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How one Ontario woman finally escaped her abusive husband

Domestic violence is rampant in Canada

—and hard to escape. But the justice system is evolving to better serve survivors

BY SYDNEY LONEY

Editor's note: This story includes descriptions of domestic violence.

Cristina Amelio's hands shook uncontrollably as she stood in the witness box of a criminal court in Toronto and read from her victim impact statement. "Our daughter will tell people, teachers and friends, 'I do not have a dad anymore,'" Amelio read. "He hit my mommy...and she was bleeding. He hit her so many, many times.' Our son would not sleep alone," she continued. "He would wake up yelling, 'Someone is here, Mom, someone is going to hurt us.'"

Someone *did* hurt them. And that someone was Amelio's husband Jake*, who sat facing her in the courtroom, slouched and glowering. When the judge asked him if he had anything he'd like to say, he replied, "Nope." Amelio's statement was 14 minutes long—14 minutes to cover 10 years of unimaginable violence and abuse.

She told the court about the night nine months earlier, in January 2017, when she heard the garage door open and knew Jake was home. She was watching *Narnia* in bed with her then seven-year-old son and three-year-old daughter curled up beside her. From the way Jake stomped up the stairs toward them, mumbling under his breath, she knew he was

going to hit her. She always knew.

The door swung open and he started yelling, “What the f-, you f-face, always waiting up for me, I can’t even go for an f-ing beer.” He jumped on Amelio, punching her and pressing his fingers into her legs so that every digit left a bruise that wouldn’t fade for weeks. But she didn’t call the police that night. Not yet. Because afterwards, just as he had so many times before, Jake promised to work on his anger, promised he’d go to counselling again, told her he loved her. He also threatened to kill her. And threatened that if she called the police and he went to jail, he’d find someone else to kill her for him.

OUR LEGAL SYSTEM CAN BE COMPLEX, OVERWHELMING AND FRIGHTENING FOR SURVIVORS

At just a fraction over five feet tall, Amelio looked small and alone in the witness box, wearing a black suit jacket over a pink pastel shirt, her blonde hair falling over her shoulders. But she wasn’t alone. Four police officers had come from their night shifts, just to support her. And later, when she went to family court to prevent Jake from going near their children, her lawyer, who Amelio says fought for her children like they were her own, never left her side.

She says it was this support that saved her. Without the police, without a family court support worker, without a lawyer trained in a trauma- and violence-informed approach, she would never have made it through the justice system.

“The legal system is scary,” she says. “Being in front of strangers who are going to decide your children’s

future is scary. They don't know your story. They have it on paper, but they don't feel it. That's why I had to speak—and when I got off the stand, I was like, 'Holy crap, I just faced Jake. And I made the judge feel sympathy. *I did that.*' Because that's what I deserve. This was wrong, what happened to me, but I had to do something to change my story.”

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The sad truth is that there are thousands of women in Canada who have similar stories, but never get a chance to tell them—let alone change them. Domestic partner violence is one of the most common forms of violence against women in the country. More than a quarter of all reported violent crimes in 2016 involved family violence, according to the Public Health Agency of Canada, but that number only hints at how bad things

really are for women in abusive relationships. Rates of

family violence are underestimated, too. In 2014, for example, fewer than one in five people who had been abused by their partners reported that abuse to police.

Domestic violence is a complex, messy problem that no one likes to talk about. Every day we hear about gun violence, or gang violence, or when someone gets stabbed outside a bar. We don't hear about domestic violence. There's no #metoo movement for women who are abused by their partners. Yet most troubling of all is that when women do find the courage to call the police, they wind up in a justice system that is ill-equipped to help them, a justice system where they're subjected to legal bullying, re-victimization and an even greater risk of violence. Because the most dangerous time for survivors is when they leave an abusive relationship.

NOT UNDERSTANDING DOMESTIC VIOLENCE HURTS WOMEN

Deepa Mattoo, a longtime defender of women's rights and legal director of the Barbra Schlifer Commemorative Clinic, an agency funded by United Way, has a lot to say about the barriers facing survivors in the justice system. She's especially frustrated by the pervasive misconceptions that make these barriers even tougher to topple.

“We've evolved to a stage where we believe violence against women isn't that big a problem anymore, that we have systems in place to deal with it. But that's not the experience of women in their day-to-day lives,” Mattoo says. “That belief creates invisible barriers for women.” To begin with, the justice

system is so hard to navigate that many survivors simply give up. (When you've experienced trauma, just getting through the paperwork to determine custody is overwhelming.) The process is also prohibitively expensive. "If you don't have the resources and you don't qualify for legal aid, which is often a sub-standard form of justice anyway, then you fall through the cracks."

Mattoo finds herself constantly fighting assumptions about what a woman experiencing violence looks like. "Women don't necessarily walk around with bruises on their faces," she says. "For the majority of women, it happens in an invisible way." And it happens regardless of class, race, religion and educational background. "We think it happens to people 'other than us.' Violence against women happens to all of us."

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Depending on their backgrounds, too, women may face different barriers when they decide to put an end to that violence. From their first encounter with police to when they're standing in a courtroom, women of colour and Indigenous women can face

████████████████████ additional biases that stem from a lack of understanding. “While sexism is a common experience for women in the legal system, women of colour also face discrimination based on their cultural or religious beliefs,” Mattoo says. “For example, there’s an assumption that every hijab-wearing woman experiences abuse, or else isn’t doing enough to keep herself safe.”

Society is also quick to judge women for staying in abusive relationships. There are many good reasons why women stay, and the worst thing you can ask a survivor is why she didn’t leave sooner. It’s a question that gets asked all the time in the courtroom.

WHAT IT’S LIKE TO EXPERIENCE DOMESTIC VIOLENCE

Amelio gets the “Why didn’t you leave?” question a lot. “It’s still such a hard thing for me to hear,” she says. “Leaving an abusive relationship isn’t easy, and it doesn’t make sense unless you’ve been in one. People will say, ‘Cris, why didn’t you say anything? You were always so happy.’ Yeah, because you fake it. I was embarrassed and ashamed.”

She didn’t even tell her parents. Amelio had a happy childhood, went to the University of Toronto, travelled, earned a master’s degree and had a good job in a position of authority. She was engaged to an architect when she met Jake for the first time as an adult. (They’d been in grade school together. She remembered his green eyes, his dirty blonde hair and that he’d played hockey. In Grade 5, they’d had a staring contest and he’d won—then told her that she

had amazing eyes and that he liked her.) When they reconnected, Amelio broke off her engagement and, nine months later, she and Jake were married.

Domestic violence tends to start slowly, almost imperceptibly, like the tide creeping up a quiet beach. You're not aware of how far things have gone until suddenly the waves are crashing all around you. The only hint Amelio had before her wedding day was when Jake ripped the rearview mirror off her Jetta. "Everything they say happens, happened," she says. "First it was a wall, then it was a chair, then it was me."

Six months after their wedding, in November 2008, Jake hit her for the first time. Amelio was celebrating her tenth anniversary at work. "We were in the bedroom and he suddenly said, 'You think you're so important today.' I responded, fighting back, and said, 'Jake, get a job.'" Her husband dragged her across the room, threw her against an armoire and punched her in the chest. "I will never forget how I felt, just trying to process what was happening," she says. Amelio went to work and told concerned co-workers that she was just having a bad day. Two months later, she discovered she was pregnant.

In the years that followed, no one ever suspected what was really going on. Whenever Jake struck his wife, he'd post something about how wonderful she was on social media. "If you looked at us through his Instagram page, you'd think we were the most amazing couple," Amelio says.

On good days, she convinced herself they'd just been

through a rough patch, that things would get better. Jake got accepted into a college program and volunteered to coach their son's hockey team. She only discovered later that her husband would make their little boy sit in bars when he went drinking after hockey practice, his eczema itching unbearably under his sweaty hockey jersey. "I did my kids a huge disservice staying with their father for so long, when I thought I was being a good mom by keeping my family together," she says. "Before I met Jake, I was independent. I was fun. By our second year of marriage, I'd lost myself. I didn't go out. I wasn't allowed to talk to anybody. I couldn't wear a dress. I couldn't wear heels. Now I look back and wonder, 'How was I living? What example of love was I showing my children?'"

STARTING DOWN THE LONG ROAD TO JUSTICE

The day Amelio calls her "enough" day came in January 2017, not long after the fight in the bedroom in front of the kids. She'd kicked Jake out, but he called and said he wanted to work on his anger issues again. He offered to pick the kids up from school and take them for pizza, then meet her in a mall parking lot on her way home from work. "I remember thinking, 'Okay, we can divorce and be civil. He must love the kids, they need their dad, it's going to be okay.'"

But in the parking lot, while she was getting the kids into her car, the mall surveillance camera captured Jake coming at her. He grabbed a clipboard from the backseat and cracked her head open. The next day, she went to the police. At the station, a female officer

asked Amelio to lower her pants so she could take pictures of the bruises on her legs. “I had never felt such shame,” Amelio says. “I thought, ‘Is this really my life?’”

Afterward, a tall, fiery-haired detective in red high-heeled boots walked in. She looked at Amelio and said bluntly, “I read your file, and your husband is going to kill you. If you don’t leave for you, leave for your kids.” It was what Amelio needed to hear. Jake was arrested and charged with assault, but it was only the beginning. “You think, ‘Once I leave, it’s over,’” she says. “But no—it all just starts then. Once you leave, everything starts.”

WHY A TRAUMA- AND VIOLENCE-INFORMED APPROACH MATTERS

On her first day in family court, Amelio met Gilda Pikelin, a family court support worker at the Barbra Schlifer Clinic. “I was so scared,” Amelio says. “But she listened to me. She listened to my story and she said, ‘Wow, Cristina, we’re going to help you.’”

Although the clinic usually only supports women below a certain income level, after one look at her file they took her case.

“There isn’t enough support in the court system for women who have experienced violence,” Pikelin says. “And a lack of training means the process is re-traumatizing.” Because they often don’t understand trauma, lawyers, clerks and judges can unintentionally re-victimize women. “They’ll talk about the abuse in front of her, without acknowledging her, or they’ll speak in a minimizing way, saying things like, ‘It was only verbal, he didn’t

actually punch you.” Pikelin says there needs to be systemic change, and a better understanding of how trauma and violence affects people.

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– Robin Parker

everyone else, with a light shining on her? Do we have to hear testimony in a space where complainants feel exposed and vulnerable?”

Robin Parker, a founding partner of Paradigm Law Group in Toronto, agrees. She didn’t learn a trauma- and violence-informed approach at law school, but it has since become a focus in the continuing legal education courses she takes—and leads. “We couldn’t have a worse possible setup to have conversations about abuse and violence than in a courtroom,” she says. “Why is the complainant sitting up in a box separated from

Parker started applying a trauma-informed approach in her practice, changing how she set up her office, where she sits, how she looks at someone. She might ask a client if she can come and sit beside them, as opposed to sitting behind her desk, or if they'd prefer to go for a walk. "If I'm representing people who have experienced trauma, I respect their space and boundaries. I have to know how trauma operates for them so I can offer support and help them make choices."

The first day Amelio met Sheru Abdalhusein, a staff lawyer at the Schlifer Clinic, Abdalhusein asked her how she was doing. "Nobody had asked me that," Amelio says. "Having a lawyer who understands, who shows you compassion, who says, 'This woman has been through hell, I gotta give her five minutes'... Having support from someone like that in the courtroom is imperative for someone like me."

THE REALITY OF LEGAL BULLYING

Unfortunately, even all of that support wasn't enough to protect Amelio. She was fighting for sole custody of her children, but Jake repeatedly failed to show up in family court. Because he'd responded to court documents in writing, the judge couldn't throw out his pleadings—and the case dragged on for nearly two years. "He was even controlling me in the courtroom," she says.

It's a common form of legal bullying, which in the case of family law, Mattoo says, involves tactics designed to create stress for survivors of violence. "The opposing council will drag things out by

bringing forward motions until women are exhausted and agree to settle.” In many cases, she adds, women don’t even raise violence as an issue because their own counsel advises them it will take too long and be too expensive. “Filing on the grounds of separation is a much easier way of getting a divorce compared to filing on the grounds of violence,” she says. “But it’s really hard for women to hear that. Their true experience isn’t validated.”

Mattoo wants to reduce the barriers to justice for women who have experienced domestic violence. The Barbra Schlifer Clinic recently received funding to help train those who work in family courts on how to assess the level of risk in a woman’s life when she enters the justice system. They also plan to run pro-bono projects with the help of lawyers who want to learn from, and work with, the clinic’s trauma-informed practice.

Amelio is trying to help, too. She was horrified to hear not only that domestic violence doesn’t come up in law school, but that the topic isn’t even addressed at the Law Society’s Family Law Summit. “Change needs to happen in Canada’s courts,” she says. “Not everyone has the support that I did.” Amelio is working with Family Service Canada to get more people in the justice system talking about domestic violence. She’s even helping create a cheat sheet for lawyers on how to work with survivors. “If I can help even one woman and make it easier for her, that would make such a difference in my life.”

SHE LEFT, SHE WON, BUT IT’S STILL NOT OVER

In the end, Abdulhusein convinced the family court judge to strike Jake’s pleadings. Amelio got sole custody with no contact, a restraining order and child support. But Jake is still out there, with four outstanding warrants for his arrest. The last Amelio heard, he was somewhere in Alberta.

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– *Cristina Amelio*

again. He calls her all the time, but when the calls come up “private number,” there’s no proof. She doesn’t even report the calls to the police anymore.

“Two years later and he’s breached every court order,” she says. “It’s never going to stop. He’s never going to leave me alone. But I learned it doesn’t

According to Statistics Canada, 15 per cent of female victims obtain a restraining order, but 32 per cent of those orders are breached. Despite creating a detailed “safety plan” with her support network at the Barbra Schlifer Clinic, Amelio didn’t bother changing her phone number—she knew that Jake would just find it

matter if you're quiet. I was quiet for 10 years and he still hit me. Now I'm speaking up."

For protection, Amelio started keeping a wrench and a can of bear spray in her car. "I have to be ready," she says. "I'm back to the brave and fierce woman I was before I met Jake." Her son tells her that she's his superhero. "I'm so proud of my kids," Amelio says. "We worked hard to get here. I finally took my life back—and I'm grateful to the women who helped me do it. These women saved my life. They saved my children's lives."

In the end, Amelio says she got lucky. Most domestic abuse survivors don't have a phalanx of strong, supportive women who know how to navigate the system standing behind them. It's a system, Amelio says, that needs to change. "The reality is our justice system fails most women in situations like mine."

There are many things that would make a difference for survivors, including harsher penalties for perpetrators of abuse. (After Amelio read her victim impact statement, the judge apologized for not being able to send Jake to jail—he got away with three years' probation because he pleaded guilty.) Amelio would also like to see more education and a better understanding of what it's like for women who have experienced domestic violence. The question, she says, should never be "Why didn't you leave?" but "Are you safe now?"

Most of all, Amelio says, all survivors should have access to family court support workers and lawyers who understand trauma. Without them, she would

never have made it through the justice system. In fact, she's fairly confident she would never have made it at all.

If you're experiencing violence or abuse, there is help out there. The Assaulted Women's Helpline offers a free, anonymous and confidential 24-hour telephone and TTY crisis telephone line to all women in Ontario who have experienced any form of abuse. The National Domestic Violence Hotline and Ending Violence Association of Canada also provide support and contact information for services across the country. You can also call 211, which offers a variety of support services across Canada, from emergency assistance to counselling and daycare—help is available 24 hours a day, seven days a week in 100 different languages.

To help put an end to domestic violence, we need to talk about domestic violence. Please keep the conversation going and consider sharing this story on social media, particularly on November 25, the International Day for the Elimination of Violence Against Women.

* Name has been changed

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