



REGROUPEMENT DES MAISONS
POUR FEMMES VICTIMES
DE VIOLENCE CONJUGALE

Position of the Regroupement Concerning the Criminalization of Coercive Control

Although at the heart of conjugal violence, coercive control is harder for social and legal practitioners to perceive, as its manifestations may be subtle and camouflaged by seemingly loving and benevolent gestures. By learning to recognize it, however, we can fight conjugal violence more effectively.

The criminalization of coercive control would enable several significant advances, for victims and for society as a whole. It would also provide a major new lever enabling social and legal practitioners to recognize and intervene in situations of conjugal violence. Over the past few years, much research has established that coercive and controlling behaviour in a relationship is extremely dangerous, both for women and children, and those around them. Since coercive control is an important predictor of homicide, criminalizing it would prevent the escalation of violence and save lives. In addition to validating the experience of victims of conjugal violence, the creation of a coercive control offence would send a strong message to society that these behaviours are unacceptable and must not be trivialized. What's more, it would be a symbolically powerful gesture showing that the deprivation of rights and freedoms in a conjugal context is taken seriously—a significant step forward for human rights, specifically, women's fundamental rights to security, autonomy and dignity.

That said, criminalizing coercive and controlling behaviours won't magically solve all the issues that impede better access to justice for victims of conjugal violence. While the creation of a specific coercive control offence may pose certain challenges, notably concerning its implementation, the determination of what constitutes a coercive control offence, and its potential impact on certain already over-judicialized communities, we believe these issues can be addressed upstream to ensure that the new provision adequately fulfills the targeted objectives.

As for application of the coercive control offence, we realize that coercive and controlling behaviours may be hard for people outside the relationship to perceive, even some victims have difficulty recognizing it. However, the experience of European countries that have already criminalized coercive and controlling behaviours tends to show that there is much more available evidence of these behaviours because control is present in all spheres of victims' lives, as are the technological traces left by violent abusers (text messages, e-mails, geolocation devices, etc.). It therefore seems essential, to complement the new offence, that both victims and social/legal professionals be made aware of the various manifestations of violence (other than physical), and that police officers be equipped to detect and document coercive control. We also believe in the vital importance of a training program for the judiciary and all players in the system, so everyone can develop up-to-date knowledge of coercive control. This specialized, up-to-date training should

be designed with the help of groups that work with women and children who are victims of conjugal violence, given their expertise in the field.

A national campaign to raise public awareness of coercive control is also essential to raise awareness at all levels. The public is still relatively unfamiliar with the more insidious manifestations of partner violence.

As for the wording of this section of the law, we want to emphasize that the new offence should not impose an additional burden on victims. To this end, it would be wise to invite victims of coercive control to consultation sessions to express their views on the best way to draft the legislation. This would limit the possibility of revictimization in the application of the law. Furthermore, the new legislation must cover current and post-separation situations of conjugal violence.

Regarding the impact on racialized and Indigenous communities, it is clear that a criminal justice approach, especially when not accompanied by enhanced social support initiatives, is likely to disproportionately impact communities that are already under-protected, over-policed and over-judicialized. It is reasonable to assume that in Canada, Indigenous and racialized men and women, in particular, are more likely to be charged with new criminal offences, as is the case with existing criminal offences.

The adoption of an additional offence in itself will not solve the systemic problems that need to be addressed to better meet victims' needs and expectations. Measures to support and accompany the criminalization of coercive control must be put in place to bring about this important change within the justice system. Public education, awareness-raising and ongoing training for those involved in the justice system are essential if we are to institute the paradigm shift implicit in taking greater account of coercive control in judicial practices. Criminalization alone may leave the mistaken impression that the issue has been definitively addressed, releasing institutions from responsibility for what happens next. To this end, the model currently being implemented in the Australian state of Queensland would be interesting to evaluate, as it provides a step-by-step plan for the criminalization of coercive control that covers all the considerations mentioned above.

Clearly, amending the Criminal Code alone will not bring about genuine change. We believe it would be desirable to promote the adoption of a comprehensive strategy that goes beyond judicialization and includes the addition of general and specialized social services, inter-institutional collaboration, and training and support programs to facilitate the improvement of judicial and community practices.