

**A Handbook Dealing with
Woman Abuse and the Canadian
Criminal Justice System:
Guidelines for Physicians**

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Health Canada

A Handbook Dealing with Woman Abuse and the Canadian Criminal Justice System: Guidelines for Physicians was prepared by **Lorraine E. Ferris, Asifa Nurani** and **Laura Silver** for the Family Violence Prevention Unit, Health Canada.

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FOREWORD

Abuse is common, and in one way or another, no matter what our circumstances, we have all been victims of those who seem compelled to use psychological, sexual or physical abuse to assert their power over us. Yet both victims and witnesses are too often reluctant to report or redress the wrong, perhaps from the misguided belief that nothing can be done about it, that it was an isolated incident, that any reaction may incite more abuse or other consequences, or that the victim in some way may have done something to deserve it.

Abuse of women by their partners or spouses is particularly disturbing because it is common and is complicated by the interdependency of the relationship between a man and a woman. Furthermore, others who might be able to do something—such as physicians—are often reluctant to invade the privacy of the relationship even when they suspect abuse might be occurring, and they shy away from involvement in situations that may have legal implications.

With the leadership and financial support of Health Canada, psychologist and epidemiologist Lorraine Ferris, public health specialist Asifa Nurani and lawyer Laura Silver have produced this collaborative work not only to demonstrate the magnitude of the problem but also to guide physicians in recognizing the manifestations of

woman abuse, documenting them sufficiently so that the evidence will be credible in court, and helping the victim gain access to the relevant community resources.

Wherever possible, the authors have documented the evidence supporting their recommendations and have been straightforward in indicating when evidence is equivocal or absent.

Physicians have a critical responsibility to recognize and respond to the abuse of women. This handbook is an important step in helping them meet that responsibility.

Bruce P. Squires, MD, PhD
May, 1998

Bruce Squires is the former editor-in-chief of the Publications Department of the Canadian Medical Association and the Canadian Medical Association Journal. He is currently vice-president of the World Association of Medical Editors.

PREFACE

Ms. D. presents for her well-woman examination. During the functional inquiry, she reports insomnia and symptoms compatible with anxiety. She has multiple bruises and a resolving black eye, and when asked how these injuries were caused, she gives a very improbable story. Suspecting that she is being physically abused by her partner, the physician mentions that sometimes people have injuries such as these because someone has hurt them, and then asks her directly and empathetically if this is occurring. She acknowledges that it is.

Given the prevalence of this problem, there is a high likelihood that every physician has seen or treated cases of women who have been assaulted by their partners. In a Statistics Canada national survey¹ of 12,300 women over the age of 18, 30% (who had ever been married or in a common-law relationship) reported having been assaulted by their male partner at least once; almost 20% more than once, and almost 10% more than 10 times. Between 1974 and 1990 in Canada, the rate of murder of women by their spouses was 0.83 per 100,000.²

In this handbook, which is intended for practising physicians and medical students, we examine the issue of woman abuse, particularly as it pertains to physicians' interactions with the Canadian criminal justice system, and we make recommendations about professional practice. Chapter 1 provides background information about woman abuse and introduces the medico-legal interface. The remaining chapters review practice issues, background information and clinical recommendations. In each section we refer to other guidelines; no one set of guidelines is known to deal with all the areas discussed here.

In this handbook, we define “woman abuse” as “physical or psychological abuse directed by a man against his female partner in an attempt to control her behaviour or intimidate her.”³ We consider here all forms of abuse for the purpose of exercising power and control—physical, psychological and emotional, economic and sexual; however, psychological, emotional or economic abuse (unless it is fraud) are not punishable as criminal offences. (We do not deal with abuses perpetrated by women on men or by women in lesbian relationships.)

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