



To: Department of Justice Canada
Ottawa (ON) K1A 0H8

From: Canadian Center for Women's Empowerment (CCFWE)
Ottawa (ON), K1N 9N5
info@ccfwe.org
www.ccfwe.org

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SUBMISSION ON THE CREATION OF A POTENTIAL COERCIVE CONTROL OFFENCE IN THE CONTEXT OF INTIMATE RELATIONSHIPS

This submission to the Department of Justice Canada regarding the review of the criminalization of coercive control in the context of intimate relationships.

RECOMMENDATIONS

- **Recommendation 1:** Center survivors with different intersectional realities, such as newcomers, immigrants, gender-diverse people, BIPOC, disabled persons, seniors and young women, when leading any developments on coercive control offensives.
- **Recommendation 2:** Recognize the gendered aspect of domestic violence and how coercive control is deeply rooted in gender inequality.
- **Recommendation 3:** Increase funding of services to adequately protect and support victim-survivors before and after separation.
- **Recommendation 4:** Include Economic and Financial Abuse within the context of coercive control and include post-separation abuse in considerations of a coercive control offence.
- **Recommendation 5:** Collect disaggregated data on Economic Abuse and its impact on survivors fleeing domestic violence, including Economic Abuse.
- **Recommendation 6:** Ensure the Victims Bill of Rights is enforceable within the current legal system.

SUMMARY

The Canadian Center for Women's Empowerment (CCFWE) agrees that the general motivation to criminalize coercive control is a step in the right direction, as the current incidence-based approach insufficiently captures the nature of domestic violence. Keeping women and children safe should be a priority for the Canadian government. Criminalization attaches a label to a conduct which violates our social norms, **but a criminal charge does not guarantee a change in behaviour.**

Economic Abuse is a common but understudied component of coercive controlling behaviour that limits a victim-survivors economic autonomy. A lack of access to financial resources is often noted as the main reason why victim-survivors stay in abusive relationships or have to return to them.

CCFWE's own research and experience working with victim services finds that the safety and security of victim-survivors cannot be accomplished through a potential offence of coercive control alone. The current legislative, financial and judicial systems cannot adequately safeguard victim-survivors.

CCFWE recommends that before criminalizing coercive controlling behaviour, substantial investments from all levels of government are needed to create a holistic framework that can adequately support and protect women in abusive situations.

ISSUE

1. What are the indicators of coercive control based on your experience and/or research?

Economic Abuse serves as a potent tool to entrap victim-survivors in a web of dependency, social isolation, and financial vulnerability.

Economic Abuse is an integral component of coercive controlling behaviour. This type of domestic violence includes a range of tactics employed by an abuser to strip an individual of their financial independence. Tactics are usually grouped into three categories: employment sabotage, economic control, and economic exploitation. Behaviours range from refusing to pay spousal support or child support payments, to building up debt in the victim's name.

Economic Abuse leaves individuals financially reliant on their abusers, creating a sense of entrapment that makes escaping the relationship and maintaining autonomy immensely challenging. A lack of access to financial resources is often noted as the main reason why victim-survivors stay in abusive relationships or have to return to them.

While women from all socioeconomic statuses, backgrounds, and identities experience Economic Abuse, those from racialized, gender-diverse, and other marginalized communities, as well as low-income and educational backgrounds, are at a higher risk of Economic Abuse.¹ CCFWE's 2021 research study conducted in the Greater Ottawa region with victim-survivors confirmed similar findings from the United States, Australia, and the United Kingdom. The study found that in Ottawa:

- More than 95% of domestic abuse victims-survivors have experienced or are experiencing Economic Abuse²:
- 86% of participating victim-survivors were demanded to quit work by their abuser.
- 93% of their abusers didn't allow them to have their own money and have taken away paychecks and/or financial aid.
- 90% of victim-survivors had decision-making power taken away from them while their abuser made all financial decisions.
- 90% of their abusers demanded participating victim-survivors information on how money was spent and asked for receipts.
- 90% of victim-survivors couldn't access bank accounts or access to financial information.
- 90% of abusers threatened with physical harm if victim-survivors paid rent or other bills that were needed.
- 84% of abusers had debt built up under victim-survivors' name.

These examples of reported tactics also serve as crucial indicators of coercive controlling behaviour.

2. What are the potential positive or negative impacts of a coercive control offence?

CCFWE agrees with the findings of the *Report of the Standing Committee on Justice and Human Rights* (2021) that proposing an offence would fill a gap in law that could be used for earlier prevention and intervention³. Criminalizing coercive controlling behaviour would also provide a strong signal to women and validate victim-survivors' experiences.

However, CCFWE doubts that criminalizing coercive control by itself will achieve the desired outcomes due to existing systemic conditions that exacerbate discrimination against victims seeking justice. CCFWE is very concerned about the risks that the above-mentioned report identifies. Most importantly, the current intervention and prevention measures are already failing

¹ FreeForm. "Support Every Survivor, How Race, Ethnicity, Gender, Sexuality, and Disability Shape Survivors' Experiences and Needs" (2022). Online: <https://www.freefrom.org/wp-content/uploads/2022/10/Support-Every-Survivor-PDF.pdf>

² Chandrarajan, N, Bedard, T, Thomas, M, Haileyesus, P, Lucente, "Access to economic resources of Economic Abuse victims during COVID-19 in the National Capital Region, Canada". Canadian Center for Women's Empowerment. (2021).

³ Khalid, Iqra (April 2021). The Shadow Pandemic: Stopping coercive and controlling behaviour in intimate relationships. Report of the Standing Committee on Justice and Human Rights. Online: <https://www.ourcommons.ca/Content/Committee/432/JUST/Reports/RP11257780/justrp09/justrp09-e.pdf>

victim-survivors, particularly those of the BIPOC and other marginalized communities where signs are much more obvious to detect and increased awareness exists. Considerations on increasing awareness and training amongst judicial staff and the police have previously fallen short of preventing sexual or physical assault or femicide.

In the *2020 State of the Criminal Justice System Report: Focus on Women*⁴ (Department of Justice Canada, 2021), women report less confidence in the accessibility and fairness of the criminal justice system compared to men. In a Canadian study exploring domestic violence specialized courts and women's experiences, many of the women interviewed encountered challenges despite residing in communities with dedicated domestic violence justice courts. These difficulties included encountering unresponsive justice personnel, experiencing re-victimization during the court proceedings, facing discrimination and cultural insensitivity, and perceiving a lack of established standards of practice among justice personnel.⁵ These considerations of women's current experience as victim-survivors in the criminal justice system demonstrate current insufficiencies.

A negative impact will be on the current shelter system and resources available for victim-survivors. With the criminalization of coercive control there will be an added need for social support services due to the potential increase in the number of victims. The Violence Against Women sector is currently underfunded and under-resourced. According to the Alberta Council of Women's Shelters 2022 Data Release⁶ 11,546 adult survivors and 6,241 children were turned away from Alberta domestic abuse shelters because of a lack of space last year. Sadly, this is not exclusive to Alberta.

CCFWE also stresses that the justice system is a system based on racism, paternalism, colonialism and capitalism in which (white) men disproportionately have power and control over resources. **Survivors find themselves confronted with systemic societal power structures that shape their experiences of the current legal system as survivors of domestic abuse, often part of the BIPOC, disabled, low-income or otherwise marginalized communities.**

In summary, CCFWE believes that more systemic change is needed before criminalizing coercive control would have the intended positive effects on women. We caution that the negative impacts highlighted by studies from other countries outweigh the promising impacts, particularly for women from marginalized communities who already have negative experiences with the legal system. Learning from other countries' best practices to implement proper supports for victims can help ensure that criminalizing coercive control will have the intended positive effect.

Before criminalizing coercive control, CCFWE urges the federal government to show its commitment to ending gender-based violence and validating survivor's experiences by

⁴ [State of the Criminal Justice System Annual Report 2020 Report: Focus on Women](#)

⁵ Tam, D. M. Y., Tutty, L. M., Zhuang, Z. H., & Paz, E. (2016). Racial Minority Women and Criminal Justice Responses to Domestic Violence. *Journal of Family Violence*, 31(4), 527–538. <https://doi.org/10.1007/s10896-015-9794-7>

⁶ [Library - Alberta Council of Women's Shelters](#)

adequately funding social services, providing additional shelters and affordable housing, collecting disaggregated data on various forms of coercive control, including Economic Abuse, increase access to legal aid, as well as invest in ongoing training and awareness raising campaigns on the signs and nature of coercive controlling behaviour, amongst other measures.

As a survivor-centred organization, CCFWE strongly recommends that the federal government takes a survivor-centred approach when considering any potential coercive control offence and let survivors with different intersectional realities, such as newcomers, immigrants, gender-diverse people, disabled, seniors and young women, lead any developments on this issue.

3. What are your views on how a coercive control offence should be constructed, in light of existing models in the United Kingdom, Scotland, Ireland and New South Wales?

The incidence of coercive control cases pursued by law enforcement and prosecutors exhibits significant regional disparities. Within England, twelve out of the 29 police forces have filed less than one charge of controlling and coercive behaviour for every 100,000 individuals in their jurisdiction, as reported by the London-based Bureau of Investigative Journalism. Law enforcement agencies have conveyed to the Bureau that securing coercive control charges is "difficult to attain" and "challenging to substantiate." Nationwide, merely 16% of the 7,034 arrests conducted for coercive control between January 2016 and July 2018 have resulted in formal charges being brought.⁷

The number of coercive controlling behaviour (CCB) offences that reached a first hearing at a magistrates' court has increased year on year. From 2016/17– the first full year in which CCB cases reached this stage of the CJS – to 2017/18, numbers increased threefold from 309 to 960 (ONS, 2019c). The number increased by 23% in 2018/19 to 1,177 prosecutions (ONS, 2019c) and 1,208 in 2019/20[5]. The number of recorded CCB offences has increased year on year, with the number of recorded offences more than doubling from 4,246 in 2016/17 to 9,053 in 2017/18 and nearly doubling again to 17,616 in 2018/19. In 2019/20, 24,856 CCB offences were recorded (data collected from forces who responded; likely actual numbers are higher).⁸ The increase in coercive control offences in recent years can be linked to advancements made by the police in their ability to identify instances of coercive control.

Supporters of the introduction of Scotland's coercive control legislation have been mindful of circumventing the initial challenges experienced in England and Wales⁹. Scotland proactively conducted training sessions for law enforcement officers to address misconceptions surrounding

⁷ ['Abuse Is a Pattern.' Why These Nations Took the Lead in Criminalizing Controlling Behavior in Relationships](#)

⁸ [Amendment to the controlling or coercive behaviour offence - GOV.UK](#)

⁹ [Coercive control Implementation and Evaluation Taskforce](#)

abuse ahead of the law's implementation and allocated dedicated resources to Scottish Women's Aid for handling cases of coercive control. Notably, the Scottish legislation incorporates provisions enabling the police to charge offenders for both physical and psychological abuse as a single offence, aligning with the evolving recognition of domestic abuse as a recurring pattern rather than a series of isolated incidents.¹⁰

Once police receive training, studies in the U.K. have shown to have successfully helped to recognize signs of domestic violence. After force-wide training with the Priority Perpetrator Identification Tool (PPIT) and the Domestic Abuse, Stalking and Harassment assessment model (DASH), findings of a 2020 report show a 41% increase in arrests for controlling or coercive behaviour for trained forces compared to untrained forces¹¹.

Government directives for law enforcement regarding coercive control include a variety of potential sources of evidence. These sources encompass phone records, social media accounts, emails, and the testimonies of friends, family members, neighbours, work colleagues, supervisors, and teachers.¹² This comprehensive approach aids in constructing a comprehensive understanding of an individual's circumstances and substantiates their claims of abuse.

Should the federal government, despite CCFWE's previously mentioned concerns, consider the criminalization of coercive control, CCFWE would strongly recommend the following reflections:

Any legislature should have a trauma-informed, anti-oppressive, and feminist lens if its goal is to validate victim-survivors experiences. The offence must be based on the notion that domestic violence and coercive control are rooted in gender inequality and predominantly committed by men against women.

Any definition or guidance for prosecutors on tactics of coercive control must encompass the full range of tactics carried out by abusers, including Economic Abuse and digital technology.

Unlike other forms of intimate partner violence, Economic Abuse can persist even after a survivor separates from their abusive partner. Post-separation tactics employed by an abuser include continued harassment regarding joint finances, refusal to comply with court-ordered child or spousal support, damaging the survivor's credit, or sabotaging their employment prospects.

Consequently, post-separation Economic Abuse can follow survivors for years, impacting their ability to move on from the relationship and regain financial health.

¹⁰ [Coercive control Implementation and Evaluation Taskforce](#)

¹¹ Brennan, Iain et al (2020). Policing a New Domestic Abuse Crime: Effects of Force-wide Training on Arrests for Coercive Control. Department of Criminology and Sociology, University of Hull, U.K.

¹² [\[Withdrawn\] Statutory guidance framework: controlling or coercive behaviour in an intimate or family relationship - GOV.UK](#)

CCFWE, therefore, urges the federal government to include post-separation abuse in consideration of any potential coercive control offence.

Finally, CCFWE is in full support of the recommendations set out by Luke's Place in its 2021 report.¹³

4. Given that the criminal harassment offence (section 264 of the *Criminal Code*) captures some of the same conduct as a coercive control offence, do you have any views you would like to share on the effectiveness of that offence and how it could be strengthened?

Data on victimization serves as a crucial supplement to police-reported crime. When researchers analyze crime reported data and self-report victimization data they provide a more thorough picture and inform a reality that may go unnoticed by law enforcement and thus remain unaccounted for in official crime statistics.

According to the Statistics Canada report "*Police Reported Crime, 2022*," the rate of reporting to law enforcement was at a rate of 71 per 100,000.¹⁴ The latest General Social Survey (GSS) from 2019, which complements the Uniform Crime Reporting, no longer includes the question of criminal harassment (stalking).

The *Integrated Criminal Court Survey: Interactive Dashboard on Annual Key Indicators*¹⁵ Statistics Canada does not distinguish between individual crimes but only categorizes them by crime type. Exploring crimes against persons, which include criminal harassment, the data reports the raw number of charges for men at 190,584 and women at 33,949. Continuing exploring the dashboard, the percentage of cases resulting in a guilty verdict for men is 49.9% (a 6.7% decline from the previous year) and 28.3% (an 11.6% decline from the previous year) for women. As previously noted, the lack of situational data leaves much up for interpretation.

Data on the satisfaction and confidence in the police from the previously mentioned 2019 GSS demonstrates a clear lack of confidence in the police, particularly from people of the BIPOC communities, which directly impacts crime reporting. Cotter (2022) reported one in five Black (21%) and Indigenous (22%) people have little or no confidence in the police, double the proportion among those who were neither Indigenous nor a visible minority (11%).¹⁶ It was also reported that Black and Indigenous individuals are more inclined to provide lower ratings for police performance. Approximately 30% of Black individuals and 32% of Indigenous individuals

¹³ Haist, Allana (2021). Criminalizing Coercive Control in Canada: The Implications for Family Law. Luke's Place. Online: [Criminalizing Coercive Control in Canada: The Implications for Family Law](#)

¹⁴ [The Daily — Police-reported crime statistics in Canada, 2022](#)

¹⁵ [Integrated Criminal Court Survey: Interactive Dashboard on Annual Key Indicators](#)

¹⁶ [Perceptions of and experiences with police and the justice system among the Black and Indigenous populations in Canada](#)

expressed dissatisfaction with at least one aspect of police work, a higher percentage than non-Indigenous, non-visible minority groups¹⁷.

Canadian data on victimization reports two out of three victims choose not to report to the police.¹⁸ The numbers are higher for racialized populations and people with intersecting identities including 2SLGBTQIA population. Reporting rates differ depending on the type of crime, intersecting identities such as socioeconomic status, gender-identity, geographic location and sexual orientation.¹⁹ CCFWE urges the federal government to conduct research and address the reasons for underreporting victimization to strengthen the current offence and ahead of the development of new offences.

The lack of publicly available information on the current offence does not allow an accurate analysis of its effectiveness. The problem of intimate partner violence, including Economic Abuse, extends beyond individual actions; it represents the culmination of prevailing societal attitudes and norms concerning women and their roles. When pursuing an innovative and effective method of addressing gender-based violence, all factors must be considered: education, prevention, evaluation, interventions, patterns, trends, culture and social norms.

¹⁷ [Perceptions of and experiences with police and the justice system among the Black and Indigenous populations in Canada](#)

¹⁸ [Criminal victimization in Canada, 2014](#)

¹⁹ [Criminal victimization in Canada, 2014](#)

AUTHOR

About the Canadian Center for Women's Empowerment (CCFWE)

The Canadian Center for Women's Empowerment (CCFWE) is the only Canadian national non-profit organization based in Ottawa dedicated to addressing Economic Abuse and injustice through advocacy, education, research, economic empowerment, and policy change.

CCFWE works collaboratively with organizations and individuals to develop a comprehensive approach that enables domestic violence survivors to recover from Economic Abuse. It also addresses critical policy gaps preventing survivors from recovering and becoming economically secure and independent.

Contact us

Dr. Natalie Snow
Director of Research, CCFWE
natalie.snow@ccfwe.org

Michaela Mayer
Director of Policy, CCFWE
michaela.mayer@ccfwe.org

Meseret Haileyeus
Executive Director
mesi.haileyesus@ccfwe.org

Visit our website: <https://ccfwe.org/>