

**A Review of Intimate Partner Violence in Canada**

By

Samantha Barlage

201219488

Under the Supervision of

Professor Doug King

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**Abstract**

Intimate partner violence (IPV) occurs frequently in Canada, with 35 percent of all women experiencing IPV at some point in their lifetime. Through the consideration of historical social and legal factors, a background for the prevalence of IPV in Canadian society is established. An examination of the current state based on statistics and research is also considered. An analysis on the responses of the Federal Government and some provincial provisions is also conducted. The resulting suggestions concern government spending, educational provisions, and law enforcement practices.

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Intimate partner violence (IPV) is the “threatened, attempted, or completed physical or sexual violence, emotional abuse, or stalking by a current or former intimate partner” (Lynberg-Black, 2012, p. 641). The use of intimate partner in place of domestic violence allows for violence outside of marital or cohabitation relationships (Lynberg-Black, 2012, p. 641). IPV affects women and men worldwide, with 35 percent of women experiencing IPV at some point in their life globally and more than 50 percent of those affected never seeking formal help (World Health Organization, n.d., Violence and injury prevention: Intimate partner and sexual violence). The picture of IPV in Canada is a complex one, with many factors potentially influencing why the rate is high and why specific populations experience IPV more than others. Through the examination of the history, current state, and responses to IPV, an analysis of the responses currently in place in Canada will hope to shed light on the shortcomings of the current system.

### **History of IPV in Canada**

There are many factors over the course of Canadian history that have influenced the state of IPV as it currently stands. Traditionally considered a private affair between two individuals, IPV was not addressed in the public sphere for quite some time (Bruckert & Law, 2018, pp. 131-133). In addition to this, the legal system of Canada was set up in a more openly patriarchal structure than it is today which reinforced the notion that violence of this nature was a matter between a husband and wife and that there should be no external influence and only small restrictions on the conduct of husbands toward wives. Before the current state of IPV in Canada can be examined, it is important to understand the legal and societal evolution of IPV that occurred.

**Private vs. Public Affair**

Before the laws in Canada could take a stance on IPV, the struggle between whether or not it was a private or public issued had to be resolved. Due to the nature of this violence being between intimate partners and most often occurring in private dwellings, the argument that it is a private affair becomes a question of the scope of the law in a person's home. Traditionally in Canada, the affairs of heterosexual couples were deemed private which is conveyed through the legal system giving a man some absolute rights to different levels of control over his wife (Bruckert & Law, 2018, pp. 131-133). In addition to the gaining of additional rights and legal protections for men, women were not considered persons in Canadian law until 1929 when the Privy Council of England reversed a previously made Supreme Court decision that declared women were not recognized as persons under the British North America Act (BNA Act) (Marshall & Cruickshank, 2015, Persons Case, para. 1). This lack of recognition made it difficult for women to leave abusive relationships or take action against abusers, as they were considered their property to discipline (Bruckert & Law, 2018, p. 131).

**Classism in Canada.** Cases of IPV have been stereotyped to affect 'lower class' men and women, with "assumptions about brutish working class men" being observed as early as the 1870's (Bruckert & Law, 2018, p. 131). Part of these assumptions come from the link between substance abuse and IPV, with specific focus on alcohol, and how the abuse of alcohol was considered a root cause of IPV instead of the actions of the offender (Bruckert & Law, 2018, p. 131). While alcoholism can play a role as an aggravating factor in IPV, the rate of IPV in Canada is too high, with approximately one in three women experiencing some form of partner violence in their lifetime, for it to be solely associated with 'lower class' individuals (Moffit, Fikowski, Mauricio, & Mackenzie, 2013, pp. 3-4; Bruckert & Law, 2018, p. 129).

### **Legal History and Current Legislation**

The history of the status of women and men in Canadian society is arguably the beginning of IPV. Through the evolution of common law from the Catholic Church in the form of British common law, as Bruckert & Law state (2018) that was adopted by Canada after colonization, women were consistently treated as the property of their husbands through marriage. From this beginning, laws permitting and controlling the conduct of women by their husbands become permissible. It was believed that since a husband is legally responsible for the conduct of his wife, he should then be responsible for her discipline (p. 131). This discipline included, but was not limited to, corporal punishment to the degree deemed necessary by her husband (pp. 130-131). Similar to the treatment experienced by survivors of sexual assault in Canada currently, the court system examined the character of the women affected by IPV critically looking for reasons to justify the violence used against them (Blackhouse, 1991, as cited in Bruckert & Law, 2018, p. 131; see Charles, 2016, Jian Ghomeshi trial could deter women from reporting sexual assault).

From here, small advancements were made for specific populations of women, such as the working class who were given the opportunity to seek legal protection of the funds they accumulated from their husbands (p. 131). These legal advances were also met with legal regressions, specifically the encoding of the assumed man's right to sexually assault his wife, giving absolute legal protection and dominance in a different way than had been previously conceded (p. 132). It took until 1983 for this law to be overturned with Bill C-127, which redefined the offence of rape as sexual assault (Alphonso & Farahaksh, 2009, Canadian law only changed 26 years ago, para. 3). Even though spousal sexual assault is illegal, there was a more recent example in Ontario, where a husband was not convicted of sexually assaulting his wife

due to a lack of criminal intent and both parties not realizing that forcing your spouse to have sex is illegal, that illustrated that the belief of men being entitled to sex from their partner or wife is alive and well (British Broadcasting Corporation, 2017, Canadian man found not guilty of raping wife, para. 1).

**Assault.** As feminists and women in Canada continued to push IPV into the spotlight, an increased focus on police and criminal justice intervention as a way to prevent IPV emerged (Bruckert & Law, 2018, p. 134). The section in the *Criminal Code* devoted to assault is arguably the most important in relation to IPV since physical violence is the most common type of reported offence against victims (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 23). The offence of uttering threats, s. 264.1 (1), covers conduct that is more indirectly harmful to victims, such as the abuse of animals and property damage (Canadian Criminal Code, 1985, s. 264.1(1)). Because uttering threats falls under the assault category of offences against the person, these indirect actions that are largely associated with psychological abuse can be classified as “other” offences and diminish the representation of emotional or psychological offenses (Bruckert & Law, 2018, p. 135; Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 28). Although sexual assault is under the assault offences in the *Criminal Code*, it is tracked separately from physical assault when reported to police (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 28).

**Firearms offences.** While there is no specifically codified offence against a person with a firearm targeted at intimate partner violence, it is mentioned in s. 109 (1)(a.1)(i) that a mandatory prohibition order will be issued against an offender that used, attempted, or threatened violence against an intimate partner (Canadian Criminal Code, 1985, s. 109(1)(a.1)(i)). This order dictates that an offender will be prohibited from possessing “any



firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition, and explosive substance” for a required amount of time (Canadian Criminal Code, 1985, s. 109(1)(d)).

**Table 2.4**  
**Victims of police-reported intimate partner and non-intimate partner violence, by sex of victim, type of weapon present and level of injury, Canada, 2017**

Type of weapon present and level of injury	Intimate partner violence <sup>1</sup>						Non-intimate partner violence						Total victims
	Female victims		Male victims		Total victims		Female victims		Male victims		Total victims		
	#	%	#	%	#	%	#	%	#	%	#	%	
No weapon <sup>2</sup>	4,193	7	779	5	4,972	7	6,864	10	4,667	5	11,531	7	7
Threats <sup>3</sup>	3,560	6	543	4	4,103	6	7,441	11	10,160	10	17,601	10	9
Physical force	42,144	74	9,848	67	51,992	72	43,860	62	53,132	54	96,992	57	62
Weapon	7,256	13	3,628	25	10,884	15	12,583	18	31,024	31	43,607	26	23
Firearm	506	1	84	1	590	1	1,841	3	4,629	5	6,470	4	3
Knife or other piercing instrument <sup>4</sup>	2,040	4	1,305	9	3,345	5	3,662	5	11,213	11	14,875	9	8
Club or other blunt instrument	738	1	420	3	1,158	2	1,167	2	4,022	4	5,189	3	3
Other weapon <sup>5</sup>	3,972	7	1,819	12	5,791	8	5,913	8	11,160	11	17,073	10	9
Unknown	1,259	...	396	...	1,655	...	2,051	...	2,384	...	4,435	...	...
<b>Total type of weapon present</b>	<b>58,412</b>	<b>100</b>	<b>15,194</b>	<b>100</b>	<b>73,606</b>	<b>100</b>	<b>72,799</b>	<b>100</b>	<b>101,367</b>	<b>100</b>	<b>174,166</b>	<b>100</b>	<b>100</b>
No injury <sup>6</sup>	23,815	43	5,848	40	29,663	42	43,958	64	51,043	53	95,001	57	53
Injury	31,663	57	8,649	60	40,312	58	25,028	36	46,049	47	71,077	43	47
Minor physical injury <sup>7</sup>	30,390	55	8,225	57	38,615	55	23,988	35	40,641	42	64,629	39	44
Major physical injury or death <sup>8</sup>	1,273	2	424	3	1,697	2	1,040	2	5,408	6	6,448	4	3
Unknown	2,934	...	697	...	3,631	...	3,813	...	4,275	...	8,088	...	...
<b>Total level of injury</b>	<b>58,412</b>	<b>100</b>	<b>15,194</b>	<b>100</b>	<b>73,606</b>	<b>100</b>	<b>72,799</b>	<b>100</b>	<b>101,367</b>	<b>100</b>	<b>174,166</b>	<b>100</b>	<b>100</b>

... not applicable

1. Includes married, separated or divorced spouses, common-law partners (current and former), dating partners (current and former) and other intimate partners. Includes victims aged 15 to 89 years.

2. Includes no threat, physical force or weapon.

3. Includes threats that are construed to imply that death or injury is possible.

4. Includes other piercing/cutting instruments, such as a hatchet, razor blade or arrow.

5. Includes other types of weapons such as explosives, fire, motor vehicles, poison and weapons not otherwise classified.

6. Includes incidents that did not involve the use of weapons or physical force as well as those in which no visible injuries were noted by police.

7. Refers to injuries that required no professional medical treatment or only some first aid (e.g., bandage, ice).

8. Refers to injuries that required professional medical attention at the scene or transportation to a medical facility, or injuries that resulted in death.

**Note:** The weapon present in an incident (if any) may or may not have caused the injury to the victim (if any). Intimate partner violence refers to violence committed by legally married, separated or divorced spouses, common-law partners (current and former), dating partners (current and former) and other intimate partners. Victims refer to those aged 15 to 89. Victims aged 90 years and older are excluded from analyses due to possible instances of miscoding of unknown age within this age category. Excludes victims where the sex or the age was unknown or where the accused-victim relationship was unknown. Excludes data from the province of Quebec due to data quality concerns. Percentages have been calculated excluding unknown type of weapon and unknown level of injury. Percentages may not total 100% due to rounding.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Burczycka, M. (2017). Section 2: Police-reported intimate partner violence in Canada, 2017. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54978-eng.pdf>.

This legislated measure against the use of weapons in IPV but may not be an effective way of preventing IPV since most offences committed do not include the use of a weapon (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 28).

### **Current State of Intimate Partner Violence**

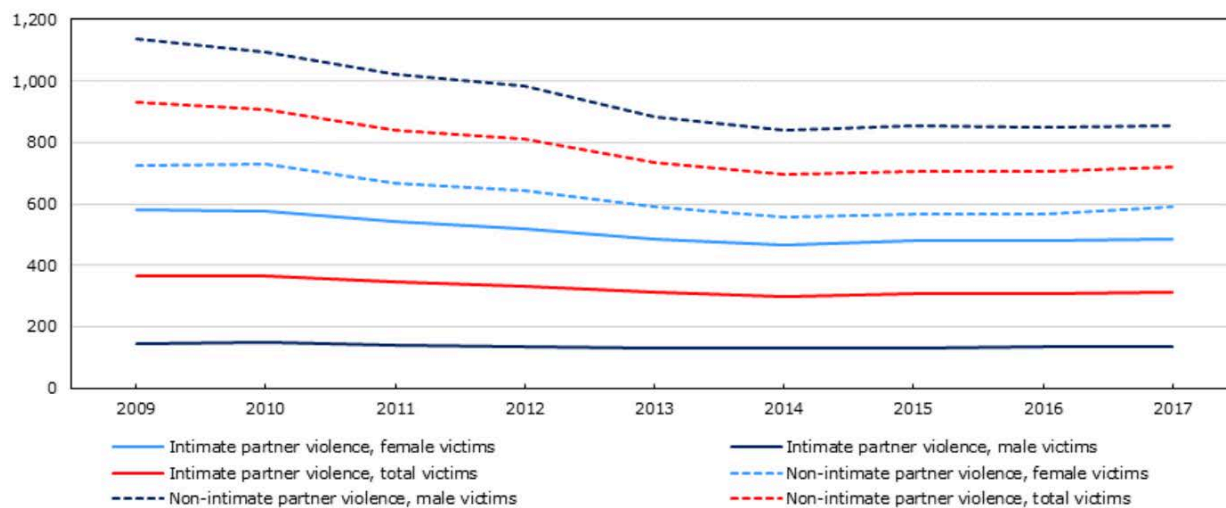
In 2017, IPV accounted for 30 percent of all reported violent crime in Canada (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 22). As with most types of interpersonal and family crime, these statistics are assumed to be largely underestimated - potentially 78 percent of IPV is unreported to police - indicating that IPV is an area of concern for all regions of Canada (Zorn, Wuerch, Faller, & Hampton, 2017, p. 633). In addition to known and unknown statistics about where an individual lives, there are several other factors which can increase a person's likelihood of being a victim of IPV, such as gender, race, and societal beliefs surrounding IPV victims. Considering these factors collectively allows for a more accurate picture of the current state of IPV to be assessed.

### **Women as Victims**

The rate of victimization for women has stayed fairly consistent from 2013-2017, with a decline occurring between 2009-2013 (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 22). Out of all violent crime, IPV was the most commonly experienced by women making up 79 percent of victims. To further emphasize the frequency at which IPV occurs, at some point in their lifetime 35 percent of all women experience IPV in Canada (Bruckert & Law, 2018, p. 129). This shows that women are grossly overrepresented (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 22). Contrary to the more popular opinion being victimized by a stranger is the greatest threat for violence, most women are victimized by someone they know while only around 16 percent of women are victimized by a stranger (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 26). In addition to this, women are more likely to be physically assaulted, the most common type of measured IPV, in rural communities which can have less access to services and law

**Chart 2.1**  
**Victims of police-reported intimate partner and non-intimate partner violence, by sex and year, Canada, 2009 to 2017**

rate per 100,000 population



**Note:** Rates are calculated on the basis of 100,000 population aged 15 to 89 years. Populations based upon July 1st estimates from Statistics Canada, Demography Division. Victims refer to those aged 15 to 89 years. Victims aged 90 years and older are excluded from analyses due to possible instances of miscoding of unknown age within this age category. Excludes victims where the sex or the age was unknown or where the accused-victim relationship was unknown. Based on the Incident-based Uniform Crime Reporting Survey, Trend Database, which, as of 2009, includes data for 99% of the population in Canada. As a result, numbers may not match those presented elsewhere in the report.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey, Trend Database.

Burczycka, M. (2017). Section 2: Police-reported intimate partner violence in Canada, 2017. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54978-eng.pdf>.

enforcement (Conroy, 2018, p. 18; Zorn, Wuerch, Faller, & Hampton, 2017, p. 637; Moffit, Fikowski, Mauricio, & Mackenzie, 2013, p. 2). On the most extreme end of the spectrum of IPV are cases that result in homicide, which are alarmingly common in Canada with one woman on average being murdered every six days (Bruckert & Law, 2018, p. 129). Of the women that are murdered in Canada, 49 percent are killed by an intimate partner in extreme contrast to the percentage of murdered men at 7 percent (Bruckert & Law, 2018, p. 134).

**The practice of victim blaming.** A common occurrence with all violent offences against women is the suggestion that these women have impaired judgement and are at least partially responsible for the violence against them for not recognizing the danger (Bruckert & Law, 2018, p. 130). Feminist explanations of IPV have also included the perception that when women deviate from their expected gender roles or fail to recognize the position of a man as powerful or

dominant IPV is more likely to occur (Walsh & Vaske, 2015, p. 114). There are issues with this perspective, since it does not explain why women use IPV effectively or address same sex couples' experiences (Walsh & Vaske, 2015, pp. 114-115). Nonetheless, this perspective also highlights how the behaviour of women is considered to be a large factor, while the men are responding to this rather than initiating. Ideology such as this largely supports the perception that women are responsible for violence by either being passive or by being aggressive (Bruckert & Law, 2018, p. 132). This may encourage women to believe that they are at fault for their own treatment, and could affect the likelihood of them leaving an abuser or seeking help (Bruckert & Law, 2018, p. 136).

**Patriarchal roadblocks.** It is important to contextualize the culture in which women are experiencing IPV to better understand how it is so pervasive despite continued efforts towards prevention (see Government of Canada, 2018, A year in review 2017-2018: Canada's Strategy to Prevent and Address Gender-Based Violence). Over the course of history, women's rights have been severely hindered, and at times were nonexistent, by the gender dominance given to men. This dominance, discussed by Bruckert & Law (2018), is specifically "given" to most men and not "taken" because it is steeped in legislation and religious interpretations that were patriarchal in structure and were written and enforced by men (pp. 130-131). This can be seen through the concept of marital unity where women entering a marriage "forfeited their legal entitlements to their husband" (p. 131). This entrenchment of power over women can be fully understood based on the ruling of a judge in 1826, Chief Justice William Campbell of the Superior Court of Upper Canada (Ontario Courts, 2019, Former judges of the superior courts, William Campbell), who stated that the punishment received by women must be so severe as to "put [their lives] in jeopardy" to justify leaving the marriage (p. 131). Over 100 years later, a Canadian activist and

feminist author Susan Cole (1982) stated that this violence against women was still largely state permitted due to the lack of response from the criminal justice system as a whole, which reinforced the patriarchal perspective that “the home is truly [the man’s] castle and that no one, not even the uniformed cop or the robed judge, will brook his authority” (Cole, 1982, 58, as cited in Bruckert & Law, 2018, p. 133).

### **Provincially and Territorially**

While reported intimate partner violence occurrences vary greatly across the provinces and territories, the rate at which they occur in each population is more consistent (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 35). The exception to this is the with the Northwest Territories, Yukon, and Nunavut being much higher; this is generally explained by the increased Indigenous population and Indigenous women being a high risk population to experience violence (Zorn, Wuerch, Faller, & Hampton, 2017, p. 634). The Prairie Provinces also tended to have a higher rate due to the victimization of Indigenous women (Zorn, Wuerch, Faller, & Hampton, 2017, p. 634). Again, with rates for intimate partner violence widely accepted as being inaccurate due to underreporting and limited definition of violence, the true scope of violence is most likely much higher than the current reports (Ansara & Hindin, 2011, p. 1641).

**High rates of intimate partner violence.** Although the rates of IPV vary across Canada, a few provinces and territories stand out with much higher rates than the rest. Among these areas, the rate between men and women who have experienced IPV also has large discrepancy with some provinces meeting a higher threshold for women and an average or below average rate for men. Whether a province or territory is above, below, or at an average rate of IPV is determined

by using the average national IPV rates as a reference point. The following provinces have an overall high rate:

1. Nunavut (3, 715 per 100, 000)
2. Northwest Territories (2, 906 per 100, 000)
3. Yukon (1, 118 per 100, 000)

**Table 2.6**  
**Victims of police-reported intimate partner and non-intimate partner violence, by victim sex and province or territory, 2016 to 2017**

Province or territory	2017						Percent change in rate: 2016 to 2017		
	Female victims		Male victims		Total victims		Female victims	Male victims	Total victims
	number	rate	number	rate	number	rate	percent		
<b>Intimate partner violence</b>									
Newfoundland and Labrador	1,136	495	309	140	1,445	321	2	-8	0
Prince Edward Island	237	366	48	78	285	225	-3	-13	-5
Nova Scotia	2,006	485	597	151	2,603	322	5	7	5
New Brunswick <sup>1</sup>	1,527	519	476	165	2,003	344	4	25	8
Quebec	16,987	484	5,111	147	22,098	317	5	5	5
Ontario	21,003	351	5,128	89	26,131	223	2	-2	1
Manitoba	5,057	961	1,218	233	6,275	599	0	-4	-1
Saskatchewan	4,949	1,099	1,250	272	6,199	682	-1	2	0
Alberta	10,662	621	3,053	174	13,715	395	-3	-2	-3
British Columbia	9,027	438	2,489	123	11,516	283	-1	1	-1
Yukon	280	1,775	79	484	359	1,118	2	-17	-3
Northwest Territories	813	4,782	199	1,117	1,012	2,906	13	7	12
Nunavut	840	6,695	145	1,059	985	3,753	2	-17	-1
<b>Canada</b>	<b>74,524</b>	<b>487</b>	<b>20,102</b>	<b>134</b>	<b>94,626</b>	<b>313</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>Non-intimate partner violence</b>									
Newfoundland and Labrador	1,522	664	1,936	875	3,458	767	3	-5	-2
Prince Edward Island	341	527	464	751	805	636	15	13	14
Nova Scotia	2,562	620	3,247	821	5,809	719	15	7	10
New Brunswick <sup>1</sup>	2,009	683	2,656	921	4,665	801	4	7	6
Quebec	18,705	533	27,594	796	46,299	663	6	0	2
Ontario	28,511	477	39,357	685	67,868	579	8	4	5
Manitoba	6,682	1,269	8,368	1,603	15,050	1,436	1	4	3
Saskatchewan	5,464	1,213	6,754	1,471	12,218	1,343	0	-2	-1
Alberta	12,022	701	17,633	1,003	29,655	854	0	0	0
British Columbia	10,569	513	17,615	874	28,184	692	-2	-5	-4
Yukon	375	2,377	410	2,512	785	2,445	-7	-6	-6
Northwest Territories	1,058	6,223	1,047	5,875	2,105	6,045	7	5	6
Nunavut	725	5,778	765	5,585	1,490	5,677	-2	12	5
<b>Canada</b>	<b>90,545</b>	<b>592</b>	<b>127,846</b>	<b>853</b>	<b>218,391</b>	<b>721</b>	<b>4</b>	<b>1</b>	<b>2</b>

1. Excludes data from the Saint John Police Service due to data quality concerns.

**Note:** Rates are calculated on the basis of 100,000 population aged 15 and over. Populations based upon July 1st estimates from Statistics Canada, Demography Division. Intimate partner violence refers to violence committed by legally married, separated or divorced spouses, common-law partners (current and former), dating partners (current and former) and other intimate partners. Victims refer to those aged 15 to 89 years. Victims aged 90 years and older are excluded from analyses due to possible instances of miscoding of unknown age within this age category. Excludes victims where the sex or the age was unknown or where the accused-victim relationship was unknown. Percentages may not total 100% due to rounding. Based on the Incident-based Uniform Crime Reporting Survey, Trend Database, which, as of 2009, includes data for 99% of the population in Canada. As a result, numbers may not match those presented elsewhere in the report.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey, Trend Database.

All of the provinces and territories have a higher rate of victimization experienced by women than men with Saskatchewan, Manitoba, and Alberta being the highest, for women and overall, of the provinces. common factor between the territories and the prairie provinces is a higher percentage of the population being Indigenous (Statistics Canada, 2017, Focus on Geography Series – Province of Alberta; Statistics Canada, 2017, Focus on Geography Series – Province of Saskatchewan; Statistics Canada, 2017, Focus on Geography Series – Province of Manitoba).

**Indigenous women in the territories.** Of all the affected populations and demographics of IPV, women are four times more likely than men to be a victim, and Indigenous women have an even higher rate of victimization (Zorn, Wuerch, Faller, & Hampton, 2017, p. 633). In 2014, self-reported spousal violence by Indigenous women was three times higher than non-Indigenous women, and Indigenous women living in the territories were victimized almost two times more than the provinces (Department of Justice, 2017, Victimization of Indigenous Women and Girls, para. 4). Issues of why this may be have been identified and include a lack of access to resources in rural locations, unrealistic wait times for police response, counselling, and the lasting impact of colonization (Zorn, Wuerch, Faller, & Hampton, 2017, p. 635; Moffit, Fikowski, Mauricio, & Mackenzie, 2013, p. 3).

**Colonization.** The influence of colonization in Canada greatly affected the Indigenous population with Indigenous people experiencing double the rate of violent crime victimization than non-Indigenous people (Boyce, 2016, Victimization of Aboriginal people in Canada, p. 3). To illustrate the influence of European colonization in Canada, the Truth and Reconciliation Commission of Canada's (2015) report outlines how the Government of Canada used policy to, "eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal,

social, cultural, religious, and racial entities in Canada” (p. 1). Through the forced shifting of traditional views of gender and gender roles by use of strategies such as residential schools, a more patriarchal structure from colonizers invaded the more egalitarian Indigenous communities (Moffit, Fikowski, Mauricio, & Mackenzie, 2013, p. 3(?)). This led to the decreased self-esteem of Indigenous men from the newly introduced lack of importance in traditional men driven jobs and women in Indigenous communities experiencing more violence due to the departure from their previous gender roles and (Moffit, Fikowski, Mauricio, & Mackenzie, 2013, p. 3(?)). The decrease in self-esteem was coupled with an increase in substance abuse, depression, and suicide for both men and women Alcohol abuse in particular has been identified to have a moderate effect on persons who commit IPV, with this effect being larger for men than women (Moffit, Fikowski, Mauricio, & Mackenzie, 2013, pp. 3-4; Foran & O’Leary, 2008, p. 1230).

### **Nationally**

The national snapshot of IPV is much different than the breakdown of each province’s rate, with an overall average rate of 313 (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 35). The majority of provinces and territories have a higher overall rate than the national average with only three provinces having a lower rate (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 35). This illustrates the danger in relying on a nationally reported average as a representative picture of the state of IPV in Canada as it would lead an individual to believe that IPV is occurring less frequently than is actually reported. The same can be seen in the national rate for both men and women, with the average being lower than the majority of provinces and territories once again (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 35).



### **Responses to Intimate Partner Violence**

There are several things that Canada is currently implementing to address IPV, which include the use of legislation, the actions and involvement of law enforcement, non-profit organizations, and the use of restorative justice. In the majority of cases, legislation put forward by governments and law enforcement agencies are reactive in nature, meaning that it is intended to address the issue after it has occurred. This has been changing somewhat in recent years, with the Government of Canada releasing reports on gender-based violence and law enforcement agencies moving to more proactive approaches to IPV.

### **Canada's Strategy to Prevent and Address Gender-Based Violence**

After the initial report on gender-based violence (GBV), the violent victimization of an individual based on their “gender, gender identity, or perceived gender”, conducted in 2017, the Government of Canada (2018) re-examined the progress made towards the prevention of GBV in their most recent publication, *A Year in Review: Canada's Strategy to Prevent and Address Gender-Based Violence* (p. 2). This report is important to addressing the issue of IPV in Canada because GBV affects, for the most part, the same demographics in the same ways as IPV and the risk of experiencing spousal violence is also captured as a part of GBV (Government of Canada, 2018, *About Gender-Based Violence*, Statistics). In the review released, the government outlines the three key pillars to addressing GBV:

Pillar I: Prevention

Pillar 2: Support for Survivors and their Families

### Pillar 3: Promoting Responsive Legal and Justice Systems

The pillar of prevention begins with an explanation that “GBV grows out of a culture that devalues women, girls and femininity, and holds misinformed views about other diverse populations including LBGTQ2 community members” (p. 6). It also highlights some of the



Reproduced in part from Government of Canada. (2018). 2017-2018, A Year in Review: Canada’s Strategy to Prevent and Address Gender-Based Violence. Retrieved from <https://cfc-swc.gc.ca/violence/strategy-strategie/report-rapport2018-en.pdf>

behaviours, such as sexist jokes and objectifying media messaging that reinforce this culture of violence (p. 6). The prevention suggested by the government focuses on the implementation of educational programs and the creation of dialogue surrounding GBV in the next generation of youth (p. 7). The education program explicitly mentioned in the report refers to violence prevention training for immigrants coming to Canada (p. 7). Prevention is the shortest section found in the document with only one page containing four actions taken, compared each other sections containing three to four pages that include eight to twelve individual actions, which

would suggest that most recommendations made by the government are reactive. None of these suggestions or actions taken consider reviewing or limiting media use of objectified women which was previously identified as a problematic expression of culture (p. 6).

The second pillar addresses the need for increased support for survivors of GBV and their families, which includes increased funding for existing and new shelters and housing – an essential step when addressing the roadblocks of removing an individual from an IPV situation (p. 9). Through several other collaborations and projects, the Government of Canada also committed resources to the development of practices and responses to GBV that promote the needs of survivors with specific attention to populations that often go unsupported, such as Indigenous women, and training for service providers to ensure a better quality response and experience for victims of IPV and GBV (p. 10). Recently, the biggest gap that has been identified is the experiences of Indigenous women being treated poorly by services such as law enforcement and a lack of available shelters for Indigenous women fleeing IPV situations (p. 11). In contrast to the prevention strategies, the support discussed and proposed for families is much more directed and includes more actions and steps taken to be actualized across Canada. Some of the solutions are part of the longer term strategy, such as education for the Royal Canadian Mounted Police (RCMP) in year two of the plan (p. 11), but the overall approach to this pillar is a more immediate commitment of resources to better support Indigenous women, their families, and other survivors and their families.

The final pillar of the report concerns the changes needed in the justice system and recognizes that the need for a “shifts towards more support for trauma-informed and culturally appropriate practices, and training and resources for a range of service providers and criminal justice system professionals” (p. 12). A few of the suggestions made and steps taken by the

government paid specific attention to IPV and family violence. The Federal Family Violence Initiative (FFVI), working with the RCMP, will be distributing funds across different non-profit agencies, RCMP detachments, and all levels of government and their partners to “support communities in responding to family violence” (p. 14). This includes creating more public awareness and increased support through the creation of activities that would aide survivors (p. 14). Another important step taken by this review is the implementation of training and funding for training of judges that specifically focuses on “gender-based violence, including sexual assault and domestic violence” (p. 15). This is a vital step in dismantling some of the deeply rooted patriarchal beliefs in law, and the culture of victim blaming directed towards survivors as demonstrated in the recent actions of Albertan Justice Robin Camp, who questioned a victim of sexual assault as to why she could not have prevented her attacker from assaulting her by keeping her knees together (Fine, 2017, The Robin Camp transcript: ‘... keep your knees together’ and other key passages).

**Bill C-16.** On June 19, 2017 the Government of Canada amended the Canadian Human Rights Act and the *Criminal Code of Canada* to increase the protections for individuals based on their gender identity and expression (Bill-C-16, *An Act to amend the Canadian Human Rights Act and the Criminal Code*, Royal Assent, 42nd Parliament, 2017) The history of violence against women in Canada is long and dark. Indigenous women are killed at six times the rate of non-Indigenous women (Beattie, David, & Roy, 2018, *Homicide in Canada*, 2017), notorious serial killers, such as Robert Pickton from British Columbia (Macqueen, 2014, *Robert Picton Murder Trial Begins*) and Paul Bernardo and Karla Homolka from Ontario (Butts, 2018, *Paul Bernardo and Karla Homolka Case*), who targeted women as victims, and mass killings like the Polytechnique Tragedy in 1989 in Montreal where 14 women were killed on the basis of their

gender (Lanthier, 2014, Polytechnique Tragedy). Previously, none of these crimes, specifically the Polytechnique Tragedy, could have been prosecuted as a hate crime since targeted violence against a group based on their gender was not considered targeting an identifiable group before Bill C-16.

Bill C-16 added increased protections to the *Criminal Code* by extending the definition of what an identifiable group is, adding gender identity or expression and that crimes motivated by “bias, prejudice or hate based on...[the] gender identity or expression” of the victim is an aggravating factor to consider in sentencing (Canadian Criminal Code, 1985, s 718.2(a)(i)). Because a significant portion of the violence experienced by women in intimate partner relationships has occurred in a patriarchal context in a country that has evolved based on a patriarchal legal system, it makes sense to consider some IPV to be prejudicial in nature. This sentencing provision explicitly allows a justice system to take that into account, and see IPV as a serious offense based on not only the relationship but the dynamic of gender. Despite the introduction of this legislation, the Government of Canada has been reluctant to identify some violence as being motivated by a hatred of gender.

In 2018, a man named Alek Minassian drove a rental van down a busy street killing 10 people and injuring 14 (Canadian Broadcasting Corporation, 2018, Van attack prompting ‘talk about misogyny’ as a motive). While the killings themselves were not exclusively women or intended to be women, the desire to injure and act out violently are thought to have come from Minassian’s belief in a group of men that refer to themselves as Incels, or involuntary celibates (Canadian Broadcasting Corporation, The Fifth Estate, Why incels are a ‘real and present threat’ for Canadians). Before the attack, Minassian posted to his social media account a strange message that referenced this group stating the following, “Private (Recruit) Minassian Infantry

00010, wishing to speak to Sgt 4chan please. C23249161. The Incel Rebellion has already begun! We will overthrow all the Chads and Stacys. All hail the Supreme Gentleman Elliot Rodger!” (Canadian Broadcasting Corporation, 2018, Van attack prompting ‘talk about misogyny’ as a motive).

Commentary on incels made by Barbara Perry, a professor specializing in hate crime from the Ontario Tech University, addresses the same concern that the Government of Canada identified in its report on gender-based violence, the culture in which this is all occurring. Perry addressed the entitlement that is felt towards women, “[incels] think that they have some sort of inborn inherent right and privilege to access women and women’s bodies” (Canadian Broadcasting Corporation, *The Fifth Estate*, Why incels are a ‘real and present threat’ for Canadians). Since the majority of IPV victims are in dating relationships, the risk of violence that women face when dating may be increased because of this attitude of entitlement and may put women in a position of worrying that violence may happen to others if they do not submit to an abusive partner (Burczycka, *Police-reported intimate partner violence in Canada*, 2017, pp. 26-27).

**Bill C-75.** Another legislative measure that the Federal Government is considering implementing is Bill C-75. This Act that would amend the *Criminal Code* and the *Youth Criminal Justice Act* to better reflect more recent rulings of the Supreme Court of Canada and include new provisions for IPV in addition to many other changes (Bill C-75, *An Act to amend the Criminal Code, the youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, Third reading, 42nd Parliament, 2018). The proposed Act would improve the current sentencing provision’s, s. 718.2(a)(ii), wording from “spouse or common-law partner” (Canadian Criminal Code, 1985, s 718.2(a)(ii)) to “intimate partner”, an important

recognition of IPV outside of a marriage or common law arrangement that allows dating violence to be considered with the same weight as spousal violence.

Bill C-75 would also increase the maximum penalty for offenders who commit IPV under s. 718.3 by adding a new subsection specifically for previously convicted IPV offenders (Bill C-75, *An Act to amend the Criminal Code, the youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, Third reading, 42nd Parliament, 2018). This would increase the likelihood of capturing the offences made by repeat IPV offenders, but also to increase the severity of punishment by making IPV an aggravating circumstance of sentencing (Bill C-75, *An Act to amend the Criminal Code, the youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, Third reading, 42nd Parliament, 2018). As presented by McCormick, Cohen, & Plecas (2011), as high as 61 percent of IPV offenders recidivate within six months of the first assault (p. 1). Some of the predictors for this recidivism included a history of police calls and prior arrests for IPV or any offence (p. 1), which would suggest that increasing the punishment received by offenders may not address the issue but instead delay the time period in which recidivism occurs. It is noted as well that many offenders did not recidivate violently, with breach offenses being the most common occurrence at 29 percent (p. 9).

### **Saskatchewan and Clare's Law**

In late 2018, the provincial government of Saskatchewan introduced legislation aimed at preventing IPV through granting the police additional powers to inform potential victims of a partner's abusive or violent past behaviour (Hunter, 2018, Saskatchewan 1st to introduce Clare's Law, aimed at stopping domestic violence, para. 1). Clare's Law, which was named after a case in the United Kingdom where a women was murdered by a previously violent intimate partner

(British Broadcasting Corporation, 2014, ‘Clare’s Law’ introduced to tackle domestic violence, para. 2, 7), also would provide a potential victim with the ability to request a background check on a partner at any police station through what is referred to as the “right to ask” process (Government of Saskatchewan, 2018, Interpersonal Violence Disclosure Protocol Act – Clare’s Law – Introduced in Saskatchewan, para. 1-3). The Government of Saskatchewan decided to introduce Clare’s Law in response to the high rate of IPV in their province as a more proactive measure to address victim needs and prevent violence before it occurs in relationships (Government of Saskatchewan, 2018, Interpersonal Violence Disclosure Protocol Act – Clare’s Law – Introduced in Saskatchewan, para. 1-6).

While this law has the potential to prevent violent situations before they occur, it also carries the potential to burden women and potential victims by generally requiring them to initiate the process of investigation (Taylor, 2018, Jury’s out on whether Clare’s Law protects victims against violence: U.K. expert, para. 8). It also risks feeding into the narrative of victim blaming through the potential for women or partners to refuse information from police, or to obtain information and stay in the relationship regardless, leading to a situation where they could be blamed for staying or blamed for choosing not to know and potentially denied services (Taylor, 2018, Jury’s out on whether Clare’s Law protects victims against violence: U.K. expert, para. 10).

### **Law Enforcement**

In 2016, a report was prepared by the Canadian Observatory on the Justice System’s Response to Intimate Partner Violence, from the University of New Brunswick, and the Canadian Association of Chiefs of Police (CACCP) Crime Prevention and Community Safety and



Well-Being Committee (2016). This report created a national framework for a police response to IPV (p. 2). The framework lays out six statements of principle (p. 3):

1. Responding to IPV is a shared responsibility across police, public health and social and community agencies.
2. Community safety is promoted through inter-agency collaboration.
3. Policies and programs should be evidence-based, and supported by sound and effective research and practices.
4. Responses to IPV should acknowledge and mitigate the trauma and other impacts of IPV on victims, offenders, families, responders and communities.
5. Effective case management include collaboration among service providers to support both victims and offenders by addressing the factors that increase risk, in order to prevent further harm.
6. The primary mandate of police is to reduce harm and victimization, and prevent crime.

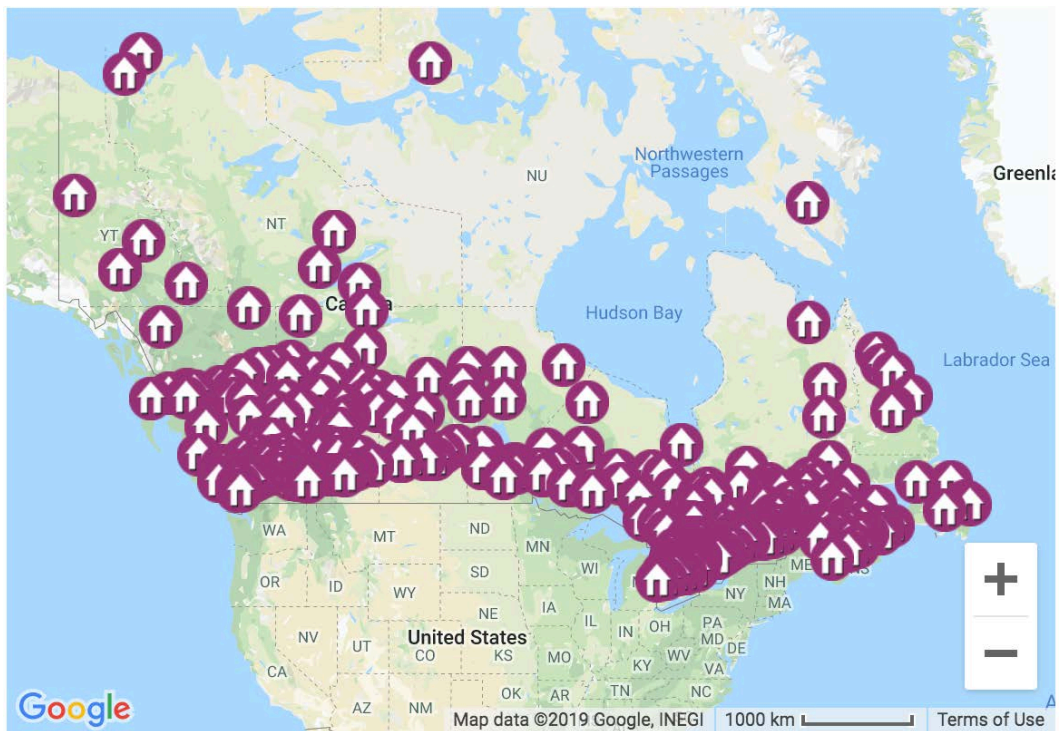
For police, a proactive approach in the short and long term is encouraged, following statement of principle six and crime prevention (p. 9). The suggestions of training, specialized personnel, sanction enforcement for offenders, and reviewing and monitoring the effectiveness of IPV strategies illustrate an increased sense of accountability with a proactive approach coming from within the organization and their practices (pp. 9-11). The focus on ensuring offenders follow sanctions given to them by the courts is important in IPV, as most recidivism is breaches of conditions and not acts of violence (McCormick, Cohen, & Plecas, 2011, p. 9).

These suggestions are a shift from previously seen responses from police. In the study conducted by McCormick, Cohen, & Plecas (2011), the response of the police to an IPV incident

was recorded, with several factors influencing the actions taken by officers against an offender (p. 7). Officers were more likely to arrest when there was visible physical harm to the victim, when a witness was present, and when the offender had a criminal history of IPV (p. 7). This approach is representative of a more reactive justice system. Further sections of the report outline investigative practices, child intervention practices, and give further detail on where police and other agencies can find resources to better inform their IPV practices and better implement them (pp. 12-15, 35-38).

### **Non-Profit Organizations**

An identified issue in the lives of individuals escaping an abusive relationship is displacement (Bruckert & Law, 2018, pp. 132-133). While an abusive partner is able to reside at home, the affected party leaves and must find somewhere to live, either temporarily or permanently. Non-profit organizations across the country are integral to this process, providing housing and resources. One of these resources is Shelter Safe, an interactive website that allows for the search of nearby shelters based on location, with the ability to also search for shelters that are pet friendly, accessible, and that have children's programs (Women's Shelters Canada, 2018, Shelter Safe: Help is just a click away). A phenomenon that can be seen on the map presented on this website is that the further north in Canada an individual lives, the less resources there are available (Women's Shelters Canada, 2018, Shelter Safe: Help is just a click away). This is consistent with the reported experiences of women in northern Alberta, Saskatchewan, Manitoba, and the Northwest Territories with issues of housing, transportation, and intermittent and inconsistent services providing roadblocks to accessing services that are provided (Zorn,



Women's Shelters Canada. (2018). Shelter Safe: Help is just a click away. Retrieved from <https://www.sheltersafe.ca/mobile/>.

Wuerch, Faller, Hampton, 2017, pp. 638-641). An agency similar to Shelter Safe, named Ending Violence Association of Canada (n.d.), also provides a website full of country wide resources (Find help across Canada). In addition to shelter resources, this website offers links to victim services for different types of violence as well as explicitly stated 24 hour services (Find help across Canada). Both websites also take into account the safety of the person who might be thinking about accessing these resources by providing safe exit buttons history (Ending Violence Association of Canada, n.d., Find help across Canada; Women's Shelters Canada, 2018, Shelter Safe: Help is just a click away). One of the websites also has instructions on how to clear your browsing history (Ending Violence Association of Canada, n.d., Find help across Canada).

### **Restorative Justice**

The concept of restorative justice, which seeks to repair harm - in addition to punishment - for the victim, offender, and community, has been slowly adopted into some aspects of Western legal systems. There are several ways this reparation of harm can occur with varying degrees of

participation and interaction between the two primary participants, the victim and offender. In the current adversarial system of Canada, there is little place for the victim to participate in most stages of the justice system. The centre of restorative practice is giving the victim a voice and allowing them to communicate their emotions about what happened to the offender. Studies have shown that through the use of restorative conferencing, victims have felt significantly more satisfied with the outcome an offender received compared to going through court (Doak & O'Mahony, 2006, p. 171).

Despite the potential worry of victims seeking revenge, the overwhelming majority sought understanding for the offender and their actions as well as a need to communicate the impact the crime has had on their life (Doak & O'Mahony, 2006, p. 165). The restorative approach has been used in relation to IPV and family violence in the form of conferencing and restorative circles primarily. Studies have found that participation in a restorative process can result in increased safety for women and children (Pennell & Burford, 2000, as cited in Gaarder, 2015, p. 344; Dissel & Ngubeni, 2003, as cited in Gaarder, 2015, p. 344). It has also been suggested that addressing the harm of offenders, and not just victims, could treat the trauma that causes some offending to occur and reduce the instances of recidivism in IPV (Andruczyk, 2015, pp. 4-6) Although these practices have been measured to be beneficial, they are not frequently implemented due to the controversial nature of the potential for increased harm or revictimization from an intimate partner (p. 344).

**Controversies.** While these restorative programs are able to provide healing and closure for both victims and offenders, they are not without concerns. One of these concerns, addressed by the Government of Canada (2017), is whether restorative justice can be used appropriately with more serious crimes that involve power imbalances (Restorative justice: Getting fair

outcomes for victims in Canada's criminal justice system, Appropriateness). This risk for revictimization due to the possibility of a power imbalance is a necessary consideration when dealing with interpersonal violence and GBV as most current programs are not structured to properly address this (Restorative justice: Getting fair outcomes for victims in Canada's criminal justice system, Appropriateness).

A study conducted by Paora Moyle & Juan Marcellus Tauri (2016) examined the experiences of New Zealand's Indigenous population who had participated in restorative conferencing circles to investigate the narrative surrounding the introduction of Family Group Conferencing (FGC) (p. 88). Moyle & Tauri focus on the notion that restorative justice practices cannot be analysed for their content alone and that the cultural context in which they occur must be considered (p. 89). They argued that the mainstream narrative of this restorative movement does not capture the Indigenous perspective of justice but instead the colonial interpretation of what must be done to control the perceived Māori "crime problem" (pp. 88, 101). Their findings suggested that the Māori were not empowered by participating in a conference, but were instead subjected to "Eurocentric, state-dominated intervention" (p. 101) which is clearly against the purpose of involving the community in justice. The overall theme is that the Māori were not actively consulted in the creation of FGC, and that moving forward to a system that is true to the mythic qualities attributed by other noncritical studies would require the process being controlled by the Indigenous community primarily (p. 102). This issue of consultation and colonial interpretation could be a concern in Canada as well, as more Indigenous practice is incorporated into restorative justice in ways such as conferencing and peace making or sentencing circles.

### **Looking to the Future**

Governments and justice agencies are working towards solutions that will hopefully impact the lives of women and men who experience IPV. The reports conducted by the government and law enforcement agencies are attentive to issues, such as resource funding and special training for police officers. The report on how law enforcement agencies can better prepare and respond to IPV is an essential step in correcting gaps that may occur in the criminal justice system. This report would potentially be more impactful if police services across the country were required to act on the suggestions made instead of merely considering them. Although this may be a lengthy process, since each province and territory has their own legislation for policing in addition to federal legislation, it is in the best interest to consider a national plan or more individual plans since the majority of provinces and territories are over the national average rate of IPV occurrences (Burczycka, Police-reported intimate partner violence in Canada, 2017, p. 35).

In the report on gender-based violence by the Federal Government, the majority of content surrounding prevention unfortunately comes across as obligatory instead of innovative or attentive to victim needs. The idea and implementation of education for youth is an important one, with the potential to impact future generations and future rates of IPV; but it does nothing to currently address or educate adults who may need more immediate access to information. Also, the education of immigrants coming to Canada on IPV has a stereotypical connotation of racial profiling and ethnocentrism, or culturally biased judgement (LeVine, 2015, p. 166), that is counterintuitive to prevention. The assumption that immigrant populations are at a higher risk for IPV in Canada is not necessarily true. As addressed by Hyman, Forte, Du Mont, Romans, & Cohen (2006), the longer women reside in Canada, the greater their risk for IPV (p. 656). They

found that newly immigrated women, who had immigrated to Canada within nine years of the study being conducted, experienced lower rates of IPV from current or former partners within the first five years living in Canada than non-recently immigrated women, who had lived in Canada for 10 or more years when the study was conducted (p. 656). This study illustrates the need for education for those who have lived in Canada for a long amount of time in addition to those that have just newly arrived.

In relation to the funding suggested by the federal government and other provincial or territorial governments, an emphasis on the creation and consistency of services in rural northern communities is needed. The report on gender-based violence (GBV) addresses the need for increased funding by committing 20 million dollars to the gender-based violence sector across the country (Government of Canada, 2018, p. 10). When divided across the entire country, 20 million dollars is not as impactful as it sounds in a lump sum format. Assuming each province or territory got an equal share of the funding, it would be around 1.5 million each which would then have to be divided to different regions and agencies within each province or territory.

In the federal budget outlined by the Government of Canada (2019), there is no specific mention of the lack of consistency in services and a lack of access to services in the northern rural areas (Gender equality statement). While the Government has committed a large amount of funding, 21.3 million over three years which began in 2016, the experiences of women in the territories and in rural communities reflect that there has not been much of a change as of yet (Zorn, Wuerch, Faller, & Hampton, 2017, pp. 636-641). This may be due to not enough time lapsing between the increase in funding and the experiences recorded. The experiences of these women at the end of 2019 will be another important consideration for effectiveness of response.

While the Government of Canada (2018) has addressed the need for education on the subject of GBV and IPV, a consideration might be made for this education to be on the preventative end of the spectrum with culture in addition to awareness. As identified by the Government, “GBV grows out of a culture that devalues women, girls and femininity” (p. 6). Education that encourages critical thought on the content that we consume that helps form our culture, such as movies, advertisements, and other media, could help encourage a different way of thinking about women in society. An example of preventative cultural education was conducted by Spadaro, d’Elia, & Mosso (2017) on the topic that is frequently referred to as taboo, women’s menstruation. Women in Sweden were less likely to self-objectify, which in this context means less likely to experience shame or feelings of bodily inadequacy, when exposed to advertisements that treated menstruation as more taboo due to their increased education on the process of menstruation (p. 691). This effect was also seen amongst Italian women who had an increased knowledge of menstruation, but the opposite effect was found among those who had less knowledge (pp. 691-692). This example shows the power of educating women on their bodies being a mitigating factor for the effects of advertisements they encounter in society. Perhaps a similar effect could occur in Canada if education at all levels surrounding women and health included more emphasis on bodily autonomy and rights in addition to fundamental biological functions.

With the combination of a cultural shift through education, the increased involvement of law enforcement by mandating IPV responses, targeted government funding, and more inclusive education for all citizens of Canada the issue of IPV could be more wholly addressed.



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