



FORCED/ NON-CONSENSUAL MARRIAGE IN CANADA

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- The South Asian Legal Clinic of Ontario is a community legal clinic funded by Legal Aid Ontario (LAO).
- We provide poverty law legal advice, representation, public legal education, community development and law reform work for the low-income South Asian community in the Greater Toronto Area.

FORCED MARRIAGE (FM)



*Beginning a dialogue around the issue of forced/
non-consensual marriages in order to:*

*Prevent Coercion
Promote Safety, and
Build Community Accountability*

- **Since 2005**
- **FM Project Advisory Committee – 2007**
- **International Symposium - 2008**
- **Network of Agencies Against Forced Marriages (NAAFAM) and Service Providers training tool kit - 2010**
- **National Conference and Survey leading to a policy recommendations – 2012/ 2013.**



What is a forced marriage?



“A forced marriage is a form of violence and an abuse of human rights. It is a practice in which a marriage takes place without the free consent of the individuals getting married. Forced marriage can happen to anyone; of any gender, of any age.”

-SALCO/NAAFM



Both men and women of all ages and cultural, religious and socio-economic background experience FM.

FM and arranged marriage are often mistakenly conflated. Arranged marriage has the full, free, and informed consent of both parties who are getting married, while FM lacks that same consent.

Forced Marriage and Human Trafficking



In case of a FM incident it may
Involve a single or multiple perpetrator
trafficking a victim domestically or
internationally.

FORCED MARRIAGE: LEGISLATION IN CANADA



- So far the issue of forced marriage has not yet been formally addressed in Canada.
- There are various provisions in family law, immigration law, and criminal law identify scenarios related to potential consequences of marriage without consent.
- Canada is also a signatory to several international consensus documents and treaties related to FM.

The Forced/Non-Consensual Marriage Survey



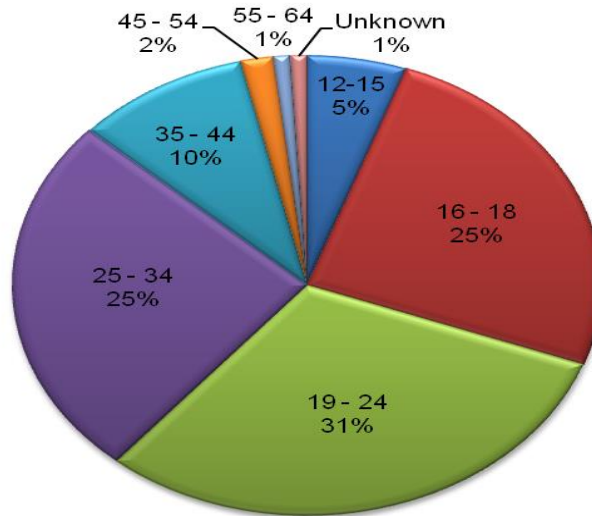
- The Forced/Non-Consensual Marriage Survey was developed by the Forced Marriage Project at SALCO with the aim to gain a better understanding of the incidence of FM in Ontario.
- The needs of individuals dealing with FM situations and the existing gaps in resources that hinder the service providers' abilities to assist the client.

Gender of Individuals Facing Forced Marriage



Gender	Number of Cases
Female	202
Male	13
Other (transgender)	3
Unknown	1
TOTAL	219

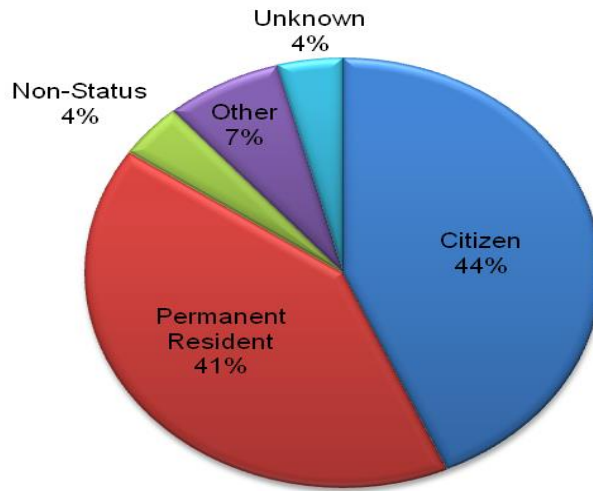
Age of Individuals Facing Forced Marriage Situations



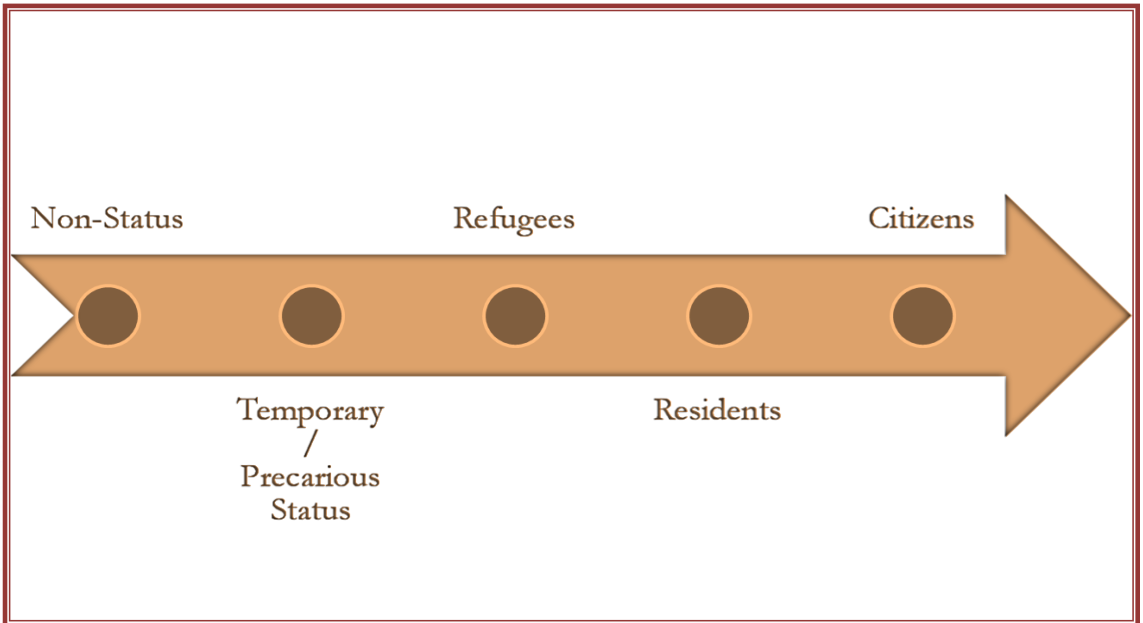
Length of Time Spent in Canada



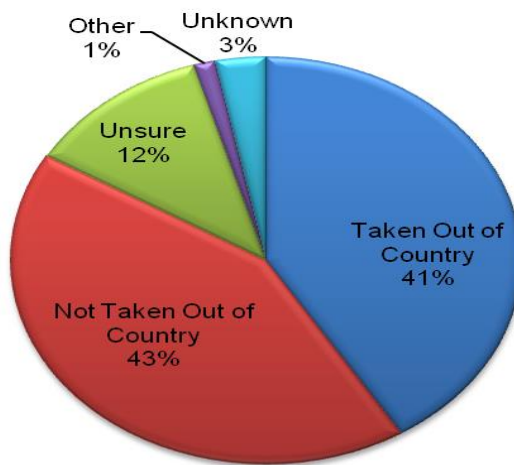
Status of Individuals Facing Forced Marriage Situations

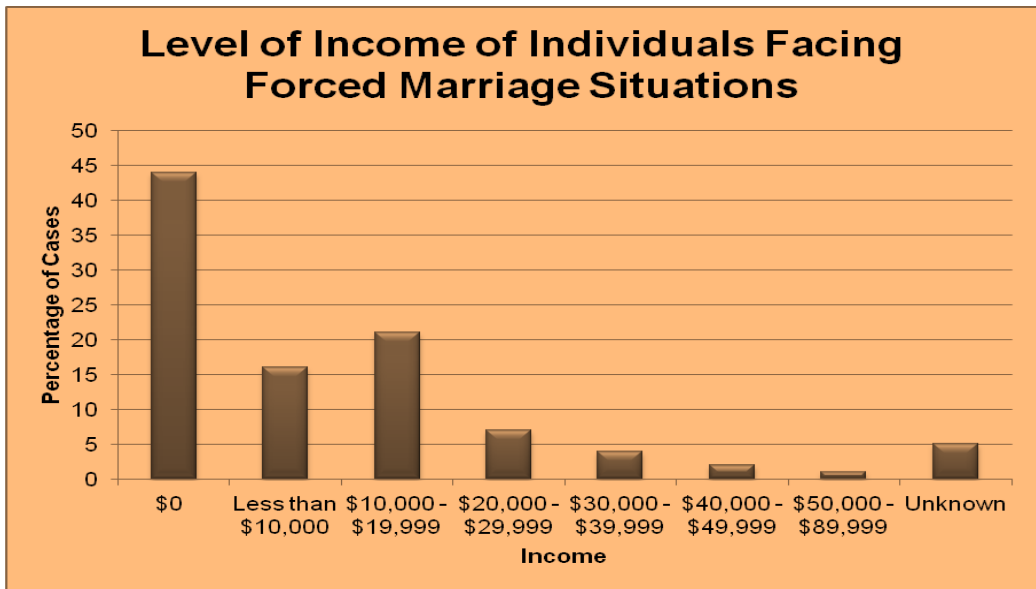


Limitations in access to help



Forced Marriage Clients Taken Out of Country







Perpetrators

- From the data collected on perpetrators, it was found that most of the individuals facing FM had more than one perpetrator pressuring them.

Reasons

- A number of reasons for forcing marriage were reported including religious and cultural beliefs, economic status, immigration status, community pressure, marriage as a cure for mental health issues, and emotional manipulation related to the death of a parent.

Violence

- All the individuals forced into the marriage experience violence. 75% of survey respondents reported “Mental or social pressure” as a form of violence experience by the FM client.

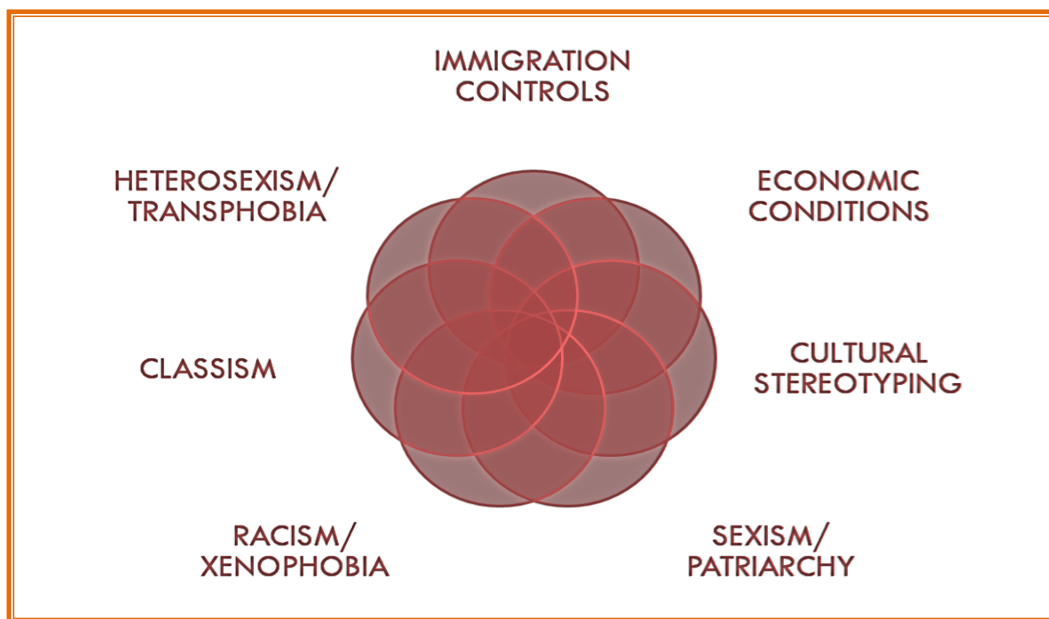
Recommendations



Internationally, several jurisdictions have centralized services and resources for FM victims. Canada can learn from that international example.

- Centralizing FM including a centralized and national education and awareness campaign,
- A multisectoral uniform national training,
- Uniform consular services for FM victims,
- A centralized database of FM resources.

Contextualising the practice of forced marriage in Canada



Addressing Forced Marriage



- **Taking an anti-racist/ anti-oppressive approach**
- **Institutional commitment to fighting violence/ abuse of human rights**
- **Building public and community accountability**
- **Creating safe spaces that encourage open and inclusive dialogue**
- **Prevention-focused initiatives across communities**
- **Engaging with both youth and parents/ caregivers/family members**
- **Ensuring service to both men and women; of all sexual orientations**



FM remains a complex issue in Canada. SALCO's survey on the incidence of FM have made clear that FM is an issue that exists in Canada, that its impact can be devastating on the life of the FM victim, and that Canada has not done enough to protect victims of FM to date.



Thank you.