



Springtide Resources Inc

Online Course: Love, Sex, Violence and Crime: An overview of Criminal Law and Violence against Women

Resource to accompany Module 1: Introduction to criminal law, criminal court and violence against women

Common Criminal Charges in VAW cases

What are the possible charges?

Violence against women can involve many different kinds of behaviours, only some of which are prohibited by criminal law.

Partner abuse includes a broad continuum of coercive, threatening, and violent behaviours designed to control the thoughts, feelings, and actions of another person through the use of fear, intimidation, humiliation, and pain, including but not limited to emotional and psychological abuse, financial control and abuse, physical violence up to and including murder, sexual violence, and stalking/harassment, within a current or previous intimate relationship. Such behaviours may occur as a one-time incident causing physical and/or emotional injury to the victim and her family; however, in most instances, partner abuse involves repeated episodes of coercive, threatening, and violent behaviour which escalate in severity over time.

Emotional and psychological abuse includes a wide range of actions and behaviours intended to hurt, demean, criticize, humiliate, threaten, and/or control another person through the inducement of fear, anxiety, confusion, and dependence, including but not limited to:

- ongoing and intense criticism
- name-calling and other forms of verbal abuse designed to hurt, embarrass, and humiliate
- threats to harm self
- threats and violence towards others, including family members, friends, and co-

Sexual violence includes a wide range of sexually intrusive, abusive, and controlling behaviours designed to meet the needs of the offender with callous disregard for the needs or well being of the victim, including but not limited to:

- any unwanted or forced sexual contact with partner or others
- any unwanted or forced use of objects during sexual contact
- any unwanted or forced modifications to a person's body, such as shaving pubic hair
- withholding sexual, physical, or intimate contact
- exposure to and/or forced participation in pornography
- exposure to and/or transmission of sexually transmitted diseases by denying use of protection and/or denying possibility of transmission, and
- sexually humiliating and demeaning comments, jokes, and accusations.

Sexual violence is a criminal offence, although before 1983 it was not a crime for a man to rape his wife. Despite the fact that it is now a crime, few women report marital rape to the police.

Stalking and harassment includes a wide range of behaviours designed to maintain unwanted or forced contact between an offender and his victim, generate fear, and/or to allow the offender to observe, monitor, and control his partner's movements and activities.

Some forms of stalking and harassment are against the law.

The list below provides descriptions of some of the most common charges that can be laid in cases of violence against women. In addition to these criminal charges, there are some provincial offences that relate to violence against women, including trespass to property, damage to property, some *Highway Traffic Act* offences and some cruelty to animal offences.

Assault: (*Criminal Code, section 265*) When someone touches another person, directly or indirectly, without that person's consent or when the person attempts or threatens, by an act or gesture, to touch another person, if the person has or can make the other person believe he has the ability to carry out his threat, an assault has occurred. This is a criminal offence, whether or not the victim has any physical injuries.

Assault with a weapon or causing bodily harm: (*Criminal Code, section 267*) This is assault when the person carries, uses or threatens to use a weapon or an imitation of a weapon or causes physical harm that interferes with the health or comfort of the victim.