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## Submission to Justice Canada on the Criminalization of Coercive Control

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**Bill Commented On:** [Bill C-332](#), *An Act to amend the Criminal Code (controlling or coercive conduct)*, First Session, Forty-fourth Parliament (2023)

Justice Canada has been holding an engagement process on the issue of whether an offence of coercive control should be added to the *Criminal Code*, [RSC 1985, c C-46](#). This offence has been proposed in a series of private members bills, most recently, [Bill C-332](#). Our submission (link below) argues that it is imperative that actors in all legal domains acquire a nuanced and contextual understanding of coercive control derived from an intersectional analysis that attends to how multiple systems of oppression interact to shape the tactics of coercion and control. However, we do not support the criminalization of coercive control, either as a standalone offence or within a broader offence of domestic abuse/violence. We argue that it is the former approach – the acquisition of deep and contextualized knowledge by legal system actors – and not criminalization, that holds promise in enhancing safety for women and children.

In Part B of our submission, we provide a brief overview of coercive control. This overview highlights some areas of contestation, with a view to illuminating the many challenges of translating the theory of coercive control into a criminal prohibition, as well as the complex intersectional understanding of coercive control that legal system actors need to acquire. In Part C, we examine lessons learned from past and current criminalization initiatives. Here we address the differential impacts of criminalization, and based on the expertise of co-author Harris, we focus on the experiences of Black women. These lessons, we argue, underscore not only the lack of efficacy of criminalization in enhancing safety, but its infliction of harm on survivors of violence, particularly those who are marginalized. In Part D, we consider what can be learned from 2021 reforms to the *Divorce Act*, [RSC 1985, c 3 \(2nd Supp\)](#), regarding the translation of coercive control into the legal realm in the context of parenting disputes. Our preliminary case law review reinforces concerns about the difficulty courts have in seeing coercive control and its possible weaponization against survivors (see a list of cases we discuss in Appendix A). In Part E, we explore lessons learned through the ongoing research of co-authors Mosher, Koshan, and Wieggers on intersecting legal domains, including the family law, child protection, civil protection order, and immigration systems, as well as the ways in which these intersecting systems can be manipulated by abusers. In Part F, we summarize the reasons why we do not support the creation of a new criminal offence and explain why Bill C-332 is particularly problematic (see also a summary of the Bill at Appendix B). We offer concluding suggestions as to what should be done to address coercive control and gender-based violence.

Our submission is available on SSRN [here](#).

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