



BATTERED **WOMEN'S**
SUPPORT SERVICES

Empowering

Non-Status, Refugee, and Immigrant Women Who Experience Violence



OUR COVER: Arpilleras are small hand sewn and embroidered/embellished tapestries, created by women, most of whose relatives were among those listed as detained/ disappeared during the military dictatorships in Latin-American countries such as Chile. Arpilleras began as a means to record the women's fruitless searches for their loved ones and to function as a means of remembrance. Later tapestries also recorded historical events. The Latin American women who worked with these hand

sewn, arpilleras, used this tapestry as a way of recording both their grief over the disappearance of their loved ones and the brutality that they experienced as a result of the dictatorships. The materials for these tapestries were often donated; however, many times remnants of the disappeared person's clothing were used to represent them on the arpillera. In addition to cloth, embellishments such as embroidery stitches, tin foil, and small pieces of wood were often incorporated into the design.

Latin-American women used the tapestry-making as a visual way to express the changes and the struggle in their lives and in their countries. Arpilleras are a physical manifestation of Latin-American women's attempt to change a system that gave them no voice. Initially, women came together in order to earn a living,

However, they became activists and influenced the political climate of their countries. Although these women worked quietly and used a traditionally feminine method, their arpilleras had wide influence within countries like Chile and Peru and internationally. The tapestries and the art of making them preserved the memory of the disappeared people, the dictatorship's brutality, as well as the unemployment, food and housing shortages and other hardships of daily life. Simply preserving this collective memory was itself an act of protest, but creating the arpilleras also empowered the women in other ways. Many women experienced cognitive liberation through their work in the arpillera workshops and became involved in other protests against dictators such as Pinochet in Chile. They also began to confront machismo in their own homes and in society in general by claiming a wider role for women.

At the centre of our anti-oppression practice it is necessary to have an anti-colonial commitment. This means recognizing that we live on colonized land with all of those oppressive realities, histories and impacts. In sharing this manual to work with Non-Status, Refugee and Immigrant women we acknowledge and recognize the colonial history of this land we live on, now called Canada. It is vital to recognize that as residents of British Columbia we live on unceded Indigenous territories.

Empowering Non-Status, Refugee and Immigrant Women Who Experience Violence

A woman-centred
approach
to managing
the spectrum of needs
from settlement
to empowerment



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Definition of Women in this Manual

Throughout this document the terms woman, women and Non-Status, Refugee and Immigrant Women are used. Occasionally, the term women of colour is also used. Through the manual Non-Status, Refugee and Immigrant Women will be represented by NSRIW except when addressing specific issues.

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Foreword

Battered Women's Support Services' Engaging Immigrant Women in the Legal System (EIWLS) and Empowering Non-Status, Refugee and Immigrant Women Who Experience Violence (ENRIW) Projects consists of a provincial network of advocates, community members, anti-violence workers, lawyers, researchers, scholars, feminists, activists and survivors from women's groups, community organizations, immigrants' rights networks, communities of colour, queer communities, and other social justice organizations.

Our goals include:

- 1** Raising awareness about the prevalence of violence against NSRIW and the damaging impact of intimate partner violence on the individual woman survivor, her children, the family and the community.
- 2** Identifying the root causes of violence, the various tactics of power/control used, the devaluation of women, the lack of accountability of abusers, and the complicity of communities both mainstream and Immigrant.
- 3** Identifying and detailing the areas of law navigated by NSRIW while providing strategies for engagement in the legal system including legal advocacy, policy and law reform.

- 4 Identifying the historic, legal, attitudinal, and behavioural discrimination women experience that is embedded in mainstream Canadian culture and within Immigrant communities.
- 5 Developing and delivering print resources, training programs and workshops preparing service providers to be better equipped to respond to women's experience of violence, their experience of immigration and the gaps in laws and policies that govern NSRIW's lives. This includes promoting women-centred advocacy, culturally relevant programming, research and law reform.
- 6 Expanding leadership and expertise within mainstream organizations, women's organizations and Immigrant communities about violence prevention, intervention, advocacy, law reform and research lead by and for NSRIW survivors.
- 7 Strengthening the anti-violence movement by thoroughly integrating the experiences of Immigrant women. Strengthening relationships and linkages with other communities of color and social justice organizations.
- 8 Identifying strategies for advocacy and support of NSRIW who are experiencing violence to ensure safety and access to legal resources and justice. In doing so working toward economic independence and lives free of abuse and violence.
- 9 Organizing cultural transformation, emphasizing community accountability and establishing new social norms – essentially changing the world.

Battered Women's Support Services' EIWLS and ENRIW Projects have embarked on several initiatives. *Empowering Non-Status, Refugee and Immigrant Women Who Experience Violence - A woman-centred approach to managing the spectrum of needs from settlement to empowerment* manual is one of them. Though not meant to be conclusive, it is written as an exploration of ideas, to present recurring issues and to critique existing practices. It has been developed to help frame and define a woman-centred approach to meeting the challenges faced by community workers and the NSRIW who access services.

The need for a response to violence against NSRIW is timely as representation from these communities continues to grow in almost every village, town and city in Canada. This resource manual recognizes that principles, practices and tools that reflect the diversity of communities can lead to better practices when working with NSRIW who experience violence in their intimate relationship.

The women-centred approach comes from a desire to end oppression against women at a personal and societal level. Insufficient operating funding, limited and/or non-specialized training for community workers, lack of resources for organizational development, a strong local focus and lack of connections between agencies are some of the obstacles facing community organizations working with NSRIW.

All of these obstacles compromise a feminist vision when working with NSRIW. The feminist vision proposes that inequality, abuse of power and domination of women are the seeds of violence.

It is women-centred solutions, strong anti-oppression practice and feminist values that forge a bond among community workers striving to overcome barriers for women experiencing violence in an intimate relationship. The tools, analysis and practical solutions included in this manual support community workers on the journey to work from a more inclusive anti-oppressive practice.

The Battered Women's Support Services' EIWLS and ENRIW Projects are collaborative processes. As you read this manual we hope the information presented here will add to discussions occurring in your communities and organizations. We are interested and eager to participate in your dialogue so please share your comments and questions.

Battered Women's Support Services

604-687-1868 • strategicinterventions@bwss.org



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Acknowledgements

This resource manual is dedicated to women who are living with violence perpetrated by their loved ones within the privacy of their homes. It is dedicated to the approximately 75 women who are killed by their husbands in Canada each year and the eight women who were murdered in BC in 2009. It has been created for those who have chosen to devote time in their life to work with abused women and children from marginalized or vulnerable backgrounds, as well as those who focus on the support of NSRIW and their families. This manual has also been developed to help frame and define a woman-centred approach to meeting the challenges faced by anti-violence and immigrant sector workers and the NSRIW who access services.

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Support Services
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Alejandra Zives

Amarjit Bhandal

Ana Vilma

Andrea Canales

Andrea Sola

Angela Marie MacDougall

Atoosa Shokoueian

Azucena Florencia Hernandez

barbara findlay

Brenda Melgar

Cecilia Taggler

Damaris Purgas

Daniela Escolar

Darla Tomeldan

Elsa Gomez

Farahnazz Jamal

Gisela Molina

Gita Golsokhan

Golnoosh Hakiman

Gullermina Bentzen

Hajra Kamlani

Heidi Baghaian

Iris Garay

Jaclyn Sauer

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Kirsty Howey

Lali Pawa

Lauren Gill

Lobat Sadrehashemi

Manijeh Ghaffari

Marilyn Gutierrez-Diez

Mercedes Quiros

Mishi Campbell

Mitra Amirabm,

Nimi Chauhan

Nubia Mancilla

Parastoo Kosari

Parminder Nizher

Perminder Flora

Poran Poregbal

Rhona Lichtenwald,

Rosa Elena Arteaga

Sadia Sameeullah

Sandeep Nagra

Sandra Higgins

Sarika Patheja

Sedighe Hendizadeh

Shajila Singh

Silvana Gugliemetti

Sital Parmar

Soheila Ansari

Tahmineh Yazdanyar

Tessa Parkes

Victoria Rosario

Veenu Saini

Yola Vargas

Zahra Asli

Zara Suleman

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www.oaxacastudio.com

Empowering Non-Status, Refugee and Immigrant Women: An introduction

Violence against women
is the most pressing
social issue of our time.

The Statistics Canada report, “Homicide in Canada – 2000,” indicated that women were the victims in three of four spousal murders. The Police and Crime Summary Statistics for B.C. in 2000 indicate that 10,121 incidents of spousal assault were reported. Of those assaults 78.2% of the accused were males, 12.9% of the accused were females and 8.9% of reports involved both spouses assaulting each other (2000). According to the Canadian Crime Statistics 2000 report male on female violence accounted for the majority (46.5%) of all violent crime in Canada. 37.8% was attributed to male on male violence, female on female crime – where women were both the accused and the victim – accounted for 8.1% of the total, and female on male violence accounted for the lowest percentage of all violent crime in Canada at 7.6%. In 2006 Statistics Canada reported that approximately 75 women are murdered by their partner each year. And in 2000, according to the United Nations Commission on the Status of Women, globally at least one in three women and girls is beaten or sexually abused in her lifetime.

When we know and accept the truth about the prevalence of abuse and violence committed against women in our province, our country and around the world we can all as people, and from within our professional, personal and community contexts, dedicate to probing beyond accepted standards to help create a new and better reality. When we know and accept this reality we are prompted to act. We will stop accepting the loss of women’s rights and stop ignoring or forgetting the extent of woman-abuse and its far-reaching, corrosive consequences. These consequences not only impact those who are victimized by aggression, power and control, but also our families and communities. The depth, pervasiveness and extent of violence have driven us beyond denial and allow us to confront the realities that face us individually and as a society.

Through this resource manual, we seek to define the analysis, solutions and tools that have transformative value and benefits. These solutions and tools include transformative advocacy models, outreach and engagement as well as streamlined access and dialogue/communication between all groups that segment services across the NSRIW experience. It is essential that all our efforts be grounded in the overarching goal of ending violence against women.

This resource manual intends to provide an alternative approach which places NSRIW at the centre. We intend to provide an approach that expands the notion of cultural competency, cultural sensitivity and grounds our work in a political and complex idea of culture as fluid and evolving.

We want to ask and answer the question: what would it take to end violence against NSRIW? And in this work we hold close the words of Beth Ritchie who argues that we must ultimately “be accountable not to those in power, but to the powerless” (2000).

In January 2010, 368 women accessed services at Battered Women’s Support Services. Services included victim services, support groups, legal advocacy, employment program and counseling. Further, over 500 women called our crisis line. Of the 368 women who accessed services face to face, 52% were NSRIW. This occurs in the context of Vancouver where there is a high percentage of people of colour and Immigrant populations. In 2006, 51.0% of Vancouver’s total population identified as immigrant; this is an increase from 49.0% in 2001 and 44.8% in 1996 (The City of Vancouver, 2009).

In recognition of the increased presence of people of colour and Immigrant populations in our communities, anti-violence service providers have attempted to become more “diverse.” There are reasons to believe that these attempts at “multicultural interventions” against intimate partner violence have actually strengthened the social/structural underpinnings of oppression. For instance, overemphasizing a criminal justice response and largely ignoring social structures that contribute to violence against women in relationships can strengthen the social/structural underpinnings of oppression. The model of intimate partner violence service provision, which has largely been developed from a white, able-bodied, heterosexual, middle-class woman’s perspective, is encouraged to become more inclusive by adding multicultural components. But simply adding inclusive components does not necessarily shift the perspective that anti-violence service provision was developed from. Additionally, the issue and notion of culture is routinely referred to when violence against NSRIW and women of colour are discussed. Cultural diversity, cultural competency and cultural sensitivity are desired qualities in programming. However within mainstream organizations it is naively assumed that culture is homogeneous and easy to understand without meaningful and lasting community engagement.

“be accountable not to those in
power, but to the powerless”

Service models have generally been developed with the following characteristics:

1. The definition of violence is limited to interpersonal violence.
2. The goal of intervention is to end the abuse and this is through the survivor/victim leaving the relationship.
3. The major intervention for a woman survivor/victim is to escape the abusive situation through transition and shelter-related services.
4. The major intervention for an abuser is the criminal legal system – i.e., police, restraining order, arrest, etc.
5. Interventions have been individual in focus, whereas the woman is seen as victim and the man as offender.
6. Professional boundaries and identities between the worker and client/survivor are deeply entrenched.
7. Interventions are standardized to fit a homogeneous survivor profile. This disregards race, ethnicity, class, sexual orientation and immigration status and does not account for the experiences of women living with disabilities, mental health issues or substance use issues.

(Asian & Pacific Islander Institute on Domestic Violence, 2002)

Though not always visible, NSRIW's resistance to violence against women began before the start of the mainstream feminist anti-violence movement. NSRIW survivors of violence, their family members and community have taken action in the interest of women's safety and against these personal and societal injustices.

Despite the history of NSRIW's resistance to violence, Immigrant-serving organizations have largely ignored the pervasive reality of violence against women in intimate relationships. Additionally, Immigrant-serving organizations with intimate partner violence programming tend not to have dramatically different models from mainstream anti-violence organizations except for bilingual staff and/or outreach workers. Immigrant and Refugee organizations directly and indirectly encourage women to remain silent about their experiences of violence so as to not bring shame to their communities.

In this context, service models have generally been developed with the following characteristics:

1. There is an ongoing and pervasive desire to uphold cultural norms that fundamentally position women as subservient to their partners and family.
2. They tend to focus solely on culture as the main risk factor for women's oppression and violence, ignoring social factors.
3. They emphasize migration and settlement as the reason for the violence and abuse.
4. Interventions prioritize keeping the family together at the expense of the woman's safety.

A Woman-Centred Model

This manual seeks to present a woman-centred model. This is a transformative model that examines and responds to women's needs in the context of her family and community and advocates for systemic social change.

The strength of a woman-centred approach is based on working toward women's liberation through an end to oppression. Specifically, this ideology must serve to inform and direct efforts to manage and support the complexity of needs presented by NSRIW who have been exposed to and are still at risk of intimate partner violence. Dealing appropriately with the spectrum of unique challenges facing NSRIW springs from a commitment to and an understanding of woman-centred values and social justice. A women-centred approach is not necessarily about providing multicultural services. Instead it is about putting women at the centre and recognizing that violence against women is about patriarchal power and control, racism, anti-immigrant prejudice and discrimination and classism.

Addressing Gaps in the Legal System

The manual also attempts to address the gaps in laws, policies and practices that NSRIW must navigate. The legal systems accessed by NSRIW who are dealing with violence in their intimate relationships are based on colonial male perspectives and are excessively intimidating and largely inaccessible. The legal resources and legal assistance that have been developed to make the legal systems more accessible are also based in a majority view of the world and are, in general, inaccessible to NSRIW. NSRIW who experience violence are often navigating several areas of law simultaneously including immigration, family, criminal and child welfare law.

Women are forced to self-represent in various legal arenas, and women who have the benefit of legal representation are interfacing with lawyers who do not have the resources to adequately explain the processes and options in terms of the legal issues and the cultural/ethnic and language implications. Additionally, front-line workers in immigrant-serving and anti-violence organizations often overlook the extent of the legal needs, feel ill-equipped due to the magnitude and complexity of the legal needs and default to prescriptions that send women deeper into unsafe situations emotionally and physically, including back to an abuser.

We are attempting to better resource front-line workers who are working with NSRIW that are interfacing with the legal system. We are also seeking to review and analyze current legal issues through a women-centred, ethnic/cultural/language lens and to create and develop legal resources from that lens. As a result we strive to increase the accessibility of the legal systems with which NSRIW are coming into contact.

Building Solutions - Taking Action

In conclusion, it is women-centred solutions and strong anti-oppression and feminist values that forge a bond among front-line workers striving to overcome barriers for NSRIW. These challenges occur through individual and collective acts of advocacy and societal change that can ultimately lead to social justice.

Meeting the needs of women requires attitudinal and process strategies that combine sensitivity and understanding with a professional commitment to creating appropriate resources and realistic solutions while always working toward ending violence against women. The tools, programs and practical solutions that follow will serve to support the urgent need for front-line workers to:

- Develop community based models of accountability where communities hold offenders accountable;
- Bring women to the centre of our programming;
- Address the social structures and cultural values that contribute to violence against women;
- Promote social structures that end violence;
- Encourage service providers to stop referring to women as “clients”; and
- To view survivors as potential activists by finding ways to bring women together to alleviate isolation and to speak truth to power.

Our work has always been political work and this manual intends to bridge service and politics with a call to action.

In conclusion, it is women-centred solutions and strong anti-oppression and feminist values that forge a bond among front-line workers striving to overcome barriers for NSRIW.

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Why Women Stay?

From front-line, transition house and shelter workers, to community advocates, family members, co-workers and the general public, to police, crown council, lawyers and government officials, one of the most frustrating things for people outside a battering relationship is trying to understand why a woman ‘doesn’t just leave.’ Additionally, such people also experience frustration trying to understand, after she has left, why she would return.

It is essential to recognize that every Non-Status, Refugee and Immigrant woman (NSRIW) is the expert of her own life.

A complex network of dynamics affects NSRIW at every point of their abusive experience; these affects impact their process and decision-making. In general, before a woman decides to leave she is weighing all consequences. She spends time attempting to make the abuser stop being abusive. She reaches out for help from family, community, friends, faith community, social services, law enforcement etc. For every woman the decision making matrix is different and unique.

Fear

First and foremost for many women, leaving an abusive partner is not an automatic guarantee of physical safety. Leaving often raises other risks as violence can escalate during this time. According to the Canadian Research Institute for the Advancement of Women:

Women are sometimes murdered or severely assaulted when trying to leave or after having left their violent partner. Between 1974 and 1992, six times as many women were killed by their husbands while separating than while co-residing. A woman may think it’s better to be where she can keep an eye on him than be stalked and killed. She may believe the abuser’s threats that he will kill her and their children if she leaves and, in some cases, she will be right. Although police forces and the justice system have improved since the early 1980s concerning violence against women, they still provide inadequate protection of women from known abusers (n.d.)

Love & Loyalty

Many women have made a commitment to their relationship and to their families. They don't want to leave; instead they want to find a way to make the abuse in the relationship stop. They want to find someone to change their partners, to make him stop the violence and become a better husband or father. They want protection and assistance to help change their partner's behaviour.

Courting experiences may have been romantic and charming. After violence there is often a 'honeymoon period,' reminding women of the early times in their relationship. Some NSRIW may have a shared trauma or torture experience in her home country with her abusive partner. In this case she may be traumatically bonded with him and/or feeling sympathetic to what he's gone through; this can result in her believing that he needs her to stick by him. As part of the love and loyalty she feels that "this is the man she fell in love with, had kids with, and promised to live with forever 'for better or for worse'" and as a result "[i]t is not an easy bond to break" (Canadian Research Institute for the Advancement of Women, n.d.).

Violence is a part of Life

Many women through their experiences or the messages she has received have a sense that violence is a part of life. Throughout childhood many women have witnessed the abuse of their mother (Canadian Research Institute for the Advancement of Women, n.d.). These experiences of witnessing their mother's abuse are combined with being "surrounded by cultural messages that violence against women is not only okay, but also normal and desirable" (Canadian Research Institute for the Advancement of Women, n.d.).

Impact of Violence and Abuse

Abusive tactics, like emotional abuse, are very effective and some women begin to believe they are to blame for the violence.

A function of abuse is to establish and maintain the abuser in a position of dominance. In order to achieve and continue this dominance a number of abusive tactics are used. One such tactic is emotional abuse; we like to think of emotional abuse as anything that makes you feel bad about yourself or makes you think you are crazy. Abusive tactics, like emotional abuse, are very effective and some women begin to believe they are to blame for the violence. She may feel that if only she were more capable then she would be able to 'save' her marriage or help her violent partner. As a result, she may view leaving the relationship as a shameful admission of failure.

Another tactic used is isolation. Isolation is desired in abusive contexts because women then find themselves in communities and networks where there is little or no support. Going public means exposing what happens in private to public scrutiny. A woman may have been humiliated, raped and/or beaten for so long she believes what the abuser says about her: that she is worthless, lucky to have him/her, will never make it on her own and/or that she deserves whatever she gets.

Nowhere to go

There are many barriers that women face when leaving or making a decision to leave an abusive relationship. Financial barriers play a significant role: "In Canada, women earn less

money than men for work requiring similar skill levels, and make up the majority of the poor (Canadian Research Institute for the Advancement of Women, n.d.). In addition, issues related to housing and child care are another major barrier: “many women stay in abusive relationships because they simply have no place else to go in the context of a shortage of affordable housing, lower wages for women, waiting lists for subsidized child care that impede women from finding paid employment and/or training/education to support herself and her kids” (Canadian Research Institute for the Advancement of Women, n.d.).

Lack of support

When women try to reach out and speak about the abuse she’s experiencing in her relationship she may have found that these ‘supports’ were more of a risk than a resource; judgment, silence, blame, or inaction may be common experiences. As the Canadian Research Institute for the Advancement of Women explains “[s]he may have already spoken to neighbours who didn’t want to become involved, clergy or family members who told her to stick with her husband no matter what, police who didn’t do anything, a court which gave her abusive partner a suspended sentence, or a psychiatrist or psychologist who blamed the abuse on her” (n.d.)

Immigration sponsorship

NSRIW face additional barriers. Some of these barriers include “[i]f the woman is dependent on the abusive partner for staying in Canada, or she doesn’t speak either official language well, or is dependent on the abuser for personal care for an illness or disability, it becomes almost impossible to leave” (Canadian Research Institute for the Advancement of Women, n.d.).

Relational-cultural theory

Toward a New Psychology for Women by Jean Baker Miller was a groundbreaking book published in 1976. Until that time there had been no formal exploration of women’s psychology and the majority of psychological theories had been researched and based on the psychology of men. Through Miller’s clinical work with women she observed that the centrality of relationships in the lives of women didn’t jive with traditional theories of counselling or human development taught in medical school. Feminist theorists, including Miller, began pointing out that the traditional theories emphasized individuation, autonomy and separation as determinants of psychological emotional health and maturity.

Through our work we have identified that as a result of a lack of understanding of the context and relational experiences of women, including NSRIW, social service and mental health practitioners are lead to ‘pathologize’ women.

The Relational-cultural theory (RCT) emerged eventually as a theory of counselling and development. Core RCT tenets that explicate the process of psychological growth and relational development, as summarized by Judith Jordan and Linda Hartling in their article “New Developments in Relational-cultural Theory”, include the following notions:

1. People grow through and toward relationship throughout the life span.
2. Movement toward mutuality rather than separation characterizes mature functioning.
3. The ability to participate in increasingly complex and diversified relational networks characterizes psychological growth.
4. Mutual empathy and mutual empowerment are at the core of growth-fostering relationships.
5. Authenticity is necessary for real engagement in growth-fostering relationships.
6. When people contribute to the development of growth-fostering relationships, they grow as a result of their participation in such relationships.
7. The goal of development is the realization of increased relational competence over the life span (2002).

When applying this theory to NSRIW, in short, we see that as women we really care about relationships, seek them out, learn about who we are and have our identities shaped in them. We do the work to sustain relationships, receive validation from family, friends and society when we are in a relationship (coupled up, engaged, married etc.). This is a strength of women and a strength in our communities; women assume a role of being the ‘glue’ that carries the traditions, history and pictures and convenes the celebrations and rituals.

It is also a liability because even when facing ongoing and persistent violence and abuse it takes an awful lot to leave the relationship. Women have told us, and we know from our own experience, that to leave a relationship is to experience death. This feeling of ‘death’ is so profound women will shield themselves from this experience and these feelings.

Women have told us, and we know from our own experience, that to leave a relationship is to experience death.

Push Factors

Batterers employ “push” factors in abusive relationships. This includes telling the woman that she isn’t worthy of him and that she could never find someone else. The abuser tells her that she is nothing and in effect is pushing her out of the relationship and making no effort to ‘honeymoon’ her. In addition, statements like “get out of here”, “I want a divorce”, “I am going back (to the home country) to get another wife,” activate fears and relational pulls. This can result in setting up a situation where she may be begging for him and/or his family to let her remain in the relationship, the family and the situation (Asian & Pacific Islander Institute on Domestic Violence/APIA Health Forum, 2009).

A cross-cultural study found that most abused women use active strategies to maximize their safety and that of their children. Some resist the abuse and fight back, some flee and others try to keep the peace by capitulating to their partner’s demands. What may seem to be a lack of response to abuse may in fact be a strategic assessment of ensuring her own and her children’s survival (Heise et al., 1999).

If a woman has made the decision to leave she may feel that leaving resulted in improvements for her. For some women, however, leaving has made their lives more treacherous for

themselves and their children. This includes facing the realities of poverty, no housing, layers of complex legal issues and expulsion from community and family into a landscape of sexism, racism and anti-immigrant sentiment. Leaving then is just no longer a viable option – so she returns.

In our work throughout the past decades, we have noticed that at no other time in our recent history have we seen as many women leaving abusive relationships. The women who have worked tirelessly in times past and currently have lead to this increase in women leaving. However, there is still more work to be done to advance the liberation of all women, including NSRIW.

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Canadian Immigration: Landscape & Overview

To see the complexities of experiences for women, we need to have an understanding of the Canadian immigration landscape. An understanding of the reasons why women leave their countries, how they enter Canada, and their status within Canada provides the foundation to work from a more informed position. In addition to intimate partner violence, many Non-Status, Refugee and Immigrant women (NSRIW) must also confront problems based on a potential lack of equal legal status in Canada.

In order to understand where Canadian immigration policy is today it is important to look back at the historical and ideological context of Canadian immigration policy. Looking at the history supports us in providing anti-oppressive services based on an analysis of the woman in the context of Canadian systems. The current foundations of Canadian immigration structures grew out of a history of classist and racially discriminatory policies throughout different historical eras.

The growth and expansion of colonialism intertwined with the evolution of capitalism in Canada and other parts of the world is the context for immigration to Canada today. With the exception of First Nations peoples, Canada is a country populated by Immigrants.

Due to the need to attract settlers, there were few systematic immigration policies before the late 19th century (Anderson and Frideres, 1981, p. 223). Immigration to Canada is generally broken down into five phases:

1. French era;
2. British era;
3. French, German-speaking, Slavic and Scandinavian groups;
4. Post-World War I with increasing restrictions based on arbitrary and racist determinants; and
5. Post-World War II with a greater number of Immigrants and increasing diversity.

The number of Immigrants from poor countries of the Southern hemisphere rose when immigration policies were liberalized in the 1960s and 1970s. At this time, policies such as the points system were introduced. However, the number of people of colour from the Southern hemisphere did not surpass the number of European Immigrants until 1976 (Jakubowski, 1997).

The immigration of people of colour from developing countries is regulated and influenced by the historical development of Canada as a colonized and capitalist country. Principally, the entry of poor and racialized Immigrants has been determined by Canada's labour needs. The class and racial bias of the history of Canada can be clearly shown through its immigration policies. Poor people and people of colour are only allowed into Canada to fulfill the country's need for cheap labour - Chinese labourers to build the railway, Eastern and Central European farmers to settle and develop agricultural land in the West and, more recently, women from developing nations to do domestic work.

“One's position in Canadian society is influenced by ethnic background. There is a clear and persistent relationship between social class and ethnic group of origin. The nation was founded in a tradition of conquest and the related definition of superiority and inferiority.”

(The Canadian Class Structure, Dennis Forcese)

While Canada has encouraged immigration to fulfill its own labour needs, it tightens immigration in times of economic crisis. Tightening immigration regulations also serves the dual purpose of maintaining the predominance of the White status quo in the country. The examples of the Chinese head tax of 1903, the limits set on Japanese Immigrants in the late 1930s and 1940s, and the implementation of the “continuous passage” policy to exclude South Asian Immigrants in the early 20th century are clear examples of Canada's “closed door” policy for people of colour during times of economic crisis (Philippine Women Centre of BC, 2000).

Canada is now seeing more competitors in the field of recruiting Immigrants, as all developed countries are faced with aging and shrinking populations. Immigration currently accounts for about half of all population growth in Canada and it is projected that by the second decade of the new century all population growth will be the result of immigration (Statistics Canada, 2006). Immigration also serves to fill in short and long-term labour market shortages and will, therefore, be a key source of labour force growth in the future (CIC, 2007).

Canada is a relatively new country, and as a result, a formal immigration process has not been established for the length of time it has existed in similar countries, such as England or the United States. After 1947, domestic immigration law went through many major changes, most notably with the Immigration Act, 1976, and the current Immigration and Refugee Protection Act, 2002.

Objectives of the Immigration & Refugee Protection Act (IRPA)

Currently, Canada is known as a country with a broad immigration policy, which is reflected in Canada's ethnic diversity. According to the 2001 census by Statistics Canada, Canada has 34 ethnic groups with at least one hundred thousand members each, of which 10 have over 1,000,000 people and numerous others represented in smaller amounts. 13.4% of the population belonged to visible minorities: most numerous among these are Chinese (3.5% of the population), South Asian (3.1%), Black (2.2%) and Filipino (1.0%) (CIC, 2002).

After the initial period of British and French colonization, four major waves of immigration and settlement of non-Aboriginal peoples took place over a period of almost two centuries. The fifth wave is currently ongoing.

Immigration since the 1970s until the present has overwhelmingly been racialized people from Southern developing countries. This development began when restrictions on non-white immigration were altogether removed with the revised Immigration Act, 1967, during the time of Lester B. Pearson's government. This continued to be official government policy under his successor, Pierre Trudeau. During the Mulroney government of the 1980s, immigration levels were increased further and have been presently maintained with slight fluctuations at around 225,000–275,000 annually.

Many of the provisions to acquire, or lose, Canadian citizenship that existed under the 1946 legislation were repealed in 1977. For example, on February 15, 1977 Canada removed restrictions on dual citizenship. Also, in general Canadian citizens are no longer subject to involuntary loss of citizenship, barring revocation on the grounds of immigration fraud (Citizenship & Immigration Canada –Gov, 2002).

Immigration Levels

In 2006, a total of 251,649 people were admitted to Canada as permanent residents.

- 54.9% were economic immigrants and their dependants;
- 28% were in the Family Class;
- 12.9% were protected persons; and
- 4% were granted permanent resident status on H&C grounds.

Canada has 34 ethnic groups . . .

The following table, adapted from Citizenship and Immigration Canada's Facts and Figures 2006, provides more detailed breakdowns by immigration class/category.

Class/Category	Admitted	
	NUMBER	%
ECONOMIC CLASS		
Skilled Workers	105,949	42.1
Business Immigrants	12,077	4.8
Provincial/Territorial Nominees	13,336	5.3
Live-in Caregivers	6,895	2.7
Total Economic Class (including Dependants)	138,257	54.9
FAMILY CLASS		
Spouses, partners, children and others	50,500	20.1
Parents and Grandparents	20,006	8.0
Total Family Class	70,506	28.1
PROTECTED PERSONS		
Government-Assisted Refugees	7,316	2.9
Privately Sponsored Refugees	3,337	1.3
Protected Persons in Canada	15,892	6.3
Dependants Abroad	5,947	2.4
Total Protected Persons	32,492	12.9
Humanitarian and Compassionate Grounds / Public Policy	10,223	4.0
Permit Holders	159	0.1
Total Others	10,382	4.1
Category Not Stated	12	–
TOTAL	251,649	100

Immigration System: Legal Considerations for Women Who Have Experienced Violence

Women with Permanent Resident Status

A permanent resident is an Immigrant or a protected person (Refugee) whose application to live in Canada permanently has been approved. They are sometimes referred to as “landed immigrants” (CLEO, 2009, p. 1). Citizenship and Immigration Canada (CIC) issues documents to permanent residents as proof of status. The documents that prove resident permanent status include the Permanent Resident Card, the Record of Landing, and the Confirmation of Permanent Residence (CLEO, 2009). Permanent residents can apply for citizenship after fulfilling the eligibility criteria for Canadian citizenship.

A woman who has permanent resident status will not lose her status or be removed from Canada only because she leaves an abusive relationship, even if her abuser is her sponsor (CLEO, 2009). Her spouse or partner cannot force her to leave Canada. She should contact a family lawyer to discuss access to child support and spousal support.

A woman with permanent resident status will not lose her permanent resident status if she applies for social assistance benefits (also known as income assistance or welfare), although she may be expected to try and get support from her sponsor, unless their relationship ended because of abuse. She should let her caseworker know if this is the case.

Women Who Have Sponsored an Abusive Spouse or Partner

If a woman sponsored her spouse or partner and wants to withdraw her sponsorship, withdrawal can only occur before a final decision is taken, meaning:

- with respect to sponsorships of overseas cases, if a permanent resident visa has not been issued
- with respect to the spouse or common-law partner in Canada class, up to and prior to the moment the Confirmation of Permanent Residence status document is entered into FOSS, Field Operations Support System (CIC, 2008). FOSS is used to maintain electronic records of applications for permanent residency.

If her spouse or partner has been issued a permanent resident visa, or in the case of inland spousal sponsorship, a Confirmation of Permanent Residence status document has been entered into FOSS, she cannot withdraw her sponsorship and is financially responsible for her spouse or partner for three years. In the past the agreement was ten years and some people are still in a ten-year agreement. She can still get a divorce but her sponsorship obligations will remain.

Her financial responsibility for her spouse or partner will become an issue only if her spouse or partner collects welfare from the Ministry of Housing and Social Development (MHSD).

Sponsors, in signing their undertaking, acknowledge that any income assistance paid to their sponsored relative during the period of the undertaking becomes a debt the sponsor owes

to the provincial government. For spouses this period is for three years from the time the sponsored person becomes a permanent resident. If a woman receives a letter from the provincial government asking her to repay her abuser's welfare payments, she should see a lawyer to determine the best course of action and whether there is some way to challenge the debt given her particular circumstances.

Women without Status

Women without permanent resident status may have temporary status or no immigration status at all (CLEO, 2009). Some examples of women who do not have status in Canada are:

- women who came into Canada with a temporary resident visa or a temporary resident permit and stayed beyond the expiration of their visas and/or permits;
- women who made refugee claims and were rejected and preferred to stay in Canada illegally rather than return to their country of nationality or country of former habitual residence for fear of an uncertain future, or even death;
- women who made claims for refugee protection based on their spouse or partner's fear or persecution and have separated from their spouse or partner and have difficulty succeeding with their claims; and
- women with inland spousal sponsorship applications in progress who separate from their sponsors because of abuse.

If you have temporary status, or you are a refugee claimant, or your application for permanent resident status is in progress, you should get legal advice right away, before making any decisions about leaving your partner as you may be at risk of being removed from Canada.

Inland Spousal Sponsorship

A woman, who is in Canada, regardless of whether she has temporary status, can apply for sponsorship under the Spouse or Common-law Partner in Canada class (CLEO, 2009). Some women in Canada do not have the inland spousal sponsorship filed but are waiting for it to be filed. This type of application is processed in Canada and is also called an inland spousal sponsorship (CLEO, 2009). In order to make this application for sponsorship status, a woman needs her sponsor to sign the appropriate documents and agree to the sponsorship. An immigration officer needs to determine that the relationship she is in is genuine. Also, the sponsorship requirements and all other Canadian immigration requirements need to be met for the woman to be given permanent resident status (CLEO, 2009).

When working with a woman living in an abusive relationship, it is important to know that many abusers use a woman's lack of status to control and manipulate her. It is not uncommon for an abuser to promise his partner that he will sponsor her. Some women remain in relationships for years waiting for the sponsorship application to be filed. In other cases, the sponsorship application is filed but then withdrawn before it is finalized, or he continually threatens to do so. Some women believe by simply being married to a Canadian citizen or permanent resident, they will have status in Canada - this is not true: a sponsorship still must be filed.

Women in these types of situations are incredibly vulnerable. Without status they cannot legally work in Canada. Often, they are relying on their abuser for financial support. They may also be worried about being deported without their children. Women in these situations must see an immigration lawyer as soon as possible to discuss their options to remain in Canada.

Inland spousal sponsorship applications take time to process. If a woman has not yet received permanent resident status she should get legal advice immediately if she leaves, or is thinking of leaving, her spouse or partner. If she separates from her spouse or partner, she needs to see an immigration lawyer to decide what options are available to her. For example, she may be able to pursue an application to remain in Canada on humanitarian and compassionate (H&C) grounds.

Refugee Women

In all of the type of cases discussed below, a woman needs to see a lawyer to discuss her legal options.

Many women come to Canada because they are fleeing sexual and gender-based violence, like intimate partner violence, but do not know anything about the refugee system and assume their situation is not covered by the definition of refugee used by CIC. It is important that women in this situation be directed to see an immigration lawyer immediately to discuss their options. Women in these types of situations may be able to file a refugee claim if they were not able to obtain effective protection from their government to stop the violence.

Other women come to Canada and make a claim for refugee protection that is based upon that of their spouse or partner. If a woman has been found to be a Convention refugee then she is not at risk of removal when she separates from her spouse or partner, even if she has yet to receive permanent resident status. Her application for permanent residence will not be affected if she applies for and receives welfare benefits.

If a woman's refugee claim is still being decided by the Refugee Protection Division (RPD) and her claim is based on her spouse or partner's fear of persecution, she may have difficulty succeeding with her claim if she separates from her spouse or partner. Her lawyer may advise her to apply to the RPD to sever her claim and proceed independently. There is no guarantee that her application will succeed. She may argue that her grounds for fearing persecution have arisen during her time in Canada, that the breakdown of her marriage or relationship has created new grounds for fearing persecution in her country of origin.

Women Who Are "Accompanying Dependents" Under the Entrepreneur Program

Entrepreneurs and their dependents are granted conditional permanent resident status when they enter Canada. They need to establish and actively manage a business in Canada within two years of arrival to fulfill the terms and conditions of landing.

If a woman was admitted into Canada as an accompanying dependent under the Entrepreneur Program, and she wishes to separate from her spouse before they meet the business requirements, she may be at risk of removal from Canada. Unless she is able to start a

Many women come to Canada because they are fleeing sexual and gender-based violence, like intimate partner violence, but do not know anything about the refugee system and assume their situation is not covered by the definition of refugee used by CIC.

business on her own, she will not be able to fulfill the terms and conditions of landing and will therefore be at risk of removal from Canada.

She should get legal advice. She will need to contact CIC to acknowledge the changes in her circumstances. CIC has the discretion to refer the matter to an adjudicator for an admissibility hearing. She may lose her permanent resident status.

If she loses her permanent resident status, and she will encounter hardship if returned to her country of origin, she can pursue an H&C application to remain in Canada. It will be helpful if she starts the divorce process and negotiates child custody if there are children involved. She should get a lawyer.

Live-in Caregivers

The Live-in Caregiver Program (LCP), a Canadian immigration program, brings mainly women of colour from developing countries – largely the Philippines – to work in Canada as live-in caregivers. It is a requirement of the LCP that a caregiver live in the employer's home. The LCP requires participants to complete at least two years of employment as live-in caregivers within the three-year period before they can apply for permanent residence in Canada. It is important to note that at this time, there are new regulations that have been proposed but are not yet enforced.

When a live-in caregiver is dismissed or leaves an abusive employer, she must find a new employer, have their offer of employment validated by Service Canada, and obtain a new federal work permit. This may take time, during which she may not work, as this is illegal. Periods of unemployment can delay the date on which she can apply for permanent residence and could cause her to exceed the three years (it is likely to be a 4 year period) within which she must complete two years of work.

For support and legal assistance, live-in caregivers can contact:

West Coast Domestic Workers' Association

302-119 West Pender Street
Vancouver, BC V6B 1S5
Telephone: 604-669-4482
Toll-free: 1-888-669-4482

Vancouver Committee for Domestic Workers and Caregivers Rights

2150 Maple Street
Vancouver, BC V6J 3T3
Telephone: 604-874-0649

Humanitarian and Compassionate (H&C) Applications

Immigration law requires people to apply for permanent residence from outside Canada (CLEO, 2009). If CIC is satisfied that there are sufficient humanitarian and compassionate reasons, then applications from within Canada are allowed to be made.

Immigration policies specifically address intimate partner violence and sponsorship withdrawal. CIC officers take into account situations where a woman has left an abusive spouse or partner. A woman should get advice from a lawyer if she is thinking about making an H&C application. An application for permanent resident status on H&C grounds should include, but should not be limited to, the following (CLEO, 2009):

- history and details about the abuse
- when the abuse began and incidents (e.g. date, details, witnesses)
- escalation of abuse, level of fear and risk
- reports from transition houses, shelters, community or women-serving agencies
- reports from medical professionals, hospitals, clinics
- police incidence reports
- court information regarding charges or convictions
- if she is required as a witness in a criminal trial
- best interest of a child
- if there is a non-removal order for a child then separation would cause hardship
- substantial connection to Canada
- if she will be able to support and establish herself in Canada
- hardship she would face if she returned to her country of origin
- customs and culture in her country of origin
- lack of support of relatives and friends in her country of origin
- hardship her children will endure
- if the abuser will have access to her in her country of origin
- political unrest or war in her country of origin
- hardship to any Canadian citizen or permanent resident, such as an elderly person, if she is removed

Pre-removal Risk Assessment

If a woman has been issued a removal order, she may be able to apply for a pre-removal risk assessment (PRRA) (CLEO, 2009). The PRRA officer will assess the risks she would face if she were returned to her country of origin. Risks assessed must be risks of persecution, torture, cruel and unusual punishment or risk to life (CLEO, 2009). The PRRA officer must then decide if she meets the definition of a Convention Refugee or a person in need of protection.

This application must be offered to a woman by a Canada Border Service Agency (CBSA) officer before removal arrangements can be finalized.

For more information on PRRA see Legal Services Society's Guide to Pre-removal Risk Assessment Applications (available in Chinese, English, and Spanish)
http://www.lss.bc.ca/publications/pub.aspx?p_id=94.

Legal Assistance

Legal Services Society (LSS) provides a range of free services that may help you if she has a legal problem. LSS is a non-profit organization that provides legal aid to British Columbians. You do not have to have any legal status in Canada to obtain legal aid services.

LSS will pay for a lawyer to represent her if her problem is covered by the legal aid rules, if she meets the financial guidelines and if she has no other way of getting legal help. Legal problems that may be covered by legal aid include criminal charges, mental health and prison issues, serious family problems, child protection matters and immigration problems.

For more information and/or to apply for legal aid:

Legal Services Society Call Centre
Lower Mainland: 604-408-2172
Outside the Lower Mainland, toll free:
1-866-577-2525
<http://www.lss.bc.ca>

- Immigration/refugee law
- Child protection law
- Family law
- Criminal law
- Human rights law
- Housing law

Jane Doe Legal Network

The Jane Doe Legal Network serves women and girls whose lives have been impacted by violence and/or abuse. Free legal consultations are available in the following areas:

For more information, you can contact:

Pivot Legal Society
678 East Hastings Street
Vancouver, BC
V6A 1R1
Tel: 604-255-9700

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Migration, Immigration & Settlement

The Migration of Abuse

Migration

In 2000, an estimated “175 million people lived outside their place of birth, more than ever before” (Doyle, 2004, p.1). From this number, 158 million people “were deemed as international migrants; approximately 16 million were recognized as refugees fleeing a well-founded fear of persecution” (Doyle, 2004, p. 1).

Migration is affected by changes in immigration policies in other countries. Some examples include: the opening of borders that were previously closed; conflicts in certain regions of the world or from within the nation and provinces/territories; economic globalization of the nation; political and economic oppression and/or repression (Sokoloff & Pratt, 2005).

Reactive migration is largely caused by “political upheavals [which] have generated ethnic conflicts and civil wars” and this is evident by the number of displaced individuals in the world (Richmond, 2002, p. 717). As Immigrants and Refugees settle in their new country, they create more diversity within the nation. As a result, the nation’s identity is transformed and racial, cultural and ethnic boundaries slowly become blurred (Castles, 1998). These changes are enriching, however, the mainstream population can sometimes feel threatened depending on the rate that the change is taking place and the level of acceptance within the population.

Settlement in Canada

The Canadian government views immigration into Canada through the lens of economic and population growth. As a growing nation, Canada benefits from immigration. Canada uses newcomers to assist in tasks and employment which citizens are not willing to undertake. Immigrants to Canada are seen as investments into the country’s future.

The responsibility for immigration is shared between the federal and provincial governments in Canada. Citizenship and Immigration Canada manages the selection and the admission aspects of Immigrants to Canada. The federal government is largely responsible for funding,

providing initial support for Refugees, and welcoming those who are arriving into Canada. The federal government also records who is entering Canada for research purposes and collects data on immigration trends and where newcomers settle within the country.

Settlement services for Refugees are facilitated by the federal government. Settlement is the process of adaptation to a new country after one immigrates. For other Immigrants, community-based organizations specialize in offering support and referrals, solutions to re-settlement, basic adjustment and integration.

British Columbia (BC) welcomes approximately 40,000 immigrants a year (Landed Immigrant Data (LIDS), Ministry of Attorney General, April 2005). In BC, the Ministry of Attorney General is responsible for Multiculturalism and Settlement and funds the BC Settlement and Adaptation Program (BCSAP). The primary goal of this program is facilitating successful settlement and adaptation for new Immigrants and Refugees to BC (Welcome BC, 2010). The funding for settlement services is an agreement between BC and the federal government, whereby the federal government transfers money to provinces and territories who then decide how the money will be allocated.

There is no state in which women have full democratic access to power, no state upholds women's rights fully, and no state has the full confidence of its women citizens.

Settlement in BC is divided into five streams by BCSAP, each of which has its own focus and goals: information and support; settlement workers in schools; community bridging services; English language services for adults; and sectoral support and delivery assistance. Another stream combines information, support and English language services for adults who face multiple barriers. Each stream attempts to meet the needs of newcomers utilizing the services while educating and introducing newcomers to Canada.

Women's Experiences of Settlement

Settlement is often a complicated and a stressful time for women and their families. Women leave their home countries for a variety of reasons and often with little or no choice. Settlement is increasingly difficult when there is a larger cultural gap between the home country and the new one. Some examples of these difficulties include limited understanding about the new culture, language, and women's roles in their new country. In addition to these difficulties, women also encounter judgment from Canadian society about their culture and ways of living.

It is important to note that "increasing numbers of both economic migrants and refugees are women" (Castles, 1998, p. 180). Recently arrived or settled women in BC have numerous presenting concerns. When establishing relationships with women a supportive, respectful, caring and honest approach is vital for trust and engagement. As a group, NSRIW may be in a more vulnerable position due to the reasons previously discussed.

Lee Lakeman (2005) states "[t]here is no state in which women have full democratic access to power, no state upholds women's rights fully, [and] no state has the full confidence of its women citizens" (p. 67). In this context, women's global lack of power has implications for NSRIW and their settlement process. This lack of power is intensified by the changing nature of the market economy and the steady intensification of globalization. Globalization has contributed to exacerbating existing inequalities in the world and workers' migration has benefited Western economies by providing cheap labour. The push to fill gaps in certain low-

skilled jobs are evident when countries look at “temporary migration to address selective shortages,” for example, in agricultural work (Biles & Burstein, 2002, p 14) or the Live-In Caregiver program in Canada. Women of colour, particularly women from the Philippines and the Caribbean, are more likely to migrate to Canada under the Live-In Caregiver program than with another program. This program restricts women’s mobility, denies women many benefits available to other Canadian workers, and restricts their ability to sponsor their families and be re-united.

NSRIW experience oppressions like inequality, discrimination, stereotyping, prejudice, sexism, racism and classism directly or indirectly during their journey to Canada, in their settlement process and as established residents. As mentioned previously, NSRIW suffer from discrimination through the process of immigration. The intensity of discrimination experienced is directly influenced by the immigration class in which they are eligible to enter the country. Access to wealth and capital is a privilege that increases mobility and access to safety. NSRIW with low incomes and less education will have fewer options to access resources that increase mobility and safety.

The influx of Immigrants and Refugees into countries, provinces, regions, cities and towns affects all communities. The effects Immigrants and Refugees can have “may reshape the national economy, transform cities and force the re-examination of social and cultural values” (Castles, 1998, p. 180). Not only do communities change, but tensions can build between the existing community and Immigrants and Refugees if the newcomers are viewed through the myth of taking gainful employment opportunities away from the existing community members. This renders already vulnerable migrant workers to further discrimination. Richmond describes how the movement of workers from developing nations “has been resisted by governments and unionized workers in wealthy countries [because] labour unions and individual employees feel threatened by the competition from cheap labour in other countries, as well as migrant workers in their own” (2002, p. 715).

Some low-paying employment sectors have a disproportionate number of Immigrant and Refugee men and women. These jobs include, but are not limited to, janitorial work, taxi drivers, farm labourers, warehouse workers, caregivers and fast food restaurant workers. Such jobs often have a low rate of pay, long hours, lack of benefits and often require shift work. NSRIW are often underemployed and remain working in these sectors throughout their work life. This underemployment is due to many reasons. Among them, the refusal to recognize women’s education, credentials, and past work experience forces women to undergo the expensive process of re-credentialing and re-training in Canada. This lack of recognition is deeply rooted in a Eurocentric bias.

The impact of working a low-wage job with long hours and no job security has multiple and specific impacts on NSRIW. Because these jobs often have irregular hours, NSRIW often lose the opportunity to learn English/French in classes with other newcomers, and to further educate themselves and therefore gain access to better employment. Most women who work outside the home maintain their dual roles within the family as caregiver and nurturer. The impact of this dual set of responsibilities means women simply do not have the time to develop social networks outside the family and they remain isolated; this factor elongates the adaptation to the new country.

Most women who work outside the home maintain their dual roles within the family as caregiver and nurturer.

Social Attitudes and Views of Immigrant and Refugee People

Societal attitudes in Canada can negatively impact Immigrants and Refugees. For instance, currently “[one] of the ironies of a multicultural world is that, as diversity increases, so does the temptation to impose uniformity” (Richmond, 2002, p. 723). The movement towards uniform laws, policies and legislation pushes forward an effort to harmonize nations so they can collectively address similar issues in a collaborative manner. In this process, women and those with little power in society are being left out of the vision for a better world and global economy. Language can be illusory: words such as values, family, safety, privacy, and rights can appear inclusive and representative yet not address important underlying questions: Whose values? What type of family? Whose safety and rights? And whose privacy?

Canada is commonly known as a multicultural nation that is accepting of the diverse groups of people who settle here. The so-called ‘acceptance’ and ‘tolerance’ is directed towards people who are racially different and are settling in Canada. However, NSRIW and their communities are rarely asked questions such as: What does being accepted into society truly look like? Do you feel accepted? What are you pressured to give up in order to be ‘tolerated’?

The terms ‘immigrant’ and ‘refugee’ are not neutral words. These words are used to classify and group people into categories in order to establish hierarchies of power. For example, first generation White Europeans are rarely viewed as Immigrants. On the contrary, multiple generations of Canadian-born people of colour continue to be seen as Immigrants. Racialized people are more likely to be frequently labeled as ‘Immigrants’ or ‘Refugees.’ NSRIW may feel pressured to blend in more with Western ways, whether in dress or to speak English/French, in order to have an easier time adjusting and moving beyond the labels of ‘Immigrant’ and ‘Refugee’.

Racism in BC

In BC, there is a continuum of beliefs about where newcomers should settle and who should come into BC. There are citizens who do not want people from certain parts of the world settling anywhere in BC. Racist movements exist in BC and are a reflection of social attitudes and racist belief systems. This obscures the reality of colonization in Canada as the only people who have not immigrated to Canada are First Nations people.

It is a dehumanizing and humiliating feeling to be hated based upon the color of your skin or because of the perception of difference. Hate is intense, deep and scary for those on the receiving end. In the handbook for service providers called *Responding to Incidents of Racism and Hate* (2003), hate is defined as “[when] prejudice and discrimination come together in behavior and actions that are criminal in nature, racism then takes the form of hate” (p.7). Hate can take place on a person as well as in a group environment. The *Responding to Incidents of Racism and Hate* (2003) handbook indicates that there “are more than 50 active white supremacist organizations in Canada today, ranging from Christian Identity, to neo-Nazi and racist skinhead groups” (p. 8).

Institutional and systemic racism can have discriminatory outcomes. Jiwani points out that “racism is not readily acknowledged or recognized as a form of systemic, institutional and daily violence” (2005, p. 846-47). Systemic racism has concrete and devastating affects on people’s

lives. These impacts can include less access to housing or employment, barriers accessing the legal system or experiences of discrimination in the legal system, and experiences of violence.

Dealing with private and public displays of hate can be disturbing and frightening as newcomers to BC. The impacts of racism are traumatic experiences that strongly impact people's lives and feelings and will take time to heal.

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“when prejudice and
discrimination come together in
behavior and actions that are
criminal in nature, racism then
takes the form of hate”

Violence Against Women: Statistical Realities

We cannot escape the facts. The facts consistently demonstrate that women and girls are disproportionately victimized in our society in ways that threaten their physical, emotional, psychological and sexual well-being. This issue goes beyond human rights violations. It points instead to the reality of systematic gender-based abuse perpetuated year after year, generation after generation, against half the world's population.

According to Statistics Canada:

- One-half of all Canadian women have experienced at least one incident of violence since the age of 16 (1993).
- One in three Canadian women were victims of assault by a spouse or partner (1993).
- Four in ten Canadian women were victims of sexual assault (1993).
- Of all the provinces, the highest rate of violence was reported by women in B.C. (59%) (1993).
- 16% of all Canadian women (1.7 million) have been involved in at least one incident of sexual or physical assault by a date or boyfriend since the age of 16 (1993).
- Half of all women who reported an incident of dating violence were between the ages of 18-34 (1993).
- 24% of women 18 – 24 years had been sexually and/or physically assaulted by a date or boyfriend. This figure is 50 per cent higher than the national figure of 16 per cent (1993).
- In Canada, almost 75 women are murdered by their partner each year (2006).
- 98% of sex offenders are men and 82% of the survivors of these assaults are girls and women (1999).

The numbers representing violence against Immigrant women and women of colour are also at epidemic levels. Although these statistics are for the USA, the following statistics collected by the Asian and Pacific Islander Institute on Domestic Violence give us a picture of the rates of violence against Immigrant women and women of colour:

- 41-60% of Asian women report experiencing physical and/or sexual violence by an intimate partner during their lifetime (Asian & Pacific Islander Institute on Domestic Violence, 2005).
- 61% of Japanese women surveyed in Los Angeles County reported that they experienced some form of physical, emotional, or sexual partner violence that they considered abusive -including culturally demeaning practices such as overturning a dining table, or throwing liquid at a woman (Yoshihama, 1999).
- Out of Korean men surveyed in 1993 18% of the respondents reported committing at least one of the following acts of physical violence within the past year: throwing something, pushing, grabbing, shoving, or slapping their wife. 6.3% of the men committed what the researcher classified as “severe violence” i.e., kicking, biting, hitting with a fist, threatening with a gun or knife, shooting, or stabbing (Kim & Sung, 2000).
- A survey of Korean women living in Chicago found that 60% of women reported experiencing physical abuse by an intimate partner sometime in their lives. 36.7% reported sexual violence by an intimate partner sometime in their lives (Song-Kim, 1992).
- A survey of South Asian women in Boston found that 40.8% of the participants reported that they had been physically and/or sexually abused in some way by their current male partners in their lifetime; 36.9% reported having been victimized in the past year. 65% of the women reporting physical abuse also reported sexual abuse, and almost a third (30.4%) of those reporting sexual abuse reported injuries, some requiring medical attention. No significant difference was found in the prevalence of domestic violence between arranged marriages (typically refers to marriages arranged by parents or relatives of each member of the couple) and non-arranged marriages (Raj & Silverman, 2002)
- A study of Vietnamese women in Boston found that 47% reported intimate physical violence sometime in their lifetime. 30% reported intimate physical violence in the past year (Tran, 1997).

6.3% of the men committed what the researcher classified as “severe violence”

Violence against women and girls is extremely prevalent throughout the globe. The United Nations Population Fund compiled the following:

- Systematic rape, used as a weapon of war, has left millions of women and adolescent girls traumatized, forcibly impregnated, or infected with HIV (Human Rights Watch, 2000).
- In Asia, at least 60 million girls are ‘missing’ due to prenatal sex selection, infanticide or neglect (UNFPA, n.d.).
- Female genital mutilation/cutting affects an estimated 130 million women and girls. Each year, 2 million more undergo the practice. Violence against women also takes the form of other harmful practices – such as child marriage, honour killings, acid

burning, dowry-related violence and widow inheritance and cleansing (both of which increase HIV risks) (Watts & Zimmerman, 2002).

- Forced prostitution, trafficking for sex and sex tourism appear to be growing problems. Each year, an estimated 800,000 people are trafficked across borders – 80% of them women and girls. Most of them end up trapped in the commercial sex trade. This figure does not include the substantial number of women and girls who are bought and sold within their own countries, for which there are scant data (US Department of State, 2005).
- Reports of trafficking in women come from nearly every world region. The greatest number of victims are believed to come from Asia (about 250,000 per year), the former Soviet Union (about 100,000) and from Central and Eastern Europe (about 175,000) (IOM Kosovo, 2001). An estimated 100,000 trafficked women have come from Latin America and the Caribbean, with more than 50,000 from Africa (IOM, 2001). War, displacement and economic and social inequities between and within countries, and the demand for low-wage labour and sex work drive this illicit trade in women (Watts & Zimmerman, 2002).

Economic Impacts of Violence against women:

- Violence against women represents a drain on the economically productive workforce: Canada's national survey on violence against women reported that 30% of battered wives had to cease regular activities due to the abuse, and 50% of women had to take sick leave from work because of the harm sustained (Krug, et al., 2002).

The ultimate goal when faced with statistics that reflect such grim violence must be to establish and pursue a socio-cultural framework for change that is rooted in justice for women, and supported by a judicial system that holds perpetrators accountable for their actions. Self-imposed limits on real action are evident. Our political and legal systems actively contribute to the further oppression of women by allowing minimal sanctions against perpetrators or sanctions that are simply not enforced.

Significantly, NSRI women are often further marginalized since many may be socialized to believe that violence is acceptable. They are under enormous pressures from social messages and expectations that challenge their self-worth. Poverty, social isolation, language difficulties and homelessness further contribute to the victimization of the most vulnerable women in our society.

From the government's perspective, our own constitutional philosophy of assumed equality rejects outright the idea that women are abused simply because they are women. This allows government and judicial systems to openly avoid challenging or addressing underlying social issues; instead they work to conceal their complicity with a system that largely condones and tolerates violence against women (Habernas, *The Structural Transformation of the Public Sphere*, 1989).

Forced prostitution, trafficking for
sex and sex tourism appear to be
growing problems

Reference List

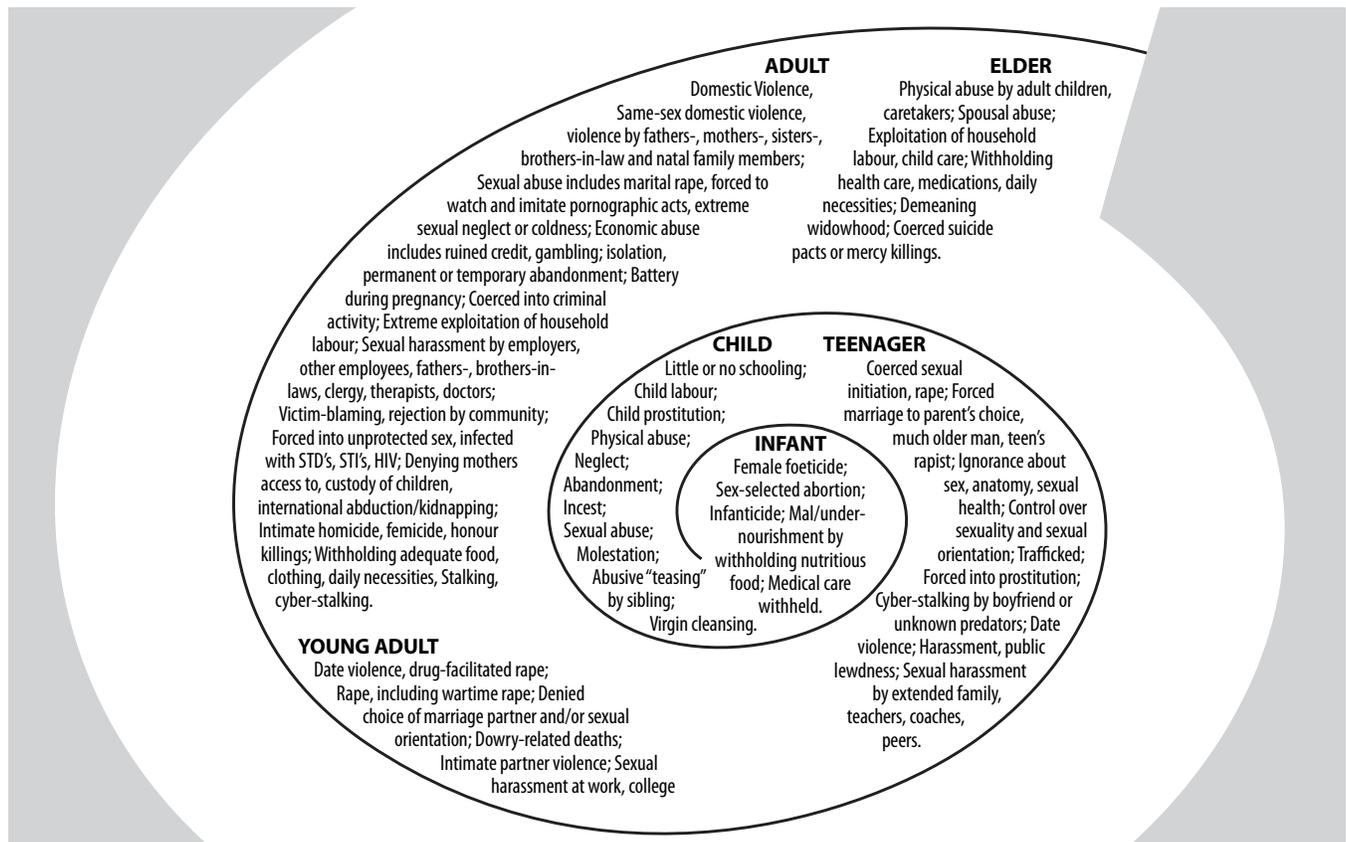
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Our political and legal systems actively contribute to the further oppression of women by allowing minimal sanctions against perpetrators or sanctions that are simply not enforced.

Violence Against Non-Status, Refugee and Immigrant Women

The Migration of Abuse Across the Lifecycle

Gender oppression follows girls and women through infancy, childhood, adolescence, adulthood and as elders. Violence against women in an intimate relationship is one of many forms of violence against women. It is often experienced in the context of additional oppressions based on forced migration, immigration/refugee status, race, ethnicity, age, type of labour performed, access to/level of education, class, ability/disability and sexual orientation.



The Lifetime Spiral is designed by Asian & Pacific Islander Institute on Domestic Violence (2007). Retrieved from <http://www.apiahf.org/index.php/component/content/article/306.html>

Patriarchy

Patriarchy gives permission for violence against women. Patriarchy is about the social relations of power between men and women, between men and men and between women and women. It is a system for maintaining class and/or gender privilege and the status quo of power. It relies both on crude mechanisms like violence and oppression and subtle ones like the law. Patriarchy exists in almost all cultures, including Canadian cultures. The degree and rigidity with which it permeates gender relations varies.

Impact of Patriarchy on Women

Patriarchy is an established system of control throughout the world and many women fully believe that men have power and control over their lives. Beyond just being a belief, patriarchy has ensured that this belief is often also the reality. Women often have internalized a deep and core message about their roles, duties and gender. When working with women, this needs to be addressed through facilitating a process of empowerment. Failure to address this issue confirms patriarchal messages and continues the cycle of women's oppression.

Role of Patriarchy in the lives of Men

Although patriarchy is mostly understood as a way of oppressing women, it is also about controlling men. Rigid gender and cultural expressions force men into a 'box' of masculinity where misogyny, the devaluation of women and violence against women are a critical component. Christopher Henry, on *A Call to Men* website, clearly illustrates this point:

It is important that we work to break down the stereotypes that define manhood in today's society. While all men are not perpetrators of domestic violence, it does clearly exist and it's important to learn how sexism, male dominance and male privilege lay the foundation for all forms of violence against women. Tony [Porter, of *A Call to Men*] does a great job of addressing the role that 'well-meaning men' can play by getting out of their socially defined roles and taking a stance to reduce abusive and violent behavior toward women. He has the ability to engage players to be more accountable and become part of the solution instead of part of the problem (Henry, n.d., Director of NFL Player Development, National Football League).

Byron Hurt, the producer/director of *Hip Hop: Beyond Beats and Rhymes*, further expresses that fear of stepping out of the 'box' of masculinity: "As an African-American man, I almost decided NOT to be an anti-sexist activist in fear of standing alone" (n.d.).

Defining Violence Against Women

Domestic violence, family violence, violence against women in intimate relationships, gender violence, intimate partner violence are the most common terms used to describe the life cycle and historical nature of NSRIW. Violence against women in an intimate setting includes sex selection through aborting female fetuses, murder by a male partner or family member and intimate partner violence.

Violence against women in intimate relationships can be defined as a systematic pattern of domination where: an intimate partner uses abusive tactics to maintain power and control over the woman; the abuse may escalate over time in frequency, intensity and in terms of the impact on the woman; and where the woman alters her behaviour in an attempt to stop the abuse. The abusive tactics include:

- Physical and sexual battering; as well as
- Isolation;
- Emotional abuse;
- Minimizing, denying, blaming;
- Intimidation;
- Economic abuse;
- Coercion and threats; and
- Creating a culture of fear and oppression.

The explanations for male violence against women are well established:

- Men batter because they can;
- Men use violence to have control over the woman;
- Hierarchy as a social structure is considered to be normal and should be used to establish authority in the home;
- Violence and abuse is learned behavior;
- Society permits men to exercise power and control with impunity;
- Women are taught to submit in general and specifically to men; and
- Women are objectified and it is easier to inflict violence on an object.

To further understand why male violence against women exists Hurt offers us an exploration of the gendered notion of power:

[P]ower gets conflated with masculinity and we have very gendered notions of power. Men's power is seen negatively as abusive, arrogant and forceful; or positively as ambitious, demanding and expressing successful masculinity. Women's power by contrast is vaguely conceptualized, focusing on finding voice and the space to express it - limited notions indeed of women's power. What then do we mean when we talk about empowering women, about an empowered sense of power for women and men? Power should be articulated as an important, healthy force that resists oppression, builds social justice and re-shapes economic, social and gender inequities (n.d.).

Byron Hurt's Top Ten Excuses Men Give For Using Violence Against Women

Since 1993, I have had the unique opportunity to lead or co-lead discussions with men about men's violence against women. I have been in the room with tens of thousands of men – across race, class, and educational level – all over the world. I've worked with Division I male athletes, fraternity members (white & non-white), police officers, doctors, male administrators on college and university campuses, Marines, Soldiers, Cadets, men in youth detention centers, and men in mandated battering intervention programs. Aside from filmmaking and writing, engaging men in conversations around masculinity and gender violence prevention is what I do. I am passionate about it, and I believe I do it well.

After 16 years of doing this work, I can just about predict the kind of things we men will say in gender violence prevention workshops or in Q&A sessions to avoid talking about the real issues. No matter where I am, the level of deflection and avoidance that takes place in my training sessions has been very consistent over the years. Many, not all, but many of us men DEFLECT any focus on our negative attitudes and behaviours toward women BACK onto the WOMEN as if it is their problem, and as a way to avoid taking responsibility for our own actions. In other words we blame women for our abusive behaviour. Some of us deny that the gender or sexual violence exists at all. At one point in my life, I have been guilty of doing this myself.

So after all of these years of working with men, and hearing excuse after excuse, after excuse, I have decided to compile my own personal "Top 10 List of Excuses We Men Make to Justify Violence Against Women."

Here they go:

10. Some women think you don't love them if you don't hit them.
9. Why would she wear revealing clothes if she didn't want negative attention?
8. Some women know how to push our buttons, and so we "just snap."
7. She disrespected me.
6. She must have done something to deserve it.
5. If she wants to hit like a man, she ought to be beaten like a man.
4. Why would a woman go somewhere (a party, club, or social event) if she knows guys are going to treat her like that?
3. A man is only going to do to a woman what a woman allows him to do.
2. Some women like to be hit/catcalled.
1. She made me do it.

Byron Hurt attended Northeastern University as a quarterback, and founded God Bless the Child Productions before graduating with a degree in Journalism in 1993. Upon graduation he was hired by the university's Center for the Study of Sport in Society to help form the Mentors in Violence Prevention (MVP) program with the purpose of educating young men about gender and sexual violence. This experience led Hurt to produce and direct the

documentary *I Am A Man: Black Masculinity in America*. After noticing the repeated theme of machismo in numerous rap music videos, Hurt then set about creating *Hip-Hop: Beyond Beats and Rhymes*, an exploration of the pervasive issues of masculinity, sexism, violence and homophobia in hip-hop culture. Hurt is also the former associate director of the United States Marine Corps gender violence prevention program

NSRIW Power and Control Wheel

In order to effectively distinguish the dynamics of violence against NSRIW we have created the following Power and Control wheel. This wheel was produced while taking into consideration the complexities of individual experiences and while striving to avoid stereotypes. We have attempted to capture the similarities of experience between NSRIW through the Power and Control wheel presented below.

(See figure 1 on next page)

Physical Violence

- Having multiple batterers in the home, particularly male and female in-laws;
- Battering by multiple abusers in the extended family home can include mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, ex-wives, new wives, adult siblings, and/or members of a woman's natal family;
- Homicides that encompass a broader range of deaths than murder by an intimate partner including honor killings, contract killings or dowry or bride price; and
- Related deaths, killing of family members in the home country or being driven by one's husband and in-laws into committing suicide.

Sexual violence includes sexual actions and threats that are experienced as invasive to the body and that violate bodily integrity. Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic can be considered sexual violence. Further, acts otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including, but not limited to, the home and work, can be labeled as sexual violence. Additional examples of sexual violence include:

- Excessive restrictions designed to control women's sexuality and grave threats about being sexually active;
- Blaming victims for rape, incest or coerced sex or being forced to marry a rapist;
- Denying the right to choose or express being lesbian or bisexual;
- Being forced to watch and imitate pornography;
- Coercion into unprotected sex which could result in sexually transmitted diseases, including HIV/AIDS;
- Extreme sexual neglect and coldness;
- Sexual harassment not only from co-workers, but from family members, community leaders, clergymen, etc.;

- Forced marriages (not to be confused with arranged marriages) to unknown and generally much older men – marital rape is exacerbated in such situations;
- Ignorance about sex, sexual health and anatomy; and
- Sexual violence in home countries and attendant unresolved trauma can be
- used by batterers to demean, reject, silence, blame or further violate their intimate partners. These experiences particularly affect NSRIW who may have been raped in war zones, refugee camps, on unsafe immigration routes or because they were cultural or religious minorities in their home countries. *(continues on page 53)*

Types of Sexual Violence

- Child Sexual Assault
- Coerced (forced) sex)
- Coerced sexual initiation
- Custodial rapes: in police stations, jails, etc.,
- Cyber assaults, cyber stalking and cyber predators
- Date rape/Drug facilitated rape
- Female Genital Mutilation
- Forced marriages, including marriage of children
- Gang rapes
- Ignorance about sexuality, anatomy, sex, or sexual safety (e.g. birth control is deliberately maintained by parents to ‘protect’ girls). Such ignorance can cause serious harm in the face of predatory behavior.
- Incestuous Sexual Assault

Marriage related sexual violence

- Abandonment, physical and/or sexual abandonment of wives/brides
- Infidelity
- Marital rape
- Polygamy: one man has several wives – whether through legal or ‘cultural’ marriages (listed as sexual violence because the culture or the husband forces women to accept this arrangement)
- Polyandry: one woman has several husbands (listed as sexual violence if a woman is forced into this arrangement)
- Temporary marriage: practiced in parts of West Asia as a way to legitimize sexual relations between non-married couples (over the dating period, for example) or with a prostitute (for the length of the encounter).

Types of Sexual Violence continues on next page

- Marriage by capture: practiced in parts of Southeast Asia, a woman is ‘captured’ by potential husband and kept captive for a few days before ‘consenting’ to marry him
- Repeated molestation by known assailants or by strangers in crowded public spaces (e.g. buses). In India, this is termed ‘eve-teasing’.
- Neglect/coldness: extreme sexual neglect or coldly going through the motions of sex
- Pornographic-related violence: being forced to watch and mimic pornographic acts
- Rape by a known assailant or by a stranger

Rape and its aftermath, which can include:

- Victim-blaming
- Being forced to marry rapist or someone else right away
- Abandonment or violence by the victim’s family towards the victim
- If a pregnancy results from the rape, family may send her to their home country permanently, force her to carry the pregnancy, give up child for adoption, or force her to have an abortion
- Sexual harassment in workplaces, places of worship, homes, schools, or university campuses
- Survival or transactional sex: women having sex in exchange for necessities like food, children’s clothes, a place to stay, etc., and not necessarily with multiple men (this is not the same as sex work).
- Unprotected sex (forced) leading to an unwanted pregnancy, HIV, or STI exposure. This can affect women with trans-national partners who travel between the U.S. and home countries frequently.
- Virginity examinations and attendant surgeries to ensure that her hymen is intact (e.g., sewing up a torn hymen). In fact, ruptured hymens do not necessarily bleed - referred to medically as a compliant hymen
- Voyeurism, includes flashing, peeping, or using technology
- Wife inheritance: also called fraternal polyandry where a widow must marry her dead husband’s brother.
- Witnessing rape: children or family forced to watch (or know it is happening) and how it affects both victim and witness.

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NSRIW Power and Control Wheel *(continued from page 51)*

Using Isolation

- Intensive surveillance, cyber-stalking, monitoring activities and visitors, exercising abusive controls from afar utilizing multiple technologies;
- Withholding food, healthcare, medication, adequate clothing, and hygiene products like soap, shampoo, etc;
- Immediate abandonment in the home involves leaving a new wife in her country of origin without any means of contact because the husband leaves a false address or, in Canada, filing for divorce within a few months of marriage; and
- Hyper-exploitation of women's household labour to serve all members of the extended family.

Emotional Abuse

- Being pushed out of the relationship from a husband and his family more frequently than 'pull' factors back into the relationship;
- Tightly prescribed and more rigid gender roles for women and men;
- Severe isolation by inhibiting contact with family in the home country and other support systems;
- Using religion to justify domestic violence and to threaten loss of children, social status, financial support and community;
- Pressure from the natal family to stay in the marriage and tolerate the abuse; and
- Silencing battered women and blaming them for bringing dishonor to the family because of the strong nexus of shame and public disclosure.

Using the Children/Abuse of Women Who Are Mothers

- Forced abortions, sex-selected abortions when the fetus is female, or multiple, repeated pregnancies to bear sons in the family;
- Manipulating social service, child protection, immigration, family, criminal and civil legal systems to the advantage of the batterer and his family;
- Using culture and cultural norms to separate mothers from their children by sending children to paternal grandparents in the home country, abducting/kidnapping the couple's children and returning to the batterer's home country; and
- Stigmatizing divorced mothers and gaining custody based on cultural beliefs that children belong to their father.

Denying, Minimizing and Blame

- Simply denying that there is abuse or violence – “Show me the bruises” or “ if I wanted to hurt you, I'd hurt you”; and
- Minimizing the impact of violence or abuse.

Settlement issues

- Immigrant and Refugee women usually are at a greater disadvantage even in daily tasks in their new places of residence.
- Social service/community workers may assume that the woman knows how to do some of the things that people who are settled take for granted or that are common in western societies.
- Everyday norms and ways of life are different throughout the world. These can even include day to day things that people regularly do, such as reading the newspaper, going to the grocery store, taking public transit, paying bills, etc.
- Has she ventured anywhere by herself or does she depend on others?
- How does she feel about taking local transit? Does she know how to take the bus?
- Does she have access to money? Or does her partner control her access to money?
- Does she know how to access and use the bank?
- Does she know how to use the phone? Does she have access to the phone?
- Does she have access to her identification? Her passport or other landing documents and papers? Where are they kept?
- Does she know who to contact in case of an emergency? And what each emergency contact is used for?

Systemic Barriers

- Lack of English or French language skills;
- Lack of familiarity with systems and resources in Canada;
- Community attitudes towards NSRIW are exploited by batterers and incorporated into the abuse;
- Economic dependence;
- Behaviour and attitudinal discrimination by mainstream society and within Immigrant communities. The accessibility, or lack thereof, of legal and social services;
- Culture of fear of public disclosure and shame;
- Systemic sanctioning of batterers entitlement; and
- Communities rejecting, shaming and victim blaming NSRIW who make public their experiences of violence.

Asian & Pacific Islander Institute on Domestic Violence. (2007). Gender violence in Asian and Pacific Islander communities. Retrieved from <http://www.apiahf.org/index.php/component/content/article/302.html>

Extended Family and Community

When looking at the context of women's lives in Canada, one also needs to look at extended family and community. Even though migration to Canada may improve some aspects of

women's lives, it may also make them more vulnerable to some of the issues discussed previously. In some societies which women immigrate from, women receive protection from the abuser through extended families. Some examples of how extended families do this include talking to the abuser, keeping the woman safe in their homes, asking the community to intervene, having neighbors keep an eye out for signs of trouble or using shame or public embarrassment as a method to curb his behavior (Sokoloff and Pratt, 2005).

As a result of immigration, women are separated from their extended families and communities and they lose this informal method of protection from the abuser. In Canada women have access to more formal methods of protection, such as the police, criminal and family justice systems, community organizations, advocacy and outreach programs. However, it is important to keep in mind that these formal ways are very Western and alien to women who may then feel reluctant to use such foreign methods.

Communities can be both supportive and oppressive for Immigrant and Refugee women, both in their home country and in Canada. Having a community may provide a woman with the space to connect with other women in a safe environment and discuss certain topics and concerns. Women's emotional needs are often met in informal gatherings and conversations. In some cases, such community interactions may be vital for women, particularly if the woman does not speak English/French (Sokoloff, 2005).

Having basic English/French language skills is essential because it decreases a major barrier for women. The ability to communicate in English/French also allows women to exert more control of their lives and choices.

The same community can also silence a woman experiencing violence. Community often sees the violence as the woman's responsibility. One unspoken assumption we often hear in our work with NSRIW is that if a woman was fulfilling her role as wife in a better way, her partner would not be "forced" to use violence against her. Speaking out about the abuse she is experiencing from her partner can lead to further isolation from her community. Women may try to use other ways of decreasing the violence, such as trying to keep her partner content, asking religious leaders or family members to talk with the abuser, keeping out of her partner's way and more. These methods may be accepted by the community and allow the woman to remain connected with her community. However, it leaves the responsibility of the abuse on the women and she may still remain in danger if other safety measures are not taken or other supports sought.

Other Definitions

Macmillan Dictionary defines gender violence as "violence against women especially in the home by a partner" (n.d.). Family violence, intimate partner violence and domestic violence are commonly used terms to describe violence against women. They however conceal the gender specificity of the violence and abuse, rendering invisible the gendered nature of the abuse women and girls experience. It is necessary to make public what happens in private in order to shine the light on the gendered nature of violence. Therefore, violence against women, male violence against women and gender violence are preferred terms.

The Issue of Culture

‘Culture’ is frequently used to explain and justify violence against women. When we scratch the surface of culture as an explanation what we find below is the defense of the culture of patriarchy and the culture of violence. With the intention of maintaining cultural expressions and values, traditions of the home country are rigidly maintained with minimal change allowed. The explanations of “culture are supposed to defend the culture of the home country but what is in fact being defended is the culture of patriarchy” (Asian & Pacific Islander Institute on Domestic Violence, 2007). This ultimately justifies the oppression of and violence against girls and women. NSRIW are navigating cultural norms, expectations and values in a ‘culture’ box.

Cultural explanations protect how male authority is expressed and reinforced in the home country in order to justify gender inequity and violence. Conventional notions of culture must be challenged in order to change its patriarchal traditions of misogyny. It is important to recognize that “culture is not the sum of tenaciously maintained traditions, but the intersection of dynamic forces that include social and political histories, practices and ideologies” (Asian & Pacific Islander Institute on Domestic Violence, 2007).

The Issue of Ethnicity

In Canada, NSRIW’s identity is generally defined by their country of origin and to a lesser degree by the region. There is tremendous diversity and political complexity within the countries and regions of origin. Though too complex to detail here, in general, NSRIW’s identity are shaped by a number of factors: familial, political and social meaning, languages spoken, religion, ethnicity (single, bi, multi-racial), age, marital status, level of education, position and mobility, employment status/type of labour performed, class position, rural, urban or suburban location, political history (colonization, imperialism, civil or international wars), racial segregation, sexual orientation and disability.

Settlement and Stress

The experiences of settlement and stress are often cited as reasons why NSRI men batter women. Our communities need to stop “supporting the notion that domestic and sexual violence is due to mental illness, lack of anger management skills, chemical dependency, stress, etc... Domestic and sexual violence is rooted in male dominance and the socialization of men” (A Call to Men, 2004). The above theory of men being so stressed and impacted by their settlement experiences prioritizes men’s experiences over women’s. Women, like men, are navigating the same familial, social and political conditions and must face racism and language barriers, yet violence by and large remains the domain of men. We also know through our experiences that men who do not have barriers or deficits still choose to engage in violence against women.

Conventional notions of culture
must be challenged in order to
change its patriarchal traditions
of misogyny.

Urging Men to Own Their Role in Ending Violence Against Women

10 Things Men Can Do In Domestic and Sexual Violence Prevention

by A Call to Men (ACT)

1. Acknowledge and understand how male dominance and aspects of unhealthy manhood are at the foundation domestic and sexual violence.
2. Examine and challenge our individual beliefs and the role that we play in supporting men who are abusive.
3. Recognize and stop colluding with other men by getting out of our socially defined roles, and take a stance to prevent domestic and sexual violence.
4. Remember that our silence is affirming. When we choose not to speak out against domestic and sexual violence, we are supporting it.
5. Educate and re-educate our sons and other young men about our responsibility in preventing domestic and sexual violence.
6. **“Break out of the man box”**- Challenge traditional images of manhood that stop us from actively taking a stand in domestic and sexual violence prevention.
7. Accept and own our responsibility that domestic and sexual violence will not end until men become part of the solution to end it. We must take an active role in creating a cultural and social shift that no longer tolerates violence and discrimination against women and girls.
8. Stop supporting the notion that domestic and sexual violence is due to mental illness, lack of anger management skills, chemical dependency, stress, etc... Domestic and sexual violence is rooted in male dominance and the socialization of men.
9. Take responsibility for creating appropriate and effective ways to educate and raise awareness about domestic and sexual violence prevention.
10. Create responsible and accountable men’s initiatives in your community to support domestic and sexual violence prevention (2004).

Impacts of Trauma

Women may be arriving in BC with heavy emotional, psychological and mental distress. In the case of Refugee women, they are forced to flee their country because of war, political persecution and/or intimate partner violence. They may have been through traumatic experiences such as torture, witnessing war, murder and destruction. As we have already discussed, this is often further compounded by the stress of settlement and adaptation to the new society. When working with NSRIW the impacts of trauma need to be viewed in context of her past experiences.

The Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) of the American Psychiatric Association describes the impacts of trauma as Post traumatic stress disorder (PTSD). According to the DSM, some of the symptoms of PTSD can include the following:

- “The traumatic event is persistently re-experienced in one or more of the following ways:” such as intrusive thoughts, nightmares, dissociative flashbacks, etc.
- “Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness...by three (or more) of the following:” such as efforts to avoid thoughts or activities that may arouse recollections of the trauma, feelings of detachment or estrangement, restricted range of affect, etc.
- “Persistent symptoms of increased arousal (not present before the trauma) as indicated by one or two (or more) of the following:” such as sleep difficulties, difficulties concentrating, hypervigilance, irritability, etc. (2000, pp. 467-468).

The impact of violence extends beyond physical injuries. Research studies on survivors of violence have found a strong relationship between intimate partner abuse and depression, anxiety, substance use, low self-esteem, dissociation and sexual problems (Briere & Jordan, 2004; Golding, 1999; Hathaway et al., 2000). When looking at intimate partner violence, it is essential to realize that the violence is outside the control of a woman. This lack of control over her life can also be a contributing factor in diminishing emotional health and psychological well being. Women are more likely to have limited control and access to power in situations of partner abuse. Judith Herman, in her book *Trauma and Recovery*, points out that “psychological trauma is an affliction of the powerless,” (1992, p. 33). Therefore in the case of violence against women in intimate relationships, women are rendered powerless.

The American Psychological Association (APA) describes traumatic events as incidents that are “outside the range of usual human experience” (in Herman, 1992, p. 33). These events, which are traumatic in nature, “overwhelm the ordinary systems of care that give people a sense of control, connection, and meaning” (Herman, 1992, p. 33). However, as Herman points out, events such as “rape, battery, and other forms of sexual and domestic violence are so common a part of women’s lives that they can hardly be described as outside the range of ordinary experience” (1992, p.33). Further, what characterizes “the traumatic event is its power to inspire helplessness and terror” (Herman, 1992, p. 34).

The severity of violence that a woman is subjected to, along with a previous history of violence, depression and/or sexual abuse, has been shown to be a predictor of what is defined as PTSD (Bargai et al., 2007). In addition, the social context that contributes to the high rates of

violence against women must also be considered. For instance, the influence of how culture and education endorses “male supremacy and female inferiority [which] increase both the likelihood of partner assault” is relevant (Bargai et al., 2007, p. 268).

Trauma impacts women in many ways; some of the impacts play out in interactions with others and in their sense of safety in the world. Trauma has a way of “[producing] profound and lasting changes in physiological arousal, emotion, cognition, and memory” (Herman, 1992, p. 34). There is no doubt that the impact of trauma can be powerful and can gravely impact women and how they function in their everyday lives. Many survivors of violence, including battered women, do not receive support or treatment for the effects of trauma (Perez & Johnson, 2008). The level of trauma may not always be visible because the injuries may be internal; often these unseen injuries are left unacknowledged. As a society, we are socialized to view emotional, psychological and mental trauma to be not as legitimate as physical disabilities.

Many survivors of violence, including battered women, do not receive support or treatment for the effects of trauma

Herman points out that “traumatized people cannot ‘tune out’ repetitive stimuli that other people would find merely annoying; rather they respond to each repetition as though it were a new, and dangerous, surprise” (1992, p. 36). Such traumatic events or episodes seem “to recondition the human nervous system” (Herman, 1992, p. 36). Women may experience such symptoms for the first time and they may feel that they are slowly going crazy. They may be unaware that such reactions are a normal way for the body and mind to cope with the stress that is overwhelming her. These feelings may cause more anxiety and may further isolate women.

Women may fear disclosing what they are experiencing out of fear that they might be judged as having a mental illness. Mental illness is stigmatized in society and many women are afraid to be labeled as suffering from mental illness. It is important to keep in mind that women are already labeled in society when having experienced violence. Another factor that may influence the decision to disclose emotional distress is the fear that she may be viewed as an unfit mother and have her children removed from her.

The impacts of trauma may manifest themselves at any time in the Immigrant and Refugee woman’s life. These manifestations may take the form of physical ailments, strong emotional reactions, sadness, flashbacks, hypersensitivity, anxiety or other forms of psychological distress. Often, at the time the trauma occurred, her mind may not be able to deal with the violence. When a woman reaches some level of external safety she may begin to process what happened to her and begin feeling triggered. The delay in processing the trauma is a coping mechanism that allows her to function until she and her children reach external safety (Weaver et al., 2007).

One model of trauma intervention is explained in *The Best Practices Manual for Stopping the Violence Counselling Programs* (McEvoy & Ziegler, 2006). This model of trauma intervention outlines three stages:

- Stage one is called safety and stabilization, which “involves working toward internal and external safety, building a therapeutic alliance, understanding the impact of trauma and violence, self care, sobriety, and developing resources to increase the ability to tolerate affect (emotion), self-soothe and improve self-esteem...survivors begin to make connections and learn skills for managing their symptoms”;

- Stage two takes place “once safety and stabilization have been achieved, this is the time to address the deeper impact of trauma by processing and integrating the traumatic experiences...[a] time of grief and mourning...deconstructing negative beliefs...and addressing and intervening in post-traumatic symptoms”; and
- Stage three is the “time for reconnection with others and with ‘ordinary’ life [where the] counsellor [is] a sounding board as the survivor practices new learnings and behaviors and builds new experiences” (McEvoy & Ziegler, 2006, p. 20).

The impact of violence extends
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Refugee Women: No escape from abuse

The United Nations High Commissioner for Refugees (UNHCR) estimates that in the year 2008 there were over 42 million forcibly displaced people worldwide (UNHCR, *Global Trends*, 2008a). From this number 15.2 million were Refugees, 827,000 were pending cases of people seeking asylum and 26 million were internally displaced people (UNHCR, *Global Trends*, 2008a). Women, girls and children are disproportionately represented as people who are forcibly displaced. Women and girls represent about 49% of all Refugees, asylum seekers and internally displaced people (UNHCR, *Global Trends*, 2009). Children, boys and girls under 18 years of age, represent around 43% of forcibly displaced people (UNHCR, *Global Trends*, 2009). An analysis of this data shows that women and children account for an astonishing 70% of all displaced persons throughout the world.

Globally there has been an increase in displaced people over the decades. As our world copes with an increasing number of traumatic events there is also an increase in forced displacement of people throughout the world (UNHCR, *Global Trends*, 2009). This is related to tragedies including war, repressive political regimes, genocide, ethnic cleansing, disease, famine, drought and natural disasters like earthquakes, floods, typhoons, hurricanes, landslides and fires. The impacts of all of these tragedies are devastating for individuals, families, communities and countries.

The decision to leave one's home is difficult at best. Refugees do not make conscious choices to leave their countries: it is often a matter of life or death. When escaping from their home the particular country where one will settle is rarely on a Refugee's mind. Refugees often leave their homes and their home countries with little or no provisions, minimal documentation and sometimes without all of their family members. All Refugees are victims of, or potential victims of, severe human rights abuse and violence (Human Rights Watch, 2010).

Human Rights Violations: Violence against Refugee Women and Girls

Women and girls are particularly vulnerable to assault and violence due to the added barriers of gender, class and their status in society. Modern day armed conflicts are often wars against

women and girls. According to the UNHCR, sexual and gender based violence against women and girls is one of the defining characteristics of today's armed conflicts (2008b).

The United Nations documents that sexual and gender based violence in states of conflict takes the form of “rape, forced impregnation, forced abortion, trafficking, sexual slavery, and the intentional spread of sexually transmitted infections, including HIV/AIDS” (UNHCR, 2008b, p. 7). Often in states of conflict, governments, police and/or armies perpetrate violence against women as a form of control over individuals, families and communities. Refugees around the world and human rights groups have documented sexual and gender based violence against women and girls being used in many countries (Human Rights Watch, 2010; UNHCR, 2008b). Even in places where there is no armed conflict, women and girls are forced to flee due to human rights violations, discrimination and violence.

For many Refugee women the persecution they are fleeing from in their home countries is often only the beginning of the trauma they experience. The path to refuge itself is enormous and long and often filled with violence and oppression along the way. During their flight to safety, women and girls are subject to attacks by other male Refugees, armies, resistance armies, border officials, human smugglers, pirates and other men they may encounter (Martin, 1991; Foote, 1996). Women who are unmarried, widowed, separated from husbands and/or brothers are particularly vulnerable to physical assault and rape as they are without anyone or any community to protect them.

For Refugees who do escape their countries, their journey to safety does not end there. An added struggle for displaced people is the increase in backlash and closing of borders from the countries where they arrive. In 2008, according to the US Committee for Refugees and Immigrants (USCRI) *World Refugee Survey 2009*, thousands of Refugees arrived to the shores of countries seeking refuge and were involuntarily forced to return to their home countries. The survey lists 13 countries as having major rates of returned Refugees (USCRI, *World Refugee Survey 2009*, 2009). USCRI notes that many Refugees “suffered from insecurity, threats of refoulement, detention and decades of enforced idleness and restrictions on movement and normal ways of life in countries of asylum, casting doubt whether their return was truly voluntary” (USCRI, *World Refugee Survey 2009*, 2009).

Violence does not necessarily cease for women when they arrive to a safe asylum. Women living in refugee camps are particularly vulnerable. Camps are not designed to protect women. In her book, *Refugee Women*, Susan Forbes Martin points out some of the design problems that increase the potential for attack against women: poor or no lighting, communal latrines that may be a distance from living quarters, infrequent or no night patrols, potential incarceration in closed facilities, barbed wire enforced boundaries (1991). As Martin succinctly says, “inhuman surroundings can beget inhumane actions” (1991, p. 21).

Women living in refugee camps are living without their traditional communal support systems. Communal support systems, such as community and family, often offer women safety and protection from attack (Martin, 1991; UNHCR, 2008b). Although women and children are the majority of those in refugee camps, power structures in camps are male-dominated and oppress women (Forbes, 1996). Women often do not have equal access to food, medical items, shelter items, etc. (UNHCR, 2008b). The majority of Refugees in camps are dependent on aid to meet basic needs and this further increases women's vulnerability to sexual exploitation.

Canada's Role in Refugee Protection

Often we hear the myth that Canada accepts a large number of Refugees. This is exactly that, a myth; reality tells a different story. The world's wealthiest countries combined continue to host only 20% of the world's Refugees and asylum seekers (UNHCR, 2009). Developing countries host the vast majority of the world's Refugee population. According to the US Committee for Refugees and Immigrants' analysis, Canada houses only a small fraction of the world's Refugees (2009).

In 2008, nations with a per capita income of over \$10,000 US, including Canada, hosted only 9% of the world's Refugees (USCRI, 2009; UNHCR, 2008a). Jordan alone hosted 621,600 Refugees in 2008, more than Canada, United States, Germany, France, the United Kingdom, Sweden, and Switzerland combined (USCRI, 2009). In 2008, Canada accepted 72,500 Refugees; for every 459 Canadian citizens there is 1 Refugee accepted in the country (USCRI, 2009). In comparison, Chad alone accepts 1 Refugee for every 31 citizens and Tanzania accepted 1 Refugee for every 125 citizens (USCRI, 2009).

Half of the world's Refugees rely on international aid to survive. Through the Canadian International Development Agency (CIDA), Canada filters financial aid to international agencies working with Refugees including UNHCR, NGOs, and The Red Cross (Foote, 1996). Canada prefers to provide aid to Refugees living near camps, as opposed to accepting more Refugees into Canada (Morris & Sinnot, 2003). As a result, women are particularly discriminated against since the majority of people in refugee camps are Refugee women. This is coupled with the fact that women entering Canada as Refugees most often come with men (Morris & Sinnot, 2003). By preferring to support Refugees through aid, Canada continues to encourage the warehousing of Refugee women in camps.

The UNHCR reports that it is widely known that wealthy developed countries are in better positions to integrate Refugees into society (UNHCR, 2008a). Developed countries have the means to assist with resettlement. Poor developing countries simply do not have the same financial means. Many Refugees escaping to developing countries with large Refugee populations find themselves warehoused into refugee camps. In these camps, Refugees are segregated from society and dependent upon aid agencies for survival. At times, this can become a permanent situation for a Refugee.

Although Canada prefers to provide aid to Refugees over accepting more Refugees into the country, Canada's international aid contributions to Refugees continue to be minimal. In 2008 Canada donated \$70.8 million US to international aid agencies. Per capita, Canada donates far less than many countries, including Luxembourg, Finland, Sweden, Denmark, Ireland and the Netherlands (USCRI, 2009). Canada ranked 13 in international aid contributions for Refugees in 2008. Per capita, Canada donated \$2.13 US, whereas Norway donated almost nine times more at \$20.03 US per capita (USCRI, 2009). These facts help us to better understand the reality of not only all developing countries' roles in refugee protection, but also Canada's role. This challenges the myth that Canada accepts a high number of Refugees.

Gender-based Refugee Claims

Women flee their home countries for many reasons. Some women come for similar reasons as male Refugees, such as persecution or conflict situations in their home countries. Many

women also flee because they are escaping violence in an intimate relationship and could not get any effective protection from their government. In such cases women can seek asylum in Canada based on this abuse and the lack of protection available from the government. In the past Canada did not recognize gender-based persecution for women; however, this has evolved over time.

Gender-based persecution is not officially recognized as a ground of persecution in the 1951 Convention relating to the Status of Refugees. However, women are protected under the convention as members of a particular group. Many countries have developed guidelines overtime for refugee applications based on gender-based persecution. In Canada, the Women at Risk program was established in 1988, and it was created for Refugee women who would likely be considered ineligible under existing criteria. Women entering Canada under the program are a combination of government-sponsored and private-sponsored Refugee women. Under this program there have been a small number of Refugee women who have actually been admitted into Canada (Morris & Sinnot, 2003; Foote, 1996).

Women often come from cultures and communities where violence is simply left unspoken.

In 1993, the Immigration and Refugee Board (IRB) established Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution. The guidelines were established for IRB members to understand how to better assess gender-based refugee claims (Kelson, 1999). The guidelines outlined some of the special problems that Refugee women face in presenting their claims to the IRB. Gender-based guidelines are not law, but guidelines. As a result, each individual gender-based claim is left to the discretion of the IRB. When making a gender-based refugee claim the most difficult thing to establish is the association between the violence suffered and the gender-based ground for protection (UNHCR, 2006). Additionally, one of the hardest parts of the refugee claim process is establishing that her home government was not in a position to effectively protect her from violence and that there was no other place in her home country where she could reasonably be safe.

The refugee claim process can be difficult for women with gender persecution claims because of the pain and trauma associated with recounting violent experiences. Women often come from cultures and communities where violence is simply left unspoken. Discussing her experience of rape and/or sexual violence may cause a Refugee women to be further alienated and isolated, even if this is the basis of her claim.

Trauma

It is difficult to imagine the level of suffering and trauma of women who have been so brutally deprived of dignity and identity. It is with this massive weight of oppression that many Refugee women arrive in Canada. Because of the severity of the abuse experienced and the effects it has on her, Refugee women are particularly vulnerable to being labeled as 'mentally ill' or as having 'mental health issues.' Refugee women often experience the symptoms of what we label as mental illness: anxiety, depression, suicidal thoughts, insomnia, excessive sleep, lack of appetite, etc. For Refugee women these can be the symptoms of trauma and not mental illness. Being a survivor of torture and abuse is not the same as suffering from a mental illness.

As a result of being labeled as mentally ill, Refugee women may not receive the appropriate support for the effects of trauma (PWHCE, 2001). She is at risk of being medicated and left

to cope with the effects of trauma on her own. The trauma experienced by a Refugee woman is caused by political conditions that have not been created by the woman. Refugee women are survivors. While living with the effects of trauma, women still build new lives in Canada, care for their children, continue to be breadwinners and carry out their everyday duties. As community workers, it is vital to understand that Refugee women often experience trauma and make appropriate referrals for support.

Symptoms of the effects of trauma vary greatly. Some women may experience physical symptoms, such as anxiety, hyperactivity, difficulty sleeping, difficulty concentrating, changes in eating habits and so on (PWHCE, 2001). Other women may experience emotional symptoms, such as anger, sadness, helplessness, shame, guilt and hopelessness (PWHCE, 2001). And yet others may have a combination of the above and other symptoms.

Simply witnessing a traumatic event can lead to symptoms of trauma (PWHCE, 2001). Multiple, long-term traumatic events have an even larger impact on Refugee women because of the nature of persecution (Martin, 1991). For a Refugee woman experiencing violence in her intimate relationship, the trauma is even further sustained. Being a Refugee in its very nature means witnessing, and most often experiencing, trauma.

When a Refugee woman finally speaks out about the sexual and gender-based violence she may have experienced, re-victimization often occurs. Considering the frequency of sexual and gender-based violence in states of war, it is rarely discussed in Refugee communities and by survivors themselves (PWHCE, 2001; UNHCR, 2008b). The shame and stigma attached to sexual and gender-based violence is enormous and can increase experiences of re-victimization. She may fear being ostracized by her family, the few community members she may be connected with and by society at large. Often, this is a legitimate fear for Refugee women (UNHCR, 2008b). For many Refugee women, speaking to you may be the first time she is speaking about the violence and/or torture.

In the Prairie Women's Health Centre for Excellence's (PWHCE) study on the effects of trauma on Immigrant and Refugee women's lives, they note that language, lack of knowledge about post-traumatic stress and not reaching out for support are some of the largest barriers to receiving support for trauma (PWHCE, 2001). Added to this, professionals or experts are often viewed as making the best decisions. If an expert labels a Refugee woman as mentally ill, that label is likely to stick unless it is challenged. Although Refugee women may not be accessing mainstream counseling services for support, she may be receiving support from informal sources or community-based services (Gurunge & Humphreys, 2009; PWHCE, 2001).

Living in a violent relationship

In a study on violence against Immigrant women Anita Raj and Jay Silverman note that, "noncitizen immigrant women are recognized as being at increased risk of intimate partner violence due to their lack of legal rights" (2002, p. 374). Although women who make refugee claims in Canada have valid status in Canada throughout the duration of their claim for refugee protection, and will be eligible for social assistance, a work permit, and some health coverage, women can feel like their lives are in limbo during the process. They exist in an in-between state; they are currently able to remain in Canada, yet live in fear of having to leave

at any time. Susan Forbes Martin, in her book on Refugee women, notes that the stress of the situation on Refugees can often lead to intimate partner violence, further oppressing a Refugee woman (1991).

Additional Barriers faced by Refugee Women Experiencing Violence in an Intimate Relationship

Refugee women experiencing intimate partner violence face difficulties that are different from those faced by other Immigrant women. Although isolation is a common experience for all Immigrant women, it is even stronger for Refugee women (McLean, et al, 2006; PWHCE, 2001). This is due to the circumstances Refugee women have experienced. For a Refugee woman, her partner may be her only source of support in Canada or back home. Her family, friends and children may no longer be alive. If alive, she may have no knowledge of where they are or how to contact them. Her partner may also be one of her only remaining links to her family and/or community (Martin, 1991). Due to language and cultural barriers, she may feel ostracized from Canadian society, thus further leaning on her partner. Although he is abusing her, he is also her source of support.

Additionally, her and her partner may be relying on one another economically (McLean, et al, 2006). Unless arriving as government-sponsored Refugees, the majority of Refugees arrive to Canada with no financial resources. Receiving a work permit in Canada also takes time and they may be surviving on social assistance.

When women have sought safety in Canada with their abusive partner, frequently their reason for leaving their home country has been a bond that they share. These reasons could include experiences of violence, torture, oppression and trauma. In these instances their refugee claim may be tied together. When she experiences abuse at the hands of her partner in Canada during the refugee process, she may be reluctant or unlikely to involve support systems including law enforcement. Because of feelings of loyalty and fear she may be reluctant to involve law enforcement or the criminal justice system knowing that if he is criminally charged it may negatively impact his claim. She is aware that if his claim is rejected, what he returns to in their home country may be worse than what she is enduring by staying with him.

In many countries the police and authorities are perpetrators of violence and torture (with this being an issue in more than just war-torn countries) (Martin, 1991; UNHCR, 2008). It is quite likely that through her experience a Refugee woman has learned that police do not offer protection and safety and have no interest in protecting women from the violence of their partners. As this has been her experience, she may view police as the enemy or at the very least not in a position to protect her from her husband or partner. When in Canada, the experiences of what police represent does not change overnight, if ever. Often, Refugee women fear phoning the police. The impact of this is that Refugee women may remain unprotected in violent situations.

The international definition requires that Refugees demonstrate that they were not able to receive protection from their government before they make a claim for protection in another country. Women claiming refugee status because they are escaping violent partners are not always believed in refugee hearings due to the lack of documentation of violence. Because of

the experiences of police being a threat, women may never have phoned police. As a result, there may be no recorded history of violence. Additionally, in other cases, the government in her home country may have created laws to protect women from violence. In these cases, it is important to demonstrate, based upon the Refugee claimant's personal experience and/or other women she knows, that these laws have not been effective in providing protection for women.

Refugee experiences in Canada

Even for the most prepared Immigrant, the trauma of immigration and settlement can have long lasting effects (PWHCE, 2001). For Refugees, this is even more compounded because they do not come with the same preparedness as other Immigrants to Canada do. Basic survival, starting over again, no established connections in Canada, meeting basic family needs, not knowing what will happen next, culture shock, lack of English/French language skills and no pre-existing knowledge of life in Canada are some of the issues that Refugees encounter (McLean, et al, 2006). These experiences of settlement into Canada often further contribute to the trauma Refugee women endure (PWHCE, 2001).

A result of any migration is the lack of traditional support systems in the new country (PWHCE, 2001). This is particularly difficult for Refugees as it is not a typical form of migration. Refugee communities in Canada are not homogenous. Due to the political stresses at home, there may be splits within the community. Ultimately, this further corners Refugee women into a place of isolation.

Isolation facing Refugees in Canada

Refugee communities in Canada may be small and feelings of isolation may be compounded by experiences of racism and being ostracized by Canadian society (Creese, 2005; McMullin, 2004; Elliot & Fleras, 2003; PWHCE, 2001). In their examination of race and ethnic relations in Canada, Augie Fleras and Jean Leonard Elliott write, "public reaction to immigrants and refugees goes beyond simple legality, but reflects a dark mix of racism, xenophobia, guilt, ignorance, and political opportunism" (Fleras & Elliot, 2003).

Gillian Creese reiterates this point in her examination of bordered spaces in Canada, "Canada remains a border space that only partially admits immigrants of colour" (2005, p. 24). In addition to coping with trauma, the stress of settlement, not knowing if Canada will be her permanent home, a Refugee woman must also cope with discrimination. For women with children, mothering is one way to negotiate a sense of place and identity in Canada. Mothering is a way to achieve a sense of belonging in Canada (Creese, 2005).

Few Refugees receive any information about daily life in Canada, how to find housing, where to look for work, how to learn English/French or where to go for assistance (McLean, et al, 2006). Basic living needs may also be difficult to arrange. Most Refugees enter Canada with little, if any, money or savings. Refugee women may be bound to take any job in order to help feed and shelter their family. Refugee women work in low-paying jobs, regardless of their skills at home (Stats Canada, 2003; McLaren & Dyck, 2004). Women commonly come from close knit communities and it is particularly difficult for women who have stayed at home to look for work. As a result, women must go through a shift in their own gender roles when they seek refuge in Canada.

"public reaction to immigrants and refugees goes beyond simple legality, but reflects a dark mix of racism, xenophobia, guilt, ignorance, and political opportunism"

A Refugee Experience and Violence Against Women

By MF, 2008

I was born in the West African country of Liberia. In 1990 a senseless civil war resulted in the assassination of the President and the removal of the government. More groups joined in and began killing innocent people. When the civil war started people sought safety in Ghana, the US, Sierra Leone, Guinea, Nigeria, and South Korea because they feared prosecution and death. Mothers and children became separated from each other.

I was beaten, slashed with a knife, held at gunpoint, sexually violated, kicked in my stomach, and thrown to a cement floor. I fled to Ghana with my two children and stayed at a refugee camp for seventeen unbroken years. My brother was killed in the camp and if you saw a picture of his body you would not think that was a person. His wife is still there with their young daughter. Who knows what is going to happen to them.

In the camp I was pleased to work as the coordinator for women and children for the executive Liberian Refugee Welfare Council. I was a leader for the Women's Initiative with Self Empowerment (WISE) crisis response team and we took the cases of victims of all sorts of abuses and violence. We handled follow-ups with the police, hospitals, and the court, and the women were able to request funds to start businesses, trades, attend school, or receive skills training.

From 1990 until I left the camp there was some improvement. Women learned that they had rights. African women find it difficult to talk about intimate partner violence because of our practices and beliefs. If a man pays a dowry for you it gives him ownership rights so how can you persecute someone who owns you? We learned a lot through the WISE awareness programs and the lectures on violence and abuse. We helped women realize that what happened to them was not their fault and that society had a part to play as well as the abuser. Society has made it acceptable for women to be abused.

When a woman experiences rape, it is very difficult for her to report it and she is labeled "damaged" or called a "prostitute" or told that she "wanted it". With those labels it is very difficult for a woman to find a husband. The man who commits rape is viewed as a good man or even a strong man. The stigma makes women behave like "snails" that retreat quickly and have to walk on eggshells as a result of fear.

Just before I came to Canada, WISE was making a positive impact on the number of cases of intimate partner violence and now Ghana's parliament has passed a bill that allows WISE to continue their work. There may be a way to develop a connection with BWSS because WISE does violence prevention work as well as intervention work with children, youth and women in the same way as BWSS.

I've been in Vancouver for just four months. The United Nations have refugee/immigration programs and they choose where you will go. When I arrived, the Immigrant Services Society saw my resume and gave me a placement to do my practicum at a women's organization.

My experiences here in Canada are okay but it's too early for me to determine. There are so many differences in culture. I miss my food. I miss my people. I miss my family, the friends I met in the refugee camp, and the women and children I worked with through WISE. I was hoping to find work similar to what I did in the camp but it is taking longer than I thought.

The UN is not giving everyone food in the refugee camp but only feeds the elderly, the children and the most vulnerable. How do you determine the most vulnerable? When you are a refugee you are all vulnerable.

What makes me very happy about being here in Canada is the security. I am not afraid someone will come and kill me. I was glad to leave the refugee camp but I can't go home to Liberia. Some people I met in the camp have voluntarily returned to Liberia and are believed to have died from frustration. I will not take this opportunity express my thanks and appreciation to all the countries and their peoples who continue to help the resettlement of Liberian refugees. I am appealing to other countries, organizations and individuals to help with the resettlement of Liberians in Ghanaian refugee camps.

How views of refugees have changed since September 11th, 2001

Since September 11th, 2001 there has been an attitude shift towards Refugees. In particular, security measures around Refugees have been increased (Morris & Sinnot, 2003; Canadian Council for Refugees, 2006). Strong targets of racial profiling have impacted Immigrants and Refugees from Middle Eastern countries and Muslim communities in general (Gova & Kurd, 2008). In their research on racial profiling in Canada, Alnoor Gova and Rahut Kurd found that participants in their study express that officials target Muslims with more suspicion than others due to their religious and/or cultural identities (2008). Security measures at airports and Canadian borders particularly profile racialized people.

Since September 11th, security measures at entry points into Canada have increased. A front-end security measure for all Refugees arriving in Canada was implemented in November 2001. During this process, there have been concerns that CSIS officials thoroughly check all refugee claimants prior to entry. This process is particularly intrusive for Refugee women who may have experienced sexual or gender-based torture. The Canadian Council for Refugees, based on statistics received by Citizenship and Immigration Canada, calculated that between the years 2003-2006 only 7 refugee claims out of 99,980 were deemed ineligible due to security grounds (Canadian Council for Refugees, 2006).

The Safe Third Country Agreement between Canada and the USA came into effect in 2003. This agreement links Canada's refugee claim process with the one in the USA. The basic policy outlines that where a Refugee could have made a claim for asylum under the 1951 Refugee Convention and the 1984 Convention Against Torture in a country that upholds these conventions, that Canada or the USA are able to send the refugee back to the other country to seek asylum if they are making that claim at a land border. There are exceptions for the application of this policy. For example, claimants who have family members in Canada may be allowed to proceed with their claim in Canada. Many refugee advocacy groups were against this agreement. For women this policy is problematic because the USA does not recognize gender-based claims to the extent that Canada does (Morris & Sinnot, 2003).

Summary

Although the challenges a Refugee woman faces are many, front-line workers know through their work with Refugee women, that her life can be improved if she receives support and becomes empowered to claim her rights. The journey is often complicated, though, by the enormous weight of oppression, trauma, violence and fear.

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Since September 11th, 2001 there has been an attitude shift towards Refugees. In particular, security measures around Refugees have been increased. Strong targets of racial profiling have impacted Immigrants and Refugees from Middle Eastern countries and Muslim communities in general

Women's Rights: Internationally Recognized

Women and girls' rights are different from the rights of men and boys because men have historically, traditionally, culturally, politically and legally oppressed women. Due to still entrenched male-dominated power structures, women's rights continue to be suppressed by societies around the world. Until the mid-19th century, patriarchal domination was strongly entrenched in most parts of our world (Walters, 2005). However, patriarchy was not normal in all parts of the world until colonization. In some Indigenous communities matriarchal structures existed and colonizers focused on demolishing these traditions.

In June 1946 the Commission on the Status of Women was formed in the United Nations. One of the first roles of the commission was to work on including women into the Universal Declaration of Human Rights. As a result of the commissions work, the Universal Declaration of Human Rights states that the declaration is for "the equal rights of men and women" (United Nations, Universal Declaration, preamble, n.d.).

The role of the commission is to ensure women's equality and promote women's rights (United Nations, CEDAW, n.d.). Primarily, the commission does this through the formulation of international conventions and conferences aimed at changing patriarchal legislation and increasing global awareness on women's issues. In 1979, the commission set out a convention that would be legally binding for all signatories. This convention is the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). Often, it is known as the international bill of women's rights.

Some of women's rights listed in CEDAW include:

- to live in all regards as equal to men and to have the same rights
- to live free of discrimination from individuals, organizations or institutions
- to vote in elections and participate in formulating government policies
- to enter into marriage and equal rights within marriage
- to access education
- to employment opportunities
- to equal pay in employment
- to reproductive rights

These are only a handful of women's rights listed in detail within the convention. The convention details the elimination of many forms of discrimination that women experience. For more information please refer to <http://www.un.org/womenwatch/daw/cedaw/>.

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Feminism: History

Feminism has a diverse history and is comprised of many theories and practices. The movement of feminism in the Western world is often divided into four waves:

First-wave feminism

First-wave feminism is the stage of feminism that occurred during the 18th century and into the early 20th century in Western countries. First-wave feminism initially grew out of the writings of women challenging long-believed norms of men and women. Primarily through writing, women challenged patriarchal norms, stereotypes of women and the oppression of women (Tong, 2009; Walters, 2005). Mary Wollstonecraft is perhaps one of the most well known early Western feminist writers.

It was in the late 19th century and into the 20th century that political activism for the right to vote became center stage for feminists (Walters, 2005). This period of activism around the right to vote is referred to as the suffragette movement. In her introductory book on feminism, Margaret Walters observes that the right to vote was both symbolic and practical. It was symbolic because it was a “recognition of women’s rights to full citizenship” and practical because it was a “necessary way of furthering reforms and making practical changes in women’s lives” (Walters, 2005, p. 68). Well known Canadian suffragettes include, Nelly McClung, Emily Murphy and Irene Marryat Parlby. It was during the period of WWI that women gained the right to vote throughout Western nations, including Canada. Slowly, women began to sit in Parliament, enter universities and work in occupations formally held only by men.

Second-wave feminism

After WWII the feminist movement entered into its second-wave. This period mainly refers to the 1960s and 1970s. Second-wave feminists coined the famous phrase: “the personal is political” (Walters, 2005). With this message second-wave feminists encouraged women to see their personal lives as inseparable from the political systems of power. Second-wave

feminists connected their own experiences of the personal being political through women's circles and women-centered spaces (Walters, 2005). These circles formed a core part of the women's liberation movement.

The women's liberation movement took place in many Western countries. The goal of the movement was to end discrimination against women. Women fought for many rights including equal pay, education opportunities, occupational opportunities, the right to free contraceptives and abortion (Walters, 2005). Women's rights over their bodies also became a central issue in the women's liberation movement. This movement was fueled by concurrent political movements, such as the Civil Rights movement, and through the encouragement of women writers. Writers like Simone de Beauvoir, Betty Friedan and Gloria Steinem helped shape the theories behind the second-wave movement.

Third-wave feminism

Arising in the 1980s, third-wave feminism was a response to the failures of the second-wave to include the experiences of racialized women. Racialized women criticized the second-wave as being white middle class women's feminism (Tong, 2009; Walters, 2005). Writers such as bell hooks, Audre Lorde, Gloria Anzaldúa and Chandra Talpade Mohanty challenge the second-wave's single understanding of women's experiences. The third-wave asserted that racialized women simply do not have the same experiences and priorities as white feminists. For racialized women race and gender interlock to form a stronger oppression. Racialized women have different priorities that cannot be separated from their race (Walters, 2009).

Fourth-wave feminism

Fourth-wave feminism refers to the contemporary feminist movement. Reflecting on a world of diversity and rapid change, fourth-wavers argue that there is no uniform feminist theory or experience (Tong, 2009). Essentially, feminism is whatever one desires it to be for oneself. Contemporary feminists look at how gender oppression and other oppressions connect and shape one another. For many fourth-wavers, the goal is often achieving unity for all human beings who have been excluded, ostracized, oppressed and alienated (Tong, 2009).

Second-wave feminists coined
the famous phrase:
"the personal is political"

Impacts of feminism throughout history

In Western societies, feminism has changed the experiences of women and challenged long-established traditions. From feminist movements grew many benefits enjoyed in Western nations today. Some of these include:

- Reproductive rights: access to contraceptives, abortion and prenatal care
- Voting and legal rights for women
- Protection from sexual harassment, intimate partner violence, rape
- Work place rights, including maternity leave and wage equity
- Right to protect oneself from discrimination
- Access to education and career opportunities for women
- Changing conceptions on beauty and women's bodies
- Anti-racism policies and legislations

Although many benefits are enjoyed in Western nations, the work of feminism is not over. Women and girls continue to be oppressed and experience violence in all corners of the globe. Feminists continue to challenge patriarchal structures and fight for the rights of the oppressed.

Feminist Theories

Theories offer us maps to guide our lives. They provide us insight on how we view, define and interact with the world around us. Feminist theories provide the ideological ethics for feminists to lead their lives and practices. Feminist theories also provide an understanding of the conditions for women. They also lay the foundation on how to change the existing power relations. Though feminist theories vary significantly there is a common thread amongst them.

All feminist theories try to understand gender inequalities in our world, promote the rights of women and girls and offer solutions on how to create a more equitable world. Sociologist Nancy Mandell suggests that all feminist theories share four main tenets in common:

- 1) All feminist theories try to understand the gendered nature of relationships at individual, family, structural and societal levels. Through this analysis they offer us an understanding of how gendered relationships shape the world we live in
- 2) Feminist theories also agree that the power difference in gender relations create inequalities
- 3) All feminist theories challenge the traditional power relations. Feminists do this at multiple levels, including at the individual, community and political level. They also do this through theories and promoting new ideas
- 4) The majority of feminist theories tend to be explicitly political in their advocacy of social change (2001, p.24)

Many feminist theories have arisen over the years, and as Mandell explains, there are overlaps. However, there are some fundamental differences. There is no single feminist theory. Not all feminists think alike and believe the world is shaped in the same way. Differences exist based on experiences, approaches, ideas and solutions for eliminating oppression. The theories listed below are some of the predominant feminist theories. There are many types of feminisms and theories beyond the ones discussed in this manual. Some feminist theories include:

Liberal feminism

Liberal feminism is often referred to as traditional feminism or, as critics call it, “white woman’s feminism” (Tong, 2009). The same political school of thought that gave birth to ‘liberalism’ also gave birth to liberal feminism (Mandell, 2001). The 1600s-1700s in Europe is known as the Enlightenment era. Out of this era grew philosophical traditions that questioned traditions of inequality. During the Enlightenment era, the growing European middle-class began to argue for the rights of everyday men. However, these rights were only extended to men and did not include women.

As a result, liberal feminism began to take shape. Early liberal feminists challenged the idea that the rights of every day people should only extend to men. Early liberal feminists, like Mary Wollstonecraft, began to correct beliefs that women are lesser than men (Tong, 2009).

Historically and currently, the main focus of liberal feminism has been legal and political reforms. Liberal feminists believe that equality between men and women can be met by eradicating women’s dependency on men legally, economically and socially (Mandell, 2001; Walters, 2005). It is believed that change occurs through an individual woman’s increased ability to assert her rights. Through this form of self-empowerment it is possible for change to occur. Liberal feminists believe that changing existing social structures is not necessary, as change will occur through the individual. Because of this fundamental tenet of liberal feminism, the focus is largely on the individual and increasing the freedom of women to participate in education, training and individual empowerment (Mandell, 2001; Tong, 2009).

Mainly, liberal feminists work to advocate for policy and legal reforms. Some issues that liberal feminists focus on are equal pay, advances in education, reproductive health and employment reforms (Mandell, 2001). By reshaping beliefs, access to education and employment, current laws and government practices liberal feminists believe that equality between men and women can be achieved (Tong, 2009).

There are many critics of liberal feminism. A primary criticism is the extensive emphasis that is placed on the individual as the primary tool for social change. By separating private and public issues, liberal feminists individualize gender inequalities. As a result, they fail to recognize that there are structural inequalities that are difficult for individuals to overcome by themselves (Mandell, 2001; Tong, 2009). As opposed to changing patriarchal structures, women are supported to fit themselves into the dominant, white, male patriarchal institutions. Although liberal feminists take into account issues of class, gender and race, the focus of experience for liberal feminism has been white, middle-class women’s experiences (Mandell, 2001).

Liberal feminists believe that equality between men and women can be met by eradicating women’s dependency on men legally, economically and socially.

Socialist Feminism

Like liberal feminism, socialist feminism has its roots in the Enlightenment era. During this era, the increase of capitalism, industrialism and poverty also created a socialist response.

Socialist feminism links women’s domination to the economy and the economy is seen as the source of women’s oppression. Karl Marx’s ideas about the exploitation

of people through unfair labour arrangements extend into socialist feminism (Mandell, 2001). According to socialist feminists, gender oppression grows out of a capitalist system. They argue that it is this system that needs to be taken down and replaced with a socialist economic system. As a result, classism and sexism would be transformed and eradicated (Tong, 2009).

For socialist feminists, the ultimate goal is transforming the basic structure of society so there are no longer barriers to sharing resources (Tong, 2009). As a result of structural changes, women's equality would happen naturally. Socialist feminists view liberal feminist beliefs about individuals as separate from society as harmful to women. These beliefs are harmful because there is no analysis on changing the structures of society (Mandell, 2001).

Contemporary socialist feminists see Marxist feminism as placing too much importance on the economic origins of gender inequalities. They argue that even without capitalism women's oppression still existed. Contemporary socialist feminists focus on the intersection between class and patriarchy (Mandell, 2001). By seeing the intersections they offer us insight into how patriarchy and class work together to oppress women.

Socialist feminists are credited for bringing into feminist discussions the link between the oppression of women and social structures. Critics of socialist feminism feel that the overemphasis on class eliminates other forms of oppressions such as race, disability and sexual orientation (Mandell, 2001).

Radical Feminism

Radical feminism grew out of radical social movements in the 1960s and 1970s, such as the Civil Rights movement and peace movements throughout the Western world. Radical feminists introduced the practice of consciousness-raising into feminist practice. Consciousness-raising refers to the process of women meeting in small groups to share personal experiences and connect as women (Tong, 2009). Through this sharing of experience, women discovered that all women are fundamentally linked. It was radical feminists who coined the term the "personal is political" (Tong, 2009).

Radical feminists believe that men's oppression of women is the most fundamental of all oppressions against human beings.

Radical feminists believe that men's oppression of women is the most fundamental of all oppressions against human beings (Tong, 2009). Thus, only through the complete elimination of patriarchy can women truly be free. Radical feminists focus on unity amongst women and creating spaces that are women-centered (Mandell, 2001). They argue that by uniting as women, women are empowered to rebel against individual men, groups of men and patriarchal structures.

Radical feminism has attracted many criticisms. One primary criticism is that radical feminist explanations of patriarchal relationships erase the diversity of women's experiences (Mandell, 2001; Tong, 2009). The emphasis on patriarchy as the primary oppression undermines women's experiences of other oppressions. As a result, racial differences are left ignored or secondary to gender oppression.

Anti-Racist Feminism

Anti-racist feminism formed as a response to traditional forms of feminism. Anti-racist feminists looked at feminists and asked: to whom do feminists refer to when speaking of women and women's experiences? They argue that the first and second-wave feminist movements were built on the experiences of white, heterosexual, middle-class women (Mandell, 2001; Tong, 2009; Walters, 2005). Anti-racist feminists challenge this norm of women's experiences and challenge traditional feminists to open their eyes to racial oppression.

Anti-racist feminists explain that racialized women have different experiences that are not reflected in mainstream feminist traditions (Tong, 2009). They argue that class, sexuality and race are not just another extension of patriarchal domination of women, but they work together (Hill-Collins, 2000). Racialized women have different realities, norms and experiences than white feminists. These differences are not accounted for in traditional feminist theories.

Anti-racist feminists argue that theories that do not take into account race are of little use (Mandell, 2001). For racialized women, class, racism and white supremacy are interconnected in the oppression of racialized women. Through their work, anti-racist feminists show how racialized women experience a more intense oppression because of the interconnection of multiple oppressions (Tong, 2009).

Anti-racist feminism encompasses many forms of race based feminisms including Black Women's feminism, Indigenous Women's feminism and Multicultural feminism to name a few. Some prominent anti-racist feminists include Alice Walker, Patricia Hill-Collins, bell hooks and Kimberle Crenshaw.

Postcolonial feminism

Postcolonial feminism refers to the modern form of feminism that took shape in previously colonized nations. Postcolonial feminists recognize that women are diverse, and face different challenges depending on their experiences of colonization. They argue that women from previously colonized nations do not have the same experiences and the same priorities as Western feminists (Tong, 2009). Not all women act, think, believe in or hold the same priorities as Western feminists.

Postcolonial feminists assert that Western forms of feminism fall into the trap of women chauvinism. They do this because privileged women speak for all women, including racialized women (Tong, 2009). They argue that there are multiplicities of women with differing experiences not only throughout the world, but within one single nation. Postcolonial feminists challenge thinking that divides the world into first world/developed nations versus third world/developing nations (Tong, 2009).

For postcolonial feminists, women's oppression is tied to the oppression they experience as colonized women living in postcolonial nations. Gender and reproductive issues are a concern, but economic and political issues that oppress women are their focus for change (Tong, 2009). They challenge feminist thoughts that place gender oppression as the main cause of patriarchy. Postcolonial feminists provide a woman-centered analysis to colonization and its

impacts (Mandell, 2001). With globalization, what happens in one nation increasingly affects women throughout the world. As a result, women's issues are not separate but interconnected. Postcolonial feminists propose that sisterhood is created through friendships that truthfully accept and combat differences and through political solidarity (Tong, 2009).

Postmodern Feminism

Postmodern feminists recognize that women are diverse, and this diversity is a powerful tool against patriarchy (Tong, 2009). Often referred to as contemporary feminism, post modern feminists argue that there is no single absolute feminism. There are many feminisms and each one has its place. Like many post-modern theorists, postmodern feminists reject any absolutes both within feminism and patriarchal language, thoughts, and beliefs (Mandell, 2001).

Postmodern feminists encourage women to engage in feminist theories, but to be the type of woman and feminist she wants to be (Tong, 2009). One of the primary critiques of postmodern feminism is its lack of definitions and defined body of theories (Mandell, 2001; Tong, 2009). A secondary critique is that it is primarily seen as academic feminism, inaccessible to everyday people.

Ecofeminism

Ecofeminists focus on the interconnection of women's oppression with the oppression of Mother Earth. They argue that the same structures that destroy the environment are responsible for the oppression of women (Tong, 2009). Ecofeminists believe that women and the environment are both exploited by patriarchal politics, legislations and beliefs. Since men in power control the land, they are able to exploit it for their own profit and success. The same source of exploitation extends to women (Tong, 2009).

For ecofeminists, the connection between women and nature is inseparable. Women and nature are culturally tied together through language, beliefs and thoughts (Tong, 2009). Earth is a giver of life, as are women. Earth is seen as natural and easy to exploit, as are women. Ecofeminism argues that there is a connection between women and nature that comes from their shared history of oppression by a patriarchal Western society. Women's and environmental liberation is a joint effort that cannot be separated. Prominent ecofeminists include Carolyn Merchant, Vandana Shiva and Ariel Salleh.

With globalization, what happens in one nation increasingly affects women throughout the world. As a result, women's issues are not separate but interconnected.

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Strategies for Creating a Trusting and Supportive Environment for Women who are Experiencing Abuse in an Intimate Relationship

- Recognize that there are many ways of supporting women who experience abuse in their intimate relationship and consider those that are appropriate for each woman's individual situation. Every situation is unique and therefore there is no single right way to approach all women; this includes women with the same cultural background.
- Be informed of the different dynamics of abuse and the cycle of abuse and support the woman in identifying them herself.
- Gather information and increase your understanding of where she is at in her resettlement process and explore how this process has impacted her as a woman, parent and in her relationship with her partner.
- Expand your understanding of the unique woman's struggle within cultural, historical, religious and social frames of reference as it relates to violence against women.
- Acknowledge the importance of providing support that is based on a woman-centered approach by recognizing that gender oppression exists in almost all cultures, social classes and races. Women are likely to be more oppressed based on their gender, race, culture, religion, social class, language level, immigration status, age, ability and sexual orientation.
- Identify your personal judgments or assumptions that can contribute to the oppression of NSRIW and how these judgments and assumptions can influence interactions with women who you support.
- Be open to learn from the woman and only ask questions that are relevant to what her needs are in the moment. It is not about you learning all about her culture; rather it is about assisting her in meeting her needs. If not, you risk recreating her experience of interrogation and she may close up to you.
- Provide the woman with information and resources available in her community. Learn from her what works or does not work in her own situation and assist her in making the best choices for herself and her family.

- Recognize the woman's strengths. She has a story of survival. She has had to resist oppression and discrimination. Her resistance is part of her strengths and she only needs your support to regain control of her life.
- Be aware of your own cultural beliefs, the woman's cultural beliefs and how your beliefs may interfere in creating safety and trust.
- Remember that she is the expert on her life and you are there to support her.

Understanding and Responding to Non-Status, Refugee and Immigrant Women's Feelings

Community workers should foster a safe environment where women can identify and articulate their feelings. In order to help the woman to open up it is important to explore with her how she has expressed her feelings in the past and validate her experience. The migration process is a dynamic process including a number of changes and losses. The woman may show various impacts and somatic symptoms due to migration-related stress during the first three years of her resettlement process. These impacts are a "natural reaction" to all these changes (Al-Baldawi, 2002).

There are studies that assert that in some cultures people express their feelings by using metaphors for thinking and feeling.

Women may find it difficult to talk about their feelings. Some women do not come from a background where feelings are expressed in the same way as the Western culture. In different cultures feelings are expressed in different ways. There are studies that assert that in some cultures people express their feelings by using metaphors for thinking and feeling. Cultural understandings of the self can be multiple (Pritzker, 2007). Feelings can be also expressed through body language. However, it is important to be aware of our own interpretation.

Some women may have difficulty verbally expressing their feelings. Instead, their feelings may come out as somatic symptoms such as headaches, digestive problems, back pain, tiredness, etc. It is important to assist the woman in understanding her feelings and her reactions by validating them, letting her know that she has the right to her feelings and that her feelings are the result of the circumstances in life.

Grief and loss

Women have left their country and lost their connections with their communities. Crisis may trigger feelings about this loss and it can become overwhelming.

Anger and Despair

Anger is first and foremost an energy emotion. It can mobilize forces inside of us that call us to action. The responses to anger can lead to hope or despair. There is a type of hopeless, helpless anger that cannot be expressed if one is threatened with harm. Anger linked to despair can grow into extreme sadness or depression.

Someone who is dependent on another for survival must maintain some kind of peace with that person. If a woman has to depend on a dangerous and controlling partner, it will bring

despair. She may feel terrified of feeling angry because she has identified anger with violence. The terror around experiencing anger can be paralyzing.

In several societies, anger is an emotion that women are not allowed to show and it is imposed as a gender norm. Men can be angry and use violence as a way to resolve conflict and women are expected to give in. If a woman shows anger she is stigmatized.

Anger and Hope

There is a kind of anger that recognizes the way things are and motivates a person to act. This anger creates motivating energy and allows a person to see possibilities and move toward them. This anger enables the person to mobilize resources both within herself and outside of herself. There is a relationship between shame and anger as well as between shame and violence. We are rarely aware of this relationship.

Shame

Shame is a common feeling among victims of abuse. Discussing shame increases feelings of exposure and vulnerability. Among many women there is the belief that one should not discuss personal problems with strangers. It can be very shaming for an Immigrant and Refugee woman to talk about the abuse that she is experiencing in her relationship. In spite of the discomfort that arises when shame is discussed, it is important to assist the woman in her understanding of the problem and to separate the problem from who she is as an individual. The woman is not the problem; rather the problem is the problem.

Guilt

Guilt is a feeling arising from having violated one's own values or beliefs; this includes feelings of remorse, regret and sorrow. An Immigrant and Refugee woman may feel guilty for exposing her partner's abuse. She also may think that she will disappoint her family, extended family, her former community and her current community (if she has one). It is important to assist her in identifying her needs as an individual, explore what norms have been imposed on her and what her options are.

Sadness

Sadness is a normal emotion. Sadness almost always accompanies loss. Sadness is a common feeling among the majority of Immigrant and Refugee women who are in the resettlement process. They may be experiencing loss and separation and may be finding it difficult to adapt to changes.

In several cultures the importance of extended family is very significant. Other women may have left their children behind in order to come to Canada. It is important to validate the factors that may increase the sense of loneliness and intense sadness. An Immigrant woman may show her sadness by crying at the same time she expresses that things are okay. This could be her own effort to normalize her emotions and to overcome her sadness.

Depression

In order to understand women's intense feelings of sadness, hopelessness, feelings of worthlessness or guilt we need to understand the social factors which affect the lives of women in Canada. Immigrants and Refugees are often distinguished from each other based on a combination of the level of choice in their migration process and their exposure to pre-migration trauma due to political violence, war, natural disaster, etc. It is important to understand that the reasons for migration are complex and unique for both Immigrant and Refugee women.

The majority of Refugee women have been political prisoners, have been tortured or persecuted and they may have been forced to leave their country. Torture inflicted by men is a clear message to women that they are expected to remain passive and fulfill their social roles as housewives and mothers.

It is important to acknowledge the level of trauma carried by women who have been deprived of their sense of dignity and identity. They may feel stigmatized in their own eyes, their partner's eyes and by the world around them. It is with this massive amount of violence in their lives either inflicted on them or on their loved ones, that many Refugee or Non-Status women arrive in Canada. In addition to the impacts of this violence, language may be a barrier and she may not be able to relate to the new culture.

In a study of recent Immigrants to Quebec, more than fifty percent of independent and sponsored Immigrants cited the political situation in their country of origin as their primary reason for migration (Rousseau & Drapeau, 2004). Women in particular may not have a choice about their migration due to the dominance of their spouse or male family member in decision-making.

It is important to recognize that in addition to reasons for migration, there are other factors including country of origin, age at migration, sexual orientation, being a woman of colour, fluency in the official language and length of time in Canada, which may influence the impact of migration on the woman's emotional state. All these factors and the impact of trauma in her life can result in depression.

Recommendations

It is important to be familiar with the resources offered in our community to assist women who experience abuse in their relationships. Collaboration with other agencies that are accessible to women is vital. If through our own assessment we become aware that the woman needs more specialized support we should let her know why and facilitate her accessing them.

Doing Initial Work

- Listen to the woman's story
- Gather basic information about her current situation
- Create trust by letting her communicate her situation. She may speak about her

feelings through long narrative, body language or both. Validate her feelings and acknowledge her struggles.

- Explore with her what she needs at the moment and provide the appropriate resources.
- Validate what she has already done to keep herself safe. She is already an expert on safety planning.
- Assess and provide a safety plan if it is needed
- She may need you to accompany her or she may need an interpreter.
- Acknowledge that she may not be familiar with the Canadian system. The majority of women who come from oppressed countries do not have services or laws that protect them in their countries. They may not understand the information you provide and be scared to access it.
- Whenever possible make a follow up plan with the woman. Remember that you may be the first person in Canada in whom she has trusted. Encourage her to contact you again to check in or if she needs you to provide more information or clarification about services.

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Working with Non-Status, Refugee and Immigrant Lesbian and Bisexual Women of Color

When working with Non-status, Refugee, and Immigrant women (NSRIW) regardless of their sexual orientation, ethnicity or race, community workers must ascertain the woman's legal status in Canada. A woman who does not have permanent residency or citizenship will feel more vulnerable. In the case of lesbian and bisexual Immigrant women, they may feel compelled to remain in the closet because of fears that disclosing this information may compromise their chance of remaining in Canada.

In the specific case of lesbian and bisexual women, many may experience discrimination based on race, gender and sexual orientation from mainstream society, LGBTTQ (Lesbian, Gay, Bisexual, Transgender, Transsexual and Queer) communities and their home communities. Sexism, racism and heterosexism have had a widespread impact on society. Community workers need to have personal awareness to the degree which they internalize bias and prejudice that arise from heterosexual privilege. As a result of a heterosexist society, the women with whom they are working with and they themselves have internalized such prejudices.

Learning about Migration & Settlement Experiences

In order to better support and understand NSRIW, community workers need to learn as much as possible about migration experiences. Women have different reasons for immigrating to another country; women who left their country to escape persecution and torture may require assistance in dealing with the impacts of trauma. It is important to keep in mind that sexual orientation may be the cause of persecution. In patriarchal societies where heterosexuality is the only accepted norm, women may experience persecution from close family members, the community at large and/or political persecution.

In comparison to a woman who immigrated to Canada as an adult who identifies more with her country of origin's culture, a person who immigrated as a child may lack a clear sense of belonging and identity. Growing up as a member of a racialized community in Canada, a woman may have often been pressured to assimilate. As a result, she may have developed conflicting feelings about her community and the values of her country of origin. A woman

may have internalized the values, assumptions and prejudices of mainstream Canadian society, but she may still feel compelled to fill the expectations of her family and her community.

For example, a lesbian, bisexual and/or transgendered woman of colour born into a community oriented culture, and at the same time exposed to Canadian society where personal independence is encouraged, may feel liberated and proud of coming out as a lesbian, bisexual and/or transgendered woman. At the same time, she may also suffer from fear and guilt for disappointing her family and members of her community. As a community worker, it is important to not assume that a woman has come out in all circles of her life. For example, she may have come out to her Canadian friends and acquaintances, but not to her family or community. To respect her privacy and safety, it is important to not make assumptions about the spheres of her life where she is publicly open about her sexual orientation and/or gender identity. The fear of alienation, ostracization and/or threats to her safety is real and based on her knowledge of her community. When choosing to be open about her sexual orientation and/or gender identity, lesbian, bisexual and transgendered women of colour certainly do risk losing their family and community connections. In the context of abusive relationships, one specific form of abuse in same-sex, queer, lesbian, bisexual and transgender relationships is one partner threatening to 'out' the other partner to their family, friends, employers, ex-spouse, cultural, spiritual, or ethnic communities. However, community workers must be careful not to jump to make assumptions about NSRIW. It is important to avoid the trap of assuming these communities are monolithic and less accepting of diversity of differences than mainstream Canadian society.

As a community worker, it is important to not assume that a woman has come out in all circles of her life.

Learning about Non-Status, Refugee, Immigrant and Racialized Communities

As a community worker it is necessary to learn more about NSRIW. Information can be acquired through many avenues including, but not limited to, reading, searching the internet and speaking with colleagues. We need to use this information cautiously and keep in mind that what we have read or heard may be rife with generalizations and oversimplification.

A community's history, present experiences and the degree to which the community suffers from systematic racism in Canada (e.g., internment of Japanese-Canadians, Chinese head tax), will have had an impact on community members' attitudes toward mainstream society. It will also affect the settlement and adaptation process of new immigrants.

In addition, as community workers we need to be prepared to challenge our own assumptions and biases about NSRIW and our beliefs about what is right for them. We have to be aware that these assumptions and biases are a result of racist assumptions based on colonial Eurocentric views of non Western countries. In short, these communities are often stereotyped as being more homophobic than Western societies.

Interestingly, scholarly studies reveal differences in the coming out experiences of white lesbians and lesbians of colour and give reason to question the above view (for example, see C.A. Parks, T. L. Hughes and A.K. Matthews; R.C. Savin-Williams). This contradicts earlier work that suggests that factors like religion and family ideals discourage LGBTTTQ people of colour from coming out. The more recent studies indicate that lesbians of colour question their sexuality for a longer period of time than white lesbians, but they are quicker to come out to others once they have accepted their sexual identity.

Learning about a Woman's Experiences: Relationships to Community, Family, Partners

The view that Immigrant, Refugee and communities of colour are more homophobic than mainstream Western society is so widespread that it has become unquestionably accepted by individuals both within and outside of these communities. To best support lesbian, bisexual and transgendered NSRIW, community workers need to consider their own biases about Immigrant communities, non-heterosexual orientations and gender non-conforming identities.

Community workers can support women to question their internalized racism and homophobia by helping them to connect to queer-positive allies within their communities. This can demonstrate for them that the communities of NSRIW are not monolithic and intolerant of diversity. For example, women for whom religion is important may suffer from beliefs that anything other than heterosexuality is sinful and thus, in order to be lesbian or bisexual, they must abandon their faith. Community workers can refer women to queer positive religious experts or organization (e.g., Salaam Queer Muslim Community, www.salaamcanada.com) so that they can explore alternative interpretations of religious texts.

Although community workers may encourage women to question stereotypes about their communities, it is important for a woman's safety and well being to not ignore, invalidate or diminish a woman's experience of homophobia or transphobia. The oppression suffered by women is not always evident. When working with a woman, keep in mind that women are often socialized to minimize the abuse and oppression that they experience. In listening to a woman's account of her experiences and relationships to others, community workers must listen to, or tune in to, examples of racism, homophobia, and transphobia.

Concern must not be limited to obvious acts of oppression, such as physical abuse or psychological torment, but to be open to more subtle forms of oppression. As a member of a racialized community, a lesbian, bisexual and/or transgendered woman of colour may find herself in an interracial relationship. In this relationship, there may be an imbalance in power and privilege between partners. Rather than being a source of support for the woman who may be struggling to embrace her sexual and racial identities, her white partner may contribute to her estrangement from her family and her community. In "Counselling Lesbian and Bisexual Immigrant Women of Colour," Farzana Doctor and Silvana Bazet provide examples of white partners telling clients that "Your family is not good for you," or "You either come out or I leave you" (2008). These statements may be informed by racist assumptions about racialized communities.

In situations where the NSRIW is in an abusive relationship, multiple oppressions intersect. The partner may ridicule or deny the NSRIW's identity as a lesbian, butch, femme, bisexual, or transgendered woman to isolate her from the LGBTTTQ community. The partner may allege that if the NSRIW tries to address the abuse in the relationship that no one will believe her; this includes her LGBTTTQ community, mainstream Canadian communities or Immigrant, Refugee, or communities of color. The partner may use vulnerabilities such as lack of resources, experiences of racism, the denial of appropriate health care for transgendered women and experiences of homophobia and/or transphobia to manipulate her partner into caring for her or staying in the relationship. The partner may threaten to use the woman's sexual orientation and/or gender identity to have her children apprehended. These actions and attitudes isolate the woman and make her even more vulnerable to her partner's abuse.

When working with a woman, keep in mind that women are often socialized to minimize the abuse and oppression that they experience.

Members of LGBTTTQ groups, like those in mainstream society, have not always been sensitive to the complex challenges of lesbian, bisexual and/or transgendered NSRIW. This includes minimizing NSRIW's commitment to their communities. Doctor and Bazet provide another example of a woman being told by a representative of an agency that supports LGBTTTQ people that because her ethno-racial community would never accept her as a lesbian she must be prepared to abandon her ethno-racial identity in order to embrace her sexual identity (2008). The woman may indeed have to contend with the homophobia of her family and her community, but the decision to cut ties with disapproving individuals as well as the decision to come out is one that she must make for herself. She may have very valid reasons for choosing not to come out. Pressuring a woman to come out is the same as telling a woman she must leave her partner.

Coming Out Questions

When working with lesbian, bisexual and/or transgendered NSRIW of colour who have or are considering coming out, the following questions may be helpful in supporting her:

- Does she have dependents (children, parents or extended family) abroad? If yes, do these relationships affect her desire and ability to be public about her sexual orientation or gender identity?
- Has she had previous relationships or marriages that resulted in children? If yes, are there issues of custody and/or visitation rights that may affect her desire or ability to be public about her sexual orientation or gender identity?
- Is it her intention to come out now?
- Does she anticipate a negative response from her family? If yes, has she made preparations (financial? emotional?) to deal with estrangement and even abuse?
- If she is out, how long has she been out and to whom?
- Did she come out before or after coming to Canada?
- If she came out before coming to Canada, was she a part of lesbian, bisexual or transgendered communities in her country of origin? If yes, has she also joined LGBTTTQ communities in Canada? If no, did she experience abuse and oppression as a result of her sexual orientation and/or gender identity? Is she less public about her sexual orientation or gender identity in Canada for fear of being oppressed once again?
- If yes, what are the differences and similarities between the LGBTTTQ communities in this country and in her country of origin? What has it been like to adapt to these differences?
- How old was she when she came out in her country of origin (if at all), and in which era? For example, a woman who came out in the 1980s would not have had access to resources now available to lesbian, bisexual and/or transgendered women of colour.

Dealing with Isolation

As stated earlier, in making decisions about her sexuality/identity, a woman may run the risk of alienating herself from her family or community. When working with a woman, it is vital to investigate possible sources of support within her own communities.

On top of having to contend with the challenges of settling into a different country, lesbian, bisexual and/or transgendered NSRIW experience a “triple jeopardy” status of being discriminated against as a result of their ethnicity or race, gender, gender identity and sexual orientation. The risk of isolation is compounded by the difficulty of finding allies, supporters and resources. This further endangers victims of abuse and oppression.

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. . . the decision to cut ties with disapproving individuals as well as the decision to come out is one that she must make for herself.

Advocacy

A Strategy of Empowerment

The overwhelming statistics relating to violence against women is evidence of the social and political inequality that women experience. Power and control are understood to be at the root of violence against women. Therefore, empowerment of Non-Status, Refugee and Immigrant women (NSRIW) survivors is at the heart of intervention and sharing power through advocacy is at the centre of any intervention strategy.

At the core of the concept of empowerment is the idea of power. Power is often understood and related to our ability to have influence over people, regardless of their own desires or wishes. Through our work at Battered Women's Support Services we have found that empowerment, as a process of change, has been effective.

In this chapter we look at the following: the relationship between advocacy, empowerment and anti-oppressive practice; the continuum of anti-oppression and cultural competency in systems and organizations; and goal setting as a strategy for advocacy in the areas of safety planning, understanding the dynamics of leaving, staying and returning to abusive partners, settlement issues, legal issues, coping with the impact of abuse, and advocate discomfort.

Empowerment and Advocacy

Empowerment

Since 1979, Battered Women's Support Services has held groups for women survivors of violence as well as provided training for support group facilitators. Through the feedback forms completed by participants over the past 30 years participants have defined empowerment as a complex, multidimensional concept, practice and process rather than as a single event. Empowerment is described as having the following qualities:

- Having a voice
- Not feeling alone
- Being believed
- Gaining control over life, situation
- Return of power and/or authority
- Having access to information
- Having access to resources
- Having decision-making power
- Having a sense of self worth
- Having power to control life within and outside the home
- Understanding and knowing that women have rights
- Learning skills
- Choices beyond yes or no and either/or
- Having experience put into a social and political context
- Being with other women
- Being able to effect change in one's own life and in community
- Learning about and expressing feelings like grief and anger
- Learning the language of access i.e. English
- Assertiveness
- Having hope
- Going public, overcoming stigma
- Speaking truth to power (systems, institutions, government)
- A feeling that the individual can make a difference (being hopeful)
- Learning about and expressing anger
- Changing others' perceptions of one's competency and capacity to act
- Growth and change that is never ending and self-initiated
- Having the ability to influence the direction of social change and to create a more just social and economic order, nationally and internationally.

We have learned from women whose first language isn't English that these concepts have been useful in their attempts to translate the word empowerment.

Advocacy

In March 2010, in Victoria, British Columbia, Canada, 37 advocates attended training on supporting NSRIW who experience violence. The following is based on their discussions.

Advocacy is led by advocates to:

- Stand beside another and engage in the struggle
- Give voice to marginalized people (individually and as a group)
- Facilitate delivery of service from another agency
- Challenge a staff or agency decision
- Find a new resource
- Present evidence of program gap or unmet need
- Encourage agencies to modify or expand services to meet that need
- Assist agencies to find ways to modify existing services or provide a new service to address gaps
- Provide evidence of gaps or unmet needs to government/systems/institutions or planning bodies
- Make information available to news media
- Write letters to the editor of newspapers or writing articles for journals, magazines and newspapers
- Make submissions at hearings and public inquiries
- Provide training to and/or speaking to community groups
- Mobilize people to participate in the democratic process
- Support the development of a culture of democracy
- Assist in the development of authentic, relevant public policy
- Ensure government/systems/institutions accountability to the people they are representing
- Assist marginalized people to become their own advocates

Anti-Oppressive Practice

An anti-oppressive approach places the woman at the centre of her experience, works from her perspective, acknowledges her reality and allows her to make choices and decisions as a part of her journey. Working in an anti-oppressive manner is holistic and respectful, as it places her in a position where she is the expert and the community worker is her support.

As community workers, we have to work towards reducing power differences within the relationship by acknowledging the woman's expertise in her own life. When working with an anti-oppressive approach, self-awareness is a key to recognizing, addressing and being accountable to power differentials. We need to listen to what she wants for herself, how she has dealt with similar situations in the past and acknowledge the strengths and internal resources that have carried her through to this point in her life. We need to avoid the trap of thinking that we are the experts on her experience and that we have the solutions. We can offer resources, support, and brainstorm solutions together; however, throughout the process the lead comes from her.

In an anti-oppressive approach the woman is at the centre, not the margins. She moves into a space where she can speak and have her voice and experience validated and heard. Community workers must recognize that working with a NSRI woman is different than working for her.

Advocacy with Battered Women

In order to advocate effectively for NSRIW it is essential to understand the cultural context. In preparation for advocacy with NSRIW it can be useful to assess where your agency/organization is at on the anti-oppression/cultural competency continuum. Anti-oppression and cultural competence is a developmental process that evolves over an extended period. Both individuals and organizations are at various levels of awareness, knowledge and skills along the cultural competence continuum. Programs should educate themselves about the vulnerabilities and histories that apply to the communities served. Learning the history of the ethnic groups served helps identify the barriers survivors may face within their own communities.

Questions to ask yourself or your agency/organization:

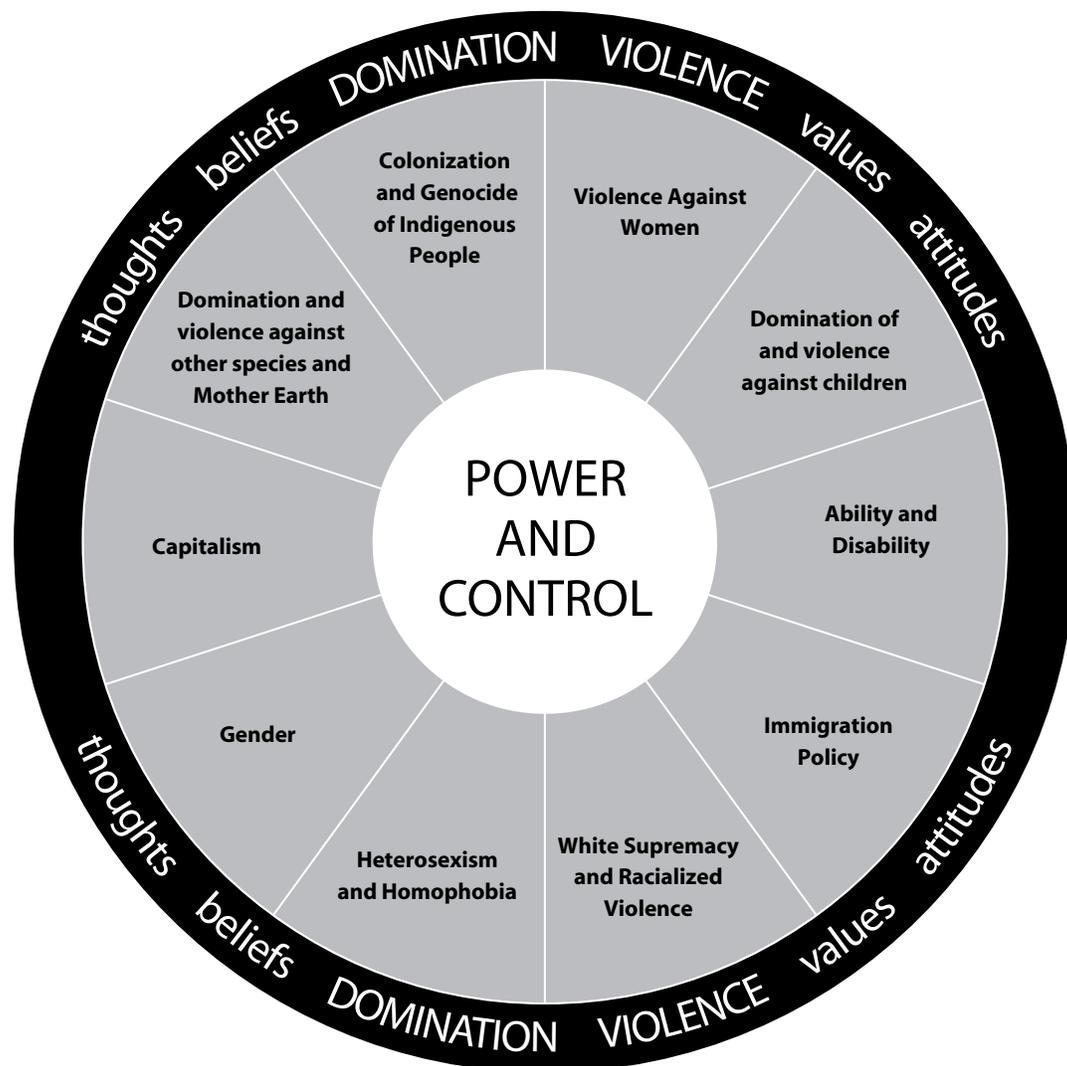
- What are the demographics (ethnicity, language, race) of your service area?
- What are the demographics (ethnicity, language, race) of the women you serve?
- What research have you done to learn more about the historic and present context for the women you serve?
- What relationships have you built with the communities of colour, or Immigrant communities in your service area?
- How have these relationships altered, impacted or enhanced your service provision and organization?

Anti-oppression and cultural competence requires that organizations:

- Have a defined set of values and principles, and demonstrate behaviors, attitudes, policies, and structures that enable them to work effective cross-culturally.
- Have the capacity to: (1) recognize and work to redress power and privilege provided to those of the dominate group(s); (2) conduct self-assessment; (3) manage the dynamics of power and difference; (4) acquire and institutionalize anti-oppression and cultural knowledge; and (5) adapt to diversity and the cultural contexts of communities they serve.
- Incorporate the above in all aspects of policy-making, administration, practice and service delivery; in addition, systematically involve those who access services, families and communities.

The Oppression Wheel attempts to illustrate the ways in which power and privilege are assigned and manifest.

Oppression Wheel



Spectrum of Attitudes

The following continuum is an illustration of the attitudes service providers and agencies have toward NSRIW.

Survivor Viewed As Objects	Survivor Viewed As Recipients	Survivor Viewed As Resources
GATEKEEPER	PROVIDER	PARTNER

GATE KEEPER

Heavy handed control of access to information; this includes a heavy emphasis on maintaining power and control in the service relationship.

PROVIDER

This includes viewing NSRIW as clients and or victims. It involves a homogenous model of service provision and discomfort with the role of advocacy or being an advocate for women.

PARTNER

This includes viewing NSRIW as the experts of their lives. It allows for flexibility in service provision, for working with advocacy at the centre of provision and having women guide the process

Keys to partnership include:

- Recognition of the historic, legal, systemic and cultural context
- Plan with the survivor, not for them
- Listen, listen, listen, and listen some more
- Goal Clarity
- To make things happen it helps to be able to simply state the goals in just a few sentences

Both individuals and organizations
are at various levels of
awareness, knowledge and skills
along the cultural competence
continuum.

Jewish Women International developed the following wheels adapted from Domestic Violence Intervention Project in Duluth Minnesota and Domestic Violence Project in Kenosha Wisconsin to illustrate the ways in which power and control in service provision with battered women can increase women's entrapment. They also developed the advocacy wheel to illustrate ways in which advocacy can increase women's empowerment. The wheels speak for themselves and are a useful assessment tool for individuals and organizations supporting NSRIW.

Are We part of the Problem



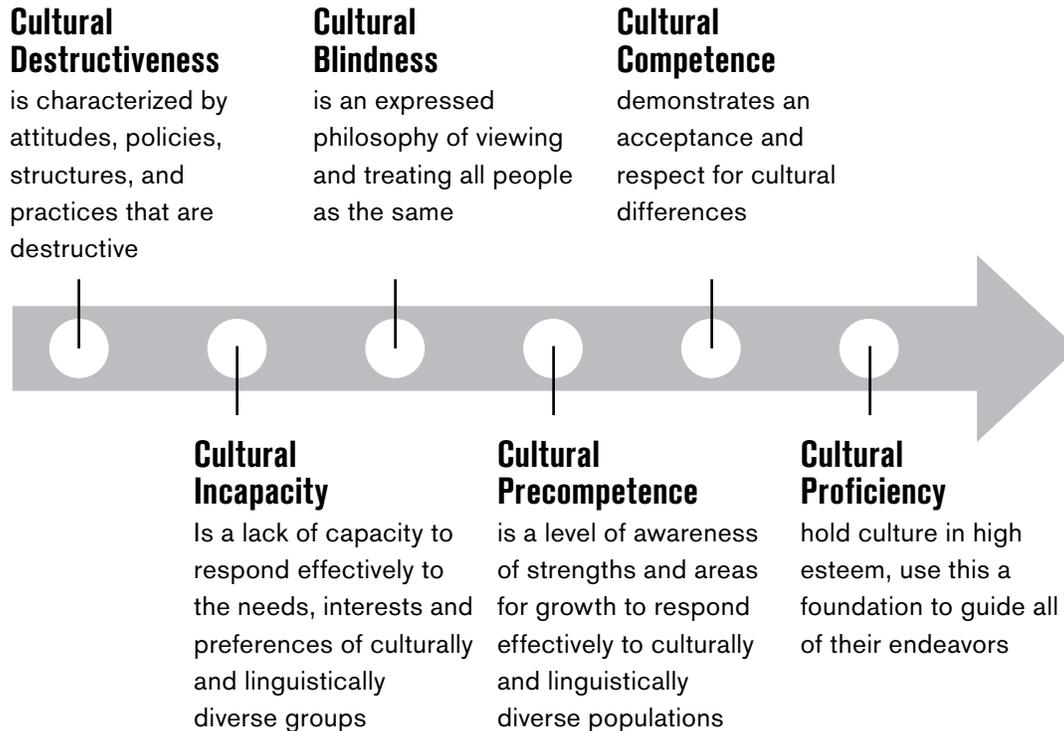
Or are we part of the solution



Jewish Women International. (2009). http://www.jwi.org/site/c.okLWJ3MPKtH/b.2284983/k.C8B7/About_Us.htm

Continuum of Anti-Oppression and Cultural Competency

The following illustration represents a continuum of anti-oppression/cultural competency.



It is helpful for systems and organizations to conduct self-assessment and use the results to set goals and plan for meaningful growth. It is important to reflect upon system or organizational characteristics that may be exhibited at various stages along the cultural competence continuum.

The characteristics delineated in this continuum are not meant to define a system or organization. Rather, they allow systems and organizations to broadly gauge where they are, and to plan for positive movement and growth to achieve anti-oppression/cultural competence and proficiency. The continuum is dynamic and not intended to be viewed in a linear manner. Systems and organizations may be at different stages at different times with different populations and cultural groups. Finally, system and organizational capacity is not limited to arrival at cultural competence and proficiency as there is always room for continued growth.

Oppression and Cultural destructiveness is characterized by attitudes, policies, structures, and practices within a system or organization that are destructive to a people who access services and/or ethnic, language, cultural group(s).

Oppression and Cultural incapacity is the lack of capacity of systems and organizations to respond effectively to the needs, interests and preferences of racially, ethnically, culturally and linguistically diverse groups. Characteristic include but are not limited to: an over representation of any one group over other group(s); institutional or systemic bias; ignoring

the historical and legal history of the making of the nation of Canada as a nation; practices that may result in discrimination in hiring and promotion; disproportionate allocation of resources that may benefit one racial, ethnic, language and/or cultural group over another; subtle messages that some groups are neither valued nor welcomed; and lower expectations for some language, cultural, ethnic, or racial groups.

Oppression and Cultural blindness is an expressed philosophy of viewing and treating all people as the same – “we don’t see colour”. Characteristics of such systems and organizations may include: policies that and personnel who encourage assimilation; approaches in the delivery of services and supports that ignore cultural strengths; institutional attitudes that blame people who access services - individuals or families - for their circumstances; little value placed on training and resource development that facilitate racial, cultural and linguistic competence; workforce and contract personnel that lack diversity (race, ethnicity, language, gender, age etc.); and few structures and resources dedicated to acquiring cultural knowledge.

Oppression and Cultural blindness is an expressed philosophy of viewing and treating all people as the same – “we don’t see colour”.

Oppression and Cultural pre-competence is a level of awareness within systems or organizations of their strengths and areas for growth to respond effectively to culturally and linguistically diverse populations. Characteristics include but are not limited to: the system or organization expressly values the delivery of high quality services and supports to culturally and linguistically diverse populations; commitment to human and civil rights; hiring practices that support a diverse workforce; the capacity to conduct asset and needs assessments within diverse communities; concerted efforts to improve service delivery usually for a specific racial, ethnic or cultural group; tendency for token representation on governing boards; and no clear plan for achieving organizational cultural competence.

Anti-oppression and Cultural competence is when systems and organizations demonstrate an acceptance, respect and a commitment to anti-oppression work and cultural competency. Characteristics and practices systems and organizations include are:

- Create a mission statement for your organization that articulates principles, rationale, and values for cultural and linguistic competence in all aspects of the organization.
- Implement specific policies and procedures that integrate anti-oppression, cultural and linguistic competence into each core function of the organization.
- Identify use, and/or adapt evidence-based and promising practices that are anti-oppression, culturally and linguistically competent.
- Develop structures and strategies to ensure those accessing services and community participation is included in the planning, delivery and evaluation of the organization’s core function.
- Implement policies and procedures to recruit, hire, and maintain a diverse and racially, culturally and linguistically competent workforce.
- Provide fiscal support, professional development and incentives for the improvement of anti-oppression work, cultural and linguistic competence at the board, program and faculty and/or staff levels.

- Dedicate resources for both individual and organizational self-assessment of anti-oppression and cultural and linguistic competence.
- Develop the capacity to collect and analyze data using variables that have meaningful impact on culturally and linguistically diverse groups.
- Practice principles of community engagement that result in the reciprocal transfer of knowledge and skills between all collaborators, partners and key stakeholders.

Anti-oppression work and Cultural Proficiency is evident when systems and organizations hold anti-oppression work in high esteem and use this as a foundation to guide all of their endeavors. Systems and organizations:

- Continue to add to the knowledge base within the field of cultural and linguistic competence by conducting research and developing new treatments, interventions and approaches in policy, education, and the delivery of service.
- Develop organizational philosophy and practices that integrate anti-oppression and cultural competent analysis and practice.
- Employ faculty and/or staff, consultants, and people who access services with expertise in racial, ethnic, cultural and linguistic competence in service provision, training, practice, education and research.
- Publish and distribute promising and evidence-based anti-oppression and culturally competent practices, interventions, training and education models.
- Support and mentor other organizations as they progress along the cultural competence continuum.
- Develop and disseminate materials that are adapted to the racial, ethnic, cultural and linguistic contexts of populations served.
- Actively pursue resource development to continually enhance and expand the organization's capacities in racial, cultural and linguistic competence.
- Advocate with, and on behalf of, populations who are traditionally unserved and underserved.
- Engage with, establish and maintain partnerships with constituency groups, which span the boundaries of traditional arenas, to eliminate racial and ethnic disparities in agencies and organizations.

The above illustration and information is adapted from:

Cross, T., Bazron, B., Dennis, K., & Isaacs, M. (1989). *Towards a culturally competent system of care, Volume 1*. Washington, DC: CASSP Technical Assistance Center, Center for Child Health and Mental Health Policy, Georgetown University Child Development Center.

Goal Setting

When working in partnership with women, goal setting for advocacy is useful. Goal setting can be achieved through exploring areas of concern. In our work, NSRIW have identified the following areas of concern:

1. Safety Planning
2. Leaving, Staying, Returning
3. Settlement
4. Legal
5. Coping - Impact of Abuse
6. Advocate Discomfort

1. Safety Planning

Women are usually the best judges of the dangers their abusers pose to them. An advocate can help a battered woman assess the risk the batterer poses to her and develop a practical plan to keep herself safe. While evaluating risks and creating safety plans can help a woman, safety planning is no guarantee that she will not be injured.

IDENTIFYING RISK FACTORS

Not all abused women acknowledge or define their experiences with their partners as abusive. Women in particular may struggle to name and define their experiences as abusive due to a number of factors. These can include a different understanding and experience of normative male-female relations and familial roles, differing customs and beliefs governing acceptable and unacceptable behaviours and varying levels of familiarity with concepts of abuse. However, correctly identifying, naming and labeling abuse as abuse is a significant step in the journey to begin to be less controlled by the abuser (Anderson, 2003).

When working with women it is important to assist her to understand her level of safety. Recognizing what she is going through as abuse can be a long-term process. Moreover, she may not perceive her situation as unsafe. She may be a Refugee woman who has escaped from torture or persecution and she may minimize the level of intimate violence. She may have experienced violence through war and her only comfort at the time may have been her partner. Therefore, she may find it difficult to expose her partner to arrest or consequences. The majority of women who experience abuse in their intimate relationship want the abuse to end, not the relationship.

A lot of women may fear disclosing details of the abuse in their intimate relationship because the fear of deportation is greater than the fear of abuse. It is imperative to find out the current immigrant/refugee status of the woman in order to ascertain the likelihood that this fear is a barrier to safety.

QUESTIONS TO ASSESS THE EXTENT OF VIOLENCE EXPERIENCED BY THE WOMAN

Prior to asking a woman any questions it is important to create a safe, non-judgmental environment for women. Ensure the assessment process is not an interrogation process. Women may feel interrogated if questions are asked in succession. It is usually better to allow a woman to tell you her history. However some questions workers can explore with her to assess the extent of violence experienced are:

- Do you require translation or language support?
- Can you tell me what the abuser has done in the past?
- Do you know if your partner was also abusive of other partners? What happened?
- Has your partner involved other members of the extended family in abusing you? What was the abuse?
- Does your partner try to control who you have contact with (censor your correspondence, not let you leave the home, not let you make phone calls)?
- Has your partner ever threatened violence against you or your children? What happened? Did you believe that your partner was capable of carrying out those threats?
- Has your partner ever threatened to kill you or your children? Can you describe the incident?
- Has your partner ever threatened to kill a family member or a pet or farm animal?
- Has your partner ever threatened you with a weapon? Can you describe the incident?
- Has your partner ever threatened to send someone to kill you or harm you in any way? Can you describe the incident?
- Has your partner harassed or stalked you? What happened?
- Do you know if your partner threatened/ stalked/ harassed others in the past? What happened?
- Has your partner threatened you because of any intervention by police or social services/ because court documents were served? What happened?
- Has your partner threatened to deport you or report you to immigration or other government agencies?
- Has your partner threatened to send someone to kill a member of your family in your country of origin?
- Has your partner threatened to take your children to another country?
- Has your partner told you that you should go to a mental institution or threatened to put you in one?

These questions can be used to assess the escalation of violence:

- Has your partner become more violent or more dangerous towards you or your children? Can you describe what has happened?
- When was the first incident? What happened then? How long has your partner been abusive?
- Has your partner contacted your family in your country and has he made threats?
- Why do you think your partner's behaviour is changing/has changed?
- Is your partner's violence becoming more frequent? Is there a pattern to his behaviour? Can you describe the pattern?

ABUSER FACTORS

Abuser factors identify characteristics or actions of the abuser that increase a woman's risk of being abused or decrease her level of safety. It is essential to explore this with the woman *by herself* without jeopardizing her safety. Abuser factors include:

- Abuser's violence
- Violent threats, ideation, intent
- Escalation of physical/sexual violence or threats
- Violations of civil and criminal court orders
- Negative attitudes
- Other criminality
- Response to shifts in power and control dynamics
- Employment or financial issues
- Substance use issues
- Mental health issues

Violent threats, ideation, intent

Thoughts or threats of causing harm to others are relevant to risk assessment. It is imperative to consider threatening behaviour when conducting risk assessment.

“Violent threats” are things the abuser says which indicate that the abuser intends to physically harm the woman.

“Violent ideation” means thoughts, urges and fantasies about causing physical harm to others.

“Violent intent” is an expression of desire or plans to physically harm others.

Violent ideation may be inferred from behaviour, as well as from statements. Such inferences are more likely to be accurate when based on a pattern of behaviour, rather than a single act.

Harassing or stalking behaviour is a form of threatening. Stalking (unwanted communication, watching, following, or threatening) can create a sense of fear in women who experience violence in their relationships.

**SUGGESTED QUESTIONS WHEN WORKING WITH NSRIW
WHO ARE AT RISK OF IMMEDIATE VIOLENCE**

These questions can provide immediate information to assess the woman's safety:

- What does she understand as her level of safety at the moment?
- According to her, what factors could compromise her safety?
- What is her current immigration status? Are there any fears around this?
- What are her partner's actions that create the risk for her?
- Where is she at in the settlement process?
- How isolated is she?
- Does she need emergency numbers and resources?
- Does she know how to access the emergency numbers and/or the resources?

These questions can provide information about immediate concerns:

- Where is the abuser now?
- Has he threatened to use a weapon?
- Are there weapons in the home?
- How recently was he abusive?
- How severe have her injuries been?
- Have the police been notified about the violence?
- Is an interpreter needed?
- How afraid is she?
- If she has children, where were they?
- Does she need a safe place to go?
- Is leaving an option? If necessary you may provide Transition House information such as: the length of time that she can stay there, the kind of help that she can get and what to bring.

It is very important to acknowledge that leaving the abusive partner may not be an immediate option for the woman. However, having a safety plan, information and resources is essential. Her safety plan will vary depending on whether she is living with her abusive partner, considering leaving her abusive partner or if she has recently left her abusive partner.

Discuss with the woman how she may make herself safe at home while living with her abusive partner as follows:

- Does she have access to a phone?
- Does she have a safe place to go if an argument occurs? Avoid rooms with no exits like the bathroom or avoid kitchens that may have weapons.
- Can she memorize important numbers?
- Establish a “code word” or “sign” so that family, friends, teachers or co-workers know when to call for help.
- Think about what you will say to the partner if he/she becomes violent.
- Remind the woman that she has the right to live without fear and violence.
- Does she know how to call the police? Is she aware that she can ask for an interpreter if she needs to?
- Does she have a friend, neighbour or safe people to contact?
- Does she have transition houses’ phone numbers with her?
- Does she understand how to contact the transition house and what to expect?
- Does she have a safe place where she can hide her documents and some money?

The woman should also be provided with information about what kind of things to have ready in case she needs to leave in a hurry, including:

- Passport
- Immigration and citizenship documents
- Children’s birth certificates and passports
- Social security information
- Bank account number(s)
- Medical records
- Any other important documents

Remind her to take her children with her if she leaves (this is key for future child custody issues). Provide her with information about legal and criminal systems as it relates to her rights and protection. Re-affirm that physical assault and death threats are a crime and that she has the right to call police if she wants to expose the crime and receive protection. Clarify that the abuser may get arrested and will likely be asked not to contact her. You can also explain police procedures and court systems as well as provide information on protection orders, legal aid or other appropriate legal resources.

**SAFETY PLAN FOR WOMEN WHO HAVE ALREADY LEFT:
ABUSERS WHO BREAK CIVIL AND/OR CRIMINAL COURT ORDERS**

A violation of civil or criminal court orders refers to violations of any protection order imposed because of violence against women in relationships or to prevent violence against women in relationships. Based on the idea that past behaviour is a good predictor of future behaviour, abusers with a history of violating the “no contact” provisions of a civil or criminal court protective order (e.g., bail, probation, parole, restraining order, peace bonds) may be at risk for repeat violence.

Suggested questions to explore with the woman:

- What is your understanding of what a protection order is?
- Do you have a protection order now? When did you get it and what does it say?
- Has your partner violated the protection order? Can you describe what happened?
- Have you had protection orders in the past? Did your partner violate a protection order in the past?
- Have you contacted the police about it?
- What was the police response?
- Does he have your address?
- Does he have your phone number?
- Is changing your phone number an option for you?
- Do you have a way to record his messages?
- Can you screen his calls?
- What kind of support do you need to keep records and document all contacts?
- Do you have a plan on how to get away if confronted by an abusive partner?
- If you have to meet your partner, can you do it in a public place?
- Can you vary your routine?
- Will you be able to notify your children’s school as well as your own work contacts?

EMOTIONAL SUPPORT

Providing emotional support to the woman throughout the process of safety planning and exploring risk is essential. This can include the following:

- Believe her and reassure her it is not her fault
- Acknowledge her strengths
- Share your honest concerns about her safety
- Validate her fears and concerns and encourage her to seek ongoing support
- Establish a follow-up plan

2. Staying, Leaving, Returning and the Push Factors

Much of our service provision is based on the idea that battered women's autonomy is measured by her decision to leave. If she can't make the decision to leave or if she has left and then returned she may be viewed as lacking empowerment or self-determination. It is essential that our service models assess where a woman is at in her process of staying, leaving and returning. Our models must also assess any push factors she is navigating that may affect her decision-making and include these factors into safety planning.

When our advocacy focuses on NSRIW leaving an abusive relationship without understanding her experience and the dynamics of leaving we may find ourselves expecting women to make one final decision such as going to a transition house. When we expect women to enter such a linear change model we may find ourselves frustrated and begin subtly or not so subtly altering our support for the women we are working with.

Our advocacy is strengthened when we are integrating an analysis of independence, inter-dependence and dependence as connected and interrelated instead of absolutes.

We are not saying that women should remain in violent situations. Rather our interventions and advocacy should reach forward to achieve more for those women who do leave, which includes working to strengthen and support women's options to leave. Our goal planning must accurately and authentically include the dynamics of leaving at play in her life.

Our service models must recognize that leaving is a process, not a single step or action, and includes relational pulls and push factors at play. We should also factor in that leaving is often equated with independence, highly valued in mainstream Canadian culture, where dependence is often pathologized or viewed as problematic. Our advocacy is strengthened when we are integrating an analysis of independence, inter-dependence and dependence as connected and interrelated instead of absolutes. Further our advocacy is strengthened when we recognize that a part of the process of change includes dependency as an essential part of the journey to independence; this can include a NSRIW developing dependency and inter-dependence on advocates. This dependency is a key and essential step in the leaving process.

Our service models can also explore push factors such as: Who are the other players in her life? What are the other dynamics at play? Is she being pushed out of the relationship? How is she being pushed out of the relationship? What are the emotional and post separation support required? What does she identify and how does she approach the risks in staying?

Children/Youth

Women are making decisions about leaving and are also considering issues about children/youth. If a woman is being pushed out of the relationship she may leave without her children and plan to return for them, not realizing that this may not likely happen.

Our advocacy is strengthened when we include children/youth early on in the safety planning, discussing possible scenarios and developing safety plans that include children/youth.

It has been our experience that children and youth may play a role in leaving and helping. Though as a coping/survival mechanism children and youth do align with the power and identify with the abuser, we also know that children and youth play a key role in supporting

their mothers. Children and youth are attentive and attune to dynamics. We can safely assume that they are also affected by the dynamics of leaving and are sensitive to the multiplicity of batterers in the home.

Our advocacy is strengthened when we inquire as to the messages children and youth are communicating to their mothers in order to provide support to all.

Since leaving isn't a guarantee of safety the leaving process may still be violent and threat filled. Our advocacy is strengthened when we assess for dangers connected to post-separation in the context of the dynamics of leaving.

3. Settlement

Our goal setting should include an exploration of where each NSRI woman is at in her process of settlement. Settlement and adaptation to Canada is a process of guidance and support for an individual and a family that helps connect NSRIW to services and resources in the Immigrant and broader community. Goal setting should include a needs assessment and a plan of action related to access to interpretation and language. This includes learning English as an additional language, information about government services, public transportation, role of police and law enforcement, banking, orientation to mainstream Canadian life and culture and specific referrals.

4. Legal

NSRIW may be navigating multiple areas of law simultaneously. Areas of law can include Immigration, Criminal, Family and Child Welfare. Please see the various chapters in this manual providing information about each of those four areas of law. The characteristics of Battered Women's Support Services' legal advocacy program are as follows:

Legal Advocacy in Working with NSRIW

The role of the legal advocate – provides legal support to women survivors of violence in intimate relationships. The primary focus is to help women navigate the immigration, criminal, family and child welfare systems.

Specifically the legal advocate:

- Helps women identify legal issues
- Helps women prioritize their legal needs
- Helps women choose realistic, fair and legal solutions that are their own
- Provides legal information on process, legislation, role of different system players, etc
- Helps women strategize to build their case (by providing information and principles, views of violence against women and her individual case)
- Gives women tips for legal research/self-advocacy

- Helps women drafting documents of legal nature
- Provides accompaniment to family court (both Provincial and Supreme), especially to unrepresented women, but also to women who have legal representation, as requested
- Provides accompaniment to legal aid appointments
- Provides accompaniment to lawyer's appointments
- Provides accompaniment to other relevant appointments of legal nature
- Refers women to appropriate services to ensure legal representation and/or legal advice

Note: Legal advocacy is not meant to replace the role of a lawyer or to be a substitute for legal advice.

5. Coping and Impact of Abuse

As with any trauma survivor, NSRIW demonstrate a wide range of effects from violence and abuse. As a direct result of violence, women may have physical injuries and require hospitalization for severe injuries and medical attention for health problems that result from chronic, persistent violence and abuse.

Women may not advise a medical practitioner that violence by her partner or family is the cause of her injuries.

It strengthens our advocacy when we are able to help NSRIW identify the impact of violence and to seek help with the impact. This impact of violence includes:

- Excessive feelings of fear,
- Anxiety and anxiety attacks,
- Racing heart and/or sweating,
- Headaches,
- Bad dreams,
- Frightening thoughts,
- Feeling emotionally numb or shut down,
- Strong feelings of guilt,
- Strong feelings of shame,
- Depression or worry,
- Thoughts of suicide or suicide attempts
- Losing interest in activities that were enjoyable in the past,
- Having trouble remembering abusive or violent events,

- Staying away from places, events, or objects that are reminders of abusive or violent events,
- Being easily startled, feeling tense or “edgy”,
- Having difficulty falling or staying asleep,
- Feeling angry all the time and/or having angry outbursts,
- Having difficult concentrating,
- Having difficulty doing daily tasks,
- Feeling exhausted and/or excessively fatigued, and
- Unable to get out of bed

Coping

NSRIW cope with their lives and the impact of violence in a variety of ways. Typically, women are not passively tolerating the violence in their lives. Often women are using creative methods to cope. Some of these strategies are very successful. Women develop their own protective strategies and learn what is effective. It strengthens our advocacy when we can help women identify the ways in which they are coping and determine the effectiveness of the coping mechanisms being employed. We also can explore which strategies women employ that mitigate the physical and emotional impact of their abuser’s violence.

Protective Strategies and Coping Mechanisms include:

- Minimizing, denying or being unwilling to talk about the violence out of fear of making it worse
- Fighting back or “defying” the abuser(s)
- Complying, placating or colluding with the abuser(s)
- Using substances (licit or illicit) to medicate (if prescribed by medical practitioner) or self-medicate the emotional and physical impact
- Lying – selective truth telling
- Not following through with accessing services
- Sending children away to birth family
- Self injurious behaviour (cutting, scratching, burning self)

It strengthens our advocacy and safety planning for women and their children/youth when we are able to identify these strategies as coping and survival strategies. It is also effective to contextualize behaviours that appear as “uncooperative”, “ineffective” or “neglectful”. If her coping strategies are having adverse affects (substance use, for example) it strengthens our advocacy when we can provide additional support and solutions to women.

6. Advocate Discomfort

Advocate discomfort to NSRIW is a significant barrier to addressing violence against women. Women who have accessed our services over the years have identified the following types of advocate discomfort:

- The woman is ready to disclose experiences of violence (especially sexual violence) and advocate discomfort inhibited that
- The worker carries misconceptions, internalized oppression, stereotypes and projections about violence and abuse
- The worker experiences difficulty speaking about violence due to lack of language including differences in vocabulary, terms, interpretation and translation

In workshops with Settlement workers or front-line workers working in immigrant serving organizations workers indicated that lack of language or knowledge of correct vocabulary were reasons for not addressing violence with NSRIW, even when their primary language was English. Workers identified that the most difficult issue to address was sexual abuse or violence. Anti-violence workers working in transition houses or victim service organizations cited concern of not being respectful and offending NSRIW if they brought up violence (especially sexual violence).

Immigrant women working at Battered Women's Support Services and Asian and Pacific Islander Institute on Domestic Violence (2007) have explored the following practices:

- Consider and discuss the vocabulary and terms for tactics of power and control as detailed in the power and control wheel in different languages and/or cultures of the populations served
- Consider and discuss the terms for sexual violence in different languages and/or cultures of populations served
- Consider and discuss which is more effective, clinical or technical terms such as sexual intercourse or colloquial terms like "sleeping with"
- Bravely acknowledge gaps in knowledge about violence and abuse
- Bravely identify advocate's own reactions including fear, feeling disgusted, any previous experiences of violence that are requiring attention and support
- Advocates can ask the survivor to explain what happened
- Recognize and address the effects listening to stories of violence and abuse has on the advocate
- With sexual abuse advocates can establish drawings or gestures for naming body parts
- Recognize the possible draw backs of self disclosure as a strategy of building trust and rapport including shifting the focus from woman to the advocate
- Advocates may experience being ostracized within their own ethnic communities when they become identified as working with women.

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Intersection of Mental Health, Substance Use, Health and the Impact of Trauma in Non-Status, Refugee and Immigrant Women

At BWSS, we understand and recognize how systemic oppression (colonization, racism, poverty etc.) and experiences of interpersonal violence/abuse are interrelated to women's use of substances and emotional/behavioural challenges – what is commonly understood as 'mental health issues.'

We have learned from our own experiences as women and women survivors, and have heard very clearly from the women who access our services, that colonization, around the globe and in this place now known as Canada, racism, poverty, and other forms of inequalities literally make us sick – physically, emotionally, intellectually, and spiritually! For Non-Status, Refugee and Immigrant women (NSRIW) these forms of systemic oppression intersect with experiences of migration, forced migration, violence or torture. Traumatic events such as bombings, rape, torture, death or disappearance of family members or friends, being forced to leave one's home, or seeing another person harmed or killed can have long-lasting effects.

The impulse to disavow trauma is not just a personal issue, but historically also a societal one (Herman, 1992). The effects of the impact of trauma are the same in all cultures. But how these symptoms are described and expressed can change from culture to culture. In some cultures the knowledge of the impact of trauma is not a concept accessible to all women. In some countries this knowledge, understanding and related support is only accessible to women who belong to a high social class.

In attempts to cure ourselves we seek things like substances illicit and licit to soothe our pain, to distance us from the realities we deal with each day and to find a sense of joy, euphoria, sedation and/or stimulation. We generate fantasies, have fears, suspicions that sometimes get out of hand and run amok, we may start hearing things, seeing things, imagining things and other "mental health issues" or other problematic behaviours to assist us to manage, to feel powerful and deal with what is unbearable.

All of these coping mechanisms tend to bring us, at some point, to the attention of “systems” and then come the labels and diagnosis and related things... that may or may not be helpful... this time.

At BWSS in our direct service program, we work with the woman in front of us. We meet women where they are at, not where we think they “should” be and approach our counselling and crisis work from the following core assumptions:

1. Women are the experts of their experience and their healing journey
2. Violence against women is the result of systemic oppression
3. Many current dysfunctional behaviours and/or responses may have originated as legitimate coping responses to trauma, oppression or early loss/attachment
4. Women who experience repeated trauma in childhood and adulthood were deprived of the opportunity to develop certain skills necessary for adult coping.
5. We look at problematic behaviours (such as angry outbursts) in context of what is going on for the woman at the time...behaviours in context
6. Trauma and systemic oppression sever core connections to one’s family, one’s community, one’s identity and ultimately to oneself.
7. Women who have been abused repeatedly feel powerless and feel unable to advocate for themselves and the systems are often prepared to render her powerless.
8. Simply living in the body of an oppressed person is traumatic and exhausting.

Building on these assumptions, we use a model of empowerment and recovery that includes the following elements:

1. Feminist anti-oppression analysis informs every aspect of our work
2. Safety is the initial goal above all, physical, emotional, intellectual and spiritual
3. We believe that trauma and systemic oppression is disconnecting and that broken connections can only heal in the context of new connections and therefore believe that recovery and healing is most effective when it occurs in a group format.
4. We believe that early losses and abandonment have a significant role
5. Include basic information on how systemic oppression of marginalized people contributes to and can compound women’s experiences of trauma as well as negatively impact on her ability to heal/recover in all our service delivery
6. Profound mistrust and/or profound fear and/or related observations or behaviours including where a woman is having trouble getting a handle on what is real can happen for some of us at some point in our lifetime when we have experienced severe abuse/trauma/oppression and for some of us it seems like a permanent state of being

7. Basic education about physical and sexual abuse and how current behaviours are linked to past abuses.
8. A re-framing of current responses as attempts to cope with unbearable trauma and systemic oppression
9. An appreciation of the problem solving attempts locked and hidden in certain repetitive behaviours.
10. Education focusing on basic skills in self-regulation, boundary maintenance, and communication
11. Basic education about female sexuality and correcting misperceptions.
12. Creation of a healing community by providing recovery services in a group format.
13. Rediscovery of and reconnection to lost memories, feelings and perceptions.
14. An opportunity for women to experience a sense of competence and resolution as they face the demons from the past.
15. An opportunity for women to trust their own perceptions about reality and to receive validation from others for those correct perceptions

(This model is adapted from the work of Maxine Harris, Lisa Najavits, Judith Herman, Liz Choquette, Maggie Ziegler, Maureen McEvoy, Kathleen Whipp and Angela Marie MacDougall)

At BWSS we offer all of our services with an understanding of the interconnectedness of oppression, trauma, substance use and “mental health issues”. We offer and have offered several specialized groups including:

- Inside The Circle Residential School Survivor Group
- Healing From Trauma Through Empowerment Stage I,
- Healing From Trauma Through Empowerment Stage II,
- Healing From Trauma Through Empowerment Stage III,
- Finding Your Way Back To Yourself – Abandonment Recovery Group,
- Women Seeking Safety – Substance Use and Trauma Recovery Group
- Empowering Mothers Parenting program
- Latin American Women’s Support Group

We believe that as service providers working with women who have experienced abuse we need to be informed and have an understanding of the spectrum of needs that women present. Within this spectrum of needs NSRIW may present an intersection of issue such as intimate violence, substance use, health and mental health issues. By learning and understanding more about the language and perspective of the psychiatric and addiction service sector we can advocate effectively for the women we work with.

The work we do is complex; it is informed by trauma theory, addiction theory, attachment theory, anti-oppression analysis, family systems theory – the work of the researchers and academics. But always we ground our practice in a woman-centred model. At the end of the day it is very simple, really: When we are hurting and we're scared sometimes all we need is someone to be there when we need it, to listen, not place judgment or criticize or blame, to demonstrate compassion and caring.

Reference List and Additional Resources

Bowen, S.J. (1998). *Resilience and Health: Salvadoran refugee women in Manitoba*. Prairie Women's Health. <http://www.pwhce.ca/resilienceAndHealth.htm>

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By learning and understanding more about the language and perspective of the psychiatric and addiction service sector we can advocate effectively for the women we work with.

Criminal Justice System

*It is against the law to beat, threaten or harass another person.
This includes your spouse, partner, ex-spouse, or ex-partner.*

The Criminal Code

In Canada, most crimes and criminal law procedures are consolidated into a single statute called the Criminal Code. Although the Criminal Code does not specifically address violence against women in relationships, there are a number of possible criminal offences which could apply, such as:

- assault;
- assault with a weapon or causing bodily harm;
- aggravated assault;
- unlawful confinement;
- kidnapping;
- attempted murder;
- sexual assault;
- sexual assault with a weapon, threats to a third party or causing bodily harm;
- aggravated sexual assault;
- criminal harassment (stalking);
- uttering threats;
- harassing telephone calls;
- intimidation; and
- mischief, destruction of property, theft, fraud.

Violence Against Women in Relationships (VAWIR) Policy

Violence against women in relationships is an escalating concern. The Ministry of Attorney General and the Ministry of Public Safety and Solicitor General developed a policy to ensure a coordinated and effective response to this type of violence. The policy:

- directs the justice system to emphasize the criminality of violence within relationships;
- to take the necessary measures to ensure the protection of women and children who may be at risk;
- relates to the continuum of violence that occurs in relationships; and
- applies to a range of criminal activities from harassing telephone calls or mischief to aggravated assault (MPSSG 2004)

The VAWIR Policy defines violence against women in relationships as:

...physical or sexual assault, or the threat of physical or sexual assault of women by men with whom they have, or have had ongoing or intimate relationships, whether or not they are legally married or living together at the time of the assault or threat. Other behaviour, such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation and financial exploitation, must be recognized as part of the continuum of violence against young and elderly women alike (MPSSG 2004).

The VAWIR policy also applies to violence occurring in intimate relationships between same-sex partners.

Victim Service Workers

Women in abusive relationships should contact a Victim Service Worker for information about options. Victim Service Workers can provide emotional support, justice system information, safety planning, assistance in getting a peace bond or restraining order, referrals to counseling and other services and court accompaniment. They can also provide information and application forms for crime victim assistance benefits and victim notification.

The following specialized victim assistance and counseling programs provide services to survivors of sexual assault, violence in relationships and violence against children and youth:

- Community-based Victim Assistance Programs (CBVAPs);
- Stopping the Violence (STV) Counselling Programs;
- Stopping the Violence Outreach Programs; and
- Sexual Assault/Woman Assault Centres.

For more information:

Battered Women's Support Services

Phone: 604-687-1867

<http://www.bwss.org>

VictimLINK,

toll-free at 1-800-563-0808

Multilingual service, operates 24-hours a days, seven days a week

Reference List

Ministry of Public Safety and Solicitor General. (2004). Violence against women in relationships policy. http://www.pssg.gov.bc.ca/victim_services/directory/index.htm

Victim Service Workers can provide emotional support, justice system information, safety planning, assistance in getting a peace bond or restraining order, referrals to counseling and other services and court accompaniment.

Reporting the Abuse

Women in abusive relationships should have a safety plan. If a woman has been hurt or is in danger of being hurt, she can call the police (911). The police will conduct an investigation and arrest the abuser if there is enough evidence. They can also take her and the children to a safe place.

If a person is arrested, they may be released by the police or they will go before a judge for a bail hearing within 24 hours of their arrest. At a bail hearing, the judge decides whether a person should be released. A person will not be released if their detention is necessary in order to make sure they attend court or abide by other conditions, to protect the public, or to maintain confidence in the justice system.

If an abuser is released, they will probably have the following conditions placed upon them:

- not to have contact with you and/or the children, either directly or indirectly;
- not to go to your and/or your children's home, school or workplace; and
- to keep the peace and be of good behaviour.

If a person does not comply with any of these conditions, they can be arrested and then the court will decide whether it is appropriate for that person to be released again.

No-Contact Order

If your spouse, partner, ex-spouse, or ex-partner has been arrested for hitting or threatening you, a judge can make a no-contact order as a condition of his release. This is a temporary order that states that he must stay away from you and your children until he has a hearing or trial.

If he breaches a no-contact order, you can call the police and the police can arrest him. A woman should not rely solely on protection orders. It is important that she makes a safety plan (see chapter on safety planning).

After the police conduct their investigation, a Report to Crown Counsel (RCC) is sent to Crown counsel. The RCC sets out the witness' statements and the officer's recommendation as to whether charges should be laid or not. Crown counsel then decides whether there is enough evidence to approve the charges and, if there is, sets the matter for a hearing before a judge.

If the abuser is not a Canadian citizen, a criminal conviction can lead to the abuser being removed from Canada depending on the nature of the offence and the length of their sentence. In most cases, a permanent resident has the right to appeal a removal order to the Immigration Appeal Division of the Immigration and Refugee Board.

A person who has been convicted of an offence of a sexual nature against any person will be ineligible to sponsor anyone unless they were granted a pardon or five years have passed after the completion of the sentence imposed on them. A person who has been convicted of physically injuring or attempting to injure or threatening to injure a family member like a spouse, common-law partner, girlfriend or boyfriend, or a family members of these people, will not be eligible to sponsor anyone unless they have been granted a pardon or five years have passed after the completion of the sentence imposed on them.

If you have children, the police will likely contact the Ministry of Children and Family Development. A social worker will investigate and decide whether or not there are concerns about the safety of the children.

Protection Orders

The Criminal Code and the Family Relations Act contain protective provisions that may improve the safety of victims of violence in relationships and their children.

Peace Bond

A peace bond, also known as 810 recognizance, is a protection order made by a judge in criminal court. You can apply for a peace bond for protection from anyone. It contains conditions that the person must follow. Usually, the conditions are:

- not to have contact with you and/or the children, either directly or indirectly;
- not to go to your and/or your children's home, school or workplace; and
- to keep the peace and be of good behaviour.

You should go to the police for a peace bond if you fear for your safety or the safety of your children. You do not need a lawyer to apply for a peace bond. The police will apply for you, and Crown counsel will handle your case in court. There is no fee to apply for a peace bond.

A peace bond lasts up to one year, but may be renewed under certain circumstances. It is enforceable anywhere in Canada. A peace bond is not a criminal charge. However, disobeying the conditions in the peace bond is a criminal offence.

Restraining Order

A restraining order is a protection order made by a judge in civil court. This applies to situations where you are (or were) married or living together, or you have children together. You can apply for a restraining order if you are afraid for your safety, or for less serious problems – for example, to get your partner or ex-partner to stop calling you every day, or to stop him from showing up uninvited at your home or your child’s school.

The restraining orders available under the Family Relations Act are:

- Section 126, where your spouse or former spouse may be restrained from entering premises occupied by you or by a child in your custody;
- Section 37, where anybody may be restrained from molesting, annoying, harassing or communicating with you or a child in your custody; and
- Section 38, where the court makes a custody order, or where it enforces a custody order or a separation agreement, a person may be restrained from interfering with or contacting a child, or where a person is restrained from removing a child from a certain geographic area.

You may apply for a restraining order with or without a lawyer but a lawyer is recommended. Unless you qualify for legal aid, you will have to pay the lawyer’s fees.

There is no fee to apply for a restraining order in Provincial Court. In Supreme Court, you will be required to pay a filing fee of approximately \$200, unless you qualify for legal aid.

A restraining order has no time limit, unless the judge includes a specific expiry date. A restraining order from BC will most likely not be considered valid in another province. If you move out of BC, you may have to apply for another restraining order in your new location.

Restraining orders can be backed up by a peace officer enforcement clause, which gives the police the authority to arrest a person who has breached the order.

For more information on protection orders:

Ministry of Public Safety and Solicitor General and Legal Services Society, BC

For Your Protection: Peace Bonds and Restraining Orders
(available in Chinese, English, and Punjabi)

http://www.lss.bc.ca/publications/pub.aspx?p_id=20

Legal Services Society, BC

Peace Bonds, Restraining Orders, and No-Contact Orders.
(available in Chinese, English, Farsi, Punjabi, and Spanish)

http://www.familylaw.lss.bc.ca/resources/publications/pub_batteredWomen4.asp

When Battered Women Are Arrested

By 2008, Battered Women's Support Services (BWSS) had become increasingly alarmed by the growing number of women accessing our services who have been arrested for allegedly perpetrating domestic violence against their partners.

In our experience, these arrests are occurring despite the fact that in all cases the women were in relationships where their partners were abusing them. What is clear is that some very worrying patterns are emerging. For example, women accessing BWSS' services nearly always claim to be acting to protect themselves when they were arrested. The police have also been involved in relation to the partner's abuse on previous occasions. It is also concerning that many women who are being arrested are from immigrant backgrounds.

There are huge legal, social, economic and emotional consequences for women who are arrested, which may include the involvement of MCFD, loss of child custody to a violent partner, the inability to find employment with a criminal conviction, incarceration and even deportation. These consequences add significantly to the burden already being shouldered by women who are victims of relationship violence. Further, women's negative experience of the criminal justice system may in many cases make them more vulnerable to further abuse.

Given the increasing prevalence of woman arrest and the dire consequences of being arrested, it is critical that advocates are proactive in assisting women who have been arrested. Women who are arrested should be provided with appropriate information, support and advocacy. This tool is designed to assist advocates to provide these services.

Why are women being arrested?

Most of the literature attributes the increase in women being arrested to the application of pro arrest, pro charge, no drop and mandatory arrest policies (often collectively referred to as 'mandatory charge' policies). Police may feel compelled by these policies to arrest any party who has perpetrated violence, regardless of the context. Ironically and unfortunately, these arrest policies are sometimes being used against the very people whom they were designed to protect.

In addition, when police attend scenes of domestic violence, the situation can often be difficult to interpret, making the decision to arrest a complex one. Police officers also often view the credibility of each of the parties at a domestic violence incident according to their own prejudices, assumptions and biases. Police officers may tend to arrest the more distressed and emotional party (often the woman), and accept the calm, rational account given by the perpetrator. Police officers may also view Aboriginal women, Immigrant women and/or women of colour as being more susceptible to perpetrating violence, and accordingly arrest them.

What are the relevant police and crown counsel policies around woman arrest?

There are three principal policies which apply to woman arrest for domestic violence in British Columbia: the RCMP “E” Division Operational Manual Part 2: Criminal Code Offences, persons, violence in relationships: Section 4, primary aggressor; the BC Violence Against Women in Relationships Policy (VAWIR Policy) and the BC Crown Counsel policy. These policies are largely inconsistent and lack any real coordination and integration. For example, while the RCMP policy requires a primary aggressor assessment, the VAWIR Policy contains no such requirement, and nor are Crown Counsel required by their policy to consider contextual factors in the decision to prosecute. Advocates should keep copies of these policies to assess whether they have been followed in specific cases.

BWSS believes that police in all cases should thoroughly investigate the context, history and dynamics of relationship violence before they make the decision to arrest a woman for perpetrating domestic violence. They should:

- upon arrival at the scene, interview both parties separately for their account of what happened, and if possible interview any neighbours or family friends who may have information regarding the abuse;
- if the woman is an Immigrant woman who does not speak good English, provide a qualified interpreter to translate;
- question the woman about the history of abuse and violence in the relationship;
- investigate any claims of self-defense made by the woman, and whether her use of violence was legitimate;
- assess which party is more dangerous, physically imposing, and in control of the situation;
- carefully assess any injuries sustained by both parties (including whether they are likely to have been sustained in self-defense);
- conduct a comprehensive risk assessment of the situation and help the woman prepare a safety plan;
- conduct detailed background-checks to assess whether the police have been called previously in relation to violence in the relationship, and whether the man has a criminal history in relation to domestic violence generally.

If it is not clear immediately who the dominant aggressor is, then police should not rush to arrest, but make further investigation using record searches, witness interviews, and follow up inquiries.

How can you support women who have been arrested?

There are a number of steps advocates can take to support women who have been arrested:

1. INFORM

Inform and educate the woman about the dynamics and prevalence of woman arrest, and the relevant police and Crown Counsel policies applying to her situation. Let her know she is not alone in her arrest experience.

2. ASSESS

Make a detailed assessment of the woman's arrest experience, which should include asking the following questions at the minimum:¹

Background

- Is English the woman's primary language? If not, is she fluent in English?
- What is the woman's immigration status?
- What is the gender of the other party?
- Has there been prior abuse in the relationship? Please provide details.
- Have the police been called in relation to the partner's abuse in the past? Please provide details.
- Does the woman or the other party have a prior criminal record?
- Is there anything else important about the background of relationship violence that the woman wants to raise?

Circumstances of the arrest

- Which police force arrested the woman? What is the police file number for the incident?
- What were the circumstances leading to the arrest itself?
- Did the woman use violence against the other party? Why?
- Was there any evidence of physical injury to either party? If so, what?

¹ These questions have been adapted from the document 'Anatomy of a Woman Arrested' prepared by Darcie Bennett of Pivot Legal Society.

- What evidence was available at the scene? What evidence led to the police officer's decision to arrest?
- Who called the police?
- What did the police do (interview both parties, length of time to assess the situation, provide an interpreter if necessary)?
- Was the other party arrested?
- Did the police follow the relevant policies relating to arrests for domestic violence?
- Is there anything else about the arrest that the woman would like to raise?

Impact of the arrest

- Was the woman detained in custody and for how long?
- Was the woman charged? With what offence(s)?
- Was the woman able to get legal representation? Please provide details of any problems with this process.
- Was the woman convicted? Please provide details of the sentence received.
- What was the woman's experience of the legal system?
- Did the arrest impact on a family law case and how?
- Did the arrest lead to the involvement of MCFD and how?
- Did the arrest impact on the woman's employment or financial circumstances?
- Did the incident affect the woman's immigration status?
- How was the woman affected emotionally or psychologically by the arrest?
- Are there any other relevant impacts that the woman would like to talk about?

3. ADVOCATE

There are a variety of ways to advocate on behalf of individual women who have been arrested, and for law reform in this area generally. Using a detailed assessment of a woman's particular arrest situation, advocates can:

- assist the woman to obtain adequate legal representation;
- write to police and/or crown counsel requesting that the charges be dropped (and alleging the failure to follow policy, if relevant);
- assist the woman to file a formal written complaint about the police's conduct in arresting the woman to either the Commission for Public Complaints Against

the RCMP (if RCMP officers arrested her) or the Office of the Police Complaint Commissioner (if municipal police officers arrested her);

- assess whether other legal avenues are open to the woman, including lodging a discrimination complaint with the BC Human Rights Tribunal or filing a small claim; and
- use the particulars of the woman's case to advocate to law enforcement agencies and Government for reform of both policy and practice in this area.

The specific, informed and written consent of the woman to use the particulars of her case must be obtained prior to taking any of the steps outlined above. Informed consent involves discussing with the woman all of the consequences of any of the above actions and how those consequences might affect her and her children, as well as investigating options for support with those options. For example, women should be advised about the problems with the police complaint system in Canada, not least of which is that the police investigate the police and that women accordingly often report feeling pressured and intimidated by the complaint investigation process. These and other problems should be discussed with women before they decide which course of action to pursue.

Advocates should also compile a list of all cases where women have been arrested for use in advocacy for changes in this area.

4. SUPPORT

Given the enormous ramifications of being arrested, it is important that advocates help women obtain the legal advice, representation and support they require to navigate the criminal justice system. Advocates should also assist the woman to obtain appropriate emotional support, which may include counseling, providing court accompaniment, or accompanying the woman to interviews in relation to any complaints about the conduct of police in arresting her.

Family Law Justice System

If a woman wants to end the marriage or common-law relationship, she should talk to a lawyer or a family justice counsellor. Mediation is rarely helpful if there has been violence in the relationship. If she cannot afford a lawyer, she can apply for legal aid.

If she leaves her marriage or common-law relationship, she should remember to take with her:

- her financial information (e.g. tax returns, banking information)
- her medical card
- her passport and other immigration papers
- her jewelry
- half of everything she owns with her spouse or partner, including money
- children's birth certificates
- children's medical cards
- children's passports
- children's clothing

She should also try to get information about her spouse or partner's assets and photocopies of his/her pay stubs and tax

returns. She should also write down his/her Social Insurance Number. All these can be useful later if there are disputes about assets and property.

Custody

Custody is a parent's legal right to live with and take care of the children. If a woman is leaving an abusive spouse or partner, she has the right to take the children with her. She will also have a better chance of getting legal custody if the children are with her.

She should go to family court right away to apply for an interim (temporary) custody order of her children, whether or not she has the children with her. She will need a lawyer for this. If she cannot afford one, she can apply for legal aid.

If she is afraid that the father will kidnap the children, she can ask for a non-removal order. The non-removal order prohibits him from taking the children out of the province or a specified area without her written permission.

Guardianship

There are two kinds of guardianship: guardianship of a child's person and guardianship of a child's estate. Guardianship of a child's person includes decisions about how the child is raised – education, health care, religious training, etc. Guardianship of a child's estate is managing anything the child owns, such as money or property, on behalf of the child.

It is important for a woman to talk to her lawyer about this issue when making custody arrangements.

Access

Access is the children's right to see the parent who does not have custody. A judge may decide that the father can see the children, even if he has assaulted the mother. A woman can ask for restrictions or conditions on the father's access.

A judge may order specified access. The father will be allowed to see the children only if he follows certain conditions, like not drinking or not using drugs for 48 hours before the visit, not taking them out of the province or seeing them only at specific times.

The judge may also order supervised access, which means that the father can only see the children when someone is there to supervise the visit.

Separation Agreements

A separation agreement is a legal document that sets out what you and your ex-spouse or ex-partner have agreed to about maintenance, custody and access, and dividing up your assets and property. Before signing a separation agreement, get legal advice separately from your ex-spouse or ex-partner.

Property

Property is everything that a woman and her ex-spouse or ex-partner owned and used for a family purpose, such as the family home, car, furniture, RRSPs, investments, bank accounts, insurance policies, and pensions. Laws regarding division of property for married couples are different from common-law couples.

For more information:

LEGAL SERVICES SOCIETY, BC

Living Together, Living Apart:

Common-law Relationships, Marriage, Separation, and Divorce.

[www.lss.bc.ca/assets/pubs/
livingTogetherLivingApart.pdf](http://www.lss.bc.ca/assets/pubs/livingTogetherLivingApart.pdf)

BATTERED WOMEN'S SUPPORT SERVICES

Legal Advocacy Program

Phone: 604-687-1867
www.bwss.org

Child Welfare: The Need for Education and Advocacy

Battered women's advocates have observed that many battered mothers maintain their silence in face of healthcare providers, child protection teams, or juvenile court proceedings because their lives and the lives of their children are threatened if they speak up. Mothers who are abused face enormous pressures to protect themselves and their children, and to maintain their families even under terrible and constrained circumstances. It is difficult to determine the contours of maternal responsibility in a culture that blames mothers for all problems relating to children, gives mothers so little material and social support, and absolves fathers of all responsibility.

Elizabeth M. Schneider in *Battered Women and Feminist Lawmaking*¹

In Canada, some of the most intrusive interactions between government and women occur in the context of provincial and territorial child welfare systems. For many Immigrant and Refugee mothers, Canada's child protection regime has no parallel in their home countries where the state only becomes involved if a child is orphaned or abandoned. This makes it difficult for Immigrant and Refugee women to understand the state's power to intrude in the personal affairs of the family and even to remove children from the home. This can be especially difficult when a mother has not abandoned or intentionally harmed her children, and likely have made substantial sacrifices to ensure their long-term safety and well-being.

Two of the most important roles that front-line settlement workers and anti-violence workers can play in helping mothers to cope with the child protection system are to provide education and advocacy. Women need to be educated about the mandate of the child protection system and the roles of the various players. When child protection workers become involved with an Immigrant or Refugee mother, advocacy can take the form of soliciting a clear and specific list of concerns from the child protection worker, educating child welfare social workers about the intricacies of women's lives and the dynamics of abusive relationships and identifying alternatives to foster care that will keep the child safe.

¹ Elizabeth M. Schneider (2000) *Battered Women and Feminist Lawmaking* New Haven and London: Yale University Press, p. 178

The culture of fear

Like police services and immigration authorities, the child welfare system can be a source of fear for Immigrant and Refugee women. Women who have experienced violence are in particularly vulnerable positions. Abusive partners sometimes threaten to call child protection authorities with false reports. Some Immigrant and Refugee mothers may not know anything about the child protection system. Others may have heard stories from friends and family who have ongoing or previous involvement with the child welfare system.

Coming under the scrutiny of the child protection system

There are different ways that child protection authorities can become involved with a family. Reports that prompt investigations can come from individuals in the community, including neighbours, partners, family members or friends. Professionals involved with the family can also make reports, including doctors and teachers. While some Immigrant and Refugee mothers are very isolated from community resources, others rely heavily on government programs and community agencies to meet their family's needs. In general, the problems faced by poor families tend to be more visible – they take public transit, make use of a range of public services and often live in overcrowded conditions (Bennett & Sadrehashemi, 2008).

In intimate partner violence situations, interactions with police are a common way that the child welfare system becomes aware of situations where there is violence in a home. A substantially higher rate of female victims whose children have witnessed a violent incident will call the police, as compared to women whose children did not witness the incident or to women who do not have children (Statistics Canada, 2006).

Being exposed to intimate partner violence can be form of abuse or neglect

The exposure of children to intimate partner violence may be considered a form of abuse or neglect by child welfare authorities. Exposure to intimate partner violence can include: seeing a mother being assaulted or demeaned, hearing yelling and sounds of objects being thrown, seeing injuries after an assault, or overhearing a conversation about the abuse (Baker and Cunningham, 2005).

In general, child protection authorities have two concerns where a child is being exposed to violence against their mother. First, the child welfare worker may believe that the mother would be unable to protect her child from the abuse of her partner or ex-partner. The second concern is about the impact of exposure to intimate partner violence on the emotional well-being of a child. There are multiple studies that have documented the harm to children who have witnessed violence. While the impact of witnessing violence on each child will vary, in general, it is believed that children exposed to intimate partner violence will exhibit serious emotional and behavioral problems, including depression, aggression and withdrawal from activities.

The involvement of child welfare authorities in cases where children have been exposed to intimate partner violence is not unusual. In 2003, children witnessing intimate partner violence accounted for 28 percent of child welfare investigations where a social worker believed there was evidence that child abuse or neglect had taken place. The exposure of children to woman abuse is the second most commonly cited form of abuse or neglect across Canada (Trocme, et al., 2003).

Educating and advocating for Non-Status, Refugee and Immigrant mothers involved with the child welfare system

Myths about violence against mothers and their children

Educating child welfare workers on the complexities involved in the life of a mother who is trying to leave an abusive partner is a very important step. Anti-violence workers and settlement workers can act as resources in dispelling myths about violence against mothers and their children.

One prevalent myth is that mothers who love their children would leave an abusive relationship if they really cared about protecting their children. The reality, which needs to be understood by those in the child welfare field, is that some women do not leave their partners because they fear for the safety of their children. Women are most vulnerable to partner violence in the period following the end of a relationship. A mother may also fear losing custody of her child if she leaves the relationship. Women need support in order to be able to leave a violent relationship in a safe way. Some women do not leave because they do not believe in separation.

Another common myth is that if the abusive man is out of the home, the problems for the woman and her children will be resolved. The reality, which many anti-violence and settlement workers know, is that the period after ending the relationship can be one of extreme instability for a mother and her children. The financial position of the family will likely drop; children will likely have to move from the neighbourhood in which they have grown up; the children's school may change; the immigration status of the mother and children may be jeopardized if a sponsorship is pending; and safe, affordable housing may be impossible to find resulting in temporary stays at shelters. Again, support for mothers in this situation is crucial – the need for support does not end once a woman leaves the relationship. Child welfare social workers may become too focused on the act of leaving the relationship without providing the necessary supports for a mother who leaves the violence but is then left with a series of crises (Baker & Cunningham, 2005).

Women are most vulnerable to partner violence in the period following the end of a relationship.

As service providers for women who have experienced violence, recognize your own expertise in the barriers a woman may face in leaving a violent relationship and the types of supports a mother needs to provide more stability to her family once she has gotten out of a violent relationship. Sharing your expertise with child welfare social workers is a critical advocacy tool.

Case Examples

Explaining the different players involved in the child protection system

Goli came to Canada two years ago on a six month visitor visa to attend a conference in Vancouver. She overstayed her visa and has no status in Canada. Goli is living with a Canadian citizen who is physically, emotionally, and sexually abusive towards her. He is the father of her six month old baby. Goli has made a few friends, but they do not know much about her past or about her relationship with her partner. She occasionally works as a babysitter. Goli's partner has told her that he will tell immigration authorities that she has overstayed her visa if she attempts to leave him. Goli is afraid to return to her home country and wants her baby to grow up in Canada. Goli does not know how she will support herself and her baby if she were to leave her partner. The police have come to their apartment several times after neighbours called complaining about the noise. Goli denied that there was abuse when the police came. Last week, a young woman came to their apartment and asked to speak to Goli privately. She told Goli that she was a social worker with a government agency that wants to make sure that her child is safe.

In this case, a first step that is sometimes forgotten by anti-violence workers and settlement workers is a detailed explanation of the child protection system and the roles of all the individuals involved. Goli does not understand who this woman is that has come to her home and how a stranger has found out about the violence she has experienced. Goli may not understand this worker's power to make a decision that her child is unsafe and remove her from her home. Sometimes, as service providers, we take for granted that newcomers to Canada have an understanding of terms we think of as basic and use on a daily basis. In the child protection context, you should be making sure that a woman like Goli has a thorough understanding of the following terms:

The social worker

The social worker or child protection worker is someone who works for the government Ministry that is in charge of making sure that children are safe with their families. A social worker interacts with families to find out what their needs are and investigates families to determine whether a child is safe. Social workers are sometimes put in the position of being both a support person for the parent and an investigator, gathering information about the parent to find out if the child is at risk in their care. Social workers often have many cases and cannot spend that much time with individual families. Social workers are responsible for many decisions relating to families, including:

- deciding if and when to remove a child
- responding to calls alleging child protection concerns
- investigating² whether there is a child protection concern
- conducting a formal risk assessment with a family
- arranging a visitation schedule with parents once a child has been removed
- deciding whether access should be supervised or unsupervised
- deciding when to return a child home

The team leader

A social worker will often say that they need to check with their “team leader” before making a decision. Social workers must check with their team leader before making any final decision in a case. Sometimes it is useful to make sure that the team leader will be at meetings to discuss the case, to ensure that a decision can be made as quickly as possible.

The mother’s child protection lawyer

You should inform a woman like Goli that she may be entitled to legal aid which would cover the cost of a lawyer. While many mothers only seek a lawyer when their child has been removed and a court date has been set, legal help may also be useful before that happens. In B.C., financially eligible parents who are involved with the child protection system are entitled to representation where: their child has been removed by the Ministry, when the Ministry has threatened to remove their child, or when the parent is dealing with custody and access to a child who is in care of the Ministry. In this example, if the social worker is discussing the possibility of removing the child from Goli’s care, she should contact legal aid immediately. It is best practice for a social worker, to inform mothers that they can obtain legal counsel prior to the removal of their child.

It should be explained to Goli that even though the government is paying for her lawyer, the lawyer acts completely independently and obtains instructions from her on what she would like him or her to do. Everything that is said to the lawyer is confidential and is protected by solicitor-client privilege – which means that a lawyer will never be obliged to disclose the information the mother has shared with them to anyone else.

Your role as an advocate

It is important to explain that you do not work for the government Ministry that is investigating whether her child is at risk. Your role is to assist the mother in communicating with the Ministry. You should also explain your obligation to disclose information to the Ministry if you believe that the child is at risk in the mother’s care.

² Investigations in the child protection context are not always called an “investigation.” As a general rule, any time a social worker has received information about a concern and needs to meet with you to talk, you are likely under investigation by the Ministry and there may be a threat of apprehension.

Don't ignore a mother's immigration status. A woman in Goli's situation – with no status in Canada – needs to consult with a lawyer immediately about regularizing her status in Canada. She may be able to apply for permanent residence based upon humanitarian and compassionate grounds, and/or she may be eligible to make a claim for refugee protection if she is afraid to return. Legal aid may cover the costs of a lawyer. She could also obtain legal advice from a lawyer at a summary advice clinic or by calling the lawyer referral service (see resource contact list).

Demystifying the court process

Karin is a citizen of Canada. She came with her husband eight years ago to Canada as a dependent on his skilled worker application. They have two children, aged eight and ten. Karin's husband is physically and emotionally abusive. He has never hit her children until last week. When he was yelling at Karin, he threw their eight year old across the room. Karin was in a state of shock. The police were called and a social worker came to their home for the first time. The children were both removed immediately from the home. Karin was told that she had to appear at Provincial Court three days later. She has been able to get a lawyer to represent her through legal aid. Her lawyer told her that he would meet her at the courthouse five minutes before the scheduled time for the hearing.

Going to court can be a terrifying experience for many people. For a mother like Karin who has never had any encounters with the child protection system or the court system in general, the first appearance at court can be very shocking. Quite naturally, she is likely to believe that she can tell her side of the story on her first appearance at court. Many mothers believe that the judge will be in a position of deciding to return the child once they have heard from them on the first appearance day.

Mothers should be explained what to expect on that first appearance at court: the courtroom is normally packed with parents and families; you will not get any special time with the judge; and no really substantive decisions will be made on your case. If you are disputing the removal, your lawyer will have to set another date so that you can argue your case before a judge that has time to listen to the evidence. There can be long delays in scheduling these hearings.

It may be useful for some mothers to insist on meeting with their lawyers at their offices or to set up an actual appointment time with their lawyer at the court. It can feel intimidating to be asked to make decisions on the spot in the courthouse.

Karin should also be explained that her husband will have been served with the court documents by the Ministry as well and may appear in court.

Supervised visits

Pearl is a citizen of Canada. Her last partner was extremely violent. The police were often called and the Ministry of Children and Family Development

intervened and required that Pearl find her own place with her children and have no contact with her partner or her children would be put into foster care. Pearl agreed to a six-month supervision order. Four months later, a social worker at the Ministry received a report from the community alleging that Pearl was allowing her children to have contact with her ex-partner. The children were removed and Pearl was granted reasonable supervised access to her children. Pearl has been told that she is not permitted to speak Vietnamese, her native language, to her children during the visits.

Having visits supervised can be an extremely difficult experience for parents. In this case, Pearl is being stopped from speaking to her children in the language they speak together at home. As an advocate, it is important to remind the social worker or team leader that in prohibiting the mother from speaking Vietnamese, they are failing to provide services “sensitive to the needs and the cultural, racial and religious heritage of those receiving the services” as required by B.C.’s child protection legislation.

You could insist that the Ministry provide an interpreter if they deem it necessary to know what Pearl is saying to her children during visits. This is likely to result in fewer visits with her children depending on the schedule and cost of available interpreters. Another option is to request that visits be supervised by a friend or a family member who can understand Vietnamese. The Ministry will normally have to do some type of background check on the person suggested.

If none of these solutions work and Pearl’s visits are substantially cut by the need for an interpreter at visits, it may be possible to challenge the Ministry’s decision to require an interpreter or its failure to provide an interpreter as discriminatory and a breach of B.C.’s Human Rights Code. You will have to talk to a lawyer that specializes in these types of cases. The following organizations may be able to help – Pivot Legal Society, BC Public Interest Advocacy Centre (BC PIAC) or Community Legal Assistance Society (CLAS) (see resource contact list below).

Making a complaint about the care a child is receiving in foster care

Kendra’s children have been in foster care for the past six months. She is worried about their safety in the home. The Ministry has told her that she cannot talk to her children about the foster placement on their visits. But Kendra can sometimes hear the foster father yelling in the background when she speaks to her children on the phone to say goodnight. She also doesn’t think that they are being fed properly. They have both lost weight when they have been in care and sometimes when she meets for them for a visit in the afternoon they have only eaten a banana all day.

Social workers at the Ministry are in charge of following up on all concerns about a child’s well-being in care. Kendra has to tell the social worker her concerns and insist that she be provided with a response when the social worker has done her investigation. Ask the social worker for a response in writing so it is documented. An advocate can play a critical role in following up with the social worker about Kendra’s concerns about the foster care placement.

If the mother does not feel satisfied with the type of investigation that the social worker has done, she can call the Representative for Children and Youth, and report her concerns (see resource contact list below). The Representative for Children and Youth is an independent office that acts as a watchdog on the Ministry to ensure agencies serving children and youth between the ages of birth and 19 are meeting their needs.

Maintaining housing when children are in care

Maria has two children. They were removed three weeks ago from her care due to the violence of her ex-partner. Maria was receiving social assistance for herself and her two children. As soon as her children were removed, her financial assistance worker at welfare knew that they were no longer living with her and decided to cut her shelter allowance portion – the welfare money she can use for her housing costs – to that of a single person. With only \$325 a month available for rent, Maria can no longer afford to live in her two-bedroom apartment. There are not many places she can live and is likely to have to move into a building in the downtown eastside that her Ministry social worker has said her kids cannot visit as it is unsafe.

This is a critical moment in Maria’s story – an advocate’s attention has to be focused on ensuring that she does not lose her housing. If Maria loses her housing now, it will become more difficult for her children to be returned to her care as quickly as possible.

You can ask the Ministry social worker to advocate on Maria’s behalf with her financial assistance worker. The Ministry social worker can write a letter explaining that Maria’s children were removed on a temporary basis and the goal is to have them returned. She can explain that a change in Maria’s housing situation at this point will only delay the return of her children and keep her children in foster care for longer.

You can ask to speak to the supervisor of Maria’s financial assistance worker and explain the impact of the drop of Maria’s shelter allowance. You can write a letter explaining the conflict between welfare’s policy of cutting Maria’s shelter allowance and the goal of the Ministry of Children and Family Development in reunifying this family as quickly as possible.

If none of these options work for Maria, you may want to contact a lawyer or an organization, such as Pivot Legal Society, BC Public Interest Advocacy Centre (BC PIAC), or the Community Legal Assistance Society (CLAS), that has experience challenging decisions made by welfare (see resource contact list below).

Resources to educate and advocate for mothers involved in BC’s child welfare system

In providing education and advocacy services for women who have experienced violence, the following are some resource tools that may come in handy in your advocacy work.

Child protection legislation

In British Columbia, the legislation that governs the protection of children is the Child, Family and Community Service Act (“the Act”). The legislation provides a strong set of guiding and service delivery principles that are supposed to set out the framework for the actions taken by the Ministry of Children and Family Development (“the Ministry”).

The guiding principles and service delivery principles set out in sections 2 and 3 of the Act delineate the guidelines Ministry workers should follow when working with families where there may be concerns for a child’s safety. Many of these principles are not being followed in individual child protection cases. While a breach of a principle does not necessarily mean that a law has been broken – it may be useful to point to principles that are not being followed as a way to suggest considerations that have been ignored and should be taken into account by the social worker.

The principles may also be useful as a guide to framing a mother’s complaints about the Ministry’s handling of her case.

The Child, Family and Community Services Act can be found online at http://www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm

Sections 2 of 3 of the Act read as follows:

Guiding principles

- 2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:
- (a) children are entitled to be protected from abuse, neglect and harm or threat of harm;
 - (b) a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents;
 - (c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;
 - (d) the child’s views should be taken into account when decisions relating to a child are made;
 - (e) kinship ties and a child’s attachment to the extended family should be preserved if possible;
 - (f) the cultural identity of aboriginal children should be preserved;
 - (g) decisions relating to children should be made and implemented in a timely manner.

Service delivery principles

3 The following principles apply to the provision of services under this Act:

- (a) families and children should be informed of the services available to them and encouraged to participate in decisions that affect them;
- (b) aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children;
- (c) services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services;
- (d) services should be integrated, wherever possible and appropriate, with services provided by government ministries, community agencies and Community Living British Columbia established under the Community Living Authority Act;
- (e) the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children (1996).

Best Practices Approaches: Child Protection and Violence Against Women

The Ministry of Children and Family Development developed a set of best practices guidelines for family violence cases in 2004. . .

The Ministry of Children and Family Development developed a set of best practices guidelines for family violence cases in 2004, following a paper written by a partnership of community agencies and health providers. The best practices guidelines address the dynamics involved in abusive relationships; the importance of providing women leaving relationships a set of integrated consistent support services; and a commitment to providing necessary supports to ensure that a mother can keep her child in her own care.

The best practices approach to violence against women cases can be a very useful tool in advocacy. Social workers may not be aware of the document or may not use it in their everyday practice. In every case where violence against a mother is a concern, it is important to remind social workers that the best practices document contains the approach the Ministry has decided to follow in cases where intimate partner violence is a concern. It is an approach that was developed in partnership with service providers and professionals working with women who had experienced violence.

The best practices document can be found online at
http://www.mcf.gov.bc.ca/child_protection/publications.htm

Legal Services Society guide to child protection law in BC

Legal Services Society has published a guide on child protection law in BC. It is aimed at parents who are going through the process. It is an effective resource to use in explaining the different steps involved in the child protection process. There is an excellent chart in the booklet that sets out the different stages of the court process.

It is available online at <http://www.lss.bc.ca/assets/pubs/parentsRightsKidsRights.pdf> or it can be ordered at 604-601-6075.

People's Law School guide on child protection law in Canada

The People's Law School has prepared a public information guide on legal rules of caring for children in Canada. It is brief summary of the expectations on parents for caring for children in Canada. It is available in a number of different languages. The guide is available online at

http://www.publiclegaled.bc.ca/snapfiles/2005_Caring_for_Children.pdf

It can be ordered with an on-line order form by visiting www.publiclegaled.bc.ca and clicking on "Publications." You can also contact them to make an order at 604-331-5400.

Resource Contact List

Legal Services Society of BC (Legal Aid)

The Legal Services Society (LSS) provides Legal Aid through offices across BC.

You can contact the Vancouver office at:

Vancouver Regional Centre

Suite 425 (intake); Suite 400 (administration)

510 Burrard Street

Vancouver BC

Phone 604-601-6206 (intake)

Fax 604-681-2719 ; 604-681-6942

Staff will be able to refer you to the office nearest you. If you have to call long distance to reach a legal aid office, call **Enquiry BC** and ask for a transfer to the office number you want (you will not have to pay for the call):

Outside Victoria and Vancouver: 1-800-663-7867

In Victoria: 250-387-6121

In Vancouver: 604-660-2421

A complete list of offices is available on the LSS website www.lss.bc.ca. This website will also provide you with a list of LSS resources, legal information and educational publications.

BC Ombudsman

By mail: PO Box 9039 STN PROV GOVERNMENT

Victoria BC V8W 9A5

In person: Second Floor, 756 Fort Street, Victoria

Phone: 1-800-567-3247

Fax: 250-387-0198

www.ombud.gov.bc.ca

Representative for Children and Youth

M12-4277 Kingsway

Burnaby, V5H 3Z2

Toll-Free: 1-800-476-3933

Telephone: 604-775-3213

Fax: 604-775-3205

E-mail: rcy@rcybc.ca

www.rcybc.ca

Access Justice (The Western Canada Society to Access Justice)

1440 West 12th Ave.

Vancouver, BC.

Canada V6H 1M8

Phone: 604.482.3195

Fax: 604.324.1515

E-mail: help@accessjustice.ca

Legal clinic phone line: 604-878-7400 or 1-877-762-6664

www.accessjustice.ca

Lawyer Referral Service

Phone: 604-687-3221 or 1-800-663-1919

8:30am - 4:30pm, Monday - Friday

Pivot Legal Society

678 East Hastings Street

Vancouver, B.C. V6A 1R1

Phone: 604-255-9700

www.pivotlegal.org

BC PIAC (B.C. Public Interest Advocacy Centre)

Suite 208-1090 W Pender St

Vancouver, BC

V6E 2N7

Phone: 604-687-3063

Fax: 604-682-7896

E-mail: bcpiac@bcpiac.com

www.bcpiac.com

C.L.A.S. (Community Legal Assistance Society)

Suite 300 - 1140 West Pender Street

Vancouver, BC V6E 4G1

Telephone: (604) 685-3425 Fax: (604) 685-7611

Toll Free: 1-888-685-6222

www2.povnet.org/clas

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Like police services and immigration authorities, the child welfare system can be a source of fear for Immigrant and Refugee women..

Other Systems

Social Assistance (Income Assistance, Welfare)

Sponsored persons and/or their family members who are being abused or assaulted by their sponsors should seek safety away from their sponsors even if this means that they will have to apply for social assistance benefits (CIC, 2010).

The Ministry of Housing and Social Development (MHSD) is part of the British Columbia government and can provide money for housing, food, clothing, and other basic expenses. The money you get from MHSD, usually called welfare, is also called income assistance or social assistance.

Things to remember when you apply for welfare:

- You have the right to have someone interpret for you. You also have the right to bring someone, such as a friend, relative, neighbour, or community worker, for support
- Where there are possibly any health and/or safety concerns, ministry staff is to make no contact with the sponsor, including by letter. Income assistance or disability assistance may be issued if all other eligibility criteria are met (MHSD, 2008)
- An applicant is exempt from the three-week work search if the applicant or any person in the family unit has an immediate need for food, shelter or urgent medical attention and/or is fleeing an abusive spouse or relative (MHSD, 2010)
- Allegations of abuse must be backed up by proof, such as a police report, hospital or medical report, or court order (British Columbia, 2007)
- Sponsors, in signing their undertaking, acknowledge that any income assistance paid to their sponsored relative during the period of the undertaking becomes a debt the sponsor owes to the provincial government. Where there is substantiated proof of abuse towards sponsor or sponsored relative, the government suspends collection

until circumstances change. However, the debt and interest on the debt continue to accumulate (MHSD, 2008). If a woman receives a letter asking her to repay her sponsor's welfare, she should get legal advice

- If you do not have permanent resident status and need help supporting yourself, it is important to get legal advice before you apply for welfare

Employment Insurance

If you have worked, employment insurance has usually been taken out of your pay. If you meet certain criteria such as number of weeks worked and reason for termination you may be eligible for employment insurance.

Workers' Compensation

The law requires WorkSafeBC to compensate injured workers - even when employers have not registered with WorkSafeBC. . Being sponsored is not reason to not get benefits.

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Engaging Immigrant Women in the Legal System

Community Worker Engagement Reports

The Community Worker Engagement Report findings are based solely on the experiences of community workers who participated in the brainstorming sessions. This section is meant to provide some insight into women's lives within these specific communities, from a community worker perspective. It is important to keep in mind that many women do not fit within the descriptions provided.

Battered Women's Support Services' Engaging Immigrant Women in the Legal System Project held three separate discussions with workers from the Persian, Latin American and South Asian communities. During these sessions, women spoke about their communities and how culture affects Immigrant women's lives in every aspect. The cultural context in which Immigrant women live is unique to each community; however, similar themes of women's oppression manifested through cultural norms, values, histories and beliefs emerged during each discussion. Each discussion revealed the distance between these identified communities and the Canadian legal system.

One theme that emerged was the collectivistic nature of these three cultures, in which the family plays a very important part in the women's life. At times, there is no separation between the individual, the family and the community. Belonging to a collectivistic culture is significant when women try to leave an abusive relationship; it affects where women go to get resources, who they talk to, how they talk to people and who they trust.

Language was also mentioned as an important part of the woman's culture, her ability to connect, the way she expresses herself and how she is viewed by the system when she does access it. It also affects her feelings of being understood in a system that speaks, in every sense, a different language.

In these three communities patriarchy, tradition and religion are very strong and influential in an Immigrant woman's life. When the legal system ignores the woman's reality in this context, it fails to address the real problems and the expectation the woman has for its solutions.

...similar themes of women's oppression manifested through cultural norms, values, histories and beliefs...

Taking culture into account workers engage with Immigrant women in a different way than they would with non-Immigrant women. Immigrant women's realities are often different; as is their culture, their language, their life in the new country and their struggles.

Report from Latin American Brainstorming Session on Thursday June 5th, 2008.

Family and Community Barriers

Community workers described patriarchy as the norm in Latin American society and felt it is the root for the normalization of male control over women. Often, the cycle of violence continues with boys because they learn it is normal to control their partner through abuse. Women are socialized to believe that violence is a normal part of relationships. Women often carry the brunt of the responsibility to keep the family together when there is violence occurring. Workers felt that extended families can give the hidden message that if the woman tries harder and was a better wife the abuse would stop. One community worker felt the popular Latin American saying, "marriage is a cross that women carry on their back" accurately reflects many Latin American women's feelings towards marriage. The saying is a metaphor for the burdens Latin American women must carry when her relationship is abusive.

... Women are socialized to believe that violence is a normal part of relationships.

Family is often a contributing factor for Latin American women staying in an abusive relationship. Women can be pressured to stay in the marriage under the assumption that this is best for their children. As a result of this pressure, it can often become a woman's belief that it is best for their children if she remains in the marriage. Workers said there are clear cultural messages that women don't have worth if they do not have a man and children in their lives. Women are often encouraged to have more children, believing that children can save the marriage and stop the abuse. The abuse is seen as a problem of the marriage and not of the abuser. Often, women hide their bruises and family members ignore visible signs of abuse when they see them. Denial is rampant and families choose to deny abuse when it is occurring.

In Latin American society religion is central to people's lives and in some cases religious figures like priests and ministers encourage women to stay in the relationship claiming that divorce is wrong and even forbidden. Based in the same religious beliefs, divorce is seen as shameful and families encourage women to "not air the dirty laundry out of the house" and hide the abuse.

Latin American women face additional barriers when they want to leave an abusive relationship because separation from their partner can result in further isolation. Isolation is especially difficult for Latin American women because they are born and raised in a collective culture for generations. In some cases, women make the decision to leave the abusive relationship to protect their children.

Lesbian and Bisexual women

When asked about Latin American women who are lesbian or bisexual, most workers said that they had little or no contact with women who identify themselves as such. There was general agreement that Latin American women are very hesitant about revealing a sexual orientation that is not heterosexuality because they would experience a lot of prejudice and discrimination based on their sexuality. Community workers discussed that the general

assumption in the Latin American community is that “good women” don’t enjoy sex and only engage in sex to procreate and to satisfy men. This plays a part in oppressing lesbian and bisexual women. The Latin American image of a man who is a macho also further oppresses lesbian and bisexual women. In this context, having a same sex sexual orientation is seen as a moral perversion.

Because same sex relationships are a strong taboo in the Latin American community, women who come out face isolation and rejection from the community and their families. The shame surrounding homosexuality makes lesbian and bisexual women more vulnerable because when they are experiencing abuse they have no place to turn. There is also a belief in the Latin American community that women do not abuse other women. This makes it increasingly difficult when Latin American women who are in a same sex relationship disclose abuse. Often, women fear they will be ostracized from the community if their sexual orientation becomes known. Women who are lesbian or bisexual confront all the accessibility issues other women do with the additional barriers of isolation, fear of telling their story and increased feelings of being judged for who they are. Sometimes women will choose to access services that are not specific to the Spanish speaking community to keep the anonymity of their sexual orientation within the community.

There is also a belief in the Latin American community that women do not abuse other women.

Women who are lesbian or bisexual also experience ignorance from the police and the legal system. Often, they too do not believe that women can be abusive to other women. An interesting observation made by one worker was that women who are openly lesbian or bisexual have usually lived longer in Canada and have less language barriers. When, and if, they do access services, they have more knowledge about where to go.

Accessibility of Community Services

Community workers identified several areas in which community services can become more accessible for Immigrant women. They mentioned that it is important to pay special attention to the location of the services and to have services that are easily reachable by transit and in a safe location. Recognizing that many Immigrant women live in poverty, it is vital to provide bus tickets for women attending appointments. Two additional issues central to increasing accessibility of community resources are hours of operation that include evenings and weekends and providing childcare. Workers felt that agencies should have front line workers who speak different languages, as well as written information in different languages. Workers must also give women information about resources available in the community and Canadian laws relating to violence against women.

Community workers recognized a number of areas in which they themselves need to improve upon. These include, increasing their own knowledge about available community resources, getting to know the workers involved in each service, increasing communication amongst workers and, in some cases, working in a wraparound process to serve women in a more holistic manner. There is also the need to find more methods to reach women and inform them about services and resources available in the community. It is essential that workers increase their knowledge on violence against women and diversity to avoid becoming an additional barrier for women. Regarding government services, workers expressed their hope that ministry offices could have more centralized services located in one place and do case management.

Workers identified two groups of women who have special difficulties in accessing services: women who have no children or have adult children, and the wives of temporary workers. The former is difficult because they have less access to knowledge about community resources because much information is given by multicultural and settlement workers in schools. Wives of temporary workers have difficulties accessing services due to their lack of independent status and clarity about rights.

What is Justice?

When we asked workers what justice means in the Latin American community, the issue of fear came up in multiple contexts. Workers told us that women in the community who are suffering from violence are afraid of several things. These include, apprehension of their children if they disclose abuse, that the abuser will find out they are talking about the abuse and the abuse will increase if they tell others. Women also have fears related to the police that are often based on the behaviour of police in their home country. Many women who want to phone the police for help do expect them to protect her and stop the violence she is experiencing. However, Latin American women do not necessarily desire, or can afford, to have their partner in jail or have them deported. Many women feel that phoning the police will put these wheels into motion and could mean the dissolution of their families. Workers felt that many Latin American women want to keep their families together but make their partner cease the abuse.

The main reasons why women want to keep their family together are connected to marriage being an important value in Latin American communities. There is also stigma attached to being divorced. In part, both are due to the fact that many Latin American women are raised Catholic and, as mentioned earlier, divorce is forbidden in Catholicism. Secondly, separating is not viewed as a real option for women who depend financially on their partners. Even for women who do have their own income, it is often too small to support a family. Community workers felt that financial dependency coupled with a lack of English language skills and isolation in Canada makes it very difficult for women to leave abusive relationships.

In general, there is a tendency amongst Latin American women who experience violence to see the justice system as more of a risk than a resource.

In general, there is a tendency amongst Latin American women who experience violence to see the justice system as more of a risk than a resource. There is a belief that justice will not compliment the punishment the abuser receives. Furthermore, women can have the expectation that judges and police will get men to stop the abuse and change him. Community workers said that women felt justice must be implemented with a cultural understanding that, in certain cases, supports the family as a whole and provides education and long-term prevention of the abuse. Workers suggested that law enforcement agencies can improve the negative way in which they are viewed by women in the community by meeting not only in times of crisis, but in more preventative educational ways. Police also need to treat the abuser with respect; if not, the woman will pay for it in the future.

Inaccessibility of the Legal System

Due to their experiences in their home country, some Latin American women are highly suspicious of the legal system. They may come from countries where the legal system is very corrupt and dangerous for women. Women who leave their homes to migrate to Canada rarely leave their cultural and political lens with them in their home country. Because they carry

with them their experiences and understandings of the legal system in their home country, they often try to avoid contact with the system in Canada. The added cultural perception that an individual accesses the legal system only to deal with criminals further solidifies Latin American women's hesitation to access the legal system.

Latin American women experiencing violence in their intimate relationship encounter multiple barriers when accessing the legal system. One important barrier for women is not having knowledge about the Canadian legal system. Lack of knowledge affects a woman's efficacy when she is trying to access the system and places the abuser in an increased position of power over the woman. One worker poignantly said that women who don't know the passwords to access the legal system find the system fails them. Often, women who are in contact with community services have access to these passwords through the workers at the agencies. It is the women who do not have any support that face additional barriers. Some examples of such barriers include women attending custody hearings without a lawyer, not understanding the consequences of violating a restriction order on their partner, not having an interpreter, not knowing what to write and say when applying for legal aid and so on.

Workers noted that cultural nuances within the court system also negatively impact Latin American women. Unless supported by community workers and other legal supports, Latin American women will rarely know court cultural norms that include how to behave in court, how to address the judge or how to phrase one's words in court. Workers discussed many complaints from women about receiving differential treatment from judges and lawyers because of their lack of English language skills.

From the experience of community workers, a large proportion of Latin American women who leave their abusive partners live in poverty. Having access to private lawyers is often not an option. When women who are accepted onto legal aid due to the cutbacks to family law legal aid the legal support they receive is insufficient to meet their needs. Workers listed a number of issues with legal aid that include women being unable to choose their lawyer, lack of lawyers who take legal aid cases and legal aid lawyers being unable to dedicate enough time to a woman's case. Furthermore, due to the lack of options women find themselves having to take a lawyer who does not speak their language. Workers felt that valuable legal aid hours are wasted in interpretation when a lawyer does not speak Spanish. The language barrier is also central for women when they go to court. In some cases women are unaware that they have a right to ask for an interpreter; even when an interpreter is available, the interpretation can be inaccurate.

An interesting cultural nuance that workers discussed is the heavy oral and narrative aspect of Latin America. They felt that it has a negative impact on women's empowerment and their legal cases when they access the legal system. Women who are asked to write affidavits or fill out forms on a computer feel they can't tell their real story adequately because it is not face to face with a human being. Workers gave numerous examples of women facing impatient lawyers and judges when Latin American women give detailed narrative accounts of their story. As a result, women feel that they cannot receive real justice because they are unable to tell their entire story. When speaking with their lawyer women often feel like they have to be very succinct because time equates to money and legal aid lawyers don't have time to hear their full story.

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Impacts of Inaccessibility in the Legal System and Community Services

One impact is that for women the cycle of abuse does not cease and women continue to be hurt, raped and even murdered by their partners.

Workers discussed multiple ways in which Latin American women are impacted by inaccessibility in the legal system and community services. One impact is that for women the cycle of abuse does not cease and women continue to be hurt, raped and even murdered by their partners. They often stay in isolation, fostered by the abuser, without being aware that they have other options. Women who lack community supports and continue to live in an abusive relationship, face the added risk of having the Ministry of Children and Family Development involved in their lives. As a result, women's children are placed in a position of possible apprehension. When women do leave their abuser they often lose custody of their children if they have no access to community supports. Workers agreed that this is particularly true for Latin American women in mixed race marriages with Canadian men.

The emotional trauma of the abuse is also continued. Women sometimes feel entrapped and do not see a way out of their situation. As a result, community workers see many women involved in the health system to deal with the physical and emotional trauma of ongoing violence. Women are over medicated and their real concerns are left unheard. Ongoing abuse also affects a women's relationship with her children. Workers noted that a lack of access to English classes and not adequately speaking the English language means that women rely on their children for translation purposes. One result of relying on children for translation is that children have more knowledge and information than their mothers about the Canadian systems. This leads to mothers possibly doubting their parenting abilities and children may lose respect for their mothers. A lack of coordination between women's organizations, Immigrant and Refugee agencies, mental health agencies and/or substance use supports can place a woman in a position to be further re-victimized.

There are many reasons why women who are experiencing violence in their intimate relationship don't access services. Community workers felt that there is a general disbelief in the legal system and women have little or no expectation that Immigrant women without financial means can receive adequate justice. Women also feel hopelessness regarding their situation. Women who are in an abusive relationship are usually afraid to complain because they fear their abuser. Also, in many cases, they try to protect their abuser from deportation or jail. Some women don't have legal status in Canada or are applying for refugee status and fear deportation. They may also fear that their case will be jeopardized by going to court. Also, a lot of women don't have the time to deal with aspects of life other than working to survive and raise their children. Women continue to lack supports and have to cope with everything alone.

Informal Methods of Coping

Workers listed a number of informal methods women use to cope with barriers in the legal system. One survival method is denying that there is a problem and to try to live with the abuse. Because religion is an important part in women's lives, some women will go to their priests for support. Women may ask the priests to speak with the abuser and tell him to cease the abuse. In some cases going to a priest may work against a woman as he may pressure her to stay in the relationship. Friends and family are often a source of comfort and support for women. They may even ask friends and family, and even the police, to ask their partner

to stop the violence. Another informal source of support are ESL/ELSA instructors. One dangerous impact of informal supports is that information can be wrong or misleading, and possibly detrimental to the woman's interests.

Possible Solutions

One important solution that has had a very positive effect is the years of work Latin American community workers have done to raise awareness within the community. In the Latin American community, workers have stepped out of their mandate and have extended themselves to provide support that is more community appropriate. One ideal solution is to have more community workers committed to doing long-term work within the community.

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In addition, community workers discussed a number of future solutions to the above issues. Workers felt that Spanish speaking legal advocates were a very important bridge between women and lawyers. Legal advocates were believed to be necessary to explain to women their options and the workings of the legal system. It was also suggested that legal advocates could also act as case managers and have a follow up with the women throughout the entire legal process.

In order to respond to the woman's need to tell her story in a narrative, workers suggested having victim service workers listen to her story and write it as a narrative. This narrative can be given to the lawyers and judges and can reduce the intimidation women feel when they tell their story. It can also reduce instances where judges and lawyers feel impatient with women. Writing the narrative can ensure a woman's voice is being heard.

Lastly, workers felt the issue of poor court interpretation needs to be addressed. Workers suggested that proper interpreters would be individuals with experience in court interpretation. Interpreters must also have a similar cultural background as the women and some technical knowledge about word and language nuances within different Latin American countries. This is particularly important because one word can have different meanings in different countries. If an interpreter is unaware of this he or she may be interpreting a woman's word incorrectly. Women felt workers in the legal system must be made aware of the fact that speaking Spanish does not necessarily mean an interpreter understands the difference in dialects.

There was also a recognition that services need to be made more accessible for Latin American women in same sex relationships. Women felt the stigma attached to same sex relationships needs to be addressed. It was suggested to hire front line workers who are openly lesbian or bisexual to create safety and be role models. Other suggestions included educating frontline workers and the community, using non-sexist language, not assuming heterosexuality of women using services and to celebrate differences in various forums, schools and community gatherings.

Workers also suggested that women be informed about the legal system during their immigration process to Canada. They were unsure of exactly where this can be done, but felt this was an important moment in which many Immigrant women can be reached with information.

Report from South Asian Brainstorming Session on June 19th, 2008

Cultural Values

Community workers were asked a number of questions about family and cultural values South Asian women face when they experience violence in their intimate relationships. When asked the cultural values that affect women's experiences in the South Asian community, the strong patriarchal structures that permeate South Asian cultures was seen to be the underlying reason of why it is viewed as normal for men to abuse women. This is because women are expected and trained from birth, in some families, to be submissive to and accepting of male authority figures. In many families, women are raised to think that it is ok and normal to be put down (verbally, emotionally, psychologically and economically) by fathers, brothers, uncles, etc.

Traditionally, men are given preference in the family; they are the decision makers, the landowners and the breadwinners.

Traditionally, men are given preference in the family; they are the decision makers, the landowners and the breadwinners. Women are seen as second to men and not viewed as equal partners. A few workers discussed the rituals of the Sikh marriage ceremony as being symbolic of the women's role in the family. During the ceremony a bride is walked in by her father and brothers, passed on from the father to the partner by the passing of the pallu, walked throughout the lavan with her brothers while following her future partner during the four rounds. Nowhere is the women supposed to act autonomously and independently, symbolic of her role in the community. Community workers did agree that the patriarchal structure is slowly beginning to be dismantled and changed in the South Asian community in the Lower Mainland. They also mentioned that the experiences of first-generation and second-generation South Asian women differ quite significantly.

Family Barriers

When asked the family reactions and barriers women face when they experience violence, a range of behaviours was mentioned. Justifying, hiding or ignoring the abuse was seen to be common reactions from women's immediate and extended families. Workers mentioned that a woman's sense of self is strongly tied in with the family and is often difficult to separate. One woman mentioned that family and community come before the individual in South Asian communities and this makes it difficult to entangle a woman from her family and community. Because abuse is seen to be a normal part of married life, sometimes women don't know abuse is happening. This was particularly seen to be true for emotional and psychological abuse, as one woman said, "it doesn't exist in the community."

The immigration process itself is a factor in women staying in abusive relationships. The upheaval and changes that immigration brings, both with the community and the family, often makes it difficult for women to leave her partner because she feels her sponsorships status is tied in with the marriage. The sponsorship process itself is abusive to women because sometimes wrong information is provided by the partner. It is not uncommon for a woman's immigration status to be unknown to her. Migration to Canada also means that a woman does not have the familial and social supports she would have back home in her country of origin. Ages of children matter in women leaving.

Community workers discussed that it is common for a woman's family back home to tell her to stay in the situation and cope with it until she sponsors her parents to Canada. Pressure from the family to stay in the relationship is strong, whether in Canada or back home. A sponsored woman is often living with her partner and in-laws, and this is the only source of family she may have in Canada. At times, the in-laws are verbally and psychologically abusing the women. Living with an extended family or in-laws also reduces opportunities to escape the abuse. Coupled with being alone in a foreign country, a lack of education and knowledge of English and women's rights in Canada, it is not surprising that South Asian women stay in abusive relationships.

Community workers also discussed the strong role that *izzat* (honour) and shame play in South Asian families. There is a lot of social stigma attached to leaving one's partner, particularly if a woman is a single mother. Workers believed that the role of the mother was seen to keep the family together. If she leaves an abusive relationship, she would lose honour because she can be seen as the reason for breaking apart a family. Community workers believed that a woman's behaviour was seen to project on the honour of the family. If a woman seeks help or raises her voice about the abuse it will bring shame and social stigma to the family. The lifestyle change and loss of social status that comes along with being without a partner was believed to be a deterrent to leaving the relationship. Community workers said that some families do try to assist a woman but if the woman does not leave the relationship they may give up on her. Family is often the first choice of support for women, both for practical and safety reasons.

If a woman seeks help or raises her voice about the abuse it will bring shame and social stigma to the family.

Community as a Risk and Resource

Community often adds to the pressure women experience and is generally unsupportive of women experiencing violence. Although community workers discussed how this is slowly changing with the recent media attention on intimate partner violence in the South Asian community. An important theme in the discussion was the strong impact a woman's community in her country of origin has on her life here, in Canada. Although a woman physically migrates from her country, she is emotionally and psychologically affected by her family and community back home. Community workers gave examples of in-laws phoning a woman's family in India to complain about the woman and family in India reprimanding the woman via telephone and extended family in Canada.

Women who leave their partners are often ostracized by the community at large and not supported emotionally, physically and financially. Women are isolated, stigmatized, denied and dismissed by community members. Gossip within extended family and the community can affect whether a woman leaves her partner or stays. Single moms experience more difficulty and are shamed by both the family and the community. As a result, a woman's children can suffer from the impacts and effects gossip and isolation have on their mother. Women are pressured to accept violence as a normal part of relationships and encouraged to cope in the marriage and accept it as normal. One woman mentioned that religious beliefs in karma can play a part in telling the woman to accept the abuse as part of her *kismet* and karma. This leads women to believe they have no choice and can severely affect the woman's sense of self worth and self esteem.

It is clear that community poses a number of challenges for South Asian women experiencing violence; it can also play an important role as a resource for women. Community workers numerous mentioned that large numbers of South Asian media programs (television and radio stations particularly) are an important source of information for women. Many of the workers talked about South Asian radio programs as being a source of referrals to them. Women often call in and speak about their situation to media personnel because it is an anonymous outlet for them.

Community organizations employing South Asian women are a strong resource for women, as are places of worship and communal kitchens in Sikh temples. Places of worship can offer a safe, sanctioned respite for women experiencing violence. Women mentioned South Asian politicians, men and women, as receiving many calls for assistance from women. Because of the recent attention on violence against women in the South Asian community, women have been using the numerous community forums as a place to make their voices heard.

Community workers also discussed the important role family and extended family can play in supporting the women, especially in a foreign country. Family is often the first place women go to find support when she is experiencing violence. The role of family cannot be emphasized both in sanctioning violence and in supporting women. Religious leaders can be a source of positive and negative support, but it depends upon the person and their understanding of violence.

Bisexual/Lesbian/Transgendered Women

Because of the stigma and shame attached to same-sex relationships, few service providers had South Asian women in same-sex relationships accessing their services to discuss violence.

Having a sexual orientation that is lesbian or bisexual is particularly difficult in the South Asian community. When asked the question about transgendered women, no community workers came across an out transgendered woman. Women talked extensively about the complete denial about homosexuality in South Asian communities. Not only is homophobia rampant, heterosexuality is, generally, believed to be the only form of sexual orientation practiced. Community workers continually mentioned that same-sex relationships are believed to be nonexistent in most South Asian communities.

The shame and stigma lesbian and bisexual woman using services experience was an important topic of discussion. Women felt that most South Asian women cannot come out in their families and communities and as a result can not openly be who they are. One woman made the observations that individuals who accept lesbian and bisexual women can be isolated by their community and family. On the other hand, a few women believed that family support was the key in gaining sanction in the community. But stigma and internalized shame often stop many women from coming out to their families, or even to themselves. One woman poignantly said, “People are dehumanized based on who they choose to love.” Violence is presumed to be a non-issue in same-sex relationships. Because of the stigma and shame attached to same-sex relationships, few service providers had South Asian women in same-sex relationships accessing their services to discuss violence.

Women also mentioned the differences with first-generation South Asian Immigrant women and second-generation women. Bisexuality is more acceptable with the second-generation and women are having discussions about bisexuality. However, lesbianism is not as openly discussed. Women believed things were beginning to change, but it was slow and moved by

second-generation South Asian youth and more middle-class immigrants and not necessarily supported by the South Asian communities at large.

Expectations of the Justice System and Experiences of Inaccessibility

Community workers observed a number of expectations South Asian women have of the Canadian justice system. One strong expectation is that the justice system must be fair in terms of results and treatment. They feel in the system they have a voice and that they will be understood. In comparison to their experiences back home, there is higher expectation and assumption that justice and fairness will be built into the Canadian system. Unfortunately, South Asian women's experiences in the justice system do not match their ideas of fairness and equality.

Women also carry with them their understanding of justice systems in South Asian countries. Workers commented that back home, the mindset is often "guilty until proven innocent." The South Asian community's mindset of being guilty of wrongdoing when accessing the court system impacts whether, and how, women access the legal system in Canada. Women's harmful experiences of the unknown and male authority figures make it difficult for women to disclose to men; this is particularly true of women who have been abused. The male dominated nature of the legal system is a barrier in itself but workers felt this was particularly true when the judge or lawyer is South Asian because women can feel they are being judged by another South Asian person.

Women also fear community and family judgments that will be made if they access legal system and community services because they are seen to be speaking to the public about private family matters. Some women feel that others in the community may recognize her and ruin her izzat in the community. Women can be viewed as home wreckers for taking men to trial and seen as breaking apart families. Family court was seen to be different than accessing the criminal court, because families can view women as punishing the man by breaking apart the family. The lack of support from families and friends can mean the woman is alone in her legal battle. Many women also don't want to involve their children in their legal matters.

When asked about the prevailing attitude, from the experience of community workers, that the justice system has towards South Asian women, workers spoke of an us versus them mentality. By this, workers meant women were treated in a hierarchical manner and seen to be different and in a lower class than the educated elite of the justice system. The lack of cultural and racial understanding built into the system was identified as an extensive issue. Language barriers and inadequate translation were identified as strong cultural barriers. Community workers spoke of judges, lawyers and police officers not understanding or minimizing the women and their experiences of violence. Lack of empathy with South Asian women's experience of violence was seen as a deterrent to women accessing the legal system. Community workers also felt the lack of confidentiality in the court system was harmful to women's safety and self. This is particularly true when women tell sensitive details about the abuse they experience at the hands of their partner.

One strong barrier in accessing the legal system is the lack of knowledge about the workings of the system and community supports available. With the small exception of women accessing

Lack of empathy with South Asian women's experience of violence was seen as a deterrent to women accessing the legal system.

services, community workers felt that many South Asian women are not adequately educated about the practicalities of the justice system. Some examples that were given include not knowing the different courts, how to file papers, knowledge about legal aid and not knowing how to address the judge. A result of the lack of knowledge about the realities of the legal system is that some women have unrealistic expectations about the court system. One community worker said that a strong unrealistic expectation that women have is that they will automatically get custody of their children and receive child support.

Impacts & Informal Strategies That Women Use to Cope

The impact of inaccessibility in the legal system and community resources means that women don't get the assistance and support they need. One community worker noted that programs suffer as well because people do not always attend them. Some women lose their children and their assets and live in poverty. The trauma accompanying the loss of family or class status is devastating to a woman's health and wellness. Women can be treated as criminals because of the association of criminality being the only reason anyone comes into contact with the legal system. Parental and family support can be lost as well, especially if a woman loses custody of her children and assets. Women are also misled by inadequate or false information about the justice system.

Women who do not access community services were believed to have a number of informal strategies they may be using. Community workers often learn how women were coping from the women themselves and from their own experiences as members of the South Asian community. Friends and family are an important source of support and information that can be both accurate and false. Women who have children are frequently in touch with the school system and ask teachers questions. Older children are an important resource because of their strong links to mainstream Canadian society.

Community workers mentioned that radio talk shows and family doctors are an important source of referrals.

As mentioned early, the South Asian radio talk shows are an important source of sanctioned support for women. Women phone radio talk shows with the knowledge that what they speak of on air is confidential. Phoning radio talk shows is also a place where women's voices can be heard. Community workers mentioned that radio talk shows and family doctors are an important source of referrals. Sikh gurudwaras, Hindu mandirs and Islamic masjids were also believed to be important sources of comfort and solace for women. The social aspects of places of worship offer a respite for many women. Community kitchens at places of worship can often be a form of support for women that is sanctioned by the family; community workers cautioned, however, that in the case of Sikh women, this is dependent upon the gurudwara and the current committee in charge of the building. South Asian beauty parlours were mentioned as a unique and sanctioned place where women go for services but often exchange information, ideas and support.

Possible Solutions

The final question community workers were asked was about tangible workable solutions that we, as community supports, take on to address the issues we discussed. A number of ideas were discussed and contemplated. The importance of continuing the media work with South Asian radio programs and TV talk shows was seen as a vital tool for outreach. It was seen as important to work with families and extended families around violence, but to keep

it in the context of patriarchy. Women also felt a strong need to raise awareness in the South Asian community around violence against women. When working on solutions, we felt it was incredibly important to address the feeling that we were walking the road alone as women supporting women. The importance of working united, as opposed to being segregated, was highlighted. Building more coalitions as community workers and coordinating as individuals was seen to be a solution to addressing both issues. Having a centralized email listserve, a webpage or a blog as a tool of connection was also suggested. One woman mentioned the importance of engaging the personal aspect and passion of why South Asian women do the work, and engaging that aspect to maintain the longevity of potential networks and coalitions of South Asian community workers.

Report from Persian/Afghan Brainstorming Session on Thursday, June 26th, 2008.

Diversity

A note needs to be made about the diversity and differences between Persian and Afghan women's experiences. Women discussed a number of differences between Persian and Afghan women, but there were also many commonalities. In this report, the differences are highlighted where the community workers themselves highlighted them. Afghan community workers were consulted prior to the brainstorming session, but, unfortunately, none were able to attend on the day of the meeting. Therefore, the information on Afghan women contained within this report is limited to Persian community workers observations and experiences with the Afghan women they work with.

Family Barriers

Community workers recognized a number of cultural nuances in families that impact Persian and Afghan women experiencing violence in their intimate relationship. Although many of the cultural viewpoints were similar in the two communities, there were also significant differences. When violence against a woman is occurring, families in both communities attempt to keep it within the immediate household. Often, family attempts are made to undermine the woman, verbally and physically. Community workers observed that sometimes women are unsure of whether they are being abused or if abuse is a normal aspect of relationships. Workers felt this to be a reflection of patriarchal norms within the community.

Patriarchy is the root of women's oppression within both communities, with men generally in charge of the finances and property. Community workers felt that male control over finances also translated into them having the most power and privilege in a household. Although patriarchy is the norm in both communities, it is less so in the Persian community, depending upon the class status of the family. More women are educated and live secular lives. However, this is not always the case in Iran due to the current government and how underground everything is. Family also comes before the individual; many women are seen to be at their family's service.

Obedience in women is also a reflection of a woman's secondary role in society and the household. Community workers had a poignant discussion around the virtues of an obedient Persian woman. One worker mentioned the idea of tamkin (obedience) to be reflective of how Persian women are expected to behave within society and the family. Women said that

... sometimes women are unsure of whether they are being abused or if abuse is a normal aspect of relationships.

a number of popular pieces of music and poetry about the attractive qualities of an obedient women are examples of how engrained this belief is within Persian families. Women who are more obedient are viewed as attractive and desirable partners. Basically, said one worker, women are expected to be 100% obedient to the man.

The issue of social status and class in Persian families, and the community at large, was frequently brought up during discussions. Power and privilege rule both in the family and society. Persian women's experiences of violence often differ depending upon the class status of the family. Women from a higher financial status sometimes have more access to supports that wealth can buy; whereas, middle-class women and women living in poverty do not have the same access. On the other hand, community workers mentioned that women in a higher financial status sometimes try to hide abuse to not lower their status within the community. In order to maintain their image and respect within the community, violence can be hidden and kept at home both by the abuser and the woman. Wealthier women may not leave their partners because of the possible change in lifestyle, status and power. Because many Persian women are educated, community workers felt they are quick to raise their voices about violence, but this does not necessarily mean it works in favour of the woman.

Community as Risk and Resource

In both Persian and Afghan communities, if women disclose violence to the community they are judged and minimized. One woman said that it was taboo to leave a violent relationship and women are expected to cope within the relationship. As the glue that is expected to hold the family together, women are harshly judged when the family falls apart. In the Persian community, family matters are seen as private matters, not issues of the extended family and the community. This differs from the Afghan community where extended family plays a very large role in matters relating to the immediate household. When a Persian woman exposes violence she can be isolated by the community because they do not want to deal with it. Community workers felt that violence can be acknowledged by the community, but it is to be an issue that is dealt with by the family and not to be made into a community issue.

In both Persian and Afghan communities, if women disclose violence to the community they are judged and minimized.

There may be religious pressure for women to stay in the relationship, but it depends upon what society of Iran one is from. In the Baha'i community, there is a basic belief in equality amongst the sexes which can act as a risk and a resource. On the one hand this is a supportive atmosphere for women; on the other hand, it can be a risk because women feel a lot of shame in disclosing violence. One worker said that if women are from a society of tradition they feel stronger pressures than Persian women who are more secular because the ideas of equality amongst sexes differ. Workers also felt that because some Persians are more secular than others the community can act as a resource in changing beliefs about violence against Persian women.

Community workers commented on many differences between women in the Afghan and Persian communities. Community workers observed that in the Persian family and community, extended family rarely intertwine with issues in a woman's immediate household; in Afghan families it is the opposite. More often, there is a stronger belief in community and more defined roles for men and women. Immediate family decisions are often made in consultation with extended family members. Community workers felt that issues are often kept tight within the community, including violence. The tightness of the community can be seen in where

community workers receive phone calls to work with Afghan women. Most of the phone calls workers receive for assistance for Afghan women tend not to be from the women, but from schools and health clinics the women access. A few workers felt this is attributed to the tighter family unit in Afghan communities. One worker felt she needs to do more outreach to Afghan women, as opposed to them coming into her office to see her. She also noted that when Afghan women do access the legal system, they seem to be more successful because their demands are simpler than the demands from Persian women, particularly Persian women from upper class families. This is because the demands of Afghan women are related less to issues of property and asset division, but with issues around family and custody.

Bisexual/Lesbian/Transgendered Women

When discussing lesbian, bisexual and transgendered women it is difficult for women to not discuss the situation in Iran because it directly enforces and plays a part in women's lives when they are in Canada. Women continually spoke about how difficult it is to be a lesbian or bisexual woman in Iran. Women face multiple discriminations and same-sex relationships must be kept extensively underground which makes it incredibly difficult to have a same-sex relationship. A few women said that the president of Iran recently commented that there are no gay people in Iran. His words give a glimpse at how difficult it is to be a woman with a sexual orientation that is not heterosexual.

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Transgendered women are in a unique position in Iran. Women and men are allowed to have sex reassignment surgery in Iran. The reason behind this is because it is seen to be a problem that can be fixed. It is also much easier to transition from a woman into a man because being a man is viewed with more respect and dignity. However, because surgery is accepted by the government this does not necessarily mean that it is accepted in the family and community. Many community workers have Iranian clients who are transgendered and many of them disclose experiences of abuse simply because of who they are. One woman working with Refugee women said she has worked with a large number of transgendered women who entered as refugees because of the abuse they experience in Iran.

Community workers said that even when one is lesbian, bisexual or transgendered in Canada life is still incredibly difficult, but easier than living in Iran. Individuals do tend to experience isolation in Canada. When violence does occur, it is assumed that violence between women in a same-sex relationship cannot occur because they are two women. Homosexuality continues to be seen as something that is abnormal. One woman mentioned that in the Baha'i faith individuals are not allowed to be in same-sex relationships; however, others are condoned for discriminating against them. It is seen to be a private matter between a person and their God.

Expectations of the Justice System

To begin understanding what Persian women carry with them when accessing the legal system, one needs to have a basic understanding of the oppression of women under the Iranian government. According to community workers, in Iran there are few legal rights or legal supports for women. Workers also said that in Iran there is no right of custody to children. Property rights for women are almost nonexistent. One worker gave the example that when a woman is widowed, she inherits what is equal to one eighth of a part of her partner's property. In the court system two women voting equates to the vote of one man.

After living under this political structure, it is not difficult to see why women have no trust and extensive suspicion towards the legal system in Canada. Women carry all of these beliefs and experiences with them to Canada; they do not leave it in their home country when they migrate. Community workers said that women have a lot of assumptions and fear towards the legal system. This is especially true for women who have children because they do not want their children to be involved. If they have the option, most women avoid involvement with the legal system altogether.

When asked what women's expectations of justice are a number of ideas were said. Listening and believing women's stories and experiences was agreed to be vital to the legal process. Cultural awareness and accommodating services in a woman's first language, is also a way to make women comfortable. Understanding that Persian and Afghan women's experiences are more socially oriented, as opposed to individually oriented, is also important.

Experiences of Inaccessibility in the Legal System

A legal system that does not take culture into account and the richness of women's experiences is bound to have barriers. It is not surprising that Persian and Afghan women experience multiple barriers when they do come into contact with the legal system. Language is seen to be essential in ensuring women receive justice; however, appropriate and relevant interpretation is not always available for women. Many Persian and Afghan women lack knowledge about the Canadian legal system. As mentioned earlier, this stems from the experiences women have in the legal system in their home countries. Women also lack knowledge about legal resources in the community, although workers felt this is slowly beginning to change.

Many Persian and Afghan women lack knowledge about the Canadian legal system.

Women experience shame, guilt and doubt when facing the legal system. They fear what the lack of confidentiality will reveal about them to the community and how this will reflect their role within the community. Community workers felt the legal system is disempowering by nature and women are made to feel even smaller when they are questioned about intimate details about their life. Workers observed the system as being very narrow minded and not listening to what women need from it. Discrimination against Immigrant women is also very present. Workers felt Persian and Afghan women's race, culture and status reflect negatively upon them when they go to the legal system. Creativity is often needed by service providers to mitigate the effects of the barriers women encounter.

Impacts of Inaccessibility and Informal Strategies Women Use to Cope

The impacts on Afghan and Persian women who don't get assistance from the legal system can vary. Community workers agreed that inaccessibility in the legal system means that women are not receiving a right that is legally theirs. It also means that women are stuck where they are at and do not get legal support. Workers said that because the legal system treats those who know how to use it better than those who do not, a result is that women perceive themselves as being less able. Women often feel more disempowered after accessing the legal system than they did prior to going through the legal system. Community workers felt that Persian and Afghan women have increased feelings of hopelessness and victimization when the system does not meet their needs. One woman said that the legal system reinforces what women are used to and makes it harder to break the cycle of violence. Violence feels

more entrenched for women and becomes an increasing way of life. Workers felt that the legal system's inability to stand up for Immigrant women only ensures that the cycle of violence continues with future generations.

Although community workers thought that many Persian women do access services it was acknowledged that many women, both Persian and Afghan, have other informal methods of finding the support they need. Many women use word of mouth as a way to assess available services and resources and exchange information from one another. It was also noted that women often continue to use what they have known in the past, such as religious groups and connecting with other community members. Women noted that in Iran, religious groups are often a mask to get together with other women and exchange support and conversation. Some women continue this tradition when they come to Canada. A community specific place where Persian women go for legal information is connecting with individuals who were special clergy in Iran. These are usually individuals whom women know have an understanding of the legal system in Iran. As such, they are natural sources of legal support in Canada, whether they have knowledge about the Canadian legal system or not. Persian hair dressers were also noted as a source of information and ideas because many Persian women choose this as a profession in Canada. Other community supports and places for information are Persian newspapers that women often pick up in grocery stores. In the Baha'i community, women often access the mehfil, a committee where Baha'i members can discuss community issues.

Possible Solutions

Community workers came up with a number of solutions to address the issues we discussed. Women felt that community services can be a better bridge for women in the community, but it was necessary to have legal advocates who are Afghan or Persian and that they must be empowering for women. More outreach workers who can accompany women to legal appointments were deemed necessary, but they must also have an awareness of violence. Workers also felt that current available services can be made more visible to the public so more women know that services exist. One such way to do this would be to promote services and educate women at places of worship. The Persian media was mentioned as another place of outreach for women. Women felt that collaboration amongst community workers was extremely important, both as support for community workers and to provide better services for Afghan and Persian women. A few women suggested having a monthly gathering for Persian community workers to network with one another. An online network was seen as another alternative to networking with one another. Lastly, women felt that it was important to look at Persian and Afghan families as a system. In order to truly address the issue of violence against women, community workers felt it was important to work with men and women on prevention.

Women felt that collaboration amongst community workers was extremely important, both as support for community workers and to provide better services for Afghan and Persian women.

Conclusion

During the brainstorming sessions it became clear that the legal system fails to consider Immigrant women's experiences and realities. Community workers confirmed that Immigrant women still face multiple barriers when accessing the legal system.

By being culturally blind the legal system erases Immigrant women's experiences. A legal system that is based upon Euro-Canadian values of individualism marginalizes and misunderstands Immigrant women coming from collectivistic cultures. Immigrant women are treated as if they have the same cultural experiences and values as mainstream Canadians. Ignoring women's cultures denies them access to real justice, and the results are often tragic for women and, in many cases, their children as well.

In order to truly be accessible to all women, the legal system needs to take into account different forms of expression and relating in non Western cultures. This can be seen quite strong in Latin American women's experiences where community workers discussed the difficulties women faced in not being allowed to tell their stories in an extensive narrative. The legal system has to treat Immigrant women as individuals with their own history, culture, reality and specific needs.

The Canadian legal system does not listen to women's voices about their needs and expectations from justice; it creates another layer of distrust towards the police and the law enforcement agencies. It also plays a hand in perpetuating the cycle of violence in the next generation.

Another important theme arising from the brainstorming meetings is that a woman's reason for immigration affects her life. All of the migration experiences play an important part in how her settlement takes place when she in Canada. It affects her support system, knowledge about Canada, if she will live in poverty, if she leaves her country with financial resources, if she speaks English when coming to Canada or if she will have the same legal rights as other women. The impacts of the migration process cannot be separated from an Immigrant women's experience in the legal system.

One tangible step that stood out in all three of the brainstorming meetings is the need for increased networking and collaboration amongst women community workers serving Immigrant women. As a result, we will be organizing networking forums for workers to increase collaboration and strengthen connections with one another. This is key to providing support for Immigrant women community workers, as well as cohesive and stronger services for Immigrant women.

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women's experiences.

Submission on issues for Immigrant Women who are experiencing violence

In March 2006, the British Columbia Association of Specialized Victim Services and Counselling Programs (BCASVAP), now Ending Violence Association of British Columbia (EVABC), Community Coordination for Women's Safety Program (CCWS) invited Battered Women's Support Services to provide a submission to the BC Provincial Community Coordinating Committee for Women's Safety on issues for Immigrant Women who are experiencing violence. The following is that submission.

March 20, 2006

Submission to

PROVINCIAL COMMUNITY COORDINATING COMMITTEE FOR WOMEN'S SAFETY

Re: Immigration and Violence Against Women

Submitted by

Battered Women's Support Services

PO Box 21503

1424 Commercial Drive

Vancouver, BC V5L 5G2

Tel: (604) 687-1867 (crisis)
(604) 687-1868 (business)

Fax: (604) 687-1864

Battered Women's Support Services (BWSS)

BWSS provides free and confidential services for women experiencing abuse from intimate relationships, childhood sexual abuse and adult sexual assault. BWSS seeks to empower the women who access our services so that they may find safety and control in their lives. BWSS supports a woman – no matter the choices she makes – and works with her to resolve the issues surrounding abuse in a safe, judgement-free environment.

BWSS provides the following programs and services:

- Counselling and Advocacy
- Support Groups
- Aboriginal Women's Program
- Legal Advocacy
- Victims Assistance Program
- Dating Violence Education – for Young Women
- Education and Training
- Retail Program and Social Enterprise

Many Immigrant women who seek our services experience multiple intersecting forms of abuse, from forced migration to isolation from their social supports. Immigration and immigration laws and/or policies influence the kinds of abuse and vulnerability Immigrant women experience.

Our comments in this submission are primarily directed toward the concerns of Immigrant women and racialized women and their families affected by violence against women in relationships. Immigration matters serve as barriers for women wanting to leave abusive relationships. We welcome this opportunity to put forward our views. We hope that this committee will give our views serious consideration.

Our comments in this submission are primarily directed toward the concerns of Immigrant women and racialized women and their families affected by violence against women in relationships.

Sponsorship

One of the consequences of globalization has been an increase in migration. Due to economics, poverty, and devaluing of women in their countries of origin, women are compelled to migrate.

Immigration requirements limits women's legal entry into Canada by awarding points for education, professional experience, and language ability, which women from other countries may have less opportunity to develop. By focusing on economic criteria and disregarding unpaid work in the family and volunteer work in the community and charging high immigration fees, barriers are established by the Immigration system for women.

Not having wealth of their own or sufficient education, most women do not qualify as independent applicants to Canada. The only way women are most likely able to migrate to Canada is through the Live-in Caregiver Program, as a mail-order bride, as a sponsored spouse, or an exotic dancer. The point system also increases the likelihood that women consequently may be subjected to trafficking.

If a woman cannot qualify as an "independent" Immigrant, her spouse must sponsor her.

A sponsor, for the purpose of sponsoring a foreign national who makes an application for a permanent resident visa as a member of the family class or an application to remain in Canada as a member of the spouse or common-law partner in Canada class, must:

- Be a Canadian citizen or permanent resident;
- Be 18 years of age or over; and
- Meet other criteria as stipulated in Division 3 Sections 130 to 137 of the *Immigration and Refugee Protection Regulations* (IRPR).

Also included in the stipulations is a sponsorship undertaking.

By signing Citizenship and Immigration Canada's (CIC) Application to Sponsor and Undertaking, the sponsor promises to provide for the sponsored person and his or her family members' basic requirements for up to 10 years and 3 years for spouses, common-law partner, or conjugal partner. A sponsor also promises that the sponsored person and his or her family members will not need to apply for social assistance. The *IRPR* defines "social assistance" as any benefit in the form of money, goods or services provided to or on behalf of a person by a province to provide for basic requirements including food, shelter, clothing, fuel, utilities, household supplies, personal requirements and health care not provided by public health care, including dental care and eye care.

The undertaking remains in effect no matter what may change in a sponsor's life, be it divorce, a job change, unemployment, and/or going back to school. Pursuant to Section 35 of the *IRPR*, a breach of any of the sponsorship obligations will result in default. All social assistance paid the sponsored person or his or her family members becomes a debt owed by the sponsor to Her Majesty in right of Canada and Her Majesty in right of the province concerned. As a result, the Minister and the province concerned have a right to take enforcement action.

The only way women are most likely able to migrate to Canada is through the Live-in Caregiver Program, as a mail-order bride, as a sponsored spouse, or an exotic dancer.

The Minister and the province concerned may choose not to take enforcement action to recover money from the sponsor if the default is the result of abuse or in other circumstances. **Importantly, the decision not to act at a particular time does not cancel the debt. The Minister and the province concerned may recover the debt when circumstances have changed.**

What this implies is that as long as a sponsored woman doesn't receive social assistance, her sponsor is not in violation of the undertaking even if he fails to meet her essential needs. This clearly shows that the federal government is only concerned about ensuring that the sponsored woman does not become a public charge. There is no concern for her well-being or her economic stability.

Before a sponsorship undertaking can be approved, the sponsor must enter into a written agreement with the person to be sponsored (i.e. the principal applicant) if this person is 22 years of age or older or, if less than 22 years of age, is the sponsor's spouse, common-law partner or conjugal partner. The Sponsorship Agreement lists the obligations, responsibilities, and legal consequences that fall unto the sponsor as well as unto the person being sponsored and his or her family members. If the sponsor does not provide support as required, the sponsored person can take legal action.

... the federal government is only concerned about ensuring that the sponsored woman does not become a public charge.

A woman living in Canada without a permanent residence visa may be sponsored by her spouse. This type of application, In-Canada Sponsorship Application, is processed in two stages. In the first stage of assessment, the applicant asks for a visa waiver. In the second stage of the assessment, CIC assesses the applicant for permanent resident status. To be admitted, the applicant has to meet the health criteria, not have a criminal record, and be able to support herself. The decision can take 12-24 months or longer.

In the first stage of assessment and within the same application, the applicant asks for an exemption from the immigrant visa requirement. This exemption is called a "visa waiver." Her application will be processed from within Canada provided that she can convince CIC that the marriage is authentic, was contracted in good faith, and that she would face significant hardship if she had to apply from outside Canada. If CIC finds that there are humanitarian and compassionate grounds, her application will be approved for processing and she will be permitted to remain in Canada until CIC has reached a final decision.

If she leaves her sponsor and CIC has not sent her a letter saying that the visa requirement has been waived, her eligibility to apply as an in-Canada applicant is in jeopardy. She will need to contact her immigration officer and modify her application. She will now have to apply as an independent immigrant based on humanitarian and compassionate grounds. She can no longer use the hardship of being separated from her spouse as her reason for applying for permanent resident status while in Canada. She will now have to find a justifiable reason for making an In-Canada application.

At this point, she is not eligible for a work permit, education permit, or social assistance. Although she can apply for hardship assistance, this could have a negative impact on her application for a visa waiver. Hardship assistance is issued for only one month at a time and eligibility must be reestablished every month. Ongoing government financial assistance will affect her eligibility for permanent resident status.

If she separates from her sponsor after she has her visa waiver, her eligibility to apply while in Canada will not be affected. After her visa has been waived, the sponsorship cannot be withdrawn and her application will continue to be processed in the same way. However, her separation may affect her ability to meet the admissibility criteria if she is not able to support herself. Because she has a visa waiver, she can apply for a work or education permit. She may also be eligible for spousal support.

If she needs to go on welfare, this will make her inadmissible for permanent resident status under the financial criteria set by the *Immigration and Refugee Protection Act* (IRPA).

For CIC to grant a woman permanent resident status, she has to meet the financial, medical, and criminal record requirements set by the *IRPA*. This means she will be evaluated in her capacity to establish herself in Canada without relying on social assistance. Many sponsored women do not speak English, have never officially worked, have not been able to accumulate any savings or have young children to look after. Compounded with the stresses and vulnerabilities that leaving a violent relationship entail, it is often impossible for them to convince CIC that they are financially self-sufficient and/or a good candidate for landed status.

CIC does not expect a sponsored woman to stay in an abusive relationship. Unfortunately, many women who are permanent residents or Canadian citizens believe that they have no rights and must live with their sponsor. They may also believe their sponsor's threats to have them deported, even if they are permanent residents. A permanent resident or a Canadian citizen can leave an abusive partner and her status in Canada will not be affected.

Women without permanent resident status include women whose permanent resident applications are in progress, refugee claimants, women with temporary status, and women with no immigration status. A woman is at risk of being deported if her application is dependent on her spouse or partner and she separates. Women who do not yet have permanent resident status are at greater risk of spousal abuse. Applications take time to process and women stay in dangerous situations because they have no choice. Exclusions and restrictions regarding access to health care, education and jobs, blackmail and fear of deportation, and fear of separation from their children exacerbate a woman's insecurity and vulnerability. The threat of withdrawing sponsorship is often used by abusive sponsors as an instrument of control and intimidation. Women are often afraid of being deported. Some women do risk being deported, especially if they call the police and the abusive spouse withdraws his sponsorship. Sometimes, the sponsor not only withdraws his sponsorship but may also try to obtain custody of the children.

BWSS recommends that CIC should consider abuse a ground to guarantee landed status to women who report it, on the basis that it is a life-threatening situation. This consideration should include Refugee women as well.

Some women have been hesitant in calling the police for fear that their abusers will be deported. Under the *IRPA*, a non-Canadian citizen with a criminal conviction can lead to being removed from Canada. Women often feel guilty about having to send anyone back to a war-torn and/or poverty-stricken country.

The threat of withdrawing sponsorship is often used by abusive sponsors as an instrument of control and intimidation.

The *IRPA* also stipulates that someone convicted of an offence that results in “bodily harm” against a member of their family or their spouse or partner’s family cannot sponsor anyone. This is also true if they are convicted of attempting or threatening to commit this kind of offence. This has had an unintended effect of discouraging women from cooperating with prosecution of their abusers, because they want to avoid a situation where they would be prevented from bringing their close relatives to Canada, but need the abuser’s support to provide the required sponsorship.

Access to social assistance is another determining factor for women leaving an abusive relationship. Many sponsored women with permanent resident status believe they have no right to social assistance. The message imparted by the Sponsorship Agreement document is that sponsored women should not apply for social assistance/welfare benefits. Social assistance policies have always been under provincial jurisdiction and they vary according to provincial regulations. The fact that there are special rules applying to sponsored persons reinforces the general perception that sponsored women are not really entitled to social assistance.

In British Columbia, pursuant to the *BC Employment and Assistance Manual*, a sponsored person in a Sponsorship Undertaking that is still in effect is entitled to social assistance. Part 8.10 of the Manual (Hardship Assistance – Sponsorship Undertaking Default) sets out the policy, eligibility criteria, and procedures for issuing social assistance to sponsored women. Although the policy stipulates, “where there are any concerns about possible abuse, **no** contact is to be made with the sponsor, including by letter,” financial workers do not believe the women and/or minimize the abuse. Some women reported being told that verbal abuse is not really abuse, or that uttering threats doesn’t qualify as abuse. The Criminal Code of Canada, the *IRPA*, the BC Ministry of Attorney General’s Violence Against Women in Relationships Policy, to name a few, recognize the criminal and abusive nature of any attempt or threat to commit an offence of bodily harm. It should not be any different for the BC Ministry of Employment and Income Assistance (BC MEIA) [now Ministry of Housing and Social Development (MHSD)].

Women who sponsored their spouses or partners but have left the relationship because of abuse are now being pursued through the sponsorship default recovery program.

BC [MHSD] policy dictates that a sponsor has to be contacted unless there are any concerns about possible abuse. Not believing a woman and/or minimizing the abuse leads a financial worker to the conclusion that abuse doesn’t exist and therefore the sponsor has to be contacted. Not only do financial workers undermine their own policy and protocol (i.e. where there are any concerns about **possible** abuse, **no contact** is to be made with the sponsor, including by letter), they also endanger women’s lives.

The Sponsorship Default Recovery Program, which began in April 1999, recovers income assistance payments from people who have defaulted on sponsorship agreements. CIC has assigned their legal rights under the sponsorship agreement and undertaking to the provinces, which then have the right to collect on behalf of the federal government when a default occurs. The provincial government, through Revenue Services of British Columbia, actively seeks repayment of sponsorship default debt.

Women who sponsored their spouses or partners but have left the relationship because of abuse are now being pursued through the sponsorship default recovery program. CIC has not responded to requests from some of these women to rescind their sponsorship obligations.

Although, the government will not seek to recover the debt if there are concerns about the possibility of family violence or abuse, they may seek recovery when circumstances change. Since these women have left the abusive relationship and are no longer in danger, their “circumstances have changed.” The government can now seek recovery and collection of sponsorship default debt.

Women, especially Immigrant and racialized women, have yet to reach pay equity or job parity and the undue hardship placed on women through the sponsorship recovery default program is overwhelming. Consequently, a woman may stay in an abusive relationship, knowing that if she leaves, and her spouse or partner receives social assistance, she will be responsible for the debt as a sponsor.

The Canadian Refugee System

Victoria, a Peruvian citizen residing in US is married to Ali, a Iraqi citizen also residing in US. They have a 6 year-old daughter, Maria. They have been married for 7 years and he has been emotionally and physically abusive to her. Ali is under a deportation order from US. They come to Canada and claim refugee status at the port of entry. Ali is the main applicant and Victoria and Maria come as his dependants. While they are waiting for the hearing whether CIC accepts their refugee claim, the violence in the relationship escalates and Victoria leaves Ali, going to a transition house with her daughter Maria. Ali's immigration lawyer requested that Ali's refugee claim be severed from Victoria's, given the breakdown of the marriage and that Ali has applied for divorce. She is no longer considered the dependant on his claim. She decides to make a refugee claim on her own. Meanwhile, Ali applies for custody of their daughter, they go to family court and they are awarded 50/50 access, no mention of custody. Ali's refugee claim is accepted, while Victoria's is rejected. She has a deportation order and is currently waiting for a removal order.

Through its refugee protection system, Canada welcomes convention Refugees and persons in need of protection. Convention Refugees are defined by Citizenship and Immigration Canada as, a person who is outside of their country of nationality or habitual residence and who is unable or unwilling to return to that country because of a well-founded fear of persecution for reasons of race, religion, political opinion, nationality or membership in a particular social group.

A person in need of protection is defined by Citizenship and Immigration Canada as a person in Canada whose removal to their country of nationality or former habitual residence would subject them to the possibility of torture, risk to life, or risk of cruel and unusual treatment or punishment.

The refugee system has two major mechanisms or avenues for people seeking protection:

1) The Refugee and Humanitarian Resettlement Program, for people seeking protection from outside Canada. CIC selects people who are seeking resettlement in Canada. There are three refugee classes under this category:

1.1. Convention Refugee Abroad Class is any person, who is a Convention Refugee, seeking resettlement to Canada; cannot return to his or her country of nationality or residence; cannot stay in the country of refuge or the country of first asylum; and does not have another offer of resettlement from a country other than Canada; and who will be privately sponsored or assisted by the government **or** has adequate financial resources to support himself or herself and any dependants.

1.2 A member of the Country of Asylum Class is a person who is outside his or her country of citizenship or habitual residence; who has been, and continues to be, seriously and personally affected by civil war or armed conflict or who has suffered massive violations of human rights; who cannot find an adequate solution to his or her situation within a reasonable period of time; and who will be privately sponsored or who has adequate financial resources to support himself or herself and any dependants.

1.3 A member of the Source Country Class is a person who resides in a country that has been designated as a source country; (CIC has a list of countries designated as such, residents of those countries can apply directly) who resides in his or her country of citizenship or habitual residence; who has been and continues to be seriously and personally affected by civil war or armed conflict; who has suffered serious deprivation of his or her right of freedom of expression, right of dissent or right to engage in trade union activity **and** who has been detained or imprisoned as a consequence; who fears persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion; who cannot find an adequate solution to his or her situation within a reasonable period of time; and who will be privately sponsored or assisted by the government or who has adequate financial resources to support himself or herself and any dependants.

2) Asylum in Canada: for people like Victoria and her family, who make a refugee protection claim within Canada. A refugee claim can be made at any Canadian port of entry or at a Canada Immigration Centre (CIC) office in Canada. Once CIC accepts the claim, it is referred to the Immigration and Refugee Board (IRB) for a decision on risk to return to country of origin or habitual residence. Members of the Refugee Protection Division, (RPD), and Independent Tribunal of the IRB, will determine if a person is in need of protection based on an oral hearing.

In Ali's case, his application was accepted in the hearing and he applied for permanent residence. Before his hearing, he requested, through his legal counsel, to take Victoria out of his claim. Victoria then, claimed Refugee status. Her claim was rejected, as the IRB did not determine risk for her to return to her country of origin. IRB did not consider in her claim, the fact that she does not have any ties with her country of origin (as she left the country when she was 8 years old). Nor did they consider that she was dealing with custody of her daughter in the Canadian family courts. In other words, the refugee system takes a narrow approach in considering cases such as Victoria's, as their only focus is whether there is serious risk if returned to the country of origin.

If the IRB rejects the claim, CIC enforcement invites the person to discuss Pre Removal Risk Assessment (PRRA). The person then has two options:

- a) File a PRRA and present **new** evidence about the risk if returned to country of origin. The PRRA officers will consider the “consolidated grounds” of risk of persecution as defined in the Geneva Convention, danger of torture and risk to life or risk of cruel and unusual treatment or punishment. If the decision is negative there is an automatic deportation order.
- b) Not to file a PRRA: the failed refugee claimant has 30 days to depart voluntarily.

In Victoria’s case, she applied for PRRA and got rejected. Currently she is waiting for a removal order. As in the refugee hearing, the PRRA does not take a holistic view of Victoria’s life, but rather, it is focused on whether she is at risk if returning.

When a family unit makes a refugee claim, there is a principal applicant, and the spouse and children are dependants. The overwhelming majority of the dependants are female. The dependants do not have to prove their fear of persecution. The main applicant has to do so, while establishing the relationship with family members, in order to apply as family unit. .

The Immigration and Refugee Protection Regulations define the dependants as:

- The spouse or common-law partner of the person;
- A dependant child of the person, dependant child of their spouse or dependant child of a common-law partner; or
- A dependant child of a dependant child referred to in the paragraph above.

If there is a breakdown of the marriage, there is no policy that automatically takes the dependant out of the claim. It is a matter of practice. The main applicant can choose to keep her and/or have her taken out. Also lawyers representing the family unit decide to either take the dependants out or to withdraw from all their case, as it creates conflict of interest for the lawyer to represent them.

When a family unit makes a refugee claim, there is a principal applicant, and the spouse and children are dependants.

In abusive relationships, the abusive husband takes full advantage of this power of choice, exacerbating the power imbalance already inherent in the abusive relationship. For example, in Victoria’s case, Ali took Victoria out of his refugee claim, leaving her in a legal limbo and very afraid and uncertain about her future.

This lack of policy also increases women’s vulnerability, by leaving their destiny in the abuser’s hands. In Victoria’s case, since Ali took her out of his refugee claim, she has been trying to navigate through the immigration system in order to gain status without much success. In many cases, this lack of policy will also increase risk to women’s safety, as women may choose to stay in the abusive relationship in order to gain status in Canada.

Finally, women like Victoria have to rely heavily on proper legal advice around their immigration situation, as the advice may ultimately determine her status in Canada. Victoria found herself in legal limbo and nowhere to turn, as the legal advice, resources and legal representation, are either expensive or scattered. We often find that women in abusive relationships receive information through their abusers, as abusers work very hard in isolating women from their family, friends and community. Thus, in situations like

Victoria's, they may not know what legal resources are available in the community. This is even more problematic when women like Victoria have just arrived to a new community.

One of the objectives of the Immigration and Refugee Protection Act in regards to the refugee system is *to support the self-sufficiency and the social and economic well being of refugees by facilitating reunification with their family members in Canada*. In other words, the refugee protection system aims to work towards family reunification by implementing avenues to facilitate the entrance of family members of Refugees to Canada.

Ironically, the refugee system does not take into account ongoing custody issues in Canadian family court that women like Victoria go through. Thus, there is no link between family law and immigration law in cases like Victoria. Whereas the family law principles are about the best interest of the child(ren), and the maximum contact of the child(ren) with both parents, the refugee protection system is about risk to return to the country of origin or habitual residence. The refugee protection system fails to respond to women in vulnerable situation who may not qualify under the refugee category, but who are in a precarious need of protection and are connected to Canada by virtue of custody to their daughter

The refugee protection system does have mechanisms to protect women at risk through their Women at Risk Program (AWR). This program is for women who are outside Canada without the normal protection of a family unit who find themselves in precarious situations where the local authorities cannot ensure their safety. This includes women who are experiencing significant difficulties, such as harassment by local authorities or members of their own communities. AWR cases are considered to be either in urgent need of protection or vulnerable and are exempt from the requirement to establish successfully.

BWSS wants to acknowledge that the Women at Risk Program is a step forward towards recognizing violence against women and attempting to protect vulnerable women and offer safety in Canada. However, it does not protect women, like Victoria, who are inland applicants, nor does it protect all women who are in need of protection from outside Canada.

In light of the complexities of the dynamics of abusive relationship, BWSS advocates to have separate policies within the refugee protection system for women who are abused in the relationship.

BWSS would like to see more resources available for women escaping violence in relationship in regards to their immigration and refugee rights. BWSS advocates extending the legal aid requirements to every woman who is or is likely to be with no status in Canada. It is especially important for women who have children and are struggling through the family law system.

BWSS would like to recommend that Citizenship and Immigration Canada develop a policy to protect women, like Victoria, who, as a result of the relationship breakdown, are taken out of the refugee claim and left in legal limbo. Further, BWSS would like to suggest that CIC develop a protocol to offer women in those situations with the needed legal information about their options in navigating the immigration legal system. At the very least, BWSS encourages CIC to acknowledge children in Canada as an important factor to let women gain status in Canada.

BWSS also would like to suggest that the refugee protection system be changed to include a refugee claim by spouses without necessarily having one spouse listed as a dependant, but rather both as main applicants.

In short, BWSS would like to recommend that CIC takes a more holistic approach in understanding the complexities of women' lives and therefore take all the factors into consideration when determining whether a woman should gain status in Canada. That is to say that the policies and practices should be more flexible and not necessarily narrowed into whether women fit into one immigration category or another.

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In light of the complexities of the dynamics of abusive relationship, BWSS advocates to have separate policies within the refugee protection system for women who are abused in the relationship.

Glossary

Unless otherwise indicated, this glossary has been adapted from the glossary written by the Canadian Race Relations Foundation (2010). Please see <http://www.crr.ca/> for additional information.

*Any glossary entries marked with an * are written and compiled by the Empowering Non-Status, Refugee and Immigrant Women who Experience Violence manual.*

Ableism

The cultural, institutional and individual set of practices and beliefs that assign different (lower) value to people who have developmental, emotional, physical, sensory or health-related disabilities, thereby resulting in negative treatment.

Aboriginal Peoples

The descendants of the original inhabitants of North America. This term is used to collectively describe three cultural groups of aboriginal people - "Inuit", "Métis People" and "First Nations". These are three separate peoples with unique heritages, languages, cultural practices, and spiritual beliefs, histories and political goals. (AFN)

Acceptance

Affirmation and recognition of those whose race, religion, nationality, values, beliefs, etc. are different from one's own.

Acculturation

The process whereby the culture, values and patterns of the majority are adopted by a person or an ethnic, social, religious, language or national group. This process can sometimes also involve absorbing aspects of minority cultures into the majority culture's pattern.

Adverse Impact

The numerical impact of employment practices that disproportionately exclude designated groups. This is a signpost to investigate possible discrimination. It is not a measure of discrimination.

Affirmative Action

A set of explicit actions or programs designed to increase participation at all levels of education and employment for and by individuals or groups previously excluded from full participation.

Ageism

The cultural, institutional and individual set of practices and beliefs that assign different values to people according to their age, thereby resulting in differential treatment.

Ally

A member of an oppressor group who works to end a form of oppression that gives her or him privileges. For example, a white person who works to end racism, or a man who works to end sexism.

Anti-Black Racism

Anti-Black racism is the racial prejudice, stereotyping and discrimination that is directed at people of African descent, rooted in their unique history and experience of enslavement. It is manifested in the legacy and racist ideologies that continue to define African descendants' identities, their lives and places them at the bottom of society and as primary targets of racism. It is manifested in the legacy of the current social, economic, and political marginalization of African Canadians in society such as the lack of opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system. Anti-Black racism is characterized by particularly virulent and pervasive racial stereotypes. Canadian courts and various Commissions have repeatedly recognized the pervasiveness of anti-Black stereotyping and the fact that African Canadians are the primary targets of racism in Canadian society. As described by Stephen Lewis (1992): "First, what we are dealing with, at root, and fundamentally, is anti-Black racism. While it is obviously true that every visible minority community experiences the indignities and the wounds of systemic discrimination throughout Southern Ontario, it is the Black community which is the focus. It is Blacks who are being shot, it is Black youth that are unemployed in excessive numbers, it is Black students who are being inappropriately streamed in schools, it is Black kids who are disproportionately dropping out, it is housing communities with large concentrations of Black residents where the sense of vulnerability and disadvantage is most acute, it is Black employees, professional and non-professional, on whom the doors of upward equity slam shut. Just as the soothing balm of "multiculturalism" cannot mask racism, so racism cannot mask its primary target."

Anti-Oppression

Strategies, theories and actions that challenge socially and historically built inequalities and injustices that are ingrained in our systems and institutions by policies and practices that allow certain groups to dominate over other groups.

Anti-Racism

An active and consistent process of change to eliminate individual, institutional and systemic racism as well as the oppression and injustice racism causes.

Anti-Racist Education

A perspective that permeates all subject areas and school practices, aimed at the eradication of racism in all its various forms. Anti-racist education can also be taught/learned in informal and non-formal educational settings.

Anti-Semitism

Latent or overt hostility or hatred directed towards individual Jews or the Jewish people (not to all Semitic peoples), leading to social, economic, institutional, religious, cultural or political discrimination. Anti-Semitism has also been expressed through individual acts of physical violence, vandalism, the organized destruction of entire communities and genocide.

Assimilation

The full adoption by an individual or group of the culture, values and patterns of a different social, religious, linguistic or national group, resulting in the elimination of attitudinal and behavioural affiliations from the original cultural group. Can be voluntary or forced.

Attitude

The state of mind which makes us act in certain ways about social events or objects; a consistent pattern of thoughts, beliefs, emotions and reactions.

Barrier

An overt or covert obstacle; used in employment equity to mean a systemic obstacle to equal employment opportunities or outcomes; an obstacle which must be overcome for equality to be possible.

Bias

A subjective opinion, preference, prejudice or inclination, formed without reasonable justification that influences an individual's or group's ability to evaluate a particular situation objectively or accurately; a preference for or against. Reasonable apprehension of bias exists when there is a reasonable belief that an individual or group will pre-judge a matter and therefore cannot assess a matter fairly because of bias.

Bigot

One stubbornly or intolerantly devoted to one's biased opinions and prejudices.

Bilingualism

The ability to utilize two languages with equal fluency. Bilingualism is also an official policy of Canada, with two official languages - English and French.

Censorship

The act of implementing a policy or program designed to suppress, either in whole or in part, the production of or access to information, sources, literature, the performing arts, letters, documents or ideologies which are considered unacceptable or dangerous for political, moral or religious reasons.

Classism

The cultural, institutional and individual set of practices and beliefs that assign value to people according to their socio-economic status, thereby resulting in differential treatment.

Colonialism

Usually refers to the period of European colonization from Columbus (1492) onwards, in the Americas, Asia and Africa, and taking on different forms from settler colonies like Canada to non-settler colonies such as India during British rule. Colonialism differs also across colonizing nations and across time. For example, French colonialism had different policies from British, while modern colonialism is often seen as part of “globalization”, which includes the exploitation of labour and national resources by transnational corporations and the expansion of free trade agreements and blocs.

Convention Refugees

A person who meets the refugee definition in the 1951 Geneva Convention relating to the Status of Refugees. This definition is used in Canadian law and is widely accepted internationally. To meet the definition, a person must be outside their country of origin and have a well founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion. That is, a refugee is forced to flee from persecution, whereas immigrants choose to move and settle in another country.

Cultural Group

Members of a group having similar beliefs, behavioural norms, values, language, ways of thinking about and viewing the world.

Cultural Racism

Portrayal of racialized people in all forms of media, school texts, and literature as inherently, “inferior”, “savage”, “bad”, “primitive”. The impression given is that these groups have contributed nothing to civilization, and that there was no civilization before Europeans found “non-white” peoples and “found” lands where they were living.

Culture*

Culture is understood to be a set of shared beliefs, values and behaviors held by a group that shares, for example, a common race, language, country of origin or religious affiliation and are based in gender and sexual differences that are deeply interconnected to social and political categories. Positive, negative and neutral meanings are attached to these categories. These meanings change over time and from place to place and have significant consequences for cultural groups. Culture is experienced and expressed through individual and collective action. They are beliefs, biases, values and practices held by an individual or group and passed along from one generation to the next.

Cultural Identity*

Cultural Identity is a complex, flexible system of worldviews that are continuously being negotiated from both within and beyond the group. Cultural identities result from a dynamic interplay between micro-level relations (e.g., day-to-day interpersonal engagement between the woman and the support worker) and the macro-level relations (e.g., professional standards of practice, agency’s procedures, and immigration laws). This interplay modifies both the idea of cultural identity and how that identity is experienced and expressed.

Cultural Norms*

Cultural norms are ways of thinking, talking and behaving in interpersonal engagements. They are influenced and justified by broader social discourses and institutional laws, rules and procedures. A dominant group (which most of the time is a male dominant group) has a greater power to represent its worldview and identity. Collective cultural beliefs are transmitted in individual acts that reinforce power imbalances among groups. Thus, culture is a matter of individuality and of collectivity. Making these connections is important for provoking questions about who benefits from the construction and transmission of cultural knowledge about dominant and non-dominant groups.

Disability

Inborn or assigned characteristics of an individual that may prevent full participation in educational, social, economic, political, religious, institutional or formal activities of a group, or that may require accommodation to enable full participation. Visible disabilities are readily apparent and consequent discrimination or stigma may be more predicable than with invisible

disabilities which are not immediately apparent. Persons with disabilities form one of the designated groups in employment equity programs. An important aspect of this definition is voluntary self-identification.

Discrimination

The denial of equal treatment, civil liberties and opportunity to individuals or groups with respect to education, accommodation, health care, employment and access to services, goods and facilities. Behaviour that results from prejudiced attitudes by individuals or institutions, resulting in unequal outcomes for persons who are perceived as different. Differential treatment that may occur on the basis of race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability. Includes the denial of cultural, economic, educational, political and/or social rights of members of non-dominant groups.

Diversity

A term used to encompass all the various differences among people including race, religion, gender, sexual orientation, disability, socio-economic status, etc. and commonly used in the United States and increasingly in Canada to describe workplace programs aimed at reducing discrimination promoting equality of opportunity and outcome for all groups. Concern has been expressed by anti-racism and race relations practitioners that diversity programs may water down efforts to combat racism in all its forms.

Dominant Group

Considered the most powerful and privileged of groups in a particular society or context. The dominant group in Canada is white, Christian, male and English speaking, perceiving themselves to be superior to and more privileged than oppressed people. (See Majority)

Emigration

The process of leaving one's home or country in order to settle in another home, place or country, for personal, economic, political, religious or social reasons.

Enslavement

To keep a person(s) in a state of bondage and reducing them to slavery.

Environmental Racism

A systemic form of racism in which toxic wastes are introduced in or near marginalized communities. People of colour, indigenous peoples, working class and poor people suffer disproportionately from environmental hazards and risks such as industrial toxins, polluted air, unclean water, deleterious work conditions and the location of dangerous, toxic facilities such as incinerators and toxic waste dumps. Pollution of lands, air and waterways; often causes chronic illness to the inhabitants and change in their lifestyle.

Equal Opportunity Program

An explicit set of policies, guidelines and actions devised to eradicate discriminatory practices and to ensure access to and full participation in educational and employment opportunities, housing, health care, and the services, goods and facilities available to the general community.

Ethnic Group

Refers to a group of people having a common heritage or ancestry, or a shared historical past, often with identifiable physical, cultural, linguistic and/or religious characteristics.

Ethnicity

The multiplicity of beliefs, behaviours and traditions held in common by a group of people bound by particular linguistic, historical, geographical, religious and/or racial homogeneity. Ethnic diversity is the variation of such groups and the presence of a number of ethnic groups within one society or nation. The word "ethnic" is often used to denote non-dominant or less powerful cultural identities in Canada.

Ethnocentrism

The tendency to view others using one's own group and customs as the standard for judgment and the tendency to see one's group and customs as the best.

Eurocentrism

Presupposes the supremacy of Europe and Europeans in world culture, and relates history, policies, legislation, practices, structures and societal norms according to a European perception and experience.

Faithism

The cultural, institutional and individual set of practices and beliefs that assign different values to people according to their religion or creed, or their lack of religion or creed, thereby resulting in differential treatment on the basis of faith.

Feminism

Refers to theories, movements and actions that aim to challenge and eliminate sexism.

First Nations

One of the three distinct cultural groups of Aboriginal Peoples. There are 633 First Nations Bands, representing 52 nations or cultural groups, and more than 50 languages. Most individuals prefer to be referred to by their specific nation e.g. Cree, Dene, Black Foot, etc. (AFN).

Gender Norms*

Gender norms are norms dictated by societies to define which role women and men play. In several cultures the gender norms are oppressive to women. Women are brought up to think that they have to serve and submit to men. In many societies, men control the household and the decision-making in the family.

Genocide

Deliberate decisions and actions made by one nation or group of people in order to eliminate, usually through mass murder, the entirety of another nation or group. The term has also been used to refer to the destruction of the culture of a people, as in cultural genocide.

Harassment

Persistent, on-going communication (in any form) of negative attitudes, beliefs or actions towards an individual or group, with the intention of placing that person(s) in a disparaging role. Harassment is manifested in name calling, jokes or slurs, graffiti, insults, threats, discourteous treatment and written or physical abuse. Harassment may be subtle or overt.

Hate Group Activity

Representing some of the most destructive forms of human rights-based discrimination in that they promote hatred against identifiable groups of people. Hate groups generally label and disparage people who may include immigrants, people with disabilities, members of racialized, religious or cultural groups, or people who are gay or lesbian.

Hate Propaganda

Ideologies and beliefs transmitted in written, verbal or electronic form in order to create, promote, perpetuate or exacerbate antagonistic, hateful and belligerent attitudes and action or contempt against a specific group or groups of people.

Heterosexism

The belief in the inherent superiority of heterosexuality and thereby its right to dominance. An ideological system and patterns of institutionalized oppression that deny, denigrate and stigmatize any nonheterosexual form of behaviour, identity, relationship or community.

Homophobia

Disparaging or hostile attitude or negative bias towards gay, lesbian or bisexual person(s). The fear and persecution of queer people, rooted in a desire to maintain the heterosexual social order.

Human Rights

Human rights affirm and protect the right of every individual to live and work without discrimination and harassment. Human Rights policies and legislation attempt to create a climate in which the dignity, worth and rights of all people are respected, regardless of age, ancestry, citizenship, colour, creed (faith), disability, ethnic origin, family status, gender, marital status, place of origin, race, sexual orientation or socio-economic status.

Immigrant

One who moves from his/her native country to another with the intention of settling for the purpose of forging a better life or for better opportunities. This may be for a variety of personal, political, religious, social or economic reasons. The word is sometimes used incorrectly to refer, implicitly or explicitly, to people of colour or with non-dominant ethnicities.

Inclusive Language

The deliberate selection of vocabulary that avoids accidental or implicit exclusion of particular groups and that avoids the use of false generic terms, usually with reference to gender.

Indian Act

Introduced shortly after confederation, The Indian Act was an amalgamation of pre-confederation colonial legislation that had been updated to meet the needs of the emerging Canadian state to expand and allow European settlement of the west and other regions. This Canadian legislation governs the federal government's legal and political relationship with Aboriginal Peoples across Canada. It has been amended many times. In the late 1800s and the first few decades of the 1900s, it was continually revamped to make it more repressive, thus furthering the Canadian state's goals of assimilation. Since 1945, some of its more draconian elements have been removed to

comply with the international human rights law regarding civil and political rights, including opposition to genocide.

Individual Racism

The prejudiced individual, direct, or one-to-one action(s) against other individuals because of their group membership and skin colour to deprive them of some right (employment, housing).

Integration

The process of amalgamating diverse groups within a single context, usually applied to inter-racial interaction in housing, education, political and socio-economic spheres or activity, or the incorporation of children, defined as disabled, into neighborhood schools and classrooms. People who are integrated still retain their cultural identity, unlike those who are assimilated. Integration is the policy with action that ends segregation. It may be differentiated from desegregation on the basis of interaction as opposed to technical conformity to desegregationist laws and policies.

Internalized Oppression

Patterns of mistreatment of racialized groups and acceptance of the negative stereotypes created by the dominant group become established in their cultures and lock members of racialized groups into roles as victims of oppression.

Intersectionality

The interconnected nature of all forms of oppression (cultural, institutional and social) against particular groups, and the way they are imbedded within existing systems such that they operate in insidious, covert and compounded ways (e.g. gender and colour; religion and race; sexual orientation and race).

Intolerance

Bigotry or narrow mindedness which results in refusal to respect or acknowledge persons of different racial backgrounds.

Inuit

Aboriginal peoples in Northern Canada who live above the tree line in the Northwest Territories, Northern Quebec and Labrador. The word means "People" in the Inuit language - Inuktitut. The Inuit is one of the cultural groups comprising Aboriginal peoples of Canada.

Islamophobia

A term recently coined to refer to expressions of negative stereotypes, bias or acts of hostility towards individual Muslims or followers of Islam in general.

LGTBI

An acronym for Lesbian, Gay, Bisexual, Transgender (Transsexual) and Intersexed people.

Majority

Refers to the group of people within society either largest in number, in a superior social position, or that successfully shapes or controls other groups through social, economic, cultural, political, military or religious power. In most parts of Canada, the term refers to White, English-speaking, Christian, middle to upper-income Canadians.

Marginalization

With reference to race and culture, the experience of persons who do not speak the majority group's language, cannot find work or gain access to social services and therefore, cannot become full and equal participating members of society. Refers also to the process of being "left out" of or silenced in a social group.

Métis

Originally referred to persons of mixed Indian and French ancestry. Now refers to a person who self-identifies as Métis, is of historic Métis Nation ancestry, and/or is accepted by the Métis Nation through its acceptance process.

Minority Group

Refers to a group of people within a society that is either small in numbers or that has little or no access to social, economic, political or religious power. In Canada, refers to the diverse ethno-racial identities that are not of the dominant white group. In some areas, they are not always in the minority numerically. Minority rights are protected by the Canadian Charter of Rights and Freedoms, The Human Rights Acts and Codes, and the UN Convention on the rights of minorities. The term may imply inferior social position. In common use, Racial or Visible Minority describes people who are not White; Ethnic Minority refers to people whose ancestry is not English or Anglo-Saxon; Linguistic Minority refers to people whose first language is not English (or not French in Quebec).

Multiculturalism

Federal policy announced in 1971 and enshrined in law in the Multiculturalism Act of 1988 which acknowledges the unequal access to resources and opportunities of Canadians who are not of the dominant white group, and urges the recognition of their contributions, the preservation of their cultural heritage and the equal treatment of all Canadians. The existence within one society or nation of two or more non-homogeneous but equally recognized ethnic, racial, cultural, linguistic or religious groups. Canadian (federal) and Ontario (provincial) policies on multiculturalism ensure this diversity and equal rights for and recognition of all groups. (Although it can and should include anti-racism, there has been an increasing recognition of the limitations of this concept because it does not explicitly acknowledge the critical role that racism plays in preventing the achievement of the vision, and also because it may promote a static and limited notion of culture as fragmented and confined to ethnicity).

Oppression

The unilateral subjugation of one individual or group by a more powerful individual or group, using physical, psychological, social or economic threats or force, and frequently using an explicit ideology to sanction the oppression. Refers also to the injustices suffered by marginalized groups in their everyday interactions with members of the dominant group. The marginalized groups usually lack avenues to express reaction to disrespect, inequality, injustice and lack of response to their situation by individuals and institutions that can make improvements.

Patriarchy

The norms, values, beliefs, structures and systems that grant power, privilege and superiority to men, and thereby marginalize and subordinate women.

Persons with Disabilities

Refers to persons who identify themselves as experiencing difficulties in carrying out the activities of daily living or experience disadvantage in employment, and who may require some accommodation, because of a long term or recurring physical or developmental condition (see Disability).

Power

That which allows one group to name and classify subordinate groups and to subject them to differential treatment.

Prejudice

A state of mind; a set of attitudes held by one person or group about another, tending to cast the other in an inferior light, despite the absence of legitimate or sufficient evidence; means literally to “pre-judge” considered irrational and very resistant to change, because concrete evidence that contradicts the prejudice is usually dismissed as exceptional. Frequently prejudices are not recognized as false or unsound assumptions or stereotypes, and, through repetition, become accepted as common sense notions. When backed with power, prejudice results in acts of discrimination and oppression against groups or individuals.

Privilege

The experience of freedoms, rights, benefits, advantages, access and/or opportunities afforded members of the dominant group in a society or in a given context, usually unrecognized and taken for granted by members of the majority group, while the same freedoms, rights, benefits, advantages access and/or opportunities are denied to members of the minority or disadvantaged groups.

Race

Refers to a group of people of common ancestry, distinguished from others by physical characteristics such as colour of skin, shape of eyes, hair texture or facial features. (This definition refers to the common usage of the term race when dealing with human rights matters. It does not reflect the current scientific debate about the validity of phenotypic descriptions of individuals and groups of individuals). The term is also used to designate social categories into which societies divide people according to such characteristics. Race is often confused with ethnicity. Various types of broad-based groups (e.g. racial, ethnic, religious and regional) are rarely mutually exclusive, and the degree of discrimination against any one or more varies from place to place, and over time.

Race Relations

The pattern of interaction, in an inter-racial setting, between people who are racially different. In its theoretical and practical usage, the term has also implied harmonious relations, i.e., races getting along. Two key components for positive race relations are the elimination of racial intolerance arising from prejudicial attitudes, and the removal of racial disadvantage arising from the systemic nature of racism.

Racial Discrimination

According to the International Convention on the Elimination of All Forms of Racial Discrimination (to which Canada is a signatory), racial discrimination is any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which nullifies or impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Racial Minority

A term which applies to all people who are not seen as White by the dominant group including Aboriginal, Black, Chinese, South Asian, South East Asian and other peoples. Sometimes used instead of Visible Minority. The term that many people now prefer is “people of colour” as a more positive term that does not define groups by comparison to the dominant group.

Racial Profiling

Any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or differential treatment. Profiling can occur because of a combination of the above factors, and age and/or gender can influence the experience of profiling. (OHRC).

Racialization

The process through which groups come to be designated as different, and on that basis subjected to differential and unequal treatment. In the present context, racialized groups include those who may experience differential treatment on the basis of race, ethnicity, language, economics, religion, culture, politics, etc. That is, treated outside the norm and receiving unequal treatment based upon phenotypical features.

Racism

A mix of prejudice and power leading to domination and exploitation of one group (the dominant or majority group) over another (the non-dominant, minority or racialized group). It asserts that the one group is supreme and superior while the other is inferior. Racism is any individual action, or institutional practice backed by institutional power, which subordinates people because of their colour or ethnicity.

Racist

Refers to an individual, institution, or organization whose beliefs and/or actions imply (intentionally or unintentionally) that certain races have distinctive negative or inferior characteristics. Also refers to racial discrimination inherent in the policies, practices and procedures of institutions, corporations, and organizations which, though applied to everyone equally and may seem fair, result in exclusion or act as barriers to the advancement of marginalized groups, thereby perpetuating racism.

Racial Slurs

Insulting or disparaging statements directed towards a particular racial or ethnic group. Racist incidents express racist assumptions and beliefs through banter, racist jokes, name calling, teasing, discourteous treatment, graffiti, stereotyping, threats, insults, physical violence or genocide.

Segregation

The social, physical, political and economic separation of diverse groups of people, particularly referring to ideological and structural barriers to civil liberties, equal opportunity and participation by minorities within a majority racial, ethnic, religious, linguistic or social group. Segregation may be a mutually voluntary arrangement but more frequently is enforced by the majority group and its institutions.

Sexism

Sexism stems from a set of implicit or explicit beliefs, erroneous assumptions and actions based upon an ideology of inherent superiority of one gender over another and may be evident within organizational or institutional structures or programs, as well as within individual thought or behaviour patterns. Sexism is any act or institutional practice, backed by institutional power which subordinates people because of gender. While, in principle, sexism may be practiced by either gender, most of our societal institutions are still the domain of men and usually the impact of sexism is experienced by women.

Sexual Orientation

Feelings of attraction for the same sex, for the opposite sex or for both sexes, and does not require sexual activity or intimacy.

Social Justice

A concept premised upon the belief that each individual and group within society is to be given equal opportunity, fairness, civil liberties and participation in the social, educational, economic, institutional and moral freedoms and responsibilities valued by the society.

Social Norms*

Social norms are the rules that a group uses for appropriate and inappropriate values, beliefs, attitudes and behaviors. These rules may be explicit or implicit. Failure to stick to the rules can result in severe punishments, the most feared of which is exclusion from the group. In patriarchal societies there are high expectations from women to follow the social norms. Every step towards equality has been a struggle against social norms. For example, in Canada among other countries, suffrage was seen as an outrageous demand when the norm was for only males to have the vote. Education was viewed as a potential health hazard to females when the norm was for only males to have access to universities. Forty years ago females were not permitted to enter public places like schools or restaurants wearing slacks because the social norm was for only males to wear pants.

Stereotype

A fixed mental picture or image of a group of people, ascribing the same characteristic(s) to all members of the group, regardless of their individual differences. An over-generalization, in which the information or experience on which the image is based may be true for some of the individual group members, but not for all members. Stereotyping may be based upon misconceptions, incomplete information and/or false generalizations about race, age, ethnic, linguistic, geographical or natural groups, religions, social, marital or family status, physical, developmental or mental attributes, gender or sexual orientation.

Systemic Discrimination

The institutionalization of discrimination through policies and practices which may appear neutral on the surface but which have an exclusionary impact on particular groups, such that various minority groups are discriminated against, intentionally or unintentionally. This occurs in institutions and organizations where the policies, practices and procedures (e.g. employment systems - job requirements, hiring practices, promotion procedures, etc.) exclude and/or act as barriers to racialized groups. Systemic discrimination also is the result of some government laws and regulations.

Visible Minority

Term used to describe non-dominant groups who are not White. Although it is a legal term widely used in human rights legislation and various policies, currently the terms racialized or people of colour are preferred by people labeled by others to be “visible minorities.”

White

A social colour. The term is used to refer to people belonging to the dominant group in Canada. It is recognized that there are many different people who are “White” but who face discrimination because of their class, gender, ethnicity, religion, age, language, or geographical origin. Grouping these people as “White” is not to deny the very real forms of discrimination that people of certain ancestry, such as Italian, Portuguese, Jewish, Armenian, Greek, etc., face because of these factors.

Xenophobia

An unreasonable fear or hatred of foreigners or strangers, their cultures and their customs.

Empowering

Non-Status, Refugee, and Immigrant Women Who Experience Violence



**BATTERED WOMEN'S
SUPPORT SERVICES**

BWSS

P.O. Box 21503
1424 COMMERCIAL DR.
VANCOUVER, BC
V5L 5G2

BUSINESS LINE

604.687.1868

INTAKE/CRISIS LINE

604.687.1867

TTY

604.687.6732

FAX

604.687.1864

The need for a response to violence against Non-Status, Refugee and Immigrant women is timely as representation from these communities continues to grow in almost every village, town and city in Canada.

This resource manual recognizes that principles, practices and tools that reflect the diversity of communities can lead to better practices when working with Non-Status, Refugee and Immigrant women who experience violence in their intimate relationship.

The women-centred approach comes from a desire to end oppression against women at a personal and societal level. Insufficient operating funding, limited and/or non-specialized training for community workers, lack of resources for organizational development, a strong local focus and lack of connections between agencies are some of the obstacles facing community organizations working with Non-Status, Refugee and Immigrant women.

All of these obstacles compromise a feminist vision when working with Non-Status, Refugee and Immigrant women. The feminist vision proposes that inequality, abuse of power and domination of women are the seeds of violence.

It is women-centred solutions, strong anti-oppression practice and feminist values that forge a bond among community workers striving to overcome barriers for women experiencing violence in an intimate relationship.

The tools, analysis and practical solutions included in this manual support community workers on the journey to work from a more inclusive anti-oppressive practice.

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