

**FEDERAL STRATEGY ON GENDER-BASED VIOLENCE
BRIEFING NOTES FOR STATUS OF WOMEN CANADA AND THE DEPARTMENT
OF JUSTICE CANADA**

ISSUE: Addressing Gaps in Services for Women Marginalized in Society

There are significant gaps in the network of support services for women marginalized by society who are victims of violence. In order to keep these women safe, a concerted and intentional effort must be made to address these gaps on an urgent basis.

KEY POINTS

- Too many of the women killed or seriously injured in the context of domestic or sexual violence are members of communities facing particular barriers that make it more difficult for them to access critical support systems.

- Women who are marginalized by society need all the same protections and services that “mainstream” women need, but often also need additional help, like special assistance to access services, services in their own language or language interpretation, material assistance such as affordable housing, information about their rights, and increased advocacy to help them navigate the complex systems whose personnel may lack education and training on gender-based violence and the intersections of oppression. For example, women who speak “good enough English” still might not have the words to describe a sexual assault or other acts that have been perpetrated upon them. It is important that police or Crown Counsel have the resources to bring in language interpreters for women who need this support.

- Service gaps include specialized, accessible domestic and sexual violence services for:
 - **Indigenous women**, both on and off-reserve, who face high levels of violence as well as significant barriers to accessing services.
 - **Immigrant and refugee women**, who are more vulnerable to serious abuse because of social isolation and lack of access to services.
 - **Women who live with disabilities**, who are particularly vulnerable to abuse and whose safety depends on services being accessible.
 - **Women with mental health and substance use issues**, who are vulnerable to abuse and are marginalized by society’s misunderstanding and harsh judgments.
 - **Women in rural and isolated areas**, where innovative approaches to service delivery are required to maximize accessibility and cost-effectiveness.
 - **Women who live in poverty**, for whom material needs are often the most significant barrier keeping them in violent relationships.
 - **Trans, lesbian, bi-sexual, and queer women**, for whom traditional services may not be accessible.

- **Sex workers**, who face significant barriers to accessing services, again because of harsh societal judgement.
- The major issues facing women who are both victimized and marginalized include inaccessibility of existing services and resources and lack of specialized services that target their particular needs and social isolation. These barriers create more risk. Given these vulnerabilities and needs, coordination of services is also critical.
- A gender-based analysis and a diversity analysis are key to priority setting, funding decisions and for the development and implementation for all legislation, policy and government-funded programs addressing the needs of abused marginalized women.

SUGGESTED ACTIONS

The Federal Government should:

- Address inequality in all government matters, including sexism, poverty, racism and other intersecting forms of discrimination that contribute to women's powerlessness and vulnerability to violence;
- Immediately fund and/or explore cost-sharing to fund gender-based violence response and support services for Indigenous families living on reserve.
- Include consultation with women who are particularly discriminated against, including Indigenous women; immigrant and refugee women; women of colour; elderly women; women living with disabilities; women with mental health challenges; women with substance use issues; trans, lesbian, bi-sexual, and queer women; women living in poverty, and women living in rural and isolated areas in all planning, development, implementation and evaluation of federal government initiatives to address family or sexual violence.
- Work with the provinces and territories to forgive spousal sponsorship debts if the couple's separation is due to violence. When sponsoring a spouse into Canada, Canadians have to sign a special undertaking that specifies that if the relationship breaks down and they separate, the Canadian spouse is responsible for any social assistance and health costs of the sponsored spouse. We are seeing abused Canadian women either staying in violent relationships to avoid this debt, or accumulating enormous debt by their abusive spouse collecting social assistance.
- Extend Temporary Resident Permits to immigrant and refugee women (as is already done for victims of human trafficking) who are being sponsored by a Canadian spouse and whose relationship has broken down due to violence. This will ensure that women continue to have the legal status that provides them the ability to talk to police and access health care and survivor support services.
- Direct all provincial governments to meet their obligations under Canada's Charter of Rights and Freedoms, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and the United Nations International Covenant on Economic, Social and Cultural Rights to ensure that those who have legitimate needs

for legal representation on serious family or immigration matters and cannot afford to pay for it are able to obtain a lawyer.

- Repeal the 2014 Protection of Communities and Exploited Persons Act (PCEPA), which criminalizes the buying, but not the selling, of sex. PCEPA also criminalizes profiting from the sale of sex and the third party advertising of sexual services. These and other prohibitions continue to criminalize street-based sex workers, who are among the most marginalized and at risk in the industry. PCEPA does nothing to protect the safety of sex workers – and in fact forces the sex industry further underground, which only further undermines the safety of sex workers. Criminalizing buying sex continues to displace sex workers to isolated areas where clients are less likely to be detected by police. There is pressure on sex workers to negotiate as quickly as possible, limiting their ability to screen their clients and/or agree upon the terms of the transaction. Sex workers continue to be prevented from operating in ways that allow them to be safe. Policy interventions need to be based on a harm reduction model, keeping in mind that the complete abolition of sex work is not likely to be seen in our lifetime, therefore the safety of sex workers needs to be of the highest priority.

- Repeal the Zero Tolerance for Barbaric Cultural Practices Act. Isolation is a factor for all women who experience violence. For immigrant and refugee women, particularly immigrant and refugee women of colour, the isolation is often compounded by language and cultural barriers, racism, distance from friends and families, lack of knowledge about the social service and justice systems, distrust of authorities, fewer resources, and reluctance to speak publicly about intimate subjects such as sexual assault. If a system of justice is, or is seen to be, unfriendly for immigrants and people of colour, it's not going to be an open avenue of choice. The very name of the Zero Tolerance for Barbaric Cultural Practices Act insinuates that Canadian culture is superior, and that only inferior cultures indulge in unacceptable practices and behaviours such as forced marriage and gender-based violence.

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