

Debbie Douglas presentation to Standing Committee on Citizenship and  
Immigration

Submission on Bill S-7, Barbaric Cultural Practices Bill

May 6, 2015  
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OCASI represents the collective voice of immigrant and refugee-serving organizations in Ontario. The Council was founded in 1978 and we now have 220 member agencies across the province that work with immigrants and refugees, including addressing violence against women and girls.

I would like to thank the committee for giving us the opportunity to comment on Bill S-7.

OCASI is deeply concerned about the Bill – specifically that it will potentially profile certain racialized communities, single out those members for additional scrutiny, and use immigration law to impose a double punishment for certain offences above and beyond what would be imposed on someone born in Canada. We make three recommendations:

a) That the Bill is withdrawn; and

b) That the Government should use all the measures already available to it to prevent violence against women and protect their human rights including:

- make broad and sustained investment in public education and violence prevention programs
- eliminate systemic barriers that prevent women from reporting violence and abuse such as the Conditional Permanent Residency of Sponsored Spouses
- ensure supports for victims of violence including social housing, income support and economic stability
- invest in social supports for immigrant women including settlement services, language training and labour market integration programs.

c) That the government should invest in a national action plan to change attitudes to prevent violence against women, including action to challenge racism and xenophobia.

These recommendations are based on the following observations regarding the Bill:

### **1. Polygamy**

Since 1892, Canada has made it illegal to have more than one spouse. Current immigration law allows the sponsorship of only one spouse, therefore Canada already has measures to prevent the entry of a polygamous family.

The only change achieved through Bill S-7 is to single out immigrants for ‘special treatment’. It will do that by introducing new punitive measures through immigration law that will result in double punishment, and profile certain communities to stop those members from entering Canada and to remove those already in the country. These measures will punish women rather than ‘protecting’ them because under the current language of the bill, ALL those involved in polygamy including women who are forced to marry their polygamist partner with or without their knowledge, will also be impacted. If this woman experiences violence in her relationship, she will have no access to services and will be vulnerable to deportation. Canadian-born children may be separated from their parents.

### **2. Forced Marriage**

The criminal code already has provisions that can be used to deal with issues such as violence, coercion and kidnapping that can occur in a situation of forced marriage. While criminalization is one of many provisions that may be necessary to prevent and address violence against women, it cannot be the only approach that governments should adopt.

Bill S-7 seeks not only to criminalize forced marriage, but also to introduce additional punitive measures through immigration law that seeks to single out immigrants for a double penalty.

Under the new proposals, not only perpetrators, but vulnerable members of a family who themselves face coercion are likely to be criminalized and face deportation, thus further endangering women.

The Bill would exacerbate the vulnerability of women who arrive as sponsored spouses. Conditional Permanent Residency for Sponsored Spouses introduced by the Canadian government in 2012 provides exception for intimate partner violence. Even with the exception, the vast majority of sponsored women who fall under this conditional permanent residency will remain in the relationship fearing deportation.

Bill S7 and other related policies and regulations is premised on the belief that violence against women is more prevalent in particular communities including immigrant communities. A 2013 Statistics Canada study<sup>1</sup> however, found that ‘spousal violence is less prevalent among immigrant women than Canadian-born women’. Further, there is no evidence that violence against women is more likely to occur in certain types of spousal relationships compared to others. As statistics show, violence against women is very much a problem in Canada, including among the Canadian-born.

We know that women in all walks of life including Parliamentarians experience violence, and very few women report it. Even when women do report violence, such as those seeking answers in the case of missing and murdered Aboriginal women, they do not always get the safety and resolution they are seeking. We recognize that it is not reasonable or effective to force Canadian-born women to report violence, so how can we expect it to be any different for immigrant women?

Bill S-7 will not prevent or end forced marriage, but can instead drive it underground and make women more vulnerable by isolating them from their community and yet not providing them with any other recourse for ensuring they have status in Canada.

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<sup>1</sup> Sinha, Maire (February 2013). Measuring Violence Against Women: Statistical Trends. Statistics Canada. <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>

### **3. Title of the Bill**

The title of Bill S-7, the language used in the discourse around the Bill and the legislative amendments it seeks to introduce all combine to invoke racist stereotypes and xenophobia towards certain minority racialized and religious communities in Canada. It is a complete contradiction of the discourse of democracy and respect for the many communities that make up the nation that is Canada.

It suggests that violence against women is particular to specific communities and reinforces the notion of “culture” as the root of violence rather than systems of oppression including patriarchy. Ontario’s Sexual Violence Action Plan is a good first step towards changing these attitudes. We encourage the federal government to explore a similar action plan at a national level, including action to change the discourse of racism and xenophobia.

We welcome the government efforts to prevent violence against women and girls. We suggest once again that the best way to do that is withdraw Bill S-7, remove existing systemic barriers such as Conditional Permanent Residency for Sponsored Spouses, and invest in programs, services and the economic empowerment of women.