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• (0820)

[English]

The Chair (Ms. Lena Metlege Diab (Halifax West, Lib.)): I call the meeting to order.

Welcome to meeting number 95 of the House of Commons Standing Committee on Justice and Human Rights. Pursuant to the order adopted by the House on February 7, 2023, the committee is meeting in public to begin its study of Bill C-332, an act to amend the Criminal Code (controlling or coercive conduct).

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 15, 2023. Members are attending in person in the room and remotely using the Zoom application.

[Translation]

I can confirm that all sound tests have been done.

[English]

For the first hour, we have with us Laurel Collins, the member of Parliament for Victoria and sponsor of Bill C-332.

Welcome to the committee. You are the only witness for the first hour. You have five minutes to present, if you have opening remarks, and then we'll go to questions from members.

Ms. Laurel Collins (Victoria, NDP): Thank you, Madam Chair.

Thank you, colleagues, for inviting me to speak to my bill, Bill C-332. It would criminalize coercive and controlling behaviour.

I want to express my deep gratitude to the members of this committee for the work you've done on this file, and to members from all parties for your support for this bill. We have a responsibility as members of Parliament to tackle gender-based violence, to tackle intimate partner violence and to work to end femicide.

I also want to acknowledge that we are gathered today on the unceded territory of the Algonquin Anishinabe people. It's important to note as we go into these discussions that indigenous people are over-represented in our criminal justice system and that indigenous women experience gender-based violence at unprecedented rates. They are disproportionately impacted by gender-based violence, and I think we all have a responsibility to keep working to address the ongoing genocide faced by indigenous women, girls and two-spirit people.

Research shows that indigenous women, Black women, women of colour and 2SLGBTQ+ folks, people living with disabilities, people of lower incomes, newcomers and other marginalized

groups are at higher risk of experiencing coercive and controlling behaviour. Providing paths for them to seek help and report and leave these situations is crucial if we want to support victims and survivors of intimate partner violence.

Fundamentally, this bill is about ensuring that the criminal justice system can better address domestic violence. We know that our current approach is not working. It does not adequately support victims and it doesn't adequately reflect how intimate partner violence actually occurs. This bill proposes to deal with patterns of behaviour. These patterns are ones that have a significant impact on a person in their relationship.

I spoke to the House about my personal connection to this bill. I witnessed my sister experience coercive and controlling behaviour and then physical intimate partner violence. I remember being so scared for her life. It would keep me up at night worrying.

As we're discussing this, I am thinking of Angie Sweeney from Sault Ste. Marie and the other victims who were killed by her boyfriend. They were children. I'm thinking about this past week in Manitoba and the woman, her children and her niece. I'm thinking about last month and the woman who was killed outside an elementary school. They could have been my sister, and they could, in the future, be your constituents or the people we know and love.

It is so important that we move this bill through the House quickly. Every six days, a woman in Canada dies from intimate partner violence. It's too much.

I urge this committee—and I believe in you—to do this work. I'm looking forward to the discussion. So much more needs to be done to tackle gender-based violence and intimate partner violence, and this is one important piece of the puzzle.

Thank you.

• (0825)

The Chair: Thank you very much for your comments.

We will now begin with our questioning. For six minutes, we have Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Madam Chair.

Ms. Collins, thank you for your appearance here at the justice committee and congratulations on getting a private member's bill to this stage. That doesn't happen every day.

I want to ask a question on a couple of things. Your bill applies to partners who are together— married, living together, dating—but also to those who are former partners and have been separated for less than two years. When we studied this issue, we heard about the particular vulnerability when they're under the same roof and that maybe there should be a time afterwards for this to come into effect.

What is the origin of the two years? What informed that decision? Why not one year or three years? How did you land on the two years?

Ms. Laurel Collins: Thanks for the question.

You'll notice that this is a change from previous iterations of the bill that my amazing colleague, Mr. Garrison, put forward. I heard from frontline organizations that often the most dangerous time for people leaving these situations is the period when they are attempting to leave and afterwards.

We did go back and forth on how much time to put in and how to put this forward. We heard back from the research that was done around the U.K. bill that leaving out that time is a huge error.

I'm also thinking about my personal experience. It was when my sister was leaving that I was most scared for her life. That was when the violence escalated. We know that, especially for people who share children, there is a longer period of time when you are still entangled with your partner, so we wanted to make sure there was adequate time to cover that most dangerous period.

Hon. Rob Moore: On the term “dating partners”, this committee has looked fairly extensively on a couple of occasions at the issue of human trafficking and how coercive control can be a precursor to trafficking. Obviously human trafficking is something we all want to combat.

How do you see your bill tying into that issue, particularly? Do you see an interplay between the two issues?

Ms. Laurel Collins: That's a great question.

Human trafficking is a stain on our country and around the world. It is horrific. Honestly, this isn't something that I've looked into deeply, and I don't want to speculate on expanding the scope into an area where the bill wouldn't apply. I don't think I have adequate knowledge to answer your question.

Hon. Rob Moore: Based on testimony we heard on trafficking, some of the issues your bill contemplates and the actions your bill would criminalize are oftentimes a precursor to an individual being trafficked when they're made completely dependent and isolated from family, friends, work and so on. It makes an individual vulnerable to that next step, but that next step hasn't perhaps taken place yet. I certainly do see a connection.

Sometimes in divorce proceedings, things obviously get very messy, unfortunately, with couples. Do you see any possibility that a threat of this charge will be weaponized in a divorce proceeding where the issue may or may not be there? Maybe it isn't there, but

it's a threat. Does this introduce a new mechanism to make divorce proceedings even more adversarial? Do you see that at all?

• (0830)

Ms. Laurel Collins: There's a lot of research into how the family court system has negatively impacted women, especially, as they're leaving abusive situations. Of course, abusive partners will try to use whatever tools they can.

One of the lessons learned that we've seen from the U.K. is that work needs to be done when it comes to educating prosecutors, judges, etc. One of the research studies looked at specific cases and saw some examples of this being used after the U.K. criminalized coercive control. What they found was that judges were able to tell the difference, at least in the cases they were looking at, but it was a small sample size.

In one example, there were back-and-forth accusations of coercive control from both partners, but one partner, the male partner, had been videotaping the woman for a year without her knowledge. He presented this as evidence to show her coercive and controlling behaviour, and the judge clearly saw that as an example of coercive control. He was able to identify it and rule in favour of the person who was the victim.

There were other examples in that case study showing people bringing forward accusations of coercive control and the rationale for denying them, with the ruling that it was being used as an attempt to continue to control the partner through family court proceedings.

It's really important that, as we implement this, people have the proper training and are aware of it, and not only judges, prosecutors and people in the criminal justice system, but also police officers. One of the other studies showed that after station-wide training, arrests around coercive control went up 41%. It is really critical at every level that we educate our criminal justice system about how this works.

Hon. Rob Moore: Do I have time, or am I out of time?

The Chair: You are out of time.

We were enjoying the responses. Thank you very much for them.

I will now go to Mr. Mendicino.

Hon. Marco Mendicino (Eglinton—Lawrence, Lib.): Thank you, Madam Chair.

Good morning, Ms. Collins. Thank you very much for putting forward this private member's bill.

I want to take a moment to acknowledge your advocacy, especially in light of your own sister's lived experiences and in light of the many other racialized women and indigenous peoples who have been victims of the kinds of coercive control that I think your bill attempts to address. I want to express my gratitude to you for this work.

It does, indeed, build on a prior study of this committee, as I think you alluded to, which had a report called “The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships”. I think the title speaks to the need for raising awareness, so if nothing else, you are doing exactly that.

I want to start by asking what the nature of your consultations were, particularly how your conversations went with women's groups and indigenous community organizations. How did those conversations inform the language and intent of this private member's bill?

Ms. Laurel Collins: Thank you so much for the question.

I want to just quickly touch first on your opening remarks about awareness building and how important it is that, as we put this legislation through, the government also launch a campaign. I can't do that through a private member's bill. I can't spend money. It's really important for the government to do an awareness campaign around this. That is what the U.K. did once they passed the legislation. It's critical that victims, abusers and everyone in the criminal justice system know what this is and how it works.

To your question on the consultations, I want to again give a lot of credit to my colleague Mr. Garrison for his work. The first time I started engaging on this bill was alongside my colleague. We met with local organizations in the Victoria region. We met with folks who are in frontline organizations and transition houses, with organizations that work with newcomers, and with indigenous organizations. What we heard from every single one of them is that the criminal justice system isn't serving victims of intimate partner violence and that this is a much-needed change to our laws.

I remember a story from those initial consultations that I was involved in. It was about the prevalence of newcomers' experience of this kind of coercive control, especially when their partner has control of their immigration documents and passport and is the liaison and the person responsible for them being in Canada. I heard what kind of power that gives them over these newcomers, who are often women and racialized women, and how vital it is that we provide avenues for support.

• (0835)

Hon. Marco Mendicino: I remember from my time as Minister of Immigration some of the conversations with settlement service organizations about the challenges of newcomers, especially women who found themselves under the thumb of an abusive partner or spouse, and the need to provide them with support and equip the law with the tools necessary to deter that kind of behaviour, which can have devastating impacts and long-lasting trauma as they settle.

Again, thank you, and thank you to Mr. Garrison, obviously, for the work.

I want to come to a more technical aspect, and that is the term itself: coercive and controlling behaviour. I understand that perhaps the genesis of that expression finds itself in other areas of the law, including in family law. I wonder if you could speak a bit to that.

I was a prosecutor before I got into politics. You alluded to this in answer to Mr. Moore's question on the need for training. This also aligns with the need for awareness, but can you speak to how you came to land on this term?

Ms. Laurel Collins: Yes. This appears in family law, as you mentioned, but really, this bill is modelled after the U.K. bill. Part of it is defining both how a person is connected and then the impact that coercive control has on the victim. Coercive control has now been criminalized in a number of areas—Scotland, the U.K. and France, and Australia is looking at it—so this is something we've seen around the world.

I think what's important in this definition is how we're defining what is a “significant impact”: causing a reasonable fear of violence more than once, causing a decline in “physical or mental health” or causing “alarm or distress that has a substantial adverse effect” on their daily activities. There is a list of potential ways that could include, but it's not limited to those.

Hon. Marco Mendicino: How am I doing on time, Madam Chair?

The Chair: You have 15 seconds.

Hon. Marco Mendicino: Okay. I'm going to yield the 15 seconds to my next colleague. I'll come back if I have other questions. Thank you.

The Chair: Thank you very much.

[*Translation*]

Mr. Fortin, you have the floor.

Mr. Rhéal Éloi Fortin (Rivière-du-Nord, BQ): Thank you, Madam Chair.

I thank my colleague Mr. Mendicino who was generous enough to give me his 15 seconds.

Good morning, Ms. Collins.

We're delighted to have you on the committee. You're right to mention that your colleague Mr. Garrison has worked hard on this issue, but please note that he's made us work very hard too, and it was with great pleasure.

I'll get straight to the heart of the matter. You listed a number of groups of individuals who could potentially be victims of controlling and coercive behaviour. You mentioned groups such as LGBTQ people, racialized and indigenous people, people with disabilities, and I am forgetting some. You listed a number of them.

Are you able to tell me how it is that these groups in particular are victims of controlling and coercive behaviour?

• (0840)

[English]

Ms. Laurel Collins: Thank you for the question, and thank you for all the work that you and the committee have done on this file.

I think as we look at changing our Criminal Code, it's important that we look at how our intersecting identities are impacted by those changes and how they're impacted by our current criminal justice system. So many people face barriers within our society, and when it comes to coercive control, those barriers mean they have additional barriers to leaving those situations. You mentioned a few of them. We talked a bit about newcomers and about how passports, immigration documents and the process of gaining citizenship are additional barriers to leaving. They are also ways for a partner to exert coercive control.

When it comes to some of the other groups, such as people with disabilities, you can imagine the barriers those folks face in our society and how those barriers then create barriers to leaving. I think when we're talking about all of these marginal groups, whether it's 2SLGBTQI+ folks or racialized people of colour, oftentimes they also have barriers to income equality. Because financial dependence has such a huge role in keeping partners in situations that are often violent, we need to make sure we're looking at how all these identities intersect.

[Translation]

Mr. Rhéal Éloi Fortin: I don't doubt your word at all, I'm convinced that it's all rigorously accurate, but are there any statistics that indicate which groups of individuals are more likely to be victims of controlling and coercive behaviour?

[English]

Ms. Laurel Collins: I don't have the numbers on hand with me, but I'm happy to get back to the committee. There has been research done on how coercive control disproportionately impacts these groups in particular. I'm happy to follow up with some of that.

[Translation]

Mr. Rhéal Éloi Fortin: Thank you, Ms. Collins.

The bill states: "Everyone commits an offence who repeatedly or continuously engages in controlling or coercive conduct towards a person with whom they are connected [...]" The connection is defined further on, but when it says "repeatedly or continuously engages", it's not really defined, and I wonder how far this definition should go.

Would someone who acted in such a way towards their partner for a few weeks and then corrected the situation be exempt from liability?

How many times must the behaviour be repeated, or how long must it be continuous? Are you able to clarify this a little?

[English]

Ms. Laurel Collins: Thanks so much for the question.

You'll see in the definition that when it comes to causing a "reasonable" fear of violence, it specifies more than once—so two or more times. The idea of "repeatedly or continuously" was taken from the U.K. bill. The idea is that these are patterns of behaviour.

The lived experience of people experiencing them is that they are repeated instances.

It's important that we look at the cumulative effect of intimate partner violence and coercive control, because that is how it's experienced and is often how it's reported as well. They may look small in their individual instances, but the repeated and continual nature of them is part of what makes them so severe in impact for the individual.

[Translation]

Mr. Rhéal Éloi Fortin: So it would be twice or more.

[English]

Ms. Laurel Collins: That's for causing a "reasonable" fear of violence.

[Translation]

Mr. Rhéal Éloi Fortin: I see.

In your opinion, would it have been wise to define what is considered repeated or continuous conduct? Is there a reason why you didn't define it?

[English]

Ms. Laurel Collins: This has been defined differently in different jurisdictions. We chose to use the language from the U.K. model, in part because we had some time to look at how it's impacted communities and were able to use some lessons learned from that. I think ensuring that we're looking at patterns of behaviour is vital.

If the committee sees that there is other specific language—for example, if Scotland took a different approach and outlined a more comprehensive list of examples of intimate partner violence—that is an approach you could take. I would argue that we have a good model. We have some of the lessons learned here and it is vital that we move this forward.

• (0845)

[Translation]

Mr. Rhéal Éloi Fortin: I thank you for your work and for being here this morning.

The Chair: Thank you very much, Mr. Fortin.

I gave you about a minute more.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

[English]

The Chair: Go ahead, Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Madam Chair.

Of course, I want to express my personal thanks to the member from Victoria. We represent different communities within greater Victoria, and we've worked very closely together on issues of women and the law. As everyone in the committee knows, I took this as far as I could in the last Parliament, and I'm very pleased to see that Laurel has been able to take it forward in this Parliament.

My question is about the fact that we've had this topic before Parliament for three years now, and we're in the second year of a minority Parliament. I'd just ask you to talk about something that I know we're both concerned about, which is the progress of this bill before there's an election.

Ms. Laurel Collins: Thank you for your tireless work on this, for bringing this forward initially, for making sure the committee studied it in advance years ago and for allowing me to work with you on it. It's been an absolute honour.

I am very worried that we will go to an election before this passes, and I am going to well up with tears because I know the impact. I spoke to someone last month whose daughter was killed, and he said that if this bill had been in place when his daughter was alive, she would still be alive.

It is so vital that we pass this piece of legislation. I urge committee members to be aware of the uncertainty in minority parliaments. Please do everything you can to get this through committee and back to the House so we can send it to the Senate and it has the best chance of passing.

Mr. Randall Garrison: Thank you, Laurel.

I too share that concern. Things should move expeditiously, especially for a bill for which there is unanimous support from all parties.

One thing I was asked—and I know you've been asked, and Monsieur Fortin asked about it—is what the change really is in the Criminal Code. One thing that you and I have both heard from people is that the Criminal Code has provisions that deal with pieces of this, but the Criminal Code is incident-based and lacks the ability to grapple with a pattern.

I would like you to say some more about how you think inserting a reference to a pattern of behaviour will improve the response.

Ms. Laurel Collins: It's something we've heard from frontline organizations, but I would say that's the most compelling piece I've heard from survivors of intimate partner violence. This is how domestic abuse is experienced.

While there is benefit to responding to an incident of physical violence, which is essential in our criminal justice system, it is not adequate for dealing with what people are experiencing when it comes to intimate partner violence. I think because this is often a precursor to physical violence and is also the most common precursor to femicide, even in situations where no physical violence has occurred, we have an obligation to change our Criminal Code to better serve these victims.

Mr. Randall Garrison: I know you've already said to us that, of course, it's a private member's bill so you can't oblige the government to spend money, but what we're doing here is creating a new tool. I think both you and I in meetings with all of those survivors have heard them say they need this tool but need a bunch of other things surrounding it.

Even though you can't put them in your bill, could you talk a bit more about the associated services that we need in order to serve survivors?

• (0850)

Ms. Laurel Collins: This is absolutely vital, and it's something we've heard again and again. We need support for victims who are going through the criminal justice system. We need funding for frontline organizations that are providing housing supports. We need so much more to support the people who are experiencing intimate partner violence.

I am extremely disappointed that this government cut funding to women's shelters at a time when we know women are in desperate need of that support and that kind of safe haven.

We also need to be spending money on the education and awareness-building campaign around coercive control. I've said many times that I want all women and girls to know that this behaviour is unacceptable and criminal. I was reflecting on that language last night, and I was thinking that, actually, I want all men to know that this behaviour is unacceptable and criminal. Statistically, we all know someone who has experienced gender-based violence or who has experienced intimate partner violence. It also means that we all know someone who has perpetrated it. It's so essential that we are doing the work and that this government is investing in the services and campaigns that will actually protect victims.

Mr. Randall Garrison: How much time do I have?

The Chair: You have 15 seconds.

Mr. Randall Garrison: I will pass along the 15 seconds. Thank you.

The Chair: Thank you very much, Mr. Garrison.

We will now start our second round with Mr. Van Popta for four minutes.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Is it four minutes?

The Chair: You have five minutes, and if you take a few extra seconds, that's okay.

Mr. Tako Van Popta: Okay. I'll try to save 15 seconds.

Thank you for being here, Ms. Collins, and congratulations on getting your private member's bill this far. We wish you the best in possibly getting it all the way through Parliament.

Mr. Mendicino made reference to another study that this committee had done. The report coming out of that was titled, "The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships". One of the recommendations, recommendation 2, said, "concerning the drafting of government legislation regarding a coercive and controlling behaviour offence in the Criminal Code, [consider] Bill C-247 as possible language". I believe that was the earlier version from Mr. Garrison.

Do you have any comments on why the government has not proceeded with this, made it a government bill and expedited it through the whole process, leaving it to you as yet another person bringing forward a private member's bill?

Ms. Laurel Collins: I have tried to be completely generous in my comments, but I feel frustration. I am frustrated that the government has not done this. It's been two years since the justice committee recommended that coercive control be criminalized, and we had the ombudsperson recommend to the government criminalizing coercive control.

Every six days, a woman dies from intimate partner violence. Think about that. Of course, this will not prevent every act of femicide, but it will make a difference.

I am extremely disappointed that the government has not done this on its own. I am honoured to work with my colleague Mr. Garrison to bring this forward, but government bills go more quickly through the House. This could have been done two years ago. It needs to be done now. A government bill could also include things that would provide funding for frontline organizations and for victims who are going through the criminal justice system. It could provide the funding for the awareness campaign required if this is going to be successful.

I wish this government had done this already.

Mr. Tako Van Popta: Thank you.

As in all criminal matters, it's one thing to create a new law or to define a new offence, as you are doing with your bill by calling this controlling and coercive behaviour, but it's another to actually prosecute the crime. That's often where the difficulty is.

My colleague Mr. Moore raised an example coming out of our study on human trafficking. My question is not about human trafficking but about the difficulty in prosecuting relationship issues.

Ms. Holly Wood from an organization called BRAVE Education gave testimony. She talked about a young woman who was in a relationship, and I want to quote a sentence or two. She said:

As a 19-year-old girl, she was trafficked by a man she loved and who she thought was her boyfriend. She had a relationship with her trafficker. He trafficked her in five cities across Canada. After years of being trafficked, she learned what trafficking was. She learned that she had, in fact, been trafficked.

She complained. She pressed charges and she went to trial, but at the trial, when she saw this man, she realized she was still in love with him and refused to give testimony.

It's over to you.

● (0855)

Ms. Laurel Collins: It's so deeply saddening to hear those stories. Gender-based violence is so insidious and human trafficking is so horrific.

I think we can learn some lessons from other jurisdictions. One thing is the support we give to survivors and victims while they're going through this process, but another is ensuring that our criminal justice system can prosecute these cases. There have been recommendations, especially if you folks want to look at some of the research coming out of Scotland, on how to allow these cases to go forward such that you don't require as much revictimization of the victim and you aren't putting them in contact with that former partner and abuser as much.

Mr. Tako Van Popta: Thank you.

The Chair: Thank you very much. I said you could have a few extra seconds and it was great.

We will now go to Madame Brière.

[*Translation*]

Mrs. Brière, you have the floor for five minutes.

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Madam Chair.

Ms. Collins, thank you so much for being here with us this morning.

I thank you both for the work you have done on Bill C-332.

Of course, as women, we understand very well the importance of putting laws such as this one in place, so that violence against women is eradicated or, at the very least, diminished.

In Quebec, 2,700 women have had access to centres for abused women, shelter resources. That's not counting the 1,900 children who were also sheltered. In addition, more than 25,000 people requested related services, such as counselling or accompaniment. So we can see that this problem is very widespread.

[*English*]

You used the definition of “dating partners”. Why don't you refer to the definition of “common-law partner” already in the Criminal Code under section 2?

Ms. Laurel Collins: One of the things we heard from frontline organizations was that dating partners might not be in a common-law situation—for example, people who are engaged to be married but who aren't actually dating in the traditional sense or in our cultural understanding of dating. There are arranged marriages. There is a wide spectrum of what can fall under “dating partners”, so we wanted to make sure that it was broad enough to include those situations.

Mrs. Élisabeth Brière: Have you considered including children? There might even be an aggravating factor for children under 18.

Ms. Laurel Collins: Yes. I think the committee and the government should look into how we can best protect children.

I think the scope of this bill is really trying to address intimate partner violence, and that, of course, has an impact on children under 18. There's a lot of research out there on how children are impacted, even when they aren't on the receiving end of coercive control or physical violence, and how just witnessing it impacts them. It's important that those aspects be explored.

I would say the scope of this bill is not going to cover young children who are being abused by their parents.

• (0900)

Mrs. Élisabeth Brière: Your bill stipulates that the victim must prove subjective fear. Would it have been preferable for the test used to assess whether the conduct was likely to cause harm to the victim to be that of a reasonable person placed in the same circumstances?

Ms. Laurel Collins: I'm sorry, but can you repeat the question? I didn't catch it completely.

Mrs. Élisabeth Brière: In your bill, you stipulate that the victim must prove subjective fear. Would it have been preferable for the test used to assess whether the conduct was likely to cause harm to the victim to be that of a reasonable person placed in the same circumstances?

Ms. Laurel Collins: We did use the model the U.K. bill uses, which is to ensure that significant impact includes reasonable fear of violence. The impact could be a decline in physical or mental well-being or health, or alarm or distress. This is because of what we've heard about how people experience intimate partner violence.

If we just—and I didn't catch the exact language that you used in terms of a reasonable person—

Mrs. Élisabeth Brière: It's a person placed in the same circumstances.

Ms. Laurel Collins: I think it's critical that we have a broad enough definition that we are acknowledging the impact of intimate partner violence and coercive control on victims and not excluding some of the ways in which that impacts them. This will be developed in case law. If we narrow that definition, we run the risk of excluding instances of coercive control and patterns of coercive control, and we risk leaving out some victims from the definition.

Mrs. Élisabeth Brière: Don't you think there's a risk of revictimization and retraumatization?

Ms. Laurel Collins: I do think there's a risk of retraumatization anytime we have victims entering our criminal justice system. Right now our criminal justice system is flawed. It doesn't support victims and survivors adequately. Anytime we have people in these situations, I believe there is a risk of that.

I hope the government tackles this as a whole when it comes to sexualized violence, when it comes to intimate partner violence and when it comes to parents engaged in family court proceedings. We need to make sure we are better supporting all of these people in our criminal justice system.

[Translation]

Mrs. Élisabeth Brière: Thank you, Ms. Collins.

The Chair: Mr. Fortin, you have the floor for two and a half minutes.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

In two and a half minutes, I'm going to have to ask a simpler question.

With regard to the five-year sentence we're talking about, you are therefore proposing that a person guilty of this type of conduct should be liable to a five-year prison sentence.

In Scotland, among other places, I know that the sentence for this type of behaviour is 14 years. On the other hand, our criminal code provides a number of different penalties for all sorts of offences or criminal acts that may be related to or may be akin to controlling or coercive behaviour.

I'd like you to tell me about the exercise you did, your thoughts on the proposed sentence.

How did you come to decide that the Criminal Code should impose a sentence of 5 years rather than 1, 2, 10 or 14 years?

[English]

Ms. Laurel Collins: It was based off best practices from other jurisdictions. I do know that Scotland has higher prison terms. As you mentioned, there are often other criminal offences that go along with coercive control that could potentially have people in jail for longer.

I think this is a really serious offence. I also think five years in prison is a very serious penalty that is significant. Of course, it will be up to this committee and to the House of Commons to decide on the final determination.

• (0905)

[Translation]

Mr. Rhéal Éloi Fortin: Did you give any thought to the possibility of including a minimum sentence?

[English]

Ms. Laurel Collins: That wasn't something I considered. I do think it's really important that judges have discretion when it comes to these cases and that there is adequate training for judges so they are very aware of the significant impacts of coercive control.

[Translation]

Mr. Rhéal Éloi Fortin: Thank you, Ms. Collins.

I guess my two and a half minutes are up, Madam Chair.

The Chair: Yes.

Thank you very much, Mr. Fortin.

[English]

For the final two and a half minutes, we'll go to Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I want to return to the issue of training. One thing that appeared in a couple of speeches on this bill previously, in Parliament and at committee, was the idea that the bill needed to be delayed so there could be time for training. I wonder what your reaction to that argument is.

Ms. Laurel Collins: I urge this committee and the House of Commons not to listen to that argument. Training can happen once the bill is passed. Training can really only happen once the bill is passed. Prosecutors, judges and police officers will get trained in the current law. They won't get trained in a law that has not passed.

It's vital that we pass this legislation and it's vital that the government also engage and do the training necessary for all different employees within our criminal justice system.

Mr. Randall Garrison: I have very little time, but I want to return to something that you and I have worked on together in the community. A number of women have contacted both of us personally in our offices to talk about the fact that one thing coercive and controlling behaviour does is cause the victim to blame themselves and to suffer in isolation. One of the impacts, which I've heard, is people saying thank you for making it clear to them that it wasn't their problem.

Ms. Laurel Collins: Yes, I've heard this again and again. One woman described coercive control as a web that was slowly constricting around her and she wasn't aware of it. When I spoke to my sister about potentially bringing this bill forward and she gave me permission to share her story, she said, "I didn't know what it was while it was happening to me. If I'd known, I might have left earlier."

It's so essential that we pass this legislation so we have the tools in our criminal justice system and can change how people think about coercive control. We can make people aware of its significant detrimental impacts and how unacceptable it is.

Mr. Randall Garrison: Thank you.

I want to end by giving my personal thanks to you, Laurel, for being such a great colleague in our work on this together and for taking this bill forward.

I also want to acknowledge that staff in both of our offices have spent a lot of time talking with people suffering from trauma as a result of controlling behaviour, so thanks to our staff.

Maybe you have something to say.

Ms. Laurel Collins: I want to echo what an honour it has been to work with you on this and offer my extreme gratitude for your dedication to this file. I also thank our staff. It's really hard work. It's speaking to survivors and listening to the traumatic experiences. My deep gratitude goes to them and to all frontline organizations.

The Chair: Thank you very much, Mr. Garrison.

Ms. Collins, thank you very much for appearing and giving us your testimony.

I was going to ask whether you wanted to end with anything and what you would tell this committee and the public, but I believe you answered that with Mr. Garrison's last question.

Ms. Laurel Collins: Quickly, I'll express my deep gratitude to survivors. I've had so many one-on-one conversations with survivors of intimate partner violence. Their courage and willingness to share their stories, even though that often comes with a lot of risk and danger, are inspiring, and we have a responsibility to do justice to the work they've done.

Thank you.

• (0910)

The Chair: Thank you very much.

We will suspend for a few minutes. We have two witnesses for our next panel. One has already been tested, and we'll test the second one. Both are appearing virtually.

• (0910) _____ (Pause) _____

• (0915)

[*Translation*]

The Chair: We're back.

[*English*]

Welcome to our second hour.

[*Translation*]

We welcome, by videoconference and as an individual, Carmen Gill, professor, Department of Sociology, University of New Brunswick.

[*English*]

We also have by video conference, from the Sagesse Domestic Violence Prevention Society, Andrea Silverstone, chief executive officer.

[*Translation*]

Welcome.

You have five minutes to make your presentations, which will be followed by questions from committee members.

[*English*]

Professor Gill, please start with your five minutes.

Professor Carmen Gill (Professor, Department of Sociology, University of New Brunswick, As an Individual): Thank you, Madam Chair and members of the committee, for inviting me to participate in this meeting on Bill C-332.

I recognize and respectfully acknowledge that I am speaking from the unceded traditional land of the Wolastoqiyik in New Brunswick.

My research focuses on the police response to IPV, especially on coercive control. As such, I have conducted surveys with police officers on their perception of IPV and coercive control in New Brunswick but also across Canada. I have been able to hear a lot about how they view this particular issue and about the lack of response from different parts of the country.

We know that intimate partner violence is multi-dimensional in nature and encompasses numerous forms of violence. IPV is, unfortunately, seen as a one-time event, and we're failing to address the complexity of the issue involving repetitive tactics used by the abuser, which will include exploitation, manipulation, isolation and the micro-regulation of daily life, otherwise known as coercive control.

Violent behaviour does not necessarily involve physical violence or a single incident, but we really need to focus on the repeated and continuous patterns of behaviour that occur over a lengthy period of time. Regardless of when the violence starts and what it looks like, it is the abuser's way of maintaining control over his partner.

Since the Canadian criminal justice system primarily places emphasis on evidence of physical violence, first responders are to find evidence of such violence. Consequently, there is a neglect to question the context of the abuse and the harm caused within these situations, which results in coercive control being unaddressed or dismissed. It is almost impossible for a police officer to recognize the deprivation of rights to freedom, the obstruction of liberty and the dynamic of power and control when they are intervening.

The recognition of coercive control as an offence would finally be a recognition that power and control over an intimate partner is a crime against the person. This would allow those caught in abusive relationships to report when they are experiencing abuse, even if it's not physical violence. Increasing the ability of the criminal justice system to respond to the pattern of violence of non-physical forms will lead the police response to be less incident-focused and will reduce the misidentification of the victim-survivor as a primary aggressor.

Too often, victims of violence will not seek help because they believe that what they're experiencing is not serious enough. However, when they do, they are not taken seriously as it is difficult to determine how violence is occurring. It is important to reinforce women's safety, and it requires the state to assume responsibility for responding to coercive control, which we are currently failing to address. An offence of coercive control would clearly recognize the fact that IPV is a pattern of control and power over the victim and would legitimize victims' experiences. Such an offence may also prevent intimate partner homicide.

Of course, it is important to keep in mind that any changes in legislation have unintended consequences. However, they can be overcome with awareness, training and better knowledge of the issue. When considering the impact of the potential coercive control offence, it is imperative that its adoption and implementation be done in conjunction with the development of, for instance, risk assessment and training for frontline responders especially, such as police officers, who are responsible for making the determination of IPV as a crime. Of course, all judicial actors should be more aware of this particular issue.

Having said that, it is important to review Bill C-332 to ensure that it is as clear as possible. I may have some suggestions regarding the wording of the amendment, especially regarding the definition of "intimate partner" or the limitation of the two years post-separation, just to name a few.

Thank you.

• (0920)

The Chair: Thank you very much.

We will now move to our next witness, Madam Silverstone, for five minutes.

Ms. Andrea Silverstone (Chief Executive Officer, Sagesse Domestic Violence Prevention Society): Thank you very much.

As the CEO of Sagesse, which is an Alberta-based domestic abuse prevention and intervention organization, I've seen first-hand in thousands of cases the severe impact of domestic violence. All too often we see it in the media, like in the murder of five people, including three children, in Manitoba this past weekend, or the murder of a mother in Calgary after she dropped off her children at preschool. I see this overwhelming reality summarized in devastating detail in my work with the Canadian Femicide Observatory, and in many of these cases—in most of these cases—I see the heavy toll of coercive control.

At its heart, coercive control is a pattern of behaviour that removes personal agency. The victim cannot make decisions in their own best interests because they fear the repercussions from the person who's controlling them. The control is often low level and cumulative so the person experiencing it doubts themselves or that they are even experiencing abuse. This lack of understanding carries over to the people around them, who don't recognize the abuse as domestic abuse but gradually see the relationship they have with their loved ones erode.

If the victim recognizes that it is coercive control, there is about a 20% chance they will call the police, but even if they do, they find out that the abuse they're experiencing is not illegal and the justice system cannot protect them. The police can listen but they can't act. This lack of support comes at a time when support is most critical. Relationships involving coercive control have more frequent and severe violence that's less likely to desist. It's one of the best indicators of lethality. This increased danger makes legal intervention imperative.

Through pursuing my masters and now a doctorate in coercive control and in looking at promising practices from around the world, I know that criminalizing coercive control is a game-changer. When the justice system in the U.K. changed their working definition of domestic abuse to include coercive control, calls to the police went up by 31%. All of a sudden, victims believed they were going to be heard and that the abuse they were experiencing would be addressed by the police and, by extension, the courts.

We can similarly change that trajectory for victims of abuse in Canada. Ninety-five per cent of abusive relationships include coercive control. If the police and the justice system can address coercive control criminally, then they can intervene to interrupt the escalation and frequency of abuse.

This law would do more, though, than just change our justice system. It would change how society views domestic abuse. It would foster a discourse through which all Canadians would understand that violence is much more than a black eye or a broken bone and that people stay in violent relationships because of the loss of their personal agency. It would destigmatize domestic abuse and allow us as a society to do a better job of addressing it.

Last, it would decrease the long-term burden on our health and justice systems, as the reality is that violence is very expensive. Back in 2009, the Government of Canada estimated the annual cost of domestic abuse to be \$7.4 billion a year, which is about \$220 per Canadian. This cost has no doubt escalated with normal inflation and increasing costs of the basics, like housing for those who are fleeing abuse.

For these and many other reasons, we support Bill C-332 as an essential measure to safeguard the rights to life, liberty and security of the person, as outlined in our Charter of Rights and Freedoms. However, this bill is not a magic wand that would immediately end the epidemic of domestic abuse. This law, like all laws, has its limitations.

First, the two-year time limit post-relationship is detailed in proposed paragraph 264.01(3)(c). Coercive control may continue far after the relationship ends, particularly in the case of tactics that use the legal system to control.

Second, the experiences of children aren't explicitly recognized and are only considered through the lens of harm done to the parent. On the other hand, for example, the domestic abuse bill in Scotland includes measures of aggravation in relation to a child.

Last, this law would not fix the structural issues that impact the provision of justice to equity-deserving groups. However, research on the application of coercive control laws in other jurisdictions can address many of these concerns. In a study of specific cases prosecuted under the coercive control legislation in the United Kingdom, Evan Stark noted that the law "was being correctly applied to historical patterns of abuse that included multiple elements of coercion and control".

Research by Andy Myhill and others shows that if police are provided with screening tools that help ascertain the measures of control, the effect of the legislation in preventing domestic abuse across a plethora of groups is greatly enhanced. This means that to be effective, this law must be coupled with funding and a plan for training police, judges and Crown prosecutors to better understand coercive control. Organizations like mine, *Sagesse*, can help with that.

● (0925)

I want to close by thanking you for inviting me here today and for your careful consideration of this law. I think it's time to listen to the millions of Canadians who are impacted and to act immediately to protect them.

Thank you.

The Chair: Thank you very much.

We will start with our first round of questioning with six minutes for Mr. Caputo.

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC): Thank you very much, Madam Chair.

Thank you, Professor Gill and Madam Silverstone, for being here and sharing your expertise. Intimate partner violence is an area that we don't realize spans all socio-economic groups.

One thing I want to ask you about is quite germane to the bill. It's really two parts to the same question.

Could the two of you comment on how quickly relationships begin when there is coercive control? My experience is that often when relationships begin, they begin quite intensely and coercive control can occur literally within weeks. I want to make sure the legislation captures that. I'd like your opinion on that. Also, conversely, how quickly does the coercive control set in?

I imagine that's going to take up most of my time, but I'd like your comments on that, please.

Ms. Andrea Silverstone: Carmen, would you like to answer that first?

Prof. Carmen Gill: I can.

It's really insidious because with the way it starts, it's seen mostly as something very positive. The person is going to be really aware of the other. They'll want to do things with them. It quickly spirals into more controlling behaviour, but at first it can be seen as people being so in love. It's seen as completely normal, but it's not necessarily going to take long before you start seeing some controlling behaviour, which is going to be presented as, "I'm just aware. I really want to take care of you."

There's not necessarily a time limit before we start seeing a pattern in place. We're not talking about tomorrow, but within the few weeks of the beginning of the relationship, there are warning signs, especially when the person starts to tell you that they love you within two weeks, that they are ready to marry you within a month and a half and that they are willing to move forward with certain ways of living or are starting to ask for certain things. You can be deeply in love and you start giving money, sharing your car or having your boyfriend or girlfriend decide to move in within two months. This is where you're going to start seeing some controlling behaviour.

If you look back at what Jane Monckton Smith has developed as a timeline for homicide in a relationship, it's going to start with something pretty normal—you think you've found someone who really cares about you. Then there will be an escalation and it's going to go to the next step. The next step is to show that you care so much, but this form of caring is in fact a way of trapping someone in a web and it just spirals.

• (0930)

Ms. Andrea Silverstone: I want to add the experience of some of the clients we've worked with as examples.

As Carmen was talking, I was reflecting on a client we had who talked about the first time she went out for dinner with the person who ended up being her husband. He said to her, "Maybe you want to order this." The next time they went out, he ordered for her. The time after that, he told her exactly what she should eat and what she should wear. The time after that, when she got into the car, he made her go back and change.

One of the analogies we use is a frog in boiling water: They don't realize until the water is boiling. All of a sudden she found herself in a situation of being married to him and he was controlling every single aspect of her life. He had isolated her from her friends, but it happened in small, incremental steps until she was fully in that situation.

The other thing I want to note is that coercive control—and I think Laurel Collins talked about this—is very much about the experience of the individual. For some individuals, if their partner is ordering food for them, it doesn't feel like control. It feels like a choice they're making because that's what they want. However, if they're afraid that if they order the food themselves there will be repercussions later because they're fearful that there's going to be force involved or something like that, that's when it becomes coercive control.

Mr. Frank Caputo: How's my time?

The Chair: You have 45 seconds.

Mr. Frank Caputo: Thank you.

I noted, Professor Gill, that you spoke about the fact that intimate partner violence isn't always taken seriously. One of my experiences is that this stretches to no-contact orders. I'm not sure, but is that so? I see you both nodding. Perhaps one of you can address that. To me, no-contact orders must be respected and must be enforced.

In 20 seconds, Professor Gill, do you want to comment on that?

Prof. Carmen Gill: Absolutely, and thank you for the question.

No-contact orders of course should be enforced, but we have to remember that a no-contact order is just a piece of paper. It does not necessarily prevent contact or make sure the victim is really safe, but at least there is a trace that there's something from the criminal justice system that tells us the person should not be in contact with that person. However, we need to respond very quickly when a person decides to breach the no-contact order, and it has to be taken very seriously.

The Chair: Thank you for that.

I will now go to Mr. Housefather for his questioning.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you very much, Madam Chair.

Thank you very much, Ms. Gill and Ms. Silverstone, for being before us today.

I want to concentrate on amendments that you propose to the legislation.

I would like to start by the definition of who would be covered by the legislation under proposed subsection 264.01(3). Basically, in order to be covered by the legislation as I see it, you need to be "current spouses, common-law partners or dating partners". Dating partners are confined to be people "who have agreed to marry each other". Otherwise, you have to live in the same household.

If you've been dating for a period of five or seven years, you don't live in the same household and you haven't agreed to marry each other, you may very well have coercive control issues but you're not, as I see it, covered under this legislation. I'm wondering if each of you could comment on that and maybe suggest whether you think that's sufficient.

Prof. Carmen Gill: I can answer. Thank you for the question.

This is something I was also looking at in the amendment. With the fact that we are already defining "intimate partner" in section 2 of the Criminal Code of Canada, I think we could refer to this section in the definition of this particular amendment.

I had a problem with "dating partners" and "two persons who have agreed to marry each other". I find that this is—I'm sorry—a bit backwards. People aren't necessarily going to get married. They are dating. They are in a relationship. More often, we are seeing people dating who are not living together. This is almost the new norm. People are not getting married. I will speak about Quebec, because a lot of people in Quebec are not getting married. The "dating" is a bit awkward to me.

Opening the door to dating partners could open the door to other forms of partnership, like people who are caught in human trafficking and are in a dating relationship. I've been talking about human trafficking to judges and saying that a lot of people who are trafficked are in dating relationships and are thinking the person is their boyfriend, but they're not. That could open the door for this. I would definitely want to see something a little broader for the definition or go back to section 2.

There was also the limitation of the two years post-separation. Research is telling us that the control and tracking of the victim goes well beyond the two years of separation. I think it's important to note that post-separation is very important, but let's maybe not limit this to two years or less, because I've seen cases where the victim has been controlled well beyond the two years.

• (0935)

Mr. Anthony Housefather: Thank you very much.

Could I get Ms. Silverstone to weigh in on that as well if she has any additional comments?

Ms. Andrea Silverstone: I absolutely agree with everything that Carmen said.

In addition, I just want to note, in regard to sexual exploitation, that we wrote a paper for the Federal Ombudsperson for Victims of Crime, and we heard—it was actually my master's thesis—very clearly from victims of sexual exploitation that what they were experiencing is coercive control and that the relationship they had was often with their pimp or the person who was grooming them for sexual purposes. Often, it's in some sort of relationship, although it's not defined by any of the things we're currently seeing in this piece of legislation.

Mr. Anthony Housefather: For the last two minutes, because we didn't get your written submissions—at least I haven't seen them yet—could you, starting with Ms. Gill, go over what your other proposed amendments would be? Perhaps you can give me the top two proposed amendments you would have to the bill, besides what we just discussed.

Prof. Carmen Gill: I forgot about children. If we're talking about the definition and who this particular amendment encompasses, I think I would expand the definition of those who are in situations of coercive control. I would open this as well to include children and other family members, who also represent victims of coercive control. This is one element.

The other thing is that we could potentially be a bit more specific about “significant impact”. If we want to keep it there, I think there's a chance we could revictimize the victim if we are looking for a significant impact of a particular behaviour.

If we decide to keep the part about significant impact as it is, I would recommend including in the amendment a non-exhaustive list of examples. Honestly, I would add a non-exhaustive list of coercive control behaviours to this particular legislation. At least it would give judicial actors an understanding of some of the behaviours that are going to be encompassed in this particular offence.

The Chair: Thank you.

Are you good?

Mr. Anthony Housefather: I am, unless Ms. Silverstone has one. I know I'm almost out of time.

Ms. Andrea Silverstone: For me there are four big amendments. The first is around significant impact—

The Chair: We are exactly on time, so how about we table that and go to the next questioner?

I will note that this is extremely important for the committee. If we run out of time with any of your responses, please send them in writing to the clerk so they can be distributed.

[*Translation*]

Mr. Fortin, you have six minutes.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

First of all, I'd like to welcome the two witnesses.

Thank you for being with us. Your comments and observations are most valuable.

Ms. Gill, you've proposed an amendment to include children among potential victims. I've thought about this, and wonder how it might apply.

Let's take the example of a child who is told to go and think in his room by one of his parents because his behaviour is not acceptable. He'll think that, if he doesn't go, he'll be taken there by force and that he'll be a victim of violence.

You're going to tell me that that is a caricature and that I'm going quite far, but I'm looking for the limits.

If we include children among the potential victims, how are we going to avoid convictions that would make no sense? We want parents, teachers and everyone else to be able to continue exercising some control over children and their behaviour. What limits are we going to set if we include children among the potential victims?

• (0940)

Prof. Carmen Gill: That's an excellent question. It can be very problematic, we agree.

When children are victims of such behaviour, their mothers are too, usually. If a mother is the victim of coercive control, for example, her child will be too.

I wouldn't think of children as lone victims of coercive control. Rather, it would be part of the relationship that parents have with each other. When it comes to intimate partner violence, children are usually left out of the equation. Yet they're not just witnesses, they're also part of a certain dynamic where they're controlled by the aggressor.

We can think of behaviours like simply looking at a child in a certain way to make him understand that he'd better behave, because we...

Mr. Rhéal Éloi Fortin: Isn't it important that it be this way? Isn't it normal and useful for parents to have some control over their children?

Prof. Carmen Gill: Parents certainly need to have some control over their children. However, we are not talking here about disciplining children, but about excessive control over people who will not have control over their everyday activities; and children can be among those people.

Mr. Rhéal Éloi Fortin: Thank you, Ms. Gill.

If I understand correctly, you agree with me that it's difficult to impose a limit. Besides, I wouldn't want to be the one to impose it. I think there's work to be done to do it wisely.

I'm going to move on to a question that is on another topic completely, but which I...

[*English*]

Ms. Andrea Silverstone: Can I add something to that?

One of the areas where we see a lot of coercive control in relation to children and in relation to intimate partner violence is the realm of parental alienation. When the law is been applied in Scotland, which does have provisions for children in particular, it's usually being applied in circumstances where there is parental alienation. That's being used as one of the mechanisms of coercive control against the other party, but then also ends up being used as a mechanism of coercive control against the child.

[*Translation*]

Mr. Rhéal Éloi Fortin: Thank you, Ms. Silverstone.

My next question is for both of you, but I'm not sure who's best placed to answer it.

According to section 5 of Bill C-332, someone who is accused of engaging in controlling or coercive behaviour could cite the defence that they acted in the best interests of the person towards whom the conduct was directed. For example, if you accuse your spouse of such conduct, they will say that they sincerely believed they were acting in your best interest by controlling this or that. You're going to tell me I'm exaggerating, and I agree.

The question that nags at me is this. Let's assume that the accused sincerely believed he was acting in the victim's best interest. In that case, doesn't section 5 open the door to the defence that the individual did not have criminal intent? Even if a person is accused of unacceptable behaviour, they may not have intended to commit a criminal act. Section 5 clearly states that it is a defence to claim that the person acted "in the best interests of the person towards whom the conduct was directed".

Ms. Gill, what do you say to this possibility? Ms. Silverstone will be able to answer that question later.

Prof. Carmen Gill: It's complex.

It's a defence that refers to the victim's incapacity. We can think of cases of dementia, for example. It's rather marginal. It's a defence that could easily be used by people who are violent towards their partner while they are vulnerable, precisely to evade enforcement of the law.

An alternative solution would be to remove these two paragraphs. There's no need to insert a defence right in the text. If we decide to keep this text, we should state that it is up to the accused to show that his conduct was reasonable in the circumstances.

That is my answer to your question.

● (0945)

Mr. Rhéal Éloi Fortin: Thank you, Ms. Gill.

I don't know if I have enough time left, but I'd like to hear Ms. Silverstone's answer.

The Chair: You don't have enough time left, Mr. Fortin.

Thank you very much.

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

[*English*]

The Chair: I'm trying not to cut the witnesses off, so if there are a few seconds, not minutes, I'm letting it go, but we'll watch that as we get closer to our deadline.

Mr. Garrison, you have six minutes.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I'd like to start by thanking both our witnesses for their previous appearances and for the help they gave us in preparing the original report this committee did two years ago on coercive control. It's not just today, but these two witnesses have been very valuable to the committee all along. My thanks to them for being with us again today on short notice.

I want to give Ms. Silverstone a chance to talk about the changes she thinks should be made to the bill through amendments, which Mr. Housefather had led up to. Let me start with that.

Ms. Andrea Silverstone: For us, there are four key amendments that we think need to be included.

The first is around the type of relationship. We think it would be very valuable for Canada to have a piece of legislation around coercive control that also encompasses victims of sexual exploitation, especially because there is often an intersection between victims of sexual exploitation and intimate partner violence.

The other is around the length of the relationship. We know that long after a relationship ends, especially if there are children involved, there is a risk of coercive control being continuous.

There is also the issue regarding the inclusion of children. I talked a bit about that, especially in regard to parental alienation.

Finally, there is the significant impact issue.

For us, those are the four pieces.

One thing we really appreciate about the bill is the reasonableness piece, which I think answers questions about the person saying, "I'm acting in your best interest."

Mr. Randall Garrison: Thank you very much.

There have been lots of comments about the need for training and the need for awareness. Because Professor Gill does a lot of work with the police, I want to ask a question again about those who have suggested we need a delay in the legislation or a delay in the coming into force of the legislation to allow time for training.

I wonder what your comments would be, Professor Gill.

Prof. Carmen Gill: My take on this is that it's like the chicken or the egg, so you wait for the legislation while everybody is being trained. I think you need movement that goes hand in hand, so you're moving forward with the legislation while you're training people at the same time. The fact that we are talking about this amendment is already raising awareness for many people in the criminal justice system.

I've been asked to speak to judges for the last three years about this because they want to know more about how they can see this in the courtroom. I'm working with the police because they say they want to be ready. Whether it's criminalized or not, they want to better understand the complexity of this issue.

For me, it's not one or the other; it all goes together.

Mr. Randall Garrison: In your introductory remarks, Professor Gill, you made reference to dealing with the unintended consequences of moving forward on coercive control. At the same time, we've heard that while there's a higher likelihood of marginalized women being victims of coercive and controlling behaviour, there are also concerns about this law's impact on marginalized women.

Can you say a bit more about the unintended consequences question?

Prof. Carmen Gill: On the unintended consequences, every time there's a new policy or new law, there are some consequences we will have to deal with. If we are, for example, considering the misidentification of the victim as the perpetrator and are providing more awareness and, of course, more training, we are going to be better informed in order to intervene in those cases.

When it comes to marginalized populations, I think we really need to focus on what I would call an entrapment framework. This means it's not just about looking at this particular issue, but looking at other forms of inequality as well that have led those particular groups to be more vulnerable than others. This has to be taken into consideration as well. Where? It's in training. I'm taking a lot back to training because I strongly believe that if people are aware of what this particular issue constitutes, it will work better for everybody.

• (0950)

Mr. Randall Garrison: I know time is always short here, but I want to go back to Ms. Silverstone and the link between coercive and controlling behaviour and femicide. I'll ask you to talk about what you've learned about that link.

Ms. Andrea Silverstone: The majority of victims of coercive control who also experience homicide are women. It's overwhelmingly so. It's over 90%. We also know that coercive control is the best indicator of lethality in a relationship. Being able to have this be part of the tool box the justice system has could even prevent the escalation from getting to the point that there is a homicide.

The Chair: Thank you very much.

Mr. Randall Garrison: Thank you.

The Chair: We will now go to our second round.

We will start with Madam Gladu for five minutes.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Chair.

Thank you to the witnesses for being here today.

I want to start with Professor Gill.

I'm concerned when I look at this bill that the definition of "coercive control" is not detailed enough to be recognized by the police or courts, necessarily. I used to be the chair for the status of women committee. We were working on the elimination of violence against

women and girls and talking about sexual assault. There were a number of instances at that time of judges who didn't really have adequate training to recognize the problem.

It sounded to me, Professor Gill, like you were thinking we should include a non-exhaustive list of examples, as in the Scottish legislation. Is that your recommendation?

Prof. Carmen Gill: I think it would be helpful to have a non-exhaustive list of certain behaviours so that people in the judicial system can work with something. They will know quickly that they are dealing with cases of coercive control.

Of course, that doesn't prevent us from having guidelines to accompany it. That's what I'm seeing, especially in the U.K. The Home Office has provided guidelines for prosecutors, so there is a list of behaviours that will be encompassed under coercive control. That would make sense, because you can't just have legislation and throw it at police officers, expecting them to know what coercive control is. I'm training them to better understand what it is. That's why I'm suggesting a non-exhaustive list.

Ms. Marilyn Gladu: I fully agree.

The other thing I want to talk about is the limitation of two years. In my experience, especially where there are children in the relationship, a coercive, controlling partner will continue and probably escalate over time, especially as the kids get older.

Ms. Silverstone, is that your experience?

Ms. Andrea Silverstone: That is absolutely my experience. I think it's really important to acknowledge that especially when children are involved, for the entirety of the co-parenting relationship, there is a high risk of coercive control. That needs to be acknowledged by the justice system.

Ms. Marilyn Gladu: Very good.

I think you said we should remove the two years. That would be a good amendment, I think.

Ms. Andrea Silverstone: Yes.

Ms. Marilyn Gladu: There's been some concern expressed by Ms. Collins and others that this private member's bill may not make it through the system in time. I just want to point out that the Liberal government is able to include this in their legislation. Some of my colleagues' great ideas from their private members' bills were adopted—Dr. Ellis, Rosemarie Falk, Ryan Williams and Chris Lewis. All of those things were adopted into government legislation. If, by some chance, this doesn't happen, I think the government has the ability to do that.

I wanted to talk a bit about the experiences of the U.K., Scotland and France and the public campaigns of education and awareness.

Could both of you tell me what you think we should leverage as best practices from other jurisdictions?

• (0955)

Ms. Andrea Silverstone: First and foremost, when the United Kingdom made it very public that it had changed the definition of domestic abuse to include coercive control, calls to the police went up immediately. They went up by 30%. I think it's really important that we have a public awareness campaign around the definition of coercive control and the fact that the justice system takes it very seriously.

All the time at Sagesse, we have women calling in who say they're not sure whether they're in an abusive situation, but it doesn't feel exactly right. They say the things that are happening and it's almost always coercive control. As soon as we name it for them, they say, "Oh, yes." This is why it's so terrible.

The United Kingdom has had amazing campaigns. Sagesse has actually built on some of them. We've done lots of work that we've heard is very resonant.

I think, for me, that's what's most important. First, name it and then let people know that it is a form of violence and it is a form of violence they can seek help for.

Ms. Marilyn Gladu: Go ahead, Professor Gill.

Prof. Carmen Gill: I echo what Andrea said, but I want to talk about the experience I had in New Brunswick when we developed specialized courts on domestic violence in Moncton.

We had a rise in cases that came out. When you have something happening like this, you can expect that there will be a rise in the number of reports. It will go viral because the victims are going to think they will finally be heard.

What we saw in Moncton the first year that we piloted the specialized courts was that we had more cases of domestic violence—not because there was more domestic violence, but because victims could be heard. I suspect that's what will happen with coercive control.

The Chair: Thank you very much for that testimony.

We will now go to Madam Dhillon.

[*Translation*]

You have five minutes.

[*English*]

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Thank you, Madam Chair.

Thank you to our two witnesses for being here today and for the very important work you're doing on this subject.

I will send my first question to both of you.

In the first two years, how can law enforcement and the justice system efficiently protect victims of coercive control and intimate partner violence post-separation? Is there a way to cut off coercive control after a separation? We see it can still continue, as you've mentioned in your testimony.

Ms. Andrea Silverstone: I don't think there is a way to cut it off. If an abuser is going to coercively control, they're going to coercively control.

One case that I think is very relevant right now is the case that recently happened in Calgary, where there was emergency protection and a no-contact order in place. It had been breached numerous times and he eventually did kill his partner. I believe that had coercive control legislation been in place, the police would have had another tool in their tool box to hold him accountable for his behaviour, which I think would have changed her safety.

When I think about it, it's not that coercive control is going to end, but if we acknowledge it and there's a tool in the tool box of the justice system to address it, then we can provide better safety for victims of domestic abuse.

Prof. Carmen Gill: I will again echo what Andrea has been saying.

It's not necessarily going to end coercive control, but at least we'll have something bringing us forward to intervene in those situations. We should not forget that perpetrators are also going to need some form of intervention. We cannot just focus on the victim. We need to focus on the victim, the perpetrators and the children.

Of course, it's a societal issue. Once we start talking about this publicly, it's going to raise awareness to everyone. The police are going to have a tremendous role in recognizing and determining that it's an intimate partner violence situation they're dealing with.

Ms. Anju Dhillon: Both of the witnesses and the MP presenting the bill spoke about the definition of coercive control. We see that coercive control can encompass a broad range of things. We spoke about children. Would it also include abuse towards the complainant's pet and other extended family members?

I see Madam Gill is smiling, so I'll let her answer first and then Ms. Silverstone.

• (1000)

Prof. Carmen Gill: Absolutely. It also involves the abuse of the animal that lives in the home. I've seen cases where the partner has killed the dog. That was his way of telling his partner that she could be next.

There is an issue when you start seeing abuse towards pets. It's generally a red flag telling us that if it can go towards the pets, then it can go towards the partner.

Thank you for this question.

Ms. Andrea Silverstone: I think the strength of the coercive control definition is it recognizes that part of the perpetration of domestic abuse is taking one of the things that is most precious to the individual and then using it as a mechanism to enforce domination and control. That could be anything from a pet to a bank account to a home—whatever is most precious to that individual. It could be their standing in their profession, or in the case of 2SLGBTQ people, being outed if they're not already out.

There are many various ways. I think the strength of coercive control as a definition versus other definitions we've used is that it recognizes that.

Ms. Anju Dhillon: Ms. Silverstone, I was going to ask about the LGBTQ part of coercive control. How do same-sex couples report coercive control? How would this affect them and make life better for them as well?

Ms. Andrea Silverstone: I'll begin by saying that we know some statistics state that domestic abuse has even higher rates in cases of 2SLGBTQ families for reasons of homophobia, heterosexism and barriers to accessing services. Part of what coercive control does is it removes a lot of those binaries, which very often fall into other ways that we look at domestic abuse, and recognize that it's all about the experience of the individual. I therefore think it actually opens it up so equity-seeking groups, including 2SLGBTQ individuals, are more likely to access supports and services.

The Chair: Thank you for that.

We will now go for two and a half minutes to Monsieur Fortin.

[*Translation*]

Mr. Rhéal Éloi Fortin: Thank you, Madam Chair.

Ms. Gill and Ms. Silverstone, one question is nagging at me. Ms. Gill, you were saying that, in New Brunswick, a specialized domestic violence court was created and that complaints increased after its creation. I have no trouble believing that. Victims probably thought they had a better chance of being believed and heard.

The bill under consideration deals with violent and coercive behaviour on a repeated and ongoing basis. So it's not about specific acts of violence, such as a punch or a stab, which are specific events. The victim reports to the police that their spouse has attacked them with a knife. It's simple.

I'd like to hear from you about how the bill will work around complaints and offences. For example, what victim is going to say that her spouse, in the first year, took control of her bank account, and in the second year, followed her four or five times? I feel there's a certain fluidity to the behaviour.

Don't you worry that it will be difficult to press charges or to pinpoint the offence that will be the subject of an eventual trial?

Prof. Carmen Gill: The offence would not necessarily consist of an event, but of a set of behaviours. How do we determine that these are controlling behaviours? We'll have to rethink the way we put questions to the victims. This will make it possible to establish the type of controlling behaviour they've been subjected to. I don't think it will be problematic.

In fact, I've often seen cases where women have called the police because they feared for their lives, but by the time the police responded to the call, there had been no physical event, no physical offence. So the police couldn't pinpoint what had prompted the woman to call the police. No questions were asked about the events leading up to the call to the police.

This will lead us or force us to rethink the way we ask questions about the whole situation. We need to take a much broader view. It's not about a punch or a slap in the face. It's about someone ter-

rorizing someone for weeks, months, even years, which we still don't consider a crime. In my opinion, that's problematic.

• (1005)

The Chair: Thank you very much.

Mr. Rhéal Éloi Fortin: Thank you, Ms. Gill.

[*English*]

The Chair: We'll go to Mr. Garrison for the final round.

Again, witnesses, I will remind you that if there's anything you would like to submit to us in writing that you feel would be beneficial, please do.

Go ahead, Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I think the committee knows well that I was involved in this at the beginning of the pandemic when I was doing my regular call around to social service agencies and the police. They all reported a spike in calls for assistance at the beginning of the pandemic.

Ms. Silverstone, you may be best placed to talk about this. There seems to be a presumption that this spike would have gone away with the decline of pandemic restrictions. I want to know what your organization has found. Has this spike disappeared, or have the high rates continued?

Ms. Andrea Silverstone: The spike has not disappeared at all. We know that pretty much across Canada, rates of domestic abuse went up by about 30% during the pandemic, and the rates have not gone down. We also know from past incidents like this, past crises in society—for example, the wildfires in Alberta—that when the numbers go up, they actually don't go down, and if they do go down, it takes 10 to 15 years.

I suspect that because COVID was a whole-of-society issue, we're not going to see the numbers go down again. We are in an epidemic of domestic abuse in Canada right now.

Mr. Randall Garrison: Professor Gill, I assume you found the same thing.

Prof. Carmen Gill: During the pandemic, I spoke a lot about coercive control in the media, so I had a number of calls from victims. IPV did not decrease because of the end of the pandemic. It pretty much increased.

Mr. Randall Garrison: Okay.

I know we're just about out of time in this session and I'm out of my time, so I'm going to give about 30 seconds to each of you to bring up any last remarks that you'd like to make to the committee at this point.

I'll start with Ms. Silverstone.

Ms. Andrea Silverstone: I'll begin by saying that no law is perfect. All this law would be is another tool in the tool box of the justice system in Canada to address issues of domestic abuse in our society.

I think it is imperative that we pass a law like this as soon as possible. I believe that training can happen at the same time that the law is being passed, and I think police and the justice system are already asking for this. They mostly don't need to be trained about coercive control. They might just need to be trained on how to use a law like this.

We are overdue. We are behind other jurisdictions that have gender-based violence plans. I think victims in Canada deserve this piece of legislation.

Mr. Randall Garrison: Thank you.

Go ahead, Professor Gill.

Prof. Carmen Gill: I will echo what Andrea just said, but I want to remind you about the change of legislation in 1983 for sexual assault. We went from rape to sexual assault. That particular legislation completely changed our way of viewing sexual violence. I think legislation like this bill could have the potential to change our way of viewing the complexity of intimate partner violence.

I want to leave you with this note because I clearly remember all of the debate about the rape law versus sexual assault. We're doing better with the sexual assault law than we were before. It's the same thing with coercive control.

The Chair: Thank you very much to both of you. We appreciate all of the knowledge and wisdom you've shared with us this morning.

Members of the committee, I will remind you that tomorrow is the deadline for you to submit the names of witnesses you would like to appear on this study. On Monday, the clerk will submit to all of you the names that have been submitted by everyone.

I will also remind you that next week is a constituency week. We will return the following week on Monday and Thursday. There are two more days on this study.

With those few words, have a wonderful day. Happy Flag Day.

• (1010)

[*Translation*]

My thanks to all of you.

The meeting is adjourned.

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