

Coercive Control



Enhancing Judicial Practice by Integrating Coercive Control

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

**WEBINAR PRESENTED BY THE CENTRE FOR RESEARCH AND EDUCATION ON
VIOLENCE AGAINST WOMEN AND CHILDREN AT THE UNIVERSITY OF WESTERN
ONTARIO (UWO)**

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Sonia*

* Fictitious name, real story



Project: Improving Judicial Practice

Coercive Control



Project: Improving Judicial Practice

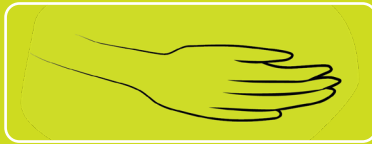
Goal: To improve the practice of the various legal professionals to remove the systemic barriers faced by women victims in the justice system.

Intersectional approach: Special focus on women in precarious economic situations and refugee, immigrant, non-status or newcomer women.

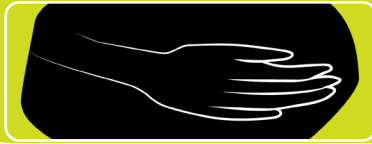
How: Educate and train legal practitioners on the concept of coercive control to:

- recognize all manifestations of intimate partner violence; and
- develop more appropriate practices to enhance the safety and freedom of victims





Partner Engagement (Advisory Committee)



Identification of good practices (literature review)



Raising awareness of coercive control among judicial actors



Developing a Toolkit



Deployment of training courses to legal professionals



Regional seminars

Understanding

Coercive Control



Coercive Control

A series of intentional and repeated acts and strategies of violence:

- Gradually implemented by a partner or ex-partner,
- Not necessarily physical, but often invisible and insidious,
- Done to isolate, control and deprive the victim of her freedom.



Coercive control is not...

Warning!

The concept of coercive control aims to take a broader view of IPV.

This concept provides a better understanding of the complexity of the control dynamics in a relationship and highlights the insidious strategies used by the perpetrator.

This is not:

- A new form of IPV;
- Synonymous with psychological violence;
- A derivative of stalking/criminal harassment;
- A couple's quarrel or a severe separation conflict;
- A form of parental alienation.



Main manifestations of coercive control, with 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 kills 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 tells her that she spends her time imagining problems, that she exaggerates
 - 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

Spiritual violence

- Prevents her from practicing her spirituality
- Denies her beliefs
- Mocks spiritual rituals

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 to 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

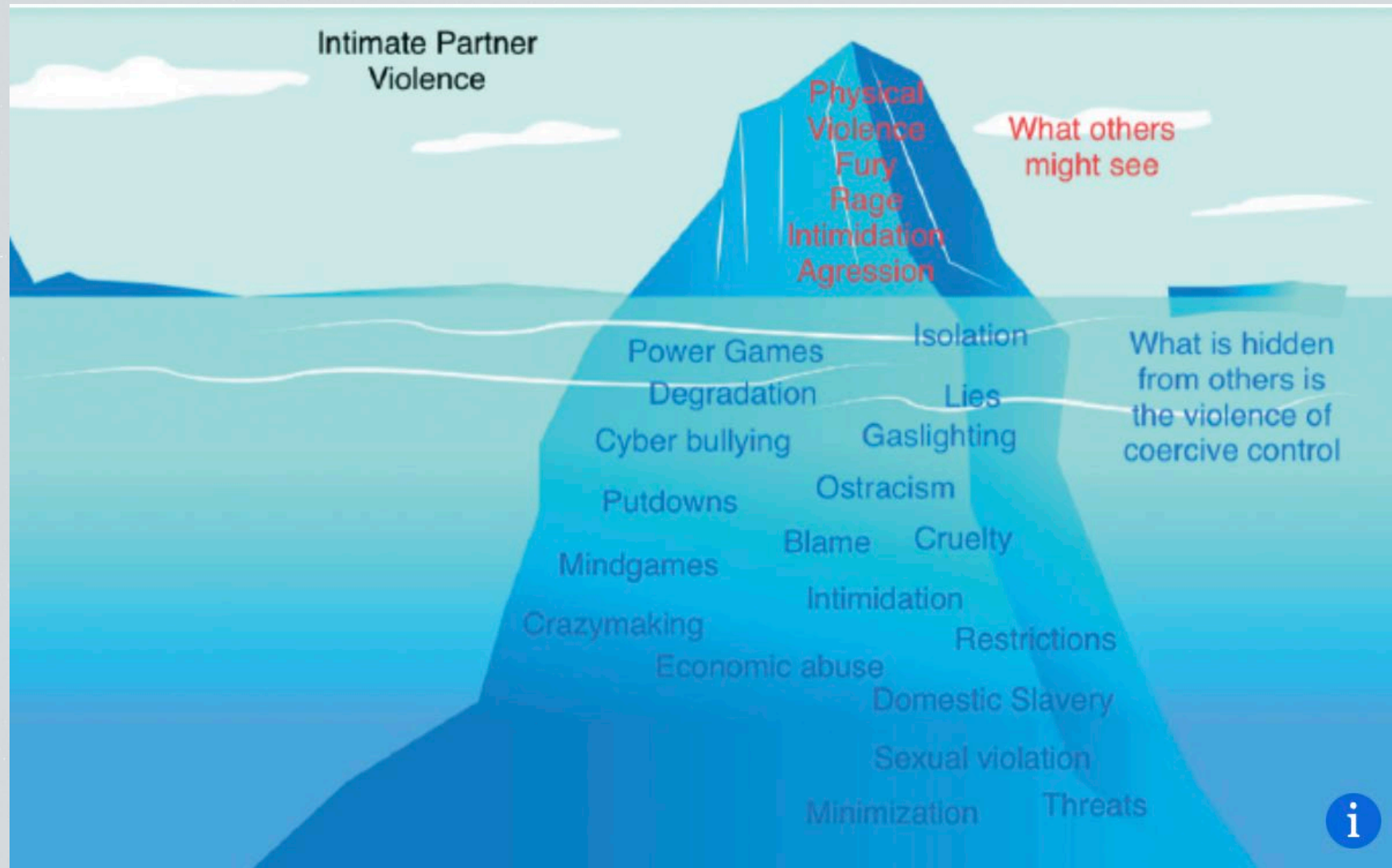
- Embarrasses and humiliates her in public
- Compares her physically to other people

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



Understanding coercive control



Source: Dr. Carmen Gill, *Canadian Police Chief Magazine*, Spring/summer 2021, p.6

Who is at risk?

Women and their children are most at risk:

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

Vulnerabilities specific to certain people, deliberately used by the perpetrator to control them:

- economic precarity,
- physical or functional limitations,
- marginalization,
- migration 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.



« I didn't exist any more. I no longer knew what I liked to eat or wear. It had been years since I'd had any dreams or aspirations. »



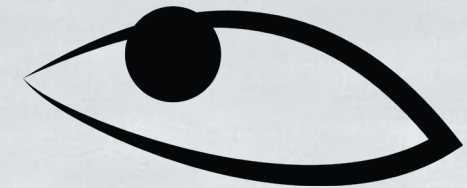
- Chronic fear
- Hypervigilance
- Isolation
- Loss of confidence
- Loss of identity
- Powerlessness

- **TBI may be caused by a blow to the head or by obstruction of the airways**
- **92% of female victims of IPV are at risk of brain injury**
- **Nearly ½ of female victims of IPV have been strangled**

Consequences of TBI:

- Memory loss,
- Difficulty concentrating,
- Epilepsy, headaches,
- Chronic pain, etc.

- They do not need to be a “direct witness” to suffer the consequences of violence = co-victim;
- They grow up in a climate of tension that affects their well-being;
- They may be the target of rules and restrictions;
- They can be used to get at the mother;
- The perpetrator may be a barrier to the mother-child relationship.



See work by Isabelle Côté, Simon Lapierre et al. for more information.

Paradigm change

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.

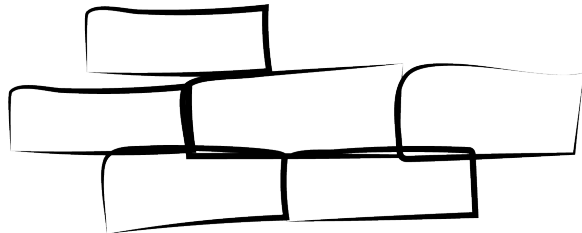
Post-separation violence and homicidal risk



Coercive Control



« A strategy can change from attempting to keep a partner in the relationship to destroying them for leaving it. »



Dobash & Dobash

Examples of post-separation violence



Source: SOS violence conjugale

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

Follows her in the car, cuts her off

Controls her through her parenting role: questions the victim's parenting skills, withholds information about the child, manipulates or alienates the child from the victim, etc.

Initiates multiple legal actions, for example: false allegations made against her to the Director of Youth Protection or making incessant and abusive family law claims, small claims, defamation suits, multiple formal letters, etc.

Coercive control : homicidal risk factor

Separation: a major risk factor

The presence of coercive control is an important predictor of femicide

Danger extends beyond the spouse or ex-spouse

Presence of coercive control can lead victims to commit forced suicide

Numbers that speak for themselves

Coercive control was present in

92% of 358

homicides studied in the United Kingdom.³

On average,

75% of domestic homicides

in Canada were committed when separation was imminent.⁴

Homicide or attempted domestic homicide constituted

the first incident of

physical violence for nearly one third of victims.⁵

60%

of child and family homicides occur in the context of separation or custody disputes.⁶

20%

of the victims were not current or former partners, but other family members, friends, colleagues, police officers, strangers, etc.⁷

Coercive control = homicidal predictor

Just because there is no physical violence does not mean that the victim's life is not in danger

Be aware of warning signs:

- Loss of control during the relationship or post-separation;
- Separation;
- Loss of hope of resuming the desired relationship or family life;
- Active surveillance;
- Obsessive jealousy \ Failure to accept the arrival of a new partner (real or imagined);
- Escalation of violence: change in manifestations, aggravation, frequency;
- Sudden change in the perpetrator's behaviour;
- Isolation;
- Victim's fear, etc.





Linking all the elements together

Remember that, in isolation, certain behaviours may appear less serious, but that it is by linking all the facts and observations that a pattern of dangerous behaviour can be identified.

Criminalizing

Coercive Control



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Several countries and states around the world have already criminalized coercive and controlling behaviour:

- England and Wales (2015);
- Scotland (2018);
- Ireland (2019);
- A few states in the US (Hawaii, Connecticut, etc.);
- Some states in Australia (ongoing).

In Canada, the situation is changing:

- Bill C-247 (2020), C-202 (2021), C-332 (2023);
- Recommendations from several expert reports;
- Motion adopted unanimously on March 22, 2023, in the Quebec National Assembly;
- Issue raised in March 2023 in the House of Commons;
- The Canadian government is "open" to criminalizing coercive control;
- Work in progress...



- Recognize the victim's experience as a whole, going beyond physical violence and the search for isolated incidents;
- Enable legal professionals to break the cycle of violence earlier and establish a safety net;
- Make a "powerful symbolic" gesture to show that these socially unacceptable behaviours are taken seriously;
- Act as a deterrent to perpetrators of violence;
- **Educate victims, the public and justice system stakeholders about coercive and controlling behaviours.**

Pending criminalization, why document the presence of coercive control?

- Distinguish between IPV and marital disputes;
- Prevent recurrence and escalation of violence;
- Quickly establish a safety net (physical and psychological) around the victim;
- Make it easier to decide whether to arrest, detain or release the aggressor;
- Make it possible to support a greater number of applicable offences;
- Ensure better risk assessment by all players in the chain, who are then informed of the behaviour patterns.



Detect and reveal the

Coercive Control

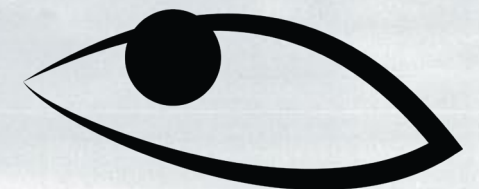




1 - Is there a pattern of behaviour?

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.



- Presents a justification mode
- Responds on behalf of the victim
- Shows impatience
- Has a surprisingly calm attitude
- Tries to build alliances
- Discredits the victim



- Is isolated, does not go out of the house, does not accompany her children to their activities, has no social or work-related activities;
- Does not take francization courses, does not speak French or English, cannot read or fill out forms
- Meets few or no people, has no friends
- Is afraid to talk, has difficulty trusting people;
- Expresses herself little or not at all when her partner is present
- Doesn't know about her immigration status, doesn't have access to her immigration papers or those of her children
- Cannot use a phone freely and in private
- Has no knowledge of existing resources or organizations in her area;
- Does not appear to be free with respect to contraceptive methods
- Does not have a bank account in her name, must ask partner for money to meet basic needs
- Unaware of the existence of family allowance or it is not paid in her name



Document the perpetrator's behaviour pattern

- Look for a history of IPV and breaches of conditions;
- Monitor changes in perpetrator's strategies to maintain control as these impact the victim and her intentions during the process;
- Detail the variety of manifestations beyond gestures that could lead to prosecution: social isolation, harassment, intimidation, micro-regulation, daily surveillance, etc.;
- Focus on frequency and escalation of tactics;
- Adopt an approach centred on the perpetrator of violence;
- Pay special attention to smokescreens that obscure behaviour.



Document the impact on the victim

- Acknowledge her feelings of immediate or chronic fear;
- Consider the trauma she has experienced and its impact on her ability to get involved in the process;
- Detail the cumulative impact of coercive control on the victim and continue documentation throughout the proceedings;
- Determine the consequences for the victim of complying or not to the rules imposed on her by the perpetrator;
- Highlight potential risks to victim safety: coercive control is an important predictor of mortality.



Know-how and Attitudes

Coercive Control



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Attitudes and interpersonal skills to facilitate your interactions with victims

- Let the victim know that the violence is not acceptable and that she is not responsible for it;
- Verbalize what you see, and what worries you;
- Deconstruct the belief that evidence cannot be built on contradictory versions;
- Build trust and respect her pace;
- Use an interpreter so that she can express herself in her mother tongue;
- Be aware of your own limits and those of your profession;
- Form an alliance with specialized resources;
- Network with the victim.

Validating and normalizing the experience: key phrases



I believe you.
You were right to tell
me about it.

Your reactions are
normal; what
you have been
subjected to
is not.

It's normal to have
believed
in your partner's goodwill
and to have
hoped things would get
better.

No matter the
situation, your partner
shouldn't have acted
this way
towards you.

You are in the best
position to judge your
situation and
determine what needs
to be done.





When you're
ready, I'll be there. I
am here to
accompany you. I
will go at your
pace.

The situation is
complex, it is certainly
difficult to see clearly.

You've made the best
possible decisions
decisions you could
have made in the
circumstances.

What you have to
say is extremely
important.



-  Refer her to victim services;
-  Consider vulnerabilities specific to some victims and refer them to local organizations that have developed expertise related to these realities;
-  Explain the role of women's shelters for women experiencing IPV, which are open 24/7:
 - Free and confidential;
 - Telephone or in-person support;
 - Services without lodging;
 - No need to have left the partner, her pace is respected;
 - Assistance to women and children, support for legal professionals;
-  Seek support from shelter workers to support you in your interventions.

Impacts of collaboration between socio-judicial players



A common language and understanding of coercive control



A continuum of legal professionals documenting coercive control



Highlighting Strategies used by the perpetrator to hijack the justice system



Increased vigilance over the dangerousness of behaviour patterns



Victim is surrounded throughout the judicial process



Victim is informed of how the case is progressing



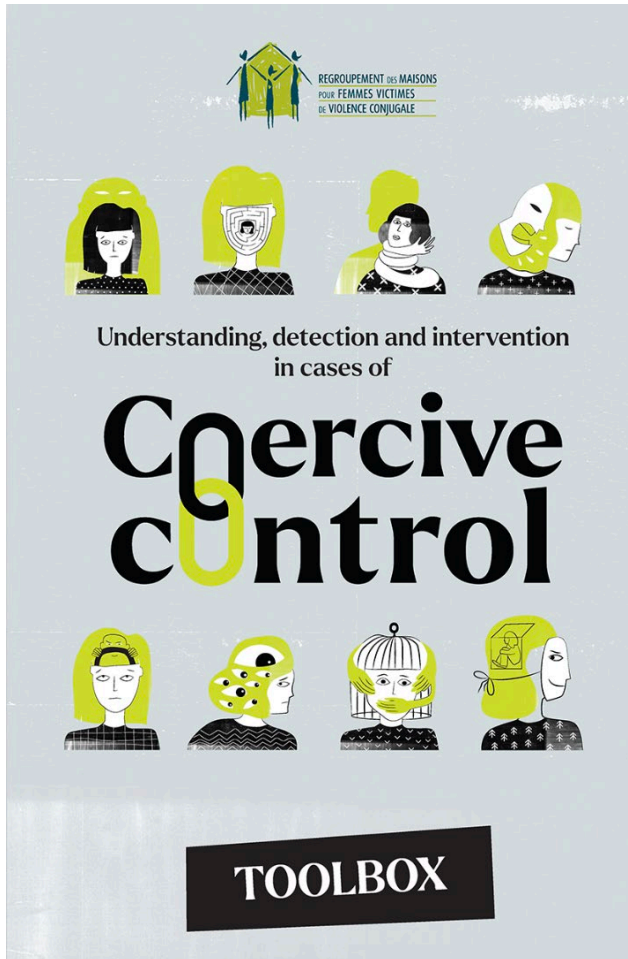
Practical tools

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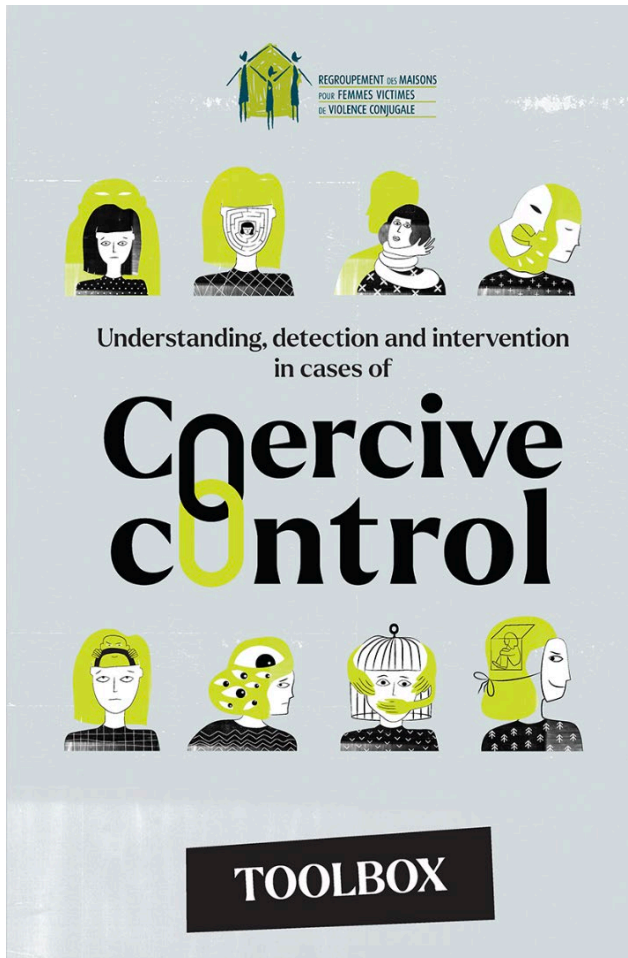
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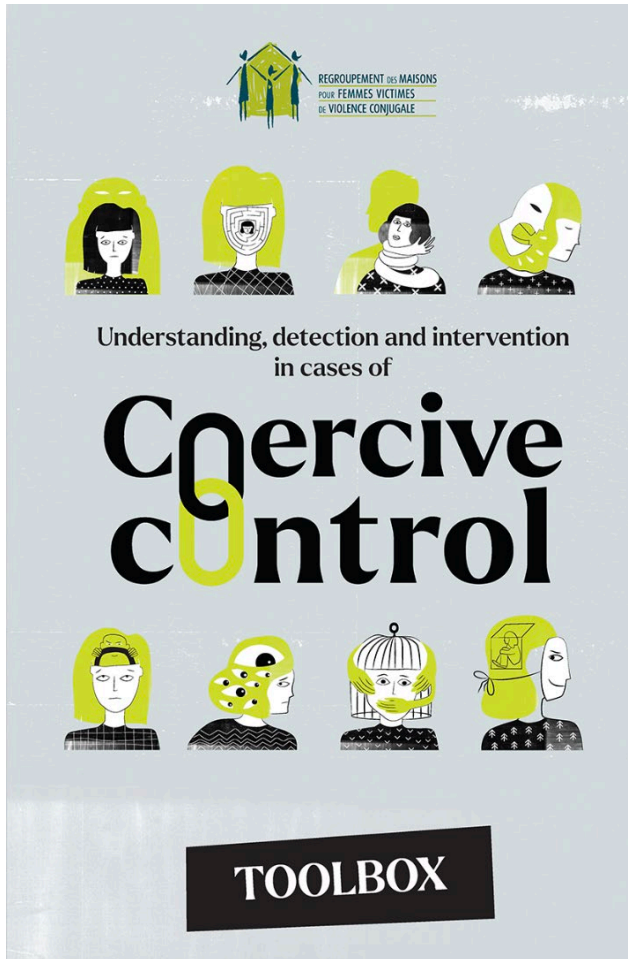
Tools 1: Learn about coercive control, its manifestations and its impact on victims

- [Understanding Coercive Control \(short version\)](#)
- [Understanding Coercive Control \(long version\)](#)
- [Manifestations of coercive control, with examples](#)



Tools 2: Detection and intervention in cases involving coercive control

- Police intervention
- Family Law
- Criminal Law
- Correctionnal services
- Guide 1: Defending Immigrant Women Who Are Victims of Coercive Control – Guide for Immigration Lawyers
- Guide 2: Defending Women in Situations of Economic Precariousness and Coercive Control – Guide for Lawyers



Tool 3 : Coercive Control: Predictor of Homicidal Risk

LITERATURE REVIEW: COERCIVE CONTROL, A VALUABLE APPROACH TO BETTER IDENTIFY AND INTERVENE IN THE CONTEXT OF CONJUGAL VIOLENCE

Aim is to make accessible to the largest number of actors:

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





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



Thank you

Karine Barrette, Project Manager
kbarrette@maisons-femmes.qc.ca; 438-373-9605

Marie-Jeanne Gratton, Project Officer
mjgratton@maisons-femmes.qc.ca; 438-373-9271



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