



R.I.G.H.T.S. F.M.

Part B: SECTION I

Survivor's Guide

RESOURCE INFORMATION GUIDE TO HUMAN TRAFFICKING
SYSTEMS through FORCED MARRIAGES

It is the aim of the R.I.G.H.T.S._{F.M} project to provide support to women who have been trafficked through a legal vehicle called “marriage.” Thus, this guide is to assist women who are survivors of or going through a Forced Marriage Human Trafficking (hereinafter referred to as FMHT) situation. This guide will assist in understanding your rights and options as a survivor, and where you can go to seek help.

WHAT IS A FORCED MARRIAGE?

Forced marriage is when one/both the parties are “forced” into marriage. The choice to say “no” is not provided.

Forced Marriage is when personal freedom is bargained for a matrimonial alliance through the use of abduction/imprisonment/threats to kill/monitoring of movements/control of finances.

Forced Marriage is also when emotional pressure is exerted to achieve consent. Examples include pressure to consent for the sake of family name and honour.

Forced Marriage Self Test

	Yes /No
I was able to choose my partner	
I was given a choice in my type of partner	
I could decide when to marry	
I can say no to the marriage without fear	
I was not told that I no choice but to marry because of my culture, religion, class and/or caste	

WHAT IS HUMAN TRAFFICKING

Human Trafficking is the movement of people through local, national and/or international borders by use of force, coercion, abduction, fraud, deception and/or abuse of power for the purpose of exploitation¹.

Human Trafficking includes the use of people for sexual exploitation, forced labour and servitude or the removal of organs.

Human Trafficking varies from Human Smuggling, which occurs when a smuggler gains monetary compensation for the transportation of an individual and the relationship between smuggler and individual ends with the movement of the individual to a new country.

- Many people seek to come to Canada for greater economic opportunities and a better standard of living. Even if you agreed willingly to a marriage, but are forced to live in slavery like conditions upon arrival, your documents are held hostage, you cannot leave the house, and are subjected to violence, you CAN escape.

Human Trafficking Self Test

	Yes/No
I have full and free access to my travel and identification documents	
I can leave the house unmonitored	
My paycheck comes directly to me and I am paid the same as locals working in the same conditions	
I was willingly brought over to Canada	
I have been forced to do sexual acts, including prostitution	

NOTE:

It is possible to be a victim of Forced Marriage only or Human Trafficking only. The resources at the end of this guide can also be used when you are in these situations.

¹ **The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000**, for more information log onto <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

FORCED MARRIAGE AS A FORM OF HUMAN TRAFFICKING

Occurs when a forced marriage is used to traffic a person across border(s) and where that person then faces exploitation.

Exploitation can be forced labour or sexual abuse, including forced pregnancy and/or slavery like conditions

Force (fraud or coercion) can range from emotional/mental threats to extreme forms of physical violence by family members in order to obtain consent.

Trafficking in forced marriages can be uniquely identified as exploitation through a legal process of "marriage" in which exploitation is involved and there is often an exchange of favours.

Use the chart below to help determine if you (or someone you know) is a victim of FMHT:

TRAFFICKING IN FORCED MARRIAGE	SELF-ASSESSMENT INDICATORS
Force (Forms/Reasons)	
Abduction	
Deception/Fraud	
Protecting Family Honour	
Extortion: achieving financial gain through any of the following: exchange of land / property / jewelry / immigration purposes / fees for education	
Religious and political reasons	

TRAFFICKING IN FORCED	SELF-ASSESSMENT
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MARRIAGE	INDICATORS
Exploitation	
Seduction	
Forced Pregnancy/Abortion	
Servitude/Physical Labour/Slavery	
Forced Sexual Intercourse	
Physical abuse by spouse and/or in-laws	
Lack of control over identity documents	
Threats to harm family members made by spouse/in-laws	
Economic exploitation	

LEGAL OPTIONS

If you believe that you or someone you know is in one of the above conditions, support and legal remedies are available. Under Canadian law, there are many options for you to consider. These options should be discussed with a legal professional as they are contingent on each case.

Under the Criminal Code of Canada a person can be charged with crimes for acts that occur in a FMHT situation. This means that your spouse and/or their family can be charged with:

- Threatening an individual/minor (in the case of a child)
- Kidnapping and abduction
- Physical assault
- Sexual assault and/or rape
- Fraud
- Emotional assault
- Trafficking of persons
- Forcible confinement

In a case of Human Trafficking, charges are brought against the perpetrator by the Crown office of the Government of Canada. You may have to give testimony and provide evidence.

There are also options available to you under the family law. These are:

- Annulment of the marriage
- Divorce

There is also a provision to assist women in getting compensation for damages under the Criminal Injuries Compensation Board. This is available within two years of the crime occurring.

If you are concerned about your status in Canada, you may also be able to apply to remain in Canada on humanitarian and compassionate (H & C) grounds OR apply for a Temporary Resident Permit (TRP).²

² Since 2011, under The Immigration and Refugee Protection Act, immigration officers will issue Temporary Resident Permits (TRPs) to victims of human trafficking for up to 180 days. The permit enables victims to begin to recover from

**Before taking any action seek proper legal advice.
These options are not valid for ALL cases.**

Contact a community legal clinic near you or a lawyer for more information. For a list of community legal clinics, contact Legal Aid Ontario at the following numbers:

Toll-free 1-800-668-8258
Toll-free TTY..... 1-866-641-8867
Toronto area TTY..... 416-598-8867

If you are a Canadian citizen abroad and require assistance in returning to Canada or help in a foreign country, contact the nearest Canadian embassy, consulate, Emergency or Response Centre in Ottawa:

From outside Canada

- 613-996-8885 (call collect where available)

From inside Canada

- 1-800-267-6788
- 613-944-6788

TTY:

- 613-944-1310
- 1-800-394-3472 (toll-free from the U.S. and Canada only)³

the impact of this crime. Victims who receive the TRPs will also be exempted from the processing fee, and will be eligible for health-care benefits under the Interim Federal Health program. The new measures have been carefully designed so that only *bona fide* victims of human trafficking will benefit from them. Additionally the Act describes the act of trafficking as punishable under law with life imprisonment and a penalty.

However, it is important to note that the TRP is very difficult to acquire, and only given for a 6 month period For more information, please visit <http://www.cic.gc.ca/english/information/applications/visa.asp>

³ You may be asked to leave a message. Please follow the instructions carefully. Under normal circumstances, an operations officer will get back to you within 15 minutes. However, this delay may be longer during large-scale emergencies. For more information, visit <http://www.voyage.gc.ca/contact/menu-eng>

SAFETY PLAN

Creating a safety plan is the first step to end the cycle of abuse, and will help avoid any risky incidents. If possible, make sure to have originals or copies of the following:

1. Identity documents

- Passport and immigration papers
- Social Insurance Number
- Bank documents- debit card/credit card/cheque book
- Drivers license

2. Marriage certificate

3. Insurance papers

4. Jewellery or any valuable gifts given at the time of marriage

5. Prescriptions, if needed

6. If accompanied with children:

- Birth certificate or any other medical records
- School records

* Please keep these documents in a safe and accessible place.

SUPPORT SERVICES

NAME	CONTACT INFO
Emergency	911
Assaulted Women's Help Line	1-866-863-0511/ 416-836-7868 (Toronto) 1-866-863-7868 (TTY) #7233 (#SAFE – Cell)
Barbara Schlifer Clinic	416-323 -9149 http://www.schliferclinic.com/schliferClinic.html
Community Connection	211 www.211toronto.ca
Family Service Ontario	416-231-6003 www.familyserviceontario.com
Legal Aid Ontario	416-979-1446 Toll free: 1-800-668-8258 TTY*: Local: 416-598-8867 Toll free: 1-866-641-8867
Sexual Assault/Rape Crisis Centre	1-800-810-0180 www.sarccp.org
Shelter Central Family Intake	416-397-5637
Shelter Net Assessment and Referral Centre	1-877-338-3398/ 416-338-4766 www.shelternet.ca
South Asian Legal Clinic of Ontario	416-487-6371 http://www.salc.on.ca/
Toronto Police Service (non-emergency)	416-808-2222 TDD: 416-467-0493
Victim Support Line	1-888-579-2888/ 416-314-2447 (Toronto) www.ontario.ca/victimservices

GLOSSARY

EXPLOITATION:

Exploitation can be subtle, such as threats of loss of employment, or overt, such as child labour, slavery and so on. "The cruelest forms of exploitation – slavery, forced labour, bonded labour, and forced prostitution – are non-consensual where the victims are forced to work in deplorable and unsafe conditions or engage in sexual acts entirely against their will."⁴

SLAVERY:

"Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." (1926 Slavery Convention)

NOTE: On January 10, 1963, Canada joined a number of countries in ratifying the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Article I of the Supplementary Convention (1956) to the Slavery Convention (1926) prohibits any institution or practice whereby:

(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind; (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person.

MARRIAGE:

A marriage is something that must be entered into with the full and free will of the people getting married. **Both** individuals should feel that the marriage is something that they have chosen for themselves: with full and free choice.⁵

⁴ Johannes. "Human Trafficking, Modern Day Slavery, and Economic Exploitation." World Bank, May 2009. Web. 12 June 2012.

<http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Labor-Market-DP/0911.pdf>

⁵ <http://www.forcedmarriages.ca/what-is-forced-marriages/>



“A woman’s right to choose a spouse and enter freely into marriage is central to her life and her dignity and equality as a human being.”

—
The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly.

Developed by:

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