



Springtide Resources Inc

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-workers
- threats and violence towards pets and personal property
- threats associated with immigration status, marital status, and custody and access
- reckless and dangerous behaviour, such as running red lights and dangerous driving
- inappropriate and excessive expressions of jealousy and possessiveness

- excessive interest in and control over daily activities, and
- imposed social isolation.

As you will see below, few kinds of psychological abuse are criminal offences.

Financial control and abuse includes a wide range of behaviours designed to reinforce the power and control of the offender, increase the victim's dependence, and decrease the options for independent decision-making available to the victim, including but not limited to:

- withholding, restricting, and controlling money required for the necessities of life and/or the comfort and well being of the victim, dependents, and/or the family
- disproportionate and irresponsible spending in relation to the offender's personal needs, wants, and interests to the detriment of the victim and/or family
- withholding information about the financial resources of the couple/family and/or household financial matters
- denying access to bank accounts and financial records, and
- coercion to sign financial documents.

Few forms of financial abuse lead to criminal charges being laid.

Physical violence includes a wide range of violent, hurtful, and aggressive behaviours including but not limited to:

- hitting, punching, and slapping
- kicking
- shoving, pushing, dragging, and hair pulling
- restraining, confining, and binding
- spitting and biting
- choking and strangling
- burning with fire or chemicals, such as acid
- withholding food, medications, and other necessities of life
- using objects and weapons to injure or maim; and
- murder

Physical violence is a criminal offence.

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.

Aggravated assault: (*Criminal Code, section 268*) This is assault that involves wounding, maiming, disfiguring or endangering the life of the victim.

Criminal harassment: (*Criminal Code, section 264*) This is the legal term for stalking. It is illegal for someone to repeatedly follow someone from place to place, repeatedly communicate with that person, spend time outside that person's house or workplace or make threats against the person, if it causes that other person to be fearful for her safety.

Forcible confinement: (*Criminal Code, section 279(2)*) No person can legally force another person to remain somewhere or interfere with (block) the person from leaving a place. Anyone who does this can be charged with forcible confinement.

Sexual assault: (*Criminal Code, sections 271, 272, 273*) Any unwanted touching of a sexual nature is sexual assault. This can range from touching of sexual parts of the body to vaginal or anal penetration. As with other assaults, if weapons are involved or there is serious physical injury, the charge can become either sexual assault with a weapon or aggravated sexual assault.

Uttering threats: (*Criminal Code, section 264.1*) It is a criminal offence to utter a threat to kill or seriously harm another person, to destroy another person's property or to injure or kill an animal or bird belonging to another person.

Link to: *Law and Abused Women*

- what women need to know before going to court
<http://www.violetnet.org/>