LEADING CHANGE

Recommendations to support national action to end domestic abuse and sexual exploitation in Canada

Recommendations

1. Domestic abuse is a public crisis and the response to it should be centred in the Public Health and Public Safety portfolios.

2. Invest in an innovative and data-driven response to violence aligned with how people seek help.

3. Amend Canada's criminal code to include a broad coercive control offense.

4. Formulate a national sexual exploitation action plan.

5. Support a unified family court in all provinces to provide improved access to justice and enhanced support for survivors.

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Background

Domestic Abuse

Domestic abuse is at epidemic levels in Canada. While abuse rates are hard to quantify, as about 70 percent of survivors do not disclose their abuse to police (Statistics Canada, 2014), reporting suggests violence increased up to 30 percent in some areas of Canada because of COVID-19, and the heightened demand for support has continued (CBC, 2020). A full look at the facts highlights the urgent need for action:

- More than 4 in 10 women and 6 in 10 Indigenous women experience intimate partner violence in their lifetime (Cotter, 2021).
- In 2022, a woman was killed by her intimate partner approximately every seven days in Canada (Canadian Femicide Observatory for Justice and Accountability, 2023).
- Domestic abuse, including both spousal and dating violence, accounts for one in every four violent crimes reported to police in Canada (Statistics Canada).

Recognized as a public health and safety issue, domestic abuse can have far-reaching consequences on not only the direct victim, but also on families, communities, and society at large.

A Justice Canada study estimated the cost to Canadian society of spousal abuse alone was approximately $7.4 billion in 2009 (Zhang et al, 2012). These costs included health costs (medical attention, hospitalizations, counselling), criminal and civil justice (police, courts, corrections, legal fees), and direct economic impacts (lost wages, damaged property, productivity losses) (Zhang et al.).

Abuse is a complex challenge, and ending it requires action at all levels of government and society. This document outlines short to medium term actions the federal government can take to better protect Canadians and prevent further abuse.

Sexual Exploitation

Sexual exploitation is both hard to define and hard to study, due to stigma of the abuse and the vulnerability of those who experience it (Kelly & Regan, 2000). The exploitation occurs through an abuse of trust, threats, or force, including forced migration and trafficking, enslaved sexual exploitation,

intimate partner violence, sexual exploitation through coercive groups, and structural violence (Silverstone, McManus and Dubrow-Marshall, 2022).

Estimates of the prevalence of sexual exploitation vary widely, with ranges as low as 45 to 50,000 women and children sex trafficked in the United States per year (Tiefenbrun, 2001), to 500,000 women trafficked in Western Europe annually (Galiana, 2000). In Canada, Statistics Canada shows 3,996 police-reported incidents of human trafficking between 2012 and 2022, with sex trafficking being "most detected and encountered form" (Heidinger, 2023). The same report found 34 percent of victims were trafficked by an intimate partner.

Intervening to stop this violence or prevent it altogether involves navigating complex international, national, provincial and local laws, which are shaped by diverse and often contradictory understandings of sexual exploitation, and the push and pull factors that lead to it.

About Sagesse

Sagesse empowers people of all backgrounds to disrupt structures of abuse through curating environments to heal and lead safe, healthy lives. With innovation as our programming cornerstone, Sagesse supports anyone who has experienced domestic abuse, including people who are at risk of being abused, informally support others, or are involved in sex work.

We work in communities across Alberta and Saskatchewan, either directly providing service or partnering with agencies to deliver programs on our behalf. We are also the backbone agency for Alberta's provincial IMPACT initiative to eradicate domestic and sexual violence.

Our work to disrupt structures of abuse has led us to champion policies and innovative approaches to ending abuse. This includes advocating for Clare's Law, which was enacted in Alberta in 2021, and supporting legislation criminalizing coercive control before the standing committees on Justice and Human Rights and Status of Women.

Our expertise in coercive control and domestic abuse led to the development of a High-Conflict Screening tool, commonly used in family law.

Our social enterprise arm, ByDesign, is a hub of knowledge, experience, and innovation with an aim to disrupt norms, dispel disbelief, and deepen societal impact.

Our philosophy is to engage in curious, fierce conversations and collaborations as a path to ending domestic abuse.

Recommendation 1: Domestic Abuse as a Public Crisis

Historically portrayed as a "private crime", domestic abuse has proven to pose far-reaching threats to the well-being of society as a whole (Mordini, 2003). Comprehensive criminality studies have revealed that a large proportion of partner abusers also perpetrate violence against non-intimates (Moffitt et al., 2000). In fact, among a sample of 52,149 intimate partner violence (IPV) events, 45 percent of offenders had pre-existing records for other forms of criminality (Ouellet et al., 2015). Similarly, a study examining the criminal profiles of a sample of 1,000 domestic abuse offenders in Ontario found that nearly 70 percent of abusers had prior convictions on their record (Quann, 2006). Of these offenders, 63 percent had been convicted for an unrelated violent act, while only 5 percent had been convicted of a spousal offence (Quann, 2006).

Studies have also shown that factors such as unstable lifestyles, low verbal intelligence, negative emotionality and a history of criminal behaviour predict the incidence and recurrence of both general crimes and domestic offences (Hanson and Wallace-Capretta, 2000; Moffitt et al., 2000).

Thus, there appears to be an inextricable link between domestic abuse and the perpetration of violent acts against communities as a whole, bearing weight on citizen perspectives of national safety. Indeed, an ever-growing body of literature has illuminated the substantial overlaps that exist between key matters of public safety and observed components of domestic abuse. These insights underscore the need to acknowledge domestic abuse as a significant public health and safety issue, requiring comprehensive responses that address its influence on both intimate relationships and broader community dynamics.

The health and safety impacts of domestic abuse have been increasingly in the public eye, with 677 spousal homicides in Canada between 2012 and 2022 (Statistics Canada). This includes familicides in Renfrew (2015) and Harrow, Ontario (2024), spousal violence escalating to Canada's worst mass shooting in Nova Scotia (2020), and a mother killed in front of her children's elementary school in Calgary (2024).

Recent studies have found that the likelihood of being murdered increases fivefold for domestic abuse victims whose partners have access to a firearm (Tobin-Tyler, 2023). Further, domestic abuse is undeniably "a precipitating factor for many mass shootings" (Geller et al., 2021; Tobin-Tyler). In an analysis of mass shootings between 2014 and 2019, Geller et al (2021) found that in 68 percent of cases, perpetrators either killed an intimate partner or family member or had a history of domestic abuse offences.

Researchers emphasize that overlooking the influence of domestic abuse in mass shootings "may lead to an assumption that most mass shootings occur at random, leading to missed opportunities for intervention, either through policies or programs, that could help reduce the burden of mass shootings." (Geller et al, 2021). The layered connections between firearm ownership, domestic homicide, and mass shootings reinforce the urgency of developing tailored interventions and policies that protect domestic abuse survivors and enhance public safety.

This reality demands the leadership of the Minister of Public Safety and Emergency Preparedness. The Department of Public Safety and Emergency Preparedness Act grants the Minister the power to promote and protect the security of Canadian individuals and communities (Section 4(1)), including policing, firearms, program development, intergovernmental cooperation and information sharing. Further, the Canadian Victims Bill of Rights Act outlines the government's responsibility to uphold the rights of victims of crime and ensure their protection.

Health Interventions Vital to Ending Abuse

Beyond immediate physical injury, physical health problems can include chronic pain and disability, gastrointestinal, gynaecological and sleep disorders, infertility, pelvic inflammatory disease, pregnancy complications and miscarriage, a general reduction in physical health, and an association with cardiac disease (Wathen, 2012).

Serious mental health impacts are also common, with Statistics Canada finding 21 percent of women and almost 10 percent of men who experienced spousal violence reporting impacts consistent with PTSD, 29 percent overall experiencing depression or anxiety attacks and 10 precent having suicidal thoughts (Conroy 2021).

Other studies have found increased rates of eating disorders, substance dependence, antisocial personality disorders, phobias and panic disorder, psychosomatic disorders, suicidal behaviour and self-harm, and nonaffective psychosis (Wathen, 2012).

As a result, domestic abuse interventions are primarily health interventions. Survivors of abuse receive support through the health system, complemented by services like counselling and peer support provided by non-profit organizations.

Recognizing that health challenges require health care solutions, many jurisdictions address domestic abuse and sexual exploitation through a healthcare lens, including the United States (Centre for Disease Control and National Institutes of Health), New Zealand and Australia, which has boldly committed to end gender-based violence in one generation. In Canada, more than 30 municipalities, including Toronto, have leaned into this association by declaring intimate partner violence an epidemic.

The Department of Health Act grants the Minister of Health power to promote and preserve the physical, mental and social wellbeing of Canadians (Section 4(2)a). This includes provisions which mandate:

- The investigation and research of public health concerns (Department of Health Act, Section 4 (2c))
- Distribution of health information (Section 4(2h)).
- Cooperation and coordination with provincial authorities to preserve and improve public health ((Section 4(2i)).

Further, the Public Health Agency of Canada Act preamble, which cites the Government of Canada's responsibility for health protection and promotion and disease and injury prevention, brings domestic abuse prevention within the scope of the Health Portfolio.

Public Health and Safety as Prevention Experts

Historically, Canada has focused on intervening after violence has already occurred. We invest heavily in crisis lines, shelters and policing, alongside health interventions including counselling and peer support.

With an eye to expanding the scope of our action, the second pillar of the National Action Plan to end Gender-based Violence focuses on prevention. The sector has stepped in with capacity building and training programs in schools and for the general public, like REAL Talk, which teaches Canadians to recognize and talk about abuse, and refer others to appropriate supports. But to date, prevention efforts have been challenged by limited funding which has yielded limited results.

Ending domestic abuse requires us to go far upstream to tackle the underlying factors that lead to abuse. This preventative mode of thinking is practiced most frequently in health care, that is familiar with addressing complex environmental, community, familial and personal factors that lead to health impacts.

Prevention activities are a key part of the Public Health Agency of Canada's Population Health Approach implementation strategy. This includes primary prevention activities aimed at reducing factors that lead to health problems; secondary prevention, which focuses on early detection and intervention; and tertiary prevention, which treats health problems to ameliorate their impact and prevent further recurrence (Public Health Agency of Canada, 2013).

Public Safety Canada also has strong prevention expertise, as they are responsible for the National Crime Prevention Strategy (NCPS). The strategy mandates "leadership on effective and cost-effective ways to

prevent and reduce crime by intervening on the risk factors before crime happens" (Public Safety Canada, 2023).

Removing the Stigma of Abuse

Statistics Canada found only 44 percent of women and 26 percent of men who report experiencing spousal violence to the police seek the help of formal supports (Conroy, 2019). One factor contributing to this low percentage of individuals seeking help is the stigmatization survivors face. This may include blaming survivors, minimizing or justifying violence, and an understanding of domestic abuse as only physical violence (Taccini and Mannarini, 2023).

Viewing domestic abuse intervention and treatment under the umbrella of our health system can help remove the stigma many survivors face in seeking support. This approach was pioneered by mental health advocates, who have had increasing success in removing stigma as a barrier to treatment by consistently asserting "mental health is health" (Centre for Addiction and Mental Health).

An international study of media mental health campaigns, including Bell's *Let's Talk* campaign, found "more positive attitudes toward mental health and reduced stigma" as well as "significant improvements in help-seeking skills, willingness to accept help, and attitudes around help-seeking" resulting from these efforts (Tam et al. 2024 need page #).

A similar approach, equating domestic abuse treatment as healthcare may garner similar results.

A Public Crisis, NOT a "Women's Issue"

A public health and safety approach would help combat the idea that abuse is a women's issue alone, and therefore their problem to solve.

The domestic abuse sector, problematically, has embraced a binary approach, where men are perpetrators and women are victims, which denies the reality that both victims and perpetrators can be any gender. Theories of gender-based violence have informed much of the legislation that currently exists around the criminalization of coercive control in relation to domestic abuse (Silverstone, 2021).

But assertions about the gendered nature of coercive control in domestic abuse have been robustly contested by scholars and practitioners who have found that domestic abuse is not gendered in nature. (Simonelli & Ingram, 1998; Ehrensaft & Vivian, 1999a; Ehrensaft, Langhinrichsen-Rohling, Heyman, O'Leary & Lawrence, 1999b; Archer & Graham-Kevan, 2003; Graham-Kevan & Archer, 2005; Anderson, 2009; Robertson & Murachver, 2011) and in some cases it is used as a mechanism of abuse equally by men and women (Felson & Outlaw, 2007). The focus should not be on gender, but on impacts, their prevention, and interventions that can be offered. While work to support equity remains important, it is vital that domestic abuse be viewed as a serious, whole society issue. Leadership by Public Health and Public Safety are essential to this effort.

Recommendation 2: Invest in an innovative and data-driven response to abuse aligned with how people seek help.

The nonprofit sector, including its anti-abuse subsector, perform vital services that help individuals, families and communities become healthier and safer and more fully participate in Canadian society. This need has grown as Canadians require increasing support in the aftermath of COVID and the continuing affordability crises.

In economic terms, the contribution of the nonprofit sector represents approximately $192 billion in value, or 8.3 percent of Canada's gross domestic product (Q4 2023), employing 2.8 million Canadians (Statistics Canada, 2024). This makes it larger than the finance and insurance ($157 billion), energy ($148 billion), retail ($115 billion) and information and communication ($125 billion) sectors (Statistics Canada, Oct. 2023).

Despite its size, the nonprofit sector, and the antiviolence sector in particular, is underfunded, with most funding failing to support the people and infrastructure needed to deliver services. For example, as of 2021, the average hourly wage for community-based non-profit workers was $28.85, equivalent to an annual salary of $51,774 (Statistics Canada). This is lower than the Canadian average of $32.51 (Statistics Canada), despite the nonprofit workforce being older and more educated than the average for other sectors (Imagine Canada, 2019).

This funding is precarious, as the complexity of violence is increasing, particularly in rural and remote areas. Addressing this complexity requires funding for accessible, long-term wraparound services that reaches all Canadians.

While more funding is needed, this funding needs to evolve to embrace a model that is data-informed and encourages research, development and innovation. For example, according to the most recent Statistics Canada General Social Survey, six percent of people who experience spousal violence utilize shelters and only 37 percent access formal services at all (Conroy, 2021). On the other hand, the same report shows 66 percent of survivors access supports from friends and family. However, if you review current funding grants, most funding is earmarked for shelters and formal services.

Prevention strategies — and funding — must reflect the reality of how individuals seek help by directing support where it is most effective: community-based initiatives and informal supports, focusing on programs, such as REAL Talk, that teach Canadians how to recognize and respond to domestic abuse. And to ensure our investment continues to be shaped by evidence, we need to broaden how we collect this data. Instead of relying almost entirely on police reporting, we need to use more sophisticated techniques that understand how individuals seek help using nontraditional methods such as the internet and social media.

Last, we must invest in abuse prevention. With limited resources, we are constantly putting out fires, rather than addressing the systemic issues lighting the fires, or building fireproof homes for those most vulnerable to abuse.

Recommendation 3: Amend Canada's criminal code to include a broad coercive control offense.

Domestic abuse is far more than a black eye or broken bones. But all too often, we focus on instances of physical abuse since that's what our laws commonly recognize, leaving those who experience non-physical forms of abuse unvalidated and unsupported.

Coercive control is a pattern of behaviour that removes personal agency. Research has shown both its prevalence and seriousness:

- Between 60 to 80 percent of abuse survivors report experiencing non-physical forms of abuse (Statistics Canada, 2014).
- Victims of non-physical abuse experience longer and more harmful impacts than victims who experience only physical violence (Stark, 2010).
- Relationships with coercive control result in greater injury to the victim and are characterized by more frequent and severe violence which is less likely to desist (Myhill, 2015).
- The Canadian Femicide Observatory for Justice and Accountability recognizes coercive control as a common precursor to domestic homicide (2019).

This danger was recognized by all parties in a 2021 report of The Standing Committee on Justice and Human Rights. The report asks the House of Commons to "acknowledge the significant harms coercive and controlling behaviour causes in intimate partner relationships, recognize that these harms are not captured in criminal law at present," and then recommends a review of existing criminal legislation for the purpose of drafting a "coercive and controlling behaviour offence in the *Criminal Code"* (Standing Committee on Justice and Human Rights, p1).

Then, in June 2022, the eighty-fifth recommendations of the Renfrew County, Ontario inquest into the deaths of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam recommended a coercive control offence "as a criminal offence on its own or as a type of assault under s. 265 of the Criminal Code" (Office of the Chief Coroner, 2022, Recommendation 85).

Sagesse asks the government to listen to the families who have lost so much, to survivors, and to experts in Canada and around the world: it is time to **criminalize coercive control**.

All parties spoke up in favour of Bill C-332, An Act to amend the Criminal Code (coercive control of intimate partner), which made it past the second reading in the Senate before the Bill was removed from the Order Paper when parliament was prorogued in 2025. That bill was limited in that it restricted protections to those in an intimate partner relationship. This ignores the coercive control that occurs in other trusted relationships, like in the case of elder abuse, sport and education, or in sexual exploitation. Further, as a private member's bill, no funding was attached to C-332, which is vital for the wraparound services needed to successfully roll out the legislation. This includes training for police, prosecutors and judges and support services for victims of coercive control.

We encourage all parties to include the criminalization of coercive control in their platforms, and should they form the government, make it a priority to pass a government bill, including the funds needed to enact it.

While legislation on its own won't end abuse, many jurisdictions have recognized criminalization as a valuable tool to protect survivors and interrupt patterns of escalating violence. The UK was an early adopter, starting with a nation-wide working definition of domestic violence to include coercive control, which led to a 31 percent increase in calls to the police over a three-year period (Stark & Hester, 2019). In 2015 the British Parliament passed Section 76 of the Serious Crime Act 2015, establishing the criminal offence of 'coercive and controlling behaviour'. Other jurisdictions with coercive control laws include:

- Ireland passed Section 39 of the Domestic Violence Act in early 2019 making coercive control a criminal offence and expanding the application of the law to past or present intimate partners (Gill & Aspinall, 2020).
- Scotland passed the Domestic Abuse Act, which is perhaps the broadest and yet most targeted in its application of coercive control. It is broad in its application to children, current or ex-partners, and considers the impact of abuse on the victims. It is targeted in that it identifies and implements a new legal offence of domestic violence (Gill & Aspinall, 2020).
- The Australian states of New South Wales (2022) and Queensland (March 2024) passed coercive control laws, with the other states consulting on measures or taking a phased approach (Government of Australian, 2024).
- Hawaii is the only US state that has criminalized coercive control (2020), but California (2020) and Connecticut (2021) have coercive control laws in place, while five states have bills in consideration (Americas Conference to End Coercive Control).
- France is the only country that has coercive control legislation that governs both domestic abuse through the 'Law to Combat Domestic Violence' and cults and groups using mental manipulation through the 'About-Picard Law.'

Early indications show that these laws are being used to intervene before risk increases. For example, in England and Wales:

- The number of controlling and coercive offences reported by the police increased 34 percent in the 12-month period between March 2019 (17,616 offences) and March 2020 (24,856).
- By 2023, the number of offences recorded per year reached 43,774 (excluding Devon and Cornwall), an 85 percent increase over 2019 numbers.
- The Office of National Statistics asserts "The rise in coercive control offences over recent years may be attributed to improvements made by the police in recognizing incidents of coercive control and using the new law accordingly" (November 2023).

Effective implementation of a coercive control offence in Canada will require extensive training of all police, prosecutors and judges, so they can recognize coercive control and effectively apply the law. For example, a study in the UK showed that after force-wide training, arrests around coercive control went up 41 percent (Brennan et al, 2020).

This training, supported by robust screening tools, is necessary to overcome bias an inconsistency in applying the law, as studies have shown variability in identifying coercive control among police officers based on factors including interpersonal skills, experience levels, and knowledge of domestic abuse (Myhill, Hohl and Johnson, 2023).

Effective screening tools have greatly enhanced the application of legislation across a plethora of diverse groups (Myhill et al, 2023). Further, a review of media reports in England and Wales showed that the law on coercive control was not used, as feared, against the victims of abuse either in retaliation or as a tactic of legal abuse (McGorrey and McMahon, 2020).

Beyond screening tools for frontline police officers, The Public Prosecution Service of Canada Deskbook would need to be updated to aid the prosecution of coercive control offences. The Deskbook guides prosecutors in exercising their prosecutorial discretion, including guidance on prosecuting domestic abuse cases. Amendments would need to provide a clear definition of coercive control and guidance for decisions to prosecute, case management and witness testimony. Currently, the Deskbook defines domestic violence as a case "involving a physical or sexual assault, or threat of such violence, against an intimate partner" (Section 5.5, Introduction).

We expect, as seen in other jurisdictions, that expertise and leadership will be needed to oversee and monitor the application of the law and identify systemic barriers within the justice system. We recommend Canada appoint a Coercive Control and Abuse Commissioner for Canada, similar to the role in the UK, or as a deputy commissioner under an elevated Commissioner for Victims of Crime.

Last, following the pattern shown in other jurisdictions, a coercive control offence will lead to increased demand on our police and justice system, as survivors are empowered to seek help in far greater numbers. A fully funded justice system and wraparound social service is essential to the effective application of the law.

Recommendation 4: Formulate a national sexual exploitation plan.

In line with the UN protocol on trafficking and the European Union Strategy on Combatting Trafficking in Human Beings, Sagesse recommends a national sexual exploitation action plan that includes prevention, prosecution, and protection. Canada's Action Plan to Combat Trafficking is a strong response to trafficking but does not fully reflect the diversity of experiences of all types of sexual exploitation. Reflecting our recommendations made through the Federal Ombudsperson for Victims of Crime, this plan should:

- **Recognize the continuum of sex work.**
- **Update trafficking definitions.**
- **Include involuntary sexual exchange within coercive control definitions and practice.**
- **Fund accessible, long-term, strengths-based, non-judgmental services and support.**
- **Include involuntary sexual exchange in criminalized coercive control legislation.**

The foundations of this plan must rest on definitions of sex work, sexual exploitation and trafficking that recognize a continuum of consent from voluntary to involuntary (see the definitions section for more on this). This is essential to better protect and support both voluntary sex workers and victims of involuntary sexual exchange, reflecting that most individuals engaged in sex work "are at many places on the continuum throughout their experiences" (Silverstone et al., 2022, p. 4).

Canada's current legislative framework outlined in Bill C-36 denies the existence of voluntary sex work, as prostitution is considered a "social harm" that is inherently exploitative (Bill C-36, preamble). This denial and the criminalization of the purchase of all sex work is a barrier to sex workers seeking formal support from the police, legal and health care systems and social services (Agento et al., 2020). It further institutionalizes violence against sex workers (Platt et al., 2018) and engenders a "distrust of policy and law enforcement, fear of facing legal repercussions for their engagement in sex work [and] lack of funds to access applicable representation within the justice system," (Silverstone et al.,2022, p. 31).

At Sagesse we believe sex work is valid work, and sex workers deserve workplace health and safety and human rights. We would like to see sex work become both decriminalized and destigmatized. By

removing the criminal and administrative penalties that apply specifically to sex work, the individuals involved will be more able to seek support and talk about their experiences in a way that protects their personal health and safety.

For decriminalization to be meaningful, it must be accompanied by a recognition of sex work as work, allowing sex work to be governed by labour law and protections similar to other jobs. While decriminalization does not resolve all challenges that sex workers face, it is a necessary condition to realize their human rights and separate their work from sexual exploitation.

This reality is born out in New Zealand, where decriminalization of voluntary sex work "had led to sex workers reporting greater safety, better mental health, more choice over who they see as clients, what sex acts they engage in, and improved relationships with police," (Silverstone et al., 2022, p. 12).

Two further definitions that should be clarified in a sexual exploitation action plan are trafficking and sexual exploitation. When sexual exploitation is conflated with trafficking, it can lead to "victim blaming and stigmatizing those involved in commercial sex who do not meet the image of the ideal victim" (Gerassi and Nichols, 2018, p. 215). Many exploitation victims can fall through the gaps in legislation and support, as they do not self-identify as being sex trafficked, and must "code switch" in order to access services (Silverstone et al., 2022).

If we view sexual exploitation through a broader lens, beyond trafficking or prostitution, we will better reflect the experiences of sexually exploited individuals who find themselves "at the intersections of criminality, domestic abuse, prostitution, and/or trafficking" (Silverstone et al.,2022, p. 36).

A national sexual exploitation action plan should also recognize sexual exploitation through the lens of coercive control. Coercive control, as it includes a loss of personal agency, acts as both a push and pull factor towards sexual exploitation. Involuntary sexual exchange should be included in definitions of coercive control, and in legislation that criminalizes it.

Last, survivors of sexual exploitation have experienced complex trauma that requires specialised long-term treatment, including therapeutic intervention, and support services including housing, legal assistance, medical care, addictions treatment and vocational training (Silverstone et al., 2022). They need well-funded and accessible wraparound services to meet their unique and diverse needs.

Recommendation 5: Support a unified family court in all provinces to provide improved access to justice and enhanced support for survivors.

A frequent and painful reality for survivors of domestic abuse is the ongoing trauma they experience at the hands of their abusers in the family court system. In addition, a poorly functioning family court system can impart secondary trauma upon victims.

In the best of cases, inefficiencies and backlogs, and movement between courts extend the legal process, leaving families in dangerous situations for longer (Advocates Society, 2024). In the worst cases, abusers use frequent motions and appeals to control their victims, dragging out cases for years. This slows down the entire court system and increases the costs for individuals, families and our government.

Sagesse supports a unified family court (UFC) system as the best way to support vulnerable survivors who face many barriers in accessing both the court and judges who have specialized knowledge of family law and family violence issues.

British Columbia, Alberta and Quebec have the distinction of being the only provinces without a unified court, while other provinces have partially or fully implemented unified courts (Advocates Society). While the federal government cannot implement UFCs unilaterally, their support is vital. **As a backstop, the federal government can establish a family division of the Court of King's Bench**, as it did in Manitoba in 1984 (Steel, 1996).

The benefits of this would include:

- **Improved access to justice and reduced backlogs** – Centralizing family law matters in one court reduces the confusion and delays that arise from having family law cases spread across different courts with varying procedures and jurisdictions and minimizes the possibility of the court system being uses as a mechanism of coercive control. A family division in Court of King's Bench of Alberta is a step in this direction. Having all aspects of legal proceedings in the Superior Court in front of one judge aids both the Court and the family.

- **Specialized handling of family law cases** – Unified courts or a family division allows for judges who are experts in family law to preside over cases, leading to more consistent, equitable and informed decisions. This would also require the Federal government to appoint more judges with a strong family law background, a criterion that seems to have little value in the current appointment process.
- **Enhanced support services** – A more unified court could better integrate enhanced support services, such as mediation, counseling, and legal aid, directly within the court system. These services help families resolve disputes amicably and reduce the emotional and financial strain of litigation.

To achieve these benefits, parties forming the government should commit to working with the provinces to implement unified family courts and implement family divisions of the Court of King's Bench as an interim measure.

Definitions

Domestic abuse
An umbrella term which is used to encompass family violence, child and elder abuse and intimate partner violence, including sexual abuse within familial relationships.

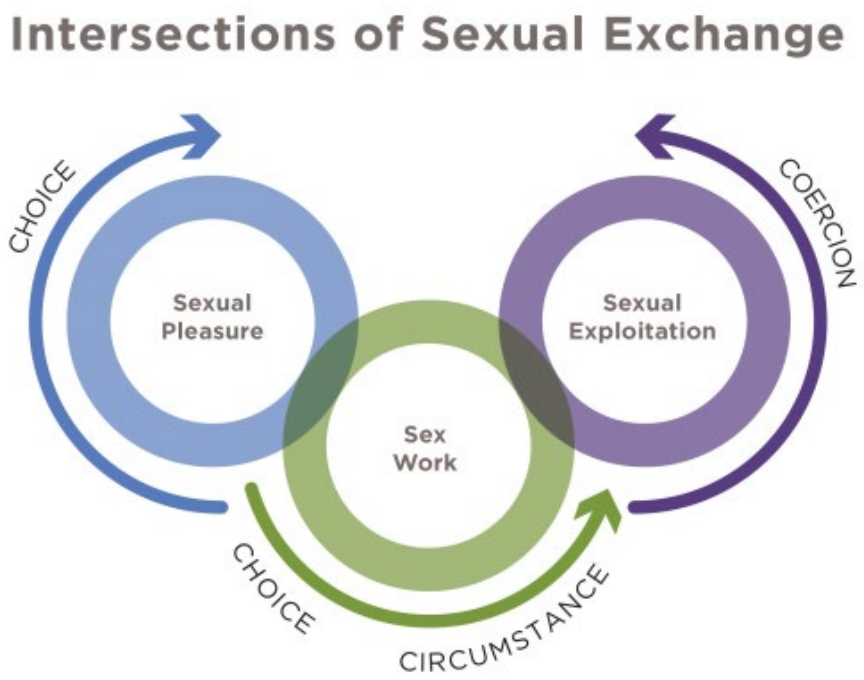
Coercive control
A pattern of behaviour which restricts another person's personal agency. The following types of behaviour are common examples of coercive control:

- Isolating the individual from their friends or family.
- Depriving of them of their basic needs.
- Monitoring a person via online communication tools or using spyware.
- Controlling how much money they have and how they spend it.
- Monitoring their everyday activities and movements.
- Repeatedly putting them down, humiliating them, calling them names, or telling them that they are worthless.
- Threatening to harm or kill them or their children or their pets.
- Threatening to publish information about them or to report them to the police or the authorities.
- Damaging their property or household goods.
- Forcing them to take part in criminal activity or child abuse.

This list is not exhaustive. Physical violence may be used alongside these other tactics of isolation, mind-games and the micro-regulation of everyday life or it may never be present other than as a threat or perceived.

Sex Work
At Sagesse, we define sex work as real work. We believe sex work is a material exchange for intimacy or sexual services. There are many experiences of sexual exchange, and those involved with sex work are the expert in their own experiences. They determine if their experiences are sex work or sexual exploitation.

Sexual exploitation can take many forms, but all involve forcing an individual into the sexual exchange. Sexual exploitation can occur when someone is being forced into sexual acts by someone else (like an abusive partner), or they are forced into sexual exchanges because they are being trafficked. Sexual Exploitation could include domestic abuse, coercive control, manipulated sexual exchange, and/or human trafficking.


Intersections of Sexual Exchange
CHOICE
Sexual Pleasure
Sex Work
Sexual Exploitation
COERCION
CHOICE
CIRCUMSTANCE

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