

Not in the Numbers

Domestic Violence and Immigrant Women

BY SUSAN MCDONALD

Cet article suggère que la société canadienne, tout autant que les groupes de soutien et les services de première ligne en matière de violence conjugale, ont besoin d'études et de statistiques à jour sur son incidence dans les communautés d'immigrants afin de répartir équitablement les ressources qui permettront de faire face aux situations légales et autres suscitées par la violence conjugale.

Violence inflicted upon women by their intimate partners is pervasive in all societies and Canada is not exempt from this societal ill (Schuler). Despite greater awareness and aggressive criminal intervention over the past two decades (Martin and Mosher), men continue to abuse their partners (Rusen). Linda MacLeod provides a comprehensive definition of domestic violence which will be used in this article:

Wife battering is the loss of dignity, control and safety as well as the feeling of powerlessness and entrapment experienced by women who are the direct victims of ongoing or repeated physical, psychological, economic, sexual and/or verbal violence or who are subjected to persistent threats.... (16)

For 20 years, advocates for women in domestic violence situations have fought for the acceptance and recognition of the "Battered Woman's Syndrome" (Walker). Now accepted, there exists the uneasy realization that the term "battered woman" is reductive and has a restrictive meaning in that it ignores personal history, reducing the woman to a victim (Schneider).

Further, the theoretical construct has been built on only one concept of power—patriarchy. As such, this construct has been criticized, as has feminism in general (Schneider). While we know violence does affect all women, it occurs within a context of race, class and other social characteristics (Crenshaw). The multiple oppressions faced by women of colour, women with disabilities, older women, lesbians, and immigrant women have not been incorporated into traditional feminist theory on domestic violence. I suggest that feminist theory must and can incorporate these multiple oppressions into a more comprehensive and complex conceptualization of power and control in intimate relationships in general.

Immigrant women who have been abused by their intimate partners have numerous needs, including legal needs. There are studies, more studies, academic writing,

and unpublished reports detailing these legal needs. A review of this body of literature will find a notable absence of studies and statistics on the prevalence of domestic violence in immigrant communities. This article will argue that Canadian society, as well as advocates and service providers need such statistics in order to allocate resources appropriately to address the legal and other needs of immigrant women in domestic violence situations.

Canada has a history of immigration, and today people from a vast number of different countries live in Toronto, as well as other centres throughout the country. I use the term "immigrant women" to include women who have come voluntarily to Canada, as well as those who have been forced to leave their own countries as refugees. These women, regardless of their immigration status or length of time in the country will remain "immigrant women" (Ng). Immigrant women are often uneducated, they may not speak English, and many are from visible minorities. As they seek legal and social services, housing, and support, it is essential to understand this construct which, in addition to their situation as battered or abused women, further marginalizes them.

Orloff, Jang and Klein acknowledge that all women who have been in abusive relationships have individual needs, yet they highlight the additional problems faced by immigrant women in domestic violence situations. These include: fear of deportation, cultural biases, communication barriers, education and economic barriers, medical problems, relocation of partners, host country perceptions, and distrust or fear of the legal system.

The fear and/or distrust that many immigrant women have for the Canadian legal system may arise from experiences with the legal systems in their home countries. Often, the legal systems in their countries of origin are extensions of a repressive government and there may be a belief that only those with connections to the government, or those who are wealthy, will benefit from using the system. As well, many countries use a civil law system where the courts accept signed, notarized, and sealed

Feminist theory must incorporate multiple oppressions into a more comprehensive conceptualization of power and control in intimate relationships.

affidavits as evidence. The use of oral testimony in criminal and family cases under the common law (in all provinces except Quebec) may be difficult for immigrants to understand, particularly women at this time of crisis. Where these concerns are not acknowledged, they can present real barriers as the women may not attempt to access the legal system at all.

Other serious barriers are language and/or culture. In Canada, legalese, the language of the law, is difficult even

When a woman does not have secure immigration status, the fear of deportation can be overwhelming. An abuser may have made threats in this context.

for those who are fluent in English and/or French speakers. Where a woman has limited English or French skills, gaining access to information, to the legal system, and to social services proves challenging. There is no guarantee that certified translators will be available at any stage in the legal process or in seeking shelter, food, and counselling. Effective communication is critical to ensure trust, clear reporting of events, and the safety of the woman and children.

As Coutinho notes, many immigrant women fear the ostracization of their community and while this is,

... not unique to the immigrant world, [but] the fear of ostracization in her own community can be especially immobilizing for an immigrant woman who cannot speak English, and, therefore cannot find an alternative set of friends and neighbours. (43)

Perhaps the most difficult barriers faced by immigrant women who have been abused are immigration status and international kidnapping. Often it is the male who applies for and receives permanent residency status and he then will sponsor his wife. When a woman does not have secure immigration status, the fear of deportation can be overwhelming. An abuser may have made threats in this context or actually have withdrawn his sponsorship. Anderson, for example, writes about this threat looking particularly at the situation in the United States for military and mail order brides.

In Canada, a woman in such circumstances might be able to make a claim to stay in the country on the basis of humanitarian and compassionate grounds, but there are at least three barriers. The first barrier is that she may not have access to information about her right to make this claim, given language limitations and lack of public legal education. Second, the cost of such a claim is prohibitive at approximately \$1,475 (Rachin 793). Third, in order to be successful, the woman must demonstrate close ties to Canada and economic self-sufficiency, both very difficult if the woman lacks the language skills, immigration status,

and self-confidence needed to gain employment.

Martin and Mosher examine the use of aggressive criminal justice intervention in general, but also specifically with respect to immigrant women who have been abused in Toronto. The authors interviewed an organized and politicized group of Latin American women who are survivors of domestic violence. They argue that the criminal justice system has done little to protect individual women and it has not affected violence against women generally. The current strategy continues to blame the individual, to depoliticize the fight for an end to violence, and to turn the behaviours of abusers and their victims into pathologies. A criminalization strategy does not account for the role of power, how that power is distributed according to race, class, disability, age, sexual orientation, and the role of the state in maintaining the power distribution (Martin and Mosher).

There is a small, but growing body of literature looking at immigrant women in domestic violence situations and their unique social, legal, and economic problems. Most of the writing in academic journals is American and appears to serve the purpose of awareness and sensitizing the legal (and other) professionals who represent battered immigrant women using the liberal legal system. Some of the writing appears in grassroots publications (Canadian African Newcomer Aid Centre of Toronto; Aboriginal Family Healing Joint Steering Committee; Sy and Choldin; Mothers on Trial). There are also some studies (MacLeod and Shin; Godin; Law Courts) that focus on the needs, including the legal needs, of immigrant women. A review of this writing reveals an absence of statistics on the prevalence of domestic violence in immigrant communities.

A working document by Joanne Godin for the federal Department of Justice in 1994 reviews the available legal educational materials on wife assault. The author outlines additional barriers that immigrant women face: sponsorship breakdown, waiting for sponsorship status, language skills, and overall, a lack of information. Her review reveals the paucity of materials available to immigrant women on legal issues and she concludes that much more education and information is needed.

Currie's 1994 study, *Ethnocultural Groups and the Justice System in Canada: A Review of the Issues*, presents an overview of the major issues in multiculturalism and justice in Canada. This report devotes a chapter to women and the family and looks specifically at domestic violence. Currie recommends that women need information about the law, access to immediate protection and support (specifically, access to the courts), as well as follow-up counselling and support services.

Another study completed in 1995, *Domestic Violence and the Courts: Immigrants and Visible Minority Perspectives*, uses interviews to determine the legal information needs and barriers to access to services of immigrant and visible minority women who are victims of violence in relationships. The report found that women have trouble

accepting information from the government; they need legal information from an agency they can trust. Other barriers included: language, lack of knowledge of justice system and services, fear of violence and/or kidnapping, fear of deportation, fear of authority, and community views.

Linda MacLeod and Maria Shin interviewed 64 women in their study and found that very few had any helpful information at all. When asked how the information should be conveyed, three principles were emphasized in the responses: do not jeopardize the privacy and safety of the women; ensure that the partners do not suspect action; and protect the anonymity of the women.

Importantly, MacLeod and Shin outline areas where values between cultures can clash. First of all, many services encourage short-term dependency on welfare and/or shelters. This emphasis on short-term dependency conflicts with women's value of self-sufficiency. Second, many women may reject the mainstream individual empowerment model, favouring community empowerment models where there is a learning through an example approach and an emphasis on mutual community and family-based power and strength. Third, many women see counselling as all talk and no substance and do not understand the focus on individual happiness. For them, happiness is tied to the good of the family and community as a whole. Fourth, the emphasis on individual rights, inherent to the liberal legal system, is difficult for women to understand because they believe the rights of the community should be the central concern. Women also do not understand the model which offers them support, but does not offer support for their partners or children. The entire family is in pain and everyone needs help.

Many women in MacLeod and Shin's study were illiterate or have a low literacy level, not just in English, but in their own languages. Word-of-mouth is the most common, effective, and trusted method of sharing information. Written information provided by a stranger will have little impact.

As well, the study found that many women want long-term approaches, as opposed to services that emphasize the crisis only. Finally, for many women, their spirituality is an integral source of strength and direction for them. Services which do not incorporate or even respect their spirituality will be seen as destructive.

Overall, the women's experiences with ethno-cultural services were the most positive for the women out of all the available service providers. Many experiences with lawyers were not seen as positive. Their experiences with the police were mixed, depending largely upon their experiences and expectations in their home countries. MacLeod and Shin emphasize that any ideas must be implemented in consultation with individual communities to ensure their appropriateness and that victims/survivors should be involved in the program planning (45).

It would appear that in order to address the needs of

battered immigrant women, services must reflect the findings of the studies discussed above. With sharp cuts to social services in many provinces, such a reorientation of services, that would include the involvement of the community affected, will need to be strongly justified. I suggest that where the prevalence of domestic violence is higher in some communities than others, statistics could provide an accurate picture that would allow resources to be allocated appropriately.

None of the studies discussed address the issue of the prevalence of domestic violence for immigrant women in particular. In Canada, 1,435 women were killed by their male partners between 1974 and 1992 and one sixth of currently married women have reported violence by their spouses (McGuire Associate Consultants). Statistics Canada currently publishes a yearly report entitled, *Family Violence in Canada*. The most recent *Family Violence in Canada* study reported that in 1996, almost 22,000 cases of spousal assault were recorded; 89 per cent involved female victims and 11 per cent involved male victims (6). The report cautions that these figures are not nationally representative and only represent cases reported to the police.

The Violence Against Women Survey found, in 1993, that 29 per cent of never-married women (including those in common-law relationships) had been subjected to violence at the hands of a marital partner at some point in the relationship. The study further revealed that women were three times as likely to report incidents to the police if their children had been witnesses, four times as likely if a weapon was used, and five times as likely if they feared for their lives. But almost half of all women who feared for their lives, did not call the police. Nor did 57 per cent of women who were injured, nor did 51 per cent of women who were assaulted more than ten times.

The Violence Against Women Study was the first and largest of its kind in Canada and in the world. Telephone interviews with 12,300 randomly-selected women across Canada were conducted. Despite this, the study left out women who speak neither French nor English, as well as women with disabilities, women living in the Yukon or Northwest Territories, nor women who do not have a phone. Thus, the study cannot speak to the prevalence of violence against women in other language groups (Davis-Barron). This is an example of the marginalization of immigrant women in Canadian society. When criticized at the time, Holly Johnston, project coordinator, admitted, "There's a real need (for studies) that look at those groups" (Davis-Barron A16).

Women do not understand the model which offers them support but does not offer support for their partners or children. The entire family is in pain.

While no formal statistics, as in the Violence Against Women Survey, are available with respect to immigrant populations, there are statistics from ethno-specific women's organizations that provide services to women in domestic violence situations. For example, 500 new clients used the services of the Women's Program of the Centre for Spanish Speaking Peoples and 4,000 hours of service were provided in 1997-98. I suggest that more thorough research is needed.

Yet, a quantitative study of domestic violence in immigrant communities can be harmful as well. Studies have suggested correlations between poverty and other stress factors such as alcohol abuse, unemployment, and isolation and domestic violence (Zorza; Marguiles). Studies that indicate the prevalence of domestic violence in immigrant communities may do harm by further stereotyping immigrant groups as poor, unemployed, and fraught with social problems such as alcoholism. Crenshaw argues that some women's advocates "have ... transformed the message that battering is not exclusively a problem of the poor or minority communities into a claim that it equally affects all races and classes" (1259). She also notes that while there are no reliable statistics to support this claim, there are statistics that suggest there is a greater frequency of violence among the working class and poor. Crenshaw concludes that the desire to maintain integrity in the African American community, or to discourage stereotypes of black men as uncontrollably violent, may have led to the minimization or suppression of the problem of domestic violence in that particular community.

Richie discusses similar concerns with stereotypes about violence and the black community. She notes that it is especially difficult for a community that has experienced violence at the hands of the police, to turn to the criminal justice system for protection (41). Or as Tong observes:

The battered black woman finds herself in racist binds that do not affect battered white women. Black women are even more prone than white women to excuse their husbands' violent behaviour.... Because the law has dealt more harshly with black rapists than white rapists, there is reason to believe that it will deal more severely with black woman-batterers than white woman-batterers. (170-71)

Richie and Kanuha observe that there is very little research on ways that the traditional responses of institutions to violence against women are compounded by racism. In their article, the authors look at the health system but there are many parallels to the legal system. When a woman of colour is abused by a man from her own community, the community culture is vulnerable to misunderstanding and marginalization by the larger society. The woman may be discriminated against trying to access services and at the same time, may feel protective of her partner, who might also be unjustly treated by the

police and court system. A delicate balance ensues as the woman tries to care for and be loyal to herself, her partner, and her community.

Both Richie and Crenshaw believe that the problem is not the portrayal of violence, but rather the failure to portray images capturing a complete understanding of these communities. Both authors argue that the suppression of domestic violence in the interests of anti-racism or anti-classism has costs (Richie 41; Crenshaw 1253).

These costs are evident in our daily realities. There are few shelters specifically for women from one community. There are few interpreter services available in the legal system. Front-line crisis services, such as Victim Services in Toronto, rely on volunteers to provide interpretation. A woman will require different lawyers for her immigration status and her family issues. Overall, the services that do exist do not account for the clash of values that can occur and have been documented by studies (MacLeod and Shin).

It is true that statistics can be used to reinforce negative stereotypes of immigrant communities. Such distortions already occur. In agreement with Richie and Crenshaw, this article suggests that Canadian society as a whole must have an accurate picture of domestic violence. Our society must understand the prevalence of domestic violence for immigrant women. Advocates and service providers need statistics to support proposals for appropriate resources.

After the release of the results from the 1993 Violence Against Women Survey, Michele Landsberg commented, "Can we now act on women's violence?" She should have been able to ask, "Can we now act on violence against all women in our country?"

Susan McDonald is a lawyer currently completing her PhD at OISE/UT in the Department of Adult Education. She has worked in Ontario in immigration and refugee law and in human rights. Her thesis uses feminist participatory research to define the legal education needs of immigrant women who have been in abusive relationships and how best to address those needs taking into consideration their social location and the impact of trauma on learning.

References

- Aboriginal Family Healing Joint Steering Committee. *For Generations to Come: The Time is Now. A Strategy for Aboriginal Family Healing*. Toronto: Aboriginal Family Healing Joint Steering Committee, 1993.
- Anderson, M. "A Licence to Abuse: The Impact of Conditional Status on Female Immigrants." *Yale Law Journal* 102 (1993): 1401-1430.
- Canadian African Newcomer Aid Centre of Toronto. *Exploratory Research: Wife Assault in Metropolitan Toronto's African Immigrant and Refugee Community*. Toronto: Canadian African Newcomer Aid Centre of Toronto, 1992.

- Centre for Spanish Speaking Peoples. *1997-98 Annual Report*. Toronto.
- Coutinho, T. *The Specific Problems of Battered Immigrant Women: A Review of the Literature*. Toronto: Education Wife Assault, 1986.
- Crenshaw, K. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Stanford Law Review* 43 (1991): 1241-1299.
- Currie, A. *Ethnocultural Groups and the Justice System in Canada: A Review of the Issues*. Ottawa: Department of Justice, 1994.
- Davis-Barron, S. "Survey hailed as Best Ever on Violence Against Women" *Toronto Star*. November 18, 1993. A16.
- Landsberg, M. "Can We Now Act on Women's Violence?" *The Toronto Star*. November 23, 1993.
- Law Courts Education Society of British Columbia. *Domestic Violence and the Courts: Immigrants and Visible Minority Perceptions*. Vancouver: Law Courts Education Society of British Columbia, 1995.
- MacLeod, L. and M. Shin. *Like a Wingless Bird: A Tribute to the Survival and Courage of Women Who are Abused and Who Speak Neither English nor French*. Ottawa: National Clearinghouse on Family Violence, 1994.
- Marguiles, P. "Representation of Domestic Violence Survivors as a New Paradigm of Poverty Law." *George Washington Law Review* 63 (1995) 1071-1104.
- Martin, D. and J. Mosher. "Unkept Promises: Experiences of Immigrant Women with the Neo-Criminalization of Wife Abuse." *Canadian Journal of Women and the Law* 8 (1995):3-44.
- McGuire Associate Consultants. *Framework for Action on the Prevention of Violence Against Women in Ontario*. Toronto: Ontario Women's Directorate, 1996.
- Ng, R. *The Politics of Community Services*. Halifax: Fernwood Publishing Co., 1996.
- Rachin, L. "The Spousal Assault Policy: A Critical Analysis." *Osgoode Hall Law Journal* 35 (4) (1997): 785-804.
- Richie, B. "Battered Black Women: A Challenge for the Black Community." *The Black Scholar* 16 (1985): 40-44.
- Richie, B. and V. Kanuha. "Wings of Gauze: Women of Color in Public Health Care Systems: Racism, Sexism and Violence." *Wings of Gauze: Women of Color and the Experience of Health and Illness*. Eds. B. Bair and S. Czleff. Detroit: Wayne Statue University Press, 1993.
- Rusen, M.F. *Silencing their Screams: The Legal System's Response to Male Battering of Women*. Ottawa: National Association of Women and the Law, 1992.
- Schneider, E. "Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse." *New York University Law Review* 67 (1992):520-568.
- Schuler, M., ed. *Freedom from Violence: Women's Strategies from Around the World*. New York: United Nations Development Fund for Women, 1992.
- Statistics Canada. *Family Violence in Canada*. Ottawa: Ministry of Industry, 1998.
- Statistics Canada. *Violence Against Women Survey*. Ottawa: Ministry of Industry, 1993.
- Sy, S. S. and S. Choldin. *Legal Information and Wife Abuse in Immigrant Families*. Ottawa: Department of Justice, 1993.
- Tong, R. Black. "Perspectives on Women, Sex and the Law." *Women, Sex and the Law*. Ed. R. Tong. London: Rowman and Allanheld, 1984.
- Walker, L. *The Battered Woman Syndrome*. New York: Springer, 1984.
- Zorza, J. "Woman Battering: A Major Cause of Homelessness." *Clearinghouse Review* 25 (1996):420-429.

RACHEL SLOTE

Scars

The scars on my body
 Are reminders of experiences
 I sometimes forget
 Actually happened to me.
 And at times
 When I undress
 And let myself look at me
 I notice the scars
 And admire the way
 They appear on my white skin.
 And as pale and thin as I am
 My scars are numerous
 From a stupid childhood
 Full of accidents and
 Repressed memories.
 From an adolescent age
 Full of loves unfulfilled
 And seemingly tragic endings.
 From an adulthood
 Full of loves and leavings
 And secrets I'm still creating.
 My scars are mine
 And perhaps one day
 I'll stand before a crowd
 And show the scars
 On my pale naked body
 And explain why the scars are there.
 Or perhaps, when I'm old
 I'll wear layers, even in the summer
 To hide the scars
 I'm too ashamed to admit are mine.

Rachel Slote is a student at the University of Western Ontario in London.