HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 047 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, May 7, 2015

Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

Thursday, May 7, 2015

● (0850)

[*English*]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning, ladies and gentlemen, we're going to start the meeting. This is the Standing Committee on Citizenship and Immigration. We are studying Bill S-7, An Act to amend the Immigration and Refugee Protection Act and a number of other pieces of legislation.

Things will be a little bit unusual today because the bells are going to ring at 10:05 and our committee will then adjourn. I have taken the liberty, as chairman, to put all of you on one panel, which is why this is all happening. I'm going to introduce you in a moment. That will leave, for the second panel, just the witness from London, England, who is appearing by teleconference.

Welcome to all of you, on behalf of the committee, and thank you for participating.

We have Professor Sharryn Aiken from the faculty of law at Queen's University, and Elsii Faria, a consultant in marketing and communications. We also have Aruna Papp, president of Community Development and Training. We have Tamar Witelson, legal director, and Silmi Abdullah, program lawyer, from METRAC Action on Violence.

You each have up to eight minutes to make a presentation to the committee and then the committee will have some questions for you.

We'll start with you, Ms. Papp.

Ms. Aruna Papp (President, Community Development and Training): Thank you for inviting me to speak on Bill S-7, the zero tolerance for barbaric cultural practices act.

I commend the government for its leadership in taking a stand on a very difficult issue and for defending the human rights of vulnerable women who are unable to speak for themselves. I'm thrilled to support this bill. In many ways, it is a result of my work with new immigrants and a response to the voices unheard in the past.

My career in community development and public policy was unexpected. For the past 35 years, I have been working as a front-line service provider with women who are victims of abuse perpetrated by their family. I have founded three organizations that assist immigrant women who are victims of domestic violence. During these three and a half decades, I have spoken with hundreds of women whose pleas for help have propelled me to become their advocate. For the past 10 years, I have been conducting training for front-line service providers on how honour-based violence differs from other forms of violence against women.

I was born and raised in India. I am the oldest of seven siblings, six girls and one boy. I was forced into an arranged marriage as a teenager. I endured abuse in this marriage for 18 years, unable to leave for fear of bringing shame and dishonour to my family. This abuse has impacted every aspect of my life to this day, and I am 64.

Like thousands of immigrant women, I came to Canada believing that in this country—this country, whose foundation is built on values such as security, freedom, and respect for all—“all” included my daughters and me. I believed that section 7 of the Canadian Charter of Rights and Freedoms would guarantee men and women equal rights to life, liberty, and security of all persons, and would allow my daughters to have the same opportunities that were being offered to their peers from non-immigrant families. I was wrong. As a new immigrant, I was soon introduced to a new philosophy that was to become the hallmark of Canadian society: multiculturalism.

Then prime minister Pierre Trudeau had decreed that Canada's guiding principle for a just society would be that judging the behaviour of people from cultures other than western Christian ones was patronizing and elitist. Multiculturalism seemed to tell me that I should continue to live exactly as I always had. Inequality of values between men and women was part of my culture, and in Canada all cultures were respected equally.

While violence against women is a global phenomenon, there are a great deal of cultural variations, patterns, and manifestations of violence. The triggers, the responses to the consequences, and violence towards women differ across cultures. For example, South Asian culture is characterized by various norms that serve not only to maintain violence against women, but also to silence those who experience it. In the South Asian culture, girls learn early in life that they are less valued than boys. They are duty bound to service, sacrificing themselves, and devoting their lives to protecting family honour. The culture emphasizes duty and service, and these values are pounded into the girls through tools such as guilt, shame, and acceptance of severe and inhuman punishment. In their early childhood, they learn that they are the property of their parents, who will hand them over to their husbands at marriage. They can only leave at death.

In 2010, my paper, “Culturally Driven Violence Against Women”, listed 14 recommendations. Six of these recommendations are now included in the new government guide called *Discover Canada*, which is used by new Canadians to learn about Canada and to prepare for the mandatory citizenship test. We now have a tool that new immigrants and those preparing for the tests can use.

● (0855)

Many Canadians want to remove the words “culturally barbaric” from Bill S-7. The term culturally barbaric was first used in my paper “Culturally-Driven Violence Against Women”. Many people were offended.

Some of these people were the same people who, three decades earlier, told the media that there is no domestic violence in the south Asian community. They said, “We have female goddesses. We respect our mothers very highly and women are celebrated in our culture for their virtue and their purity”. They did not, however, say, “When we decide that certain women are not virtuous, we will kill them in the name of family honour”.

Those who object to these words, culturally barbaric, are individuals who have never witnessed a nine-year-old screaming in pain, her genitals cut off and infected, with a puss filled boil as large as a honeydew melon. I did at Centenary Hospital. This is something I will never forget. These are culturally barbaric practices and there should be no defence of this kind of violence. After 35 years of pleading with those in power to strengthen the laws, we finally have Bill S-7, the zero tolerance for barbaric cultural practices act.

This act is not perfect, but these amendments will improve protection and support for vulnerable individuals in a number of different ways, especially for the women that I know. For those who are outside these communities, these culturally barbaric practices appear to be well-hidden, but in the communities where they occur, many people are aware and supportive of these occurrences.

The bill states that anyone who celebrates, aids, or participates in a marriage rite, for example, or any ceremony knowing that one of these people is being forced into this relationship is guilty of a crime and liable to punishment. This thrills my heart. The bill also states that anyone being lawfully authorized to solemnize the marriage and knowingly does so breaks the federal or provincial law and is guilty of imprisonment. I am pleased to support this bill.

We now have tools under Bill S-7 to take action against those who choose to practice culturally barbaric practices in Canada and to educate those who are ignorant. For me, the zero tolerance for barbaric cultural practices act demonstrates that Canada's openness and generosity does not extend to those whose cultural practices violate human rights. Canada does not tolerate any type of violence against women or girls. Those found guilty of these crimes will be severely punished under Canada's law.

Personally, Bill S-7 says to me that women who have been silenced by their families and communities have now been heard by this government and that the government includes us in its laws, and protects us just like the rest of the women in Canada.

The Chair: Professor Aiken.

Professor Sharryn Aiken (Professor, Faculty of Law, Queen's University, As an Individual): Thank you.

I'm an expert in international human rights law and immigration law. For that reason I'm going to focus my remarks on the aspects of Bill S-7 that relate to my expertise. I'm going to depend upon my colleagues from METRAC to underscore many of the points that I support and want to underscore as well, but are not within my primary area of expertise. I urge you, if you haven't done so already, to read their carefully constructed brief.

The three points I'm going to address relate to first of all the inclusion of a new category of inadmissibility in the Immigration and Refugee Protection Act—which I'm going to refer to as IRPA for the sake of brevity—the decision to set 16 as the minimum age of marriage and, time permitting, a few remarks on the short title of the act.

At the outset I want to state very clearly that I am strongly opposed to the bill. It's not because I don't share my colleague Ms. Papp's concerns about the problems that the bill purports to address. It is rather that the bill is the wrong way to address those problems. Most specifically, this is yet another example of the government attempting to govern through law, and legislating in the absence of empirical evidence with respect to how best to address a problem.

More often than not during this government's tenure, we have seen bill after bill and legal tool kits being thrown at problems that don't need new laws. What they need are policies, programs and, in many cases, resources, but not new law. I think Bill S-7 is a prime example of this tendency to govern through law when we don't need law, because most of the act, if not all of it, consists of measures that already exist in federal laws. We don't need new words because we already have the tools in existing legislation.

From my point of view, we would be much farther ahead if we threw out Bill S-7 and instead dedicated ourselves to coming up with programs and, more critically the resources to address the underlying problems, the very genuine problems that my colleague spoke of.

That's the road map for what I want to say. Let me be more specific first of all about the inadmissibility provisions.

As you know, they apply broadly to all non-citizens. That means they apply to foreign nationals seeking admission to Canada from overseas, whether they're seeking admission on a temporary basis or a permanent basis. They also apply to long-term permanent residents, people who have been in Canada for years and who've established themselves in Canada. For those people, people who are in essence already part of the fabric of their community, it means that the mere charge that somebody will be engaging in polygamy opens them up to the prospect of deportation. And, by the way, that would be via a procedure that has none of the hallmarks of due process, which Canadian citizens come to expect when they're threatened with such a serious sanction. What do I mean by that? It means that an immigration officer makes a decision and it means that there's no appeal to that decision, but rather a narrow, technical judicial review application by way of leave to the Federal Court, which more often than not is denied. What we're looking at here is expanding the scope for deportation of long-term permanent residents based on a speculative link to some future-oriented conduct.

I would assert that if we have a basis in fact for a charge of polygamy, that's exactly what should happen with a criminal charge in a criminal trial, where long-term permanent residents, just like other Canadian citizens, face a criminal trial with due process and a right of appeal. I want to be very clear that expanding the scope of inadmissibility to deal with polygamy is in essence supporting a two-tiered system of justice. The people on the receiving end of that two-tiered system will be permanent residents and women as well. As much as this bill purports to protect women, it will actually lead to serious harm and the potential to disrupt families and to affect children. There's absolutely no provision in the bill to deal with any of the fallout from this expanded scope of inadmissibility.

● (0900)

I also want to underscore the fact that this is the first time that we're seeking to prevent even temporary visits to Canada by polygamous families. I would point out to the committee that in contrast, the U.S. uniform model penal code provision in relation to polygamy specifically exempts from its application parties to a polygamous marriage that is lawful in the country of which they're residents or nationals, while they are in transit through or temporarily visiting the state.

Regardless of your views about polygamy, we can question the wisdom of not only criminalizing but also now ejecting from Canada those temporary visitors who have legally entered into polygamous marriages in their home countries. My colleague, Martha Bailey, from my faculty at Queen's has pointed out that Canada's monogamous character probably is hardy enough to survive the temporary presence of polygamists on our soil. I leave the committee to think about that.

Moving on to address the issue of underage marriage, the one substantive change that the bill does propose that does not exist already is to set the minimum age of marriage at 16. Because there's no demand for marriage by those under 16, this will have little or no practical effect. However, marriage below the age of 18 is considered underage marriage and prohibited in several countries, including Russia, China, Sweden, Switzerland, Germany, and Pakistan. That list is not necessarily exhaustive, because it was all I was able to find in the time permitting me to prepare for this.

Canada is an advocate internationally for a minimum age of marriage of 18. We're actually taking a contradictory position in the international sphere versus our domestic sphere. As you know, because you've heard the testimony, UNICEF asserts that marriage below the age of 18 is a fundamental violation of human rights. The government has not explained why it chose the age of 16 as the appropriate age of marriage. Nor, as my colleague Martha Bailey points out, has it referred to the calls of international bodies, such as UNICEF, to raise the minimum age of marriage to 18.

After refraining for so long from exercising its power to set the age of marriage, it would seem advisable to take international norms into account. I would emphasize that research firmly establishes that those countries that have set the minimum age at 18 have had far more success in reducing rates of adolescent fertility over time and more successful records of promoting women's health.

I haven't had time to deal with the short title of the act. Perhaps we can deal with it during the questions, but on the substance, Canada's resources need to be dedicated to prevention not legal sanction.

● (0905)

The Chair: That was a well-organized presentation. I'm sure your students love you.

METRAC Action on Violence, Ms. Witelson and Ms. Abdullah, between the two of you, you have eight minutes.

Ms. Tamar Witelson (Legal Director, METRAC Action on Violence): Thank you.

Members of the committee, my name is Tamar Witelson, and this is Silmi Abdullah. We are lawyers from METRAC, a non-profit organization that has worked for 30 years to prevent violence against women. Thank you for this opportunity to explain METRAC's concern that women and girls will be harmed if Bill S-7 is passed into law.

I believe you have our written submission. Today, I will focus on criminal law issues and Ms. Abdullah will focus on immigration issues.

First, METRAC does not support amending the Criminal Code to create offences for knowingly celebrating, aiding, or participating in a marriage ceremony in which a woman is forced to marry against her will or under the age of 16.

This very broad language risks criminalizing many community and family members, including women who may not be able to refuse to participate in such marriage ceremonies, exposing them to a possible five years in prison. We know that women facing forced and under-age marriage will not report if their family and community members face penalties. We fear that forced marriage will become clandestine, further isolating women and girls from help.

A non-citizen who is sentenced to jail for six months under these provisions may become inadmissible and be deported from Canada, leaving the woman or girl saved from forced marriage, but without family, financial, and social supports in Canada. And she too may be deported, as a family member sponsored by the deportee.

Criminal sanctions against forced and under-age marriage risk isolating vulnerable women and trapping them in abusive marriages. Criminal sanctions add barriers to safety. Canada needs education, counselling, and financial and housing support to truly combat forced marriage.

Second, METRAC does not support adding a new peace bond to the Criminal Code specifically aimed at preventing a person from aiding a forced or under-age marriage.

As you know, refusal to enter into a peace bond or a breach of its terms has criminal consequences, including jail time, and this risk will likely deter many women and girls from applying for the peace bond. But if she does, we're concerned that the application process itself will increase risks to her safety. The defendant receives notice of the peace bond. The woman and defendant attend in court together in an adversarial process without crown counsel.

We know that women are at increased risk of violence when they challenge or try to leave an abuser. We're concerned that women who might seek safety through a special peace bond will be put at risk by the process. Existing peace bonds are sufficient. If a woman is afraid of a forced or under-age marriage, what she especially needs is a realistic safety plan with financial and housing support to prevent a forced or under-age marriage.

Third, METRAC opposes limiting the circumstances to which the Criminal Code defence of provocation may apply.

Historically, the defence of provocation has been used by jealous men who killed their female partners and claimed that they lost control when provoked by the woman's infidelity. But since 2010, the law in Canada does not allow the defence when the loss of control is rooted in feelings that are inconsistent with the charter right of equality. The Supreme Court of Canada has expressly limited the use of this defence in cases of adultery, homophobia, and in the context of family honour. However, Bill S-7 goes further by adding that the acts that provoke must also constitute an offence punishable by at least five years in prison. We believe that this will deny the limited defence of provocation to women survivors of abuse.

Woman abuse includes emotional and psychological abuse, controlling and demeaning behaviour, and can be insidious and cumulative, and it typically takes many attempts before a woman is finally able to escape her abuser. An abused woman may be provoked to act in a moment of lost control, leading to the death of her abuser, but if in that instant the abuser's actions do not constitute a serious criminal offence, Bill S-7 will deny that woman the chance of the limited defence of provocation.

We recommend that this limited defence remain an option in all situations of woman abuse and that the Criminal Code specifically recognize the context of abuse and the court's direction to respect charter rights when applying the defence of provocation.

Ms. Abdullah.

● (0910)

Ms. Silmi Abdullah (Program Lawyer, METRAC Action on Violence): Thank you, members of the committee.

I now have the pleasure to present to you our submissions on the polygamy provisions of Bill S-7.

We do not believe that the creation of a new ground of inadmissibility based on polygamy will help restrict polygamy in Canada or protect women from violence or abuse. To the contrary, we are concerned that it will actually do the opposite.

Bill S-7 states that polygamy will be interpreted in a manner consistent with paragraph 293(1)(a) of the Criminal Code, under which polygamy is now a criminal offence. Since the Criminal Code provisions have been interpreted to include both the husband and the wives involved in such relationships, the IRPA provisions will unfairly penalize women in these relationships, without regard to situations in which a woman may have been forced into such a marriage, have had no knowledge of such marriage, or have been abused.

Under current immigration law, applicants for permanent residency who are polygamous are already barred from entering Canada unless they convert their marriage to a monogamous one. They can aIso found inadmissible for criminality under the IRPA if an officer has reasonable grounds to believe that they will practice polygamy in Canada contrary to section 293 of the Criminal Code. Therefore, there are already protections under current immigration law that restrict the entry of polygamous families, and Bill S-7 provides no additional gate-keeping in that regard.

What the bill will do, however, is take away existing protections from permanent residents in Canada, and particularly put women and children at risk by creating a two-tiered system for citizens and non-citizens. Currently, once in Canada a permanent resident can be found inadmissible and be deported if he or she is convicted of polygamy under section 293 and has received a jail term of six months. Permanent residents can be aIso be found inadmissible if they had misrepresented their polygamous status in their PR application.

The creation of a separate ground of inadmissibility based on polygamy will take away from women the opportunity of a criminal trial and the requirement of a criminal conviction. Women will be further jeopardized, as they can be found inadmissible and deported more easily because of the lower standard of proof used in determining inadmissibility compared with the criminal standard of proof beyond a reasonable doubt.

lt will aIso expose women to the loss of status in Canada, if their sponsoring spouse is deported on the basis of practising polygamy. The high risk of deportation will therefore make women in abusive situations more reluctant to seek help to leave their relationships and will trap them in those violent relationships.

A woman who comes forward to report abuse may, and also her children may, be deported along with the very husband who is being abusive to her, because of subsection 42(1) of the current IRPA. Under this section, a foreign national is inadmissible if their accompanying or, in some circumstances, their non-accompanying family member is inadmissible, or if they are an accompanying family member of an inadmissible person.

Consider the scenario, for example, in which a woman and her children have arrived in Canada with the husband on a student or work visa and now are awaiting permanent residency from within Canada as dependants in the application. If the husband engages in polygamy and is abusive towards the first wife, reporting the abuse can lead to a finding of the husband's polygamous status and can render the entire family inadmissible.

● (0915)

The Chair: Could you wind up, please?

Ms. Silmi Abdullah: Sure.

This scenario illustrates that one of the effects of Bill S-7 will be the removal of the entire family unit and violence within it elsewhere, rather than providing opportunity and support for victims to seek help from abuse and remain safely and independently in Canada.

We therefore respectfully submit that our law should focus on polygamy in a manner that doesn't force women to choose between staying in abusive relationships in Canada and facing abuse outside Canada.

We recommend keeping the current IRPA provisions but aIso recommend amendments to the IRPA and the Criminal Code that would exempt women from criminal and immigration sanctions who may have been forced into polygamy or who were unaware of their husband's polygamous status.

Thank you.

The Chair: Thank you, Ms. Abdullah and Ms. Witelson, for your presentations.

Ms. Faria, you are last, but you have up to eight minutes.

Ms. Elsii Faria (Consultant, Marketing and Communications, As an Individual): Thank you.

My name is Elsii Faria. I work as a marketing and communications consultant for various organizations, including the Durham Region Unemployed Help Centre and 1COMMUNITY1.

I also am nearing the end of my term for Welcome Centre Immigrant Services as a community liaison in Ajax and Pickering, Ontario.

The views that I express today are my own. I do not represent any of the views of any organization that I'm affiliated with, in a working relationship or otherwise. I am an advocate for human and women's rights. As a marketing professional, I choose to work with organizations, businesses, or individuals on projects that have the potential to positively impact local, national, or global communities.

I am deeply honoured to serve as a witness in relation to Bill S-7 along with so many important voices and respected members on the witness panel.

I am aware of some of the arguments for and against the proposed amendments to the five federal statutes pertaining to Bill S-7. In terms of predicting the impact of the amendments on the victims and survivors of honour-based violence and early and forced marriage, my perspective is limited to my research, as I do not work with newcomers on the front line. My opinion of the bill and its effectiveness is framed by my own experience and background in providing solutions that target specific objectives.

During the press conference for the announcement of Bill S-7,, there were several instances where I felt Minister Alexander referred to the intention and the objectives of the bill. They are to make sure that immigrant women and girls are protected and not subjected to isolation, disenfranchisement, or violence once they arrive in Canada; and to stand up for the protection, the physical well-being, and the flourishing of women and girls in this country to make sure they reach their potential and that barriers of violence be removed.

I believe that the success of Bill S-7 is directly linked to honouring and carrying out the intention of the bill through a comprehensive, integrated, and holistic approach. In order to effectively deliver the objectives of the bill, amendments to federal statutes should serve as just one aspect of the overall strategy. Further, multi-faceted supports and services are required. Root level solutions should involve education, awareness, and training initiatives for victims, perpetrators, service providers, and Canadian and global citizens. I believe a central repository of information, including promotional and training material, would facilitate the dissemination of information nationwide with varying degrees of access for emergency responders, school teachers, police, the general public, etc. The repository could be used to gather statistical data, which I feel is a crucial component in measuring the effectiveness and determining the resources that are required to support the intention of the bill.

Utilizing a collaborative model with feedback and cooperation from stakeholders is essential. Experts in the field should be consulted to ensure that proposed legislation or other initiatives do not create further obstacles to women experiencing violence. General community support would also assist in meeting the objectives of the bill.

During the press conference for the announcement of Bill S-7, Minister Alexander stated:

> [The] response to these issues has to be a team effort, not just by government, not just by settlement agencies, but all of us involved in welcoming newcomers to the country, all of us involved in communication to the families of newcomers.

Last year, I believe Canada reached a turning point in openly discussing issues related to violence against women. Now is the time to rally together as a community to bring awareness to, and prevent, violence against women, including from an immigration perspective.

The manner in which Bill S-7 has been framed has had a direct impact on the public and stakeholder acceptance of the proposed amendments. The title, the zero tolerance for barbaric cultural practices act, while bringing attention to the subject matter, is fraught with negative associations that I feel veer away from and taint what I believe to be the important objectives related to the bill.

Definitions related to the term “barbaric” highlight the view that another civilization or group is viewed as inferior, savage, or uncivilized. The term serves to propagate fear and pits one culture against another by promoting conflicting and divisive relations rather than peaceful and collaborative ones. In Canada, the term “barbarian” serves to recall a period of colonialism that has had a lasting impact affecting the well-being and the flourishing of aboriginal people. We are now aware that between 1980 and 2012, more than 1,100 indigenous women have gone missing or have been murdered. This could also be viewed as barbaric cultural practices fuelled by racism against native women in Canada.

I believe the title of the bill is inhibiting the real discussion and action that needs to occur in relation to the objectives of the bill. Perhaps the word “violent” should replace the word “barbaric”: zero tolerance for violent cultural practices act.

● (0920)

As for the proposed amendments, it is my view that if polygamy is illegal in Canada, polygamy should not be practised in Canada. However, realizing that polygamy is happening in Canada, the consequences of the proposed amendments to the Immigration and Refugee Protection Act should be considered. How might the amendments impact victims of violence who are currently in polygamous relationships? For reasons of sponsorship or economic factors, a victim's choices for severing ties might be limited. In addition, it has been noted that polygamists seeking to immigrate to Canada may abandon their wives and children abroad in order to do so.

With regard to the proposed amendments to the Civil Marriage Act, I believe the amendments are required and are in line with the objectives, although I am in agreement with Professor Aiken that the age should be raised to 18.

In terms of the Criminal Code, I feel that those participating and aiding in forced or early marriage ceremonies should face repercussions. However, prison sentences for multiple perpetrators could put the children of the perpetrators at further risk and may not be an effective solution for reformation. Exposure to education regarding HBV and EFM counselling and psychological services could serve to inform and potentially reform perpetrators.

I am in agreement with the amendments made in relation to the defence of provocation, however understand and agree with what you have mentioned about provocation being used in the case of women facing abuse. The proposed peace bond process, however, could put victims at risk of further violence as the perpetrator is alerted to future court proceedings.

I am thankful that a dialogue is happening and feel that the only way we can honour and carry out the intention of the bill is through effective and respectful collaboration strategies as well as educational and awareness initiatives.

Thank you.

The Chair: Thank you, Ms. Faria.

All of you gave excellent presentations and I thank you on behalf of the committee. We are now going to have questions. I'm going to change the rules—because, well, everything has changed this morning it seems—and each of the first rounds, including Mr. McCallum's, will be five minutes each.

Mr. Menegakis.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Mr. Chair.

I want to thank our witnesses for appearing before us today and for your testimonies. Over the past few weeks on this committee we have had the opportunity to hear from some very courageous victims. The study of this bill follows an important study that this committee did on the prevention of violence and the protection of women in Canada's immigration system. But we have heard some very compelling testimony from courageous victims.

So, Ms. Papp, I'd like to begin with you. I want to thank you very much for sharing your story with us today. I also want to applaud you for coming out with your story and ultimately working to make a difference in the lives of victims and potential victims of honour-based violence. You've had the opportunity to travel to the United Nations where you spoke on honour killings and how they differ from other forms of violence. Can you please elaborate on that for this committee?

● (0925)

Ms. Aruna Papp: There were 6,000 women there, and when I spoke there were women outside in the hallway waiting for me because they couldn't get in. We had to take the furniture out because they wanted to hear. When I was done they said, “Please don't stop talking about it. Where we come from we can't go back if we talk about it. So continue talking about honour-based violence and how it differs from other forms of violence.”

I've just been invited to go to the Netherlands to represent Canada to talk about how it differs. Why do we have to talk about it? It's because the police officers and the social workers who help these women need to know the cultural background and the context because if the risk assessment is flawed, then the safety plans are flawed. We've had a lot of problems with not doing accurate risk assessments.

I know from my experience that I couldn't explain it even when I spoke English because I was protecting my dad, who was a Seventh-day Adventist church pastor. Everybody knew him in Ontario. I couldn't explain why it was more important to protect my dad and my ex-husband and that it was okay for me to die. Do you see what I mean? So, it has taken me 30 years to find those words and say this is how a woman might feel, and this is the question you want to ask her and not perpetuate the guilt and shame that she's feeling. Sometimes service providers don't know that. That's my focus.

Mr. Costas Menegakis: Our government has invested considerably in helping newcomers settle in Canada. In fact, we have tripled settlement funding to some $600 million today, in addition to about $55 million for resettling refugees in this country. It is an important component of our immigration policy to assist newcomers and to inform them of their rights now that they are here in Canada.

I understand you produce several training resources for immigrant families and help to counsel them as they deal with domestic violence.

What is the key take-away from your work? You travel across Canada, helping young women as they deal with gender-based and honour-based violence, which very much exists in this country. We've heard it over and over, and of course there is the experience you had in the United Nations with the thousands of women out there. It is obviously a very awful thing that is happening throughout North America.

Ms. Aruna Papp: The resources that I have produced are being used internationally, and in universities to teach. As well, we are in the process of producing another one on how honour-based violence differs from domestic violence and intimate partner violence, and how the risk assessment.... We don't have appropriate risk assessment tools in Canada or internationally, for that matter. We are working on that, and hopefully it will be ready with the help of the Minister of the Status of Women, as well as Rona Ambrose.

I want to emphasize—and I want to say this again and again—that in the 35 years I've been in this business, Rona Ambrose was the first woman representative of a government who came and said "How can I help you?" That has helped bring this forward to the international community, who are now asking for these tools.

In preparation for the Senate committee as well as this committee, I have been speaking on ethnic television and radio stations and calling women—because I work with the South Asian community and speak three languages—and saying "What do you think?" and explaining to them.

Somebody reminded me on the radio that 30 years ago we started working on domestic violence, and when it was recognized, women got the power to stand up and say "This is the law. You can't hit."

The Chair: Thank you.

Madame Blanchette-Lamothe, go ahead.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Sandhu will speak.

The Chair: I apologize, Mr. Sandhu, your name is here.

Mr. Jasbir Sandhu (Surrey North, NDP): Thank you.

Thank you to the witnesses for being here this morning to study this very important bill.

Professor Aiken, I am going to give you the time to talk about the short title, which you didn't have time to do before.

● (0930)

Prof. Sharryn Aiken: Thank you very much.

Indeed, as you have heard from numerous organizations that have appeared before you already, there are various objections to the short title.

It's not to take issue with what Ms. Papp said, that practices that are harmful to women we may understand to be barbaric. I am not taking issue with that. I am not in a camp of being an apologist for violence—not at all. Let's not make any mistake about that. It's rather the pairing of "barbaric" and "cultural" that is the problem, because it seems to imply that the people who are perpetrating harmful practices and/or the victims of harmful practices are somehow relegated to some select cultural communities. As we know, that is a patent falsehood. We know that family violence, domestic violence, wife assault, and other forms of abuse are endemic across Canadian society. They affect newcomers, long-term residents, aboriginal Canadians, and citizens of many generations. They affect Canadians right across the social strata of this country.

That's the problem with the short title. It is suggesting that somehow there are only some communities that we need to be concerned about, rather than dedicating ourselves to eradicating violence everywhere.

The one thing I would particularly underscore in response to your invitation is that if there is any specific focus of where resources are needed for eradicating the harms and violence this bill seeks to achieve, it is in rural and remote communities, where women in particular have far less access to services and support, and yet research suggests that the need for such services and support is much greater because the incidence of at least reported violence is higher.

That's the objection. The bill in effect skews the problem, misrepresents the problem, and is deeply offensive in implying a degree of stigmatization and xenophobia that I really don't think this government should be standing behind.

Thank you.

Mr. Jasbir Sandhu: In your testimony you pointed out that here is another example of legislation being brought forward with no evidence of it being needed.

Do you think this is a political document or a legal document?

Prof. Sharryn Aiken: Well, it is a legal one in the sense that it's a bill with legal measures, but if you're asking me what the impetus for this bill is, it seems most patently obvious in this case that it's about the optics, that it's about politics in its most cynical form. If the government really wanted to put its money where its mouth was on these very serious issues, it would be ensuring that the appropriate resources are allocated to implementing the programs, not to creating a new legal tool kit.

Mr. Jasbir Sandhu: Ms. Aruna Papp, do you think we have enough resources in the communities to deal with domestic violence?

Ms. Aruna Papp: Not at present, no; we need more.

Mr. Jasbir Sandhu: And METRAC, what about you? What do you see out in the community? Do you think we need more resources rather than, as Ms. Aiken has pointed out, this sort of hollow bill?

Ms. Tamar Witelson: We absolutely need more resources. We see the extent of the problem. We see many barriers to accessing help. Let me refer to another respected community group, which I know you've heard from—the South Asian Legal Clinic of Ontario, which has done a very specific survey of women affected by forced and under-age marriage. Their conclusion is exactly opposite to what this bill proposes.

They say that these women do not want to be criminalized. What they need is resources to help them escape these unsafe situations. They need to understand how they can leave, how they can be safe; they need financial support; they need housing to actually be able to leave their families.

As we have heard from Ms. Papp, what I hear that distinguishes honour-based violence is that it's hard to understand how women who are subjected to abuse feel at the same time guilt and shame and a loyalty to their family members. In fact, the criminalization of their very abusers is going to play into this kind of abuse and create a barrier to safety.

● (0935)

The Chair: Thank you, Ms. Witelson.

Ms. Tamar Witelson: What we need is an opportunity for these women to find a way to safety without putting their family members at risk.

The Chair: Thank you. We have to move on. I'm sorry.

Mr. McCallum.

Hon. John McCallum (Markham—Unionville, Lib.): Thank you, and thank you to all the witnesses.

In particular, congratulations, Professor Aiken, on what I thought was a masterful summary of the modus operandi of this government on these issues. I might have added an indifference to whether their laws are consistent with the charter, as another attribute.

I also agree with you totally on the title. I think I'd rather have no such incendiary title, or perhaps no such bill, but given the limits of our power—almost total limits—at least I think one should remove the word “cultural”, because there are many communities who see this as an attack on them. Whether or not this is the intent of the government, that is the perception of many communities. There's no need to keep that word in the title.

But we don't have much time, so I'd like to ask you, Professor Aiken, about the substantive question of the age of 18. Are you suggesting that we make that change in this bill? If so, I would ask you how we would do it.

Also, sometimes, as you yourself have implied, there are unintended consequences or implications of things that one does in a positive spirit. Are there unintended consequences or risks or negative factors that might accompany such an amendment?

Prof. Sharryn Aiken: In fact, I wouldn't be advocating that this bill simply be amended to address the age of 18; rather, I'm pointing to the international norm, pointing out the inconsistency between what we're advocating internationally and domestically, and saying that if we're going to do anything with the minimum age, surely we need to be more careful and thoughtful about it.

My recommendation would be a careful consultation on this issue and more study. But if we were going to do anything, it would be to move it up, not to hit upon 16, and the consultation should be specifically around that issue so as to address what may be some unintended effects.

We need to understand that marriage generally is pretty complicated, because there is federal jurisdiction, there are also provinces involved, and there's an international context. This is no simple matter. But what I wanted to say is that the government's touching upon this issue and fixing it at age 16 doesn't make sense, in light of the international norm and all the evidence we have with respect to the benefits of fixing it at 18.

So government, go back to the drawing board and do some more careful study on this issue in light of the international norms.

Hon. John McCallum: There's also the concern regarding youthful marriage that parental consent alone is not enough, because it could be forced. There could be some role for judicial involvement to ensure that it is legitimate, shall we say, or that the woman is truly giving her consent.

Do you think there's a way in which this bill could be amended to improve that dimension?

Prof. Sharryn Aiken: Absolutely, by eliminating the role for parental consent. Arguably, there are very little practical ways to police whether parental consent is happening in such a way that the individuals affected have agency, right? There's no way to assess the degree of pressure exerted, etc.

Certainly, the jurisdictions that have moved toward judicial monitoring of this matter have done so for exactly that reason.

Hon. John McCallum: Maybe this is too technical, but is there a way to amend this bill to make that change?

Prof. Sharryn Aiken: Sure there is, if the government wanted to.

My position is that I'm not arguing for amendments. As unrealistic as it may be, I'm advocating that this bill be scrapped. I don't want this bill to see the light of day. There's nothing positive to be gained by it and the very serious issues that it seeks to address need to be addressed through other means.

Hon. John McCallum: I think that's a good note on which to end.

The Chair: Mr. Leung.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Mr. Chair, and thank you to the witnesses for your excellent presentations.

I wish to address Ms. Papp on the issue of culture.

Canada has one of the most successful multicultural environments in the world. We have the ability to adapt many cultures into this country, yet there are practices like female genital mutilation, which is barbaric or inhuman.

We came together, people from diverse societies or diverse countries of origin, for a common shared value. I do not believe that female genital mutilation is a shared value of Canadians.

I would like you to comment on that particular aspect of some of these barbaric cultures or inhuman cultures, those with female genital mutilation, those approving child marriages, and also some of your experiences in how you address these with the east Asian and southeast Asian cultures, and perhaps some of the other cultures in the Middle East.

● (0940)

Ms. Aruna Papp: Having travelled internationally, I want to say that Canada is held up as a country where many diverse cultures live very well. We are respected, and our diversity is recognized and celebrated. However, within our cultures—and I will speak for mine because I work with the South Asian community—there are practices that need to be changed. We bring our baggage with us.

My father did. He was a Seventh-day Adventist church pastor. We had six daughters and one son, and he would stand on a pulpit with 500 people there and say things like, “If my daughter ever dated a black man, I'd shoot her. I'll cut her throat”.

They do bring this kind of cultural baggage, and I have been fighting against it and with him, and I have been punished by my family for standing up to it.

Also, there's not just the barbaric female genital mutilation part. We have, and we know, Canadians who give birth to daughters and abandon them in the old country. They don't come back. These are Canadian children. We have not heard from them.

In 2013 in the U.K—and it's written all over the papers—they went and told all the elementary and high school girls that if they were being forced out of the U.K, to put a teaspoon in their underwear. In one month 1,700 girls were stopped at the airport because they had teaspoons in their underwear. They were being taken out to be forced into marriage. That's a lot of young girls.

We have no way of documenting how many Canadian girls are being taken out. The *Calgary Herald* has several stories.... Two weeks after the training I did with the police they were able to go to the airport and bring a girl back from the airport that her family had left there because she was being forced into a marriage. One of the persons in the community found out about it, knew about it, and said, “This is against the law. Go get her”. They have done it three times.

We need to document these kinds of events because we are not documenting the now. We need processes in place to do that.

I could go on. I've just written another book called *Daughters of Kismet*, which identifies what's happening in Canada and that nobody's talking about it.

Yes, these are barbaric cultural practices. It's the practices we are bothered about, not the cultures. Cultures are fine. I am a proud Indian Punjabi. I love it. I am who I am, and I cannot change it. I'll be damned if I'm going to let my father and uncles sell their daughters. That's what this is about. It's about the practices, and they are barbaric.

Mr. Chungsen Leung: Let me take it down another angle and ask this. In many of these cultures where they are relatively close, how do we reach into them? How do we get to them before the practice is continued?

Ms. Aruna Papp: This is how we do it. This bill is an educational tool.

For three months I've been on radio and television saying, “Do you know what is happening in Canada? This is the law. This is...”.

These tools are educational tools that would help us prevent it. We don't have to open up new jails to put new immigrants into jail. That's not the point. The point is you're coming to Canada and these are the laws and you ought to know that.

We said 30 years ago that if we talked about domestic violence, immigrant women would hide, they would never come out, and would never talk about it. Today more immigrant women than ever in the history of this country are coming forward and reporting domestic violence.

● (0945)

The Chair: Thank you, Ms. Papp.

Unfortunately, we could go on, but our time has expired.

I want to thank all of you ladies for coming and giving us all excellent presentations.

Thank you very much.

We will suspend.

● (0945)

(Pause)

● (0945)

The Chair: We'll continue, ladies and gentlemen, for our second round and, unfortunately, this will end when the bells ring.

We have one witness, Hannana Siddiqui, the head of policy and research from the Southall Black Sisters.

Can you hear me?

Ms. Hannana Siddiqui (Head of Policy and Research, Southall Black Sisters, As an Individual): Yes, I can.

The Chair: Thank you for participating.

You have a big election going on.

Ms. Hannana Siddiqui: Yes, we are today.

The Chair: We're all following it. We've been having lots of elections here in Canada, too, and some of us are happy and some of us aren't.

Ms. Hannana Siddiqui: I have no idea what the result is going to be.

The Chair: I know. That's the way of politics.

Anyway, thank you for participating. You have up to eight minutes to make a presentation to the committee.

Ms. Hannana Siddiqui: Thank you very much.

I have given evidence before—I'm not sure whether it was to this committee or a different committee—about this bill, so I am going to repeat some of the things I said before.

I've been involved in work around forced marriage and honour-based violence and domestic violence and violence against black and minority women in the U.K. for about 30 years.

Southall Black Sisters, a women's organization that works with minority women in the U.K., has been established since 1979.

I was one of the original members of the Home Office working group on forced marriage, which was established in the late 1990s. It was the first time that the U.K. government addressed harmful practices in this country. I've also been involved in helping to form the Forced Marriage Unit, a government joint Home Office and Foreign Office unit, and also in developing the forced marriage guidelines in the country, as well as in introducing the Forced Marriage (Civil Protection) Act. Furthermore, I've been involved in looking at immigration law and how it affects women who are experiencing domestic violence. I was also involved in reforming immigration laws so that women who were victims of domestic violence could not be deported and left without access to benefits and housing. And I've been involved in a number of high-profile honour-killing cases, and have been looking at battered women killed by men and at reforming the law on provocation.

As I have discussed many of these issues before, I'm going to limit this to some of the more difficult issues regarding the criminal offence of polygamy and around forced marriage.

In the U.K., polygamy is not an offence, although bigamy is an offence. Only one marriage is recognized by civil, criminal, or immigration law in this country. We at Southall Black Sisters do not support the practice of polygamy, but we are concerned about the way in which the Canadian bill is denying the right of access or admission into Canada, or may require permanent residents to leave the country if they practice polygamy.

The problem for us here is that it undermines some basic human rights to settlement, particularly if you're a permanent resident. But also, more importantly, it's because it undermines the rights of children and vulnerable women who may be caught up in these situations. Women who are, for example, in polygamous relationships may be afraid of coming forward if they're fearing criminalization or fearing deportation themselves. Children could be separated from parents, if somebody is deported.

We know that even when there are measures to exempt vulnerable people, such as the domestic violence rules or, if you are a victim of forced marriage, that you may not be removed from the country, we know that these laws don't work perfectly. We know from our own experience from this country that many women will not necessarily come forward to seek help because they are frightened of being criminalized themselves or being deported, or because they don't have enough faith or knowledge of the services available in this country, or because they're not available to them.

Also, we've found that in some of the exemption rules the standard of proof may be too high to prove that you're a victim of domestic violence or forced marriage or something. That can be problematic, if you are going to remove people from the country for being in polygamous marriages.

What I don't understand is, if you have a criminal law that outlaws or bans polygamy already, then why do you need to extend it to the immigration laws? I don't think there is enough evidence to allow for that, to justify extending it to immigration laws.

We have found from our own experiences that under the immigration rules, the standard of proof is much lower than in criminal law. It will be very much dependent on the interpretation of the law by immigration officials in trying to define a polygamous marriage.

Our experience in this country shows that immigration officials can stereotype particular cultures. For example, we had to abolish the primary purpose rule in this country some time ago because immigration officials were denying the right of access to men from the Indian sub-continent primarily because they had some very stereotypical views of Asian cultures and arranged marriages. As a result, they were basically classifying all these marriages as marriages of convenience rather than genuine marriages. That law was abolished because of the way it was being wrongly interpreted by immigration officials. There is a concern that the same thing could happen here.

● (0950)

We also think that immigration laws are not a solution to problems such as polygamy or forced marriage. The example that we have in this country is that the U.K. government introduced an age-related policy in relation to forced marriage that initially said that both parties had to be 18, and then later on they increased it to 21, before an overseas spouse could come to join their British spouse in the U. K. That was done on the grounds that it would prevent forced marriages, because it would prevent sponsorship of an overseas spouse under pressure and duress.

We supported a legal challenge to this, and the Supreme Court in 2001 overturned this rule, because it said it undermined the right to family life. There was no evidence to show...and in fact some of the research showed that the law wasn't actually working, that it wasn't really protecting victims of forced marriage. In fact, it was making the situation worse, because victims were being abandoned abroad, or they were subject to increased pressure to stay in a forced marriage until they could sponsor their spouse to the U.K. at the age of 21.

So I don't think that immigration laws necessarily work. We have argued that in fact the better measures are often around improved services, improved resources, and improved implementation of current criminal law or civil law.

In the U.K., there have been discussions around how to tackle the problem of forced marriage. I think there's a broad consensus that the introduction in civil law of such things as the forced marriage protection orders has been very effective. So there are much more effective ways of tackling such problems as forced marriage.

The issue of criminalization and immigration has been more controversial. Of course, we've opposed the use of certain immigrations laws, and the courts have agreed with us that they are not effective.

Around criminalization, which came into force in June 2014, there was a concern by many women's organizations working in minority communities that it would drive the problem underground, because it could prevent a lot of victims from coming forward for fear of criminalizing their parents.

I did some research in the last few months with about 25 minority women's NGOs in this country, and asked them about the effect of criminalization. Most of them said they don't really know, because the situation doesn't seem to have changed either way. It hasn't really seemed to encourage more to come forward or not to do so. But some of them did say that they had seen a drop in their numbers, and their concern was that criminalization could have been the reason there's been a drop in those numbers.

So we don't know whether criminalization is going to work or not, but I think most NGOs agreed that the far more effective way was through the civil laws and the forced marriage guidelines. Even though they are not always effectively implemented, there needs to be many more resources put into those kinds of measures to address the problem, as well as to address issues such as funding of women's organizations' services or providing direct services to victims.

There's no point in criminalizing forced marriage if you're not going to fund the front line organizations that are operating in the community and helping victims through the civil and criminal justice systems to access safe housing and support and ultimately to obtain some kind of justice. Unless you fund those organizations to support them through the process, the measures on their own will not be effective.

Other areas of concern I have under the bill—

● (0955)

The Chair: Ms. Siddiqui, I'm afraid we're going to have to—

Ms. Hannana Siddiqui: Okay, I'll leave it at that.

Thank you.

The Chair: We have a choice: we could let you go on, or we could ask some questions. We're at a bit of a difficult time here; we may have some votes to go to. So I'm going to restrict the questions for a while, to see what's going on, to three minutes each. If we're still here, we'll go back to something else.

Mr. Menegakis.

Mr. Costas Menegakis: Thank you, Ms. Siddiqui, for appearing before us today from as far away as the U.K.

I know that the issue of honour-based violence is quite a substantive one in England. We certainly appreciate your taking the time to tell us what England has done on the issue.

Can you tell our committee a little more about the Forced Marriage Unit in the U.K.? What is its mandate specifically? How does it work within the immigrant communities?

● (1000)

Ms. Hannana Siddiqui: I think the Forced Marriage Unit is one of the success stories. It's a government body. It's a joint Home Office and Foreign Office unit, so it is supported by the government. It has a mandate to help British nationals or dual nationals who are taken abroad and threatened with a forced marriage or forced into marriage come back into the U.K.

Also, they look at policies and cases within the U.K., either to prevent or to improve the response to forced marriage and to help victims in this country. A lot of NGOs and other organizations, statutory and voluntary, use the Forced Marriage Unit. They dealt with about 1,300 cases last year, and generally their response is very good. I would recommend setting up a similar unit in Canada.

Mr. Costas Menegakis: You spoke about services. Certainly, that is a very important component of our immigration system here in Canada. In fact, our government, since we took over, has tripled settlement services funding to $600 million here, plus an additional $55 million, I believe, for refugees.

Can you share with us what England does with respect to settlement funding?

Ms. Hannana Siddiqui: Do you mean for women's organizations?

Mr. Costas Menegakis: Yes. Or in general....

Ms. Hannana Siddiqui: There is funding for services around domestic and sexual violence in the U.K. I think the problem is that, because of austerity, there have been cuts from local authorities and central government generally to services and to legal aid.

The brunt of those cuts to services for minority women, or for women who are facing gender-based violence, has been to minority women's organizations. They have been forced to either close down or merge with a larger, more generic organization and therefore lose their specialism and lose the specific targeted work they do with minority communities, which means those communities are not getting access to the help.

The refugee communities, the immigrant communities, and victims who are facing harmful practices within minority groups are not getting access to the level of services that they should be getting, considering, for example, that there is a very high rate of suicide among Asian women driven by domestic violence. There is a disproportionality issue here, which is not being addressed by the government.

The Chair: Thank you.

Madam Blanchette-Lamothe, go ahead.

[*Translation*]

Ms. Lysane Blanchette-Lamothe: Thank you very much, Mr. Chair.

Thank you, Ms. Siddiqui, for being with us today.

I found it interesting that you talked about measures that had been recently adopted. Their effectiveness hasn't been proven. Instead of helping victims find support, they may be reducing the number of victims looking for help. Could you tell us, in your view, the best practices for helping victims find support?

Could you also tell us the best practices for preventing forced marriage? For example, when a young woman is concerned that she may be forced into a marriage, what tools are available to her? What measures are in place to help these people before crimes are committed?

[*English*]

Ms. Hannana Siddiqui: I think awareness raising and information, and working in schools and colleges, raising these issues at a very early age and changing attitudes and behaviour, as well as making victims aware and having professionals give them training to prevent issues escalating before it becomes a case of forced marriage, are measures that are important. There hasn't been a lot of investment in those measures, generally speaking, in this country. For example, violence against women or harmful practices is not part of the national curriculum.

In the first area of safety and support, a lot of the best measures that have come in concern early intervention. You could prevent forced marriage if you have services that intervene early enough before the situation escalates. Those measures are from minority women's organizations providing direct services within communities. Those, I would say, are the most effective and historically have raised the issue and made the country aware of these problems.

The second area, I think, is around civil law. The forced marriage protection orders, for example, allow victims or third parties to get a court order or injunction to prevent a forced marriage from happening. That's been used quite heavily—far more than people expected—and has been quite effective. I think the shortfall there has been that there aren't enough resources or monitoring of the situation if a victim, for example, goes back and lives at the family home with an injunction. There's no one to monitor them, unless they're under a protection order from social services on the protection register. Otherwise, there is no monitoring.

The third area that I also think is important is the forced marriage guidelines for professional agencies: the police, social services, health, and education. That gives guidance and statutory responsibilities to those bodies on how to tackle forced marriage and outlines their responsibilities. The shortfall there is that these are not being effectively implemented and there aren't proper enforcement procedures in place. If you do have guidelines in place, you should have enforcement mechanisms and monitoring that they're being effective.

The police inspector at the moment is looking at honour-based violence. That's the first inspection I've known around these issues, and there is a need to make sure those things are in place.

● (1005)

The Chair: Thank you.

Mr. McCallum.

Hon. John McCallum: Thank you, Ms. Siddiqui, for being with us.

I'd like to raise an issue that you, and also another one of our witnesses here today, raised, which is the use of immigration law in addition to criminal law. As I think you raised, that creates two problems at least. One is that immigration law has a much lower standard of proof and also double jeopardy, in that everybody's subject to the sanctions of criminal law, but only a subset is also subject to the sanctions of immigration law. Sometimes that subset can even include citizens, when certain kinds of citizens can have their citizenship removed and be deported and others cannot.

I know there's not much time, but I'd like to ask you, is this an issue for debate in the U.K.? To what extent does the immigration law replace or add to the criminal law? What's the state of debate on that issue?

Ms. Hannana Siddiqui: The debate has been around both of those issues: criminalization of forced marriage, as well as use of immigration laws to control forced marriage. As I said, both are controversial. There is obviously no prosecution with the criminal law yet. We don't know if it's going to work, and there's a concern that it may make the situation worse. Immigration law, yes, but it only affects certain groups, migrant groups, within the country, and not generally everybody who's forcing someone into marriage. We have concerns. In fact, there's research evidence, as well as our experience, showing that immigration laws have not worked. The age-related policy, for example, did not work to protect victims of forced marriage. The Supreme Court agreed with us because it undermined the right to family life. There is absolutely no evidence to show that it can be effective. In fact, it can make it worse.

For us, immigration law is not going to resolve this problem. Forced marriage is about the control of female sexuality and autonomy. Families are going to go ahead and force victims into marriage regardless of the immigration law and even regardless of criminal law. At least we can look at other ways of trying to create cultural changes, as well as looking at measures around the response of state agencies, police, and social services, and strengthening the hands of the victims through civil law as far as we can.

Hon. John McCallum: Thank you very much.

The Chair: Mr. Leung.

Mr. Chungsen Leung: Thank you, Chair, and thank you to our witness.

I'd like to address my question regarding the multicultural aspect of this legislation. Both Britain and Canada are multicultural societies and both of us admit immigrants from all around the world. There are certain cultural practices that are barbaric. In this case, would you consider acts like genital mutilation and forced marriage as barbaric cultural practices that should not be allowed in civil society?

Ms. Hannana Siddiqui: I hesitate to use the word “barbaric” because I also think domestic violence is barbaric. I think a lot of practices where people are being abused, and as a cultural basis, often are barbaric practices. It's not just those that exist within minority communities. Of course, I do not accept any of these practices. They all have to be eradicated and challenged, and the hands of victims need to be strengthened as far as possible to address these practices. That means strengthening the women's organizations and communities in which.... Communities are not homogenous. There are those people with very conservative views and those with very liberal views, but not necessarily always western.

Somehow it's assumed that only western countries have liberal views. People within minority communities in the global south can also have very liberal views. They do not want women to be abused. They don't want children to be abused. They want to uphold the human rights of people within their communities more generally. That's the alliance. I think you need to shift your focus not necessarily to barbaric cultural practices, but to gender equality and to addressing violence against all women.

● (1010)

Mr. Chungsen Leung: But many of these practices are not our shared values. Can you comment on that?

Ms. Hannana Siddiqui: They're not shared values for many people within or outside of those communities. We would all be equally critical of those values. Communities and cultures are quite quite complex. There are those with conservative cultural value systems and those with progressive cultural value systems. The alliances that have to be made are with those who want to uphold the human rights of vulnerable and discriminated groups within all communities. That's where we have a common ground. That's where I think the emphasis should be shifted to promoting gender equality, because that's within the framework of human rights and liberal value systems, as well as addressing things like violence against all women and girls.

The Chair: Mr. Sullivan.

Mr. Mike Sullivan (York South—Weston, NDP): What I've noticed about the changes to the immigration law in this country is that they give a new form of penalty to the criminal justice system, that of deportation. A judge looking at a case in front of him now has to realize that his or her action may not just put a person in jail, but may result in their deportation. They may not choose to find that person guilty as a result of the cruel and unusual punishment that may come from that person being deported.

Is that part of what's going on in Britain as well?

Ms. Hannana Siddiqui: Not in the same way. First of all, there's been no criminal prosecutions of forced marriage cases so far. I think it has happened in some cases around domestic violence, where there may be a court order against someone who doesn't have a status in the country and is being convicted of a specific crime that may be against certain immigration laws. They may then face removal from the U.K. It hasn't necessarily happened in relation to forced marriage, but in can. It's an option that the courts do have if someone doesn't have secure immigration status in the country.

Mr. Mike Sullivan: What is being proposed here suggests that the courts wouldn't even touch some of these cases. All an immigration officer would need to do would be to have a reasonable suspicion that a polygamous marriage might be entered into. They will then request the removal of individuals, which we believe will then cause those individuals to not want to bring forward those cases of abuse. In fact, it will serve as an inhibitor in reporting abuse and reporting forced marriage as a result of the ultimate penalty being removal from the country on a basis that doesn't include a criminal justice trial.

Ms. Hannana Siddiqui: I think that would be one of the consequences for anyone who is caught up in or knows about polygamous situations. They may well either be caught up and therefore face deportation themselves, or it may be that they are worried about other members of the family being deported.

So, yes, it's a big problem that we have already, for example, concerning those who have domestic violence problems in this country and don't have secure immigration status. It may be themself or someone else within the family who is insecure, including the perpetrator. Now they may feel that they can't go forward and report domestic violence because they may be removed or someone else in the family, even the perpetrator, may be removed.

Remember that these people often are part of extended families. If you get someone removed from the U.K., it has an impact on you. The whole community or the family have stigmatized women who have gone against and challenged their husbands. It's culturally not acceptable to separate from your husband in the first place. There are a number of reasons why women won't come forward. One of the main reasons we find among women without secure immigration status in this country is the fear of being deported and removed from the country. That is a major reason that they don't come forward.

● (1015)

The Chair: Thank you.

Mr. Eglinski.

Mr. Jim Eglinski (Yellowhead, CPC): Thank you.

You mentioned earlier that you have an enforcement team in place in your country that does look after people who are taken outside the country and put into forced marriages. This is a pretty strong group, I take it, and it has been very effective. You said protecting something like 13—

Ms. Hannana Siddiqui: Yes.

Mr. Jim Eglinski: —young ladies. Have you seen a retaliation from the families against these girls who have been stopped from going outside of your country, or brought back if that is the case? Have you seen retaliations? I ask because many legal people have been coming to us and saying this law is going to cause problems for young ladies because they will be retaliated against when they come forward. Have you seen that?

Ms. Hannana Siddiqui: Well, yes. There can be harassment from the family, the extended family, or the wider community if girls do challenge their parents and family members, and refuse to conform. There may be physical violence. Often more common is social ostracism, as they are rejected and denounced by the families and communities. That is often one of the reasons why victims don't leave in the first place.

That is why I think you must have measures in place so they are protected and given support when are brave enough to take these type of steps and go against their families and community.

It means that they must have services. They must have women's organizations within their own community that don't agree with those same value systems, who would protect them and give them alternatives, who would support them through the process, who would befriend them, and who would give them peer group support. Other survivors support each other, and that gives them the strength to carry on and not give up and go back to or continue with the harassment they experience.

With any measures you take, you have the risk of harassment, but that doesn't mean that we shouldn't take any measures at all. It is important that we do take measures to protect victims as we would for anyone facing child abuse, for example.

Mr. Jim Eglinski: Thank you.

Has the law made the difference, or has the word of mouth made the difference, in bringing these young people coming forward?

Ms. Hannana Siddiqui: I think it's a combination of both. I don't think you can separate them, because the debates have been going on for much longer, for a few decades actually. Only in the last decade have you had the government doing something about it. The law has strengthened and created further debates. I think the civil law has made a difference in getting victims access to court injunctions and giving them legal protection. I do think that is really important, but it's a combination of both, and services as well as general public debate.

The Chair: Thank you, Ms. Siddiqui.

On behalf of the committee, I appreciate your comments and your making your thoughts known to the committee.

The bells are ringing, which means that we have to go to vote.

I'd like to adjourn the meeting.