

**Written Submission for the Status of Women Committee**  
**Study on Intimate Partner and Domestic Violence in Canada**

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When I left my abusive husband in 2014, I was afraid of the damage he might inflict on me and our two small children. Over time, however, I learned to be more afraid of the institutions that I had once believed would protect us. I was informed, by a Mediator who is now a judge, that “abusers can make good fathers.” I was identified, by a justice who had never met me, as part of the bigger problem of two parents who couldn’t put their children’s needs ahead of their own. I was told, by a parenting coordinator (who had no grasp of the pervasive nature of coercive control, or interest in the subject), that the past was the past and that I needed to work with my abuser.

*All I wanted was for my children to be safe and for the three of us to live a life free from abuse.*

Even though my children and I have lived below the poverty line over the majority of the past eight years, in part because of the ongoing disruptions created by my abuser, I have been forced to spend in excess of \$300,000 in legal expenses. The following professionals have been enlisted to help: 5 lawyers, 2 mediators (for multiple sessions), 2 DRO Officers, 3 psychologists (one for a Risk Assessment, another for two Bilateral Assessments, and the third to contest the results of the Bilateral Assessment on my ex-husband’s behalf), more than 14 judges, 3 marital counselors, 4 counselors involved with the children, 6 counselors for individual adult therapy, as well as 2 Parenting Experts, 1 Dispute Resolution Specialist, and a bankruptcy specialist (all hired by my ex-husband).

To this day, my abuser continues to harass me and threaten me with court. I have learned that abusers can lie in court and break court orders without fear of repercussions. They can bring a victim to court, again and again, depleting her financial and emotional resources. They can inflict suffering on their children by perpetuating conflict and trauma. **The judicial system has no teeth, no accountability, and no oversight. Even worse, it financially exploits victims and children at their most vulnerable.**

Nevertheless, I consider myself lucky. Some of the judges and professionals I have encountered did try to put the children’s interests first, despite working within the limitations of an archaic and ineffective system. (One aptly described the courts as a “blood bath.”) Furthermore, despite significant losses, I have fared better than many others. I have interviewed well over a dozen women for a series of books that I am writing on the subject of domestic abuse and the system, and have been horrified by their accounts.

One woman was brutally raped by her husband while their preschool child was in the bed beside her. Although witnesses intervened, evidence was collected, and the victim was willing to go to trial, the case was dropped (without the victim even being notified). When a family court justice granted her husband unsupervised access to their small daughter (arguing that “what happens in criminal court stays in criminal court”), this victim returned to her husband in order to save her child. She has lost her extended family and support structure in the process. Although she has begged for help at every possible level, including contacting the Prime Minister, no one appears to care. This victim, an immigrant, has commented numerous times about how poorly Canada treats its women and how backwards its justice system is. Another woman, forced to share custody with the man who nearly killed her and who has physically assaulted the children, agrees that women are treated like second-class citizens. Another is speaking out after being forced to seek help after her abuser refused to permit his son to have a life-saving medical intervention.

I have made a lifetime commitment to advocating for change for survivors of domestic abuse and coercive control. Having experienced firsthand—and through the many stories of others—the trauma inflicted by our judicial system, I would make the following recommendations:

**Recommendation 1:** That the government establish programs and safeguards to ensure that judicial institutions designed to protect children *actually* do so. Parental rights should *not* supersede a child's rights to physical and emotional safety. Proven abusers should not be given unsupervised access to children. 50/50 custody arrangements should *not* be immediately implemented or even perceived to be in every child's best interest. Protective parents should *not* have to go to court to fight for a child's right to see a counselor, or for basic lifesaving medical intervention. Parents who continue to abuse and control their victims should be stripped of some, if not all, of their parental rights.

**Recommendation 2:** That the government create a body to ensure that there is accountability and oversight within the family court system. It is a well-known fact that judges protect their own. Families whose children are endangered by the decisions made by so-called professionals have little recourse. Ultimately, it is the children who suffer the most.

**Recommendation 3:** That the government set up programs to ensure that cases are dealt with in a thorough, expedient fashion. Currently, protective parents are forced to use all of their limited resources to stand up for the wellbeing and safety of their children. Those who cannot afford to hire a good lawyer risk losing their children altogether. Furthermore, the system is set up in such a way that abusers manipulate it in order to perpetuate abuse and maintain control. Logically, families entering the system should be screened. Protective parents should not be categorized as "high conflict." Abusers should be penalized for engaging in extensive, ongoing, and vexatious conflict. Those who refuse to comply with court orders should be held to account and penalized.

**Recommendation 4:** That the government establish programs to ensure that professionals dealing with potential victims understand domestic abuse and coercive control. Currently, many professionals cannot identify abuse or trauma and, therefore, side with abusers and unwittingly place children in danger. Many subscribe to a belief in "parental alienation" (an unsubstantiated doctrine used successfully against protective parents) and have little understanding, in turn, of "domestic abuse by proxy." Judges, parenting coordinators, psychologists, and mediators must be trained to understand the complex dynamics of coercion and abuse.

**Recommendation 5:** That the government establish programs to help victims of domestic abuse and coercive control navigate the family court system. Victims, who already feel isolated and ashamed, enter a system that can be bewildering at the best of times. Often, they do not know how to access resources. They are desperate for information and mentorship. Their trauma is intensified when they are shamed, threatened, or coerced by so-called professionals. Some, recognizing the danger of entering the court system and placing their children at greater risk, choose to stay with or return to abusers. A support network—especially one that ensures that no survivor has to appear in court alone—would be invaluable.