



R.I.G.H.T.S. F.M.

Resource Guide for Service Providers

Part A: SECTION I

Training Curriculum for Service Providers

Developed by:

SOUTH ASIAN WOMEN'S CENTRE

July 2012

DISCLAIMER

This Guide is intended to assist service providers in helping South Asian survivors of domestic violence through the means of forced marriage and human trafficking. It should be used as a supplement to existing literature around forced marriage and human trafficking¹. This guide is aimed at helping service providers understand the intricacies around forced marriage and human trafficking, in the South Asian context.

¹ There have been toolkits and resources created by agencies in Canada, and by the Forced Marriage Unit in the United Kingdom. The latter is a leader in research, policy development and criminal convictions around the issue of Forced Marriages.

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CHAPTER ONE

INTRODUCTION

ACKNOWLEDGEMENTS

South Asian Women's Centre is excited the Human Trafficking Guide and Toolkit is now ready for use. This Resource Guide brings focus on Forced Marriage as a form of Human Trafficking (FMHT) and will be a useful guide for front line staff, and other stakeholders dealing with this issue. The Survivors Guide and brochures that have been translated into five south Asian languages will help victims/survivors identify and seek support from the list of resources provided. This Guide is dedicated to the numerous clients that SAWC has served who are survivors of abuse and violence as a result of Forced Marriage.

I would like to thank and acknowledge the Ministry of the Attorney General, Victims and Vulnerable Persons Division for funding this project.

I would like to acknowledge the three staff members who worked on this project, Manivillie Kanagasabapathy, Mugdha Arora and Leila Sarangi . They put many hours of research, interviews and writing/editing into this project. Finally, I would like to acknowledge the members of the Project Advisory Committee who have participated and provided feedback to the project.

Kripa Sekhar
Executive Director

ADVISORY COMMITTEE MEMBERS

Karlee Anne Sapoznik	Alliance Against Modern Slavery
Deepa Mattoo	South Asian Legal Clinic of Ontario
Priscilla de Villiers	Office for Victims of Crime
Wendy Komiotis	Metropolitan Action Committee on Violence Against Women and Children
Madhu sree Das Gupta	South Asian Women's Centre
Sabita Saha	South Asian Women's Centre
Lata Sukumar	Multilingual Community Interpreter Services
Eman Ahmed	Canadian Council of Muslim Women

STAFF BIOS

Manivillie Kanagasabapathy

Manivillie Kanagasabapathy graduated with Honours Bachelors in Environmental Studies at York University in 2003 and went on to do her Masters of Arts in Anthropology in 2006 at Carleton University. She is currently working Program Manager on the Forced Marriages and Human Trafficking Project at South Asian Women's Centre, while completing her Master of Public Policy, Administration and Law at York University. Having worked over 10 years with newcomer and immigrant families, as well as at risk and vulnerable populations, Manivillie has a strong interest in sustaining and nurturing the culture and heritage that lies within communities. As an established writer, speaker and an organizer, Manivillie has made a significant contribution to address issues related to women, particularly marginalized women. Creativity, organizational discipline and clear communication have propelled Manivillie to the understanding that her greatest strength is undoubtedly as a facilitator of community organizing in Canada.

Mugdha Arora

Mugdha Arora is a lawyer from India; she has experience in various areas of law, most notably in intellectual property and human rights. Prior to joining the South Asian Women Centre (SAWC) she worked as Senior Associate at the Centre for Innovation Incubation and Entrepreneurship, Indian Institute of Management, Ahmedabad, India. Mugdha holds a Master of Laws from Queens University, Kingston, Ontario. Her thesis focussed on Traditional Knowledge and Intellectual Property Rights.

Apart from her professional work she is an avid artist and proponent of traditional art forms. She conceptualized a network of traditional artists to promote various art forms. Mugdha joined SAWC in 2011 as a writer for R.I.G.H.T.S.F.M. project.

ABOUT SAWC

The South Asian Women/girls' Centre (SAWC) has a long history of serving South Asian women/girls and their needs. SAWC was established in 1982. Since then, it has given a voice to women/girls who have been survivors of violence and abuse. SAWC is focused on ensuring that women/girls, especially newcomer South Asian women/girls are empowered socially, culturally and financially to integrate, participate and establish themselves as mentors in the community.

SAWC serves clients from primarily South Asian countries, including Bangladesh, Bhutan, India, Sri Lanka, Nepal, Pakistan, Sri Lanka, Tibet, and from places of secondary migration such as Great Britain, Africa and the Caribbean.

R.I.G.H.T.S._{F.M.} is funded through the support of Ontario's Ministry of the Attorney General, Victims and Vulnerable Persons Division.

ABOUT THE PROJECT

Resource Information Guide to Human Trafficking Systems through Forced Marriages (hereinafter referred to as R.I.G.H.T.S.F.M) is a project funded by the Ministry of the Attorney General from June 2011 to July 2012. The project examines the inter-sectionality of *Forced Marriage and Human Trafficking* (hereinafter referred to as FMHT), to develop best practices for assisting survivors.

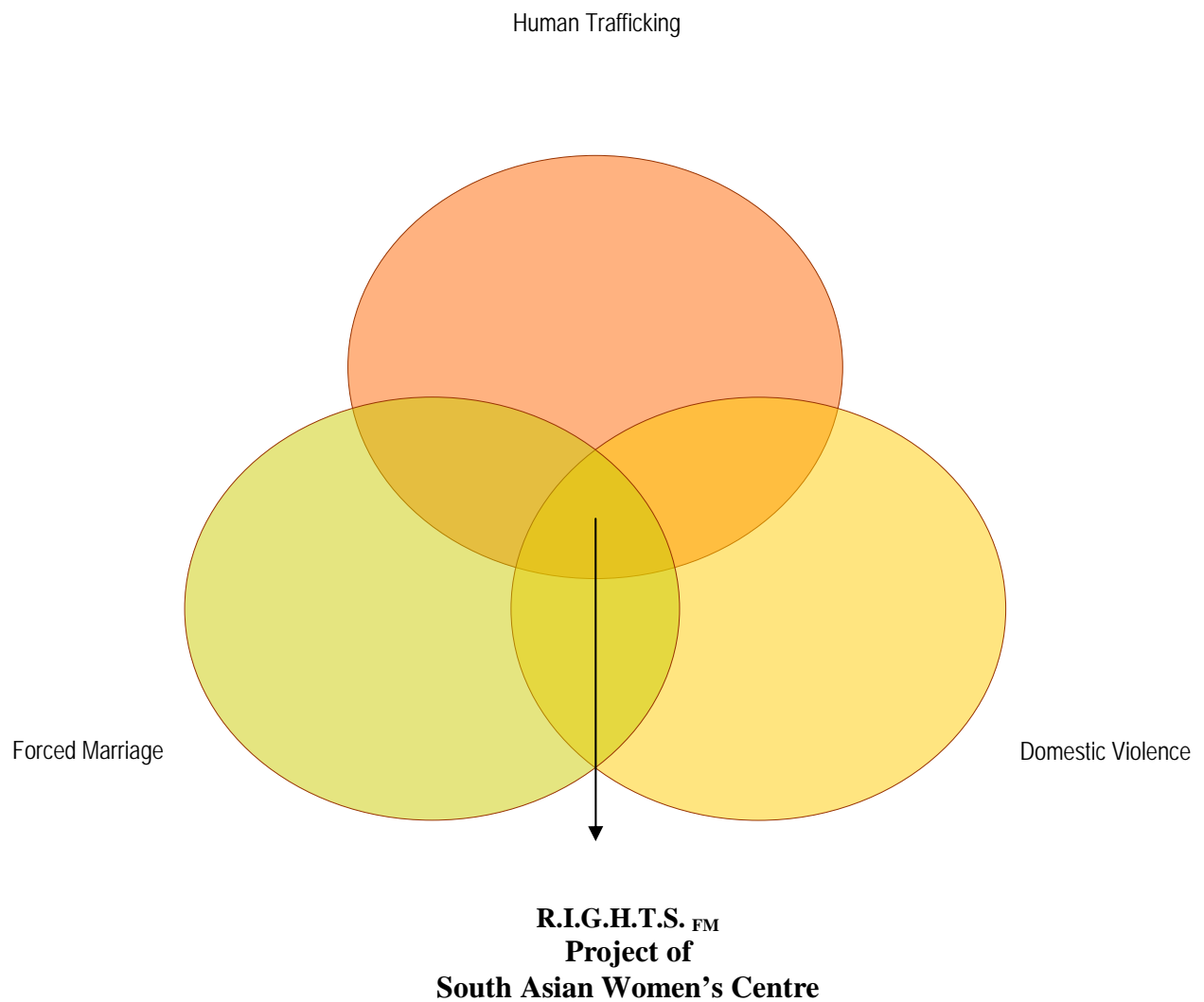
R.I.G.H.T.S.F.M. looks at human trafficking through a very specific focus. The purpose of the guide is to:

1. Provide a very specific framework that looks at forced marriage as a form of human trafficking and that captures the issue of domestic violence.
2. Look at the movement and exploitation of women/girls through a legally sanctioned process called “marriage.”
3. Illustrate trafficking of immigrant and refugee women in cases of forced marriage.
4. Provide guidance to front line service providers, stakeholders and policy makers who may come in contact with victims/survivors of trafficking and/or forced marriage.
5. Provide a resource list of services to support victims/survivors.
6. Open the door for further research, analysis and community engagement, in the form of trainings and consultations, to empower community members, survivors, service providers and other stakeholders through recommendations.

R.I.G.H.T.S.F.M. explores Human Trafficking and Forced Marriage as part of the framework of domestic violence both before and after marriage. The distinct feature of the project is the commodification of women/girls through a legal system called "marriage."

The main aim of the project was to develop a training curriculum for service providers and front line staff to assist survivors of FMHT and a survivor's guide, which will be translated into five South Asian languages. In addition, through funding from the Law Foundation of Ontario, brochures have been produced to assist survivors in the same five South Asian languages: Bangladeshi, Hindi, Tamil, Punjabi and Urdu.

R.I.G.H.T.S. F.M
SCOPE OF PROJECT



CHAPTER TWO

DOMESTIC VIOLENCE - THE SOUTH ASIAN CONTEXT

DOMESTIC VIOLENCE IN THE SOUTH ASIAN CONTEXT

Who is a South Asian?

Canadians of South Asian origin¹ make up one of the largest non-European ethnic origin groups in Canada. According to the 2006 Canada Statistics almost a million people of South Asian origin lived in Canada, representing about 4% of the total Canadian population.

South Asian is a very complex and broad term and identity. It usually denotes the racial/ethnic identity of people descended from the region of South Asia. Countries within this group include Afghanistan, Bangladesh, Bhutan, Burma, India, Iran, Maldives, Nepal, Pakistan, Sri Lanka and Tibet. South Asians are also those who claim this ancestry through secondary migration, in the Caribbean, Europe and Africa. It is a self - identified term.

South Asians in Canada:

There are 1,262,900 South Asians in Canada according to the 2006 Census, and is the largest visible minority group. Most of the South Asian population (70%) can be found mainly in larger urban centres, such as Toronto, Montreal and Vancouver. The table below, from Statistics Canada illustrates the population distribution of South Asians in Canada.

Chart of Visible Minorities in Canada (%)

	<u>1996</u>		<u>2001</u>		<u>2006</u>	
<u>South Asian</u>	670,590	2.35%	917,070	3.09%	1,233,275	4.00%
<u>Chinese</u>	860,150	3.02%	1,029,395	3.47%	1,168,485	3.70%
<u>Black</u>	573,860	2.01%	662,215	2.23%	783,795	2.50%
<u>Filipino</u>	234,195	0.82%	308,575	1.04%	389,550	1.30%
<u>Latin American</u>	176,970	0.62%			304,245	1.00%
<u>Arab</u>					265,550	0.90%
<u>Southeast Asian</u>	172,765	0.61%			231,425	0.70%
<u>West Asian</u>					156,700	0.50%
<u>Korean</u>	64,835	0.23%			138,425	0.40%
<u>Japanese</u>	68,135	0.24%			98,900	0.32%
<u>Mixed visible minority</u>	61,575	0.22%			104,215	0.30%
Other visible minority	69,745	0.24%			71,420	0.20%
Total visible minority population	3,197,480	11.21%	3,983,845	13.44%	5,068,095	16.20%
<u>Aboriginal or White</u>	25,330,645	88.79%	25,655,185	86.56%	26,172,935	83.78%
Total population	28,528,125	100.00%	29,639,030	100.00%	31,241,030	100.00%

(Source : Statistics Canada)

The South Asian culture is focused around the family and maintaining connections to one's land of birth. Thus, it is important for a South Asian child to ensure that he or she care for or remain connected to family back home. South Asians place importance on both family and local social networks, utilizing them as support systems². As Canadian Immigration policies become closed, people look for alternative ways to enter the country³. Many families make desperate choices in order to ensure that their children and/or parents are able to enjoy a better life.

In addition studies show that a large percentage of the South Asian community live in impoverished circumstances, falling into the low-income category. 34.6% of South Asian families in Toronto live below the Statistics Canada Low Income Cut Off. Among this group, more than 50% of all Pakistani, Bangladeshi, Sri Lankan and Tamil families are living in poverty. There are significant linguistic, educational and cultural barriers facing members of the South Asian community seeking access to social and legal services. (Source: SALCO Minority Report)⁴

² IBID.

³ Project Seclusion - http://publications.gc.ca/collections/collection_2011/grc-rcmp/PS64-78-2010-eng.pdf

⁴ For Full report, please see Appendix D

VIOLENCE AGAINST WOMEN / GIRLS (VAW) IN THE SOUTH ASIAN CONTEXT

In order to assist South Asian women/girls in abusive situations, it is important to understand the cultural and social context within which the violence and abuse perpetuated against them is framed. This is not to say that all South Asian communities, families or individuals experience violence in a similar way but to explore the perceived intersections of culture and violence against women/girls. The guide not only explores the role of culture in making and remaking patriarchal and colonial spaces but also the implications for a woman with precarious status in Canada, seeking help.

Research has shown that within the South Asian community, family, duty to family and social obligations are most important. Additional resources are available as part of this resource kit.



CHAPTER THREE

DEFINITIONS R.I.G.H.T.S. F.M.

PATRIARCHAL SYSTEMS AND VIOLENCE AGAINST WOMEN AND GIRLS

Patriarchy can be understood as a “set of ideas and beliefs that justify male domination over women/girls in society”⁵. Patriarchal systems create and sustain a stratified and unequal relationship between the gender, seeing the female gender as less than or subordinate to the male. Through this hierarchal system, the power and freedom of women/girls are limited and controlled, through various means which includes and justify both overt and hidden forms of violence against women/girls. One of the most prevalent forms of violence found in patriarchal systems is domestic violence, the attempt to control the freedom and rights of women/girls within the household.

Domestic violence⁶ is a form of violence against women/girls and includes physical/emotional/psychological/sexual abuse and threats to cause bodily harm to children and other family members/property. A single act or a series of acts of violence by a partner and/or family member(s) in an intimate relationship constitutes domestic violence.

⁵ Ahmad, Farah, Paula Barata, and Donna E. Stewart. "Patriarchal Beliefs and Perceptions of Abuse among South Asian Immigrant Women/girls." *Violence Against Women/girls* 10.3 (2004): 262-82.

⁶ Domestic violence, as defined by UNICEF in a digest on Domestic violence against women/girls and girls,2000, includes violence perpetrated by intimate partners and other family members, and manifested through:
Physical abuse such as slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon, and murder. It also includes traditional practices harmful to women/girls such as female genital mutilation and wife inheritance (the practice of passing a widow, and her property, to her dead husband’s brother).
Sexual abuse such as coerced sex through threats, intimidation or physical force, forcing unwanted sexual acts or forcing sex with others.
Psychological abuse which includes behaviour that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation.
Economic abuse includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care,employment, etc.

Domestic violence can take many forms, including physical, sexual and/or psychological exploitation. When women/girls are forced into matrimony and experience violence, they are unable to take charge of their own lives and they are forced into matrimony by family members. Domestic Violence is the foundation of any form of family violence and human trafficking through forced marriages is a type of domestic violence, which disproportionately affects refugee and immigrant women/girls. It is implicit that "marriage" is a very important component of South Asian culture. Women/girls are educated since childhood about their familial duties to respect their parents' choice in matters pertaining to matrimony.

FORCED MARRIAGE: A MANIFESTATION OF DOMESTIC VIOLENCE

In mainstream society, there is a general perception that arranged and forced marriages are similar, if not the same. However, there is a difference between the two, which is that of consent and choice, versus coercion.

An arranged marriage is based on the mutual agreement of both the parties. The differences in labeling the types of marriages are defined through the processes used leading to the marriage. In an arranged marriage, parents seek potential spouses for their children. The potential pair meet each other, talk, sometimes even date to decide if they want to proceed with the marriage. In forced marriage situations that choice, to say “no,” is not available and the marriage is forced upon the individual(s). This can also include forceful consent, where a woman feels that she has no choice but to consent, and where culture, familial duty and so on are used as tools of manipulation and coercion to gain consent.

What is a legally defined marriage?

Article 16(2) of the *Universal Declaration of Human Rights*, states that: “Marriage shall be entered into only with the free and full consent of the intending spouses⁷.” The United Kingdom’s *Forced Marriage Unit*⁸ defines forced marriage as

⁷ CITATION

a marriage in which one or both spouses do not or cannot⁹ consent to the marriage and when duress is involved. Duress can include physical, psychological, financial, sexual and/or emotional pressure. Statistics from the Forced Marriage Unit indicates that over 85% of Forced Marriage cases involve coercion of the bride.

The *Who, If, When to Marry* Toolkit created by the South Asian Legal Clinic of Ontario backs up the existing definitions and further states that a forced marriage occurs when “pressure or abuse is used to ‘force’ one or both people to marry against their will. A forced marriage can happen to anyone; of any gender, of any age. Forced marriages are a form of violence¹⁰.”

⁸ The Forced Marriage Unit (FMU) was established by United Kingdom between the Home Office (police and security) and Commonwealth and Foreign Office (their embassies)

⁹ An adult cannot consent to a marriage if there is the existence of a physical or mental disability that prevents them from making an free and informed consent.

¹⁰ <http://www.forcedmarriages.ca/>

HUMAN TRAFFICKING

The definition of Human Trafficking, based on Article 3 of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women/girls and Children (2000), 11 can be understood as follows:

- The test of law for a marriage to be called "forced" is the lack of informed, free and full consent.*
1. The action of recruitment, transportation, transfer, harbouring, or receipt of persons.
 2. By means of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.
 3. For the purposes of exploitation, this includes prostitution of others, sexual exploitation, forced labor, forced marriage, slavery or similar practices and the removal of organs.

This training curriculum highlights the UN Protocol on Human Trafficking to demonstrate that the characteristics outlined, to identify persons who are trafficked,

¹¹ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women/girls and Children 2000, set out minimum international standards for the prevention and combat of trafficking in persons for different forms of exploitation.

According to article 3:

"(a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

"(b) The consent of a victim of trafficking in persons to the intended exploitation ... shall be irrelevant where any of the means set forth in paragraph (a) have been used;

"(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in paragraph (a);

"(d) 'Child' shall mean any person under 18 years of age."

Canada ratified the Trafficking Protocol in May 2002 and accordingly made changes to Criminal Code in 2005. Parliament also enacted the Immigration and Refugee Protection Act (IRPA) in June 2002.

are similar to those who are in Forced Marriage situations. Therefore, SAWC believes, based on client feedback, that broadening the scope of these definitions to include Forced Marriage, as a form of Human Trafficking, will provide a legal framework for some remedial actions for victims in these situations.

The Anti-human trafficking Unit¹² of the United Nations Office on Drugs and Crime (UNODC) has stated that women/girls constitute 54% of the victims of trafficking worldwide. The majority of these women/girls have been trafficked for sexual and/or labour exploitation. However, many are trafficked for the purposes of marriage for monetary gain and other benefits, which could include citizenship. Forced Marriage therefore can be defined as a form of Human Trafficking based on the above protocol of Human Trafficking.

The *Trafficking of Women/girls in Canada Report (2000)*¹³ defines "Trafficking in women/girls as the exploitation of a woman, in particular for her labor or services, with or without pay and with or without her consent, by a person or group of persons with whom she is in an unequal power relationship. Trafficking in women/girls, can take the form of abduction, the use of force, fraud, deception or violence, results in the movement of people between countries differentiated by economic inequality....." Forced Marriage is coercion and use of marriage for the purposes of sexual or other gains. Although the above and commonly used research definition does not name Forced Marriage. It is evident that Forced Marriage does in fact fit in to this

¹² Trafficking in Persons- Global Patterns, Paper presented at the International Symposium on International Migration and Development, Turin, 2006

¹³ *Trafficking of Women/girls*, is a Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers and Mail-Order Brides 2000, research funded by The Status of Women/girls Canada Policy Research fund in 2000.

framework. Forced Marriage is forced labour, forced sex, and fraud and deception. SAWC is of the opinion that remedies that are applied to the definition should be broadened to include Forced Marriage.

Human Smuggling vs. Human Trafficking –A Key Distinction:

It is important to distinguish human trafficking must be distinguished from Human Smuggling. Human smuggling is the movement of people through international borders, where the smuggler is gaining monetary compensation for the transportation of the individual(s). "Human smuggling is generally with the consent of the person(s) being smuggled, who often pay large sums of money."¹⁴ Human smuggling can lead to instances of human trafficking, where the client is victimized, abused, enslaved or held hostage until they pay off their debt. For the purposes of training, a distinction has been made between Human Smuggling and Human Trafficking to ensure that anyone using this guide understands clearly the differentiating indicators.

¹⁴ Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking 2006 - <http://www.state.gov/m/ds/hstcenter/90434.htm>

The Cycle of forced marriage and human trafficking on the basis of domestic violence

Drawing on these existing definitions, human trafficking is generally characterized by forms of forced labour, and for the purpose of sexual exploitation. However the focus of R.I.G.T.H.S_{F.M.} is to look at human trafficking through the lens of forced marriage, which is a form of domestic violence. All components of human trafficking like extortion, coercion, seduction, and/or deception also manifest in forced marriages. The key variant of human trafficking through forced marriages can be described as one of the forms of violence against women/girls (hereinafter referred to as VAW). The term Human Trafficking in this instance is the movement of women/girls through local/national/international border(s) for the purposes described in this guide. This focus of R.I.G.T.H.S_{F.M.} was specifically identified to provide some legal recourse and other remedies to women/girls in such circumstances, the majority of whom are immigrant and/or refugees.



CHAPTER FOUR

FORCED MARRIAGE IS A FORM OF
HUMAN TRAFFICKING

FORCED MARRIAGE: A FORM OF HUMAN TRAFFICKING

It is important for service providers to identify with the types of “force/duress” women/girls are subjected to in families and communities.

Parents pressure their children to marry someone whom they think suitable for a number of reasons. None of the reasons or justifications they present are sufficient to qualify or prove that the consent obtained for such a marriage is not forced. The consent is in the means.

*Quote from SAWC
Focus Group
participant:
“Families usually
commit to marry
their siblings within
their relatives to
support each other
monetarily or
otherwise”*

Coercion has many forms. It may be an exchange of a favour or gift to settle a financial debt within the families. Very often women/girls are emotionally

guilted into a marriage to “retain” culture, wealth, social status and/or religion. Additionally, in some communities matrimonial alliances between families are a matter of reputation and family status.

In such cases it is about the movement of women/girls, men and/or children from one location (local/national/international) to another through the formal institution of “marriage”. These individuals are forced to do so by family members for several reasons, which are outlined in the diagram.

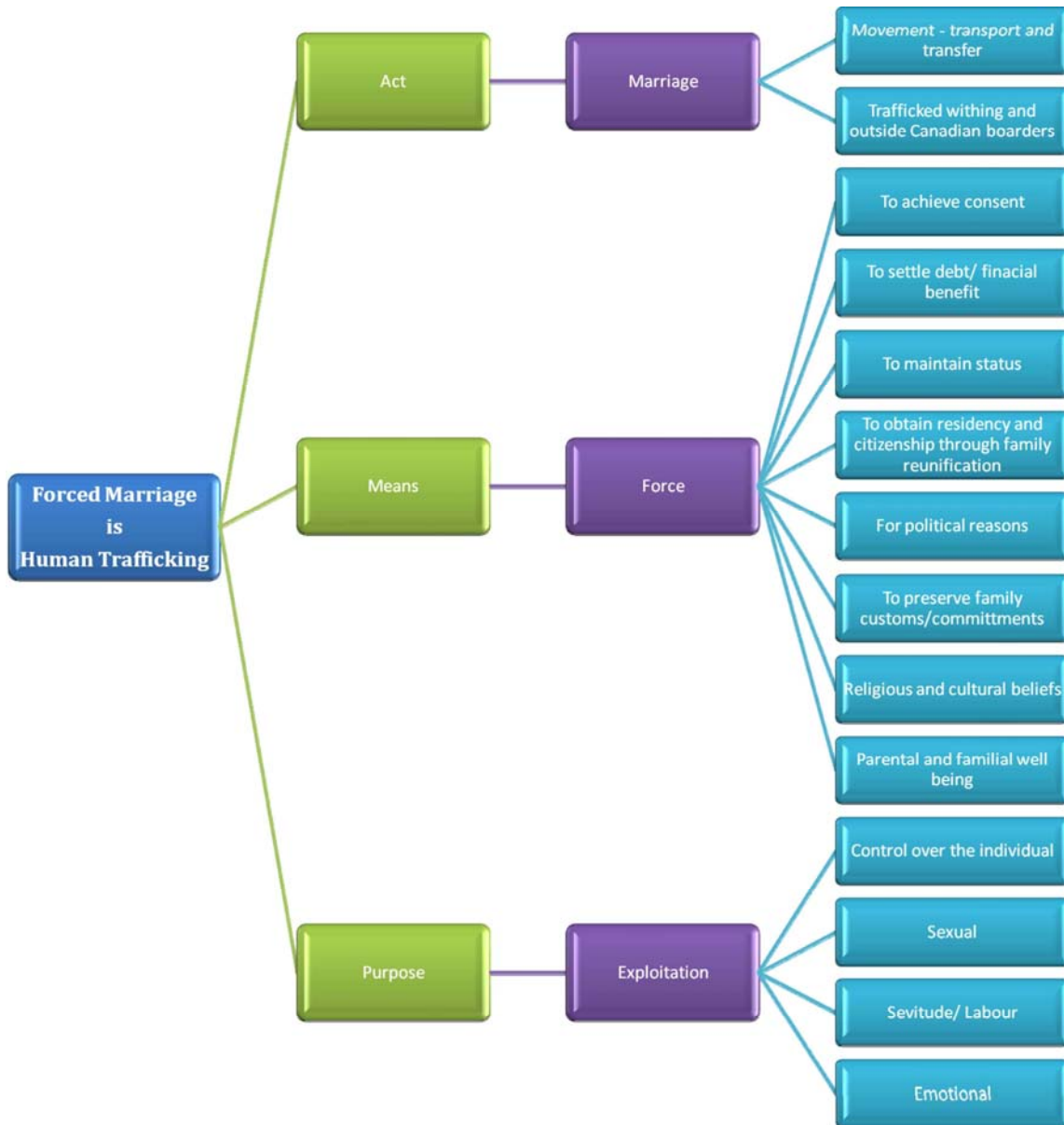
Women/girls who are forced into such alliances are exploited and subjected to sexual and/or physical (specifically labour/servitude) violence. With a lot of pressure on them from their community and parents, emotional harassment is common.

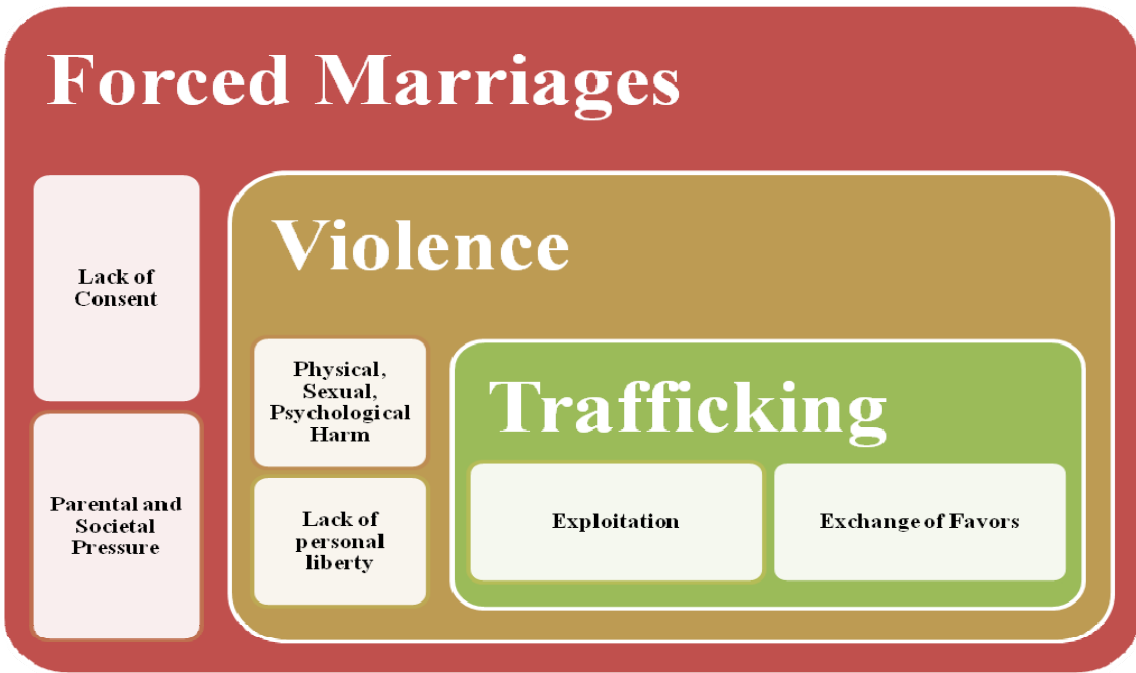
Thus, the intersections of Forced Marriage/Human Trafficking (FMHT) can be defined simply as cases of forced marriage in which the elements of the crime of trafficking – act, means, and purpose of exploitation¹⁵ are evident, and in which coercion is a facet of VAW.

¹⁵ United Nations Office on Drugs and Crime

Domestic violence can take many forms, such as physical, sexual and/or psychological exploitation. When women/girls are forced into matrimony through violence and pressure by family members they are deprived of the ability to take charge over their own lives..

MATRIX OF ISSUES FOR THE PURPOSES OF R.I.G.H.T.S.F.M.*





Within this diagram interlinking issues very specific to the R.I.G.H.T.S.F.M. project are depicted. Not all cases of forced marriage are cases of trafficking.

While examining trafficking conditions it is important to identify exploitation by the spouse and/or in-laws/extended family members along with a transaction between the families.



CHAPTER FIVE

INDICATORS



IDENTIFYING VICTIMS

Service providers should be sensitive and careful in classifying survivors/victims. They should also avoid assuming the nature of exploitation in cases of human trafficking in forced marriages.

Furthermore, family obligations that are linked to women/girls' cultural and/or socio-economic positions can remove their ability to exercise any real choice, or give free and informed..

In order to assess clients who have been human trafficked through the legal definition of marriage, it is very important to learn some of the main indicators of HTFM.

However, as with any situation of violence against women/girls, all, a combination, or no indicators may be apparent. The most important step is to develop an open, trusting and safe relationship with clients so they feel comfortable enough to disclose their situation.

Victim Indicators:

1. Physical *

- Injuries – usually visible or disclosed
- Illness
- Obvious signs of malnutrition
- Self-harm and/or suicide attempts

2. Psychological *

- Depression – can also lead to suicide
- Guilt associated with family obligations/ duty
- Fear of isolation
- Fear of self-expression
- Self-blame/shame

3. Situational

- Concerns about family reputation and/or status
- Lack of knowledge of immigration policies
- Fear of deportation
- Exchange of favours/dowry/gifts/wealth in her marriage
- Lack of informed consent to the marriage
- Forced labour/servitude
- Kept in isolation/not allowed to make friends
- No contact with her family back home
- Fear of losing child custody/ separation from child(ren) due to deportation
- Does not possess her personal passport or visa documents
- Fear of losing family support/no family support
- Expulsion from family
- Financial dependence on her spouse and/or his family
- Severe economic deprivation
- Deprived of personal freedom
- Social stigmatization

4. Sexual **

Disclosure by the client of:

- Injuries of a sexual nature
- Forced sexual intercourse/rape

* *When physical and/or psychological indicators are present, it is always recommended that clients be referred to a medical practitioner to ensure that they receive proper and appropriate care.*

** *Sexual indicators are usually not visible. The client may disclose them to the service provider. In these cases, it is very important to listen to the client and not place them in a position where they are forced to disclose to the police or others. Many times for the women/girls, the abuser is family, and they are not emotionally ready to act against them. Rushing a woman can lead her to retract her disclosure to you, and decide to return to her abuser. Women/girls need to be empowered and trusted to make decisions about their bodies with the support of their service providers.*

DISCLAIMER:

Victims of FMHT do not fit the typical perception of a victim/survivor. There is a duality found in the victim/survivors of FMHT, which can make it harder to help them.

LIVING IN HUMAN TRAFFICKING CONDITIONS

After identifying human trafficking conditions it is important to investigate signs of exploitation by the spouse and/or in-laws/extended family members along with any transaction(s) between the families. While assisting clients, it is important to establish if they are a victim of Forced Marriage, Human Trafficking, or Forced Marriage and Human Trafficking. Thus, it is crucial that as a service provider, you are able to distinguish between the Forced Marriage and Human Trafficking.

The questions below are focused specifically on evaluating whether the client is living in human trafficking conditions:

1. Was the client brought to Canada under false pretenses?
2. Is the client able to leave the home alone, or is always accompanied by a family member?
3. Is the client employed in the family business? If so, are they able to seek alternative employment?
4. Is your client able to use a phone at their discretion and without fear of someone listening on another line?
5. Do they have access to their children's records?
6. Does the client have access to all of their documents?
7. Is the client being paid? If so, does the client have access to their salary/pay, or is the family controlling it?
8. How many hours does the client work, and under what conditions (similar to that of a local worker doing the same job)?
9. Is the client receiving proper nutrition?

Human Trafficking exists when an individual is forced to work in slavery-like conditions. It includes the exploitative use of persons to undertake illegal activities, which can include labour fraud. Another common form is debt bondage, which is the cost of repaying the family/trafficker for sponsoring the bride or 'saving money to sponsor her family.

Factors Leading to Under-Reporting



Our research suggests that women/girls in South Asian communities do not report their abusive circumstances, making it difficult to document statistics. When investigating cases of trafficking in forced marriage, service providers are required to be very sensitive as they present support and protection services to clients. When women/girls decide to flee abusive circumstances they are doing so under tremendous potential risks. Reporting could lead to expulsion from their family and/or community. In these situations, acts of violence can be committed against women/

girls in the name of protecting and regaining “honour” for the family and/or community¹⁶.

Furthermore, case studies suggest that women/girls are unable to report the abuse themselves, due to some of the following reasons:

1. Being new to the country and feeling isolated;
2. Women/girls are uninformed of the system and their rights, for example - they fear losing their status in their new country.
3. Financial dependence on their spouse and/or in-laws.
4. Fear of losing child custody;
5. Language barriers;
6. Fear of not getting safe accommodation;
7. Societal, family and/or community pressure;
8. Debt incurred as a result of marriage; cultural conceptions of reciprocation – “paying off the debt”
9. Feelings of guilt and/or obligation to preserve the forced marriage¹⁷.

There are many consequences for women/girls who choose to disclose that they are in a FMHT situation. As a community, the issues faced by the women/girls in these situations are not discussed and a woman who communicates her situation with

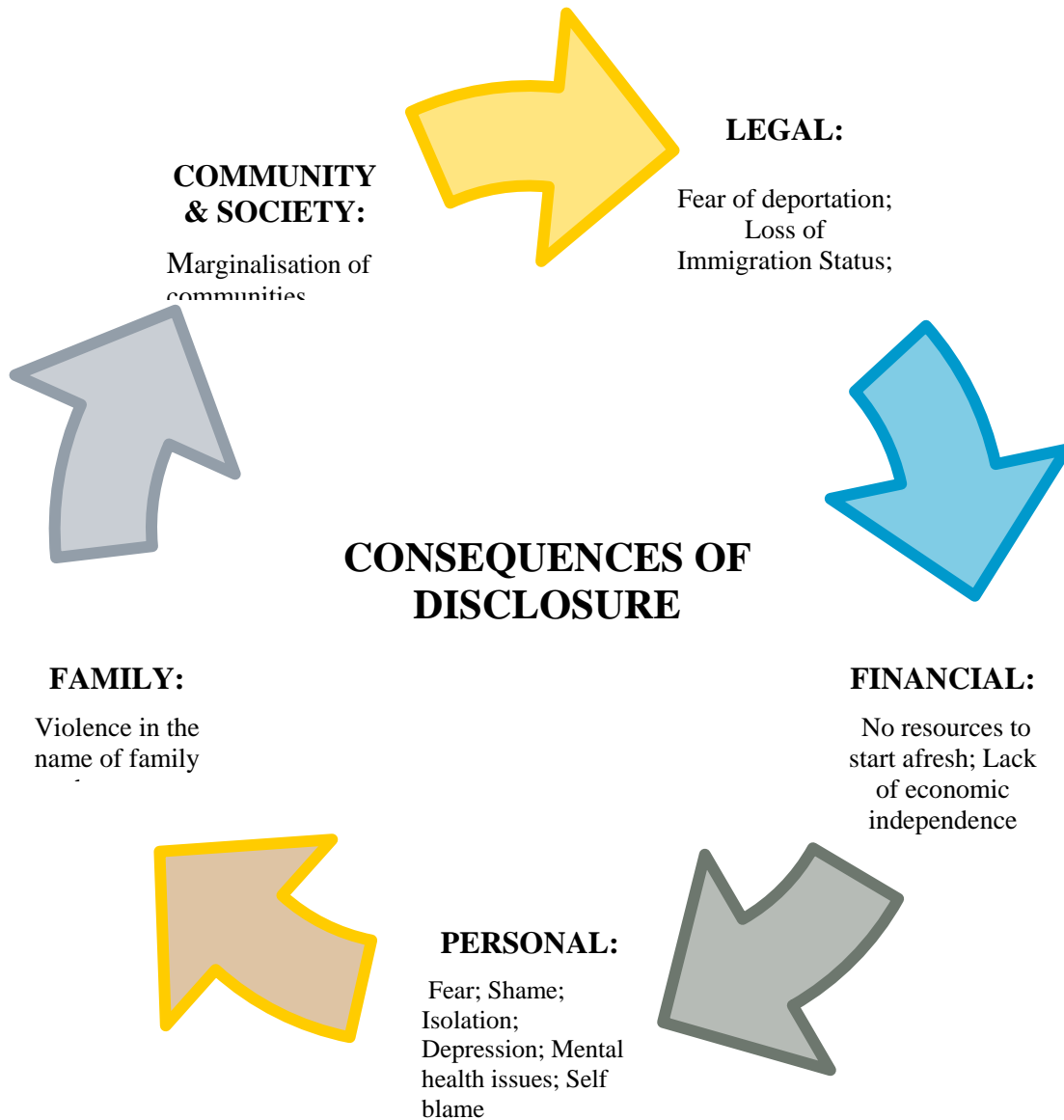
¹⁶ Honor Violence and Forced Marriage- A training curriculum for law enforcement and child protective professionals by the AHA Foundation, United States

¹⁷ See Section III

“outside”¹⁸ people/agencies faces many repercussions for her actions, as shown in the *Cycle of Silence* chart below. Survivors have been socialized to remain connected to the community. This affects their sense of belonging and identity in relation to their ethnic community. It tends to present a greater barrier for South Asian women/girls than for non-South Asian women/girls.

¹⁸In this case the term “outside” does not simply mean the community but can also refer to speaking to someone outside of the family unit.

CYCLE OF SILENCE



CHAPTER SIX

SERVICE PROVIDER TIPS

DEALING WITH CONFIDENTIAL INFORMATION

It is very important for agencies to help build confidence in women/girls who are trafficked through forced marriages. The primary focus of individuals serving South Asian women/girls should be to ensure the safety of the women/girls who approach them for help.

Do's

- Women are more comfortable speaking in their first language. It is strongly recommended that service providers work with well trained female interpreters who understand the issues¹⁹.
- Interviews or investigations should be conducted in a culturally sensitive manner.
- There are certain communities in which the giving of gifts to the groom and his family is common in a matrimonial alliance. As a result, service providers helping victims/survivors should try to enquire about the facts through an open-ended questioning process.
- Inform the client that her information is confidential and protected, and that disclosure is based on client consent.
- Inform clients that they have legal options, and refer clients to appropriate legal clinics/lawyers or legal aid.
- Direct clients to a suitable medical practitioner/counselor if necessary.
- The safety of the client is of highest priority. Clients must be advised to move into safe accommodation if they are in danger.
- Above all else, create a safe space where clients can become active participants in deciding their options. However, in cases where there are safety concerns for a child, service providers are required by law to inform the police and child protection services (CAS).

¹⁹ MCIS ([Multilingual Community Interpreter Services](#)) is an NPO, who provides) provide translation in all south ????

Don'ts

- Interpreters should be a third party and not a family member.
- Do not force the client to take any step against their family right away. Clients should be given enough time to assess options and make informed decisions.
- Do not provide legal advice. Service providers are allowed to provide legal information and referral, but not legal advice.
- Do not interact/ share any information with the victim's family members or community, including family friends and/or extended family.

South Asian Women/girls and Shelters:

Our research shows that some women/girls feel embarrassed and insecure in dealing with shelter staff, even when the shelter staff speak South Asian languages. The feelings expressed by these women/girls can be attributed to the social stigma associated with residing in a shelter. Often women/girls who are in desperate situations go to a shelter and find that they are unable to deal with the breakdown of their marriage. Dealing with the shelter structure sometimes makes their situation worse; especially given they are away from their home (known space). Clients may need help to overcome the myths and negative perceptions of shelters. Simultaneously, it is suggested that Safe Housing could be a better option for a victim in abusive circumstances.

LEGAL SUPPORT

Canada has ratified the UN conventions against Transnational Crimes and its Protocols and designed its legal framework to prevent and combat human trafficking. Therefore, Canada has declared internationally that it will work to combat Human Trafficking in Canada.

The **Criminal Code of Canada** has provisions to prohibit trafficking in persons benefiting economically from trafficking, and withholding or destroying identity, immigration, or travel documents to facilitate trafficking.

Under the Criminal Code, family members and parents can also be charged with offences, including threatening behaviour, kidnapping and abduction. The husband of the victim in these cases can be charged with rape when sexual intercourse is/has been forced and without consent. Consent is always freely given without fear. Rape and sexual assault can occur when the husband uses his position of authority to demand sex, and the woman feels that she must submit.

If the client is thinking of leaving the relationship, advise her to seek legal advice. If she is concerned about her status in Canada, she may be able to pursue an application to remain in Canada on humanitarian and compassionate (H & C) grounds OR apply for a Temporary Resident Permit (TRP).

Temporary Resident Permits: According to the 2001 Immigration and Refugee Protection Act, immigration officers can issue Temporary Resident Permits (TRPs) to victims of human trafficking for up to 180 days. The permits enable victims to begin to recover from the impact of this crime. Victims who receive the TRPs will also be

exempted from the processing fee, and will be eligible for health-care benefits under the Interim Federal Health Program. The new measures have been carefully designed so that only *bona fide* victims of human trafficking will benefit from them. Additionally, the Act describes the act of human trafficking as punishable under law with life imprisonment and a penalty for the perpetrator(s)²⁰.

Victims can be referred to the Criminal Injuries Compensation Board²¹ for damages under civil law. However, studies suggest that women/girls hesitate to file complaints against their families.

Agencies should inform victims of their legal options only after proper investigation. It is recommended that agencies refer clients to legal clinics, legal aid and lawyers for full legal advice, as each case file is unique.

²⁰ However, it is important to note that the TRPs are very difficult to acquire, and are only given for a 6 month period. For more information, please visit <http://www.cic.gc.ca/english/information/applications/visa.asp>

²¹ Visit <http://www.cicb.gov.on.ca/en/contact.htm>

SAFETY PLAN

One of the most important things that need to be created for any survivor of FMHT or Domestic Violence is an Exit Plan. The Exit Plan enables a survivor to have a strategy in place for when and if they need to escape. Below are some suggestions for a safety plan as well as a list of items that should be in your client's exit plan.

Safety plans can be completed together and depend on the client's availability, level of freedom and movement.

Creating the Escape Box:

Ensure that clients can create a box with their safety plan, and that it can be kept in a safe location, if possible at the house of someone they trust. If not, ensure that their box of items is well concealed and in a location that can be easily accessed in times of emergency. Ensure that they are able to keep the originals or copies of the following items in their box:

- Passport
- Birth Certificate
- Immigration documents
- Marriage License
- Social Insurance Number (SIN Card)
- Health Card
- Children's documents (birth certificates, health and immigration records etc)
- Cash *
- Extra house key
- Phone numbers of shelters

**Clients should not rely on credit cards or access to their bank accounts, especially if they are joint and family can prevent the client from accessing them. Cash is always the safest bet, any amount is encouraged.*

The Code Word System

The code word is perhaps one of the most important tools for clients, and may save their life.

- Have clients create a code word to be used with a trusted person who can call the police or emergency when the code word is utilized
 - Make sure both parties know that all the client needs to do is call/text or email the code word to get immediate assistance.

- Create a code word with the client which can be used to indicate their inability to speak on the phone or in person because they are being monitored.
 - As a second step, make sure that the trusted person knows how they should respond to that code word, including whether they can call them back at the same number when they have received a voicemail.

- Ensure clients are aware that they must always be sure that they wipe their computer and/or hide their online steps. For how to do this, please refer to the Forced Marriages.ca "Covering Your Tracks" webpage:
<http://www.forcedmarriages.ca/Cover-Your-Tracks/>
 - Make sure that your client is aware that there is new programming/software that allows others to monitor their keystrokes and internet searches. If possible, advise clients to use library or public computers when accessing sensitive resources.

Additional Actions

The following are suggestions that can make it easier for a client to leave her abuser. These actions are harder to do, and are based on the level of freedom and personal social resources of the client. Advise them to:

- Set up a separate bank account that no one else has access to
- Set up a new email account, keep it private, and change the password regularly
- Leave copies of documents with a trusted person, and determine a safe place to go to in an emergency
- Keep emergency contact information in an easily accessible place
- Keep spare clothes for themselves and their children in a secure place
- Document dates and instances of violence and trafficking conditions that could be needed for future legal action

For a more in-depth safety plan, additional resources are available as part of this resource kit.

Safety plans are important, but ensure that your client is aware that the most important thing is her safety of her and that of her children. If she and/or the children feel unsafe, the best option is to leave immediately. Their possessions can be retrieved later.

SAFETY PLANS FOLLOW UP FOR SERVICE PROVIDERS

- Inform the client that after leaving, she does not have to return home alone to pick up her things:
 - Police officers can accompany clients to get their possessions
 - A third party can also be sent to retrieve her possessions.

- When making a referral to a shelter, make sure that shelter staff are aware that the husband may not be the only perpetrator, and that the woman's own family, including brothers and sisters, extended family and/or parents, may attempt to force her to return to the FMHT situation

- Ensure that the client is aware that no child under the age of 13 is left alone at home when the client is away seeking help or when they flee
 - Many times clients leave the children at home, knowing that the family will not hurt the child and are unwilling to take the children with them into a potentially dangerous and unknown location. This, however can cause greater difficulty when the client attempts to regain custody of the children, as it may be used to illustrate abandonment.

- Follow up with referrals to health care providers, lawyers and psychological counseling, as needed, during and after the 'escape'.
 - If the client takes her trafficker to court, the client will have to relive the trauma. Ensure that clients are supported throughout the entire legal process, as well as after the trial.

- As soon as possible, help the client document the dates, instances and events that occurred which illustrate that they were in forced marriage and/or human trafficking conditions. This will make it easier for the client to re-tell her story as needed to social workers, legal workers, police officers and seek legal and other remedies

The background consists of several overlapping, curved, semi-transparent shapes in shades of orange and red. The shapes are layered, creating a sense of depth and movement. The colors range from a light, pale orange to a vibrant, deep red. The overall composition is abstract and modern.

CONCLUSION

CONCLUSION AND RECOMMENDATIONS

Women/girls who have been trafficked through forced marriage generally do not identify themselves as victims of human trafficking. It is a lesser known issue, and there are many underlying factors like social stigmatization and potential harm to their family members, which perpetuate the cycle of abuse.

- It is recommended that the provisions under existing laws be drafted to more clearly define human trafficking in forced marriages.
- Circumstances around the crime and its consequences need to be duly considered to frame the support systems and resources for victims and their service providers.
- Compensatory damages (for pain and suffering) are also suggested along with punitive measures to deter the perpetrators of these crimes. It is therefore suggested that legal aid (to claim damages) be included for survivors of human trafficking through forced marriages.



R.I.G.H.T.S. F.M.

Developed by:

SOUTH ASIAN WOMEN'S CENTRE

800 Lansdowne Avenue, Toronto, ON M6H 4K3

Tel: 416-537-2276 www.sawc.org info@sawc.org