



**WOMEN'S
SHELTERS
CANADA**

Shelters and
Transition Houses
United to End Violence
Against Women

PROTECTING VICTIMS OF COERCIVE CONTROL FROM POST-SEPARATION ABUSE: A NEEDED REFORM OF FAMILY LAW

Brief submitted by Women's Shelters Canada to the Standing Committee on the
Status of Women for its study on Coercive Behaviour

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About Women's Shelters Canada

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.

Coercive Control and the Law

In recent years, the discourse surrounding coercive control has gained significant traction, prompting legislative actions in various countries, including Canada. Recently, the House of Commons unanimously adopted bill C-332, which proposes to criminalize coercive control. In consultation with our members, the provincial and territorial shelter and transition house (TH) associations, WSC 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. While this initiative underscores a commitment to addressing coercive control, a critical aspect remains overlooked—the intersection of coercive control within family law, particularly concerning parental alienation accusations.

In policymaking about coercive control and intimate partner violence more generally, it is essential never to lose sight of a crucial fact: most victims do not report the violence they have experienced, and even for those who do, a criminal conviction is unlikely. For these victims, the prospect of a coercive control crime may hold little promise of tangible change. Instead, their encounters with the legal system predominantly occur within the realm of family law, where issues of parenting are adjudicated. Within this context, coercive control is often perpetuated through tactics that exploit the mechanisms of family law to further abuse post-separation.

Indeed, abusers adeptly navigate the complexities of the legal and judicial systems to further their agenda of control and dominance, employing tactics commonly referred to as “judicial violence.” Central to this manipulation is the weaponization of parental alienation accusations—an insidious strategy aimed at discrediting and undermining the victim’s credibility while perpetuating the cycle of abuse under the guise of legal recourse. Thus, failure to address coercive control in family law risks leaving a significant cohort of victims vulnerable to continued exploitation and manipulation within a system ostensibly designed to safeguard their interests.

In light of these considerations, our organization recommends the **prohibition of parental alienation accusations** in family cases.

How parental alienation accusations affect victims of coercive control

Shelters see first-hand the impact of parental alienation accusations on victims of coercive control. The concept of “parental alienation” serves as a tool to revictimize and discredit victims of family violence, particularly mothers. These accusations frequently arise in the context of allegations of domestic violence. The concept of parental alienation perpetuates harmful myths and narratives, most notably the erroneous belief that mothers fabricate allegations of abuse to

gain leverage in parenting disputes. Claiming “parental alienation” often enables abusive fathers to convince courts to ignore children’s stated wishes.

Central to the detrimental effects of parental alienation accusations is the skewed prioritization of parental rights over the well-being and safety of children. In the face of allegations of parental alienation, courts often prioritize maintaining contact between the violent father and the child, disregarding credible concerns of domestic violence and the expressed wishes of the child. This emphasis on parental rights not only trivializes the experiences of victims but also perpetuates a culture of impunity for perpetrators of coercive control. Survivors are placed in impossible situations, as denouncing violence exposes them to the risk of losing their children to their abuser.

The repercussions of parental alienation accusations extend far beyond legal proceedings, inflicting lasting emotional and psychological trauma on victims and their children. Court-mandated interventions can result in forced reunification with abusive parents, subjecting children to further harm and trauma. Moreover, the punitive measures imposed on mothers deemed to be “alienating” can entail severe restrictions on their access to their children, effectively severing vital familial bonds and exacerbating feelings of isolation and helplessness. The persistence of these phenomena underscores the urgent need for reform within the realm of family law to safeguard the rights and well-being of women and children who are victims of coercive control.

Parental alienation accusations must be stopped

Meta reviews and other credible sources show that claims about parental alienation are mostly speculative, and that the instruments used to “diagnose” children with parental alienation are not objective or reliable.

Moreover, interventions ordered in cases of supposed “alienation” are extremely harmful. The child is separated from their primary caregiver and forced to reside with a parent with whom they have no relationship. When the mother is prevented from communicating with the child, she is unable to see and report further instances of violence. Abusers can act with impunity, knowing that further reports of violence will not be believed.

In the summer of 2023, the UN’s *Special Rapporteur on Violence against Women and Girls, its Causes and Consequences* [released a report](#) on parental alienation accusations. She called on all states to “**legislate to prohibit the use of parental alienation or related pseudo-concepts in family law cases** and the use of so-called experts in parental alienation and related pseudo-concepts.”

Canada should follow the UN recommendation and make the concept of parental alienation inadmissible in family disputes. That way, family courts can stop revictimizing mothers and children who are already victims of coercive control.