

**A Complex Web:
Access to Justice for Abused Immigrant Women
in New Brunswick**

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Status of Women Canada is committed to ensuring that all research produced through the Policy Research Fund adheres to high methodological, ethical, and professional standards. The research must also make a unique, value-added contribution to current policy debates, and be useful to policy-makers, researchers, women's organizations, communities, and others interested in the policy process. Each paper is anonymously reviewed by specialists in the field, and comments are solicited on:

- the accuracy, completeness and timeliness of the information presented;
- the extent to which the analysis and recommendations are supported by the methodology used and the data collected;
- the original contribution that the report would make to existing work on this subject, and its usefulness to equality-seeking organizations, advocacy communities, government policy-makers, researchers and other target audiences.

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PREFACE

Status of Women Canada's Policy Research Fund was instituted in 1996 to support independent, nationally relevant policy research on gender equality issues. In order to determine the structure and priorities of the Policy Research Fund, Status of Women Canada held consultations from March to May 1996 with a range of national, regional and local women's organizations, researchers and research organizations, community, social service and professional groups, other levels of government, and individuals interested in women's equality. Consultation participants indicated their support for the Fund to address both long-term emerging policy issues as well as urgent issues, and recommended that a small, non-governmental external committee would play a key role in identifying priorities, selecting research proposals for funding, and exercising quality control over the final research papers.

As an interim measure during the fiscal year 1996-1997, consultation participants agreed that short-term research projects addressing immediate needs should be undertaken while the external committee was being established to develop longer-term priorities. In this context, policy research on issues surrounding the Canada Health and Social Transfer (CHST) and access to justice were identified as priorities.

On June 21, 1996, a call for research proposals on the impact of the CHST on women was issued. The proposals were assessed by Status of Women Canada and external reviewers. The research projects selected for funding in this area focus on women receiving social assistance, economic security for families with children, women with disabilities, the availability and affordability of child care services, women and health care, and women's human rights.

The call for research proposals on access to justice was issued on July 18, 1996. Also assessed by Status of Women Canada and external reviewers, the selected policy research projects in this area include a study of abused immigrant women, lesbians, women and civil legal aid, family mediation, and the implications for victims of sexual harassment of the Supreme Court ruling in *Béliveau-St. Jacques*.

The objective of Status of Women Canada's Policy Research Fund is to enhance public debate on gender equality issues and contribute to the ability of individuals and organizations to participate more effectively in the policy development process. We believe that good policy is based on good policy research. We thank all the authors for their contribution to this objective.

A complete listing of the research projects funded by Status of Women Canada on issues surrounding the Canada Health and Social Transfer and access to justice is provided at the end of this report.

ABSTRACT

Based on data generated from focus group interviews with 48 immigrant women in New Brunswick, barriers to the criminal justice system and justice-related services for abused immigrant women residing in a predominantly rural province are discussed in this report. The participants were from very diverse cultural backgrounds and approximately one third identified themselves as abused.

The review of research findings begins with a discussion of the cultural norms and forms of structural oppression identified by the women that act as disincentives to accessing the justice system. Thereafter, the concerns raised by the participants regarding the lack of legal information available to immigrant women on woman abuse are explored as well as the bearing this has on their knowledge of their legal rights. After discussing factors influencing their reluctance to use the police, the report concludes with a review of the policy recommendations proposed by the women to improve abused immigrant women's access to the criminal justice system and justice-related services.

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EXECUTIVE SUMMARY

Purpose and Scope of the Study

In recognition of the importance of exploring barriers to justice for abused immigrant women residing in predominately rural areas, this study was designed to identify the reasons why abused immigrant women in New Brunswick are reluctant to access the criminal justice system and justice-related services; and to identify, from the perspective of immigrant women, a set of realistic recommendations to make the criminal justice system and justice-related services more accessible for abused immigrant women.

Focus groups were used to explore the issue of justice system access. Forty-eight women from diverse countries of origin participated in six focus groups. These were held in the early spring of 1997 in different locations across New Brunswick, ranging from small towns to larger cities.

Findings

Most participants identified the interplay of cultural norms and structural oppression as very profound barriers to the justice system for abused immigrant women. All the women, no matter what their country of origin, described their social lives as deeply rooted in patriarchal structures. Structural constraints, such as language barriers, perceived racism in the criminal justice system and social service agencies, and a lack of adequate ethnocultural services and representation were also identified as disincentives to seeking help in cases of abuse.

Participants cited dependency on the abuser for financial support and immigration sponsorship as another major barrier. As well, most of the women stated that a lack of knowledge of criminal and civil legal protection in cases of abuse served as a disincentive to contacting the justice system. They indicated they would not contact the police if they needed assistance and protection from a violent husband or partner, or would do so only in very extreme cases of physical violence.

Clearly, a significant number of barriers to the justice system exist for abused immigrant women. Many of these barriers, as findings from our focus groups suggest, may be even more pronounced for women living in predominantly rural provinces such as Manitoba, Saskatchewan, New Brunswick, Nova Scotia and Prince Edward Island where the immigrant population is relatively small.

Recommendations

The recommendations of the focus group participants have been divided into two sections. One set are directly related to access to the criminal justice system, and the second set deal with socio-legal education options.

Recommendations to Improve Access to the Criminal Justice System and Justice-Related Services for Abused Immigrant Women

1. Provide cultural sensitivity training to criminal justice personnel and those who work in justice-related services.
2. Explain immigration procedures regarding sponsorship and woman abuse to criminal justice personnel and those who work in justice-related services.
3. Employ more ethnic service providers in the criminal justice system and justice-related services.
4. Increase funding for legal aid.
5. Create more support services for immigrant families in conflict.
6. Create outreach and follow-up services.

Recommendations to Improve Awareness of Socio-Legal Issues Pertaining to Woman Abuse and the Criminal Justice System

7. Provide more and ongoing information to immigrant men and women about legal rights and issues surrounding woman abuse before and during their entry into Canada and after they have arrived.
8. Increase collaboration between immigrant and refugee agencies and woman abuse projects and shelters.
9. Develop educational strategies which target personnel in places where immigrant and refugee communities regularly convene.
10. Conduct group discussions and workshops about woman abuse in immigrant and refugee communities and organizations on an ongoing basis.

INTRODUCTION

Woman abuse is a form of male domination, subordination and oppression that knows no cultural or national boundaries. As studies indicate, it is a social problem which directly affects a very large percentage of the Canadian population. According to Statistics Canada's national survey on violence against women, three out of ten women have experienced at least one incident of physical or sexual violence at the hands of a man to whom they were either married or with whom they were in a common law relationship. These figures are based on a random sample of 12,300 women across 10 provinces and point to the pervasive nature of woman abuse (Canadian Centre for Justice Statistics, 1994).

While there is now a growing body of literature focusing on woman abuse, little research has been completed to explore issues and concerns surrounding the abuse of immigrant women. Very few of the completed studies have examined the experiences of abused immigrant women residing in provinces with relatively few immigrants which are predominately rural such as Manitoba, Saskatchewan, New Brunswick, Nova Scotia and Prince Edward Island. While the experience of being an abused woman is isolating and devastating for any individual, the situation may be even more difficult for immigrant women residing in non-urban areas where there are virtually no culturally specific services for abused women and where the ethnic communities are small. Immigrant women in these situations may face very significant barriers that inhibit their access to the justice system.

Much of the research that has been conducted on immigrant women's experiences with woman abuse has been biographical, anecdotal or "second hand" in nature. This has left many important questions unanswered. In recognition of this lack of research, a research team was formed in 1993 to study family violence in immigrant communities in New Brunswick. This team became part of the new research centre on family violence in Fredericton known as the Muriel McQueen Fergusson Centre of Family Violence Research. In 1996, the research team received funding to conduct workshops across New Brunswick to inform immigrant women about issues pertaining to family violence in Canada. During these workshops, issues related to access to the justice system surfaced. Some women indicated that they were afraid to contact the police because of their perceptions of, and experiences with, the police in their countries of origin. Other women felt they would bring shame to their families if they called the police for help. In other cases, immigrant women did not know how the justice system operated, a factor that could inhibit them from using the system in the event of abuse.

As a result of the workshop discussions, we became very interested in exploring the issue of access to the criminal justice system for abused immigrant women residing in a largely rural province such as New Brunswick. To date, the overwhelming majority of studies examining issues related to immigrant woman abuse have been conducted in major urban areas where immigrant communities tend to be relatively large and where most existing programs for abused immigrant women are located. Thus, to develop a better understanding of the barriers to justice abused immigrant women face in provinces which are largely rural, focus groups were conducted in six geographic locations in New Brunswick. These groups were completed in the early spring of 1997 with a total of 48 immigrant women.

The focus groups revealed significant barriers to the justice system for abused immigrant women. Primarily, these barriers fell into the areas of:

- patriarchal family structures;
- women as keepers of the family;
- the structural oppression experienced by immigrant women;
- legal and justice information needs;
- immigrant women and the police; and
- other issues which could not be categorized.

Though these findings were derived from immigrant women living in New Brunswick, it is not unreasonable to suggest that immigrant women residing in other, largely rural, provinces, such as Manitoba, Saskatchewan and Nova Scotia, face similar forms of isolation and, in turn, increased dependency on an abusive partner. These findings and their implications for abused immigrant women in predominantly rural provinces are discussed in this report. Recommendations to improve access to the criminal justice system and awareness of social and legal issues follow.

Prior to this discussion, a succinct review of the literature on immigrant woman abuse and issues surrounding immigrant women's access to justice is presented in order to provide a conceptual framework for the current study. A discussion of the specific objectives of the study and the methods used to collect the data follows the literature review.

Literature Review: Barriers to Justice

Woman abuse can be found across all ethnic, cultural, racial and class backgrounds in Canada. It is a complex and multi-faceted problem that often leaves battered women feeling isolated and vulnerable (MacLeod, 1987). For many immigrant women experiencing abuse, these feelings are frequently compounded by the cultural, linguistic, economic and racial difficulties they encounter in the larger Canadian society (Currie, 1994).

Immigrant women are a significant and important percentage of the Canadian population, accounting for approximately 16% of the female Canadian population in 1991 (Statistics Canada, 1996). Exploring their experiences as victims of violence has been identified as a valuable means to better address their needs. Yet, few empirical studies have specifically involved the direct participation and insight of abused immigrant women.

In an important and groundbreaking study, MacLeod et al. (1993) examined the experiences of 64 immigrant women in four urban areas (Montreal, Ottawa, Toronto and Vancouver), who had been abused by either their husbands or a relative. The study documented the circumstances and challenges of abused immigrant women who spoke neither French nor English. In the course of the research, these women shared their realities of living with language barriers and abuse, and they offered ideas about ways to respond to woman abuse.

The abuse and the language isolation, as the women noted, “affect all parts of their lives” (MacLeod et al., 1993, p. ii). Virtually all the women in the study spoke of experiencing significant levels of isolation and feelings of loss. For many, immigration to Canada meant the loss of their network of friends, family and community that could assist and support them. As a significant number of the women noted, these losses in combination with the strong focus on individualism in Canada caused them to lead harsher, more isolated lives than they would have experienced as abused women in their country of origin.

Many of the women emphasized how intertwined their abuse was with the other forms of disrespect, discrimination and exploitation they were experiencing in their lives. As immigrant women who often faced discrimination in the wider Canadian society and, in turn, in their private, familial relationships, leaving their husband or calling the police was not a viable option, given the multiple levels of oppression. A significant number expressed a fear that such interventions would increase their isolation and economic insecurity, and would also bring shame to their families and community.

It is important to note that the women offered many suggestions on how to better respond to the needs of abused immigrant women, in general, and in particular, to abused immigrant women who speak neither French nor English. These suggestions included:

- immigrant women’s meetings and group discussions;
- cultural sensitivity training for mainstream service providers;
- the involvement of abused immigrant women in program planning; and
- the improvement of language training, housing options and employment for immigrant women.

Through a series of in-depth interviews, Martin and Mosher (1995) also directly examined the challenges and difficulties faced by a group of abused immigrant women in Canada. The 11 women who participated in their study were members of a group in Toronto entitled Women of Courage which consisted of Latin American immigrant women who had survived woman abuse. The design of the interview format and the interviews were completed by three members of the group. (This is a common participatory research practice.)

Similar to the findings in the MacLeod et al. (1993) study, the Martin and Mosher research revealed that most of the women had strong reservations about involving the criminal justice system in woman abuse situations, even though six of the women did contact the police. Some of the women expressed the fear that they would be deported if they called the police. Two women noted that their abusers had threatened to revoke their immigrant sponsorship and suggested that they would lose their immigration status — a threat which is not uncommon on the part of immigrant men who sponsor and, in turn, abuse their wives (Martin and Mosher, 1995). Fear of increased institutional surveillance and intervention on the part of other authorities, such as child protection agencies, was also cited as a reason some would not contact the police. Several feared that calling the police could invoke formal surveillance over their children under the guise that they were also being abused.

The fear of increased economic insecurity if they left their abuser was also cited as an important reason not to invoke criminal justice intervention. As Martin and Mosher (1995, p. 25) noted:

For women — like many of those in the study — who have limited education (or whose foreign qualifications are not recognized), few marketable employment skills, limited fluency in English, and who face a discriminatory workplace which siphons them into job ghettos characterized by low pay and job security, the risk of economic insecurity is obviously great.

Clearly, as these studies indicate, abused immigrant women face a complex array of challenges which are compounded, in most instances, by their social, cultural, racial and economic marginalization. These studies also point to the many factors which inhibit abused immigrant women from accessing the criminal justice system and justice-related services. As Currie (1995) suggested, these barriers can be grouped into four major categories:

- cultural barriers;
- institutional barriers;
- barriers related to racist and sexist responses by individuals working within the criminal justice system and other justice-related agencies; and
- language and information barriers.

Currie developed these categories after conducting an extensive review of the literature which addresses barriers to justice for abused immigrant women. Many of the barriers she discussed in her report correspond to the barriers cited in the MacLeod et al. (1993) and Martin and Mosher (1995) studies.

With respect to the barriers delineated by Currie (1995), various cultural beliefs and practices, which are often intertwined with patriarchal structures, are thought to function as disincentives to accessing the criminal justice system and justice-related services. For example, gender-defined religious values or certain types of culturally prescribed commitments of loyalty to family may inhibit some abused immigrant women from invoking criminal justice intervention.

As Ho (1990, p. 136) suggested, the cultural prescription of “coping through forbearance” is frequently reported by women in South Asian communities as the traditional means to respond to woman abuse. Women may be encouraged and recognized for enduring their suffering and hardship. Acting in conflict with such cultural beliefs may ostracize an abused woman from her family and friends. It is important to note, however, that the content and force of certain cultural values can vary quite significantly both within and between ethnocultural minority communities (Currie, 1995; MacLeod et al., 1993; Roboubi and Bowles, 1995).

As noted earlier, immigrant women face significant levels of socio-economic marginalization. The structural inequality that immigrant women endure is identified as an institutional barrier that is thought to have an impact on their decision to use the criminal justice system and justice-related services. Immigrant women’s involvement as sponsored dependants is another variable which may foster their structural inequality. In 1995, the majority (N=57%) of immigrant women

entering Canada did so under the family class immigration category. Under this category, women are dependent on their husband's sponsorship for up to 10 years. For many immigrant women, a breakdown of a relationship could lead to significant financial difficulties and the fear that their immigration status could be challenged. As such, women being sponsored by their husband may be hesitant to leave an abusive situation (Status of Women Canada 1997).

In turn, immigrant women's experiences in the paid work force also contribute to their structural inequality. Immigrant women are overrepresented in low wage, low skill jobs. In 1991, 8% of immigrant women working in paid labour held low paying jobs which focused on either fabrication, assembly or the repair of products; 2% of all other employed women in Canada were in such occupations (Status of Women Canada 1997). Thus, given their marginalization in the paid job market, their increased economic insecurity and greater social, political and linguistic isolation may be, as Currie (1995, p. 28) underscored, "accurate perceptions of the risk of leaving [an abusive situation]."

The fear of reprisal or encountering systematic racism within the criminal justice system or a justice-related service may also inhibit abused immigrant women from accessing the justice system. Various authors indicate that many immigrant women worry that they or their husband may be, for example, subjected to discriminatory practices or even hurt by the police if they contact them. It is a fear driven by a complex host of variables such as past experience with repressive police forces in the country of origin and experiences with systematic racism in Canada.

As MacLeod et al. (1993) underscored, the inability to speak French or English also appears to be a significant barrier which is, quite logically, thought to increase the isolation and, in turn, the social and economic dependency of abused immigrant women on their abuser. It is a barrier which, as MacLeod et al. (1993, p. i) noted in their study, makes abused immigrant women "part of the unheard and invisible fabric of Canadian society."

Finally, the lack of available, accessible and appropriate legal information, programs and services specifically for abused immigrant women also limits use of the justice system (Currie, 1995). Just as immigrant women's experiences with abuse are complex and varied, so too are the service needs of this population. However, studies of the availability and cultural appropriateness of various programs for battered immigrant women consistently demonstrate that most mainstream organizations and agencies do not provide multilingual, culturally sensitive information and services (Health Canada, 1994; MacLeod and Shin, 1990; Sy and Choldin, 1994).

Indeed, Sy and Choldin (1994) stated that many of the employees of the immigrant-serving agencies that they interviewed in Alberta did not have a working knowledge of the laws affecting immigrant women in cases of woman abuse. Thus, while these individuals were conceivably working with immigrant women experiencing abuse, most were not in a position to respond effectively to basic legal questions about this issue. Sy and Choldin strongly encouraged the development of more public legal information for immigrant women and their families and

noted, “[it] should be designed in ‘bite sizes’ and relate to life situations” (p. 30), and it should be directed to both men and women.

In turn, MacLeod and Shin (1990) concluded from their interviews with various service providers across Canada that very few culturally specific services have been established for abused immigrant women. Citizenship and Immigration Canada, as a case in point, does not provide immigrant women, prior to or on arrival in Canada, with information about their legal rights or options in cases of woman abuse nor does it directly provide programs and services for abused immigrant women (MacLeod and Shin, 1990). While it does provide funding for settlement programs which may offer services and information for abused immigrant women, these programs do not have a mandate to offer such services. As such, the availability of woman abuse programming in settlement services varies significantly across Canada.

It is important to note that many immigrant women may encounter difficulty accessing legal information from Citizenship and Immigration Canada given the computerized teleservice that screens and directs phone inquiries. As Miedema and Nason-Clark (1989) noted, communication over the phone can be a challenge for those not speaking in their native language. Some immigrant women may feel discouraged by this teleservice system and terminate their legal inquiries.

Access to legal aid is also very limited for abused immigrant women and, as studies suggest, legal aid service providers often have limited training about the diverse nature of abuse and the complex problems encountered by different groups of abused women (LEAF-NB, 1996). Legal aid programs across Canada are drastically underfunded and are likely a deterrent to abused immigrant women’s access to the justice system.

Most of the programs that have been established for abused immigrant women appear in major metropolitan areas such as Toronto, Montreal and Vancouver. The absence of such programs in rural provinces may further isolate the abused immigrant women residing in those provinces. However, as is noted in the forthcoming section, even where programs do exist, they tend to be chronically underfunded and understaffed (MacLeod and Shin, 1990).

Programs and services currently available for abused immigrant women

As noted, very few culturally specific services have been designed for abused immigrant women in Canada. In general, the programs that do exist can be grouped into four major areas (MacLeod and Shin, 1990):

- services provided by immigrant women’s organizations;
- immigrant family counselling services;
- information and programs through settlement or ethno-specific organizations; and
- transition houses and transition services specifically for immigrant women.

With respect to established programs, national immigrant women’s organizations, such as the National Organization of Immigrant and Visible Minority Women, have played an active role in

raising awareness among immigrant women and families about violence against women. Through public education efforts and outreach initiatives designed to break the isolation of abused immigrant women, an ongoing effort is being made to reach these women and to provide them with information about their legal rights and about services that may be available to them. At the provincial level, immigrant women's organizations, such as the New Brunswick Intercultural Network, actively participate in similar initiatives. The financial restrictions resulting from the short-term, project-based funding many of these organizations operate under have hampered efforts to develop and sustain programs specifically for abused immigrant women.

MacLeod and Shin (1990) noted that a few family counselling services, which are either independent programs or part of a settlement service, have developed counselling groups and services for abused immigrant women. As a case in point, the Immigrant and Visible Minority Women Against Abuse project in Ottawa provides crisis counselling and interpretation services to assist immigrant women with their interaction with mainstream services. It is important to underscore, however, that counselling services specifically designed for abused immigrant women do not exist in many regional areas of Canada and are virtually non-existent in provinces, such as New Brunswick, where the immigrant women's population is dispersed across a fairly broad range of rural communities.

While Citizenship and Immigration Canada does not provide direct funding for programs specifically developed to assist abused immigrant women, it does fund the Immigrant Settlement Adaptation Program. In general, settlement programs offer a variety of services and forms of referral information to assist immigrant men and women with their adjustment to Canada. In a few of the larger settlement programs, information and services for abused immigrant women are provided through facets of their women's programs (MacLeod and Shin, 1990). In provinces with relatively small settlement programs, information about woman abuse may only be provided periodically or in a tertiary manner through, for example, guest speakers.

The Settlement and Integration Unit of the Ministry of Citizenship in Ontario has initiated the Cultural Interpretation Pilot Project which was designed, in part, to help facilitate abused immigrant women's access to services. Developed in 1986, seven programs are now in existence across Ontario with a staff of approximately 100 female interpreters (Ontario Ministry of Citizenship, 1989).

A select number of transition houses in Canada also provide specialized services for immigrant women who have experienced abuse. In 1990, as MacLeod and Shin indicated, only four transition houses provided such services, one in Toronto and three in Montreal. Transition houses provide multicultural, multilingual and multiracial staff in a culturally sensitive environment. While there is interest in the Maritime provinces among transition house staff and various members of the larger community in developing these types of services within transition houses, to date none has been put in place.

Although some ethnic-specific programs do exist for abused immigrant women and their families, they tend to be drastically underfunded and understaffed. As a case in point, MacLeod and Shin (1990) noted a family service program in a large ethnic community in Toronto with an annual waiting list of approximately 100 individuals. Program staff comprised a director, a secretary and two social workers.

Thus, as MacLeod et al. (1993) underscored, and as this succinct review has attempted to demonstrate, many barriers inhibit abused immigrant women's access to the criminal justice system and justice-related services. While some research has explored these barriers, very few studies have involved the direct participation and insight of abused immigrant women, and almost none involved abused immigrant women from predominantly rural provinces. Exploring barriers to justice for abused immigrant women is, quite notably, a valuable undertaking; as MacLeod et al. (1993, p. 53) noted, "[t]he voices of women who have been abused...bring many valuable insights to those working to stop violence against women."

FOCUS OF THE STUDY

In Canada and in other Western industrialized countries, legal systems increasingly play a larger and more important role in addressing woman abuse. However, based on the literature and on anecdotal information, abused immigrant women often do not seem to use the legal system or justice-related services. As a review of the literature reveals, little research has been conducted to examine systematically why immigrant women may be reluctant to approach the justice system when they are in need of protection and assistance. While there is a substantial body of literature on woman abuse, the needs and experiences of immigrant women have been overlooked (Asbury, 1987). This is an unfortunate hiatus as the experience of being an immigrant woman imposes an added level of vulnerability and isolation to those individuals who are the victims of abuse. Many immigrant women encounter significant political, social, cultural and language barriers which, as MacLeod and Shin (1990, p. 9) underscored, “complicate the reality of wife abuse.”

Research into immigrant women’s access to the legal/criminal justice system has generally been conducted in large urban areas such as Montreal, Toronto and Vancouver. To date, few studies have sought to examine the experiences of abused immigrant women residing in predominantly rural provinces with fewer immigrants. While the experience of being an abused woman is isolating and devastating for any individual, the situation may be even more difficult for immigrant women residing in non-urban areas with virtually no culturally specific services for abused immigrant women and where the ethnic communities are small.

Objectives

1. To identify the reasons why abused immigrant women, and immigrant women in general, are reluctant to access the criminal justice system and justice-related services.
2. To identify some of the cultural, racial and linguistic barriers experienced by abused immigrant women when involved with the criminal justice system or justice-system-related services.
3. To identify, from the perspective of immigrant women, a set of realistic recommendations to make the criminal justice system and justice-related services more accessible to abused immigrant women.

The study was also designed to foster the establishment of networking and, in turn, social support among immigrant women from culturally diverse backgrounds through the use of focus groups. It is hoped that these groups will serve as a catalyst for this process.

METHODOLOGY

Definitions

Immigrant woman

The term “immigrant woman” is a bifurcated one describing a legal as well as a social status. An immigrant woman is a person who has acquired permanent residency status in Canada. This status provides her with many of the same rights as Canadian citizens. However, the social status of being an immigrant woman is different. According to Ng and Estable (1987, p. 29) “immigrant women” is a socially constructed term, and the “common sense usage of ‘immigrant women’ generally refers to women of colour, women from Third World countries, women who do not speak English/French well, and women who occupy lower positions in the occupational hierarchy.” We agree with Ng and Estable that the social term “immigrant women” is often interpreted as they describe. It is important to note that in New Brunswick many immigrant women are white and have a good mastery of the English language. They may not be perceived to be an immigrant woman by the general public.

For this study, we also include women who, strictly speaking, are not immigrants but are women who are accepted as refugees into Canada. Thus, for this report the term “immigrant woman” means women, not born in Canada, with permanent resident and refugee status.

Woman abuse

“Women abuse” is a very broad term defined differently by various people. Sometimes the terms “family violence,” “wife battering,” “wife assault” or “domestic violence” are used. We have chosen to use “woman abuse” because women, and in particular immigrant women, can also be abused by other family members when the extended family lives together (Papp, 1995). Dekeseredy and Hinch (1991, p. 12) defined “woman abuse” as any “intentional physical or psychological assault on a woman by a husband or a male cohabiter.” The definition of “woman abuse” in this report includes the issue of control. Although Health Canada (1995, p. 1) uses the term “wife abuse,” it defines “woman abuse” as follows:

Wife abuse is an attempt to control the behaviour of a wife, common-law partner or girlfriend. It is a misuse of power which uses the bond of intimacy, trust and dependency to make the woman unequal, powerless and unsafe.

This definition has been adopted, with some modifications. For this study “woman abuse” is defined as:

An attempt to control the behaviour of a wife, common-law partner, girlfriend, married daughter, daughter-in-law, married sister, sister-in-law, married female grandchild and female grandchild-in-law.

It is a misuse of power which uses the bond of intimacy, trust and dependency to make the woman unequal, powerless and unsafe. It is using force to participate in activities against her will.

This abuse can include verbal abuse, psychological/emotional abuse, sexual abuse, financial abuse, spiritual abuse and physical abuse.

It is important to note that some of the abuses described in this definition are violations of the *Criminal Code*; other are not.

Justice system

This study is designed to examine the barriers experienced by abused immigrant women that may limit their access to, or use of, the criminal and civil legal system and justice-related services. For this study, the term “criminal legal system” refers to any of the services, processes, policies, laws and activities of the police, courts or the correctional system. The term “civil legal system” refers to any of the services, processes, policies and activities tied to civil litigation such as access to civil legal aid, a divorce attorney, civil court, etc. The term “justice-related services” refers to those services which are specifically designed to assist abused women, such as battered women’s shelters and counselling services, and support groups, and to those services in the larger community which offer emotional, personal, social and financial assistance and, as such, play a role in fostering social justice for women.

Research Philosophy

The methodology assumes a level of involvement with participants that goes beyond the traditional relationship of researcher and subject. This is possible because we are active members of immigrant organizations and have a very thorough knowledge of the issues pertaining to immigrant women in New Brunswick.

We believe that research should involve more than just the collection and analysis of data. It is important that control “over the research process and product is more equally shared between the researcher[s] and participants” (Maguire, 1987, p. 24). From the outset, we worked with immigrant women across New Brunswick to determine “what to investigate, what questions to ask, how to gather information, and how to organize information” (Maguire, 1987, p. 30). The research flowed directly out of the issues raised by immigrant women concerning the justice system during the aforementioned workshops.

Research Methods

Given that focus groups involve a group effort which often produces a wide range of information, ideas and insights (Festervand, 1985), this method was identified as a useful technique for exploring the issue of access to the justice system for immigrant women. The purpose of the focus groups was to document the experience of immigrant women around the

objectives of the study. They also facilitated networking among immigrant women in order to break their isolation. We, as researchers, co-facilitated each focus group.

Changes Based on Field Experience

Initially, we were going to recruit only immigrant women who had experienced, or were still living in, abusive relationships. However, this turned out to be more difficult than anticipated. After further consultation with immigrant women in other parts of the province, we decided that the sole criterion for participation in the focus group would be one's status as an immigrant woman.

We approached a number of women who had discussed their abuse with us on previous occasions, but each individual declined participation citing confidentiality as a source of concern. Their fear was that the information would not be confidential no matter how often we tried to assure them that the discussion in the focus groups would be dealt with in a highly confidential manner. However, in the end, more than one third of focus group participants identified themselves as having experienced abuse.

Pursuant to the change in the composition of the participants, adjustments were made to the focus group interview guide. We presented participants with two scenarios of an abused woman (see Appendix II). One scenario described an abused woman, and participants were asked what kind of help this woman could expect in their respective countries of origin. The intent was to obtain an in-depth understanding of the context of woman abuse in diverse cultures. The second scenario described an abused immigrant woman. The goal was to explore the kind of help participants thought the woman in the scenario could expect from the criminal justice system in Canada, in general, and in New Brunswick, in particular.

The scenarios allowed the women to talk about their own abuse in the third person, if they wished to do so. They also provided non-abused immigrant women with the opportunity to discuss their views of the legal/criminal justice system.

A further change to the original methodology pertains to the number of participants in each of the six focus groups. Initially, we assumed that we would have between 10 and 15 focus group participants. However, during our first focus group, which consisted of 11 participants, it seemed to be difficult for all group members to stay focused on the topic area. As a result, we decided to reduce the number of participants to no more than eight women.

The Location and Organization of the Focus Groups

Locations of the six focus groups ranged from small towns to larger cities across New Brunswick¹ on the following dates in 1997: January 24, February 11 and 23, and March 1, 16 and 23. Research participants were recruited from various immigrant organizations.

For the recruiting, we relied on contact persons in each focus group area. We discussed the research with the contact person and then asked her if she knew immigrant women who might be interested in participating in the study. The contact person would first approach potential participants, and we would follow up with calls from Fredericton. In some cases, the contact person's initial approach was enough for the participants to come to the focus groups. Two to three weeks after the focus groups, participants were contacted to inquire about their well-being. The locale of the focus groups was diverse: offices of volunteer organizations, church basements and living rooms.

The Focus Groups

Only one woman, due to illness, had to cancel her participation. In fact, on two occasions extra women came along with their friends to participate in the discussion. The focus groups did help break the isolation experienced by these women. In at least four locations, participants stated they wanted to continue meeting to discuss similar issues with each other. The women received a \$20 participation fee to cover baby-sitting and travel costs related to attending the focus group.

Ethical Considerations

Participation in the focus groups was voluntary (see consent form Appendix I). Facilitators provided participants with both an oral and written explanation of the purpose of the study, the research methods employed, the voluntary nature of the study and assurances that the confidentiality of the women participating would be protected. Each participant was encouraged to ask questions about the study before making a decision to take part and signing the written consent form.

Since some participants had a limited knowledge of English, this component of the research process was dealt with carefully and thoroughly. In a few cases, the consent form was translated by another participant.

To protect confidentiality, each group agreed that what was said in the group should remain confidential among the members. Congruent with a feminist ethic of care (Noddings, 1984), we provided participants with a list of the formal help resources in their communities (e.g., social service and counselling agencies, women's groups, battered women's shelters) that are designed to provide services to the victims of family violence. We also provided our private telephone numbers.

Analysis of Data

The focus group discussions were tape recorded and all but one were transcribed verbatim.² In addition to tape recording each focus group, one of us took detailed notes. These notes were used to fill in some of the gaps in the transcripts.

Based on analysis of the transcripts and the field notes, we developed six major categories in order to organize the data:

- patriarchal family structures;
- women as keepers of the family;
- structural oppression of immigrant women;
- gendered legal and justice information needs;
- closed doors — police as gatekeepers to the justice system; and
- other issues — a set of miscellaneous issues that are important to the study but do not easily fit into the categories described above.

Based on these categories, we developed a set of policy recommendations. A demographic profile of the immigrant women who participated in the study follows. This profile was developed from an information sheet participants were asked to complete after each focus group.

THE STUDY

Profile of Participants

Of the 48 women who participated in the focus groups, 42 provided us with demographic information. The participants' countries of origin were spread across most of the continents: Africa, South East Asia, the Middle East, Latin America, the Far East and Europe. Of these 42 women, four were single, one was separated and five were divorced. The remaining women (32) were married; the duration of the marriage ranged from 1.5 years to 30 years. Participants ranged from 17 to 64 years of age with an average age of 39.5 years. While a few women did not have children, the majority of women in the group did.

The size of the communities these women lived in ranged from very rural to urban. The number of citizens in the communities ranged from 300 to 150,000. The range of the family income of the women was broad — from under \$20,000 to over \$100,000. The average family income of the women who answered this question (N=35) was \$54,000 with a mode of \$20,000 (N=12). Most of these women worked within the home; however, a number of them worked part-time in paid labour. Only a few worked full-time outside the home in paid labour. The occupation of the spouses of the married women ranged from taxi driver to medical doctor (specialist).

Most of the women had accompanied their husband to New Brunswick where, in most instances, the husband had secured a job. In a few cases, the women came to marry a Canadian citizen or they came to work, generally as nannies. In fact, the majority of women can be characterized as “reluctant immigrants.” They are immigrants or refugees who came solely because their husband wanted to move here or was already here. Without their husband, they would not have moved to Canada. The fact that so many women seemed to be “reluctant immigrants” is underscored by the fact that 10 of the 48 women answered negatively to the question, “If you had to immigrate again, would you do it?” Two women were not sure if they would do it again. Thus, almost a quarter (23%) of the women would not immigrate to Canada again if they had the choice.

Seven women stated that they were not able to speak English on arrival, although one of these women was fluent in French. A number of women reported that when they arrived they spoke English with difficulty but the majority of women felt that their command of the English language was either adequate or fluent. The vast majority of participants did not speak French on arrival and most reported that their French language skills are still poor to non-existent.

The level of education among the participants was wide-ranging, from those with a grade two education to highly trained professionals such as lawyers. Most of the women had received some sort of university education. The religious affiliations of the participants included Buddhism, Islam and Christianity.

In short, most of the participants were well-educated immigrant women who were able to speak English adequately on arrival in Canada. They came because their spouse received employment in New Brunswick. Almost a quarter of these women would not have chosen to come to Canada if they had to do it again. The vast majority of participants worked within their homes and had spouses with professional jobs. Thus, their family income on average was quite high, although some women's family income was very low.

Patriarchal Family Structures

The first question posed to focus group participants was designed to have the women describe the kind of help abused woman in their country of origin could expect to receive. The intent was to paint an image of the women's social and cultural background in order to be able to assess their responses to the second scenario dealing with abused immigrant women in the Canadian context.

All the women, no matter what their country of origin, described their social life as deeply rooted in patriarchal structures reflecting systematic patterns of male dominance. Although the patriarchal structures they described have different manifestations and may be strongly interrelated with religious and cultural practices, the overall consensus among the participants was that, for them, life as a woman was structured on patriarchal principles. This is more or less the same for Canadian women, although over the last 20 to 25 years some awareness of the impact of these patriarchal structures on Canadian women has been openly discussed and, in some cases, these structures are being dismantled.

What follows is a list of quotes and descriptions of how some of the women described the gender relations in their society of origin.

- “You have to follow him no matter what.”
- “When he is a dog you become a dog.” (We heard this phrase a number times.)
- Husbands are the “boss” or “lord.”
- Double standard: he can do what he wants having affairs, but she has to stay home.
- Macho behaviour by partners.
- Cultural and religious norms mean that women have to be submissive.
- “Men have absolute power in the family.”
- “A ‘good’ man has to control his wife.”
- “She belongs to him.”
- “His behaviour is never questioned, but her's is.”
- “If she complains she is a troublemaker.”
- “Sacrifice, sacrifice and sacrifice that is the role of girls.”

When women find themselves abused in a society that is strongly rooted in patriarchy, they often cannot draw on institutions for help. For example, few of the participants' countries of origin had shelters or social services. In fact, in some countries, the issue of woman abuse is not taken

seriously. Thus in many cases, the victim relied on assistance from family, family-in-law, friends and neighbours.

Family and in-laws

Many women in the focus groups stated that if a woman experiences abuse she will run into a number of patriarchal structures that make it difficult for her to seek help. Because abuse is considered a private matter, once an abused woman decides to complain about her situation, the male elders of the family (often the in-law family) are called on to mediate and solve the problem. In many cases, the victim has to deal with the male family members of the abuser. Although the abuse victim's story may be believed and the abuser may be reprimanded, obviously this approach does not empower the abused woman. Many participants pointed out that, when a woman complains about the conduct of her husband, she runs the risk of being forced out of the house and he may take in another woman.

Furthermore, because of the lack of services for abused women in many countries, if an abused woman leaves her abusive husband, she often has nowhere to go but to return to the family of origin. Even though her family may be sympathetic to the plight of the woman, in many cases the abused woman is not able to stay with her family because she would be too much of a burden. One participant, who, in her country of origin, was severely abused by her husband over a long period fled the situation with her children. Her family housed her and the children for one week only, then she was on her own.

Many women stated that in their country of origin it is not uncommon for neighbours and friends to get involved (invited or uninvited) when a woman is abused. In some cases, friends would be the only source of help and comfort for an abused woman. In short, in many countries and in many ethnic communities, woman abuse is a private matter that is dealt with in an informal manner.

Upbringing of women

Most focus group participants stated that, in their country of origin, girls were raised to be obedient, to sacrifice their needs, to focus on domestic work and to be responsible for the entire domestic sphere. As a result, women occasionally do not know that certain treatments are considered abuse under Canadian laws. Hence, some participants felt strongly that different cultures define abuse differently and that in Canada the same treatment of women is too quickly labelled abuse. For example, one participant stated that "her husband beats her because she didn't behave well.... [It] was to correct [her]. I wouldn't say it is okay, [but] it's more tolerated."

In many cultures, discussion of sex, particularly female sexuality is forbidden. Thus, the issue of sexual abuse in marital relationships may not "exist." As a result, many immigrant men and women are totally unaware that some sexual activities, such as a husband forcing his wife to have sex with him, are against the law in Canada.

Dowry

The issue of dowry came up a number of times during the focus groups. Two systems of dowry were discussed: one based on the notion that a future husband (his family) pays dowry to future in-laws and the second based on the notion that a future wife (her family) pays dowry to the future in-laws. However, the social status of these two dowry systems is radically different. When a husband, who paid a dowry, becomes abusive and his wife wants to leave, he can demand the dowry back from his in-laws. This is a strong incentive for the abused woman not to leave her husband because her family will not be pleased with having to pay back the dowry.

The dowry system where the wife's family pays the husband's family is not based on the same principle. When a husband abuses his wife, he has no obligation to return the dowry when she leaves him.

Thus, many immigrant women, regardless of their country of origin, have experienced, in various degrees, patriarchal structures that make it very difficult for them to seek help in the case of abuse. These structures are deeply rooted in norms, values and belief systems. These are the structures immigrant families may take with them to Canada and may use as a reference for their daily activities.

Women as keepers of the family

The women described strong patriarchal societies in which males seem to have absolute power. At the same time, many of these women have been entrusted with the vast and enormous responsibility of keeping the family together and happy. Their job is to be the keeper of the family no matter how the partner's behaviour manifests itself. In this climate, many participants stated that if they complain about abuse, they risk bringing shame to their immediate and extended families. The well-being of the abused woman was often cited as secondary to the image the family presents to the outside world. The fear of shaming the family was a very powerful social control mechanism for many of the research participants. As a keeper of the family, many of the women suggested that they do not have the right to complain to the outside world because the shame is so powerful that it will affect other family members' lives. A woman who brings shame on her family may be resented by her children because the children may see their father as weak: "Dad cannot control his wife." Second, an unmarried sister may have a reduced chance of finding a marriage partner. Thus, if a family is known to have a daughter who is a "troublemaker," her behaviour will have ramifications not only for her own nuclear family but also for her extended family members and her family-in-law. The strong fear of "bringing shame to the family" may inhibit women from seeking help from shelters, counsellors and the criminal justice system. Likewise some women stated that the lack of an extended family and, therefore, the reduced fear of "shaming the family," made it easier to seek help from a shelter or other social services when they need to use such provisions.

As a result of the role of the keeper of the family in patriarchal family structures, abused immigrant women are often reluctant to seek help from social services that may be able to help

them, and even less so from the justice system, because many have a deep fear of authority in general and are terrified of the response of the family when they go to “outsiders” for help.

Focus on reconciliation

Divorce is not an option for many immigrant women because of shame, fear, dependency and religious beliefs. This fear is directly related to the notion that, in many ethnic communities, the interest of the family or community is paramount to the interest of the individual (abused woman). As a result, many abused immigrant women will try to solve the problems through reconciliation.

In Canadian society, divorce is very much seen as a viable option for women who leave abusive relationships. Many participants stated that they would be afraid of being coached into leaving their husband when seeking help from mainstream agencies. Many of the women stated that Canadians have a lack of commitment to the family and that they are too willing to “break up” the family.

It is not only the issue of divorce that keeps women in abusive relationships from seeking help. The fear of being alone (divorced or being forced out by an abusive partner) can also be a powerful impediment to seeking help. Several women stated that because of the custom of arranged marriages, they were not used to the concept of dating, and they feared that they would never find another husband if they divorced.

A final issue that forces abused immigrant women toward reconciliation is concern for the well-being of the children. Women in general often feel, and are held, deeply responsible for the well-being of their children. Many immigrant women expressed the fear that the divorce of parents is harmful to children. In fact, divorce, they argued, too often denies the children their father. As a result, many of the focus group participants felt strongly that no matter what the condition of the marriage, women should not leave the marriage for the sake of the children. “If you love your children, you will not leave.” Thus religious, cultural and maternal beliefs make it extremely difficult, if not impossible, for many immigrant women to leave an abusive relationship.

Immigrant Women and Structural Oppression

Structural barriers also hinder abused immigrant women from seeking help from the justice system. For many immigrant women, particularly those that are abused, uncertainty and/or dependency on their abusive partner concerning their immigration status is a very big barrier to seeking help. A husband will threaten his wife by suggesting that she could be deported if she complains about his behaviour. The women not only expressed fear of deportation for themselves, they were equally afraid that if they contacted the criminal justice system their husbands could be deported.

Another major concern for abused immigrant women was their financial dependency on the abuser. Few immigrant women in our study worked full-time for pay. Those who did work were

often employed as part-time workers in low paying service jobs. This is not a reflection of their education, but more a reflection of the inflexibility of the Canadian government to accredit foreign diplomas, credentials and degrees, and a reflection of limited job opportunities, particularly in New Brunswick, for immigrant women (Miedema and Nason-Clark, 1989).

Although many of the women in the study were able to speak English or French on arrival, they still struggled with language comprehension because of their accents. They complained that, sometimes, service providers found it difficult to understand them. The women who arrived in Canada with limited English or French language skills experienced more language barriers. For example, some women who had gone to court felt they were not very well represented because the people who represented them did not understand the detailed nuances of their arguments and needs.

Participants who obtained low paying jobs and had little knowledge of the English language were not given an opportunity by the employer to learn English. Because of their limited income, they did not have the financial means to take English language classes.

A third major structural barrier was the lack of services for abused immigrant women, particularly, in small rural communities. Larger communities tend to have more services and in small rural areas the women may have to travel long distances for services. This assumes that they have access to a car. (New Brunswick does not have a developed public transportation system.)

The existence of an ethnic community is sometimes an obstacle to seeking social services help. On the other hand, the lack of an ethnic community can hinder abused immigrant women from seeking help. Ethnic community members can understand a woman in need and they may share the same mother tongue. This can create a lot of comfort. However, the negative side of belonging to a small ethnic community is that such membership also creates barriers to seeking help within the ethnic community. We were told over and over that immigrant women are often afraid to turn to their own ethnic communities during a time of crisis. They fear that members of their own community will gossip about their situation.

Women may stay in an abusive relationship because they are too afraid of what people are going to say. If a woman leaves an abusive relationship, the ethnic community may not be supportive; in fact it may condemn her for "breaking up the family." As a result, the abused woman may remain quiet and suffer in silence. The woman's fear of her own ethnic community has serious implications for mainstream and criminal justice service providers who may draw on ethnic community members for knowledge or interpretation. One has to be very careful around this issue. Choosing the wrong person can do more harm than good.

Misunderstandings and the lack of explaining procedures by service providers are also structural barriers faced by many abused immigrant women. For example, many focus group members were familiar with shelters for abused women; however, in many cases their assessment of the shelter staff was negative, the main reason being their personal experiences or the experiences of friends who were shelter residents. Rules and regulations governing a shelter's day-to-day

activities were not explained fully to these women. Thus, inadvertently, they would violate some rules and when the shelter staff spoke to them about that they interpreted this as hostility toward them. Few women stated that they had experienced outright racism when seeking help, but some women stated clearly that sometimes service providers “look at you in a certain way.”

Gendered Legal and Justice Information Needs

A basic knowledge of the criminal justice system, justice-related services and one’s rights under the law are central to the concept of access to justice. For victims of woman abuse, knowledge of police actions in woman abuse cases, the implications of separation under the law, matrimonial property rights and shelter services are just a few of the legal and justice service information needs that arise in situations of family violence. It is important to note that for abused immigrant women, additional complex legal questions emerge such as concerns regarding one’s immigration status, sponsorship relationship and eligibility for social assistance.

Knowledge of criminal legal protections and services

Notably, virtually all the immigrant women in the study indicated that on immigration to Canada, they were not provided with information about their legal rights regarding woman abuse nor were they provided with information about the services that one may be able to use in cases of woman abuse. This was the case whether they arrived in Canada 16 years ago or six weeks ago. As several women stated:

I did not know what my rights were around this issue; I learned a lot about them through TV.

I didn’t know much. I was so surprised to find that a husband cannot have sex with his wife whenever he wants, that he can’t rape her.

Most of the women in the study indicated that they had virtually no working knowledge of such important protections as peace bonds, protection orders and the like. Interestingly, most of the woman reported that their knowledge about their legal rights in cases of woman abuse came from American television shows such as “Oprah” or through conversations with friends. In essence, most women actively had to seek out information about their legal rights in woman abuse cases. As one woman lamented, “I didn’t receive any information about my legal rights in the area of abuse, but when I came to Canada I got a brochure which said that you cannot put oil in the sink.”

A significant number of the women stated that they did not have a full understanding of shelter procedures and regulations. A number of very significant myths were expressed about shelters. For example, one woman stated that shelters would “take away your children.” Many women expressed concern about the fact that there were no shelters in their communities. Travelling to areas where one could find a shelter was cited as a major lifestyle disruption and barrier for abused immigrant women.

Many women reported that their husbands or partners have very little knowledge about the legal rights, issues and protections surrounding woman abuse. As one woman stated, “Husbands do not know what they should or should not do.”

Knowledge of legal rights in separation and divorce

There are many legal questions and concerns that arise when women decide to separate or divorce in cases of woman abuse. Women may have legal concerns about such issues as the custody of their children, the division of matrimonial property and child support. While such legal issues are complex, many of the women in the study indicated that they had almost no knowledge of their rights in such areas. Several women indicated, for example, that they did not know they had a right to household property on divorce. One woman noted that she had just learned of this right, after residing in Canada for 26 years, through a broadcast on the radio. Pursuant to this information, she is now seeking divorce.

Knowledge of legal rights pertaining to immigration sponsorship

Although a woman who is a landed immigrant is protected from deportation if her sponsorship breaks down pursuant to woman abuse, many women in the study did not know this. Fear of losing one’s sponsorship appears to be a very formidable barrier to accessing the justice system. Various myths surrounding the consequences of reporting abuse were discussed in the focus groups. One woman stated that she knew of a case where a woman reported the abuse and was deported without her child. As she said, “So she was sent home with no child, and no nothing, so that was the case that scared me too.” To complicate matters, several women indicated that some abusive spouses threatened to withdraw sponsorship if they reported the abuse. Threat of deportation was identified as a means to keep women silent and, as Jang et al. (1990, p. 2) argued, it is a “way to maintain power and control over them.”

There were other misconceptions about sponsorship issues. Some women indicated that they believed their first responsibility was to report the abuse to an immigration officer as opposed to the police. Such beliefs could jeopardize the safety of abused immigrant women.

It is important to note that many of the women stated that they did not have a full understanding of immigration policies and procedures related to sponsorship. There are, in fact, a broad array of sponsorship categories (e.g., sponsored immigrants from outside Canada, inland sponsorship). Given this confusion, many women did not know whether they could access social service programs if their sponsorship broke down on the basis of abuse.

Access and knowledge of criminal and civil legal aid

Although legal aid serves as an important point of access to the legal system, a significant number of women did not know how to access legal aid and, for those who had used it, concern was expressed about the amount and quality of service. Frustrated by the service she received from legal aid as a victim of woman abuse, one immigrant women stated:

They're not concerned about your personal problem truly...they're getting paid a cut rate with money because of your situation where it is, so legal aid, you're not paying for it, so what happens is that they're only going to give you what they feel they're being paid for, and you don't really get involved like if you were paying a lawyer...legal aid is very poor that way, very, very poor.

The lack of satisfaction with legal aid in New Brunswick has been well documented in other studies (LEAF-NB, 1996). Historically, the provision of legal aid in New Brunswick has been quite limited. Up until 1988, New Brunswick was the only province without a publicly funded domestic legal aid program. New Brunswick continues to remain a laggard in this area with the second lowest per capita spending on legal aid in Canada, second only to Prince Edward Island. As such, the concerns raised about the quality of service and limited access to legal aid on the part of immigrant women reflects a larger provincial pattern.

Closed Doors: Police as Gatekeepers to the Justice System

Although the police function as only one possible societal response to woman abuse, they play an important role in such cases in Canada through their role as gatekeepers to the criminal justice system. For victims, witnesses and defendants, the police often serve as the first point of contact with the criminal justice system, and through their power to refer, arrest and investigate, influence access to other parts of the criminal justice system and various social service agencies. While police play a significant role in woman abuse cases, most of the women in the study indicated that they would not contact the police if they needed assistance and protection from a violent husband or partner, or would do so only in very extreme cases of physical violence such as threat of death. The reasons cited for this reluctance appeared to be clustered into four areas:

- cultural beliefs favouring non-intervention on the part of the police;
- unfamiliarity with police intervention in woman abuse cases;
- high levels of distrust and fear of police practices and behaviour; and
- resistance to Canadian mandatory arrest policies.

Cultural beliefs favouring non-intervention on the part of the police

The belief that violence within the family is essentially a personal matter that should be handled privately within the family was identified by most of the women as the main reason they would not contact the police. As one woman stated, "You can't go around to the police or to court with a family matter or even a quarrel between friends."

In turn, involving the police in such matters would, as several women noted, bring dishonour to their husbands, children, extended family and to the immigrant community of which they are a part. Protecting the honour and status of one's husband was cited by various women as part of their gender role. As one woman stated, "My husband is a very proud man. If I called the police I would hurt his pride and my family's honour." A woman's sense of loyalty to family was frequently identified as taking precedence over the interests of the abused woman.

Condoning certain levels of violence against women was cited as another factor that favours non-intervention by police. As one woman said, "Wife battery or picking on the woman is considered part of the culture, she cannot complain." Allied with this was the suggestion that, in many countries, a widespread assumption exists that women who are abused often provoke the violence and seem to be capable of tolerating a level of abuse.

Finally, reflecting the view that woman abuse is a private, family matter, conflict resolution mechanisms such as family or community mediation, as opposed to police intervention, were cited as the most common way to address woman abuse. Reflecting the historical and cultural use of such mechanisms in their country of origin, family mediation was cited as the most desirable way to attend to family conflict. Whenever possible, as one woman said, "The families will meet and try and reconcile."

Notably, some women described well-developed traditional conflict resolution structures. Describing what she identified as a family court one woman said:

When the wife is abused, usually she goes...to her family or to her in-laws, and then, the older members of both families unite and they talk about the situation or a solution for [the couple] and that is happening in Montreal. And when they know there's a situation, like the older men are going to gather and invite the husband and ask him what is the problem. And the older women do the same thing with the lady and they always try to have a kind of solution.

It is important to note that several women indicated that such well-developed mediation systems seldom exist in New Brunswick given the small immigrant communities and the fact that extended family units may be fractured or non-existent.

Whenever possible, the family was identified as playing a paramount role in the mediation and resolution of woman abuse cases. Police intervention was seen as only a last resort when all other mechanisms had failed and when the abuse was very severe. The abused women "try and tolerate as long as possible, or to overlook things, you know, until it gets that bad [that's] when you come to the law."

Unfamiliarity with police intervention in woman abuse cases

Intrinsically tied to the fact that for most of the participants, woman abuse was dealt with by family members, a significant number of the participants suggested that police involvement in woman abuse cases was not “part of police business” and, as such, were reluctant to use police services in cases of woman abuse. For a number of women, police involvement in woman abuse cases was not conceptualized as part of the police role. This construction of police functions may, in part, be attributed to their experiences with police practices in their country of origin. A significant number of the women suggested that, in the countries from which they immigrated, the police did not intervene in woman abuse cases. As one participant said, “All those social problems, whether it’s your family, your children, the court or the law...they just don’t have a system installed for that.”

In turn, some women suggested that, while the police have responded to woman abuse cases in the past, given the political turmoil in their countries of origin, police intervention was an unfamiliar option. As one woman stated, “In cases of violence...they go to court, you have to wait so many months, you can wait like a year, in this case.”

High levels of distrust and fear of police practices and behaviour

Perceptions of the fairness and trustworthiness of any facet of the criminal justice system are thought to influence one’s willingness to access and use its services. Notably, many of the women in the study expressed a high level of fear and distrust of the police which appeared to be based, quite significantly, on their perceptions of, and experiences with, police practices in their country of origin. As Currie (1995, p. 36) noted:

In some cases, the experiences of ethnocultural minority community members with the police may result in a view of the police as repressive and discriminatory. Police may have been experienced in the past as corrupt, undisciplined and discriminatory. In the cases of refugees or immigrants from authoritarian states, the police may have been direct agents of oppression — taking part in torture, disappearances and murder.

The fear and distrust many women have of the police in their country of origin may be transferred to Canadian police practices and policies on immigration to Canada.

Several of the women stated that in their country of origin police often oppress and torture citizens. The women were reluctant to use the police in Canada in woman abuse cases out of fear that they will use physical force with either the victim or offender. The following statements made by various women reflect this fear.

If you call the police they may beat up your husband.

If you call the police you may be in even more trouble as the police officer may be a batterer himself.

A significant number of women in the study expressed a rather high level of concern about how the police would verbally respond to a woman's statement that she had been abused. They believed that if they were to call on the police for assistance, who usually were male, they would risk being ridiculed by them or the police would side with the offender and dismiss the allegations of abuse. The distrust that many of the women expressed about the police appeared to be tied to their status as women; they feared they would be distrusted on the basis of their gender. If they were to call the police, they would be laughed at and the police would ask, "Why did you marry him?" Concomitantly, some women stated that if they called the police for service and protection, the police would not believe them, but rather would believe the husband's denial of abuse given his superior socio-economic position.

Along a similar line, several women who were married to non-immigrant men stated that not only their gender but their status as immigrants would also lead to dismissal of their charges of woman abuse. They feared that the police would be more inclined to believe their husbands because they were born in Canada.

Resistance to Canadian mandatory arrest policies

A number of women indicated they were reluctant to call the police given the expanded police power to arrest in domestic abuse cases. They believed that mandatory arrest policies were far too inflexible and could do little to end violence but rather would simply end a marriage.

Since 1987 in New Brunswick, police are required to arrest an offender in woman abuse cases if a positive determination is made regarding probable cause. New Brunswick has followed a national trend wherein police jurisdictions are applying a more aggressive, consistent woman abuse arrest policy. The movement toward such practices began in the late 1970s in North America and, by 1984, the RCMP had developed a national arrest policy in cases of woman abuse (Currie, 1995).

Many complex issues have been raised about the meaning, implementation and effects of the preferred arrest policy by immigrant as well as non-immigrant communities. The negative attitudes toward this policy on the part of some immigrant women may, in fact, be compounded by their overall distrust of the police based on their experiences with police practices in their country of origin. The disparaging view of mandatory arrest policies may also be influenced by the lack of accurate information about mandatory arrest policies. One woman, for example, expressed strong opposition to this policy which she believed could be invoked when couples raise their voices and the conversation is overheard by the police.

Other Issues

Several issues derived from the analysis cannot be categorized under the previous headings. Although these issues are not directly related to access to the criminal justice system, they do help to contextualize immigrant women's lives and their attitudes toward the criminal justice system and justice-related services.

Changing family dynamics

The process of migration itself has a major impact on inter-familial relationships. In some instances, family dynamics changed dramatically when the women arrived in Canada. Some women who were not allowed to work in paid labour outside the home in their country of origin and who were completely dependent on their husbands found themselves making a significant financial contribution to the family income in Canada. In fact, for a couple of participants the traditional roles were completely reversed. The women were working for pay outside the home and the husbands were stay-at-home dads. Many of these men would have preferred to be in the paid labour force, but they could not find employment. In one case, the husband felt strongly emasculated by this "role reversal" and this created a lot of tension in the family.

Some participants identified their relationship with their children as also becoming strained on immigration to Canada. Various women indicated they felt they had lost control over their children and that their children did not respect them anymore. One woman said she felt she was "not good enough" because of her limited English language skills and the fact that her children "corrected" her English and told her that she was not familiar with the "Canadian way."

Too much help

Some participants complained they were "helped" too much by agencies and service providers shortly after their arrival in Canada. For example, many training programs want to expose their students to immigrants in order for the students to develop a multicultural approach to service provision. However, the result can be that new immigrants in government-sponsored programs feel "experimented on." In the process of learning about other cultures, students can sometimes be very condescending. One participant mentioned that she was asked, "How many times do you take a shower?" The woman perceived this question to be very insulting.

One abused immigrant woman felt too many people were involved in her case after she sought help. She felt she had lost control of her situation; she wanted to go back to her abusive husband, but the "system did not allow that." She felt the "system" did not recognize the complexities of her life. For some of the participants, service providers may have been more destructive than helpful.

Church

For many of the women in the focus groups, the church played an important role in assisting them with their integration into Canada. These women felt the church could also play a large role in assisting abused immigrant women. However, some women stated clearly that their religion did not have a local church and, therefore, help from a church-based community service was not an option.

Feminization of immigrant women

A number of participants from various cultures stated that some male immigrants fear their wives are becoming too independent in Canada. They fear their wives are learning too much about individual rights from Canadians as well as from other immigrant women. The phrase that immigrant women's minds are "poisoned" by women's liberation ideas was raised a number of times in the focus group meetings. It was suggested that, in some ethnic communities, husbands choose to live in smaller cities with small, specific ethnic groups so their wives will not be "poisoned."

A COMPLEX WEB: SUMMARY POINTS

Woman abuse is a form of male domination, subordination and oppression that knows no cultural or national boundaries. This point was underscored by the 48 women who participated in the focus groups. These women immigrated to Canada from a very diverse array of countries and were united by their awareness of, concern about and, in many instances, direct experiences with woman abuse. Like many immigrant women, the majority of the women immigrated to Canada to be with their husbands who had secured employment in New Brunswick. While many of the women suggested that they spoke English with difficulty on arrival, the overwhelming majority stated that their command of the language was either adequate or fluent. The vast majority did not speak French on arrival and most reported that their language skills were still poor. Interestingly, the data on language skills reflects a national pattern. As studies indicate, almost all immigrants living in Canada can speak at least one of the official languages. In 1991, approximately 94% could carry on a conversation in one or both languages (Statistics Canada, 1996).

The vast majority of participants identified the interplay of cultural norms and structural oppression as very profound barriers to the justice system for abused immigrant women. All the women, no matter what their country of origin, described their social life as deeply rooted in patriarchal structures. Many women saw their roles as wives and mothers rather rigidly defined and, as such, indicated that the norm of defining abuse as a private, personal matter in conjunction with the fear of bringing shame to their family meant they were often very reluctant to contact the justice system. Structural constraints, such as language barriers, perceived racism in the criminal justice system and social service agencies, and lack of adequate ethnocultural services and representation, were also identified as disincentives to seeking help in cases of abuse. These types of barriers correspond, in large part, to those Currie (1995) found in her analysis of the literature addressing barriers to justice for abused immigrant women.

Another major barrier cited by the participants was their financial dependency on their abuser. Few immigrant women in the study worked full-time in paid labour. The participants who said they did work outside the home noted that they were employed as part-time workers in low paying jobs even though most had some level of university education. Thus, for many of the women identifying themselves as abused, financial reliance on their male partner was a formidable obstacle to leaving their abusive situation, and as studies suggest, it is a hinderance that is faced by many immigrant women across Canada (Martin and Mosher, 1995).

In turn, many women indicated that their dependency on their abusive partners for immigration sponsorship was a significant constraint that deterred them from contacting the justice system. A substantive number of the participants stated that many men threaten to revoke sponsorship if an immigrant woman complains about her abusive partner's behaviour — a threat faced by abused immigrant women across Canada (Currie, 1995; Martin and Mosher, 1995).

Notably, most of the women stated that a lack of knowledge regarding criminal and civil legal protection in cases of abuse also serves as a disincentive to contacting the justice system. Virtually all the women in the study indicated they were not provided with information on immigration to Canada about their legal rights surrounding abuse nor were they provided with information about the services that one may be able to utilize in cases of woman abuse. These findings are consistent with other studies which suggest that there is a significant lack of public legal education and material for immigrant men and women about woman abuse (Godin, 1994; MacLeod and Shin, 1990). Lamenting about the dearth of legal information for abused immigrant women, Godin (1994, p. 7) has noted, “Virtually all reports on the situation faced by immigrant women who are subject to wife assault call for more legal information for women.”

In turn, the vast majority of the women stated that, to date, neither they nor their husbands had a working knowledge of such important protections as peace bonds and protection orders. The few women who did have knowledge of these legal protections said they had learned about them through direct involvement with the justice system — social workers, police officers and shelter workers were cited as providing this information.

Many participants also indicated they did not have a working knowledge of mandatory arrest policies. While many were familiar with such policies, their knowledge was often incomplete and fraught with misconceptions — often derived from information from friends or the media, and in particular, from American television programs such as “Oprah.”

It is also important to note that almost all the women in the study indicated they would not contact the police if they needed assistance and protection from a violent husband or partner, or would do so only in very extreme cases of physical violence — a pattern which has appeared quite uniformly in studies of abused immigrant women (MacLeod and Shin, 1990; MacLeod et al., 1993; Martin and Mosher, 1995). The reasons cited for their reluctance to call the police appeared to be clustered into four areas:

- cultural beliefs favouring non-intervention on the part of the police;
- lack of familiarity with police intervention in woman abuse cases;
- high levels of distrust and fear of police practices and behaviour; and
- resistance to Canadian mandatory arrest policies.

Informal family mediation practices, as opposed to the police and the court system, were identified by most women as the common and desirable means to deal with abuse. Given that divorce was not an option for many women pursuant to certain cultural norms and socio-economic variables, and given their historical reliance on traditional, informal resolution techniques to deal with conflict, informal family mediation and counselling were cited by most participants as the appropriate avenue to deal with woman abuse.

Clearly, a significant number of barriers to the justice system exist for abused immigrant women. Many of these barriers, as the data suggest, may be even more pronounced for abused immigrant women living in provinces, such as New Brunswick, where the immigrant population is very small. As recent data suggest, less than 3% of the immigrant population resides across five provinces in Canada, with New Brunswick being one of those provinces. Given the small

immigrant communities in New Brunswick, an abused immigrant women may be quite isolated. Such isolation may ensure or reinforce her dependency on an abusive male.

The small ethnic communities in New Brunswick, as several women noted, may mean that many abused immigrant women will not be able to use community or extended family conflict resolution structures to deal with abuse. Such mechanisms were identified as operating, at some level, in various metropolitan areas in other provinces where there are large numbers of immigrants. However, given the small immigrant communities in New Brunswick, conflict resolution techniques such as “family courts” seldom exist.

The small number of immigrants in New Brunswick can also prove problematic for abused immigrant women who seek service, for example, in a shelter. Some women suggested that since the ethnic communities are small, having an immigrant woman work in a shelter may serve as a disincentive to seeking help as the abused woman may know the shelter employee and, therefore, be reluctant to reside at the shelter out of fear that members of her own community will gossip about her situation. Unlike other studies which have called for greater incorporation of ethnic service providers (MacLeod and Shin, 1990), a significant number of the women in the study expressed rather strong reservations about having members from their ethnic community work as service providers. Preserving the confidentiality of abused immigrant women in provinces such as New Brunswick where immigrant women’s communities are small appears to be a very significant source of concern for these women.

In short, there are a broad array of complex barriers that inhibit abused immigrant women from seeking support and assistance from the criminal justice system and justice-related services. While this study has contributed to a better understanding of some of the issues that arise for abused immigrant women in New Brunswick, much more research is needed in this area to understand more fully and address the needs of immigrant women who are the victims of male violence and reside in predominately rural provinces such as New Brunswick.

RECOMMENDATIONS

The recommendations have been divided into two sections. One set are directly related to access to the criminal justice system; and the second set deal with socio-legal education options.

Equitable and fair access to the criminal justice system is a fundamental right for all Canadians. However, what this study reveals is that immigrant women have very little knowledge of the criminal justice system and what it can do for citizens, in particular abused women.

Recommendations to Improve Access to the Criminal Justice System and Justice-Related Services for Abused Immigrant Women

1. Provide cultural sensitivity training to criminal justice personnel and those who work in justice-related services.

Efforts should be made to sensitize personnel to the different cultures, languages and traditions of immigrant communities. For abused immigrant women, the general lack of cultural responsiveness and sensitivity impedes access to the justice system. Workshops, training sessions and enrollment in university courses in ethnic study programs, for example, are some avenues to address this area.

Cultural sensitivity training was identified by the participants as important for improving services to the victims of abuse, but also as a means to facilitate better communication and understanding between human service workers and the immigrant women who volunteer in various agencies and services. Calling for greater sensitivity training, one woman talked about the implications of feeling she did not fully understand the rules regarding the protections around privacy in the shelter where she volunteered. “I feel ashamed, I have been there, volunteer several times, but I don’t like to go there anymore, you know, but still each time they call me, they have my phone number, I don’t like to be treated that way.”

With greater cultural sensitivity training, as one woman noted, “maybe [service providers] will explain to you right.”

Police officers should be provided with information about the fact that some immigrant women may be very fearful of them given their historical experiences with police practices in their country of origin. Raising police awareness about such issues is valuable as the police are the first point of contact an abused woman may have if she uses the criminal justice system.

Cultural sensitivity training for the police was also identified as an important means to address racist, stereotypical ideas about immigrant women. As one woman said, “The

police may say, ‘you do this in your country for women, you do that’ so, this, the stereotype doesn’t help [us].”

2. Explain immigration procedures regarding sponsorship and woman abuse to criminal justice personnel and those who work in justice-related services.

Fear of deportation and an inability to access social service programs are common fears among many abused immigrant women and, as such, inhibit them from using the justice system. Several participants indicated that they feared they would be deported if they reported their abuse. Recalling an incident where an abused immigrant woman was thought to be deported, one woman stated, “I was still home [pre-immigration] when I heard about that, and what happened, she was abused and she had a child and the child was born over here, in Canada or the States or whatever, so she was abused then, she was sent home...with no child, and no nothing, so that was the case that scared me too.”

Given this fear, all personnel working in the criminal justice system and justice-related services should be provided with information about the fact that abuse is a legitimate ground for the breakdown of sponsorship and that immigrant women will not be deported if they report their abuse. Providing clear and accurate data about immigration sponsorship would be a useful and valuable service for abused immigrant women. As one woman stated, “They should have some sort of more interest in the immigrants...the criminal justice system should be involved, they should have some more to know about the immigration, what are the issues.”

3. Employ more ethnic service providers in the criminal justice system and justice-related services.

A more ethnically diversified staff could help to meet the language and cultural needs of abused immigrant women. Underscoring the utility of having a more culturally diversified staff in shelters for abused women, one immigrant woman who had stayed at a shelter said, “One of the staff, she was from [a country near my country of origin], so she got really close to me, and she really understood because she knew that if you were in Europe, how it is over there...I couldn’t get close to any of the other staff, you know, to explain what my fear was.”

It is important to note that, as in all services, great care should be taken when selecting employees to ensure confidentiality. In turn, it should be underscored that the fear of loss of confidentiality may be particularly pronounced in provinces such as Manitoba, New Brunswick, Nova Scotia and Saskatchewan which have relatively small immigrant communities. Several study participants expressed a significant fear of having their identify and abuse revealed within their immigrant community if a member of that community was employed in the justice system. Confidentiality for abused immigrant women is, as one woman said, “a big issue” given how small immigrant communities are in New Brunswick.

4. Increase funding for legal aid.

Legal aid is an important access point to the legal system; and yet, in most provinces, legal aid programs are significantly underfunded. Limited access to legal aid denies many women the opportunity to exercise agency in their own cases if they decide to use the criminal justice system. Studies consistently find a strong correlation between low income and inaction in relation to legal issues and problems (LEAF-NB, 1996).

As noted earlier, New Brunswick's per capita expenditures on legal aid are the second lowest in Canada. As a recent LEAF-NB (1996, p. 3) report stated, "discrimination and adverse impact against women in New Brunswick has been embedded in the N.B. Legal System since its inception." Thus, given the province's historically low expenditure on legal aid and the socio-economic marginalization of many immigrant women, it is not unreasonable to suggest that New Brunswick's legal aid program contributes to the isolation and challenges of abused immigrant women who are already, in many instances, culturally, socially and linguistically isolated by virtue of their residence in a province that is largely rural. Lamenting the limited access to legal aid and the quality of legal aid provisions in New Brunswick, one immigrant woman said, "You don't pay [for a lawyer], you get no rights...legal aid's very poor that way, very, very poor." Notably, several of the woman in the study called for improved legal aid funding and services.

5. Create more support services for immigrant families in conflict.

Many participants called for the creation of more culturally specific counselling and support services for both abusive immigrant men and the victims of the abuse — women and children. Informal conflict resolution mechanisms, such as mediation and counselling, were identified by virtually all the women in the study, for various cultural and socio-economic reasons, as preferable to contacting the criminal justice system. Reflecting this view one woman stated, "I feel the government should first of all try to make sure they don't approach [the couple] to break up...instead maybe they should try and give counselling to both...give them six months or four months."

Many stressed that counselling and support services should be carefully assessed to make sure they are culturally sensitive to the needs of abused immigrant women and their families. For example, as various participants noted, many immigrant women may be uncomfortable talking to a male counsellor and their husband may severely disapprove when he learns his wife is talking to a male counsel. This warrants very careful selection of the counselling arrangement. Unfortunately, access to culturally specific counselling and other support services for immigrant families is severely limited in provinces like New Brunswick.

6. Create outreach and follow-up services.

Many of the women stated that more outreach programs need to be developed to provide support, information and assistance to abused immigrant women and their families. As one woman stated definitively, “The main things we have to know, you know, how we can find some help.”

The forms of outreach programs the women proposed varied significantly, but all of them were targeted at breaking the isolation of abused immigrant women — a problem which is particularly pronounced for women who are dispersed geographically across small communities in predominantly rural provinces.

Some of the women proposed, for example, that Citizenship and Immigration Canada develop a program where it would play a more active and ongoing role in assessing the needs of immigrant families through a follow-up, home visit service where information about programs would be provided to families on an ongoing basis, particularly programs about woman abuse. As noted earlier, Citizenship and Immigration Canada does not provide direct funding for services specifically aimed at assisting abused immigrant women (MacLeod and Shin, 1990).

Volunteers participating in settlement programs across Canada were also identified as a group that could talk to women about their rights and act as resource people. As one woman suggested, “[Get] the men together with their wives...use like the host program volunteers to educate them.”

Some women suggested that members from their own cultural community who had resided in Canada for a period of time could volunteer to visit and talk to women about their rights in cases of woman abuse. Somebody, as one woman said, “who can talk to some of our culture. Maybe somebody here for a long time, they know about it and they can go and talk to [newcomers].” It is important to note, however, that this suggestion was not unanimously supported by all the participants in the study. Given the small immigrant communities in New Brunswick and concerns about safety and confidentiality, several women noted that such information should be provided by “a third person who does not know you or your mate.”

Immigrant women’s organizations and church fellowships were also identified as venues that could play a more active role in trying to reach out to abused immigrant women through group discussions, workshops and the distribution of material about woman abuse. In turn, the establishment of offices and drop-in centres for immigrants where families could socialize and gather information was also cited by some as a means to reach out to abused immigrant women. Finally, some women noted that shelters and other services should develop more extensive follow-up programs to ensure that immigrant women continue to receive the services they or their family need.

Recommendations to Improve Awareness of Socio-Legal Issues Pertaining to Woman Abuse and the Criminal Justice System

- 7. Provide more and ongoing information to immigrant men and women about legal rights and issues surrounding woman abuse before and during their entry into Canada and after they have arrived.**

Pre-immigration polices: the role of embassies

Many participants said that before immigration, every man and woman should receive information, in their first language, about the legal issues and rights regarding woman abuse and about the justice-related services that exist for women who are experiencing abuse. It was suggested that this material be distributed by Canadian embassies.

In turn, several women stressed that embassy personnel should play an active role in informing men and woman about the legal context of woman abuse. Embassy personnel are not mandated to provide information about woman abuse services and the rights of women in cases of abuse. Although rare, one woman in the study did indicate that an embassy representative talked to her about woman abuse and about the challenges she might face as a woman on immigration to Canada. “The officer talked with me a lot of time...explained it to me because he was looking at me...he wanted me to think it over and over again before he stamped me with the visa.”

The support and information provided by the embassy representative was both praised and appreciated by the woman, and she called for such action on the part of all Canadian embassy personnel.

On arrival in Canada: the role of Citizenship and Immigration Canada

Many of the women said that, on arrival in Canada, and as a continuation of educational practices, immigrant men and women should be provided with information about the legal issues and rights surrounding woman abuse. As one woman said, “Give them all the information when...people come into the country and maybe [it] should be in their own language.” Citizenship and Immigration Canada does not have a mandate to provide women with information about the types of services that may be available to them if they are abused nor does it systematically provide immigrant women with information about their civil and legal rights in cases of woman abuse.

Participants identified a variety of means through which Citizenship and Immigration Canada could distribute information about woman abuse including pamphlets, videos and cassette tapes. However, given the significant amount of information that immigrants receive on arrival in Canada, several women stressed that the means to communicate information about woman abuse should be selected with care so as not to overwhelm immigrant women and their families. As a case in point, one woman who had recently

arrived in Canada expressed grave concerns about all the material that was being provided to her. As she noted, “Newcomers, you have all kinds of people who will come to do some kind of experiment on you.”

Thus, given the information overload new immigrants may encounter on arrival in Canada, select, important pieces of information about woman abuse were identified as preferable to long, complex documents and presentations.

Ongoing information campaign: using the media and language classes to reach men and women

The radio, television and ethnic and mainstream newspapers could be used, on an ongoing basis, to communicate information about the issues and rights that surround woman abuse. These media were identified by participants as a useful means of reaching immigrant women who may live in isolated communities where they may not have access to immigrant services or immigrant women’s organizations. The need for ongoing information about woman abuse was seen as very important. Women may not have received such information on arrival in Canada or may not have been able to understand the information and material, given their language skills at the time.

In turn, language classes were also identified as a site where educators could talk to both men and women about woman abuse. As one woman stated, “It’s nice for the men to hear what the message is being said...in the English language training if the men hear the message that abuse against women is not tolerated in this country, then it might help to stop it.”

8. Increase collaboration between immigrant and refugee agencies and woman abuse projects and shelters.

In order to better address the specific problems faced by abused immigrant women, it was suggested that immigrant and woman abuse agencies and programs work together more closely on intervention, prevention and public education. In discussing this collaborative effort, some women noted that it would be very useful if women from battered women shelters would provide presentations in settlement and language programs. The use of videos, as an important visual aid for those struggling with French or English, was identified as a valuable way to discuss woman abuse.

9. Develop educational strategies which target personnel in places where immigrant and refugee communities regularly convene.

Several women stated that efforts should be made to educate those who provide services to immigrants and refugees, i.e., doctors, youth counsellors, language educators and church activists, about the service needs and resources available for abused immigrant women. Numerous women suggested, for example, that the medical profession could play a larger role in assisting immigrant women with their informational needs. As one woman stated, “She [may be] open to talk to the doctor about what is their problem...the doctor should be given the instruction [about abused immigrant women]” and resources that are designed to assist and support them.

Religious leaders of ethnic communities should play an important role in the prevention of woman abuse. Religious leaders often have enormous credibility in their communities and, as some women indicated, a concerted effort should be made by the Canadian government to involve them in the battle against woman abuse.

10. Conduct group discussions and workshops about woman abuse in immigrant and refugee communities and organizations on an ongoing basis.

Many of the women in the study expressed a strong interest in discussing woman abuse and what they could do to stop it. Participants made it very clear that they often lack knowledge about the socio-legal issues in Canada that surround woman abuse and what can be done to help a friend or themselves. It was suggested that every organization that deals with immigrant women has an obligation to have ongoing education and information sessions about woman abuse.

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APPENDIX I: FOCUS GROUP CONSENT FORM

Project Title: Immigrant Women and the Legal and Criminal Justice System: Do immigrant women access the civil and or criminal justices system when they need to?

I understand that I will be presented with a scenario sketch, which will deal with woman abuse, to discuss how I would use the legal and criminal justices system in this case.

I understand that all the discussions that take place in the course of the focus group meeting are confidential.

The researchers involved in this project will never mention my name or my community/city in any of the reports.

I hereby give my permission for the focus group meeting to be tape recorded. I understand that at the completion of the research these tapes will be erased.

I understand that I am free to refuse to answer any question(s) that are posed to the focus group members and that I am free to withdraw my consent and terminate my participation. I have been given the opportunity to ask whatever questions I desire, and all such questions have been answered to my satisfaction.

I may call Baukje (Bo) Miedema 506-454-4207 and/or Sandy Wachholz 506-455-1211 at any time.

THIS IS TO CERTIFY THAT

I, _____
hereby agree to participate as a volunteer in this project.

Date: _____ Address _____ Phone _____

Signature Researcher:

Baukje (Bo) Miedema _____

Sandy Wachholz _____

APPENDIX II: FOCUS GROUP QUESTIONS

Scenario:

A 35-year-old woman, married for 10 years and with two children is experiencing physical abuse at the hands of her husband.

1) How would she deal with this in your country of origin?

Scenario:

A 35-year-old woman, married for 10 years and with two children, who has been in Canada for approximately five years, is experiencing abuse at the hands of her husband. She lives in a small town 25 kilometres from a larger city.

2) Assuming that this woman is from your country of origin, how would she deal with the situation here in Canada?

3) Can you think of any reasons why she may not contact the legal/justice system?

4) Can you think of any specific or practical ways the legal and/or justice system could help her better?

**RESEARCH REPORTS FUNDED BY STATUS OF WOMEN CANADA
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AND ITS IMPACT ON WOMEN**

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Child Poverty Action Group

**Qui donnera les soins? Les incidences du virage ambulatoire et des mesures
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(Who Will be Responsible for Providing Care? The Impact of the Move Toward
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Association féminine d'éducation et d'action sociale (AFÉAS), Denyse Côté, Éric
Gagnon, Claude Gilbert, Nancy Guberman, Francine Saillant, Nicole Thivierge and
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Centre for International Statistics, Canadian Council on Social Development

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ENDNOTES

¹The locations of the focus groups and the identity of the immigrant organizations the participants belonged to are not revealed to protect the identity of the immigrant women.

²In one focus group, the strong accents of the participants and the poor quality of the tape made it impossible to transcribe. However, notes were taken during the session, and one researcher listened to the tape and took detailed notes.