

Episode 6:

Addressing Intimate Partner & Gender-Based Violence (with Amelia Berot-Burns & Pam Hrick)



Guide

Learning objectives

- To introduce students to the concept of restorative justice in the context of intimate partner violence and develop understanding of [section 717 of the Criminal Code](#)
- To empower students with the language to talk about gender-based and intimate partner violence
- To explore the history of punitive approaches to justice and question the idea of a “one size fits all” justice system
- To equip students with the knowledge to think critically about the structure and bureaucracy of our justice system

Materials

- Copies of this handout for Episode 6: Addressing Intimate Partner & Gender-Based Violence
- Device to listen to the [“Law Syrup” podcast episode](#)
- Copies of Women’s Legal Education and Action Fund (LEAF)’s [Avenues to Justice report](#) (optional further reading)

- Copies of the Alberta Court’s Criminal Restorative Justice Project Pilot, [Wîyasôw Iskweêw](#) (optional further reading)

Teaching and learning strategies

- **Group discussion:** This encourages students to engage with the material and discussion questions in pairs or small groups, fostering collaboration and deeper insights into the topic.
- **Collaborative brainstorming:** Students will work in groups to brainstorm and reflect on different aspects of intimate partner violence, restorative justice, and healthy relationships, enhancing their understanding through shared ideas and perspectives.
- **Critical reflection:** Students will be prompted to reflect on the key concepts presented in the resource, including how restorative justice could apply to cases of intimate partner violence and the potential limits of this approach.
- **Scenario exploration:** By discussing real-world applications and case studies, students will gain practical insights into

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how restorative justice and legal systems intersect, particularly within the context of intimate partner violence.

Content warning

This episode discusses themes of gender-based violence and intimate partner violence, which may be difficult or triggering for some students. It is essential to create a supportive and safe environment where students can engage with the content without feeling pressured to share personal experiences, but with the freedom to do so if they choose. Consider setting ground rules or guidelines at the start of the discussion to foster respectful and open dialogue.

It's important to be transparent with students about the realities of intimate partner and dating violence, without downplaying the severity of these issues. Many students may have been directly affected by or know someone who has experienced abuse. Approach these topics with care and sensitivity, ensuring that students feel supported throughout the discussion.

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Handout

Biography of Pam Hrick

Pam Hrick is the Executive Director and General Counsel at LEAF (the Women's Legal Education and Action Fund). In this role, she oversees LEAF's legal work, daily operations, and strategic direction alongside the organization's Board of Directors. She provides leadership in key areas such as litigation, law reform, and public education, ensuring that LEAF continues its mission of advancing gender equality through the law.

Pam is deeply committed to community service and advocacy. She has actively contributed to the legal profession and the broader community, including her role as Chair of the Board of Management at The 519, a City of Toronto non-profit organization dedicated to supporting and advocating for the inclusion of 2SLGBTQ+ communities.

How to talk about gender-based and intimate partner violence

Gender-based violence (GBV) and intimate partner violence (IPV), also referred to as domestic violence, encompass various forms of harm caused by a current or former intimate partner. These forms of violence affect people of all genders, ages, socioeconomic statuses, racial and cultural backgrounds, and religions. Statistics show that women are disproportionately impacted, with most GBV perpetrated by men.

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- **Physical abuse:** using or threatening physical force to cause harm.
- **Criminal harassment (stalking):** repeated actions that make someone fear for their safety or the safety of a loved one.
- **Sexual violence:** any sexual act without consent, including threats of consequences for refusing sexual activity, forcing participation in or viewing of pornography, and degrading sexual comments.
- **Emotional or psychological abuse:** insults, humiliation, intimidation, threats, and actions that cause ongoing fear or distress, including harm to pets.
- **Spiritual abuse:** manipulating or controlling someone by using their spiritual beliefs.
- **Reproductive coercion:** controlling someone's reproductive choices, such as decisions about pregnancy or access to health services.
- **Coercive control:** patterns of domination and abuse that cause fear or restrict independence.
- **Technology-facilitated violence (cyberviolence):** using technology to harm, control, or intimidate, such as tracking someone's location without consent.

IPV and the law

Canada has taken steps to strengthen its response to IPV. In June 2019, amendments were made to the *Criminal Code* to improve how courts address IPV cases. Since 1986, every province and territory in Canada has implemented mandatory charging policies for IPV-related offences. Under these policies, the police are required to lay charges when there are reasonable grounds to believe an offence has occurred. This means that the survivor is not responsible for deciding whether charges are laid or whether a trial will proceed. Even if the survivor does not want to press charges, the Crown's office (who is in charge of prosecuting the case), takes over the process and moves it forward.

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The *Criminal Code* also includes Section 717, which gives the Crown discretion to use “alternative measures” (commonly referred to as diversion) to address cases involving the accused. These measures involve dispute resolution processes that take place outside of the courtroom, such as mediation and arbitration. These processes are led by trained professionals approved by the court, who help the parties involved reach an agreement.

Restorative justice is a philosophy that can be implemented during these alternative dispute resolution processes, but can also be used within the criminal justice process as well.

What is restorative justice?

Restorative justice models are based on Indigenous legal orders - rather than the colonial justice model - focussing on the idea that crime doesn’t just harm survivors, it impacts the community and even the person who committed the harm. Restorative justice models can be a tool for decolonization, and revitalizing Indigenous legal principles through practice. These approaches prioritize repairing harm, taking accountability, and restoring relationships. Instead of seeing crime simply as a violation of the law, restorative justice views it as a harm done to a community. The person responsible for the harm is encouraged to take responsibility and make amends directly to the survivor and, in many cases, the community.

The main goals of restorative justice are:

- **To address the harm experienced by survivors** and help them feel heard and supported.
- **To repair relationships** between those harmed and those responsible for the harm.
- **To reintegrate individuals who caused harm** back into the community in a meaningful way.

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What are the benefits of restorative justice?

Restorative justice takes a holistic approach to crime and its effects, offering unique benefits to everyone involved:

- **Accountability:** Restorative justice ensures that individuals who cause harm take responsibility for their actions, not through punishment but by addressing the consequences of their choices and working to make things right.
- **Support for change:** Unlike colonial models, which assume that people change because they're penalized, restorative justice emphasizes providing support and resources to help people grow and make informed choices.
- **Community involvement:** Restorative justice also engages the community, empowering people to create conditions that promote accountability and long-term change. This approach values dignity, fairness, and mutual respect while demanding rigorous self-accountability. It shifts away from punitive (punishment-based) measures to emphasize healing and restoration for everyone involved.

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Survivors

Survivors of crimes have the opportunity to directly confront “wrongdoers” and address the harm they’ve experienced. This is a critical part of the restorative justice process, allowing survivors to express how the crime has affected them and to seek the acknowledgment and responsibility of the “wrongdoer”. It also strengthens survivors’ connection to their community through the support of family, friends, and others who help them heal. For families, knowing the reasons why their loved one was targeted

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and seeing the “wrongdoer” take responsibility for their actions can provide important closure and peace of mind.

“Wrongdoers”

“Wrongdoers”, or those who have caused harm, are given the opportunity to acknowledge their actions and the damage they’ve caused. A key element of restorative justice is personal accountability, where “wrongdoers” not only admit their wrongdoing but also take steps to make things right. This might include participating in therapy, such as anger management or substance abuse programs, or taking other actions to repair relationships with the survivor and the community. Restorative justice allows them to understand and address the root causes of their behaviour, while also providing support for them to become responsible, contributing members of society.

The below steps are what the “wrongdoer” must move through to create a viable restorative justice process.

1. Stop the immediate harm
2. Recognize the harm caused
3. Acknowledge the consequences of harm without excuses (even if unintended)
4. Take responsibility for the harm and make repairs wherever possible
5. Change harmful attitudes and behaviours to prevent repeating the harm
6. Work towards becoming a healthy member of their community

Community

Restorative justice emphasizes the involvement of the community in the justice process. When community members participate in restorative justice, they help repair the damage caused by crime and

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contribute to a sense of safety and security. The community not only provides support for the survivor but can also help “wrongdoers” address the root causes of the harm. By focusing on prevention and reparation rather than punishment, restorative justice strengthens the social fabric of communities, offering support, guidance, and rehabilitation to those involved. Restorative justice also tends to be more cost-effective than traditional criminal justice proceedings, as it often relies on volunteers, such as mediators, community members, and legal professionals.

The justice system

Restorative justice programs help alleviate some of the pressure on the formal justice system by encouraging survivors, “wrongdoers”, and community members to collaborate on resolving conflicts. This reduces the burden on the courts, saving resources and allowing the justice system to focus on other cases that require formal intervention. As a result, restorative justice provides an alternative that benefits both the individuals involved and the broader legal system.

Law Syrup: Accompanying resources

Exercises

Exercise 1: What is a healthy relationship?

Look at this list of green and red flags in relationships. Use the discussion questions and add to the chart. This can also be done as a whole class, without splitting into groups.

- **Think-Pair-Share:** Each student takes 5 minutes to jot down key ideas or insights they gained from the discussion questions and write about any relationship red or green flags they have observed in real life (whether personally or through stories in media). For students who feel uncomfortable, provide the option to write down answers privately.
- **Group Sharing:** In groups of 3-5, students share their lists. After everyone shares, each member must add at least one new idea or perspective based on the group discussion. Prompt students to reflect on the impact these behaviors have on relationships, and to ask themselves whether they've observed them personally or in the media.
- **Cross-Pollination:** Students then meet with someone outside their group to exchange lists and share insights. They are encouraged to not just list new items but reflect on the emotion behind these behaviors—How do these actions make someone feel?
- **Reflection:** Students take a few minutes to review their updated lists and reflect on what surprised them or what new perspectives they gained.

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Green flags	Red flags
Respects a “no” and doesn’t try to push you to do something you don’t want to do	Pressures you to move fast in a relationship
Takes accountability when they make a mistake (“That’s my fault, and I’m sorry.”)	Pressures you into sex before you’re ready or when you don’t want it
Values time apart and together	Shows extreme amounts of affection, mimics every interest you have, or carries out over-the-top displays of romance right away (love bombing)
Accepts feedback without getting defensive	Has been abusive in other relationships
Does what they say they will do	Believes in stereotypical gender roles (e.g., male supremacy)
Does not lie	Mostly displays anger or apathy (aloofness, silent treatment), and displays no other emotions
Exhibits empathy and understanding toward you and others	Puts you down, criticizes or degrades you, deflates your self esteem
Makes you feel safe and secure	Uses physical intimidation or physical violence against you, others, or pets
Is okay with you having your own friends without getting mean or using personal insults	Acts one way with you and a different way (often more friendly and polite) with others
Enjoys seeing you succeed and grow	Does not respect boundaries. This could look like coming over even when you say you don’t want them too. Or calling you at work even after you say you can’t take personal calls while working.
Same person in public as in private	Monitors where you go, even tracking you (either online or in person)

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Discussion questions

- Do you agree with the list of green and red flags? Why or why not?
- Are there any behaviors or red flags that you would add or remove from the list?
- Can you think of any fictional portrayals of relationships that show red or green flags? How do these portrayals influence your understanding of real-life relationships?
- What changes might you see in someone who is experiencing an abusive relationship? How might these changes affect their relationships with others?

Exercise 2: Restorative justice in the criminal system

Prompt: “In the context of intimate partner violence, what are the potential benefits of restorative justice for the survivor, the wrongdoer, and the community? Can restorative justice create meaningful accountability in these cases?”

Have students break into small groups (3-4 students) to discuss the following:

- The benefits of restorative justice for survivors of IPV.
- How restorative justice might be applied in IPV situations.
- What conditions would need to be in place for restorative justice to work effectively in cases of IPV?

After about 10 minutes of discussion, bring the class back together and ask a few groups to share their thoughts with everyone.

Exercise 3: Scenario application

Present students with different hypothetical scenarios involving intimate partner violence. Ask them to consider how restorative justice might apply in each case. This can also be done as a whole class.

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Example scenarios (please adjust for sensitivity if necessary):

1. A partner repeatedly threatens the other, and the situation escalates to physical violence.
2. One partner feels emotionally manipulated and controlled, but the abuse has been more psychological than physical.
3. A survivor of IPV chooses to engage with restorative justice to hold their partner accountable, and both parties are willing to participate.

Instructions:

- After each scenario, ask students to reflect individually on how restorative justice could be implemented.
- Then, in their groups, students discuss the following:
 - Would restorative justice work in this scenario? Why or why not?
 - What challenges or risks do you foresee in applying restorative justice in this situation?
 - How can the process ensure safety, accountability, and support for the survivor?

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Further information and resources

For more information and support with this subject matter, please consult the following resources:

[About Responding to Abuse and Violence Guided Pathways \(CLEO\)](#)

[Domestic violence \(Legal Aid website\)](#)

[Find family violence resources and services in your area \(Canadian government website\)](#)

[Get help if you are experiencing violence \(Ontario government website\)](#)

[LEAF's section on gender-based violence](#)

[Indigenous Restorative Justice: Approaches, Meaning, and Possibility](#)