

OCASI Presentation - United Nations Special Rapporteur on Violence Against Women

April 18, 2018

Ontario Council of Agencies Serving Immigrants (OCASI) is a council of autonomous immigrant and refugee-serving organizations in Ontario. Formed in 1978, it is a registered charity governed by a volunteer board of directors, and has 230 member organizations across the province of Ontario. OCASI's mission is to achieve equality, access and full participation for immigrants and refugees in every aspect of Canadian life.

Over the past several years, OCASI has been leading a number of VAW Capacity building, Outreach, and Community Education initiatives with a particular focus on immigrant and refugee communities across Ontario. These projects have included service provider training on gender-based violence, sexual violence and harassment prevention, and collaborations with VAW organizations, grassroots community groups, and champions across Ontario. OCASI's leadership and VAW team are actively engaged in a number of advocacy campaigns, consultations, planning networks, and change initiatives aimed at addressing promoting gender equity, women's empowerment, income security, and violence against women at the local, provincial, and national levels.

The following Issues, Challenges, and Recommendations are informed by OCASI's involvement in the aforementioned initiatives, consultations with OCASI member agencies and community partners, as well as a 2016 Joint Submission to the Committee on The Elimination of Discrimination Against Women (CEDAW).

In particular, this presentation will focus on the intersection of gender, race, and immigration status in relation to violence against women. There are a number of reasons why I want to focus on these intersections today. Aside from the time limitation of 8 minutes to cover a complex topic, I think despite the recent focus on intersectionality and GBA+ analysis in policy development and responses to Violence Against Women in Canada, issues of race, racialization, and precarious immigration status and citizenship often get left out or are overlooked, while in my view, these are fundamental considerations that underlie much of the marginalization and social exclusion experienced by migrant, racialized women. The continuing use of terminology such as "newcomer", "visible minority", "multiculturalism" and "diversity" make invisible the structural violence of immigration policy, systemic racism, Islamophobia, Xenophobia, and processes of exclusion and rising inequalities in Canadian society.

Racialized and Gendered Poverty in Canada:

A quick examination of the Canadian context illustrates the growing rate of racialized and gendered poverty in Canada. According to the 2016 census, "the income gap between racialized and non-racialized residents increased from 25% to 26% since the 2011 census. Racialized women have fared worst, facing an income gap of 47% compared to non-racialized men. And recent immigrants (arrived in 2011-2016) faced an income gap of 37% compared to non-immigrants" (OCASI, 2017). Yet, the National Poverty Reduction Strategy does not include

'racialized' (or people of colour or 'visible minority') among the affected groups but mentions immigrants. The same concern exists for the Ontario poverty reduction strategy - that while the Poverty Reduction legislation includes race, the strategy does not. This underscores the persistent erasure of racial discrimination in the national discourse by governments as well as certain civil society groups.

Recommendations:

We ask that the UN Special Rapporteur on VAW recommend the following to Canada:

- 1) Collect disaggregated data to inform gender-budgeting at the intersection of race and disability, funding allocation, policy development and planning.
- 2) Adopt a “targeted universalism” approach in homelessness and poverty reduction strategies.
- 3) Expand the Canada Child Tax Benefit (CCTB) eligibility requirement by basing it solely on residency and not immigration status.

Structural Violence of Immigration Policy:

Immigration policy changes implemented between 2008 and 2014 have had serious detrimental consequences for racialized migrant women. These changes have been characterized by a shift to more temporary and precarious status, limited rights and restricted access to permanent residence and citizenship. Examples of immigration policies particularly impacting racialized women and increasing their vulnerability to abuse and exploitation, are the recently repealed Conditional Permanent Residence Program, the Caregiver Program which is currently under review, and the Refugee Claims Process which was significantly altered with the introduction of Bill C-31.

Additionally, Canada has refused to ratify the International Convention on Migrant workers and their families; nor the ILO Convention 189 concerning decent work for domestic workers. The latter one is an important instrument that can advance better protection and stronger rights for migrant domestic workers - who are almost all racialized women from the global south, work in virtual isolation, are invisible and highly vulnerable to VAW. Most recently, the CERD Committee recommended that Canada should ratify these instruments, and the government responded they do not see the need because Canada's domestic laws are sufficient, and it is just not a priority. We strongly disagree!

Recommendations:

We ask that the UN Special Rapporteur on VAW recommend the following to Canada:

- 1) Grant permanent residence status for migrant workers, caregivers, and women without status (or precarious status) living with abuse.
- 2) Provide open work permits to caregivers to work for any employer.

- 3) Repeal the DCO policy and provide the same right to a fair hearing to all refugee claimants irrespective of their country of origin.
- 4) Ratify the International Convention on Migrant workers and their families; and the ILO Convention 189 concerning decent work for domestic workers.

Access to Housing, Healthcare, Income Supports and Social Services:

Migrant women, particularly those with precarious immigration status, face multiple vulnerabilities due to systemic, structural barriers and government policies at various levels. In addition to living in conditions of poverty, increased vulnerability to abuse, exploitation, isolation, and fear of deportation, racialized migrant women with precarious status also experience deterioration in their health and mental health, prolonged separation from their families, and lack of access to much needed supports and essential health, social, and legal services. This is further exacerbated by the fact that in Ontario, BC and Quebec recent immigrants are excluded from public health coverage for 3 months. Across Canada, those with precarious immigration status do not have public health coverage.

Recommendations:

We ask that the UN Special Rapporteur on VAW recommend the following to Canada:

- 1) Implement access without fear policies at municipal and provincial levels.
- 2) Eliminate the 3 month wait period for access to healthcare.
- 3) Mandate the VAW sector to incorporate anti-racist, intersectionality, and trauma aware frameworks of analysis in policy development and service provision.
- 4) Mandate the VAW sector to broaden the definition of VAW beyond intimate partner violence, to include other forms of violence and abuse (e.g. abuse by other family members, employers, state violence, systemic violence, violence and trauma of war and displacement).