



CREATING SERVICES THAT ARE  
**HERE TO HELP**

**A Guidebook for LGBTQ2S+ and Intimate Partner  
Violence Service Providers in Canada**

City of Ottawa

**CREATED BY SHANNON FOURNIER, COORDINATOR OF THE INTIMATE  
PARTNER VIOLENCE PREVENTION PROGRAM AT THE CANADIAN CENTRE  
FOR GENDER AND SEXUAL DIVERSITY  
OTTAWA, ONTARIO, CANADA**

LE CENTRE CANADIAN DE LA  
**DIVERSITÉ DES GENRES**  
**+ DE LA SEXUALITÉ**



THE CANADIAN CENTRE FOR  
**GENDER+SEXUAL  
DIVERSITY**



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# ABOUT THIS GUIDEBOOK

Intimate partner violence (IPV) in its many forms is a major issue across Canada. Many survivors of this type of violence experience immediate as well as lasting physical and psychological consequences, including depression, anxiety, alcohol and drug abuse, panic disorders, eating disorders, and self-harm behaviours, to name a few. This is a type of violence that not only hurts in the moment, but whose consequences affect its victim for years to come.

Our understanding of these issues has increased significantly over recent years, due in part to a growing national discussion surrounding intimate partner violence, and sexual violence in particular. The General Social Survey on Victimization (2014) surveyed Canadians on their experiences of victimization. As not all crimes are reported to the police (less than 5% of individuals report sexual assaults) the survey provides a more comprehensive depiction of violence in Canada. The survey shows that victimization rates have been decreasing significantly for all offences across Canada, except sexual assault, which remains stable. Women are at an increased risk for victimization (85 incidents per 1,000 women) compared to men (67 per 1,000), and individuals self-identifying as gay, lesbian or bisexual recorded the highest violent victimization rates at 207 incidents per 1,000 population. Furthermore, close to one third of Indigenous people (30%) reported being the victim of a crime within the past year. Unfortunately, we do not have statistics for the victimization of transgender (trans) people in Canada.

Despite the low levels of reporting and lack of research, we know intimate partner violence is a major issue due to the demand being placed on our support services and high need for our scarce resources across the country. Victims have a right to access assistance and service providers have a responsibility to be prepared for these incidences.

## WHY DO WE NEED A GUIDEBOOK?

Our current knowledge of IPV within the LGBTQ2S+ community is sparse. This guidebook should be used as a training and information tool for service providers within the LGBTQ2S+ community. It is important that service providers have an understanding of the implications of intimate partner violence in order to then transfer the appropriate information to victims. This guidebook covers the definitions of IPV, how to recognize instances of IPV, victims' rights in Canada, what to expect should the victim choose to report to police, and the consequences of IPV.





# UNDERSTANDING INTIMATE PARTNER VIOLENCE

- I. TERMINOLOGY
- II. WHAT IS INTIMATE PARTNER VIOLENCE?
- III. WHO ARE VICTIMS OF IPV?
- VI. IPV IN THE LGBTQ2S+ COMMUNITY
- V. THE CYCLE OF CONTROL
- VI. COMMON MYTHS

# TERMINOLOGY

Please keep in mind that vocabulary is always changing. Though efforts have been made throughout this book to ensure it is inclusive and respectful, we acknowledge that language may have evolved since the creation of this document.

**Gay** Identifies as a man who has or desires to have relations (emotional, intellectual, spiritual and/or physical) with another self-identified man. With less frequency, it is also used to describe all people who do not fit a heterosexual orientation or as a designation of the rainbow community as a whole.

**Lesbian** Identifies as a woman who has or desires to have relations with another self-identified woman.

**Bisexual** A person who has or desires to have relations with someone of the same or other gender.

**Trans** An umbrella term to describe a person who displays any type of gender diversity or who undergoes gender and/or sex transition.

**Transgender** A person whose gender identity and gender expression do not align with their sex assigned at birth.

**Two-Spirit** An umbrella term used by Indigenous people in the LGBTQ2S+ community. For some, this term reflects the embodiment of both a masculine and feminine spirit. However, this is not the case for everyone and not all LGBTQ2S+ Indigenous people identify as two-spirit.

**Polyamory** The practice of or desire for intimate relations with more than one partner, with the knowledge and consent of all partners involved.

**Questioning** A person who is unsure of their sexual orientation and/or gender.

**Queer** The term was reclaimed by the LGBTQ2S+ community and is now used to describe all people who do not fit a heterosexual orientation. As the term has its roots as a slur, someone should not be called queer without their consent.

**Cisgender** People whose gender matches their sex assigned at birth.

**Intersex** People who were born with anatomy that can not be medically classified as belonging to a single assigned sex.

**Asexual** A person who has:  
1) no sexual attraction,  
2) a lack of emotional connection to sexual acts, but may still engage in sex with partners,  
3) a lack of desire for sex, though they may engage in sexual acts with their partner.

**Aromantic** Little to no romantic attraction to others.

**Demisexual** A lack of sexual attraction unless it is accompanied with a deep emotional connection.

**Pansexual** Has or desires to have relations with another person, regardless of sex, gender identity or gender expression.

**Nonbinary** Any gender identity that does not fit the male/female gender binary.





**WHAT IS**

# INTIMATE PARTNER VIOLENCE?

**INTIMATE RELATIONSHIP** involves physical and/or emotional closeness and openness between two individuals, regardless of the length of the relationship.

**INTIMATE PARTNER VIOLENCE** refers to any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Such behaviours can include any combination of the following:

## **PHYSICAL VIOLENCE**

SUCH AS HITTING, PUNCHING, KICKING, SLAPPING

## **PSYCHOLOGICAL ABUSE**

SUCH AS INTIMIDATION, BELITTling, HUMILIATION

## **SEXUAL VIOLENCE**

FORCED INTERCOURSE AND UNWANTED SEXUAL TOUCHING

## **COERCIVE CONTROL**

VARIOUS CONTROLLING BEHAVIOURS SUCH AS ISOLATING A PARTNER FROM THEIR FAMILY AND FRIENDS, RESTRICTING THEIR ACCESS TO RESOURCES, AND CONTROLLING THEIR FINANCES

## **STALKING**

A PATTERN OF THREATENING OR HARASSING TACTICS THAT CAUSES AN INDIVIDUAL TO FEAR FOR THEIR HEALTH, SAFETY, OR WELLBEING

# WHO ARE VICTIMS OF INTIMATE PARTNER VIOLENCE?

Any individual who feels they have been used or abused within the context of a romantic or sexual relationship is considered a victim of IPV. This can affect a wide spectrum of relationships: anywhere from individuals who have just met, to partners who have been together for years.

There are certain identified **risk factors** that increase the likelihood of victimization:



## Sexuality, Gender & Identity

Individuals identifying as female, individuals within the LGBTQ+ community, and Indigenous individuals are at a higher risk of violent victimization.



## Age

The rate of violent victimization is highest among individuals between the ages of 20-24, and second highest for those between the ages of 15-19.



## Alcohol Consumption

People who reported participating in binge-drinking—at least five drinks on a single occasion—were almost twice as likely to report a victimization.



## Drug Use

Drug use is the factor with the greatest impact on the risk of violent victimization. Individuals who stated using drugs were four times more likely to report a victimization than those who do not use.



**A VICTIM IS NEVER RESPONSIBLE** for the harm inflicted on them, including whether they are intoxicated and/or under the influence of any substance. Unfortunately, research in Canada has found that certain factors are more conducive with violence, regardless of the victim's intentions.



## INTIMATE PARTNER VIOLENCE

# WITHIN THE LGBTQ2S+ COMMUNITY

Social and legal stigma of being LGBTQ2S+ broadens significantly the scope of abusive tactics available to an exploitative partner. These tactics often include taking advantage of an individual's gender representation or sexual orientation.

### CLOSETING

FORCING A VICTIM TO HIDE THEIR TRANS OR SEXUAL MINORITY STATUS FROM OTHERS BY OVERTLY DEMANDING OR PRESSURING THE VICTIM TO REMAIN QUIET ABOUT THEIR STATUS

### OUTING

THE OPPOSITE OF CLOSETING. DISCLOSING A VICTIM'S TRANS OR SEXUAL MINORITY STATUS TO OTHERS, EITHER DIRECTLY BY TELLING PEOPLE, OR INDIRECTLY BY FORCING THE VICTIM TO SHOW PUBLIC SIGNS OF AFFECTION LIKE HAND HOLDING AND KISSING

### THREATS

THREATS TO OUT THE VICTIM'S TRANS OR MINORITY STATUS, THREATS AGAINST THE VICTIM OR VICTIM'S FAMILY, AND THREATS OF SELF-HARM OR SUICIDE

### IDENTITY ABUSE

ABUSERS MAY USE A VICTIM'S MARGINALIZED SOCIAL STATUS TO CONTROL OR SHAME THEM. USING A TRANSGENDER PERSON'S BIRTH NAME OR FORMER PRONOUNS WITHOUT PERMISSION.

### WITHHOLDING MEDICAL TREATMENT

STOPPING VICTIMS FROM TREATMENT NEEDED TO EXPRESS THEIR GENDER IDENTITY, SUCH AS THROUGH WITHHOLDING FINANCIAL SUPPORT OR REQUESTING REPAYMENT THROUGH ILLEGAL OR UNDESIRABLE ACTS

### OTHER ANTI- SEXUAL MINORITY PSYCHOLOGICAL IPV TACTICS CAN INCLUDE EXAMPLES OF THE FOLLOWING:

- ACCUSING A VICTIM OF NOT BEING LESBIAN, GAY, OR BISEXUAL ENOUGH
- TELLING BISEXUAL VICTIMS THEY ARE NOT A "REAL" SEXUAL MINORITY
- ACCUSING A SEXUAL MINORITY VICTIM OF MAKING THE ABUSER A SEXUAL MINORITY

## TRANSPHOBIC, OR ANTI-TRANS, SEXUAL ABUSE

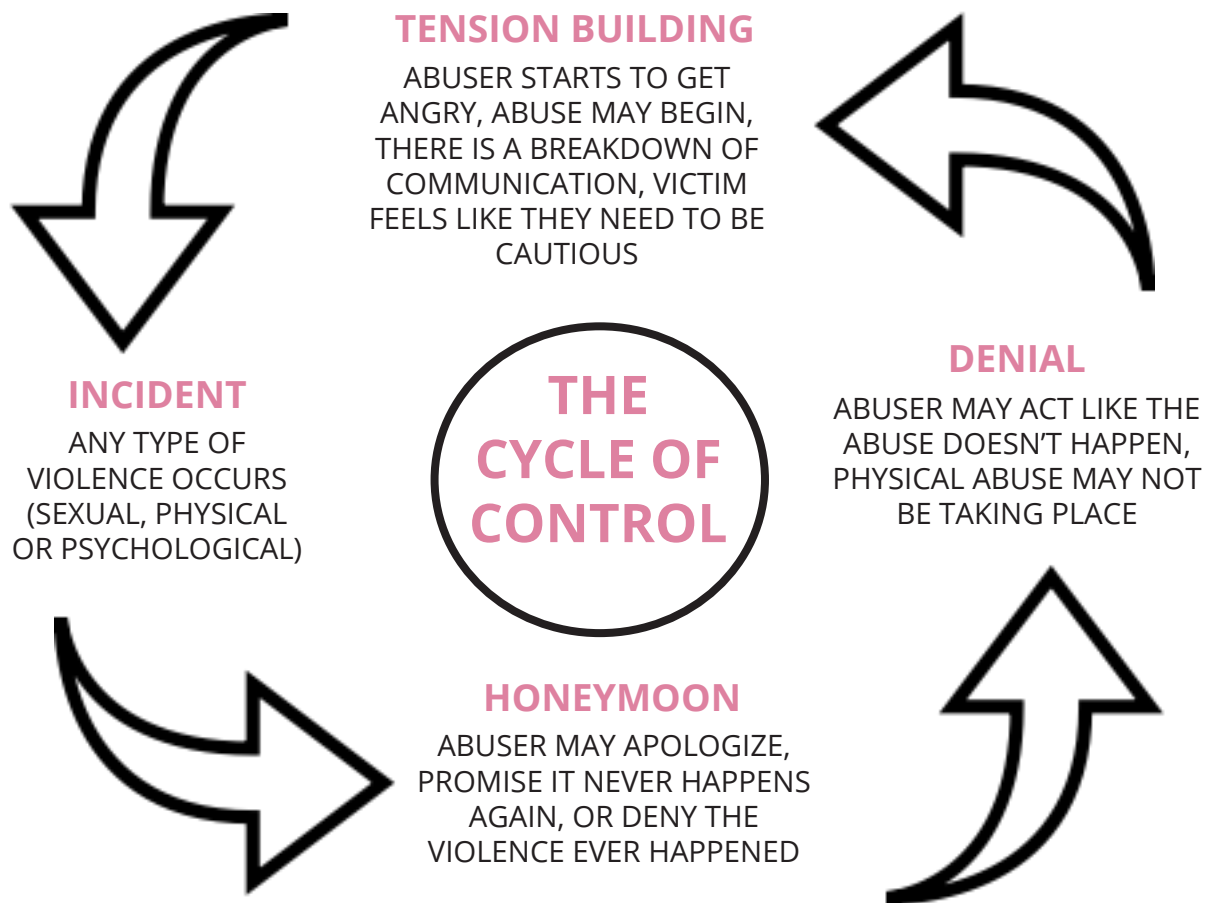
Anecdotal evidence, as described in Messinger's research (2017), suggests that some abusers of trans victims draw upon traditional gender norms as a means to justify their sexually abusive behaviour. This type of violence can manifest in a variety of ways, such as:

**Nonconsensually touching a trans victim's body parts that have, or had, a gendered meaning (e.g. genitals, chest, etc.)**

**Arguing that "real" men and women prefer rough sex as a justification for coerced (forced) sex with a trans victim**

**Claiming there is no safe way to have sex with trans bodies as a justification for coercing a trans person into unprotected sex**

**INTIMATE PARTNER VIOLENCE IS ABOUT THE MISUSE OF POWER AND CONTROL USED BY ONE PARTNER TO CONSCIOUSLY MANIPULATE THE OTHER, OFTEN OCCURRING IN A CYCLICAL PATTERN:**



## COMMON MYTHS

**MYTH: LGBTQ2S+ IPV IS THE SAME AS ALL OTHER IPV**

**FACT:** While there are many similarities, LGBTQ2S+ IPV is a social problem that comes with distinct causes, dynamics and consequences. Homophobia and transphobia influence LGBTQ2S+ IPV in a variety of ways: from motivating abusers, to discouraging victims from seeking help, to creating unique IPV tactics and building up powerful barriers for service providers. This misconception encourages a "one-size-fits-all" approach, taking heterosexual IPV tailored services and applying them to everyone. This approach fails to recognize the unique aspects of LGBTQ2S+ IPV and brings up a significant flaw in many organizations: IPV is being treated as an experience that is identical across all genders and sexual orientations.

**MYTH: The victim did something to provoke the violence**

**FACT:** No one has the right to mistreat another person, and no one deserves to be abused in any way. Putting blame on the victim is another method of manipulation used by the abuser to strengthen their control over the victim. Victims often blame themselves for the abuse they suffer and downplay the violence, and as such, the violence is often worse than they let on.

**MYTH: Stress causes a person to become violent**

**FACT:** Everyone faces stresses in their daily life, and everyone deals with stress differently. However, choosing to take out your frustrations by being violent or abusive is never acceptable. The majority of the time, the dynamics of an abusive relationship are much more complex than just stress.

**MYTH: IPV requires one partner to have physical power over the other**

**FACT:** IPV almost always involves multiple forms of abuse and control, with psychological being the most prevalent among sexual minorities, followed by sexual and physical violence. Therefore physical size and strength have little impact on the presence of abuse within partner violence, and LGBTQ2S+ IPV in particular.

**MYTH: Sexual minorities are less likely to be victimized**

**FACT:** Bisexual women (61%) and lesbian women (44%) are more likely than heterosexual women (35%) to be physically assaulted, sexually assaulted or stalked in their lifetime (NISVS). Because the population of LGBTQ2S+ individuals is smaller than the general population, the numbers only appear smaller in comparison.



# OUTCOMES OF INTIMATE PARTNER VIOLENCE

- I. SAFETY CONCERNS
- II. PHYSICAL HEALTH CONSEQUENCES
- III. FINANCIAL CONSEQUENCES
- VI. BEHAVIOURAL CONSEQUENCES
- III. MENTAL HEALTH CONSEQUENCES
- VI. SEXUAL HEALTH CONSEQUENCES



# 1. FEAR FOR SAFETY

Some victims of intimate partner violence are unable or unwilling to leave an abusive home. A victim leaving an abuser could trigger more dangerous behaviour, and thus victims often stay for fear of worsening violence. It is understandable that this transition instigates fear of escalating violence. There are some ways to help alleviate this fear, specifically in safety planning preparation.

Whether a victim is staying or leaving, it is beneficial to create a safety plan to both minimize risk and to put the victim more at ease:

## SAFETY PLANNING TIPS FOR STAYING WITH THE ABUSER



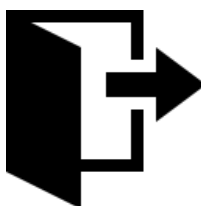
THE VICTIM SHOULD  
CONFIDE IN  
SOMEONE TRUSTED  
ABOUT THE ABUSE  
OCCURRING AT  
HOME



CREATE A CODE-WORD  
WITH THIS TRUSTED  
FRIEND OR FAMILY  
MEMBER TO ALERT THEM  
TO CALL FOR HELP IF/  
WHEN NECESSARY



KEEP IMPORTANT  
DOCUMENTS AND  
BELONGINGS EASILY  
ACCESSIBLE AND SAFE, IN  
CASE YOU HAVE TO LEAVE  
THE HOME ABRUPTLY



IDENTIFY SAFE SPACES (ROOMS  
WITH WINDOWS/MULTIPLE  
EXITS AND MINIMAL POTENTIAL  
WEAPONS) AND A PHYSICAL  
PLAN TO QUICKLY EVACUATE  
THE HOUSE

## SAFETY PLANNING TIPS FOR LEAVING AN ABUSER



RECOGNIZE THAT THE  
RISK OF VICTIMIZATION  
MAY TEMPORARILY  
INCREASE UPON  
LEAVING



VARY YOUR DAILY SCHEDULE  
GRADUALLY WITHIN THE WEEKS  
LEADING UP TO DEPARTURE, SO  
AS TO NOT RAISE THE ABUSER'S  
SUSPICION ON THE DAY YOU ARE  
LEAVING



IDENTIFY A SAFE PLACE  
TO GO AFTER LEAVING,  
WHETHER IT IS AN  
EMERGENCY SHELTER  
OR A TRUSTED FRIEND'S  
HOUSE



PLAN IN ADVANCE ANY  
LEGAL REPRESENTATION  
YOU MAY NEED, OR OTHER  
RESOURCES SPECIFIC TO YOUR  
CASE (SUPPORT WORKERS,  
COUNSELLORS, ETC.)

**SUGGEST A VICTIM BRING THESE ITEMS WITH THEM  
WHEN THEY LEAVE:**

BIRTH CERTIFICATE  
HEALTH CARD  
CITIZENSHIP PAPERS

DRIVER'S LICENSE  
PASSPORT  
SOCIAL INSURANCE CARD

## 2. PHYSICAL HEALTH CONSEQUENCES

Individuals who have experienced IPV statistically have more visits to health care professionals and are at a greater risk for a wide range of physical health consequences over their lifetime.

Physical health complications may result from injuries incurred as a result of a violent incident, or after leaving the relationship due to a person's biologic response to chronic stress associated with experiences of violence.

### IMMEDIATE PHYSICAL ISSUES

**BRUISES  
ABRASIONS  
LACERATIONS  
BURNS  
BITES  
BROKEN BONES AND TEETH**

### DELAYED PHYSICAL ISSUES

**INSOMNIA OR DIFFICULTY  
SLEEPING  
FATIGUE AND DROWSINESS  
CHRONIC PAIN  
FREQUENT HEADACHES  
HIGH BLOOD PRESSURE**

RESEARCH FINDS THAT THE MORE SEVERE THE ABUSE, THE GREATER ITS IMPACT ON A VICTIM'S HEALTH. UNFORTUNATELY, THE EFFECTS CAN PERSIST LONG AFTER THE ABUSE STOPS.

## 3. FINANCIAL CONSEQUENCES

Victims are often unable to work or go to school during or after being in an abusive relationship

Among sexual minority youth, victimization is more prevalent among those who have run away, who are living in group homes/shelters, or who are living on the street

## 4. BEHAVIOURAL CONSEQUENCES

### Substance abuse

- Particularly cigarette use, alcohol use, and illicit drug use (including: cocaine, downers, ecstasy, GHB [gamma-hydroxybutyrate], heroin, methamphetamines, LSD [lysergic acid diethylamide], and opium)

## 5. MENTAL HEALTH CONSEQUENCES

THE EFFECTS OF INTIMATE PARTNER VIOLENCE ON A VICTIM'S MENTAL STATE MANIFEST IN 7 DISTINCT WAYS:

### SYMPTOMS OF POST-TRAUMATIC STRESS DISORDER

<p><b>1</b> <b>RE-EXPERIENCING THE TRAUMA EVENTS INTRUSIVELY</b> Intrusive, distressing recollections of the event; flashbacks; and nightmares.</p>	<p><b>2</b> <b>HIGH LEVELS OF AROUSAL AND ANXIETY</b> Increased arousal such as: difficulty sleeping; feeling jumpy; and, being easily irritated and angered.</p>	<p><b>3</b> <b>HIGH LEVELS OF AVOIDANCE AND NUMBING OF EMOTIONS</b> Avoidance of places, people and activities that are reminders of the trauma; and negative affect.</p>	<p><b>4</b> <b>COGNITIVE DIFFICULTIES</b> Trouble concentrating; difficulty experiencing positive affect; and, hypervigilance.</p>
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### SYMPTOMS SPECIFIC TO VICTIMS OF IPV

<p><b>5</b> <b>DISRUPTION IN INTERPERSONAL RELATIONSHIPS</b> Difficulty maintaining relationships with friends and family.</p>	<p><b>6</b> <b>SELF-IDENTITY AND BODY IMAGE PROBLEMS</b> Unhappiness with one's own body and/or appearance; disgust for one's own body; a desire to drastically change one's appearance; and, unhappiness with one's sexuality.</p>	<p><b>7</b> <b>SEXUAL AND INTIMACY ISSUES</b> Difficulty or inability of being intimate either physically or emotionally; difficulty trusting partners; and, inability to feel comfortable with a new partner.</p>
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IT IS TYPICAL FOR VICTIMS OF INTIMATE PARTNER VIOLENCE TO SUFFER FROM POST-TRAUMATIC STRESS DISORDER. WHEN AN INDIVIDUAL IS EXPOSED TO ACTUAL OR THREATENED SERIOUS INJURY OR SEXUAL VIOLENCE, IT IS LIKELY THAT THEY WILL EXPERIENCE THE SYMPTOMS LISTED ABOVE.

**OTHER SYMPTOMS COULD INCLUDE: INABILITY TO RECALL KEY FEATURES OF THE TRAUMATIC INCIDENT(S), EXAGGERATED BLAME OF SELF, DECREASED INTEREST IN ACTIVITIES.**



## 6 . SEXUAL HEALTH CONSEQUENCES

### SEXUAL HEALTH REPERCUSSIONS OF IPV MAY INCLUDE:

- UNINTENDED/UNWANTED PREGNANCY
- VAGINAL BLEEDING AND INFECTIONS
- URINARY TRACT INFECTIONS
- PAINFUL SEXUAL INTERCOURSE
- SEXUAL DYSFUNCTION
- FITSULA (A TEAR BETWEEN THE VAGINA AND BLADDER)
- SEXUALLY TRANSMITTED INFECTIONS (INCLUDING HIV)

These symptoms can be treated at sexual health clinics, community health centres, and the Sexual Assault and Partner Abuse Care Program at the Ottawa Hospital. See the appendix for a list of services.

## HIV AND IPV

AMONG SEXUAL MINORITIES, EXPERIENCING IPV IS ASSOCIATED WITH SEXUAL RISK-TAKING BEHAVIOURS, INCLUDING: ENGAGING IN UNPROTECTED SEX, TRANSACTIONAL SEX, AND OTHER SEXUAL BEHAVIOURS THAT MAY NEGATIVELY IMPACT QUALITY OF LIFE AND INCREASE THE LIKELIHOOD OF CONTRACTING AN STI OR STBBI.

### Research on sexual minority men overwhelmingly finds that IPV victims are more likely to be HIV positive

According to a longitudinal study of 687 HIV-positive sexual minority male patients of the Southern Alberta HIV program, it was found that IPV victims are twice as likely to not visit their clinic for over a year (and consequently have their viral load significantly increase) and are then more likely to be diagnosed with AIDS.

### What can be done about it?

#### PREP (Pre-exposure Prophylaxis):

A daily pill that can stop HIV from establishing itself in the body

**PEP (Post-exposure Prophylaxis):** Can stop HIV from copying itself in your body after you've been exposed. PEP is a combination of anti-HIV medications, often taken as one or two combined pills per day for 28 days, and must be started within 72 hours.

PREP and PEP are found at any community hospital or at Ottawa Public Health's Healthy Sexuality and Risk Reduction unit:

**Sexual Health Clinic  
Healthy Sexuality and Risk Reduction Unit  
179 Clarence Street, Ottawa, ON, K1N 5P7**

for more information on HIV and sexual health, visit:  
[www.catie.com](http://www.catie.com)  
[www.thesexyouwant.ca](http://www.thesexyouwant.ca)



# WORKING WITH LGBTQ2S+ VICTIMS

- I. VICTIMS' NEEDS**
- II. VICTIMS' RIGHTS**
- III. TALKING WITH VICTIMS**
- IV. FIRST STEPS**

# CORE NEEDS OF VICTIMS

**Based on the eight inalienable rights for victims of crime as outlined in the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power**

When providing any service to a victim of IPV, it is important to understand how they are feeling in that moment and to recognize their basic needs.



## RECOGNITION

First and foremost: victims are people. This may seem obvious to most, however, it is one of the biggest issues facing victims in Canada. The way our criminal justice system is organized, and by consequence victim services, a crime is perceived as an offence against the state (either the province or Canada as a whole) and not an offence against an individual person. Therefore, the victim of the crime is no longer a stakeholder in the offence, and instead becomes merely a “witness to the crime”. It is important to recognize that this harm was inflicted on the individual in front of you and to always put their needs, desires and problems first.

## ASSISTANCE

Services must be available and accessible everywhere there are victims. Victims needs evolve from the time of the initial crisis to the weeks, months, and years following the event(s). Service providers need to be aware of the unique nature of each victim’s healing process and be willing to adapt assistance accordingly.

## INFORMATION

Victims need to be provided with information on a range of issues. Individuals cannot plan ahead or be prepared to be victimized, and will be blindly launched into this situation. They need to know what services are available to them, and they need to know how the law and criminal justice system works so they can decide if getting involved is the right path for them.

## SAFETY

In many instances of intimate partner violence, the victim needs to be protected from the accused. This should not be confused with the legal concepts of incarcerating the accused in order to protect the victim, as it is often not the case that victims seek punishment. Some individuals may need help leaving a dangerous home life, some will seek safety-planning tips to stay in the house, some will seek restraining orders, and some will simply avoid common spaces. The level of protection required must be guided by the victim.



# RIGHTS FOR VICTIMS OF INTIMATE PARTNER VIOLENCE

## IPV IN THE CRIMINAL CODE

Intimate partner violence is considered criminal in Canada. Though there is no specific offence of intimate partner violence within the Criminal Code, most acts of partner violence are crimes in Canada. These offences fall under 5 categories:

### OFFENCES RELATED TO THE USE OF PHYSICAL OR SEXUAL VIOLENCE

Assault (ss. 265-268)  
Kidnapping and forcible confinement (s. 279)  
Trafficking in persons (s.279.01)  
Abduction of a young person (ss. 280-283)  
Sexual assault (s.271-273)  
Sexual offences against youth (ss. 151, 152, 153, 155, 170-172)

### OFFENCES RELATED TO THE ADMINISTRATION OF JUSTICE

Disobeying order of court (s.127)  
Failure to comply with conditions of undertaking (s. 145(3))  
Failure to comply with probation order (s.733.1)  
Breach of recognizance (peace order) (s. 811)

### OFFENCES RELATED TO PSYCHOLOGICAL AND EMOTIONAL ABUSE

Criminal harassment ("stalking") (s. 264)  
Uttering threats (s. 264.1)  
Making indecent and harassing phone calls (s. 372)  
Trespassing at night (s. 177)  
Mischief (s. 430)

### OFFENCES RELATED TO NEGLECT

Failure to provide necessities of life (s. 215)  
Criminal negligence (including negligence causing bodily harm and death) (s. 219-221)

### OFFENCES RELATED TO FINANCIAL ABUSE

Theft (ss. 322, 328-330, 334)  
Theft by person holding power of attorney (s. 331)  
Misappropriation of money held under direction (s. 332)  
Theft or forgery of credit card (s. 342)  
Extortion (s. 346)  
Forgery (s. 366)  
Fraud (s. 380 (1))

## IS INTIMATE PARTNER VIOLENCE ALWAYS A CRIME?

The Canadian Victims Bill of Rights, 2015 lays out a victim's right to information, protection, participation, and restitution, should the individual choose to pursue any of the criminal offences listed above. This bill establishes a set of principles to support victims of crime throughout the criminal justice process.

[See the appendix for copies of the Victim Bill of Rights and the Legal Process]

However, pursuing criminal sanctions is NOT always the right path for every victim. Our government has made great steps forward recently in attempts of giving victims their rights, nonetheless, the accused and the defence still hold more power. Our system in Canada is based on the notion that we 'would rather see 10 guilty people free than one innocent man in jail'. This process entails a thorough and intense examination of the evidence, which places the onus on the Crown (victim) to prove the abuse did occur and often leads to revictimization.

# BILL C-16

## AN ACT TO AMEND THE CANADIAN HUMAN RIGHTS ACT AND THE CRIMINAL CODE

This federal enactment amends the Canadian Human Rights Act to add **gender identity** and **gender expression** to the list of prohibited grounds of discrimination, and makes hate propaganda based on gender identity and expression a criminal offence.

### GENDER IDENTITY

THE INTERNAL EXPERIENCE OF BEING A MAN, WOMAN, OR NEITHER

### GENDER EXPRESSION

EVERYONE EXPRESSES GENDER IN UNIQUE WAYS, THROUGH THEIR CLOTHING, HAIR STYLE, VOICE AND BEHAVIOUR

SOME PEOPLE FIND THAT THEIR GENDER IDENTITY AND/OR EXPRESSION DOES NOT MATCH THEIR SEX ASSIGNED AT BIRTH. FOR SOME, THIS MIGHT MEAN THEY IDENTIFY AS TRANS, WHICH IS AN UMBRELLA TERM FOR A MULTITUDE OF IDENTITIES AND EXPERIENCES.

THERE ARE HIGH LEVELS OF DISCRIMINATION AND HARASSMENT AGAINST TRANS IDENTIFYING PEOPLE. THE TRANS PULSE STUDY IN ONTARIO FOUND:

18%

WERE TURNED  
DOWN FOR A JOB

20%

WERE PHYSICALLY  
OR SEXUALLY  
ASSAULTED

34%

WERE VERBALLY  
THREATENED OR  
HARASSED

### WHAT WILL THE AMENDMENT DO?

Bill C-16 will protect trans people in areas such as immigration, criminal law, federal services and the census. It will not however have an effect on education, health care, and the justice system, as these are all provincial jurisdiction. Some provinces are still in the process of amending legislation to protect gender identity and expression, and some have no legislation that protects gender identity and expression.

# EQUITY VS. EQUALITY

## THE IMPORTANCE OF ADOPTING AN EQUITY-BASED APPROACH

### WHAT IS EQUITY?

THE QUALITY OF BEING FAIR AND IMPARTIAL. EQUITY IS IMPORTANT TO CONSIDER WHEN THE GENERAL RULES DO NOT APPLY TO ALL.

### WHAT IS EQUALITY?

THE STATE OF BEING EQUAL, ESPECIALLY IN STATUS, RIGHTS OR OPPORTUNITIES.

## Common Statements from Service Providers About the Equal Service Approach:

"Our services are objectively delivered to every client in the same manner."

"Our policy regarding LGBTQ youth is the same as every other youth."

"Our policy touches on a person's right to equality, regardless of sexual orientation or gender identity."

"There's no specific policy, but we are inclusive to everyone."

## THE PROBLEM WITH THE 'ONE-SIZE-FITS-ALL' APPROACH

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SERVICE PROVIDERS OFTEN STATE THAT THEY DO NOT HAVE SPECIFIC POLICY OR PROCEDURE FOR WORKING WITH LGBTQ2S+ VICTIMS BECAUSE THEIR POLICY OUTLINES THAT ALL PEOPLE WILL BE TREATED EQUALLY REGARDLESS OF THEIR PERSONAL CIRCUMSTANCES.

THOUGH THESE APPROACHES ARE BASED ON GOOD INTENTIONS, THIS METHOD IMPEDES OUR ABILITY TO ADDRESS ISSUES THAT ARE SPECIFICALLY AFFECTING ONE GROUP OF PEOPLE AND NOT ANOTHER. **EQUITY-BASED APPROACHES** INVOLVE MAKING EFFORTS TO UNDERSTAND AND MAKE SPECIAL ACCOMMODATIONS FOR ALL GROUPS TO ENSURE THEY ARE PROVIDED WITH THE SERVICES THEY REQUIRE. WHAT WORKS FOR THE MAJORITY DOES NOT ALWAYS WORK FOR THE MINORITY.



## When you think someone may be experiencing IPV:

Adapted from 'Another Closet' (2014)



### THINGS TO LOOK FOR IF YOU THINK SOMEONE MAY BE EXPERIENCING IPV:

#### The individual may be:

Uncharacteristically withdrawn, depressed or anxious

Overly attentive to their partner's moods and increasingly isolating themselves from friends and family

The individual may have unexplained physical injuries

#### Their partner may be:

Putting them down in front of others

Controlling who they are able to see and keeping tabs on their money

Making all the decisions for their partner



### IF YOU THINK SOMEONE YOU KNOW IS EXPERIENCING ABUSE BUT THEY HAVE NOT DISCLOSED ANYTHING TO YOU, YOU COULD SHOW YOUR SUPPORT BY TALKING TO THEM:

Make sure you speak with them somewhere they feel comfortable, and where no one can overhear, especially the abusive partner

Let them know that you are worried about them and that you care about their well being. A good place to start is by asking them how things are going with their partner, or with some other indistinct question

Don't push them into talking and don't directly ask if they are being abused. The idea is to let them know that you are there to listen when they are ready to open up

Try not to be offended if they are defensive or reject your support at first; you have to wait until the time is right for the victim to want to talk about it



### IT MAY TAKE SEVERAL CONVERSATIONS AND ATTEMPTS BEFORE SOMEONE CHOOSES TO DISCLOSE AN ABUSE. IT OFTEN TAKES A PERSON SEVERAL TRIES BEFORE THEY ARE ABLE TO LEAVE AN ABUSIVE RELATIONSHIP. WHEN SOMEONE DOES DISCLOSE, SHOW YOUR SUPPORT BY:

Listening without judgment

Not questioning what they tell you; most people downplay abuse, so it is possible the abuse is worse than they let on

Acknowledging their feelings and taking them seriously

Letting them know that, no matter the circumstances, the abuse is never their fault and that they do not deserve it

Asking them what they would like to do and what you can do to help

Assisting them at their own pace and not attempting to rush the process



### SOME PRACTICAL WAYS YOU CAN HELP SOMEONE WHO IS A VICTIM OF IPV ARE:

Providing the information they may need so you can help guide them through their healing process

Recording and keeping track of what they tell you, including the dates and times. This also includes any text messages and social media correspondences. This information could be useful if they choose to report

Keep everything they tell you confidential, unless they ask you to do otherwise

# FIRST STEPS

Until an individual's basic needs are met (physiological and safety) it will be near impossible to face the psychological repercussions of a traumatic event. In this case, a visit to a medical professional is often the first line of defence for victims of intimate partner violence.



## THE SEXUAL ASSAULT AND PARTNER ABUSE CARE PROGRAM OF THE OTTAWA HOSPITAL, CIVIC CAMPUS 1053 CARLING AVENUE

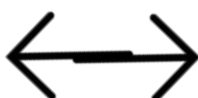
The SAPACP is a group of specialized health care professionals who are available on-site 24 hours a day, 365 days a year. They provide private and confidential trauma informed medical care to anyone 16+ who has experienced sexual assault or partner violence.



## OTTAWA POLICE SERVICES

**No information will be provided to the police unless requested by the victim.**

**If they do choose to report the act they can do so through the SAPACP or by walking into any Ottawa Police Station.**



It is important to note that after filing a statement, an individual can choose whether or not to continue with the legal process. After a statement is given, it will remain on file and the individual can choose at their own pace if and when they'd like to continue the legal process.

## AFTER FILING A STATEMENT, YOU WILL BE REFERRED TO EITHER OVS OR THE VCU



## OTTAWA POLICE SERVICES: VICTIM CRISIS UNIT (613) 236-1222 x2223

The VCU provides assistance and crisis counselling to victims of crime. The VCU contacts victims within a short time frame of filing a report.

## OTTAWA VICTIM SERVICES (613) 238-2762 info@ovs-svo.org

The Victim Crisis and Referral Service (VCARS) consists of volunteers who assist police in providing short-term needs to victims, and will refer to other agencies for long-term needs.



**Regardless of whether or not an individual chooses to report the offence, there are multiple community resources in place to assist individuals of the LGBTQ+ community navigate the consequences and repercussions of intimate partner violence. These services are outlined throughout the next section.**



# APPENDIX

- I. THE CRIMINAL JUSTICE PROCESS
- II. CANADIAN VICTIMS BILL OF RIGHTS
- III. UN DECLARATION ON BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME
- IV. REFERENCES



# I. THE CRIMINAL JUSTICE PROCESS

EVERY CASE IS DIFFERENT AND MAY NOT BE EXACTLY HOW IT IS DESCRIBED HERE. HOWEVER, THIS INFORMATION WILL GIVE YOU AN IDEA OF WHAT USUALLY HAPPENS IN THE CRIMINAL JUSTICE PROCESS (BASED ON INFORMATION FROM THE OFFICE FOR VICTIMS OF CRIME, MINISTRY OF THE ATTORNEY GENERAL OF ONTARIO)

1

## STAGE 1: THE POLICE INVESTIGATION

After a report is made, the police will begin their investigation. This will likely begin with the police asking the victim specific questions about the incident. In some cases, the police will ask the victim to write a written statement and oftentimes the interview will be videotaped. The investigation may take days, weeks, or even months. The police will be seeking other witnesses and evidence before pressing charges.

2

## STAGE 2: THE ARREST

If the police feel there is adequate evidence to reasonably believe a crime has been committed, they can make an arrest. The accused will be placed in police custody.

A Crown Attorney will look over the charges and evidence to decide whether or not to go to trial. The Crown Attorney is not the victim's lawyer, and instead is there to represent the interest of the state (i.e. the Queen). The Crown Attorney will proceed to trial only if they believe there is a reasonable chance of convicting the accused—meaning, the CA must believe they can prove beyond a reasonable doubt to the court that the accused committed the offence(s) in question.

If the police do not make an arrest or the CA decides not to pursue the charges and the victim still feels unsafe with the accused at large, they can apply for a **peace bond** or a **restraining order**.

## PEACE BOND

A PEACE BOND IS A COURT ORDER THAT REQUIRES A PERSON TO KEEP THE PEACE FOR A SPECIFIED PERIOD OF TIME, AND CAN INCLUDE CONDITIONS TO PROTECT THE VICTIM. THEY USUALLY INVOLVE A NO CONTACT ORDER BETWEEN THE VICTIM AND THE ACCUSED, AND TO STAY WITHIN A CERTAIN DISTANCE. THIS DOES NOT REQUIRE A LAWYER, A VICTIM CAN PRESENT THEIR CASE TO THE JUSTICE OF THE PEACE THEMSELVES. VISIT [WWW.ATTORNEYGENERAL.JUS.GOV.ON.CA](http://WWW.ATTORNEYGENERAL.JUS.GOV.ON.CA) TO FIND A JUSTICE OF THE PEACE.

## RESTRAINING ORDER

IF YOU ARE FEARFUL OF YOUR SPOUSE OR COMMON-LAW PARTNER, OR A PREVIOUS SPOUSE OR COMMON-LAW PARTNER, YOU CAN ASK THE COURT FOR A RESTRAINING ORDER. THIS IS DONE BY A JUDGE IN FAMILY COURT. IT WILL LIST CONDITIONS THAT THE PERSON YOU ARE FEARFUL OF MUST OBEY. IF THE PERSON DISOBEYS ANY OF THE CONDITIONS THE POLICE CAN ARREST THEM. YOU DO NOT NEED A LAWYER TO APPLY, HOWEVER, HAVING THE HELP OF A LAWYER WILL MAKE THE PROCESS EASIER ON THE VICTIM.

**STAGE 3: CUSTODY AND BAIL**

Depending on the severity of the circumstances, the accused may stay in custody for a bail hearing or be released with conditions (i.e. stay away from the victim).

If the accused is not released, they must be brought in front of a Justice of the Peace within 24 hours of the arrest for a bail hearing. The JOP will decide if the accused will be released on bail or remain in custody until the trial.

**STAGE 4: GOING TO COURT**

The preliminary hearing is held by a judge to determine whether the Crown Attorney has enough evidence to go to trial. These are usually only held for more serious cases, or indictable offences. In IPV cases the victim is often the main witness, or source of evidence, and thus must present their testimony and be cross-examined by the defence attorneys. The judge will decide at the end of the hearing whether there is enough evidence to move to trial.

The case will then proceed to trial. For serious cases, the accused gets to choose whether to be tried by a judge and jury, or a judge alone. Steps of the trial: CA presents evidence, defence lawyer(s) cross-examine the evidence, defence lawyers may present evidence, closing arguments from both sides, deciding if the accused is guilty or not guilty. If they are found guilty, the judge will set a date for a sentencing hearing.

## VWAP: VICTIM/WITNESS ASSISTANCE PROGRAM

THE VICTIM/WITNESS ASSISTANCE PROGRAM PROVIDES INFORMATION, ASSISTANCE AND SUPPORT TO VICTIMS CERTAIN CRIMES, INCLUDING IPV AND SEXUAL VIOLENCE. A VICTIM WILL HAVE ACCESS TO THIS RESOURCE IN THE COURT HOUSE ONCE THEY BEGIN THE LEGAL PROCESS

## VQRP: VICTIM QUICK RESPONSE UNIT

THE VICTIM QUICK RESPONSE UNIT PROVIDES EMERGENCY FUNDS TO VICTIMS IMMEDIATELY FOLLOWING A CRIME. VQRP IS DELIVERED THROUGH OTTAWA VICTIM SERVICES. OVS WILL HELP WITH THE APPLICATION, WHICH MUST BE MADE WITHIN 45 DAYS OF THE CRIME (90 DAYS FOR CRISIS COUNSELLING)

## II. CANADIAN VICTIMS BILL OF RIGHTS

S.C. 2015, C 13, S.2

### RIGHTS

#### Information

##### General information

6. Every victim has the right, on request, to information about
- (a) the criminal justice system and the role of victims in it;
  - (b) the services and programs available to them as a victim, including restorative justice programs, and;
  - (c) their right to file a complaint for an infringement or denial of any of their rights under this Act.

##### Investigation and proceedings

7. Every victim has the right, on request, to information about
- (a) the status and outcomes of the investigation into the offence, and;
  - (b) the location of proceedings in relation to the offence, when they will take place, and their progress and outcome.

##### Information about offender or accused

8. Every victim has the right, on request, to information about
- (a) reviews under Corrections and Conditional Release Act relating to the offender's conditional release and the timing and conditions of that release, and;
  - (b) hearings held for the purpose of making dispositions, as defined in subsection 672.1(1) of the criminal code in relation to the accused, if the accused is found not criminally responsible on account of mental disorder or unfit to stand trial, and the dispositions made at those hearings.

#### Protection

##### Security

9. Every victim has the right to have their security considered by the appropriate authorities in the criminal justice system.

##### Protection from intimidation and retaliation

10. Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from intimidation or retaliation.

##### Privacy

11. Every victim has the right to have their privacy considered by the appropriate authorities in the criminal justice system.

##### Identity protection

12. Every victim has the right to request that their identity be protected if they are a complainant to the offence or a witness to the proceedings relating to the offence.

##### Testimonial aids

13. Every victim has the right to request testimonial aids when appearing as a witness in proceedings relating to the offence.

#### Participation

##### Views to be considered

14. Every victim has the right to convey their views about decisions to be made by appropriate authorities in the criminal justice system that affects the victim's rights under this Act and to have those views considered.

##### Victim impact statement

15. Every victim has the right to present a victim impact statement to the appropriate authorities in the criminal justice system and to have it considered.

#### Restitution

##### Restitution order

16. Every victim has the right to have the court consider making a restitution order against the offender.

##### Enforcement

17. Every victim in whose favour a restitution order is made has the right, if they are not paid, have the order entered as a civil court judgment that is enforceable against

For the full version of the Bill of Rights, visit [www.laws-lois.justice.gc.ca](http://www.laws-lois.justice.gc.ca)

### III. UN DECLARATION ON BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER

General Assembly, 29 November 1985

#### A. Victims of Crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

#### Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(c) Providing proper assistance to victims throughout the legal process;

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

#### Restitution

8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

#### Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

(a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;

(b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

#### Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.



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