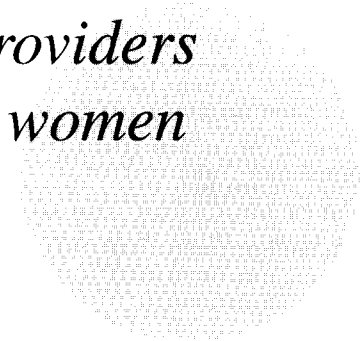




Abuse is wrong in any language

*A Handbook for service providers
who work with immigrant women*



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Introduction



Woman abuse is a widespread problem in Canada. Although it is not specific to immigrant women, finding ways to help inform, educate and support immigrant women who are victims of abuse poses many challenges. Service providers who work with, or might come into contact with, abused immigrant women face the additional challenge of recognizing and responding sensitively to various ethno-cultural barriers.

Immigrant-serving agencies, which are dedicated to helping immigrants participate fully in Canadian society, seem particularly well positioned to distribute family violence information and offer support to abused immigrant women. They usually offer a range of programs, services and information geared towards helping immigrant families adjust to Canadian society. In large cities such as Toronto, Vancouver and Montreal, abused immigrant women may even be able to find help from immigrant-serving agencies which serve one or a few specific ethnic communities.

In smaller cities and in rural areas across Canada, immigrant women generally have to seek help from non-ethnic-specific agencies. Sometimes, even where immigrant-serving agencies exist, staff can be reluctant to discuss family violence issues with a victim because they lack access to up-to-date information about the law. An Alberta study on wife assault in immigrant families found that immigrant-serving agencies routinely refer immigrants with particular problems such as family violence to mainstream services and agencies for counselling, legal advice and intervention (Sy and Choldin 1994).

Clearly, mainstream agencies which come into contact with abused immigrant women can offer assistance and distribute family violence information. However, mainstream service providers may be unfamiliar with the cross-cultural barriers that immigrant women face in gaining access to services or participating in the justice system. Even crisis intervenors who are knowledgeable about the information needs of abused women may feel puzzled, and perhaps frustrated, by an immigrant woman's response to their offers for help. A lack of sensitivity can prevent a service provider from helping abused immigrant women. Where language and cultural barriers exist, interaction between an immigrant woman and an intermediary may prove unsatisfactory.

Canada-wide field testing of the Department of Justice Canada booklet *Abuse is wrong in any language* confirms that many service providers want a greater understanding of the cultural context in which immigrant women experience family violence. In addition, they want suggestions on how to create and foster positive and supportive cross-cultural communication strategies. Finally, they require practical and useful information about the

Purpose of the handbook

The purpose of this handbook is to help a variety of service providers respond appropriately to the needs of abused immigrant women. The handbook:

- *provides a general overview* of the impact of cultural differences and diversity on the nature of family violence, the experience of victimization and survival strategies.
- *explains how the law* and the Canadian criminal justice system deal with wife assault. The handbook:
 - i) Describes briefly how immigration status might affect a woman's rights and access to services.
 - ii) Provides general information about Canada's criminal justice system and how the police and courts deal with domestic assault. It explains, for example, what it means to get a peace bond or to testify in court.
 - iii) Discusses some social and legal issues which may arise if a couple separates in matters of custody, support and division of property.
- *explores ways to recognize* and respond appropriately to indicators of abuse in multicultural contexts.
- *offers tips* for developing guidelines to overcome multicultural communication barriers.
- *encourages service providers* to be aware of the community resources, treatment programs and other community services which might help immigrant families deal with family violence.



Who should use this handbook and how will it help?

This handbook is designed to help anyone who might come into contact with immigrant women coping with woman abuse. In particular, the handbook should help service providers who deliver services and crisis intervention specifically to abused women; employees of community agencies which offer social services to the general public or to women; and volunteers and staff of immigrant-serving agencies, unicultural organizations and multicultural groups. These include, transition house workers, social workers, police, lawyers, court workers, settlement workers, nurses, doctors, mental health and family counsellors, teachers and so on.

Depending on the nature of the agency or the service provided, each user should be able to select appropriate sections of the handbook and use the information to help his or her agency meet the needs of abused immigrant women. The handbook offers concrete suggestions to help intermediaries and service providers respond in a patient, sensitive and informed manner to immigrant women who are victims of spousal assault.

criminal, family and immigration law issues which confront immigrant women who are victims of spousal assaults. The information developed and contained in this handbook addresses some of these needs.

Two key concepts are used repeatedly throughout the handbook, namely, the terms “*immigrant woman*” and “*woman abuse*”. In its strictest sense the term “*immigrant woman*” refers to women who have landed immigrant status. However, where possible, the handbook suggests ways to assist women who either hold no official immigration status in Canada or hold other statuses such as domestic workers or wives of refugee claimants, temporary workers or foreign students. The handbook may also help service providers respond to women who immigrated to Canada many years ago but who continue to experience problems associated with adjusting to Canadian society. These might include women living in ethno-cultural minority communities such as communities of people of colour or immigrant communities where English or French is not the first language.

The term “*woman abuse*” is used in a broad context. Many provincial governments have defined the term in their own “woman abuse protocols”. It has been explained in the *Abuse is wrong in any language* booklet and explored in research documents, pamphlets and fact sheets distributed by organizations such as the National Clearinghouse on Family Violence. Consequently, this handbook does not try to provide an absolute definition. Clearly most definitions have at their root the recognition of aggression towards and mistreatment of vulnerable individuals, usually women, by someone in a family or intimate relationship. The abuse can be physical, psychological (i.e. mental, emotional, spiritual), sexual or financial in nature.

Many other terms have been applied to woman abuse. These include *family violence* or *domestic violence*, terms which can also apply to other vulnerable family members such as elders and children. When the focus is on physical violence, it is often called *wife abuse*, *wife battering*, *wife assault* or *domestic assault*. Generally, you may use these terms interchangeably and many of them will be used in this handbook.

Section I: Family Violence in a Multicultural Society



1.1 Overview of Legal and Social Issues

Various theories identify different root causes of woman abuse. These range from institutional and societal influences which foster gender inequality, to psychological disorders or learned inappropriate behaviours which are reflected in the individual characteristics of abusive men and their partners (background, mental health and family history). Probably all of these factors contribute to the problem.

We do know that woman abuse is not new. Historically, women have not been treated as equal partners in the home or in society. The old expression “rule of thumb” referred to the thickness of the strap with which a man could beat his wife. For many centuries our Western laws, justice system, religious and educational institutions and social values placed women in a subordinate role. Women were considered the property of their fathers or husbands. Only recently has Canadian law recognized that assault against a spouse in the privacy of the home is just as serious as assaulting a stranger.

This particular change resulted from pressures brought to bear on government in the early 1980s by women’s and justice-related groups “to develop a more aggressive, consistently applied spousal assault policy” (Currie 1995:37). In 1984 the RCMP adopted a national wife assault charging policy. Soon after, comprehensive family violence initiatives were developed by 14 federal departments, municipal, regional, provincial and territorial governments. The goal was to promote a tough stance against family violence using “zero tolerance” policies, woman abuse protocols, mandatory charging policies for police and Crown prosecutors (Crown attorneys) and a variety of public awareness campaigns.

Clearly the justice system alone is not the solution to woman abuse. The best results often come from partnerships among a variety of disciplines and organizations working together. To this end, many national, provincial and territorial non-governmental organizations have also developed initiatives to address violence against women.

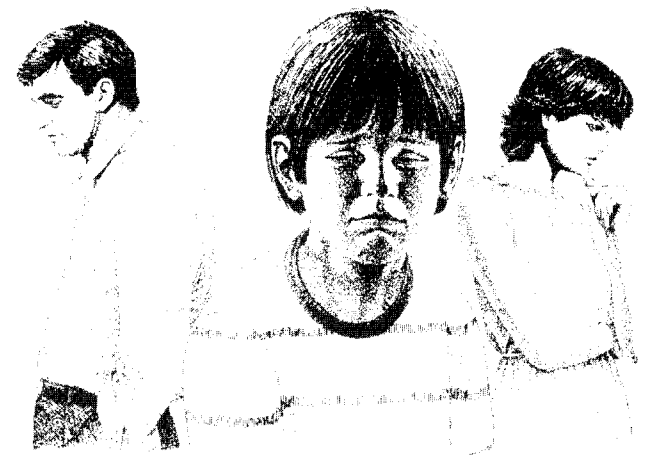
Nonetheless, a widespread shift in the Canadian value system has not yet occurred. Many people still view women as subservient and condone violent behaviour in the family. Woman abuse persists as a significant problem in our society, with an estimated 30% of women in Canada being abused each year by their partners (Statistics Canada, 1993). The figures for woman abuse in immigrant communities appear to be no different, yet immigrant women often face greater barriers to finding help and need special attention. Fortunately, people and communities across Canada and at all levels of government have demonstrated a strong commitment to addressing woman abuse issues. Indeed, the movement to create equal and safe partnerships between men and women in the home is part of the global struggle to end all forms of discrimination and violence towards women.

1.2 Effects of Abuse on Victims

The effects of abuse are devastating, regardless of whether the victims are immigrant women or not. Abuse can:

- rob women of their self-esteem;
- make them physically ill and lead to depression and sleep loss;
- create emotional pain and fear as well as suicidal tendencies;
- lead to self-destructive behaviours such as alcohol and drug addiction;
- affect relationships with children, family and ethnic communities;
- affect the ability to function in the workplace; and
- lead to physical injury or death.

Woman abuse is also very harmful to children. Although child abuse is beyond the scope of this handbook, it should be noted that children who witness their mothers being abused, or who are abused themselves, may carry on the pattern of abuse in their adult lives, becoming abusive spouses or victims of abuse.





1.3 Understanding the Ethno-Cultural Context of Family Violence

Woman abuse is a multi faceted and complicated issue, involving personal beliefs and feelings, societal pressures, economic conditions, legal issues and cultural values. In many immigrant families, these factors are compounded by the stress of the immigration, settlement and adaptation process. The stress of immigration and settlement and the changing cultural context of the immigrant's daily life may heighten family tensions. As one report states (Bholan and Nelson 1990:B-1):

[i]mmigrant families experience linguistic and cultural isolation, changes in occupation and vocation, intergenerational conflict, culture shock, the unavailability of supportive relationships, the inversion of traditional family roles and the general crisis of adaptation.

Such pressures do not “create” family violence, although they can intensify the experience of abuse for an immigrant woman, just as alcohol or drug abuse may increase the level of violence. Factors associated with the immigration process add a unique dimension to an immigrant woman's experience of wife abuse.

We will briefly explore the following four areas:

- immigration, settlement and adaptation
- cultural values and belief systems
- language and communication
- racism and stereotyping

1.3.1 Immigration, Settlement and Adaptation

The transition into Canadian society is not always an easy one. Many new immigrants experience some degree of cultural shock. They may feel confused and frightened by the unknown. The immigration and settlement process can cause major upheavals in people's lives, no matter how well prepared they are when they move to Canada. Friends and family are left behind. The laws, languages, customs, religions and educational backgrounds of immigrants may differ from those which dominate Canadian society.

Culture shock may create difficulties in adjusting to the new country. Simple day-to-day activities, such as cooking or grocery shopping, may seem complicated and unfamiliar. Employment may be hard to find because employers do not recognize credentials from outside Canada. Lack of transportation, daycare or family support may prevent immigrant women from accessing English second language training (ESL), employment training or other programs and services. Adaptation is not always accomplished after an immigrant's first few years in Canada. It can be a long-term process.

Various factors can make settling in a new country or adapting to Canadian society very stressful. An immigrant woman who is being mistreated by her husband, family or in-laws must deal with the complexities of her abusive situation in addition to the challenge of adaptation. Not surprisingly, she may feel isolated, confused and afraid. She may also blame herself for the abuse and be too ashamed to ask for help.

1.3.2 Cultural Values and Belief Systems

Families are often the only source of support for immigrants in a new country. The family guarantees some measure of cultural continuity and helps “members to face the many changes and challenges encountered in the process of integration into Canadian society” (Currie 1994:67). For many immigrants the family provides a safe and secure place. Unfortunately, just as in non-immigrant families, the family can also be a major source of tension. The closeness of an extended family may create a sense of rigid traditional values, control and even intimidation. Expectations of a better life in Canada may dissolve for an immigrant woman who finds herself isolated in a large extended household without her own family available for support.

Shifts in power that accompany changes in a traditional family can be another cause of stress. For example, immigrant women who enter the labour market to help support the family may be doing something new. As a result they may gain more economic power than they had in their country of origin. If their husbands cannot find employment or are



seriously underemployed, new and complex tensions may develop. A husband may feel that his position in the family is diminished and undermined. He may even feel displaced or emasculated by role changes.

If an immigrant woman is abused she may have nowhere to go and she may be afraid to seek help. In her country of origin, she may have been able to rely on traditional conflict resolution mechanisms to stop the abuse or to restrain the abusive family member. In Canada, she may find that the traditional societal “checks and balances,” such as the intervention of family or spiritual leaders, do not exist.

In spite of repeated abuse, an immigrant women may be unwilling to put her own needs ahead of those of her family. For many immigrants, the well-being of the family is a predominant value. The emphasis placed on “individual rights” in Canada may be almost unheard of.

This affects the decisions that an abused immigrant woman might make about getting help. Her unwillingness to take action for “her own sake” can be a frustration to mainstream service providers who may not understand her value system.

In addition, Canadian laws and values may condemn or criminalize actions or practices that did not have legal consequences in the country of origin.



1.3.3 Language and Communication

Limited English or French language skills create additional problems for an abused immigrant woman. She may be isolated and lonely. She may be unable to get a job, read the newspaper, use the telephone or understand radio or television. Even if she speaks some English or French and knows that help is available, her isolation may continue if she grew up in a culture where people do not seek help and protection from “outsiders”. Turning to “strangers” for help is unthinkable in many non-Western cultures. It is difficult for many abused immigrant women to call on a social service agency or community professional to discuss family problems.

When the family’s first language is neither English nor French, adults may need interpreters for day-to-day activities. As children learn the new language, adults may find traditional relationships turned upside down as they come to rely on their children. This in turn can produce more feelings of powerlessness and loss of control for the adults in the family. The tensions that may arise from changing roles and power patterns can lead to family violence, even though this problem might not have existed before the family came to Canada. Moreover, a lack of English or French language skills can prevent an abused woman from learning about Canadian law and her legal rights. For example, women who came to Canada years ago, when sponsored immigrants had little access to language training, may still know almost nothing about women’s rights or the justice system’s response to spousal assault. In a crisis, they may be unable to get help or find out about their options.

1.3.4 Racism and Stereotyping

Some immigrants encounter racism while adapting to Canadian society. Racism stems from the belief a particular race or class of people is superior to others. It can lead to negative stereotyping, prejudice and various forms of discrimination. An insensitive person who believes that an abused immigrant woman does not want help because wife battering is “part of their culture”, is expressing racist sentiments. However, racism can also happen unconsciously to exclude people because of their colour, race, religion or other attributes. Social systems and institutions can inadvertently treat individuals unfairly because of particular attributes and prevent them from participating fully in society. When this happens, we refer to it as *systemic racism*. For example, women of colour might experience institutional barriers that keep them out of positions of power and status and prevent them from finding employment. Systemic racism might also prevent them from getting help from the police or service providers if their spouses assault them.



Many ethnocultural minority immigrants, especially communities of colour, find that racism puts the blame for family violence squarely on their shoulders. An abused woman's problems are seen to arise entirely from her own personal and cultural situation. This can create overwhelming barriers for the woman when she looks for help. In fact, one study noted that members of many ethnic community groups strongly believe racism to be a part of the justice system (Currie and Kiefl 1994:ix).

It is important for service providers to reject stereotypes about family violence in the immigrant community. Here are some things to remember:

- *It is not true* that woman abuse has been imported into Canada. Woman abuse in immigrant families is rooted in the same complex societal and psychological processes as in non-immigrant communities. Immigration and being an immigrant are *not* synonymous with wife assault. Some immigrants have found a decrease in abusive behaviour in Canada with greater awareness of police response to domestic assault.
- *It is not true* that immigrant men are more abusive than non-immigrant men. The incidence of abuse is no higher in immigrant communities than elsewhere. However, such stereotypes can result in excessive action by the police, for example, when dealing with men of colour in domestic assault situations.
- *It is not true* that woman abuse in ethnic communities is a “cultural” issue while in mainstream communities it is a “violence” issue. This kind of stereotype is particularly harmful because it can prevent an immigrant woman from getting help for fear that her husband's behaviour will reflect negatively on the entire ethnic community. Just as many non-immigrant women cope with abuse because family, friends and community minimize it or blame them, so too some immigrant women are reluctant to report abuse because of cultural values such as forbearance and the shame and dishonour it would bring to the family.
- *It is not true* that immigrant women want to be beaten. Staying in the relationship does not mean consenting to the violence. Violence is degrading and humiliating for all women. No matter what their religious, cultural or ethnic background, women feel humiliated by physical and emotional abuse and want it to stop.
- *It is not true* that religious beliefs in certain ethnic communities promote or justify woman abuse. While most religions promote a subservient role for women and children, none condone abuse and assault within the family.

1.4 Sources of Abuse

In Canada we tend to refer to woman abuse as mistreatment by men, more particularly husbands, ex-husbands, lovers or ex-lovers. This is no different for many abused immigrant women. However, it is important for service providers to recognize that for some immigrant women the abusive individual may not be the husband or lover but another person living in the household.

For example, some immigrant women live in extended families. When living arrangements involve close contact with brothers-in-law, mothers-in-law, sisters-in-law, adult children, etc., it is possible for one or more persons living in the same house to abuse a woman. In many immigrant cultures men have the dominant decision-making role and women are considered subordinate. Wives often arrive as outsiders to live among their husbands' families. The wife may have the lowest status in the household, putting her in a position of powerlessness and lack of control. She may be easily intimidated by members of her extended family who sponsored her immigration to Canada.

When an immigrant woman discloses abuse, service providers should not immediately assume that her husband is responsible. It could be anyone living in the extended household or the person that sponsored her. Service providers must be careful in uncovering the underlying relationships and sources of abuse.

Although this handbook deals specifically with woman abuse, it should be noted that the elderly and children are particularly vulnerable to abuse. Many of the suggestions for helping abused women also apply to elder and child abuse. In the case of elder abuse or child abuse, service providers may have a legal obligation to report suspected cases to authorities.



All abused women typically experience the same types of abuse, ranging from physical or sexual assault to emotional and financial abuse. However, immigrant women can also be subjected to abuse rooted in customs practised in their country of origin and aggravated by the immigration and settlement process. The following examples illustrate how a custom can become the source of abuse as it comes into conflict with Canadian values and legal systems.

Dowry

The custom of dowry requires the bride's family to provide money, jewellery and other goods to the husband's family. Despite being prohibited by law in India, this custom is still widely practised. The richer the dowry, the better the opportunities for a good marriage. Dowry is often associated with arranged marriages. Unfortunately, newly married immigrant women may face abuse by their husbands or members of his family if they feel that the woman's family did not pay enough dowry. Some men have married women from their country of origin, then divorced them and sent them back. By remarrying, the man may be able to collect more dowry from the new bride's family.

Arranged Marriages

Another custom which can lead to cultural clashes is that of arranged marriages. Many cultures firmly believe that parents are best able to choose an appropriate, loyal mate for their child. Variants of this custom can include child brides, bridal abductions and the use of matchmakers. Arranged marriages may lead to abuse of young immigrant women (teenagers) when they disagree with or do not obey their parents' wishes. Consent to marriage is not required in some cultures, although it holds important social and legal consequences for couples marrying in Canada.

Contraception

In many cultures, large families and particularly boys are valued as a sign of prestige, as a source of support for parents in their old age and to carry on the family name. An immigrant woman may be subjected to sex-selection testing and abortion of female foetuses. Wives who attempt to practise birth control may meet with serious repercussions. Given the general lack of access to birth control information or devices in many developing countries, women may have little opportunity to "defy" their husbands. However, the availability of contraceptives in Canada and social approval for small families has permitted many immigrant women to practise birth control. Use of contraception can place a woman at risk of physical abuse if, for example, her husband discovers birth control pills in her purse.

Female Genital Mutilation

In some cultures, families practise female genital mutilation (FGM). This custom is often called *female circumcision*, *clitorectomy*, or *excision* or *infibulation* by those practising it. When this custom continues in Canada it comes into direct conflict with provisions of the *Criminal Code* and with Canadian cultural values which label it as a form of child abuse. Families that attempt to bypass Canadian law by taking their daughters outside of Canada for FGM may still be subject to prosecution upon their return.



Section II: The Role of Service Providers

2.1 Recognizing the Signs of Abuse

Abuse can take many forms. As a result, service providers might observe many different signs which indicate that a woman is being abused. Most of the general signs of abuse also apply to immigrant women. It is important to be aware of these indicators because women who are victims of spousal assault or other forms of domestic violence do not readily disclose abuse. You will have to watch for these signs and be prepared to respond when you observe them. Remember, most forms of abuse are crimes in Canada.

Many intermediaries, such as social workers and health care providers, have been trained to recognize woman and child abuse. These intermediaries usually have detailed lists which set out behaviours and situations that might signal abuse. If your agency does not have such a list, contact your provincial government and ask for a copy of their woman abuse protocols. As a general guideline, the following indicators are typically demonstrated by a victim of abuse. The more behaviours that a woman exhibits, the more likely it is that she is in a violent and potentially dangerous relationship. Service providers must assess the situation carefully before drawing conclusions, since some of the indicators can arise from problems other than woman abuse.



Woman Abuse Indicators

Indicators of Physical Abuse

- injuries that do not fit the story
- lacerations or cuts to head or face
- broken teeth
- black eye(s)
- bite marks
- hair loss
- fractured or dislocated jaw
- unusual burns from cigarettes, stove top, hot grease or acids

Indicators of Psychological Abuse

- depression
- withdrawal
- discussing or attempting suicide
- insomnia
- feeling helpless
- isolation
- low self-esteem
- unkempt appearance
- anorexic or bulimic behaviour
- anxiety attacks
- indecisive behaviour
- detachment or hostility to children

Indicators of Sexual Abuse

- miscarriages or stillbirths
- pregnancy
- sexually transmitted diseases
- forced participation in degrading acts



2.2 Recognizing Abusive Persons

Immigrant women may be accompanied by another adult when they visit a service provider. This can indicate a warm and supportive family situation. However, some abused women are controlled by members of their husband's family. These relatives keep close control over the woman even when she is outside the home.

The following behaviours are typical of abusive persons and should help you recognize whether her companion is abusing her. Again, these indicators can also occur in relationships that are not abusive.

***If you suspect that a woman is abused,
you should try to assess whether the
person with her is involved in the abuse.***

Behaviour of Abusive People

Physical Signs

- handles the children roughly
- makes angry gestures
- drives recklessly
- pushes woman around
- punches/breaks things
- uses physical size to intimidate
- keeps weapons around
- abuses drugs or alcohol

Psychological Signs

- hovers around victim
- won't let her be alone with you
- is verbally abusive
- tells her where she can go
- shows contempt for women
- cannot control anger
- minimizes her injuries
- is evasive about her injuries
- shows jealousy, sulks
- monitors her calls
- prevents her from seeing friends
- wants to be seen as the victim
- is manipulative

Sexual Signs

- has no respect for women
- accuses her of cheating
- forces her to perform degrading acts
- admits to extramarital affairs
- calls her names

Financial Signs

- won't give her money
- takes her money
- makes her beg for necessities
- won't let her work
- controls everything



2.3 Understanding Barriers

It generally takes time for abused women, especially immigrant women, to reveal the nature of their abuse. Service providers who come into contact with immigrant women must be particularly sensitive. Not only must you be able to recognize the indicators of abuse, you will also have to dismantle the barriers that prevent victims from finding help. For example, is she living in an extended family where her mother-in-law is abusing her? Is she being pressured by her family to remain stoical and silent? You will have to find out what she wants to do and what barriers are preventing her from getting help.

There are three main kinds of barriers:

- **Cultural barriers**
Cultural barriers refer to factors associated with the belief and cultural systems of the country of origin.
- **Informational and language barriers**
Informational and language barriers refer to factors associated with access to information about the legal system and social services, including a lack of language skills.
- **Institutional barriers**
Institutional barriers refer to factors rooted in the institutions of the host country.

These kinds of barriers and their significance are discussed in the following sections with suggestions on how service providers might help an abused immigrant woman and her family.

2.3.1 Cultural Barriers

Fear of Divorce

Although divorce may end the abuse, for many immigrant women it is a terrifying choice. Fear of divorce may be rooted in religious and cultural values. A Canadian divorce may not be recognized in the woman's country of origin, and she may never again be able to visit her family. In some cultures only men can initiate divorce proceedings and women may be controlled with threats of divorce. Divorced women may have a low status. They may be financially dependent and become a burden on their own families. They might never be able to remarry in their culture or religion. They may be told they will lose everything – home and children.

Fear of Going to “Outsiders”

Many cultures hold a strong belief that it is shameful to tell outsiders about one's family problems. A woman who reports her husband for abuse may bring dishonour on him and the entire family.

An abused immigrant woman may appear hesitant to deal with counsellors, social workers, police and others who might help her deal with family violence. She may be extremely uncomfortable talking to men.

How Service Providers Might Help

Offer information about separation and divorce in Canada. Explain that women do have the right to file for divorce. (See Section 4.6 for more about custody, support and marital property.) Tell her how to get legal aid or find a lawyer. Discuss the various economic, emotional and legal support available if she divorces. Be aware that marital property laws may offer little hope to an immigrant woman who knows nothing about the financial circumstances of her spouse. She might not know his occupation or where he works. She may want to stay. Respect her choice.

How Service Providers Might Help

Tell her that in Canada it is very common to get help from outsiders when one has family problems. If she expresses concern about keeping her family together, explain that there are agencies which can help everyone in the family, not only the abused woman.

Try to find out if there is a particular cultural reason for the woman's reluctance to deal with the abuse. Perhaps she would accept help if she could deal with a female intermediary.



Fear of Losing the Children

Many immigrant women come from cultures where inheritance, family name and rights to children are transferred only through men. An abusive husband may tell his wife that she will lose the children if she leaves him. He may even threaten to call social services and report her for being a “bad” mother. He may say that she is breaking up the family and has no money so the courts would not let her have the children.

Some men threaten to send the children back to the country of origin. They may say that Canadian laws cannot be applied outside Canada and that the mother will never see the children again. As a result, some immigrant women believe they will be separated from their children if they report abuse.

Low Self-Esteem

In some cultures women are expected to devote themselves to the family and not complain. They may have little status or respect in the family. Their experience with class differences in their country of origin may cause them to devalue themselves and may affect their interactions with others.

Victims of abuse generally suffer from low self-esteem and have little self-confidence. For immigrant women who know little about Canadian society, there may be little hope that they could ever become independent, find a job and housing and care for the children without a husband.

How Service Providers Might Help

Do not simply dismiss her fears. Many children are abducted by a parent and taken back to the country of origin to be raised by his family. Canadian court orders and law may not be recognized in many countries around the world. However, reassure her that she is not a “bad” mother because she is having marital problems. Emphasize that she has the right to apply for custody of the children. Tell her about legal aid.

Explain that both parents must sign the application when one parent applies to put the children on his or her passport. Children cannot leave the country without the permission of the other parent. Police and immigration authorities, if informed, may be able to stop the husband from taking children with Canadian citizenship out of the country.

How Service Providers Might Help

She may need long-term assistance from many agencies to help her learn to participate fully in Canadian society. Discrimination or racism might reinforce her lack of self-esteem. Be careful not to attack her culture or the abusive person. Consider the individual needs of the woman and avoid stereotyping.

Find ways to build her self-esteem and confidence. This is a long slow process. Many agencies offer assertiveness training and self-esteem workshops. Suggest that she go to one. But be patient. Do not judge her. Show respect.

Notes



Wife as Keeper of the Family

An immigrant woman may hold cultural and religious values that reinforce her belief that the happiness of the entire family is her responsibility. She may see not achieving happiness as her failure, and she may readily take all the blame for family problems. She may accept abusive behaviour by her husband as her punishment.

Her family, in-laws and entire ethnic community may hold her responsible for her inability to have a “happy” family.

Fear of Revenge

Some women may fear that if they report abuse, the husband or his family will take revenge on her, the children or even family members still in the country of origin. This is a powerful reason for not seeking help.

How Service Providers Might Help

Explain that assault is against the law in Canada. She does not deserve to be abused, no matter what goes wrong in the family. Offer to talk to the husband or other family members. It may be possible to explain the effect of violence on her and the children without making her feel guilty.

Emphasize that her responsibilities as wife or mother are important. However, they do not make her responsible for her husband’s abusive behaviour.

How Service Providers Might Help

Find non-threatening ways to share information about her legal rights. Explain that making threats to harm her, her children or property is against the law in Canada. The police can help her here. She may have to warn family members still in the country of origin about any possible danger.



Fear of Being Rebuked

An abused immigrant woman may be afraid that mainstream agencies will not understand the nature of her problem. However, she may also be reluctant to approach ethnic-specific community groups, spiritual leaders and social workers from the same ethnic background. She may fear they will tell her it is her duty to stay. She may worry that community leaders will express disbelief or minimize the abuse. Some women have been threatened with ostracism by their ethnic community. This can be a devastating situation.

Abuse as Part of Other Violence

Depending on the country of origin, such as a war-torn country, violence or torture may have been a part of daily life for all her family members. Most people who have experienced torture, war and repression carry deep scars. She may be used to protecting her husband from authorities. Abused women who have experienced such trauma, particularly refugees, may trivialize their own suffering. As a result, they may not recognize their own abuse as violence. They may view it as a part of daily existence.

How Service Providers Might Help

Whether the agency is mainstream or multicultural, staff should validate her experience, believe her and offer hope. It takes great courage to seek help. If she is rebuked, she may be very reluctant to seek help again. If this is a second attempt to find support, whether from a unicultural organization or mainstream agency, it may be an indication that she is in danger. Refer to the short-term interventions set out in Section 3.4.1.

How Service Providers Might Help

Acknowledge the abuse that other family members have experienced. Explain that she still does not deserve to be abused. Let her know that it is not her fault. Service providers who work with survivors and their families should familiarize themselves with the issues. Try to seek out specialized services and culturally sensitive counselling and healing practices for the woman and other members of the family.

Notes



2.3.2 Informational and Language Barriers

Inadequate Access to Legal Information and Social Services

There are various reasons why many immigrant women are unable to access services or legal information. Some immigrant women who are abused simply do not know where to turn for help. Others may avoid helping professionals or agencies because they feel intimidated.

Structural barriers may prevent the woman from getting information. She may live in a rural area far from services and have no transportation. She may be unable to take an appointment during office hours because she has nobody to look after her children. She may not know how to use the phone.

Lack of English/French Language Skills

Inability to speak English or French can make an abused woman dependent on the abusive family member(s) for all day-to-day activities. It may stop her from getting information, calling the police, seeking help or finding out about her rights. Service providers sometimes give information to an immigrant woman's spouse because he speaks English. He may censor what she learns. If she wants to reveal intimate or personal information about abuse to an intermediary she may have to do so through her children. This is very embarrassing.

If her husband does not let her go for training or if she has been in Canada for a number of years, she may not be able to participate in English as a Second Language training programs. Or, she may feel that it is too late for her to learn another language because she is elderly.

How Service Providers Might Help

Offer support, understanding and encouragement. Create a relaxed informal atmosphere and make your agency welcoming to women who seek help. Do outreach in the multicultural community so that word of your service or informational materials is widely known. Use ethnic TV and radio.

Show understanding if she misses an appointment. Do not turn her away if she arrives at the "wrong" time. It is the right time for her. Realize that many immigrant women do not drive. In some cases you may have to arrange transportation or offer child care.

How Service Providers Might Help

Try to find a unicultural or ethnic-specific service where she can get information in her own language. Keep a stock of materials in her language. You may be able to help her start the long term process of finding out about language training programs. If you suspect abuse and are unable to talk to an immigrant woman, try to get an interpreter to help you communicate. Do not ask her spouse or children to give her information. Find non-threatening ways to educate the husband about the legal system in Canada and criminal law. For example, include an informal information session as part of a newcomer's potluck supper or family picnic.

Offer hope. Explain that even if she has been in Canada many years, you will try to find a volunteer or private tutor to help her learn English. Check local multicultural or unicultural organizations or the public library.



2.3.3 Institutional Barriers

Fear of Canadian Society

It is not uncommon for abusive husbands or relatives to tell women that Canadian society is very dangerous and that they should never go outside alone. They may fear that their wives will come into contact with other men or liberal value systems outside the family.

An immigrant woman may express concern about her safety and well-being outside of her own home. She may even be forbidden to fully participate in many aspects of Canadian society such as getting a job, taking language training, driving a car or going shopping by herself.

Sponsorship Breakdown

Many immigrant women are *permanent residents* (formerly called *landed immigrants*) who have been sponsored as family-class relatives by their husbands. They are easily controlled by an abusive spouse or his family with threats to withdraw sponsorship and deport them. Fear of sponsorship breakdown makes women vulnerable to exploitation and abuse. This is a powerful threat that many sponsored immigrant women believe.

Sponsorship does not end when an immigrant woman becomes a citizen; it may continue for many years. Even as a Canadian citizen, many sponsored women believe they can be deported if the sponsorship breaks down. They may also believe that they cannot get social assistance or other services such as legal aid.

How Service Providers Might Help

Reassure her that Canadian society is relatively safe. Explain that she can mix with others in Canadian society without losing her own identity and culture. She does not have to change.

Ask her whether she would like you to find a volunteer who would go shopping with her or show her how to find her way around or talk to her about her concerns.

How Service Providers Might Help

Explain that immigration officials recognize family violence as a valid reason for sponsorship breakdown. Offer to help find out what information they require as proof of breakdown. Reassure her that she is not the only immigrant woman to be abused. If she is a Canadian citizen, reassure her that she cannot be deported. If she is a permanent resident, explain that she cannot be deported just for leaving the abuser. (See Section 4.2.)

Tell her that sponsorship does not necessarily deny her access to services. She can apply for welfare, although the government may take legal action to make the sponsor live up to his sponsorship obligations. If she is not eligible for welfare she may have to find a job to support herself – but she will not be deported.



Institutional Barriers (cont'd)

Fear of Deportation

Lack of knowledge of immigration status and fear of being deported have a profound impact on how women respond to offers of help. Sometimes immigrant women do not know their legal status. Their husbands may keep any documents showing their legal status. They may not know that after three years as a permanent resident they can apply for Canadian citizenship, even if they are still sponsored.

There are several different statuses that “immigrants” might have other than permanent resident. Her right to remain in Canada after leaving an abusive situation may depend on her status.

Fear that Her Spouse will be Deported

Even when an immigrant woman has been assured that she will not be deported, she may fear that her husband will be deported if he is charged with an assault. Despite physical and emotional abuse, she may not want to see him deported. He or his family may have sponsored her, and she may be financially dependent on them with no other way to earn a living. She might bring shame and dishonour to his family and find herself ostracized from her ethnic community.

How Service Providers Might Help

Ask about her legal status. She may not know details and she may not want to discuss it, fearing you will report her to Immigration. Reassure her that you will not tell immigration officers about her problems unless she asks you to talk with them. Explain that you want to know about her status because each immigration status brings different rights to stay in Canada, get a job, access services and so on. (See Section 4.2.) Tell her that immigration officials do not expect anyone, no matter what their immigration status, to live in an abusive situation or condone criminal behaviour. However, she should talk to a lawyer before she goes to Immigration.

Be prepared for situations where you are unsure of her immigration status. If you think she may be at risk of “being sent home” for leaving an abusive relationship, you should direct her immediately to an immigration lawyer or if applicable, legal aid. Reassure her that whatever she tells her lawyer is confidential. Explain that the lawyer can make an application on her behalf to stay in Canada and get status on humanitarian and compassionate grounds.

How Service Providers Might Help

Explain that if her husband is a Canadian citizen he cannot be deported. If he is a permanent resident or holds another status, he would be at risk if the offence that he committed was very serious. Emphasize that each situation is dealt with by immigration officials on a case-by-case basis. (See Section 4.2.)



Fear of the Police

Some immigrant women who have been assaulted or threatened by their husbands are reluctant to call the police or seek protection. There are different reasons for this:

- The woman may be from a country with a repressive regime or police force. Her fears may be based on personal negative experiences there. People arrested by the police may have disappeared forever. She may believe the police are dangerous and corrupt.
- She may associate the police and law with a male-dominated value system that extends few rights to women. She might be afraid the police will not take her complaint seriously.
- Her reluctance may stem from experiences with racist attitudes and overzealous enforcement practices that some ethnic communities have experienced with the police in Canada. Lack of cultural sensitivity, racism and other factors can turn the police into “the enemy.” She may not want to take any action that would label her husband as criminal.

How Service Providers Might Help

You will have to assess the situation. If you feel that she is in immediate danger, encourage her to get to a safe place such as a transition house where she can discuss her alternatives for stopping the abuse.

If her fear of police stems from experiences outside Canada, explain that the police will not beat up her husband or take him away forever. Police in Canada are separate from the military, and are accountable to the local community.

If she is reluctant to call the police because of fears that the police will not believe her, explain that it is against the law to hit or threaten another person. The police are trained to deal with violence, even when it is in the home.

If she is afraid to call the police because of experiences in Canada, offer to find an intermediary. If she has experienced racism or discrimination, discuss whether it might have been an isolated event. Not all police officers are the same. Find out if the police force in your area has officers familiar with the woman’s culture and language.

Notes



Institutional Barriers (cont'd)

Fear of Shelters/Transition Houses

Many immigrant women are reluctant to go to shelters. A woman may worry about communicating with staff if her command of English or French is poor.

She may fear the unknown, or she may feel that she will have to abandon particular cultural practices or beliefs. For example, a woman may worry that she will be forced to eat food that is unacceptable to her on religious grounds. She may fear that she will not be able to practise her religious rituals.

She may also fear what life will be like after the short-term supports are gone. With no family or community for support, she may face a very difficult time for herself and her children.

How Service Providers Might Help

If an immigrant woman needs protection and shelter, tell her you will contact the shelter and try to help them arrange to have an interpreter on hand when she arrives. If this is not possible, her children may have to interpret for her. Be sensitive to this.

Explain that shelters do not expect her to change her religious beliefs or practices. She can arrange to cook and eat the food she wants.

2.4 Becoming Part of the Solution

When service providers suspect abuse, they can intimidate an immigrant woman if they question her too quickly about her problems, confront her with a host of cultural barriers and overload her with information that she cannot read or digest. This can result in serious miscommunication. Lack of cultural sensitivity may prevent immigrant women from getting the help they desperately need. In extreme circumstances, this might put her very life at risk. This section shows the importance of being sensitive to the cultural context of an abused woman's situation. It is intended to help service providers and agencies who work with immigrant women recognize indicators of abuse and reach out.

Service providers cannot know detailed information about all the diverse cultural communities with which they may come into contact. However, they should develop some general guidelines for communicating across cultural barriers and breaking down walls of indifference. The next section of the handbook provides you with some tools that can help you to be part of the solution.

Section III: Bridging the Barriers



3.1 Responding With Cultural Sensitivity

Service providers, crisis intervenors, multicultural and unicultural organizations, and immigrant-serving agencies are on the front line helping immigrant families adjust to Canada. Sometimes the entire family struggles with hardships and challenges in adapting to Canadian society. If one of those challenges for an immigrant woman is family violence, you must be prepared to:

- recognize the problem;
- respond in a culturally appropriate and sensitive manner;
- have a general appreciation of the legal system and legal process and a working knowledge of the laws affecting wife abuse, immigration and family; and
- offer concrete assistance when you present options, referrals and support services.



3.2 Disclosure

Immigrant women seldom disclose abuse on their first visit to a service provider. Most victims of abuse only admit to abuse after the service provider has established a trusting, non-threatening relationship. This is especially the case for immigrant women whose problems are compounded by other fears. Many immigrant women never disclose their abuse.

Obviously, the safety of a woman and her children must be a top priority if a service provider suspects abuse. However, if the woman is not in a crisis situation where she has been forced to deal with police, transition houses, hospitals or the like, you should not try to coax her into disclosing abuse. Agencies that routinely work with immigrants recognize the importance of not asking about woman abuse on their intake forms. Unfortunately, not all service providers realize the importance of patience and trust. They may not take the time to build a rapport with an immigrant woman.

If a service provider is too direct about woman abuse, the immigrant woman might not return. Disclosure is sometimes more of a process than a particular revelation. Service providers may have to watch carefully for indicators of an abusive relationship, determine whether the particular woman is at risk, and know what responses, approaches, services or programs might help address the situation.

3.3 Building a Foundation of Trust

Building a foundation of trust does not start when an immigrant woman meets with the helping professional. It starts the moment that she calls on the phone or walks through the front door of your agency or office. The first person that she might interact with is the receptionist or secretary. If that person talks to her in a patronizing or uninterested manner, she may feel instantly uncomfortable. It is important not only for the professional staff or intermediary to be culturally sensitive and proactive in providing information, support and referrals, but for the entire agency, organization or even workplace to be involved.

Try to create a non-threatening and supportive environment throughout your organization. Showing an interest in the client's cultural background can open communication and contribute to the development of a trusting relationship. Provide some training in interpersonal skills and cross-cultural communications to everyone in your organization. Consider arranging for your staff to participate in a racism-awareness workshop.



Remember, you will not develop a trusting relationship with an abused immigrant woman overnight. Sometimes an immigrant woman will contact an agency and ask questions that might suggest that she is abused. However she may be unwilling to leave her name, address or phone number behind. Do not insist. If you find that she seems uninterested in the help you offer or appears to accept her situation, try not to get frustrated. It may be months before she calls your office again. She may contact you several times before she has enough trust in you to ask for help with her problems. Reassure her that she can phone or visit as often as she wishes.

Consider an immigrant woman who is reluctant to go to a transition house because she has heard that transition houses have strict rules forbidding the use of corporal punishment in correcting children. She may believe in physical discipline of children. To build a foundation of trust, you will have to show cultural sensitivity. This means taking care not to make her feel that she is a "bad mother" for using spanking as a method of discipline. It means taking the time to explain that the rules are for everyone, not just her. It means discussing the fact that Canadian law permits parents to use "reasonable force" to correct a child, although corporal punishment is generally unacceptable. You might discuss the impact of spanking on children and offer alternative ways to control and discipline them.

Later in this section, we will deal more directly with cross-cultural communication. Here are a few general guidelines for you and your organization to follow to help you build a trusting, confident relationship with your clients. These guidelines could apply to any woman, immigrant or non-immigrant, who is in an abusive relationship. They have been adapted from a publication of the National Clearinghouse on Family Violence entitled *Family Violence: Awareness Information for People in the Workplace*.

GUIDELINES FOR BUILDING TRUST

Show Respect

- let the woman know you believe her
- show you care
- be honest and genuine

Offer Support

- ask the woman what you can do for her
- let the woman know she is NOT alone
- let her make her own decisions; don't tell her what to do
- believe in her ability to make changes when she is ready
- tell her about other help in the community, in the workplace, friends, multicultural agencies, clergy, counsellors, police, family doctor, etc.
- be patient

Ensure Confidentiality

- talk in a quiet place and never in front of her husband or family
- tell her you will NOT repeat the conversation
- if she tells you about a child who is being abused, let her know that under Canadian law you may have to report child abuse to the authorities

Be Open-Minded

- avoid judging people; do not blame
- keep personal feelings and opinions to yourself
- offer alternatives, not advice
- be patient; she will take action when she is ready



3.4 Intervention Strategies

You should know about the different short-term and long-term interventions that might be appropriate, depending on the circumstances of an abused immigrant woman. Generally, you will have to select interventions which respond to her situation and the particular barriers that confront her.

Be sure to consider the cultural context of her situation. Are there service providers, unicultural organizations or immigrant-serving agencies in your area? Can you refer her to specialized services? Immigrants in a rural area or small town, may have limited access to any information sources or community support. You may be the only agency that the immigrant woman feels comfortable turning to for help. If she is in danger or in a crisis situation you will have to act quickly to help her.

***Violence against women is always wrong,
and in Canada there are legal consequences,
and supports for victims.***

3.4.1 Short-Term Crisis Intervention

Short-term crisis interventions are usually recommended when an immigrant woman has disclosed abuse and is in personal danger. Intervention may also be necessary even if she is not in a crisis state. One of the most dangerous times for an abused woman is when she leaves her spouse. Consider the following crisis interventions:

Notes





• **Getting her to Safety:** This may include getting her to a safe place such as a transition house, hotel, friend, or church. Find out where the woman is staying. If she is not at home, ask if the person who is abusing her knows where she is, and whether she thinks it is safe to stay there. If she has called from home, ask her if she feels it is safe to remain there. Offer to call the transition house or go with her if possible. Take the time to explain that the transition house is a safe, supportive place where women and their children can go to get away from dangerous or abusive situations at home. They offer short-term shelter, food, clothes and emotional support and information. Their addresses are kept confidential to help clients feel safe. Tell her you can let the transition house know if she needs an interpreter. Suggest that she try to take her children with her if she can. Tell her to leave a note for their father telling him that the children are safe with her. She should also try to take whatever important papers she can find, such as her and the children's birth certificates and immigration documents. If the community does not have transition houses, tell her instead about volunteer groups or social service agencies in your community who will pay for women to stay in motels or bed and breakfasts in a crisis situation.

• **Calling the Police:** If you discover an immigrant woman is being beaten or threatened with violence, suggest that she call the police. Explain that the police or RCMP can take her to a safe place if she does not feel safe or she is not sure. In some areas, she can dial 911 in an emergency. If she is unwilling or unable to call the police, respect her wishes.

Short Term Interventions

• **Getting through the Justice System:** Refer her to victim service workers, rape crisis centres and others who can help if she has been physically or sexually assaulted. Dealing alone with the police, courts and criminal justice system can be a frightening experience, especially if she has language or cultural barriers.

• **Medical Attention for Injuries:** If she is injured, explain that the police can take her to a hospital or an emergency room. It is a good idea to go to the hospital, even if she doesn't feel the injuries are serious. She may have internal injuries. Emphasize that she should be open with the doctor about how the injuries occurred so the doctor can make a full report. Encourage her to get a visual record of the injuries by asking the hospital to take photographs. She may not want to be photographed for a number of reasons, including cultural beliefs. Explain that photographs may be useful later if the police lay charges or she seeks compensation for her injuries either through criminal injuries compensation or a civil action. Find out whether there are any specialized services available to help traumatized victims. Offer to help her contact any special support services. Some hospitals have developed special procedures to deal with sexual assault victims in order to reduce their trauma and to ensure that evidence necessary for a criminal prosecution is not destroyed during treatment. Know whether any local hospitals provide the same service for victims of spousal abuse.

• **Legal Information and Social Assistance:** To help with matters such as interim custody of the children and applying for emergency social assistance, try to have on hand pamphlets in appropriate languages which deal with her right to support, custody and marital property. Explain that she can apply for legal aid and get more information about her rights at a transition house.

• **Information about her Immigration Status:** Her options may be affected by her immigration or sponsorship status. Offer to help her contact immigration officials if she needs to find out about her status.

• **Access to an Interpreter:** If necessary, help her find an interpreter to ease her interaction with transition house staff and other crisis intervenors. Be sensitive about who you ask, and make sure she feels comfortable with that person.

• **Emotional Support:** An important component of any short-term intervention is to provide emotional support. This can be more complex in the case of an immigrant woman who is experiencing language and cultural barriers, particularly if she is a "victim-witness" going through the criminal justice system.



3.4.2 Long-Term Intervention

Abused women may need long-term intervention when they leave their relationships permanently. They must cope with financial, legal and housing needs and make a new life for themselves and their children. Immigrant women may face many unique challenges, such as learning a new language. Consider the following long-term interventions:



Never organize assistance for her without discussing it first. She must agree to it. Do not act upon assumptions!

Long-Term Interventions

- ***Time and Space to Grieve:*** No matter how bad a relationship is, something significant has been lost.
- ***Legal Assistance:*** Family matters which need to be resolved might include separation or divorce, spousal and child support, child custody, exclusive possession of the marital home, and division of marital property. Legal aid may be available to assist her.
- ***Permanent Housing:*** Is subsidized housing available? Some cities have “second stage” housing programs available to assist abused women. What can you tell her about renting an apartment and her rights as a tenant? Have as much information on hand as possible to help her.
- ***Language training:*** Learning to communicate in English or French is very important for many reasons. She may need this skill to find a job and adjust to Canadian society. If she is a newcomer, tell her about second-language training (French Second Language or English Second Language). She may be able to get help with childcare to attend. If she has lived in Canada for many years, you might have to help her find volunteers in the community who could help her.
- ***Training and Employment:*** She may need help to get job training or to find a job and translate her degrees or diplomas for accreditation. If she has professional training, help her contact her professional association for assistance. Suggest that she go to a Canada Employment Centre where staff can counsel her, help her look for a job, and perhaps assist with occupational training or upgrading.
- ***Building a New Life:*** She may need help in learning how to take part in day-to-day activities in Canadian society such as riding the bus, grocery shopping, using a laundromat and opening a bank account. She may be ostracized by her ethnic community and need help in building a new social life.



3.5 Helping Women Who Stay in the Home

Many abused immigrant women never seek help, and nobody should ever try to force their definition of abuse on a woman. Some possible reasons for staying were discussed in Section II. To summarize, an immigrant woman may not recognize the abuse or she may stay for the sake of the children or because she believes it is her religious or cultural duty. She may stay to ensure contact with her ethnic community or because of her immigration status or financial dependency. Other reasons why immigrant women are reluctant to leave are rooted in customs, fears and cultural differences. They want to keep their family together, and they would rather be stoical or look for assistance such as family counselling or support for the abusive family member.

Over time, many abused women come into contact with immigrant-serving agencies, social workers, religious or ethnic community leaders, doctors, nurses, school officials, employers, mental health workers and others. If these helping professionals and service providers observe signs of abuse, they can play an important role in offering information and support to the woman, the family and the abusive person. Sometimes immigrant women feel that service providers disapprove of their decision to stay in an abusive relationship. It is important to respect her choices. It is also important to educate her about her options so she can make her decisions with as much relevant information as possible. One of the first steps, and sometimes the most effective intervention strategy, is to talk to the woman. This can provide an opportunity to inform and support her.

Service providers must be very careful about how they inform an immigrant woman. If you give her written materials which include information about woman abuse you must be careful that this package does not put her at risk of further abuse. Her husband may find the materials and be angry that she has been talking to you. If her

language or reading abilities are limited in English or French, she may take the materials home without even knowing what they contain. When service providers offer information to an immigrant woman who they think is a victim of abuse, they should always explain what it is and ask her if she wants to take it home. If possible, try to provide important information in her native tongue.

Education might include information about her legal rights, language training, assertiveness training and referrals for health and mental health problems. Service providers can help by finding appropriate non-threatening ways to inform the entire extended family about Canadian laws and wife abuse without putting her at risk from the abusive person. One way to share information is to incorporate a range of “family violence” information into general programming such as orientation sessions for newcomers. Include information about how the law treats woman abuse, the legal remedies and legal process, immigration law and social and community support services for women who leave abuse.

This generalized approach does not prevent you from dealing one-on-one with clients who wish to do so. However, it opens up the information and makes it available to abused women who you might not think are abused or who are too ashamed or intimidated or fearful to ask for help. It also helps to make sure that everyone, including immigrant men, has an opportunity to learn how the law deals with woman abuse.

***Let the woman set
the timetable for intervention.
Do not try to “rescue” her.***



3.6 Cross Cultural Communication

We all think and act out of a specific cultural context in which others interpret our behaviour and actions. ***If you are not aware of cultural differences the result can be a resounding failure to communicate. It can also increase the risk of cultural bias. This undermines the objectivity of your assessment of the situation.*** Do not impose your interpretation on an immigrant woman's actions – it may not be accurate.

For example, sometimes a service provider who is assessing an abused immigrant woman may take non-assertive demeanour, lack of eye contact and evasion of direct questions to be a sign that she is not interested in getting help. On the other hand, service providers might incorrectly assume an immigrant woman is abused because she exhibits docile characteristics. Understanding the cultural context of her situation is important.

Service providers should have some awareness of cultural differences that might have a direct impact on interpersonal communication skills. To break the rules of a communication system can make the service provider appear rude or insensitive to an immigrant. It can also make an immigrant appear strange and uninterested to the service provider. In this section we will discuss some ways that service providers and intermediaries can communicate with immigrant women to help reduce communication barriers. This will help them reach out in a responsive manner and reduce religious, ethnic and cultural barriers.

Of course there are more cultural differences than could possibly be described. Generally, you should consider the following:

Body language

Body language may differ from culture to culture. Non-verbal gestures can have certain meaning in particular cultures but be interpreted quite differently in Canada. For example, people born in Canada are often taught to make eye contact with the person speaking to them. This shows that you are paying attention and interested in what the person has to say. However, in many Asian cultures it is rude and a sign of disrespect to make eye contact with a speaker. Be very careful not to misinterpret somebody's body language when they come from another culture.

Speech patterns

In some cultures, individuals incorporate short pauses into their speech pattern. The speaker may talk, then pause for a while before continuing to speak. In Canadian society this is uncommon, and it can even make people feel uncomfortable.

Assertiveness

In many cultures women and girls have grown up with cultural, historical and religious beliefs that valued docile or servile behaviour in women and girls. This is sometimes evident in the passive communication techniques of some immigrant women, particularly if they have been raised in male-dominated cultures. Fathers, husbands, brothers or sons may never permit them to make decisions for themselves. When dealing with service providers who overload them with information and confront them with a variety of options, they may find it difficult to make a decision. They may even find it hard to answer a direct question. In a crisis they may be reluctant to decide on a course of action.

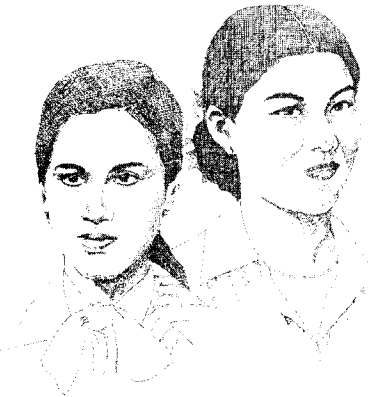
It is important for service providers to recognize cultural frameworks. However, people from similar cultural backgrounds can be very different from each other. Service providers may have to reconsider valid cultural generalizations when they are dealing with individuals. Remember, people from the same ethnic or cultural backgrounds may differ according to religion, race, language, gender, class, tribe or caste.



Try to learn more about the specific cultures you are serving. Let your clients know that you are interested in learning more about their cultural background. You might try contacting the appropriate unicultural or multicultural associations in your area. If there are none, consult your local library for books and articles that provide information on specific ethno cultural groups. Consider the following tips for cross-cultural communication which have been adapted from an article on "Multicultural Communications" in the plain language newsletter *Rapport* (Summer 1994: 10-11).

Cross-Cultural Communication Tips

1. Words can confuse, frustrate or offend people. Be sensitive to cultural and political issues that might affect your choice of words.
2. Words can make people defensive. Avoid words that trigger emotional responses, such as "You have to do this...."
3. Write in plain, clear, simple language. Usually this means writing the way you speak. Use short sentences, but do not create a sharp staccato tone. Plain language writing suggests using metaphors and colloquialisms to help the reader create an image in the mind, but this is not a good idea for people with English as a second language. They may not understand the cultural context you are using.
4. Use words and phrases to explain concepts that may not be understood in different cultural contexts. For example, some languages do not have a term for "family violence."
5. Do not use jargon and buzz words such as "You can go on UI" or "Let's try surfing the Net." If you must use jargon, remember to explain what it means.
6. Don't use slang expressions. Even people from another culture with a good command of English may not understand expressions such as "He's top dog around here" or "Let's get down to the nuts and bolts." Be literal.
7. Use open-ended questions on forms when possible. A person with poor reading skills may find it hard to complete your intake forms. Encourage the person to ask questions so that your staff can respond in a natural, conversational manner.
8. If you are communicating in writing, use boldface or italics to highlight words that you feel might be new to your client. Define the word the first time you use it. If possible, find alternative ways to share the information with somebody who has difficulty reading. Put it on an audio or video tape or offer a demonstration.





3.7 Using Interpreters

One of the biggest obstacles to providing services to an abused immigrant woman may be that she lacks English or French language skills. The justice system must overcome such language barriers by providing impartial interpreters when required in criminal proceedings. But not all service providers have this obligation or capability. Nonetheless, they are anxious to help immigrant women who do not speak the same language they do. Using volunteer interpreters from the community may be an appropriate solution.

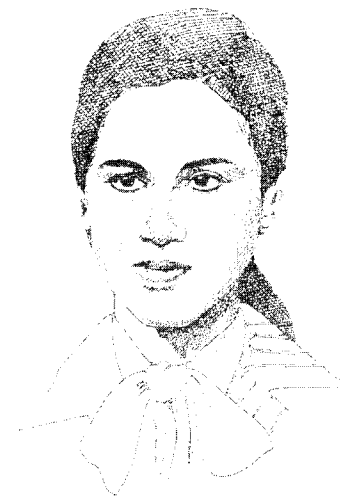
3.7.1 Tips for Finding an Interpreter

- Try to find agencies with specialized services that have staff or professionals who do speak her language.
- Try to find a volunteer in the community who can act as interpreter. When you look for an interpreter there are several issues to keep in mind. You must be able to guarantee confidentiality. You must be careful to select somebody who does not make your client uneasy. People who speak the same language may have significant differences, such as dialect, class, ethnic group, religion or caste, that create barriers. For example, if your client is from a war-torn country and the interpreter you have found belongs to the “enemy” camp, the session with the interpreter will likely fail.
- Try to assess the sensitivity of the interpreter to issues such as family violence. Has she intervened in such situations before? If the interpreter’s tone, attitude or choice of words is inappropriate, the abused woman will get the wrong message, no matter how supportive the service provider is attempting to be.
- Try not to use the immigrant woman’s children as interpreters. If her abuser has sexually assaulted her, for example, she will likely not mention it if she has to rely on her children to translate.
- Be aware of gender relations in the country of origin or in the ethnic community. Would your client be uncomfortable with a male interpreter?
- Be aware of the personal relationships between the abused woman and the interpreter. Do not use a friend of either the woman or her husband to act as the interpreter. He or she may be biased and attempt to influence your client one way or the other. Many ethnic communities are small and the abused woman may know the interpreter socially and not want to discuss her personal problems with him or her.
- Ask the woman if the interpreter is acceptable before you make arrangements. It is important that you convey to her that she should feel comfortable and trusting in speaking through the interpreter. Make it clear that if she is not satisfied, you will find someone else.



3.7.2. Tips for Working Through an Interpreter

- Look at the client when you speak.
- Address your questions directly to your client, not the interpreter.
- Arrange the seating so that you and the client are face to face.
- Make it clear to your client and the interpreter that everything is said in strict confidence.
- Take a break at the end of each sentence to allow the interpreter time to translate.



3.7.3. Tips for Working Without an Interpreter

If you are working with an immigrant woman who has a low level of English or French, the following dos and don'ts might help you :

Do not raise your voice. Talking louder will not help her to know what you are saying.

Do not patronize her.

Do not act as if your client's cognitive skills are impaired because she does not understand your language.

Do not use jargon or colloquial language.

Do not call her husband or children over to interpret for her.

Do face her; it is easier for her to understand you when she can see your mouth.

Do use clear and simple, but not simplistic, language.

Do articulate well.

Do assess whether she can read and write without embarrassing her.

Do be patient and take time. Rephrase a question if she doesn't understand it.

Do find out the reasons for a lack of response. Is it the language barrier? Has she ever before been asked to make decisions?



3.8 How Your Agency or Workplace Can Make a Difference

The previous tips on helping abused immigrant women are intended largely for the individual service provider who interacts with an abused immigrant woman on a one-on-one basis. It is just as important that the entire agency, counselling service, institution or organization take measures that make them more responsive to the situation of abused immigrant women. This is important and necessary in a multicultural society.

Many service providers and their staff, particularly those working daily with immigrants, are keenly aware of cultural differences. Some were once “immigrant women” themselves. They are experienced in responding sensitively to issues of abuse and understand the barriers faced by immigrant women. However, mainstream agencies that only occasionally deal with immigrant women may have little awareness or sensitivity to the issues. Here are some suggestions on how an agency might respond to multicultural differences in society and reach out to abused immigrant women.

First impressions matter

If your agency has a reception area, suggest putting up some posters in several languages. This shows that your agency recognizes the multicultural fabric of society. It makes your agency inviting to many different people.

Your attitude makes a difference

Make sure that the receptionist is sincere, friendly and sensitive to the needs of the clients generally. Be sure she or he has some knowledge of the cultural context of abused immigrant women. The first personal contact that an immigrant woman has may be with the receptionist. If she is rebuffed, or not taken seriously, she may leave and never return.

Show respect

Be professional in greeting her. Do not make jokes or comments about her name. If she has an appointment or if you know her, try to pronounce her name. If it is difficult to do so, ask her to pronounce it. Take the time to repeat her name. Try writing it down phonetically so the next time you see her you will be able to pronounce it properly.

Offer racism awareness workshops for your organization

Negative stereotyping and attitudes can creep into our beliefs and affect our behaviour. Contact an organization in your province or community which offers racism awareness workshops and set one up for all of your employees, both professionals and front-line staff.

Talk about differences

Set aside a time to meet with your co-workers to discuss your personal experiences with women from the immigrant community who have been abused, or you suspect are being abused. If your clients respond in ways that you find hard to understand, try to evaluate the cultural factors which might be present. Sharing information among staff and volunteers may be helpful.

Train your staff

Consider preparing a module for a train-the-trainer workshop and present the information in this handbook to your staff. This might help improve everyone’s response to an abused immigrant woman. Depending on the services provided by your organization, you might select particular sections as a focus, such as the legal section, and invite guest speakers to answer questions and provide additional information.

Hire staff from different ethnic backgrounds

If possible, hire staff from various ethnic backgrounds so that you have a mixture of Canadian-born and immigrants in the workplace.

Notes



Stock your reception areas with useful information

Sometimes materials may already be available in languages other than English or French. Some agencies that serve specific cultural groups, as well as provincial and federal government departments, public legal education associations and others, may have produced literature on woman abuse or wife assault in different languages. Try to obtain some of these materials and put them on display. (See Section 5, Resources.)

Find volunteers who are willing to interpret

Your agency might consider contacting local multicultural organizations or ethnic groups to get help finding people who would be willing to act as interpreters or in another capacity. If you are a multicultural organization, you might establish a volunteer interpretation service and alert mainstream agencies of this service.

Translate materials into immigrant languages

If you live in an area of the country where there are few educational pamphlets and brochures available in appropriate immigrant languages, consider translating some existing public legal education materials. This need not cost you any money, but it will take time and commitment. Try to find a volunteer from the ethno-linguistic group you are trying to reach. If professional translators work in your community, ask them to volunteer. Take the translated document to another volunteer and ask her to translate it back into English. This helps you to ensure the readability of the material and the accuracy of the translation. Sometimes a particular language will not have a word for a specific legal term or concepts such as “volunteer” or “family violence.” Can you find a substitute? This collaboration between the service provider and the ethnic community also serves to establish positive connections and trust.

Make family violence a workplace concern

Although the material in this handbook is geared mainly for service providers and intermediaries, it could also be useful for employers. For many women the workplace is one place where they might get information and obtain support. Employers need to help victims of family violence because abuse causes absenteeism, loss of productivity and other problems. Employers could incorporate multicultural training and programming into other workplace information programs. For example, it could be an integral part of employee assistance programming.

Develop a family violence awareness or educational campaign

Depending on your mandate, engage in preventive work. Offer orientation sessions for immigrants and include sessions about family violence in general. This can be done by offering workshops or talks to multicultural groups or programs that offer training in English or French as a second language. Awareness building can be done informally in non-threatening atmospheres such as during a potluck lunch sponsored by an immigrant women’s group.

Incorporate multicultural information into other material

If your agency develops policies, protocols or other material, include issues related to immigrants.

Build bridges in the community

No agency or intermediary can combat family violence alone. Establish contacts and relationships among the legal community, various mainstream services, agencies and organizations, health care providers, and the immigrant-serving, multicultural and unicultural community. We all benefit by having positive, open relationships that help us to offer prompt and effective remedies and support to abused immigrant women.

Section IV: Knowing About Available Legal Remedies



4.1 Providing Legal Information

Almost all victims of spousal assault are reluctant to deal with the justice system. The reasons may be complex. Lack of access to accurate information about the law is often a significant barrier. Service providers can play a direct and active role in facilitating women's access to legal information by answering basic questions about the law and legal process. For example, you will probably require a general knowledge of the effect of immigration status on the woman's rights. As well, when you give an immigrant woman a booklet about family violence, you should be prepared to respond to her questions and let her know about her options. To do this, you may need to find out about woman abuse protocols in your area, community resources, counselling services and family and criminal law remedies available through the Canadian justice system.

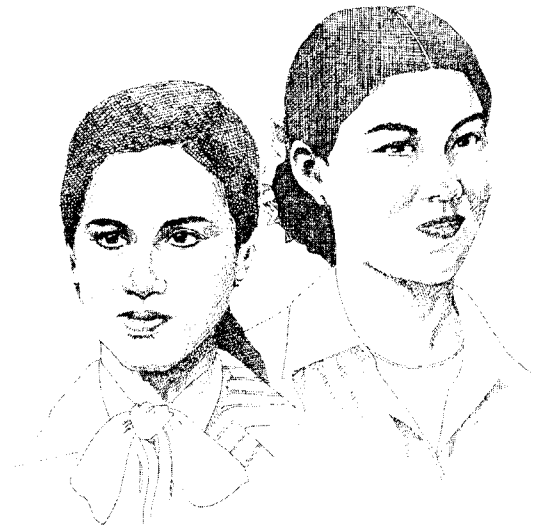
Legal advice and representation are clearly in the realm of legal professionals. However, many victims who are told to go talk to the police or a lawyer are too frightened, too intimidated and sometimes too impoverished to follow through. If your client requires advice about her situation, you should suggest that she talk to a lawyer. However, there is a lot of information that women need before they see a lawyer.

This section provides an overview of some of the legal remedies available to abused women across Canada. It offers general information about immigration law, the legal system and police and court practices. Remember that these may vary considerably among and even within provinces or territories. Space limitations prevent us from including an overview of Canada's justice system. Sometimes an abused immigrant woman will lack understanding of the justice system altogether. You may have to explain basic principles to her such as "the rights of the accused." Check your local public libraries, law societies and legal aid offices or neighbourhood clinics for such information. The public legal education service in your area can share useful law-related information specific to the practices in your province or territory. These services usually publish free booklets, pamphlets and fact sheets on a wide range of legal topics. They may offer classes about the legal system, videos on woman abuse, lawyer referral, law-lines, and so on. The federal Department of Justice publishes several helpful booklets on topics such as sexual assault law, child abuse, and Canada's system of justice. As well, you can obtain modules on citizenship participation in Canada from Canadian Heritage. These modules offer culturally sensitive ways for service providers to share information with immigrant clients on the Canadian justice system and human rights in Canada.

4.2 Immigration Status and Abused Women

Canadian immigration law is complex and it is beyond the scope of this handbook to describe the varieties of immigration status in detail. The following material focuses solely on how a woman's status affects her experience of abuse and its consequences.

Readers can find out more about immigration issues by referring to publications in local libraries or by ordering materials produced by governments and public legal education organizations across Canada. These publications address immigration terms and statuses, rights and obligations, and the legal processes to which refugees and other newcomers are subject. Many publications are provincial in scope, dealing first and foremost with legal aid and social assistance issues specific to a single province or territory. Nevertheless, the information about immigration applies to every province, with the possible exception of Quebec, where immigration policy may be different.





A woman's immigration status may cause her to fear that she and her children – or even her husband – will be deported if she reports the abuse she has suffered. The following pages address and clarify this concern by providing key facts about permanent resident status, family-class sponsorship, sponsorship breakdown and related issues. We have drawn on information presented in fact sheets produced by Community Legal Education Ontario (CLEO). These fact sheets are available individually or collected as a set in CLEO's *Refugee and Immigration Fact Sheet* binder.

- **Permanent Resident Status:** Permanent residents are immigrants – including people accepted as Convention refugees – who have received a “record of landing” after applying to live permanently in Canada. They are sometimes referred to as “landed immigrants,” and have most of the rights and privileges enjoyed by Canadian citizens. Unlike citizens, however, they can, under certain circumstances, lose their status and be forced to leave the country. For example, if they are found to be involved in organized crime or terrorist activities or are convicted of a criminal offence with a maximum penalty of five or more years, they may be ordered to leave Canada.

The important thing, however, is that no permanent resident can lose her status or be removed from Canada because she leaves an abusive relationship with her spouse or anyone else who sponsored her.

- **Family-Class Sponsorship:** Many immigrant women arrive as *family-class* relatives sponsored by their husbands. They can also be sponsored to Canada by their fiancés; as long as they marry within three months of arrival, they can become permanent residents under the family class. (Family-class relatives can also be a sponsor's parents, grandparents, dependent children or close relatives under the age of 19 who have been orphaned.)

Sponsors sign an agreement with Canada Immigration called an *Undertaking of Assistance*. Making a legal commitment to the Canadian government, they promise to care for, shelter and support their spouse or relative for one to ten years. If they fail to honour their agreement, Canada Immigration can take legal action to enforce it.

Sponsors who are unwilling or unable to meet their financial obligations will find it difficult to sponsor anyone else in the future. Service providers should try to find out what financial help is available for the abused woman and what it includes. For example, does legal aid in your province or territory cover immigration matters?

- **Sponsorship Breakdown:** It bears repeating that a permanent resident cannot lose her status and be removed from Canada just because she reports abuse or leaves her abusive partner. This is true even if the partner is her sponsor.

Canada Immigration recognizes that sponsorships sometimes break down and that family violence can be the cause. Immigration officials do not expect an abused woman to remain silent about her partner's violent behaviour or to live in danger. Unfortunately, many women are led to believe that they have no rights for the duration of the sponsorship and think they must live with their sponsor until it ends.

Service providers should be aware of these facts and be able to reassure their clients. Some permanent residents live for years with their partner's threat to have them deported. Even with full citizenship, some women fear removal from Canada.

- **Women without Permanent Resident Status:** Women without permanent resident status are more vulnerable. This is true of:

- women being processed for permanent residence as sponsored immigrants;
- women whose status in Canada hinges on the outcome of their spouse's claim (for example, women whose refugee claims are based on the risk faced by their abusive partners, not on their own realistic fear of persecution – if they separate, their claim may not stand alone);
- women whose husbands have temporary worker status or student authorization;
- women who are unwilling – because of abuse – to fulfil a “condition of landing” to marry a fiancé within three months of arriving in Canada; and
- women who are in Canada illegally, with no status at all.



Women referred to as “mail-order brides” are also vulnerable. Frequently from southeast Asia, Eastern Europe and the former Soviet Union, most of these women come to Canada to marry men they have never met. Leaving economic deprivation in their own countries, many hope to make a better life in Canada and send money home to their families. Sometimes, however, their sponsors – the prospective Canadian husbands – do not find the sort of wife they expected. Abuse may result, or withdrawal from sponsorship, in which case the immigration process stops.

Because their status is dependent on their sponsor or their spouse’s status, women without permanent resident status may be removed from Canada if they separate from this man. This might include wives of temporary workers or of foreign students. These women must get legal advice right away. An application can be made to Canada Immigration asking that they be allowed to stay on humanitarian and compassionate grounds. More information on this is provided below.

Since landing can take up to two years, some women may endure prolonged abuse before obtaining permanent resident status and independence in Canada. Reluctant to jeopardize their status in Canada, they may stay in a dangerous marriage, convinced that they have no choice and can take no action.

• **Foreign Domestic Workers:** Foreign domestic workers in Canada are also vulnerable because they are dependent on their employer. If they lose their job and cannot find another, they can be sent home. Many do not realize that they are protected by Canadian criminal and employment law. Unaware of their rights, they may stay in abusive live-in situations rather than risk alienating their employers, who they perceive as their only chance to stay in Canada.

Often the abuse suffered by live-in domestic workers does not come to light. When it does, service providers must be able to help the worker understand her rights. They must explain, for example, that if she leaves her current employer and finds other domestic employment, Immigration will probably give her another work permit and let her stay in Canada.

• **Staying in Canada after Leaving an Abusive Spouse:** As noted above, abused women who do not have permanent resident status and who leave their spouse can make an application to stay in Canada on humanitarian and compassionate grounds. Under subsection 9(1) of the *Immigration Act*, people applying for landing must do so from outside Canada. However, an exception is made under subsection 114(2), which allows applications for landing *within* Canada due to the existence of compassionate or humanitarian considerations.

Advocates making a written submission to Immigration under this subsection should also refer to the Immigration Policy Manual, which addresses the situation of domestic violence and sponsorship withdrawal.

A submission requesting landing on humanitarian and compassionate grounds should be as detailed as possible. It should set out the history of abuse and show the woman’s potential for self-sufficiency, despite the sponsorship breakdown. (This has become increasingly important in recent years.)

The woman may be interviewed by an Immigration officer about her application. Since this does not always happen, however, the written submission must include a thorough summary of her experience.

Any abused woman whose stay in Canada is in jeopardy should be encouraged to get legal advice *before* going to Immigration. Service providers should try to identify lawyers who might help in emergency circumstances.

• **Removal Orders:** If a woman’s situation changes and she loses her legal basis for staying in Canada, an Immigration inquiry is held. This might happen if, for example:

- her sponsorship is withdrawn before she receives landed status;
- her spouse’s refugee claim is rejected (if her continued stay is based on his claim);
- she leaves a spouse who is a foreign student or temporary worker;
- she does not fulfil the 90-day marriage requirement for fiancées;
- her illegal status comes to the attention of Canada Immigration.



The inquiry is a formal immigration hearing presided over by an adjudicator who – because the woman has lost the right to stay in Canada – will issue an order for her removal.

If a woman's humanitarian and compassionate application has failed and she is going to be removed from Canada, advocates should make an effort on her behalf to obtain a *departure order* rather than a *deportation order*. A deportation order has more serious consequences, since it makes it impossible for someone to return to Canada without the written permission of the Minister of Citizenship and Immigration. A departure order, on the other hand, lets a woman leave Canada "voluntarily" within 30 days and enables her to choose the date within that period. Above all, if she reports to an Immigration officer as she leaves the country and gets a "certificate of departure," she can apply from abroad for permission to re-enter Canada.

Advocates can make a submission to help a woman get a departure order by proving that she is both willing and able to leave, that is, that she *intends* to leave and that she has a passport and travel ticket, or enough money for travel expenses.

• **Criminal Charges and the Spouse's Immigration**

Status: Many abused immigrant women worry about what will happen to their spouse if he is convicted of assault. As a result, they may not take legal action against him.

Service providers should know that the spouse, if he is landed immigrant, may be removed from Canada if he is convicted of a criminal offence which has a maximum penalty of five or more years' imprisonment or he receives a jail sentence of six months or more. Once Canada Immigration is notified of the conviction, an Immigration official reviews the circumstances and decides whether to hold an inquiry. This inquiry may result in the man being ordered removed from Canada.

Immigration officials will consider several factors in deciding whether to proceed to an inquiry. These include:

- whether the man has been convicted of other crimes;
- the degree of violence used and the seriousness of the injuries inflicted, if any;
- the length of time the man has been in Canada, and how well he has established himself in this country;
- the impact on family members of his being removed from Canada; and
- whether he is seeking counselling for his problem with violence or substance abuse, if relevant.

Many immigrant women worry that if their husbands or sponsors (often one and the same) are deported from Canada, they too will be removed. Again, if they have already received permanent resident status, they should be assured that this cannot happen. If they are not yet landed, and if their spouse may be deported, they should be advised to get legal guidance from a lawyer or legal worker experienced in immigration law.



4.3 The Crisis Situation

The role of a service provider in a crisis situation was discussed as part of the short term interventions in Section III. Be sure to consider the ethno cultural factors discussed earlier. These may be contributing to her experience of victimization and her decision-making process. If language or other barriers exist, you may have to find an interpreter on short notice. Service providers who deal with abused women should ask the police for information about local police charging policies. If an immigrant woman is being assaulted, service providers are advised to have her call the police. However, the woman may have several questions about dealing with the police, and your response may determine whether or not she decides to call them and take action to get to safety.



Dealing with the Police

• *Calling the Police*

An abused woman may wonder whether the police will believe her. She may want to know what she should tell them when she calls. In a crisis situation, it is important for her to know that she has the right to expect the police to respond promptly and seriously to her call for help. Offer to call the police for her. If she agrees, ask the police to contact you after they have answered the call. This way you can make sure the woman received the services she needs. Whoever calls, tell the police:

- that she is in immediate danger and there is a crime in progress;
- what is happening or has just happened;
- if her husband or partner has a weapon;
- if he has been drinking or using drugs;
- if there are children in the house; and
- the nature and extent of her injuries.

• *Police response*

She may be concerned about what will happen when the police come to her home. Tell her that the police will come and make sure the situation is under control. Usually, they cannot enter a house without a search warrant unless invited in. However, you should explain that if the woman's husband will not let the police in, they can enter if they have reasonable grounds to believe a crime is being committed such as hearing cries for help or seeing a weapon. When the police come, she should:

- make it clear the situation is serious;
- say if she has been injured and give a complete description of what happened;
- tell the police if she is afraid of being threatened or beaten again;
- if the police arrest the abuser, ask to be notified in advance if he is released and that the release be on the condition that he not be allowed to contact her or her children; and
- ask the police to make a written report.

The police will ask the abused woman (victim) to make a statement. If the police have evidence that a crime has been committed, they will lay charges (called an *information*). What happens next will depend on the seriousness of the offence and whether the abuser already has a criminal record.



4.4 Criminal Remedies

The criminal law is used to convict the abusive person of a criminal offence. It also serves to impose on the abuser a fine, a jail sentence, or a probationary period with specific restrictions on conduct. These are intended to protect the victim from further abuse.

Like many abused women, an immigrant woman may endure years of assault and other abuse before she decides to take action. She may not leave in a crisis situation. She may have to plan her escape carefully. Part of that plan may be to find out more about the criminal justice system and her options before she becomes involved. She may look to you, as a service provider or intermediary, for answers.

The following criminal law information has been adapted from a publication of the Public Legal Education Program of the Legal Services Society in British Columbia entitled *Legal Process for Battered Women: A Manual for Intermediaries*. This information should help service providers offer greater detail about criminal remedies, including the kinds of offence with which the police might charge an abusive spouse, police obligations to deal with family violence, and the criminal court system.

4.4.1 Types of Offences

When service providers attempt to explain the legal consequences of “woman abuse” to the immigrant woman, they should be as specific as possible. The concepts of “family violence” or “woman abuse” may be unfamiliar in her culture. Certain actions that do not have legal consequences in her country of origin may be illegal in Canada. Tell her that any of the following actions, if committed by her spouse or another person against her or her children, are punishable as criminal offences.

Assault: An assault occurs when a person intentionally uses force against another person without his or her consent. Threats to apply force to somebody may also be an assault when the victim believes the person has the ability to carry out the threat. Physical injury is not essential to prove a charge of assault. The law does not distinguish between assault on spouses, common-law spouses or strangers. The *Criminal Code* of Canada sets out four categories of assault.

***Assaulting your partner is just as wrong
as assaulting a stranger on the street.***



Criminal Code Categories of Assault

1. **Common assault:** This is the charge most often laid in wife abuse cases. It is laid when the victim's injuries are considered less serious. Examples are hitting, shoving, pushing, pinching, and slapping.
2. **Assault with a weapon or causing bodily harm:** This includes assault while carrying, using or threatening to use a weapon. Weapons are not only things like guns or knives but may be, for example, a baseball bat, a telephone or a fork. Assault causing bodily harm is a use of force that causes injuries that interfere with the victim's health or comfort and that are more than passing or minor in nature.
3. **Aggravated assault:** This is defined as wounding, maiming, disfiguring or endangering the life of the victim. It is a more serious offence that carries a significant maximum jail sentence, although the sentences given are often far below the maximum.
4. **Unlawfully causing bodily harm:** In order to be charged with this offence, someone must have done something illegal, like unlawfully discharging a firearm, that results in injury to the victim. It does not have to be an assault.

Note: Sometimes an abusive man will tell the police that his wife hit him first. In some jurisdictions, when a woman accuses a man of assaulting her and he responds by claiming that she hit him first, the police may charge both parties. Check with your local police chief or Crown prosecutor to find out about the policies in your area.

Sexual Assault: Sexual contact with a woman without her consent, *including by her husband or partner*, is a crime in Canada. This includes her participation in sexual activity because of threats or fear of what will happen to her if she refuses. The *Criminal Code* sets out three categories of sexual assault.

Criminal Code Categories of Sexual Assault

1. **Sexual assault** refers to assaults that are committed in circumstances of a sexual nature where the attacker violates the sexual integrity of the victim. For example, kissing, fondling and sexual intercourse may be sexual assaults, depending on the circumstances.
2. **Sexual assault with a weapon, or sexual assault involving threats to a third party or causing bodily harm** is a more serious charge. It covers four types of actions: sexual assaults with a weapon, sexual assaults committed where threats are made to cause harm to a person other than the victim of the assault, sexual assaults causing bodily harm to the victim (usually serious enough to affect her health or comfort), and sexual assaults committed by more than one person.
3. **Aggravated sexual assault** is unwanted sexual contact combined with wounding, maiming, disfiguring or endangering the life of the victim during the contact. It is the most serious type of sexual assault and carries a maximum penalty of life in prison.



Notes

Other Criminal Code Offences

A number of other offences may also apply to situations of family violence. In addition to offences such as murder, attempted murder, manslaughter and criminal negligence, you might also encounter:

Criminal harassment: Sometimes called “stalking”, this is a relatively new addition to the *Criminal Code*. It prohibits anyone from repeatedly following a person, repeatedly communicating with her, watching her, or threatening her or any member of her family in a way that causes her to be fearful for her safety or the safety of anyone known to her.

Uttering threats: It is illegal to threaten a person, directly or indirectly, with death or bodily harm; or with damage to or destruction of her property, or with injury to an animal that is on her property.

Intimidation: If a man tries to control a woman by using violence or threats of violence against her, her spouse or her children, damaging her property or persistently following her around or watching her home or work, the actions may be defined as intimidation.

Failing to provide the necessities of life: Parents have an obligation to provide their children with food, clothing and shelter. Spouses have the same obligation to each other. It is a criminal offence, for example, to underfeed dependents to the point of starvation, or to purposefully deprive them of shelter.

Abduction: Kidnapping children away from a custodial parent in contravention of a custody order, or taking children away from the parent who had the everyday care of them, even where there is no custody order, are crimes of abduction in the *Criminal Code*. However, if the child is taken by the other parent when there is no custody order, charges can be laid only with the consent of the Attorney General.

Note: Sometimes abusive men threaten to lay abduction charges against women who leave with the children. Explain to the immigrant woman that it is a defence to this kind of charge if she took the child from the abusive parent because she was fleeing from imminent harm.



4.4.2 Laying Charges

The first step in dealing with a criminal offence is to lay a charge. Concern about woman abuse has led most provincial and territorial governments to develop special policies, sometimes called *woman abuse protocols*. These protocols are to guide the response of police and other government agencies (mental health, health care practitioners, educators, and social workers) in situations of domestic violence.

Generally, in relation to the criminal justice system, these policies require police to respond immediately to an incident of domestic violence, to arrest the accused where they have reasonable grounds to believe an assault occurred, and to lay criminal charges (called “laying an information”) in every case where they have sufficient evidence. This policy is often called “mandatory charging.” Service providers should know the following about mandatory charging:

- The appropriate response to an assault is a charge.
- Mandatory charging takes responsibility for the decision to lay charges from the victim and gives it to the police.
- Abusive men often beg their partners to drop the charges. The abused woman can say that it is out of her hands. Crisis intervenors generally applaud this aspect of the policy.
- The police may lay charges even when the woman is reluctant to get her partner in trouble with the law or to appear in court as a witness. Mandatory charging may start a process that cannot be easily stopped by the woman.

If the police do lay an information, the abused woman may be concerned about what will happen to her spouse. She may be financially dependent on him. She may want to know if he will be taken away and kept in jail or deported. (See Section 4.2 for information dealing with immigration law and departure orders.) The answers are not simple, since what happens to an abusive person depends on the circumstances. If there is evidence of an assault, the police will assess the situation and take the appropriate action. For example:

- He could be charged but not arrested. In this case, he will be required to sign a “promise to appear” saying he will be in court when it is time to answer the charge.
- He could be arrested and then taken before a judge or justice of the peace, who will usually release him on his “undertaking”. This is a promise which can contain conditions that he stay away from the woman, her home, or her children. (If a woman is afraid her husband will assault her again if released, tell her to let the arresting officers know her fears and ask the court for a “no-contact” order.)
- He could be arrested, taken before a judge or justice of the peace, and released by the police very shortly after having signed a “recognizance”. This is a promise to appear in court, and it carries a financial penalty for failing to show up.
- He could be arrested and not released. This may be requested by the Crown prosecutor if he or she believes that the accused should not be released until the trial because, for example, he may not show up, or he is likely to reoffend before the trial. The Crown can ask for a “show cause” hearing to show why a court should order that he remain in custody. If the offender is to be kept in custody, the victim may have to testify about her fear of ongoing assaults.



4.4.3 Private Prosecutions

Sometimes an abused woman will not get the help she expects when her spouse assaults her. There could be several reasons for this. For example, despite the introduction of woman abuse protocols, the historical reluctance of the police to intervene in “private” family matters may still linger. She may turn to you for help. You should tell her that if the police fail to lay an information, she has the right to lay charges herself. This is called a “private prosecution.”

Offer to help her talk to the police. She can ask them for an explanation of the decision not to charge her spouse. If it is not satisfactory, she may ask to speak to a more senior officer or a Crown prosecutor. If she is still not satisfied, she can lay a charge herself. You can help her by calling the nearest Provincial Court and asking where the woman should go to lay an information for an assault charge. The process may vary somewhat between provinces and territories. For example, she may have to go to a justice of the peace or a Provincial Court judge.

In any case, she will have to make a formal written complaint under oath that states she has good reason to believe that her abuser has committed an offence against her. This should be done as soon as possible after the events have taken place. Suggest that before she goes to lay an information, she write down everything that happened and why she is afraid. She should mention if this is not the first time he has assaulted her. She should include the names and phone numbers of anyone else who heard or saw the assault. She should mention if the police came or she saw a doctor for injuries and should ask for copies of their reports.

There may be pictures of her injuries. When she goes to lay an information, she should make it clear that she wants to carry through with a criminal trial. If the prosecution proceeds and she cannot afford a lawyer, she will have to handle the case in court herself. Sometimes the Crown will take over.

4.4.4 Entering a Plea

When the police lay charges, the matter is handed over to a Crown prosecutor. In some provinces, the charges must be approved by the Crown prosecutor (also called Crown attorney or Crown counsel, depending on the province or territory). The Crown prosecutor is the government lawyer who will be in charge of the case in court. Once a charge has been laid, the *accused* (the person against whom the charge is laid) will usually be ordered to appear in court before a judge. The victim does not need to be present at this first appearance in court, but she can go if she wishes. The charge will be read to the accused, and he will be asked whether he pleads guilty or not guilty.

If the accused pleads guilty, either he will be sentenced right away or another date will be set, and a pre-sentence report may be ordered. The sentence he receives will depend on the seriousness of the offence and his criminal record. The abuser might be offered a “plea bargain.” For example, he might plead guilty to a lesser charge on the promise he be released on probation rather than pay a fine or go to jail. If he is released on probation, the victim can ask for the same kind of conditions as in a peace bond (explained in Section 4.4.8).

If he pleads not guilty, a date will be set for the trial, and the abused woman will have to testify at the trial. She will receive a document, called a “subpoena.” It will state the date, time and place of the trial. If she is summoned, she *must* go to court. The Crown prosecutor will probably contact her several days before the trial to go over her evidence and tell her what to expect on the day of the trial. If she does not get a call from the Crown, she can request an interview, but she should do so well ahead of the trial.



4.4.5 Services for Victims of Crime

Most regions have Victim Services Offices with staff who are dedicated to providing assistance to victims of crime. A victim's assistance worker can be helpful to a woman who is encountering the Canadian criminal justice system for the first time, or who is experiencing cultural or language barriers which make it more difficult for her to understand the processes. The help they offer may include:

- information about being a witness in a criminal trial;
- general information about the criminal justice process;
- liaison with the Crown prosecutor assigned to handle the case;
- referrals for counselling and to other social service and support agencies;
- support for the victim at court during the trial;
- help to alert the police or the Crown prosecutor to arrange for an interpreter at the court; and
- help with applying for criminal compensation and making a victim impact statement (a statement to the court explaining how the crime affected the victim).

4.4.6 Reluctance to Testify

Almost all victims of domestic assault are reluctant to go to court. If you are a service provider helping an immigrant woman who is reluctant to testify, you may need to explain the following:

- The victim is not responsible for the abuse or for the outcome of the court proceedings. She is not responsible for starting or continuing the proceedings against the abusive person. The decision to proceed with a charge (i.e. to prosecute a case) lies with the Crown prosecutor.
- The victim is a witness for the prosecution. She is the person with the best evidence that an assault was committed. Even if the police were there to see that she had injuries, she must still give evidence as to how she received the injuries.
- If she decides that she wants the charges against her husband dropped, the Crown can decide to go ahead without her cooperation and subpoena her anyway. If she refuses to appear after being summoned, a warrant may be issued for her arrest.
- If the charges are dropped, any "no contact" orders or other conditions on the release of the accused are also dropped.
- If she refuses to testify she can be ordered to go to court and explain her reasons for not wanting to testify to the judge. The court may order that she is in contempt of court for her refusal to testify. Contempt of court carries a penalty of jail. (Crown prosecutors may try to persuade the court that this is not necessary.)
- If she is concerned that she will not understand what is happening, reassure her that even if she understands and speaks some English or French, she has the right to ask the court to provide an interpreter. She, or the service provider acting for her, should make this request to the police or Crown well ahead of time so arrangements can be made.
- He might have his family with him in court for support. This might be difficult if she had been living with his extended family. She should have someone (who is not a witness in the same matter) go to the courthouse with her on the day of the trial. She will need moral support. If she does not have a friend or family member to be with her, help her to contact a local women's anti-violence group. Many immigrant women's groups and unicultural organizations also provide this type of support to victims of family violence. Sometimes a victim service worker is available to go to court with a victim.



4.4.7 Appearing in Court

The victim service worker, and to a lesser extent, the Crown prosecutor, will provide the woman with an explanation of what will actually happen in court on the day of the trial and what is expected of her. Emphasize that the Crown prosecutor needs to know how to get in touch with her. If she leaves the transition house or moves, she should notify the Crown's office and the police of any changes to her address or telephone number. However, the service provider should also be prepared to provide the following basic information.

On the day of the trial, the victim must arrive at the courthouse on time. The date, time and place are on her subpoena. When she arrives, she should tell the Crown prosecutor or the Sheriff. She will be asked to sit outside the courtroom until it is her turn to give evidence. She may have to wait as long as a full day before giving her evidence.

When it is time for her to give evidence, she will be called into the courtroom and directed to sit in the witness box or at a table beside and below the judge. The judge sits at a desk (called the bench), which is usually raised, at the front of the courtroom. The tables of the Crown prosecutor and the defence lawyer face the bench. Behind them there are seats for members of the public. Warn her that her husband's extended family may be there to show him support or to be called as witnesses.

Before she gives her evidence, the witness must be sworn in (to tell the truth) by the court clerk. She does not have to swear on the Bible. She may bring another holy book on which to take her oath. (She should tell the Crown prosecutor in advance if she intends to do this.) Alternatively, she may simply affirm that she will tell the truth. The prosecution presents its case first. They will bring in anyone who can tell the court what happened, usually the police officers, the woman, other witnesses and possibly the doctor, and ask them to report on what they know. Each time the prosecution finishes questioning a witness, the defence lawyer (representing the accused) can ask questions. This is called cross-examination. The defence lawyer will ask questions to point out weaknesses or inconsistencies in things she has said or seems unsure about. The same procedure is followed when the defence presents its case. Although most people have lawyers, she should know that her husband can represent himself and cross-examine her.

Service providers should tell an abused woman that if she does not understand a question, she can ask to have it repeated. If she does not know the answer to a question, she should say so. Once she is finished giving her evidence, the judge will ask her to step down. This means that she can either leave the courtroom or stay to hear the rest of the evidence.

4.4.8 Peace Bonds

Peace bonds are often suggested in situations where women fear for their safety from their husbands, partners or family members. When an abused immigrant woman asks a service provider how to get a peace bond and what it is, the service provider should know the following basic information.

- **What is a peace bond?**

A "peace bond" or "recognizance" is an agreement that a person (such as an abusive husband) makes with the Court, promising to "keep the peace and be of good behaviour." Peace bonds are NOT appropriate in situations where a crime has already been committed. A peace bond is a way to try to prevent assault. Anyone who is afraid that another person is likely to harm them, their spouse or child or their property may seek a peace bond order from the court. Usually, they are given only where the woman is no longer living with the abusive person. The peace bond may include specific conditions. For example, an abusive husband can agree to:

- not visit her at home or at work;
- not call her on the phone;
- not write her letters or send her messages;
- go to anger counselling;
- go to alcoholism counselling;
- not contact children, parents or other family members;
- not drive by her house; or
- forfeit any firearms or ammunition.



• Getting a peace bond

The procedure to get a peace bond varies in different provinces and territories. Generally, a woman must go either to court or to the nearest police or RCMP detachment and advise them that she has a real fear of harm from another person. She will be required to make a statement in writing that tells why she is afraid. Then, a summons from the court will be sent to the other person telling him to appear in court on a certain date. *Be sure to tell the abused woman that this can be anywhere from several weeks to several months away.* When the court date arrives, the person is asked if he consents to a peace bond being ordered. If he will not consent to be bound to a peace bond, there will likely be a court hearing. The woman will have to attend and give evidence about threats of harm or past violence. A peace bond can be issued for up to 12 months. *It does not give the offender a criminal record unless he is convicted of violating it.* If the court orders the peace bond and he refuses to sign it, he can be penalized up to one year in jail.

• Violation of a peace bond

If the person breaks or threatens to break the peace bond, the police can provide protection by arresting the person and charging him with the offence of breaking the peace bond. *Failure to keep the terms of a peace bond is a criminal offence* and can result in a fine of up to \$2,000 or a jail term of up to two years or both. Peace bonds are only effective if the woman reports violations to the police immediately. She should keep a copy of it with her at all times and should, where possible, register a copy with the local police

If the abused woman asks the service provider whether she should get a peace bond, in addition to the above information, the intermediary should tell her:

- A peace bond shows her that others recognize that his violent behaviour is illegal and it will not be tolerated. For some women, and for their abusive spouses or boyfriends, this can have an important psychological impact.
- The peace bond is not a guarantee that an abusive person will stop the abuse. In some situations, the peace bond may put a woman in more danger if it gives her a false sense of security while increasing the abuser's anger. Even with a peace bond, women should still take precautions for their safety.

4.5 Crime Compensation

Persons who are injured as a result of a crime can usually apply to the government for compensation for such things as damaged property (like broken eyeglasses), lost wages, pain and suffering, and counselling. The procedure for making these claims varies across the country. In some places, applications are made to a Criminal Injuries Compensation Board, while in other places crime compensation is administered by the Victim Services Office, the Worker's Compensation Board or a judge acting under the authority of provincial legislation.

In some provinces or territories you can get this information, as well as assistance in completing the application, from the local Victim's Assistance office. Investigate the procedures for filing for crime compensation in your area, so that you can advise abused women appropriately.



4.6 Non-Criminal Remedies (Civil Actions)

The victim may want to seek civil law solutions. The remedies available through a civil action include orders that the abuser pay the victim money to compensate her for losses due to her injuries, restraining orders, and orders that keep the abuser out of the family home. Civil remedies can also be used to settle family law matters that might arise when a decision is made to end the relationship with the abuser. This could result in orders for the division of any property, custody of the children, support, and divorce. Some of these civil remedies are explored below.



4.6.1 Actions for Damages

An abused woman can start a lawsuit to get damages for injuries she has already suffered. In a lawsuit the victim herself must bring the case to court, unlike a criminal trial where the police and Crown prosecutor bring the case to court. The person who brings the lawsuit is called the *plaintiff* and the person against whom the lawsuit is brought is called the *defendant*. In most places, a person needs the assistance of a lawyer to proceed with a lawsuit. The judge hearing the case will determine liability and could order the abuser to pay damages to the victim for any injuries she has suffered, including continuing emotional distress.

Even though a lawsuit for damages usually requires the assistance of a lawyer, it may have some advantages compared to criminal charges. An abused immigrant woman may feel that she has more control over a civil process than a criminal proceeding. Moreover, the focus will be on ordering the abuser to compensate her for injuries and loss, rather than on punishing him.

4.6.2 Restraining Orders

A restraining order is like a peace bond. It is an order that an abusive person stay away from a family member or family home. However, unlike a peace bond, which involves criminal proceedings, the restraining order is a civil remedy. It is provided for in various provincial and territorial statutes. The woman should be warned that getting a restraining order does not guarantee her safety if her abusive partner decides to violate its terms. She should still take precautions. If he does violate the order, he can be required to appear before a judge to explain why he failed to do what the court ordered. This may be more appealing to abused immigrant women who are reluctant to take action that might give their spouse a criminal record. However, a judge could order that the spouse be fined or imprisoned for failure to comply with a restraining order.



4.6.3 Staying in the Family Home

For a woman who is abused, going to a transition house is a temporary solution. She must leave after a month or so, and she cannot return home if the abuser is still there. If the couple is legally married, legislation in all of the provinces and territories gives the woman the right to apply to ask the court to grant her “exclusive possession” of the family home (also referred to as the marital home or the matrimonial home.) A rented house or apartment can be a marital or matrimonial home; it need not be a property that the couple owns. Various interim orders for exclusive possession also exist in crisis situations.

Immigrant women often believe that their husband owns all of the property and they have no rights. Service providers should explain that even if the husband is the owner or part owner of the house, or if his name is on the lease, the court can order him to move out and let the wife and children stay. The court can also order him to continue paying a share of the costs of maintaining the house. In most of Canada, the legislation requires judges to consider the best interests of the children in making such orders.

Because the husband will be deprived of some of his rights as a property owner, even if only temporarily, service providers should inform the woman that judges do not make exclusive possession orders without substantial evidence that they are necessary. Since the immigrant woman and her spouse may live with his relatives who share ownership of the house, it may not always be possible to seek solutions that would keep her in the family home and in the community.

4.6.4 Division of Marital Property

Immigrant women often believe that they have no right to the marital property. They should know that at separation, divorce or death, they are entitled to their share no matter who bought it or whose name is on the ownership papers or title deeds. The property that must be shared, and the share that each spouse gets, does vary in each jurisdiction. Service providers should find out about marital property law in their province from public legal education services or other resources listed in this handbook.

Generally, if the couple are legally married, family law legislation in all of the provinces and territories gives the wife a right to a share of the property — land, furniture, bank accounts, recreational equipment, automobiles, etc. — acquired by the couple during the marriage. In Ontario, each spouse is entitled to an equal share of family property and business property. In other jurisdictions, only family property is shared, unless there are special circumstances. For example, a contribution by one spouse that enables the other spouse to acquire the business property may persuade the court to include business property in the property to be shared. Property brought into the marriage, or property that one spouse received as a gift, will usually be shared if the whole family made use of the property.

As well, benefits under employer-sponsored health or life-insurance plans are important family property. A woman who is covered by a partner’s employment health insurance plan might find that he cancels her coverage once she leaves. Suggest that if she can, she arrange for new eyeglasses or dental work before she leaves. If she has any life insurance policies or life insurance coverage through her employment, she may want to change who will get the benefits of the insurance if she dies so that the money will go to someone other than her partner, in trust for her children.



4.6.5 Custody of Children

Custody is the legal right to raise, care for and direct the upbringing of children and to make the day-to-day decisions about their health, education, religion and other important matters.

When couples separate or divorce they can draw up an agreement which sets out custody and access rights. Or, they can go to court and ask the judge to decide for them. A person who is given custody of a child is called the *custodial* or *residential parent*. A parent who has visiting rights with a child is sometimes called the *access parent*.

If no court order has been made about custody and access rights, both parents, if they have been sharing the care of the child, usually have equal custody rights. However, if the parents are not married and the father has not acknowledged the child as his or given any support to the mother and child, he may not have any parental rights.

A woman who leaves the family home, with or without her children, because of abuse should apply to the court as soon as possible for an order giving her custody of the children. Leaving an abusive situation does not deprive a woman of the right to have custody of her children.



i) The application for custody: The form of the application and the court in which it will be heard depend on the structure of the courts in the particular province or territory and on the choices the woman makes regarding her legal options. An application for custody can be made as part of an application for divorce or under provincial or territorial family law legislation. Applications made as part of an application for divorce must be heard by a judge in a superior court (variously called Queen's Bench or Supreme Court). Applications under provincial or territorial legislation may be heard in the more informal provincial court (family division), depending on the province or territory. In some jurisdictions, there are unified family courts which can hear all family matters.

It is more difficult to proceed without the assistance of a lawyer in the superior courts. In the provincial or territorial courts, law students or other people who are not lawyers, including service providers, may be able to speak on the woman's behalf. In some areas, legal aid or neighbourhood legal clinics may provide representation for women.

ii) Factors which influence awards of custody and access: Many immigrant women worry that they will not get custody of the children because their husband was the "breadwinner." Be sure to tell her that the financial standings of the husband and wife should not be a factor in awarding custody. Inequalities can be adjusted through support orders. Custody decisions are based on "the best interests of the child." The conduct of a parent will be considered only as it affects the best interests of the children concerned.

The courts tend to favour the applicant for custody who has been the day-to-day care provider for the children — the person who feeds them, shops for their clothes, helps with their homework, takes them to the doctor, and so on. Occasionally the courts grant custody to a relative other than the parent, but in the majority of cases, it is the mother who is granted custody. The preference of the child may be considered in a custody determination, especially if the child is older.

A woman who wants custody should be prepared to provide her lawyer with a very detailed list of all the work she does in the course of a day in caring for the children. This work cannot be taken into account if it is not documented for the court. Having definite plans for a stable future helps enormously in getting custody. Clearly, providing the court, with convincing evidence of such plans may be difficult for a woman who is in a transition house. Encourage her to plan for her next move before going to court and help her understand that she will have to tell the court about the abuse to explain her situation.



4.6.6 Visiting Rights

When considering visiting or *access rights*, courts begin with the principle that children should have as much contact with both parents as is consistent with the best interests of the child. Access rights can be narrow or broad, specifically defined or general. When a woman can prove the children's father abused them, the court may deny access altogether. Advise the abused woman that she should try to get as much independent evidence of the abuse as possible. This can be done through reporting incidents of abuse to the police, seeking medical treatment for the injuries, and being honest with the doctor as to their cause. Suggest that she keep a diary of all incidents of abuse. This might help her and her lawyer in preparing her evidence for court. She should also keep records on the children's behaviour and emotions on returning from a visit to their father. This diary could be written or kept on a cassette tape recorder. The court can only consider the evidence that is brought before it, so the woman must be prepared to provide her lawyer with as complete a picture of the home situation as possible.

Orders to deny access completely are rare, and a request for one involves some risk. Even if the mother truly believes that denying the father access is in the best interests of the child, the court may not see it that way. The court may look negatively on a parent who is highly critical of the other parent and award custody to the parent who seems willing to facilitate access by the other parent.

A decision about access can also be influenced by the wishes of the children, especially if they are older. Access may be denied altogether or awarded only at the discretion of the children. Some judges may interview the children privately during the court hearing. The children's wishes do not determine the outcome, but they are part of the information the judge may use to decide what is in the best interests of the children.

In some jurisdictions, if custody or access is disputed the court may order a psychological assessment of the family or the children. The children may be able to get independent representation through, for example, the Office of the Children's Lawyer, the Solicitor General's Department, the Attorney General's Department, or the provincial Department of Justice. Service providers should familiarize themselves with the procedures for obtaining representation for children.

If a woman fears that the children's father will abuse liberal access rights or use access as a means to harass her, she should ask the court to clearly define and/or limit access rights. Times and places of access can be specified, and the access parent can be ordered to visit with the children only under the supervision of a child welfare officer or other person. The court can even require that someone other than the access parent be responsible for picking up and returning the children to the custodial parent. Where alcohol or drug abuse is a problem, being alcohol- and drug-free can be a condition of access.

4.6.7 Child and Spousal Support

Parents are required to provide financial support for their children if they can. The support obligation exists even if the parents are not married to each other, and regardless of whether the children have the father's name. The obligation of the father to support his children is not dependent on the conduct of the mother. She can leave with the children and still apply for support for them.

Partners who are not legally married to each other may have an obligation to support each other if they have lived together. Family law legislation in each province or territory sets out how long they have to live together before the law recognizes that a support obligation may arise. That obligation may arise sooner if they have children together.

Support orders can be made under provincial or territorial legislation, or if the couple is legally married, under the *Divorce Act*. The amount of support that the court will order the father, husband or partner to pay is determined by the need of the person receiving support and the ability of the payor to pay. The conduct of the parents toward each other is not a factor in determining the amount of child support the court will order.



Sometimes women want to give up their right to support in order to cut ties with the abusive husband. However, if the woman is applying for welfare, some provinces will ask for a support order on behalf of the woman. The court can order a father to make support payments even if he is ordered to stay away from the mother and children. Providing financial support does not “buy” a parent the right to have access to a child.

Most provinces and territories have support enforcement services in place and will automatically take action if the payor defaults. Refusal by the mother to permit the father to see the children does not relieve the father of the obligation to pay support. Nevertheless, a court may refuse to enforce court-ordered visiting rights if the payor does not make support payments. However, if the mother refuses without good reason to cooperate in permitting court-ordered visiting rights, the court may suspend support payments. She may even put her custodial rights at risk.

4.6.8 Divorce

If an abused immigrant woman and her abuser are legally married, at some stage she might want to get a divorce. She will have to bring an application to the court, called a *petition*, requesting an order dissolving the marriage, called a *divorce order*.

It is not necessary to obtain a divorce to live separately from a spouse. Some spouses live separately for the rest of their lives without getting a divorce. Many immigrant women are particularly reluctant to divorce. However, there are reasons why she may eventually want to consider a divorce. For example:

- A divorce is necessary if either spouse wants to marry someone else.
- When she dies, if she is still legally married, and even if she has a will, her spouse may be able to claim a share of her property.
- Some banks are reluctant to make loans to a married person unless both spouses sign the agreement.
- A creditor may approach one spouse to repay debts of the other on joint credit cards or debts for which the other spouse co-signed. Finding out whether the spouse is responsible for the other spouse’s debts may be costly, emotionally or financially.

i) Grounds for divorce:

The *Divorce Act* gives only one ground for divorce — the breakdown of the marriage. The “breakdown of the marriage” is proved by showing that the spouses have lived separate and apart for not less than one year. It can also be proved by showing that one or both spouses have committed adultery or treated the other spouse with physical or mental cruelty. Many service providers have noted that emotional abuse is not against the law and victims cannot get any help from the police if her husband insults and humiliates her. While emotional abuse may not be a basis for criminal charges, it may be grounds for divorce. Victims of abuse are entitled to obtain a divorce because of the abuse if it amounts to conduct that makes it intolerable for the spouses to continue living together. Most divorce applications rely on the one-year separation, since it is the easiest to prove.



ii) *Divorce without a lawyer:*

People who do not qualify for legal aid or who wish to save legal expenses can do their own divorces. This is practical only if their application is fairly straightforward. That means that the basis for the divorce is one-year separation and the issues of custody, support and property division have already been settled.

If the spouse who wants the divorce is not able to communicate with the other spouse, or if the other spouse is hostile to the proceedings, it will be difficult to get a divorce without a lawyer. If the other spouse does not object to a petition for divorce, it can be granted in some provinces or territories without a court hearing. This is done on the basis of evidence submitted to the court in affidavits (documents setting out the relevant information which the person applying for the divorce signs and declares are true). However, all of the documents must be clear and complete or a hearing may be required. Most importantly, the documents must show that the parents are adequately providing for the children.

Various community agencies and commercial firms have published guides to obtaining your own divorce. See the section at the back of this handbook for information on helping your client get some of these.



4.7 Other Kinds of Remedies

4.7.1 Financial Support from the Government (welfare/social assistance)

All of the provinces and territories have programs to provide financial support to people who are unable to support themselves in the short or long term. The government may call these programs income assistance, social assistance, or family benefits; most people call them welfare. If a woman is a sponsored immigrant, her sponsor has an obligation to support her. If her sponsorship breaks down, she can apply for welfare for herself and her children. The provincial welfare authorities may try to collect what she receives from her sponsor. The sponsored immigrant woman is not under any risk of being removed from Canada because she applied for welfare. If the woman signed an agreement with the government before emigrating to Canada promising not to apply for welfare, she may not be eligible. However, she would not be deported but would have to find some other way to support herself, such as employment.

4.7.2 Property and Debts

When an abused woman is able to prepare to leave her husband, she should try to arrange to take what she can with her, especially important documents and items of particular sentimental or financial value such as jewellery or baby pictures, and the children's favourite toys. If she has a joint bank account with her spouse and needs money to leave and to support herself and the children, she should transfer money into a new account in her name only when she is ready to leave. She should also cancel any credit cards she shares with him so he cannot run up debts to the credit card company that she will have to pay. In many areas, the police will return with a woman to the family home when she is getting her personal effects and things for the children. This is done to protect her against further assaults. Find out about the policy of the police or RCMP in your area.



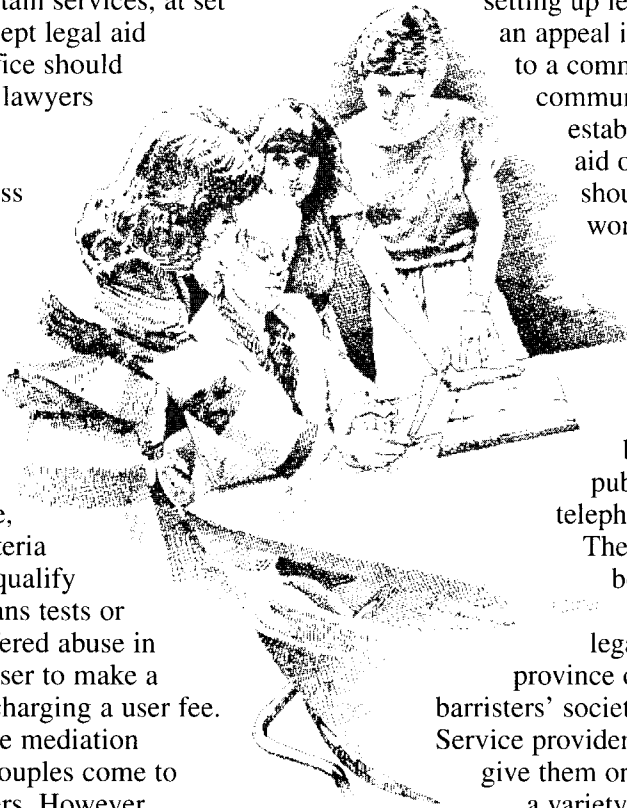
4.8 Lawyers and Legal Aid

Legal Aid Assistance: In all of the provinces and territories, people who cannot afford lawyers may be able to get some free legal assistance. This assistance may be available from lawyers who work full-or part-time as duty counsel or legal aid lawyers. It may be available from legal aid offices or legal aid clinics run by law schools or community associations. In some large urban areas, specialized ethnic-specific legal aid services may be available. Legal aid may be provided in the form of a certificate from a government legal aid service that guarantees that the government will pay the fees of a private lawyer of the woman's choice, for certain services, at set rates. Not all private lawyers will accept legal aid certificates. However, the legal aid office should be able to give applicants a list of the lawyers who do.

Legal aid programs differ widely across the country. Some provinces and territories provide legal assistance on a broad range of civil matters, as well as helping immigrants with their immigration law problems. Others are restricted to a very narrow range of domestic services relating to support, custody and division of marital property. Some will provide representation for divorce, others do not. Most services have criteria that applicants must meet in order to qualify for assistance, including financial means tests or requirements that applicants have suffered abuse in their relationship. Some require the user to make a financial contribution to legal aid by charging a user fee. Some provinces or territories offer free mediation services through their courts to help couples come to an agreement about their family matters. However,

mediation services are usually not available in cases of domestic violence because of the power imbalance between the man and woman. Service providers should have information on available legal services and how an abused woman can access the legal aid program.

Jurisdictions which offer legal aid certificates often have complex application forms which require detailed information on family income and property. Some abused women may not be able to supply this information. Service providers should obtain a copy of the application for their area, so that they can assist the woman in preparing for the visit to the legal aid office. The legislation setting up legal aid programs may provide for an appeal if legal aid is denied. This may be to a committee that includes some community representatives. Try to establish contacts with the local legal aid office and appeal committee. This should help you explain to abused women the criteria for obtaining legal aid, the procedure, and the way to appeal if their application is denied.



Some provincial and territorial law societies (the governing bodies of the legal profession) and public legal education services offer telephone legal information services. These may be listed in the phone book under names like Dial-a-law, or Law-Line. Call the public legal education service in your province or the local law society or barristers' society to get the phone numbers. Service providers may find that these services give them or their clients basic information on a variety of legal topics.



Finding a Lawyer

People looking for a lawyer may want to use the lawyer referral services established in some provinces and territories. Check with the law society or public legal education service in your area. Clients may even want to telephone several lawyers before deciding to hire one. People looking for lawyers should be encouraged to ask the following kinds of questions:

- How long have you been in practice?
- What kind of law do you do most?
- What is the fee for an initial consultation?
- When and on what basis will I be billed?
- Do you accept legal aid certificates?

The lawyer-client relationship: A lawyer can explain the client's legal options and the likely consequences of her decisions, but cannot make personal decisions for her. After obtaining information about her options, it is the client who decides what she wants the lawyer to do for her.

A client has the right to receive reports from her lawyer on the progress of her case, including copies of correspondence sent on her behalf. A client has the right to fire her lawyer and to hire a new one at any time. However, the first lawyer's bill will probably have to be paid before the lawyer will transfer the file to another lawyer. The client has the right to take complaints about the handling of her file to the provincial law society.

Preparing to Visit a Lawyer

Service providers can help women prepare for their first visit to a legal aid or private lawyer by explaining what they can expect the lawyer to do for them, and what rights they have as clients. A woman can save money on her legal fees if she is well prepared. She should think about the information the lawyer will need and take along all relevant papers to the first meeting. A service provider can help a woman think of the questions the lawyer will ask. Help her to write down the information ahead of time. Tell her that a lawyer with a family law client at the first interview is likely to want to know:

- full name, age and address
- partner's full name, age and address
- place and date of marriage or date that couple began living together
- whether there were any prior marriages for either partner
- when abuse began
- steps taken to deal with abuse
- whether there have been any periods of separation because of the abuse
- names and ages of children
- place of work and income of both partners
- details of any contract between the partners or their parents dealing with their rights and obligations in the marriage
- what property the couple now owns
- what property each partner brought into the relationship
- the living expenses of both partners and their children



Section V: Resources

When you are looking for more information on family violence in immigrant communities and how to help abused immigrant women, you may want to consult the resources listed below. This list is not exhaustive. It is meant to provide some pointers to help you search for useful information.

Some of the resources have been identified by the language(s) in which they are produced. Addresses and phone numbers of organizations change, so some of the information may no longer be accurate. Please check your local listings for the organizations that interest you. You can also contact provincial organizations or agencies such as the *Advisory Council on the Status of Women* or the *Women's Directorate* to ask for information about family violence and women's rights.

This section contains a resource list which you can personalize by filling in the appropriate numbers.

5.1 Resource Materials

Pamphlets and brochures are often a convenient tool to provide people with information. Many organizations across Canada, ranging from local multicultural groups and public legal education organizations to the government of Canada, have produced excellent pamphlets dealing with woman abuse. Some of these pamphlets are available locally in a variety of languages to accommodate women who have a limited knowledge of English or French. For example, the Law Courts Education Society in British Columbia has court-related materials with family violence information available free of charge in Vietnamese, Chinese, Punjabi, Arabic, Farsi, Polish, Spanish and Korean.

Service providers may want to contact various organizations to ask about their pamphlets. (In many cases pamphlets are distributed free of charge.) A sample of the kind of pamphlets you might find on family violence is listed below for each jurisdiction:

ALBERTA

Battered Women (English)
Student Legal Services of Edmonton

BRITISH COLUMBIA

Assault: Violence Against Women in Relationships
Legal Services Society
1500-1140 W. Pender St., Vancouver BC V6E 4G1

MANITOBA

Legal Information and Resources for Battered Women
The Women's Advocacy Program
9th Fl-405 Broadway, Winnipeg MB R3C 3L6
Tel: (204) 945-6851

ONTARIO

My Husband is Beating Me – I Want Him to Stop
(English, Chinese, Greek, Italian, Portuguese, Punjabi, Spanish, Somali, Korean and Vietnamese)
Education Wife Assault (EWA)
427 Bloor St. W. Toronto ON M5S 1X7
Tel: (416) 968-3422

NEW BRUNSWICK

Information for Immigrant Women: What is Woman Abuse? (English, French, Serbian, Spanish and Chinese)
Public Legal Education and Information Service of New Brunswick
PO Box 6000, Fredericton NB E3B 5H1

NOVA SCOTIA

Wife Abuse
Public Legal Education Society of Nova Scotia
911-6080 Young St., Halifax NS B3K 5L2

NEWFOUNDLAND

Know the Law
Public Legal Information Association of Newfoundland
PO Box 1064, Stn C, St. John's NF A1C 5M5

NORTHWEST TERRITORIES

Women and the Criminal Justice System
Arctic Public Legal Education and Information Society
PO Box 2706, Yellowknife NT X1A 2R1



PRINCE EDWARD ISLAND

Women Assault and the Law

Community Legal Information Association
PO Box 1207, Charlottetown PEI C1A 7M8

QUEBEC

Politiques d'intervention en matière de violence conjugale

Ministère de la Justice and Ministère du Solliciteur
Générale
Tel: (514) 674-0324

SASKATCHEWAN

A Guide to the Law for Battered Women

Public Legal Education Association
115 Cynthia St., Saskatoon SK S7L 6B7

YUKON

Women Can't Be Beat Kit

Yukon Public Legal Education Association
PO Box 2799, Whitehorse YT Y1A 5K4

5.2 Overview of Helping Organizations and Agencies

The following is a brief description of the kinds of organizations that you should be looking for to help you meet the needs of abused immigrant women.

Multicultural, Unicultural and Immigrant-Serving Agencies

Associations for Immigrant Women

For example: New Brunswick's Women's Intercultural Network, 361 Queen St.,
Fredericton NB E3B 1B1
Tel: (506) 458-5708

Canadian Immigration Offices

Immigration Offices deal with a wide range of immigration matters. They can provide you with information on the legal implications of immigration status.

LINC Programs

Language Instruction for New Comers can provide information on English or French as a second language programs for immigrants.

Multicultural Associations

Can provide you with culture-specific information, interpreters and other support service. Some provinces also have umbrella organizations with membership from all of the multicultural groups. For example:
Ontario Council of Agencies Serving Immigrants,
110 Eglinton Avenue W. 2nd Floor, Toronto ON
Tel: (416) 322-4950 Fax: (416) 322-8084

Unicultural or Specific Ethnic Group Associations

Agencies such as the Spanish Speaking People's Centre in Toronto can provide you with culture-specific information, interpreters and other support services.



General Service Agencies

The following services may be available in your community. Check your yellow pages.

Canada Employment Centres

Can counsel for employment, help look for a job, and perhaps assist with occupational training or upgrading.

Crisis Lines (Help Lines)

May be able to help with crisis intervention and refer you to ethnic-specific services in your area.

Family Counselling and Enrichment Centres

May be able to offer your client general family counselling services, programs for men who batter, anger management and family violence counselling.

Legal Aid

Criminal legal aid may be available for individuals charged with certain criminal offences. Domestic or civil legal aid programs may help your client with legal information and, if various criteria are met, with legal representation for family law problems and sometimes other matters.

Mental Health Offices

Can offer information or counselling on depression, stress and mental health issues.

Provincial Health and Community Services Departments

Departments or Ministries of Health will be able to provide you with information about their programs and services that support the well-being of family members.

Provincial Social Services Departments

Called by various names in different provinces, they can give you information concerning welfare. Clients can also be referred to employment programs and training programs.

Public Health Offices

Will provide information on general health for adults, seniors and children.

Second Stage Housing Projects

Housing projects for women who have left abusive relationships.

Transition Houses (shelters, 24-hour safe havens)

As emergency shelters for victims, transition houses will be able to provide you with general information on woman abuse as well as assist your client with information about her legal rights, options and referrals.

Victim Services

Will provide you with information on services for victims of crime.

Women's Centres

May provide immigrant women with friendship and support.



National Organizations

National Organization of Immigrant and Visible Minority Women (NOIVMW)

251 Bank St., Ottawa ON K2P 1X3
Tel: (613) 232-0689

The National Clearinghouse on Family Violence

(Has a reference collection of 6,000 books, periodicals and articles on family violence.)
Health Canada, Ottawa ON K1A 1B5
Tel: (613) 957-2938 or 1-800-267-1291

Canadian Centre for Victims of Torture

10 Major St., Toronto ON M5S 2L1
Tel: (416) 928-9137

Community Action on Violence Against Women

YWCA of Canada
80 Gerrard St. East 1000, Toronto ON M5B 1G6
Tel: (416) 593-9886

5.3 Public Legal Education and Information Services

ALBERTA

Public Legal Education Network of Alberta
Tel: (403) 492-5732

BRITISH COLUMBIA

Legal Services Society of B.C.
Tel: (604) 660-4600

The People's Law School
Tel: (604) 688-2565

Law Courts Education Society of B.C.
Tel: (604) 660-9870

MANITOBA

Community Legal Education Association
Tel: (204) 943-2382

NEW BRUNSWICK

Public Legal Education Information Service of New Brunswick
Tel: (506) 453-5369

NEWFOUNDLAND

Public Legal Information Association of Newfoundland
Tel: (709) 722-2643

NOVA SCOTIA

Public Legal Education Society of Nova Scotia
Tel: (902) 454-2198

Notes



ONTARIO

Community Legal Education Ontario
Tel: (416) 408-4420

PRINCE EDWARD ISLAND

Community Legal Information Association of P.E.I.
Tel: (902) 892-0853

QUEBEC

Société québécoise d'information juridique
715, square Victoria, bureau 800
Montréal (Québec) H2Y 2H7
Tel: (514) 842-8741

5.4 Umbrella Organizations for Transition Houses

ALBERTA

Alberta's Council of Women's Shelters
Tel: (403) 456-7000

BRITISH COLUMBIA/YUKON

British Columbia/Yukon Society Transition Houses
Tel: (604) 669-6943

MANITOBA

Manitoba Association of Women's Shelters
Tel: (204) 785-8065

NEW BRUNSWICK

New Brunswick Coalition of Transition Houses
Tel: (506) 634-7571

NEWFOUNDLAND

Provincial Association Against Family Violence
Tel: (709) 739-6759

NORTHWEST TERRITORIES

Family Violence Prevention Program
Tel: (403) 920-6254

SASKATCHEWAN

Public Legal Education Association of Saskatchewan
Tel: (306) 653-1868

YUKON

Yukon Public Legal Education Association
Tel: (403) 667-4305

NOVA SCOTIA

Transition House Association of NS
Tel: (902) 755-4878

ONTARIO

Ontario Association of Interval and Transition Houses
Tel: (416) 977-6619

PRINCE EDWARD ISLAND

P.E.I. Transition House Association
Tel: (902) 368-7337

QUEBEC

Regroupement provincial des maisons d'hébergement et
de transition pour femmes victimes de violence conjugale
Tel: (514) 279-2007

SASKATCHEWAN

Saskatchewan Battered Women's Advocacy Network
Tel: (306) 787-3835



5.5 Handbooks and Reports

The following are only a sample of some of the reports, manuals and guides that have been produced on this subject.

Let's Work Together to Stop Family Violence: Service Provider's Training Manual (Language: English)

Calgary Immigrant Women's Centre
802-14 Ave. S.W., Calgary AB TAR ON6

Women in Abusive Relationships: A Guide to the Law

(Language: English, French and Cree)
Community Legal Education Association
304-283 Bannatyne Ave., Winnipeg MB R3B 3B3
Tel: (204) 943-2382

Let Me Tell You: Language Rights For Immigrant Women

Community Legal Education Ontario
Tel: (416) 408-4420

Learning From Diversity: An Information Tool on, by, and for Racial Minority and Immigrant Women in Canada

(Language: English and French)
CRIAW 151 Slater St., Suite 408, Ottawa ON K1P 5H3
Tel: (613) 563-0681

Proyecto Soledad: A Latin American Women's Project About Family Violence

(Language: Spanish and English)

Family Violence in Immigrant Communities in Edmonton: An Exploratory Study

(Language: English)
Edmonton Mennonite Society for the Assistance of Newcomers, 10125-107 Ave., Edmonton AB T5H 0V4

The Bare Essentials: A Needs Assessment of Foreign Domestic Workers in Ontario

(Language: English)

Not One of the Family: Equality for Ontario Domestic Workers

(Language: English)
INTERCEDE
489 College St. # 402, Toronto ON M6G 1A5

A Provincial Dialogue on Family Violence (1991)

(Language: English)
OIVMWO
394 Euclid Ave. Suite 302, Toronto ON M69 2S9

From Fright to Fight: Combatting the Battering of Filipino Women and Children with Community Support

(Language: English)
Network of Filipino-Canadian Women
468 Camden Circle, Mississauga ON L4Z 2V6

Chain Chain Change: For Black Women Dealing with Physical and Emotional Abuse (1985)

Evelyn C. White. Seattle: The Seal Press.

Violence Against Immigrant Women and Children (1985)

Kathy Wekbe, Women Against Violence Against Women, Vancouver Rape Crisis Centre, Vancouver.

Like a Wingless Bird: A Tribute to The Survival and Courage of Women who are Abused and Speak Neither English nor French (1992)

The National Clearinghouse on Family Violence
Health Canada, Ottawa ON K1A 1B5
Tel: (613) 957-2938 or 1-800-267-1291



Lessons From Success Stories (1994)

Rose Catallo. The Resources Centre, Toronto City Hall
100 Queen St. W., Toronto ON M5H 2N2
Tel: (416) 392-7410

Workplace Learning About Woman Abuse (1994)

Family Violence Program, Canadian Council
on Social Development
441 MacLaren St. 4th Fl, Ottawa ON K2P 2H3
Tel: (613) 236-9877

Family Violence: Awareness Information for People in the Workplace (1994)

The National Clearinghouse on Family Violence
Health Canada, Ottawa, ON K1A 1B5
Tel: (613) 957-2938 or 1-800-267-1291

Going to Court if You've Been Abused (1995)

BC Self Advocacy Foundation
#300-30 East 6th Ave., Vancouver BC V5T 4P4
Tel: (604) 875-1119

There's No Excuse for Abuse Kit (1994)

YWCA of Canada
80 Gerrard St. E, Toronto ON M5B 1G6
Tel: (416) 593-9886

The Community Kit (1993)

Canadian Panel on Violence Against Women,
Canada Communications Group Publishing
Ottawa ON K1A 1B5 Tel: 1-800-267-1291

Breaking the Pattern: How Communities Can Help

National Clearinghouse on Family Violence, Health
Canada, Ottawa ON K1A 1B5 Tel: 1-800-267-1291

The Law and Us (1993)

(Available in several languages)
Law Courts Education Society of BC
221-800 Smithe St., Vancouver BC V6Z 2E1
Tel: (604) 660-9970

Citizenship Participation in Canada: An Introduction to the Canadian Justice System (1994)

Canadian Heritage Multiculturalism Program,
Government of Canada, Ottawa ON K1A 1K5

Laying Down the Law: An Advocate's Manual on Family Violence

Public Legal Education Society of Nova Scotia
911-6080 Young St., Halifax NS B3K 5L2
Tel: (902) 454-2198

Family Violence: Clinical Guidelines for Nurses (1992)

Canadian Nurses Association of Canada
National Clearing House on Family Violence
Health Canada, Ottawa
Tel: (613) 957-2938 or 1-800-267-1291



Sample Immigration Materials

Refugee and Immigration Factsheets Binder

Community Legal Education Ontario
119 Spadina Ave. Suite 600, Toronto ON M5V 2L1
Tel: (416) 408-4420

Immigration Law

The People's Law School
Suite 150-900 Howe St., Vancouver BC V6Z 2M4
Tel: (604) 688-2565

The Domestic Workers Handbook

Domestic Workers Association
#309-119 W Pender St., Vancouver BC V6B 1S5
Tel: (604) 669-4482

Immigration (1992)

(Available in Chinese, Spanish, Punjabi)
Calgary Board of Education
930-13 Avenue S.W., Calgary, AB T2R 0L4

Convention Refugee Determination

Immigration and Refugee Board, Ottawa ON K1A 0K1

ACJN (Access to Justice Network)

This is a bilingual electronic network that brings together people, information and resources on access to justice issues, including multiculturalism and immigration resources. To get connected contact:

San San Sy, ACJN National Facilitator
Room 4-40, 93 University Campus NW
Edmonton AB T6G 2T4
Tel: (403) 492-5060
e-mail: acjdesk@web.apc.org

5.6 Audio-Visual Resources

The Family Violence Audio-Visual Source Guide (1993)

National Film Board of Canada and Health Canada.
The Guide is available in many university libraries.

National Film Board of Canada

473 Albert St., Ottawa ON K1A 0M9
Tel: (613) 996-4861

Toll Free:

Atlantic Canada 1-800-561-7104
Quebec 1-800-363-0328
Ontario 1-800-267-7710
Western and Northern Canada 1-800-661-9867

Here are some suggestions from the over 90 films and videos on family violence prevention available from the NFB:

- 1994 *When Women Kill* (English)
- 1991 *Bridging the River of Silence* (English and French)
- 1988 *For Richer and Poorer* (English)
- 1986 *Sylvie's Story* (English and French)
- 1981 *We Will Not Be Beaten* (English)

Notes



Other Productions to Consider

- 1990 *Directions of 1990s*
Immigrant and Visible Minorities of British Columbia, Vancouver BC
- 1995 *Breaking Barriers: Reaching South Asian Abused Women* (English)
Producer Aruna Papp. Multicultural Community Development & Training
10 Euclid Ave., Scarborough ON
- 1994 *A Place to Start* (English and French)
B.C. Institute on Family Violence
- 1995 *A Room Full of Men* (English)
Kinetic Inc.
408 Dundas St. E, Toronto ON M5A 2A5
Tel: (416) 963-5979
- 1993 *The Mountain and Beyond* (English and French)
Interdisciplinary Project on Domestic Violence
(Check with your local nurse's association to see if they distribute this video.)
- 1986 *Cecilia* (French and Spanish)
Groupe intervention vidéo
3575 boul. Saint Laurent bureau 421, Montreal QC
Tel: (514) 499-9840

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WD1994-8e, Department of Justice Canada.
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WD 1994-2e, Department of Justice Canada.
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WD1995-8e, Justice Canada.
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Canadian Advisory Council on the Status of Women.
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British Columbia: Ministry of the Attorney General.
- Working Together to End Wife Assault: A Handbook for Victim Support Workers***
Vancouver: Interdisciplinary Studies, Justice Institute of B.C.

5.8 Your Own Community Resource List

Emergency Services

- Police/RCMP
- Local detachment
- Hospital Emergency
- Crisis Line

Local Telephone Numbers

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Local Support Services

- Child Protection Office
- Women's Shelter (Transition House)
- Sexual Assault Centre
- Medical Health Services
- Mental Health Clinic
- Counselling Service
- Canada Employment Centre
- Legal Aid/Law Society
- Public Legal Education
- Social Assistance
- Food Bank
- Multicultural Organization
- Unicultural Organization
- Immigrant Women's Organization
- Women's Group/Agency/Centre
- Support Group
- Senior's Services

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