

Contrôle coercitif



Improving judicial practice for victims of conjugal violence:
incorporating the notion of coercive control

A presentation of
the Regroupement des maisons pour femmes victimes de violence conjugale

SHOCKPROOFING COMMUNITIES SUMMIT

MARCH 2023

Project: Improve judicial practice

Objective: Improve the practice of legal professionals to remove the systemic barriers facing women victims in the legal system

Intersectional approach: Particular focus on economically disadvantaged women and women who are refugees, immigrants, non-status or newcomers.

Means: Educate and train justice professionals on the concept of coercive control so that:

- they recognize the full range of manifestations of conjugal violence and,
- develop more appropriate practices to improve the safety and freedom of victims



Femmes et Égalité
des genres Canada

Women and Gender
Equality Canada

Canada



Mobilize partners (advisory committee)



Identify best practices (literature review)



Sensitize judicial professionals to the issue of coercive control



Develop a toolbox



Conduct training sessions for judicial professionals



Regional seminars (upcoming)

Mobilize partners

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Representative advisory committee

Police	Judge, lawyers, legal experts	Ministry and public agencies	Conjugal violence experts (Researchers and practitioners)
<ul style="list-style-type: none"> • Sûreté du Québec • Association des directeurs de police du Québec • Service de police de la Ville de Montréal • Ecole nationale de police du Québec • Canadian Association of Chiefs of Police/Réseau Intersection/Régie intermunicipale de police Thérèse – De Blainville • Service de police de la Ville de Gatineau • Service de police de la Ville de Montréal • Ecole nationale de police du Québec • Service de police de la Ville de Québec 	<ul style="list-style-type: none"> • Canadian senator, formerly a justice of the Court of Appeal of Québec • Association des avocats et avocates en droit familial du Québec et avocate praticienne • Association québécoise des avocats et avocates en droit de l'immigration • Rebâtir 	<ul style="list-style-type: none"> • Ministère de la sécurité publique (MSP) – Police practices • MSP - correctional services • Directeur des poursuites criminelles et pénales • Commission des services juridiques 	<ul style="list-style-type: none"> • Transition house workers • Practitioners from coordinated action cells • Dr. Carmen Gill, PhD • Dr. Isabelle Côté, PhD • Regroupement staff members

Literature review

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LITERATURE REVIEW: **LE CONTRÔLE COERCITIF, UN LEVIER POUR MIEUX REPÉRER ET INTERVENIR EN CONTEXTE DE VIOLENCE CONJUGALE** (COERCIVE CONTROL, A VALUABLE APPROACH TO FACILITATE SCREENING AND INTERVENTION IN THE CONTEXT OF CONJUGAL VIOLENCE)

Aim is to provide the largest number of actors with:

- The available scientific and grey literature on the concept of coercive control in Quebec
- Existing best practices to improve the judicial process for women
 - Criminal law
 - Family law
 - Immigration law

Coercive Control Toolbox

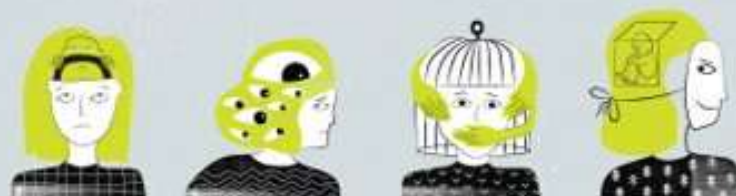
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Comprendre, repérer
et intervenir face au

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**BOÎTE
À OUTILS**

UNDERSTANDING, DETECTION AND INTERVENTION: COERCIVE CONTROL TOOLBOX

Developed for legal professionals with the aim of:

- Raising awareness of coercive control so that the full range of less visible manifestations of conjugal violence are recognized, and
- Developing professionals' skills and know-how to improve women's experience in the justice system.

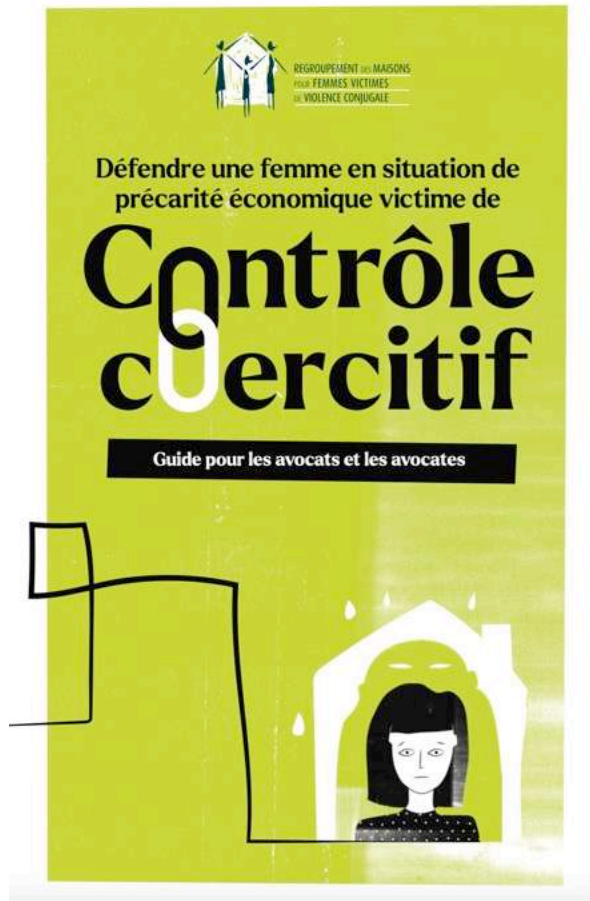
DEFENDING IMMIGRANT WOMEN WHO ARE VICTIMS OF COERCIVE CONTROL

This tool is intended to facilitate lawyers' work by providing information on:

- Indicators to detect the presence of coercive control
- Attitudes and skills to adopt when conducting interviews
- Important considerations for setting up a case file: ways to document coercive control, building evidence, a procedural checklist and sample letters to include in case file.



GUIDE FOR LAWYERS DEFENDING WOMEN FACING ECONOMIC PRECARIOUSNESS



This guide is intended to facilitate the work of lawyers by helping them to:

- Understand the impact of economic control and resource deprivation on victims and their ability to make choices
- Detect and document manifestations of coercive control throughout the judicial process
- Learn the skills and attitudes that should be emphasized to improve the judicial process for victims.



- Addressed to women, this booklet is intended to help them understand their situation more clearly and, if they wish, take legal action.
- Practitioners working with women who are victims of conjugal violence and their children will also find a lot of useful information and resources.



Understanding coercive
control

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Develop a visual identity

Aims:

- Present a strong graphic signature to raise awareness of the notion of coercive control.
- Popularize the concept to facilitate its appropriation by those who work with women who are victims of conjugal violence.



Coercive control

A pattern of repeated acts and strategies of violence:

- Gradually introduced by a partner or ex-partner,
- Which are not necessarily physical, but often invisible and insidious,
- With the aim of isolating, controlling and depriving the victim of her freedom.



Who is at risk?

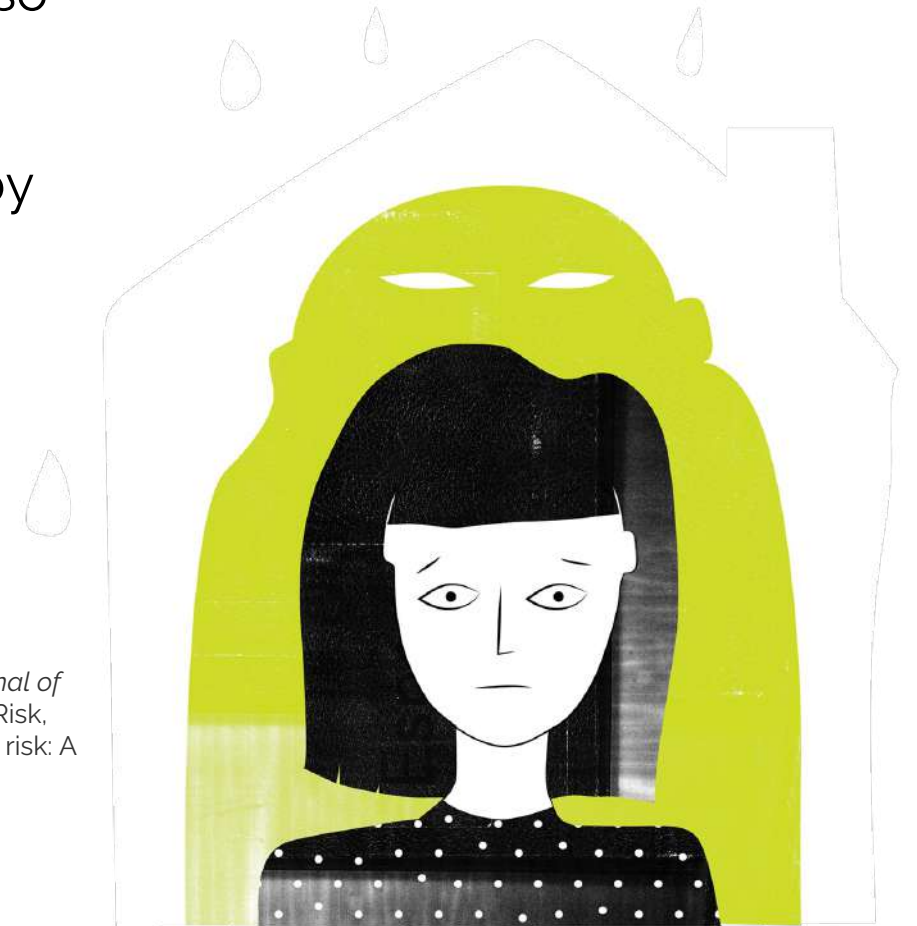
Women and their children are most at risk:

- 95% of victims of coercive control are women (2019).
- In 45% of conjugal violence situations, the offender has also abused children.

Women with specific vulnerabilities, deliberately exploited by offenders to control them:

- Financial precariousness,
- Physical and functional limitations,
- Marginalization,
- Immigration status, etc.

Sources: C. Barlow, S. Walklate, "Gender, risk assessment and coercive control: Contradictions in terms?", *The British Journal of Criminology* (2021) 61, 887-904. [<https://www.liverpool.ac.uk/media/livacuk/law-and-social-justice/3research/Gender,Risk,Assessment,and,Coercive,Control-Barlow,and,Walklate,2021.pdf>]; Stark, E., & Flitcraft, A.H. (1988). Women and children at risk: A feminist perspective on child abuse. *International Journal of Health Services*, 18, 97-118.



Main manifestations of coercive control and associated examples

Monitoring and interrogation

- He asks her who she met, when and why
- He asks her to text him from wherever she is, text him at arrival/departure, calculates her pedometer, requires that she report to him
- Accompanies her wherever she goes

Threats

- Threatens to leave with the children, arrange for her to lose custody
 - Threatens to kill her and those she loves
- Threatens to take her to court or report her to social services or immigration

Sexual violence

- Pressures her for sex
- Forces her to watch pornographic movies, demands that she perform humiliating and degrading acts
- Controls birth control and pregnancies (prosecution, abortion)

Gaslighting

- Throws tantrums, insults and attacks her, and when she confronts him about it, accuses her of exaggerating or making it up
- Repeatedly asserts that she is always imagining problems and exaggerating
 - Hits her and later asks her how she hurt herself

Economic violence

- Controls the budget and access to credit and bank cards
 - Threatens to deprive her of money or essential goods
 - Prevents her taking a shower, bath, using the toilet, eating, or going to bed
- Controls her means of transportation

Isolation

- Prevents her from contacting loved ones by erasing recent messages on her phone, forbidding her from seeing them or speaking to them
- Prevents her from leaving the house, confiscates car keys or her shoes
- Prohibits her from going to school or work

Physical violence

- Pushes, hits her
- Strangles her
- Spits on her

Blaming

- Insists that he can't remain sober while living with a crazy person like her
- Says that if she leaves him, he'll kill himself and it will be her fault
- Tells her that he wouldn't get angry if she could control the kids and keep them quiet

Abuse using technologies

- Logs onto her account, reads her messages, pretends to be her on social media
- Confiscates her phone, removes her SIM card
- Tracks her with geolocation apps

Humiliation

- Embarrasses and humiliates her in public
- Compares her physically to other people

Harassment

- Stalks her, follows her or has her followed by friends
- Lurks or shows up at her home or place of work to make sure she is there
- Repeatedly texts her, sometimes under the guise of communications about the children



Coercive control continues after separation

- Repeatedly contacts her by phone, text, email, graffiti or notes left on her car
- Illegally breaks into her home and says he has the right to do so because he still owns the property
- Controls her through her parenting role: questioning her mothering skills, withholding information, manipulating the child etc.
- Initiates multiple legal actions, for example: false allegations against her to the Director of Youth Protection or making incessant and abusive family law claims, small claims, defamation suits etc.

"Upon separation, the focus shifts from trying to keep his partner in the relationship to wanting to destroy her if she leaves."

Dobash & Dobash

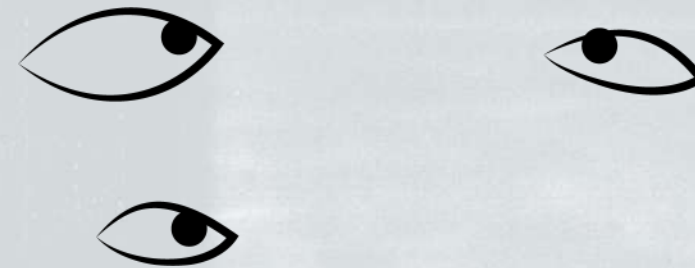
Coercive control: predictor of homicidal risk

The absence of physical violence does not mean the victim's life is not in danger:

- Femicide or attempted femicide was the first event of physical violence for nearly 1/3 of victims.
- Coercive control was present in 92% of conjugal homicides.

Be alert to warning signs:

- Definitive loss of hope that the relationship will be revived
- Harassment/monitoring
- Threats
- Obsessive jealousy
- Victim's fear
- Isolation of the victim (or lack of support network), etc.



FROM

A view of conjugal violence that focuses on **visible physical violence**



Search for **isolated episodes or incidents**, without linking them to each other



Looking at the **victim's reactions or lack thereof**



TO

A view of conjugal violence that focuses on **the range of invisible strategies** for taking control of the victim (social isolation, economic control, micro-regulations of daily life)

Search for **continuous and cumulative patterns of behavior (history)**

Focus on **the perpetrator, his actions and underlying intentions**

It is useful to invite legal professionals to consider the force with which the police and the courts would respond to someone who took a stranger hostage, and strictly regulated how the person dressed, walked, talked, and spent their time or money.

Detecting coercive control

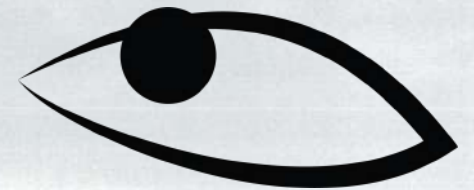
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Understanding coercive control = distinguishing a marital dispute from conjugal violence


3 criteria:

- 1 - Is there a pattern of behaviour?
- 2 - Does the victim change her habits and choices as a result of the pattern of behaviour?
- 3 - Does she fear the consequences of this pattern?



Source: Criteria developed by Ellen Pence, cited in Jane Monckton Smith, *In Control: Dangerous Relationships and How They End in Murder*, Bloomsbury Publishing PLC, 2021.

Detecting coercive control: Checklist

- 
- ☐ Does your partner threaten to harm you or people or things you care about (pets, property)?
 - ☐ Does he insult, humiliate or denigrate you?
 - ☐ Does he control your daily activities, such as how you dress or how you do household chores?
 - ☐ Does he deny you access to money or control what you can spend it on?
 - ☐ Does he make you report on where you've been, or does he monitor your phone, email, or social media to check in on you?
 - ☐ Is he following you or stalking you, or trying to contact you when you don't want him to?
 - ☐ Do you feel isolated or as if you have no one to turn to for support?
 - ☐ Does he try to strangle you, choke you or drown you?
 - ☐ Does he use or threaten to use weapons such as household items, knives or guns to harm you?

Abusers may:

- Seem more composed because they are not suffering the consequences of the controlling behaviour
- Look good, appear calm and speak well
- Be extremely adept at handling professionals, agencies and systems

While there are risk factors, there is no "typical profile" of an abuser.

Tactics to intimidate the victim and her loved ones during the legal process

- Telling the victim that police and other agencies **will not believe her**
- **Blackmailing her using the children**
- Pressuring the victim to **withdraw her complaint**
- Threatening to report her to **social services or immigration**
- **Threatening the physical or psychological integrity** of the victim or her loved ones
- **Circumventing conditions** in order to contact the victim: Communicating with the victim through a relative, sending people to the victim's home to scare her
- Coming to court with a **large group of people** (family, relatives, friends) to intimidate the victim
- **Using non-verbal behaviour** to intimidate the victim (insistent looks, smiles, etc.)
- **Impersonating** legal professionals

Making coercive control visible

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Since the person involved—police officer, probation officer—is never the same, mightn't it be possible that all the pieces of the puzzle never fall into place? The overall situation, the famous big picture, is not apparent, or only becomes so too late.

- Coroner Jacques Ramsay



(Translation)

Why is it important to document manifestations of coercive control?

- Distinguish between conjugal violence and family dispute
- Prevent recidivism and escalation of violence
- Promptly set up a safety net (physical and psychological) around the victim
- Facilitate decision-making on the abuser's conditions of arrest and release
- Provide evidence of a wider range of applicable offences
- Ensure better risk assessment by police, prosecutors, judges, correctional services who are then informed of behavioural patterns



How to document coercive control

- Consider more than the event that prompted the call and ask questions about the surrounding context to understand the dynamics
- Document the history of control tactics in the relationship over and above judicable actions, as well as breaches of conditions
- Detail the variety of manifestations and their repeated nature over time
- Systematically check for previous violent incidents
- Use witness statements (family, friends, neighbour), medical reports and reports from support workers
- Highlight potential safety risks to your client: Coercive control is a major predictor of mortality

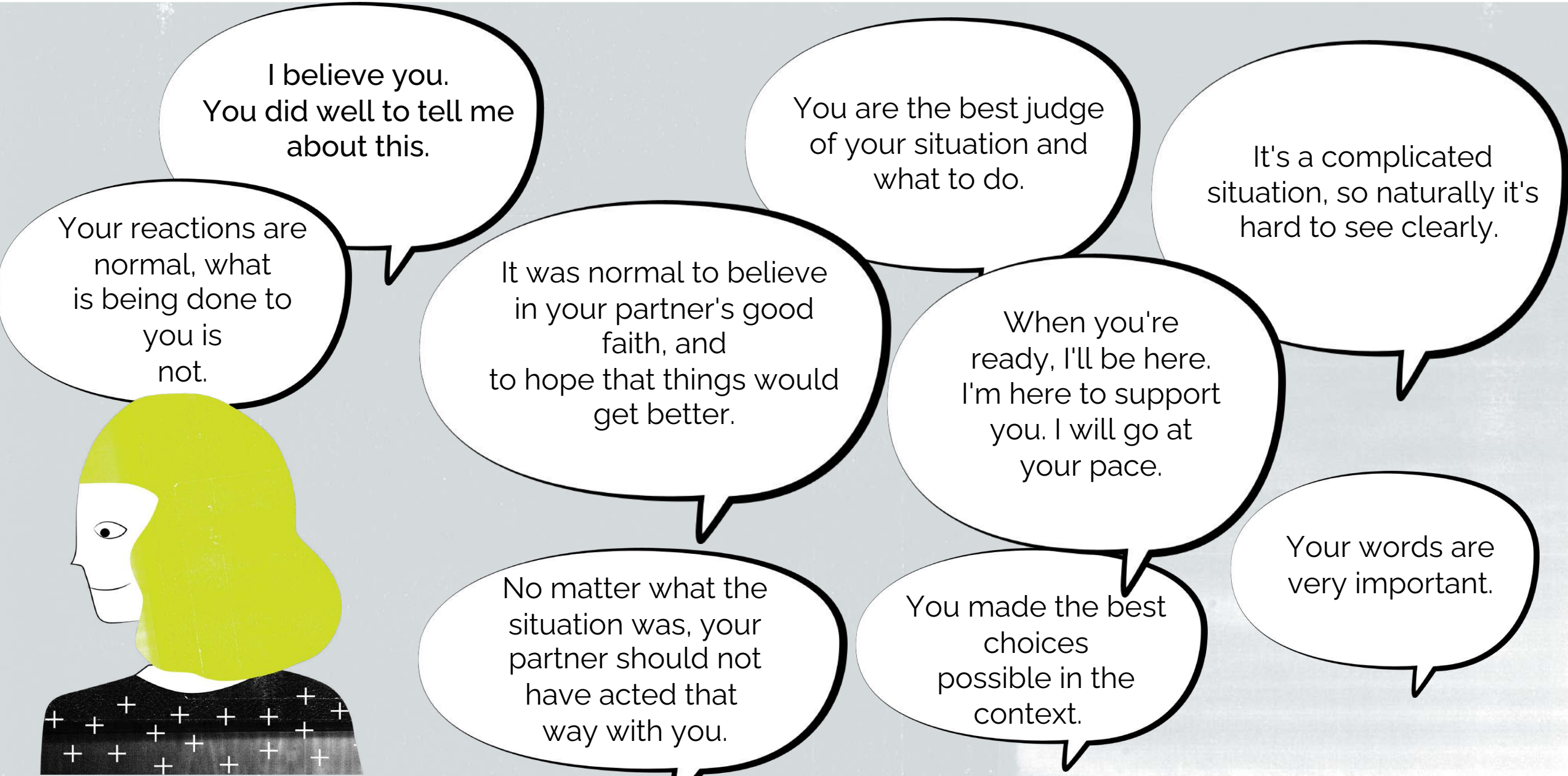
Know-how and interpersonal skills

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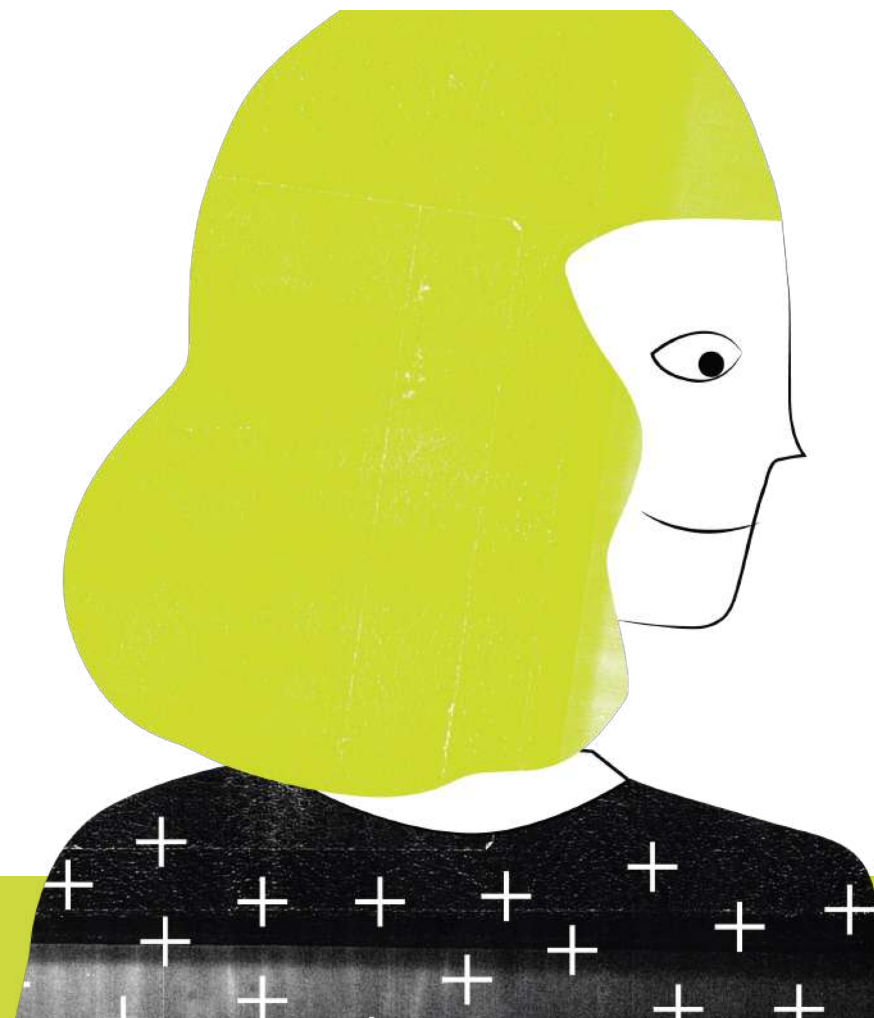
- Recognize the existence of more invisible forms of violence and provide examples: Talk about surveillance, control, daily micro rules, etc. ;
- Describe what you have observed, what concerns you ;
- Let the victim know that violence is not acceptable and that it is not her fault ;
- Create a bond of trust and respect her pace; to the extent possible ;
- Use an interpreter so that she can express herself in her native language, even if she understands French or English ;
- Be aware of your own limitations and those inherent to your field of expertise ;
- Provide the victim with a network; form an alliance with specialized resources.

Validation and normalization of her experience: Key phrases



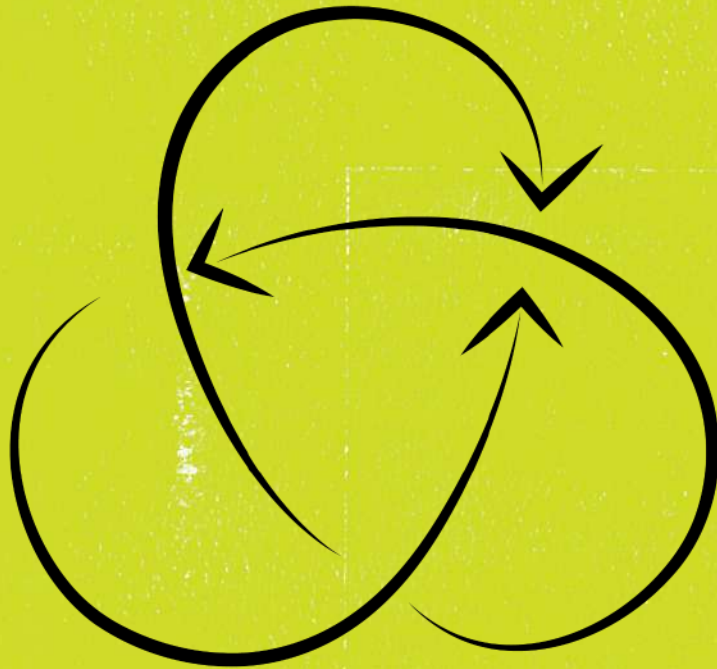
Project spinoffs

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- Service de police de la Ville de Québec - SPVQ
- Tribunal spécialisé en matière de violence sexuelle et de violence conjugale
- Directeur des poursuites criminelles et pénales - DPCP
- Commission québécoise des libérations conditionnelles - CQLC
- Rebâtir
- Centre d'accès à l'information juridique – CAIJ
- Commission des services juridiques – CSJ
- Barreau du Québec
- Jeune Barreau de Montréal
- JURI RDV 2022
- Association québécoise des avocats et avocates en droit de l'immigration - AQAADI

and more to come



- Mobilization of the entire chain of judicial practitioners
- Development of a common language
- Building bridges between organizations and practices
- Response to specific issues experienced by certain organizations (e.g. victim statement, communication of conditions, etc.)

Project-related developments



Criminalization of coercive control in Canada



Establishment of a police working committee on victim statements



Sharing best practices (e.g. cross-complaint discussions with Victoria Police, etc.)



Collaborations with European partners



Trainings offered in collaboration with other experts (impact of coercive control on children)



Development of a "placemat" type tool for police officers, available in shift briefing rooms



Thank you

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