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AND**

**Immigration and Metropolis (Domain 4)
Centre de recherche interuniversitaire de Montréal sur
l'immigration, l'intégration et la dynamique urbaine**

**Precarious Immigration Status,
Dependency and Women's
Vulnerability to Violence:
Impacts on their Health**

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Preface

It is with immense pleasure that we present these proceedings, the fruit of a day of seminars on the 21st of March 2002. This seminar, which aimed to first address the cutting edge of the issue of women whose precarious immigration status exacerbates dependence, renders them vulnerable and affects their health; second, review the latest solutions; and third, allow for networking and training for partnerships between practitioners, decision-makers and researchers. These goals were achieved with such success and the presentations were so rich that we have arranged for the publication of these texts, an additional means of obtaining the objectives that we had chosen.

The *Proceedings of the Seminar on Precarious Immigration Status, Dependence and Women's Vulnerability to Violence: Impacts on their Health* therefore serves us an instrument for sharing knowledge that will help us in the follow-up on this dossier that we are currently undertaking. We are trying to reach the greatest number of people possible, whether they be decision-makers or practitioners, in government services or community organisations, and sensitise them to the need to find innovative solutions to this rather neglected problem. The vast and complex nature of this issue, whose multiple facets constrain inter-sectoral and interdisciplinary interventions, results in the fact that co-ordination of efforts to address it will require great creativity and a participatory spirit.

We therefore invite readers to engage actively with the texts and to question themselves about the manner in which they might reflect and act in order to bring sustainable solutions to the situation of women whose precarity of immigration status exacerbates dependence and vulnerability, whether they be refugee women, women sponsored by their partners, mail-order brides, live-in caregivers or, finally, women who are the victims of trafficking on a global scale.

Jacqueline Oxman-Martinez

Opening Statement

The length of the seminar's title reflects the seriousness of the underlying issue and its resultant consequences: precariousness of immigration status, dependent immigrant women and their vulnerability to violence and how these factors impact their health.

However, before speaking about the objectives of this seminar, I would like to tell you that the realisation of this seminar was made possible thanks to a grant from *Canadian Heritage*; support from the *Centre for Applied Family Studies* of McGill University and from the *Immigration and Metropolis Centre of Excellence*. We wish to publicly thank all of them for their support.

I will now review the objectives of this seminar. What we are proposing to the different participants today is to explore the various dimensions of violence exercised against immigrant and refugee women, while emphasising aspects related to their security and both their physical and mental health. We shall address the immigration status of these women upon their arrival into Canada and explore the question of trafficking in women, as a form of violence exercised against them. We will also look into the victimisation of certain groups of sponsored women including women hired under specific immigration programs, such as "*sponsored fiancées*" who may in fact be *Mail-Order Brides*, the *Live-In Caregivers* and *entertainers*.

More specifically, the objectives of today focus on four levels of intervention, notably to:

- ◆ Activate reflection at the policymaking level in terms of policies and intervention programs
- ◆ Benefit from the experience of practitioners and social workers
- ◆ Give a voice to organisations dealing specifically with this clientele
- ◆ Stimulate research on gender-related violence

Therefore, this seminar is aimed not only at the integration of interdisciplinary perspectives in various fields of knowledge and practice but also at increasing awareness of this serious and complex issue. Furthermore, in order to achieve long-term results, the individuals involved will have to become influential agents for raising awareness in their milieu. Why? In order to:

- ◆ Accelerate reactions
- ◆ Improve the detection of these immigrant women's problems
- ◆ Discover all possible solutions

I would like to mention another point that is close to my heart. Researchers have underlined an increasingly direct relationship between women and poverty, notably in the context of the "economic" South-North migration that renders women more vulnerable to abuse and violence. It is within the contexts of poverty and violence that I would like to place

the emphasis on some particular groups of women, those of Southern Latin America: Chile, Argentina, Uruguay, Paraguay, Bolivia and Peru who survived military dictatorships and torture. These groups we hardly talk about should be given more consideration in our research and planning. However, I am not forgetting about the women who arrive from other parts of the world, who are more visible in the media. These women have also survived the scourges of ethnic and religious wars.

The people who are speaking today must fulfil two mandates: First, to testify from their own knowledge and expertise in the field of immigrant women with precarious immigration status. On the one hand, to afford us a better understanding of the issue, and on the other hand, to share this knowledge. The second mandate is to persistently work towards the formulation of recommendations as well as solutions. Every suggestion or proposition could potentially become a working track; nothing we hear today should be neglected. What we are looking for is to have our knowledge, practice and policies move forward.

The role of the audience is also important. You are the policy makers and drafters in the federal and provincial governments. You represent community organisations dedicated to the protection and defence of these women. You are researchers in the field of social work, nursing, criminology and are lawyers or police officers. Not only do we seek your attention but also your active participation. This means a contribution in terms of experience on the ground, knowledge of programs and policy making as well as your expertise and research experience. During each panel, half an hour will be dedicated to welcoming input from the audience. I will ask the participants to share their ideas on all of the changes that could be made for the better. We expect a lot from this seminar's participants.

Finally, and to reinforce these action-propositions, I would like to mention the names of the organisations which supported us in this undertaking:

- ◆ *The Centre for Applied family Studies* of McGill University, currently undertaking several studies concerned with violence and aggression;
- ◆ *Immigration and Metropolis*, a research centre of excellency on immigration and urban dynamics; *The Comité de gestion des trois tables de concertation sur la violence conjugale, l'agression sexuelle et la sécurité en milieu urbain*; and
- ◆ *The Philippine Women Centre* of Vancouver, a non-governmental organisation that has catalysed important research on immigrant women with precarious immigration status.

After this initial setting of the context, I will now introduce the two speakers who will open the seminar, two distinguished guests: Ms. Céline Giroux, Vice-President of the *Human Rights and Youth Commission*, and Dr. Cécile Rousseau, Director of the Transcultural Psychiatry Team of the Montréal Children's Hospital.

Two other guests will have the responsibility of closing the seminar and provide us with a synthesis of the propositions, suggestions, recommendations and working tracks that will have emerged from the panel discussions throughout the day. They are William Rowe and Gilles Rondeau, both directors, one of the McGill University School of Social Work and the other of the University of Montréal School of Social Work.

I would also like to take this opportunity to thank the panel moderators and the speakers who will present their position on this problematic issue. Their names are in the

program. I would also like to specifically thank Nicole Lapierre Vincent for the help and enthusiasm she brought into the realisation of this event as well as Rachel Richards who assisted us in a very efficient manner. Thank you also to our collaborators and guests.

Finally, it is with emotion, wonder and hope that I open this seminar in March, the month of International Women's Day and the International Week for the Elimination of Racial Discrimination. **Emotion** because it is a topic that is very close to my heart and the words "exploitation, dependence, violence and discrimination" are intimately linked to women and their health. **Wonder** when considering all that we will learn and share. **Hope**, finally, because I believe in a better future for all refugee women, victims of trafficking, exploitation and systemic violence. **Hope** again for the sharing of knowledge and the search for solutions among different levels of intervention, research and decision-making. These ideals are all in order to achieve concrete and efficient solutions to improve the circumstances of all women with precarious immigration statuses.

Opening Presentations

Céline Giroux

Céline Giroux is vice-president of the new *Commission des droits de la personne et des droits de la jeunesse*, after having been vice-president of the *Commission de protection des droits de la jeunesse* until 1995. Giroux has been a member of the Québec Bar since 1974. She first practised in criminal law as a legal counsellor at the criminal and penal section of the Department of Justice before being appointed representative of the Attorney General in 1977. Giroux is an expert in the fields of child law and human rights law. She has been asked on many occasions to share her expertise as a lecturer, both in Canada and abroad.

The Precarious Status of Dependent Female Immigrants and their Vulnerability to Violence: Impacts on their Health

Since I have the honour, as a representative of the *Commission des droits de la personne et des droits de la jeunesse*, to open this seminar on the vulnerability to violence of immigrant dependant women, I will start by reminding you that Québec, the host society of these future citizens, is governed by a fundamental document with a quasi-constitutional status, the Québec *Charter of Rights and Freedoms*, which guarantees the rights and freedoms to which every resident of Québec is entitled. It is these values that we find in this quasi-constitutional law. The preamble of the Charter states:

"(...) every human being possesses intrinsic rights and freedoms designed to ensure his protection and development;"

"(...) all human beings are equal in worth and dignity, and are entitled to equal protection of the law;"

" (...)"

The Canadian *Charter of Rights and Freedoms* has an equivalent provision in section 15. These two texts derive from legally binding international Human Rights instruments which Canada has ratified. The first right provided for in the Québec Charter is the cornerstone of all the following rights. It reads:

"Every human being has a right to life, and to personal security, inviolability and freedom. He also possesses juridical personality."

The Commission's mandate is to ensure the respect of every person's fundamental rights, to protect individuals suffering from discrimination, exploitation, and to intervene when their fundamental rights are being infringed upon.

The Charter edicts the characteristics and situations which make individuals vulnerable to discrimination, harassment or exploitation and which therefore warrant that such

persons be protected in a specific manner. Those are women (vulnerable in their relations to society and its structures), children and the elderly (vulnerable in their relations to younger people). Vulnerable members of society also include immigrant populations, *a fortiori* if they are of different race, colour, language or religion than the local residents of the host country.

Today we will talk about immigrant women dependant on others for their status in Canada. These women sometimes come from countries where poverty, political and religious persecutions or merciless wars are commonplace. Many of them have already been displaced—with or without their children—before their arrival to Canada. The traumas suffered by those women can therefore be very serious and numerous. In addition, once arrived in Canada, their immigration status often places them in a dependency situation. Indeed, these women may experience many types of vulnerability and are therefore easy prey for potential abusers, using all forms of violence.

However, before initiating the topic of legally dependent women, I would not want to miss the opportunity to raise the question of the vulnerability of immigrant women in general, since many women remain vulnerable even when officially liberated from their dependent status. It is the fate of these women, strongly influenced by our societies and governments, that I propose to examine with you in light of the Québec *Charter of Rights and Freedoms*.

Immigrant Women in General

Poverty and Discrimination on the Grounds of Social Condition are common

Acute poverty in certain refugee communities, recent (or even less recent) immigrants and permanent residents is a well-known fact to those of you wishing to bring solutions in addressing the daily needs of these women. Through the treatment of the complaints it receives, the Québec Commission of Human Rights and Youth Rights notices the hardships experienced by many members of these communities when they try to participate in the labour market. The Commission witnesses painful, sometimes dramatic situations related to poverty and sometimes exclusion with regards to housing, work, and access to ordinary goods and services. Among the most vulnerable women, we should think of members of traditionally and still presently discriminated against groups, such as black women—whose single parents' rate is very high—women in the textile industry, and domestic workers. It must also be noted that the absence of employment readiness training is added to latent or systemic discrimination reported in many employment sectors.

Exploitation, Harassment, and Racism are Frequent

When these new Quebecers finally succeed in finding a job—which rarely corresponds to their qualifications or their aspirations—many of them are exploited or harassed by their employer or are victims of racism. If, in addition to job-related violence, they also face spousal abuse, their situation becomes extremely precarious as far as mental and emotional health are concerned.

The Cultural Shock Consequences are a Non-negligible Variable

Patriarchal traditions, cultural break with the ancient society, different values, individualism and the widening gap between parents and children all have an impact on these women's new lives.

Certain communities rely on women to transmit norms, customs, and specific cultural know-how. When the family is immersed in a foreign culture, women's difficulty in playing their traditionally-assigned role can disrupt their emotional balance. Pressures exerted upon her by the native community for them to resist external interferences and inverse pressure exerted by young people who often wish to integrate in their new society can create a permanent internal conflict in those women. Such conflict is even more painful if the host society carries a double message, loudly calling for integration on one side while allowing in parallel individual and sometimes institutional exclusionary practices.

Difficulties of adaptation to a new environment, which is not always welcoming, can certainly render these women vulnerable to, among other things, major depressions and therefore affect their mental health.

Immigrant Women Dependent on a Sponsor

Double Vulnerability

Sponsored spouses, mothers or daughters of all ages who are being physically abused, harassed or exploited suffer from a double vulnerability. Moreover, these women are not entitled to social welfare except for under exceptional circumstances when they are able to show that their own security is jeopardised. However, as the Québec Ombudsman reported at the National Assembly in 1998, the gathering of serious evidence of violence by an abusive husband faces considerable obstacles such as the woman's reluctance to testify against her husband. To be able to do so, women must overcome threats, cultural taboos, family pressure, blackmail with regards to their children and their own immigration status. And even when women overcome these difficulties, their situation may be regarded as non-threatening by the authorities, with the result that these women have to go back to their oppressive relationship—if they have no alternative resources—or look for another source of income, which is very hard.

In its report on the elderly, the Québec Commission of Human Rights and Youth Rights described the vulnerability of certain elder immigrant women within their families. Within socially disadvantaged immigrant families, economic marginalisation and social isolation are such that exploitation of an elder sponsored woman sometimes insidiously settles in. Seclusion within the family makes the elder person at the mercy of those who derive profit from her.¹ Such situations have serious consequences on their health. What about their right to integrity of their person?

¹ *L'exploitation des personnes âgées – vers un filet de protection resserré – Rapport de consultation et recommandations.* Commission des droits de la personne et des droits de la jeunesse (2001), 59-62.

The Family Sponsorship Program and Discriminatory Administrative Practices

Recent studies have shown that many of these situations are facilitated by conditions imposed by the family sponsorship program or by current administrative practices which are discriminatory and infringe on immigrants' equality rights and other human rights. An example is the fact that a sponsor has the right to withdraw his sponsoring application, as long as the sponsored person has not yet obtained her permanent residency status in Canada. The sponsor can withdraw his application without informing the person for whom he made the sponsorship application, which could place the latter in an illegal position if she is already in Canada². Moreover, it makes the sponsored person very vulnerable to blackmail and threats.

As well, the sponsored woman is not officially informed of the terms of the contract, which is only signed by her husband. She is also excluded from the processing of the sponsorship application. Her husband is the sole person in contact with immigration officers, who rely upon the sponsor to communicate the relevant information to his wife. If the sponsorship application is rejected or withdrawn, only the sponsoring spouse is informed.

These practices deprive sponsored women from their juridical personality and have a considerable impact on the couple's relations, since they reinforce the husband's quasi-parental authority over his wife, as well as her subordination and dependency. Another factor may also jeopardise the rights of dependant immigrant women: the federal government considers that the husband is liberated from his obligation once the woman is granted refugee status in the course of the treatment of her permanent status demand. The Québec government, however, continues to hold the husband responsible, even when he has refused to accept such responsibility by withdrawing his sponsorship application. In other words, the husband continues to be accountable for his ex-wife's essential needs, or to reimburse sums received by her from social welfare. This amounts to a situation identical to one where the sponsor must take care of the sponsored woman against her will. Here too, there is a restriction to the right of immigrant women to receive social security benefits.

Human Trafficking

Trafficking of human beings is another social reality that should not be silenced, and which has a direct impact on many women's condition. In the present context of globalisation, the scourges of war and extreme poverty have created a continuous flow of legal and illegal migrants towards the developed world. These migrants, and particularly female ones, are sometimes subjected to the horrendous traffic of human beings. We do not know the number of men, women and children who become slaves for the benefit of an organised network or criminal individuals. Live-In Caregiver visas or Mail-Order Brides visas sometimes become pretexts for sexual slavery or other forms of servility. Moreover, it has been noted that victims of trafficking are often people in distress who would not be admitted to Canada as refugees.³

² *Qui prend pays... L'impact du parrainage sur les droits à l'égalité des femmes immigrantes*, par Andrée Côté, Michèle Kérisit et Marie-Louise Côté pour la Table féministe francophone de concertation provinciale de l'Ontario, éd. Condition féminine Canada, mars 2001.

³ *Human Trafficking: Canadian Government Policy and Practice*, Jacqueline Oxman-Martinez, Andrea Martinez and Jill Hanley.

Immigrant Women's Ignorance of their Rights and Ignorance of the Language

To finish, I wish to emphasise that women's centres often confirm the fact that most immigrant women do not know the rights conferred to them by the *Immigration Act*, the *Charter of Rights and Freedoms*, and other legal texts relevant to them. The little information these women obtain often comes from the person exploiting or harassing them. They are often misinformed and ignore the language of usage. It is only in the most desperate instances, when they consider that they have nothing to lose, that these women ask for help, unless they are captive, which sometimes is the case.

Learning French is critical and should be accessible not only to those willing to work but to all immigrant women. How could a woman denounce abuses she is the victim of when she cannot speak the language, is alone and isolated?

Role and Powers of the Québec Commission of Human Rights and Freedoms

Beyond the mere acknowledgement of the afore-described situation, what can the *Commission des droits de la personne et des droits de la jeunesse*, as trustee of the Charter, do against these devastating but insidious violations of protected rights?

The Commission enjoys considerable latitude for intervention with regards to the promotion and respect for human rights.

Since we are talking about immigration policies and programs, I wish to remind you that Québec is responsible for its own immigrant selection and the application of sponsorship agreements⁴, and therefore acquiesces to the current sponsorship policy. When Québec renders decisions in accordance with norms defined by the federal government, the *Commission des droits de la personne et des droits de la jeunesse* has jurisdiction and can intervene⁵. Moreover, when a legislative text, a regulation or a program of the federal government may jeopardise Charter-protected rights, the Commission has the power to invoke its mandate of promoting rights and freedoms and to invite the Québec government to remedy the situation. The Commission's influence will be even more powerful if it is supported by other organisations.

Since it must draft and implement information and educational programs designed to make people understand and accept the object and the dispositions of the Charter, it would be appropriate for the Commission to specifically inform immigrant women of their rights and the possibilities of complaints they may launch. Sponsors and sponsored persons, men and women alike, should be informed of their responsibilities and of the fact that physical violence against a spouse, forced sexual relations, excision, infibulation, etc, represent criminal acts punishable by imprisonment in Canada.

The Commission can also co-operate with other organisations in order to design and implement programs of education and prevention. Since the moment it started operating, the

⁴ In accordance with the 1991 Gagnon-Tremblay McDougall Agreement.

⁵ *De l'illégalité à l'égalité – Rapport de la consultation publique sur la violence et la discrimination envers les gais et lesbiennes*. Commission des droits de la personne (1994), 102-106

Commission has been developing instruments of legal education addressed to the general public but also to people vulnerable to specific forms of discrimination or violence. These instruments therefore become preventive tools, some of which could be adapted to the situation of dependent immigrant women. Others could also be developed.

In addition to the moral power it enjoys when reminding the governing authorities of their responsibilities vis-à-vis individuals, the Commission enjoys direct powers of intervention. This power is, however, limited to cases of discrimination and exploitation. The right to equality and protection from exploitation allows the Commission to investigate cases of discrimination and exploitation referred by the public, or on the Commission's own initiative. A dependant immigrant woman could, provided certain criteria are met, launch a complaint with the Commission. The latter would then investigate and, if applicable, make recommendations to the wrongdoer in order to cease the situation and provide a remedy for the harm suffered. If these steps are not successful, the Commission can also bring the case before the Human Rights Tribunal which will thereafter render an executable decision.

Finally, access to equality measures is an important tool to promote women's autonomy. These were designed to struggle against the feminisation of poverty and the systemic exclusion from which many immigrant individuals or communities suffer. Unfortunately, discrimination occurring in small enterprises not benefiting from government subsidies, and against which no complaint was registered, are totally out of the Commission's reach. On this regard, considerable progress must be achieved.

I will conclude by saying that even though there is still a lot of work to be done, there is also reason for much hope, provided the instruments we have at our disposal, including the Charter, are fully recognised and used in order to fight against unacceptable situations experienced by some immigrant women.

I do not want to end this presentation without congratulating the people who conceived and organised this seminar in an effort to remind decision-makers and financial partners the level of vulnerability of immigrant women to violence. To give a voice to associations and organisations witnessing their tragedies exposes us to a reality which may sometimes seem remote and abstract. We must hope that by uniting our efforts, concrete tracks, solutions and actions will be put forward.

Dr. Cécile Rousseau

Cécile Rousseau is the Director of the transcultural psychiatry team of the Montréal Children Hospital and a professor at the McGill University Department of Psychiatry. She has also developed a clinical team specialised in transcultural psychiatry and interested in the treatment of psychotic teenagers. Dr Rousseau's numerous research projects focus on the mental health of immigrant and refugee populations, particularly on the interaction between the contextual variables of the migratory trajectory and the cultural dynamics characterising a multiethnic environment. Her studies have particularly focused on Central and Latin American populations.

Rethinking Vulnerability among Immigrant and Refugee Women

Two terms characterise this morning's theme: The question of violence and the question of vulnerability of immigrant women with whom many of you work. I need not elaborate with more details the topic since Jacqueline Oxman-Martinez did so this morning. It is, however, important to remind everyone—and this matters a lot to me—that an expert knowledge is only a specific knowledge, and not a superior one. It is only one knowledge amongst others, and I believe that the sum of our knowledge is important in order to pursue this work of understanding, this contribution that may in no instance be substituted for immigrant women's own experience. Let me contribute to this knowledge with my perspective, which is socially located and relative: a professional knowledge, but also a woman's, a mother's, a spouse's perspective, stemming from the multiple intersections we rarely name in conferences.

Dominant Conceptions of Violence

Our mandate today is to rethink violence and vulnerability. However, let us start by going back to the dominant premises. I would like to question some of the dominant conceptions around violence and vulnerability.

First of all, the definition of violence we use on a daily basis in our clinical practices and our institutional interactions has changed dramatically in the last decades. This definition gives excessive attention to physical violence, verbal violence—that is, on manifest violence—to the detriment of what Michel de Certeau calls “ingrained violence” (« violence propre »). This type of violence includes administrative violence and violence related to social constraint, both of which are denied in common definitions of violence that favour more explicit forms of violence. This first premise is problematic in situations of violence faced by immigrant families and I will try to illustrate this.

This premise's corollary is the difference between “us” and “them”, and this dichotomy between victims and aggressors is presented in an increasingly obvious manner, even inside sciences that we ourselves construct, including victimology and criminology, as if two distinct types of humanity coexisted. In fact, I believe that this dichotomy serves to reinforce

our idea that we are on the side of the “good ones”, that we want to help victims and that we ourselves are incapable of aggression. This dichotomy is dangerous, both at the institutional and the social level. I am referring to the work of Arthur Kleinman from Harvard University, who shows how this construction of “the other” in the human rights discourse confirms the position of this “other” as powerless, and therefore maintains the Western world in a dominating position. As a host society dealing with women from various minority groups, we have to be particularly aware of the violence inherent to the protection models we put forward.

This first premise around violence is very well illustrated in the slogan we can find in all our CLSCs and institutions: “Violence, zero tolerance”, as if we were not capable of being violent. In every society, people act within certain forms of violence. If we wish to rethink organised violence and violence done to immigrant women, we must rethink our own tasks and the different forms of violence put forward by our own society, even if it is a different violence; violence is not exclusively “the other’s” prerogative.

The Consequences of Violence

The second premise is located at the level of the consequences of violence, the *pathologization* of trauma, the medicalisation, *psychiatrisation* and *psychologisation* of trauma, in a vision where the latter is considered to produce mainly handicap. I am not pretending that trauma and adversity do not generate handicap at all. However, I would not say that they solely produce handicap. This unilateral tendency is fundamentally problematic. We believe that such handicap is transmitted from one generation to the next. On this point too, I disagree because of the biased characteristic of this supposition. We tend to believe that trauma experienced during childhood will entail problems for adults and that the parent’s trauma will lead to problems with his/her children. This is well illustrated in the slogan “Violence breeds violence”. This is true, but not entirely true. Violence indeed breeds violence, but also other things. If, among aggressors, you often find childhood-trauma experiences, and if all criminals often lived tremendous sufferings and wounds in their childhood and even later, it remains that for many people, serious wounds also produced exceptional results, strength and something other than violence. I therefore believe that this *pathologising* construction of trauma and violence is problematic.

Today I will try to question these two premises on the basis of results from various studies conducted in Montréal. I will also try to rethink these questions at the level of immigrant women, while focusing on two specific points: (1) Interrogation of the issue of violence in the Montréal setting, which is the premise I was previously exposing; and (2) delineation of the processes of reconstruction. Indeed, if we wish to provide help to dependent women in distress, we must start with a preliminary respectful pause in order to understand how they aid and rebuild themselves before rushing forward with our institutional tools which can, albeit the goodwill we may have, do a lot of harm. When clinicians like myself intervene, we must realise and accept the fact that we sometimes harm people. This is the reason why we should always remain critical with ourselves to lessen these occurrences.

The Question of Violence in the Montréal Setting

As far as pre-migratory violence is concerned, it is a fact that violence lived in countries at war, or violence suffered because of repression or persecution in dictatorial countries, is very serious and often goes unstated. This violence, as experienced in those countries, is thereafter reactivated by our migratory policies. I believe that such policies must be very seriously questioned. I will illustrate this with two examples; the first one concerns the process of claiming refugee status, a process that I examined with an international lawyer, François Crépeau, and an anthropologist, Patricia Foxen. I will not make an exhaustive presentation of our report here, but will only underline a few aspects which illustrate the level of constraint of this process for women. During the process of claiming refugee status, a refugee claimant is induced to reveal the violence experienced in his or her country of origin. These confessions represent for many women a form of violence even greater than that lived in their country. An example would be an undisclosed rape. You all know that rape is a weapon used in wars, and that it is systematically used in conflicts and in situations of political persecution and repression. In the context of refugee hearings, it is extremely difficult for a claimant to reveal a rape of which she was the victim. I am referring to the case of a woman of Indian origin who did not confess that she had been raped in her country and whom officers were brutally asking why she had not got a medical confirmation of her rape. Ignoring the socio-political situation of that country, the officers were looking for evidence, suggesting that this woman was not credible. Her answer to the officers was that she could not get a confirmation since her father was a man who would always “hold his head up”. It was therefore avoiding the humiliation of her father, who would have had to publicly and socially take the consequences of his daughter’s rape, that had made it impossible for her to obtain a medical certificate. This woman was not granted the refugee status. She was told that her story was “not credible”. When such a sentence is pronounced, especially for women who have been raped or for anyone who experienced torture, it is a terrible trauma. To them, it means that the awful story they carry with them is merely the product of their imagination and totally belongs to them. It is as if they were told: “This horror you are carrying with you only belongs to you”. This can have more serious consequences than the trauma brought about by sexual abuse.

The second aspect related to the asylum demand process is that often, if the rape is mentioned during the hearing, the woman is very quickly protected. We often prevent the rape from being described: “No, ma’am, you need not speak about it, please do not give us details. No, sir, you need not mention this, we know it and will take it into account”. However, because of mechanisms of denial and avoidance from the Refugee Board’s officers, the rape will not be considered in the final decision. It will be as if there had been no rape, no violence to be taken into consideration at the end of the day.

I admit the fact that the Immigration and Refugee Board officers’ task is extremely difficult. Nevertheless, we must acknowledge that ways to complete this task must always be reexamined and questioned since very often, women suffer from a potentially devastating second trauma during those questionings. I am not referring to research but to a refugee woman who had been raped and tortured in her country of origin. During six or seven years, I followed this patient who was haunted by the immigration officer’s attitude towards her. This attitude was more present in her nightmares than the rape and torture she had been previously subjected to. Let us therefore rethink our administrative mechanisms of assistance and our asylum policies, which can be extremely violent.

The second form of institutional violence inside the migratory procedures that I wanted to mention concerns the question of family reunification. New refugees are often men coming on their own, and more and more women on their own or with children, who often hope that their family members will be able to join them a few months later. A study carried out by the “Table de concertation de Montréal au service des personnes immigrantes et des réfugiées” showed that the average period of separation of spouses was at least 3 years, even if the couple used unofficial procedures of reunification. The period of separation was much longer when reunification was via official channels. There is a tremendous impact on mothers who are separated from their young children for three, five years, sometimes more. Moreover, family reunification is extremely hard to obtain.

I will not dwell longer on institutions, but I would like to mention lastly that violence can also be found at other levels of our institutions for women with families. I am referring particularly to youth protection services. Our women and children protection laws often constitute a great threat for immigrant families. This is notably the case when disciplinary methods used by immigrant families—which are often physical methods, albeit not abusive—bump into a wall of incomprehension in our schools and systems. Although these systems possess very well-intentioned and competent workers, they can create panic, fears and sufferings inside families since the idea that their children might be taken away from them is an unbearable nightmare.

Similarly, laws designed to protect women from conjugal violence are important, but can at the same time be perceived as “persecuting” them because they do not respect the community processes they had access to in their country or in their community to solve this kind of problem. When there is an occurrence of conjugal violence, there is manifestly a problem and an outbreak of violence should not be excused with cultural explanations. However, if a woman does not request our protection services—and many of them do not—we have to ask ourselves why. Is it because these women are unaware of the existence of our services? To the contrary, I believe that they know very well the existence of these services. A CLSC worker was once asking me what could be done to have our message received and understood. I replied to him that the message was clear and that the clientele only had to look at the posters in CLSC waiting rooms to get the message. The question is not one of visibility. If women do not come to us and prefer to remain in abusive situations, it is certainly for another reason. It is because what we are offering them does not suit them. I also believe that this is the case for native *québécoise* women, but this is another subject I will not go into.

This short survey of institutions allowed me to look at the way in which the tools we use to help women can be double-edged. I am not proposing to throw those away, but instead to continue on while realising that we will probably make mistakes and that we will never be harmless. Therefore, we need to constantly be aware of the fact that our actions can also be sources of violence, especially in situations of difficulty. We must rethink the obstacles, take some distance, and de-centre ourselves from our own practices.

Reconstruction Processes

The second thing I wanted to share with you deals more with the question of reconstruction processes. To do so, I was thinking of starting with Maria’s story, which was gathered in the course of a study, and that Maria, a Salvadoran woman, agreed to share with us. I think that this story partly illustrates certain things I wanted to share with you. This

research had been conducted in order to make observations in the context of prolonged family separations induced by migratory policies.

Maria is the eldest of a very poor family. At a young age, she was already the one who succeeded at whatever she tried, whether at work or at school, and she was responsible for helping her mother for everything at home. She was in tremendous conflict with her mother, who was telling her that she was ugly, that she was black, and that no man would ever love her. She was physically abused by her mother and her father, but would not go to see a doctor out of fear that her story become known. Around the age of twenty-six, she got married, and it was a painful experience. Maria would tell her son that the two people who have to help a woman are her parents and her husband, yet those were the ones that hurt her most.

Professionally, however, she rose rapidly, becoming a school principal and then a national co-ordinator for a major program. At the same time, she became involved with leftist organisations. Her mother soon accused her of being in the guerrilla movement and extorted money from her by threatening to denounce her to the army if she did not pay. That was a very difficult period in her life where her mother had become one of her main persecutors. She finally went to jail, where she was held for nine months in La Guardia, tortured and then forced to become an informant of the Death Squad. Her terrified husband left her while she was in prison, and once released, she lived over a year in the mountains, fleeing with her kids, sleeping nowhere and trying to survive until she finally left the country. At this point in the story, Maria added two very important things: "With all what I've been through, my spirit was traumatised, my brain was about to explode". While being able to express her suffering in a very powerful way, she would also say "I was able to withstand this torture because I had suffered a great deal in my life".

It is these two complementary aspects that I wanted to bring to your attention with Maria's story. We have often considered that a difficult childhood with an experience of violence was a source of future problems as I was previously explaining. In Maria's case, however, and for many other women, it is also a source of strength. We often use the concept of resilience, which expresses the idea of overcoming trauma. However, this concept's definition is incomplete if it does not account for the fact that some strengths develop not *despite* trauma but *because of* trauma. We do believe that extreme trauma always generates sufferings, but that this suffering is a source of metamorphosis which produces handicap and also strength, generally both. This is exactly what Maria tells us; she does not minimise her sufferings. She acknowledges them and the way she has been haunted by this history of violence. At the same time, Maria realises how she was able to survive torture because she "knew how to suffer"; she had learnt to in her childhood. During the whole family reunification process, there was this very hard learning process stemming from sufferings. That was my first point within the idea of reconstruction processes, that we should first look at the way in which a history tainted with violence can also generate strengths, and then find ways to identify these strengths.

Within a wider study—carried out in collaboration with the RIVO (« Réseau d'intervention auprès des personnes qui ont vécu la violence organisée à Montréal ») and pursued with women having experienced, in their country of origin, serious organised violence such as rape or torture—we have noticed that these women had a tendency to construct themselves as exceptions within their family. When thinking in retrospect about their childhood history, they would describe a gap between themselves and their role inside their family as women or

mothers, saying: “I was different from the others”. The subsequent trauma they would later live therefore gained a new meaning in light of this exceptional trajectory and the idea that they had a particular role or mission.

The second striking element was the way in which these women did not construct themselves only as victims or weak individuals, but also as supportive and helpful to others. When talking about themselves, they would not say: “I need help from my family, my spouse or my friends”, but rather: “I am here to help them”, be it for their immediate or extended family. This is a very important element. Often, faced with exceptional trajectories and sufferings, we tend to wish, with good intentions, to unload these women of their mission by telling them: “You went through enough hardship and did enough, you no longer have to take care of your mother-in-law, your father-in-law, or any other such member of the family.” However, to unburden them from this mission very often harms and weakens these women. This does not mean that we should leave them the entire burden, but rather that we should be careful while unloading them of something that gives meaning to their life.

I will give you the example of more clinical cases we see repeatedly: the case of young women, often minor, who are assigned parental roles and take care of their brothers and sisters. Upon arrival here, these young women are taken care of by Youth Protection. We tend to deprive them of this parenting role so that they can become children again. However, if we do so, a psychological collapse ensues and finds expression in serious depressions or behavioural problems. The fact of having a mission, to turn one’s suffering into altruism and an ability to help others is certainly a burden, but also a fundamentally protective task. We should therefore be careful not to turn refugees into victims, because it could seriously harm them. Sometimes, isn’t it a more comfortable position to be a hero than a victim? I am not implying that to be a hero is an easy thing, but it can be preferable.

Another point which raises ethical problems within our services is the case of young women, some of them minor, who were led to prostitute themselves in order to survive. I am thinking of young women who survived in Kinshasa and who sometimes contributed to their brothers and sisters’ survival through prostitution. Once again, these women display tremendous strength, but in a very difficult and dangerous situation considering the HIV prevalence in Kinshasa. Upon their arrival in Canada, they are taken care of by our services, but reproduce the same behaviours: a taste for promiscuity, a tendency to look for men, behaviours which are then interpreted by us according to moral standards: “This attitude suggests behavioural problems, therefore we will prevent it.” This reaction is prompt, normative, and very dangerous. I should specify that I am not encouraging juvenile prostitution or promiscuity for minor girls, but I believe that it can be very dangerous to interpret as behavioural problems attitudes that were synonyms of survival for years. We should think of a period of transition where this behaviour could be transformed into other modes of affirmation of their previous mission, towards other goals likely to bring strength to these women. This transformation, however, should not infantilise them. A moral look can be damaging if it is not adjusted to personal histories.

I wish to evoke a last element with regards to strategies. I will only name them for lack of time. Among strategies of reconstruction, we also tend to focus on the good things that happened in previous history. A recent study on the reconstruction of Congolese families reveals that sometimes—and it is especially the case for women—the memory of previous lacks, losses, and discontinuities is important to build the ability to survive to present losses. All women navigate between different strategies of reconstruction from the collective and the individual levels. One of my colleagues, Laetitia Atlani, examined the question of the rape of

Vietnamese “boat people” women. She observed the way in which karmic interpretations put forward by the community had helped bring peace in that community. The idea was to conceal the impression held by many men and families, that they had been accomplices for the rapes of these women because they had “offered” them to the pirates. These karmic interpretations were personally and individually very hard to carry for these women, who would sometimes use Western remedies in private therapeutic sessions in order to have their voices heard. This did not mean that they were dissociating themselves from the strategies put forward by the group. We must therefore remember that strategies of reconstruction operate within a space that is both individual and collective, that it is important to look at the ways used by women to navigate between these modes, and sometimes resorting to Western methods at an individual level, without necessarily adopting them at the family or collective levels.

What are the tracks for research and intervention? I will name three things without elaboration. First of all, in our research and interventions—and without lapsing into auto-incrimination—I think we should examine without complacency our own violence each time we are dealing with situations of violence. Second of all, I think it is important that respect and acknowledgement of the other’s strengths always be an integral part of an intervention and research process. We should not construct these persons as victims or as handicapped persons, because *we make them* victims and handicapped. Finally, at the level of research and intervention, we must rethink processes of power appropriation.

I will end with a word by Elena de la Aldea, an Argentinean colleague with whom I often work who says: “You know, you never give power, you just take it”. This illustrates how from the moment we want to *give* power to these women, we actually keep this power because we subordinate these women to our will. Therefore, if we open spaces of power, we must accept that women may appropriate the latter in a way that is not necessarily the most suitable for us.

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**Precariousness and Vulnerability:
What needs to be changed?**

Jacqueline Oxman-Martinez

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Precarious Immigration Status, Dependency and Women' s Vulnerability to Violence: Impacts on their Health

This short presentation intends to demonstrate that both precarious immigration status and some Canadian immigration policies have differential and discriminating gender-based impacts. Among the immigrants having this precarious status, we note that women are over-represented in almost all of the following categories (CIC, 2002): dependent refugeeclaimants, sponsored family members, trafficked individuals, domestic workers (*Live-in Caregivers Program*), mail-order fiancées (Mail-Order Brides) and *entertainers* arriving with visitor or temporary work visas.

The frequency and speed of trade and communication has increased in frequency across international borders in recent times. The movement of international migration would likely follow the same pattern; unfortunately, only the elite of the world population shares the increased access to transnational movement accorded to natural resources and manufactured goods. This means that only the rich and well-educated have trouble-free access to immigration. For many, the negative consequences of globalisation on local economies have created the need to emigrate. However, due to legal and socio-cultural constraints in the country of origin or restrictive immigration policies in the destination country, the legal channels are closed for them, as indicated by the International Organisation of Migration, among others (IOM 2000a; McDonald et al., 2000; Koser, 2000).

The nature of immigration policies in most western countries, including Canada, focuses on the formal education and capital of the individual. To immigrate as an independent candidate is not an option for the majority of women, particularly for those who do not have schooling or sufficient financial resources. These women are precisely the ones with very limited migration options and are vulnerable targets for human trafficking; they will accept working conditions that are unacceptable for Canada's population.

According to the United Nations definition, a refugee is a person who *fearing, with good reason, persecution because of race, religion or ethnicity, of belonging to a certain community, or because of political opinions, is outside his or her country of origin, and who cannot, or will not, because of this fear, seek the protection from this country...* There are actually 15 million refugees or refugee claimants (persons claiming refugee status) currently in the world under the jurisdiction of the United Nations High Commission for Refugees.¹

The role of Canada in supporting refugees was defined in the 1951 Agreement on Refugee Status. Between 1979 and 1999, Canada received 531,417 refugees out of a total of 3,576,298 immigrants (i.e. a rate for the last five years of about 24,000 refugees annually). The Commission on Immigration and Status of Refugees (CISR) grants refugee status to at least 13,000 refugees each year.² According to the UN High Commission on Refugees, since its founding on January 1st, 1989 up until to June 26th, 2002, Canada granted refugee status to 172,014 individuals. Furthermore, 80 percent of the world's refugees and persons under UNHCR jurisdiction are women and children.

Among the objectives of the Immigration and Refugee Protection Act (entered into force June 28th, 2002), we find increasing demographic growth, enrichment of the cultural fabric of Canadian society, the reunification of family, the fulfilment of international obligations and the maintenance of Canada's humanitarian tradition. At the same time, this legislation seeks to support the development of a competitive economy, to ensure the security of Canadian society and to promote international law.

Support provided to refugees represents only one aspect of the Canadian humanitarian policy. Refugee claimants have to prove their ability to settle in Canada and pass medical and security tests so as to meet other objectives of Canadian Immigration policy.

An analysis of the *Canadian Refugee and Humanitarian Resettlement Program* initiated in 1997 indicates that individuals who need the most protection have the most difficulty meeting the selection criteria. A proposition has therefore been made to emphasise the candidates' need for protection in their evaluation rather than their ability to settle with success. Among the most frequent cases, we find single mothers, victims of diverse trauma or torture, women who have lived in camps for extended periods and sick people who live in unacceptable medical conditions. As a group, refugees are more than ever part of "visible minorities" and they often present more risky states of health. In 1999, the top 12 countries from which refugees came to were China, Sri Lanka, Pakistan, India, Hungary, Mexico, Russia, Iran, Zaire, Algeria, Nigeria and the Czech Republic.³

Most of the time, refugee claimants coming from these countries are fleeing civil wars or persecution and often fear for their lives. As for the movement of "irregular migrants", China is the main source for this type of immigration. In 1999, 1090 Chinese refugee claimants arrived in Canada by air, compared to the 150 to 400 from Pakistan, Iran, India, Albania, Sri Lanka, Nigeria, Iraq, Afghanistan and Algeria. Fewer refugees arrived by land or sea (Oxman-Martinez and Martinez, 2000).

¹ 1951 United Nations Convention relating to the Status of refugees and its 1967 Protocol.

² <http://www.cic.ca/english/department/brochure/service.html>

³ <http://cic.net.ci.gc.ca/francais/pdf/pub/faits-temp1999.pdf>

Kérisit, Côté and Côté indicate that in 1994, 46.8 percent of spouses among groups of immigrants (without distinction of sex) in Canada were sponsored. Indeed, the sponsoring program allows Canadian citizens and permanent residents to sponsor close relatives. These sponsors have the responsibility to financially provide for all the basic needs of the sponsored person. This responsibility lasts for a ten-year period for parents, children, brothers and sisters and a three-year period for spouses. Sponsored family members are not eligible for income security benefits; nevertheless, sponsored family members are granted permanent resident status. In spite of this relative protection for sponsored parties, the sponsoring of spouses, in particular, has been shown to be problematic in terms of equality of rights and vulnerability to abuse (Thobani, 1999). Kérisit, Côté and Côté (2001) also report that this system has a discriminatory effect on women as it exacerbates inequality within the marriage, diminishes their dignity and their degree of independence, aggravates existing socio-economic disadvantages and therefore violates their fundamental rights.

In the next part of this presentation, we will examine the issue of women victims of trafficking. There are two underlying factors responsible for the expansion of trafficking of human beings, and in particular of women: the growing inequalities between North and South and an increasingly well organised transnational criminal network (Coalition to Abolish Slavery and Trafficking, 1999a; Fekete & Weber, 1997; Kattoulas, 2000; Schloenhardt, 1999; Kattoulas, 2000; Schloenhardt, 1999).

The trafficking of women must be understood as a phenomenon related to globalisation, which is reinforced by a continuous flow of third world immigrants. This issue is related to race and gender, which is to say that this trafficking is taking place within specific countries of origin and mostly with women. These women come from Eastern European, Asian, and certain Latino-American countries. Trafficking is taking place in the context of neo-liberal economic reforms, driven by unrelenting capital expansion through profitable business opportunities.

In addition to economic globalisation as such, other factors contribute to trafficking in women. These include the feminisation of poverty encouraged by the IMF structural adjustments policies (UNIFEM 2000), the lack of legal frameworks prohibiting trafficking and the lack of enforcement of the existing legislation (Tenth Congress of United Nations, 2000), armed conflicts, and even the complicity of some governments, particularly in economically poor countries (Coalition to Abolish Slavery and Trafficking 1999a). Finally, communication technologies also encourage sexual tourism.

Data collected by Oxman-Martinez and Martinez (2000) indicate that the preferred targets of traffickers are girls and young women aged 16 to 22 years old. There is however no or little systematic intelligence gathered in Canada; the existing material is fragmentary and of an anecdotal nature—when it is not kept confidential. Women and girls who are victims of trafficking are concentrated in large Canadian cities where they work in sweatshops, in the sex industry, as domestic workers, and as mail-order brides.

Some of these victims, in particular underage girls, are smuggled across the borders; others come through legal immigration channels but their immigration status is dependent on their relationship to their employer or their husband/fiancée.

Three immigration programs in particular render women vulnerable to trafficking: the Live-in Caregiver (LCP), the fiancée visa (used by the mail-order bride industry - Langevin et

Belleau, 2002) and the temporary work visa's *entertainer* category. Female trafficking victims who come to Canada with legal visas may see their exploitation begin only once they enter the country. The traffickers take their passports (along with visas and/or employment authorisations) and exploit the women to their own profit. Trapped, these women live in fear of being arrested by the police, which results in a cycle of all kinds abuses, in working for below minimum wage, forced debt and violence.

As there are few viable legal channels of immigration for such women, an important vacuum is created while the immigration policies remain unchanged. Some government officials argue that maintaining these programs as they are, in the absence of other channels of access, allows some of these women to enter Canada where they have access to work opportunities (Oxman-Martinez et Martinez, 2000) and are even able to send money to their families back in the country of origin—a significant advantage when one knows that the funds sent to some countries, such as the Philippines represents a significant portion of the domestic income (San Juan, 1998).

While the characteristics of the LCP and fiancée's visa programs may differ, they share a common feature, that of making women's immigration status conditional to the satisfaction of their employers or sponsoring fiancés, most of the time men. Even if all the women using these programs do not end up in exploitative situations, the conditions and terms of these programs are such that, should these women be exploited, the possibilities of escaping are limited; they have only the alternative of returning to their country of origin - an unthinkable solution for many immigrants. There remains then only the choice of tolerating the abuse that they suffer.

The Live-in-Caregiver Program (“LCP”)

In a CIC document available on the internet, we can read that: “one of the main conditions of the program is that the employee live in the house of the employer. There is no lack of Canadian workers to provide non-residential care, but for domestic workers, there is a shortage of Canadians wishing to fill this type of position”⁴.

The program is designed to allow women wishing to immigrate to Canada to spend 24 months working as a domestic employee residing within a family previously approved by the government. After this period of time, they have the right to submit a request for permanent residency in Canada.

As they have usually proven their ability to work and live in Canada, these workers' requests of permanent residency are nearly automatically approved. This is the main appeal of this program for immigrant women. As already mentioned, considering that the Immigration Act's immigration criteria in terms of schooling and financial status do not permit a majority of women to come into the country as independent immigrants, the LCP program remains one of the only legal options, within the selection criteria, open to women without capital or recognised skills.

Compared to other programs admitting permanent residents, the Live-in-Caregivers Program has many disadvantages. A LCP work visa confers only a temporary status and

⁴ Citizenship and Immigration Canada, Online, <http://www.cic.gc.ca/francais/travailler/aides01.html>, access date: July 24, 2002

requires that the migrant workers – 84 percent of whom are women (CIC, 2002) - work exclusively for the employer whose name appears on the work visa. This connection between the immigration status and the employer creates conditions favourable for exploitation, which is reinforced by the mandatory requirement that caregivers live in the employer's home. In this framework, social isolation increases the difficulty for these women to defend their rights even if some of them are aware of the latter.

Another problem is that this immigration program squanders the skills of educated immigrant women, recruiting them while knowing that their training and professional experience will not be recognised in Canada. (Langevin & Belleau, Ottawa, 2000; Philippine Women Centre of BC, 2001).

A serious moral question thus presents itself concerning this program: why is the live-in requirement for migrant women a condition of their employment? Is it because Canadian women would not accept this type of arrangement, which could expose them to exploitation, not to mention the very low pay?

For working women from developing countries, these difficult conditions are tolerated since they represent their only chance to migrate.

Mail-Order Brides

Women who immigrate under the Fiancée Visa Program find themselves in an even more precarious position. Unlike the other sponsored members of a family, persons entering the country under this program – 72 percent of whom are women (CIC, 2002) – do it on a conditional basis. Immigration law provides that the fiancé(e) must prove to the visa officer that he or she is free to marry, that he or she is over the minimum age to be married in Canada and that marriage is not solely for the purpose of immigration. He or she is then given the permanent resident status on the understanding that the marriage will take place within 90 days of arrival. (CIC, 1997).

If a woman is unable to provide proof of marriage within 90 days of her arrival, her status in Canada becomes illegal and she could be deported. In most mail-order bride cases, the fiancées do not know their prospective husbands. If the sponsored woman discovers upon arrival that the man is exploits or abuses her, she is nonetheless forced to marry him if she wishes to stay in Canada. Studies reveal the psychological and socio-economic difficulties experienced by Mail-Order brides in such situations.

Once the women have got married and obtained permanent resident status, they are legally free to separate from their husbands without any impact on their immigration status. However, since many of these women remain socially isolated, because of, among other things, language and social environment, and are unaware of their rights, many believe that they will be forced to leave the country if they leave their husbands.

Another problem mentioned in research studies, is that of men who sponsor several fiancées consecutively but ultimately send them back to their countries of origin. Such serial sponsorship can bear a striking resemblance to sexual procurement, placing women who are entering as mail-order brides in a very difficult position.

The problems inherent to these immigration programs have not escaped the criticism of members of Canadian civil society. At a recent roundtable discussion on the topic of trafficking (Ottawa, 2000), several NGO representatives and researchers called for the termination of these two types of immigration (the Live-in Caregiver Program and Mail-Order Brides) and proposed to instead grant such women visas as independent workers. Such a change, they believe, would have the effect of allowing women to enter and work in Canada legally and independently, thereby reducing the opportunities available for traffickers to misuse immigration programs for exploitative purposes with serious consequences, of which we already know.

What should be changed? Effectively give women an independent immigrant status so as to avoid the reinforcement and persistence of already existing inequalities in the conditions of the majority of women coming from the South. It is certainly not an easy task, but these women already have a heavy burden to bear. Is it not possible, in spite of the limitations and restrictions in force since September 2001, for the Canadian Government to define a more humanitarian, more egalitarian and less discriminatory immigration policy by granting women the same privileges as men?

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Sandra Harder

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CIC: Gender-Based Analysis Activities

Most importantly for me, this event represents an opportunity to learn and to listen. I started working with *Citizenship and Immigration Canada* (CIC) approximately two years ago, when I established the gender-based analysis unit that I manage. I am a sociologist by training and I have a number of years of research experience and policy experience on gender issues. Working on gender issues is a bigger challenge, at times, inside the federal government than it is anywhere else. Nevertheless, we keep soldiering on.

Challenges for Gender-Based Analysis Unit

Our responsibility in the unit is to know a little about everything that goes on in the department. This is a very challenging task because there is a lot of activity at CIC. In the very small gender-based analysis unit, our ultimate goal is to have policy makers and legislation drafters incorporate considerations of gender and diversity as a matter of course in their work. We have the challenging task of trying to make policy makers think about the way policy programs and legislation can have different outcomes and different impacts on women and men, as well as on different groups of men and women. We are capacity-builders inside the department. The unit provides training, analysis, risk analysis, and expertise, and establishes connections with people who are gender or diversity experts in their larger community. Unfortunately, we do not make all the decisions we would like to make. These are often made by people at senior management levels. Nevertheless, we provide input and this is innovative work undertaken at CIC to try to encourage policy makers to incorporate considerations of gender in policies, programs, and legislation, where they have probably rarely thought about such issues in their daily work before.

Training Offered to CIC Officers

We have trained about fifty policy and program analysts in the department. On a two-day course where we expose them to issues that have a particular relevance for them in their

work, we try and expose the gendered implications of policies, programs, and legislation. We have developed case studies and examples that we use to train people in enforcement, in selection, in the refugee branch and in strategic policy to think about gender and diversity as they are going through the policy process. CIC officers are aware of many of the issues that you raised; they are the same issues that we raise in our unit, that we use in our training for people within the department.

Bill C-11 Analysis

The unit was established about two years ago, in the context of the legislative review. The department committed at that time to undertake a gender-based analysis of the legislation and the proposed legislation. Our unit was responsible for doing a preliminary analysis of what was at the time Bill C-11. The analysis has been posted on the CIC web site and is therefore available to the public. It examines the potential gendered differences, gendered impacts of the legislation. Many of the details regarding the implementation of IRPA, the *Immigration and Refugee Protection Act*, are found in the regulatory package that supports the legislation. Our unit is now undertaking an analysis of that regulatory package and this analysis will be made available to the public as well. We are meeting with people who are working on the development of the regulations in order to raise with them the gender implications inherent to the regulations.

Some Outcomes

Some changes in the legislation were informed by work and research undertaken by the gender-based analysis unit, as well as research undertaken at the community level by academics and non-governmental organisations. IRPA has reduced the sponsorship requirement from ten years to three years. Sponsors who have been convicted of a crime related to family violence or sexual assault offence are barred from sponsoring under the new legislation. We have been working with the drafters on the regulations so as to make sure that the latter are aware of violence and sexual assault issues, and to incorporate these issues into the training offered to CIC officers.

Traffic of Human Beings and Smuggling of Migrants

In terms of trafficking and smuggling, our unit is working along with other officials at CIC with all the federal government departments on the United Nations Protocols on trafficking and smuggling. In this respect, IRPA, the new legislation, includes fines of up to \$1 million and the possibility of life imprisonment for people convicted of trafficking. We are working in our unit with other government departments in an effort to help in the development of training given to immigration officers with regards to trafficking as it pertains to women in particular, and to young children.

Live-in Caregiver Program (LCP)

During the last legislative review, the Live-In Caregiver Program (LCP) was not examined extensively. However, we are working at the moment inside the department on the improvement of that program. Part of this process has been the new legislative regulatory

requirement to complete a detailed employment contract between employers and women arriving in Canada under the LCP. However, we recognise that the enforcement of that contract is under provincial jurisdiction. The program officers on this file and the gender based analysis unit are aware of the problems within the program and its limitations. We are working now with Status of Woman Canada and I have met with Cecilia Diocson and some of her counterparts to discuss the research and information needed before envisaging changes to the program.

Information for Sponsors and Persons Being Sponsored

This legislation, as well as existing processes, provide immigrants with information and counselling on their rights and duties upon arrival in Canada. The guide for family class applicants, available in 40 languages, contains information regarding rights, responsibilities, and it is in theory to be read not only by the sponsor but also by the person being sponsored. There is also relevant information available on the CIC web site, from the High Commissions, the consulates and all the CIC call centres. I would be happy to hear about missing elements in this process, and ways in which information, rights and responsibilities could be enhanced. I would like you to think of me as a broker. I am going to be listening to the information that you provide, and I am going to take that information back to my department. You can feel free in your dealings with CIC, on issues of concern, to use the gender-based analysis unit and myself as a point of contact.

Marie-Claire Belleau

Marie-Claire Belleau is a professor in the Faculty of Law at Laval University. She also teaches feminist legal theory and the critique of identity within the graduate programs of the European Academy of Legal Theory in Belgium as well as the International Institute of Juridical Sociology in Spain. Marie-Claire Belleau holds a Ph.D and a Masters degree from Harvard Law School, as well as a D.E.A from Paris II University. Her research studies focus on feminist legal analysis, identity critique, legal theory, comparative law and legal thought.

The Mail-Order Bride Trade: Recommendations for Judicial Reforms

I wish to thank the persons who organised this seminar for having invited me to make this presentation. I was asked to make a 10-minute presentation and concentrate on the recommendations of a report called "Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-In Caregivers and Mail-Order Brides" published in 2002 in the series Policy Research of Status of Women Canada. I wrote this report in collaboration with my colleague Louise Langevin within the framework of a research program supported by Status of Women Canada on the trafficking of women. I will limit myself to the recommendations dealing with the practice of Mail-Order Brides in our report.

As an introduction, I will very briefly define the mail-order bride trade. I will then present the 25 recommendations of our report on this subject, accompanied with a few explanations.

The Mail-Order Bride trade

The mail-order bride trade, known in French as the "promises par correspondance" represents an increasingly common manifestation of trafficking in women. At the least, this trade creates dependency ties susceptible to lead to the exploitation of women. In its worst form, this practice creates a flourishing and profitable industry leading to the trafficking in women from the third world to citizens of the first world.

The first impression we have when consulting "Pen-Pal" web sites suggests regular personal ads for single persons in the era of globalisation. The increasing loneliness of adults afflicted by difficult relationships, separations and divorces, coupled with difficulties in meeting available and compatible persons lead many to turn to specialised services, in the hope of finding their soul mate. This phenomenon has now expanded world-wide. The large-scale quest for romance is now possible thanks to the increasing availability of technological information networks and international transport.

While this first impression of international correspondence agencies reflects the description offered by mail-order bride agencies and the men who profit from them, it does not take into consideration women's point of view. A portrait of the mail-order bride trade reveals multi-dimensional and interrelated inequalities which place the bride in a state of dependency vis-à-vis her husband. The mail-order bride practice is growing more and more common in North America as well as in Europe. This phenomenon is reaching a world wide scale, partly because of the change in gender roles during the last decades. Indeed, up to a certain point, the mail-order bride trade seems to be a reaction against the advancement of feminism. When looking for a mail-order bride, men tend to swap too demanding local women for docile and submissive spouses originating in the Third World.

We made two types of recommendations in our report: first, recommendations of a general nature and, then, specific recommendations of a legal character. I will from time to time use the acronym "MOB" to refer to the mail-order brides.

First, recommendations of a general nature.

Recommendations regarding the Mail-Order Bride trade

One of the problems we faced is the absence of statistical and empirical information on the scale of the MOB phenomenon in Canada.

- 1. We have therefore recommended that the federal government continue to fund empirical studies of the mail-order bride trade in Canada. The purpose of such studies should be to identify, inter alia, the number of women involved in this international trade, the number of consumer-husbands, the identity and number of MOB agencies, the fees they charge, and the profits they generate.*

We consider that the trafficking in women, and the MOB practice in particular, stem from a "bilateral" sexism. On the one hand, in third world countries, women are second-class citizens who have access neither to education nor to property. They are therefore the first to bear the costs of poverty and unemployment because they constitute the most important part of unqualified labour force. Therefore, they are the citizens whom the country can most easily cope without and are thus more susceptible to constitute a clientele for human traffickers. With the objective of participating in the promotion of an economic balance at the international level,

- 2. We recommend that Canada continue to participate in and fund international development programs to promote economic growth in Third World countries.*
- 3. We recommend that Canada participate in and fund international development programs aimed specifically at educating girls and women and giving them access to private property.*

As I was telling you, a "bilateral sexism": on the one hand, sexism in the MOB country; on the other hand, sexism on the part of men participating in this practice. Indeed, these Canadian men are characterised by their hatred or fear of the feminist movement. They attribute to women's movements the loss of traditional values which are dear to them. They reject women of their own nationality as spouses because they consider them aggressive, individualistic, excessively career-oriented, too demanding of conjugal life, and

having equality expectations within the couple. These men criticise the autonomy, independence and equality expectations of women. On MOB web sites, the anti-feminist discourse is a permanent feature. It impels men to seek submissive, obedient and subordinate MOB as the ideal spouse model for the purposes of a traditional marriage.

4. *We recommend that the federal and provincial governments initiate campaigns within their territorial and legal jurisdictions to raise public awareness of equality issues in order to combat sexual and ethnic discrimination and minimise the anti-feminist backlash prevailing.*

When they arrive in host countries such as Canada, the MOB generally do not have access to members of their cultural communities. The man sponsoring them therefore represents their only reference with regards to the culture, values, and ideals of their adoptive country. However, these citizens reject the equality values prevailing in their country. Therefore,

5. *We recommend that the federal and provincial governments inform all women newcomers, before they enter Canada and on a regular basis during the first months after their arrival, about their rights as well as Canada's international and national commitments against:*
 - *Sexual discrimination.*
 - *Discrimination on the basis of race, colour, national origin or ethnic group*
 - *Discrimination based on status and social condition*
6. *We recommend that, through the funding of non-governmental organisations that provide assistance to immigrants, the federal and provincial governments initiate campaigns to raise awareness and provide information to mail-order brides about:*
 - *Sexual discrimination*
 - *Racial discrimination*
 - *Discrimination based on status and social condition*

We will now turn to recommendations of a legal nature.

Recommendations Concerning the Legal Framework Governing the Mail-Order Bride Industry in Canada

From a legal standpoint, the mail-order bride phenomenon involves several branches of the law, including contract, immigration, family and criminal law. These fields are of provincial or federal jurisdiction, and sometimes both. Therefore:

7. *We recommend that the legal reforms necessary to regulate the MOB trade begin with a joint effort by the federal and provincial governments.*

The mail-order brides also require assistance in the representation of their rights.

8. *We therefore recommend that non-governmental organisations assisting immigrants be granted the necessary funding to help mail-order brides by providing them with information, support and representation in any proceedings.*

9. *We also recommend the creation of a federal-provincial legal aid fund for immigrants, which mail-order brides could use in order to protect their rights.*

So as to limit the state of dependency of the mail-order brides in their relations with the consumer-husband:

10. *We recommend that the federal government eliminate the condition of marriage for obtaining a fiancée visa so that a bride can obtain permanent residence in Canada when her visa is issued.*

The invalidation of marriage could also have the effect of cancelling the conditions necessary for the MOB to obtain her permanent residence.

11. *We therefore recommend that federal and provincial law be amended so that a mail-order bride will not lose her permanent resident status or the benefit of a sponsorship undertaking if her marriage to the consumer-husband is annulled.*

The most striking and troubling example of the inequality among the spouses is undoubtedly the generational disparity among the two. Indeed, according to studies, couples that were formed under the MOB system are characterised by an average age difference between 20 to 50 years. The first-world citizen actually wishes to have such a gap precisely to be in a better position to dominate and exert power over his MOB. Men generally look for very young brides to be able to dominate them more easily.

12. *We therefore recommend that the Immigration Regulations, 1978, be amended to exclude from the family class a spouse who is under 18 years of age when the sponsoring application is submitted.*

The Regulations presently require a minimum age of 16.

MOB agencies provide their members with private detectives, doctors and psychological services so as to evaluate potential mail-order brides. These services aim to ensure the good mental and physical health of the MOB, the absence of a criminal record, as well as the truth of her claims.

However, the citizen of the first world is subjected to no investigation. It is therefore impossible for the MOB to know if her future husband has a criminal record or to know his family background, such as conjugal violence, or confirm the truth of his claims with regards to his living conditions and his revenues in Canada. This situation has many consequences, as you can imagine, since the MOB leaves her country, her culture, and her family to immigrate in circumstances she cannot anticipate. Therefore,

13. *We recommend that federal and provincial immigration authorities investigate each consumer-husband prior to the approval of a sponsorship undertaking and the granting of a fiancée or spousal visa to the bride, in order to identify consumer-husbands likely to engage in criminal activities.*

Moreover,

14. *We recommend that the Canadian provinces take the initiative in specifically regulating mail-order bride agencies operating in Canada in order to limit the abuses in this business and to identify agencies engaged in criminal activity.*

Indeed, since the MOB practice sometimes serves as a camouflage for criminal activity,

15. *We recommend that the federal authorities apply the sanctions available in immigration law against consumer-husbands who use the MOB trade as a pretext for other activities, such as procurement for the purposes of prostitution.*

Certain men use serial sponsorship in order to recruit women for international prostitution networks.

16. *We therefore recommend that federal immigration law prohibit a consumer-husband who has entered into one invalid marriage from submitting a new sponsorship undertaking.*

17. *We also recommend that federal immigration law provide that a man may not sponsor more than one spouse in his lifetime, unless humanitarian reasons justify an exception in the case of divorce or the death of his wife, following an investigation into the first marital relationship.*

Finally,

18. *We recommend that the federal government take the necessary measures to meet its international commitments regarding prostitution.*

In a view of facilitating proceedings against Canadian citizens exploiting mail-order brides from the Third World,

19. *We recommend the creation in federal immigration legislation of a reparation for a bride against her consumer-husband for abuse of the sponsorship process. The purpose of this reparation would be to compensate the bride for damages she has suffered. The reparation would encourage brides to initiate proceedings against people who participate in trafficking in women.*

20. *We also recommend that federal immigration law be amended to allow a bride to remain in Canada during proceedings for breach of a promise of marriage against a consumer-husband who refused to marry her before the expiry of the 90-day time limit after her entry into Canada.*

21. *We recommend that a federal-provincial legal aid fund be created for immigrants, which mail-order brides could use to provide for their basic needs for the duration of any criminal proceedings.*

22. *We recommend that federal immigration law be amended so that a bride who has been the victim of a criminal act committed by her consumer-husband will be granted permanent resident status while her abuser is being prosecuted.*

23. Finally, we recommend the creation of a federal-provincial legal aid fund for immigrants, which mail-order bride could use to institute an action for breach of promise of marriage.

Indeed, we believe that it is important to reinstate old causes of action. Therefore,

24. We recommend that provincial legislatures reinstate, if necessary, the former cause of action for breach of promise of marriage specifically for mail-order brides.

Finally, as I previously mentioned it, it is fundamental that the MOB be informed of her rights by other persons or organisms than her husband; therefore,

25. We recommend that federal and provincial governments inform mail-order brides of their rights with respect to marriage and marriage breakdown.

In the final analysis, the solutions to the various aspects of the MOB trade must be many and varied. Indeed, they must aim at legal reform, diplomatic reform and improved dissemination of information. Moreover, they must take place at all levels, i.e. provincial, national and international.

Cécile Magloire

Cécile Magloire is a social worker specialised in immigrant populations. She is responsible for the conjugal violence file at the Parc-Extension CLSC, where she has accumulated more than 10 years of experience. Magloire holds a Bachelor of Social Work from the Université de Montréal, as well as a Masters in Social Work from McGill University. She is also a member of the conjugal violence respondents committee in the CLSCs.

It is from the perspective of my experience as a social worker in the Park-Extension CLSC that I will try and explain to you why the migratory context can make sponsored women, as well as women with a precarious immigration status more vulnerable than other women.

In order for you to have a better understanding of the situation, I will briefly describe the population of the Park-Extension neighbourhood. The population with whom I work comes from various ethno-cultural communities. Indeed, it is made up of immigrants originating from 45 different countries. For 75% of these people, neither French nor English is the first language. This population includes members from the old waves of immigration such as the Greek community, but also newcomers from Bangladesh, India and Pakistan. Such diversity provides us with what Americans call a real “melting-pot”.

Just like other regions of the world, Québec welcomes loads of people from many countries, who emigrate for political, economic, or family reasons. These people leave their native soil looking for a better life elsewhere. This is the case of an important number of immigrants who settle in our neighbourhood.

We know that when a sponsored woman settles in Canada, she brings her stock of language, culture, values, customs and beliefs with her. In many instances, these norms and values are very different from those of the host society, with the result that adaptation and integration are more problematic.

Here are a few elements that make immigrant women vulnerable.

First of all, we know that these women are provided with much less schooling than men; ignorance of French and English, as well as illiteracy, are major obstacles to integration. If sponsored women spoke and wrote English or French, it would be a lot easier for them to find a job, to communicate with their employers, colleagues, their children’s teachers, and with government officials. These women would therefore be less vulnerable to exploitation and injustice.

Nevertheless, when immigrant women have degrees, we know that their qualifications will only be partly acknowledged, if at all; even if they have an advantage over women without qualifications, educated women must often go back to square one.

The second problematic element is the economic aspect, since women remain dependent on their sponsor or guarantor for a long period of time. This situation leaves the door open to all sorts of abuses such as conjugal and family violence. The outbreak of violence is generally acute during the sponsoring period, which varies between 3 to 10 years, and during which the sponsor is very aware of his dominant status.

The third element rendering immigrant women vulnerable is the loss of the family and social networks on which they could rely in their country of origin. This loss is a contributing factor to their isolation. When facing a problem, these women can no longer solve it with the assistance of traditional networks and therefore become even more dependent on their sponsors.

Finally, whereas sponsored women could easily manage with regards to daily activities in their own country, it is totally different in the host society; differences in social practices and behaviours make it very difficult for many women to cope with administrative practices. Opening a bank account or filing their income tax declaration, for instance, can be a real headache. For these reasons again, most women find themselves in a situation of acute dependency vis-à-vis their sponsor and, in the absence of an intervention, will remain in such dependency for long periods of time.

Family reunification is no doubt a positive practice, but nonetheless presents problematic aspects. First of all, women do not benefit from the same social aid advantages as their sponsor during the sponsoring period.

A second problem is the fact that sponsors sometimes threaten their wives with breaking the sponsorship agreement if they do not comply with their demands. This is a very worrisome situation when women face conjugal and family violence.

Besides this, some women will be reluctant to ask for help and will remain in such a situation out of the fear of being sent back to their country of origin, where living conditions are extremely precarious. It should be noted that this fear is often fed and kept alive by the sponsor himself.

In light of such unfortunate situations, I will make the following recommendations:

- 1) I recommend that before their arrival to Canada, Canadian immigration services provide immigrant women with proper information with regards to the status of sponsored immigrants.
- 2) I recommend that part of the information sessions offered by the immigration services to newcomers be devoted to women with a precarious immigration status and that those be provided in their native language, so that women understand the implications of sponsorship, and the correlated problems and dangers they may be exposed to. I also suggest that sponsors themselves attend these information sessions in order for them to understand their rights, as well as be conscious of their responsibilities vis-à-vis sponsored women.
- 3) I recommend that immigrant women's access to French language lessons be facilitated.

- 4) Finally, as a last recommendation, I suggest that the sponsoring period required be reduced as much as possible so that women's dependency vis-à-vis their sponsor be the shortest possible.

Since the context of precarious status immigration has a weakening effect on women, I believe that the aforementioned recommendations could reduce their economic dependency, increase their legal awareness, and speed up the process of their integration to the host society.

Cecilia Diocson

Cecilia Diocson is a registered nurse at the Royal Columbia Hospital in British Columbia and is the founding chair of the Philippine Women Centre of British Columbia. She is also a member of the International Steering Committee of the Purple Rose Campaign, working against the international sex trafficking of Filipino women and children. Cecilia Diocson is one of the Canadian global council member of Migrante International, and a former coordinator of the BC Committee for Human Rights in the Philippines. She participated in a study on Filipina mail-order brides which was published by the Status Women Canada in November 2000.

Vulnerability to Violence of Filipino Immigrants

There are now around 300,000 Filipino migrants and immigrants in Canada. We are a relatively new immigrant community, which started coming to Canada in the late 1960s. Our history of migration does not really differ from the history of other immigrant communities. Generally, we were driven away from our country of origin and pulled into Canada because of economic necessity, and as part of the continuing global migration brought about by transnational economic forces that have practically integrated all countries into a single global economy.

Statistics Canada reflects our presence in Canada in recent census reports, which reveal that the Filipino immigration is concentrated mainly in the major urban centres of Toronto, Vancouver, Winnipeg, Montréal, Ottawa, Calgary and Edmonton.

However, we also have a specific and very distinct history of migration. In a historic conference of Filipinos in Winnipeg in August 2000, the delegates concluded that Filipinos in Canada were “part of the successive waves of Filipino migrants in search of survival abroad.” This migration has now reached epic proportions, in that 10 percent or 8 million Filipinos are now living or working outside the Philippines. They remit an estimated \$8 billion U.S. into the Philippine’s economy every year—a huge amount which enabled that country to stay afloat in the last decades.

In recent research projects and studies, Filipinos have consistently ranked as one of the top sources of immigrants to Canada. In the year 2000, the Philippines was the fourth ranked source country for all immigration into Canada. It is the top source country for entrants under the Live-in Caregiver Program—or LCP—with almost 25 to 30 percent of all Filipinos entering Canada through this program.

Filipinos are among the most highly skilled and educated immigrants. Nevertheless, according to Statistics Canada in 1996, their average income is \$2,000 less than the average income of Canadian-born workers. If we include the low income of Filipino domestic workers into this equation, the average income gap becomes much wider. At the Winnipeg conference mentioned previously, the Filipino delegates made the following remark about their community:

We are highly skilled and highly educated; yet we remain ghettoised in the political and economic margins of Canadian society. Despite our significant contribution to Canadian society, we are segregated as sources of cheap labour. We are known as housekeepers and nannies, janitors and cleaners and, lately, mail-order brides—a socially constructed identity that has profound impacts for the future development of our community. In fact, our overall situation has deteriorated to the point where many find themselves and their children trapped in a seemingly inescapable cycle of poverty, violence and marginalisation.

The LCP as Legislation in Poverty

One immigration policy that has had a devastating impact in our community is the Live-In Caregiver Program. After 20 years, this anti-woman and racist program (including its predecessor, the Foreign Domestic Movement), has practically legislated poverty for many members of our community and maintains the latter as a source of cheap labour, creating a host of economic and social costs of migration. Under this program, Filipina women come as migrant workers to cook, clean and care for children, elderly and disabled people within Canadian middle and upper class families. They work long hours for the minimum wage, and most of the time, they are not paid for their overtime hours. I would like to cite the example of the recent arrival of Filipina nurses under the LCP. These women work as housekeepers and care for elderly people 24 hours a day. We have calculated their income to be only \$1 to \$1.25 an hour.

Yet, notwithstanding their contributions to the Canadian economy and society, the Canadian government ignores Filipina women's needs and perspectives. There has been a plethora of evidence of rampant abuse, violence (in some cases, including rape), exploitation and oppression created by the fundamental pillars of the program: the mandatory live-in requirement and the temporary foreign worker status. And even in the face of numerous academic studies and community-based research calling for the scrapping of the program, the Canadian government continues to support this program. The political will is not there precisely because these are foreign women who are at the bottom of the social hierarchy and cannot vote despite their considerable number.

A host of other requirements in the LCP also serve to reinforce the marginalisation of these women, an example of this being the discriminatory prohibition of academic upgrading, as well as the prohibition to take second jobs. When these women are unable to meet the rigid and racist requirements of the program, Canada is quick to deport and discard them as disposable commodities. We have seen several cases where mothers of Canadian-born children are sent back to the Philippines for failure to comply with the requirements of the program. Cases of deportation are increasing.

The Mail-Order Brides System: The New Frontier?

I could cite other things about the precarious situation of these women in our community but time constraints do not allow this. However, I would like to mention another phenomenon emerging in our community: the "mail-order bride" system. We have just completed a groundbreaking study at the Philippine Women Centre, funded by Status of Women Canada. This study is called *Canada: The New Frontier for Filipino Mail-Order*

Brides. We interviewed 40 of these women in 5 provinces, and confirmed the increasing number of mail-order brides in Canada. Again, this is part of the growing phenomenon of trafficking of women all over the world. According to the Canadian Council of Refugees, the United Nations has just released a video on human trafficking. It pointed out that “trafficking in human beings is now the fastest-growing business of organised crime where more than 700,000 people are trafficked every year for the purpose of sexual exploitation and forced labour”. The mail-order bride phenomenon in Canada certainly falls into this category.

Do Futures Exist?

What are the futures? We are now producing a second generation of Canadians of Filipino origin who are alienated and marginalised. The Winnipeg conference made the following conclusions in its final report:

The children of domestic workers who are finally united with their mothers after years of forced separation face a grim future once they arrive in Canada. Because of the cycle of poverty legislated on their families, systemic racism in the education system, and other barriers to their advancement, Filipino youth are dropping out of high school across Canada at an alarming rate, and are quickly becoming a new generation of cheap labour, thus underscoring the long-term impact of the LCP on our youth.

It is this situation in our community, and our history of migration that has inspired us to continue our work of empowering our community. We are aware that our human rights, both individually and collectively, are often violated. This violation begins with our forced displacement from our country of origin and stretches all the way to Canada. We will continue to educate, mobilise and organise our community to struggle for our rights, while linking this struggle to the roots of our migration.

The Philippine Women Centre has now grown. There is a centre in Ontario and another one in Manitoba. This is a way for us to empower our community, especially our women, as we face more marginalisation and other violence. Next week, we will have our national meeting with women from other parts of Canada in order to form a national council to address some of the issues we started looking at in Vancouver. These issues include the LCP, which is a very complex problem, as well as the Mail-Order Bride system, as part of the trafficking phenomenon. We will also examine the question of nurses coming here to do domestic work despite the shortage of nurses across Canada, and also the broad question of violence against women. I hope we will be able to do more work to advance our struggle in the community.

Flora Fernandez

Flora Fernandez is a social worker who has been part of many rights defense groups in Montréal and is the founder of two shelters for women victims of conjugal violence and for immigrant women, *Secours aux femmes* et *Assistance aux femmes*. It is in the last shelter that Fernandez has worked for the last 24 years. She is also the representative for *Assistance aux femmes* at the Council of Shelters of the Island of Montréal.

I have been working within *Assistance aux femmes* for 21 years now. When I started working in this field, I noticed that the needs of immigrant women were very important. In our shelter, 70 percent of our clientele were immigrant women at that time. With a group of Latin-American women, I therefore decided to found the shelter *Secours aux femmes*, and I thereafter set up other resources for immigrant women since the needs were becoming urgent.

It is now 24 years since the shelter *Assistance aux femmes* was created. It is a shelter which, since its creation, was meant to take into account the Montréal reality. The persons who work within it are of French, English and foreign origin. Up until now, it is the Latin-American women who have been “representing” the ethno-cultural communities.

Assistance aux femmes is also a collective working environment that allows us to address certain issues and adapt to the reality of successive waves of immigration which differ from one year to another. This collective working group is also interested in the relationship of women amongst themselves. For example, the shelter usually hosts 42 percent Canadian-born and 58 percent immigrant women. When these immigrant women are refugees, long and difficult procedures force them to stay longer in the shelter and, on our side, to provide them with more services. This situation sometimes entails problems and confrontations among the women themselves. In order to improve cohabitation, we have created two housing programs: a standard one, lasting around five weeks, and a longer program for refugee women and victims of conjugal violence for whom we must take many steps and launch procedures before the judiciary institutions—at the civil and criminal levels—as well as before administrative bodies, for child benefits, for example. Besides this, we must often help them find a job, an apartment, and help them find their children when the latter are abducted. Finally, we must also work on the question of awareness for victims of conjugal violence.

How can we achieve all this without assisting with everything rather than letting them take responsibility for themselves? How could we manage to better “accompany” them in their undertakings? How can we distinguish between women who are at different stages, accept them where they are and see how we can help them move forward? The experience we have gained has taught us that the majority of these women—those who come from our shelter—have already taken the decision to abandon their spouse and come out of the ghetto and the paralysis of inaction. They made it to our services and are ready to act. We welcome them with all our expertise and what we have learnt throughout the years. We try to do our best, to accompany them and give them the means to act. However, we cannot ensure that the result will be to their advantage since we are also dealing with institutions!

Both at the federal and the provincial levels, the laws sometimes make women doubly vulnerable, notably when they are sponsored, do not know their rights, and when they are asylum seekers. In 1993, we initiated a big battle at the Canadian level for refugee women. We managed to have guidelines for the Immigration and Refugee Board—responsible for the recruitment of immigration officers—to pay particular attention to refugee women and women victims of conjugal violence. These orientations have brought many changes to our work and helped us a lot, without implying that we neglected, of course, the presentation of evidence such as medical and social reports. We also have to find lawyers who will accept to undertake research so as to document facts such as the situation of the woman involved, her country of origin and her current experience of violence. When we are unsuccessful in finding a lawyer ready to do that, we must undertake the research ourselves. One can therefore understand why our shelter program lasts at least eight weeks.

To conclude on the situation of refugee women, I believe that we should ask for a modification of the current definition of refugee adopted by the High Commission for Refugees and elsewhere¹, and ask them to add to the five criteria related to persecution (race, religion, nationality, social group or political opinion), a sixth element, that of persecution on the ground of being a woman. To do so may bring a solution to many problems of discrimination, notably within administrative decisions to admit or refuse a file. Even if certain organisations support this proposition, there has been no significant advancement in this direction so far.

When men propose to sponsor women, there should be systematic investigations before granting the sponsorship, so as to avoid violent sponsors—who are often “serial sponsors”. Indeed, the government is aware (or is in a position to know) that these men are violent since there have generally been previous interventions, records, police reports of past incidents, etc. The government should at least ask sponsors to deposit financial cautions and fine them in case of violent behaviour. If the political will to solve these problems is there, both governments could take these steps.

There are also cases of child abduction. At the Department of External Affairs, there is less compassion than we might think regarding these cases. Even though, when speaking to agents from this department, we can feel that they are open, that they listen to us and are ready to do something, at the end of the day, things move very slowly. Despite the existence of the program, “Our Missing Children”, supported by *Citizenship and Immigration Canada* and even though the women involved are Canadian citizens, the Canadian government does not systematically offer the help of its management infrastructure to help these women find their children.

There is still a lot of work to do and the task is a heavy one. In our daily work, we face women and children in difficulty and we cannot slip away. However, one day, the existence of these problems will have to be recognised at other levels, and we will have to act accordingly, for example, by creating infrastructures and services. At the institutional level, would it be easier to slip away?

¹ A refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country” (The 1951 *Convention Relating to the Status of Refugees*, article 1)

The Faces of Violence: Solutions?

Pascale Legault

Pascale Legault represents the General Prosecutor at the *Cour du Québec*, criminal division. She has been a lawyer in the Crown's office for ten years. During the fall of 1995, she participated in the establishment of courtrooms whose vocation is to deal exclusively with conjugal and family violence cases. She has been assigned to these rooms for several years, working daily with victims of conjugal violence from multi-ethnic communities. Since 1998, Pascale Legault sits on the *Table de concertation en matière de violence conjugale* of the Montréal Urban Community. She is also a member of a Université de Montréal Committee administering a project concerning situations of conjugal violence with high risk of lethal force. Legault's legal practice is presently shared between sexual crimes and conjugal violence.

Difficulties and Obstacles Faced in Criminal Repression with Regard to Conjugal Violence in Ethno-cultural Environments

The "substitute of the General Prosecutor" at the *Cour du Québec*, criminal division, commonly referred to as "Crown prosecutor", is the person who sues the aggressor, the violent spouse or the sexual aggressor. I have been doing this job for 10 years and in the course of my practice, I have met many victims of conjugal violence coming from ethnic communities. Indeed, in approximately half the files of conjugal violence, the victims are of ethno-cultural origin. In this presentation, I will be speaking to you about my daily practice and the way in which I deal with these files.

The Law of Silence

As a lawyer, my role is to ask myself the following question: Am I in a position where I can institute proceedings in the file I have been presented? Whether the victim comes from an ethnic community or the francophone community, at the theoretical level, I neither see nor make any difference. However, at the practical level, I noticed that there are indeed differences depending on whether the person comes from an ethno-cultural background. With women from certain communities, it is very hard to obtain information on the facts, the event, on what really happened, because when they present themselves at the court house, they are accompanied either by their brother or their father, therefore a man, who often makes it a point to attend the meeting. To be alone with the plaintiff, I must ask the man to leave. In some of these communities, the complaints laid and brought before the tribunal were often made by neighbours, without the consent of the women targeted. The victim is therefore in a situation whereby she has to present herself at the courthouse and testify in a criminal case against her own husband. We should also consider the fact that some of these women are expected to always be accompanied by a member of the family, as I mentioned before. In such circumstances, the pressures exerted upon her so that the charges are withdrawn are considerable.

Family Pressure

I have recently dealt with a file concerning a Romanian woman, around 50 years old, whose father had forced her to marry a person who was now around 60 years old. This woman had been the victim of conjugal violence for a long time. Nevertheless, her family was applying tremendous pressure on her, accusing her of provoking her husband to violence or of lying about it. One day, no longer feeling able to stand so much violence, this woman communicated with the police. Her husband was arrested and kept detained because he was very violent. On her side, the woman felt profound guilt that she inflicted upon herself but which was also “suggested” by the family. When I explained to the victim that for such a case (her husband was excessively jealous, which, in addition to the violence, trapped the victim at home), her testimony in front of the tribunal was indispensable, she pulled back. She felt so much guilt and experienced such strong pressure from her family that she felt obliged to minimise the facts, with the liberation of her husband for lack of evidence as a consequence. I then had to explain to the judge that it is the fear and the pressures perceived that led this woman to provide a truncated version of the facts.

In such a case, I feel totally powerless. It is sometimes difficult to refer these women to the community of origin since in some of them, pressure is applied on women victims of conjugal violence so that they end up going back home with their husband. I would like to note with you the fact that these women are often isolated, with no family than their husband and children and therefore have no one to turn to. There are, however, other communities which offer support and services to women victim of conjugal violence.

The Fear of Deportation

Victims sponsored by their husbands, for example, are very reluctant to testify to the fact that their husband is violent because they face threats of deportation or simply because they do not know their rights with regards to their status. Many sponsored women do not know that, with a permanent resident status, they cannot be deported.

Fear of deportation can lead to other difficult situations, such as cases where the woman is indebted; a violent spouse may then use manipulation and blackmail against her. Lawyers are therefore very limited by victims’ fear of testifying, a fear related to the precariousness of their immigration status and which induces all types of subterfuges - “I lied to the police, I exaggerated, nothing happened” - instead of the truth which is in fact, “I am afraid to testify because I am being sponsored and I do not want to lose my sponsorship”. The woman therefore goes back to her violent partner because she lacked information on her rights. These women are so isolated that they will not take the initiative to go and ask questions, obtain information at their CLSC, in their community, or from other resources.

The Perception of the State as an Intruder

After years of intervention before women from ethno-cultural backgrounds, I realised that they talk very little about their problems. These women say that they dislike the fact that the State “gets involved in their private life”. Indeed, if they are victims of threats or assaults—which may consist in beatings, rough pushing, with weapons or not—for them, it is a familial problem and not a criminal act. The State, therefore, should not get involved.

When the husband is arrested by the police, conditions are thereafter imposed in order to prevent him from being in contact with his wife, go to her home, etc. Once again, the victim feels that the State acts as an intruder in their private life where it is “not their business”.

Within some other communities, however, women are more aware and better informed of their rights, in that they are aware of the possibility to have the conditions imposed to their husband modified, or ask the Crown Prosecutor to withdraw the complaint. One of the great difficulties lies in the fact that we have to work with frames of mind different than the Western one, with different cultures.

The Linguistic Barrier

One of the other great difficulties is the linguistic barrier; I understand neither Arabic nor Spanish nor Tamil, only to mention a few examples. I am therefore compelled to make use of interpreters. In these cases, I have trouble “feeling” the client, capturing her emotions and her hesitations. A certain distance between her and me is instilled. In this context, it is hard for me to grasp her needs, whereas when I am dealing with a francophone victim, I am immediately able to “feel” her and I can then push the interview further to know if I will proceed with this file or not. The language obstacle is also accentuated by the interpreters’ translation. Indeed, when an interpreter translates a victim’s testimony for the judge, s/he will not be able to convey all the connotations that the words would carry in the country of origin (ex. expressions that can be very serious to them and which, when translated into French, become banal). We therefore run the risk of totally missing the seriousness of the case we are dealing with.

Solutions?

This panel’s theme asked us to think of solutions. I believe that to heighten awareness with regard to human rights issues, both abroad and inside ethnic communities within Canada, should be envisaged.

Françoise Alarie

Françoise Alarie is co-ordinator of the « Violence against Women » dossier at the Regional Health and Social Services Board of Montréal-Centre and an instructor at UQAM. She was project co-ordinator at the Montréal Council on Conjugal Violence in 1998 and 1999. Alarie has also been a practitioner in the field of conjugal violence at Social Service Centres of Metropolitan Montréal and a trainer for CLSCs and other social and community organisations. She supervises interns from the Université de Montréal and is author of several publications on conjugal violence.

Services in Conjugal Violence for Ethno-cultural Communities: Remarks on the Issues at Stake

Why speak specifically about conjugal violence when we know that there are many other forms of oppression affecting women? In Montréal, most of the initiatives taken regarding the issue of immigrant women and ethno-racial minority women are related to conjugal violence; furthermore, conjugal violence and its consequences to health is a well documented topic. That is why I have chosen to address this issue in this presentation. I will, however, address the question of the organisation of services on a regional basis. I will not address the frame of references in which we could work—the important factors have been taken into account in other presentations • but I will try to focus, rather, on solutions. But I have no answers! Rather, I have questions to ask, many issues to raise that are at stake, and I would appreciate them being discussed during the discussion period.

First, I should say that the information gathered on this question is extremely fragmentary. When we speak of immigrant and ethno-cultural women, it is very difficult for the key parties of the Regional Health and Social Services Department of Montréal-Centre to have an exhaustive picture of the problem. How many women do we reach? What are their needs? What are the other factors that are considered sources of more vulnerability for them? Among these women, which are those who are the most vulnerable? We have little information on the women identified as being the most vulnerable: those who have immigrated recently, those with a precarious status or even foreign language-speaking women. In order to come to a better insight regarding the victims of conjugal violence, it is necessary to get more information on their needs, their lives, and on the relationship between conjugal violence and other types of oppression.

It would also be interesting to ask ourselves some questions concerning the use of services by these women. On that matter, there are two sides to the story. The first one is that there is an under-representation of immigrant women from ethno-cultural groups with regard to health and social services because of the barriers already mentioned by other speakers: such things as a lack of knowledge of available services; lack of information on issues and mistrust of public services. I will not mention them all. And on the other hand, there are some signs • I say some signs; I would not like this to be considered as fact -

which make us believe that there is an overrepresentation, that is to say, a high rate of occupancy of shelters by immigrant women. However, we do not clearly know which ethnic groups and which women from these ethnic groups are using these homes. Are there some ethnic groups that use them more than others? Are there some women from these ethnic groups that use them more than others?

Pascale Legault has indicated that, in the services offered by the court, there has been a strong representation of women from cultural communities. It is likely that Vicky Zorbas will also talk about that. Which are the factors that would explain the use of our services by immigrant women or, on the contrary, their lack of use of the services offered? Such an assessment brings us to reconsider, for example, which strategies are most well adapted to take care of their needs and also the allocation of the appropriate resources. We should therefore have a closer look at this question.

When we speak of immigrant women and ethnic groups that are grappling with conjugal violence, an effective solution might be to reduce cultural and language barriers. In that respect, I would like to mention the initiative taken by the Montréal Table on Conjugal Violence which has published leaflets, posters and tapes in eight different languages •which are Italian, Yiddish, Spanish, Arabic, Greek, Portuguese, Creole and Russian—leaflets and posters which have been distributed throughout the networks but also within ethnic groups in the areas where these women go regularly, as well as to doctors of private clinics. In this respect, I would like to point to the initiative of the “Bouclier d’Athéna” House in Montréal, which has produced ads and radio programs in many different languages. The objective of these programs is to increase the awareness of conjugal violence and includes, of course, information on how to use the available resources. We may say that there have been two main strategies put forward: a written strategy and an oral strategy. We have to again examine the most effective strategies in relation to the ethnic groups we would like to reach.

When I refer to reducing language and cultural barriers, interpreting is an unavoidable constraint. I think that we have all mentioned it. At the “Régie régionale”, there is a bank of interpreters. This bank may not answer all needs and we could say that there are a certain number of problems with this bank. But, for me, the main question is the following: knowing that interpreters have to work within the context of conjugal violence, which we know is extremely sensitive and problematic in relationship to the definition of male/female role, should they not be trained to deal with the issue of conjugal violence? There have been some experiments undertaken in Toronto that appeared to be quite conclusive.

Moreover, we know government policy on conjugal violence considers, in a very clear manner, that conjugal violence is a crime and that the whole of Québec society considers conjugal violence a crime is progress towards the objective of attempting to reduce violence against women. On the other hand, many persons responsible for working with ethno-cultural groups of women or in the field of conjugal violence are proposing the use of alternatives to legal procedures such as mediation, the use of the extended family to try to solve problems, and even the creation of a support network which would not only include friends and family members but also colleagues and professionals in whom those women have put their trust. Without calling into question judicial procedures, in the case of conjugal violence, should we not think of more well-adapted practices, closer to the country of origin, with which the ethnic women are more familiar? As I was saying before, I have more questions than answers.

To develop a well-adapted and diversified system of services in accordance with needs—to be eventually identified—implies that training the service providers and practitioners must absolutely not be overlooked. Until now, some initiatives have also been launched here in Montréal. The management committee of the three roundtables has developed a training course, which takes into account an intercultural approach in the field of violence against women. This training has already been provided and appears to have produced good results. There is a good ratio of attendance for the parties involved. Moreover, if it is necessary to train service providers with an intercultural approach, the organisations working within the ethno-racial groups have to be trained for dealing with conjugal violence as well. Consequently, the Roundtable on Conjugal Violence foresees the development of this type of training starting next fall. This training is one part of the measures put forward by the Roundtable with the aim of trying to reach the women in these ethno-cultural groups. Therefore, training in an intercultural approach to become sensitive to differences, to be capable of entering into relations with others, and also training in conjugal violence for those who intervene in ethno-cultural community organizations. I wish to underline that, in order to more widely support the different parties, the Consultation Table on Conjugal Violence has published and distributed a “Directory of Resources” for the ethno-cultural groups that offers a list of resources in all sectors, thus providing some support to immigrant women and to groups of women grappling with conjugal violence.

Finally—those who know me know that with me this is practically an obsession—would like to talk about partnership or inter-sectoral consultations. We all know that conjugal violence is a social problem. I do not believe that a single organisation or a single sector of intervention within the system could entirely solve the problem. The idea of working together to develop better co-ordination seems interesting. In order to reach the women of these communities or immigrant women, I ask the following questions: should we operate on a regional or a local basis? Should we work with a specifically identified ethno-racial group even if it is not located in the same geographic area? And should we, from this core, try networking diversified resources, establish partnerships, or should we enter into and use a larger framework? If you have some ideas, I would be pleased to hear them.

Finally, I have two more questions to raise: should violence against immigrant women be recognised as a specific problem? We have already said that immigration per se is a form of violence, a contriving and limiting situation for women. Should we take action in that direction? Do we have to say here that the problem of violence has to be seen in a much larger context, the socio-economic conditions in which these women live?

As it is, I believe that we should all work together. And it is quite comforting to see us all here exchanging ideas on this issue during this seminar.

Valérie Courville

Valérie Courville is a planning counsellor with the Strategic Planning and Budget Division of the City of Montréal's Police Department. An anthropologist and demographer, she collaborates on the evaluation of protocols of agreement between the police and social services. Courville also participates in public education activities with ethno-cultural communities within the framework of a community initiative undertaken by the Montréal Police Department that has recently created the position of "civil counsellors" with the aim of adapting services to the needs of the community.

Police in Ethno-cultural Contexts

Before beginning my presentation, I would like to ask you a question: did you know that at the beginning of last century—I am speaking of the 20th century—Canadian law authorised a husband to beat his wife as long as his stick was not bigger than the diameter of his little finger?

I will use these ten short minutes at my disposal to share with you some thoughts that will show the extent to which the police have changed during the last century and continue to change, certainly as much as the laws they are mandated to apply. I would like to specify that the reflection I undertake with you is not that of a police officer but that of a civilian employee of the police!

Changes in the Police Environment

The Montréal Police Department is a huge organisation; about 5000 employees, 49 district stations; four operational centres equipped with cells and investigators. Users of these services include a transitory population and a resident population for a total of 3.5 million people. One million calls are dealt with each year, either through 9-1-1 or in the district stations.

The police mandate is simple: to assure the security of people and maintain order. But today it means a range of extremely complex activities performed by a large number of people. Police intervention is very codified since the police are a paramilitary institution governed by very strict rules. The police department is also a reactive institution; in Canada, police are placed in a responsive situation. I believe that this is an excellent thing because a reactive police force is one that knows the difference between a democratic state and a totalitarian state.

As long as the police run after thieves, run after "bad guys", and intervene in the public sphere, all is well. But when the police invade people's privacy, it is more difficult. The

presence of the police generally gives rise to quite strong reactions from people who are not familiar with them.

However, the police force is quite different from what is presented in the media. It is less and less a world of white men running after thieves. It is more and more a world mobilised against violence happening in private contexts, such as domestic violence. This mobilisation has taken place mostly during the 1980's and has been encouraged by the presence of policewomen. More and more women are now on the police force and this year we counted as many women as men among recruits.

The Police Department is more and more diversified. This phenomenon was accelerated by the recession of the 1990's that closed the labour market to members of Generation X, inciting many university graduates to consider a career in the police. Furthermore, an equal opportunity employment program has encouraged an enormous number of young people—enormous considering the previous number—and it is still too little but enough so that it represents an upheaval in police practice. It has encouraged, as I said, many young people from ethno-cultural backgrounds to enter the police force, to integrate themselves and, slowly, to transform police practices. As a matter of fact, the police have to meet a big challenge that other public institutions have already or soon will face: the ageing of their staff. The equal opportunity employment program is necessary to recruit young people of all origins in order to assure replacement. On the other hand, this fast-paced replacement of police staff has also entailed a significant loss of expertise. It has resulted in the fact that some policemen assigned to patrol the streets may only be 21, 22 or 23 years old, without the experience necessary to adequately intervene in people's daily lives. The presence in the Police Force of people both young and from ethno-cultural communities has brought a remarkable change in outlook, which has had a huge influence on police work related to conjugal violence, especially in the ethno-cultural environment.

Finally, in 1996, the police took a turn toward communities—it is for that reason that I work there. Now, rather than be satisfied with running after thieves or acting in emergency situations (i.e. extinguishing fires as they arise), we try to better balance prevention and reaction or prosecution. What does this mean? Three measures that I will quickly name: decentralisation of activities, working in partnerships and action on the resolutions of problems.

Because the world is changing a lot and quickly, it is a very good thing that the police are also changing. I will name some elements of change which have influenced the question of violence against women and ethnicity: first of all, a loss of the significance of geographical borders with the creation of virtual space; then, the internationalisation of crime (these are enterprises that also obey market laws); an import of criminal behaviours and practices with which we did not previously have to deal; a very important cross-cultural effort among our staff which is currently abolishing the kind of mental barrier through which we were perceived; the “us and them” attitude of ethno-cultural communities has become less and less significant; and finally, a transformation of the family unit, which has an influence on the definition of what domestic violence is because it is no longer merely a nucleus of man and woman but a group of people who have much more vague and complex relations among themselves.

The Police Officer's Intervention in Conjugal Violence

To refer a case to court in order to undergo an investigation means that, with the loss of discretionary power, there is an aggravation of the consequences of a police officer intervening in the domestic sphere. Before, the police officer was often seen as a mediator, an adviser. People of ethno-cultural communities would possibly use the police officer as an adviser on how to react to a given situation, to become familiar with Canadian laws, to start learning Canadian practices and to get information on institutions.

Now, it is very different. The police officer comes and proceeds to arrest the man. He suggests that the woman get in touch with a CLSC. The woman will then be exposed to intervention by social workers who may judge her parental abilities and who could possibly discover other problems. This is experienced with difficulty. And there are pervasive consequences of this practice, including a reduction of the recourse to police services. Therefore, barriers still exist and these barriers might be even stronger than they were before. I would like to indicate here that for 100 cases that are presented to the police, there are maybe 10 cases that are taken up by the CLSC and that lead to effective changes. It is very difficult to enforce the protocols of intervention.

What can we do, and what is being done by the police? At the moment, we are beginning a revision process of the intervention practices into conjugal violence. But first, I would like to talk to you of the mechanisms in place to fight discriminatory attitudes.

It is indeed important to spend some time on this matter. There are problems and these problems have been identified by several inquiry boards. Some very important attempts have been made by the police to be more present and to weave some links with ethno-cultural groups; important attempts have been made to sensitise the police to the techniques of intercultural exchanges. This means that it is not enough to understand what is being said but one must also understand the attitudes and the behaviours that could give rise to confusion and could cause a police officer, given the authority vested in them, to misinterpret the situation and to act in a way that could have very negative consequences on the life of these people.

What do we do regarding conjugal violence? Initially, we put a lot of effort into trying to collect information, as there was little on what is being done. We are actually implementing a plan, a pilot project, with each of the police chiefs, that will allow us to use data now available, within a controlled board, so that we know how many interventions concerning conjugal violence are taking place every day. We know that during the year 2000, there were 9000 calls related to conjugal violence, 25 interventions and 10 arrests per day.

We are also trying to connect our data banks with those of other organisations in order to prevent repeat offences, which is very, very important. As a matter of fact, police officers constantly return to the same residence for the same reasons, which leads them to a lack of motivation and constitutes a waste of public resources while other people need help.

We are also working to sensitise police services to the fact that human beings have become the object of lucrative trafficking and that, when we refer to the question of organised crime, we should not only think about drug trafficking and luxury car trafficking but also more and more about woman and child trafficking.

Finally, we are very much seeking partnership with the community. When I say we are “seeking”, I want to say that every project developed at the moment by the police must foresee an opening to the community. This is the key to success. It is essential that the police stop working in isolation.

I also have a wish to make. We will have a better police force if we are able to convince more young people from ethno-cultural communities to envisage making a career with the police, to join the police and continue to change things.

Vicky Zorbas

Vicky Zorbas is a social worker at the CLSC Plateau Mont-Royal. She is involved with the *Court Outreach Program* (Programme « Côté cour »). For the last five years, this program has allowed her to work within the criminal justice system. Prior to that, Vicky worked at various shelters for immigrant women as well as for an organisation working against conjugal and family violence within the Greek community. Being of Greek origin herself, Vicky Zorbas has also been on the board of a shelter for Greek immigrant women.

« Côté cour » Program

I am going to talk to you about my professional experience in shelters and with the Greek community—being of Greek origin myself—as well as my experience at *Côté cour*. I will particularly share with you my experiences within the *Côté cour* program which works within the criminal justice system. I will start with a description of the *Côté cour* program, which is relatively complex, and will pursue with my comments.

I am an employee of the CLSC Plateau Mont-Royal. However, I do not work at the CLSC, except for a few rare occasions. In fact, our two points of service are the Palais de Justice and the Montréal Municipal Court. In cases of family and conjugal violence, we meet the victims before they encounter the prosecutors, Pascale Legault and her colleagues.

When the police are called, they come and file a report. The file thereafter goes to court and the victim receives a subpoena to come to court. It is at this moment that practitioners like myself come into play. We meet these women who thereafter meet the prosecutor. This is not a mandatory procedure but it allows us to provide women with information. We evaluate the whole situation, beyond the charges contained in the particular court file. We ask the victim if it is the first time she called the police or that the police services were called, if there had been other incidents before, if the children witnessed the incident, and if there are any other related problems such as alcoholism or mental illness. We also ensure that the victim knows her rights and that she is aware of the resources available to her. We thereafter make an evaluation of the situation and provide her with the information and resources she needs. Finally, we may give a recommendation to the prosecutor regarding the treatment of the file. The information given to us by the woman is, of course, kept confidential. However, there is certain information for which we ask her permission to communicate to the prosecutor, in order for the latter to have a better understanding of the situation and find the best way to treat this particular file.

We are therefore in a really privileged position since we see practically all the cases of conjugal and family violence on the Island of Montréal, with a few exceptions. This is why I believe it is an excellent opportunity for us to share our experiences with you, here today, and envisage solutions to the question of conjugal violence.

There are approximately (I say approximately because it fluctuates year by year) 3500 to 4000 cases of conjugal violence per year, treated at the Montréal Municipal Court as well as

the Palais de Justice. I will not explain to you why two different courts are responsible for conjugal violence. I will limit myself to the fact that together these court houses treat approximately 3500 to 4000 cases per year. Within that number, approximately 50 percent of these women are of ethno-cultural background. The figures, however, vary year by year since not all the women who are subpoenaed go to court. We falsely tend to believe that women from ethno-cultural backgrounds do not call the police or use the services offered to them whereas, in fact, they do.

Among the 50 percent of women from ethno-cultural background, nearly 7 to 10 percent of them speak neither French nor English. In these situations, we need to either try to communicate another way, if an interpreter has not been called, or use the services of the interpreter of the court, with all the problems this raises. We are usually supported by an interpreter when we meet the client.

The average number of years that these women have been in Canada is 8. Indeed, many of the women who call the police are not women from the old wave—as I call them—of immigration, who would have been here for twenty or thirty years. Women from the older waves call the police a lot less often than those of the newer wave of immigration. This is an interesting phenomenon to notice and I would have thought differently at first glance. Many of the immigrant women from the old waves of immigration, just like the “Québécoises de souche”, do not consult the police in the case of a problem.

A protocol with the police has been established: The information they receive on each case is thereafter sent to the CLSCs. When we meet them, many of these women have never consulted before nor talked to anybody else, for that matter, aside from their immediate family who are often the first persons to whom they were able to expose the situation.

Why do women call the police? They do not call them because they want their husband to go to court and go to jail. They call the police out of fear, because they want someone to step in and stop the violence. They wish to have someone come and warn the abuser that he is not allowed to behave in such manner. These are the reasons why women and children normally call the police. All the immigrant women we meet, in one way or another, tell us that they are happy that the law in Canada is such that conjugal violence is illegal and that Canadian law treats men and women as equals. Women say this to us consistently, from the most open to the most distrustful women. When women are distrustful, they will often deny the violence they suffered and maintain that their husband did nothing wrong, as Pascale Legault mentioned previously. However, when we start explaining to them the functioning of the legal system and the police, they cease to affirm that everything is fine. For these reasons, I am entirely in favour of the criminalization of conjugal violence and also in favour of police interventions. I find the systematic arrests mentioned previously to be a positive process, because such arrests and the subsequent judicial proceedings will probably be the first occasion offered to women victims of spousal abuse to talk to someone and explain their situation. I find it a very important and positive process, even if a woman finally decides not to maintain her claim.

However, there are still difficulties and problems I would like to share with you, some of which you have already heard today, others new. One of the difficulties I have noticed is the fact that the criminal justice system is inherently antagonistic. Indeed, when the police come and enter the house, they systematically separate the woman from the man. They listen to the woman's version, then to her husband's. The police may lay charges or give conditions, but in any case, the husband will have to stay away. The judicial system is therefore very anta-

gonistic. When the parties go to court, there is the prosecution on one side versus the defence lawyer with his client on the other side. Defence lawyers sometimes induce or encourage their client to be antagonistic and polarised, whether consciously or not. However, many women, especially those coming from cultures where the family is more important than individuals, will not talk about conjugal violence in front of strangers. Indeed, for many of them, their husband is very important.

Another difficulty mentioned earlier is the linguistic barrier. Women who speak neither English nor French will generally use their husband or children as an interpreter. I have even seen cases where the children have written the declaration for their mother because she did not speak the language. Isolation is therefore a considerable difficulty when women come alone to Canada or when their sole family member is their partner.

Other problematic factors can be religious beliefs, cultures and values that have the potential to impede women' s freedom. This is the case when women refuse to separate from their husbands on the grounds that their religion forbids them to do so. Family members may also apply pressure on women so that such values and beliefs be upheld. Indeed, just like Pascale Legault mentioned previously, the woman' s relatives often accompany her in the proceedings, wishing to speak on her behalf, which amounts to considerable pressure on the woman who may want to separate from her husband or have a period of reflection. The lack of knowledge of rights, as stated before, be it in terms of immigration, criminal and civil justice, or welfare rights, is an additional difficulty for immigrant women. Finally, the lack of appropriate resources for women and men who speak neither English nor French is another problem to consider.

Maryse Darsigny

Maryse Darsigny is the coordinator of the *Comité de Gestion des trois tables*: the Table on Conjugal Violence, the Table on Sexual Assault and the Women and Urban Security Action Committee. She is the coordinator of the project, “Sensibilisation, formation et soutien aux intervenants des divers milieux en violence faite aux femmes” at the Women’s Y. Darsigny holds a Master’s degree in history and has specialised in women’s history; she is the co-author of a book on the history of québécoise women in Montréal from 1642 to 1994 entitled “Les Québécoises qui ont bâti Montréal”. Maryse Darsigny has worked at the federal Parliament on issues of citizenship and immigration, as well as on violence against women.

(At the last moment, Maryse Darsigny replaced Irène Demczuk who was unable to give her presentation at the seminar.)

The Implementation of the Cross-sector Training Program, “*Violence Against Women: To Intervene within an Intercultural Context*”, by Montréal’s Three Board Consultation Project.

The three consultation boards on violence against women in Montréal (the Board on Conjugal Violence, the Board on Sexual Assault and the Action Committee on Women and Urban Security) are the basis of the project, “Awareness, training and support for intervening parties of diverse surroundings in violence against women”, initiated in 1996. This project is subsidised by the Regional Health and Social Services Department of Montréal-Centre and aims to develop training programs, implementing cross-sector awareness and informational activities on the problem of violence against women, while particularly stressing conjugal violence, sexual aggression and women’s security in an urban environment.

A three-board management committee constitutes the management and cross-sector consultative authority among the three boards. This committee is effectively composed of two representatives from each of the three boards along with the co-ordinator of the project, in this case, myself. The management committee is currently composed of Nathalie Brault and Linda Smith of the Consultation Board on Sexual Assault in Montréal, of Jacqueline Oxman-Martinez and Melpa Kamateros (surrogate member) of the Consultation Board on Conjugal Violence in Montréal, and of Diana Pizzuti and Marie-Claude Lemire of the Action Committee on Women and Urban Security (CAFSU). This explains why the project “Awareness, training and ...” is usually called the “Three Board Project”, a name that we will continue to use in this presentation.

It is therefore within the framework of this project that a cross-sector and intercultural training program has been implemented. It is called: “Violence against women: to intervene within an intercultural context”. My presentation will be about three aspects of this training: its chronology, its content and finally its present phase of development.

The Chronology of the Program

In 1998, the Management Committee members of the three Boards included the development of a cross-sector training on violence against women of ethno-cultural groups in the project's action plan. They decided to operate with a working committee responsible for setting the parameters of the program. Representatives of the three Boards were members of this committee: Nathalie Beauregard of the School of Social Work at McGill University; Melpa Kamateros of "Athena's Shield"; Doris Makhoul of the Montréal Women's Centre; and Diana Pizzuti of the Women's Y. The working Committee met four times and was dissolved in March 2000.

The trainers recruited, Irène Demczuk and Gisèle Ampleman, then elaborated on the content of the training and the educational tools, primarily a Participant Notebook. Two pilot sessions were given on two consecutive days in June and September 2000. In the meantime, Gisèle Ampleman withdrew from the program and Irène Demczuk gave five more training sessions in 2001 and 2002.

During the two pilot sessions in June and September 2000, where the training was about violence against women within an intercultural context, three problematic questions were dealt with, that is, conjugal violence, sexual assault and the insecurity of women in an urban environment. As it was somewhat difficult to thoroughly delve into the three questions from a cross-sector perspective and, moreover, to meet the objective of increasing the ability of the intervening parties to act with ethno-cultural women grappling with violence, it was decided to offer a training session dealing with each of these three topics. The question of "relation of assistance" to women of ethno-cultural groups has clearly gained depth by working with groups that intervene on the same problem but from different fields of action. In this sense, the educational tools have also been adjusted and enhanced.

For each training session, the participants effectively represented different sectors of intervention in violence against women: shelters for women in difficulty, the Police Department of the City of Montréal, the judicial system, the health and welfare network, women's centres, youth centres, the Montréal Tandem offices, employers from the cities of the ex-Montréal Urban Community, assistance centres for victims of criminal acts (CVACs), the academic world, etc. The cross-sector aspect is therefore an important element of the training combined with an intercultural approach. The content of this training having been based on an active participation, we favoured groups of 25 to 30 persons per session in order to permit a sharing of knowledge and experiences.

The Content of the Program

As I have already said, the training takes place over two different days. The first day is aimed at sensitising the participants to the multicultural reality of Montréal and to the needs of women of ethno-cultural communities. An overview of immigration in Montréal (statistical data), differing immigration status, and profiles of ethno-cultural communities is presented. A guided visit called: "*The Montréal Patchwork: from the first immigrants to present cultural communities*" is carried out by the collective on urban animation of the Other Montréal. We therefore visit Montréal, which I had the opportunity to do personally many times and during which I learned something new every time. This visit highlights clearly the history of the establishment of different communities in the Montréal area. In addition to

showing the manner in which many ethno-cultural groups have taken root in Montréal, this guided tour allows us to also understand the extent to which Montréal and Québec society is mixed. The “Other Montréal” collective demonstrates very well how the newly settled communities integrate elements of Québec culture and how, on the other hand, they culturally influence the host society. This is quite contrary to a ghetto scenario.

The second day of training aims at improving the ability to intervene in an intercultural context by acquiring basic principles and by sharing the experiences lived by the intervening parties of various groups. There is a sharing of knowledge and expertise using case histories from different ethno-cultural communities. Melpa Kamateros, director of Athena’s Shield and resource person for Greek women grappling with violence, presents, for her part, a video advertisement in many languages, which sensitizes ethno-cultural groups to conjugal violence. In addition, she presents us with how, within her own organisation, she knew how to adapt the services offered to the multiethnic community of Montréal, more particularly to the Greek community. Melpa Kamateros explains to us how Athena’s Shield has dealt with problems related to violence against women within the Greek community. The reaction of any community is, of course, to recognise that violence does exist but not within their own world. Well, then, Athena’s Shield has been successful in reaching Greek men as well as Greek women through the channel of the Church. After Sunday service, the organisation offers coffee meetings to discuss themes related to violence against women, which has permitted a progressive sensitisation of the participants.

In short, the general and specific objectives pursued by the cross-sector training program in violence against women—to intervene under the intercultural context of the Three Board Project—are to permit intervening parties:

- ◆ To become aware of the needs of women from ethno-cultural communities who may experience conjugal violence, sexual assault and/or insecurity in urban surroundings;
- ◆ To understand better the intercultural realities of Québec and the challenge they pose at the level of intervention in violence against women;
- ◆ To improve their ability to intervene in violence against women within an ethno-cultural context;
- ◆ To encourage adaptation of services to ethno-cultural realities;
- ◆ To know more about the history of immigration to Montréal and the experiences lived by diverse ethno-cultural communities;
- ◆ To share experiences as intervening parties in violence against women in an intercultural context;
- ◆ To learn to become more familiar with and overcome the consequences of cultural differences;
- ◆ To improve the ability to intervene with women of ethno-cultural communities living with violence, by means of a situational scenario;

- ◆ To discover, from concrete experience, the advantages related to prevention and adaptation of services within and ethno-cultural context.

The Transfer of the Training to All Sectors of Intervention

In the action plan of the Three Boards project, the program has always been accompanied by a section of knowledge transfer between the diverse sectors represented on the Three Boards. This is to ensure that, on the one hand, all sectors of intervention in violence against women that are represented on the three boards have access to this training and, on the other hand, to ensure the permanence of the training. Once the content relevance and the usefulness of the program had been acknowledged, we worked on this third section. A bank of trainers was set up while proceeding, together with the members of the management committee and the assigned trainer, to the development and organisation of a training session for trainers. This session, which took place on the 10th and 11th of December 2001, had as its objectives:

- ◆ To improve the participants' knowledge in training techniques;
- ◆ To see that the content of the training "Violence against women: to intervene in an intercultural context" is well appropriated;
- ◆ To set up a bank of trainers capable of providing the training.

Nine persons, coming from the public security sector, shelter networks, women's groups and the judicial sector, attended this training. A follow-up was then done in order to ensure that, firstly, the new trainers transmit the content of the training to members of their work team. This first step was necessary to allow them to acquire experience and some confidence with the training content. For it is much easier to receive training than to provide it. The result of this first step has proven to be conclusive enough since most trainers have offered the training to their work teams or have dealt with an aspect of the program during activities within their organisations.

Secondly, an opportunity should be given, in turn, to new trainers to acquire more experience in training participants, by co-teaching with the assigned trainer during sessions held by the three boards project. This second step will be experimented with next March 27th and 28th. This remains, nevertheless, fundamental to creating a pool of competent and experienced trainers.

Follow-up

In the year to come, we are going to pursue the task of training trainers in order to ascertain transfer of knowledge to all sectors of intervention represented on the Three Boards. Thus, the scheduling of training sessions for trainers is a must as well as holding training sessions in co-teaching with the assigned trainer and new trainers.

At the same time, it is necessary to promote this training to managers and professionals who hold the power of decision-making within the organisations and

institutions of the Three Boards. We must also incite the workers and directors of organisations that do not receive any or only a few women of ethno-cultural communities, to participate in this training. Indeed, since the beginning, these sessions have attracted principally workers—“field workers”—practising with women of ethno-cultural groups. Of course, we expected their strong involvement since the program answers their specific needs. But we still believe in the necessity of training directors, co-ordinators and/or managers of organisations and institutions, as well as those who are leaders of organisations that do not offer specialised services to these women. For, while one cannot effectively disregard the cosmopolitan character of Montréal, one can wonder about the reasons why an organisation receives few of these women. We also feel that it is difficult to adapt services to multi-ethnic users when people, more particularly the heads of these organisations, are not sensitised to this reality.

Therefore, we will go on pursuing the promotion of the program to avoid creating ghettos of services. Concurrently, we must give the opportunity to new trainers to play their role in organising other training sessions. Finally, it is important to expand our bank of trainers by scheduling other training sessions for trainers.

To conclude, I would say that, indeed, Montréal is recognised as a cosmopolitan city; certainly the Montréal service providers working in violence against women have learned to deal with this reality. But there still remains an important amount of work to do to offer real support to women of ethno-cultural communities living with violence. A certain number of preconceptions persist and many barriers still have to be removed.

Violence and Health: Possible Actions?

Alex Battaglini

Alex Battaglini is a researcher and co-ordinator of the Culture and Migration team at the Public Health Directorate of Montréal-Centre. An anthropologist by training, he has participated in studies examining the relationships between health, culture and the migration experience. His work has led him to question the adequacy of services in meeting the needs of immigrant populations, the vulnerability of certain immigrant populations and the values promoted by public health prevention and promotion programmes. Finally, this experience has led him to collaborate in the planning of public health intervention with these populations.

Prevention of Violence and Integration Support?

Violence, health, migration and possible actions—these are such complex phenomena to address in this short period of time that I find it reasonable to raise a few questions instead of trying to provide answers. Therefore, I propose we consider certain conditions such as the emergence of violence within recently resettled immigrant families instead of speaking generally about victims of violence.

In this way, we will be able to address the issue of violence from the perspective of prevention, which is extremely important. When violence appears, it is often too late. Too late because many immigrant women hide the violence they experience. This is often due to fear of jeopardising positive migratory possibilities for them and their family or because they remain unaware of their rights and the available support resources. Therefore, we are simply unable to help these women in many instances. In my opinion, this reveals the importance of acting before the outbreak of violence. This leads us to consider the preventive role of psychosocial interventions as social and cultural integration intersect.

Furthermore, speaking of the vulnerability of immigrant women may paradoxically lead me to speaking about men. In fact, and as an increasing number of authors suggest, we tend to forget the familial dimension of the migratory experience; this is also reflected in certain types of psychosocial interventions. Aspirations related to migration and family are intimately related and reciprocally influence each other. Behind the migratory project lies the family project that consists of offering one's children better living conditions or to simply start a family in a more promising environment.

This mutual influence of migratory and family projects has come out as a central theme in some exploratory research I participated in that focused on the vulnerability of immigrant mothers in the perinatal period. This study examined women not as victims but as individuals with family dynamics influenced by several tensions stemming from the pre-migratory or the integration experience. I am referring to instability, poverty, the unknown, culture shock, isolation, distress, separations, etc. It is true that stress and tension will vary according to the trajectory and the circumstances of every family although in many cases significant improvements to living conditions may be achieved. In other cases, however, stress and tension may contribute to the emergence of violence. In general, the experience

of migration has a major impact on family structure; it can be destabilising since it is often at the source of new tensions or it may exacerbate old tensions within the family. This study allowed us to underline the importance of newly attributed roles for every member of an immigrant family. We have considered this reorganisation as one of the consequences of the migratory experience, including new living conditions and new demands.

To further illustrate these new requirements, I will focus on a specific point: isolation. In many instances, immigration leads to an isolation that is particularly perceptible when dividing networks into their different components and uses. More specifically, in the case of women, we speak of isolation when a disruption occurs to the near or remote family networks and also when women's networks are dislocated by migration. We should briefly underline the fact that these three networks are often those that women depend on the most in their country of origin for general support, such as support in the perinatal period, emotional support, practical support and support that I will qualify as stabilising in times of family crisis.

This disturbance to support networks involves multiple breakdowns that are dealt with by various adaptive strategies. Thereafter, the networks are rebuilt on the basis of new possibilities. One is to turn to organisations offering various types of support in a new form, often more formal and more professional. We have noticed that it is often women who benefit from this kind of formal support because they turn more easily to such organisations and also because they are generally intended for women. For immigrant women, this is an opportunity to break away from their isolation and also from their dependency bonds with others, as in their sponsored status.

However, adaptive strategies are often internal to the family and imply interdependency bonds between men and women. These internal strategies lead to a reorganisation of the family structure itself; therefore, every family member's role is in a process of transformation in order to face the interdependency, that is increased by isolation. In the perinatal period, for example, the father must face several adjustments compared to what he would have experienced in his country of origin; he must accomplish tasks he would otherwise never have undertaken. The father must somehow reinvent his role within his marriage in order to make up for the lack of support they both face because of the rupture to their social network. To do so, the father will have to relinquish traditional roles and this is not always easy. However, when this adjustment is successful, it will become a protective factor for the family and its future development.

Furthermore, as the children grow up, they must cope with several aspects of socialisation: school, friends, other families, etc. This introduces new values and perspectives into the family that may contradict those of their parents and the culture of origin. As a result, intergenerational tensions may arise and the impact will vary according to the parents' degree of adaptation and integration. Finally, these adaptive strategies are utilised in contexts of multiple tensions. We just have to think of the labour market and the frustrations related to the lack of recognition of educational qualifications and the lack of knowledge of the official languages, culture and local institutions.

If it is possible to assume that integration is not always achieved in simple circumstances, we can also assume that the pace of integration is not the same for all family members. In certain cases, this integration asymmetry may weaken the familial situation, especially in cases with outbreaks of violence. This asymmetry is often the root of new tensions, specifically from the appropriation of new values, perspectives and possibilities

offered by the host society and also from the understanding of new rules and norms informing the relations of men and women.

Newcomers often appeal to institutions in order to partially make up for the lack of natural support networks. Therefore, these institutions play a fundamental role in social and cultural integration for the appropriation of new values, norms and possibilities offered by the host society. I am referring to a broad range of interventions preceding conjugal violence interventions, such as parental support or infantile stimulation. Modes of intervention specifically intended for women with an emphasis on the individual, self-esteem and independence may seem paradoxical to women who arrived here with a traditional family perspective. These interventions may potentially exacerbate existing tensions within the couple by favouring different integration rhythms.

To summarise, if we favour women's integration via various interventions, what reactions should we expect from spouses who are mostly excluded from these interventions? Will a husband be able to accept the changes introduced by his wife and later by his children? Will he become more protective of his values of origin related to his lack of adaptation to the new living conditions brought about by migration? Is it possible to think that innovative interventions may also reach those men whom we often describe as inaccessible? Could it be that the social and cultural integration role of interventions become explicit and may reach families and men, considering that conjugal violence also constitutes a threat to family stability?

Finally, when rereading the "Actes du colloque sur les Rapports familiaux en milieu ethnoculturel", held in 1999 and overseen by ACCESSS, I noticed that the results of our study confirmed several aspects raised by this document. Among the seven recommendations that had been formulated, two were suggesting to develop interventions that could reach immigrant men.

If you permit, I will share the first recommendation with you. It reads:

- ◆ Working to develop means to contact men from ethno-cultural groups

The second one is:

- ◆ Breaking the isolation of men from ethno-cultural groups and having them more involved in the solving process in cases of conjugal violence.

Another recommendation suggests working with families instead of working with individuals. It reads:

- ◆ Developing intervention tracks at the family level in order to counter violence, while thinking of family *focus*, and not dividing intervention according to whether we are dealing with men, women or children.

Since we often tend to forget and thereafter reinvent, I permit myself to ask where we stand today vis-à-vis these recommendations produced in 1999. Are they still relevant? In the course of research and studies I participated in, I was able to notice that still today men represent a *problem* rather than a solution. They are less accessible and do not get involved easily. We have trouble understanding their role and we find them dominating, etc. In

summary, are these recommendations still relevant and do they deserve to be put on the table again?

Elizabeth Montesino

Elizabeth Montesino is a social worker at SARIMM, the Aid Service for Refugees and Immigrants of Metropolitan Montréal, where she has worked since the year 2000. Since 1983, she has gained experience in working with women in shelters; she has worked with immigrant women since her arrival in Canada.

Thank you for having invited me to share with you my daily experiences at SARIMM (*Service d'aide aux réfugiés et aux immigrants du Montréal métropolitain*). As a matter of fact, I have worked at SARIMM since the year 2000 but I have had extensive experience in shelters, since 1983, and with immigrant women since my arrival in Canada. SARIMM is a regional service provider for the entire island of Montréal and surrounding area, including Laval and Montérégie. My presentation will draw, therefore, from my work with this organisation. I wish to underline, however, that the remarks I make are my own and are my sole responsibility.

The Migratory Experience: A Painful Break and a Search for Better Life

The migratory experience, should it be voluntary or forced, means a painful break for a lot of people, a tearing apart of oneself, a time of living through a mosaic of experiences and waiting to be reassembled into something recognisable, like a puzzle. This is how thousands of refugees, refugee claimants and sponsored women are admitted as immigrants of the family category, as refugees or in the independent status category. These people have migrated dreaming of a better life for themselves, their children and their families. They carry some illusions which help them relieve their longing, for they are torn between the remembrance of a past filled with an irreplaceable socio-emotional heritage but also with nightmarish memories that haunt their minds. These are the women with whom I am working; they are refugee claimants.

Who are these women? They are single or accompanied women of all origins, all ages and all social levels, in search of protection, of a right to live and who are fleeing wars, armed conflicts, natural disasters, political turmoil and; sometimes worse, organized violence. The majority of refugees are women and children; they represent 75 percent of the refugee population of Canada. Among those from certain countries of origin, this percentage may reach 90 percent. Another factor to consider is that a great number of these women are trying to escape a violent life trajectory suffered because of the fact that they are women. These facts stress the existence of a power balance based on social class, sex, age and ideology. The case of Kena is revealing of such a situation.

The Migratory Experience of a Woman: Kena.

Kena was a teacher in a village school. Born in Africa, she was married and had three daughters ages 10, 12 and 16 years old. Her region was facing some interethnic conflicts. One day, men burst into the school and raped her in front of her pupils.

Kena was afraid to denounce this crime for fear of retaliation. She did not want to go back to the school. She was ashamed and felt guilty for not having been able to spare her pupils from such a scene. The place itself reminded her of this odious deed. She was embarrassed to face her family. She felt defiled. Her life had become an ordeal at home as well as outside. Worse, her marriage was not going well anymore and she thought that the moment when her husband would reject her and expel her from their home was approaching.

Kena then made the decision to leave for Canada alone. Here, she claimed political asylum but she did not inform immigration officials or her lawyer of the rape of which she had been victim. She did not feel capable of disclosing this horrible event. Kena had to face innumerable administrative representatives and lawyer changes; she had to work hard to send money to her family and pay her lawyer's fees. She lives with the anguish that her daughters might become victims of rape and violence. She feels like a coward for having abandoned them. As Cécile Rousseau said this morning: "We believe that only *others* are capable of violence and inhumanity. This is to forget that we are always the *other* of someone". Moreover, Kena does not know when she will be called by the Immigration and Refugee Status Commission (CISR) and she worries about the answer she will receive to her request.

Her immigration experience has generated much anxiety: in a foreign environment, she feels disoriented, sometimes exhausted, and misunderstood because of language and cultural barriers. She has been traumatised and she has to prove it, meeting with several agents at a time, who have different, sometimes contradictory, roles and approaches. Kena sleeps two or three hours a night, has nightmares and relives the scenes of terror. Sometimes, she has no energy or appetite; she has pains, she cries constantly and, in the end, she wonders if her life is worth living. Aside from which, she is afraid of having been contaminated with HIV. After a year of uncertainty, Kena is still waiting for the answer from CISR.

The areas of vulnerability for Kena are centred around the uncertainty concerning her immigration status, the unwieldy administrative process, the inconsistency of services, an over-responsibilisation, victimisation, repeated losses, poverty and the feeling of living apart within the society that received her.

Immigrant Women Facing Violence and the Law

Women who are facing violence have feelings that I would call "universal": anger, disgust, humiliation, etc. However, poverty, scarcity of resources, and tolerance of violence in the country of origin have led them to the edge of suffering. It is therefore in the context of survival that they decide to flee and try their luck in Canada. However, the legal clauses here and elsewhere, including international agreements, prevent them from contesting power and conjugal violence, particularly in cases where they run away with their children. The spouses of these immigrant women often accuse them of kidnapping their children. Some women having been the subject of such pursuits have unfortunately lost their cases

and have had to submit to the law and their spouse and this, in spite of the mental and physical cruelty inflicted upon them. These women are therefore facing a double failure: personal failure and social failure.

Conjugal violence is condemned in many countries. These condemnations sometimes are more of a public relations exercise between nations but remain on paper only when it comes to concrete action to suppress it. An astonishing fact is the speed at which the governmental systems proceed against women in such situations; in a number of cases, the victims become the accused. Their children are taken away from them by the judicial authorities and placed in institutions in which the cultural reference points are completely foreign to them. Let us point out that these laws, in most cases, are made by men, that women rarely participate in the drawing up of these laws. These are then, profoundly traumatising experiences that they must live through, in the name of law and family!

Among the numerous areas of vulnerability, we find, uprooting from the previous living environment, loss of credibility in the face of the judicial system, loss of power, loss of free speech, denial of parental competence and the deepening feeling of being a second-rate citizen.

Immigrant Women and their Precarious Status

The case of Kena helps us understand that being a refugee claimant brings with it the negation of some rights, which leaves the claimant in a marginal and precarious position. Added to this are long waiting periods, administrative trouble and sometimes a financial burden caused by incidental charges of advisers or lawyers.

With regards to this marginal and precarious aspect, Bertot and Mekki-Berrada maintain that “This feeling comes with [...] a deterioration of mental health in adults [...]”¹ Added to this are the lack of basic support and stress related to separation from their families, the trauma at the origin of departure, fears of not being accepted into Canada, settlement, adaptation, ups-and-downs of family reunification: in short, conditions which affect the health of these women.

Some Solutions?

As for solutions, I do not have any. We know that among the women about whom I spoke, there are many from ethno-cultural communities who have done well and have become professionals; they could therefore contribute by bringing their experience. It is necessary to invite them to be part of our community; there would then be a sharing of knowledge and experience. The globalisation factor leads us to trade goods but it should also lead us to a more equal sharing of human, financial and natural resources; sharing that is necessary to the large community of women arriving from all over the world.

¹ Bertot, J. et Mekki-Berrada, A. (1999). *Des services aux demandeurs d'asile, pourquoi ? Ce qu'en disent les intervenants d'organismes communautaires du Grand Montréal*. Research report. Roundtable of Montréal organisations for refugees and immigrants (TCRI).

Anita Gagnon

Anita J. Gagnon is an Assistant Professor at the McGill University School of Nursing and Nurse Scientist at the McGill University Health Centre—Obstetrics and Gynecology Program. Her educational background includes a Bachelor's degree in Nursing, Master's degree in Public Health from Johns Hopkins University School of Hygiene & Public Health, and a PhD in Epidemiology and Biostatistics from McGill University. Author of numerous publications, Anita Gagnon has recently been commissioned by the Royal Commission on the Future of Health Care in Canada (the Romanow Commission) to address the issue of how well the Canadian health care system responds to the needs of various immigrant groups. She is currently leading two studies that focus on the childbearing health of refugee women, both of which were granted funding by the Canadian Institutes of Health Research (CIHR).

Violence & Health: Possible Actions? Obtaining Data to Drive Policy: The Case of Resettling Refugee & Asylum-Seeking Women

The title of this panel is "Violence and health, possible actions?" In the ten minutes assigned to me, I will be focusing on one specific action: that of obtaining data to drive policy. More specifically, data related to the reproductive health of resettling refugee and asylum seeking women. I will be speaking to you about: first, how I have operationalised violence for today's discussion; second, the state of our knowledge regarding violence and reproductive health in refugee women; third, challenges to making these estimates; and fourth, solutions to the paucity of population estimates, specifically "Pregnancy And Child Bearing Refugees: Transitional Health" (PACBIRTH).

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Violence is important in the lives of many women with refugee histories, but what forms does this violence take and what is the magnitude of this problem? No particular definition of violence is being employed here; violence has been taken in its broadest sense, as defined by various authors in the field. As such, for the purposes of this discussion, it includes such things as physical and mental torture and abuse, discriminations and female genital mutilation. In my presentation on the health of women with refugee histories, I will often use the term "refugee women" interchangeably with "women with refugee histories", since I am not referring to their immigration status but rather to their migration history. The first issue, then, is: What forms does violence take in this population? Case reports and other studies suggest factors related to migration that may be determinants of health in refugee women. These include camp experience (which may include rape), history of torture and abuse, discrimination experience, whether they were forced to leave their country of origin, family separation, war in source

country, change in socio-economic status, presence of a "like ethnic community" in the new country, length of time in the new country, and official language ability.

Case reports and other studies describe general bio-psychosocial factors as being important mediators between violence and the health of refugee women, injury and post traumatic stress disorder. These include age, education, diet, nutritional status, infectious disease exposure, social support or isolation, problem-solving ability, employment history and occupational exposures, income history, stress and anxiety, stress management, depression, somatisation, smoking, alcohol and drug use, services available and received, sex and culture matched provider, as well as current abuse.

Case reports and other studies describe reproductive (particularly rape) factors to consider in the case of refugee women. These also include several related to violence: post-abortion care, sexually transmitted infections, pregnancy and child birth history (particularly if resulting from rape), family planning, as well as female genital mutilation and sex and gender-based violence. This intersection of migration history, bio-physio factors and reproductive health issues highlights the fact that violence plays a substantial role in the lives of refugee women, and that it is present in some form or another in each of the various categories that intersect.

Now that we know the form that violence takes in the lives of these women, the second issue becomes more obvious: What is the magnitude of the problem? Population health estimates are indicators of health which have been quantitatively measured, based on sampling strategies representative of a population, and they imply the existence of error in the measurement, hence the term "estimate". The role of population estimates in driving policy is to offer the best available evidence for determining the magnitude or prevalence of a health issue. It is optimal if it is determined based on reliable and valid data, and if it permits comparisons across different groups, sites, cities, provinces, or countries.

We tried to determine the magnitude from existing literature, by conducting "A Systematic Review of Refugee Women's Reproductive Health" (A. J.Gagnon, L. Merry, C. Robinson). The objective was to determine differences in reproductive health status between refugees in countries of resettlement, non-refugee women, and host country counterparts. We culled literature from various databases, which included Medline 1966-2001, CINAHL 1975-2001, PsychInfo 1887-2001, and Sociofile 1963-2001, and we did bibliographic tracing from retrieved literature. We also searched specific conference proceedings and web searched international agencies and academic centres focusing on refugees. The studies were included in our review if they were original research, included refugees or asylum seekers or "unspecified immigrants", and reported on physical or mental health or services use. Studies were excluded if they clearly had no refugees in their sample, women made up less than fifty percent (50%) of the sample or data were not reported separately for women, the refugees were living in camps at the time of the study, or there were no quantified indicators of health or services used. Quality criteria were applied to the culled literature based on representativeness of the study sample and adequacy of the measurement strategies used. 1568 titles resulted from this review. 193 articles met inclusion criteria and were retrieved. 104 of these were subsequently excluded and 89 remained. Of the 89 remaining, 41 were of high quality, 14 had clearly been conducted with refugees and only 5 directly compared refugees to non-refugees. Twenty-three were of moderate quality and 25 were poor. Results of the high quality studies of refugees showed a narrow range of publication dates; 8 were published in the 1980' s, 5 in the 1990' s and 1 in the year 2000. As foethnocultural background, 12 of the 14 were Indochinese (i.e. Khmer, Vietnamese, Laotian, Cambodian (Kampuchean), Chinese-Vietnamese, Thai), and

11 of these 12 resettled in the United States. As for reported estimates of health indicators, in the high quality studies of Indochinese refugee women, 8 focused on reproductive health (e.g. fertility, infant mortality), 4 on mental health (e.g. somatisation, post-traumatic stress disorder, depression, psychological distress), with exposure to violent and traumatic events associated with mental illness in 2 of the 4 studies. There were no estimates of physical evidence of violence reported. Population health estimates for women with refugee histories are old and focus on a single ethno-cultural group. There is a paucity of population-based data for all health indicators for resettling refugees, and violence-related outcomes are nearly absent.

The hurdles to overcome in order to obtain population health estimates for refugee women include access to the population to ensure estimates are population-based, cultural acceptability of the research, and valid translation of questionnaires. We tried to identify questionnaires validated in this population from existing literature by conducting "A Systematic Review of Questionnaires Measuring the Health of Refugee Women" (AJ Gagnon, J. Tuck, L. Barkun). Our objective was to determine which questionnaires and other measurement strategies best measured variables of particular relevance to refugee women resettling in new countries. We culled literature from various databases, similarly to the other review I have described. We included studies with a population similar to that of the previous review, which measured torture, abuse, sex and gender-based violence, stress, post traumatic stress disorders, somatisation, discrimination or others, the selection of these having been based on the descriptive studies. We excluded questionnaires using a minimal quality standard, meaning that the questionnaire had been used in 2 or fewer studies and had no reliability and validity data to support its use in the population of interest. We retrieved 270 reports. 114 remained after exclusion criteria were applied and 56 of these were with resettling refugee women. In the 56 studies, 47 questionnaires had been used, and only 2 of the 47 had strong evidence for validity in populations of resettling refugee women: the Harvard Trauma Questionnaire and the Hopkins Symptom Checklist-25. There was an absence of validated questionnaires for the several other violence-related factors of interest. After completing two systematic reviews, our next action was to conduct a study to gather reliable and valid policy-relevant data.

PACBIRTH, (AJ Gagnon *et al.*, funded by CIHR) was designed to overcome the previously stated challenges, in order to begin to address the need for population health estimates for resettling refugee women on several health issues, including violence. The study is to be conducted in phases. The main study will be multi-city, pan-Canadian, involving at least Montréal, Toronto and Vancouver. It will be conducted upon the completion of the feasibility study, pending additional funding at that time. The ultimate objective of that study will be to estimate the magnitude or prevalence of health-related factors, determinants and outcomes in resettling refugee women in Canada during pregnancy, at birth, and post-birth (e.g. infectious diseases, torture, abuse, sex and gender-based violence, female genital mutilation, migration history and social isolation). The specific objectives of the current feasibility study are to ensure instruments are accurately translated and reflect concepts relevant to refugee women' s health, and to determine the acceptability of administering the proposed battery of questionnaires to refugee, non-refugee immigrant and Canadian-born women. The design is a prospective cohort study. A great deal of effort will be expended in the measurement of variables of interest. Six questionnaires will be translated into the 10 most common languages of female refugees in Canada, and known translation principles will be applied to ensure cultural equivalence. We are responding directly to the challenges stated earlier. To obtain population-based estimates, we will recruit on the post-partum units in major cities where refugee women are most likely to give birth. To maximise cultural appropriateness of the research, we are in the process of forming Community Advisory Committees and Ethno-Cultural Liaison Groups meant to advise the

investigative team. And to optimise translation instruments, we will use standardised procedures mentioned previously.

In conclusion, first, violence is important in the lives of many women with refugee histories. Second, the magnitude of the violence and the magnitude of the impact of violence on these women are not known. Third, there are few culturally validated tools that measure key violence-related concepts in this population. And finally, solutions are possible, and PACBIRTH is an example in which the research project is designed to obtain valid population health estimate data that can be used to inform policy.

D^r Pierre Dongier

Pierre Dongier is a physician at the *Santé-Accueil* Clinic, a medical clinic for refugees in the Montréal area, located at the Côte-des-Neiges CLSC, where he has been working since 1989. Dr. Dongier has spent several years as a doctor in Africa and as a family doctor at the CLSC *Centre-Sud* in Montréal. Dongier is in contact with several patients having experienced organised violence (repression, torture, political rapes) and/or domestic violence. He also works in close collaboration with several community groups that work with refugees, and is part of RIVO (*Réseau d'intervention auprès des personnes ayant subi la violence organisée*).

The Effects of Immigration on Health

My presentation will echo Elizabeth Montesino's since we work together a lot at SARIMM and also at the *Santé-Accueil* Clinic. We work with the same clientele of asylum seekers. The *Santé-Accueil* Clinic is more or less the medical counterpart of SARIMM, which is mostly for social services for refugee claimants. I will not go back to the description Elizabeth offered of our services; instead, I will try and introduce new elements at the medical level, as well as dwell a little more on the legal aspect, particularly the immigration and refugee status processes.

First of all, I would say that a great number of our clients, notably those claiming refugee status, have been the victims of violence. As far as women are concerned, there are two types of violence exerted against them: organised violence, involving political issues and violence related to ethnic or political belonging. In the case of women, this violence is often accompanied with rape. The second type of violence, which is outside the political realm, is domestic violence whereby women are victims of violence from their spouse or from the ethno-cultural society they belong to, for example excision, which remains a widespread practice within certain ethno-cultural groups. Canada is a country that has established very broad rules with regards to the definition of a refugee, on the basis of which women in particular can claim refugee status for reasons such as conjugal or societal violence. We should be aware that Canadian policies on refugee status determination include some very positive aspects.

Now, what are the symptoms or the reasons leading women to consult at the *Santé-Accueil* Clinic? There are, of course, many motives dealing with physical factors, such as pain related to violence they experienced: joint, abdominal or gynaecological problems. I would also note more general symptoms such as cephalalgias, headaches, palpitations and anxiety. If I start questioning the patient, I will be provided with the events which caused those symptoms and I will end up with symptoms more related to psychology. There is a very well-known diagnosis, post-traumatic stress syndrome, which I try not to use too often since it has become an all-encompassing term. Nevertheless, there is a certain number of symptoms—or types of sufferings—which are presented by these women and sound like a description of post-traumatic syndrome, particularly all the symptoms related to reminiscence, that is the repetition of traumatic events and memories, particularly flash-

backs or terrible or repetitive nightmares, and states of dissociation which can happen at any time.

Other symptoms are also presented by these women. These include avoidance symptoms, whereby the person will seek to avoid situations that might remind her of traumatising events. These symptoms could lead these women very far, to the point where they will withdraw into themselves, avoid any contact with the outside world and fear to go out of their home. To see a police officer in the street is for them a total impossibility. If they happen to see one, they will cross the street or run in the opposite direction as if they had stolen something. These women may also enter into a depressive process that makes them incapable of facing daily life; they seem like their brain no longer functions properly.

A third type of symptom is related to a very high level of anxiety leading women to wake up with a start or have serious insomnia that totally prevents them from sleeping.

All these sufferings are added to the other traumatising aspects of migration - family separation, loss of the family and social network, etc - which render these women much more vulnerable to all sorts of violence. I will not dwell any longer on the question of conjugal violence. It is obvious that women in couples, sponsored or refugees depending on their spouse for their refugee status case, can be made to accept situations of violence because of their spousal dependency for the asylum process. Nor will I dwell longer on the question of social violence which is related to the community of origin; the latter will often look suspiciously at women who arrived on their own, unaccompanied by a spouse, and who lead a life that is unacceptable according to the norms of the society of origin, often resulting in a withdrawal of the women from their community. They will be scared to meet women or people from their community, who might ask them questions and be prejudiced against them.

However, I would like to raise the question of legal violence attached to the immigration process. Even if it was raised this morning, I would like to go back to one point: all the anxiety and memory troubles symptoms presented by these women and related to the traumatising events experienced by them place them in a very bad position to testify in front of the Refugee Board, the adjudication body which determines whether people should be granted the refugee status. They will often—and this is true for both men and women—forget to mention certain things (or will not be willing to say them), they will mix dates, refer incorrectly to the chronological order of events and find themselves, at the end of the day, in a situation that is so ambiguous that the Commissioner will not trust the reliability of their testimony. The behaviours brought about by the kind of symptoms they display will most of the time be interpreted by commissioners as evidence of lies. The whole waiting period before the audience and the audience itself generate tremendous anxiety for women waiting for their refugee status, since their future and whether they will be able to remain in Canada depends on the Board's decision.

We should also consider the question of delays inherent to refugee status recognition, with serious consequences at the level of family separation. It takes an average of one year for the Board to reach its decision. If the woman is accepted as a refugee, she will have to wait for another year to obtain the status of permanent resident and have her family, children and husband eventually come. Therefore, we should not forget that there is also a long period of separation involved in the asylum seeking process.

As far as direction for action is concerned, two elements are very clear to me. The first element is related to the organisation of services whereas the second one deals with the way in which we welcome these women, particularly within health services. I believe that there is tremendous work to be done regarding the training of service providers and their preparation to receive this type of clientele. We must consider difficult questions: for example, many interveners are afraid to speak of torture or rape. Within SARIMM and our clinic, we see many patients of this kind. We work together a lot on this type of question. However, it is very clear that we need a much broader reception network to deal with these issues. There is therefore a need for training to be done at this level. There is also, certainly, the whole question of available resources but to initiate this discussion would require much more time. As far as physicians are concerned, I would note that many of them systematically avoid this kind of questioning. They say they lack the time to do so or believe that it is not part of their work; they do not know what to do with this kind of issue.

A second spectrum of solutions would be at the legal level. Cécile Rousseau, whom we heard this morning, worked on a research project with the *Table de concertation des organismes de Montréal au service des personnes réfugiées et immigrantes* (TCRI) with François Crépeau, a study aimed at the study of a number of decisions reached by the Refugee Board. Their research revealed a divergence between the presentation of expertise, either medical or psychological, showing that the persons had been traumatised, had experienced violent and serious events, and the decisions reached by the Commissioners who refused to believe them. When studying these decisions, the research shed light on the gaps and very important needs at the level of the training of Commissioners, particularly the professional support that needed to be more exhaustive and more constant. The questions Commissioners must consider are complex; it is certain that by virtue of being confronted with cases of this sort, they experience a form of “compassion fatigue”, weariness and disinterest. They end up thinking that it is impossible that all those things be true!

Nora Dembri

Aïcha Nora Dembri holds a Ph.D. in psychology. She is also a specialized psychotherapist and has been trained as a cultural interpreter for Arab and/or Muslim populations. She has contributed to the establishment of the *Multimonde Vision Committee* at the *Philippe Pinel Institute*, of which she is an active member. The Philippe Pinel Prize of Excellence 2001, clinical option, was awarded to the members of this Committee for their multiculturally ambitious project. Nora Dembri has contributed to several evaluations of legal and psychiatric expertise as a cultural and clinic interpreter; she has been a member of the scientific and the organising committees of the ethno-psychiatric symposium *Réalités et Perspectives* (2001). Nora Dembri has made numerous presentations and has written extensively on violent behaviours and their cultural aspects.

Immigrant Women, Violence and Mental Health: Instrumental or Institutional Solutions?

I deliberately asked to be the last speaker of this panel. Indeed, if I consider all previous presentations, I think I will somehow counterbalance them. Why? Because I will speak to you of violence not experienced, but perpetrated by immigrant women. I will speak to you about murders, infanticides and spousal homicides. Moreover, I will voluntarily place myself in a counterweight position by using the term "exile" instead of immigration. My personal experience as a woman and as an immigrant, as well as my experience as a clinician before immigrant persons allowed me to understand that both voluntary and imposed immigration are characterised by a fundamental feeling of exile. This feeling is, I believe, the highest form of solitude because of the uprooting and the breakage it entails as a tribute to change. In my work, I sometimes meet individuals who physically arrived in the host country, but whose psyche, guardian of their essence and their cultural identity, has not yet reached its destination. It has either not yet left the country of origin, is still hovering around the twists and turns of the migratory experience, or may even have disappeared when brought into contact with traumatising events related to migration.

Although the goal of this panel is not to speak of the work we are doing but rather to propose solutions, it is nevertheless important to underline that the vocation of the *Philippe Pinel Institute* places our interventions on the borders of social structures, where we are forced to work with those complex and plural cultural identities with a sharp otherness, which is sometimes traumatising for us too. We therefore have to work with psychopathology, which includes both the legal and judicial aspects, as well as psychiatry. In our interventions, when we meet individuals divested of their cultural meaning, and particularly immigrant women dealing with this fracture in meaning and identity, how can we possibly tell in such context what is normal from what is no longer normal, what is legal from what is no longer legal or what is violent from what is no longer violent? How can we tell what is cultural from what is not cultural? We find ourselves at peculiar and frightening crossroads where we are sometimes forced to grope along. However, these unusual paths also present numerous possibilities.

The fundamental observations stemming from our clinical work with immigrant women allowed us to realise that the sum of the traumas lived during the migratory experience, on a relatively short period, creates a systematic and violent collapse of their emotional and behavioural structure, which affects their ability to adapt and become integrated into their new environment. Such collapse ultimately leads them to undertake violent, dramatic actions, which potentially qualify as torturous acts. Within an intervention where we must take into account the cultural dimension, my work consists, among other things, of attempting to provide meaning to such a criminal action and trying to explain it. Is this an insane act? Is this a criminal act? Is this a survival attempt in a world where we still have trouble understanding what is perceived as persecuting?

I will give as an example the tragedy of a young woman who arrived in Canada as a "mail-order bride" (a phenomenon which was explained to us this morning) and who, among her migratory difficulties, found herself at the *Philippe Pinel Institute* because she attempted to commit suicide as well as kill her partner. How should we understand the tragic outcome of individual destinies in a migratory adventure meant to be synonymous of hope? What solution should we favour? I must admit that it is not always easy. One of my preoccupations is the observation that when we intervene with these people, we do not perceive, or do not pay enough attention, voluntarily or not, to these people's histories of exile, and the various stages of formation and distortion inherent to this process. As long as we will not take into account this process of exile—one of the major consequences of which is the *dismantlement* of values and institutional markers—I think that the solution we seek to provide will always remain instrumental. I remember what a patient once told me: "I was told that if I encountered problems, of violence notably, I should dial 911, but I was never told about the social, individual and familial consequences of this act". Therefore, to give instrumental solutions without re-establishing the cultural meaning—which is synonymous of stabilisation—seems to me to be a fundamental gap in our work.

Since we are trained to offer legal and psychiatric expertise, and also to propose treatments and provide recommendations, we are necessarily required to identify and understand these cultural phenomena. For this part of our work, interpreters assist us. According to me, an interpreter is not a cultural interpreter. This is a second hurdle, and I have always asked myself the following question: Should we ask for the collaboration of interpreters or cultural interpreters? It seems to me fundamental, in the work we undertake, to not translate words literally. We know that language is symbolic, and a language deprived of meaning is inevitably doomed to failure. Would it not be suitable, within institutional networks, to increase or sometimes incite the participation of these interpreters referred to as cultural interpreters who, beyond mere translation, give us access to a world culturally unknown to us? From what I have heard this afternoon—I think it was Pascale Legault who was referring to Arab women who, it is true, refuse confidential relationships but who are reminded that they are experiencing violence. Would it not be more appropriate to ask oneself and these women what solutions or what support would be proposed to them if they experienced a similar situation in their country of origin? The idea is not necessarily to apply these solutions in a mechanical way, but simply to succeed in re-establishing a cultural meaning and then, beyond and thanks to this meaning, be able to add or invent solutions or modes of intervention based on the social, judicial or even political infrastructure of their adoptive country.

Troubling acts undertaken by these women are generally related to infanticide or interfamilial murder. The issues they then face deal with issues of filiation, transmission and intergenerational bonds. How then can they succeed in re-establishing these intergenerational and transmission bonds according to a host society?

What I have also noticed—and I would say that it is generally teenage girls who are confronted with this problem—are the intergenerational inversions. These teenagers, facing difficulties related to their age and a structure that exposes them to deep disturbances at the level of their own functioning, are obliged to become parents of their own mothers, who are often distant from social networks. I do not think that, in these cases, an instrumental solution—such as teaching them French or English, or giving them functional indications for everyday activities—are sufficient. What, then, could be the social solution required to re-establish the internal coherence they lack?

It is true that we often react negatively to the notion of ghetto and we are justified to do so. However, I sometimes ask myself the following question: Would allowing these persons to live in a ghetto for a temporary period, solely as a transition—if we forget the negative connotation of this word—not give them time to readjust themselves and reconcile with the migratory experience as well as familiarise themselves with the otherness of the host society? Would it not be a potentially worthwhile means, in the short term, to re-establish a weakened cultural meaning and to undertake a transition within the host society?

As far as the legal aspect and therapeutic interventions are concerned, we have two solutions. The first one is the psychiatrisation with acquittal on the grounds of insanity. This is the famous article 16. If this solution frees women from a legal burden, at the end of the day it confronts them with the even more dramatic psychopathologic consequences. The second solution is a legal one, and depends on international law: This solution consists of the deportation to the country of origin. Are these solutions easy to use? They may be. Are they viable and worthwhile in the long run? I wonder. Would there be alternatives to these solutions?

One thing is certain: an institutional solution is available. A society lives and is defined solely according to the institutions governing it. These institutions may be the universities, health establishments—and I am calling out to the *Régie régionale de la santé*. Finally, they can also be legal and juridical institutions. Unfortunately, these institutions do not always opt for collaboration with institutes such as the one for which I am working. We know that a society which strongly and, I emphasise, “imposes without distinction” its functioning parameters to another culture, automatically sees the apparition of resistance mechanisms bearing some violence themselves. Academic, legal, and health partnerships should allow us—and I am calling out to the academic members of this panel—to benefit from their reflections, studies, and understanding, and especially anthropological understanding, of cultural data in order to help us undertake precise and enlightened acts and have a good grasp on complex situations. This would also help us explain to people the functioning of the legal system by giving them an objective, intelligible, and accessible explanation of their rights and obligations. This type of partnership will possibly help us reassure them and assure them that they will be treated in accordance with justice and equity. This is not always understood in such contexts.

The other solution I will end my presentation with is the following: Within what we call transcultural clinics—which were established thanks to both individual and collective will—where trainings are provided, would it not be appropriate to establish what I call an institutional or university training which would allow practitioners of all origins—so that we can keep this cultural diversity—to have a better understanding of these issues we face?

As an example, at the *Philippe Pinel Institute*, several specialty and care units are becoming more and more international. Many practitioners have the desire to learn foreign languages, understand and penetrate other cultures. Why not then—and I am calling out to the

Régie régionale—provide these practitioners with the training necessary to allow them this intercultural alliance, which is essential to everyone?

I am now addressing myself to the academic people: What are the possibilities to create a centre of research and teaching—not necessarily a chair—in ethno-psychiatry so that all these studies and partnerships, even international, can allow us to circulate a message which is more and more urgent, considering the accelerated globalisation we are living?

I will now shed some light on the condition of these women dealing with the judiciary and the psychiatric systems. It appeared paradoxical to me that these women, whatever their origin and their culture—and as an Algerian Arab Muslim, I will more specifically talk about this culture which seems to be the most resistant and the hardest on certain points. I was surprised to notice that these women are the ones who are the least trapped within archaic or traditionally rigid discursive thinking. Quite the contrary. It may be because of their filiation, because of motherhood or with the acceptance of the immense loneliness linked to exile. These women have finally understood the various entanglements brought about by cultural diversity. They are the most inclined to intellectual openness. Why not try and benefit from this possibility, so that these women who represent so much hope can be a relay in a society which tends to get older, instead of confining them in a psychiatric and legal circle, while losing all creativity potentials?

Summary and Conclusions

William Rowe

William Rowe is Director of the Centre for Applied Family Studies and Director of the McGill School of Social Work. Rowe has held professorships at McGill, Memorial University and the University of Western Ontario. He has worked extensively in the fields of social work education, child welfare, corrections, health and HIV/AIDS, and provided training and lectures at agencies and universities throughout Canada, the United States, New Zealand, the Middle East and Indonesia. William Rowe' s current research activities address family violence, AIDS prevention, care and curriculum development, health care outcomes and international development. Author of over 100 books, articles and research reports, William Rowe also serves on numerous boards and on international, national and provincial Advisory Committees.

Summary and Conclusions

Thank you very much. It has been an extraordinary day with a very ambitious agenda, extremely well organized, and it was obvious that each speaker could have done an entire workshop. In the corridors, when I heard people discussing and reacting to the material presented, there was a wealth of ideas springing forward and I therefore hope that this event is the birth of something rather than a conclusion. And I believe it will be.

I have listened intently all day long, thanks not only to the topic but also to the scope, the nature, and the way in which the subjects were presented.

Five major themes arose from the different commentaries, whether they were speaking about research, practice, information or policy. These themes are the following: 1) Research; 2) information; 3) training; 4) service development; and 5) policy development.

Research

Starting with research, I will divide the topic into three different areas. First, presentations focused on the macro level, such as Jacqueline Oxman-Martinez' , which described the necessity to understand the nature and the scope of violence and vulnerability of immigrant women. This was followed by Marie-Claire Belleau's comments as to the duty to fully understand the nature and the scope of one category of immigrant women, that of mail-order brides. Anita Gagnon' s paper leads us exactly towards that direction as far as macro research is concerned.

Second of all, there were very important and powerful references to mezzo-level, community-based research, spoken to by Cecilia Diocson in terms of the importance of engaging with the community and making them partners and not only subjects in the research. Indeed, this is an important way to obtain the necessary information in research.

The third sub-division is micro research, which was also referred to on several occasions. This type of research is concerned with the level of the individual and the family. This was nicely illustrated by Françoise Alarie who exposed the need to document the circumstances and experiences of these vulnerable women. Such needs must be put on paper in order to be grasped and understood, so that, as researchers, we will be able to communicate such information to the individuals responsible for the development of training and service.

Information

The second point of my presentation is about information. This topic was first introduced by Céline Giroux who exposed the fact that in order for people entering Canada to know their rights and understand the Charter, they must be informed and educated. Céline Giroux further stated that such education and information constitute the essence of prevention for several aspects of the violence problematic. These comments took me back to a project I was working on last year in Madana, Indonesia, on domestic violence against working women. It was the first study ever carried out in this Islamic country on this issue, and it had to be done by an external researcher given the politics, the religion, and the nature of the topic.

Information, as stated by Madame Giroux, needs to be accessible before people land in Canada. Indeed, one of the ways to broaden our reach is to provide relevant information not only within our own borders, but also in other countries, especially those where the major immigration forces come from.

The other element pertaining to information was mentioned by Sandra Harder who described the different materials made available by the federal government in forty languages. However, the question I wish to raise relates to the extent to which these materials are not only linguistically translated but also culturally astute. Besides, I would like to question the degree of collaboration with the recipients of the information, so that people in need of such information can understand it in both the stated and the unstated cultural nuances. The question is not only to get the information across but to get it across in a way that it can be heard, understood, embraced and used, and the only people who know that are the people who have lived through such experiences. Therefore, when informative documents of this kind are being created, something more than a translator is required; I suggest that a group of experts should work on the cultural adequacy of the translation.

The other piece of information I would like to refer to stemmed from Pascale Legault's presentation, which focused on the question of rights. Indeed, it is critical, from the legal point of view, that people be better informed about their rights. However, I reiterate that it is a challenging process. I would like, again, to raise caution regarding the use of pamphlets, ads, and the necessity of interpreters working with people having experience in these issues.

Training

The third element of my presentation is concerned with training, about which several things were said: Cécile Magloire and Françoise Alarie, for example, raised the need for a co-operative co-ordinated approach, shared training, community partnerships and intervention in domestic violence at the intercultural and intersectorial levels. These are excellent and critical ideas. Indeed, we are often trained in our individual silos and rarely across disciplines and

sectors. Training needs to be reinforced, updated, and must be continuous. I can proudly say that at the School of Social Work at McGill, we have very few required courses in our undergraduate program but some of those that are are Anti-Racism, Anti-Oppression, and Anti-Violence. We are increasingly trying to influence the broader curriculum in the university, as well as other professions to do exactly the same.

Service Development

Service development was my fourth part. The first item relevant to this subject came from Flora Fernandez, who commented that the system, as it is, does not respond to the complex needs of these particular individuals. This was reinforced by many of the participants today.

Some very interesting and exciting programs were commented on. One was by Vicky Zorbas, who described for us the *Côté cour* program. This is in my opinion an excellent initiative since it is crisis intervention, occurring exactly at the critical place and at the critical moment: that is, exactly before or coincidentally as the women enter the legal system. The question I would raise, however, is whether these women are ready for such an intervention at that time. Besides, I would like to know the modalities of the existing follow-up to those interventions, since these two points are also critical. I am nevertheless very enthusiastic about this program.

Policy Development

The last element that I will mention is policy development, which is the biggest one. Jacqueline raised this problem with firmness at the very front end, when she suggested we should review our policies and practices, as well as understand how the latter set the conditions for exploitation and abuse of these women. This is a critical first step. The other brilliant element under this heading came from Dr Rousseau, who encouraged us to “think outside the box”, to think larger than life, in terms of understanding the dichotomies, the administrative and institutional victimisation we ourselves have created. Dr Rousseau raised the duty to critically examine our own services and institutions in order to go beyond the issue of *victimhood* and towards empowerment and resilience. Finally, our colleague from Vancouver (Cecilia Diocson) reiterated the critical consequences of poverty, and this was illustrated by Bertrand Russel many years ago: "Poverty is indeed the most cruel form of violence". This concludes the comments I had to make. It was a wonderful day.

Gilles Rondeau

Gilles Rondeau is a social worker, professor and director of the School of Social Work at the University of Montréal. Rondeau holds a doctorate in social work from the University of Pittsburgh. He was president of the Professional Order of Social Workers and received, in 2001, a prize from the Québec Council of University Educators in Social Work for his broad contribution to training and research in social work. A member of the Centre for Interdisciplinary Research on Conjugal Violence, his portfolio includes the completion of numerous studies and publications on this issue.

Summary and Conclusions

I have been asked, along with my colleague from the School of Social Work at McGill University, Dr. William Rowe, to make a summary at the end of today's presentations, to draw the necessary conclusions and to explore avenues for reflection. This mandate, as it is defined, constitutes, I believe, an almost impossible task as, on the one hand, the content presented has been important, varied and rich in quality, and on the other hand, the timeframe to grasp and analyse it almost non-existent. I declare forfeit, therefore, before the beginning of the race, believing myself to be unfit to produce a real objective synthesis of the contents delivered here. This being said, I followed with great interest the presentations that marked this day and I feel like sharing with you, participants in this event, my feelings, emotions, impressions and, let us say, intuitions at the end of this most productive day. I will therefore draw an impressionistic, and entirely personal, picture of what I have recalled of this day. It is thus my own summary, formed of the elements I have perceived as having the most impact, as being striking and important to keep in mind, that I submit to you and from which I outline some avenues of reflection on the subject of dependent immigrant women and their vulnerability to violence.

From the outset, I wish to mention that the format of the conference was very condensed. We were continuously given a great amount of information, delivered in a short period of time. It was a first symposium on this theme and the promoters wanted, I believe, to open the range to its fullest extent while giving each of the viewpoints a chance to be expressed. The day has been spent in two strong beats. The morning was, for the most part, devoted to fulfilling the important task of giving a situational report, which consisted of setting out the problem of dependent immigrant women and their vulnerability to violence in its multiple aspects and realities. The afternoon was more oriented towards intervention, using concrete cases illustrating the reality lived by these women, and showed in which ways help could be provided. It was aimed at finding solutions.

One can say as we near the close, that this day has been a great success. This success rests, in my opinion, on the fact that the persons responsible knew how to unite in the same place and occasion what I call " All Montréal." As a matter of fact, along with the

speakers, today's participants come from all Montréal communities and belong to all concerned professions. Even the usual linguistic barrier between English-speaking and French-speaking groups has been lifted. Today also achieved the purpose of reuniting the diverse intervening parties working in such social services as police services, psychiatric services, community groups and even representatives of governmental offices. Beyond the professions and belonging, the true challenge of today was to study and question ourselves about the most vulnerable group of our society, immigrant women who are victims of violence. Unlike other groups in a position of vulnerability, the one of whom we spoke today, by definition, presents the characteristic of double victimisation. The women of whom we spoke today are in fact victims of a combined situation of dependence related to their precarious immigration status and to acts of violence against them. They suffer therefore a double victimisation and thus live in a situation of double vulnerability.

The day started with a presentation by Céline Giroux, vice-president of the Human and Youth Rights Commission. She spoke to us about the Canadian and Québec Human Rights Act, and what they do to provide a guarantee. Her presentation soon led me to see that, unfortunately, the charters are imperfect instruments that, by themselves, are not sufficient to ensure equality to those who are living here. Thus, we have to be resolved to accept the fact that socio-economic factors such as poverty, lack of education and migration create unequal living conditions against which the charters do not offer any protection.

Today's seminar has led me to realise that, with regards to the question of dependent immigrant women who are victims of violence, we have to be concerned with a problem which not only affects the life of *individuals* but also with a problem that is the *product of our institutions and structures*. Let us see what is at stake here. If we focus on the main groups of people to which this morning's speakers were referring, we may identify, among immigrant women, five categories of women particularly vulnerable to violence. There are, first, *the refugee women* who, most often, come to the country after having lived a violent past in their country of origin. The second category is that of *sponsored women*, who are in a position of serious dependence for several years. The third one, is that of *live-in caregivers*, who come into the country bound by a contract that makes moving impossible for them. The fourth group is that of *women victims of trafficking* at the worldwide level who are dependent on organized crime and sometimes live in conditions close to slavery. Finally, there are *mail-order brides* who arrive at our borders under this status based on a previous contractual arrangement tying them to their future spouse.

We observe here an institutional problem because these victims of abuse do not meet the regular criteria of immigration and are consequently driven to unusual or illegal channels in order to immigrate, which opens the door to all kind abuses, as described during today's presentations.

We also became aware during today's symposium, of how difficult it is to remedy the established and structured state of things. We see, for instance, that it took many years before the reduction of the sponsoring period from ten years to three years could be enforced. In spite of this change, the mandatory period is still too long since implied dependence remains very important. The question of caregivers working for well-to-do social classes and being confined to this employment is another revealing case of such dependence. Furthermore, the problem of mail-order-brides reveals the link between this world industry and emerging new technologies, as well as the real risk of these women drifting into prostitution in an organized and almost institutionalized system.

There are, obviously, attempts at many levels to help these women and to denounce these practices. It is important however to do more and go further. This afternoon's presentations seemed to me to be more oriented toward elaborating concrete solutions to the problems lived daily by these women. A number of interesting avenues, in many respects, have been proposed to that effect. I am referring, among others, to the option outlined by Flora Fernandez, an "Assistance aux Femmes " representative who said, "*Our organisation has met the challenge of offering a special service to these women, to do something more for them than others*". I believe this is a basic rationale that is justified and which constitutes, I believe, an example to follow. Indeed, given the great vulnerability of these immigrant women who are victims of violence, offering them more services and considering them a priority group is justified. I would appreciate it if the representatives of the organisations present in this room would consider this approach in the development of services destined for the five categories of women mentioned above.

Notwithstanding the necessary bends and emphases in the organisation of services, it remains that some changes are necessary and must also occur at the level of the laws and procedures of public and government services. For instance, it came out in many presentations that, although one could easily investigate the dependent and vulnerable immigrant women, this was not the case for those responsible for their coming, such as fiancés, domestic employers, and sponsors. This must absolutely be changed.

The seminar has incidentally allowed us to better understand the breadth of the difficulty of going from a traditional way of life to a society like ours and the values it carries. Such a passage presents in itself a risk of creating new vulnerabilities and allows abuses against these women to take hold. When, for example, one is already in situation of dependence and that person must call the police or, unknown to the person, someone else takes the initiative to call the police without realizing the consequences it could imply, one can only imagine all the anguish and fear associated with these gestures and their consequences. Valérie Courville, of the Montréal Police Department, stated that the Police were not as yet able to identify persons calling them. This inability to recognise the identity of the caller makes intervention when they arrive at the locations uncommonly complicated. The patrollers do not know if the call originated from the victim herself or from neighbours and under what circumstances the call was made.

Regarding the solutions, a lot of importance has been granted, in an insistent manner by several lecturers, to the inescapable place that the intercultural aspect must occupy as an approach and instrument of work. I share this view and put forward that teaching the intercultural aspect to all of the intervening parties constitutes, in my opinion, a fundamental element that should be integrated into our university departments and also, obviously, into service providers. I have also noticed the extremely important and sensitive role pertaining to the dispensing of social work, as underlined by Vicky Zorbas of the CLSC Plateau Mont-Royal (Côté Cour). The social worker that makes contact with a dependent and vulnerable immigrant woman in a socio-judicial context is facing a very complex situation that requires a lot of judgement and a great capacity to communicate and intervene.

I would like to continue my remarks by coming back to a point raised in the presentation by Dr. Cécile Rousseau, psychiatrist at the Montréal Children's Hospital, which is, in my opinion, one of the strong points of the day. I would like to indicate first how much I appreciated the presentation of Cécile Rousseau because of its relevance, her competence and her courage to directly identify, without obscuring, the realities that are facing us. For instance, Cécile Rousseau denounced with force the dichotomy of "aggressor/victim" that

we still meet too often in the academic and professional world. She has also highlighted the paradox that can be observed in the fact that those who have lived through a trauma can come out of such an experience with more strength. As a whole, Cécile Rousseau's talk encourages us to see our work with dependent and vulnerable immigrant women, as well as our practices in general, in a different light and to undo the systems of habit into which we too often, unfortunately, lock ourselves.

To close, I would like to reiterate some of the avenues offered this morning by Dr. Cécile Rousseau, which have appeared to me to be of capital importance regarding intervention. The first of these avenues consists of rethinking the mechanisms of protection for refugees, as well as the related administrative procedures, which might also prove to be sources of violence and trauma. The second avenue is the necessary respect for people and the recognition that they possess, as individuals, not only vulnerabilities but also strengths on which one can count. Indeed, these women who use our services should not be perceived essentially as victims but as persons who possess strengths and resources that can be used to put an end to subjugation. Finally, as a last avenue, it is necessary to integrate the notion of power into our interventions. It matters that we give more power to those who resort to our services. The idea of empowerment is one to be favoured.

This ends my summary. I leave you with these thoughts and thank you for your attention. I wish to express my thanks to the sponsors, organisers, speakers and all you participants for this very stimulating day, which has been rich in learning. An important moment has been experienced here today and I dare to believe that immigrant women, who are dependent and vulnerable to violence, will be helped by the significant benefits that I see resulting from today's seminar.

