



Pregnant teen jailed after refusing to testify on abuse

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TORONTO -- The plight of a pregnant teenager behind bars for refusing to testify against her boyfriend in a domestic-abuse case will set back the women's anti-violence movement and deter other victims from seeking help, advocates say.

Noellee Mowatt, 19, has spent the past week in prison, not because she committed a crime but because she declined to co-operate with the courts as the victim of an alleged domestic assault. She will be released from the Vanier Centre for Women in Milton, west of Toronto, tomorrow, when she will be compelled to testify at her boyfriend's domestic-assault trial. She is due to deliver her baby next Tuesday.

Ms. Mowatt has vowed to never again call the police for help. And family violence activists say her experience will prompt other victims of domestic abuse to also think twice about picking up the phone. They expressed shock and outrage that a victim of alleged domestic abuse would be jailed at the very time she most needs help.

"It feels like a big blow," Amanda Dale, director of advocacy and communications at the YWCA of Toronto, said in an interview, noting that "we already have a hard time" persuading women to turn to the criminal justice system. "This can only make it more difficult."

According to Ms. Dale, 50 per cent of women in Canada have experienced either physical or emotional domestic violence at some point in their lives. In 2004, only 36 per cent of female victims of domestic abuse reported the crimes, according to Statistics Canada.

Patricia Janssen, an associate professor of health care and epidemiology at the University of British Columbia, said men who batter pregnant women are typically among the most dangerous. Many who have a history of violence against women stop the abuse during pregnancy but then resume it after the baby is born, she said.

"To jail a woman who is being battered is to, in my opinion, perpetrate further abuse," she said. "It's the opposite of helping her to be empowered and to take control over her own destiny."

Ms. Mowatt's predicament began last December, when she called police to report that her boyfriend, Christopher Harbin, had assaulted her. An Ontario Court judge issued a material warrant for her arrest after she failed to show up in court last month to testify.

Ms. Mowatt's lawyer, Lydia Riva, said yesterday that a judge can issue such a warrant if there is evidence that someone won't respond to a subpoena.

"It's unjust. It's outrageous," Ms. Riva said. "We jail people when they've committed serious criminal offences."

Ms. Mowatt also said yesterday that she does not understand how she ended up in jail. "It's just so unfair, man, I never did anything," she told The Canadian Press.

She said she hopes Mr. Harbin, 25, is acquitted so they can build a life together. She immigrated to Canada from Jamaica in October of 2006. She also has a two-year-old daughter living with her mother in Jamaica.

Mr. Harbin is behind bars awaiting his trial. His lawyer, Richard Posner, did not return a phone message yesterday.

The case has cast a cloud over the Ontario government's efforts to fight domestic violence. Premier Dalton McGuinty has pumped millions of dollars into counselling services and women's shelters since 2004.

"On the face of it, it creates a little bit of discomfort," he told reporters yesterday. "On the other hand, a judge has made a call and I'm not going to second-guess that decision."

New Democrat Leader Howard Hampton pointed out during Question Period that it was an agent of the Attorney-General who put the teenager in jail. "Unfortunately, Premier, your discomfort provides ... no comfort to victims of domestic violence."