

Who • If • When to Marry:
**THE INCIDENCE OF
FORCED MARRIAGE
IN ONTARIO**

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Who / If / When to Marry: The Incidence of Forced Marriage in Ontario



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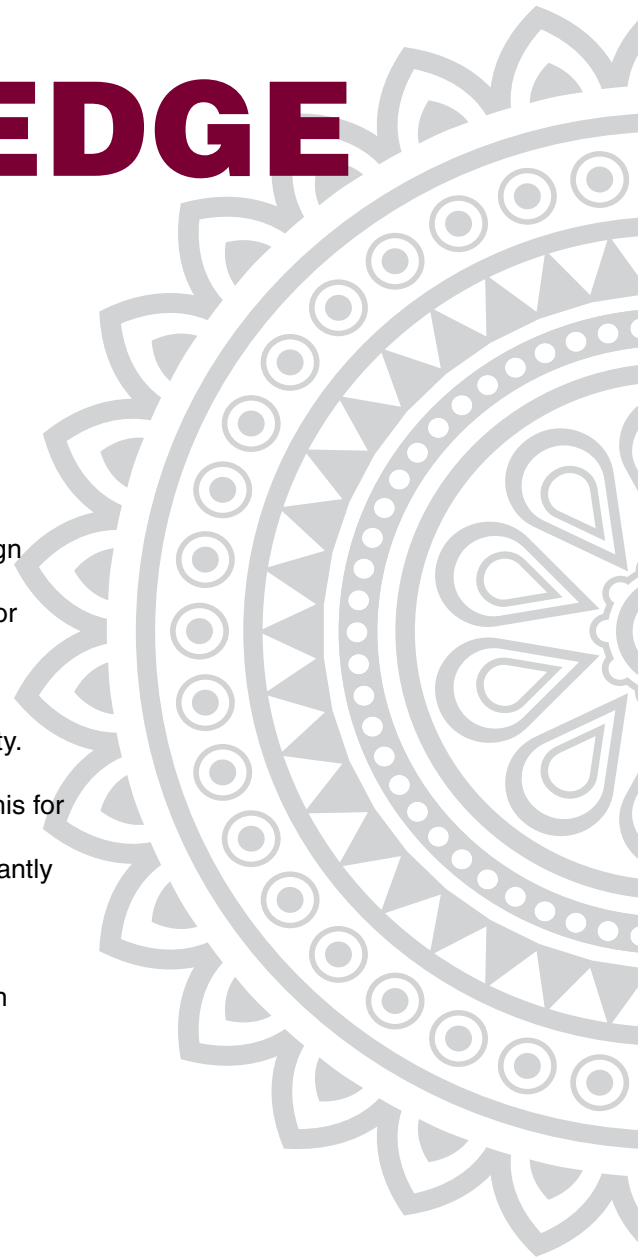
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INTRODUCTION

The South Asian Legal Clinic of Ontario (“SALCO”) is a non-profit legal clinic serving low-income South Asians in the Greater Toronto Area. SALCO first started receiving calls forced marriage (“FM”) clients in 2005.

In canvassing the available resources, SALCO realized that there was a significant need for awareness, education, and action on the issue of FM in Canada.

This report is the result of SALCO’s efforts to identify the incidence of FM in Ontario. The data collected includes demographic information about FM clients, and substantive data about the drivers for FM, the barriers clients face, and the challenges service providers confront in serving FM clients.

CASE STUDY



Natasha's marriage was arranged to a doctor in Canada. Despite reservations about marrying a stranger and uprooting to a new country, she agreed to the match. Natasha was sponsored by her husband to come to Canada, only to be told on her arrival that he was not really interested in being married to her. He too was forced into the marriage by his parents. Forced to live with her in-laws, Natasha was treated as a servant by her husband and his family. Natasha was physically and mentally abused, kept in seclusion and denied any contact with her friends and family back home. She lost her old world and social seclusion prevented entry into the new one. After a few months Natasha was no longer

able to bear with her ill treatment. She threatened to take her story to the police. Immediately, her husband suggested a vacation, holding out the possibility of cementing their relationship! However, at the airport, Natasha's budding hopes for a better future were quashed. She slowly realized that her husband had dumped her at the airport and left. He had no intention of going on vacation with her, and was likely trying to get her to leave the country. With guidance from the airport staff, Natasha decided to contact a local shelter. Natasha is now starting to rebuild her life. She remains alone in Canada with little support, disconnected from her in-laws, her husband, and also from her family back home.

Survey results helped to dispel several myths about forced marriage in Canada:

Forced marriage is an immigrant issue: The survey results confirm that FM is an issue that impacts Canadian citizens. It is not restricted to a particular geographic area or culture.

Forced Marriage is a thing of the past: The survey results confirm that forced marriage is very much an issue that continues to affect Canadians today.

Forced Marriage happens only in certain cultures: The survey results reveal that forced marriage takes place across cultures and religions.

HISTORY OF SALCO'S FORCED MARRIAGE PROJECT

In 2005, SALCO started to receive calls from individual FM clients. In response to that demand for assistance SALCO created a small working group of advisors who suggested the need for a public conference on FM to raise awareness and gain understanding. SALCO held the first North American conference on FM in June 2008, supported by the Ontario Trillium Foundation. That conference focused on providing an international perspective on how FM had been dealt with in other jurisdictions. Delegates from all over Canada, United States, France and the United Kingdom attended the conference.

The conference distilled the need for further training and education on FM in Canada and SALCO responded by creating a training module. The module was used to train front-line workers and in doing so, SALCO also identified the need for a more detailed and descriptive toolkit for stakeholders.

In 2010, again with support of the Ontario Trillium Foundation, SALCO's Forced Marriage Project created Canada's first toolkit on FM, *Forced/Non-Consensual Marriages: A Toolkit for Service Providers*, to serve as a guide for agencies dealing with FM cases in Canada. To accompany the toolkit, SALCO launched an FM website, www.forcedmarriages.ca, intended to be a national tool on the issue of forced marriage. SALCO's toolkit is a critical training document on FM in Canada. Since 2010, SALCO has conducted 102 trainings on FM using its toolkit and website, including trainings for various federal government agencies and departments, the police, children's aid societies, schools, frontline workers, legal professionals, social workers, and South Asian youth.

Also in 2010, as part of an effort to unify stakeholders working on FM in Canada SALCO founded the Network of Agencies Against Forced Marriage ("NAAF"). The NAAF has approximately 70 members, and meets 2-4 times a year to discuss FM issues and the work being done by partner agencies throughout the country. The NAAF has also been SALCO's advisory on its own FM work, including individual case consultations, community development and law reform initiatives.

In 2011, our NAAF members expressed an interest in more education on the existing resources in Canada to address FM, including legal resources, legislative context, health resources, and federal government policy as it pertains to FM (example: human trafficking, immigration, visa post intervention). In response to that articulation, SALCO held a second national conference in October 2012. This conference brought together service providers and stakeholders to share resources available in Ontario and brainstorm on how to respond to FM cases in Ontario. The conference also aimed to shed light on the gaps that exist in policy and services that hinder the service providers' ability to service clients in a FM situation.¹ Conference recommendations have been incorporated into this report.

¹ For a complete list of resources, see Conference report: forced marriage conference (October 2012) attached.

WHAT / WHY / WHO: FORCED MARRIAGE IN CANADA

Forced/non-consensual marriage is a form of domestic violence and a global human rights issue. FM is characterized by coercion, where individuals are forced to marry against their will, under duress and/or without full, free and informed consent from both parties. Men and women of all ages, from varied cultural, religious and socio-economic backgrounds experience FM.² FM and arranged marriage are often mistakenly conflated. While arranged marriage has the full, free, and informed consent of both parties who are getting married, FM does not – Lack of consent is the critical distinguishing factor in a forced marriage.

The reasons for FM are multifaceted and can often include a person's religious or cultural beliefs, socio-economic status and/or security, preservation of heritage, immigration status and pressure from the community.³

FM victims come from varied backgrounds, communities, cultures, ages, religions, etc.⁴ In addition to the continued coercion, the FM victims also face long-term consequences such as isolation, estrangement or strained relationships with family, and health concerns including depression and anxiety. Individuals who experience or are threatened with an impending FM are also more vulnerable to domestic violence.⁵

2 Forced/non-consensual marriages: a toolkit for service providers (2010, p. 13).

3 Forced marriages and gaps in services: interview with Deepa Mattoo (2012).

4 See pages 9-19 of this report.

5 Forced/non-consensual marriages: a toolkit for service providers (2010).

FORCED MARRIAGE: LEGISLATION IN CANADA

“...[S]o far the issue of forced marriage has not yet been formally addressed in Canada, but various provisions in family law, immigration law, and criminal law identify scenarios related to potential consequences of marriage without consent.”⁶

Canada is also a signatory to several international consensus documents including the *Universal Declaration of Human Rights*, the *Convention on the Elimination of All Forms of Discrimination against Women* and *Convention on the Rights of the Child*⁷. However, Canada has not signed or ratified the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*⁸ and has no domestic legislation specific to FM. As the national courts of any country are not legally bound by international documents⁹, mere recognition of international conventions and treaties does not provide adequate protection against FM.

FM is, however, now on the federal government’s radar as the Department of Justice Canada and the Department of Foreign Affairs and International Trade (“DFAIT”) have both recently recognized the issue’s significance in Canada and internationally. Department of Justice Canada has recently created a working group on FM in relation to international law. It has also held several sector specific workshops in the past few years and has been working with other stakeholders to create training materials on FM.¹⁰ The Department of Foreign Affairs and International Trade now has a working definition of FM and a FM Working Group that is in the process of developing policy and standard procedures for consular staff.¹¹

6 Forced (non-consensual) marriage: a South Asian Canadian context (2012, p. 418).

7 For a complete list of international treaties and international consensus documents, please see Annotated bibliography on comparative and international law relating to forced marriage (2007, p. 10-17).

8 Annotated bibliography on comparative and international law relating to forced marriage (2007, p. 11).

9 Annotated bibliography on comparative and international law relating to forced marriage (2007, p. 10).

10 Conference report: forced marriage conference (October 2012) (p. 2).

11 Conference report: forced marriage conference (October 2012) (p. 2).

METHODOLOGY

The “Forced/Non-Consensual Marriage Survey” was developed through the Forced Marriage Project at SALCO to: i) gain a better understanding of the incidence of FM in Ontario; ii) to identify the needs of individuals dealing with FM situations; and iii) to examine the existing gaps in resources that hinder the service providers’ abilities to assist the client. The survey design was based on SALCO case studies as well as internal and external reports on the incidence of FM, with a critical eye to obtaining background and demographic information about FM clients, the pressures endemic to FM cases, and service provision issues. SALCO’s survey was also based on a rough model survey created by a sub-committee of NAAFM to collect data on FM. The NAAFM survey was an earlier and simpler ideation of the SALCO survey.

The survey was designed to be filled out by the service provider once for each FM client seen from January 1, 2010 onwards. Responses to the survey were collected from April 1, 2012 to November 30, 2012. French and English versions of the survey were distributed via email, at in-person trainings, and through the SALCO website to the NAAFM, social service providers, health sector workers, police and the education sector. The respondents included shelters, legal clinics, settlement agencies, youth organizations and other community agencies and organizations.

The survey was designed in a structured, closed-ended questionnaire format with an option for the respondents to expand on their answers. This format allowed the respondents to maintain the client’s anonymity and ensured agencies’ comfort in releasing the information. Anticipating that respondents may not have the answer to every question, they were instructed not to respond to questions they did not have an answer for. If the optional explanation provided by the respondent could be included as one of the choices provided for the questions, the answer was coded as one of the choices.

In order to gain a more comprehensive understanding of complexities surrounding FM issues, semi-structured, open-ended interviews were also conducted with Jakki Buckeridge, the policy compliance program supervisor at India Rainbow Community Services of Peel and Deepa Mattoo, staff lawyer at SALCO. These individuals were selected for interviews due to their extensive experience in dealing with FM cases.



CASE STUDY

Ricky was born and raised in Canada. When he turned 20, his family decided to go home (back to their country of origin) for a vacation. Excited about his first ever visit, Ricky was eager to meet his extended family and looked forward to seeing the place where his parents grew up. Soon after landing, Ricky's excitement turned into horror when he realised that he was the intended groom in a wedding preparation that was underway. As it turned out, Ricky's parents had seen him kissing another boy, which confirmed their suspicion regarding his sexual orientation. In order to "correct" Ricky's behaviour and avoid being shamed socially, they had quietly arranged his marriage to a local girl selected by them. A panicked Ricky sent a text message to his friend informing him of the situation and pleaded for assistance. The friend contacted the Department of Foreign Affairs and

International Trade in Canada who advised that Ricky should contact the local police in his area for protection. As Ricky's activities were constantly monitored by his family, he was not able to leave the house alone and did not have access to his passport or plane ticket. Luckily, Ricky's friend was able to contact a local NGO, who assisted Ricky in filing a complaint with the local police. Fortunately, Ricky had registered with the DFAIT on the advice of a friend who had a similar experience. The Canadian Consulate was able to easily verify his information and arrange for an emergency passport and a return ticket to Canada. After landing in Canada, Ricky was able to find housing and other support services he needed with the help of a local service provider. Ricky is now trying to repair his relationship with his parents. He is hoping that they will come to understand his choices.

SURVEY RESULTS

30 agencies reported having served 219 FM clients since the January of 2010. The vast majority of the agencies that responded were located in Ontario while 2 agencies were located in Quebec. The surveys were completed for both confirmed and suspected cases. The inclusion of suspected cases was important since majority of the agencies did not have a definition of FM. The clients who did not label themselves as being forced into a marriage officially but did meet the definition of FM were also captured in the suspected cases.

Survey results were limited by the following factors: i) organizations often did not formally track FM cases; ii) lack of understanding of FM resulted in failure to identify cases as FM cases; and iii) lack of resources available to service providers limited their ability to complete surveys.

Department of Foreign Affairs and International Trade confirmed that they had provided assistance to 34 individuals in FM situations from mid-2009 to May 2012. DFAIT was unable to complete surveys for confidentiality reasons. DFAIT also advised that many cases have not been captured as FM cases because many of the consular officers are not aware of FM and placed FM cases in other categories.¹

Gender

The survey data shows that the respondents dealt with 69 FM cases in 2010, 64 cases in 2011 and 77 cases in 2012². The number of cases reported was consistent over the three-year period that we captured. The survey established that women formed the overwhelming majority of those affected by FM (92%) while men comprised only 6% of the cases reported in the survey, providing an empirical basis to the idea that FM is another manifestation of gender based violence.

A study conducted with young women in East London, UK, found that it was indeed more difficult for young women to resist parental pressure into FM than young men.³ While women may constitute the largest group of FM statistics, survey data also reflects that FM is not gender specific and occurs across gender boundaries. The results may also be skewed by a lack of outreach to male clients or a failure to classify men as being in FM situations.

TABLE 1: Gender of Individuals Facing Forced Marriage

Gender	Number of Cases
Female	202
Male	13
Other (Transgender)	3
Unknown	1
TOTAL	219

1 Personal correspondence between DFAIT representatives and SALCO (2012).

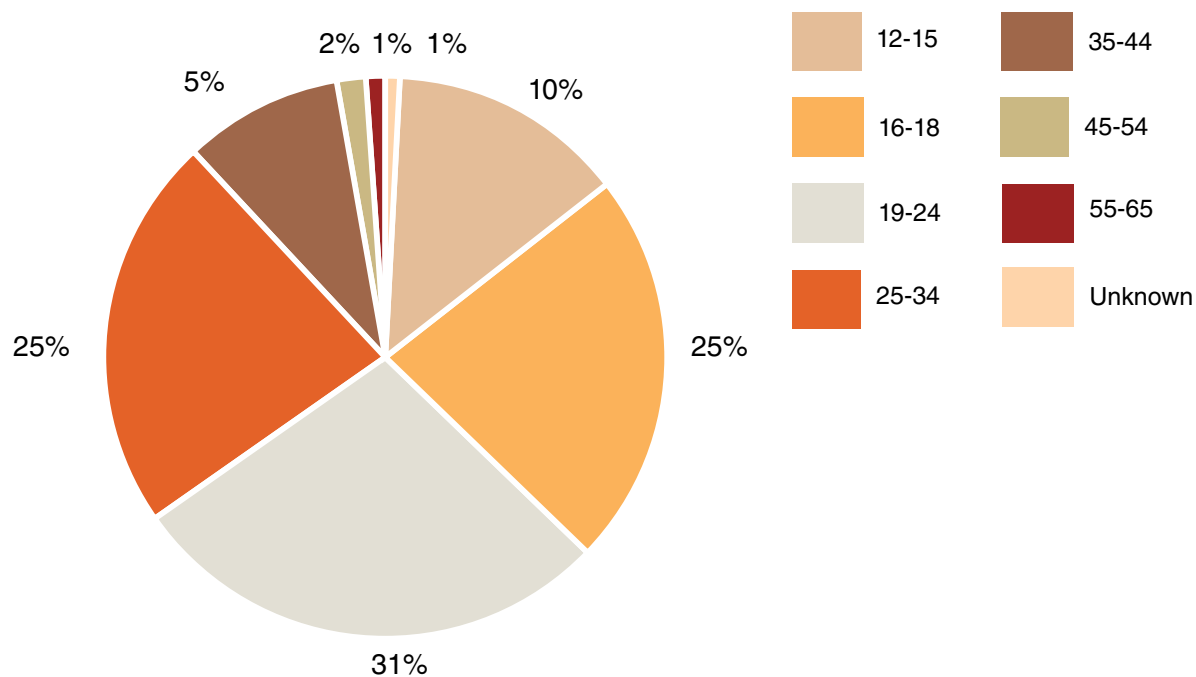
2 9 survey respondents did not provide the year of intake but were included in the study as the respondents were asked to only include cases they had worked on since January 2010.

3 UK initiatives on forced marriage: regulation, dialogue and exit (2004, p. 18). We realize that because this study was conducted with youth in the UK, it may not be directly applicable to Canadian youth due to cultural differences. However, we feel that this point is transferable to the Canadian population due to the universality of the patriarchal culture.

The survey found that the majority of the individuals in FM situations were between the ages of 19 to 24 (31%), closely followed by those between the ages of 16 to 18 (25%) and 25 to 34 (25%). Survey results reveal that a large percentage of FM clients are young persons. In her interview, Deepa Mattoo also confirmed that many of her own cases involve individuals who are “very young to marriageable middle age” in their mid-30s¹. Similarly, Jakki Buckeridge advised that the majority of clients seen by her organization are between the ages of 18 to 29.²

Bearing in mind that 19 to 24 is the age considered most eligible for marriage in many cultures, it stands to reason that young people in this age bracket face a greater risk of FM. Basically the pressure to marry is heightened for this age bracket.³ Research also shows that a young person’s vulnerability to being forced into a marriage can increase with intergenerational conflict (for example; between parent and child)⁴. In case studies, we have noted that intergenerational conflict seems to be heightened in this age bracket, thus compounding the vulnerability to FM. Another age-related factor that increases vulnerability for the 19 to 24 age group is that they are no longer minors. Child protection laws cannot protect them. This allows perpetrators of FM engage in coercive activities without the repercussions entailing such treatment of a minor.

Figure 1: Age of Individuals Facing Forced Marriage Situations



¹ Forced marriages and gaps in services: interview with Deepa Mattoo (2012).

² Forced marriages and gaps in services: interview with Jakki Buckeridge (2012).

³ Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e) (2007, p. 15-22).

⁴ Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e) (2007, p. 29).

The data also indicated that FM continues to be faced by 25 to 34 year-olds. This is not surprising as 25 to 34 remains the upper range of the marriage eligibility spectrum for many people. Vulnerability to FM in this age bracket can include coercion from family / friends / community, but may also include a more general societal pressure to marry. Finally, the declining number of FM cases between 45 to 64 year olds may reflect the increased independence an individual may have compared to their younger counterparts. On the other hand, survey results revealed that some older individuals are likely to be forced into second or third FM.

3

Geographical Region, Religion and Language Preference

The data confirmed that FM is not restricted to a particular culture or geographical region. The collected data included cases from 30 countries from Africa, Asia, Europe, North America and South America. In 22 cases, the country of origin was stated to be Canada. The figures also revealed that individuals from a multitude of religious backgrounds faced FM situations. In 103 cases, individuals were affiliated with Islam, followed by Hinduism (44 cases), Sikhism (30 cases) and Christianity (12 cases). The overrepresentation of Muslim cases in the data can be attributed to the wider representation of countries where Islam is practiced.⁵ In fact, there was no correlation found between the individual's religious affiliation and country of origin. Some of the individuals were also reported to have left the family's faith due to being forced into a marriage or the attempt to do so.

TABLE 2: Religious Affiliation of Individuals Facing Forced Marriage

Religion Affiliation	Number of Cases
Christian	12
Hindu	44
Muslim	103
Roma	1
Sikh	30
None	5
Unsure	24
TOTAL	219

The survey results also showed a multitude of languages spoken by victims of FM including Arabic, Bengali, Czech, English, Farsi, French, Gujarati, Hindi, Punjabi, Spanish, Tamil, Thai, Turk, and Urdu.

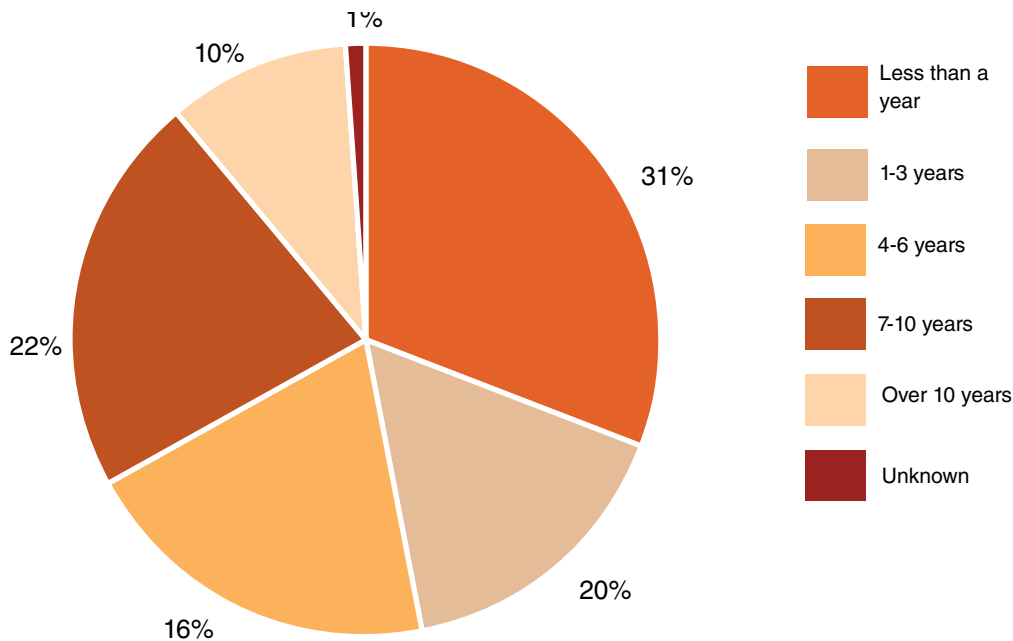
The vast majority of the individuals (60%), however, preferred to communicate in English. 46% of the English speaking individuals were reported to be bilingual. The higher representation of English speaking clients confirms that incidence of FM is not more prevalent non-English speaking communities.

⁵ The reported countries of origin included Afghanistan, Algeria, Bangladesh, Cameroon, Canada, Czechoslovakia, Guinee, Guyana, India, Iraq, Iran, Kenya, Lebanon, Liberia, Mexico, Namibia, Nigeria, Pakistan, Palestine, Saudi Arabia, Senegal, Somalia, Sri Lanka, Swaziland, Syria, Thailand, Turkey, Uganda, UK, USA and Yemen.

Citizenship and Length of Time in Canada

The data collected on the length of time spent in Canada indicated that 31% of the individuals had resided in Canada for over 10 years when they faced a FM situation, 22% of the individuals had been in Canada for 1 to 3 years, 20% had been in Canada for 4 to 6 years and 16% of individuals had been in Canada for 7 to 10 years. Only 10% of individuals seeking assistance had resided in Canada for less than a year.

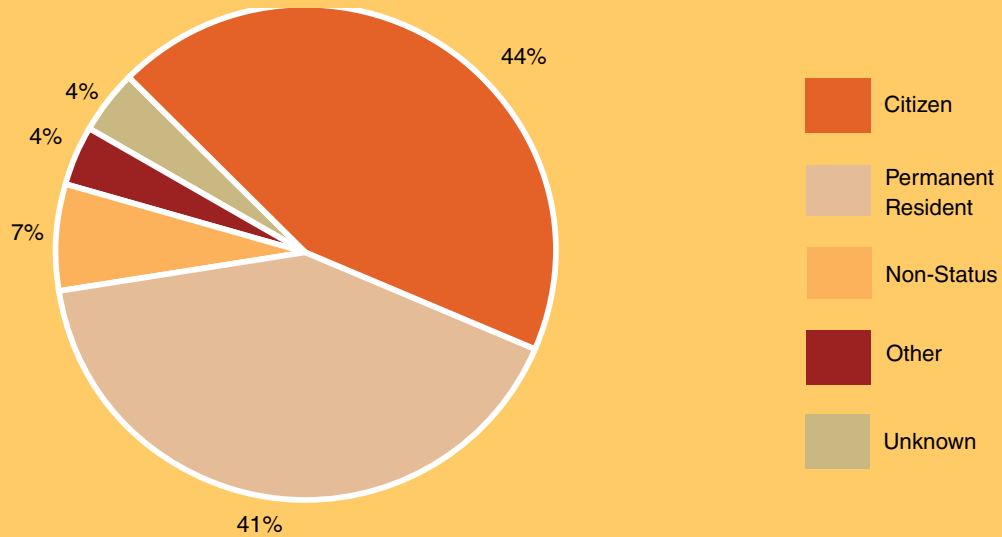
Figure 2: Length of Time Spent In Canada



The data revealed that the majority of individuals who were assisted by service providers since 2010 were Canadian citizens (44%). In almost as many cases (41%), the individual was a permanent resident of Canada. 64% of the citizens had been living in Canada for longer than 10 years and 22% had been living in Canada between 7 to 10 years. In case of permanent residents, 36% had been residing in Canada for 1 to 3 years, 34% had been in Canada for 4 to 6 years and 16% had been living in Canada for 7 to 10 years.

The survey data showed that 4% of the cases involved persons who did not have any legal Status in Canada. The survey data also captured that 7 % of individuals who had been in Canada on a visitor or temporary work visa, were refugee claimants or foreign residents. These findings demonstrate that a portion of Ontario's forced marriage caseload includes non-status victims. Regardless, a combined 85% of the cases reported in the survey involved Canadian citizens and permanent residents - A large number of FM victims had strong and significant connections to Canada either as their country of origin or what they consider their country of residence. FM cannot be painted as an issue impacting only new immigrants to Canada.

Figure 3: Status of Individuals Facing Forced Marriage Situations

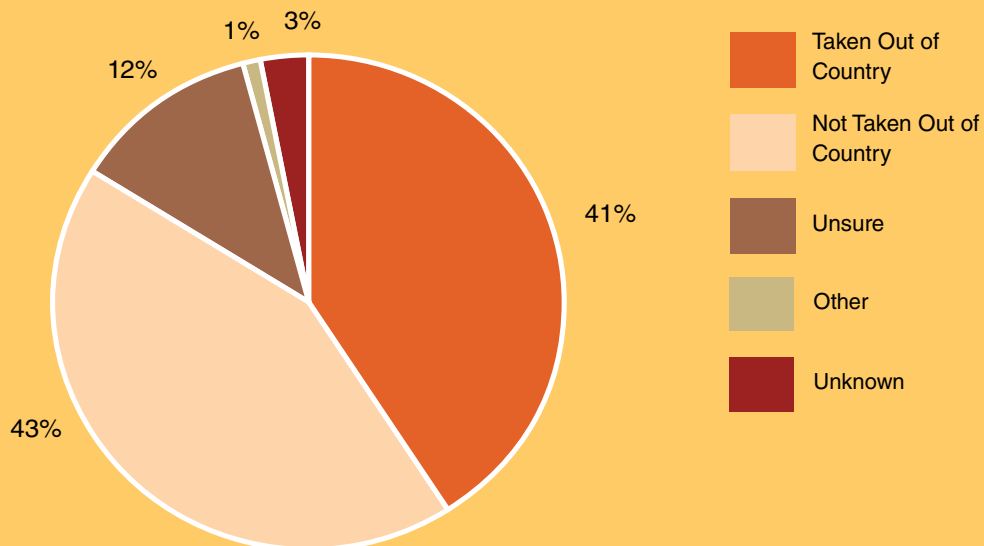


5

Taken out of the Country (where they were living)

One of the major threats for FM clients is that victims may be taken abroad to be married off. It is a challenge for service providers to ensure that these individuals are either not taken out of country or if they are taken abroad, they have a well-designed safety plan for protection. The data revealed that FM cases in which clients were not taken out of the country were marginally higher at 43% compared to 41% clients that were taken out of the country. The data confirmed that a significant number of people are taken outside of their home country through forced marriage, including those taken out of Canada and those forced to come into Canada. Unfortunately, the survey was not able to quantify the number of victims taken out of Canada versus the number of victims forced to come to Canada. 12% of respondents were unsure whether the client had been taken abroad.

Figure 4: Forced Marriage Clients Taken Out of Country



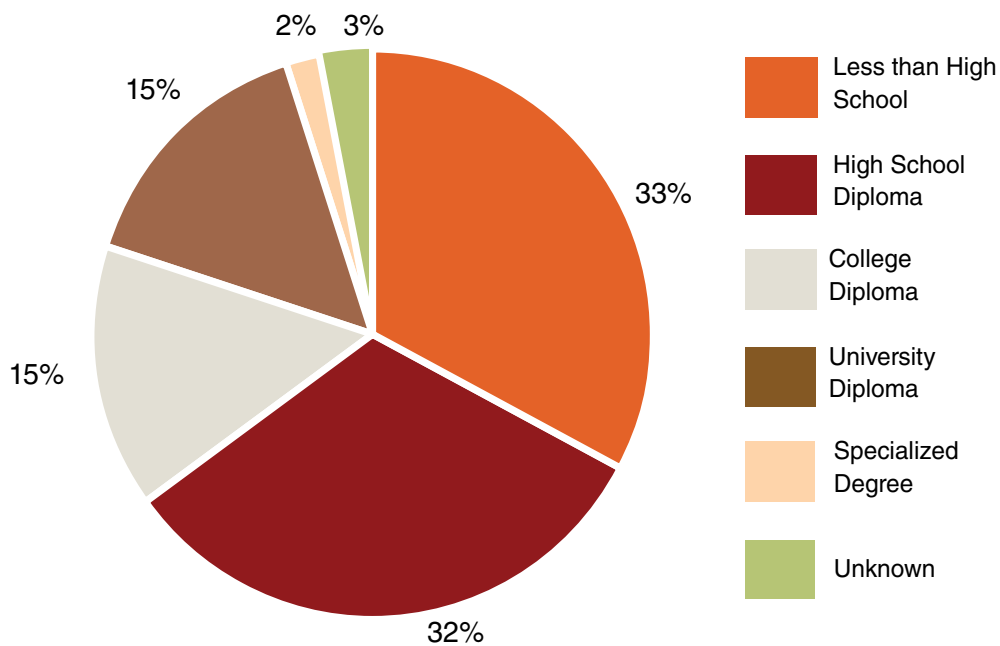
There was no measure included in the survey to assess how many individuals were pressured to leave the country or were under threat to be forcefully taken abroad. Some of the respondents, however, did advise that there were unsuccessful attempts to take FM victims out of Canada in their cases. As discussed above, the data reflects FM cases, both within Canada and abroad, require equal attention and resources.

6

Education

The survey indicated that 33% of the individuals facing FM situations had not completed high school and 32% had a high school diploma. This statistic is consistent with the data that at least 30% of the reported cases involved individuals who were 18 or younger. Furthermore, 15% of the reported cases involved individuals with a college diploma and another 15% had a university degree. The variance in educational background reported confirms that FM does not correlate with lack of education. FM is a phenomenon that extends to victims with different levels of education.

Figure 5: Level of Education of Individuals Facing Forced Marriage Situations



Awareness of Rights

The survey found that 50 % of individuals who came to see service providers were not aware of their rights with respect to forced marriage. In another 21% of the cases, the respondents were unsure of whether the clients were aware of their rights. Considering these findings, educational institutions, particularly high schools, would be suitable avenues to integrate educational information regarding FM, human rights,

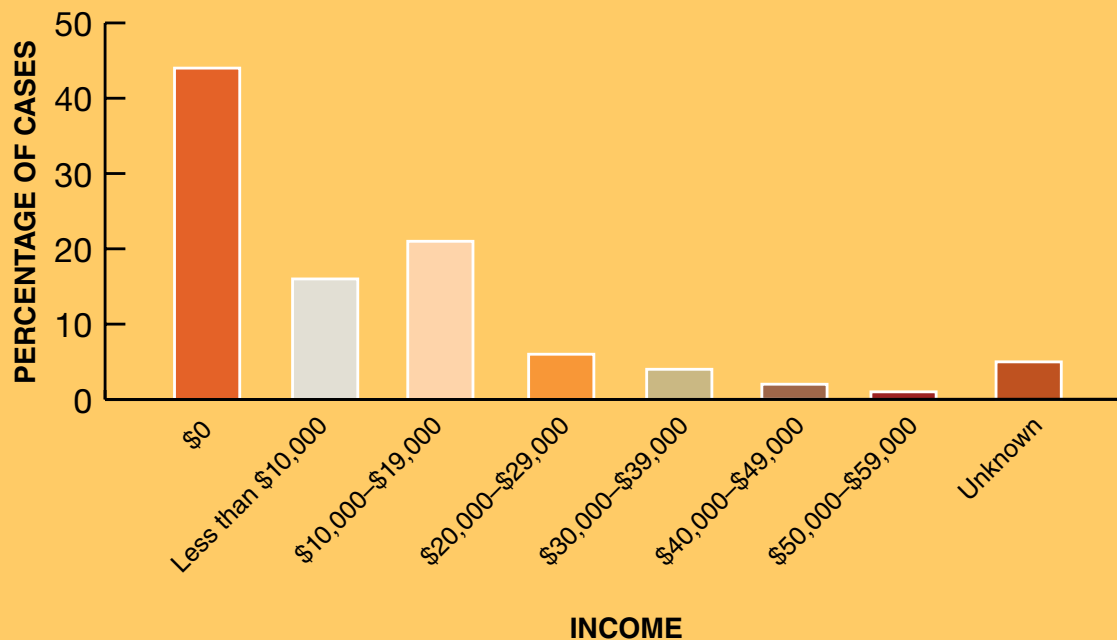
available resources and recourses available to Canadians should one ever find themselves in a FM situation. Education and training for teachers, school staff and youth workers must be prioritized as the data reveals that a high number of reported FM cases are from individuals who have not yet completed high school. The ability of professionals in the education system to read the warning signs exhibited by victims and assist them accordingly is critical to reaching this vulnerable group of victims.

8

Socio-Economic Status

FM was found to be pervasive among a large spectrum of socio-economic classes. While the family may have been financially sound, the individual often was not. In almost half of the reported cases (44%), the individual did not have an independent source of income. The figure includes a large number of minors whose financial security depends on family members who may be involved or implicit in forcing a marriage. Also, many of the women who did report a reliable source of income were often married and financially dependent on their partner (who they had been forced to marry). The data indicates that FM victims are often at a severe economic disadvantage.

Figure 6: Level of Income of Individuals Facing Forced Marriage Situations



A lack of financial resources for victims of forced marriage is a compounding factor that will impact the FM situation. Victims may feel powerless to leave a FM or attempt to stop an FM because of this lack of income. Furthermore, the idea of potential poverty as a result of leaving a FM could impact a victim's decision-making process on how to proceed. Consideration must be given to the supports in place for FM victims to re-settle post-FM.

9

Perpetrators of Forced Marriage

From the data collected on perpetrators, it was found that most of the individuals facing FM had more than one perpetrator pressuring them. The father was found to be pressuring the individual into the marriage in 77% of the cases, the mother was found to be pressuring in 74% of the cases and the siblings were pressuring in 30% of the cases. When the father was found to be pressuring, the mother was 88% likely and the siblings were 85% likely to be pressuring as well. Many of the respondents often stated “family” as the source of the pressure, which was understood to mean the immediate family. These results were corroborated by Buckeridge who mentioned that in her experience, siblings, particularly older brothers, are the next most likely culprits after the parents, in pressuring women to get married.¹ Aunts were found to be pressuring in 27% of the cases while uncles were pressuring in 29% of the cases.

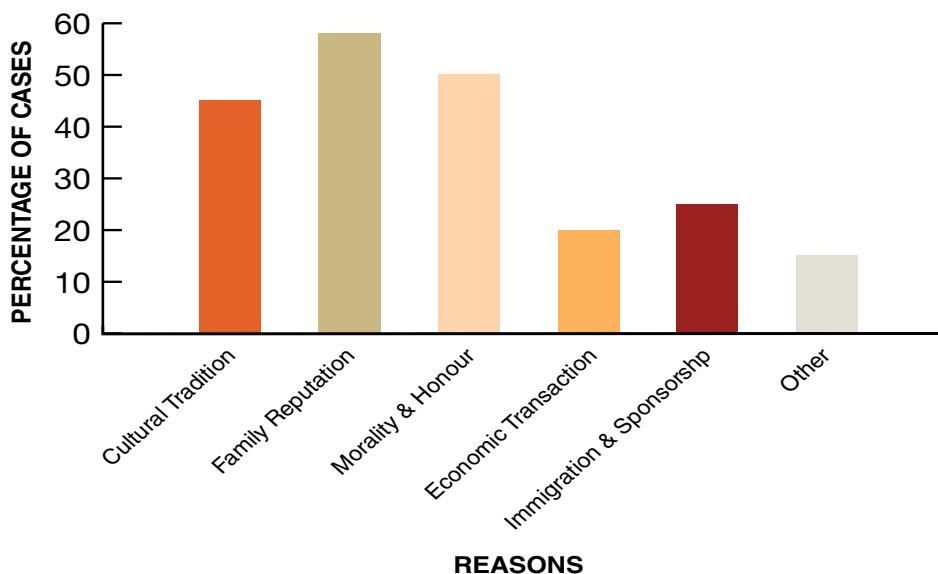
After parents and siblings, extended family, grandparents and religious leaders were reported to be most likely to be pushing the individuals into FM. Community elders, future or potential in-laws, ex-boyfriend and friends were also reported to be involved in forcing people into an unwanted marriage.

10

Reasons for Forcing Marriage

Many reasons were reported for forcing a marriage including religious and cultural beliefs, economic status, immigration status, community pressure, marriage as a cure for mental health issues, and emotional manipulation related to the death of a parent.² The survey found that in 66% of the cases, cultural tradition was reported to be a leading reason for forcing an individual into the marriage, followed by family reputation (58%). Other common reasons included morality and honour (50%), immigration/sponsorship reasons (24%) and economic transactions (20%).

Figure 7: Reasons Provided for Forced Marriages



¹ Forced marriages and gaps in services: interview with Jakki Buckeridge (2012).

² Forced/non-consensual marriages: a toolkit for service providers (2010, p. 14); and forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e) (2007, p. 30).

Several researchers have noted the relationship between poverty and FM.³ Systemic issues such as lack of education, low income and employment opportunities also lead to FM situations in which individuals are traded as commodities for wealth creation and economic betterment. Some of the other reasons included marriage as a rite of passage for young women, marriage as a cure for homosexuality, religious reasons, cult membership, preventing the youth from entering an undesirable relationship, parental sickness and avoiding the stigma from a previous divorce. The use of FM to avoid the stigma of a divorce was confirmed by Mattoo who pointed out that families often end up forcing the divorced individual into another marriage partly due to the lower social status and shame associated with divorce in some communities, and at times because they prefer to see the individuals settled once again.⁴ The survey also captured some cases in which the individuals were trafficked through FM in order to repay the family debt, or to provide a maid or a slave for a family.

Types of Violence

All the individuals forced into the marriage experience violence. 75% of survey respondents reported “Mental or social pressure” as a form of violence experienced by the FM client. Case studies from SALCO and open-ended interviews with Deepa Mattoo and Jakki Buckeridge provided further insight into the extent of mental and social pressure. The most common practices employed some sort of indirect coercion:

- shaming the victim to preserve the family reputation;
- stressing the adverse affect the individual’s refusal to marry may have on the health of a parent;
- endangering a sibling’s future marital possibilities;
- family member threatening to harm themselves; and
- in case of immigrants, invoking fear that the individual would lose his or her immigration status.⁵

Mental or social pressure was followed by threatening behaviour (68%), restrictions on lifestyle (63%), oppressive financial control (61%), physical violence (59%), demeaning, humiliating and controlling behaviour (48%), sexual violence (26%), threatening to take away sponsorship (23%), stalking (20%) and family members threatening to hurt themselves (20%). 22% of the individuals were imprisoned and 14% of individuals were reported to have been abducted. Other types of violence included verbal abuse, food restriction, harassment, threatening to kidnap the victim’s children, threatening to hurt family members, evicting the individual from their home, pressuring the person to drop out of school and death threats. Some of the women were also forced into sex trade and forced to abort pregnancies.

The violence experienced by individuals being coerced into FM manifests itself through several warning signs. Missed appointments, injuries inconsistent with the explanation provided, visits to health care professionals without any obvious illness, depression, self-harm, eating disorders and worsening academic performance constitute some of the warning signs of FM. The person may also appear frightened or anxious and is always accompanied for appointments. In cases involving youth, sudden fear of going on a trip, parental refusal to provide school fees for post-secondary education and sudden insistence that the

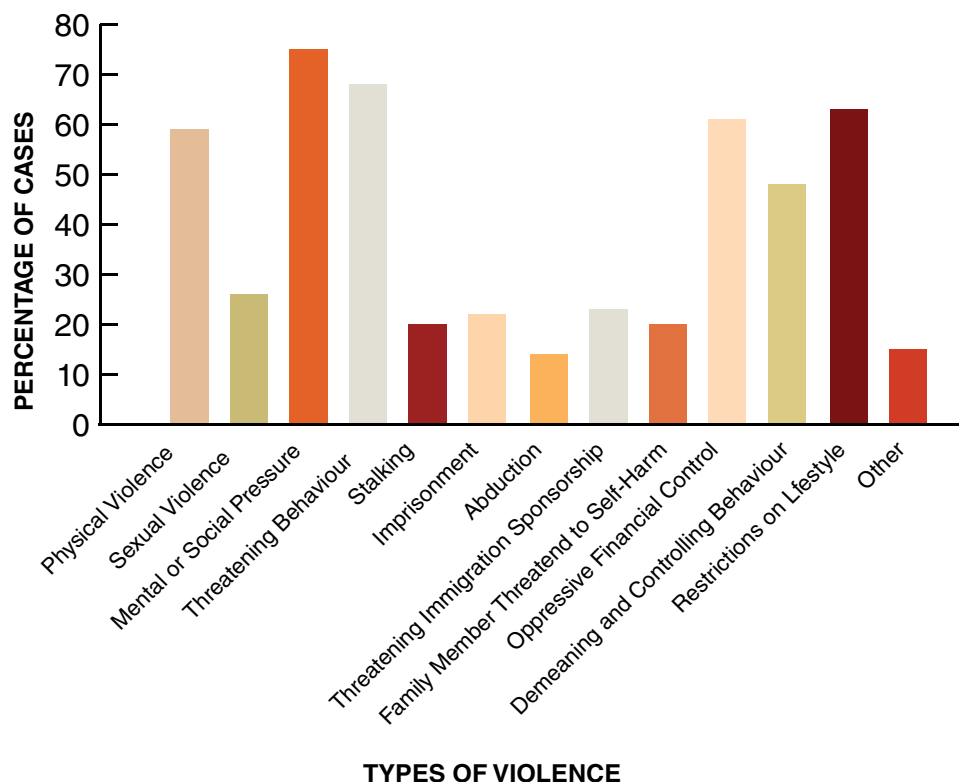
3 Policy brief: Who speaks for me? Ending child marriage (2011, p. 1); and Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e) (2007, p. 24).

4 Forced marriages and gaps in services: interview with Deepa Mattoo (2012).

5 Forced/non-consensual marriages: a toolkit for service providers (2010, p. 14).

individual get a job (so the person is eligible to sponsor someone) are also commonly seen warning signs.⁶ One of the most telling signs of the mental anguish and pressure faced by victims of FM is suicidal ideation. In fact, according to Buckeridge, almost every FM client she dealt with had suicidal ideation or thoughts of self-harm.⁷

Figure 8: Types of Violence Experienced by Individuals in Forced Marriage Situations



Contextual understanding of patriarchy is necessary in order to understand FM. The survey results provide clear evidence that FM, as is the case with all forms of domestic violence, is an expression of patriarchy. Gender, ethnicity and culture also increase women’s vulnerability to subjection to patriarchal control.⁸ The fact that FM is mostly imposed on women and is not bound by any particular geographical region, culture, or religion speaks to the universality of culture of violence and patriarchy. Moreover, the high frequency of violence reported particularly physical, emotional and sexual violence, as well as the influence male heads of the family have in FM situations further reifies and implicates the role of patriarchal ideologies that continue to persist in Canadian society.⁹

Findings on violence were troubling and raise concerns. Victims of FM have a clear need for counselling during and post-FM situations. Clients remain vulnerable to serious mental and physical health risks that flow from the trauma of the FM. The data supports a significant need for health / counselling services for victims of FM.

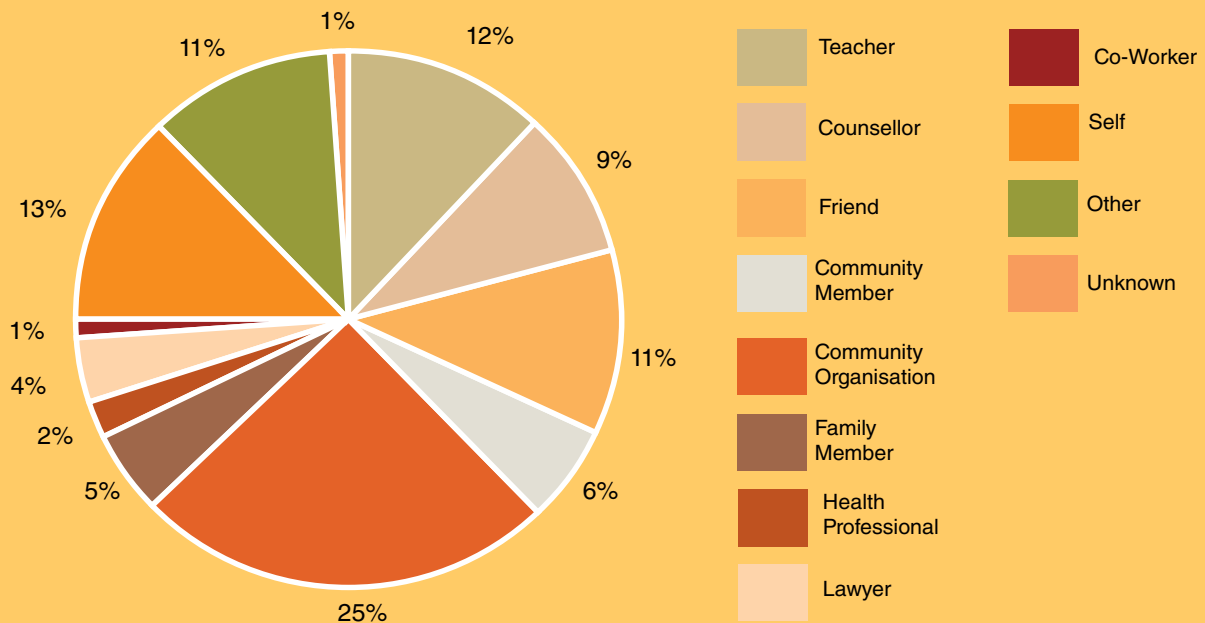
6 Forced/non-consensual marriages: a toolkit for service providers (2010, p. 16).
 7 Forced marriages and gaps in services: interview with Jakki Buckeridge (2012).
 8 Forced marriage: the risk factors and the effect of raising the minimum age for a sponsor, and of leave to enter the UK as a spouse or fiancé(e) (2007, p. 29).
 9 Mattoo & Sekhar (2012) state that men who find themselves in forced marriage situations are also victims of patriarchy, though the extent of pressure they encounter differs (p. 429).

2

Referrals

FM clients were referred to the organizations surveyed through a variety of means. The majority of the cases were referred through community organizations (26%) followed by self-referrals (13%). A significant number of self-referrals suggest that individuals going through FM in Canada are actively seeking assistance.

Figure 9: Source of Referral for Forced Marriage Clients



Self-referred FM clients continue to face some barriers to accessing service. According to Mattoo, many individuals may search for assistance but as FM is not included in the definition of domestic violence, clients often do not access mainstream assistance for victims of family / domestic violence.¹⁰ They do not relate those services to their own FM situations because of this disconnect. Lack of recognition of FM has become a barrier in accessing services.

The next largest source of referrals was teachers (12%). This is not surprising given the prevalence of FM in individuals between the ages of 12 to 24 (school-aged). Limited referrals also came from Canada Border Services Agency (CBSA), airport authorities, DFAIT, and the police.

3

Follow-up

58% of the survey respondents had 4 or more contacts with their FM clients. In slightly more than a quarter of the cases reported (27%), the service providers had only one to two contacts with their FM clients. Data revealed that a large portion of FM clients were “lost” for a variety of reasons, including lack of resources to respond, clients had been taken out of the jurisdiction of the survey respondent, FM client had resolved

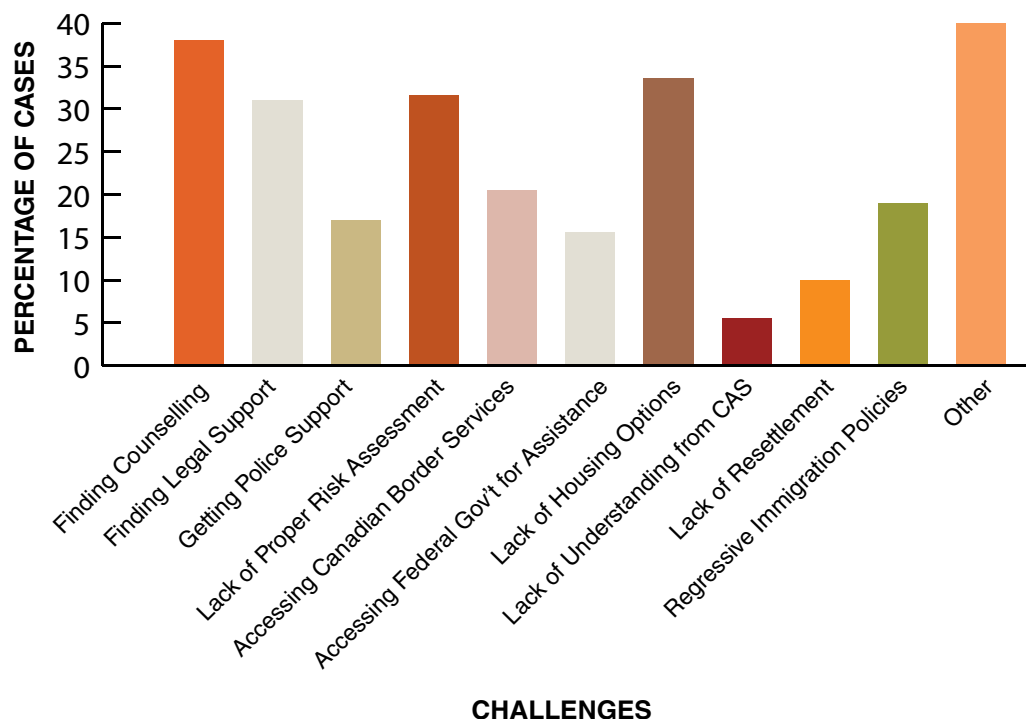
¹⁰ Forced marriages and gaps in services: interview with Deepa Mattoo (2012).

the situation or fled. Although all of the exact reasons for the service providers' inability to follow up are unknown, the high rate of individuals that are slipping through the cracks is perhaps an indication of the lack of swift emergency responses that are required in such uncertain situations.

4 Challenges

Despite the work being done by service providers on FM, lack of resources and understanding of FM presented significant challenges that need to be overcome in order to assist FM clients. It must be noted that difficulties in accessing services are amplified for youth in transitional ages. Service providers rated lack of counselling services as the biggest obstacle in serving their FM clients. In 39% of the cases, service providers had difficulty finding individual or group counselling, any mental health services, substance abuse programs or suicide help lines that understood the uniqueness of FM situations. Exacerbating the problem, hospitals also often refuse to work with this population as the current policies require them to retain parental consent.¹¹

Figure 10: Challenges Faced by Service Providers



¹¹ Forced marriages and gaps in services: interview with Jakki Buckeridge (2012).

Lack of housing options was reported to be a problem in 37% of the cases. As FM is excluded from the definition of domestic violence, many women are unable to go to shelters dedicated to domestic violence victims. The problem is compounded in cases of male victims since there are even less housing options available to them. Youth access to shelters is not only restricted due to current policies but is particularly problematic as youth shelters do not have the same privacy regulations – they generally require the youth to leave the shelter in the morning and not return until a particular time, forcing them to remain in communities or areas that are dangerous for them. Youth shelters also do not provide the same level of supports that are provided in women’s shelters, effectively feeding into the isolation felt by youth who have chosen to leave their homes.¹² Finally, it is also unclear if FM would fall under the definition of “domestic violence” used to make priority housing applications with subsidized housing providers. There has been no clarity on this issue.

In addition to the lack of housing, lack of access to provincial social assistance was reported to be a major barrier. Many women were denied access to financial assistance because they are considered to be dependent on the income of their families or husbands (the perpetrators of the FM). Access to federal government for assistance was considered challenging in 16% of the cases while accessing Canadian Border Services were reported to be problematic in 20% of the cases. This was reported to be a significant source of frustration for service providers dealing with clients who were taken out of the country. One of the survey respondents even reported receiving assistance from the U.S. government when the Canadian government was unable to assist. Accessing police support was also considered a challenge in 18% of the cases.

Other significant findings were:

- 32% of the service providers reported challenges associated with a lack of proper risk assessment available to determine the risk of FM to a client;
- 31% of the service providers reported an inability to access legal services; and
- 7 % of the service providers reported a lack of understanding from CAS about FM cases as a challenge in assisting clients.

Comments from the surveys also noted a lack of understanding about FM from school boards and the inability of schools to provide safe spaces for FM clients. Echoing the sentiments of other survey respondents, Buckeridge also stated that she refrains from using misunderstood terms like FM when dealing with certain government agencies that seem to have little to no understanding of FM issues.¹³ Buckeridge and several attendees at SALCO’s Forced Marriage Conference (October 2012) noted that they were forced to present FM cases in a “creative” way to secure governmental assistance due to that lack of understanding.¹⁴

12 Forced Marriages and Gaps in Services: Interview with Jakki Buckeridge (2012).

13 Forced marriages and gaps in services: interview with Jakki Buckeridge (2012).

14 Conference report: forced marriage conference (October 2012) (p. 3-4).

Another significant challenge noted by survey respondents was the fear that debilitated many FM clients from standing up to the perpetrators of their own FM. Many clients were unable to challenge their family members and others to stop a FM. That fear was related to several factors including: a legitimate fear of harm, cultural norms, shaming their families, estrangement from their own families, financial hardship, and general lack of support from external resources. Survey respondents noted that many clients returned home or remained in FM situations for the reasons listed above.

Regressive immigration policies were reported as a challenge in 19% of the surveys. Those policies could include the new conditional permanent residence, which may force victims to stay in a FM for fear of the loss of immigration status. FM clients without permanent status in Canada have also reported threats and fear of loss of status if they did not cooperate with FM perpetrators.

Survey results revealed a myriad of challenges that complicate each FM situation, and posit both internal and external challenges that need to be addressed. Several systemic barriers were identified as noted above.



SURVEY SUMMARY

SALCO's FM survey provided a wealth of data on FM in Canada. The results highlighted critical information that can be used to address FM in Canada as well as highlight gaps in services and challenges for FM clients..

Survey results reveal several critical issues in FM cases:

- Most victims tend to be young;
- Victims can be male, female, transgendered, etc.;
- Victims come from all cultures/communities/religions;
- Many victims had established ties to Canada as seen by the length of time that they had been in Canada;
- A large number of victims were permanent residents of Canada;
- A large number of victims were taken outside of the country that they lived in (either taken out of Canada or brought to Canada);
- Many victims were either in high school or post-secondary education;
- A majority of victims were unaware of their rights in a FM situation;
- A majority of victims were financially dependent on others (had no economic independence);
- Victims were forced into marriage most often by family members (with parents making up the largest percentage); and
- Challenges in FM cases included lack of counselling, lack of legal support, poor risk assessment, and lack of housing and financial support.

CASE STUDY



Ever since Nina turned 16, her family had been joking about getting her married as soon as possible. When she started talking about going to university after finishing high school, her parents suggested taking a year off and exploring her options. This seemed odd to Nina considering her parents had always valued her education highly. As her high school graduation approached, Nina began to dread the summer. She suspected that she would be forced into a marriage with a boy chosen by the elders in her family. Nina had seen this happen several times before – all of her older cousins had been married by the end of the summer they graduated high school. Even her older sister had gotten married in a similar hurried manner three years ago. When Nina overheard her mother talking on the phone about wedding preparation and saw her father perusing dating websites, she began to get worried. Determined to avoid the same fate as the other young women in her family, she booked an appointment

with her high school guidance counselor and divulged her fears to her. The guidance counselor consulted with SALCO. SALCO helped Nina create a safety plan that she could be carefully executed in case of an emergency and connected her with a youth worker. The day after Nina finished her last exam, her mother told her that an old friend of her father's that they had not seen in over a decade would be coming to visit with his son and asked Nina if she would be able to keep him company during the visit. Understanding the meaning of this subtle introduction, Nina contacted SALCO, divulged her fears and informed them that she had decided to execute her emergency plan. SALCO connected her with a housing worker who found temporary housing for her. Nina left the night before her family's guests were due to arrive.

POLICY RECOMMENDATIONS

The recommendations made below reflect the results of SALCO's survey, the open-ended interviews conducted with Canadian experts on FM, and the feedback garnered from SALCO Forced Marriage conference held on October 3, 2012. It is clear that in order to overcome the challenges that service providers currently face, FM must be addressed at a policy and practice level.

EDUCATION / TRAINING

Recommendation #1: Implement a national public awareness campaign.

Engaging different generations through a national campaign on FM would not only raise awareness but also create a dialogue around the issue and build public and community accountability. Awareness and education would pressure perpetrators of FM to revisit antiquated beliefs about forcing marriage. Increased awareness of FM also would alleviate some of the stigma and isolation felt by survivors by eliminating shame and guilt associated with FM. Survey results and other feedback reveal a definite lack of awareness and understanding of FM, and challenges associated with being unaware of the current resources available to FM victims.

A national awareness campaign would be best conducted by the federal government, who has both the ability and national scope to ensure a successful education / awareness strategy.

Recommendation #2: Provide Education and Training to service providers including, but not limited to, teachers, guidance counsellors, health professionals, social workers and police.

The warning signs exhibited by an individual facing FM are often missed by the front-line stakeholders who see those clients (example: social workers, police, guidance counsellors, health care professionals, CAS workers, doctors, teachers, etc.). There continues to be a lack of understanding of what FM is and how to address these cases.

Education and training for front-line stakeholders would provide a better understanding of FM, better prepare professionals to detect the warning signs of FM, and assist clients earlier in their FM cases (example: before they are removed from Canada).¹ Education and training would also allow stakeholders to understand the resources that are available cross-sectorally. Survey results have revealed that stakeholders that work with young people require more knowledge on FM.

SALCO should create a webinar that can be accessed throughout the country to educate and train stakeholders on FM, with consideration that training must reflect the intersectionalities of gender, race and culture.

¹ The toolkit for service providers created by SALCO provides general guidelines on how to deal with FM cases.

RISK ASSESSMENT

Recommendation #3: Develop an appropriate risk assessment tool for service providers, which include guidelines on how to deal with forced marriage cases.

A multi-sectoral risk assessment tool that captures the distinct features of a FM, combined with agency guidelines that allow service providers to identify cases of FM and intervene in an appropriate and efficient manner upon confirmation, is needed. A risk assessment tool is critical to identifying FM cases at the onset. This will also assist in development of policies and protocols that are guided by well-known and researched risk factors. Survey results revealed that a lack of proper risk assessment was a significant challenge in addressing FM cases.

The Network of Agencies Against Forced Marriage (NAAFAM) should partner to create a functional risk assessment tool that can be distributed nationally. The NAAFAM is expertly situated to develop a risk assessment tool as its members make a large group of agencies encountering FM cases.

HEALTH CARE

Recommendation #4: Long-term counselling services should be available.

Individuals going through a FM experience severe emotional and mental abuse and trauma. Survey results revealed that the biggest challenge faced by FM victims was a lack of counselling pre-, during, and post-FM. Appropriate short and long-term counselling services that are well equipped to work with this population and understand the unique nuances of FM situations and the impact it has on a person are needed. Counselling provides positive short and long-term benefit for victims of FM, including more effective resettlement post-FM.

Provincial governments should provide funding through health services for counsellors trained on FM. Funding should support additional counselling services and expand pre-existing counselling services around Ontario. A program for counselling akin to the provincial government's new Court Support Worker program should be implemented immediately.

HOUSING

Recommendation #5: Forced Marriage should be included in the definition of “family violence” for the purpose of applying for priority subsidized housing.

Our survey results revealed that one of the largest challenges for victims of FM is to find housing alternatives in situations where they are either leaving their family because of pressure to marry or are returning to Canada after being taken abroad to be forced into marriage. Survey results also show that many of these clients are low-income. The result is an inability to resettle into housing that is safe and affordable for FM victims.

While housing issues can be complex, it is imperative that we address housing concerns in FM cases. Municipal subsidized housing providers can play a role in ensuring that FM victims are eligible for priority housing because of domestic violence.

Municipal subsidized housing providers should immediately implement a policy that allows FM victims to apply for subsidized housing on a priority basis under the domestic violence priority housing application stream. In cases where a FM victim has been removed from Canada the normal limitation period (three months from the date of the violence) should also be waived. Some flexibility should be given in FM situations in recognition of the unique challenges faced by FM victims.

POLICY / LEGISLATIVE CHANGE AT THE FEDERAL LEVEL

Recommendation #6: Official protocols and intervention policy needed for DFAIT's consular Staff.

Survey results have revealed that many victims of FM are taken out of Canada. In addition, we have noted a significant number of FM victims are permanent residents, and not citizens. Currently, the consular response to FM situations is very inconsistent and much of the staff is not aware of the unique circumstances these individuals may find themselves in. Confirmation is needed that consular services will be extended in all FM cases to permanent residents and non-status victims with strong ties to Canada.

Formalized protocol on responding to FM cases is necessary to provide consistency in the consular response, including expanding the parameters of service for permanent residents and non-status victims. In addition, a standard operating procedure guideline must be in place at every consulate to guide officers on how to intervene in FM cases, including and up to the resettlement of victims in Canada.

The federal Department of Foreign Affairs and Trade must put into place a formalized protocol and guide for intervention in FM cases at all Canadian consulates throughout the world.

Recommendation #7: Creation of a national database of forced marriage resources in Canada.

While identification of FM is the starting point in each case, front-line stakeholders around Canada continue to be unaware of the resources that can be accessed municipally, provincially, and nationally. Various agencies and individuals throughout Canada are developing expertise on how to address FM cases. A centralized national database of FM resources in Canada would efficiently and effectively assist workers throughout the country in responding to FM cases.

The federal Department of Justice should create a national database of resources for FM victims and those who work with them that can be accessed via the internet and in print. Resources should be organized geographically as well as sectorally (for example: legal, health, etc.).

Recommendation #8: Better protection for permanent residents and persons without status.

Survey results have revealed that Canada is also home to victims of FM brought here from other countries. Recent amendments to immigration regulations have introduced a “conditional permanent residence” for many of those victims, which have the unintended consequence of potentially forcing FM clients to stay in abusive relationships to protect their own immigration status.

While Citizenship and Immigration Canada (“CIC”) has provided an exemption from conditional permanent residence in family violence situations, it has not addressed FM as part of that family violence. A clear guideline from CIC that exempts FM victims from the conditional permanent residence is required. In addition, CIC must make a commitment to not initiate any proceedings of “marriage fraud” or “misrepresentation” against FM victims in recognition of the power imbalance in their situations and their clear inability to control the FM situation or resulting immigration to Canada.

CIC should immediately update its conditional permanent residence policy to include a clear language that exempts victims of FM from the conditional permanent residence if they leave a FM situation within less than two (2) years of the date of their landing.

CIC and Canada Border Services Agency (“CBSA”) should immediately create a policy to exempt victims of FM from further investigation by CBSA for “fraud marriage” and/or “misrepresentation”.

Recommendation #9: Do not criminalize forced marriage as a separate criminal code offence.

Survey results revealed a consistent theme of shame from FM clients. Survey results also revealed that a large majority of FM perpetrators are family members. SALCO case studies have revealed that time and again, FM clients have expressed concern about getting family members into trouble and wanting to protect their families regardless of their own victimization. FM clients have indicated that they would be hesitant to seek outside assistance if this would result in criminal consequences for family members.

SALCO recommends that no action be taken to alter the Criminal Code to include FM as a separate criminal offence. Criminalization of FM would increase stigma and have the unfortunate effect of pushing victims deeper underground, rather than supporting victims to seek help and move forward from their FM.

CONCLUSION

FM remains a complex issue in Canada. SALCO's survey on the incidence of FM have made clear that FM is an issue that exists in Canada, that its impact can be devastating on the life of the FM victim, and that Canada has not done enough to protect victims of FM to date.

Our survey and other work reveal a continued unawareness of FM, a lack of understanding of what constitutes FM, problems in identifying FM cases, and a disjointed approach to responding to FM cases.

Internationally, several jurisdictions have centralized services and resources for FM victims. Canada can learn from that international example. Recommendations have been made in this report that start Canada on the path to centralizing FM including a centralized and national education and awareness campaign, uniform national training, uniform consular services for FM victims, and a centralized database of FM resources.

Victims of FM are particularly vulnerable due to age, lack of economic power, immigration status, and issues of shame and fear. In recognition, Canada must reconsider its lack of action on the issue of FM and implement in full the recommendations made in this report.



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The page features two large, intricate mandala patterns. One is in the bottom-left corner, rendered in orange and white. The other is in the top-right corner, rendered in grey and white. Both patterns consist of concentric circles with various geometric shapes like triangles, circles, and scalloped edges.

APPENDIX A

Survey Graphs and Charts

Figure 1: Age of Individuals Facing Forced Marriages Situations

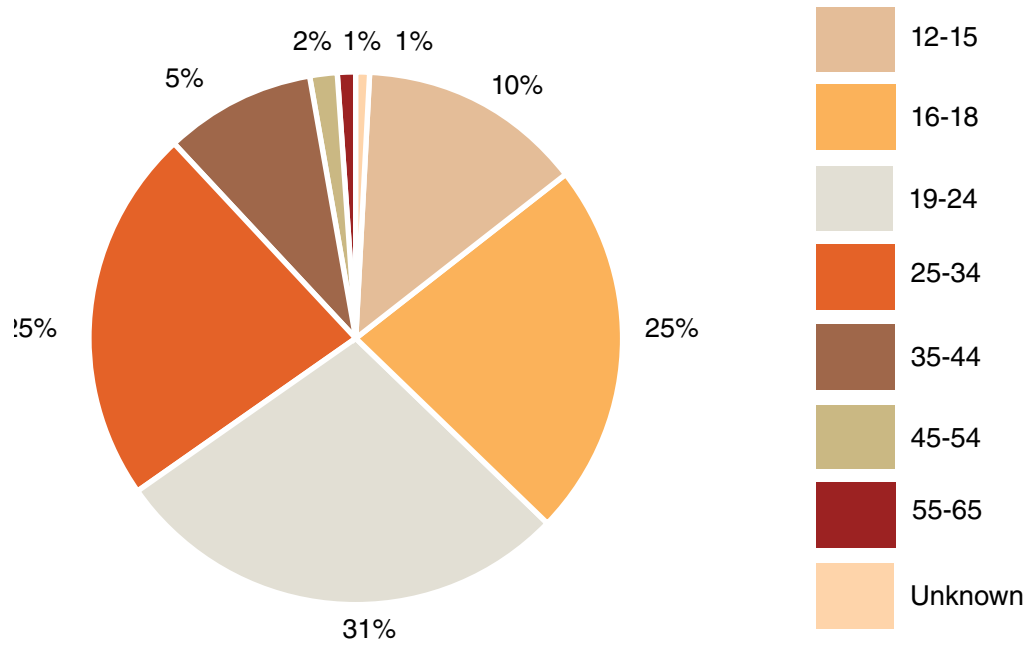


Figure 2: Length of Time Spent in Canada

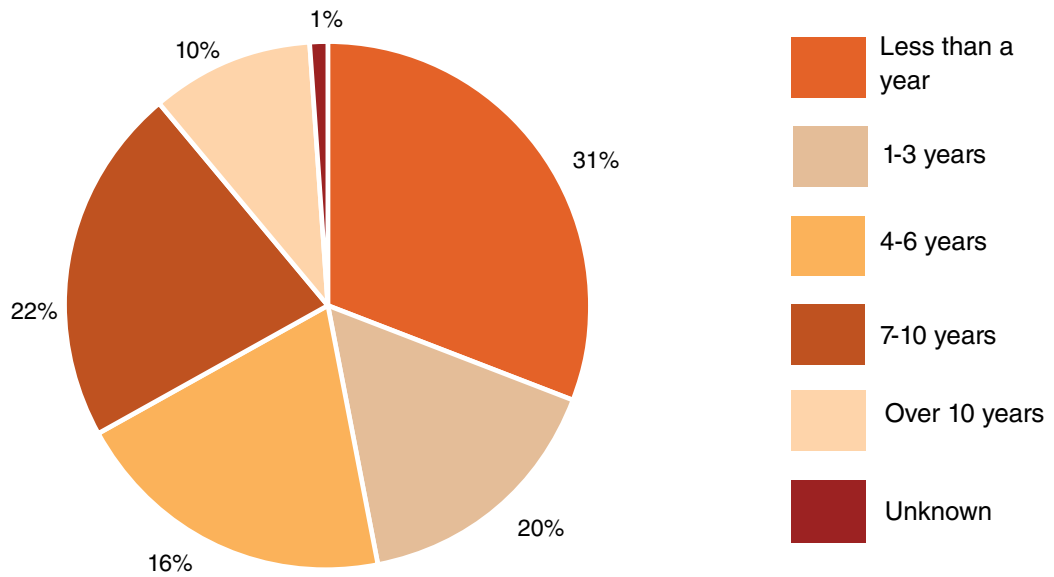


Figure 3: Status of Individuals Facing Forced Marriage Situations

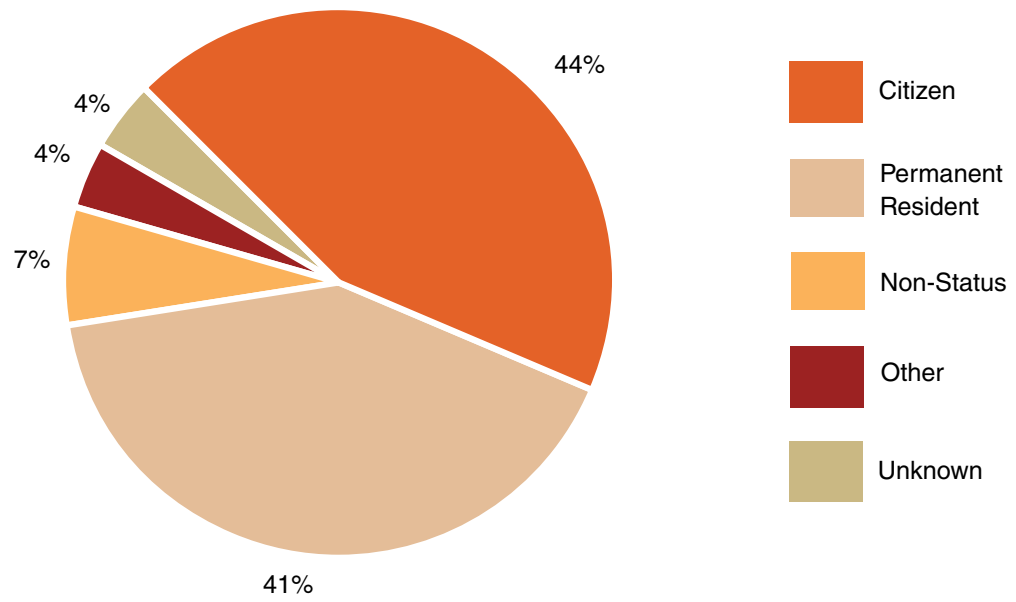


Figure 4: Forced Marriage Clients Taken Out of Country

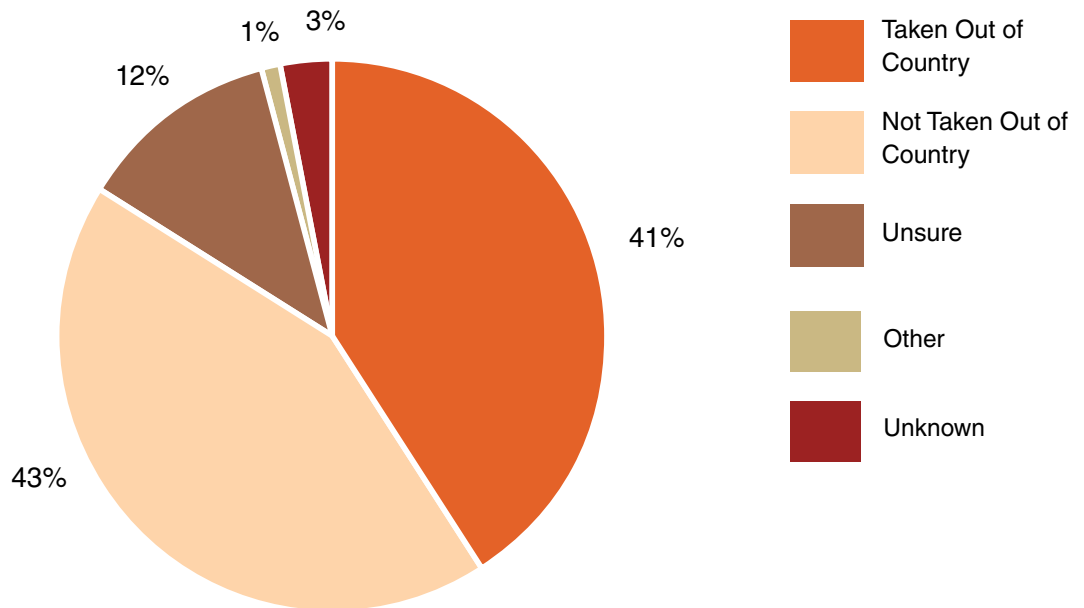


Figure 5: Level of Education of Individuals Facing Forced Marriage Situations

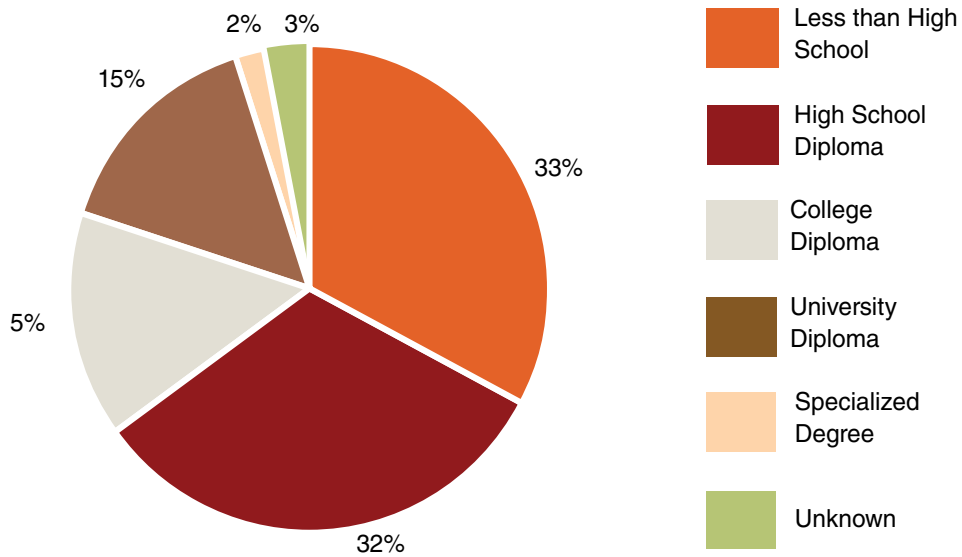


Figure 6: Level of Income of Individuals Facing Forced Marriage Situations

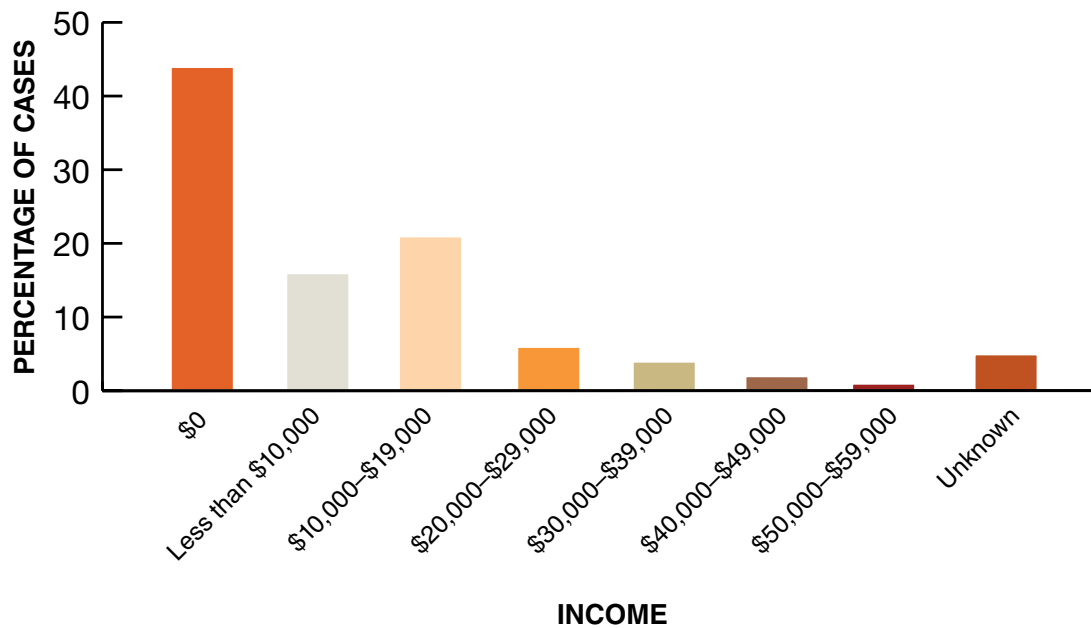


Figure 7: Status of Individuals Facing Forced Marriage Situations

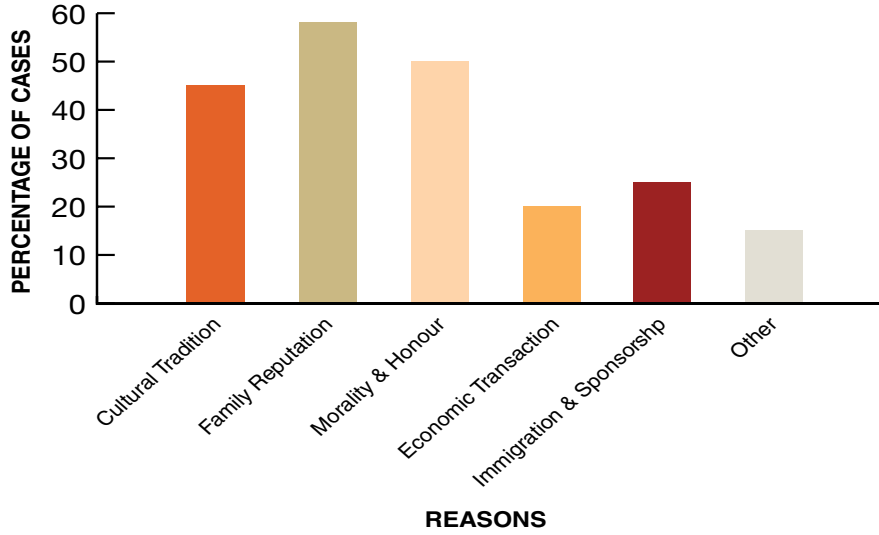


Figure 8: Forced Marriage Clients Taken Out of Country

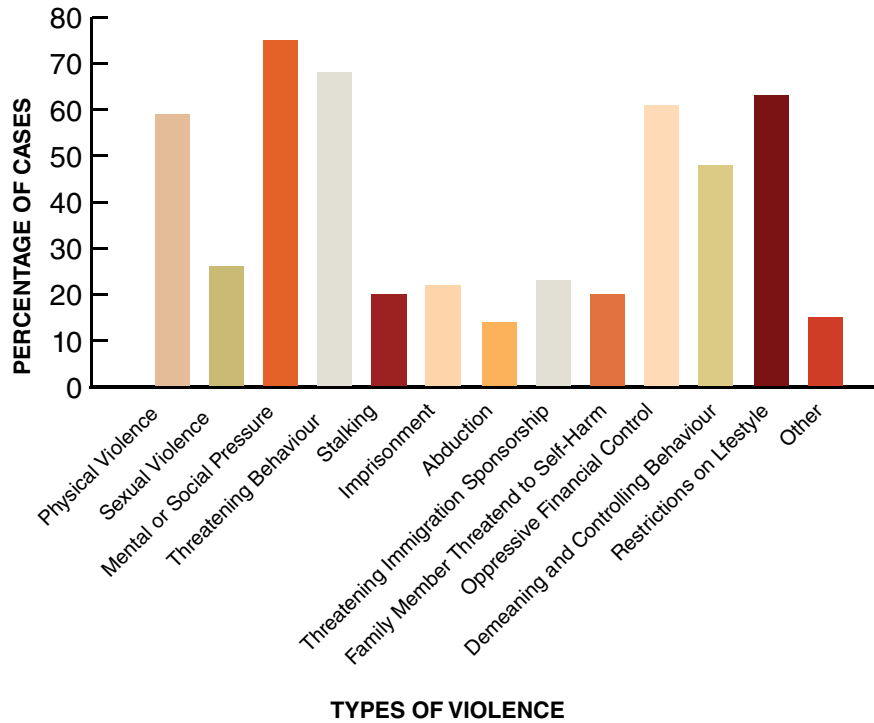


Figure 9: Level of Education of Individuals Facing Forced Marriage Situations

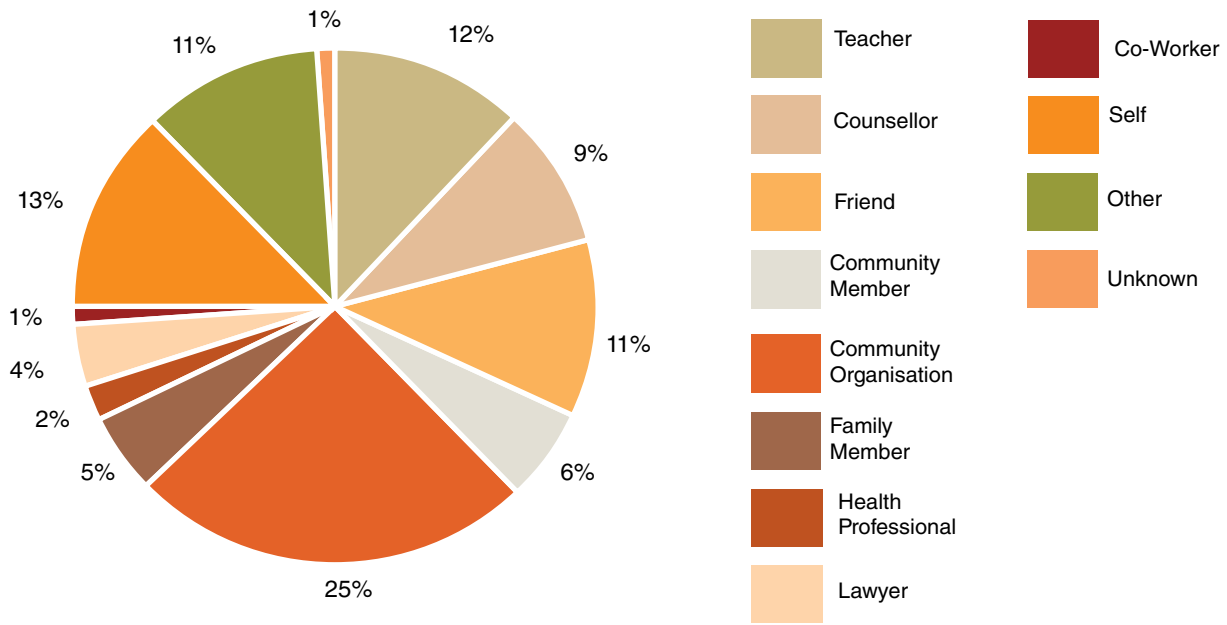
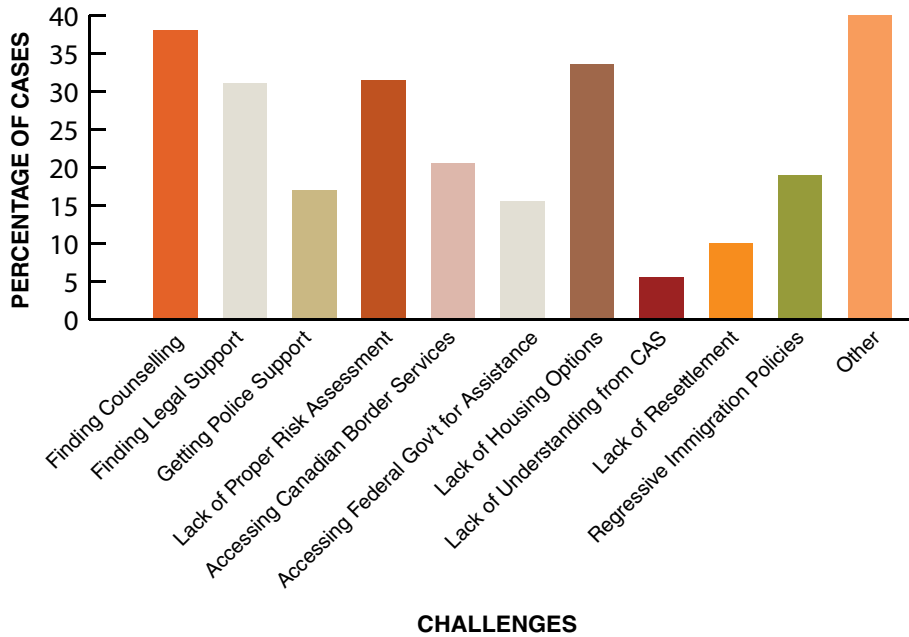


Figure 10: Level of Income of Individuals Facing Forced Marriage Situations





APPENDIX B

Information and Consent Form

INFORMATION AND CONSENT FORM

This is an anonymous intake survey created by the South Asian Legal Clinic of Ontario (SALCO) to collect data on the prevalence of forced marriage in the Greater Toronto Area as well as the services available to and needed by the victims of forced marriage.

You have been invited to participate in this study because, as a service provider in the Greater Toronto Area, you are in direct contact with the individuals facing forced marriage and other forms of gendered violence.

While your organization may be mentioned in the research, the survey is anonymous and does not request any identifying features of the clients. The data will be collected, analyzed and reported by SALCO and used to produce a report discussing policy recommendations for national and international forced marriage cases. The data may also be used for further work on forced marriages and for academic publication purposes.

Due to the anonymity, there are no identifiable risks to your agency or your clients. While there are no direct benefits for participating in this research, the increased awareness and the possible policy initiatives that will hopefully arise as a result of this research will also provide standard national procedures for the clients facing forced marriage in the community.

Any information provided in the survey will be kept confidential and will be stored at the SALCO office and on the researcher's computer protected with a password. The collected surveys will be archived in perpetuity.

Upon agreeing to participate in the project, you will be asked to fill out and submit the form when you are contacted by a client regarding forced marriage. We would also like to receive information about the forced marriage cases that your organization has dealt with since January 2010.

If you have any further questions about the project, please do not hesitate to contact the researcher, Maryum Anis, via telephone at (416) 487-6371 or email at salcogen1@lao.on.ca.

If you agree to participate in the research, please sign below form and keep a copy of the signed form for your records.

DECLARATIONS:

I have read the information above and understand that (Name of Organization) _____ will not be required to provide any identifying information about the clients and the information provided will be used by SALCO for research and policy recommendation purposes.

I consent to the publication of my organization's name: Yes No

Name

Signature & Date



Please return the completed survey to Maryum Anis via e-mail at [HYPERLINK "mailto:salcogen1@lao.on.ca"](mailto:salcogen1@lao.on.ca) salcogen1@lao.on.ca or fax at (416) 487-6456.

Forced/Non-Consensual Marriage Survey

Please answer the following questions to the best of your knowledge.

Name of organization:

Year of intake:

Number of contacts with the client:

- 1 2 3 4 or more Other (please specify):

Age:

- Under 12 12-15 16-18 19-24 25-34
 35-44 45-54 55-64 65+

Gender:

- Male Female Other (please specify):

Preferred Language:

Status:

- Citizen Permanent Resident (Landed Immigrant)

Other (please specify):

How long has the client lived in Canada?

- Less than a year 1-3 years 4-6 years
 7-10 years Over 10 years

Level of education:

- High School Diploma College Diploma
 University Degree Specialized Degree

Country of Origin: _____

Religious Affiliation:

- Muslim Hindu Sikh Christian Jewish
 Buddhist None Other (please specify): _____
 Unsure

Income:

- \$0 Less than \$10,000 \$10,000 – \$19,999 \$20,000 – \$29,999
 \$30,000 – \$39,999 \$40,000 – \$49,999 \$50,000 – \$59,999
 \$60,000 – \$69,999 \$70,000 – \$79,999 \$80,000 – \$89,999
 \$90,000 – \$99,999 \$100,000 or more Other (Please specify): _____

Who is pressuring the client into the marriage? (Select all that apply)

- Father Mother Sibling Aunt Uncle
 Other (please specify): _____

Does the client currently live with the person(s) pressuring him/her into the marriage?

- Yes No Other (please specify): _____

Was the client taken out of the country?

- Yes No Unsure Other (please specify): _____

What type(s) of violence were experienced by the client? (Select all that apply):

- Physical violence Sexual violence Mental or social pressure
 Threatening behaviour Stalking Imprisonment Abduction
 Threatening to take away immigration sponsorship
 Family member threatened to hurt themselves

- Oppressive financial control
- Demeaning, humiliating and controlling behaviour
- Restrictions on lifestyle (e.g. limitation on movement, association, dress code, education and career choices)
- Other (please specify): _____

What was the reason/justification provided to the client for the marriage? (Select all that apply)

- Cultural tradition
- Family reputation
- Morality and honour
- Economic transaction
- Immigration/sponsorship reasons
- Other (please specify): _____

Was the client aware of their rights prior to your first meeting?

- Yes
- No
- Unsure

Who referred the client to your organization?

- Teacher
- Counsellor
- Friend
- Community Member
- Community Organization
- Family Member
- Health Professional
- Lawyer
- Co-worker
- Self
- Other (Please Specify): _____

What were the challenges you faced in serving the client?

- Finding counselling
- Finding legal support
- Getting police support
- Lack of proper risk assessment
- Accessing Canadian Border services
- Accessing federal government for assistance
- Lack of housing options
- Lack of understanding from children's services (e.g. Children's Aid)
- Resettlement services for clients coming back to Canada
- Regressive immigration policies (e.g. lack of protection for non-residents)
- Other (please list): _____

Were you able to follow up with the client?

- Yes
- No
- Other (please specify): _____

The page features two large, intricate mandala patterns. One is in the top-left corner, rendered in a light grey color. The other is in the bottom-right corner, rendered in a vibrant orange color. Both patterns consist of concentric circles with various geometric shapes like triangles, circles, and scalloped edges.

APPENDIX C

Interview Questions

INTERVIEW QUESTIONS

1. Does your organization have an organizational definition of forced marriage? If yes, how does it define forced marriage?
2. What kind of demographics do you usually see and/or serve when dealing with forced marriage clients? (Age group, gender, etc.)
3. What kind of forced marriage cases does your organizations do (e.g. home vs. abroad, etc.)? Can you provide an understanding of the general types of cases you see?
4. Do you only serve clients who are being threatened with a forced marriage or do you also see clients who are already married?
5. What are your internal procedures following a disclosure by a forced marriage client? Do the procedures differ depending on the age of the client?
6. What are some of your protocols/guidelines to ensure the safety of your clients (case management / safety planning / risk assessment, etc.)
7. Who do you usually see being the perpetrators forcing clients into a forced marriage?
8. What are some of the obstacles you face when serving forced marriage clients?
9. In your experience, what are some of the reasons behind forced marriages?
10. In your experience, what are some of the warning signs that an individual may be in a forced marriage situation?
11. What is the impact of the situation on the victims of forced marriage (emotional issues, health issues, relationship issues)?
12. Do you usually have the opportunity to follow with your clients?
13. What is your understanding and/or awareness of the government policies around forced marriage?
14. Are there any government (federal, provincial or municipal) policies or protocols that present obstacles for you when serving a client? Are these obstacles dependent on the status of the individual?
15. What are some of the government supports that are lacking that you feel are essential to your ability to serve your client? What impact does the lack of these supports have on the client?
16. Are there any support programs that you provide for your forced marriage clients? Are you aware of any support programs available for individuals dealing with these situations? What kind of support programs do you think are needed?
17. What do you think are some practical (or impractical) steps that need to be taken to reduce or eliminate the instances of forced marriage?

The page features two large, intricate mandala designs. One is in the top-left corner, rendered in a light grey color. The other is in the bottom-right corner, rendered in a vibrant orange color. Both mandalas consist of multiple concentric layers of geometric shapes, including circles, triangles, and scalloped edges, creating a complex, symmetrical pattern.

APPENDIX D

Conference Report



IT'S A CHOICE: Forced Marriage Conference

How to Respond in Forced Marriage Cases

Inside this issue:

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Background

The South Asian Legal Clinic of Ontario ("SALCO") is a not-for-profit legal clinic that serves low-income South Asians in the GTA. SALCO has been working with clients facing forced marriage situations since 2005.

In 2008, as part of the Forced Marriage Project, SALCO held the first international symposium on forced marriages in North America. Since then, SALCO has worked on effectively understanding forced marriage in Canada and educating Canadians. In 2010, SALCO created the first toolkit for service providers that serves as a guide to dealing with forced marriage cases in Ontario.

SALCO's Forced Marriage Project also started the Network of Agencies Against Forced Marriage ("NAAF") which brings together local and national agencies actively working on forced marriage cases and issues regarding forced marriage.

The aim of the 2012 conference was to bring together stakeholders and service providers from many different sectors to increase awareness of the existing federal and provincial protocols, policies and gaps regarding forced marriage. The conference was designed to provide resources and other practical information available to service providers doing

forced marriage casework, and to hear suggestions for improvements from conference attendees.

The speakers represented service providers from several sectors including health, education and legal professionals as well as federal government representatives.

The attendees included:

- 4 federal agencies
- 11 provincial/regional agencies
- 51 non-profit agencies and service providers in Ontario
- 2 out-of-province non-profit agencies
- 8 international and miscellaneous agencies

Keynote: Tahirih Justice Center

The Tahirih Justice Center ("Tahirih") is a non-profit agency in the U.S. that provides legal services and advocacy to women suffering human rights abuses and domestic violence using a multifaceted approach. Most of their clients have precarious or no immigration status.

Tahirih first began seeing forced marriage cases in 2008. In

2011, Tahirih conducted a national survey. The survey found that forced marriage cases are a serious national problem among many different ethnic and religious communities. The survey also found that while there are often many signs of forced marriage exhibited by an individual, the service providers are not aware of how to identify forced marriage cases (they do not ask

the right questions). Furthermore, front line staff who are aware of forced marriage issues often do not know how to approach and/or handle these situations — this leaves women either with unidentified and/or unassisted forced marriage issues. Some of the key challenges being faced by service providers in the U.S. are the problematic definition of violence and the federal regula-

IT'S A CHOICE: Forced Marriage Conference

Page 2

SALCO is committed to identifying strategies to promote the safety, security, and right of all individuals to freely choose who and when to marry, with particular attention to children and youth, in all contexts including the family, school, faith and cultural communities.

Tahirih Justice Center (Cont'd)

rions and state laws that require service providers to attain parental consent and inform the parents of the youth's whereabouts.

Currently, Tahirih is in the process of creating a best practice model of response in forced marriage cases and are looking to the UK Forced marriage Protection Order as a guideline. They state that a 50 state federal campaign is needed to increase awareness. U.S. State Department is also developing formal protocols regarding the issue.

Forced marriage is defined as a form of violence and a violation of a person's human rights. It is a practice in which a marriage takes place without the free consent of the individuals getting married. Forced marriage can happen to anyone; of any gender, of any age. Forced marriages are not condoned by and do not take place in any particular culture, class or religion.

- SALCO

Department of Foreign Affairs and International Trade

Representatives of the Department of Foreign Affairs and International Trade ("DFAIT") discussed consular services which provide assistance to Canadians who are abroad. An individual facing or fleeing a forced marriage can contact consular services in Ottawa or in their foreign country for assistance. DFAIT confirmed at the conference that it can and will assist Canadian citizens, permanent residence, and on discre-

tion, non-status people linked to Canada wherever possible.

Previously, forced marriages had been categorized as "family distresses" as staff were not trained to identify forced marriage cases. DFAIT now has a working definition of a forced marriage. DFAIT has a Forced Marriage Working Group that is developing policy and procedures for consular staff, and a set of standard operating procedures and training for

officers relating to forced marriage. DFAIT also hopes to increase outreach and promote awareness on forced marriage in Canada.

When contacted by an individual in need, DFAIT is able to refer Canadians to social services and shelters available in the requisite country and in Canada. When approached with legal education requests, DFAIT currently refers to SALCO.

Department of Justice Canada

Representatives of the Department of Justice focused on the legislative framework surrounding forced marriages.

The Department of Justice views forced marriage as a violation of human rights and categorizes it as gender based persecution for women fleeing forced marriages in their country of origin. Canada has ratified 5 tra-

ties with regards to consent to marriage; these treaties are not part of Canadian Law but are applicable to interpretation of cases.

Under Canadian family law, free and informed consent at the time of marriage must exist in order for a marriage to be considered valid. There are also several provisions in the Canadian Criminal Code and in the Provincial child

protection laws, including removal of a child from Canada, sexual offences against children and assault and personal confinement laws, that are applicable in forced marriage cases.

The Department of Justice Canada has created a working group on forced marriages, in relation to international law, which was merged with honour-related vio-

Department of Justice Canada (Cont'd)

lence group in 2011. The Department of Justice has held 5 sector specific workshops since 2009 and have been working with the RCMP, Canada Border Services Agency and Citizenship and Immigration Canada to create training materials on forced marriages.

Ontario Police College

Currently, the Ontario Provincial Police receives training on the different forms of violence but are not trained to deal specifically with forced marriage and other forms of gender based violence.

When police officers respond to a call, their first priority is to ensure the safety of all individuals involved; initially, they do not distinguish between the types of violence that may be occurring. Once the investigation begins,

victim services and other court appointed services are also involved in the case and cohesive collaboration between the parties is necessary. As there is no case law regarding forced marriages, it is necessary for the Crown to get creative with the laws that exist (for example forced marriage as a form of human trafficking). It was also stressed that police officers need to be vigilant when dealing with potential forced marriage cases so that the victims are not further victimized.

Children's Aid Society of Peel

The Children's Aid Society of Peel ("Peel CAS") deals with a diverse population and employs an anti-oppressive perspective. Peel CAS's mandate is to investigate families, ensure the safety of children and determine the risk posed by caretakers to the children.

The dialogue around forced marriage is just beginning to take place at CAS and there is no refer-

ence to forced marriages in the Child and Family Services Act. Intervening in forced marriage situations requires a creative manipulation of the laws that do already exist. Some of the creative means used to enter forced marriage situations may include physical/sexual harm to the child, parent-child conflict and domestic violence. A child's fear of returning home is taken very seriously,

Peel CAS presented on its own intervention process and safety planning procedures. It was stressed that it is important to ask the necessary questions, and understand the circumstances and historical context of the families in order to implement an appropriate safety plan. Least intrusive solutions are preferred by Peel CAS.

Barbra Schlifer Clinic

The Barbra Schlifer Clinic provides legal counsel, long and short term trauma counseling and interpretation services to young women.

Mental health is a significant factor to be considered in forced marriage cases, including clients facing depression, fatigue / tiredness, hyper-alertness, fear, self-harming behaviour and alcohol abuse. Many forced marriage clients have also experienced sexual

assault and unwanted pregnancy. Forced marriage also has a significant emotional impact on the individual including feelings of shame, difficulty concentrating in school, headaches, etc. Counseling is a critical component of the collaborative care for forced marriage clients.

Social supports, such as assistance in finding housing and employment, and a way to remain connected with the community are

needed in order to break the isolation experienced victims of forced marriage. Teaching the young girls that they have a right to say no is an important part of their healing.

Training is also needed for service providers to work with forced marriage clients and an appropriate risk assessment tool must be developed.

Only 9% of organizations have a working definition of forced marriage in Canada.

– Department of Foreign Affairs and International Trade

"In situations [of] forced marriage, we need to work creatively. It's about how you read the evidence and advance the argument to support protective activities."

- Vicky Lourey, Children's Aid Society of Peel

India Rainbow Community Services of Peel

India Rainbow is a non-profit organization that provides culturally appropriate services to the immigrant communities and aims for unification of families. India Rainbow provides settlement and counseling services as well as programs for youth, women and seniors. India Rainbow also provides support to youth in high schools in the Peel Region.

India Rainbow works with forced marriage clients, primarily youth between the ages of 16 and 21, who are not protected by CAS but are still transitional youth.

The majority of the forced marriage referrals are made from either CAS or high school guidance counselors / staff.

India Rainbow noted that schools can be very helpful in providing copies of student I.D. documents as clients may not have those documents on hand (example: birth certificate, S.I.N. card, immigration docs). This information can be obtained from school files, and school staff can also request missing information from parents in an innocuous and safe way.

India Rainbow has an International Safety Plan that can be implemented if a youth is taken out of the country against his or her will. India Rainbow discussed aspects of that safety plan, including shelter services and other supports and is happy to share its knowledge and resources with others.

India Rainbow has recently taken the position that forced marriage is a form of domestic violence.

South Asian Legal Clinic of Ontario

The South Asian Legal Clinic of Ontario ("SALCO") sees a large number of forced marriage cases. Many of these cases are reported through schools, family and friends, or self-reported by the clients.

SALCO works with clients at all stages of their forced marriage issues, including threats of forced marriage, removal from Canada and return to Canada.

SALCO believes that the criminalization of forced marriage will not address the issue, but rather, will drive people to not report their cases for fear of police intervention with their families. SALCO believes that the focus of our work in forced marriage cases should be on prevention, education, and the protection of forced marriage clients, including sup-

ports for clients facing forced marriage situations.

SALCO also discussed the challenges for forced marriage clients with precarious immigration status, including the services that can be accessed by non-status clients. Non-status clients are particularly vulnerable. SALCO urged for changes that would protect not only citizens, but permanent residents and non-status clients.

SALCO discussed the legal issues around voiding a forced marriage, the pros and cons of divorce versus annulment.

SALCO's own "Forced Marriage Project" is currently conducting a survey to collect data on the incidence of forced marriage in Canada. SALCO will be releasing the results of the survey and its own suggestions for policy change in 2013.

In cases of clients who are conditional permanent residents, it is imperative for service providers to keep an accurate and detailed record of all client disclosures in order to successfully argue a fraud marriage case against such clients.

Issues Raised at the Conference

Below is a list of the most prevalent issues raised by conference attendees on dealing with forced marriage issues:

- Forced marriage should be included in the definition of domestic violence. This will not only allow many resources to be accessible to the clients but will also be beneficial for access to funding.
- The importance of removing culture and religion from the discussion of forced marriage. Although forced marriages are not unique to a particular region or religions, the issue is often homogenized and forced marriage is often seen as a distinctly South Asian and, particularly, Muslim, issue. Forced marriage is also often linked to honour crimes and exoticized in the media.
- Ensuring that there is a clear distinction made between fraud and forced marriage and the discussion of forced marriage is not heisted by fearful discourse surrounding fraud marriage. Recent immigration changes that introduce a conditional permanent residence to address "fraud marriage" are dangerous to the safety and security of women. Women are forced to stay in relationships for fear of loss of immigration. While there is an exception made for individuals in abusive relationships, there is an undue burden placed on the individual trying to leave a marriage that prevents them from disclosing their situation and seeking assistance.
- The immigration status of the individual dictates the type of consular response that is initiated. While protection is extended to Canadian citizens only, what happens to permanent residents and non-status woman with a link to Canada? This is particularly problematic for those individuals who have resided in Canada for majority of their lives but are not citizens.
- The current police and consular response in forced marriage cases is very inconsistent. Education, training and formalized protocol are needed for the police, the Crown, and consular staff. In particular, the uniqueness of forced marriage situations as compared to other forms of domestic violence must be addressed.
- In the case of under aged forced marriage, some service providers (schools) and levels of government still release information to the parents. Due to the unique circumstances of a forced marriage situation, this can compromise the safety of the individual at risk.
- Social and practical supports, including long and short term counseling services, are needed for individuals leaving a forced marriage. Programs are also needed to break the severe isolation for these clients.
- Education and training is needed for service providers so they can accurately identify and provide appropriate service to forced marriage clients. This is also important as many individuals often are not able to accurately identify the threat of a forced marriage themselves.
- Many service providers do not know what coercion and lack of consent looks like in many cases. The spectrum of where a consensual marriage becomes forced must be understood by service providers.
- As forced marriage is often a misunderstood and hidden issue. The majority of the forced marriage work being done by service providers is reactionary – agencies are contacted once the situation has escalated (client has been taken abroad, etc.) and an emergency response needs to be implemented. It is necessary to intervene in such situations before they get to that point. A national outreach strategy was discussed which would enhance awareness of the issue and also provide awareness of the resources (available to the individual who is in or facing forced marriage.

"...[A] challenge is the ongoing support service. Often, two years down the road, the woman is so isolated that she chooses to go home and reface the abuse because there's nothing out there."

Conference Attendee

"Right now, the definition of domestic abuse only covers partner abuse, child sexual abuse and rape. [Forced marriage] needs to be included."

- Farrah Khan, Barbara Schlifer Clinic

Issues Raised (Cont'd)

(...Continued from Page 5)

- Coordination between services that are available is necessary to ensure that the individuals seeking help are not passed from agency to the next without receiving the necessary assistance.

Resources

Department of Foreign Affairs and International Trade

- Emergency Watch and Response Centre is open 24 hours a days, 365 days a year.
- Emergency contact information: 1.613.996.8885 (collect call from most countries) or sos@international.gc.ca
- Website: travel.gc.ca
- Registration for Canadians Abroad: www.travel.gc.ca/register. Registration prior to leaving Canada assists with faster verification and response times.
- Locating Canadian Government Office in foreign countries: www.travel.gc.ca/offices
- Regularly updated travel reports provide information on security, entry requirement and other global issues.
- Publications intended for the female traveler: *Her Own Way*
- Provides assistance in Foreign countries with social services, shelters and legal assistance including information on local police and medical facilities, a list of local lawyers, information regarding local laws and regulations, replace lost, stolen or damaged passport and transfer funds in case of urgent financial assistance.
- Agreement in place with UK and Australia that they will provide assistance to Canadians in the

"We must ensure we don't implement services or situations that will endanger the [individual's] situation... We would adopt the model of the client-centered planning and working from an anti-oppressive perspective and understanding the dynamics." -Vicky Lowrey, Children's Aid Society of Peel

areas that Canada cannot do so.

Department of Justice:

Family Law:

- Free and informed consent must be given by both parties in order for a marriage to be legally valid; marriage can be declared invalid if the consent was given under duress.

Criminal Law:

- No specific offence for forced marriage in the Canadian Criminal Code.
- There is a range of Criminal Code provisions that can encompass majority of the element of forced marriages including uttering threats, assault, sexual assault, kidnapping, forcible confinement, abduction of a young person, procuring feigned marriage, extortion, intimidation, sexual offences against children and youth, failure to provide necessities of life and abandoning child, abduction of a young person and removal of a child from Canada (with intent to commit act outside Canada that would be one of listed offences if committed in Canada).

Child Protection Law:

- State intervention is available where parents are unwilling or do not meet the child's physical, emotional and psychological needs.
- Child protection legislation provides the possibility of a no-contact order

Resources

Civil Domestic/Family Violence Legislation:

- Each province and territory has domestic violence legislation designed to complement the criminal justice system.
- Civil remedies may include Emergency Protection Order, removal of the abuser from the home, no-contact/communication orders, seizure of weapons, temporary custody of the children to the victim and temporary possession or personal property.
- Victim's Fund: available through the Policy Centre for Victim Issues to provide victims a more competent voice in the criminal justice system.
- In cases of extreme danger to the individual, the abuse victim can get confidential services.
- Lawyers are available as independent counsel for children.
- Committee established to locate funding for individuals in transitional ages.

Children's Aid Society of Peel

Ontario Child Welfare Eligibility Spectrum:

- Section 1: Physical/Sexual Harm by Commission
- Section 3: Risk of Emotional Harm
- Section 4: Abandonment/Separation.

Toolkits for Service Providers:

- Who/If/When to Marry: It's A Choice (*South Asian Legal Clinic of Ontario*)

- Resource Information Guide to Human Trafficking Systems through Forced Marriages (*South Asian Women's Centre*)

Other Resources:

- Agincourt Community Services Association
www.fmp-acsa.ca
- Barbra Schlifer Clinic
Phone: 416.323.9149
- Children's Aid Society of Peel
Phone: 905.363.6131
Toll Free: 1.888.700.0996
- India Rainbow Community Services of Peel
Phone: 905.275.2369
- The Ontario Association of Children's Aid Societies (OACAS)
Phone: 416.987.7725
- Safe Centre of Peel
Phone: 905.450.4650
- South Asian Legal Clinic of Ontario
Phone: 416.487.6371
- Victim Services of Peel
Phone: 905.568.1068

For a complete list of agencies, please see the Network of Agencies Against Forced Marriage List (*For instructions on how to access the NAAFM list, please see the back cover*).

"Most commonly, the cases are reported to [SALCO] by schools, family and friends... If someone is trying to get resources from me, they don't tell me they are being forced into a marriage or approach me with another matter."

- Deepa Mattoo, SALCO

Throughout the conference, the importance of working with families was stressed by the speakers as well as attendees.

"We need to work with families" - Jeanne Smoot, *Tahirih Justice Centre*

"There is a need out there and space to talk to parents and elders... A lot of dialogue and communication is needed." - Deepa Mattoo, SALCO

IT'S A CHOICE: Forced Marriage Conference

CONFERENCE REPORT

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www.forcedmarriages.ca

FORCED MARRIAGE PROJECT

Please contact the Forced marriage Project at SALCO if you would like:

- more information on the Forced Marriage Toolkit developed by SALCO for service providers;
- to join the Network of Agencies Against forced marriage or add your agency to the NAAFM Agency list; or
- to arrange a training regarding forced marriage cases for your agency.

SALCO can provide services on-site in several languages including:

- English
- Punjabi
- Hindi
- Bengali
- Urdu
- Kannada
- Tamil

Hours of Operations:

Monday, Tuesday, Thursday, Friday:
9:30am —12:30pm, 1:00pm —5:00 pm

Wednesday:
9:30am —12:30pm



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