



Abuse is wrong in any language

La violence est inacceptable peu importe la langue

虐待是有悖文明的惡行。

El abuso es condenable en cualquier idioma

ਦੁਰਵਿਵਹਾਰ ਕਿਸੇ ਵੀ ਬੋਲੀ ਵਿੱਚ ਨਜ਼ਾਇਜ਼ ਹੈ

Az erőszak minden nyelven helytelen

Zlostavljanje je zločin na svim jezicima

Violența este inacceptabilă în orice limbă

Keqtrajtimi eshte i padrejte Ne te gjitha gjuhet e botes

Týrání je nepřijatelné v každém jazyce



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This booklet was developed in consultation with members of ethno-cultural groups and community groups across Canada. We appreciate the assistance of all those who participated in this process, and thank them for their important contribution.

About this booklet

This booklet is for immigrant and refugee women who are suffering from abuse in a relationship or in a family. If you know someone who is being abused, give her this booklet. Ask her if she wants help. She may need your support. Let her know that she is not alone.

Though this booklet has been written for immigrant and refugee women, it is equally wrong for a man to be abused. Anyone suffering abuse is encouraged to get help.

To the reader

As an immigrant woman or refugee, you may feel alone. You may have trouble talking with people. If you are being abused, you may be afraid for yourself or your children.

You may need to know more about Canadian law, your rights, and the kind of help you can get if you are being abused.

What is abuse?

You have been abused when another person hurts you or treats you badly.

The abuse can be physical, sexual, emotional, psychological or financial. You may experience more than one type of abuse.

Usually the abuser is a spouse, former spouse, partner or former partner. Sometimes a member of your family or your spouse's or partner's family is the abuser. The abuser may be either male or female.

Examples of **physical abuse** are:

- hitting
- pinching
- slapping
- pushing
- punching
- kicking
- burning
- shooting
- stabbing or cutting

These examples of assault are crimes in Canada.

Sexual abuse is sexual touching or sexual activity when you do not consent to it.

This is also a crime in Canada.

In an emergency

Call the police or call a friend if you can.

Run outside so other people can see you (unless you think you will be safer inside).

Scream – let the neighbours hear so that they will call the police.

Emotional or psychological abuse might include:

- making threats to harm you or someone you know
- breaking your things or hurting your pets or threatening to do so
- stalking you (criminal harassment)

These are crimes in Canada.

Some examples of **financial abuse** are:

- taking your pay cheque
- withholding money from you so that you cannot pay for things you or your children need, such as food, shelter or medical treatment

These are crimes in Canada.

Other forms of abuse may not be crimes, but they are still wrong, and no one has the right to do these things to you. Some examples are:

- humiliating you
- insulting you
- ignoring you
- screaming at you
- calling you names
- isolating you from your friends and family
- telling you what you can and can't do, where you can go and who you can be with
- refusing to let you have any money

Help is available

There are people who can help you.

Call a multicultural association or a group that serves immigrants or refugees. Find out what help they can offer. Ask them where else you should call or go for help.

Call the police. They will protect you and your children.

You may also be able to get

- advice and counselling
- a safe place to stay
- financial help
- legal help, which may be free of charge
- help to leave – you can go to court to ask for custody of your children, financial support, or a divorce
- a peace bond from a criminal court
- an order from a civil or family court

You can also get help if you decide to stay.

Where can you get more information?

- women's shelters (for example, the YWCA)
- the police
- the Crown attorney's office
- hospitals
- multicultural associations
- women's centres
- telephone crisis lines
- public legal education and information associations
- lawyer referral services
- legal aid offices
- a doctor or public health nurse
- a social worker

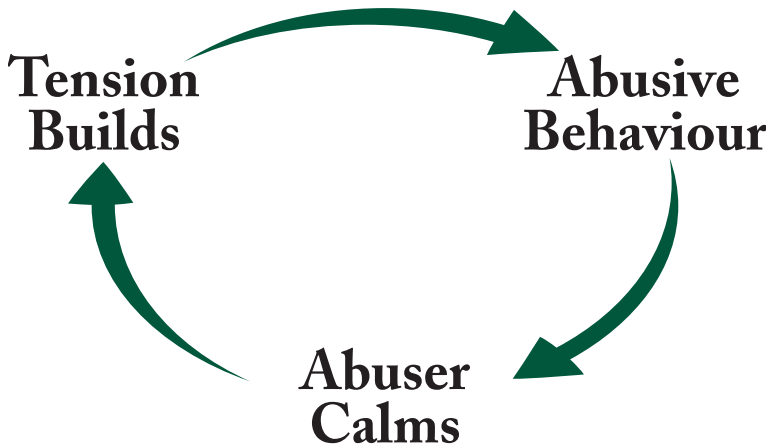
You are not alone

Abuse happens in all kinds of families. It happens to Canadian citizens and to immigrants. It happens to women who have children and women who have no children, to those who are rich or poor, to professionals and stay-at-home mothers, to the young and the old. It happens to women of all backgrounds, religions, races, cultures and ethnic origins. Abuse can happen at any stage of a relationship.

It is not your fault

Talking about abuse can be difficult. Many women who are abused feel ashamed or are afraid that their family and friends will not believe them. But, remember – nothing you do gives anyone the right to abuse you. There is no excuse for abuse. It is not your fault.

Many women have found that there is a cycle of abuse. The tension builds for a while until the abuser acts violently. After the “explosion” or violence, there is a period of calm or quiet. The abuser may say he is sorry and promise it will not happen again. However, in time, the tension builds and the abuser may become violent again. The cycle of abuse continues.



Your children need protection

It is very hard for children to see or hear a parent being abused. It can affect the child's behaviour, physical and mental health, self-esteem, and performance in school. It may also affect the way the child socializes with others. Boys who witness abuse in their families are more likely to abuse their own spouse or partner when they grow up. Girls are more likely to accept abuse as a fact of life in their relationships when they grow up.

As a parent, being a victim of abuse can also make it harder for you to look after your own children. The children may learn from watching the abuser that they do not need to be respectful to you. The abuse may also be very draining on you, leaving you with less energy to share with your children.

If the abuser is also abusing your children, you should get help for them. Child abuse is also against the law. You can go to a child welfare or family services agency for advice, help or counselling. Children need to be protected from abuse.

Is it better to stay or to leave?

You should think first about your safety and the safety of your children. You may fear that your family and friends will not support you if you leave. This may happen. But even if it does, it may be better for you and your children than continuing to suffer the abuse.

You may choose to leave for a short time or even permanently. Neither choice means you have to end your marriage or relationship. In making your decision, ask yourself:

- How dangerous is it to stay?
- Has the abuser ever hurt you before?
- Has the abuser ever used a weapon, like a knife or stick, to hurt you?
- Is there a gun in the house?
- Does the abuser take drugs or drink too much?

What if you decide to stay?

You might decide it is better for you to stay.

If you are injured, you should still get medical treatment. You do not have to tell anyone who caused the injuries. But it is better for your treatment if you tell your doctor exactly what happened.

Keeping notes or a diary about your injuries and the times you are abused may help if you decide to leave later. It is a good idea to have a plan ready in case you need to leave quickly.

The first few pages of the telephone book may list numbers for the police and other emergency services. It is a good idea to learn the police number in case you need their help. In an emergency, you can also call 911.

Gather information, such as the addresses and telephone numbers of people who can help you. If you can, save some money.

Try to do things that make you feel better. You may be able to get counselling or learn new job skills. Look for friends and family members who will help you.

If the abuser wants to change the way he acts, he can get counselling. With long-term help, some abusers have learned to stop. But it is very difficult for those who have been violent in the past to change. The abuse usually gets worse over time.


What about custody of your children?

If you leave an abusive situation, you can still apply for custody of your children.

If you think your children might be in danger, take them with you when you leave. Apply to the court immediately for a custody order. A lawyer can help you. Your lawyer can also help you ask the court to order your children's father to pay financial support for you and your children. The court will base its decision on what is best for the children.

If you get custody of the children, their father will likely be able to visit them. You might want to arrange for someone else to be there when the father picks up and returns the children. If you are worried about your children's safety, your lawyer can ask the court to order that someone supervise the visits.

Tell your lawyer if you think your children's father or someone else will try to take the children out of the country. If you ask, the court may order that the children's passports be kept by the court.

If your children are Canadian citizens, call the Passport Office at 1-800-567-6868 or  TTY services at 1-866-255-7655. Ask them to put the children's names on a list so you can be called if anyone tries to get a passport for them. If your children have another nationality, contact that embassy or consulate to ask them to refuse passports for your children.

If you have a custody order, it is a good idea to keep a copy with you, in case there is a problem. You can also give a copy to your children's school.

If you leave an abusive situation, will you be removed from Canada?

If you are a Canadian citizen or permanent resident you cannot be removed from Canada for leaving an abusive situation. (A permanent resident is sometimes called a landed immigrant.) If you do not know whether you are a Canadian citizen or a permanent resident, call your local Citizenship office. Look in the blue pages of the telephone book under Citizenship and Immigration.

If you have already been found to be a refugee or a person in need of protection, you can apply on your own to become a permanent resident. If you are the dependent of a refugee or a person in need of protection who is in the process of applying for permanent residence for both of you, he can withdraw the application. In this case, you can apply for permanent residence on humanitarian and compassionate grounds. You would need to clearly show why you should stay in Canada, and there is no guarantee that you would succeed.

If you have made a refugee protection claim that is joined with the claim of your abuser, you can request that your claim be separated. You will then have your own hearing and you will receive your own decision.

You may want to get legal advice. If you pay someone to help you, it must be a lawyer, a law student supervised by a lawyer, a member of the Chambre des notaires du Québec, or a member of the Canadian Society of Immigration Consultants. Call your local Canada Immigration Centre to get more information. Look in the blue pages under Citizenship and Immigration.

If your sponsorship breaks down, will you be removed from Canada?

As a sponsored immigrant, you would not be removed from Canada just because your sponsorship has broken down. (See also Financial Assistance on page 12.)

What kind of help is available?

The police

You can call the police if the abuser assaults you or says he will. The police will come to help. Many police officers are trained to deal with abuse in families and relationships. They can take you to a hospital if you need treatment, or they can help you leave safely.

Women's shelters

You can go to a shelter if there is one in your area. This is a safe place where you and your children can stay for a few days or weeks. Depending on your finances, you may be asked to pay for part of your stay.

Staff and volunteers at the shelter will give you support and information. They will be able to help you get legal advice, financial help and a new place to live, if this is what you want. They also have food, clothing, diapers and toys, in case you do not have time to pack. They will not tell the abuser where you are.

Shelters are run by community groups. Their telephone numbers are usually listed in the first few pages of the telephone book with other emergency numbers. You can also call a shelter for advice. You do not even have to tell them your name.

Financial assistance

You may need welfare or financial assistance. If you are a permanent resident or a citizen, you are eligible to apply for welfare or other financial assistance. If you are not, you may still apply, depending on where you live. Provinces and territories have different rules about financial assistance. Call a provincial or territorial government office for advice.

If you are a sponsored immigrant your first source of funding should be your sponsor, but if your sponsorship has broken down you may be able to get financial assistance from the government.

If you are currently receiving financial assistance as a Government-Assisted Refugee or a Privately Sponsored Refugee, your assistance will not be cancelled because you leave an abusive situation. Either

the government or a private sponsoring group will continue to provide for your needs as long as you are eligible. Contact your local Canada Immigration Centre, private sponsor or service-providing agency to learn about your rights and obtain the assistance you need.

When you go to court to apply for custody or to get a divorce, you can ask the court to order your children's father to pay financial support for you and the children.

What happens if...?

What happens if you report the abuser?

If the police have reason to believe you have been assaulted, the abuser may be charged with the crime. You will have to tell the police about the abuse. The police may also arrest the abuser, if they think there are grounds to do so.

If the abuser is arrested, he might stay in jail only a few hours until he appears in court at the bail hearing. After that, he may be allowed to leave, unless the court decides there is good reason to keep him in jail.

If you are afraid for your safety, tell the police before the abuser is let go. The court may set conditions for his release. For example, the court may order that the abuser must not call or see you. If the abuser does not obey the conditions, the police can arrest him again.

If you are afraid he will hurt you when he is released, you may want to find a safe place to stay, like a women's shelter.

What happens if the police charge the abuser?

If the abuser pleads guilty to assaulting you or your children, the court will sentence him. The sentence may be a fine, probation, time in jail, or a combination of these things. The abuser may have to get counselling as part of probation. Whether a jail sentence is imposed or not will depend on a number of factors such as whether or not this is a first offence and the severity of the abuse. If you are afraid, tell the Crown attorney. If he gets probation, it is possible for the court to set conditions on his release.

If the abuser says he is not guilty, you will have to be a witness at his trial. You may be allowed to provide your testimony from behind a screen or from another room by closed-circuit television so that you do not have to see your abuser. You may also be able to have a support person near you while you testify to make you more comfortable.

It may be several months before the trial starts. If the court finds the abuser guilty, he will be sentenced. You can ask the Crown attorney about victim services in your province or territory to help you and to explain the court process.

Will the abuser be removed from Canada?

If the abuser is a Canadian citizen he cannot be removed from Canada. If the abuser is a refugee or a permanent resident, he could be removed if a court convicts him of assault or another criminal offence. The removal order would be issued at an immigration hearing held after the conviction. However, the removal process can take a long time.

Physical abuse is not the only kind of abuse

- Does the abuser often find fault with you or say you are worthless?
- Does the abuser refuse to let you have your own friends?
- Does the abuser keep you from seeing your family?
- Does the abuser stop you from leaving the house?
- Does the abuser make you feel afraid by what he says?

If you are abused

- You are not alone.
- It is not your fault.
- You can get help.
- You need to protect yourself and your children.

Things to take with you if you leave

In an emergency, leave as quickly as possible. Do not stop to collect the things on this list – just go. But if you do have time, try to take as many of these things as you can.

- important documents such as birth certificates, passports, citizenship papers, immigration papers, child custody papers, court orders (such as a peace bond), health cards, your social insurance card, and your spouse's or partner's social insurance number
- money, credit cards
- cheque book, bank book, savings bonds
- personal telephone and address book
- medicine
- house keys
- driver's licence and car keys
- children's favourite toys
- clothing for a few days
- valuable jewellery

If you are thinking about leaving, it might be a good idea to collect some of these things and put them in a safe place, in case you decide to leave quickly.

Words used in this booklet

assault

An assault happens when someone uses force or the threat of force on someone else without that person's consent. (Consent that is forced or given out of fear is not true consent.)

bail hearing

This is a court proceeding that takes place after a person has been arrested and charged. The court decides whether the person should be released with conditions, such as being told he must not contact you, or held in jail until the charges are dealt with by the court.

criminal harassment

If you are scared because someone is repeatedly following you or contacting you, or watching you or behaving in a threatening manner towards you or your children, he is committing an offence known as criminal harassment. This is sometimes called stalking.

Crown attorney

This is the lawyer who represents the government. The Crown attorney presents the case to the court when a crime has been committed.

custody

If you have custody of your children, you are legally responsible for making the major decisions about their upbringing and schooling. When you have custody, your children usually live with you, but will likely visit their father.

legal help

Legal help is available from a lawyer or a legal aid office, and in some situations, may be free of charge. Contact a lawyer-referral service, a legal aid office, or a public legal education and information association to find out where you can get legal help and if you can get help free of charge.

order from a civil or family court

If you are afraid for your safety, but do not want to call the police for help, you may be able to get an order from a civil or family court stating that the abuser must stay away from you. You should get legal help to find out what types of civil or family court orders are available in your province or territory.

peace bond

If you are afraid for your safety, you may be able to get a peace bond. This is a criminal court order that sets conditions on your abuser. For example, the abuser may be forbidden to see you, write to you, or telephone you. If he disobeys the order, the police may arrest him. If you want to know more about a peace bond you can ask a lawyer.

probation

This is a criminal court order that can be part of a sentence for an offender. A person on probation will have conditions set on release, such as having to go to counselling.

Community Resource List

It is a good idea to create – in advance – a personal community resource list. In addition to the police, there are various organizations and agencies that can offer support or helpful information. Look in the white, yellow or blue pages of your telephone book for contact numbers for the following local or provincial agencies. (Be sure to keep these numbers up to date, since they may change from time to time.)

Helpful Resource

Telephone Number

Police

Can help you assess your safety and take action against someone committing a crime.

(911 in an emergency)

Public legal education associations

Can provide general information about the law, the legal system, and your rights as a victim.

Victim services

Can refer you to counselling and tell you about programs and services for victims of crime.

Crisis lines

May be able to help with crisis intervention and refer you to helpful services.

Transition houses

Can provide shelter, information and referrals for women who are victims of spousal abuse.

Mental health offices

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

Multicultural and immigrant-serving organizations

May be able to provide information and refer you to helpful services. _____

Citizenship and Immigration Canada

Can answer questions on immigration status and process, and provide information on the *Immigration and Refugee Protection Act*.

1-888-242-2100

Legal aid services

You may qualify under the legal aid program in your province for free assistance with your family, immigration and civil law matters. _____

People I trust

Family, friends, doctor, or religious advisor may be able to offer emotional and practical support. _____

Other

Look for other sources of help! For example, you may find help from a local women's centre, a community care centre, and so on. _____

