



# Engaging Immigrant Women in the Legal System

## Community Worker Engagement Reports

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August 2008

Funded by The Law Foundation of BC

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### **Community Worker Engagement**

Integral to BWSS Engaging Immigrant Women in the Legal System Project is the involvement of and input from our communities. Immigrant women who are also community workers and/or women support workers in their own communities carry a wealth of knowledge gained from their own experience, and from working directly with immigrant women, that they willingly agreed to share with us.

BWSS 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 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.

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 5<sup>th</sup>, 2008.**

**We thank all of the women who contributed to the brainstorming meetings and information they provided, as well as the many women we met with prior to the brainstorming meetings. We thank the following women for their contributions to this report:**

Rosa Arteaga, Battered Women's Support Services  
Gullermina Bentzen, Vancouver School Board  
Iris Garay, Battered Women's Support Services  
Elsa Gomez, Family Services of Greater Vancouver  
Silvana Gugliemetti, Immigrant Services Society of B.C.  
Brenda Melgar, Storefront Orientation Services  
Damaris Purgas, Surrey School Board  
Mercedes Quiros, Vancouver School Board  
Andrea Sola, Family Services of Greater Vancouver  
Cecilia Taggler, Vancouver School Board  
Yola Vargas, Mennonite Central Comitee  
Ana Vilma, Vancouver & Lower Mainland Multicultural Family Support  
Services Society  
Alejandra Zives, Vancouver School Board

### **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 also 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 were a better wife, the abuse would stop. One community worker felt the popular Spanish 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.

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. Workers said there are clear cultural messages that women don't have worth if they do not have a man and children. 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 Bi-sexual women**

When asked about Latin American women who are lesbian or bi-sexual, most workers said that they had little or no contact with Latin American 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 upon their sexuality. Community discussed that the general assumption in the Latin American community that “good women” don’t enjoy sex and only do it to procreate and to satisfy men, plays a part in oppressing lesbian and bi-sexual women. The Latin American image of a man who is a macho also further oppresses lesbian and bi-sexual 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 bi-sexual women more vulnerable because when they are experiencing abuse they have no place to turn to. 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 bi-sexual 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. Women who are lesbian or bi-sexual experience 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 bi-sexual 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, 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 is 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. There is a belief that justice will not compliment the punishment the abuser receives. 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.

### **Inaccessibility in 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 in Canada. 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 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 the 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 American. 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.

### **Impacts of Inaccessibility in the Legal System and Community Services**

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 woman'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.

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 try to live with the abuse. Because religion is an important part in women's lives, some women will go 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 women interests.

## **Possible Solutions**

Community workers discussed a number of solutions to the issues we discussed. 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 avoid 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. It can also reduce instances of retraumatisation as the woman may not feel the need to tell her story again and again.

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 to 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 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 roles 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 different 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 19<sup>th</sup>, 2008**

### **We thank the following women for contributing to this report:**

Nimi Chauhan, Surrey Women's Centre  
Perminder Flora, Mosaic  
Farahnazz Jamal, Vancouver Public Library  
Hajra Kamlani, Vancouver & Lower Mainland Multicultural Family Support  
Services Society  
Sandeep Nagra, Surrey Women's Centre  
Lalli Pawa, Law Courts Education Society, WeCAN Coalition  
Jasbir Randhawa, Options: Services to Communities Society  
Sadia Sameeullah, DiverseCity Community Resources Society &  
Options: Services to Communities Society

### **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. 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 husband by the passing of the pallu, walked throughout the lavan with her brothers while following her future husband 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, and they 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 it often makes it difficult to entangle a woman from her family and community. Because abuse is seen to be such 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 husband 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 husband. It is not uncommon, for a woman's immigration status to be unknown to her. Migration to Canada, also means that often 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, often, a woman's family back home will 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 women, is often living with her husband 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 husband, 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 husband, 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.

### **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 domestic 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 husbands are often ostracised by the community at large and not unsupported emotionally, physically and financially. Women are isolated, stigmatised, denied and dismissed by community members. Gossip within extended family and the community, can affect

whether a woman leaves her husband 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 of resource for women. Community workers numerously mentioned that large number of South Asian media programs (television and radio stations, particularly) as 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 personal 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 emphasised, 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.

### **Bi-Sexual/Lesbian/Trans Women**

Having a sexual orientation that is lesbian or bi-sexual 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, heterosexism 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 bi-sexual 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 women who are lesbian and bi-sexual 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 youth. Bisexuality is more acceptable with the second generation, and women are having discussions about bi-sexuality. 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 community 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 the 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 makes it difficult for women to 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 lawyer because women can feel they are being judged by another Indian.

Women also fear community and family judgements 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 recognise 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 minimising, 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 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 now 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 impacts 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 both accurate and false. Women who have children are frequently in touch with the school system, and ask teachers questions. Older children are also an important resource because of their strong links in mainstream Canadian society. 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, as an important source of referrals. Sikh gurudwaras, Hindu mandirs and mosques 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 in Sikh gurudwaras can often a form of support for women this is sanctioned by the family, although community workers cautioned that 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 centralised 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 South Asian community workers.

## **Report from Persian/Afghani Brainstorming Session on Thursday, June 26<sup>th</sup>, 2008.**

### **We thank the following women for their contributions to this report:**

Mitra Amirabm, Battered Women's Support Services  
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### **Diversity**

A note needs to be about the diversity and differences between Persian and Afghani women's experiences. Women discussed a number of differences between Persian and Afghani women, but there were also many commonalities. In this report, the differences are highlighted where the community workers themselves highlighted them. Afghani 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 Afghani women contained within this report is limited to Persian community workers observations and experiences with the Afghani women they work with.

### **Family Barriers**

Community workers recognized a number of cultural nuances in families that impact Persian and Afghani 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, 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 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 differs 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 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 husbands 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 Afghani communities, if women disclose violence to the community they are judged and minimised. 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 Afghani 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.

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; it can be a risk because women feel a lot of shame in disclosing violence. One worker said that if women are from the 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 noted many differences between women in the Afghani and Persian communities. Community workers noted that they observed Afghani women they have worked with to be more reserved and not have the same standard of literacy and education that many Persian women have. Whereas in the Persian family community and extended family rarely intertwine with issues in a woman's immediate household, in Afghani 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 Afghani women. Most of the phone calls workers receive for assistance for Afghani 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 Afghani communities. One worker felt she needs to do more outreach to Afghani women, as opposed to them coming into her office to see her. She also noted that when Afghani 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 Afghani women are related less to issues of property and asset division, but with issues around family and custody.

### **Bi-Sexual/Lesbian/Tran Gendered Women**

When discussing lesbian, bi-sexual and trans gendered 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 bi-sexual 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 must be to be a woman with a sexual orientation that is not heterosexual.

Transgendered women are in a unique position in Iran. Women, and men, are allowed to have 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 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 refugees 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, bi-sexual or trans gendered 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 little, next to none, legal rights or support 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 husband's property. In the court system two women voting equates to the vote of one man.

After living in under this government, 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 assumption 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 expectation of justice is, 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 Afghani women's experiences are more socially oriented, as opposed to individual 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 Afghani women experience multiple barriers when they do come into contact with the legal system. Language is seen to be the basic in ensuring women receive justice,; however, appropriate and relevant interpretation is not always available for women. Many Persian and Afghani 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.

Women experience shame, guilt and doubt in themselves when facing the legal system. They fear what the lack of confidentiality it 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 Afghani 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 Afghani 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 Afghani women have increased feelings of hopelessness and victimization when the system does not meet their needs. One woman said that the legal system only reinforces what women are used to and makes it harder to break the cycle of violence. That 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 Afghani, 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 Afghani 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 to outreach to women. Women felt that a collaboration amongst workers was extremely important, both as support for community workers and for better services to Afghani 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 Afghani 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.

## **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 voices about their needs and expectations from justice; it creates another layer of distrust towards the police and the law enforcement agencies.

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.