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**Thursday, April 23, 2015**

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**Vice-Chair**

**Lysane Blanchette-Lamothe**



## Standing Committee on Citizenship and Immigration

Thursday, April 23, 2015

• (0850)

[Translation]

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** I want to welcome everyone to the 44th meeting of the Standing Committee on Citizenship and Immigration.

Today, we are continuing our study of Bill S-7.

Thank you very much to our two witnesses for joining us today.

[English]

From the Canadian Thinkers' Forum, we have Tahir Gora, director general.

[Translation]

Also appearing, as an individual, is Chantal Desloges, a lawyer at Desloges Law Group. Thank you very much for being here today, Ms. Desloges.

Each of you has eight minutes to make an opening statement, and we will then move on to questions from members of the committee.

Mr. Gora, go ahead.

[English]

**Mr. Tahir Gora (Director General, Canadian Thinkers' Forum):** Thank you very much.

Honourable Chairperson of the Standing Committee on Citizenship and Immigration, honourable members of Parliament, good morning. My name is Tahir Gora. I am the director general of Canadian Thinkers' Forum, which is a not-for-profit organization and a think tank that deals with study reports on complexities of multiculturalism; growing Islamic radicalization in Canada; the new rise of anti-Semitism; and polygamy, forced marriages, and women abuse issues in South Asian and Middle Eastern diaspora.

Minister Chris Alexander's proposed Bill S-7, the zero tolerance for barbaric cultural practices act, is very relevant to our studies in regard to polygamy, forced marriages, and women abuse issues in South Asian and Middle Eastern diaspora.

Bill S-7, an act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other acts, seems to address our concerns in regard to issues of polygamy, forced marriages, and women abuse in Canadian South Asian and Middle Eastern communities particularly. Unfortunately, there is no valid authentic data available regarding such issues. However, some of the incidents in the greater Toronto area reported to our group suggest endorsing

the government's proposed tough legislation against polygamy, forced marriages, and women abuse issues.

Here are a few examples of such cases we heard. We have been notified of a few cases in which some people were allegedly involved in polygamy associated with fraudulent immigration, misuse of welfare money, and polygamy itself. Some cases have been reported to us in which some men are sponsoring women from Pakistan, Somalia, and Egypt as their sisters, but marry them as a second wife as soon as they arrive here. Of course, such marriages are not registered, but are facilitated by some Islamic clerics in Canada.

For instance, Imam Aly Hindy of the Toronto Salaheddin Islamic Centre still seems to believe in breaking Canadian law, and has officiated or blessed dozens of polygamous marriages for men he knew were already married to more wives. Once reported in the media, Imam Hindy said, "If the laws of the country conflict with Islamic law, if one goes against the other, then I am going to follow Islamic law, simple as that." However, modern interpretation of Islam clearly indicates that the permission of polygamy in Islam was only valid in the context of the sixth century's tribal conflicts of medieval societies. That permission is no longer valid in rethinking the process of today's Islam, but literalists such as Imam Hindy still follow these traditions.

We also know about some situations in which some men are having multiple wives but are not declaring them as wives, as they can't. They are collecting welfare money and child benefit tax returns through such practices.

Similarly, forced marriages cases are widespread. Hundreds of cases of forced marriages are reported among Canadians every year in which parents or other close relatives take their children back home and force them to marry there. Some of the forced marriages are happening right here in Canada. Apart from those reported forced marriages cases, there are hundreds of unreported forced marriages incidents associated with Canadians. Unfortunately, such cases are mainly associated with South Asian and Middle Eastern communities. Those incidents of polygamy and forced marriages eventually result in domestic violence, and sometimes in honour killing.

Canada's Citizenship and Immigration Minister Chris Alexander tabled this bill, called the zero tolerance for barbaric cultural practices act, in Parliament last November. Critics criticized the name of the bill, calling it a pretty loaded one.

However, our group believes in calling a spade a spade. Violence against women is an absolutely barbaric act. It must be addressed strongly. Forced marriages, polygamy, and honour killings happen every day around the globe under the guise of cultural practices. Should those cultural practices not be condemned? Calling a spade a spade should not be a political issue in a country like Canada where human rights guarantee equal rights to men and women.

• (0855)

Polygamy is practised in Canada by some of the Muslim and Mormon community members. Cases of polygamy in the Mormon community are already under fire and scrutiny. Polygamy cases and issues in Canadian Muslim communities are widespread and mostly under the rug.

Minister Alexander's bill proposes the following: creating a new inadmissibility under IRPA that would render permanent residents and temporary residents inadmissible if they practice polygamy in Canada; strengthening Canadian marriage laws by amending the Civil Marriage Act to codify the existing legal requirements at the national level for free and enlightened consent, and establishing a new national minimum age for marriage of 16; helping to protect potential victims of early or forced marriages by creating a new specific court-ordered peace bond to be used where there are grounds to fear that a person would commit a forced or early marriage offence, including the mandatory surrendering of a passport to prevent a child from being taken out of the country to facilitate a forced marriage; criminalizing certain conduct related to early and forced marriage ceremonies in the Criminal Code, including the act of removing a child from Canada for the purpose of such marriages; limiting the defence of provocation, so that it would not apply in so-called honour killings and many spousal homicides; and including consequential amendments to the Prisons and Reformatories Act and the Youth Criminal Justice Act to include the aforementioned peace bond.

Our study findings are completely aligned with proposed Bill S-7. There is dire need of a widespread community awareness campaign by our government against those barbaric practices through Canadian South Asian and Middle Eastern media.

Our group is also working on the following measures: trying to establish a Muslim women support centre; working to establish a helpline and a centre where potential and actual victims of polygamy, forced marriages, and domestic abuse can contact; working on building a support system and training programs to handle issues of forced marriages, polygamy, gender segregation; working to launch our own surveys and incident data centre for forced marriages, polygamy, and honour killing cases; and working on awareness campaigns, including seminars and conferences, to curb incidents of forced marriages, polygamy, honour killing, and gender segregation.

Thank you very much.

• (0900)

[Translation]

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you, Mr. Gora.

Mr. Gora has submitted his brief to us, and it will be translated. The document will be distributed to the members of the committee as soon as it is available in both official languages.

Before I give the floor to Ms. Desloges, I would like to welcome Kathryn Marshall. She is a lawyer and is appearing here today as an individual.

Thank you for joining us, Ms. Marshall. You will soon have an opportunity to make your opening statement.

[English]

Madam Desloges, you have eight minutes for your opening remarks.

**Ms. Chantal Desloges (Lawyer, Desloges Law Group, As an Individual):** Thank you very much.

I've been practising as a lawyer for over 15 years, specializing only in immigration and refugee law. I'm a regular media commentator on immigration issues. Therefore, because my expertise lies solely in the area of immigration law, I will confine my remarks strictly to the immigration provision of this particular bill. There are other witnesses who I know have a lot more expertise than I do in forced marriage and honour-based violence.

I believe the immigration provisions of Bill S-7 send a very strong statement that polygamy is not and will not be tolerated in Canada. The negative effects of polygamy on women and children are very well documented in sociological studies. Whatever the practical effects of this legislation may or may not be, the bill does at least send a concrete statement about Canadian values. I think this is important in a context where our society is increasingly relativist and, in a rush to respect other cultures, we often overlook the fact that there is a reason why our own Canadian culture has developed in the way that it has.

Much has been made, as my friend Tahir just mentioned, about the rather inflammatory title of the bill. Allow me to say that, in general, I'm not a fan of hyperbolic language when it comes to naming legislation; however, it may not be for the reason you think. Forced marriage, honour killing, and polygamy are barbaric. To the extent that they are cultural practices, it's not a culture I think we should accept or promote, even tacitly by omission. Should there be zero tolerance for these behaviours? Absolutely yes. That being said, I think the language used in the title detracts from serious analysis of the content of the bill. Let's face it, many people, particularly members of the public, never make it past the title. I think naming pieces of legislation with tag lines lessens the decorum of the legislative process and deters citizens from engaging in meaningful discussion of the bill's actual content.

Substantively, my suggestions for improvement on this bill are pretty simple. Practising polygamy is not really defined. The bill refers us to the Criminal Code definition of polygamy, but if you read the Criminal Code definition, that also is not very well defined and leaves a huge grey zone for interpretation as to what it means to be practising polygamy in Canada.

The Criminal Code says that everyone who practises or enters into or in any manner agrees or consents to practise or enter into any form of polygamy or any kind of conjugal union with more than one person at the same time, whether or not it's recognized as a binding form of marriage, is considered to be practising polygamy.

Only one case has ever gone to court on the interpretation of this provision in the criminal context. In that case, none of the parties to the litigation could actually agree on what it meant. Even the attorneys generals who were involved in the case could not agree on what it actually meant. It was a single trial-level judgment that has never gone up on appeal, so the issue is really far from settled in the criminal context.

So what does it mean to be practising polygamy in Canada? Does it mean only multiple legally sanctioned marriages? Could it be a legally sanctioned marriage and the second marriage being just a religious one without being legally sanctioned? What about common-law relationships? Those are conjugal unions. Would it constitute practising polygamy in Canada if your first marriage is not dissolved and you enter into a common-law relationship with the second person?

You start to see the problem. If there will be serious consequences such as deportation attached to this behaviour, I think we need to draw a clear line in the sand so that people can amend their behaviour to know if they're going to be onside or offside of the legislation.

Another thing to note about this legislation, and it could be a plus or it could be a minus depending on your point of view, is that in an immigration context, you don't have to prove accusations against people on a beyond-a-reasonable-doubt standard like you do in a criminal court. You need to prove it on a basis of reasonable grounds to believe, and you can imagine the implications of that. So on one hand, it's a much lower standard, which will make it easier to apply the consequences of the act to people without having to go through the Criminal Code process, but on the other hand, there are really not very many checks and balances applied to it as there would be in a criminal context.

One thing I think could bear improvement is that nowhere in this immigration amendment does it talk about the effects on children.

• (0905)

I find that troubling, because it has the potential to separate families—it has, I think, as an intention to separate families—and wherever you stand on the moral ground of it, I think the kids are the innocent parties in this. There needs to be something that will recognize that and live up to our international obligations to respect the rights of children.

I'm also wondering if this is intended to be retroactive. There may be people who immigrated to Canada and are already living here as permanent residents and they may have had multiple marriages

before coming to Canada—which was legal in their country, and they would not have been violating the law. They may now retroactively face consequences for something that at the time was not considered wrong.

Overall, I support a strong message of zero tolerance on polygamy. I think that's the right thing to do. I don't think you'll have any serious debate in the Canadian public as to whether we should send a strong message on polygamy. However, I do think that with these improvements to the immigration piece it could be a really positive force for reinforcing Canadian values.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you, Madam Desloges.

Madam Marshall, you now have eight minutes for your opening remarks.

**Ms. Kathryn Marshall (Lawyer, As an Individual):** I'd like to thank the committee for inviting me here today to speak about what can be done to better protect women and girls from violence.

My name is Kathryn Marshall. I am a lawyer in Vancouver and also a columnist. I have spent many years writing and researching the issue of violence against women and girls. I have a degree in women's studies, with an honours specialization in feminist research.

At the heart of this bill is gender equality and the right of women and girls to be equal in Canada. As a woman, I feel very fortunate that I was born in a country in which the rights of women and girls are protected and in which we are equal to men. I feel fortunate that my daughter was born in a country where her gender does not sentence her to a lifetime of second-class citizenship.

At the core is the fact that equality is a fundamental human right in Canada. It is a core of who we are as people, a core value. It's something that cannot be taken for granted. We have to protect it and preserve it.

Unfortunately, there are many parts of the world that have no equality provisions, in which women have no rights at all. There are places in the world where women cannot work, cannot go to school, cannot drive a car, cannot wear what they want, cannot travel; they can hardly do anything. This is a reality in 2015. It's hard to believe, but this is the case.

Women and girls around the world are also subjected to absolutely horrendous practices, things such as female genital mutilation, polygamy, child marriage, slavery, sex slavery, trafficking, and so-called honour-related violence that often leaves women and girls dead or severely wounded and maimed.

The reality is that many of these practices are deeply rooted in culture and are deeply embedded within various cultural societies. They are in fact condoned, if not encouraged, in many parts of the world. You can commit heinous crimes and there will be no legal repercussions, because it is culturally okay to do these things. In the society we live in today, in a world where people migrate, move, and travel, women and girls are at risk no matter where they are living.

Often the perpetrators of these horrendous acts feel that they are justified in what they are doing because they believe their culture sanctions them in doing so. They often raise their cultural differences as a defence to these horrendous acts against women and girls. This is very common not only in parts of the world where these acts are legal but also in parts of the world where they are not—places such as Canada, the U.K., the U.S., parts of Europe, Australia. This is a global problem, and it's one we simply cannot ignore.

Gender equality should never be taken for granted, even in a place like Canada, where it is a core value of who we are as people. Critics of this bill have said that such horrendous acts as honour killings, polygamy, and child marriage should not be a priority of this government because they don't happen with enough frequency in this country. To those critics I would say that one occurrence of these brutal and un-Canadian acts is one enough: there should never be any of these acts. We should always take action. The reality is that we're not talking about a few isolated incidents. This is something that's becoming increasingly more common. The trend seems to be that it's occurring with more frequency each year.

With the passage of this bill, Canada will be joining other nations that have taken a strong stance against forced and child marriage by making it illegal. It is important this law include criminal consequences for people who organize, participate in, pressure, and facilitate child marriage and marriage without consent. It is often the pressure from family and community that is forcing these young women and girls to engage in these marriages.

● (0910)

Canada does not currently have a minimum age for marriage. We need to protect children from abuse by making the legal age for marriage the same as the legal age for consent in this country. It needs to be codified. We can't simply rely on the common law. The common law is something that's very much open to interpretation; that's the nature of it. It should be codified. It's extremely important.

I know there has been a lot of criticism directed towards the name of this bill, which is the zero tolerance for barbaric cultural practices act. Language is extremely important. It has long played a major role in defining the debate around violence against women. Any introductory-level women's studies course will include a unit on language, because when it comes to gender and gender construction, frankly, language is extremely important. It can be used as a tool, it can be used as a device, it can be used as a sword and a shield.

Before 1983 in Canada a husband could rape his wife, and this was not considered a crime; marital rape was in fact legal. This was only 32 years ago. Then there came a movement, which was led by women's rights activists, to call this act of non-consensual sex exactly what it is, sexual assault. It was only then that spousal rape was criminalized in Canada.

Even the term “rape” has been removed from our Criminal Code and replaced with the term “sexual assault”. This was due to the acknowledgement that the word rape is a loaded gender term and has been stigmatized and treated differently from other forms of violent assault throughout our social and legal history.

There was a time when domestic violence was legally sanctioned in this country. In the 18th century, according to British common law, a husband could physically abuse his wife if she disobeyed him, as long as he—and these are exact words from British common law—used a weapon “no bigger than his thumb”. So in our social and legal history, domestic violence has been treated as a private matter. It was not until the 1970s that awareness campaigns around domestic violence pushed the issue out into the open.

But the term “domestic violence” is a problematic one, because it tends to be interpreted as violence between intimate partners. There is now a tendency to label honour violence as domestic violence. However, this term is not really appropriate, because a lot of honour violence is not between intimate partners but between family members, friends, uncles, aunts, cousins, in-laws, parents. Frankly, “domestic” violence can be interpreted as something that is only within the home and is not an issue of social and community concern. The horrifying reality is that culture is an essential part of honour violence. In parts of the world it is condoned and is legal. We must not be afraid to label barbaric practices as what they are.

I think that calling the bill what it currently is called shows a strong stance. History has shown us that language is an important tool, and we should use it. We should call these acts what they are, which is barbaric.

Thank you.

● (0915)

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you, Madam Marshall.

Mr. Menegakis, you have the floor.

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

A big thank you to our witnesses for appearing before us. This is obviously a very important subject that we're discussing here today. This bill is addressing some atrocious things that unfortunately are happening in our country. It's 2015; you wouldn't think such practices would be taking place in a welcoming, multicultural, and loving country like Canada, but yet they happen. They happen on a daily basis.

Some critics of this bill have said we don't need this bill. They feel that there is enough legislation in place already that deals with many of these issues and that we don't need to bring any further focus to it. I wonder whether I can get a general comment from each of you about whether you believe this gives an additional tool in the toolbox to help us combat a problem that unfortunately still exists or whether you think what we have is fine.

We'll start with Madam Desloges.

**Ms. Chantal Desloges:** I can understand why some people might find some redundancy, because the Criminal Code already criminalizes polygamy. If you are criminally convicted, you can be deported from Canada on that basis. But I think what people are missing is the fact that having an immigration inadmissibility sanction, you can put people through an administrative process on a much lower standard of proof and make it easier to expel people from the country than it would be if you put them through a criminal court.

Criminal prosecutions are time-consuming and expensive, and there are a lot of checks and balances. In many cases this is a positive thing, but putting people through an administrative process obviously facilitates people becoming inadmissible and removable from Canada. If that's the goal, then it certainly achieves it.

**Mr. Costas Menegakis:** Mr. Gora.

**Mr. Tahir Gora:** I certainly feel that this bill would provide an additional tool in terms of tightened legislation against polygamists and forced marriages issues, because what we have seen and what we see today is that polygamy cases, for instance, are not registered and they don't come under the radar.

So as this bill passes in the House of Commons, we hope there will be some punishment for those clerics and people who facilitate polygamy in Canada. Certainly this provides an additional tool.

**Ms. Kathryn Marshall:** The bill will provide many tools by clearing up some of the ambiguities that exist within common law when it comes to some of these issues. It is really important to codify things like the legal age of consent for marriage. That's something that should be in our Civil Marriage Act. It should be something that is the same across the board in Canada.

As well, I think some of the Criminal Code's amendments are really important, especially when it comes to preventing people who are being charged with honour killings from using provocation as a defence. I think that ensuring that the only acts that can count as provocations are the ones that are actually criminalized within the Criminal Code is really important, as well, because it's addressing the fact that people who commit these crimes do use their cultural differences, attitudes, and beliefs as a defence. That's just something that we cannot stand for in this country.

• (0920)

**Mr. Costas Menegakis:** Thank you.

Mr. Gora, it's quite disturbing to hear of the cleric in the Toronto area, I believe you said, who made the comment that if he had a choice between Islamic law and Canadian law, he would follow Islamic law. Of course, that's his interpretation of Islamic law; I don't want to give the wrong impression about Islam based on his comments.

However, having said that, one can only imagine what Canada would look like if everybody felt that way. This is a very multicultural, welcoming, accepting, and tolerant country and one in which we all live with respect for one another's language, culture, and so forth. If everybody felt, "Hey, if my faith says this, or my interpretation of my faith says this, I don't care what the Canadian law says", what kind of a society would we be living in?

Certainly the issue of polygamy is one you touched base on. We had a member of Parliament, I believe the member from Newton—North Delta, stand up in the House and say that we already have polygamy laws in Canada, so why do we need to address the issue? I don't want to politicize this, but certainly it's happening. It's a problem. We know that, and we need to keep focus on it.

I want to focus my question on forced marriage, especially of a young girl, which we certainly believe is barbaric. Somebody could be born and raised in this country and be forced into a marriage whether she likes it or not. If she doesn't, it is the culture of that particular family to ridicule her out of the family unit. In many cases there's physical violence as well.

Can you comment on how the proposed amendments in this bill will prevent young girls from being taken off Canadian soil for this to happen?

**Mr. Tahir Gora:** Yes, sir.

Before I comment on that, I'll just add one line on, as you said, Canadian law versus faith-based laws. Certainly it's not just one cleric who is saying this. This is the basis for the whole sharia law and what some of the clerics look for. We as Canadians need to fight against that mindset, for sure.

Responding precisely to your question, I would say that, as this bill proposes, there will be tough punishments against those individuals who take their children out of their world back home for forced marriages. I think those punishments, as introduced by the bill, will certainly help our society.

I mentioned that unfortunately some of the forced marriages cases are happening here in Canada. We have witnessed cases, especially in the greater Toronto area, where girls and boys are not willing to marry each other, but because of cultural inhibitions and barriers, their parents, their guardians, force them to marry against their wills.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you. I'm sorry, but time has expired.

Madam Mathyssen, you have the floor.

**Ms. Irene Mathyssen (London—Fanshawe, NDP):** Thank you very much, Madam Chair.

Welcome to our witnesses. This is obviously an important bill. It touches a lot of very sensitive issues, so we appreciate your expertise.

I'll start with you, Madam Desloges. I was quite interested in a number of things that you had to say. I wonder, though, how you think victims are best protected. What would you recommend in terms of protecting these vulnerable people?

**Ms. Chantal Desloges:** Well, as I've said publicly before, one thing is that within the immigration system, when it comes to forced marriage, for example, there are very few checks and balances to protect women within the spousal sponsorship process. Often when spouses are being sponsored to Canada, there is no interview. If there is an interview, it's only with the foreign person; it's never with the Canadian sponsor who's sitting here in Canada. If the Canadian sponsor happens to have been coerced, there is no mechanism in the entire process for that to really come out. Lawyers aren't really that well attuned to look for those things, and the government never interviews the sponsor to see if there's been any coercion.

So you can go from start to finish and never have it come up. I think there needs to be something built in, either an interview process or an education piece, to inform not only women but everyone involved in the process of their rights.

● (0925)

**Ms. Irene Mathysen:** Thank you.

You touched on something that we've heard concerns about, the conditional permanent residency, and the fact that women can be held hostage by having to remain in a conjugal relationship for at least two years, even if they're being abused and terrorized. Do you have any response to that concern?

**Ms. Chantal Desloges:** The current provisions allow for an exception for people who are being abused. If they can demonstrate that they have been a victim of abuse—how to demonstrate that is a little bit problematic, but leave that alone for a minute—then they're exempted from the two-year condition. I do think that it probably would be a good idea to add coercion and forced marriage into an exemption from the condition. You may be coerced into a marriage, but not necessarily be suffering abuse. So I do think it would be a good idea to build an exemption in.

**Ms. Irene Mathysen:** Okay.

That leads to me my next question in regard to applicants and permanent residency, and the need to absolutely determine or make sure that they feel safe and secure if they wish to testify against an abuser or someone who has coerced them. Are there enough protections in terms of women being able to come forward? Are they trapped by their fears of police, their fears of being isolated from their families?

**Ms. Chantal Desloges:** They may very well have psychological inhibitions or real fears of physical violence in terms of coming forward, but I think you could say that about any criminal behaviour. I think you could also say that about spousal abuse. It's not a reason not to enforce, whether that be criminally or through the immigration system.

One thing that's interesting is that in the administrative immigration system by which something like this would come forward, the rules around those types of hearings are very loose, because it is an administrative process and not a criminal process. I've never seen a case where they, for example, offered the victim a chance to testify behind a screen or not have to face the abuser in the

same way that they do in criminal court. Maybe that's something that the board needs to consider.

**Ms. Irene Mathysen:** You said something that I found a bit chilling, and I just wanted a clarification. You said that with regard to the effect of this law on children, there was a real potential to separate families, and then you said perhaps the "intention" is to separate families.

Is that what you meant, or...?

**Ms. Chantal Desloges:** The reason I said that is that if you're in a polygamist relationship, one of the ways you can cure that is just by divorcing one of the spouses. I'm not sure if it's a serious concern, but it's a marginal concern in the back of my mind that maybe we might be encouraging people to split up their families and ditch a spouse in order to become compliant. I doubt that would happen with people living overseas, but I'm concerned that it may happen for people living in Canada. So then what happens to those children? What happens to the wife who's been discarded? That is a bit of a concern.

**Ms. Irene Mathysen:** Yes, it's one of those unintentional consequences that we've been worried about.

**Ms. Chantal Desloges:** I didn't mean to say that there's some nefarious purpose to split up families or anything like that; it's just this concern in the back of my head.

**Ms. Irene Mathysen:** Okay.

All of you have touched upon the violence aspect, in regard to violence against women. One of the realities is that violence isn't relegated to any individual group; it's across the spectrum. In fact, we know that half of all the women in Canada, no matter where they come from, whether they're born here or elsewhere, experience violence before the age of 16. If we're going to address the need for protection of women who are new immigrants, and in fact all women in Canada, do we have enough resources? I'm thinking about the fact that there's a lack of shelters and a lack of affordable housing, places for women to escape to if they need to, and a lack of child care so that these women can get on with their lives. I wonder if you could respond to that.

● (0930)

**Ms. Chantal Desloges:** I would, of course, support any measures that increase the ability of women to leave abusive relationships and to protect themselves and their children. I'm not an expert on resourcing of social services, but what you're saying sounds logical. If we're going to say to women that we're going to give them equality and we're going to give them these means to get out of these abusive relationships, or polygamous relationships or whatever, then of course they need the means to be able to do that, because economic security is of course a huge factor in these decisions.

**Ms. Irene Mathysen:** So you're speaking of housing, child care, shelters, and all of those things.

**Ms. Chantal Desloges:** Yes.

**Ms. Irene Mathysen:** Thank you.

[Translation]

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you, Ms. Mathysen.



[English]

Mr. McCallum, you have the floor.

**Hon. John McCallum (Markham—Unionville, Lib.):** Thank you.

Welcome to the witnesses.

I should say that we support the broad intent of the bill. This argument that it doesn't happen with enough frequency is not something that I've ever subscribed to. We have concerns with specific areas, and we also have a concern with the title. I don't want to take time asking questions about the title, but my position is that they should take away the word "cultural" because these practices apply in many different communities or cultures or religious groups. Some groups, I think notably the Muslim community, have taken the word cultural as an offence or an attack on them. Certain communities have seen it that way.

If you just look at the costs and benefits, the cost of using the word "culture" is that certain Canadians feel alienated or attacked because of it. That's a negative. I don't see any positive. I don't see that word adds anything to the content of the bill. I certainly believe that word should be removed.

In terms of the content, I think in one way it maybe doesn't go far enough, and in another way it may go too far, or at least it requires clarification. On the first point, the marriage of 16- and 17-year-olds, my understanding is that parental consent is sufficient, but the parents might be part of a forced marriage, so a parental consent for a 16-year-old to marry might just be that the parents are complicit in the forced marriage, which this law is trying to prevent. I guess my question is whether there are other things the law could do to set other conditions—in conjunction with provinces, presumably—to have some further safeguard against forced marriages beyond the consent of parents.

One of the lawyers could answer, perhaps.

**Ms. Kathryn Marshall:** That's an interesting point. If you look at the law around sexual assault, the notion of consent is extremely important. That's a legal construct. There's a whole legal test that goes into determining whether informed consent was given.

I think everyone should be on guard within our legal system and our immigration system to ensure that, if there is a situation where parents have given consent, they are doing so in a very enlightened and educated way; everyone is aware of their rights; and this isn't a situation of coercion.

I'm not really sure what that would look like, but I think it is important to map out what informed consent would actually look like under these circumstances.

**Hon. John McCallum:** Okay. I'm not sure that really addresses the issue. Is there anyway in which the bill could be changed or strengthened to provide further protection to 16-year-olds whose parents may be complicit in a forced marriage? Is there any amendment that could be made?

**Ms. Kathryn Marshall:** I think the bill already does a pretty good job by codifying the age of consent and also creating a provision for peace bonds. One of the issues when we're looking at domestic violence situations is that people are afraid of going to the police

because they don't want their loved ones, despite the fact that they're abusive to them, to go to jail. They don't want the law to get involved. They don't want to have to go to court or trial. There's the peace bond element that would allow a judge to make a peace bond, which would put some conditions and restraints on caregivers or parents if a child feels like they're being coerced into a marriage situation.

I think that's really important. It gives people a channel to get help and not see their loved ones carted away to jail at the same time.

● (0935)

**Hon. John McCallum:** Okay. Thank you.

My second point was raised by you, Ms. Desloges, about the fact that the courts have yet to define what polygamy is. You said there's only been one court case. The definition of polygamy not being clear, we are now giving the immigration department the authority to deport people on the basis of polygamy, which has not even been clearly defined, according to a lesser standard.

It seems to me those circumstances set up an area of uncertainty and the possibility of abuse. You said a red line should be—

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Mr. McCallum, your time has expired. Sorry about that. You don't have time for an answer.

Mr. Leung, you have the floor now.

**Mr. Chungsen Leung (Willowdale, CPC):** Thank you, Madam Chair.

Thank you to the witnesses.

Let me address this issue from another angle and that has to do with the short title of this bill. Semantics is important in that it encapsulates an issue into some very simple words. At the same time, I'm quite cognizant of the fact that words mean separate things to different people. Let me address this from the specific side of what our opposition thinks.

The opposition believes that the short title of the bill is racist. That is quite a loaded term in our culture and society.

I would like to quote the Minister of Multiculturalism in the House of Commons, where he articulated very well our position. He appropriately remarked:

Mr. Speaker, in the title "culture" does not refer to any one individual culture. In fact, many of the issues we are concerned about are clearly present in a number of different cultures.

A number of people who have been accused of these horrible and barbaric practices tell the court that how they treat women or how they treat their daughters is part of their culture, so it is important to point out exactly what this is.

This question is coming from a party whose leader, the Liberal leader, did not want to call these practices barbaric. We will say exactly what this is. They are barbaric cultural practices and they have no place in Canada.

Starting from Mr. Gora, could you please comment on the semantics of that comment from the Minister of Multiculturalism?

**Mr. Tahir Gora:** I personally believe that calling a spade a spade should not be a problem in a free society.

I was born and raised in a Muslim family and in a Muslim South Asian culture. First of all, we have to define the culture. When someone asks me who I am, I say that I am Punjabi, South Asian, born in Pakistan, and my faith is Islam. Everything is within me.

All cultures, let me say very frankly, unfortunately are not equal. It's not a matter of equating cultures with each other. It's a matter of finding human core values. Those cultures that support polygamy, and those cultures that support forced marriages, should be denounced and should be addressed. That's why we live in the 21st century and in this part of the world. We should have the courage to denounce cultural barbaric practices.

**Mr. Chungsen Leung:** Ms. Desloges.

**Ms. Chantal Desloges:** Yes, I tend to agree that the word "culture" is nebulous. I don't think there is anything inherent in the word "cultural" that targets any specific culture. If people want to be offended, they're going to find a way to be offended, let's face it.

What I find interesting is that with regard to the issue of polygamy in Canada, if you look at the one case that went forward in the criminal context, it was not talking about Muslims. It was dealing with Mormons, American Mormons. That's their cultural group. It's not specifically targeting any one group.

Again, I'm not a fan of hyperbolic language to start with, but I find nothing about the particular language here that's any more offensive than anything else in terms of a short title.

• (0940)

**Mr. Chungsen Leung:** Ms. Marshall.

**Ms. Kathryn Marshall:** You know, 33 years ago there were people who were offended by people calling non-consensual sex between married people "rape". There were people who were offended by this. Now there are people who are offended by calling honour violence, which is legal in parts of the world based on culture and custom, culturally barbaric. There are people who are offended by this. I think 32 years from now we'll look back at those people and shake our heads.

**Mr. Chungsen Leung:** That is exactly my point. I have been for the past three years the Parliamentary Secretary for Multiculturalism. One of the messages that I preach when I am in public is that as Canadians we all come together for our shared values. What are our shared values? It's building upon the cultures of many different societies and groups that come to Canada, as long as those shared values are something that we can build on for what makes us Canadian in the 21st century. Therefore, some of those other practices that are not similar to our culture, really, especially those that cause bodily harm or dysfunction in a society or family, have no place in Canada. That would be the way we look at how we build our Canadian society.

Let me address another question. As has been said, our government will not tolerate cultural traditions in Canada that deprive individuals of their human rights, such as early and forced marriages, honour killing, incest, and polygamy. We believe that subjugating women or young girls to these acts is indeed barbaric.

Do you agree that these acts are indeed barbaric and should be criminalized? Then it comes to the definition of "barbaric". Is that an appropriate term to use in this case?

Mr. Gora.

**Mr. Tahir Gora:** I certainly believe we should endorse this bill in terms of curbing all those malpractices that have been mentioned in this bill—polygamy and forced marriages.

**Mr. Chungsen Leung:** Would you consider them to be barbaric in the context of the 21st century?

**Mr. Tahir Gora:** Absolutely.

**Mr. Chungsen Leung:** Ms. Desloges.

**Ms. Chantal Desloges:** Yes, I absolutely agree that those practices are barbaric and we shouldn't be afraid to call them that.

I agree with what my colleague Ms. Marshall said earlier. Certainly when we're discussing matters, the language that we use is important. I don't think it has a place in the title of the bill, but I do think the language is appropriate generally.

**Mr. Chungsen Leung:** Ms. Marshall.

**Ms. Kathryn Marshall:** Legislation has played such an important role throughout our history in defining what is abuse against women and what is socially and morally wrong. Words are important. If we're too afraid to call these heinous, inhuman, terrible practices what they are in the House of Commons, then how can we expect society to point at these things and say they are wrong too? We have to set the standard and point at these things and call them what they are.

We can't be afraid to do that, just like Margaret Mitchell, the NDP MP, did when she stood up in the House of Commons 33 years ago and said we need to call non-consensual sex between married people rape. She was laughed at.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you very much. Our time has expired.

Thank you very much to all of you for being with us today.

We'll now suspend the meeting and invite our next witnesses to the table.

• (0940)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (0945)

[Translation]

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Order, please.

We are resuming the meeting of the Standing Committee on Citizenship and Immigration devoted to the study of Bill S-7. I want to thank the witnesses who have accepted our invitation.

[English]

We have with us, from the Coalition of Progressive Canadian Muslim Organizations, Madam Salma Siddiqui, president. Thank you for being with us.

Also with us, as an individual, is Rupaleem Bhuyan, professor, Faculty of Social Work, University of Toronto. Thank you, Madam Bhuyan, for being with us today.

I see that our third witness has just arrived, Madam Lee Marsh, president, Advocates for Awareness of Watchtower Abuses. Thank you for being with us.

You will each have eight minutes to present your opening remarks.

Madam Siddiqui, you have the floor.

**Ms. Salma Siddiqui (President, Coalition of Progressive Canadian Muslim Organizations):** Thank you, Mrs. Chair.

Good morning, gentlemen and women from the House of Commons, and colleagues. Thank you for the opportunity to have me share my views with the committee. I'm here in my capacity as the president of the Coalition of Progressive Canadian Muslim Organizations and as someone who came here as an immigrant and as a woman.

The Government of Canada's decision to table a bill for zero tolerance of barbaric cultural practices is the right move and should be welcomed. For too long women have been oppressed through polygamy and forced marriages.

I'll deviate from my speaking notes. I heard the discussion in the previous session about the word "barbaric". I think we're stuck on that word. I think we should look at what exactly is going on and move on from the word "barbaric". I am a Muslim Canadian, and I have some views on that. I think what it is, it is, and we should move on that. That a point that I would like to add.

Critics of the bill have suggested this action is tantamount to calling certain communities barbaric. This is hardly the case. The fact of the matter is that a culture is the sum of various norms and practices. Cultures are not static and they evolve. Part of the evolution is, or should be, discarding injustices against fellow adherents of the culture. Indeed, over time cultures such as ours have strived to put women on an equal footing with their male counterparts and do away with discrimination.

Who in their right mind can support coercion and honour killings? Bill S-7 does contain a number of sensible elements that all Canadians should embrace. The explicit outlawing of forced marriages and bringing precision to the general provincial practice that 16 is a minimum age for marriage is very reasonable. The provisions that will make it illegal to transport a child under 16 abroad for the purpose of marriage will certainly go a long way in preventing the trafficking of helpless young women. While critics have suggested that this is targeted at the Muslim community, let me remind the committee that forced marriages, honour killings, and trafficking are not restricted to the Muslim community alone.

By dealing with the issue of polygamy, the government is bringing into sync rules and norms for those who choose to come to Canada with its existing domestic law. Indeed, there is sufficient anecdotal evidence to suggest that the practice of polygamy exists within certain recent immigrants. Cases of polygamy in the Mormon community are already under scrutiny; and instead of being defensive or apologetic, the Muslim community in Canada must come out and denounce polygamy by exercising Islam's own tradition of independent thinking.

By pandering to extremists and retrograde opinions within immigrant communities for the sake of scoring political brownie points, we risk undermining the very fabric of Canadian society and debase the values of justice and liberty that this country has come to embody. The bill is really about protecting women and should be

seen as a welcome step. People coming to Canada must conform to our values. They have to put aside their past understanding of women. In this country, men and women are equal before the law and in society.

Thank you.

● (0950)

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you, Madam Siddiqui.

Madam Bhuyan, you now have the floor.

**Dr. Rupaleem Bhuyan (Professor, Faculty of Social Work, University of Toronto, As an Individual):** Thank you.

First, I apologize if I start to cough; I am getting over a cold.

I would like to thank the committee for this opportunity to comment on Bill S-7. My name is Rupaleem Bhuyan, and I am a professor of social work at the University of Toronto. I am also a lead researcher in the Migrant Mothers Project, which was founded in 2011 to examine how changes in immigration policies impact the safety and well-being of immigrants who are facing gender-based violence. For the last 15 years, I have been involved in violence against women advocacy, as a counsellor, public educator, and now as a researcher.

Today I would like to offer comments with regard to the bill's title, how the bill seeks to criminalize forced and early marriage, and how the bill would impact immigrants who are facing domestic violence.

First, I would like to echo remarks made during the Senate hearing regarding the racist undertones of the phrase "barbaric cultural practices". As a domestic violence and sexual assault advocate and researcher, I can attest that violence against women and children occurs in all cultures, groups, and societies, and in most cases cultural values are used to justify and carry out the abuse. I wish we could say with confidence that violence against women was un-Canadian, but if you look at the rates of rape, sexual assault, harassment, violent spousal assault, and homicide—specifically by male spouses, or former partners, against their female spouses—this is a Canadian problem. I strongly recommend that the committee remove the phrase "barbaric cultural practices". I find that it is misleading from the serious issues that this bill seeks to address. Instead, I encourage you to refocus the attention on promoting gender equity.

With regard to how Bill S-7 seeks to criminalize people who are involved in a forced or early marriage, I join others who view forced marriage as a form of family violence that requires serious attention and a multi-level response for prevention and support of victims. Forced marriage is understood as the marriage that takes place without full and free consent of both individuals. The absence of full and free consent takes many forms and can involve a continuum of coercive, threatening, and abusive behaviours.

I caution this committee, however, against locating the cause of forced marriage merely in cultural practice. Cultural practices are no more, and no less, relevant in cases of forced marriage as they are when a high-profile broadcast journalist sexually harasses and assaults his peers, or when a member of Parliament uses his power to sexually harass staff members with impunity. In all of these cases, co-workers and other members of the community who know about the abusive behaviour and remain silent are complicit. In each of these examples, cultural norms and social practices provide the perpetrators with the tools to control, manipulate, and silence their victims.

I think it is important to reiterate what Deepa Mattoo, from South Asian Legal Clinic of Ontario, previously testified before the Senate, that Canada currently has several criminal sanctions for egregious behaviours that occur in the context of a forced marriage. Acts related to kidnapping, assault, and confinement are already Criminal Code offences that can, and are, used in cases of forced marriage.

Bill S-7 introduces a very wide net to criminalize people who are involved in a forced marriage but who may or may not have been involved in acts of violence such as kidnapping, assault, and confinement. Under Bill S-7, it is unclear how the law will define forced marriage and who would be criminalized. Also, as the previous witness has testified, the impact on youth may be unjust. I recommend removing proposed sections 293.1 and 293.2 in clause 9, which add indictable offences to anyone celebrating or taking part in a forced or early marriage.

This law also falls short of providing potential victims with the option of choosing a civil path for protection. I believe in the Senate hearing, as well, there was testimony from Ms. Siddiqui that civil protections would allow a young woman who may be living with her parents to have legal protection to prevent a forced marriage but still remain living with her parents. Criminalizing parents or family members who are involved in a forced marriage could negatively impact the young person. The path of civil protections could be similar to the route of child protective services, which investigate and ensure parents are not abusing or neglecting their child but still maintain the emphasis on the best interests of the child. I encourage this committee to consider options to work with provinces to provide a path for civil protection so that young people who are forced or threatened with being forced into a marriage may have the option to pursue this as a way of preventing the marriage.

• (0955)

My final comments concern how this bill will impact immigrants facing domestic violence. Though the Senate debates suggest this bill is not about immigration, the House debate has shown otherwise. I am most concerned with how this bill increases discretionary powers among immigration officers to deem inadmissible anyone who is perceived to be practising polygamy. The low burden of proof may lead to racist discrimination against immigrants from particular regions of the world who are considered undesirable. This provision would also put women who are spouses of polygamous men at risk of being deported or being separated from their children

Bill S-7's emphasis on forced marriage and polygamy cannot be separated from the numerous ways this government has been placing constraints and conditions on people who wish to immigrate to

Canada as a spouse or partner. In the broader context, we have seen marriages scrutinized in fraud investigations, new conditional status on new spouses and partners, and the recent ban on proxy marriage.

In my research I found numerous examples where conditions related to immigration status are used by abusers to threaten and control a spouse or a child. I urge this committee to consider the ramifications of creating new ways for abusers to literally hold their victims hostage through immigration laws.

We are beginning to see the effects of conditional permanent residence introduced in October 2012. From data I received from Citizenship and Immigration Canada, in the first 18 months nearly one-quarter of all sponsored spouses and partners were given a conditional status. During this period CIC received only 12 requests from women seeking an exemption based on abuse and neglect. Only four of those were granted.

I find this to be a very low number, and when I work with community organizations in Ontario and in a new study we're doing in Alberta, I see this is very different from the number of people who are coming forward seeking safety who are in a conditional permanent residence. This is an example where immigration policy is forcing women to remain in abusive relationships.

I'm not currently aware of any case where conditional status was granted to someone who was in a forced marriage. I certainly believe that criminalization of forced marriage outlined in this bill may require women with conditional status to report a forced marriage to police in order to qualify for the exemption, as one of their forms of evidence. I believe this significantly raises barriers to reporting abuse. It is very likely that people in forced marriages will fear that coming forward to report the abuse in their lives will lead to losing their immigration status.

When women must choose between their right to remain in Canada and their safety from violence, we are creating a dangerous environment, one that will compromise the basic human rights of people living in Canada.

I recommend the removal of conditional permanent residence, or an easy pathway for women who are facing violence, including forced marriage, or who are in a polygamous relationship, that does not require the consent or consult of their sponsor so that they may achieve permanent residence without being further exposed to abuse in their relationships.

I also would recommend the committee consider creating a special unit in Citizen and Immigration Canada. There are many forms of abuse that sponsors can use, and I believe that this is a dedicated area that I would like this committee to consider.

Thank you very much.

•(1000)

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you very much, Madam Bhuyan.

Madam Marsh, you now have the floor.

**Ms. Lee Marsh (President, Advocates for Awareness of Watchtower Abuses, As an Individual):** My name is Lee Marsh. I am 62 years old, and until recently I carried a family secret for 45 years.

In 1970 my mother arranged for me to marry a man I did not want to marry. I recently spoke about this to *Maclean's* magazine, which is how I was found and invited to come here.

When I was 17 years old, my mother, who is one of Jehovah's Witnesses, decided that I needed to be married. For several months she would take me from one congregation to another, looking for a Jehovah's Witness for me to marry. She had two criteria: they had to be willing to marry me, and they had to be one of Jehovah's Witnesses. Many of the men she introduced me to were 10 or 20 years older than I was, or even more, and she quickly discovered that these men all had mental health issues. She then moved on to the next person on her list.

During this time, a young man was coming to our home for a Bible study group. After the group he would stay, and my mother would spend hours trying to convince him that this was the one true religion. After a while, she got me involved in sitting there and trying to teach him the beliefs. I turned 18 in June of that year. Two weeks later, while I was in the kitchen talking to this man and explaining more of the beliefs, my mother walked into the room and said, "If you're going to continue to come here, you two have to get married." Then she walked out of the room. I was stunned. I didn't know what to say.

He looked at me and said, "So what do you think?" I was too afraid to say no. I did what my mother expected. My mother was listening around the corner, and she came back in and started making preparations for a wedding. He wasn't baptized yet, so she told him that he would have to call one of the elders in the congregation and make all of the arrangements to get baptized in four weeks. She arranged for the wedding to occur the week after that.

My mother made all the preparations. She did everything. Then someone asked us how long we had been seeing each other. Witnesses don't date. They're only allowed to marry other Witnesses. They're just supposed to know who they like, start talking to them, and decide whether they want to marry them. The parents or the elders in the congregation will see these two people talking and say, "Ah, we have to get these two hooked up together." They start pressuring the two regarding plans to get married.

But there I was, with somebody asking me how long we'd been seeing each other, and I had no answer. We had never been on a date. My mother decided that we needed to go out on a date in those five weeks between her proposal and the wedding. She arranged for us to go to the movies, with one of my brothers as a chaperone because we would not be allowed to be alone together.

I had known this man for six months. We had never had one personal conversation. I knew almost nothing about him, and he only

knew what he saw when he came to our home. In five weeks she proposed, pushed him to get baptized, and pushed me into wedding preparations, and then we were married.

You might ask why I went through with it. I wanted to break it off, because I really didn't want to marry him, but I didn't dare to, for two important reasons.

The first was the fear of my mother. Jehovah's Witnesses believe in the rod of discipline. In my mother's case, it was a leather strap, and all five of her children got it. My last beating was shortly before this proposal. I was still 17. Saying no to my mother was not even something that I consciously ever thought of. I didn't say no to her about anything.

The second was the fear of the elders in the congregation. Once two Witnesses are engaged, they're considered "as if married", although they're still not allowed to live together or have sex. Breaking off an engagement is as serious an issue as getting a divorce, which is not allowed. That person can face disciplinary action. It could mean being expelled or excommunicated from the congregation if the wedding is called off.

•(1005)

But over and above the fear, there is an issue of undue influence. In each of the stories that you have heard or you may hear, the issue of undue influence becomes more apparent. Undue influence is a process whereby a person's normal and healthy mental processes are replaced with the thoughts and feelings of the group leader. Individuals are not encouraged to become autonomous or to learn to think for themselves. They are systematically taught to follow the will of the leader or leaders, or parents. The leader decides what those under them do, what information they have, what they think or believe, and even what they feel. I believe that undue influence is at the core of many arranged marriages.

While my case is extreme for Jehovah's Witnesses, I did a poll of other Witnesses, thinking that I'm, of course, the only one. Thirty-seven people said that they felt pushed into an early marriage that they did not want or were not ready for. One man said that because he was gay, his parents believed his condition could be cured by having sex with a woman, so they pushed him into getting married. Most said that they were pushed into it because they were seen talking to a boy, and that was enough for the parents and the elders to start questioning them about intentions for marriage, and then pushing them towards it. Almost everyone was married before they turned 19, some as young as 16 years old.

In almost every closed group that demands members marry only within the group, undue influence will be at the crux of how these children are pushed into marriages they don't want and are unable to prevent. Arranged marriages are not just about immigrants bringing customs with them from their own countries. The French part of my family has lived in Canada for 16 generations. The other side of my family came from the U.K. and has been in Canada for four generations.

Many orthodox and fundamental religions follow the same practices of limiting a child's contact with the outside community and encouraging young marriages for people only within the group, which serves to keep them in the group. These issues are for all Canadians, even those of us who have been in Canada all of our lives with families that would never be considered immigrants.

Thank you.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you very much, Madam Marsh, for your testimony.

We'll allow the members of Parliament to ask you all questions, starting with Mr. Shory.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Madam Chair.

Thank you to the witnesses for being here this morning.

This morning all of the witnesses had a very clear view, but Ms. Marsh, I specifically want to thank you for coming out. I read your story in *Maclean's*. Thank you so much for coming as a witness this morning. It's interesting to hear you speak about your experience, for more than one reason, I would say. The opposition believes that the short title is a little racist, but your story is living proof, in my view at least, that these harmful acts are cross-cultural and not specific to one nationality or religion. So once again, thank you for sharing your story with us.

Ms. Marsh, you are the president of the organization called the Advocates for Awareness of Watchtower Abuses. Can you please tell all of us what the organization does specifically and whether you believe this bill will help victims of gender-based violence?

•(1010)

**Ms. Lee Marsh:** Our organization is an educational one that wants to address five basic human rights issues. The first is the lack of post-secondary education for young Jehovah's Witnesses. The second is the domestic violence that they do not report. They encourage the women to stay with their abusers. The third is the physical and sexual abuse of children, which again is not reported to the police, and the information is kept even from other members of the congregation. One big issue that most people know about Jehovah's Witnesses is the blood transfusion, and there we have an issue with mature minors being coerced and unduly influenced to refuse blood transfusions when they need it. The last one is the shunning policy, which goes hand in hand with the excommunication, or, as they call it, "disfellowshipping", where even members of your own family will not be allowed to speak with you.

Those are our five issues. Our goal is to inform the public, as well as the media and politicians, of these issues.

**Mr. Devinder Shory:** Would you like to make a comment on the bill, on whether in your view the bill will help to address the issues?

**Ms. Lee Marsh:** If I had known that what my mother was doing was against the law, I might have felt more able to say no. It would have given me an out to say, "But you can't do this. It's against the law." It's not that Witnesses really pay much attention to the law when they want something, but it might have helped me. Certainly, I think if my mother had known it was against the law, maybe she

wouldn't have been so eager to arrange for me to be out from underneath her roof.

I think a bill alone is not enough. We need to be able to find ways to let children, young people, know what their human rights are. I think this is something that needs to be taught in schools. If we have a bill, then we need to be able to have courses or classes in school where these kids can get the information about what is legal, what isn't, and what their rights are.

**Mr. Devinder Shory:** Thank you. You actually answered my second question also, which would have been about how we communicate with children.

Ms. Salma Siddiqui, it's good to see you once again. I would like you to make some comments with regard to dealing with the issue of polygamy through the Immigration and Refugee Protection Act. The government is syncing the rules for immigrants and Canadians. I'd like you to expand your thoughts on that. I am an immigrant. I came 25 years or so ago. How important is it that immigrants, newcomers, understand that these values are not welcome here in Canada?

•(1015)

**Ms. Salma Siddiqui:** I think the rule of law, which is one and for all, is not being taken seriously by many communities. The story that we heard firsthand about the Jehovah's Witnesses proves that it is not within one culture and it is not within one religion that this is happening.

For instance, I am a Muslim and I can talk about Islam and what my beliefs are. Sharia law is being taken unofficially, or even officially, really, and that's what's allowing these polygamous marriages.

We have to have one law. This is Canada, and we need to be very strict about that. That's what I'm going for.

**Mr. Devinder Shory:** Some of the critics of this bill do accuse it of singling out particular religions and their practices. You mentioned you practice the Muslim faith. But the government knows that there is a distinction between a religious practice and a cultural practice.

Do you agree that ordinary Canadians deserve protection from barbaric practices, regardless of the majority religion in their country of origin?

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Very quickly, please. You have a few seconds to answer.

**Ms. Salma Siddiqui:** I don't believe this is aimed at any one group. We are in Canada and we have to live as Canadians. Everyone has to accept that.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you very much.

Mr. Sandhu, you have the floor.

**Mr. Jasbir Sandhu (Surrey North, NDP):** Thank you very much, Madam Chair.

Thank you to the witnesses for being here this morning.

Thank you, Ms. Marsh, for sharing your personal story with the committee here today.

To Ms. Bhuyan, on a CBC panel or in an interview that you did, you said that the barbaric cultural practices act was a smokescreen to increase immigration controls. Could you expand on that, please?

**Ms. Rupaleem Bhuyan:** Certainly. I think the bill is changing many areas of law, and an area that I pay attention to is the changes in immigration law. In the last five years there have been dozens of changes that have restricted the rights of immigrants, temporary residents, permanent residents, and citizens. I think the potential to criminalize forced marriage can become a place where someone becomes vulnerable for deportation. If someone is involved in a forced marriage and they have a conditional status as a permanent resident, they may lose their status if they seek help. This is true for any form of violence, not only forced marriage. Leaving the conjugal home or the conjugal relationship can make one vulnerable to losing one's status.

As well, the criminal convictions associated with forced marriage or early marriage may create a space for deportation. The omnibus crime bill, which several years ago made a deportable offence anything with a six-month sentence or more, creates a larger capacity for the Canadian government to remove people based on their criminal offences. This creates more vulnerability for different groups of immigrants.

The provisions related to polygamy in deeming groups inadmissible are the areas that I think are particularly concerning. I think the expanded powers of discretion for immigration officers who may perceive someone to be in a polygamous relationship are very broad. I think the earlier witness was speaking about the lack of certainty about how we define polygamous relationships. That's something we need to pay attention to. Are we talking about someone who has many mistresses as a form of polygamous relationship? Are we talking people who have codified relationships? Certainly, under Canadian law you can only be legally married to one spouse, but many people living in Canada may have multiple partners. So how will the Canadian government define polygamous relationships in this context of very diverse relationships and sexual practices? Removing someone's immigration status or deeming someone inadmissible—I think those powers are too large.

**Mr. Jasbir Sandhu:** Madam Siddiqui just talked about having the same law for all Canadians. I would presume that would be permanent residents or immigrants to this country.

Madam Bhuyan, are these particular changes to the immigration laws, in terms of polygamy and honour killing, directed towards immigrants? Are they going to be able to withstand a charter challenge? Do you have any comments on that?

● (1020)

**Ms. Rupaleem Bhuyan:** Just to clarify, are you speaking specifically about the provisions on polygamy?

**Mr. Jasbir Sandhu:** Yes.

**Ms. Rupaleem Bhuyan:** Well, my understanding is that this allows immigration officers to deem groups inadmissible. If someone is a citizen, this would not impact them. Certainly there could be a potential for misrepresentation. We can leave that open. Immigrants who are permanent or temporary residents, or people applying for one of those categories, are the target of this particular change in the Immigration and Refugee Protection Act.

I think we should also pay attention to the rhetoric of Minister Chris Alexander. The way in which the Ministry of Citizenship and Immigration may implement this, I think, is similar to the targeting of certain countries as less desirable. I think you see this in sponsorship application times. If someone is sponsoring a partner or spouse internationally from a country that is perceived as less desirable, the wait time is much longer, two or three years. I think there is a culture of profiling certain groups as more or less worthy. Certainly the scrutiny of marriage fraud falls along those lines. I think this would add to that level of scrutiny.

**Mr. Jasbir Sandhu:** In your testimony, you talked about the changes that were made in October 2012 and the impact they are having on spouses not being able to get permanent residency when they land with a conditional status. What sort of impact does it have when there's an abusive situation?

**Ms. Rupaleem Bhuyan:** I should note that before 2012 there was an ongoing problem of what's called, in Canada, sponsorship breakdown. I think this term is a little too neutral for me. It's when someone is in an abusive situation with their sponsor and they are awaiting the regularization of their status—for example, an inland application for permanent residence; that's an ongoing problem. The conditional two-year permanent residence extends that period of time in which someone has to remain in a conjugal relationship.

We are currently conducting research on this in Alberta and Ontario. Although it is at this point preliminary, I've known of several cases of people coming forward where women who are in shelter or who are seeking advice about the abuse in their relationship are fearful. The evidentiary requirements are very vague. The information that CIC officers have is very uneven. Some people call CIC and do not get accurate information. Sometimes investigations are happening where the spouse of the potential victim of abuse is investigated as well as other family members, and sometimes those cases are deemed not abusive enough to warrant the exception. I think this is a very dangerous practice.

So if we look at the implementation of how the exception is being carried out, I think there are a lot of areas to pay attention to. I do think that, overall, conditional permanent residence creates an unfair and dangerous legal tie where a spouse has control over their spouse. I did similar research in the United States when they passed the immigration marriage fraud amendment in 1986. I believe concerns in the United States have also created and pushed for legal remedies for what they call, in U.S. law, the “battered immigrant”. If Canada is going to keep with this conditional permanent residence, which I think is a wrong idea, I would like to see Canada consider better options for victims of abuse to seek safety without the cooperation of their abuser.

**Mr. Jasbir Sandhu:** Thank you.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you. Mr. McCallum, you have the floor.

**Hon. John McCallum:** Thank you, Madam Chair.

Welcome to the witnesses, particularly to you, Ms. Marsh, for having the courage to tell your story to Canadians.

Professor Bhuyan, you talked about the conditional permanent residence. I might just mention that, as you may know, this committee studied the issue some months ago. The great majority of participants, including the witnesses who came here, and the members, agreed that conditional permanent residence was a bad thing because of the potential for abuse of women that it entailed. Sadly, the only ones who disagreed with that, who supported the concept, were the government members who controlled the outcome. But you're not alone at all in putting forward this point of view.

I would like to return to an issue I raised but ran out of time on at the last session. That's this question of deporting people for polygamy when it would appear that there is no legal definition of what polygamy is in Canada. Particularly, since less proof is required than in a court in order to deport somebody, it seems to me that with no definition there is the potential for unfair deportations.

Do you think this issue could be addressed by providing some definition of what polygamy is in the bill? It would not necessarily be for application in general in this country, but at least for application to the case of potential deportations it would provide a little bit of clarity to potential offenders as to what it is they're not supposed to do.

• (1025)

**Ms. Rupaleem Bhuyan:** Thank you for the question. I'm aware of the report that the committee made as well on violence against women.

I'm not necessarily in a position to offer a definition of polygamy. I think that would require some collective study, so I'll refrain from going in that direction. I do believe, however, that deeming someone inadmissible is a very powerful mechanism that the Canadian government has. It has implications not only for that individual but for their family members. Family members of the person deemed inadmissible will also be barred from entering Canada or remaining in Canada.

I think we need to look at the intent of the law. Polygamy is already against the law in Canada. While there have not been any successful cases to hold people accountable, there is already a general public opinion. Although certainly some communities may be practising polygamy and using their values to justify it, I don't think there is a need to make a statement that polygamy is wrong in Canada. Deeming groups inadmissible for entering Canada is not necessarily going to change the practice of Canada internationally.

So if we're talking about what rights an individual will have within Canada, and we already have it within our legal system that they cannot be in a legal relationship, then I think we're actually just using the smokescreen of polygamy to increase immigration powers.

**Hon. John McCallum:** I've heard people express concerns about what happens to children in polygamist marriages. I haven't heard

any solutions in this bill as to what we could do, if anything, to alleviate those concerns.

**Ms. Rupaleem Bhuyan:** I don't have it front of me, but I believe I read a submission by UNICEF whereby they outlined some very interesting suggestions on providing avenues for the children of individuals in polygamous relationships to be able to access their rights. If they are international and one of their parents is residing in Canada and deemed inadmissible in this case, they could perhaps seek refuge in Canada. As well, if those children are currently residing...to remain with their parent who is also part of the polygamous relationship.

I encourage you to review those submissions from UNICEF.

**Hon. John McCallum:** Thank you for that.

In terms of 16- and 17-year-olds getting married, it would appear that parental consent is sufficient. Yet that raises the possibility, as we heard very clearly today, that a parent is involved in creating the forced marriage. I'm concerned that parental consent may not be sufficient and that some other court or other means should be required for a person of that age to get married.

I wonder if any of you have ideas as to what might be done in that area, or if you agree with me that something ought to be done.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** May we have a very short answer, please.

**Ms. Lee Marsh:** All right.

I don't know, really; maybe an assessment beforehand by social services, to make sure that this is something the child wants, might be beneficial.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you.

I'm sorry we don't have more time.

Mr. Leung, you have the floor.

**Mr. Chungsen Leung:** Thank you, Chair.

We talk about prevention and so on as a possible solution to these issues we're addressing on polygamy. If our front-line workers have stressed to us the importance of training police officers and immigration officers, then I believe it is important that officers of the law have the tools they need to deal with honour-based violence. Do you believe this will give front-line workers a better tool to criminalize and even prevent honour-based violence, and how do our front-line officers see these things in order to prevent them?

Ms. Siddiqui.

• (1030)

**Ms. Salma Siddiqui:** I think the front-line workers really need to be trained, and yes, there should be more power given to them to see what they are doing. That's the only way we can understand and move forward.

**Mr. Chungsen Leung:** The front-line workers can address this once they're in the country. What if they're not in the country? How do we address that issue?

**Ms. Salma Siddiqui:** Well, that's a loaded question, and I would leave it to an expert to address that. But there has to be some way of addressing it.



**Mr. Chungsen Leung:** All right.

Ms. Marsh, if the information had been known to you at such a young age that it was illegal to be forced into a marriage—not just certain religious groups practise this, but many ethnic groups do as well—would that have given you the tools or the ability to prevent it from happening, from it being forced on you?

**Ms. Lee Marsh:** When I was 12, I walked into a police station and reported my father for sexually abusing me. That gave me a lot of power to know that I had rights and that what was being done to me was wrong. If at 17 I had known that this was against the law, I might have done the same thing then.

**Mr. Chungsen Leung:** I don't mean this in a pejorative sense, but certain cultural practical or cultural groups or certain religious groups do not allow their children to be educated in the public school system, so it's hard to disseminate this information. How can we do that in the particular case of the Witnesses?

**Ms. Lee Marsh:** The Witnesses are actually moving more and more toward home-schooling their kids. Personally, I think this is very dangerous, because the children are totally secluded from the outside community. The Witnesses aren't alone in doing this. To have a requirement that once or twice a year these kids participate in a community-based program, where they can learn about things like human rights, would be very advantageous. It should be part of the agreement when children are home-schooled.

**Mr. Chungsen Leung:** In our fairly electronically connected modern 21st century society, are people in your religious group or cultural community permitted to have access to mobile telephones, social networks, the Internet? Are they allowed to browse and surf the internet?

**Ms. Lee Marsh:** It's very monitored. More and more, kids do have cellphones and access to computers, but as a whole the rules for the Witnesses are that you are not allowed to be surfing the Internet to find whatever information you want. The websites you are allowed to go to are very limited. That control of information is very powerful among a lot of these groups that seek to control their members—what they do, who they talk to, and what information they have.

**Mr. Chungsen Leung:** Thank you.

Professor Bhuyan, do you believe this bill will give front-line workers better tools to criminalize and even prevent honour-based violence? And how does it do that?

**Mr. Rupaleem Bhuyan:** I appreciate the question. You know, I've been working in domestic violence most of my adult life, which is now getting longer. Domestic violence is interesting, because honour is almost always present. It is almost always used as a justification for why someone lost control, or for why someone is harming another person, whether that honour be around someone's reputation within the community or their reputation around their masculinity. I don't think it's actually fair to have a distinction of “honour” as only occurring in certain communities. Certainly, there are some communities that might have shared concepts of honour that are then used as tools for abuse, and that can be very dangerous.

I also believe that part of the challenge...and I think Ms. Marsh gave a very compelling example of the very layered ways in which communities, and within families, use different practices to justify

removing someone's capacity to make a decision for themselves, in this case consent for marriage. I believe the history of violence is also very compelling. We need to change the definition of family violence to understand ways in which family violence can manifest in physical abuse, verbal threats, as well as forms of violence such as coercing someone into a marriage.

I would go that route as opposed to criminalizing someone's attendance at a marriage. I believe that is way too broad. I think the Criminal Code already has mechanisms for front-line workers to hold people accountable. I think the kind of education that we've discussed may be very challenging with some of the communities that Ms. Marsh is talking about, but that would be the direction that I encourage this committee to take.

● (1035)

**Mr. Chungsen Leung:** Thank you.

Ms. Siddiqui, would you care to comment on that, please?

**Ms. Salma Siddiqui:** I do agree with my colleague here to a certain extent, but I believe we need to go further and empower the front-line workers. How is it going to happen when they're originating from other countries? That is something that politicians need to look at, but I certainly believe that the front-line workers need more powers.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you very much.

Madam Mathysen, you have the floor for a maximum of five minutes

[*Translation*]

**Ms. Irene Mathysen:** Thank you, Madam Chair.

[*English*]

I have a quick question for you, Ms. Marsh. You talked about the fact that had you known that what your mother was doing was illegal, you might have taken steps; you might have gone to the authorities. I just wonder, though; if you had known that your mother or other members of your community could have been criminally charged because of what they had done, would you still have followed through? Would that have made a difference in terms of how you responded?

**Ms. Lee Marsh:** Well, when I was 12 I watched the police officers pull my father out of the house and put him in a cruiser. He was arrested. When it's wrong, it's wrong. When you know that you have certain rights and certain protections....

I think a lot of people will be very hesitant, but when it comes down to a certain line, you say, “Okay, wait a minute: it's my parents or me.” Knowing that they're breaking the law I think would help a lot of young people make that decision to go to the authorities.

**Ms. Irene Mathysen:** Okay.

You talked about shunning. We know about people being excluded from the community. Would that have caused you to pause and consider, knowing that you would be shunned?

**Ms. Lee Marsh:** It's certainly a huge factor. That was the only community I knew. It might make me more hesitant.

**Ms. Irene Mathysen:** Thank you.

Ms. Bhuyan, I was very interested in what you had to say too. To be candid, in my constituency I have a significant number of new Canadians and people seeking to bring partners to Canada, and what we're noticing is that the processing time is increasing and increasing. In one case a young man wants to bring his bride from Lebanon, and he's looking at 36 months. It's incredibly frustrating, because this is very clearly a marriage.

Have you done any research in terms of processing times in different areas of the world? Does it make a difference if you're coming from Scotland or from Bangladesh?

**Mr. Rupaleem Bhuyan:** Thank you for the question.

I don't have numbers offhand. I do think it's important to pay attention to the 36 months; I've heard up to three years from some countries. Certainly, inland applications are also taking up to 36 months to two years.

I had a young woman who approached me six months ago. She had come to Canada on a temporary foreign worker visa. She was in a high-skilled category and fell in love and married a Canadian citizen. While she was waiting for her sponsorship application to go through, she no longer had work authorization. During this period she lost her capacity to support herself, and the tension in the relationship was exacerbated because of the financial burden that her spouse perceived her to be, and also the culture within Canada to scrutinize marriages. So in her case having to wait up to two years to achieve work authorization was contributing to a very dangerous relationship. I wouldn't say it was yet physically violent, but certainly there was verbal abuse.

I don't know if there is a pattern, and I think it would be worthwhile to find out. I think already sponsorship application wait times have increased beyond the point of making sense, especially, as you said, when there are families involved and sometimes children involved as well.

I hope that answers your question.

• (1040)

**Ms. Irene Mathysen:** Thank you.

I think the impact on family is quite significant. Instead of focusing on worrying about polygamy or things like that and increasing these processing times, what should we be focusing on in terms of making a better immigration system?

**Mr. Rupaleem Bhuyan:** The Canadian system is built on different values of immigration. Family sponsorship is at its core. I think the restrictions on grandparents and parents, on spouses, and on children are eroding the capacity of newer Canadians to have their social network around them. I believe this actually creates more potential for family violence. When families are isolated, when couples are isolated, I think there is the potential for more dangerous situations.

I would like to see the government take a direction that supports the rights of families to reunify. This will be complex with the

number of immigrants we have coming into Canada, but I think we need to take a concerted effort at that.

I also wanted to speak briefly about Ms. Marsh's—

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** I'm sorry, Madam Bhuyan, the time has expired.

**Ms. Rupaleem Bhuyan:** Very good, thank you.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** We have two minutes for Mr. Eglinski.

Do you want to ask questions, sir?

**Mr. Jim Eglinski (Yellowhead, CPC):** Yes.

I'd like to thank the witnesses and especially you, Lee Marsh, for coming forward with your story.

Lee, your story is very touching to me. I know you faced a very difficult situation there. Front-line people quite often tell us that children who are being forced into marriages or facing forced marriages are very reluctant, because they don't want to be pulled away from their parents. I know you've mentioned that.

I wonder if you could explain to us a little more about how you see Bill S-7 impacting this dynamic. I know you faced it, you were there. Could you just give us a little more insight into what you felt or what you faced as a young person in this situation?

**Ms. Lee Marsh:** I think the two biggest things—well, maybe there were more than two—were helplessness and feeling trapped. There was no way out. There was nobody to go to for help.

Knowing that there might have been agencies out there that could have helped me might have lessened the reluctance to speak to anybody about it. But it was such a closed community; unless that information is accessible to young people, it's pretty useless. I don't know....

**Mr. Jim Eglinski:** Okay. I'll ask another question.

Just recently the UN has gotten very much involved in programs similar to what this committee is discussing and what our government is trying to push forward. I'm very proud to be part of this committee and proud that our government is taking the lead on this issue.

Ms. Siddiqui, I wonder if you can tell me what you know about other countries and what they have done to enforce this type of law. Perhaps you can give us some comparisons and tell us about what countries we should be looking at or connecting with.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** You have 30 seconds to answer so that we can respect our time limits. I'm sorry about that.

**Ms. Salma Siddiqui:** There's the U.K., Australia, and I believe the Netherlands. However, the U.K. is the main example. I think we should really look into their experiences and what they are doing.

**The Vice-Chair (Ms. Lysane Blanchette-Lamothe):** Thank you very much.

Colleagues, witnesses, thank you very much for your contributions.

[*Translation*]

The meeting is adjourned.

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