

The House of Commons' Standing Committee on Justice and Human Rights [For the study of Bill C-332, An Act to amend the Criminal Code \(controlling or coercive conduct\).](#)

OPENING STATEMENT

Honourable members of the committee,

I am deeply grateful for the opportunity to speak before you today regarding the important topic of the proposed legislative amendments, specifically Bill C-332, aimed at addressing coercive control within the Criminal Code. The Barbra Schlifer Commemorative Clinic since 1985 has been at the forefront of providing trauma-informed legal, counselling, interpretation services and support to marginalized and racialized women and gender-diverse individuals who have experienced violence. With our extensive experience and expertise in this field, we offer insights into the potential implications of this proposed legislative change. I will cover three points in my opening remarks:

- Justice should not only appear to be served but should genuinely be achieved.
- Consequences of Criminalization
- The Need for a Holistic Approach to Address Coercive Control.

I recognize and commend the intent behind Bill C-332, as it signifies a crucial milestone in acknowledging and addressing coercive control as a pervasive form of intimate partner violence. However, you must approach this legislative change with the utmost caution, taking into account the intricate nuances and potential ramifications of criminalizing coercive control within the Criminal Code. Coercive control is characterized by a relentless pattern of behaviour aimed at intimidating, manipulating, and inflicting harm upon the survivor or victim. This insidious form of abuse often operates behind closed doors, making it challenging to identify and prosecute. Survivors may endure a multitude of tactics, including psychological manipulation, financial control, and isolation, which can result in profound psychological and emotional trauma.

1. **Justice should not only appear to be served with new criminal offences on the books but should genuinely be achievable.** While the criminalization of coercive control may seem like a solution, it's crucial to recognize its practical limitations and potential unintended consequences. Coercive control, particularly within intimate relationships, poses inherent complexities, making it difficult to recognize and report due to inherent power imbalances and systemic biases. Moreover, proving coercive control beyond a reasonable doubt in a court setting would add a layer of difficulty that

survivors routinely face in IPV and sexual violence cases. In these cases, the system routinely fails survivors with under-reported and a low conviction rate. Justice should not only appear to be served with a new criminal offence “on the books” but should be genuinely achievable.

2. The **unintended consequences of criminalization** don't always align with the intended solution. For example, we've observed that existing mandatory charging policies in cases of domestic assault can inadvertently result in survivors being charged with the same offences meant to protect them. Moreover, survivors, particularly those from marginalized and racialized communities, face additional hurdles such as language barriers, discrimination within the system, intergenerational trauma, and a lack of trust in the legal system. Recognizing patterns of systematic controlling behaviour presents significant challenges, as this form of coercion not only damages self-esteem but also strips away independence, leaving individuals feeling powerless and vulnerable. This struggle is particularly pronounced for individuals from Indigenous backgrounds, immigrants, and LGBTQ+ communities, who encounter systemic barriers and discrimination. In summary, individuals facing language barriers, discrimination, intergenerational trauma, and a lack of trust in the legal system are unlikely to benefit from the additional criminal offence of coercive control. On the contrary, it may exacerbate feelings of powerlessness and trauma if they attempt to seek assistance from the legal system. Despite coercive and controlling behaviour being recognized as the most severe form of gender-based abuse, the effectiveness of criminal punishment in deterring such actions remains questionable.
3. It is **essential to explore holistic approaches that prioritize survivor safety and well-being** while holding perpetrators accountable within the criminal justice system. Drawing from experiences in jurisdictions where coercive control has been criminalized, such as England, Wales, and Scotland, we must recognize the limitations of relying solely on the criminal justice system. While criminalization may hold perpetrators accountable, it is only one part of the solution. Comprehensive support services, awareness campaigns, and professional training are essential for meaningful change and healing for survivors. Furthermore, the inclusion of a broad defence based on the coercive actor's "best interests" for the survivor raises serious ethical and practical concerns, risking further harm to survivors and perpetuating power imbalances within abusive relationships.

In conclusion, we echo the sentiments of others that increasing criminalization is not the solution, as emphasized by the Nova Scotia Mass Casualty Commission (MASS), which advocates for a community-based approach over a carceral one. While we oppose the implementation of a new offence for coercive control, we stress the importance of equipping all legal system actors with the necessary knowledge and skills to identify and address coercive control effectively. This includes developing risk assessment tools and training that consider intersecting identity factors for survivors disproportionately impacted by gender-based violence. Furthermore, we believe that introducing such legislation prematurely, without adequate education, resources, and accountability mechanisms in place for legal actors, risks further undermining access to justice for survivors.

Thank you once again for allowing me to contribute to this crucial discussion. I am available to address any questions or concerns you may have.

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