australia". *Journal of Law, Information and Science*. Vol 19. 1-21, (2008).

include rearranging existing court spaces to include a ‘protected persons’ space’. These spaces can keep parties separated in courts that are not deemed ‘specialist’.

Box 23: Gateways to Justice: Design and Operational Guidelines for Remote Participation in Court Proceedings

The Gateway to Justice project in Australia studied the existing remote participation facilities, developed and piloted ‘enhanced’ processes and environments for remote witnesses and measured the impact of any change on both witnesses and ‘jurors’ in order to develop a set of guidelines on how to use remote witness facilities more effectively in court processes. Groups who might use the remote facilities can include: vulnerable witnesses, such as victims of sexual and domestic violence, women who live substantial distances from the court and experts who may be based in urban areas or overseas. The study found that the existing facilities were often substandard (e.g. cramped, uncomfortable, not conducive to providing an appropriate environment for the remote participant); the video technologies were often inadequate (e.g. restricted vision, poor sound quality, limited eye contact); and the court processes were inadequate (e.g. inadequate preparation of witnesses and insufficient orientation for the remote interaction).

The Guidelines include: making remote witness rooms more comfortable, with access to natural light and visual relief; improving eye-contact between the remote participant and the person with whom they are speaking in the court; providing different views of the court for vulnerable and expert witnesses; and providing a second channel for display technologies. It also provides suggestions for adapting court processes to improve outcomes and get better value out of the investment.

Source: Rowden, E., Wallace, A., Tait, D., Hanson, M. & Jones, D. *Gateways to Justice: design and operational guidelines for remote participation in court proceedings*. 2013. University of Western Sydney: Sydney.

Promoting good quality - extending access to specialist justice structures and services

International standards note that with respect to responding to violence against women good practices include access to specialist and multi-disciplinary justice responses.²⁹² In order for women not to be exposed to ‘postcard’ justice (i.e. the level of access to justice services being dependent on her postal code), access to specialist police and court responses should be extended to rural and remote areas to the extent possible. This includes but is not limited to specialist family violence courts, domestic violence police units, and sexual assault response teams. Specialist responses are less available in rural and remote areas despite having higher rates of violence against women and unique barriers to accessing justice. There is limited evidence regarding the effectiveness of different justice service delivery models for addressing the legal needs of women in rural and remote areas.

Australian scholars identify certain approaches that address the issue of isolation and limited services to maximize women’s access to justice services, one of which is the *hub and spoke* service model wherein a central hub, either generalist or specialist services, located in a regional centre can provide services to rural and remote populations.²⁹³ The central point service, the hub, can provide outreach where the justice service providers go to the service user, with justice providers often travelling long distances to visit people in their homes. Hubs can also be in-reach services where service users travel into the hub to access the services. Another scholar noted that in-reach services are more appropriate to larger towns and regional centres in densely populated and less remote areas, while outreach services are more accessible to dispersed and remote populations.²⁹⁴ One scholar argues that hub and spokes models that are attached to local, community-owned infrastructures increase the credibility and relevance of specialist services, which improves their use for local women.²⁹⁵ The hub and spoke model has the potential to strengthen coordination among justice providers as well as non-justice service providers. A number of services in

²⁹² UN Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, General Assembly Resolution 65/228, annex.

²⁹³ Campo and Tayton.

²⁹⁴ Wendt et al.

²⁹⁵ Cheers as cited in Wendt et al.

British Columbia, including First Nations Courts, Family Violence courts, the Legal Services Society, and Aboriginal Courtworkers work with this type of model.

Box 24: The hub and spoke service model to expand the reach of specialized domestic violence police units

A central hub that provides specialist service to rural and remote populations can expand the outreach. Research in Australia highlight the importance to survivors of domestic violence of accessing specialist police officers. The specialist police officers were praised by survivors, support workers and lawyers being seen as properly trained and integrated into the justice system and gender and culturally sensitive. A submission by the Centre for Rural Regional Law and Justice recommended that the specialist police unit services could be extended by utilizing existing technologies, such as videoconferencing, to connect survivors of domestic violence located in different locations to specialist units. They added a caution that communication can be difficult through this medium for such groups who may experience difficulty communicating with justice providers, such as Aboriginal groups and linguistically diverse and hearing impaired people.

Source: Harris and George, Submission by the Centre for Rural Regional Law and Justice to the Royal Commission into Family Violence, May 2015.

Box 25: The hub and spoke model for specialist Family Violence divisions in courts

It has been recommended that the major regional courts have specialist Family Violence divisions and that they also commit to effectively delivering those dedicated services to their rural satellite courts. One of the most important features of specialist family violence courts/divisions is the presence of funded applicant and respondent workers. They significantly reduced the amount of court hearing time involved and women applicants felt more equipped in understanding the court process and were linked into referrals.

Source: Harris and George, Submission by the Centre for Rural Regional Law and Justice to the Royal Commission into Family Violence, May 2015.

Ensuring good quality: monitoring and evaluating performance against objectives

Collecting, analyzing, monitoring and evaluating data is critical for understanding needs (and how they've changed over time), and determining whether, how, and the extent to which policies, programs and practices are impacting target audiences. These findings serve as indicators of needed adjustments and can assist in planning and developing further assistance and support services.

2.4 Partnerships for effective service delivery in rural and remote areas

Partnerships at government, regional and local levels are critical for improving access to justice in remote and rural areas that have limited justice services. At government and regional levels, partnerships can develop and recommend policies, practices, and review effectiveness of programs implemented. At the regional and local levels partnership can serve to create networks between services and programmes and to embed justice services within the local community to ensure collaboration within the community and other services already available in the community.²⁹⁶ These networks can be informal, but can be formalized to maximize women's access to justice services.

Partnering with a wide array of non-justice service providers

Ensuring access to justice requires the attention and effort of an entire community. Developing relationships with a wide array of service providers who can meet non-legal needs, can increase awareness of a broader range of services available to women living in rural and remote areas and can facilitate more effective referrals.²⁹⁷ This good practice requires meaningful consultation with women living in the community to develop an access to justice framework that has productive feedback loops between justice providers on one hand and non-profits and other community institutions on the other. Such inter-dependencies have the potential to better serve both clients/justice users and lawyers/justice providers. Women will be more likely

²⁹⁶ Campo and Tayton.

²⁹⁷ Pruitt and Showman.

to seek and get legal assistance tailored to their unique needs, and lawyers will be better able to engage community resources that respond to their clients' range of needs.²⁹⁸

Using trained, trusted intermediaries to identify justice issues and coordinate referrals is crucial. Building on the existing social networks and informal networks that already exist in rural and remote areas can be useful to increase legal education for women to increase awareness and encourage women to support other women to demand justice. It also increases local knowledge of available justice services and increases justice providers' knowledge of other support services available. The broader social-service, non-profit community can play an important role in responding to rural women's legal needs.

The following examples highlight the range of important roles justice and civil society organizations working together can have in promoting and improving women's access to justice services:

Box 26: Mandatory Aboriginal cultural competency training and anti-racism training for federal public servants

In the Miramichi region in New Brunswick a pilot project is being undertaken that “focus on establishing culturally appropriate outreach services for aboriginal women who are victims of violence”.²⁹⁹ This project led to the recommendation to the Parliament Committee on Violence against young women and girls for the development of “mandatory Aboriginal cultural competency training and anti-racism training for federal public servants” so that they understand the harm perpetuated by historic policies and laws.³⁰⁰

Source: Parliament VAW Report

Box 27: Legal aid services and expanding its partners

Some legal aid services are partnering with pre-existing social service agencies to provide legal assistance while cutting overhead costs. For example, medical-legal partnerships have been especially successful in terms of connecting clients experiencing myriad needs with legal resources. In Fresno, California, judges, lawyers, community organizers, business professionals, and medical professionals came together in 1999 to share ideas and raise awareness about access to justice issues, and they are still doing so. The purpose of the Fresno meetings was not to design particular programming, but to raise awareness of access to justice issues among key stakeholders. The long-term impact of the initiative has not been documented.

Source: Pruitt and Showman.

Box 28: Collaborative pro bono programme: Legal Aid, Walmart, private law firm and a children's hospital.

An innovative medical-legal partnership started in 2010 in Arkansas with Walmart, a large law firm, Legal Aid and the Pro Bono Institute seeing help from the National Centre for Medical Legal Partnership at the George Washington University and the American Bar Association Medical-Legal Partnership Pro Bono Support Project to partner with Arkansas Children's Hospital. A medical-legal partnership involves the staff of a medical facility collaborating with lawyers to help identify and resolve the legal needs of their patients, thereby helping to resolve a medical need. An example of an MLP is a doctor working with an asthmatic child, recognizing that the family's moldy apartment is aggravating the child's condition and then referring the case to a lawyer who will pursue legal remedies against the landlord. The project trained the medical team and Walmart lawyers on relevant areas of law and includes a sponsorship of an Equal Justice Works fellow, a recent law grad, who works at the hospital 3 days per week.

Source: Schulman, S. Chumbler, L. and Lawton, E. “An innovative model for collaborative pro bono”. 2014.

In British Columbia, the Legal Services Society has administered two small women-focused medical legal partnerships for a number of years. LSS sends a lawyer to BC Women's Hospital and Sheway regularly to meet with women who are pregnant, addicted or just gave birth so that they can get legal help, especially in cases where the Ministry of Children and Family Development is frequently involved.

²⁹⁸ Pruitt and Showman.

²⁹⁹ Footnote 390 in Parliament VAW Report.

³⁰⁰ Parliament VAW Report.

Box 29: Health Justice Partnerships

In some countries, like Australia, health-justice partnerships are guided or informed by community and client needs, rather than by contents in procurement contracts as is done in the United Kingdom. It recognizes that key access points for disadvantaged individuals is the health profession therefore in this model, lawyers go to where clients are likely to seek help or there has been a referral by someone they trust. This model provides an integrative team approach, and can include nurses, doctors, counsellors and lawyers as well as have health professionals trained to identify legal issues and offer referrals. Advantage of this model is that it is not financially burdensome for client, avoid stress of going to multiple appointments, not re-traumatized by repeating story to different services, issues are often interconnected, and in the long term, can save court time and lessen the burden on health care system. A study on the Bendigo health-justice partnership in Australia, which measured engagement, capacity, collaboration between various parties, empowerment, advocacy and voice, found that 90 percent of clients interviewed reported that they would not have seen a lawyer but for the health justice partnership and all of them reported reduced stress and anxiety (25 to 75 percent), their voice was being heard and they knew more about their legal rights.

Source: Australia's Health-Justice Partnerships (HJP) as discussed in Pruitt.

Box 30: Developing partnerships: protocol developed between Emma House Domestic Violence Services (EHDVS), court and police

An initiative operating out of Warrnambool Court in Australia emerged after the closure of the local legal aid office. A community-based, independent feminist organization, Emma House Domestic Violence Services (EHDVS) employs a part-time in-house lawyer who is a family violence law specialist, secured by funding from Legal Aid. They negotiated a protocol between the court, police and EHDVS whereby a fax is sent to EHDVS the day before the family violence court list is heard. This enables the service to make contact with women to determine whether they need assistance in court. Warrnambool Court has a streamlined approach such that on court days registrars do not call for matters until they are advised that EHDVS is ready to proceed. Women who have cases on days on which the lawyer cannot attend are prepared beforehand by the lawyer and will have an EHDVS support worker attend court with them. Having an in-house lawyer gives women in the region unfettered access to a family violence specialist, who only sees applicant women, because the EHDVS lawyer cannot be 'conflicted out' by men seeing all the lawyers in town.

Source: George, A. and Harris, B. Landscapes of violence: Women surviving family violence in regional and rural Victoria. 2015. Geelong Centre for Rural and Regional Law and Justice, Deakin University

Box 31: Interagency case assessment teams for domestic violence

Interagency Case Assessment Teams, established and supported by the Ending Violence Association of BC's Community Coordination for Women's Safety (CCWS) coordinate multiple services to ensure women experiencing, or at risk of experiencing domestic violence receive the protection, support, and safety services they require. Their primary functions include risk identification based on the identified British Columbia violence risk factors, and management and safety planning for domestic violence in 93 communities, many operating in rural communities. The teams provide women with access to a comprehensive suite of services. Case reviews are done by of local agency partnerships that include police, child welfare, health, social service, victim support and other anti-violence agencies. They have also developed a Best Practices guide for addressing domestic violence.

Source: Ending Violence Association of BC

Box 32: Multiple legal service providers work collaboratively to provide legal assistance

In British Columbia, the Legal Services Society and Pro Bono Students have partnered to have volunteer law students from each of British Columbia's law schools provide assistance to users of the MyLawBC family law website through LiveHelp, an online chat feature.

Source: Legal Services Society

Box 33: Multi-disciplinary service provider training and professional development

Ongoing training and professional development is critical for all service providers. Understanding the roles and responsibilities of other service providers can assist all service providers in ensuring their clients receive comprehensive assistance and support. The Legal Services Society, End Violence Association of BC, BC Society of Transition Houses, Battered Women Support Services, and the BC Government for example, support multi-disciplinary training and professional development opportunities through conferences, workshops, webinars and online courses and programs.

Source: Legal Services Society and Ending Violence Association of BC.

2.5 Using technology to bridge the distance

Technology solutions assume access to the internet, computers, reasonable proficiency at using computers and software programmes, literacy, fluency in English, sufficient phone or cable and electricity availability and capacity to afford the costs, which is not always the case in rural and remote areas.³⁰¹

Increasing availability and accessibility of justice services through bridging the spatial divide

Technology can bridge spatial divides quickly and efficiently and has thus been increasingly used to enhance rural access to justice.³⁰² It can increase the geographic reach of existing justice services by connecting justice providers with justice users, lawyers with clients, and witnesses to courts, over greater distances that do not require face-to-face interactions. At its simplest, technology might be constituted by a telephone link, however, Skype and other video call conferencing technologies have gained some traction in providing legal services in hard-to-reach places. Videoconferencing can be done using ISDN ‘dial-up’ or Internet based, which is less expensive but there may be more security issues which is particularly important for maintaining the integrity of evidence if used in remote witness testimonies.³⁰³ Promoting the use of technology can mean lawyers are able to conduct phone or video consultations with clients, courts would have the ability to receive documents electronically; using fax, internet and case management software. It also improves the reach of public legal education material as well as the availability of a range of legal self-help measures, such as completing and submitting forms online.

Box 34: Women, Lawyers, Workers Project in Australia

The ‘Women, Lawyers, Workers Project’ is an initiative that seeks to improve access to justice for women who are experiencing or have experienced family violence, through the use of the Skype platform. Survivors can receive legal advice arranged via a family violence specialist (associated with the Centre Against Violence, Marian Community, Nexus Primary Health, Primary Care Connect or Mungabareena Aboriginal Corporation) who has a laptop or iPad and operates as an access point, thereby linking the survivor with a legal worker at the Women’s Legal Service. The service can be used wherever there is Internet connectivity. Communications via Skype are encrypted, ensuring that conversations between workers and survivors are private and protected, and only project partners have access to the Skype address. The project has the potential to overcome significant social and geographic boundaries, in essence creating new, borderless, confidential and safe spaces where survivors can obtain assistance. An additional benefit of the project is that family violence workers are given advice to inform their practice and have access to a ‘Tool Kit’ which covers the different legal issues that they may need to consider.³⁰⁴

Source: George, A. and Harris, B. *Landscapes of violence: Women surviving family violence in regional and rural Victoria*. 2015. Geelong Centre for Rural and Regional Law and Justice, Deakin University.

Box 35: Using Skype to connect women with legal advice

In one British Columbia Aboriginal community two representatives of community service organizations developed a model of facilitating access to a family law lawyer for their Aboriginal women clients through Skype. A lawyer answers questions women may have around family law via Skype.

Source: Rahman, Shahnaz, *Mapping the Gap: Linking Aboriginal Women with Legal Services and Resources*. West Coast LEAF. 2011.

³⁰¹ Hughes.

³⁰² Pruitt and Snowman.

³⁰³ Wallace.

³⁰⁴ Skype technology allows for free voice or video calls or text messaging via a tablet, computer or smart. See Whittaker, Elise and Judd, Kei. “Women, Lawyers, Workers” Paper presented to the National Association of Community Legal Centres Conference, Cairns, 26 June 2013; Women’s Health Goulbourn North East et al. “Women, Lawyers and Workers Family Violence Project: Information for Women” Women’s Legal Service Victoria. 2012.

Increasing economic accessibility by using technology to reduce the cost of justice

Technology not only increases the geographic reach but also can reduce the costs of providing certain justice services in rural and remote areas. Online dispute resolution systems provide means to resolve conflict without the need for travel. In addition, individuals can access some of these justice services at a time of their own choosing. Technology can help connect justice providers working in rural and remote areas with other justice providers in other locations reducing the cost to the client. For example, courts that use audio-visual conferencing to connect attorneys to courts minimize the time and cost for lawyers to travel. However, one scholar warns that the use of Information and Communication Technology (ICT) in communications between justice providers and justice users has potential problems where it may be difficult to relay complex matters into shorter, text-based messages and conversations may be truncated and could possibly lead to misunderstandings or strained in the absence of verbal cues.³⁰⁵

Box 36: Neighbourhood Justice Centres providing assistance to women in applying for on-line protection orders

Community advocates working at the Neighbourhood Justice Centres assist women in completing forms for protection orders on-line. The online platform offers a more secure and convenient way of applying for protection orders. The platform has been written in Plain English, with explanations and examples to guide the applicant through the process. Source: George, A. and Harris, B. *Landscapes of violence: Women surviving family violence in regional and rural Victoria*. 2015. Geelong Centre for Rural and Regional Law and Justice, Deakin University

Enhancing justiciability – using technology to increase justice providers’ capacity to handle cases in a gender-sensitive manner

Technology can also improve knowledge sharing and collaboration amongst justice providers where continuing legal education can be delivered on-line to lawyers living in rural and remote areas. It also allows for networking of local lawyers allowing them to reduce service delivery costs and offer broader and more flexible legal services in a place.³⁰⁶ This can contribute to improving the range and quality of justice services available in these places. For instance, rural justice institutions are often small offices and lack specialized personnel (e.g. police, prosecutors or judges) who have experience in dealing with cases involving violence against women. One way of building expertise among the rural prosecutors is through the use of in-service gender advisors and shared learning with rural colleagues through video-conference technology.³⁰⁷ Technology can also link generalist justice providers (e.g. police and prosecutors) with specialist justice providers. Technology is increasingly seen as a way of bringing other services into remote communities to deal with problems associated with the justice system, such as virtual one stop shops that can deal with violence against women.³⁰⁸

Box 37: Virtual One Stop Shops

Technology can be used to develop ‘one stop shops’ in rural and remote areas which may be established in a community centre and that can respond to the range of factors and problems that women face by linking through teleconferencing, videoconferencing and other forms of electronic support so that particular expertise can be accessed through government agencies.

Source: Gordon et al. “Putting the Picture Together”.

³⁰⁵ McKenzie, Mandy. “New Technology, New Issues: Safety Planning and Technology Education”. *DVRCV Quarterly*. Vol 3. 14-16. (2009). p. 15.

³⁰⁶ Baxter and Yoon.

³⁰⁷ UNODC Prosecution Handbook.

³⁰⁸ Gordon, Sue, the Hon Kay Hallahan and Darrell Henry. “Putting the Picture Together – Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities”. Department of Premier and Cabinet Western Australia. 2002.

Enhancing accessibility of technology by addressing discomfort levels of using technology

To address the lack of comfort with technology, one group that is planning a technology-based process for improving the experience of self-represented litigants that is guided by the principle that technology should not pose barriers.³⁰⁹ Technology accompanied by some form of in-person assistance can increase the accessibility for women living in rural and remote areas.³¹⁰ Some method of regular outreach to rural communities is essential to ensure that people are aware of and have access to the services provided by the programme. The importance of having a presence in the community alongside technology is considered crucial to ensuring women living in rural and remote areas can benefit from the technology designed to ensure access to justice. In British Columbia, the Legal Services Society had a kiosk project which included new staff called Legal Information Outreach Workers who attended at the kiosks to explain basic legal info and how they worked. LSS scrapped the kiosks but kept the staff.

Ensuring good quality

Any promotion of technology needs to be guided by the principle that technology itself should not pose barriers. This includes processes not being mandatory; providing for alternatives; and ensuring "computation-based decision support tools should only be employed in conjunction with human judgment".³¹¹ This also includes using multiple technologies – telephone, Internet and ICT – in access to justice programming. Using communication modalities such as hotlines have been found to be effective if the providers have protocols that deal with known barriers. With respect to hotlines, it has been recommended that "hotlines should develop special protocols for dealing with clients [who are less likely to follow up on advice], possibly including increased support or more extended services" and that there should be further study to determine whether hotlines are an effective tool for non-English speaking clients.³¹²

Box 38: Using a user-friendly design

One particular tool developed to compile documents was designed to take the user along a road to the courthouse that, using signposts, "help[s] position the user within the inevitable complexity by indicating what stage of the process is currently at work" and while adding information necessary to complete the documentation with an audio component can read out the information to the user.³¹³ It is, in effect, an online interview with relevant information provided.

Source: Hughes.

Box 39: British Columbia's LSS and Hotdocs

LSS is working with Legal Aid Ontario to have the American company Hotdocs get a server configured in Canada that is necessary to support the automated document assembly that is needed to meet privacy legislation in Canada. This is prerequisite to be able to use A2JAuthor.

Source: Information provided by LSS management.

Box 40: Using technology to support justice service provider network development and information exchange

Promoting network development and mutual support between service providers working in rural and remote communities are crucial to maintaining their physical and mental wellbeing and assisting them in providing superior services to their clients. LSS reports that service providers are encouraged to sign on to their blog and to their Facebook and Twitter account. Both have shown significant growth over the past several years. Twitter followers have increased by 51.7% and Facebook fans have increased by 84.2% over the past two years. Many community partners and intermediaries have their own Facebook and Twitter accounts where they can connect, share good practices and

³⁰⁹ Hughes.

³¹⁰ Hughes.

³¹¹ Hughes.

³¹² Hughes.

³¹³ Hughes.

challenges, and repost LSS information. Beyond being able to determine that in 2016 46% of Facebook fans resided outside of the greater Vancouver area, there is no usage data by location available.³¹⁴

Source: Legal Services Society

2.6 Growing the legal profession in rural and remote areas

A range of policy responses have been introduced in a number of countries aimed to improve the education, training, recruitment and retention of lawyers in rural and remote areas, not necessarily focusing on having lawyers physically located in each community.³¹⁵ A word of caution is mentioned by two scholars who examine the distribution of lawyers in rural and remote area is that there is still little known about how physical proximity between lawyers and clients affects the demand for and delivery of these services.³¹⁶ Some of the initiatives provide financial incentives for new members of the bar who choose to practice in rural or remote places; professional support for established lawyers in rural and remote areas to improve recruitment and plan for law firm succession; place-based learning whereby new law schools are locating in underserved areas to attract local applicants and encourage post-graduate retention and provide regional and cultural-specific training. Policy models focus on reducing the need for physical lawyers in rural and remote areas by improving access to knowledge and services over longer distances, such as toll-free telephone assistance or web-based portals or by networking local lawyers allowing them to reduce service delivery costs and offer broader and more flexible legal services in a place.

Enhancing justiciability – confront and remove barriers to women’s participation in the legal profession

There are various models to promote the number of legal professional in rural and remote areas.³¹⁷ They include:

1. Location incentives, which directly subsidize legal services markets in underserved areas by offering lawyers financial inducements to relocate.
2. Place-based education, which shifts recruitment efforts upstream by attracting applicants from underserved areas, encouraging post-graduate retention, and providing regional and cultural-specific training that is directly applicable to rural and remote practice.
3. Succession planning and recruitment tools, which provide financial and professional supports directly to existing rural and remote law firms and aim to increase their capacity to deliver legal services in these areas in the future
4. Network building, which produces professional collaboration and knowledge-sharing networks to support existing and future practitioners in underserved regions.

Box 41: Rural Education and Access to Lawyers Initiative

The Canadian Bar Association of BC has implemented the Rural Education and Access to Lawyers initiative which focuses on increasing the number of lawyers in BC in high needs communities where there are fewer than 1 lawyer per 1000 people. They have produced a guidebook that provides tips for success for hiring and retention of new lawyers and information on how to generate interest in small communities and establishing appropriate salary ranges for lawyers in small communities. They have also established the Summer Student Placement Program specifically designed to place second year law students in summer employment with law firms in high needs communities, with the goal of having those students return to article and ultimately practice in those communities. The REAL Initiative has created approximately 100 summer student positions around the province since 2009; 50% of the summer positions resulted in an offer of articles.³¹⁸

³¹⁴ Data supplied by LSS and interview with senior staff.

³¹⁵ Baxter and Yoon.

³¹⁶ Baxter and Yoon.

³¹⁷ Baxter and Yoon.

³¹⁸ Canadian Bar Association BC. Rural Education and Access to Lawyers Handbook.

<http://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Advocacy/REAL/REAL_Lawyer_Guidebook.pdf>

A similar practice, the Project Rural Practice in the United States in South Dakota, which enacted the Attorney Recruitment Assistance Pilot Programme in 2013 offers subsidies to attorneys who agree to work in a rural area (defined as population of 10,000 or less). Some scholars argue that a project needs to be supplemented by programmes aimed at helping those least likely to get the legal assistance they need, especially women living in rural and remote areas. They advocate for additional supports to lawyers willing to provide such assistance.³¹⁹

Source: Canadian Bar Association BC. Rural Education and Access to Lawyers Handbook.

Table 10: Gender considerations for models to promote legal professionals growth in rural and remote areas

1. Location incentives

Location incentives programmes, which directly subsidize legal services markets in underserved areas by offering lawyers financial inducements to relocate, could target specific practice areas to gain a better understanding of local justice users' needs and capacities. This would inform which type of incentive might be more effective in a community. For example, where there are identified legal issues such as family law and intimate partner violence, financial incentives to relocate family lawyers who offer such services where physical proximity could be a high priority. Another example is to consider using 'practice bonusing' to change lawyer's practice characteristics to reflect the needs of the women justice users as well as male justice users.

2. Place-based education

Place-based education, which shifts recruitment efforts upstream by attracting applicants from underserved areas, could include gender and cultural-specific training that is directly applicable to rural and remote practice, and responds to women and men's legal needs living in those communities. Research finds that rural and remote practice is dominated by older male practitioners and reflects a sharper gender distinction than is found in urban practices. Place-based education models need to focus on attracting female law school applicants in these underserved areas.

3. Succession planning and recruitment tools

Providing financial and professional supports directly to existing rural and remote law firms to increase their capacity to deliver legal services in these areas in the future should focus on how to retain rural female lawyers. In a study by Mundy, accounts from women lawyers in rural and remote practices illustrated both a 'gendered experience' and an 'old-fashion experience', where they noted bullying, exclusion, more limited availability of paid maternity leave, technology conservatism and social and professional isolation within a broader context of rurality. To retain women in rural and remote legal professions "requires more than simply trading on possibilities of work/life balance, a sense of community or a broader professional experience ... meaningful change will require a frank reappraisal of a firm's culture add practices in rural and remote areas."³²⁰

4. Network building

Various programmes bring lawyers and law students into underserved communities to engage clients in person. This encourages partnerships that capitalize on law students' desire for clinical and research experience. OneJustice's "Justice Bus Project," for example, transports lawyers and law students to rural communities where they function as free legal clinics—albeit temporary ones—providing a wide array of services.³²¹ The elements of such programmes need to be analyzed from a gender perspective.

Source: The framework is from Baxter and Yoon, with gender considerations from Mundy.

Box 42: Increasing the number of women lawyers in rural and remote communities

The Justice Education Society in British Columbia is working to increase and retain the number of female lawyers in private practice BC through the *Mapping her Path Project*. Increasing the number of women lawyers generally may serve to increase the number of women lawyers available in small communities and enable more women to work with women lawyers to address their problems. The objectives of the three-year project (2015-2018) are to address the gendered barriers of private legal practice, build a British Columbia specific knowledge base about the factors affecting women's success and retention in private practice, develop or enhance solutions to meet the needs of women lawyers, create pilot projects aimed at resolving issues faced by women in private practice, particularly in small centres, rural or remote locations, and create pilot projects aimed at resolving issues faced by women in private practice, particularly in solo, small and medium size firms.

Source: Justice Education Society. Mapping her Path: Needs Assessment. 2016.

³¹⁹ Pruitt and Showman.

³²⁰ Mundy.

³²¹ Described in Pruitt and Showman.

Box 43: Women’s Lawyers Forums for rural and remote communities

The Canadian Bar Association BC Women Lawyers Forum for BC North promotes and support the retention of women lawyers in the BC northern region through mentorship, networking, collegiality and professional development as well as provide an opportunity for initiatives to improve satisfaction and success of women lawyers in their careers.³²²

Source: Canadian Bar Association British Columbia Branch. Women’s Lawyers Forum –BC - North

2.7 Obtaining justice without legal help - self-help and self-representation

With the cost of hiring private lawyers and the scarcity of legal aid, there is an increasing focus on practices that reduce people’s need for legal help to address their legal problems. Developing easier paths to justice that do not require representation could involve simplifying the justice process to make it easier if people are representing themselves. Scholars outlined five strategies for simplifying the process for litigants: 1. simplified legal requirements, documents, and procedures; 2. user-friendly technologies, including Web-based resources; 3. personnel to assist self-represented litigants in courthouses and other, more accessible community locations; 4. targeted services to particularly vulnerable populations, including non-English-speaking and rural populations; and 5. advice hotlines and programmes offering limited lawyer assistance.³²³ Over the last several years, several states in the US have established self-representing assistance programmes to help meet the needs of self-represented litigants as well as to provide effective relief to court personnel as they process these cases.³²⁴ Canadian examples are highlighted below:

Box 44: MyLawBC Guided Pathways to Resolve Legal Issues

The Legal Services Society in British Columbia launched MyLawBC, a website which provides interactive online tools and educational legal resources, and guided pathways to generate a plan to help users resolve their legal issues ranging from separation and divorce, wills and personal planning, to foreclosure.³²⁵ Usage has steadily increased over time from inception.

Source: Legal Services Society website: www.mylawbc.com

Box 45: Mediate BC Distance Family Mediation and BC Family Unbundling Services

The Mediate BC Society’s Distance Family Mediation Program provides options, pathways and mediators to resolve conflicts for people going through separation or divorce. They have recently established a BC Family Unbundling Services Roster of family lawyers and paralegals willing to let clients choose which tasks they want help with and which ones they want to handle on your own. The Society maintains province wide directories of civil, family, child protection and associate mediators. They charge a fee for their services.

Source: Mediate BC Society website.

Self-representation assistance programmes: gender and rurality considerations

One American scholar examined the wide variety of programmes to assist self-represented litigants in the United States. Some provide assistance to litigants on an individual basis, while others work with litigants in a clinic, workshop, or group-session format. Programmes also differ with respect to budgets, caseload, location and hours of operation, services, staffing, and use of technology. An American study of self-representation assistance programmes found that most programmes offer assistance services such as forms with instructions, brochures or videos, staff to answer procedural questions, legal assistance, legal referrals, while twenty to thirty percent offered paralegal assistance, self-help centres, law library, medication and office machines.³²⁶ This study found that for rural and remote areas, these programmes have to contend

³²² Canadian Bar Association British Columbia Branch. Women’s Lawyers Forum –BC – North website: <https://www.cbabc.org/Sections-and-Community/Women-Lawyers-Forum-BC-North>.

³²³ Described in Pruitt and Showman.

³²⁴ Henschen.

³²⁵ <http://www.mylawbc.com/>

³²⁶ Henschen.

with problems caused by lack of transportation and the distances that litigants must travel to access such assistance programmes. Moreover, in many rural areas, there are a limited number of lawyers who have the substantive expertise, the time, or the inclination to volunteer their services to self-representation assistance programmes. However, in rural and remote areas it was easier to involve judges and lawyers and involved less bureaucracy. This study noted the value of community partnerships, both within the legal community and among the available array of community resources.³²⁷ Although the most common partnerships were with bar associations, legal services, and local lawyer groups, nonprofits such as women's advocacy groups and domestic violence organizations are also partnerships in some self-representation assistance programmes.

Self-help to early resolution and avoiding courts – mediation, restorative justice

Other practices look to self-help for women to resolve disputes themselves, through formal and informal dispute resolution mechanisms and improve access to legal information. This can include: providing information on-line or on telephone hotlines. It is important when designing the format of online information to appreciate the comfort levels of women living in rural and remote areas in using computers. The Canadian Bar Association BC cites efforts that promote early resolution of cases and direct people to the appropriate resources as good practice.³²⁸ In British Columbia this includes the legal clinic model for child protection cases that focuses on Aboriginal families, the family law telephone advice service that helps clients with court forms, and the family duty counsel project that coaches self-represented litigants.

Box 46: Child Protection Mediation

The British Columbia Child Protection Mediation program is available to all mothers and families who are dealing with child protection and access to children in care problems. The majority of issues dealt with through mediation focus on access to the child by the mother, services and resources the parents and family will have access to, access to child by father, communication between family and child protection authority services, resources the child will have access to, and supervised access of child. The report notes that early resolution of matters outside of court is generally faster, less expensive, and provides flexibility as family circumstances change.

Source: BC Ministry of Justice, Family Justice Services Division. Child Protection Mediation Programme Annual Activity Report 2015/16

Box 47: Civil Resolution Tribunal

The BC Civil Resolution Tribunal (CRT) is an online tribunal for small claims (less than \$5000) and strata disputes. Its goal is to make dispute resolution as convenient as possible for people by avoiding the time, cost and stress of going to court³²⁹. Users are guided with video support through a process to diagnose their problem, determine if their problem can be resolved using a broad range of self-help tools, and begin party to party negotiations to resolve the dispute. If they are unable to resolve their dispute, users can apply for a CRT online tribunal. If approved, Tribunal members, appointed by the BC government in consultation with the Tribunal Chair, hear both sides of the dispute and then make a decision which is binding on both parties.

Source: Civil Resolution Tribunal website.

³²⁷ Henschen.

³²⁸ CBA BC Agenda for Justice 2017 p. 7

³²⁹ Civil Resolution Tribunal website: <https://civilresolutionbc.ca/>.

CONCLUSION

Access to justice for all is essential for ensuring the rule of law and peace and security and contributes to gender equality and the empowerment of women. Recognizing that there has already been considerable discussion on access to justice here in British Columbia as well as in Canada and abroad, the modest objective of this research was to contribute to the current access to justice discourse by looking at a access for very specific segment of the population- women living in rural and remote areas, who often experience multiple forms of disadvantage due to their gender and location. Ensuring that this group of women is adequately considered and included in any access to justice reforms is critical. Failure to address this important issue risks perpetuating these women's geographic and social isolation and limits their ability to fully enjoy their human rights and fundamental freedoms. Given the limited timeframe for this piece of research, the paper focused on raising questions and issues that require further thought, research, analysis and action rather than making recommendations. Below is a summary of the main issues arising from this research.

Issue 1: The need for a better understanding of how women living in rural and remote British Columbia currently use the existing justice and justice-related services.

A review of the access to justice programmes in British Columbia demonstrates the need for further focus on women living in rural and remote areas. While the government and a variety of non-governmental organizations deliver programmes and services that focus on improving access to justice for British Columbians and many include initiatives that focus on rural and remote areas, information on the unique justice needs of women, and diverse groups of women, in rural and remote communities is limited. There is lack of usage data disaggregated by sex and locale to demonstrate the extent to which these justice services are available and accessible to women in rural and remote areas, and to gauge the gender responsiveness of these services, the extent to which women access these services, and their level of satisfaction with these services.

Issue 2: Applying a situational analysis of the realities faced by women living in rural and remote areas to the broad concept of women's access to justice as set out in CEDAW GR No. 33.

Access to justice for women living in rural and remote areas is a complex issue that is challenging for States as duty bearers with an obligation to deliver justice, and for women as rights holders who experience many obstacles in accessing justice. The UN Committee on the Elimination of Discrimination against Women frames the discussion of women's access to justice around six interrelated components - justiciability, availability, accessibility, good quality, provision of remedies, and accountability. Overlaying this framework with a situational analysis which covers four dimensions - the enabling environment, the supply side of justice, the demand side of justice and the quality of the services - permits an exploration of the further research and action that needs to be taken to ensure that this group of women is adequately considered and included in any access to justice reforms. The situational analysis found that challenges can be rooted in the geographic, demographic, social and cultural characteristics that define rurality and remoteness and in the varied combination of these elements that determine the legal and social services needs of individual communities. Women users in remote and rural areas face infrastructure, resource, communication and social barriers that impede and/or complicate their access.

The component of *justiciability* raises questions of whether access to justice services provide unhindered access by women to claim their rights and whether existing legal and policy frameworks create obstacles for women or enhance their access. The situational analysis suggests that there is a need to explore whether women living in rural and remote areas have unique legal needs. It further highlights the importance of

undertaking ongoing needs analysis to inform policy development that takes into account a number of common characteristics of rural and remote areas which can hinder women's access to justice.

The element of *availability* seeks information about the coverage of justice service delivery and whether it is in reach of women living in rural and remote areas. The situational analysis highlighted a number of challenges in terms of the lack of justice infrastructure in sparsely populated areas; human resource challenges; the lack of supporting infrastructure and services; the limited number of lawyers in rural and remote areas and the lack of coordinated justice and justice related services. In rural and remote areas, justice service providers are often more generalists than specialists and may lack access to opportunities for professional development. Furthermore, the situational analysis highlighted women's reluctance to engage in the justice system without appropriate support services in place.

The component of *accessibility* raises issues of whether justice services are physically accessible (services are within a safe and physical reach for women), economically accessible (affordable) and linguistically accessible (information is provided in various formats and languages). It also questions whether services are adapted and appropriate to the needs of women including those who face intersectional or compounded forms of discrimination. The situational analysis highlighted a number of challenges including the issue of costs (of legal fees, transportation costs, child care costs, etc.) and the concern that there are higher levels of poverty for women living in rural and remote areas. There are also concerns of the lack of awareness of rights and justice services, the lack of language and legal literacy skills, limited interpretation and translation services, and challenges using technology. Furthermore, the situational analysis highlighted the unique needs of diverse groups within rural and remote communities and raised concerns regarding the lack of culturally sensitive justice services.

The dimension of *good quality* raises questions regarding whether the justice services are contextualized, dynamic, participatory, open to innovative practical measures, gender-sensitive, and take account of the unique demands for justice by women living in rural and remote areas. The situational analysis highlighted a number of issues that require further exploration, including how geographical isolation, social isolation and cultural characteristics impacts their access to justice and contributes to unique privacy concerns. It also raised issues regarding the impact of intersecting identities on accessing justice and the concerns around inadequate access to culturally and gender sensitive trained justice service providers.

The component of the *provision of remedies* looks at whether the services ensure women living in rural and remote areas have viable protection and meaningful redress for any harm that they may suffer. The situational analysis raised the concern that infrastructures often lacked the capacity to ensure the safety of female victims of violence. It also highlights the need for further examination of the use of technology in the provision of remedies by women living in rural and remote areas.

The element of *accountability* seeks to know if there are monitoring and evaluation frameworks in place to ensure the functioning of justice system guarantees that it is in accordance with the above principles and that the actions of justice service providers are in accordance with the rule of law and that services provided meet the needs of the target population. The situational analysis raised some issues that require further examination, including concerns regarding supervision, disciplinary, oversight mechanisms, and monitoring and evaluation policies and practices in rural and remote areas.

Issue 3: Exploring considerations for enhancing gender and spatial responsiveness in access to justice services for women living in rural and remote areas

In reviewing a number of creative solutions that have been developed in British Columbia, across Canada and abroad to enhance access to justice, this report has highlighted aspects of good practices from a gendered and spatial perspective to permit exploration of how justice interventions can be implemented,

enhanced or adapted to meet the specific needs of women living in rural and remote British Columbian communities.

Understanding women's needs in greater detail is essential in order to adequately tailor access to justice programmes that address their unique legal needs and barriers to access. This includes assessing the relevant justice users' characteristics and the barriers she has (e.g. geography, level of computer literacy and comfort level using technology, social and cultural obstacles). Examples of ways to approach this include the United Way "kitchen-table"-style community conversations and LSS's work with trusted people in rural and remote communities.

Increasing women's empowerment through legal awareness ensures that women will be aware that their problem is a legal issue, they know their rights, available remedies and how and where to go to access justice services. The Tasmania Legal Health Checkup booklet and the "Call for Justice" programmes in the United States are examples of some interesting legal awareness programmes. With the growing reliance of online public legal education and information, there is an increasing concern that women living in rural and remote communities may be excluded due to low comfort levels relating to technology usage, so it is important to have multiple models to deliver legal information. The use of trusted intermediaries as entry points for women to access legal education materials has seen hairdressers and dental hygienists as new frontline workers to identify potential violence issues and address violence against women. It is also important to tailor the legal information to the potential user and ensure that it is culturally appropriate.

Improving gender and cultural responsiveness of existing justice service delivery requires a situational analysis of women's context and needs to inform how to improve existing justice service delivery. Suggested considerations from the review of good practices include: working with communities, such as Aboriginal communities to design and implement culturally responsive access to justice programmes; examining the possibility for remote participation in court proceedings; rearranging existing rural court spaces to ensure women's safety in court; and extending access to specialist justice structures and services through the use of hub and spoke models.

The importance of partnerships for effective service delivery in rural and remote areas has been highlighted in a number of good practices. Suggested considerations include partnering with a wide array of non-justice providers; using training and trusted intermediaries living in the communities; and having legal aid services partner with pre-existing social service agencies such as medical-legal partnerships to connect women who are experiencing legal and non-legal problems. Examples also highlighted collaborative pro bono programmes involving legal aid, private law firms, private sector businesses like Walmart and hospitals.

Using technology to bridge the distance can increase the geographic reach of existing justice services by connecting justice providers with justice users, lawyers with clients, and witnesses to courts over greater distances if face-to-face interactions are not required. For example, Skype can connect women living in rural and remote areas to legal advice. Technology can also reduce the costs of justice in rural and remote areas (e.g. reducing travel or child care costs) through the use of online dispute resolution systems, applying for online protection orders, or filing protection orders via Skype. Elements of good practices in programmes that use technology often include using community advocates that assist women in using technology or using a user-friendly design to respond to concerns that there may be higher discomfort levels for women in rural and remote areas. Technology can be used to develop 'one stop shops' in rural and remote areas, which could be established in a community centre and can respond to the range of issues and problems that women face by linking them through teleconferencing, videoconferencing and other forms of electronic support to the particular expertise they need.

Growing the legal profession in rural and remote areas has been an area of focus in a number of countries aiming to improve the education, training, recruitment and retention of lawyers in rural and remote areas, recognizing that it may not be possible to have lawyers physically located in each community. These initiatives focus on confronting and removing barriers to women's participation in the legal profession. The Justice Education Society in British Columbia is working to increase and retain the number of female lawyers in private practice and is looking particularly at small centres, rural or remote locations.

Obtaining justice without legal help - self-help and self-representation has increasingly become a focus to reduce people's need for legal help to address their legal problems. The review of initiatives highlights the need to explore gender and rurality considerations for self-help and self-representation to ensure that access to justice initiatives include women living in rural and remote areas.

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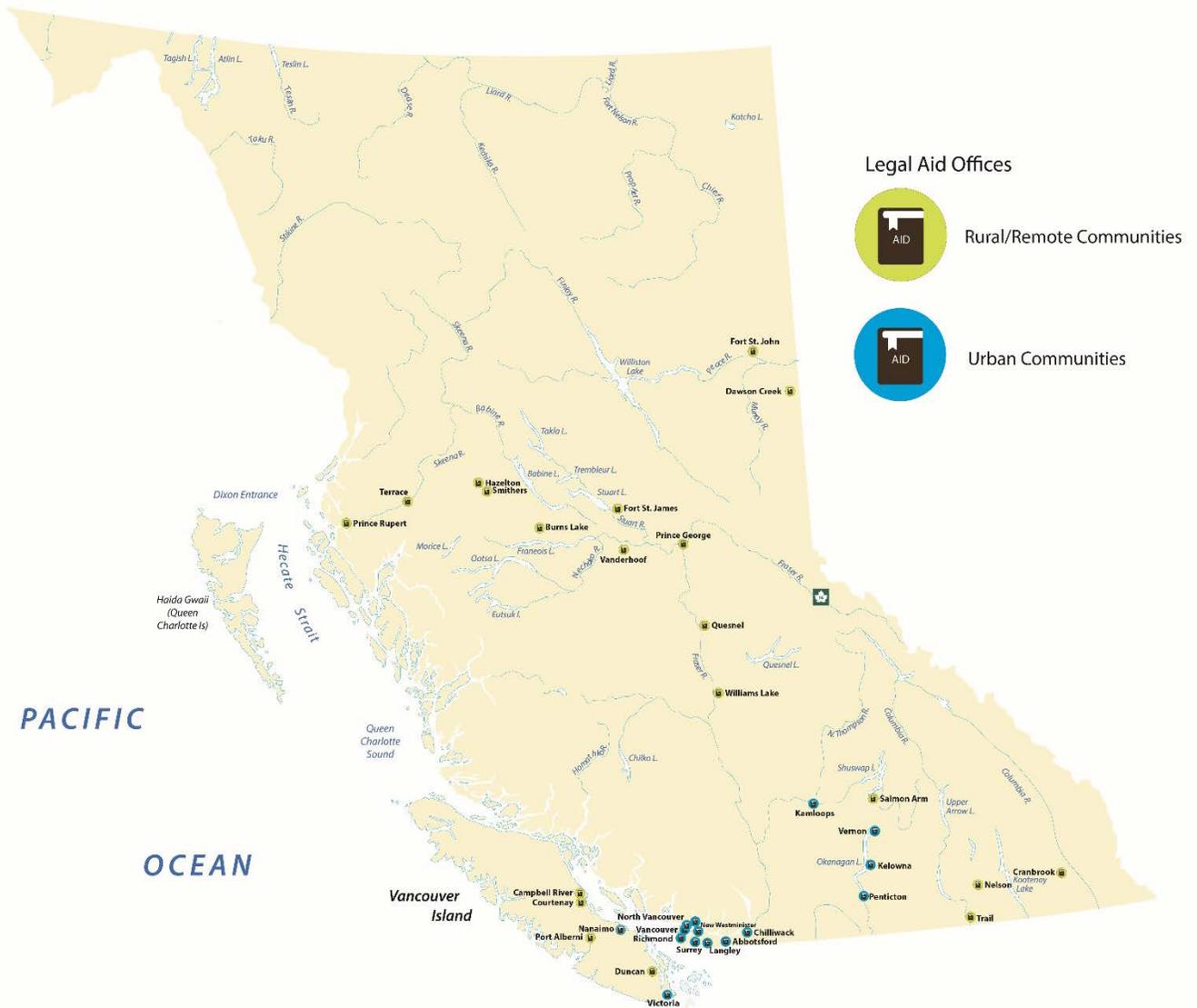
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APPENDIX A:

Legal Aid Office Locations in British Columbia



* Legal Services Society of BC, Legal Aid Offices in BC

