

Legislation

Criminal Code RSC 1985 C-46 at s 17, 34(1) & 34(2).

Protection of Communities and Exploited Persons Act S.C 2014, c. 25

Case Law

Mooney v British Columbia (AG), (2004) BCCA 402

Canada v Bedford, (2013) SCC 72

Doe v Metropolitan Toronto (Municipality) Commissioners of Police, [1990] OJ No 2584

Hill v Hamilton-Wentworth Regional Police Services, 2007 SCC 41

R v Bennett, (1993) OJ no 1011

R v Craig, (2011) OJ no 893

R v Fournier, (1991) NWTR 367

R v Lavallee, (1990) 1 SCR 852

R v Mackenzie, (2012) NBJ No 91

R v Malott, 1996 ONCA

R v Malott, (1998) 1 SCR 123

R v Ryan, (2013) 1 SCR 14

R v Whitten, (1992) NSJ No 105

Secondary Sources

Adams, A. E. (2011). Measuring the effects of domestic violence on women's financial well-being. *Center for Financial Security*, 5-6.

Adams, A. E., Bybee, D., Tolman, R. M., Sullivan, C. M., & Kennedy, A. C. (2013). Does job stability mediate the relationship between intimate partner violence and mental health among low-income women? *American Journal of Orthopsychiatry*, 83(4), 600–608.
<https://doi.org/10.1111/ajop.12053>

Adams, A. E., Sullivan, C. M., Bybee, D., & Greeson, M. R. (2008). Development of the Scale of Economic Abuse. *Violence Against Women*, 14(5), 563–588.
<https://doi.org/10.1177/1077801208315529>

- Alejo, K. (2014). Long-Term Physical and Mental Health Effects of Domestic Violence. *Themis*, 2. <https://doi.org/10.31979/THEMIS.2014.0205>
- Avidbegovic, E., Brkic, M., & Sinanovic, O. (2017). Emotional Profile of Women Victims of Domestic Violence. *Mater Sociomed*, 29(2), 109-113. <https://doi.org/10.5455/msm.2017.29.109-113>
- Baldry, E. (2018). Women in transition: From prison to... *Current Issues in Criminal Justice*, 22(2), 253-267. <https://doi.org/10.1080/10345329.2010.12035885>
- Becker, S., & McCorkel, J. A. (2011). The gender of criminal opportunity: The impact of male co-offenders on women's crime. *Feminist Criminology*, 6(2), 79-110. <https://doi.org/10.1177/1557085110396501>
- Beijer, U., Birath, C.S., Demarinis, V., & Klinteberg, B. (2015). Facets of male violence with substance abuse problems: Women with a residence and homeless women. *Journal of Interpersonal Violence*, 1(21). <http://dx.doi.org/10.1016/j.paid.2016.05.088>
- Bontrager, S., Barrick, K., & Stupi, E. (2013). Gender and Sentencing: A Meta-Analysis of Contemporary Research. *The Journal of Gender, Race, and Justice*, 16(2), 249-273.
- Borchers, A., Lee, R. C., Martsolf, D. S., & Maler, J. (2016). Employment maintenance and intimate partner violence. *Workplace Health & Safety*, 64(10), 469-478. <https://doi.org/10.1177/2165079916644008>
- Boritch, H. (1992). Gender and Criminal Court Outcomes: An Historical Analysis. *Criminology*, 30(3), 293-325. <https://doi.org/10.1111/j.1745-9125.1992.tb01106.x>
- Breiding, M. J., Chen, J., & Black, M. C. (2014). *Intimate partner violence in the United States – 2010*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Atlanta.
- Brown, R. (2019, October 3). *Demands grow for Canada to decriminalize sex work after the election*. Global News. [Demands grow for Canada to decriminalize sex work after the election - National | Globalnews.ca](https://www.globalnews.ca/news/2019/10/03/demands-grow-for-canada-to-decriminalize-sex-work-after-the-election/)
- Burman, M., & Brooks-Hay, O. (2018). Aligning policy and law? The creation of a domestic abuse offence incorporating coercive control. *Criminology and Criminal Justice*, 18(1), 67-83. <https://doi.org/10.1177/1748895817752223>
- CAEFS & NWAC. (2008). Women and the Canadian Legal System: Examining Situations of Hyper-Responsibility. *Canadian Woman Studies*, 26(3,4), 94-104. Retrieved from <https://cws.journals.yorku.ca/index.php/cws/article/view/22118>
- Canadian Women's Foundation (2011, February). *Report on Violence Against Women, Mental Health and Substance Use*. *PDF-VP-Resources-BCSTH-CWF-Report_Final_2011_Mental-Health_Substance-use.pdf (canadianwomen.org)

- Cantos, A. L., Neidig, P. H., & O'Leary, K. D. (1993). Men and Women's Attributions of Blame for Domestic Violence. *Journal of Family Violence*, 8(4), 289-302. <https://doi.org/10.1007/BF00978094>
- Ceballo, R., Ramirez, C., Castillo, M., Caballero, G. A., & Lozoff, B. (2004). Domestic Violence and Women's Mental Health in Chile. *Psychology of Women Quarterly*, 28, 298-308. <https://doi.org/10.1111/j.1471-6402.2004.00147.x>
- Center for Disease Control. (2016). HIV Risk Among Persons Who Exchange Sex for Money or Nonmonetary Items. [Sex Workers | HIV by Group | HIV/AIDS | CDC](#)
- Cross, C. K. (2018). Criminalizing Battered Mothers. *Utah Law Review*, 259. Retrieved from https://scholarship.law.ua.edu/fac_articles/488
- Cunneen, C., & Tauri, J. M. (2019). Indigenous peoples, criminology, and criminal justice. *Annual Review of Criminology*, 2, 359-381. <https://doi.org/10.1146/annurev-criminol-011518-024630>
- Cunradi, B. C., Caetano, R., & Schafer, J. (2002). Alcohol-related problems, drug use, and male intimate partner violence severity among US couples. *Alcoholism: Clinical & Experimental Research*, 26, 493-500.
- Decker, M. R., Wirts, A. L., Baral, S. D., Peryshkina, A., Mogilnyi, V., Weber, R. A., Stachowiak, J., Go, V., & Beyrer, C. (2012). Injection drug use, sexual risk, violence and STI/HIV among Moscow female sex workers. *Sexually Transmitted Infections*, 88, 278-283. <http://dx.doi.org/10.1136/sextrans-2011-050171>
- DeHart, D., Lynch, S., Belknap, J., Dass-Brailsford, P., & Green, B. (2014). Life History Models of Female Offending: The Roles of Serious Mental Illness and Trauma in Women's Pathways to Jail. *Psychology of Women Quarterly*, 38(1), 138-151. <https://doi.org/10.1177/0361684313494357>
- Dinse, L., & Rice, K. (2021). Barriers to Exiting and Factors Contributing to the Cycle of Enter/Exit/Re-Entering Commercial Sex Work. *Social Work & Christianity*, 48(2), 156-182. <https://doi.org/10.34043/swc.v48i2.107>
- Douglas, H. (2017). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99. <https://doi.org/10.1177/1748895817728380>
- Duley, K. (2007). Un-Domesticating Violence: Criminalizing Survivors and U.S. Mass Incarceration. *Women & Therapy*, 29(3-4), 75-96. https://doi.org/10.1300/J015v29n03_05
- El-Bassel, N., Gilbert, L., & Rajah, V. (2003). The relationship between drug abuse and sexual performance among women on methadone: Heightening the risk of sexual intimate violence and HIV. *Addictive Behaviors*, 28, 1385-1403. [https://doi.org/10.1016/S0306-4603\(02\)00266-6](https://doi.org/10.1016/S0306-4603(02)00266-6)

- Erez, E. (2002). Domestic violence and the criminal justice system: An overview. *The Online Journal of Issues in Nursing*, 7(1), 4.
- Fahmy, H. H. & Rahman, S. I. (2008). Determinants and Health Consequences of Domestic Violence Among Women in Reproductive Age at Zagazig District, Egypt. *Journal of the Egyptian Public Health Association*, 83(1-2), 87-106.
- Fazel, S., Bains, P., & Doll, H. (2006). Substance abuse and dependence in prisoners: A systematic review. *Addiction*, 101(2), 181–191. <https://doi.org/10.1111/j.1360-0443.2006.01316.x>
- Ferrari, G., Agnew-Davies, R., Bailey, J., Howard, L., Howarth, E., Peters, T. J., Sardinha, L., & Feder, G. (2014). Domestic violence and mental health: a cross-sectional survey of women seeking help from domestic violence support services. *Global Health Action*, 7(1), 25519. <https://doi.org/10.3402/gha.v7.25519>
- Fikree, F. F. & Bhatti, L. I. (1999). Domestic violence and health of Pakistani women. *International Journal of Gynecology & Obstetrics*, 65, 195-201.
- Flury, M., Nyberg, E., & Riecher-Rössler, A. (2010). Domestic violence against women: definitions, epidemiology, risk factors and consequences. *Swiss Medical Weekly*, 140, w13099.
- Flynn, S. (2019). Battered woman syndrome: A tragic reality, an evolving theory. *Trinity Women's Review*, 3(1). <https://www.esr.ie/index.php/TrinityWomensReview/article/view/2062/604>
- Freiburger, T. L. (2011). The Impact of Gender, Offense Type, and Familial Role on the Decision to Incarcerate. *Social Justice Research*, 24(2), 143-167. <https://doi.org/10.1007/s11211-011-0133-8>
- Garland, D. (1996). The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society. *The British Journal of Criminology*, 36(4), 445-471. <https://doi.org/10.1093/oxfordjournals.bjc.a014105>
- Gelsthorpe, L. (2004). Back to basics in crime control: weaving in women. *Critical Review of International Social and Political Philosophy*, 7(2), 76-103. <https://doi.org/10.1080/1369823042000266530>
- Gilfus, M. E. (2002). Women's Experiences of Abuse as a Risk Factor for Incarceration. *Article submitted to the National Electronic Network on Violence Against Women*. Retrieved from <https://vawnet.org/material/womens-experiences-abuse-risk-factor-incarceration>
- Gill, C., Campbell M., Balluci, D. (2021) Police Officers' Definitions and Understanding of IPV in New Brunswick, Canada *The Police Journal: Theory, Practice and Principles* 94(1) p 20-39.
- Golder, S., Connell, C. M., & Sullivan, T. P. (2012). Psychological distress and substance use among community-recruited women currently victimised by intimate partners: A latent

- class analysis and examination of between-class differences. *Violence Against Women*, 18, 934-957.
- Goodmark, L. (2021). Gender-Based Violence, Law Reform, and the Criminalization of Survivors of Violence. *International Journal for Crime, Justice and Social Democracy*, 10(4), 13-25. <https://doi.org/10.5204/ijcjsd.1994>
- Grant, I. (2015). Intimate Partner Criminal Harassment Through a Lens of Responsibilization. *Osgoode Hall Law Journal*, 52, 552-600.
- Henning, K., Jones, A. R., & Holdford, R. (2005). "I didn't do it, but if I did I had a good reason": Minimization, Denial, and Attributions of Blame Among Male and Female Domestic Violence Offenders. *Journal of Family Violence*, 20(3), 131-139. <https://doi.org/10.1007/s10896-005-3647-8>
- Hirschel, David & Buzawa, Eve (2002) "Understanding the Context of Dual Arrest with Directions for Future Research" *Violence Against Women* 8(12), page 1449-1473.
- Hollett, Kevin (2016) "Evaluating Canada's Sex Work Laws: The Case for Repeal" *Pivot*. (article & executive summary).
- Humphreys, C. & Thiara, R. (2003). Mental Health and Domestic Violence: 'I Call it Symptoms of Abuse'. *The British Journal of Social Work*, 33(2), 209-226. <https://doi.org/10.1093/bjsw/33.2.209>
- Jolivet, A., Cadot, E., Florence, S., Lesieur, S., Lebas, J., & Chauvin, P. (2012). Migrant health in french guiana: Are undocumented immigrants more vulnerable? *BMC Public Health*, 12(1).
- Kong, R., & AuCoin, K. (2008). *Female offenders in Canada*, Catalogue No. 85-002-X. Statistics Canada, 28(1), 1-23.
- Kotsadam, A., Jakobsson, N. (2014). Shame on you, John! Laws, stigmatisation, and the demand for sex. *European Journal of Law and Economics*, 37, 393-404. <https://doi.org/10.1007/s10657-012-9339-y>
- Kumar, S., Jeyaseelan, L., Suresh, S., & Ahuja, R. C. (2005). Domestic violence and its mental health correlates in Indian women. *British Journal of Psychiatry*, 187, 62-67. <https://doi.org/10.1192/bjp.187.1.62>
- Kurlychek, M. C., & Johnson, B. (2019). Cumulative disadvantage in the American criminal justice system. *Annual Review of Criminology*, 2, 291-319. <https://doi.org/10.1146/annurev-criminol-011518-024815>
- Kyu, N. & Kanai, A. (2005). Prevalence, antecedent causes and consequences of domestic violence in Myanmar. *Asian Journal of Social Psychology*, 8, 244-271. <https://doi.org/10.1111/j.1467-839X.2005.00170.x>

- Lasarus, L., Deering, K. N., Nabess, R., Gibson, K., Tyndall, M. W., & Shannon, K. (2012). Occupational stigma as a primary barrier to health care for street-based sex workers in Canada. *Culture, Health, & Sexuality, 14*(2), 139–150
- Lyons, T., Krüsi, A., Pierre, L., Kerr, T., Small, W., & Shannon, K. (2017). Negotiating violence in the context of transphobia and criminalisation: The experiences of trans sex workers in Vancouver, Canada. *Qualitative Health Research, 27*(2), 182–190.
<https://doi.org/10.1177/1049732315613311>
- Marcus-Mendoza, S. (2011). Feminist therapy with incarcerated women: Practicing subversion in prison. *Women & Therapy, 34*(1-2), 77–92.
<https://doi.org/10.1080/02703149.2011.532692>
- Marshall, B., Fairbairn, N., Li, K., Wood, E., & Kerr, T. (2008). Physical violence among a prospective cohort of injections drug users: A gender-focused approach. *Drug and Alcohol Dependence, 97*, 237-247.
- Matheson, K., Bombay, A., Dixon, K., & Anisman, H. (2019). Intergenerational communication regarding Indian Residential Schools: Implications for cultural identity, perceived discrimination, and depressive symptoms. *Transcultural Psychiatry*.
<https://doi.org/10.1177/1363461519832240>
- McBride, B., Shannon, K., Bingham, B., Braschel, M., Strathdee, S., & Goldenberg, S. M. (2020). Underreporting of violence to police among women sex workers in Canada: Amplified inequities for im/migrant and in-call workers prior to and following end-demand legislation. *Health and Human Rights Journal, 22*(2), 257-270.
- McCarthy, B., Benoit, C., & Jansson, M. (2014). Sex work: A comparative study. *Archives of Sexual Behavior, 43*(7), 1379-1390.
- Minichiello, V., Scott, J., & Cox, C. (2017). Commentary: Reversing the agenda of sex work stigmatisation and criminalisation: Signs of a progressive society. *Sexualities, 21*(5-6), 730-735. <https://doi.org/10.1177/1363460716684510>
- Moe, A. M. (2004). Blurring the Boundaries: Women's Criminality in the Context of Abuse. *Women's Studies Quarterly, 32*(3-4), 116-138.
- Mosher, Janet (2015) "Grounding Access to Justice Theory and Practice in the Experiences of Women Abused by their Intimate Partners" *Windsor Y B Access Just* 32 at page 149-179.
- National Coalition to End Homelessness. (2020). LGBTQ HOMELESS YOUTH FACT SHEET. [LGBTQ HOMELESS YOUTH FACT SHEET \(safeschoolscoalition.org\)](https://www.safeschoolscoalition.org)
- Najavits L.M., Weiss R.D., Shaw S.R. (1997). The link between substance abuse and posttraumatic stress disorder in women: A research review. *American Journal on Addictions, 6*, 273-283.
- Newburn, T. (2017). *Criminology*. Routledge.

- Oliver, J. (Host), O'Brien, D. (Writer), Parsons, O. (Writer), Redd, C. (Writer), & Pennolino, P. (Director). (2022). Harm Reduction [Television series episode]. In Tim Carvell (Executive producer), *Last Week Tonight*. NYC, New York: HBO.
- Panchanadeswaran, S., El-Bassel, N., Gilbert, L., Wu, E., & Chang, M. (2008). An examination of the perceived social support levels of women in methadone maintenance treatment programs who experience various forms of intimate partner violence. *Women's Health Issues, 18*, 35-43.
- Pate, K. (2018). Rising Incarceration Rates of Racialized Women. Retrieved from <https://www.criaw-icref.ca/wp-content/uploads/2021/04/Rising-Incarceration-Rates-of-Racialized-Women.pdf>
- Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S. G., Sanders, T., Mwangi, P., & Crago, A.-L. (2018). Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLOS Medicine, 1*-54. <https://doi.org/10.1371/journal.pmed.1002680>
- Postmus, J. L., Plummer, S.-B., McMahon, S., Murshid, N. S., & Kim, M. S. (2012). Understanding economic abuse in the lives of survivors. *Journal of Interpersonal Violence, 27*(3), 411–430. <https://doi.org/10.1177/0886260511421669>
- Quinn, D. M., & Chaudoir, S. R. (2009). Living with a concealable stigmatised identity: The impact of anticipated stigma, centrality, salience, and cultural stigma on psychological distress and health. *Journal of Personality and Social Psychology, 97*(4), 634–651. <https://doi.org/10.1037/a0015815>
- Rhodes, T., Simic, M., Baros, S., Platt, L., & Zikic, B. (2008). Police violence and sexual risk among female and transvestite sex workers in Serbia: Qualitative study. *British Medical Journal, 337*, a811. <https://doi.org/10.1136/bmj.a811>
- Roberts, G. L., Lawrence, J. M., Williams, G. M., & Raphael, B. (1998). The impact of domestic violence on women's mental health. *Australian and New Zealand Journal of Public Health, 22*(7), 796-801. <https://doi.org/10.1111/j.1467-842x.1998.tb01496.x>
- Robinson, A. L., Myhill, A., & Wire, J. (2018). Practitioner (mis) understandings of coercive control in England and Wales. *Criminology and Criminal Justice, 18*(1), 29-49. <https://doi.org/10.1177/1748895817728381>
- Sagar, T., Jones, D., Symons, K., Tyrie, J., & Roberts, R. (2016). Student involvement in the UK sex industry: Motivations and experiences. *British Journal of Sociology, 67*(4), 697-718. <https://doi.org/10.1111/1468-4446.12216>
- Sawicki, D. A., Meffert, B. N., Read, K., & Heins, A. J. (2019) Culturally competent health care for sex workers: an examination of myths that stigmatise sex work and hinder access to care. *Sexual and Relationship Therapy, 34*(3), 355-371. <https://doi.org/10.1080/14681994.2019.1574970>

- Saxton, Michael et al. (2021) "Experiences of Intimate Partner Violence with Police and the Justice System in Canada" *Journal of Interpersonal Violence* 36.
- Saxena, P., Messina, N. P., & Grella, C. E. (2014). Who benefits from gender-responsive treatment?: Accounting for abuse history on longitudinal outcomes for women in prison. *Criminal Justice and Behavior*, 41(4), 417–432.
<https://doi.org/10.1177/0093854813514405>
- Schneider, R., Burnette, M. L., Ilgen, M. A., & Timko, C. (2009). Prevalence and correlates of intimate partner violence victimisation among men and women entering substance use disorder treatment. *Violence and Victims*, 24, 744-756.
- Shannon, L., Logan, T. K., Cole, J., & Walker, R. (2008). An examination of women's alcohol use and partner victimisation experiences among women with protective orders. *Substance Use & Misuse*, 43, 1110-1128.
- Shaffer, Martha "The Battered Woman Syndrome Revisited: Some Complicating Thoughts Five Years After *R v Lavallee*" (1997) 47 *Univ of Toronto LJ* 1, page 1-32.
- Sharma, K. K., Vatsa, M., Kalaivani, M., & Bhardwaj, D. (2019). Mental health effects of domestic violence against women in Delhi: A community-based study. *Journal of Family Medicine and Primary Care*, 8, 2522-2527. <https://doi.org/10.4103/jfmpe.jfmpe.427.19>
- Stark, E. (2007). *Coercive control: How men entrap women in personal life*. Oxford University Press.
- Stark, E., & Flitcraft, A. (1996). *Women at risk: Domestic violence and women's health*. Sage Publications, Inc. <https://doi.org/10.4135/9781483345376>
- Steadman, H. J., Osher, F. C., Robbins, P. C., Case, B., & Samuels, S. (2009). Prevalence of serious mental illness among jail inmates. *Psychiatric Services*, 60(6), 761–765.
<https://doi.org/10.1176/appi.ps.60.6.761>
- Stewart, D. E. & Robinson, G. E. (1998). A review of domestic violence and women's mental health. *Archives of Women's Mental Health*, 1, 83-89.
<https://doi.org/10.1007/s007370050010>
- Taylor, K., McDonagh, D., & Blanchette, K. (2018). *Assessing and treating women offenders*. In: Ternes, M., Magaletta, P., & Patry, M. (Eds.). *The Practice of Correctional Psychology*. Springer, Cham. https://doi.org/10.1007/978-3-030-00452-1_5
- Tolmie, J. R. (2018). Coercive control: To criminalize or not to criminalize? *Criminology & Criminal Justice*, 18(1), 50-66. <https://doi.org/10.1177/1748895817746712>
- Voth Schrag, R. J. (2015). Economic abuse and later material hardship: Is depression a mediator? *Affilia: Journal of Women & Social Work*, 30(3), 341–351.
<https://doi.org/10.1177/0886109914541118>

- Walklate, S., Fitz-Gibbon, K., McCulloch, J. (2017). Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories. *Criminology & Criminal Justice*, 18(1), 115-131. <https://doi.org/10.1177/1748895817728561>
- Wang, T. (2021). Mismatched Liberation Theory: A Comparative Method to Explain Increasing Female Crime Share in the United States. *Feminist Criminology*, 16(5), 547-582. <https://doi.org/10.1177/1557085121993210>
- Warren, J. I., Hurt, S., Loper, A. B., Bale, R., Friend, R., & Chauhan, P. (2002). Psychiatric symptoms, history of victimization, and violent behavior among incarcerated female felons: An American perspective. *International Journal of Law and Psychiatry*, 25(2), 129–149. [https://doi.org/10.1016/S0160-2527\(01\)00104-2](https://doi.org/10.1016/S0160-2527(01)00104-2)
- Weingourt, R., Maruyama, T., Sawada, I., & Yoshino, J. (2001). Domestic violence and women's mental health in Japan. *International Nursing Review*, 48(2), 102–108. <https://doi.org/10.1046/j.1466-7657.2001.00059.x>
- Weitzer, R. (2000). *Sex for Sale: Prostitution, Pornography, and the Sex Industry*. Routledge. <https://doi.org/10.4324/9780203872802>
- Weitzer, R. (2009). Sociology of sex work. *Annual Review of Sociology*, 35, 213-234. <https://doi.org/10.1146/annurev-soc-070308-120025>