



ARCHIVED - Archiving Content

Archived Content

Information identified as archived is provided for reference, research or recordkeeping purposes. It is not subject to the Government of Canada Web Standards and has not been altered or updated since it was archived. Please contact us to request a format other than those available.

ARCHIVÉE - Contenu archivé

Contenu archivé

L'information dont il est indiqué qu'elle est archivée est fournie à des fins de référence, de recherche ou de tenue de documents. Elle n'est pas assujettie aux normes Web du gouvernement du Canada et elle n'a pas été modifiée ou mise à jour depuis son archivage. Pour obtenir cette information dans un autre format, veuillez communiquer avec nous.

This document is archival in nature and is intended for those who wish to consult archival documents made available from the collection of Public Safety Canada.

Some of these documents are available in only one official language. Translation, to be provided by Public Safety Canada, is available upon request.

Le présent document a une valeur archivistique et fait partie des documents d'archives rendus disponibles par Sécurité publique Canada à ceux qui souhaitent consulter ces documents issus de sa collection.

Certains de ces documents ne sont disponibles que dans une langue officielle. Sécurité publique Canada fournira une traduction sur demande.



Report on the Practice of Forced Marriage in Canada: Interviews with Frontline Workers

Exploratory Research Conducted in Montreal and Toronto in 2008

Prepared by:
Naïma Bendriss

Presented to:
Family, Children and Youth Section
Department of Justice Canada

November 2008

*The views expressed in this report are those of the authors
and do not necessarily represent the views of
the Department of Justice Canada.*

Aussi disponible en français

- Information contained in this publication or product may be reproduced, in part or in whole, and by any means, for personal or public non-commercial purposes, without charge or further permission, unless otherwise specified.
- You are asked to:
 - exercise due diligence in ensuring the accuracy of the materials reproduced;
 - indicate both the complete title of the materials reproduced, as well as the author organization; and
 - indicate that the reproduction is a copy of an official work that is published by the Government of Canada and that the reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.
- Commercial reproduction and distribution is prohibited except with written permission from the Department of Justice Canada. For more information, please contact the Department of Justice Canada at: www.justice.gc.ca.

©Her Majesty the Queen in Right of Canada,
represented by the Minister of Justice and Attorney General of Canada, 2013

ISBN 978-1-100-22744-3

Cat. No. J4-22/2013E-PDF

This study was done with the collaboration of Rights and Democracy and the South Asian Legal Clinic of Ontario and in particular, Ritu Choksi, researcher, who conducted the interviews in Toronto. We would like to sincerely thank all the respondents who took part in this study and who made it possible.

Naïma Bendriss is an associate-researcher with the Research Chair on Immigration, Ethnicity and Citizenship (CRIEC) at the University of Québec in Montréal.

TABLE OF CONTENTS

1.	INTRODUCTION	1
	1.1 Methodology	2
	1.2 Occupational profile of respondents	3
	1.3 Difficulties encountered	4
2.	ANALYSIS AND INTERPRETATION OF INTERVIEWS	5
	2.1 Socio-demographic description of individuals threatened with or victims of a forced marriage	5
	2.2 Types of forced marriage	6
	2.3 How respondents perceive forced marriage and the distinction they make between a forced and an arranged marriage	7
	2.4 Reasons for forced marriage	11
	2.4.1 Because marriage is a social act, a family matter	11
	2.4.2 To protect young women	12
	2.4.3 To save family honour	12
	2.4.4 The family is in exile	13
	2.4.5 To comply with a religious precept	13
	2.4.6 To control women's sexuality	14
	2.4.7 Socio-economic factors	14
	2.4.8 A guarantee against poverty	14
	2.4.9 To deal with the consequences of pregnancy out of wedlock	16
	2.5 Pressure brought to bear by the family and social circle	17
	2.6 Strategies, bargaining and family conflicts	20
	2.7 Forced marriage, threatened forced marriage, what are the consequences?	22
	2.8 Help provided by service providers to victims of forced marriage or persons threatened with forced marriage	24
3.	WHAT REMAINS TO BE DONE	29
	3.1 The role to be played by government to counter forced marriage	29
	3.2 The role to be played by civil society	33
4.	RECOMMENDATIONS	37
5.	CONCLUSION	39
	BIBLIOGRAPHY	41

1. INTRODUCTION

This report follows an annotated bibliography conducted to begin to understand the phenomenon of forced marriage in Canada, the extent, the issues and context, the causes and consequences, and the means employed by frontline workers to help persons who are victims of such practices.

To that end, this study was based on a qualitative survey of field workers who deal with this issue. It looked at two aspects: the situations of individuals faced with the prospect of a forced marriage, and the support provided by community workers.

The first question is what is meant by forced marriage? The expression “forced marriage” refers to a marital union where one of the parties, and sometimes both, is forced to marry against their will.

Such marriages are contrary to the *Universal Declaration of Human Rights*, article 16 of which provides that “[m]en and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. Marriage shall be entered into only with the free and full consent of the intending spouses.”

Nonetheless, the practice of forced marriage persists in many societies and every year affects thousands of women, as well as men although in fewer numbers. It exists in Canadian society, but the extent is not yet known. This is why a first study on this subject was necessary.

The goal of the survey that forms the basis of this report was to collect field data to begin to understand this practice, to study the form it takes, and its causes and consequences, to note the actions undertaken at the community intervention level to counter it, to identify some elements that can be used to develop policies, programs and preventive, educational and legislative measures, and finally . . . to pave the way for broader research on the

subject. This qualitative study is strictly exploratory and is not based on any particular theoretical framework. It aims to answer the following questions:

- What form does forced marriage take in Canada?
- Are we looking at an actual social phenomenon, or rather isolated cases?
- How do service providers perceive forced marriage? What distinction do they make between forced and arranged marriages?
- What are the underlying causes of forced marriage?
- What types of pressure are brought to bear on victims by their family and social circle?
- How do persons threatened with a forced marriage deal with their family and social circle?
- What type of assistance do service providers offer for people who are threatened with or who are victims of forced marriage?
- What tools do service providers have to respond to these kinds of requests?
- What role do service providers believe government institutions, civil society and educational institutions should play?
- What recommendations are made by the service providers?

1.1 Methodology

Before undertaking the field survey, a literature review was conducted on forced marriage in Canada revealing a clear lack of interest in the subject. Unlike some other immigration societies, Canada has given little attention to the question, whether in terms of basic or participatory research or with regard to policy or legislation. Also, no statistical data exists that could be used to assess how widespread the phenomenon is. Accordingly, this survey was exploratory only.

This study was conducted through a series of interviews with service providers, the only persons likely to have significant information on this subject. These interviews were held in March and April 2008. In all, 16 individual semistructured interviews were conducted

with the help of an interview guide, lasting an average of 1 hour and 15 minutes each, eight were held in Montréal and eight in Toronto. Confidentiality was ensured from the start. Each interview was recorded and then transcribed verbatim¹. Finally, the information collected was processed using a conventional theme analysis method.

1.2 Occupational profile of respondents

In Montréal, the occupational profile of the eight respondents interviewed were as follows:

- three working in a women's shelter for victims of spousal and family violence (Respondents A, B and C)
- two working in a women's centre (Respondents D and E)
- a director of a women's centre (Respondent F)
- a high school psychotherapist (Respondent G)
- a director of a help centre for the social and occupational integration of young women from minority groups. This respondent was previously responsible for a foster family for young women facing forced marriage (Respondent H).

The eight respondents interviewed in Toronto gave their status as follows:

- a violence against women counsellor in an immigrant services centre (Respondent I)
- an executive director of a community agency (Respondent J);
- a violence against women counsellor in a health centre (Respondent K)
- an immigrant services and settlement counsellor (Respondent L)
- an attorney who is also an executive director in a community legal aid clinic (Respondent M);

¹ One of the persons interviewed in Toronto later contacted the interviewer, requesting not to be cited. That interview was read but was not taken into consideration in this study.

- a paralegal community counsellor working in a community legal aid clinic, who also coordinates a volunteer project (Respondent N);
- a lawyer working in a legal aid clinic for immigrants and refugees (Respondent O);
- a lawyer working in a legal aid clinic for refugees (Respondent P).

The names of the employer organizations show that in Montréal, most (seven out of eight) of the respondents recruited work in women's centres, compared to only one in Toronto. On the other hand, seven of the organizations in Toronto are community and/or paralegal aid agencies, while none in Montréal falls into that category. This may have affected the results of the study, but we are unable to assess the effect.

1.3 Difficulties encountered

Collecting data was a particularly difficult task. Dozens of organizations likely to have knowledge of forced marriage cases were contacted during February, March and April 2008, in order to identify as many respondents as possible. There were numerous refusals due to a lack of time to meet with us, as the months of February and March are especially busy for community workers who are preparing activities in connection with International Women's Day and Anti-Racism Week, not to mention working on files to be completed and budgets to be submitted by the end of the fiscal year on March 31. In addition to these time constraints, some of those contacted refused because of their duty to respect the confidentiality of the victims, despite our guarantee of anonymity and the confidentiality of information. In addition, some mentioned being fed up with constantly receiving requests to participate in basic or action-oriented research without seeing any practical results. Some workers in shelters for abused women or women's centres did clearly recall meeting individuals in the course of their work who had experienced or been threatened with a forced marriage, but the problem was eclipsed by the broader problem of violence against women, and so they did not feel that they were in a position to participate in the study and instead referred us to other organizations.

We believe that other refusals were likely based on the very sensitive nature of the problem of forced marriage. Some people who declined the invitation to participate in the study, especially members of particularly vulnerable minority groups, wanted to avoid exposing their group to stigmatization.

2. ANALYSIS OF DATA COLLECTED FROM FIELD WORKERS

2.1 Socio-demographic description of individuals threatened with or victims of a forced marriage

According to the respondents, individuals who are threatened with or who are victims of a forced marriage are mostly young women. This problem may also affect young men although to a lesser extent and in a different way. These respondents, however had only encountered young girls or women. Therefore, in this report we will deal only with the service providers' experience with young girls and women.

The forced marriage cases identified in the study occurred in families who had come to Canada from South Asia, the Middle East, North Africa, Sub-Saharan Africa, Haiti, the Dominican Republic, Cuba, Latin America and Eastern Europe. However, this finding does not allow us to generalize regarding these regions because there are large numbers of people from these areas who do not follow this practice, who disapprove of it, who denounce it and who strive to eradicate it.

The practice of forced marriage affects girls who are born in Canada or who arrive as children and grow up here, as well as women who were born elsewhere and married in their country of origin and then joined their spouse here, and women who married in their country of origin and settled here with their husbands. Another typical case in Canadian society involves girls who have fled their country of origin to escape a forced marriage and sought asylum here.

The threat of a forced marriage concerns minor girls, young women of the age of majority, as well as adult women. The ages of young girls and women who were

threatened with a forced marriage, and who met our respondents, varied from 12 to 27 years. They included girls who were still attending school and girls who were working or in the home. Women born abroad who married in their country of origin either a Canadian citizen, or a spouse who came to live in Canada at the same time as they did, varied in age from 13 to 50. When the service providers met those women, they were going to school, working or working in the home.

In the case of a consummated marriage, the fact that it was a forced marriage becomes apparent only when conjugal violence occurs or is repeated and the woman decides to seek help. The women then tell the workers about the violence they experienced at the hands of their husbands. Few of them reveal that they were married against their will and service providers discover only incidentally from the women's accounts that the relationship was based on a forced union from the start.

In the case of individuals threatened with forced marriage, two typical cases emerged from the interviews: girls who had failed to persuade their parents to change their minds and who then left their families; and girls who were forced into marriage, whether or not they had initially objected.

2.2 Types of forced marriage

The survey revealed six types of forced marriage in Canada:

- a. A person who was forcibly married in her country of origin who then came to live with her spouse already established in Canada;
- b. A person who was forcibly married in her country of origin who then came to settle in Canada with her spouse;
- c. A person who fled a forced marriage in her country of origin (or a third country) and sought asylum in Canada.
- d. A person who was born in Canada or who grew up here who was married by force by her family or members of her social circle to a man already established in Canada;

- e. A person who was born in Canada or who grew up here who was married by force to a man established in the country of origin (or a third country), and settled in that country;
- f. A person who was born in Canada or who grew up here who was married by force to a man in the country of origin (or a third country) who then settled in Canada.

2.3 How respondents perceive forced marriage and the distinction they make between a forced and an arranged marriage

Is forced marriage a serious social problem or are those encountered isolated cases? How do we assess the number of forced marriages? Because a forced marriage essentially takes place within a family and is based on a relationship of domination, it is most often a private matter, restricted to the family sphere. In order to determine the extent of the problem, persons subjected to forced marriages need to talk about them. However, in many cases they dare not do so.

When questioned about the extent of forced marriage within Canadian society, most of the persons interviewed stated that according to them this was a real societal problem and not just a matter of isolated cases. They claimed that this subject is still taboo which is why it is not openly discussed in society and that in reality the problem is much more significant than may be considered.

In looking for people to participate in the field study, we spoke with a number of service providers who did not want to or who were not able to be interviewed, but told us they had encountered people in the course of their work who were facing a forced marriage, and in their view this was quite a significant problem. On the other hand, other service providers contacted, particularly those working in a community environment and dealing with members of minority groups, told us that they had never met anyone living in such a situation or who had gone through a forced marriage. Others were surprised that we were conducting such a study and pointed out that forced marriage is an outdated practice, that parents no longer force their children to get married, and that if there were any such cases, they must be few and far between. These contradictory answers are not surprising

regarding an issue that remains taboo and that few want to openly discuss. Those contradictions justify the need for such a study.

Aware of the blurred line between a forced and an arranged marriage, we wanted to study the respondents' understanding of each and the distinctions they made between them. The opinions we received were divided. While some saw the distinction between these two types of marriage as clear, it was less clear to others. However, before examining their views on the two types of marriage, this is how a legal aid clinic in Toronto defined forced marriage:

We pretty much actually worked on getting the forced marriage definition in and the way it stands right now in Canada or say in Ontario, we were the ones who actually came up with a definition. So the idea was that it's a marriage which a man or a woman enters into without identification of these cases - that these cases at times come in garb of family violence or at times they come in the garb of immigration issues. So it's up to the service providers to know how to categorize the case and put it into a different box, rather than putting it into the same box that's the family violence or immigration issue. So at (name of the organization), what we've done so far, is that the cases which we say are direct forced marriages cases, are those where the woman, or the man, who's coming to us is actually seeking help either because they don't want to get married – so the cases that are coming before marriage is very easy to categorize, or the cases where marriage has happened but they don't want to sponsor their spouse or they don't want to go back to their spouse that they have signed... from being away or they want to flee away from the relationship. So those are the three different categories that we directly categorize them as forced marriage for our project. But saying that there are many many many cases where though the marriage has been for five or seven years, but the problems have been continuing ever since the day of the marriage because the marriage was not with the free consent. If somebody is coming to you that late, at times it's difficult to say that it is forced marriage but taking a note it can always help to categorize. (Respondent N)

In order to provide better service to the people who turn to them, those in charge of that legal aid clinic did some thinking about forced marriage and identified several categories of undesired marital unions. This study offers some reflection on the issue and defines concepts, and is therefore already the first step toward understanding the problem.

According to the comments of those who did make a distinction between the two types of marriage, a forced marriage exists when a person's parents, family members or social circle suggest a marriage with a man whom she may or may not know, and when she expresses her disagreement, she is subjected to psychological or physical duress from them to make her go along with their choice. [TRANSLATION] "A forced marriage happens when the woman refuses, resists and detests the person but is forced to accept him. Or she may be taken on a trip to the country of origin as though it were a vacation and be forced to get married over there." (Respondent F)

A relationship based on power and violence is then established within a family. As far as the respondents were concerned, anyone who has lived in a forced marriage and managed to escape from it, or is currently living in a forced marriage, or is currently being pressured by her social circle is a victim of this practice and must be considered as such.

The respondents defined arranged marriage on the other hand, as a marriage in which the parents or family of each of the future spouses play a central role in arranging and preparing the marriage, but have informed the individuals concerned of their intention and obtained the free and informed consent of both parties. In an arranged marriage, the parents or family propose, but the children dispose. Accordingly, this matrimonial practice assumes the consent of both of the future spouses. This type of arrangement does not seem to trouble some of the respondents, who feel that as long as both of the future spouses agree with the choice made by the families and consent to the marriage, the practice itself is not inherently bad. They point out that Canada, the United States and other Western societies have websites and agencies specialized in matchmaking for people who seek love or marriage and that sometimes families or friends act as matchmakers by explicitly encouraging a meeting between a man and a woman. The fact that families in some minority groups find mates for their children is not a problem for the persons surveyed as long as this is not done under duress and the persons concerned are advised of the plan from the beginning.

Other respondents said that they were puzzled by the question. They have difficulty seeing how one could draw a distinction between a forced and an arranged marriage, as the line between them is ambiguous, according to them. They point out that a forced marriage is initially an arranged marriage that becomes forced once the person concerned objects to it and the family or social circle exerts pressure to extort her consent.

[TRANSLATION] They are both forced, in my opinion. Both are forced because the woman does not have the choice of deciding based on her feelings. She has to obey her parents, what the family decides. I don't see much of a difference. Maybe it is less dramatic when it's arranged, less drama, but as far as I'm concerned it is tragic because the person is not free to choose with whom she wants to live, even sometimes they are so young at age 13 or 14 that they do not want to marry, they just want to live their life and youth and such marriages clip their wings. I really do not see much of a difference, except as far as drama is concerned. (Respondent B)

They add that an arranged marriage can be forced if the person to be married agrees to it because she sees no way out of her situation, or believes that objecting involves too great a risk. She may then submit to the decision made by her parents or social circle because she is not in a position to refuse or bargain. As was explained by some respondents, many arranged marriages are actually imposed but do not appear to be because the young women subject to them show little, if any, resistance. According to them, this is a façade that hides the absence of free consent. As explained by one of the respondents, an arranged marriage may have the same consequences as a forced marriage when the woman is subjected to violence from her spouse.

[TRANSLATION] Most often, it is mostly marriages that are arranged by the families. We have had one or two examples, for instance, where it was forced, but the majority, rather, are marriages where it was planned by the two families, but we also see the consequences of this because when there is a spousal violence situation and the woman wants a separation, the fact that her parents made the decision puts huge pressure on her, she can't separate the way someone who loved someone and then decided "okay, it's not working anymore, I am experiencing domestic violence, I want a separation" can do, because the issue is that the families come into it, they get involved and they refuse to allow a separation or divorce. They make threats, "listen, if you do that, your husband's family is going to retaliate, what is the community going to think of us?", and that is a factor in

the decision. Some women went back to their husband because of the family.
(Respondent A)

These reports show how strong family pressure is in a marriage, both at the time it is arranged and when a woman wants to escape a violent relationship. There are still numerous families which value the institution of marriage and family, consider the status of “married woman” a guarantee of respectability and social recognition and prefer this status to that of “single woman” or “divorcee” even when the marriage is characterized by violence.

2.4 Reasons for forced marriage

Numerous reasons that vary according to the social, cultural, economic, political and legal context explain the existence of planned and potentially forced, marriage. They may be cumulative or they may overlap. The respondents identified a number of reasons that seem to be at the basis of these marriages.

2.4.1 Because marriage is a social act, a family matter

Some parents do not ask their children for their opinion when they consider it appropriate for them to get married. This is most often the case when young girls are concerned, but also sometimes with young men, because parents consider marriage a social act that is a matter for the nuclear or extended family and even the community, and they consider it their duty to have their children marry. As far as the parents are concerned, this role is fundamental and failure to perform it would be negligent or even a dereliction of duty on their part.

First, a marriage is usually arranged between two families or between the girl’s family and a young or older man. The young girl is informed of the plan at the beginning, along the way or only when the wedding is scheduled to be held either in the country of settlement or the country of origin. When the marriage is solemnized in the country of

origin, often during an apparent holiday trip, the real reason for which is kept secret by the parents or social circle, young girls are faced with a *fait accompli*.

2.4.2 To protect young women

Parents use forced or arranged marriage to “place” their daughters because they are still considered to be subject to parental authority in some families and therefore regarded as minors. Accordingly, parents feel they have to protect them and act in their best interests by having them married, and preferably at a young age. In doing so they seek to ensure a solid future for their daughters by marrying them to men whom they consider to be best for them as knowledge of the suitor’s family or relatives gives them the feeling that their daughter will be protected. In fact, they entrust their daughter to a husband and in-laws whom they trust and with whom they have a ties of honour, which they see as a guarantee of security and proper treatment for the young wife among in-laws who will not treat her as an outsider.

2.4.3 To save family honour

Among immigrants, some families from conservative backgrounds follow the arranged marriage and forced marriage model. Fearful of seeing their children wed “strangers”, especially members of the majority culture or other minority groups considered to have different cultures or religions, parents pressure their children to marry within the family or community circle to prevent assimilation within the host society. A forced or arranged marriage thus becomes a matter of identity and is a bulwark for these families against assimilation and the loss of identity markers.

In fact, marriage is the institution in which family honour is most strongly invested, and it is through marriage that a person’s and family’s social standing is maintained. It is therefore an absolute imperative. Failing to perform that duty can jeopardize the very foundations of the family bond, and individuals who evade that duty risk being shunned.

2.4.4 The family is in exile

Marriage that is endogamous, in religious or cultural terms, is practised by families in exile as an extension of their country of origin. This model is based on the preservation of the bonds within a related group beyond geographic borders. Matrimonial alliances are what keep the dispersed family alive, and endogamous unions are based on networks of ongoing contacts with members who remained in the country of origin or who have settled in other immigrant societies. Transnational contacts are facilitated by modern means of communication that eliminate distances². Accordingly, arranged or forced marriages are used as a means to have family members or those in a membership group immigrate to Canada through sponsorship by the spouse who is already settled here. This results in transfers of persons from there to here and perpetuates transnational contacts.

2.4.5 To comply with a religious precept

Some Muslim families erroneously believe that marrying their children even without their consent is a religious precept. Because of a literal reading and rigid interpretation of the Koran and the Hadith, certain segments of the Muslim population consider arranged and forced marriage a religious duty, thereby betraying the very essence of the message. That belief arises out of their confusion of cultural practices with religious principles.

This confusion partly explains the fact that forced marriage is generally associated with Islam in Western public opinion, but the survey responses show that it also exists in families belonging to other religions. Young girls and women from Hindu, Jewish and Christian Catholic, Protestant or Orthodox families whom our respondents met were also facing forced marriage.

I would like to talk about countries of origin. First of all, many people when they speak with me about process and my clientele - they leap to the conclusion that it must be predominantly Muslim countries. I mean there are other countries – a lot

² It would be interesting to conduct a study of forced marriages in Canada from a transnational perspective.

of non-Muslim countries as well, which might surprise some people. I try to dispel sort of anti-Muslim attitudes. (Respondent P).

2.4.6 To control women's sexuality

Forced marriage is also a way of controlling women's sexuality. Some parents see forced marriage as a way of protecting their daughters against the risk of romantic relationships, and most importantly against sexual relations outside marriage. Above all, they are seeking to avoid pregnancies considered to be illegitimate that could result from this type of relationship. As far as many families are concerned, their reputation depends on the proper sexual behaviour of their members, especially the females. The patriarchal standards that are still valued in these families are reproduced in the society in which they settle. One of those standards is the duty to preserve virginity, which arises out of the desire to control women's bodies in order to preserve family honour, and thus patriarchal power. Vigilance on this point of honour is strict and a forced marriage, preferably an early one, is the best defence against any challenge to that honour.³

2.4.7 Socio-economic factors

There are sometimes social and economic factors surrounding forced marriage. It may allow two families or two clans to forge an alliance or to strengthen bonds and solidarity between groups. Families that opt for a marriage with first cousins are trying to remain within the group and preserve property and inheritance rights that might exist.

2.4.8 A guarantee against poverty

Poverty is one of the main causes of forced marriage. For some poor families, the marriage of a daughter to a man who is better off is both a way of giving her access to a higher standard of living than they can offer and a way of securing a nest egg in return for a dowry. Some young women who have sought and received assistance from workers in

³ As we were beginning to draft this report, the Tribunal de Grande Instance in Lille, France, rendered a judgment on May 29, 2008 by which it annulled a marriage at the husband's request because the young bride was not a virgin.

shelters for victims of violence were still underage when their parents married them off to men much older and richer than themselves. These were girls from countries in Latin America or the West Indies whose parents, because of their extreme poverty, “sold” them, in return for cash, to French-speaking Quebecois men. One of these young girls was barely 13 years old when she was married, then sponsored and brought to Montréal where she was subjected to sexual violence.

[TRANSLATION] Yes! I have in fact taken in several women who were forced into marriage. There were two cases that really struck me. The first was a girl from (a country in the West Indies). She was 13 years old at the time and was forced to marry a 49-year-old man. He was a Canadian (francophone Quebecer) who went on vacation to (a country in the West Indies). He met the girl. He asked a friend from Quebec who was there whether he knew her and so on, and ultimately the man went to see the girl’s parents. He offered them money. So that was forced, in my opinion, in the sense that the family, which was very poor, was in economic need. So they accepted \$5,000 U.S. in exchange for letting the girl marry him. There was one condition in the marriage contract, which was that the family asked the man not to touch the girl sexually before she was 15, which he did not abide by. We believe that steps were undertaken for her immigration and the husband sponsored her, brought her here and once that young girl was here she was subject to violence - sexual violence and physical violence. (Respondent B)

This respondent continued with a second case that disturbed her, similar to the preceding case, of another young girl from another country in the West Indies from a poor social and economic background, who was given in marriage by her family to a man from the North.

[TRANSLATION] There was another young girl from XXX who married a man who was 59 years old; she was 15, and I don’t know whether it could be called forced, but I would actually say it was forced because of the economic situation in the country. The man travelled to (a country in the West Indies), he was a man who was well off financially, he was retired from the university, he had a good pension. He met the young girl when she was 15 years old and her mother accepted this marriage . . . he gave the family \$15,000 U.S. (Respondent B)

These two examples necessitate some deconstruction of the social representation of forced marriage, where it is seen as a practice unique to societies in the South or to groups who come from there and settle in Western societies. In fact, it is not uncommon

for men from Western societies to travel to the South in order to “buy” girls whom they make into sex slaves. According to the respondent, the two marriages mentioned above were concluded with the knowledge of Canadian consular officers⁴.

2.4.9 To deal with the consequences of pregnancy out of wedlock

Cases of families who force their young girls into an undesired marriage to repair the “mistake” of pregnancy out of wedlock and thereby avoid losing face are also mentioned. Several women who fled to battered women’s shelters hoping to find protection from conjugal violence told social workers that they had been forced by their parents to marry the father of the child conceived out of wedlock. Those marriages took place in Latin American countries where the young women had had sexual relations with men with whom they were not planning to spend their lives. When they found they were pregnant, they told their parents, who compelled them, despite their protests, to marry the father of the child they were expecting so that their reputation would not be damaged. Violence ensues rapidly in these couples and continues when they settle in Canada. While the cases reported to us here concern Latin American families, it must be noted that this strategy of repairing a mistake to save honour is used by families in other regions of the world.

[TRANSLATION] I have seen several women who were forced to marry because they became pregnant. Therefore socially, a woman who becomes pregnant must absolutely get married because of the family name, “what will they say”, etc. I met several women who told me during their stay here that they went through with a forced marriage because they had no other choice. Getting an abortion was unthinkable and going to live alone was impossible, so once the parents were informed of the pregnancy, right away it was “you have to get married”.... So, I’m talking about women from Colombia, Mexico, etc. and when they speak about the violence they have experienced, it comes from somewhere. We’ll dig deeper and discover that it was a forced marriage because they were pregnant.
(Respondent B)

⁴ The young girl was married in 1993 and her story was covered by the media after she filed a complaint against her husband for sexual abuse and confinement. According to the respondent, the criminal charge was dismissed by the judge, who found that from the moment the young girl’s parents consented, there was no infringement of the law. This man returned to the same country several years later to “acquire” another young girl.

Maintaining one's social standing by respecting customs is an important element in many cultures. The ultimate humiliation is pregnancy out of wedlock, since women's chastity is strongly valued as proof of the group's honour and any pregnancy outside marriage is felt to cause irreparable damage to the reputation of the young girls and their families. A forced marriage is considered the only way to preserve everyone's reputation.

Having considered a few examples of the reasons underlying forced marriage, we will now examine the pressures brought to bear by a girl's family and social circle to persuade her to comply with their decision.

2.5 Pressure brought to bear by the family and social circle

Some young girls accept a marriage proposed by their parents or families as legitimate because they consider that they owe them respect. On the other hand, many others will rebel. The parents then use a whole range of pressure tactics, from emotional blackmail to death threats to achieve their end.

The coercion is very subtle at first. Parents begin with emotional blackmail to convince their children that the decision is well founded. They use this tactic to make them feel guilty and morally responsible while avoiding direct conflict. This tactic seems to be based on love and young persons are especially sensitive to this type of emotional blackmail. They are afraid of displeasing their parents and losing their love and protection, which gives the parents enormous power over their children.

In some communities in which honour is considered to be extremely important, putting the blame on a "difficult" child for not respecting the family's word, which is a serious stain on the family's honour, is a formidable weapon as it creates a profound sense of guilt in the child's mind. By placing the responsibility of preserving the honour of the whole family on their child, parents lead that child to believe that he or she is committing a serious moral transgression. This puts children, especially girls, in a very difficult

position, educated as they are to be the guardians of the family's honour. A respondent mentioned the link between honour and wealth [TRANSLATION] "Because normally a marriage within a cultural community is a source of wealth and if you refuse to let your parents have that wealth, what happens? You argue and then you have to leave home." (Respondent H)

Verbal abuse is used when emotional blackmail fails. Young women are then subjected to insults, mockery, denigration and humiliation. Shunned by the family, they are regarded as the ugly duckling of the clan. Some families control their daughters' comings and goings, or simply forbid them to go out. They are then kept under close watch by their family and even the time they take to go to and from school is monitored. They are not allowed to participate in activities outside school, including recreational or educational field trips organized by the school.

Abuse will increase as long as the young girls continue to hold out and resist the proposed marriage and some parents or families will resort to physical violence in an ultimate attempt to break the will of the most stubborn ones. Such pressure is greater on girls who do not go to school or work and who are told by their parents that marriage is their only hope, the only way for them to achieve a social standing. The same recourse to violence is noted when young girls live with their uncles or aunts or other family members and do not contribute to supporting the household. They are a burden and the family seeks to get rid of them through marriage, as explained by one respondent:

[TRANSLATION] She was young when she arrived, and she lived with her aunt, and one day the aunt said to her: "Okay, a man has come forward," and then the aunt started carrying on, "Look, you're here, you have no job, you are costing money" and so on. "Why don't you marry this man? He has money, why don't you marry him?" She said: "No, he's old." She said: "But so what if he's old? He isn't violent, he has a job, he has a car." The man didn't have a job. You know how people are, you don't know where their money comes from, but you start to realize it when you see how they treat women. There are guys who have four women, and all of the wives work in factories and bring him the cheques. You understand? . . . Of course she got married under pressure from the woman, because that woman had received money from that man and she told her: "You have no choice, either you get married or you go back home. (Respondent H)

If the young women continue to refuse, in spite of all the forms of pressure put on them, the price to be paid gets higher, and can go all the way to rejection and even shunning by their parents and family. Banishment is also a punishment imposed on people who are considered to have committed an offence against the group by going against their parents' wishes. They are then excluded from the family circle, and even from the community. Exclusion can be permanent or temporary, depending on the family. It will be temporary if the grandchildren born of a marriage chosen by the young girl become the bridge that reconnects the girl and her family.

In extreme cases, those who steadfastly resist their parents' plans are sometimes threatened with death to erase the shame caused to their families. The threat is sometimes made in anger, but other times it is very real.

Another case reported by one of the respondents was how a community association organized the escape of a 17-year-old student whose father had threatened her life when she expressed her disagreement with the marriage he had planned for her. A young student who went to the same school as the person in question, and who had herself been threatened with a forced marriage, noted her friend's distress. She managed to get her to talk and learned that she was under enormous pressure from her father to marry a man from his native village. She advised her classmate to confide in the school's psychotherapist. The psychotherapist then approached a community organization for assistance. The leaders of the organization, who were of the same ethnic origin as the girl, understood that the father's death threat was not an empty threat. Because they had already dealt with similar cases in the past, they rapidly understood how serious the situation was and took the initiative of sending the young girl outside Canada to protect her from a possible honour crime.

[TRANSLATION] I found a community centre that provided help for various cultural communities. The teacher went with her, I found the place ... so I delegated it to the teacher and told her that if there was anything I would be available. The teacher went with her and there was a woman who was there. She

did not give any support but she knew of a network. She told the teacher: “The girl has to disappear immediately, because if she doesn’t it’s over. She’ll either be married or she’ll be dead.” She was familiar with how these things happened. Don’t ask me where she is, I don’t know, and even if I knew I wouldn’t tell you. She’s in another country, that I know. (Respondent G)

As we mentioned at the beginning of this section, while some young girls do not object to an undesired marriage, most of them refuse employing various bargaining strategies.

2.6 Strategies, bargaining and family conflicts

Persons under duress to marry are in a state of considerable mental vulnerability, torn between their desire to defy the wishes of their parents or family and their feelings of respect for them. There is a profound conflict in their minds between resisting duress and remaining loyal to their families. However, in spite of their state of shock and distress, these persons often find the strength to resist. Just as parents use various forms of pressure to have their plans accepted by their children, the latter use various strategies to foil those plans, ranging from cajoling to running away. A wrenching struggle then ensues.

What persons resisting a forced marriage fear above all is a complete break with their family because opposition to a marriage with a person chosen by the parents leads in most cases to a severing of ties. According to the respondents, this is what happened to people who did not go along with their family’s wishes. For some, on the other hand, the fear of jeopardizing a family relationship may weaken their will to oppose their parents: faced with a decision that seems difficult to undo, they simply resign themselves.

Among those persons who are threatened with an undesired marriage or who have already been married against their will, the most vulnerable are minors, young women of the age of majority and those who neither go to school nor hold a job. Very young women have not yet acquired either the maturity or the strength to allow them to oppose their parents’ plans. Those who are older but who are at home and unemployed will also have significant difficulty in opposing their families. Parents and the social circle will use

this factor to argue that because their prospects are poor, the only way to acquire social status and a secure future is through marriage, especially when they introduce a suitor who has a good socio-economic standing. For this category of women, bargaining will be difficult because they do not have any means to get out of their predicament. Young women who are attending school use their studies as their basis for delaying marriage. They hope that this strategy will help them escape from the situation in the near term and buy time to think about a way to turn things around.

In response to the arguments used by these women to express disapproval of the suitor chosen for them, such as “I don’t love him”, “he’s not my type” or “he’s not right for me”, mothers reply that they did not love their husbands either at first but they learned to do so with patience and that you have to let time do its work.

One young girl, who met with one of the respondents, was from the West Indies and 17 years old at the time. She was in love with a young man from the same ethnic group and in a relationship with him. The parents came from a higher socio-economic stratum than the young man’s and took a dim view of the relationship; they demanded that the girl end it and introduced her to a young man from the majority group. After several attempts to convince her parents to accept her choice, and confronted with their obstinacy, the young girl, with the complicity of her friend, used a last resort: pregnancy. When they learned about it her parents demanded that their daughter have an abortion. She then decided to leave the family home and approached a youth centre, which placed her in a foster family, the end result being the severing of family ties.

What is interesting in that example is that the situation was the reverse of what is ordinarily seen in cases where marriage is imposed by the family. In general, families pressure their children to marry persons from the same ethnic, cultural or religious group and are obstinately against any exogamous marriage. In this case, parents opposed their daughter’s relationship with a young man of the same ethnic origin because he was on a lower socio-economic rung. They proposed instead a mixed marriage with a person from another ethnic group, that of the majority in that society. These parents tried to impose a

preferred marriage on their daughter within the socio-economic class to which they belong in an attempt to continue their social endogamy.

When they can, young women try to have influential persons intervene as intermediaries between them and their families so they can argue in their favour. Sometimes this strategy works, but it can fail when some obstinate parents remain unwavering in their intention, as may be seen from the following excerpt:

[TRANSLATION] She had endeavoured to bring four people in from the community. A woman somehow from the local mosque or something, and got a man locally, have him call the home at any event, and there were two more senior people, religious people. And that has not gone very well. The family didn't meet the woman, the first person the father didn't take that particularly seriously apparently, and he just blocked the rest out. (Respondent O)

Some young women, when they have exhausted all of their resources to challenge or reverse the decision made by their parents or family, choose the ultimate solution: they leave the family home and seek refuge with friends or in shelters.

2.7 Forced marriage, threatened forced marriage, what are the consequences?

In general, the victims of forced marriage experience great psychological distress and may suffer physical and emotional harm. Whether they have been forced into an undesired marriage, are under pressure to comply with their parents' or family's decision, or have avoided the undesired marriage, the girls and women whom the service providers meet in the course of their work are damaged. This is why some of these respondents work in cooperation with health centres.

Young girls who dare to flee the family environment are caught between anger and guilt. They are constantly fearful of being found and brought home with the risk of reprisals. They must take all precautions to remain invisible and live hidden, thereby considerably reducing their mobility.

Individuals who are unable to avoid a forced marriage endure non-consensual sexual relations. They experience this as a violation of their privacy, of their body and of their identity as women. They become depressed and live with feelings of rage. Very often conjugal violence flares up in such couples, but once children are born, these women often endure the situation to preserve family unity and the safety of the children. In such cases, sacrifice prevails over their own health and well-being.

Another consequence of a forced marriage is the impediment it constitutes to the education of young women who are suddenly withdrawn from the school system. For some families, the social status conferred by marriage is more important than advanced education or vocational training and the sooner it is solemnized, the sooner this status will be acquired. With their academic careers interrupted and with no vocational training, these individuals are then dependent on their husbands and have no financial resources in the event that they experience spousal violence or marital breakdown.

An additional emotional layer that is sometimes added to the painful ordeal of an undesired marriage is the discovery that their husbands already have another wife and family. They then unwittingly end up in a bigamous or polygamous relationship, which increases their vulnerability. The psychological and emotional consequences for these individuals are simply devastating. This is what happened to the young woman, mentioned above, who was forced by her aunt to marry a much older man.

[TRANSLATION] “Yes they live together and they have children but she is unhappy because she found out later that the man had another wife and that his children by that other woman were practically her own age.” (Respondent H).

All workers agree that a forced marital relationship has profound physical, psychological and emotional effects on persons who are subject to it, and hinders personal growth and fulfilment. In addition to violating rights to personal freedom, the practice is a barrier to the education and empowerment of young girls.

2.8 Help given by workers to victims of forced marriage or persons threatened by forced marriage

Individuals who are dealing with a forced marriage situation generally turn first to social agencies for help. This explains why service providers are most familiar with this problem. They are knowledgeable about forced marriage because they know how to listen to people seeking help, how to show empathy and hear their stories. This is what those suffering from such painful life experiences need above all: active listening through which a relationship of trust can be built, which is the first step before the process of helping can begin.

[TRANSLATION] I think that the mere fact that the woman knows someone is listening to her is already a step forward. The mere fact that she knows she can come into this shelter (shelter for battered women) and that no one will judge her and no one will criticize her means a lot, because even if she spends only one hour in the shelter and has the chance of meeting with a worker, she will know that the next time she comes back someone will listen to her without judging her, who will be there not to say “yes you have to do that”, but to say “you have the right to say no.” (Respondent C)

Some advice given by service providers includes “you have the right to say no: no to a coerced marriage, no to an undesired relationship, and no to spousal violence”. Many women who are threatened with or have been in a forced marriage lack knowledge of their rights. Service providers fill the void by giving them information about their rights and the legal recourse available to them. They also work to improve their self-esteem and try to rid them of the feelings of guilt they may sometimes have: [TRANSLATION] “We try to bolster their self-esteem and to de-victimize them. We make them aware that the problem is not with them but with the system. We educate them and provide a feminist perspective.” (Respondent D)

This work is part of a de-victimization process allowing these women to take control of their lives and gradually emerge from a state of helplessness. Our respondents ensure that those who have been or who are being coerced into an undesired or violent marriage are listened to and supported, especially when there is no concrete solution to the problem.

[TRANSLATION] And we discuss the situation together, we discuss what they're going through, how we can help them and in fact we discussed that young woman's case and what we could do to help them. And sometimes there is no solution. The only thing we can do is to give them support, listen to them, let them know that we are on their side, that we're there if something happens, but we cannot solve the issue. Sometimes there is no real solution. If the family persists in rejecting the daughter, it is something she will have to get over. (Respondent A)

To the knowledge of the persons surveyed, there is no organization that deals exclusively with the issue of forced marriage and this means that in Canada there are still no centres or groups of professionals specialized in such services, as one respondent told us:

[TRANSLATION] No, there is no organization that has the tools and means to work specifically on this problem. Even I, as director of a centre, I've been at (name of centre) for 18 years, this is the first year I have started to deal with this problem up close. It is starting to get out, in the public. Of course it has always existed but it's only now that people are starting to talk about it, denounce it and see its effects. (Respondent F)

It is therefore in the context of violence against women that those who are active in women's centres or who work in shelters come up against the problem of forced marriage, especially when they are already consummated and the relationships have turned violent. As one respondent told us,

[TRANSLATION] I come to this from a family violence perspective. I have no training in the forced marriage issue. I have not heard of any specific resources dealing with women who are in forced marriages or being forced to marry. Therefore, I give information about family violence to women in that situation and I refer them to resources such as the Flora Tristan House, for example, which shelters women who are victims of conjugal or family violence . . . Shelters have developed expertise in this area but it has not been used as a tool to intervene. It has been considered part of family violence in general. (Respondent D)

Another respondent had similar things to say:

[TRANSLATION] We deal with conjugal violence here, we don't deal with forced marriage as a separate thing. Our subject here is conjugal violence. Whether it is a forced marriage, a religious marriage or a normal marriage in quotation marks, we deal with conjugal violence, the same for all women. (Respondent C)

In such cases, service providers follow the regular process that involves helping the person withdraw from a violent relationship by petitioning for divorce, finding an apartment, returning to school or taking training courses to return to the workforce, etc. They help these women rebuild themselves by restoring their self-confidence and raising their self-esteem. Through their efforts, the workers aim to increase these women's capacity to act in their day-to-day lives.

Those who work in legal aid clinics approach the matter from a legal perspective, especially from the point of view of family law or refugee law. Women who turn to these clinics for help in filing a claim for refugee protection with the government have fled a country at war as well as a forced marriage or a threatened forced marriage that often seeks to mask rape, a phenomenon that is always more widespread during armed conflict. In such specific cases, help will be geared to obtaining refugee protection to regularize the person's situation through a legal process. However, legal aid lawyers, who are attentive to the whole story of the person who consults them, do not neglect the other aspects. They will refer the woman to a doctor, a psychologist, a social worker specializing in cases of violence against women, someone to help her settle here, etc. Some legal aid clinics provide services in addition to legal services therefore the needs of the person seeking help are met within the same centre. Otherwise, they are referred to other help centres. The responses show that there is very good cooperation among the various field workers who refer the persons seeking help to each other according to their needs and the workers' respective skills.

...Let's say, a woman who comes in – she may have an infection and will have to seek medical treatment at some point and the problem is that she's just not insured and that means...no, not here, (here at the centre)...there are provisions here for accepting uninsured patients, but we might get a call from a nurse or a doctor, saying you know, we suspect that...you know...she comes in. She has a broken jaw then she may have fallen off the bus back in Marrakech but it's unlikely – it's sometimes difficult to disclose – I'm a white, middle-aged male – it's not necessarily easy to disclose to me what and tell me a little bit about themselves. I know that doctor – she may have been a victim of inner conflict, she may have

been sexually assaulted and – so she may not want to disclose anything, and it's our job to reassure her that she'll be okay. (Respondent P)

In cases of young girls living in Canada who are threatened with a forced marriage, there does not seem to be any specific approach or adequate tools to deal with this type of situation. Respondents deplore the lack of means and the lack of training available to service providers to deal with this specific problem. They explain that they do not have the structures required to allow them to play a more influential role in dealing with this particular problem or proper tools to respond more effectively. Thus, they often use makeshift tools and their own ingenuity to help the persons concerned. They will seek the needed information or expertise from other professionals, proving that they are good at contacting and using available resources. The shelter that took in the 13-year-old girl mentioned earlier, and the social worker who met with her, were not sure how to deal with what for them was an unusual situation. Therefore, in order to help the young girl and give her proper support, the social worker turned to outside resources, as she explained:

[TRANSLATION] We really didn't know exactly what to do because we were dealing with a young girl who was at the same time married. So first we had to find out about the law: what category could Quebec law place her in? Was she a child? Or, because she was a married woman, was she an adult? So we had to get advice from a lawyer to clarify the situation. Then we went to the Youth Protection Division at the time and we found a worker who spoke Spanish who came to talk to us about the details because it was hard for us to get into the question of what a child is. We did not want to distress her even more by asking her questions that might not have been properly framed. So we brought in outside help. The social worker was very generous, she came to the shelter and helped us prepare the questions, and ultimately, when the girl decided – because we explained to her that this kind of marriage was not normal here – so she decided to file a complaint. It's before the judge in court and this social worker helped us to prepare the young girl to testify. (Respondent B)

In addition to turning to external resources for social and legal expertise to properly prepare the file and better support the young girl in her efforts to get out of the marriage, this social worker contacted Canadian consular officials in the young girl's country of origin to clear matters up, and also contacted Canadian government authorities to advise

them of the case of a marriage between a 13-year-old teenager and a 49-year-old man. She added:

[TRANSLATION] We also contacted the Canadian authorities in (name of the girl's country of origin) several times because we wanted to know more about whether they were aware of the contract the family had supposedly signed with the man and whether money had changed hands for the marriage. We sent a number of faxes and letters, but we never received any reply. So at that point, what we did was write a letter to Immigration Canada to inform them of the situation because this was not the first case there had been in Canada. At that time we knew that several young girls had been married through a prostitution ring, young girls from Thailand, from various countries, and who were married to persons who were quite old. (Respondent B)

One of the respondents, a worker in a shelter for women who were victims of conjugal and family violence, took two of her daughter's classmates, minors threatened with forced marriage by their parents, into her home for several months. One was from Afghanistan and the other from Iran. Hoping to mediate with the parents of these young girls, the social worker first telephoned them to reassure them that their daughters were safe. However, when she went to their homes to convince them to reverse their decision, the door was slammed in her face each time. In addition to the material support she gave these young girls, this woman also gave them advice and information about their rights. She helped them complete their education and enter the labour market. Once they were able to pay rent, she helped them move into their new homes.

One remarkable success by a legal aid clinic involved a case where a girl who had been taken to her country of origin on the pretext of going on vacation, when she was in fact to become a party to a marriage she did not want, was returned to Canada. This teenager faced a *fait accompli* on arrival but thanks to a warning given by one of her friends and the support and intervention of attorneys and social workers, she managed to escape from this situation.

....The legal clinic as being a unique place for a lot of cases that have come to us from abroad. So the very first case which I didn't do but the person before me did was actually a case where the woman was already outside the country. She was a

young girl who was outside the country and she contacted a friend of hers here, and the friend of hers called us and that's how the link was developed, and so (the name of the clinic) was successfully able to get the girl back to the country...she was saved out of the marriage. She was provided with a shelter outside the country through (name of the clinic), (name of the clinic) kept on advocating for her to get a place to live, a shelter and stuff like that. (Respondent N)

The girl was brought home to Canada as a result of the ability of the field workers to mobilize and set in motion an entire system of informal resources, both here and there. However, can we continue to find makeshift solutions to such serious situations instead of establishing a structure that is designed to deal with this problem effectively?

3. WHAT REMAINS TO BE DONE

3.1 The role to be played by government to counter forced marriage

The persons interviewed maintain that it is the government's duty to address the problem of forced marriage and to protect those who are threatened with it or are already its victims. They hope that government will enact legislation and regulations to counter this practice and take effective steps to make communities aware of the problems forced marriage causes and to advise them that a forced marriage is an infringement of human rights prohibited under many United Nations conventions. The service providers point out that the Government of Canada has ratified several international conventions for the promotion and protection of human rights, women's rights and the rights of minors.

These include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW/CEDEF) adopted in 1979 by the United Nations General Assembly as a universal benchmark of the rights of women. Article 16 of the Convention specifically provides that men and women are equal in matters relating to marriage and family relations. It specifies that men and women have the same right to enter into marriage, the same right to freely choose a spouse and to enter into marriage only with their free and full consent, the same rights and responsibilities during marriage and at its dissolution. It also stipulates that the betrothal and marriage of a child shall have no legal effect and all

necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Canada has also ratified the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, Canada has not signed or ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, which came into force on December 9, 1964. Articles 1 to 3 of this Convention provide the following:

Article 1

1. No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

2. Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent.

Article 2

States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Article 3

All marriages shall be registered in an appropriate official register by the competent authority.

Forcing someone into marriage is not a specific criminal offence in Canada, although several of the general sections of the *Criminal Code* may apply. And contrary to the situation in several European countries, a marriage entered into under duress or the threat of duress does not result in any penalty under the law. Although Canada did not ratify the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, by enacting other laws and ratifying other conventions the Government of Canada made a commitment to take the necessary steps to abolish all forms of discrimination against women in all fields and to protect their basic rights.

Are laws alone sufficient, however, to protect victims of forced marriage and to combat that practice? According to the respondents, laws and legal instruments are important but cannot by themselves effectively deal with this problem. Should punitive action be taken against families that subject their children to forced marriage? Respondents claim that a distinction must be made between cases in which victims were abused or forcibly confined, held in the country of origin, abducted, raped or enslaved, and cases in which families only seek to do good by perpetuating a customary practice. They warn against judicial excesses. Some respondents were openly concerned about enacting legislation that would make it a criminal offence to force someone into marriage, as some European countries have done. They fear, on the one hand, that there would be abuses in the application of such laws, and, on the other, that the victims of undesired marriages or those threatened with such marriages would simply keep silent in order to protect their families.

Respondents mentioned the fact that the Government of Canada is not aware of the extent of the problem and that many cases remain unreported. How, they ask, can punitive action be taken against families if there are no complaints? They stress that victims are not always able to take the necessary steps to file a complaint and that there is not always sufficient evidence to determine whether abuse has occurred. However, they all agree that the government should earmark funds to create education programs, produce work tools and provide training for field workers.

I think the government should fund these assault programs. The organizations like CASSA can take a lead role and pilot some awareness building projects first and then, on a long term plan can be created for ongoing efforts and we will see the success rate, and then we will see if there is a more need. And then once the program is started, the community will become aware, and if we educate the parents more on this side, rather than actually the children, then, they don't want it, it's being forced on them, and if we educate that percentage of the population, then parents will start thinking about it. It's the same thing, working on chronic diseases...prevention information is easily available...and the rate of not falling sick is getting higher by following preventive measures... (Respondent K)

Another topic addressed by the study participants was spousal sponsorship and its impact on women who are in a position of dependency and a relationship of subordination with their husbands because they have been sponsored by them. This situation can hinder women's independence and strengthen the spouse's hold over them and thereby create an unequal relationship. This is the case with many women who met our respondents, who were married against their will and sponsored by their spouse and who, in addition, are victims of conjugal violence, making their lives a series of painful events than can leave them increasingly vulnerable.

[TRANSLATION] In terms of the government, it is a question of its policy in sponsorship cases. It should get rid of the three-year period and grant permanent resident status to individuals who are sponsored. Because the women who come to see us, who are experiencing conjugal violence, you see that, at bottom, they are vulnerable because they are in a dependent situation precisely as a result of their status as a sponsored family member, which ties them to their husbands and can be used by the husbands for all sorts of blackmail, threats and humiliation. And on top of that they were married by force. The whole package! (Respondent D)

The following account shows the power imbalance that characterizes such relationships:

She's a permanent resident she was sponsored by her husband. This is the other thing that we're always dealing with women who – I actually had a case before you came in – where a woman was telling me that she doesn't want to live with her husband anymore and upon probing her a little bit more she said that he's threatening to take her back to Pakistan because she's up for citizenship, force her to take her back to Pakistan - because he knows the system and he knows that he has more ways of controlling her there than he does here. And she said she doesn't get along with him so in that situation she's – and this is not the first time

that's happened. One of my clients was taken back to India under the pretext that he's a changed man. As soon as they got back to there, he literally said to her, where are your Canadian laws now? (Respondent I)

In view of these marital relationships that destabilize women, service providers would like to see the government take the necessary steps to allow sponsored women who are victims of violence not to remain under the control of an abusive spouse. This issue has already been submitted to the government by women's rights groups, but according to the respondents, women today, especially those who were forced into marriage and sponsored, are still suffering from this double situation that makes them so vulnerable⁵.

As far as the role to be played by government institutions regarding the problem of forced marriage, respondents agreed that it is only by developing awareness in the larger society that we will counter or lessen the practice of forced marriage, especially considering that the problem is largely unknown in Canada. They insist on the fact that work must be done at a broader level and that the means used should be informative, educational and preventive.

3.2 The role to be played by civil society

When questioned about the role that associations in civil society should play in connection with forced marriage, the respondents answered that they already play an important role because persons confronted with forced marriage turn to them first, and while this role must not only be maintained but enhanced by social workers, the burden should not be borne by this sector alone but by all sectors of society.

⁵ Note that with the enactment of the new *Immigration and Refugee Protection Act* in 2002, the new regulations regarding sponsorship now take into consideration the concerns of sponsored spouses who are suffering spousal abuse in two ways. First, there was a reduction in the number of years the sponsor would be financially responsible for a sponsored spouse, from ten to three years - see section 132 of the *Immigration and Refugee Protection Regulations*: <http://laws.justice.gc.ca/en/ShowFullDoc/cr/SOR-2002-227//en>. Second, anyone who is a sponsored spouse and who leaves an abusive situation is eligible for social assistance, and the sponsor remains responsible to reimburse the federal or provincial government directly for any social assistance received by the sponsored person.

Considering that these are frontline associations and that they are most aware of this problem, as they are of many other problems, we were told that they should alert the rest of society and draw its attention to forced marriage and its impact on the lives of young girls and women who experience such an ordeal.

One of the respondents, who has worked daily with women and young girls for many years, criticizes the lack of services available to them. She said that this was because girls are generally considered to have fewer problems than their brothers. According to this service provider, this is a false perception because young girls have problems of their own, but they are not as visible because most often they occur within the family. In meetings and group discussions in which this respondent participates, she tries to draw the attention of social and government representatives to the special problems of young girls.

[TRANSLATION] Last year, when we started to work on the City of Montreal's equity policy, you know the City of Montreal's equity policy, there were a lot of municipal councillors, agencies and federations, to produce the document about equality between men and women throughout the city, the question of girls and services came up again. In June last year, we had the general meeting of the *Table de concertation jeunesse*. I asked, for this current year, that work be done on providing services for girls because most often we work with boys, for example with street gangs or alcohol or drugs, it's more the boys, and those are the issues that get the attention, we are always talking about street gangs, crime, intimidation, drugs. And for them, we organize workshops, sports to channel their energies, competitive teams, and the girls have other kinds of problems. Yes, there are girls who are in street gangs, who are into drugs, but that's a minority, a majority of girls have other kinds of problems and we must not marginalize them when it comes to those problems because that is just as important, just as disastrous for their health, their life, and everything ... (Respondent F)

Some of the respondents consider that the organizations which take in young girls and women who are under duress from their families should act as intermediaries to facilitate a dialogue between those women and their families so that the families may learn to respect their refusal. This was done by one respondent who, although she failed in some cases, managed to have parents change their minds in other cases. On the other hand, other respondents claim that from the moment a power relationship exists in an

atmosphere of violence, it is not a good idea to have parents and children meet.

Organizing a meeting between young girls and their families would subject those girls to another ordeal.

Some respondents said that it would be important for workers who do not have training in intercultural relations to get such training or to call in colleagues who are qualified in this area or resource persons who share the same culture as the young girls. According to these respondents, lack of knowledge of certain cultural references and sensibilities may lead to bias and misunderstanding and compromise efforts to help.

A person in charge of a women's centre who often tries to get local schools in the area involved in jointly organizing activities for the benefit of young girls has already started sensitizing some school professionals to the problem of forced marriage in the same way she has done with the municipality. She feels that it is important for women's centres, community organizations and schools to jointly develop an information and awareness program for young girls to educate them about problems that concern them, including forced marriage. As with education and awareness programs for boys about drugs, alcohol, physical and sexual violence, etc., this respondent claims that other programs should be developed that deal specifically with problems faced by young girls.

[TRANSLATION] It takes awareness programs developed by organizations and schools . . . and these programs must be recognized like the others, programs that deal with forced marriages, physical violence against young girls, their isolation, the excessive control by parents over young girls . . . Listen, because the schools always focus on learning and success. Well now they are starting to talk about how in order to succeed, we have to solve the students' other problems, children should not be withdrawn, should not be sad, so they will learn better. We are starting to see that other social factors influence students' success. Certainly the schools, particularly in our community, their priority is gangs. It is always students who have problems who attract attention, they are the ones targeted by interventions, it is not the silent majority with its problems . . . The one you see who is aggressive, he gets attention right away. But you have to deal with all social problems that have an impact on the lives of students . . . At the local school the police put on a play dealing with sexual violence. All the students attended. They made room for the police to produce their play and educate

youngsters about sexual violence. The same thing could be done for forced marriages. (Respondent F)

Special vigilance is required in schools to detect signs that youngsters may be subject to duress. This is what a psychotherapist recommends to his colleagues. He says that professionals in schools are not yet aware of the problem of forced marriage. It is still very novel in that context, as it is in many others. Because this psychotherapist is beginning to gain experience with this problem after dealing with several cases and because he is slightly ahead of his colleagues, he gives them advice.

[TRANSLATION] In terms of the problem of forced marriage, we should play the same role as we play for abuse cases, regardless of the situation. We are the ones who see students the most in a day. We are there for 7 to 8 hours, we see them live, we're in the cafeteria, in class, everywhere, we try to be as vigilant as possible and this is often the message I give other workers . . . I became a coach for many people, I've been here for twelve years and I did a little elsewhere before – but everyone will have to be on the lookout for this problem as for all the others. Internal expertise cannot be developed because we cannot meet all needs, there's no sense to that, but we'll have to develop a service because we intervene a lot in crisis situations, when a girl breaks up with her boyfriend, a death, an illness, a father who has just learned that he has cancer and will die, but these situations, as in the case of forced marriage, you have to be there, have regular workers with whom youngsters can identify. (Respondent G)

For civil society organizations to be able to deliver proper services to persons threatened with a forced marriage or to those who want to escape from an undesired marriage, they must have sufficient means, tools and financial resources. These are severely lacking in this environment, in the unanimous opinion of the respondents. In fact, the workload is always too heavy for the human resources available in these organizations and the funds they have are insufficient. Considering the lack of training and tools in this area in Canada, some workers use educational material developed in Great Britain, a society that has addressed this matter seriously for several years now.

Forced marriages in the UK has been a place which we have always looked up to - so we have always kind of planning referred materials, training materials, to train the service providers, we have used their safety planning stuff, we have used their media resources and they have come up with a very innovative media campaign

and we have actually kind of used that in our presentation. So we were kind of in touch with them... (Respondent N)

The respondents say that it is by combining their efforts that the various sectors of society, public and parapublic institutions, associations, women's centres, etc. will be able to meet the challenge of countering forced marriage. They all stress that government and civil society must cooperate concretely and share their knowledge and expertise to give effective support to people going through the ordeal of a forced marriage.

4. RECOMMENDATIONS

The survey participants make the following recommendations:

- Conduct a national awareness and prevention campaign like those undertaken in certain European countries to inform people about this problem.
- Create mechanisms to help people dealing with forced marriage (accessible help centres and shelters, places for parent-child-professional mediation, telephone help line).
- Provide better funding to strengthen counselling and help structures.
- Develop a training plan and design specific tools to help frontline workers deal with the problem of forced marriage.
- Produce an information kit for teachers and students.
- Produce information pamphlets and posters as a deterrent for use in local community service centres (CLSCs), community centres, welcome centres for immigrants, churches, schools, etc.

- Organize legal information sessions for parents and youngsters stressing that forced marriage is contrary to the law and infringes human rights as well as women's rights.
- Undertake awareness initiatives with youth at school so they will be able to detect signs of distress among classmates under duress to marry and report the situation to school officials.
- Provide for clear legal provisions applicable to a forced marriage so that it may be annulled without any time limit and without placing the burden of proof on the victim.
- Organize discussion meetings at the local level, with the support of community organizations, so that parents and children can exchange views on the subject and discuss the issue.
- Organize meetings between families and religious authorities so those authorities can convey the message that forced marriage is not based on any religious principle but is a cultural practice, because many parents who force their children to marry believe they are obeying an Islamic precept and thus honouring their faith. The religious authorities should remind their congregations, for example during Friday sermons, that marriage requires the consent of the woman and the man, as a commitment between two people who are free to choose.
- Avoid making value judgments about the communities where the practice exists.
- Encourage the integration of members of minority groups into the social fabric rather than ghettoization and community isolation.

CONCLUSION

Our field survey confirmed the existence of the practice of forced marriage in Canadian society, especially in some families in certain communities. Although contrary to the law and an infringement of human rights under international law, forced marriage is most often the repetition of a cultural practice and a significant part of matrimonial traditions in families which practice it. The problem is very complex and our survey of service providers has revealed both many aspects and some of the serious consequences.

A marriage is regarded as forced when the people who bring it about are not concerned about the consent of the individuals involved and put pressure on them in order to achieve their goal. Violence is always present, whether verbal, psychological or physical, and mainly targets young women. Because it is a taboo, this practice is still greatly underestimated if not completely ignored in Canadian society, and victims keep it a secret so as not to bring public disgrace to their families. The secrecy is heightened by the fact that the situation occurs in private.

The survey shows the reasons for which parents or families arrange marriages for their children and force them into marriage if they refuse. There are various reasons and they are based on notions of honour and duty. Indeed, it is often out of a sense of duty that parents or families marry off or try to forcibly marry off their young children, preferably within the extended family or community circle and in the name of family honour or the honour of the membership group. Another reason is the fear of seeing their children “go wrong” by entering into an emotional or sexual relationship or by marrying outside the membership group and thereby damaging the family’s reputation. Financial interest is also among the reasons identified by our respondents.

The stakes in a forced marriage mean that there is always an internal family struggle between, on one side, the parents or relatives who apply various forms of pressure to enforce their decision, and on the other, the people to be married who use various strategies to reverse that decision. A power struggle ensues in which each side uses all

available means to achieve or defend what it considers at stake. While the survey shows that some people put up little or no resistance when an undesired marriage is announced, there are many who do object and who fight to undo the plan. In such a struggle, two extreme acts can occur: death threats by one side and flight by the other.

Although the persons interviewed agree that this issue must be made the subject of public debate, some of them fear that the media will go too far and stigmatize members of Muslim communities, because this practice is generally associated with Islam. Aware of the impact that coverage may have and the way in which Muslims and Islam are portrayed by the media, they fear that this subject, like the issue of the wearing of the hijab, the establishment of a Sharia court in Ontario or the debate over reasonable accommodation in Quebec, will once again anti-Muslims sentiments in Canada.

As the list of recommendations made by the workers demonstrates, it is also clear that much remains to be done in every area: various kinds of research, legislation and administrative measures and organizing efforts are called for, of course, but along with education, awareness raising and dialogue. All this they stress while distinguishing situations of exploitation and abuse from those that are simply the application of a cultural practice.

That said, having completed this survey we cannot conclude that forced marriage is a social phenomenon in Canada. The survey does not show how frequent or how serious such situations are, or where they most often arise. More detailed studies will have to be conducted to better understand the subject and to determine whether this is a serious problem in our society: further statistical or qualitative surveys are needed to measure, locate, understand and explain the problem in its various forms.

Bibliography

Bendriess Naïma (2007), Conference on [TRANSLATION] Practical Issues in a Professional Context, in a panel discussion on Taking into Account Religious and Cultural Diversity in Services for Victims of Conjugal Violence, organized by the Table de concertation en violence conjugale de Montréal on November 27, 2007, content posted on line by the Table de concertation en violence conjugale.
http://www.tcvm.ca/images/docs/Conférence_27-11_NaïmaBendriess.pdf.

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm-fr.htm>.

Dostrovsky Nadine, Cook R.J., Gagnon M. (2007), Annotated Bibliography on Comparative and International Law relating to Forced Marriage, research report, Department of Justice Canada, <http://canada.justice.gc.ca/fr/ps|pad|reports|mar|cover.html>.

Girard Alain, « Le choix du conjoint : une enquête psychosociologique en France », (1964) Paris, PUF. [The Choice of Spouse: A Psychosociological Study in France]

Guénif Souilamas Nacira, Des « beurettes aux descendantes d'immigrants nord-africains » (2000), Paris, Grasset & Fasquelle. [From "beurettes" to the Descendants of North African Immigrants]

Jama Christine-Sarah (2007), [TRANSLATION] Development of a national network guaranteeing effective protection and complete support to women subjected to the violence of forced marriages, Action plan: national day of study on the theme: What networks, what partnerships to protect and accompany women confronted with forced marriage in France? Diplôme interuniversitaire égalité des chances entre les femmes et les hommes, Université Paris 3-Sorbonne Nouvelle and Université Paris 6-Pierre et Marie Curie.

Roques Mireille, « Mariages arrangés, mariages forcés » (2002), [Arranged Marriages, Forced Marriages] in Lien Social, No. 627, June 27, <http://archive.lien-social.com/dossiers2002/621a630/627-1.htm>.

Léo Aurélie (2003), Le mariage forcé chez les jeunes filles d'origine maghrébine : analyse d'une forme de violence, mémoire de maîtrise, [Forced marriages of young women from the Maghreb: analysis of a type of violence, Master's thesis] Université Montpellier III Paul Valéry, Faculté des Arts et Lettres, Langues et Sciences Humaines et Sociales, Département d'Administration économique et sociale.

Main dans la main contre le mariage forcé, Une campagne européenne initiée et lancée par SPIOR et la municipalité de Rotterdam, [Hand in hand against forced marriage, a European campaign initiated and launched by SPIOR and the municipality of Rotterdam], <http://www.resistingwomen.net>.

UNICEF, Convention on the Rights of the Child. (<http://www.unicef.org/crc>).