

Written Brief for the Study on Intimate Partner and Domestic Violence in Canada

Submitted to the House of Commons Standing Committee on the Status of Women on March 30, 2022

I am a physician working in a socioeconomically diverse area, where I frequently encounter women and children affected by intimate partner and domestic violence. I am writing to you today, however, as a survivor of intimate partner violence at the hands of my former spouse, and someone who is currently experiencing firsthand the shortcomings of our legal system. I would like to note that I am submitting this anonymously only due to my ongoing legal case, on which my children's safety depends. I also am referring throughout my discussion to situations where women are abused by men, as this was my personal experience, however I recognize that there are both victims and perpetrators of various gender identities in many types of relationships and I hope that the experiences of the LGBTQIA2+ community are heard in these proceedings as well.

Over many years during which I completed all of my medical training, I endured an insidious escalation in abusive and controlling behaviours that I only fully understood after requiring an emergency order of protection against the man I had once thought loved me. This included physical abuse and threats, sexual assault and coercion, and psychological abuse which over time was the most harmful. In hindsight my reasoning in these situations showed a marked cognitive dissonance. I told myself he improved as the years went on, when really, I just became more submissive. He did not need to physically hurt me anymore, he had proven enough times that he was willing and able to, so I avoided provoking him. He had proven to me that the consequences of refusing his sexual advances were not worth it.

It was only after I received coaching on how to approach an abusive colleague in my workplace and inadvertently began using the same strategies at home that things changed. To be clear, I still did not consciously realize I was a victim of intimate partner violence at first. But as I began setting clearer boundaries and became harder to control, my then spouse escalated his abusive behaviour. After separation, the escalation continued until ultimately I required an emergency order of protection after the police removed him from my property.

Unfortunately, the perception I had in the past that leaving the abusive situation was the hardest part is not true. I, and countless other women, are escaping life threatening situations only to have society and the family court system put our lives and our children's lives in danger.

I am still early in my experience, but there are many things I have learned so far:

1. Coercive control is a term that is now recognized in Acts related to intimate partner violence across Canada, however the concept is not well understood by professionals in related fields or the general public. As a physician, I had never heard that term in my training. I think it is essential that education on intimate partner and domestic violence be broadened to include this concept and mandated for professionals involved with family law and related fields. Many other countries have taken the additional step of criminalizing coercive control and I think this bears consideration as well.

2. The family court system is supposed to act in the best interests of the children involved, however in my own case like countless others I see the rights of the abusive parent being prioritized. It is imperative for the system to realize that intimate partner violence is also child abuse, and safety concerns for a mother leaving an abusive relationship are also safety concerns for the children involved. Perpetrators of coercive control will not prioritize their child's best interest over their own needs. In fact, in my personal experience, I have started to see my abuser use these controlling tactics on my children directly now that I am not present when they have time with him. Yet I am forced to hand over my children to someone I know is dangerous and watch my children's mental health suffer.
3. The family court system is difficult to navigate, even as someone with the financial privilege to have highly qualified legal counsel. I have heard so many stories of women in similar situations representing themselves. This not only puts them at a significant disadvantage in the court system, especially if their abuser is represented by a lawyer, but also significantly increases the risk of re-traumatizing someone who has survived horrific abuse. My legal costs are significant, as someone who admittedly has a higher income than average. I cannot imagine the long-term financial impact of these costs for the vast majority of people who would not qualify for legal aid but would also not be able to afford legal counsel without significant debt.
4. Access to mental health resources is a topic that comes up often in Canada. As a physician, I recognize that I am living with significant sequelae of the trauma I endured. Unfortunately, I see the effects of this trauma on my children as well. Access to counseling has had a huge impact on my ability to survive, cope, and support my children. I am so lucky as a physician to have access to therapy for myself and my children at no cost. This is a very rare circumstance and I know many victims access few or no mental health resources due to cost alone. Another barrier I hear about is the requirement for both parents to consent to any medical or therapeutic treatment for a child. While this seems logical if both parents are prioritizing a child's best interests the system needs to understand that this is not always the case. There should be a process in place to allow children to access care that is in their best interest if one of their parents is being obstructive.

At the end of the day, I am one of the lucky ones. I have experienced horrific things and am greatly affected by the trauma of surviving intimate partner violence; however, I recognize my privilege. I have a career that allows me to support myself and my children, as well as afford legal counsel to protect us. As part of the medical system, I have access to support and resources many do not and am also surrounded by trauma-informed colleagues providing their support.

My recommendations can be summarized as follows:

1. Mandate training in intimate partner and domestic violence for everyone involved in the legal system, child protection, law enforcement, and related fields. The first step is supporting Bill C-233 (Keira's Law) which will mandate such training for all appointed judges.
2. Criminalize coercive control.
3. Funding or other programs to ensure that a survivor of intimate partner violence never has to represent herself against her abuser, sometimes with the safety of her children at stake.

4. Courts should recognize that equal shared parenting should not be the goal in cases involving coercive control and intimate partner violence, as an abuser does not prioritize the best interests of the children.
5. Increased funding and/or resources to organizations and individuals that provide mental health resources to survivors of intimate partner violence and their children.
6. Access to medical care and therapy from a qualified professional for a minor should only require consent of one parent/guardian.

Thank you for the opportunity to share my experience.