



CONCERTATION
FEMME

HOW TO HELP A FRIEND VICTIM OF CONJUGAL VIOLENCE

English

Spring 2011

DEFINING THE VIOLENCE

1. Violence

Violence can be defined as an over-exaggerated use of power by the aggressor upon the victim. The aggressor uses different means to keep the person in a state of inferiority or forcing the victim to behave in accordance with his wishes.

2. Violence targeting women

An act of violence against women is based on belonging to the female category. This act violates women's rights and causes her physical, sexual and psychological abuse.

- It may come as threats, constraints and arbitrary deprivation of freedom or discrimination
- It exists in both public and private spheres

3. Conjugal violence

Conjugal violence can be defined as a series of repeated acts that transcends into a downward spiral of violent acts. It is a way of dominating over the victim, assert power over her and control her.

TYPES OF VIOLENCE

Verbal violence can be defined as:

- Shouting, insulting, raising the tone of voice to intimidate the other;
- Lowering tone of voice to take on a more menacing, dangerous tone;
- Becoming impatient, referring to a harsh and authoritative tone of voice;
- Make use of vulgar and/or humiliating language;
- Referring to blackmail and manipulating the other.

Psychological violence can be defined as:

- Ignoring the other or giving her threatening or exasperated looks;
- Forcing the individual to be isolated from her social network;
- Exerting control over her by controlling her outfits, hairstyles, her outings, spying on her;
- Denigrating the individual ("you are worthless, incompetent" ...)
- Referring to threatening gestures such as placing hand on belt, knife, getting a bat, backing her into a corner, etc.;
- Criticising his partner in front of the children as well as her ways to raise her children;
- Criticising her cooking abilities and her taste;
- Making disrespectful and denigrating remarks during sexual acts;
- Using the individual's religion or spiritual beliefs to manipulate or control her;
- Enclosing his partner, preventing her from leaving the house or to answer the door;
- Denigrating the partner's income.

Financial violence can be defined as:

- Making the partner financially dependent on the individual;
- Controlling all expenses (claim the bills);
- Enforcing the partner to pay all debts;
- Forcing the partner to provide money;
- Stealing money from the partner;

- Forbidding the individual to work;
- Forcing the individual to work regardless of limited ability to work;
- Denying financial access to the partner;
- Refusing to pay in order to provide for basic needs (such as health care, food, clothing, housing and other family needs such as outings and overall social needs).

Spiritual violence can be defined as:

- Preventing the person to engage in spiritual practices or to have their own personal religious beliefs;
- Ridiculing the individual's religious beliefs;
- Forcing the woman to marry or bare children, or contrarily, prevent her from baring children;
- Doubting the other's faith and its authenticity.

Sexual violence can be defined as:

- Imposing a sexual activity towards the woman without her consent;
- Sexual harassment: by touching, rubbing, brushing the woman's body parts;
- Forcing the woman into prostitution;
- Forcing the woman to wear revealing clothes or accessories;
- Biting the woman's breasts or tie her up without her consent;
- Forcing the partner to have sexual relations with other men or many men at the same time;
- Rape;
- Engaging in an "open relationship";
- Demanding fellatio (oral sex), or any other sexual practice in which the woman is not comfortable doing;
- Forcing the woman to fulfill his fantasies;
- Having extra marital unprotected sex and refusing to use protection with the partner;
- Engaging in unwanted anal penetration with the woman;
- Forcing the woman to watch pornographic videos;
- Comparing sexual performances of the woman with those performed by porn celebrities, models or previous sexual encounters.

Physical violence can be defined as:

- Shoving, pushing, hitting, pinching or tying one's partner, spitting on her;
- Punching her or hitting her with weapons such as bats, belts, hitting her in her stomach while being pregnant;
- Strangling, mutilating, scratching, pulling her hair, kidnapping, killing.

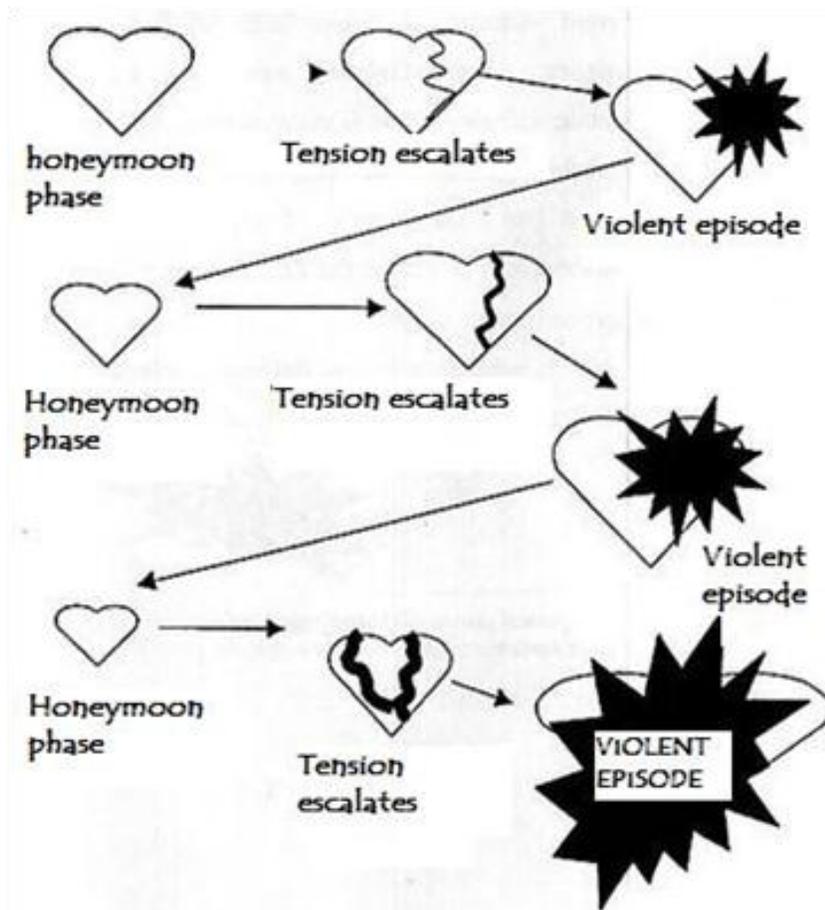
CHARACTERISTICS OF VIOLENT MEN

Excerpt from the guide entitled "Pour aider les enfants à mieux réussir" (Helping children do better):

- **Control:** constant criticising, verbal violence, financial control, cruelty;
- **Absolut right:** he is convinced that he possesses a special right without taking any responsibility (For example, the family life based on his needs). Whenever his needs are not met, he believes to be the victim, he justifies the violence as being a form of self defense;

- **Selfishness and egocentrism**: he believes to be the center of attention and requires that his needs are met;
- **Superiority**: shows disdain towards the woman whom he considers as stupid, a sexual object or simply as his servant;
- **Possessiveness**: considers his wife and children as his possession;
- **Confusion between love and abuse**: explains that the reason behind the violence is love and caring;
- **Manipulative behaviour**: referring to tactics of confusion, distortion of the truth as well as lies. He may portray self as a humble individual and make the woman come off as crazy or violent;
- **Behaviours contradictory to his words**: can say one thing but does otherwise. In public setting he might criticise men who are violent towards women;
- **Denying responsibility for his actions**: does not accept blame for his actions and their effects on others, especially on the woman;
- **Denial, minimization and assigning blame onto the victim**: he refuses to acknowledge his violent behaviour (for example saying the "victim fell"). He does not admit the seriousness of his behaviour and its effects, he blames the victim;
- **Series of aggression**: men who relapse into violent behaviour from one woman to another.

THE CYCLE OF VIOLENCE



THE DIFFERENT PHASES IN A CYCLE OF VIOLENCE

1. **Tension:** the aggressor feels excess frustration and anger, the woman feels worried and restless.
2. **Explosion of violence:** the man is not satisfied with the efforts of his partner. The woman feels humiliated, sad and angry.
3. **Justification and denying responsibility for his action:** the man finds excuses to justify his violent behaviour. The woman tries to understand his explanation and hopes that the violence will eventually stop.
4. **Honeymoon:** the man asks for forgiveness, the woman gives him another chance because she believes he is capable of changing.

With time, the violent episodes may intensify which in turn could even lead to the death of the victim.

THE CONSEQUENCES OF VIOLENCE ON WOMEN

Physical and sexual consequences:

- Headaches, insomnia (difficulties falling asleep and waking up frequently), scratches, bite marks, burns, cuts, fractures, blows, various pains (back pain, numbness of limbs and shoulders), paralysis, loss of sensitivity (smell, hearing, sight), STD/AIDS, unwanted pregnancies, difficulty performing sexually (loss of libido/sexual desire or hyper sexualisation), death of the victim.

Psychological consequences:

- Low self-esteem, lack of self-confidence, difficulty of social interactions (trust and intimacy issues), loneliness, anxiety, nervousness, fears, sadness, mental health problems (multiple personalities, eating disorders: anorexia nervosa/bulimia nervosa, depression), suicidal thoughts or attempted suicide, alcoholism, drug addiction, use of medication, loss of autonomy, emotional dependence.

Other consequences:

- Financial dependency that the woman has over her husband, poverty, debt, difficulty finding work, unable to succumb to one's own needs or the needs of the children, difficulty in ensuring the safety of the family, loss of independency and freedom, feeling like they are being trapped, forced conversion to another religion, questioning her faith and beliefs and feeling guilty of doing so.

THE EFFECTS OF VIOLENCE ON THE CHILDREN

Children may also suffer the violence whether it is on a psychological, sexual or physical level.

Effects on newborns and toddlers:

- A tensed, distracted, unhappy and socially isolated mother;
- Possibility of being accidentally injured or physically abused;
- Nutrition and health are compromised due to financial abuse by preventing the woman to purchase basic goods for the baby such as food preparations, vitamins, diapers, security systems to be placed in and around the house, etc.;
- Baby is tensed, non-receptive, agitated, frustrated.

Effects on preschool children:

- Worried about being injured and could oftentimes have nightmares about it;
- They may believe that they are the reason behind the violence and the fights amongst their parents;
- They hope that their favourite superhero will come and rescue them;
- They try to cease the violence by screaming for example;
- They try to concentrate on something else such as their games, toys or their favourite television show.

Effects on school aged children:

- They believe the reason behind the violence is stress, a limited budget, alcoholism, etc.;
- They could develop troubling behaviours such as antisocial and/or aggressive behaviours;
- They might have difficulties developing friendships with other children;
- They might decide to socially isolate themselves rather than exchange with the others;
- They might recreate scenes of violence that they witness at home amongst the other children at school or in their neighbourhood.

Effects on teenagers :

- They might be embarrassed, might feel the need to isolate themselves or project a « normal » image onto others;
- They might feel responsible towards their younger siblings and maybe even their mother;
- They might feel the need to seek revenge against the aggressor or could feel relieved that the aggressor is no longer among them;
- They might worry of the possibility that their mother might reconcile with the aggressor or meet another aggressor as violent as the previous ones;
- They might have low self-esteem;
- Could become depressed or be diagnosed as clinically depressed;
- They might have suicidal thoughts or have already attempted suicide;
- They might mutilate themselves as a way to punish themselves or deal with the pain;
- They might develop anxiety disorders, have panic attacks;
- They might develop an eating disorder;

- They might engage in one or many sexual encounters either protected or not with one or many partners in order to feel loved and wanted;
- They might turn to drugs and alcohol to either ease or forget the pain;
- They might imitate the aggressive behaviours witnessed at home in their own friendships or relationships for many years to come;
- They might develop delinquent behaviours such as commit petty or serious crimes, find themselves in jail perhaps in hopes that they will get the desired attention they crave from their parents;
- They might develop violent behaviour, use intimidation and bullying in order to intimidate others and get what they want and gain an authoritarian status in their own environment;
- They might flee their home and perhaps with time find themselves living on the streets;

REASONS WHY WOMEN STAY

Often times, women stay in the relationship because of the following reasons:

- They lack confidence in their capabilities;
- Lack resources because all goods are under the aggressor's name;
- Because they are still in love with the aggressor;
- They are scared the aggressor might kill them or that he kills or kidnaps their children;
- They are scared the aggressor might commit suicide;
- They fear not having custody of the children;
- They are scared of being intimidated by the justice system (of being accused of kidnapping her own children);
- They fear that no one will believe them;
- They are sponsored by their husband and they feel vulnerable because of their immigration status;
- They want to give the aggressor another chance seeing as the good times they once had together gives them hope that the aggressor can change.

➤ **Beliefs** regarding conjugal violence amongst **immigrant women**:

Excerpt from the guide entitled "Pour aider les enfants à mieux réussir" (Helping children do better):

- Women must focus on the needs of their family rather than on their own needs;
- Family affairs are private and should not be by any means discussed with strangers;
- Any behaviour by the husband should be tolerated by the wife;
- Choosing to divorce may lead to an alienation within their ethnic or religious community;
- The woman should always be by nature someone who is accommodating whereas the man should be authoritarian;
- It is important to them to project to the rest of the population an image of "good housewife".

➤ **Concerns** regarding conjugal violence amongst **immigrant women**:

Excerpt from the guide entitled "Pour aider les enfants à mieux réussir" (Helping children do better):

- Language can act as a barrier for seeking advice and help;

- The woman might be scared of the police based on the experience in her country of origin;
- She does not want her husband to be accused with criminal charges;
- She may fear shelters and might feel uncomfortable seeking refuge there;
- She fears the Child Witness Protection Program;
- She fears the consequences of divorce or legal processes on her immigrant status;
- She fears of being deported and possibly having to leave her children behind.

WHAT CAN I DO TO HELP?

- Trust her;
- Listen to her and let her express her thoughts and feelings.
- Provide her with clear messages:
 - **Violence is never acceptable or justifiable and should never be tolerated;**
 - Alcohol and/or drug addiction, stress, anger or other factors of this sort are not the causes behind violence.
 - Violence is a learnt behaviour.
 - Violence is not justified by the behaviour of the victim.
 - Violence has no religion, no age, no culture or financial state and could affect anyone at any time.
 - The children's safety as well as the woman's always comes first.
 - Conjugal violence is a criminal act.
 - Violence against women is always the aggressor's responsibility.
 - It is not the woman who is the cause of violence.
 - She need not be ashamed of the behaviour of her partner.
 - Excuses and promises will not end the violence.
 - She cannot change her partner's behaviour.
 - She is not alone.
 - She is not crazy.
 - Violence is not a loss of self-control; it is a means to control others.
- Discuss with her measures she could take to ensure her security and that of her children.
- Help her recognize what is best for her and her children.
- Tell her that stopping herself and her children to be exposed to violence is the best thing she can do for herself and her children.
- Tell her there are people and resources ready to help her.
- Provide her with a list of resources in her area.
- Respect her privacy on the subject matter.
- Do not tell her what to do: whether to leave her partner or not; that is up to her to decide.
- Do not advise her to go back to the partner and work things out between them.
- Do not advise her to speak with her partner on this subject matter in order to rectify things.
- Do not advise her to stay together for the children; a single parent can also be considered as a good parent.

PREEMPTIVE PROTECTION MEASURES

Here are a few measures of protection both you and your friend could take should you ever find her or yourself in this situation:

- Hide in a safe place, preferably outside of the house, the following documents:
 - Birth certificates: her and her children's;
 - Marriage contract;
 - Passports and immigration documents;
 - Life insurance policies;
 - Valuable objects and possibly their receipts;
 - Children's report cards and diplomas.

- Always keep in your handbag the following documents:
 - Credit cards and money (or at least enough money for a taxi);
 - Driver's licence;
 - Health and vaccination booklets (her and the children's);
 - Her social insurance card;
 - Health insurance and hospital cards (her and her children's);
 - Her bank booklet
 - Membership cards under her name;
 - House keys;
 - Keys for safety deposit box if she has one;
 - The telephone number of the closest shelter placed in her wallet.

- Other measures:
 - She should make a list of important phone numbers and keep it in a place where she can have easy access to it;
 - Notify a neighbour in case she would have to send her children to them;
 - Ask a neighbour to call the police if she hears the beginning of a violent episode;
 - Explain the situation to the children and advise them of the procedure to take when a violent episode begins: go to a neighbour's house or call the police.

LEGAL ASPECT

In the criminal code, there is no actual offence named "conjugal violence", however, all the acts that characterises conjugal violence can be found. If there is physical violence, the aggressor could be charged with assault and if it is sexual assault, the offence can be applied and the harassment or threats could also be applied. In other words, there is an offence related to each act of conjugal violence.

Those who are found guilty for these offences may be subject to penalties ranging from 18 months to life imprisonment. Contrary to the common myth that the vast majority of men who commit sexual assault are not mentally ill within the meaning of the law; only 3% of rapists could be considered as such.

Concerning sexual assault (forcing an individual to have sexual relations without her consent is an example of sexual assault), it is important to note that the husband could be accused even if the victim is his wife.

When it is question of conjugal violence within the relationship, the procedure to ask for divorce is simplified. Indeed while it is normally required to wait one year of separation before a divorce can be obtained, this procedure is no longer mandatory when there is proof of physical or psychological fear or even adultery (extramarital sex with one or many partners).

Regarding child custody during procedures of divorce, the judge will decide on the procedure required for such situations. However, it is extremely rare that the children are removed from their familial environment. This only occurs if neither of the parents are capable of taking care of the children and even in these cases, the judge will prioritise the children's family as caretakers. Therefore in most cases, the judge will evaluate the situation and will decide who should be the children's caretaker based on the child's best interest. In conjugal violence cases, it is certain that the judge will favour the mother as the children's caretaker, given the context. Regarding the father, it could be possible and depending on each case, that he will get shared custody of the children (have them every other week-end for example) or have supervised visits to see his children. To sum up, the judge will evaluate the circumstances in order to find a solution that would be in the best interest for the children.

THE LEGAL PROCESS IN CONTEXT OF CONJUGAL VIOLENCE

1. **Call the police:** When that call is made, two officers are sent to the scene and it is of their duty to protect the victim and put an end to the violence. They then try to understand the situation. If they have reasonable motives to believe that an infraction has been committed, they have the power to arrest the aggressor.

2. **Reasonable motives to believe that an infraction has been committed:** Reasonable motives include: a call made to the police, the facts surrounding the circumstances such as screams, neighbours explaining what they heard or saw, injuries, etc. They are all reasons that could lead to believe that there is indeed presence of conjugal violence. If there is arrest, the individual will be brought to the police station and within a maximum of 24 hours, he will be brought to appear before a court of justice.

3. **Appearance in court of justice:** During his appearing in court, the individual would be in most cases released, unless he is considered to be a serious threat to society or doubts regarding his capabilities of respecting his conditions are felt against him. He is to follow the following conditions: do not disturb the peace, do not consume any drugs or alcohol, it is forbidden to carry a weapon or a gun as well as follow a condition called "810". If he respects and follows all conditions, he could be momentarily liberated while waiting for this trial.

4. **"810":** The name of this condition comes from the article corresponding to the criminal code. It is forbidden to communicate in any way with others (telephone, internet, in person, using a third party to communicate with the other). In case of conjugal violence, the accuser does not have the right to communicate with the victim and their children because that will be considered as disturbing the peace.

Even if the victim communicates with the aggressor, he is not allowed to answer. The article "810" can also forbid the accuser to be within one kilometer from the victim's house, work or any place considered appropriate by the judge. It is important to note here that the article "810" may be requested at any time by the victim who is afraid of her husband, even though no offence was committed. The victim should simply make a demand at the Palais de Justice (Courthouse) in her city. If the individual does not respect his applied "810" rule or any other conditions put forth against him, it is a criminal offence and he will have to appear in court for sentencing. It will be unlikely that the judge will let the aggressor out before getting his sentence. It is also important to note that the victim always has the right to know the progress of the case.

5. Modifications of the conditions of release and the conditions for the children: It is possible to notify the conditions of release, provided that the crown prosecution and the accused are in agreement. Regarding the children during the procedure and the pending of the trial, if they are not in any danger with the father, it is possible that they can see him with or without supervision.

6. Options for the lease of accommodation: In the case of conjugal violence, it is rather easily possible to obtain the termination of the lease. The victim should need to get an attestation regarding conjugal violence (may be found free of charge at the Palais de Justice, a CLSC, CAVAC, a housing committee, police stations as well as shelters for women victim of conjugal violence) and then give notice to the owner. Three months later (if the lease was for a period of maximum one year) the lease will be annulled. It is possible to leave the household before the lease or termination, but the landlord is still responsible for the housing.

7. Options to come pick up personal belongings and family mediation: as spouses can no longer communicate, it can become difficult to resolve current issues during the proceedings (children, education, regular payments, etc.), this way it is possible to communicate in the presence of lawyers to settle family proceedings. The individual who is residing outside the household during the proceedings could be able to pick up their belonging under police supervision.

8. The trial: During criminal trial, the complaint does not belong to the victim, so it cannot be removed. Once the complaint is deposited it is now in the hands of the State. The individual who takes on the complaint and the victim become the principal witness. The victim cannot decide not to testify except under certain conditions considered to be acceptable by the Crown prosecutor. Among other things, they will see if the victim acts under certain threats and may also require from the victim to declare to the judge why they are not testifying. If the prosecutor accepts that the victim does not testify, it can result as a lack of evidence, therefore the individual could be acquitted. However, if it is possible to get a conviction, the prosecutor will continue the trial without the testimony of the victim.

9. The sentence: The judge, following the trial, will have to decide on a sentence for the individual depending on the criminal offence.

SPECIFIC PROTECTION FOR THE VICTIM OF SEXUAL VIOLENCE

Certain precautions aim to protect the victim of conjugal violence. In trial for crimes of sexual nature, the Criminal Code prevail that "the evidence of sexual nature to attack or defend the credibility of the complaint is inadmissible". A lawyer thus could not question the victim on their sexual behaviour to establish credibility.

THE DIFFERENT IMMIGRATION STATUSES AND THEIR EFFECTS

Immigration status can greatly influence the future of the woman victim of conjugal violence. Here is a brief overview of the different immigration statutes and the rights applicable to each.

➤ Woman sponsored by her spouse while waiting for permanent residency:

The spouse can withdraw his sponsorship at any time and without justification. This is subject of great vulnerability for the woman as she is supposed to have an immigration status in order to legally remain in Canada. However, the sponsored woman waiting for her permanent residency has access to legal aid and social assistance if she satisfies the eligibility criteria.

➤ Sponsored woman who received their permanency:

The partner can withdraw his sponsorship. The woman who is sponsored by her partner and who received her permanent residency has access to legal aid and social assistance only if she satisfies the admissibility criteria. Her sponsor should have to reimburse the fees to the government for the period of sponsorship.

➤ Refugee woman waiting for status:

If the application for the refugee status was made jointly with the husband, there can be problems especially if he is subject of conviction. If the demand was made separately, the conviction will not affect the woman's status. Although she is not entitled to social assistance, the refugee woman waiting for her status has access to legal aid if she meets the admissibility criteria.

➤ Woman as received refugee:

If the spouse is convicted of a criminal offense, it can decrease the rapidity of obtaining permanent residency but if the spouse is deported from Canada, this will not act in a negative manner to the woman. The refugee woman has access to legal aid if she meets the admissibility criteria.

➤ Woman without legal status:

A woman without legal status is in a more precarious situation because her rights are almost not recognized. Although she does not have access to social assistance or legal aid, she may be entitled to a lawyer paid by legal aid with regards to her immigration file.

**IT IS NOT BY LOVE.
IT IS NOT A PASSIONATE DRAMA.
IT IS THE ULTIMATE MANIFESTATION OF CONTROL MADE BY
A MAN ON HIS WIFE.**

RESOURCES AND REFERENCES FOR WOMEN VICTIM OF CONJUGAL VIOLENCE

Concertation-Femme	514-336-3733
Maison secours aux femmes	514-593-6353
Police	9-1-1
S.O.S. Violence Conjugale	514- 873-9010 ou 1-800-363-9010
Suicide-Action	514-723-4000
D.P.J.	514-896-3100
Batshaw	514-935-6196
Tel-jeunes (pour les jeunes)	514-288-2266
Tel-jeunes (pour les parents)	514-288-5555
Action des femmes handicapées	514-861-6303
Maison des femmes sourdes de	514-255-5680
Women Aware	514-489-1110
Service d'aide aux conjoints	514-384-6296
Centre pour les victimes d'agression sexuelle de Montréal	514-934-4504
Tel-Aide	514 935-1101
www.concertationfemme.ca	
www.violenceconjugale.gouv.qc.ca	
www.shelternet.ca	

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YOUR WELL-BEING IS OUR REASON FOR BEING...

Concertation-Femme has the mission to provide to the local female population community services in order to improve the quality of life of a female clientele who are susceptible of isolation and financial and social dependence.

Concertation-Femme aspires for all women to become autonomous in the emotional, political, social and economic aspects of their lives and to integrate newcomers to the Quebec society.

In a warm and welcoming ambiance, we offer a variety of personalised, dynamic and polyvalent activities and services for all women:

- Reception and reference
- Help relations
- Legal information
- Integration
- Economic development program
- Educational activities
- Day-care

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