

# VOICES FROM THE FRONTLINES: PREDICTIONS ON QUEBEC'S PILOT SPECIALIZED COURTS FOR SEXUAL AND DOMESTIC VIOLENCE

Angela Campbell, Marie Dry, and Shona Moreau\*

## Introduction

Quebec's introduction in 2021 of a pilot project establishing 10 specialized tribunals<sup>1</sup> for both criminal cases involving sexual and/or domestic violence was the first of its kind worldwide.<sup>2</sup> This initiative followed the #MeToo movement, which helped render visible the pervasiveness of sexual and domestic violence (SV/DV). Several high-profile cases, as well as a 2017 documentary entitled "La Parfaite Victime", propelled the issue to the forefront of Quebec's political agenda, catalyzing the implementation of new measures.

The specialized courts pilot project emerged following a series of discussions within the province initiated by a proposal from a member of the National Assembly,<sup>3</sup> as well as an in-depth study and report led by a law professor and former Chief Justice of the provincial court.<sup>4</sup> The report, entitled "*Rebâtir la confiance*", was thorough in its consultative process, its findings, and its advice. The author proposed 190 recommendations for the province, one of those being the creation of specialized courts. This report set the foundations for Bill 92, *An Act to create a court specialized in sexual violence and domestic violence and respecting training of judges in these*

---

\* Angela Campbell is Professor of Law at McGill University. Marie Dry is a doctoral candidate in Law at McGill University and Université Paris Nanterre. Shona Moreau is a BCL/JD graduate from McGill University. We wish to express our gratitude and recognition to the frontline workers who shared their time and expertise, providing the essential foundation upon which this article is built.

<sup>1</sup> "À propos du tribunal spécialisé", online: *Gouvernement du Québec* <<https://www.quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/tribunal-specialise-violence-sexuelle-violence-conjugale/a-propos>>; "Criminal and Penal Division | Court of Québec - courduquebec.ca", online: <<https://courduquebec.ca/en/about-the-court/jurisdiction/criminal-and-penal-division>>. <https://www.quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/tribunal-specialise-violence-sexuelle-violence-conjugale/a-propos>

<sup>2</sup> *Pilot project to establish a court specialized in sexual violence and domestic violence*, CQLR c T-15.2, r 1.

<sup>3</sup> Jonathan Montpetit, "Idea for special sexual assault court gains steam in Quebec in wake of #MeToo", (24 January 2019), online: *CBC News* <<https://www.cbc.ca/news/canada/montreal/idea-for-special-sexual-assault-court-gains-steam-in-quebec-in-wake-of-metoo-1.4990459>>.

<sup>4</sup> *Rebâtir la confiance*, by Comité d'experts sur l'accompagnement des personnes victimes d'agressions sexuelles et de violence conjugale (Québec: Secrétariat à la condition féminine, 2021).

*matters*, which was unanimously adopted by the provincial legislature in November 2021.<sup>5</sup> In early 2022, the Minister of Justice for Quebec announced the districts where the specialized courts would be located.<sup>6</sup>

As of May 2024, 10 pilot specialized courts for SV/DV are being established throughout Quebec. This article aims to present a preliminary analysis of this pilot project to investigate whether, and to what extent, the specialized courts could benefit those they are intended to serve. To conduct this inquiry, this study builds on qualitative data collected with SV/DV frontline organizations in the Montreal region. From these data, we gain insight into the perceived promises and pitfalls of this initiative according to those who work directly with SV/DV survivors.<sup>7</sup>

This article consists of four parts: (1) the background and context of specialized SV/DV courts in Quebec and elsewhere, (2) the scope and methodology of this research, (3) the qualitative findings that emerged through interviews with those working in community-based organizations supporting survivors of SV/DV, and (4) an analysis of the findings, presenting themes that cut across interviews with multiple organizations, and raises questions that are not addressed by this present study but merit future investigation.

## 1. Background and Context

This first section (i) investigates the challenges survivors of sexual and domestic violence confront in accessing justice, a major impetus for the specialized courts initiative, and (ii) situates the initiative within the broader landscape of specialized domestic violence courts in Canada and sexual violence courts globally.

---

<sup>5</sup> *An Act to create a court specialized in sexual violence and domestic violence*, SQ 2021, c 32.

<sup>6</sup> Quebec City, Salaberry-de-Valleyfield, Granby, Drummondville, La Tuque, Laval, Sherbrooke, Lac-Mégantic, Sept-Îles and Montmagny. Jocelyne Richer, “Quebec opens specialized sexual assault court pilot project in Quebec City”, (5 April 2022), online: *Montreal Gazette* <<https://montrealgazette.com/news/local-news/quebec-opens-specialized-sexual-assault-court-pilot-project-in-quebec-city>>.

<sup>7</sup> Throughout this article, the word “survivor” is used to denote a person who has experienced sexual violence. This is not the only term used in the literature; others include: victim or complainant. Although we have chosen to use the language of “survivor” as it represents more recent efforts to convey the resilience of those who have experienced sexual offences and continue to cope with their ongoing effects, some prefer other terminology and that is to be respected. This choice in no way undermines the vulnerability and harm that those who have experience sex- and gender-based offences endure, and who may wish to foreground this with language alternate to what we have chosen here.

i. *Access to justice for survivors of SV/DV*

As explored elsewhere,<sup>8</sup> a range of barriers embedded within historic and contemporary criminal investigative and prosecutorial frameworks render justice elusive for those who have experienced sex- and gender-based violence. Long-standing myths and narratives have formed a trope of the “good” survivor: someone who reports promptly and unequivocally, who fights back when assaulted, who is a stranger and never returns to their abuser,<sup>9</sup> who communicates with ease, and who lives without substance dependency or a criminal record. For those who fail to fit this image, recourse through formal justice frameworks is often thought to be next to impossible.<sup>10</sup>

Given these circumstances, it is unsurprising that sexual violence offences are dramatically underreported and undercharged. In 2021, police-reported sexual assaults in Canada reached their highest level since 1996, with over 34,200 incidents, an increase of 18% from the previous year.<sup>11</sup> It is estimated that sexual assault is the least reported offence in Canada,<sup>12</sup> with a reporting rate to police of just six percent.<sup>13</sup> Less than half of reported cases result in charges and fewer than half of those charges proceed to a trial. Conviction rates following a trial are at approximately 55 percent with about 56 percent of convictions resulting in custodial sentences.<sup>14</sup> Specifically, in Quebec, there has been a significant increase in reported sexual offenses, though such

---

<sup>8</sup> Angela Campbell, “A Specialized Sexual Offences Court for Quebec” (2020) 2:1 Can JL & Justice 179.

<sup>9</sup> In this paper we use they/them pronouns to reflect the transversal experience of sexual and domestic violence that affects persons of all genders. See Adam M Messinger & Xavier L Guadalupe-Díaz, eds, *Transgender Intimate Partner Violence: A Comprehensive Introduction*, comprehensive edition ed (New York: New York University Press, 2020).

<sup>10</sup> T Brettel Dawson, “Women’s Experiences of Judicial Process” in T Brettel Dawson, ed. *Women, Law, and Social Change: Core Readings and Current Issues*, 5th Edition (Concord: Captus Press, 2009) at 194; Regina Graycar, “The Gender of Judgements: Some Reflections on ‘Bias’” in T. Brettel Dawson, ed. *Women, Law, and Social Change: Core Readings and Current Issues*, 5th Edition (Concord: Captus Press, 2009) at 200. For a discussion on the language used by courtroom actors and the failings of the criminal justice system in sexual assault cases, Susan Ehrlich, “Perpetuating – and Resisting – Rape Myths in Trial Discourse” in Elizabeth A. Sheehy, ed., *Sexual Assault in Canada: Law, Legal Practice, and Women’s Activism* (Ottawa: University of Ottawa Press, 2012) at 389.

<sup>11</sup> Statistics Canada Government of Canada, “The Daily — A comprehensive portrait of police-reported crime in Canada, 2021”, (2 August 2022), online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/220802/dq220802a-eng.htm>>.

<sup>12</sup> Alana Peochuk, “We Are Here: Women’s Experiences of the Barriers to Reporting Sexual Assault” (2018), online (pdf): *West Coast LEAF and the YWCA Metro Vancouver*: <<http://www.westcoastleaf.org/wp-content/uploads/2018/10/West-Coast-Leaf-dismantling-web-final.pdf>> at 12.

<sup>13</sup> Greg Moreau, “Police-reported crime statistics in Canada, 2021”, (8 February 2022), online: *Statistics Canada* <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.htm>>.

<sup>14</sup> Christine Rotenberg, “From arrest to conviction: Court case outcomes of police-reported sexual assaults in Canada, 2009 to 2014”, (26 October 2017), online: *Statistics Canada* <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/54870-eng.htm>>.

crimes are still greatly underreported, with the rate rising by 59.9% over a decade. From a stable average of 65.2 offenses per 100,000 inhabitants from 2010 to 2014, the rate escalated to 109.4 by 2019, with a notable 5.8% increase between 2018 and 2019 alone.<sup>15</sup>

Similar data exist for domestic and intimate partner violence. Although not as low as sexual violence, domestic and family violence are underreported, with an estimated reporting rate in Canada of 19 percent.<sup>16</sup> Likewise charging and conviction rates are low relative to other offences.<sup>17</sup> Family relationships between survivor and offender result in less likely carceral outcomes.<sup>18</sup> Recidivism rates are high even post-criminal charges and convictions.<sup>19</sup>

In light of the barriers impeding access to judicial redress for SV/DV survivors, specialized courts have emerged as a proactive measure to improve access to justice in a number of countries. These courts represent a potential solution to enhance survivors' trust in the judicial system and offer meaningful avenues for recourse. Although specialized courts for cases of domestic violence have existed within Canada for more than 30 years and specialized tribunals for sexual violence exist around the globe, until the establishment of Quebec's pilot project, no court worldwide integrated both domestic and sexual violence matters.

## ii. *Review of sexual and domestic violence courts*

Use of specialized courts emerged first as a proposition to address the challenges faced by domestic violence survivors to access justice through judicial systems and to see their non-judicial needs met.<sup>20</sup> These courts – sometimes called “therapeutic” or

---

<sup>15</sup> Québec, Ministère de la Sécurité publique, *Criminalité au Québec – Infractions sexuelles en 2019*, (Québec: Publications du Québec, 2021).

<sup>16</sup> Canadian Centre for Justice Statistics, “Family violence in Canada: A statistical profile, 2014”, (21 January 2016), online: *Statistics Canada* <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14303-eng.htm>>; “Victimization of Aboriginal people in Canada, 2014”, (28 June 2016), online: *Statistics Canada* <<https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14631-eng.htm>>.

<sup>17</sup> Department of Justice, “Intimate Partner Violence: Characteristics and Trends” (2019), online: *Government of Canada* <<https://www.justice.gc.ca/eng/cj-jp/state-etat/2019rpt-rap2019/p7.html>>; Eric L Nelson, “If You Want to Convict a Domestic Violence Batterer, List Multiple Charges in the Police Report” (2014) 4:1 Sage Open 2158244013517246.

<sup>18</sup> Marie Gannon and Karen Mihorean, “Sentencing Outcomes: A comparison of family violence and non-family violence cases” (2005) JustResearch 12.

<sup>19</sup> Research and Statistics Division, “Recidivism in the Criminal Justice System”, (August 2020), online: *Government of Canada* <<https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2020/aug01.html>>; Nathalie Quann, “Offender Profile and Recidivism among Domestic Violence Offenders in Ontario”, (2006), online: *Government of Canada* <[https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr06\\_fv3-rr06\\_vf3/p5.html](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr06_fv3-rr06_vf3/p5.html)>.

<sup>20</sup> In 1990, the Winnipeg Family Violence Court was established as the first specialized court in Canada to deal with domestic violence cases. See Leslie M Tutty, Jane Ursel & Fiona Douglas, “Specialized Domestic

“problem-solving” courts<sup>21</sup> – seek to integrate an analysis of social and sometimes medical dynamics when determining legal outcomes for addressing criminal behaviour. They are oriented toward moving beyond that behaviour to identify and address its root causes through social or therapeutic measures rather than harsher sentences. Core to the development of specialized courts in the context of domestic violence is a shift away from the offender to a focus on the offence and its impact on the survivor, and potentially other members of a family or domicile.

SV/DV courts are designed to offer an approach distinct from that of traditional courts by prioritizing the needs and experiences of survivors. Recognizing the shortcomings of traditional courts, which often lack adequate support and understanding of domestic and sexual violence, SV/DV courts adopt a survivor-centered model. This means providing specialized training for professionals, fostering collaboration with community organizations to offer comprehensive support services, and recognizing the impact of trauma on survivors navigating the legal system. While some SV/DV courts may emphasize rehabilitative measures for offenders alongside legal consequences, their focus remains on ensuring survivor safety, empowerment, and access to justice.

Domestic violence courts have existed in Canada since the early 1990s, and exist in the majority of provinces and territories, although they did not exist in Quebec before 2022. Like other specialized courts, those focused on domestic violence are aimed at developing a holistic approach to the problem, coordinating with community-based organizations to support survivors through the legal process, and seeking to reduce recidivism rates. Professionals within the courts receive specialized training and expertise and are charged with a mandate to accompany survivors and witnesses in a different manner than within traditional criminal justice settings. The goal is to elevate a survivor’s sense of control, engagement, and agency throughout the judicial process.

Literature on domestic courts show some positive outcomes, although the metrics of success for specialized courts can vary, and none offer a perfect barometer for evaluation. If such metrics are focused on amplifying the voices of survivors and witnesses within judicial processes, or by expedited case processing times, then such institutions have shown some improved outcomes.<sup>22</sup> However, if the performance indicator is reducing offender recidivism, the data are less positive. Various studies

---

Violence Courts: A Comparison of Models,” in Jane Ursel, Leslie M Tutty & Janice LeMaistre, eds, *What’s Law Got To Do With It? The Law, Specialized Courts and Domestic Violence in Canada* (Toronto: Cormorant Press, 2008) 69. In 1993, South Africa established the first specialized sexual offences court in Wynberg, Cape Town. See Beatri Kruger & Mariëtte Reyneke, “Sexual Offences Courts in South Africa: Quo vadis?” (2008) 33 J for Juridical Science 32.

<sup>21</sup> Bruce J. Winick, “Therapeutic Jurisprudence and Problem Solving Courts” (2003) 30 Fordham Urb LJ 1055.

<sup>22</sup> Susan Eley, “Changing Practices: Specialized Domestic Violence Court Process” (2005) 44 Howard J Crim Justice 113 at 119-120.

point to different outcomes vis-à-vis recidivism, with some suggesting that domestic violence courts have a “negligible” effect on reducing reoffending as compared with “standard judicial processing”<sup>23</sup> or, at best, “unclear” results.<sup>24</sup>

Further, there exists a range of other critiques of domestic violence courts. These include the risk that a holistic, restorative approach will overlook or minimize the trauma such violence can inflict and the potential lack of necessary, specialized services for diverse population groups. Others argue that these courts may neglect social and economic dependencies and dynamics often at play in domestic violence contexts, which are detrimental to survivors and dependent family members.<sup>25</sup> Overall, even with these shortcomings, these courts “have maintained a favored status as a response to [domestic violence] cases”<sup>26</sup>. Further, in Quebec, these courts are requested by professionals from frontline organizations.

Whereas domestic violence courts have existed for more than a generation, sexual violence courts are novel institutions in North America. This is so even though scholars and jurists have long recognized the severe, retraumatizing toll that conventional adversarial judicial models can have on sexual violence survivors, commonly deterring them from reporting and participating in criminal trials.<sup>27</sup>

Outside North America, sexual violence courts have emerged and have had varying degrees of success. More than 30 years ago, South Africa proposed a dedicated court to address sexual offences. In 1993, the Wynberg Regional Court in Cape Town established the Wynberg Project, a pilot program that aimed to tackle the increasing reports of rape and the revictimization of complainants in the criminal justice system.<sup>28</sup> This project adopted a survivor-centered approach, enhancing coordination with

---

<sup>23</sup> Leticia Gutierrez, Julie Blais & Guy Bourgon, “Do Domestic Violence Courts work? A meta-analytic review examining treatment and study quality” (2017) Justice Research and Policy; Leslie M Tutty & Jennifer Koshan, “Calgary’s Specialized Domestic Violence Court: An Evaluation of a Unique Model” (2013) Alberta L Rev 731; Angela R Gover et al, *Evaluation of the Lexington County, South Carolina, Domestic Violence Court, 1997-2002* (Inter-university Consortium for Political and Social Research [distributor], 2006).

<sup>24</sup> Angela Gover, Denise Boots & Shannon Harper, “Courting Justice: Tracing the Evolution and Future of Domestic Violence Courts” (2021) 16 Feminist Criminology.

<sup>25</sup> Tutty & Koshan, “Calgary’s Specialized Domestic Violence Court”, *supra* note 23; Freiberg, “Problem-oriented courts”, *supra* note 21; Jennifer Koshan, “Specialised domestic violence courts in Canada and the United States: Key factors in prioritising safety for women and children” (2018) 40:4 J Soc Welfare & Family L 515–532.

<sup>26</sup> Gover, Boots & Harper, “Courting Justice”, *supra* note 24, 369.

<sup>27</sup> Elaine Craig, *Putting Trials on Trial - Sexual Assault and the Failure of the Legal Profession* (McGill-Queen’s University Press, 2021) at 167.

<sup>28</sup> Department of Justice and Constitutional Development, *Report on the Re-establishment of Sexual Offence Court, Ministerial Advisory Task Team on the Adjudication of Sexual Offence Matter*, (Republic of South Africa, 2013) at 18.

service providers to improve reporting and conviction rates, achieving notable early success.<sup>29</sup> Over time, this model inspired the national expansion of specialized sexual offences courts and the establishment of Thuthuzela Care Centers, which offer comprehensive support to complainants.<sup>30</sup> However, despite these advancements, challenges related to under-resourcing and potential biases have called into question the efficacy and fairness of these courts, highlighting the need for ongoing evaluation and reform to ensure their legitimacy and effectiveness.<sup>31</sup> As of 2023, South Africa operates 96 sexual offences courts, including both specialized “pure” courts and “hybrid” courts that also handle other cases, as part of ongoing efforts to provide survivors with specialized attention and care in addressing sexual offences.<sup>32</sup>

New Zealand has also explored creating sexual violence courts. The country’s District Court created the Sexual Violence Pilot Courts in Auckland and Whangarei, seeking to shorten processing times and to ensure cases are treated by judges with specialized training. The project was intended to last 2 to 2.5 years.<sup>33</sup> An evaluation report published in 2019 revealed many positive outcomes. Drawing on interviews with stakeholders across a range of connections with the judicial process (e.g., survivors, defence counsel, judges, survivor advocates, police), it found wide endorsement for the pilot.<sup>34</sup> Interviewees underlined benefits that included the focused training that the professionals in the system received, as well as considerably reduced delays in court proceedings (30 percent or more in the two districts). Stakeholders also identified challenges, which included concerns over the pilot ending and returning to the status quo, and the taxing nature of the work that can create a heavy emotional burden on professionals who focus on sexual violence to the exclusion of other cases. In 2023, New Zealand advanced its judicial handling of sexual violence cases, focusing on implementing the *Sexual Violence Legislation Act* of 2021, which

---

<sup>29</sup> South African Human Rights Commission, *Report on Sexual Offences Against Children: Does the Criminal Justice System protect Children?* (2002) at 26; Kruger & Reyneke, *supra* note 20 at 39.

<sup>30</sup> Kruger & Reyneke, *supra* note 20 at 44.

<sup>31</sup> Campbell, *supra* note 8; *Improving Case Outcomes for Sexual Offences Cases Project: Pilot Study on Sexual Offences Courts.*, by Aisling Heath et al, ResearchGate (2018) at 38 and 40; *Rape Justice in South Africa – Retrospective Study of the Investigation, Prosecution and Adjudication of Reported Rape Cases from 2012*, by Sheena Swemmer et al (Gender and Health Research Unit, South African Medical Research Council, 2017) at 14.

<sup>32</sup> Mayibongwe Maqhina, “98 upgraded courts to become sexual offences courts – Lamola”, online: *IOL* <<https://www.iol.co.za/capetimes/news/98-upgraded-courts-to-become-sexual-offences-courts-lamola-f83d9bda-c89b-4dfa-8aec-1bb867a32141>>; Luvuyo Mdeni, “MAP | South Africa’s sexual offences courts”, *SABC News* (21 April 2020), online: <<https://www.sabcnews.com/sabcnews/map-south-africas-sexual-offences-courts/>>.

<sup>33</sup> New Zealand, District Court of New Zealand (Te Kōti ā Rohe), “District Courts to Pilot Sexual Violence Court”, (October 2016) online: <<https://www.districtcourts.govt.nz/assets/Uploads/Statement-from-the-Chief-District-Court-Judge-Pilot-SV-Court-.pdf>>.

<sup>34</sup> New Zealand, District Court of New Zealand (Te Kōti ā Rohe), “Evaluation of the Sexual Violence Court Pilot”, (June 2019) online: <<https://www.districtcourts.govt.nz/reports-publications-and-statistics/publications/sexual-violence-court-pilot-evaluation-report/>>.

introduces new protective measures for survivors and re-evaluates consent laws. The specialized sexual violence courts in Auckland and Whangarei continue to operate with trained judges and streamlined procedures to improve trial efficiency and survivor support.<sup>35</sup>

Similarly, Scotland is poised for substantial judicial reform on this issue with the planned introduction of a specialist sexual offence court as outlined in the 2023 *Victims, Witnesses, and Justice Reform (Scotland) Bill*.<sup>36</sup> This initiative seeks to establish courts that employ trauma-informed practices and provide special measures for vulnerable witnesses. The move to establish such a court is grounded in recommendations from the 2021 *Report on Improving the Management of Sexual Offence Cases*, led by a cross-justice Review Group chaired by Lord Justice Clerk Lady Dorrian.<sup>37</sup> Alongside creating the specialized court, the report advocates for several other judicial enhancements, including the presumed use of pre-recorded evidence and improvements to the Children's Hearings System, all aimed at developing a more empathetic and effective framework for addressing serious sexual offence cases in Scotland.

Where traditional courts struggle to provide accessible and satisfactory responses to SV/DV survivors, specialized courts have emerged as a proactive response across numerous jurisdictions worldwide. Given their increased use, it is crucial to evaluate Quebec's efforts to answer the diverse needs and expectations of those whom the project aims to serve in order to evaluate both positive outcomes and the challenges being faced. This goal underpins the study reported herein, to which the discussion now turns.

## 2. Scope and Methodology

The present section presents the scope and methodology employed in this article, which is broken into two sections: (i) the inherent limitations of focusing our discussion on the legal response to SV/DV in fully comprehending its complexity, and (ii) the methods used to gather empirical data in order to report on the perception of frontline workers on the implementation of the specialized courts, encompassing their critiques and aspirations for initiatives addressing SV/DV beyond legal frameworks and procedures.

---

<sup>35</sup> *Sexual Violence Legislation Act 2021*, New Zealand, Public Act 2021 No 60; "Sexual violence justice updates", (2023), online: *New Zealand Family Violence Clearinghouse* <<https://nzfvc.org.nz/news/sexual-violence-justice-updates>>.

<sup>36</sup> *Victims, Witnesses, and Justice Reform (Scotland) Bill*, 25 April 2023, online: <<https://www.parliament.scot/bills-and-laws/bills/victims-witnesses-and-justice-reform-scotland-bill>>.

<sup>37</sup> "Improving the Management of Sexual Offence Cases", online: *Scottish Courts and Tribunals* <<https://www.scotcourts.gov.uk/about-the-scottish-court-service/scs-news/2021/03/18/improving-the-management-of-sexual-offence-cases>>.



*i. Scope*

Gender-based violence remains a pervasive and deeply damaging issue, affecting survivors, their relationships, and their communities profoundly. Despite increased awareness and concerted efforts to tackle these forms of violence, many barriers prevent survivors from seeking justice and support. These barriers are complex and multifaceted, rooted in a web of societal, cultural, and institutional factors that can deter survivors from coming forward and engaging with judicial processes.

Our empirical research recognizes that, as jurists, we have a responsibility to critically examine these barriers and ask ourselves hard questions about how the law and legal systems may fall short. We thus try to approach this work with humility, recognizing that legal remedies, while crucial, are but one piece of a much larger puzzle in addressing this intimate and dehumanizing form of violence.

This work begins with a willingness to listen; to center the voices and experiences of survivors as related by frontline workers. It requires us to examine our own biases and knowledge gaps, and to educate ourselves about the dynamics of trauma and the ways in which the legal process can sometimes compound it. The work further demands that we advocate for the resources and reforms needed to build a system worthy of survivors' trust - from trauma-informed training for legal professionals, to expanded support services, to addressing the systemic inequities that leave some survivors more vulnerable than others, and to the larger dynamics that transcend the law.

While the challenges inherent to this work are undeniable, it remains crucial. Notably, research can contribute to designing systems based on interdisciplinary expertise that stand resilient and inclusive, to support survivors of violence against experiences of isolation or abandonment when they are likely most vulnerable.

Before delving into a discussion of our methodology, a latent assumption of specialized courts bears acknowledgement. This assumption contends that judicial institutions are best placed, and even well-equipped, to handle the challenges that SV/DV present. For some, this is a misguided premise, given that state law, notably criminal law, has often operated to the detriment of those who experience social and economic marginalization.<sup>38</sup> This being so, concerns about whether a court – regardless of how specialized its processes and actors might be – can in fact advance justice outcomes are well-founded.<sup>39</sup> The fact that rates of charging, prosecution, conviction, and carceral sentencing are often referred to – in our view, erroneously –

---

<sup>38</sup> Chloë Taylor, “Anti-Carceral Feminism and Sexual Assault—A Defense” (2018) 34 *Soc Philosophy Today* 29–49 at 12–13.

<sup>39</sup> Brady T Heiner & Sarah K Tyson, “Feminism and the Carceral State: Gender-Responsive Justice, Community Accountability, and the Epistemology of Antiviolence” (2017) 3:1 *Feminist Philosophy Q*, online: <<https://ojs.lib.uwo.ca/index.php/fpq/article/view/3062>> at 14–17.

as success benchmarks for specialized courts is preoccupying, given intersections between race, class, and social presumptions of danger and criminality that permeate law enforcement and judicial practices.

We acknowledge the limits and deficits of working within a framework that is founded on traditional state law and institutions, notably courts, as principal tools and sites of recourse for justice. The point of this article is not to adhere to or reject carceral responses to SV/DV. Scholars who have examined this issue have made important contributions by exploring how the pursuit of justice for survivors can still resist criminal justice models grounded in retribution and carceral penalties.<sup>40</sup> This literature merits careful attention. The question that it addresses is, however, secondary to our core purpose, which is to explore how front-line professionals whose work centers support for survivors perceive legislative reforms that establish specialized courts to address SV/DV.

Accordingly, by pursuing this analysis of specialized courts, we do not intend to suggest that reliance on a judicial model or on criminal justice frameworks are the only or best ways to respond to the challenges in question. We recognize that there are complex, deep, and multifaceted issues underlying and caused by SV/DV that cannot be solely dealt with by law or by criminal justice processes or institutions. Rather, our objective is to examine a contemporary legal development in what is our current home jurisdiction – namely, the introduction of a pilot project of SV/DV courts in Quebec – and to explore whether and to what extent this development holds promise from the vantage point of those whose work brings them into encounters with the lived realities of survivors and their dependants.

## *ii. Empirical methodology*

Drawing from these insights, we designed our methodology to gather frontline workers' insights through a qualitative inquiry, centering survivors' experiences within our assessment of the pilot project of specialized courts. By focusing on organizations at the forefront of SV/DV support, we aimed to identify core needs for a better legal response despite the inherently limited recourses such a response can offer.

The research methodology of this study was developed to understand the point of view of persons working in organizations on the direct front line of supporting SV/DV survivors. Through individual semi-structured interviews, we sought to hear their perspectives on the pilot project of specialized courts. These viewpoints are crucial as they can provide valuable information in naming the current issues of the legal and judicial systems, the needs of those who would use and stand to benefit from

---

<sup>40</sup> See eg, Elizabeth Bernstein, "The Sexual Politics of the 'New Abolitionism'" (2007) 18:5 *differences: A J Feminist Cultural Studies* 144; Anna Terwiel, "What Is Carceral Feminism?" (2020) 48:4 *Political Theory* 421; Maddie Brockbank, "Disrupting the carceral narrative of gender-based and sexual violence," *Critical and Radical Social Work* (2023) 11:3: 407-423, <<https://doi.org/10.1332/204986021X16700108899928>>.

SV/DV courts, and the improvements and changes they wish to see.<sup>41</sup> Workers within frontline organizations, with their extensive experience and direct interaction with survivors, possess valuable insights into the challenges and needs of those who may navigate the legal system in the aftermath of SV/DV.<sup>42</sup> By centering their voices and experiences, this work aims to identify factors the post-pilot version of these specialized tribunals ought to prioritize.<sup>43</sup> In this way, this study proposes to bridge the gap between research and practice by centering the perspectives of service providers to inform the early monitoring of the pilot project in Quebec.

The study is based on interviews with persons working within shelter-based organizations who engage directly with SV/DV survivors – whether “first step” or short-term, “second step” or medium-term, or mixed accommodation – based in Montreal. This choice was informed by the fact that Montreal was not part of the first 10 judicial districts where these specialized courts would be first established in the province.<sup>44</sup> Thus, professionals in Montreal are observing and learning from other districts and form their own expectations of the strengths and weaknesses of the pilot project. However, they could not yet relay lessons learned from the early stages of development of the pilot project in their own district. Further, no case completed in other districts could be cited to substantiate claims about the courts’ outcomes as no case has gone through the specialized court system yet in Quebec.

One important shortcoming of the sample for this study is the limited participation of organizations working with the most marginalized population groups, such as survivors without resident status in Quebec,<sup>45</sup> individuals grappling with mental health issues, those engaging in sex work, or drug users.<sup>46</sup> This limitation stems from the rules imposed by funding bodies supporting the service providers interviewed. Funding for services often fails to include or adequately support the most marginalized groups due to the stigma and legal risks associated with their activities. For example, certain health initiatives may avoid supporting programs that directly address the needs of sex workers or drug users, preferring instead to fund more general

---

<sup>41</sup> Christine E Murray & Metoka L Welch, “Preliminary Construction of a Service Provider—Informed Domestic Violence Research Agenda” (2010) 25:12 J Interpersonal Violence 2279–2296.

<sup>42</sup> Andrea J Nichols, “Survivor-defined Practices to Mitigate Revictimization of Battered Women in the Protective Order Process” (2013) 28:7 J Interpersonal Violence 1403 at 1405.

<sup>43</sup> Lisa A Goodman & Deborah Epstein, *Listening to Battered Women: A Survivor-Centered Approach to Advocacy, Mental Health, and Justice* (2008) Washington, DC: American Psychological Association at 483.

<sup>44</sup> “Lancement du projet pilote de tribunal spécialisé dans les districts judiciaires de Gaspé et Bonaventure” (2023), online: *Gouvernement du Québec* <<https://www.quebec.ca/nouvelles/actualites/details/lancement-du-projet-pilote-de-tribunal-specialise-dans-les-districts-judiciaires-de-gaspe-et-bonaventure-51550>>.

<sup>45</sup> Interview 8.

<sup>46</sup> Interview 1.

or less controversial services.<sup>47</sup> Additionally, there is evidence that even when such programs are available, they may not be fully accessible to these groups due to other structural barriers, such as law enforcement practices and societal stigma, further complicated by funding restrictions.<sup>48</sup> Further research into funding rules imposed on organizations providing shelters is needed to assess, with precision, who is currently being excluded from such services. In turn, this knowledge will help assess the results of specialized court pilot project and other initiatives to tackle SV/DV for all survivors of SV/DV including from the most marginalized groups.

Before starting data collection, our research protocol underwent review and approval by McGill's Research Ethics Board (REB).<sup>49</sup> After completing this step, recruitment emails were sent out to 28 organizations. Out of the 28 organizations contacted, 13 responded, six declined to participate as they either had no capacity to do so given time and resource constraints or expressed not being able to provide an opinion on the subject. Eight professionals from seven organizations participated in an individual structured interview with two members from our team in the summer and fall of 2023. Interviews were between 30 minutes and 1 hour in duration and conducted in English (2) or French (6). All interviews were conducted online through MS Teams and were recorded with the explicit consent from the participant before being fully transcribed. The questions asked during the interview aimed at collecting data on the professional's knowledge of the pilot project and views about its strengths and weaknesses, including its potential impact on the perception of the justice system by individuals who experience SV/DV.

Despite the limited scope of the study, its methodology offers a preliminary investigation of frontline workers' views on the specialized courts pilot project in Quebec. As the ensuing discussion reveals, data gathered through this study illuminates the potential to identify and address core needs and shortcomings of the current judicial system and predictions of the benefits and shortcomings of the pilots.<sup>50</sup>

### 3. Findings

This section aims to shed light on the essential elements required for a robust and responsive legal framework, as identified by SV/DV frontline workers. This section will include an examination of the identified: (i) core needs, (ii) shortcomings, (iii)

---

<sup>47</sup> Julie Dorf, *Sex Worker Health and Rights: Where is the Funding?*, Sexual Health and Rights Project (Open Society Institute, 2006) at 8–14.

<sup>48</sup> Hilary Placzek et al, "Intersecting systemic and personal barriers to accessing social services: qualitative interviews in northern California" (2021) 21:1 BMC Public Health 1933.

<sup>49</sup> In accordance with the requirements of the McGill University Policy on the Ethical Conduct of Research Involving Human Participants and the Tri-Council Policy Statement: Ethical Conduct For Research Involving Humans.

<sup>50</sup> Joan Zorza, "The Criminal Law of Misdemeanor Domestic Violence, 1970-1990" (1992) 83:1 J Crim L & Criminology (Symposium on Domestic Violence).

predicted potential, and (iv) predicted drawbacks of the legal and judicial systems dealing with SV/DV. Building on these insights, the post-pilot specialized tribunals can work to further dismantle barriers that prevent survivors from seeking justice, creating a legal environment that prioritizes their well-being, safety, and empowerment.

i. *Core needs of legal and judicial systems dealing with SV/DV*

The first main theme discussed during the interviews with SV/DV service providers relates to the essential elements required for a robust and responsive legal framework. Professionals within frontline organizations emphasized the need for a framework that acknowledges the evolving nature of SV/DV and its multifaceted impacts. It was stressed that this framework must be built upon specialized expertise and training for legal professionals, ensuring they understand the complexities of SV/DV and can employ trauma-informed approaches. Holistic support services are crucial for survivors' well-being, and to address systemic barriers that preclude equitable access to justice. Ultimately, building trust and confidence in the legal system requires transparency, clear communication, and survivor-centered approaches that prioritize their safety and agency throughout the legal process. Five essential elements were recognized.

Firstly, the evolving nature of SV/DV demands a comprehensive understanding that goes beyond the traditional focus on physical violence or isolated incidents. A professional highlighted the importance of acknowledging the various subtle and often less visible forms of abuse that survivors encounter today, which can be equally harmful. They noted:

There are numerous factors that contribute to its subtlety – it's less obvious to the eye. You might already be familiar with the concept of coercive control, which includes domestic violence and physical violence, among other things, within a broader environmental context.<sup>51</sup>

This evolution of the understanding of the complexities of SV/DV aligns with a broader societal recognition, as reflected in landmark cases such as *R. v. Barton*<sup>52</sup> and *R. v. JA*.<sup>53</sup> This jurisprudence reflects how intimate partner violence can be exerted via power and control through financial, technological, psychological, and sexual coercion, the impacts of which can be as traumatic as physical violence.

Frontline workers and specialized court actors stressed the importance of understanding diverse forms of abuse that can disempower and revoke autonomy. This

---

<sup>51</sup> Interview 4.

<sup>52</sup> *R v Barton*, 2019 SCC 33 [*Barton*].

<sup>53</sup> *R v JA*, 2011 SCC 28 [*JA*].

departs from simplistic notions of violence, which emphasize physical violence, toward a comprehensive understanding of the power dynamics at play.<sup>54</sup> To address this, training is necessary to ensure that those working with survivors of SV/DV are equipped with the knowledge and skills necessary to understand all contemporary forms of SV/DV.

Secondly, specialized tribunals must recognize SV/DV's complex and far-reaching consequences for survivors. Trauma can profoundly impact mental and emotional well-being, economic stability, and relationships with family and friends.<sup>55</sup> As one professional pointed out, the legal process can evoke mixed feelings among survivors. Some express frustration, while others gain a sense of empowerment from having their voices heard, regardless of the trial's outcome. A frontline worker highlighted this diversity of experiences, saying:

I encounter as many women frustrated by the legal procedures as those who regret getting involved. Yet, there are others who feel a sense of justice and empowerment from merely being heard and listened to, even in cases where the perpetrator is not found guilty. For them, it feels like some power has been restored.<sup>56</sup>

Trauma-informed practices, which recognize the complex and individualized nature of trauma responses, should be at the core of specialized tribunals' approach to SV/DV cases to help mitigate the negative impacts of SV/DV and promote healing.<sup>57</sup>

Thirdly, professionals interviewed for this study emphasized the complex and intersectional nature of vulnerability that survivors of SV/DV encounter, underscoring the need for a nuanced and informed approach to manage these cases effectively. One professional noted:

There are multiple layers of vulnerability that intersect and overlap. When we analyze these from the perspectives of gender differentiation and intersectional feminism, we discover a significant number of women who are not even aware that specialized tribunals exist, which could be advantageous for them.<sup>58</sup>

---

<sup>54</sup> Evan Stark, *Coercive Control: The Entrapment of Women in Personal Life* (New York: Oxford University Press, 2007) at 12.

<sup>55</sup> Rebecca Campbell, Emily Dworkin & Giannina Cabral, "An Ecological Model of the Impact of Sexual Assault on Women's Mental Health" (2009) 10:3 *Trauma, Violence, & Abuse* 225 at 226.

<sup>56</sup> Interview 6.

<sup>57</sup> Judith Lewis Herman, *Trauma and Recovery: The Aftermath of Violence—from Domestic Abuse to Political Terror* (New York: Basic Books, 1997) at 33.

<sup>58</sup> Interview 1.

Another professional added, “We are only at the beginning. It’s crucial to think about continuous and even more specialized training to truly address these issues effectively.”<sup>59</sup> As the Supreme Court in *R. v. Quesnelle*<sup>60</sup> emphasized, a contextual understanding of violence within intimate relationships, which accounts for social and cultural contexts that shape survivors’ experiences and their interactions with the justice system, is imperative.<sup>61</sup> *Quesnelle* further illustrates the necessity of specialized training for professionals who work in the domain of SV/DV,<sup>62</sup> so that its varied forms and impacts are deeply understood.<sup>63</sup> As one professional emphasized, current training for legal and judicial professionals is often inadequate and should be expanded to include ongoing and more specialized education.<sup>64</sup> This training ought to be compulsory and incorporated into the curricula of law schools, police academies, and social work programs to foster a thorough understanding of SV/DV across all pertinent professions. Such training will contribute to equipping the relevant professionals with a deep understanding of how violence impacts survivors, enhancing the administration of justice and survivor support.

Fourthly, incorporating a survivor-centered approach within specialized courts will ensure that survivors feel supported throughout legal processes. This compels a departure from the traditional adversarial model, which can re-traumatize survivors and exacerbate their sense of powerlessness.<sup>65</sup> Instead, specialized tribunals seek to foster an environment where survivors feel heard and supported, aligning with broader movements advocating for a more compassionate and empathetic justice system. The necessity of providing support that aligns with survivors’ individual circumstances was emphasized by a participant who highlighted the importance of accessible and integrated community services:

It’s quite feasible because we serve as a hosting resource. In Montreal, there are about ten accommodation facilities that assist the women facing the most challenges, and they are with us. We continue to support these women even after their stay, ensuring they are not left without assistance.<sup>66</sup>

---

<sup>59</sup> Interview 5.

<sup>60</sup> *R v Quesnelle*, 2014 SCC 46 [*Quesnelle*]

<sup>61</sup> Joan Zorza, “Must We Stop Arresting Batterers: Analysis and Policy Implications of New Police Domestic Violence Studies” (1993) 28:4 *New Eng L Rev* at 831.

<sup>62</sup> *Quesnelle*, *supra* note 60.

<sup>63</sup> Zorza, *supra* note 59 at 831.

<sup>64</sup> Interview 5. Lori Heise, “What Works to Prevent Partner Violence? An Evidence Overview” (2011) Working Paper, online: <<https://www.oecd.org/derec/49872444.pdf>> at 625.

<sup>65</sup> Mary Ann Dutton et al, “Empowerment-Based Advocacy for Battered Women: A Model for Social Work Intervention” (2000) 45:2 *Soc Work* at 168.

<sup>66</sup> Interview 1.

We note that an integrated approach for specialized courts that centres survivors' well-being does not in any way erode the procedural fairness concerns for the accused, as it has no bearing on the administration of justice in legal proceedings that would change the rules of criminal procedure and evidence.

Fifthly, participants brought to light a deep-seated concern regarding systemic issues and inequities within the legal and judicial systems that disproportionately impact marginalized communities.<sup>67</sup> One professional poignantly captured this sentiment, stating: "This is what comes to me quickly: the more individuals are marginalized, the more injustices they experience. What's more, she risks being suspicious of the courts."<sup>68</sup> This observation underscores the need for legal and judicial reforms that address the root causes of these inequities and ensure equal access to justice for all survivors, regardless of their background or circumstances.<sup>69</sup>

Addressing systemic issues and inequities within the legal and judicial systems requires specialized tribunals to actively dismantle systemic biases, challenge discriminatory practices, and provide culturally sensitive and trauma-informed support to survivors from diverse backgrounds.<sup>70</sup> This focus aligns with broader social justice movements that seek to dismantle oppressive structures and create a more just and equitable society for all.

Ultimately, the success of specialized tribunals hinges on their ability to operationalize the principles and best practices, and address concerns, identified by frontline organizations. By fostering a holistic understanding of SV/DV, developing specialized expertise and training, embracing a survivor-centered approach, and addressing systemic issues and inequities, specialized tribunals can build trust and restore confidence in the justice system among survivors. This transformative endeavor aligns with broader efforts to create a more responsive, accountable, and

---

<sup>67</sup> Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) 43:6 *Stanford L Rev* 1241–1299 at 1244.

<sup>68</sup> Interview 1.

<sup>69</sup> Of note, Canadian jurisprudence has begun to recognize and address the systemic factors that contribute to the overrepresentation of marginalized communities, particularly Indigenous peoples, in the criminal justice system. In the landmark case of *R. v. Gladue*, [1999] 1 SCR 688, the Supreme Court of Canada established the *Gladue* principles, which require judges to consider the unique circumstances of Indigenous offenders, including the history of colonialism, residential schools, and intergenerational trauma. Building upon the *Gladue* principles, the Supreme Court of Canada further elaborated on the importance of restorative justice approaches and community-based sentencing options for Indigenous offenders in *R. v. Ipeelee*, 2012 SCC 13. The *Reports of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (2019) further underscore the systemic causes of violence against Indigenous women and girls, including the role of the justice system in perpetuating these inequities. The final report includes numerous "Calls for Justice" aimed at addressing these issues and creating a more equitable and responsive legal framework.

<sup>70</sup> Sherene H. Razack, *Race, Space, and the Law: Unmapping a White Nation* (Toronto: Between the Lines, 2002) at 3.



equitable justice system that prioritizes the needs and rights of those who have experienced violence and marginalization.

ii. *Core shortcomings of current legal and judicial systems dealing with SV/DV*

Beyond essential elements of specialized courts, participants also identified deficiencies inherent to existing legal and judicial institutions. Participants raised points that reflected the government's proclaimed rationale underlying the pilot project's conception: there are inequities in access to the judicial system and procedural obstacles within the system.

Survivors of SV/DV face numerous barriers when seeking justice through the legal system. These obstacles extend beyond the legal realm and are deeply entrenched in societal attitudes and cultural norms. Taboo, trauma, and shame are just some of the factors that deter survivors from coming forward and engaging with the legal process.<sup>71</sup> The fear of being judged, blamed, or unsupported often overshadows the desire for justice and accountability. While some individuals receiving support from shelters may opt not to pursue criminal prosecution for various reasons, others encounter barriers in accessing the courts despite their willingness to engage with them.<sup>72</sup> This is particularly evident for those unable to take time off work or parents facing difficulties in arranging childcare for court meetings and hearings. Additionally, language barriers make access to the court system more difficult to those who do not communicate in either French or English in the Montreal region.<sup>73</sup> Drug use, poverty, disability, immigration status, and many other factors also contribute to the barriers faced by certain individuals in accessing legal support and judicial remedies. As professionals highlight in the case of immigrant women:

she's a woman and sponsored [...] there's an issue there, and she doesn't want to denounce her attacker.... that's what she wants - to not be expelled from the country because she depends on him at the immigration level.<sup>74</sup>  
These factors significantly complicate survivors' ability to access the legal system and advocate for their rights effectively.<sup>75</sup>

Once individuals gain access to the court system, myriad additional challenges emerge. Foremost among these are delays. Processing times for criminal

---

<sup>71</sup> Judith Lewis Herman, *Trauma and Recovery* (New York: BasicBooks, 1992) at 205; United Nations Office on Drugs and Crime, *Handbook on Effective Police Responses to Violence against Women* (Vienna: UNODC, 2010) at 23.

<sup>72</sup> Interview 1 and 2.

<sup>73</sup> Interview 2 and 8.

<sup>74</sup> Interview 2.

<sup>75</sup> Interview 1.

court cases has increased in Canada since 2010.<sup>76</sup> Court delays have been a subject of concern across Canada, leading to legislative efforts to increase the efficiency of the criminal justice system.<sup>77</sup> In 2016, *R. v. Jordan* established presumptive ceilings beyond which case processing times are considered unreasonable.<sup>78</sup> This decision and renewed interest in increasing the criminal justice system's efficiency has had some success in reducing backlogs.<sup>79</sup> However, one participant noted that the average duration of a domestic violence case that includes custody matters spans approximately three years.<sup>80</sup> Within this timeframe, individuals who have left their home often must secure housing and employment. That process can be further hindered by additional protracted administrative procedures, such as applying for social assistance, delaying survivors' ability to transition out of shelters and live independently. Consequently, SV/DV survivors can find themselves in a precarious situation for a prolonged period, exacerbating the strain on shelters already grappling with demand exceeding their capacity.<sup>81</sup>

The protracted nature of these procedures can be retraumatizing for survivors.<sup>82</sup> One participant elucidated how receiving a court summons or police station notification months after resettling into a shelter and rebuilding their life can compound trauma:

[T]he women, they go on with their lives after filing a complaint, they work, take care of the children, etc. And then you get this! Oh boy, it throws everything off balance! "It's been 6 months, it's been a year since it happened, and now I've got to get back into it. I don't know why they want to see me, it just says, come to such-and-such a venue, such-and-such a day, at such-and-such a time".

Further, the uncertainties and confusion surrounding the judicial system for most users exacerbates their feeling of insecurity during years-long procedures. As mentioned by a report issued in 2017 by the Standing Senate Committee on Legal and Constitutional Affairs, extended legal proceedings and numerous delays place

---

<sup>76</sup> Zoran Miladinovic, "Adult criminal and youth court statistics in Canada, 2017/2018" (2019) Daily Statistics Canada Catalogue no 85-002-X.

<sup>77</sup> *Delaying Justice is Denying Justice: An urgent need to address lengthy court delays in Canada*, by Robert W Runciman & George S Baker (Standing Senate Committee on Legal and Constitutional Affairs, 2017); "C-75 (42-1) - LEGISinfo - Parliament of Canada", online: <<https://www.parl.ca/LegisInfo/en/bill/42-1/c-75>>.

<sup>78</sup> *R. v. Jordan* 2016 SCC 27 [*Jordan*].

<sup>79</sup> *Measuring efficiency in the Canadian adult criminal court system: Criminal court workload and case processing indicators*, by Maisie Karam et al, Juristat: Canadian Centre for Justice Statistics (Catalogue no. 85-002-X: Statistics Canada, 2020).

<sup>80</sup> Interview 4.

<sup>81</sup> Interview 2.

<sup>82</sup> Interview 8.

significant strain on survivors and their loved ones, ultimately depriving them of the justice they deserve.<sup>83</sup>

Participants further emphasized how evidentiary rules in SV/DV cases can present significant challenges. This is principally on account of the fact that these forms of violence occur in intimate and private settings where there are typically no witnesses. One participant drew a comparison between a snatch theft and SV/DV cases. In the former, surveillance cameras can aid in gathering evidence, particularly as such incidents are common in public spaces. Conversely, in SV/DV cases, there are rarely corroborating witnesses, resulting in a “word against word” scenario.<sup>84</sup>

Expanding on this analogy, this participant highlighted the social stigma associated with SV/DV, which can inhibit testifying and collecting evidence. Unlike other victims, survivors of SV/DV are often interrogated and subject to blame, presumed to have willingly entered the relationship. As one participant noted, if someone steals a purse in a grocery store, there will be no victim blaming; it is apparent to everyone that the survivor did not choose to be in this situation and should not be held responsible. Whereas in cases of SV/DV, survivors are held responsible for poorly choosing a partner or remaining in the relationship despite abuse.

Evidence-gathering is further complicated by the realities of violence that do not take the form of an isolated single act. Several participants highlighted the need to incorporate “coercive control”<sup>85</sup> in Canadian law, as has been the case in England/Wales and Scotland.<sup>86</sup> There, it is defined as “any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality”.<sup>87</sup> The concept of “coercive control” has gained traction in Canada, as evidenced by a 2021 private member’s bill proposing amendments to the *Criminal Code* (Bill C-202). Furthermore, the *Divorce Act* recently underwent revisions to incorporate coercive control into the definition of family violence (Sect. 2(1)). These developments were not mentioned by our participants, which may indicate a diluted practical impact of these law reforms. Participants did note that, without incorporating this concept in the Canadian legal understanding of domestic violence, particularly by recognizing that it often takes the form of a “pattern of incidents”, the judicial system is hampered by the need for proof of all separate

---

<sup>83</sup> Runciman & Baker, *supra* note 77.

<sup>84</sup> Interview 6.

<sup>85</sup> See Stark, *supra* note 54.

<sup>86</sup> Evan Stark & Marianne Hester, “Coercive Control: Update and Review” (2019) 25:1 *Violence Against Women* 81–104.

<sup>87</sup> “New definition of domestic violence”, online: GOVUK <<https://www.gov.uk/government/news/new-definition-of-domestic-violence>>.

instances of violence instead of considering a situation in its entirety. This renders the production of evidence difficult for survivors.

The segregation of various branches of law and cases that frequently intersect in instances of domestic violence presents an additional and significant challenge for users of the judicial system.<sup>88</sup> Indeed, the division between criminal law and family law can give rise to several issues, including what participants commonly referred to as “security breaches”. For example, one professional explained how a criminal court ruling may mandate the cessation of all contact between former partners unless a Superior Court judgment permits shared custody or visitation. However, as articulated by some participants, these rulings are perceived as contradictory:

...he has no right to call her, no right to speak to her, no right to do anything, no right to approach her except that he can text her for the kids, he can call her for the kids, she can't decide that it's a breach of conditions, it doesn't make sense! And he's not allowed to approach her, but she has to go see him every other week to drop off the kids.<sup>89</sup>

The lack of screening for SV/DV in family courts has been shown to impact negatively the safety net around the survivor parent. Violence typically does not end with separation<sup>90</sup> and shared parenting, often enforced by family courts, leads to continued exposure to violence and coercive control.<sup>91</sup> Participants explained that it is not uncommon to see judgments issuing no-contact orders between the spouses undermined by family law rulings that require exposure to facilitate custody orders.<sup>92</sup> The lack of communication and contradictory rules by different courts creates gaps in the safety net that the judicial system should endeavor to establish for survivors.<sup>93</sup>

The lack of cooperation between the different courts is also exemplified by how initiatives regarding SV/DV issues have not been deployed across the different judicial branches. One example cited is the *Côté Cour* initiative at the Montreal Courthouse, offering professional support to individuals navigating the court system for cases of domestic violence,<sup>94</sup> which is generally regarded as a positive mechanism

---

<sup>88</sup> Half of the interviews.

<sup>89</sup> Interview 8.

<sup>90</sup> Peter Jaffe, “A presumption against shared parenting for family court litigants” (2014) 52:2 Family Court Rev 187–192.

<sup>91</sup> Beth Archer-Kuhn et al, “A survey of mothers’ experiences of shared parenting and domestic violence” (2023) 61:2 Family Court Rev 395–412.

<sup>92</sup> Interview 4.

<sup>93</sup> Valérie P Costanzo, “Un rendez-vous manqué avec l'accès à la justice : le projet d'un tribunal unifié de la famille au Québec” (2023) 52:1 Revue de droit de l'Université de Sherbrooke 173–231 at 185–86.

<sup>94</sup> “Service Côté Cour (CIUSSS du Centre-Sud-de-l'île de Montréal) | TCVCVM”, online: <<https://www.tcvcvm.ca/page/programme-cote-cour>>.

by DV professionals.<sup>95</sup> However, *Côté Cour* only operates within the criminal side of the court system, failing to facilitate coordination among the youth protection court, civil court, family division, and criminal court to align their decisions coherently and ensure an effective protection mechanism around survivors.<sup>96</sup>

Aside from the risk of violence, competing and contradictory judicial rulings can facilitate harassment and economic abuse. As one participant noted, a family judge might not attend to the potential for a violent spouse to weaponize spousal and child support if that judge is not presented evidence of violence in the proceedings before them.<sup>97</sup>

Given these shortcomings, participants note that survivors do not have confidence in judicial processes.<sup>98</sup> Notably, there is a pervasive sense of insecurity and fear about exposure to additional forms of violence during judicial proceedings, which often leads survivors either to be reluctant to bring their cases before courts or to abandon them before completion.<sup>99</sup>

### *iii. Predicted potential of SV/DV specialized courts*

The third main theme broached during the interviews with participants relates to the predicted potential of specialised courts. While the pilot was met with a mixture of hope and caution, frontline organizations saw these courts as a potential turning point in addressing systemic challenges and shortcomings that have long been hurdles to the justice system's ability to provide an adequate response to gender-based violence.

A key promise of specialized courts is the potential for improved support and security for survivors. As articulated by one participant, the primary aspirations of these courts is to offer “better support in the judicial system” and to foster a more secure environment for survivors navigating the complex and often daunting legal process:<sup>100</sup>

However, the role of specialized courts extends beyond simplifying legal complexities. These courts are also tasked with confronting the nuanced and deeply personal nature of crimes like domestic and sexual violence. These are not typical offenses; they involve intimate relationships between the

---

<sup>95</sup> Interview 5, 6 and 8.

<sup>96</sup> Interview 6.

<sup>97</sup> Interview 4.

<sup>98</sup> Interview 8.

<sup>99</sup> Interview 4.

<sup>100</sup> Interview 6.

survivor and the abuser, complicating the survivor's decision to seek legal recourse. The emotional and familial ties often make the legal process not just a matter of public record but a private struggle.<sup>101</sup>

This specific nature of SV/DV creates unique challenges for survivors, who often grapple with conflicting desires for change, protection, and justice, all within the context of their interpersonal relationships.

As such, the promise of these courts extends beyond managing legal complexities; it encompasses a deep understanding of the human elements inherent in these cases and an effort to tailor the judicial process to address these sensitively and effectively. By doing so, it aims to uphold not only the law but also the dignity and needs of the individuals they serve.<sup>102</sup>

Moreover, specialized courts' emphasis on understanding the specific dynamics of SV/DV offers a unique opportunity to deepen understanding and foster collaboration among the various stakeholders within the justice system. Frontline workers mentioned Kimberlé Crenshaw's intersectionality framework as central to this opportunity. It emphasizes the need to recognize the diverse experiences and intersecting vulnerabilities of individuals.<sup>103</sup> A participant elaborated on the critical role and necessary expansion of this framework within this context, explaining:

... There are layers and layers of vulnerability that intersect and overlap one on top of the other. When we view this through the lens of differentiated analysis between the sexes and intersectional feminism, we understand that there is a significant group of women who face multiple, compounding vulnerabilities.<sup>104</sup>

Understanding the multifaceted nature of SV/DV is crucial; it has “multiple forms of violence” which includes not just physical, sexual, emotional, and economic abuse but also forms of coercive control—a pervasive and insidious form of violence that involves domination tactics like isolation, intimidation, and manipulation of children.<sup>105</sup> Specialized courts that recognize this broader reality, acknowledging how various identities such as race, gender, class, citizenship, and sexuality shape experiences of violence and oppression, can provide a more nuanced and effective response to domestic violence dynamics, prioritizing the safety and autonomy of

---

<sup>101</sup> Interview 1.

<sup>102</sup> *R. v. Ipeelee*, 2012 SCC 13 [*Ipeelee*].

<sup>103</sup> Crenshaw, *supra* note 67 at 1244.

<sup>104</sup> Interview 1.

<sup>105</sup> Stark, *supra* note 54 at 12; Illene Seidman & Susan H Vickers, "The Second Wave: An Agenda for the Next Thirty Years of Rape Law Reform" (2005) 38:2 *Suffolk UL Rev* 467 at 472.

survivors.<sup>106</sup> These identities also shape responses to those accused and found guilty of SV/DV, with racialized and Indigenous men most prone to suspicion, presumption, and blame for these offences.<sup>107</sup>

Specialized courts' potential to empower survivors is another key anticipated benefit that participants noted. As expressed by one participant, there is hope that these courts – unlike traditional judicial institutions that have not earned the confidence of survivors – will create an environment where survivors are “heard and believed.”<sup>108</sup> Another emphasized, “The main point for survivors is the support process. This is where it will make the difference,” signaling a move toward a more survivor-centered approach and less of the traditional court system.<sup>109</sup> Additionally, the same participant advocated for a broader rethinking of traditional punitive measures, questioning their effectiveness in addressing the root causes of violence:

I don't think putting people in prison is a solution. I think that people need support because people who attack or who want violence are also in psychological distress [...] for me, it's not reparation and it's not a positive consequence, putting people in prison, neither for the person nor for the survivor.<sup>110</sup>

This sentiment resonates with the principles of restorative justice, which seeks to repair harm and empower survivors through processes that focus on their needs and experiences.

Restorative justice approaches, such as victim-offender mediation, family group conferencing, and sentencing circles, aim to create a dialogue between the survivor, the offender, and the community to address the impact of the crime and develop a plan for accountability and healing.<sup>111</sup> These approaches recognize the limitations of traditional justice models in addressing the complex dynamics of SV/DV and seek to provide a more holistic and empowering response.

While restorative justice in cases of SV/DV requires careful consideration,<sup>112</sup> it may offer an alternative avenue for healing and accountability. Notably, this

---

<sup>106</sup> Interview 1; *Ibid.*

<sup>107</sup> Carol-Anne Vallée, *Femmes autochtones et violence - représentations médiatiques : à l'intersection de la race et du genre* (2017) mémoire de maîtrise, Université du Québec à Montréal at 93.

<sup>108</sup> Interview 1.

<sup>109</sup> Interview 7.

<sup>110</sup> *Ibid.*

<sup>111</sup> Howard Zehr, *The little book of restorative justice: Revised and updated* (Simon and Schuster, 2015) at 15.

<sup>112</sup> Mary P Koss, "The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes" (2014) 29:9 J Interpersonal Violence 1623 at 1624.

approach can provide a more meaningful experience for survivors, allowing them to express the full impact of the harm they have suffered and to have a voice in the outcome of a case.<sup>113</sup> Yet such processes must be carefully designed and implemented to ensure survivor safety and empowerment, particularly in cases of ongoing relationships and power imbalances.<sup>114</sup> The integration of key resources within specialized courts, such as survivor advocates, survivor impact statements, and support services, are aligned with restorative models.<sup>115</sup>

While participants predicted that the specialized courts project will contain certain drawbacks, many saw the pilot as a significant step toward a more just and responsive system for survivors. By prioritizing support, fostering collaboration, and promoting a deeper understanding of the complexities of violence, these courts have the potential to empower survivors. Broadening the pilot in the longer term to ensure its sustainability and reach, pursuant to proximate consultation with survivors' advocates and service providers, will help these courts fulfill their promise and deliver their intended outcomes.<sup>116</sup>

*iv. Barriers and predicted drawbacks of SV/DV specialized courts*

Before its rollout in Montreal, several aspects of the pilot project raised concerns among SV/DV professionals, primarily regarding uncertainties connected to the project's design and execution. Additionally, some worried that the pilot would not yield intended results; they say the initiative was rushed and implemented pursuant to inadequate consultation. As one participant noted, professionals were given insufficient time to react to proposals, particularly given how pressed for time and resources front-line organizations are in the usual course of their operations.<sup>117</sup> According to one participant: "it's not consultation, it's really information, and it may

---

<sup>113</sup> James Ptacek, *Restorative Justice and Violence Against Women* (Oxford: Oxford University Press, 2010) at 282; Mary P Koss, Jay K Wilgus & Kaaren M Williamsen, "Campus Sexual Misconduct: Restorative Justice Approaches to Enhance Compliance With Title IX Guidance" (2014) 15:3 Trauma, Violence, & Abuse 242 at 1655.

<sup>114</sup> Kathleen Daly & Julie Stubbs, "Feminist Engagement with Restorative Justice" (2006) 10:1 Theoretical Criminology 9 at 17; Kathleen Daly, "What is Restorative Justice? Fresh Answers to a Vexed Question" (2016) 11:1 Victims & Offenders 9 at 115.

<sup>115</sup> Interview 1. It is important to consider the critique that restorative justice has been co-opted by the State, particularly with respect to Indigenous communities, which has had the effect of watering down certain aspects of it, see Kharol-Ann Souffrant, *Le privilège de dénoncer – Justice pour toutes les victimes de violences sexuelles* (2022) at 77. Also of note, organisations like The Third Eye Collective, a community-based organization, advocates for restorative justice approaches based within black and indigenous communities rather than government institutions.

<sup>116</sup> Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal System* (New York: New York University Press, 2012).

<sup>117</sup> Interview 5.



even be information that's a bit hidden".<sup>118</sup> Several participants noted being consulted in a rather incomplete manner, merely being asked to submit a memo without much further engagement.<sup>119</sup> Professionals, through their networks, were also concerned that in certain parts of the province some organizations have not been consulted despite being the only provider of such services in their region.<sup>120</sup> This lack of transparency and improper consultation worried service providers that the project might amount to little more than "smoke and mirrors" which heightened their skepticism around the potential of this initiative.<sup>121</sup>

One of the most important and overarching predicted drawbacks of the pilot project relates to issues of equity and access. Participants stressed the great heterogeneity of the population that experience SV/DV. While those who access housing services may all face some degree of poverty,<sup>122</sup> more than half of participants interviewed highlighted how individuals who seek judicial redress for cases of SV/DV come from varied backgrounds and circumstances (including socio-economic status, age, employment situation, immigration status, and racial and ethnic backgrounds). Several professionals noted the disproportionate need for racialized, Indigenous, and migrant individuals to benefit from housing-related and legal support.<sup>123</sup> Given the wide array of experiences and realities of SV/DV survivors, participants were concerned that specialized courts, once implemented, will not account for their experiences or ensure equal access to legal avenues.

A key issue stems from the current unequal access to support from civil society, creating a "two-speed system".<sup>124</sup> Those with access to resources from shelters, for instance, receive assistance navigating the legal system, enhancing their sense of safety throughout proceedings. Conversely, individuals who either do not require or lack access to shelter and service providers will not benefit from the expertise accumulated by professionals in these contexts. Support within specialized courts stands to be more transversally distributed; all survivors are intended to benefit from the help of an *intervenant de confiance*. That said, since this *intervenant de confiance* can be anyone the survivor chooses, participants worried that support persons might lack relevant expertise, perpetuating the "two-speed system".<sup>125</sup>

---

<sup>118</sup> *Ibid.*

<sup>119</sup> Interview 8.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> Interview 1.

<sup>123</sup> Interview 5.

<sup>124</sup> *Ibid.*

<sup>125</sup> Interview 5.

Other predicted drawbacks revolve around uncertainties surrounding the implementation of specialized courts.<sup>126</sup> Participants noted that the roles assigned to various workers tasked with directly assisting survivors in navigating the system have not yet been clearly defined and distinguished. There are two distinct roles: the *intervenant de confiance* and the *intervenant socio-judiciaire de liaison* (ISL). The allocation of responsibilities between these two roles remains unclear, even for professionals who were closely consulted by the government during the initiative's development and rollout phases.<sup>127</sup> Further, the reliance on CAVACs (*Centres d'aide aux victimes d'actes criminels*), which may not possess specialized expertise in domestic violence, and the potential exclusion of experienced organizations from the process, have raised concerns about these courts' ability to adequately address survivors' needs.<sup>128</sup>

Another aspect that remains unclear is the consideration given to both SV and DV within specialized courts. While most professionals agree that grouping these issues, a first-of-its-kind approach globally, makes sense given that most DV cases involve SV-related issues, concerns have been raised regarding whether both types of cases will receive equal consideration and whether training and expertise will be evenly distributed between the two. Furthermore, as discussed above, DV cases often have far-reaching impacts on other proceedings, related to separation or custody. Specialized courts thus cannot operate in isolation, as doing so exacerbates risks of ongoing violence.

Moreover, uncertainty fueled by media announcements about specialized courts, has, according to participants, raised false hopes. They reported that some survivors recently have inquired about the pilot project's progress, hoping that their case could be heard in such courts. Errors or omissions in media coverage about specialized courts induced participants into mistaken beliefs, deepening their feelings of abandonment and disillusionment with the judicial system.<sup>129</sup>

The last predicted drawback of specialized courts, as identified by participants, stems from what they perceive as the pilot's lack of ambition. According to several interviewees, the solution proposed by specialized courts is only partial and not sufficiently far-reaching as a response to the problem.<sup>130</sup> This solution focuses mainly on judicial processes. In contrast, participants emphasized the critical importance of every stage of the criminal procedure, particularly initial interactions with law enforcement. Participants found that the project lacked measures to provide expert support to SV/DV survivors when filing complaints with the police and to

---

<sup>126</sup> As of April 01, 2024, no case has completed the entire process in the specialized pilot project tribunals.

<sup>127</sup> *Ibid.*

<sup>128</sup> Interview 8.

<sup>129</sup> Interview 5.

<sup>130</sup> *Ibid.*

address the aftermath of case completion.<sup>131</sup> For participants, justice and security for survivors are not solely derived from judicial proceedings. The absence of continued support throughout the survivor's entire journey indicates that the pilot project does not truly centre their needs within its design.<sup>132</sup>

Secondly, because the reform stops short of expanding legal frameworks to address, for example, sentencing or the integration of coercive control within legal definitions of domestic violence, participants questioned whether it would truly "rebuild trust" in our justice system. As one participant mentioned:

For me, rebuilding trust would have meant changing the system, but then we didn't touch it. I know it's not provincial, it's federal, I'm aware, but for me that's the basic problem: the sentences are not sufficient and adjusted to realities, we leave people without a safety net, much too often.<sup>133</sup>

Thirdly, in Montreal, initiatives such as *Côté Cour* and CAVACs already offer a number of the measures proposed by specialized courts to support and assist survivors in SV/DV cases. According to participants, numerous "new" mechanisms slated for implementation by specialized courts already exist thanks to initiatives like *Côté Cour* and changes brought about by the Covid-19 crisis, such as the possibility to testify through videoconference. Interviewees expressed a desire for the government, in designing this pilot project, to think more innovatively and offer genuinely creative and new solutions rather than replicating existing measures.

These predicted drawbacks highlight the importance of meaningful collaboration and consultation with frontline organizations and survivors in the design and operation of specialized courts to ensure that they respond to the unique needs and experiences of those most impacted by these forms of violence.<sup>134</sup> These insights reveal that the effectiveness of specialized courts could be constrained unless complemented by continuous adaptations and reforms that are clearly communicated to and understood by survivors and those working to support them. Such changes are necessary to address the root causes of violence and ensure ongoing and appropriate supports for survivors and accountability for offenders, especially as our understanding of this type of violence and its impacts deepen. Consequently, the specialized courts' pilot program should not be seen in isolation but as a component of a broader, comprehensive strategy aimed at addressing SV/DV. This overarching

---

<sup>131</sup> Interview 8.

<sup>132</sup> Interview 5.

<sup>133</sup> Interview 8.

<sup>134</sup> James Ptacek ed, *Restorative Justice and Violence Against Women* (Oxford: Oxford University Press, 2009).

strategy should include preventive measures, early intervention, and robust and holistic supports.<sup>135</sup>

#### 4. Analysis

Qualitative interviews undertaken for this study reflected some transversal themes that can inform the assessment of the SV/DV specialized courts pilot in Quebec and inform next steps as the government and policy actors move to post-pilot implementation of these institutions. Participants consistently raised five themes that highlight the complexities and challenges inherent in addressing SV/DV through legal procedures and institutions. These points build upon the findings detailed above. Having painted the picture of what the needs and shortcomings of the legal and judicial systems are and the promises that the specialized court project holds, we are able to draw conclusions as to what is needed to effectively address sexual and domestic violence in Quebec, within and beyond specialized courts.

Although our participant sample size was small, the richness of the conversations is indicative of the promise, if not the necessity, of consulting closely with front-line service providers in assessing the specialized court pilot's success and determining how best to move forward. Participants were forthcoming and knowledgeable about the challenges survivors encounter within justice frameworks. Participants' understanding of these issues is profound, and their approach is survivor centric. They demonstrated sharp appreciation for justice and human rights concerns central to criminal justice processes. While most tended to see the issues in question as concerning women predominantly, our own approach to SV/DV centres the transversal and intersectional nature of these forms of violence. Specifically, we recognize that SV/DV can affect persons of all genders, and persons with overlapping and intersecting marginalized identities will encounter deepened vulnerabilities in this domain.

First, participants recognized that based on the need to address the complex and diverse consequences SV/DV can have for survivors, specialized courts cannot just be "courts" in the traditional sense. That is, addressing SV/DV requires a coordinated, holistic, multidisciplinary approach that brings together professionals from various fields beyond law. This includes psychologists, social workers, and community advocates.<sup>136</sup> Justice for survivors requires a system that "support[s] them every step of the way"<sup>137</sup>, both before, during, and after formal legal proceedings. This

---

<sup>135</sup> Judith L. Herman, "Justice from the Victim's Perspective" (2005) 11:5 *Violence Against Women* 571; Mazur, Robyn & Aldrich, Liberty, "What Makes a Domestic Violence Court Work? Lessons from New York" (2003) 42:2 *Judges' J* 5.

<sup>136</sup> Interview 1, 4, 7 and 8.

<sup>137</sup> Interview 1.

work cannot be done by legal actors alone, signaling the cruciality of moving beyond juridical expertise to reduce barriers and to enhance justice outcomes in this context.

Second, the necessity of increased resourcing for these new judicial institutions was, unsurprisingly, a consistent theme of participant interviews. Current resource shortages lead to one of the most important shortcomings of the current legal and judicial system: the delays in the administration of justice. These delays often result in stays of proceedings, and survivors losing faith in the system.<sup>138</sup> The impact of such shortages is grave, eroding public confidence in legal processes and depriving survivors, accused individuals, and other affected parties of closure and appropriate protections.

Third, participants astutely highlighted the discrepancy between government actors' and frontline workers' apparent perceptions of SV/DV and survivors' lived realities.<sup>139</sup> The former imagines SV/DV as a bilateral conflict or issue between an abuser and survivor, focusing primarily on the latter's physical and psychological integrity. However, participants' reflections highlighted how SV/DV is a deeply relational phenomenon with far-reaching and multi-layered consequences that extend beyond the immediate survivor.<sup>140</sup> Participants thus signaled the need for a more profound appreciation of the phenomenon that recognizes the multitude of social, economic, and legal factors that can complicate or prohibit survivors' ability to rely on our criminal justice system. This calls for more elaborate policy approaches that reflect the deeply relational – as opposed to bilateral – nature of SV/DV, which affects persons beyond the survivor, notably children and dependants. This further calls for integrating within justice approaches a recognition of the trauma SV/DV can inflict, which is unique in its impact, duration, and reach. Such trauma has the potential for deep health and material repercussions related to issues such as immigration, work, housing, and parenting rights.<sup>141</sup>

Fourth, participants consistently noted the need to integrate a trauma-informed approach throughout a specialized court system, from the initial stages of reporting through to a case's conclusion.<sup>142</sup> The importance of centring the person over the process was highlighted as a recurrent theme, such that rebuilding trust for survivors requires placing them “much more centrally [...] rather than just talking about the criminal.”<sup>143</sup> Relatedly, participants emphasized avoidance of survivors' re-traumatization through the justice process as a core indicator of success, as opposed to

---

<sup>138</sup> Interview 6.

<sup>139</sup> Interview 1 and 5.

<sup>140</sup> Interview 1 and 2.

<sup>141</sup> Interview 1.

<sup>142</sup> Interview 6.

<sup>143</sup> Interview 8.

traditional metrics such as the number of cases processed or convictions entered.<sup>144</sup> As one participant stressed, “the success of a court is not so much in the number of complaints, but in the quality of support for the survivors; that they feel accompanied, supported, believed, and that we put in place safety and protection measures around them.”<sup>145</sup> In short, for the participants of this study, the effectiveness of specialized courts is premised on more than legal outcomes and requires examining the healing and long-term well-being of those impacted by the violence.

Fifth and finally, participants stressed that while the pilot is a welcome initiative that has brought necessary attention to SV/DV, it has lacked essential communication and consultations needed to build trust in specialized courts. They stressed that frontline service organizations can play a key role in both providing relevant feedback to shape the design of the post-pilot phase of the initiative, and advising on communication strategies to reach survivors and enhance their trust in these institutions so that they are willing to engage with the judicial system.

The observations from those who directly work with survivors can inform decisions as the SV/DV specialized court pilot project approaches a more permanent iteration and other reforms of the legal and justice system are designed to better respond to SV/DV. By prioritizing these professionals’ perspectives and expertise, policymakers and legislators can help ensure that courts respond meaningfully to the needs and experiences of those whom they intend to serve and support.

## Conclusion

Quebec's introduction of specialized SV/DV courts marks a significant step forward in addressing the unique challenges faced by survivors navigating the legal system. As the first jurisdiction worldwide to integrate SV/DV into a single specialized court, Quebec's pilot project has the potential to set a new standard for survivor-centered justice.

Existing literature on specialized courts for domestic violence cases highlights both the promise and limitations of such initiatives. While these courts have been associated with improved survivor engagement and expedited case processing times, their impact on protecting survivors remain unclear. Additionally, critiques have emerged regarding the lack of specialized services for diverse population groups, and the failure to adequately address the complex social and economic dynamics in domestic violence contexts.

Quebec's decision to introduce a pilot project establishing specialized courts for SV/DV cases responds to persistent barriers and shortcomings found in the traditional justice system. By recognizing the need for a more holistic, survivor-

---

<sup>144</sup> Interview 7.

<sup>145</sup> Interview 6.

centered approach, this initiative aims to improve access to justice, reduce re-traumatization, and enhance coordination with community-based support services. The unanimous adoption by the provincial legislature and the subsequent roll-out of the pilot project in selected judicial districts demonstrate a strong political commitment to addressing these issues.

As the pilot project moves to a permanent iteration, monitoring and evaluating its outcomes will be crucial to inform future directions and improvements. Key areas for future research include assessing the impact of specialized courts on survivor satisfaction, engagement, and well-being; examining the effectiveness of specialized training for legal professionals in promoting trauma-informed practices; investigating the extent to which specialized courts address the unique needs of diverse population groups; exploring the potential for increased coordination and collaboration between the justice system and community-based support services; and analyzing the long-term impact on offender accountability and recidivism rates.<sup>146</sup>

Furthermore, broader societal factors that shape incidents, effects, and social understandings of SV/DV cannot be overlooked. The justice system does not operate in a vacuum, and challenges faced by survivors extend beyond the courtroom. Addressing the root causes of violence, dismantling harmful stereotypes and attitudes, and promoting a culture of respect and equality are essential to meaningful justice outcomes.

As Quebec continues its work on specialized courts, sustained commitment, critical reflection, and a willingness to adapt and innovate will be key to building an initiative that truly serves the interests of justice for all survivors. By proactively seeking and remaining open to feedback, embracing best practices, and continually striving to improve, specialized courts have the potential to set a new standard for how law responds to the complex realities of SV/DV. Ultimately, the success of this initiative will depend on our collective ability to centre the needs and experiences of survivors, challenge systemic barriers, and work toward a future where justice and healing are accessible to all.

---

<sup>146</sup> Currently, there is an ongoing research and evaluation project “Évaluation des tribunaux spécialisés” 2023-2026 conducted by Célyne Lalande, Dominique Bernier, Karine Baril, Manon Bergeron, Véronique Fortin Partenaire and in partnership with Ministère de la Justice du Québec.