



**CENTRE CANADIEN DE RESSOURCES POUR  
LES VICTIMES DE CRIMES**

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**THE CANADIAN RESOURCE CENTRE FOR  
VICTIMS OF CRIME**

# **S P O U S A L A B U S E**

*This paper is intended as a general guide for people who may become susceptible to crime or for victims that are already involved in the criminal justice system. Please do not hesitate to contact our office if you require clarification, or for a referral to an agency in your community that may be able to provide services to you. We encourage victims to verify the authenticity of any information within this paper with their service providers prior to engaging/using the service suggested within.*

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## **Introduction**

Spousal abuse is a problem that is entrenched in many societies around the world and Canada is no exception. Research in this area has shown that this type of violence has touched the lives of many Canadians. Although societal awareness and condemnation of the issue has increased in recent years, spousal abuse remains a hidden and persistent problem because of the power and control held by the abuser and the fear, intimidation and humiliation suffered by the victims of this crime.

Perhaps people reading this document are living with violent, abusive spouses and are enduring repetitive victimization. Other readers may be those who were once victims. Others still may be people who have been directly impacted by the by the abuse suffered by a close friend or family member. These people know the fear that is instilled by the family tyrant and how difficult and dangerous the path to freedom can be. Another group of readers, are those concerned enough to care and to learn and to help, but who have never been victimized themselves.

Victims of spousal abuse are not to blame for the violence they have been forced to endure. They deserve dignity, freedom from fear and compassionate acceptance by the community.

## **What is spouse abuse?**

Spousal abuse often occurs in relationships that are romantic in nature and where when one partner seeks to dominate and exert power over the other. In doing so, the relationship often deteriorates and may become violent. Emotional, verbal, psychological, financial, physical and sexual abuse is common in such relationships.

Spousal abuse can occur in husband-wife relationships, dating relationships, with common-law spouses and also in same-sex relationships.

## **Who are the victims of spousal abuse?**

Although there are some studies that suggest men and women are both capable of violence, female victims suffer more physically, emotionally and financially from abuse. While the majority of men are not violent, some men have learned to express their anger or insecurity through violence. Many men have come to believe that violence against a woman, child or another man is an acceptable way to control another person.

Historically, women were considered the property of men. It was only decades ago that a husband was legally able to beat his wife with a stick as long as it was not thicker than his thumb. It has only been 20 years that it has been a crime for a man to rape his wife.

## **What type of violence do women experience?**

Women and men report experiencing somewhat different forms of violence. Women in violent relationships were more likely than men to report what could be considered more severe forms of violence. For example, women were more than twice as likely as men to report being beaten (25% versus 10%), five times more likely to report being choked (20% versus 4%) and almost twice as likely to report being threatened by, or having a gun or knife used against them (13% versus 7%).

Men in violent relationships were more likely than women to report being slapped (57% versus 40%), having something thrown at them (56% of men versus 44% of women) and being kicked, bit or hit (51% versus 33%).<sup>1</sup>

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<sup>1</sup> "Family Violence in Canada: A Statistical Profile 2000," Canadian Centre for Justice Statistics, Catalogue no. 85-224-XIE.

While all forms of violence are serious, the nature of the violence women in intimate relationships face is generally more brutal than the type of violence men face.

### **Why do men batter women?**

Many theories have been developed to explain why some men use violence against their partners. These theories include: family dysfunction, inadequate communication skills, stress, chemical dependency, lack of spirituality and economic hardship. These issues may be associated with battering of women, but they are not the causes. The batterer begins and continues his behavior because violence is an effective method for gaining and keeping control over another person and he usually does not suffer adverse consequences as a result of his behavior. In other words, it gets him what he wants. It ensures his partner will not leave him.

### **Forms of abuse**

Abuse is a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence. It happens when one person believes they are entitled to control another.

Abuse may be emotional, verbal, psychological, economic, sexual, and physical. It may involve threats, intimidation, isolation, and a variety of other behaviors used to maintain fear, intimidation and power.

#### Physical Abuse

It is important to recognize that physical abuse or battery escalates. It often begins with what is excused as trivial contact and behaviour such as threats, name calling, violence in her presence (such as punching a fist through a wall), and/or damage to objects or pets. Battery often escalates into more frequent and serious attacks such as pushing, slapping, pinching, punching, kicking, biting, sexual assault, tripping, and throwing. Finally, it may become life threatening with serious behaviors such as choking, breaking bones, or the use of weapons.

#### Sexual Abuse

Physical attack by the abuser is often accompanied by, or culminates in, sexual violence wherein the woman is forced to have sexual intercourse with her abuser or take part in unwanted sexual activity.

#### Psychological Abuse

The abuser's psychological or mental violence can include constant verbal abuse, harassment, excessive possessiveness, isolating the woman from friends and family, deprivation of physical and economic resources, and destruction of personal property including prized possessions or pets.

#### Destruction of property and pets

Destruction of property or abuse of pets can cause fear to the victim. Unlike physical or sexual violence, this form of battering is done without actually attacking or ever touching the victim's body.

With this type of abuse, the destruction is not random. The abuser exhibits anger by destroying the victim's favorite china that gets thrown against the wall, a gift he gave her during courtship, a pet kitten that is strangled, a family heirloom destroyed, etc. The objects chosen for destruction are aimed at hurting the victim emotionally as well as a demonstration of power and control.

Occasionally the objects destroyed are selected randomly, but the destruction is still purposeful. To make a point, objects are thrown or destroyed and the victim never knows when the assaults on property will turn into physical assaults.

As is consistent with battering and abuse of any type, the victim is blamed for causing the outburst or destruction of the property.

This type of violence normally does not stay contained within the area of property and pets, but escalates to include violence directed physically toward the victim. Don't ignore the danger of this type of abuse!

### Verbal Abuse

There are many categories of verbal abuse. They encompass a variety of behaviors that will be easily recognizable by those experiencing them.

- Yelled at
- Nagged at
- Called stupid
- Talked to as a child
- Ridiculed appearance
- Threatened to take the children
- Told me I was stupid, ugly, dumb
- Called names
- Called racial slurs
- Told no one else would want me
- Constant put-downs
- Threatened to kill me
- Belittled important things I accomplished

It is important to note that people in non-abusive relationships may also experience being yelled at or nagged by their partner. The difference is that this behaviour occurs occasionally and may be spurred by stress, anger and frustration. In abusive relationships, forms of verbal abuse are persistent and unrelenting.

*Verbal abuse also includes:*

### Withholding:

If there is a relationship, then there must be an exchange of information. Simply put, withholding is a choice one partner makes to keep virtually all one's thoughts, feelings, opinions, hopes and dreams to oneself and to remain silent and aloof toward the other partner. The verbal abuser may go for months without attempting to engage his partner in meaningful interaction. They may also withhold important information about money, finances or bank accounts.

### Jokes:

This type of abuse is not done in jest. Disparaging comments disguised as jokes often refer to the feminine nature of the partner, to her intellectual abilities, or to her competency. It cuts to the quick, touches the most sensitive areas, and leaves the abuser with a look of triumph.

#### Trivializing:

Trivializing says, in so many words, that what you have done or expressed is insignificant. This type of abuse is often difficult to test, as it can be very subtle. One is left feeling depressed and frustrated but isn't quite sure why. Nothing you say or do is important or meaningful. Little heed is paid to your comments or suggestions.

#### Judging and criticizing:

Usually this type of verbal abuse carries a judgmental tone. Remarks and comments that negate or discount a partner's feelings are: "The trouble with you is...."; "You're never satisfied...."; "You don't know what you're talking about..."

#### Blocking and Diverting:

This category of verbal abuse specifically controls interpersonal communication. The abuser may refuse to communicate, establishes what can be discussed and determines when the conversation is finished. Examples of blocking are: "You think you know it all;" "That's a lot of bunk;" "Just drop it;" "Who asked you?"; "Where did you get a stupid idea like that?", etc.

All of these abusive behaviors prohibit normal, healthy interaction between two adults as well as a lack of respect for individual thoughts, feelings, and opinions. A healthy, mutual interaction and conversation between two persons respects and promotes the right of each partner to their own individual thoughts, perceptions and values.

#### Economic Abuse

Financial control keeps one dependant, isolated, and without power. Not power in the sense of "authority", but power as it relates to the ability to choose, make decisions, and maintain self-esteem.

Often the needs of all family members go unmet when an abusive partner holds control of all household finances. It is a manipulative tactic of power and control aimed at demeaning those from whom money is being withheld. Some examples of economic abuse are:

- My paycheck became his
- All the bills were in my name
- He destroyed belongings I worked for
- His wants came before family needs
- He forced me to commit robberies
- He controlled the checkbook
- I had to account for every penny
- Our family didn't have adequate clothing
- Not enough money for groceries
- Not allowed to work
- Sold family possessions
- Spent family funds on alcohol/drugs
- Refused to pay bills/creditors
- No money of my own
- Quit his job

- No knowledge of assets/finances

In healthy relationships, partners may choose one person to look after the finances, including keeping track of bank accounts, paying bills and deciding upon weekly spending money. In non-abusive relationships both partners agree upon financial arrangements.

### Isolation

The following tactics are used by the abuser to isolate the victim:

- Moving away from family & friends
- No telephone conversations with friends
- Not allowed to attend family functions
- Not allowed to invite guests over
- Children aren't allowed friends
- Said no one liked me
- Not allowed to work
- Not allowed to visit family
- Said he hated my friends
- Had no telephone in our new home
- Only allowed to go grocery shopping

Isolation is the most effective way to "set the stage" for abuse since the victim is separated from emotional supports and reality checks. When separation and isolation are utilized, the messages of the batterer begin to saturate the senses. The gradual process of isolation is accomplished through a combination of demands, threats, and manipulation. The abuser becomes the centre of the victim's life and they come to depend on the abuser for everything. Once the isolation has been achieved, the violence usually escalates both in intensity and frequency.

### **Why does she stay?**

Why would a woman whose face is disfigured, whose bones are broken, whose pregnancy is lost, remain with a spouse who might beat her to death? This is a common question asked of women trapped in violent relationships. The question, however, should be "why does he batter?" Asking why she stays places the blame on the victim.

For some women, there is simply no exit. The door is open but she cannot leave. She has no resources of her own. Her children need her. She is terrified of the police. Social workers are people who can declare you an unfit mother. The perpetrator has threatened to kill her if she leaves or if she tells. She knows no safe haven from him. There is no witness protection program for domestic assault victims. Her fear is real, the threat is real, the pathway to freedom cannot be found (Understanding the Victims of Spousal Abuse, Frank M. Ochberg, M.D.).

### **Some reasons why women are unable to leave violent relationships:**

#### Fear:

Leaving an abusive relationship is dangerous. It is a fact that women have a heightened risk of spousal homicide after marital separation. According to Statistics Canada, between 1991 and 1999,

women were killed by estranged partners at a rate of 38.7 per million. Her fears are not unfounded! In comparison, an average of 26.4 per million were killed by current common-law partners and 4.5 women per million were killed by current husbands. Given this fact, it is very important that the battered woman's expression of fear not be minimized. If a decision to leave has been made, a safety plan should be put in place.<sup>2</sup>

#### Shame:

For some women the shame is crushing. To heal in private, behind dark glasses, behind closed blinds is far better than to be seen by others. Physical pain is more bearable than shame. The shame is deeper than embarrassment. It is mortification, humiliation, dehumanization.

#### Lack of Resources:

Battered woman often lack a support system due to isolation. Her family ties and friendships have been destroyed leaving her psychologically and financially dependent on the abusive partner.

- Many women become isolated from friends and families, either by the jealous and possessive abuser, or to hide signs of the abuse from the outside world. The isolation contributes to a sense that there is nowhere to turn;
- Many women have at least one dependent child;
- Many women are not employed outside of the home;
- Many women have no property that is solely theirs;
- Some women lack access to cash or bank accounts;
- Women who leave fear losing children and joint assets; and
- A woman may face a decline in living standards for herself and her children.

#### Lack of Finances/Economic Reality:

Economic dependence on the abuser is a very real reason for remaining in the relationship. Public assistance programs have been drastically reduced and those that remain provide inadequate benefits.

#### Lack of Housing once the Victim has to Leave a Shelter:

While many women are able to escape immediate danger by fleeing to a shelter, this is not a permanent solution. Many women end up returning to their home and to the abuser because there is a real lack of housing available to women in this situation.

#### Children:

Being a single parent is a strenuous experience in the best of circumstances, and for most battered women, conditions are far from the best. The enormous responsibility of raising children alone can be overwhelming. Often, the abuser may threaten to take the children away from her if she even attempts to leave.

#### Feelings of Guilt:

- The woman may believe that her husband is "sick" and/or needs her help.

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<sup>2</sup> Statistics Canada – Centre for Justice Statistics (Catalogue no. 85-002-XPE Vol. 21 no.9). In 2000, over half (55%) of female victims of homicide (67 victims) were killed by a person with whom they had an intimate relationship at one point in time, either through marriage or dating, compared to 7% of male victims (16 victims).



- The idea of leaving can produce feelings of guilt.
- Many battered women feel that the violence is their fault. She may feel that her behaviour somehow provokes his violence. If she would only be a better wife, then he would change.

#### Promises of Reform:

As is consistent with the cycle of violence, the abuser promises it will never happen again; the victim wants to believe this is true.

#### Sex-Role Conditioning:

- Most women are still taught to be passive and dependent on men.
- Women generally accept the responsibility for success or failure in their relationships; to leave is to admit failure.
- Many women do not believe divorce is a viable alternative.
- Many women believe that a single parent family is unacceptable, and that even a violent father is better than no father at all.
- Many women are socialized to believe that they are responsible for making their marriage work. Failure to maintain the marriage equals failure as a woman.
- Many women are taught that their identity and worth are contingent upon getting and keeping a man.
- The abuser rarely beats the woman all the time. During the non-violent phases, he may fulfill the woman's dream of romantic love. She believes that he is basically a "good man." If she believes that she should hold on to a "good man," this reinforces her decision to stay. She may also rationalize that her abuser is basically good until something bad happens to him and he has to "let off steam."

#### Religious Beliefs and Values:

- Religious beliefs reinforce the commitment to marriage. Many faiths hold that the husband is head of the family and it is a wife's duty to be submissive to him. This may be a powerful reason for staying in a destructive relationship;
- Clergy and secular counselors are often trained to see only the goal of "saving" the marriage at all costs, rather than the goal of stopping the violence.

#### Societal Acceptance /Reinforcement of Violence to Women/Wives:

Many people turn a "deaf ear" to spousal abuse and believe what goes on behind closed doors is a "private matter." The observance of a burglary, child abuse, or even cruelty to animals in the neighborhood might quickly be reported, whereas an assault on a wife or significant other may not.

#### Love for Spouse:

- Most people enter a relationship for love, and that emotion does not simply vanish in the face of difficulty. After a battering, the abuser often is extremely penitent. Because her confidence is so low following the incident, the apologies and promises of reform are often perceived as the end of the abuse (see cycle of violence).
- Many women rationalize their abuser's behavior by blaming stress, alcohol, problems at work, unemployment or other factors.



### **Myths about why women stay**

- It is a myth that women stay in violent relationships because they are masochistic. This theory is completely ludicrous not to mention insulting to victims of abuse. No one wants to be beaten by someone who is supposed to love and support them;
- It is a myth that women who stay in violent relationships have low self-esteem. The truth is that no one enjoys being beaten, no matter what his or her emotional state or self-image.

### **The cycle of violence**

The violence that a woman experiences in an abusive situation is not normally a constant abuse, but rather periodic. It can come in many forms such as intimidation, punches, slaps, kicks, and sexual assault pushing or emotional/mental abuse. It is often very unpredictable. While there are no two women that are abused in the same way, experts have recognized that abuse usually follows a cycle made up of three phases. These phases are:

The tension-building phase - In this phase, the abuser's anger grows. Often the victim is subject to minor battering like slaps, verbal abuse or shoving. Many women suffer this minor abuse in an attempt to prevent the abuse from escalating.

The acute battering phase - In this phase, the violence peaks and the batterer becomes extremely violent. Severe beating and abuse occur in this phase. The victim suffers from feelings of total helplessness and her only concern is survival.

The tranquil or loving phase - The abuser, in this phase, recognizes the harm done. The victim usually has deep cuts or broken bones. The abuser feels guilty after seeing the damage that has been inflicted and promises not to ever touch the victim again. The victim often 'fools' herself into believing the abuser - even though he has promised this before.

### **Learned helplessness**

The basic concept of learned helplessness is that once a woman has learned that trying to leave or change the abuser is useless they come to accept their abuse and develop mental incapacity to deal with the situation.

### **Battered Woman's Syndrome**

Battered Woman's Syndrome has become a legal defence for battered women who have killed their abuser. The battered woman, having been systematically abused by her partner, perceives that there is no way out of the relationship. She believes that if she says, he will eventually kill her and that if she leaves, he will find her and kill her. She feels trapped and helpless. Believing there are no options to escape the abuse, she may kill him.

Battered women who kill do so as a last resort, and they do so out of fear for their lives, or the lives of their children. Some women kill their husbands as a reaction to a beating, i.e., her husband is beating her and she stabs him in self-defence.

However, some women do not kill their husbands in the "heat of the moment." Some women kill their abusive partners while he sleeps (R. v. Whynot) or is walking away (R. v. Lavallee), but have still argued it was done in self-defence.

In R. v. Whynot, Jane Whynot shot her husband Billy Stafford in the head as he slept in their truck. He died as a result of these injuries. She was acquitted at her original trial, but after the Crown appealed, she pleaded guilty to manslaughter and served 6 months in prison. Sadly, she later

committed suicide. At her original trial, she used the defence of self-defence. Her husband had been brutally violent to her throughout their marriage. The night of his death, he had made threats about killing her son. She believed him, and she killed him to protect her son. The appeal court said that self-defence should not have been considered as she was not being assaulted at the time of the offence - there was no immediate danger.

In *R. v. Lavallee*, Lavallee shot her partner, Kevin Rust, who she had been living with for 3 years, in the back of the head as he was walking away from her. He had a history of beating her, and that night he had threatened to kill her after their guests were gone. He told her that if she did not kill him, he would kill her. She believed him and she killed him. The court allowed an expert witness to testify as to her state of mind. Using Lenore Walker's "Battered Woman Syndrome" (of which the cycle of violence and the learned helplessness theories are a part of), the witness explained that because of the continued abuse, she honestly and reasonably believed that her partner was going to kill her later that night. It was a desperate act of survival. She was acquitted at her original trial, the court of appeal overturned the acquittal; the Supreme Court restored it. The Supreme Court's recognition of the "battered woman's defence" was a significant victory for women.

Some women's groups are concerned that the term "battered woman syndrome" creates an image of pathology. A woman characterized as suffering from battered woman syndrome is typically viewed as flawed, damaged, disordered, or abnormal in some way. Although it is true that many battered victims suffer negative effects of battering, syndrome language necessarily places the emphasis on pathology, not on the whole picture. Notably, a battered victim's normal reaction of fear or anger can be the most important issue for explaining her state of mind at the time of an alleged crime or for understanding her motivation for other behavior.<sup>3</sup>

### **The law of self-defence**

There are many feminist organizations that argue the law of self-defence should take more account of the women's perception of the danger she may be in. As it stands, the current self-defence law is male centric in that it tends to be focused on situations where two men get into a bar fight and one has to defend himself from the other. Women in abusive relationships are beaten for years and then one day they are told that they are going to be killed. Knowing her partner and the injuries he has caused in the past, such a promise poses a real threat to a battered woman. She knows she must act to save herself. Although the threat is often not immediate it is looming. Feminists believe that self-defence laws should require the court to examine the facts from the perspective of the battered woman.<sup>4</sup>

### **Profile of a batterer**

Batterers come from all social groups and backgrounds, and from all personality profiles. However, some characteristics fit a general profile of a batterer:

#### Traditional sex role expectations:

Batterers tend to be preoccupied with a macho ideal of manhood. They feel a need to dominate and control women and often expect it as their right and privilege. They tend to associate feminine qualities with weakness and fear intimacy as making them vulnerable.

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<sup>3</sup>Critique of the "Battered Woman Syndrome" Model, Mary Ann Dutton, Ph.D. Revised January 1996. <http://www.vaw.umn.edu/Vawnet/bws.pdf>

<sup>4</sup> Self Defence Review, FINAL REPORT, July 11, 1997. <http://canada.justice.gc.ca/en/dept/pub/sdr/rtush.html#chap5>

Abusers objectify women:

They do not see women as people. They do not respect women as a group. Overall, an abuser sees women as property or sexual objects.

Communication deficits:

Batterers are frequently characterized as lacking in assertive communication skills and appearing alternatively passive or aggressive in nature. They are more inclined to resolve problems through violence, as the male sex role stereotype would suggest. This tendency tends to add to the stress many batterers create for themselves and their families.

Poor impulse control:

Batterers show higher levels of hostility than non-batterers. Their range of emotions tend to be reduced to anger, which in-turn is expressed primarily through violent behavior sanctioned by various male subcultures. Emotional tensions are typically suppressed until they finally "explode."

Low self-esteem:

Despite the bravado that many batterers display, they characteristically suffer from lower self-esteem than non-batterers. They often feel that they have not lived up to the male sex role stereotype and consequently overcompensate with hyper-masculinity. They become emotionally dependent on their partners and consequently become threatened by the possibility of their departure. This is often evident in excessive jealousy and possessiveness.

A batterer feels powerless and ineffective in the world. He may appear successful, but inside he feels inadequate.

Alcohol and/or drug problems:

Batterers have a higher incidence of alcohol and drug abuse. The alcohol acts as an uninhibitor, intensifying abusive incidents, but it does not "cause" the abuse. Many batterers are abusive with or without alcohol and continue their violence even after "drying out." Some experts consider alcohol and drug abuse to act as a sedative for the emotional distress most batterers bear in response to their abusive childhood, sense of inadequacy, and poor communication skills.

Abusive childhood:

The majority of male batterers have experienced or witnessed childhood violence that has left them with low self-esteem, poor role models, and sometimes traumatized.

Denial:

Very much like the alcoholic, abusers deny there is a problem, and refuse to accept responsibility for the abusive behavior. The abuser blames everyone else for making him angry thereby excusing his actions.

A batterer externalizes the causes of his behavior. He blames his violence on circumstances such as stress, his partner's behavior, a "bad day," alcohol or other factors.

False Genuineness:

A batterer may be pleasant and charming between periods of violence, and is often seen as a "nice guy" to outsiders.

Some behavioral warning signs of a potential batterer include extreme jealousy, possessiveness, a bad temper, unpredictability, cruelty to animals and verbal abusiveness.

## Legislation

Charging and prosecution (“no-drop”) policies were introduced in Canada in the early 1980s, beginning with federal guidelines issued to the Royal Canadian Mounted Police and federal and territorial Crown prosecution offices in 1983. Police officers do not have to see the violence occur; they only need to have reasonable and probable grounds to believe that it happened.

By 1985, some form of spousal assault policy was in place in most of the provinces of Canada. The policies were implemented in response to what was perceived to be an inadequate criminal justice system response to incidents of spousal violence. The policies were designed to counter the notion that spousal violence is a private affair, and instead give it recognition as a serious social problem, which is also a violation of the law. Police intervention and Crown prosecution of spousal abuse incidents were seen as critical elements of an overall societal response to the problem. The implementation of the policies was also seen as an important step towards protecting individual victims. By placing the onus for laying charges on the police and Crown, the victim could indicate to her abusive partner that the decision to proceed was not hers, and thereby reduce the potential for violent recriminations. The ultimate goal of the policies was to achieve a reduction in the incidence of spousal violence in Canada (Brown, 2000).

An analysis of the research literature reveals that the effectiveness of charging and prosecution policies in reducing domestic violence is the subject of considerable debate among social science researchers and academics. Much has been written about perceived deficiencies in the policies and the ways in which they are implemented, including the criticism that the policies serve to “re-victimize” the survivor of a spousal abuse incident. The policies remove the onus from the victim to lay charges against her abuser, thereby reducing the risk that the victim will be blamed by the abuser for the abuser’s prosecution. As a consequence, however, many victims feel disempowered by a legal process that deprives them of any say in the ultimate disposition of charges and which often operates against their wishes to withdraw from the system (Brown, 2000).

It is somewhat ironic that charging and prosecution policies were in part implemented as a response to the perceived need for criminal justice professionals to treat domestic violence “like any other crime”. The deficiencies identified in these policies are frequently rooted in their failure to recognize that spousal assault is *not* a crime like others. Unlike violence between strangers, domestic violence victims may live with their assailants, often have strong emotional and financial bonds, often share children, and often do not wish the relationship to end. All of these factors create complications for victims, police officers and prosecutors that are seldom present in cases of violence between strangers (Brown, 2000).

## **Response of the police**

The historical response of the police to the social problem of spousal abuse has caused great controversy. It was not that long ago that police felt they could not arrest an abusive husband unless they actually witnessed the violence.

With education and increased public awareness of the devastating impacts of spousal abuse, previously held beliefs in privacy are changing. Yet, even after implementing mandatory charging policies and no-drop prosecution policies, the police often remain frustrated with cases of spousal abuse. It is a common occurrence for victims to refuse to testify against their abuser. The police often view their efforts as futile if they have helped to remove a victim from a violent situation and the victim quickly chooses to return to it.

At the same time, police departments across Canada have made important strides in combating spousal abuse with the creation of specialized domestic violence units to investigate spousal abuse. Police personnel receive ongoing training and education in order to respond to the needs of victims in domestic violence situations. The implementation of such programs by police forces across the country is an accomplishment for the victims of spousal abuse who have long fought for recognition and dignity.

### **Response of the justice system**

Mandatory arrest policies have provided police with the tools to respond appropriately to spousal abuse. Yet, the arrest is only an immediate solution to the violence. Requiring Crown attorneys to prosecute in all cases of domestic violence is another important step in ensuring the long-term safety of the victim.

However, the 'no-drop' policies that must be followed by Crown attorneys may put them in an awkward position with an uncooperative victim. While Crowns do want to proceed with all charges against abusers, a victim who refuses to testify seriously compromises a case. Without the crucial testimony of the victim, the Crown may be forced to withdraw the charges or in some cases, hold the victim in contempt of court. Crowns face difficult decisions as placing an abused woman in jail is not an appropriate solution, yet neither is returning her to an abusive partner.

Like the police, Crown attorneys should also receive training to be properly prepared to deal with victims. Understanding the myriad of reasons why women may not want their husbands prosecuted is important. Although a woman may suffer extreme brutality at the hands of her husband, there are often complex financial, emotional and familial attachments to consider.

Judges are perhaps the most important component of the criminal justice system. While judges are obviously highly educated, they too require training and instruction about the facts and myths associated with spousal abuse. A lack of knowledge or understanding by a judge can have a devastating impact on the victim of abuse. Take for example some comments made by Justice Paul Belanger.

"...had great trouble in understanding why Anne (the victim) would have anything to do with a man that abused her...Why would you spend time with him and get back together with him? It seems to me he would be the last person on earth you would want to spend time with."

Comments like this cause victims to question the justice system and its ability to address their needs. A judge should be highly sensitive to what the victim of abuse has faced and not sit in judgment of his/her actions. Also, judges have the potential to influence and alter the abusive behaviour of offenders who come before them.

In sentencing, judges often face statutory limitations. Yet, factors such as how much physical injury there was; whether the assault was provoked; whether the victim was drunk; the offender's background (i.e. good job, no record, etc.), should NOT be considered as mitigating factors in spousal abuse cases. Doing so minimizes the impact of the crime. A stranger who assaults a woman should not receive more jail time than a man who beats his intimate partner.

To combat some the problems noted above several provinces have instituted what is known as 'domestic violence courts'. This is a special court that has been created to deal exclusively with cases of spousal abuse. This special court was designed to introduce key evidence leading to convictions, provide support for victims of domestic violence, provide counseling for offenders and break the cycle of violence.

## **Criminal Harassment**

In 1993, a provision in the *Criminal Code* was created to prohibit individuals from harassing or stalking others. The criminal harassment provisions in the *Criminal Code* prohibit behaviour such as repeatedly following someone, repeatedly telephoning someone who does not wish to speak with you, staking out their work or residence, or other behaviour that is meant to intimidate the victim.

Stalking or criminal harassment is common in spousal abuse situations, especially following a separation. Victims of this crime are predominantly female (77% in 1999) and most women are stalked by men with whom they have been in previous intimate relationships. While most incidents of criminal harassment do not result in physical injury, stalking has the potential of progressing to more serious crimes. There were nine homicides from 1997 to 1999 that involved criminal harassment as the precipitating crime. In each of these homicides, the victim was a female who was being stalked (and subsequently killed) by a recently separated spouse, ex-husband or ex-lover.<sup>5</sup>

## **Peace Bonds**

A peace bond is a protective tool that is often used in cases of family violence and stalking. It is a criminal court order that includes specific terms that may, for example, forbid the defendant from calling, contacting or visiting the applicant's home or workplace, forbid them from carrying firearms or ammunition, or require that they go to counseling.

Peace bonds have no cost and can last up to 12 months in Canada. They are not renewable, thus a person must re-apply on a yearly basis if necessary. They are issued by a judge, a justice of the peace or by a magistrate. To obtain a peace bond, a person has to go to the local courthouse and show that they have a reasonable fear the defendant will harm them, their family, or will damage their property. If the judge believes, on reasonable grounds, that an order should be made, terms of the order will be decided. The defendant will then be asked to enter into the bond. If he/she agrees, the peace bond will be ordered. If he/she refuses, there will be a hearing where the judge will hear both sides, and then he/she will decide on ordering the peace bond. If the defendant still refuses to sign it, he/she can face up to twelve months imprisonment.

A peace bond requires the spouse to "keep the peace and be of good behaviour," as well as any other conditions that the court imposes. A lawyer is not needed to obtain a peace bond. Also, criminal charges or past convictions against the abuser are not necessary to proceed with a peace bond.

It is a crime to violate a peace bond. A person who violates the conditions of a peace bond can be arrested or charged with a criminal offence. A judge can sentence a person who violates a peace bond to:

- fine of up to \$2000
- jail term of up to six months
- both

It is important to note that a peace bond cannot protect you from someone who ignores it. It can also take a considerable amount of time to get one (up to three months).

## **Restraining orders**

Restraining orders are non-criminal court orders that have certain conditions such as prohibiting contact. They are usually made in connection with a custody or separation action in a Family Court.

<sup>5</sup> Statistics Canada – Catalogue no. 85-002-XPE Vol. 20 no. 11



If you and the defendant are married, living common-law, separated, divorced, or if you are a parent of a child that is involved in the proceeding you may also apply for a restraining order. To get a restraining order however, you will probably need a lawyer and thus they are cost-prohibitive. These orders are civil in nature, not criminal. Therefore, police effectiveness in enforcing them is often an issue.

### **Shelters**

One measure taken to assist abused women and their children has been the development of a substantial system of shelters. The need for shelters is great given that in 1999-2000, 96,359 women and dependent children were admitted to 448 shelters for abused women across Canada.

Currently, shelters exist in every province and territory and provide services to urban and rural areas and also to reserves. The number of shelters in Canada has been steadily increasing since the 1970s in part through capital funding assistance for shelters provided by Canadian Mortgage and Housing Corporation and under the non-profit housing programs of the *National Housing Act*. In 1999-2000, there are approximately 508 shelters operating across Canada that provide residential services to abused women and their children.

#### Types of shelters include:

- Transition Home - short or moderate term (1 day to 11 weeks), first stage of emergency housing
- Second Stage Housing – long-term (3-12 months) secure housing with support and referral services designed to assist women while they search for permanent housing.
- Safe Home Network – a network of private homes in rural or remote areas where there is no full-fledged operating shelter. It offers very subsidiary very short-term (1-3 days) emergency housing.
- Women’s Emergency Centre/Shelters – short-term (1-21 days) respite (temporary relief) for women and their dependent children.
- Emergency Shelter – short-term (1-3 days) respite for a wide population range, not exclusively abused women. This type of facility may accommodate residents who are not associated with family abuse but are without a home due to an emergency situation (e.g., eviction for non-payment of rent). Other than residential (room and board) services, these shelters offer few additional client services.
- Family Resource Centre – An Ontario government initiative that serves a wide range of clients and provides clients with an extensive array of information and referrals as well as residential services.

As of 1999-2000, there were no shelters in Canada that provide residential services exclusively to adult male victims of family abuse. In fact, 90% of facilities have a policy that does not allow males to be admitted. There are a very limited number of shelters that provide some services to men



abused by their family. These shelters appear to service reserves and likely admit men due to policies of serving entire family groups.<sup>6</sup>

Although abused women and their children have greater access to shelters than they did in the past, hundreds of victims are turned away daily when they seek refuge because shelters are full.<sup>7</sup>

### **The immediate and long-term effects of abuse**

The effects of being abused are lifelong and cannot easily be resolved or overcome. Victims of abuse experience a variety of emotions and side effects such as:

- Shame;
- Embarrassment;
- Isolation (separation from friends and family, limited access to safety and support);
- Depression;
- Rejection sensitivity;
- Anger;
- Difficulty with trust;
- Living in constant fear that the batterer will become more violent and maybe even fatal if she/he attempts to leave; and
- Mixed emotions as memories of good times, love and hope clash with the manipulation, intimidation and fear.

### **The effects of spousal abuse on children**

Research in the area of spousal abuse has tended to focus on the victims of the abuse. Children who witness violence are often the “silent”, “forgotten” or “unintended” victims of spousal abuse.

Research suggests that the effects on children of witnessing violence between their parents can be serious and long lasting. These children are at increased risk of becoming victims or perpetrators of violence themselves and are at a greater risk of numerous behavioural, emotional and developmental problems. This can include experiencing symptoms of post-traumatic stress disorder, including fear, anxiety, irritability, difficulty concentrating, intrusive memories of the abuse, anger outbursts and hyperarousal. These children may also experience elevated rates of depression, withdrawal, low self-esteem and other emotional problems. They also have a greater risk of behavioural problems, such as aggression and non-compliance with peers and adults, destructive behaviour and conflict with the law.

Witnessing violence can encompass a wide range of experiences, including seeing or hearing the violence between parents or seeing the physical or emotional consequences of the battering of a parent. There is evidence that if children witness physical violence, they will also witness a considerable amount of psychological abuse including verbal abuse, belittling and threats (Health Canada, 1996).

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<sup>6</sup> Statistics Canada – Catalogue no, 85-002-XPE Vol. 21 no. 1

<sup>7</sup> Statistics Canada – Catalogue no. 85-002-XPE Vol. 21 no. 1 – “On April 17, 2000, 89 shelters turned away 476 people: 254 women and 222 children. More than 7 in 10 of these shelters (71%) turned women and children away because the shelter was full.”

What is clear is that spousal abuse has serious ramifications for children. In witnessing it, violence often becomes cyclical for children in the remainder of their lives.

### **Programs for male batterers**

One response to wife battering has been to provide treatment to abusive men. Some examples of treatment programs for violent men include feminist educational approaches, behavioural approaches (including self-control, communication and anger management courses), individual counselling and support groups.

When treating male batterers, we must remember that these men choose to be abusive. Violent men believe it is their right and their actions are motivated by rewards of power.

The White Ribbon Campaign is the largest effort in the world of men working to end men's violence against women. This Canadian group believes that violent men can change. They believe it is important for a violent man to take responsibility for his past actions, to pay the price for his actions, to make amends, to seek treatment, and to not hide the fact that he was once violent.

Across Canada, treatment is often provided to both volunteer and court-mandated batterers in the hopes of reducing recidivism. Although some studies show positive treatment effects, more research needs to be done before we conclude whether treatment works with male batterers. Nevertheless, many jurisdictions have set standards for treatment, specifying the required length and treatment approach. Further research is required in order to compare the effectiveness of different treatment approaches (Solicitor General Canada, July 2000).

### **Battered men**

There has been only one national survey and two regional surveys conducted since 1989 on the problem of husband abuse in Canada. While these community surveys have found that as many women admit to using violent behaviours as men, these results are highly criticized by feminists and others. They argue that men do not suffer the same risks and consequences that battered women do. For example, men are not as physically injured, they are not as financially vulnerable and often do not have the same child care responsibilities.<sup>8</sup>

Front-line workers report seeing few men who have been harmed to the same extent as women abused by men.<sup>9</sup> This may be due to the fact that men who may face violence in intimate relationships have few resources to access and that many do not report the abuse. There are several reasons why men may not report being abused, including:

- Discrimination against men who are victims. Men are stereotypically the abusers and it is difficult for many people, including the police, to believe that men can be the victims of their female partners.
- Shame. Men are regarded as the physically stronger sex. Society sees a man who is beaten by his wife as weak.

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<sup>8</sup>“Husband Abuse: An Overview of Research and Perspectives,” Health Canada, 1999. <http://www.hc-sc.gc.ca/hppb/familyviolence/pdfs/husbandenglish.pdf>

<sup>9</sup> Ibid.

- Taking on a macho, "I can handle it" attitude. Men who are abused by their intimate partners typically do not seek help dealing with the emotional and physical impact of the violence. Allowing this 'macho' attitude to prevail can result in depression, substance abuse, loss of confidence, and even suicide.
- Keeping silent. Not confiding in a friend, relative or professional is a common reaction of both male and female victims of domestic abuse as it is embarrassing to be victimized. Men typically face a greater degree of disbelief and ridicule than do most women in this situation, which helps enforce the silence. Many male victims of domestic violence make excuses for injuries ("It was an accident" or "it happened while playing sports") when friends or medical personnel ask about them.
- Hiding from it. Men often escape a bad home life that they are afraid of by spending extra time at work, staying in "their" space (garage, den) at home, or even sleeping in the car or at a friends place.
- There is no place to go for help.

It is obvious that battered men face unique circumstances and this issue deserves further study. Although the precise extent to which this problem persists in our society is unknown, there is no doubt that there are men in intimate relationships in need of protection.

### **Predictors of domestic violence**

The following signs often occur before actual abuse and may serve as clues to potential abuse:

- Did he grow up in a violent family? People who grow up in families where they have been abused as children, or where one parent beats the other, have grown up learning that violence is normal behavior.
- Does he tend to use force or violence to "solve" his problems? Does he have a quick temper? Does he over-react to little problems and frustration? Is he cruel to animals? Does he punch walls or throw things when he's upset? Any of these behaviors may be a sign of a person who uses violence to solve his problems.
- There is a strong link between violence and problems with drugs and alcohol. Be alert to possible drinking/drug problems, particularly if he refuses to admit that he has a problem, or refuses to get help. Do not think that you can change him.
- Does he have strong traditional ideas about what a man should be and what a woman should be? Does he think a woman should stay at home, take care of her husband, and follow his wishes and orders?

- Is he jealous of your other relationships—not just with other men that you may know—but also with your women friends and your family? Does he keep tabs on you? Does he want to know where you are at all times? Does he want you with him all of the time?
- Does he expect you to follow his orders or advice? Does he become angry if you do not fulfill his wishes or if you cannot anticipate what he wants?
- Does he go through extreme highs and lows, almost as though he is two different people? Is he extremely kind one time, and extremely cruel at another time?
- When he gets angry, do you fear him? Do you find that not making him angry has become a major part of your life? Do you do what he wants you to do, rather than what you want to do?
- Does he treat you roughly? Does he physically force you to do what you do not want to do?

### **Checklist**

Look over the following questions. Think about how you are being treated and how you treat your partner. Remember, when one person scares, hurts or continually puts down the other person, it's abuse.

#### ***Does your partner....***

- Embarrass or make fun of you in front of your friends or family?
- Put down your accomplishments or goals?
- Make you feel like you are unable to make decisions?
- Use intimidation or threats to gain compliance?
- Tell you that you are nothing without them?
- Treat you roughly - grab, push, pinch, shove or hit you?
- Call you several times a night or show up to make sure you are where you said you would be?
- Use drugs or alcohol as an excuse for saying hurtful things or abusing you?
- Blame you for how he/she feels or acts?
- Pressure you sexually for things you aren't ready for?
- Make you feel like there "is no way out" of the relationship?
- Prevent you from doing things you want - like spending time with your friends or family?
- Try to keep you from leaving after a fight or leave you somewhere after a fight to "teach you a lesson"?

#### ***Do You...***

- Sometimes feel scared of how your partner will act?
- Constantly make excuses to other people for your partner's behavior?
- Believe that you can help your partner change if only you changed something about yourself?
- Try not to do anything that would cause conflict or make your partner angry?
- Feel like no matter what you do, your partner is never happy with you?
- Always do what your partner wants you to do instead of what you want?
- Stay with your partner because you are afraid of what your partner would do if you broke up?

If any of these are happening in your relationship, talk to someone. Without some help, the abuse will continue.

## **How to get help<sup>10</sup>**

Recommended steps for taking action and getting help include the following:

- Keep yourself and your children safe. This may mean leaving the situation, moving out, or setting limits on what you will put up with. Have an escape plan ready if the violence starts up again.
- Refuse to take blame for the abuse. The abuser made the choice to act violently. You are not responsible for this behaviour.
- Call a friend or family member you can trust. Call someone who is supportive and understands that violence is never okay or justifiable.
- Call a shelter or crisis line. Their telephone numbers are at the beginning of the telephone book. A shelter can provide safety, support and help with your future plans. Moving to a shelter is not the only option. You can also obtain advice from a counselor over the phone.
- Call the police. Dial 911 if you are in danger.
- Join a support group. Sharing experiences with others often helps victims to realize that they are not alone. These groups can be extremely useful in helping abused people find ways to protect themselves and to deal with the situation.
- See a counsellor. Counselling can provide an opportunity to learn about the impact that the abuse has had on you and to discuss options.

## **Conclusion**

Spousal abuse is a long-standing, entrenched societal problem, yet it is only in recent years that the community has taken notice of it. Women in abusive relationships stay with these men for several reasons, including fear, isolation and love. Leaving is dangerous for many, difficult for most.

While there have been many improvements made to the criminal justice process to deal with victims of this crime, many questions remain. What should be done with women who refuse to testify? When should a battered woman be justified in killing her abuser - after the 5th beating, or the 100th? What can be done to encourage battered men to come forward and how can they be better protected? How can attitudes and stereotypes be changed so that the victim is not blamed for the abuse? As a society we must do more to promote the belief that using violence for any means is wrong.

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<sup>10</sup> Statistics Canada – Catalogue no. 85-002-XPE Vol. 21 no.1

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