



**Justice Canada  
Submission for Panels on an Offence of Coercive Control**

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**Introduction**

Countries, states, territories, and provinces around the world are looking for ways to address coercive control. England and Wales, Scotland, and Northern Ireland have criminalized coercive control, while Australian territories, US states, and Canadian provinces are beginning to enact or debate similar legislation.

In consultation with our members, the provincial and territorial shelter and transition house (TH) associations, Women's Shelters Canada supports the criminalization of coercive control. Criminalization provides police and other legal actors with a concrete tool for recognizing and intervening in circumstances of coercive control. The following brief clarifies our position, including the elements and criteria we believe are necessary for the criminalization of coercive control to be a positive resource for women experiencing violence. This document brings together research on coercive control alongside the expertise shared by our member organizations.

**Who we are**

Women's Shelters Canada (WSC) provides a strong, unified, pan-Canadian voice on the issue of violence against women. WSC brings together 16 provincial and territorial shelter organizations and supports over 600 shelters across the country for women and children fleeing violence. WSC increases awareness to ensure that policies, legislation, and regulations are informed by the experiences and insights of our members. WSC connects knowledgeable and dedicated individuals from coast to coast to coast, so that new ideas are born, best practices are promoted and transferred, and those who work in our challenging field feel more connected and supported. All of this helps to ensure that the women and children who turn to shelters and transition houses receive the most effective and compassionate support possible.

**What is coercive control?**

Coercive control is a pattern of behaviour or acts that creates an environment where an individual feels controlled, isolated, dependent, intimidated, humiliated, threatened, exploited, and/or terrorized.

“This controlling behaviour is designed to make a person dependent on their abuser by isolating them from family and friends, and [sic] support services, exploiting them, humiliating, and degrading them and regulating their behaviour. It can be a gradual process which over time can lead to a total loss of confidence and sense of self.”<sup>1</sup>

Coercive control is often invisible, as it involves emotional, mental, financial, and technology-facilitated abuse, as well as restricting an individual’s liberty. It has been referred to as non-physical abuse, although it can also entail physical and/or sexual violence. Coercive control is often a precursor to physical violence, including femicide.<sup>2</sup>

### **Support for criminalization**

The majority of the provincial and territorial shelter/TH associations indicated that they are in support of criminalization.<sup>34</sup> They see this as bringing greater attention to the issue, contributing to more recognition of the signs of coercive control, acting as a potential tool for those who intervene in domestic violence situations including police, lawyers, and judges, and holding perpetrators accountable for their actions. This also illustrates that coercive control is understood as unacceptable behaviour, which is being seriously addressed, rather than trivializing and dismissing these acts.

For survivors of violence, criminalizing coercive control validates their experience, increasing their confidence in a justice system that recognizes the violence they have faced and can provide access to measures like protective orders. If coercive control is criminalized, this may provide increased opportunities for survivors to access compensation for victims, which can support their recovery.

Many instances of femicide are found to have histories of coercive control,<sup>5</sup> which is why we believe that criminalizing this form of violence can reduce harm to women and save lives.

### **What is needed as part of criminalization**

Our member associations made it clear that the criminalization of coercive control cannot be done in isolation from other measures. Firstly, it must include training for law enforcement, Crown and defence

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<sup>1</sup> Women’s Aid Federation Northern Ireland. (2023) Coercive Control. <https://www.womensaidni.org/what-is-domestic-abuse/coercive-control/>

<sup>2</sup> Regroupement des maisons pour femmes victimes de violence conjugale. (2022) Le contrôle coercitif, un levier pour mieux repérer et intervenir en contexte de violence conjugale. <https://maisons-femmes.qc.ca/wp-content/uploads/2022/05/RMFVVC-Revue-contrôle-coercitif-2022.pdf>

<sup>3</sup> Our 16 member associations were asked whether they support the criminalization of coercive control. While not all members responded, nine were in support, with the Ontario Association of Interval and Transition Houses (OAITH) indicating that they were opposed.

<sup>4</sup> OAITH provided their own brief ([available here](#)). OAITH asserts that the criminalization of coercive control serves as a form of punishment in an incarceration system that is moving toward rehabilitation. It needs to be further understood and examined as to what end criminalization will serve survivors, those who cause harm, and society as a whole. They believe that when society solely invests in and enacts legislation as a response after harm has been done, we will never achieve an end to gender-based violence and in this case, coercive control. Implementation has shown to be ineffective in other jurisdictions and criminalization of specific harms will not guarantee it will end.

<sup>5</sup> Gill, C. (2020) Understanding coercive control in the context of intimate partner violence in Canada: How to address the issue through the criminal justice system? Office of the Federal Ombudsman for Victims of Crime, Department of Justice Canada. <https://www.victimfirst.gc.ca/res/cor/UCC-CCC/index.html>

lawyers, and judges on coercive control and post-separation domestic violence. This training needs to be delivered by anti-violence organizations that are the experts on gender-based violence (GBV), and these organizations must be adequately compensated. Training should be designed to raise awareness among justice system actors of the importance of recognizing coercive control and its impacts, as well as providing them with information on how to detect and document this crime. It was also recommended that training be extended to other institutions and actors outside of the justice system, like child welfare, health services, and other community resources.

Public education, awareness raising, and prevention programs are essential components of addressing coercive control. “Otherwise, criminalization alone [could] have the deceptive effect of having definitively addressed the issue, by taking away the responsibility of institutions for what happens next.”<sup>6</sup>

### Criteria for success

While there is broad support for criminalization, several considerations must be taken into account. Such considerations include how coercive control can be challenging to prove, as it is more difficult to perceive by those outside of the relationship. There is concern that in order to prove that coercive control has occurred, the burden of proof will fall on those experiencing the abuse. This may include keeping diaries of incidents or collecting digital evidence (e.g. text messages, e-mails, voicemail, bank statements). Based on past experience of supporting women through the legal system, shelter/TH staff know that many clients do not have the resources or education to navigate the legal system and collect all of the materials that are necessary. **If criminalization is to be an effective tool, it should draw from the Scottish model which does not require the victim to prove harm.**<sup>7</sup>

There is a concern that if coercive control is criminalized, abusive spouses will use this to blame the victim, as has been seen with claims of parental alienation. As gender-based violence in general is not well understood by law enforcement, lawyers, and judges, there is the potential for misapplication or misinterpretation of the legislation, which could create more harm for or revictimize survivors. If police are unable to accurately identify the primary aggressor, this can lead to the criminalization of survivors, with widespread negative implications for their lives.

There is a risk that marginalized groups that are already over-represented in the prison system will be targeted by this law. The adoption of a criminal justice approach, without the enhancement of other forms of community support, is likely to have a disproportionate impact on communities that are already under-protected and over-scrutinized by police. This would include Indigenous people and racialized men and women.

Finally, beyond the concerns about a lack of understanding of GBV, coercive control is increasingly a technology-facilitated form of violence. The technology that facilitates this abuse (e.g. social media, home monitoring systems, tracking devices, smartphones, and smart homes) is not well understood by

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<sup>6</sup> Email correspondence with Mathilde Trou of Regroupement des maisons pour femmes victimes de violence conjugale.

<sup>7</sup> Legislation.gov.uk. (2018) Domestic Abuse (Scotland) Act 2018. <https://www.legislation.gov.uk/asp/2018/5/notes>

<sup>8</sup> Like any legislation, there are drawbacks to the Scottish model. Some of the concerns that have been raised are available in the [interim reporting on this act](#).

authorities. Not only are police and legal authorities inadequately trained on tech-assisted abuse, but even tech companies are not trained to intervene.

**The preceding concerns can be addressed through ongoing training on intimate partner violence and coercive control for those engaged in the justice system. This must include how legal systems can be used to continue violence<sup>9</sup> and the many emerging ways that violence is being enacted.<sup>10</sup>**

### **Strategies to complement criminalization**

While WSC supports the criminalization of coercive control, it is well understood that this is only one component of anti-violence work, and alone is insufficient to bring about change on GBV. Other suggestions proposed included the creation of an intersectoral advisory committee to share practices, widespread public awareness campaigns, and age-appropriate information on healthy relationships included in school curriculums for all ages.

Beyond a criminal justice approach, there is a need for alternative, transformative, non-traditional, and non-carceral models of resolution and justice that recognize that there are many survivors who do not wish to engage with the criminal justice system and/or have had negative interactions with this system. Alternatives could include community-based prevention and intervention services that address coercive control prior to the escalation of violent behaviour that may require police engagement and/or charges. By focusing too heavily on a criminal justice response, there is the risk of perpetuating siloed systemic responses and alienating those experiencing violence by not trusting these alternative systems to intervene.

The Roadmap for the National Action Plan on GBV<sup>11</sup> recommends examining existing offences to determine how these could be better used to address coercive control. “This would require an examination of existing investigation and evidentiary rules, as well as the historical failure of this system to understand and respond to gender-based violence.”<sup>12</sup> This would also require governments of all levels to review and assess how perpetrators use the court system to continue their abuse of survivors.

There is a need to invest in programs and services that support survivors of all forms of violence. This includes access to transitional income benefits after leaving shelter, guaranteed regular income, housing access, and access to employment and education opportunities. The criminalization of coercive control is one step toward supporting survivors of violence, but a wide range of supports are needed for survivors fleeing and building a life free of violence.

### **Recommendations**

Criminalizing coercive control will not end this abusive act, but it can increase the awareness of coercive control across Canadian society by making the invisible, visible. While there are concerns about the

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<sup>9</sup> Vollans, A. (2010) Court-Related Abuse and Harassment: Leaving an abuser can be harder than staying. YWCA Vancouver. <https://ywcavan.org/sites/default/files/resources/downloads/Litigation%20Abuse%20FINAL.pdf>

<sup>10</sup> Women’s Shelters Canada. (2023) Tech Safety Canada. <https://techsafety.ca/>

<sup>11</sup> Dale, A., Maki, K. and Nitia, R. (2021). “Expert Engagement to Address and Prevent Gender-Based Violence Final Report.” Ottawa, ON: Women’s Shelters Canada.

<sup>12</sup> Email correspondence with Amber Wardell of OAITH.

potential negative, unintended consequences of criminalization for survivors of violence, it is felt that these can be mitigated by taking a holistic approach.

1. With the criminalization of coercive control, there must be training for those involved in the criminal justice system (e.g. judges, lawyers, and police). Such training should be mandatory and ongoing. It needs to be delivered by the anti-violence organizations that are the experts on gender-based violence (GBV), and these organizations must be adequately compensated.
2. Moving forward with criminalization cannot happen without centring the voices of those most affected and including the voices of experts, which must include anti-violence leaders from across the country, as well as survivors of GBV and coercive control. To inform the implementation of the criminalization of coercive control, an expert advisory council should be formed. This group should be maintained post-implementation to monitor the process, providing an accountability mechanism. Such an advisory council could provide the needed monitoring to ensure that this legislation does not harm those that it is intended to protect.
3. For the criminalization of coercive control to be successful, it needs to be part of a holistic approach to addressing GBV. This needs to include adequate levels of funding for GBV organizations, affordable housing, robust prevention programs, and public awareness campaigns.