

COERCIVE CONTROL BRIEF

Submitted by Carrie McManus, Director of Innovation & Programs, on behalf of Sagesse Domestic Violence Prevention Society

Domestic violence is at epidemic levels in Canada and around the world, with the UN finding that the pandemic has had an immense impact on violence against women and girls and on service provision.ⁱ Recognized as a public health issue, domestic violence can have far-reaching consequences on not only the direct victim, but also on families, communities, and society at large.

Violence, when it involves the use of force, has been easily understood and categorized by its effect on victims and motivations of perpetrators. However, this understanding of violence is limited and does not accurately reflect the experiences of those whose lives have been impacted by violence, especially when there is no use of force. For those whose sense of personal agency has been taken away, without a fist ever being raised, narrow definitions of violence can lead to victims feeling like they cannot express their pain or access treatment, because their experiences of violence do not fit into what society typically defines as such.

The impacts of coercive control on individuals violates “human rights that are protected by The Universal Declaration of Human Rights, The Canadian Charter of Rights and Freedoms and Canada’s Human Rights Act, which protect equality rights, freedom of expression, rights to be free from harassment, and rights to live a life with dignity.”ⁱⁱ

Domestic violence practitioners and researchers have historically focused on trying to explain the experiences of victims of violence through a framework of incidents, referred to as the violence-incident model (Alberta Protection Against Family Violence Act 2000, Canada’s Criminal Code). This model’s definition of domestic violence focuses on discrete incidents of physical violence. The violence-incident model focuses on the use of force by perpetrators and denies the reality that victims of non-physical abuse experience longer and more harmful impacts than victims who experience only physical violence.ⁱⁱⁱ These experiences are “ongoing, historical, frequent, but generally low-level” assaults.^{iv}

Statistics Canada found that 60 to 80 percent of abuse reported to services involve non-physically abusive tactics^v; another study found that over 95 percent of victims of domestic violence have reported experiencing coercive control.^{vi} Most of the types of violence experienced by victims of domestic violence are designed to induce fear and control a partner in ways that impact dignity and liberty, causing long-term consequences to a victim’s life.^{vii}

Using coercive control to understand domestic violence also provides a more accurate depiction of the prevalence of abuse. Canadian violence against women surveys have shown similar prevalence estimates of domestic violence for men and women. However, when a more nuanced analysis of the data was examined, there was a much higher prevalence for women experiencing domestic violence when frightening threats and sexual coercion were considered.^{viii} And according to the Crime Survey for England and Wales, coercive control is experienced overwhelmingly by women at a rate of five to one.^{ix}

Understanding intimate partner violence through the lens of coercive control is not new, but it has only recently been recognized in the legal context. Focusing on coercive control – and adding it to the criminal code – is crucially important as it reflects the “multiple tactics of coercion and control employed by primary perpetrators” of domestic violence.^x Current high attrition rates, sentencing data and low

conviction rates in cases of domestic violence are evidence that our system does not adequately recognize the experience of victimization, or the harm perpetrated.^{xi}

Relationships with coercive control result in greater injury to the victim and are characterized by more frequent and severe violence which is less likely to desist.^{xii} The increase in severity makes the need for legal intervention in cases of coercive control even more imperative.

Recognizing coercive control in a national definition of domestic violence, and criminalizing it, would empower police and our justice system to prevent the escalation of violence. This was recognized in the Standing Committee on Justice and Human Rights' 2021 report, *The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships*. Advancing the Committee's recommendations is key to violence prevention.

The potential benefit of these measures has been shown in other jurisdictions. Within the first three years of implementation of the working definition of domestic violence including coercive control in the UK, calls for support to the police went up 31 percent.^{xiii} Subsequently, coercive control was added as a criminal offence in England and Wales in 2015.

According to the UK Office for National Statistics, there were 33,954 offences of coercive control recorded by the police in England and Wales in the year ending March 2021.^{xiv} This represents a 93 percent increase over the coercive control offences reported to police in the year ending March 2019. These numbers appear to indicate police are empowered — and trained — to intervene before risk increases.

While there are no easy answers to ending violence in Canada, a coercive control framework, including a national definition, criminalization, training and oversight, and will be an important and impactful step.

Recommendations

On the matter of coercive control:

1. Support the adoption and implementation of all recommendations from the Report of the Standing Committee on Justice and Human Rights, *The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships*^{xv}, especially recommendation 2 and 5, concerning a coercive and controlling behaviour offence in the Criminal Code, and training of judicial actors;
2. Additionally, immediately implement a new nation-wide working definition of domestic violence to include coercive control;
3. Finally, appoint a Coercive Control and Abuse Commissioner for Canada with expertise in domestic and sexual abuse (including sexual exploitation) to provide public leadership on abuse issues and play a key role in overseeing and monitoring the provision of abuse responses with a focus on coercive control. The Commission should hold the power to publish reports and put them before Parliament, holding systems and government accountable (see UK model [here](#)).

About Sagesse

Sagesse empowers people, organizations and communities to disrupt structures of abuse through curating environments for people to heal and lead safe, healthy lives. With innovation as our programming cornerstone, Sagesse works for anyone who has experienced domestic abuse, including people who are at risk of being abused, informally support others, or are involved in sex work. We work in more than 50 communities across Alberta – either directly providing service or partnering with agencies to deliver programs on our behalf. Sagesse is the backbone agency for the Calgary Domestic Violence Collective and Alberta’s provincial IMPACT initiative. In this role, we work to steward the creation of a vision and strategy for collective impact, mobilize largescale change and advance policy to eradicate domestic and sexual abuse.

References

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