



202-1102 8th Avenue, Regina, SK, S4R 1C9
(306) 522-3515 • www.pathssk.org

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

June 10th, 2019

Honourable Minister Lametti,

The Provincial Association of Transition Houses and Services (PATHS) is the member association for 21 agencies that provide emergency shelter and/or counseling services to survivors of intimate partner violence (IPV) in Saskatchewan. PATHS' work has included research and recommendations related to the impact of IPV on Saskatchewan workers, providing input to the Saskatchewan Ministry of Justice on Clare's Law, and participation in the Saskatchewan Domestic Violence Death Review. PATHS is also collaborating on national initiatives such as the Canadian Domestic Homicide Prevention Initiative, the Gender Equality Network of Canada, and the Canadian Femicide Observatory for Justice and Accountability.

Part of our mandate is to review promising practices from other jurisdictions that have the potential to reduce the incidence and impact of IPV. Recently, the United Kingdom legislated an offense of coercive control with an amendment to the *Serious Crime Act*¹. Scotland implemented similar legislation and recently a Scottish court convicted the first person of coercive controlling violence under the new legislation³. Coercive control is defined as “an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour².”

The UK legislation provides the power to charge someone for coercive control, even when other violent offenses (assault or aggravated assault, for example) have not occurred. The UK's legal guidance states, “Where behaviour has a serious effect on a victim causing them to fear violence on at least two occasions or serious alarm or distress resulting in a substantial adverse effect on a victim's usual day-to-day activities then a charge under the offence of controlling or coercive behaviour should be considered. Note that controlling or coercive behaviour can incorporate acts which amount to criminal offences in their own right,

¹ *Serious Crime Act 2015*, c. 9, Part 5, Domestic abuse, Section 76. Government of the United Kingdom.
<http://www.legislation.gov.uk/ukpga/2015/9/section/76/enacted>

² The Crown Prosecution Service (2017). *Controlling or Coercive Behaviour in an Intimate or Family Relationship*. Government of the United Kingdom. <https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship>

or acts which fall short of criminal offending but nevertheless have a 'serious effect' on someone as described in Section 76 of the *Serious Crime Act 2015*³.”

The UK legislation takes an “offender-centric approach,” quickly and efficiently assessing the risk of the person using coercive control and works to ensure victim safety using a multi-agency approach. The legal guidance also provides further detail on ways that such offenders may attempt to disrupt court proceedings and use such proceedings to control or coerce a victim further. In cases, whether children are involved, coercive controlling violence can have a detrimental impact on family court proceedings—and children’s safety and wellbeing.

Presently, it is nearly impossible for a victim of coercive control to be granted an order for their protection when a criminal offense has not been committed. This is problematic as coercive control is widely recognized a risk factor for severe violence and intimate partner homicide. Amending Canada’s *Criminal Code* to include coercive control as an offense would be a simple, but significant change that would provide law enforcement, prosecutors, and judges with a charge to ensure that individuals who perpetrate coercive controlling abuse against their intimate partners can be dealt with via legal means. The existence of an appropriate charge means offenders could be held responsible through legal sanctions, including criminal sentences and diversionary measures.

As an association that represents frontline domestic violence service providers, we are all too well aware of scenarios in which numerous risk factors, including coercive controlling behavior are present, but no crime has taken place. This leaves police and victims effectively waiting until a violent crime has been committed before protective measures can be put into place. If their partners were charged with a *Criminal Code* charge of coercive control, victims would have access to no-contact conditions, *Criminal Code* 810 orders, restraining orders, or protection orders. Naming the offense of coercive control in Canada’s *Criminal Code* would provide greater protection for victims and their children, increased access to risk assessment and treatment provisions for perpetrators, and provide law enforcement and legal professionals with an offense that speaks to the nature of the violent offense committed—therefore informing more effective interventions.

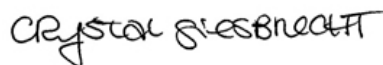
We urge you to make this change in Canada’s legislation. Given our high rates of police-reported control could help many people, including perpetrators, victims/survivors, and justice system professionals.

Sincere thanks for your attention to this matter. Please contact our office, should you wish to discuss or if we can provide any additional background information.

Kind regards,



Jo-Anne Dusel
Executive Director



Crystal Giesbrecht
Director of Research and Communications

CC: The Honourable Maryam Monsef, Minister for Women and Gender Equality
The Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness

³ The Crown Prosecution Service (2017). *Controlling or Coercive Behaviour in an Intimate or Family Relationship*.