**ANNEX 1**

**Canadian efforts to address child, early and forced marriage**

**December 2013**

**Context**

**A. Shared Responsibilities**

Canada is a federation with a constitutional division of powers. The federal and provincial governments share constitutional power with respect to marriage. Under subsection 91(26) of the *Constitution Act, 1867*, [[1]](#footnote-1) the Parliament of Canada has jurisdiction over “marriage and divorce” whereas the provincial legislatures have jurisdiction over “the solemnization of marriage in the province” (subsection 92(12)). The provincial legislatures have jurisdiction over child protection as well as civil family or domestic violence legislation.[[2]](#footnote-2) The Parliament of Canada has jurisdiction over “the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure of criminal matters” (subsection 91(27)) and has therefore enacted the *Criminal Code.*[[3]](#footnote-3) The provincial legislatures have jurisdiction over the administration of civil and criminal justice in the province, which includes policing and prosecuting *Criminal Code* offences in the province and the provision of services for victims of crime.

**B. Legislative Framework**

**1. Federal Legislation**

***a. Criminal law***

* While there is no specific offence of “forced marriage” in the *Criminal Code,* a number of criminal offences may be committed in forcing someone into a marriage. Criminal offences may be committed against an individual both prior to and following a forced marriage. Relevant *Criminal Code* offences may include:
* criminal harassment (s. 264)
* uttering threats (s. 264.1)
* assault (causing bodily harm, with a weapon and aggravated assault) (ss. 265-268)
* sexual assault (causing bodily harm, with a weapon & aggravated sexual assault) (ss. 271-273)
* removal of child from Canada (with intent to commit act outside Canada that would be one of listed offences if committed in Canada) (s. 273.3) (The listed offences are child–specific sexual assault offences, the general sexual assault offences and ss. 267, 268 and 269 (i.e., assault with weapon/causing bodily harm, aggravated assault and unlawfully causing bodily harm))
* kidnapping (s. 279)
* forcible confinement (s. 279(2))
* abduction of a young person (ss. 280-283)
* procuring feigned marriage ([s. 292](http://laws.justice.gc.ca/en/C-46/section-292.html))
* extortion (s. 346)
* intimidation (s. 423)
* marriage contrary to law (s. 295 – however this provision is only applicable to the person who solemnized the marriage)
* Moreover, spousal abuse, abuse of a child and abuse of a position of authority are aggravating factors in sentencing (s. 718.2). Peace bonds may also be relevant in cases of actual or threatened forced marriage.
* Canada’s criminal prohibitions against sexual assault and child sexual abuse are amongst the most comprehensive in the world. Any non-consensual sexual activity, including kissing, constitutes a sexual offence. This includes sexual touching or forcing sexual activity on a marital partner. Canada’s criminal law provides comprehensive protections against all forms of sexual abuse and exploitation of children.
* Children are protected under general offences that protect all Canadians and by child-specific sexual offences. The legal age of consent to sexual activity in Canada is 16 years. However, there are some limited “close in age” exceptions to this rule. The law permits a 12 or 13 year old to consent to sexual activity with someone who is less than two years older and a 14 or 15 year old to consent to sexual activity with someone who is less than five years older. See section 150.1 of the *Criminal Code*.
* In Canada, it is a criminal offence to engage in sexual activity involving exploitation with a child under 18 years of age. Exploitative sexual activity is sexual activity involving child pornography, prostitution, and any sexual activity that takes place in a relationship of trust, authority, dependency, or in a relationship that is otherwise exploitative of the child, such as between a parent or person standing in place of a parent and their child or between a teacher and a student. See section 163.1, subsections 212(2), 212(2.1) and 212(4) and section 153 of the *Criminal Code*.

***b. Family law***

* Since the Federal Parliament has exclusive jurisdiction to legislate in relation to divorce, it has done so with the Divorce Act. [[4]](#footnote-4) Section 8 of the Act sets out the ground for divorce, which is the breakdown of the marriage. This may be established only if the spouses have been living separately and apart for at least one year, or the spouse against whom the divorce proceedings are brought committed adultery or committed mental or physical cruelty against the applicant.

**2. Provincial Legislation**

***a. Marriage***

* Provinces and territories have regulated the age of marriage through their marriage acts. [[5]](#footnote-5) All Canadian jurisdictions set the minimum age for marriage, which is either 18 years of age (Alberta, Manitoba, New Brunswick, Ontario, Prince Edward Island, Quebec, Saskatchewan) or 19 years of age (British Columbia, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Yukon); this is generally set at the age of majority. All provinces and territories permit marriage for persons under the age of majority (which is either 18 or 19) but only with some form of substitute consent, either parental consent or a court order. In most provinces and territories, persons 16 and over can marry with parental consent. The age is 15 and over in the Northwest Territories and Nunavut.
* Under Canadian law, in order for a marriage to be legally valid both parties to the marriage must provide their free and informed consent at the time of marriage. Where consent has not been given, or was given under duress, the marriage can be declared invalid when one of the spouses seeks a court order annulling the marriage on the ground of duress (meaning absence of consent).

***b. Child protection***

* The function of the child protection system (or the child welfare system) is to protect children from harm and to help parents care for their children. In all Canadian jurisdictions, child protection legislation requires members of the public to report to authorities when they have reason to believe (or suspect in some jurisdictions) that a child is in need of protection.[[6]](#footnote-6) While each jurisdiction sets out distinct parameters for determining whether a child is in need of protection, it generally includes exposure to or risk of physical, sexual or emotional child abuse, neglect and family violence. In some cases, where children are thought to be in need of protection, the parents may enter into voluntary agreements with child protection agencies for support services. These support services may include counselling or treatment programs for abusers. Informal supervision by the child protection agency may also occur. In other severe cases where a protection authority believes a child is in need of protection, the authority will take the child into care (an apprehension). In most jurisdictions, an apprehension may take place pursuant to a warrant or court order. In addition, in cases where it is believed that the child is at immediate risk, the child can be removed from the home without a warrant or court order. Cases involving early or forced marriage and honour-related violence could trigger a child protection response if the victim meets the age criterion for child protection intervention (depending on the jurisdiction, this varies between children less than 16 and children less than 19 years of age with higher limits for certain services).[[7]](#footnote-7)

***c. Civil family violence legislation***

* In Canada, the following nine jurisdictions currently provide civil, court-ordered protection under a specific family violence statute: Alberta,[[8]](#footnote-8) Manitoba,[[9]](#footnote-9) Newfoundland and Labrador,[[10]](#footnote-10) the Northwest Territories,[[11]](#footnote-11) Nova Scotia,[[12]](#footnote-12) Nunavut,[[13]](#footnote-13) Prince Edward Island,[[14]](#footnote-14) Saskatchewan[[15]](#footnote-15) and the Yukon.[[16]](#footnote-16) Although this legislation does not specifically refer to early or forced marriage, it provides victims of family violence with immediate and around the clock access to practical remedies that either are not available or are not as easily available through the criminal justice system. These civil remedies are designed to complement and not replace the criminal justice system response. They may include:
* emergency protection orders granting the victim temporary exclusive occupation of the home;
* provisions directing removal of the abuser from the home;
* seizure of weapons;
* no contact/communication orders;
* temporary possession of personal property;
* temporary care and custody of the children to the victim; and
* specific prohibitions against selling, converting, or damaging property.

# Combating Child, Early and Forced Marriage

Efforts of governments and non-governmental organizations in Canada to address the issue of child, early and forced marriage domestically have intensified in recent years. In the October 2013 Speech from the Throne, the Government of Canada made a commitment to take steps to ensure that early and forced marriage does not occur on our soil.

Particular consideration has been given to the link between forced marriage and violence committed in the name of so-called honour. “Honour” based violence is violence committed against a family member, usually female, who is perceived to have brought shame or dishonour to their family by engaging in disapproved conduct such as pre- or extra-marital sexual relationships, dating or refusing an arranged marriage. “Honour” based violence is often linked with forced marriage– as a means of enforcing an imposed marriage or as punishment for a refusal. These issues are being addressed as a subset of family violence because they involve forms of violence and coercion between family members. In March 2012, the Prime Minister of Canada spoke out against violence committed in the name of “honour” when announcing funding for community-based efforts to address family violence against women and girls, including forced marriage.

Canada has a diverse, although relatively small, population situated across a vast geographic expanse. Although family violence is an issue in all regions of the country, organizations that respond specifically to forced marriage and so-called honour based violence cases, tend to be concentrated in a few urban centres. As a result, many of the activities designed to prevent or address these forms of family violence are likewise concentrated in certain urban centres.

The following sections provide examples of some of the activities being undertaken in Canada to address child, early and forced marriage, as well as so-called honour related violence. Please note that given the short time frame to respond to this request, it was not possible to provide a full inventory of activities across the country.

**Federal responses and activities**

***Co-ordinating mechanisms***

* The Department of Justice Canada (Justice Canada) and Status of Women Canada (SWC) co-chair an interdepartmental working group on forced marriage and “honour” based violence, which is under the auspices of the federal Family Violence Initiative (FVI). The working group has participation from 15 federal departments and agencies and acts as a focal point for collaborative actions.
* A departmental working group on forced marriages was created by the Consular Operations Bureau within the Department of Foreign Affairs, Trade and Development.
* Justice Canada has given presentations on the topic of early marriage, forced marriage and so-called honour related violence in numerous federal-provincial-territorial (FPT) fora, notably: the FPT Working Group on Family Violence Prevention; the Directors of Child Welfare Committee; the Co-ordinating Committee of Senior Officials – Family Justice; and the Vital Statistics Council for Canada.

***Awareness and outreach***

* Justice Canada has organized a series of workshops on so-called honour based violence and forced marriage by bringing together sector-specific groups from across the country that have had direct experience with these forms of family violence. Workshops have been held with police, Crown prosecutors, front-line service providers and child protection representatives as follows:
* In June 2009, in collaboration with the Royal Canadian Mounted Police (RCMP), Justice Canada invited two expert police officers from the UK to give a presentation to a group of Canadian police officers on police intervention in forced marriage and so-called honour based violence cases. This was followed by a presentation to federal government officials on the UK strategies.
* In March 2011, Justice Canada offered a workshop for Canadian police officers and Crown prosecutors on forced marriage and so-called honour based violence. There were video conference presentations from UK experts in the field and presentations by Canadian Crown prosecutors and police officers who have dealt with these types of cases.
* In October 2011, Justice Canada invited Canadian Crown prosecutors and police officers who have dealt with these cases to attend a workshop to discuss training needs and to hear a presentation from a Canadian expert witness, Dr. Sharhzad Mojab.
* In March 2012, in collaboration with Status of Women Canada, Justice Canada held a workshop for front-line community-based services providers who have experience intervening in situations of family violence based on so-called honour and forced marriages. The workshop included a presentation from Jasvinder Sanghera, a survivor of forced marriage and co-founder of Karma Nirvana, a UK- based community project supporting victims of forced marriage and a round-table discussion of challenges, best practices and policy recommendations.
* In September 2012, in collaboration with Status of Women Canada, Justice Canada held a workshop with the Directors of child welfare committee and child protection workers from across Canada who have had experience intervening in cases of forced marriages and so-called honour based violence. The intent was to foster the development of national networks, to share and develop emerging and successful practices, and to identify gaps in knowledge and services across the country. The workshop included a presentation from Jasvinder Sanghera as well as Kathy Rowe, a former UK child protection principal manager and current chair of trustees for Karma Nirvana.
* Justice Canada included specific references to forced marriage and so-called honour based violence in two public legal education and information booklets: a booklet entitled *Child Abuse is Wrong, What Can I do?* (March 2012) available at: <http://canada.justice.gc.ca/eng/pi/fv-vf/pub/caw-mei/index.html>, as well as an updated multilingual publication for newcomers to Canada entitled *Abuse is wrong in any language* available in 12 languages (<http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/fe-fa/index.html>).
* Citizenship and Immigration Canada (CIC) provides information to newcomers, future citizens and established citizens about Canadian values. Underscoring these values are the messages that women have equal rights under the law and that violence against women is not tolerated. Canada’s citizenship study guide, *Discover Canada: the Rights and Responsibilities of Citizenship* explicitly states that in Canada, spousal abuse, “honor killings”, female genital mutilation and forced marriage are not tolerated. The guide also depicts the role of the courts and police in protecting people and enforcing the law. This publication is used by newcomers studying for the Canadian citizenship test as well by many schools and organizations throughout Canada as an educational tool.
* CIC also disseminates the brochure *Information for Sponsored Spouses or Partners* on the conditional permanent residence measure. This condition requires certain sponsored spouses, common-law or conjugal partners to cohabit in a conjugal relationship with their sponsor for two years or they risk losing their permanent resident status.The brochure provides information for victims of abuse or neglect, advising them that they do not have to remain in an abusive situation and informing them of where they can find help. For more information on the conditional permanent residence measure, please refer to the policies and projects section.

***Services and training***

* Justice Canada operates an emergency fund for Canadians who are victimized abroad either through homicide, sexual assault, aggravated assault or assault with serious personal violence, including against a child. This emergency financial assistance is available through the Victims Fund, which is administered by the Department of Justice Policy Centre for Victim Issues (PCVI) and has been used to assist Canadian victims of forced marriage to return to Canada (for more information see: <http://canada.justice.gc.ca/eng/pi/pcvi-cpcv/abroad-etranger.html>).
* Justice Canada led the development of a general information material package prepared in 2012 to serve as a basis for developing policies or training on “honour” based violence and forced marriage. This work resulted in the RCMP developing a Course Training Standard on Domestic Violence that includes both components on forced marriage and honour based violence. This on-line course will be made available to all RCMP front line officers and employees.
* Citizenship and Immigration Canada (CIC) provides support to sponsored spouses or partners in vulnerable situations, including those who may be victims of a forced marriage. For example, CIC’s Call Centre prioritizes calls received from sponsored spouses and partners who are victims of abuse or neglect, including those requesting an exception from the conditional permanent residence provision. An exception may also be requested in the event of the death of the sponsor. CIC has also provided guidelines and training to assist officers in processing requests for exceptions to this condition in situations of abuse or neglect (which could include forced marriage). This includes training on handling sensitive information related to sponsored spouses and partners, recognizing the signs of abuse and directing victims to appropriate sources of support.
* Consular Services are available to Canadian victims of forced marriage abroad. Consular officers provide assistance to safeguard the well-being of children and protect adults from the abuses associated with forced marriage. The consular services and assistance available to Canadians abroad will vary according to the particular circumstances and wishes of the victim, including factors such as the legal system in the country where she/he is located and the victim’s age.  Training provided to consular officers sensitizes them that both men and women of all ages can be vulnerable to forced marriage, although research show that it is most commonly perpetrated against women who may, in addition, be affected by local law or customs that restrict their freedom to return to Canada. In exceptional circumstances, consular assistance may be provided to Permanent Residents of Canada and to non-citizens with strong ties to Canada. When a victim who requests assistance of DFATD is under the age of 18 years, these cases are assigned to a consular case management officer trained with respect to child-specific issues as an added complexity is engaged in these cases, such as the legal issues surrounding the provision of consular services to a minor without parental knowledge or consent, and the need to involve provincial Child Protective Services upon the child’s return to Canada.

Services available to victims abroad may include

* Identifying trustworthy resources to secure food, security, accommodation, medical services, legal services, etc.
* Assessing the local context and possible departure strategies
* Providing information on departure requirements
* Providing travel documents
* Coordinating transportation to airport or point of exit
* Arranging the private transfer of funds
* Assisting in securing public funding for repatriation
* Ensuring that a post-departure plan is in place
* Where appropriate, coordinating the presence of local police, social services, NGO, Canadian Border Services Agency (CBSA), or trusted family member or friend upon arrival in Canada
* Coordinating, with CBSA and/or airport officials, short term hospitality arrangements upon arrival in Canada
* Establishing first contact with provincial child welfare services or local shelters to facilitate long-term hospitality and other support services

***Policies and projects***

* Through the Justice component of the FVI, Justice Canada has funded a number of community-based or professional organizations for projects to address forced marriage and so-called honour based violence. The following serve as recent examples:
* In 2011-2012, The Agincourt Community Services Association (Toronto, Ontario) was funded $54,800 for school and community based advertising campaigns, workshops and training for service agencies on the issue of forced marriage.
* In 2011-2012, Social Services Network for the York Region was funded $49,700 for their second annual Family Violence Conference in Markham, Ontario, in May 2012. The objective was to bring together key sectors of the diverse South Asian community to identify an effective community development strategy for addressing the various manifestation of violence occurring in South Asian families. It included a workshop on combating customary violence, communal/religious silencing and forced marriage.
* In 2011-2012, Action et Développement Jeunesse was funded $122,244 to develop culturally appropriate awareness materials, and workshops to address issues of family violence within Francophone visible minority and ethnocultural communities in Ottawa.
* In 2010, Centre Des Femmes De Verdun was funded $68,624 to develop a resource guide to assist victims and social workers working with those affected by forced marriage.
* The Mouvement Ontarien des femmes immigrantes francophones (MOIFIF) received funding of 78,869 in 2010-11 and 2011-12 for *Connaissances et compréhension des causes de la violence familiale dans les communautés (MREF) et des conséquences légales liées à celle-ci* – a research project designed to identify the causes of family violence in visible minority francophone communities in Ontario and to elaborate culturally-appropriate responses.
* The Canadian Association of Chiefs of Police received funding of $121,240 to hold a conference in Toronto in March 2011 entitled “A Dialogue on Family Violence in Culturally Diverse Communities: Practical Approaches to Prevention and Response,” at which the issues of forced marriage and so-called honour based violence were addressed.
* In 2010-11, the Muslim Resource Centre for Social Support and Integration (London, Ontario) was funded $49,895 for their *Early Identification for Refugees and Immigrants affected by Family Violence* project. The project involved the development of a culturally relevant manual directed to mainstream Canadian social and justice service providers to improve their capacity to respond to the varied needs of vulnerable immigrant families from conflict zones and workshops to bring together key stakeholders in the criminal justice, social service and education systems and members of the community to present the manual.
* In October 2013, Justice Canada put forth a call for letters of intent for project initiatives addressing forced marriages. The purpose of this call for letters of intent was to encourage and support Canadian governmental and non-governmental organizations to develop projects that address the issue of forced marriages in Canada as a form of family violence. (<http://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/fvfm1-vfmf1.html>)
* Status of Women Canada (SWC) launched a call for proposals in 2012 which focused on preventing and eliminating violence against women and girls including the specific area of violence committed in the name of “honour”. As a result of this call, eight projects received funding to work in partnership with community stakeholders in the development and implementation of coordinated strategies to address the issue.
* Other SWC funded projects outside of the call for proposals include:
* The Canadian Council of Muslim Women received funding approval to assist members of Muslim and other ethno-racial communities to analyze violence against women in their communities. The project will enable community, government, and service providers to support clients of diverse ethno-racial backgrounds in dealing with forms of violence (2012-13);
* Shield of Athena Family Services (Bouclier d’Athena) received funding approval to inform women and communities about the issue of gender-based violence, including honour crimes, and legislation concerning violence against women in Canada. Liaison workers from cultural communities are trained in order to provide information, identify at-risk situations and identify sources of assistance for victims (2011-12);
* Indo-Canadian Women’s Association received funding approval to educate immigrant women and girls of South Asian and Middle Eastern descent on the issue of harmful cultural practices. Community organizations, the legal community, and law enforcement agencies were engaged to better identify and respond to the issue (2010-11); and
* Agincourt Community Services Association received funding approval to address the issue of forced marriage. A comprehensive toolkit developed and distributed to service providers increased their ability to assist women who have been, or are at risk of being, forced into marriage (2009-10).
* In October 2012, CIC introduced the conditional permanent residence measure for spouses or partners who are in a relationship of two years or less with their sponsor and have no children in common. The condition requires the sponsored spouse or partner to cohabit in a conjugal relationship with their sponsor for a period of two years after the day on which they became a permanent resident. Given concerns about the vulnerability of spouses and partners in abusive relationships, the condition ceases to apply in instances where there is evidence of abuse (which could include forced marriage) or neglect by the sponsor, or failure by the sponsor to protect their spouse or partner from abuse or neglect by another person related to the sponsor (whether that person is residing in the household or not) during the conditional period. Therefore, a victim of spousal abuse who leaves the marriage would no longer be subject to the requirement to cohabit and would not lose permanent resident status. The condition also ceases to apply in the event of the death of the sponsor

***Research***

* In 2007, Justice Canada published an annotated bibliography by Dostrovosky, Nadine et al, entitled *Annotated Bibliography on Comparative and International Law relating to Forced Marriages* (posted at <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2007/mar/index.html#a01>).
* In 2008, Justice Canada funded an anecdotal research study on forced marriages by Naïma Bendriss, in association with Rights & Democracy (Montréal), *Report on the Practice of Forced Marriage in Canada: Interviews with Frontline Workers: Exploratory Research Conducted in Montreal and Toronto in 2008*  (posted at: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/fm-mf/index.html>).
* In 2010 Justice Canada funded a research study Dr. Amin Muhammad, Professor of Psychiatry, Memorial University, St. John’s NL, entitled *Preliminary Investigation of Murders in Canada of Family Members Perceived to Have Brought Dishonour to the Family* (posted at: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/hk-ch/index.html>).

***Training***

* The RCMP has developed on-line training on forced marriage and “honour” based violence for RCMP officers (noted above) and plans to make it available to municipal police and other agencies through the Canadian Police Knowledge Network.[[17]](#footnote-17)

***Research***

* In October 2013, the Conseil du statut de la femme, a provincial government organisation in Québec that advocates for women’s rights, published a study in October 2013 on honour crimes. The report links forced marriages with honour crimes. The report was published in French and there will be an English version that is forthcoming (<http://www.csf.gouv.qc.ca/>).

**Provincial Responses and Activities**

***Quebec***

* A detailed examination of the responses from each Canadian jurisdiction was not possible in the limited time provided for this response. However, officials from Quebec provided the following detailed example of the responses and activities in Quebec.
* With regard to marriage, article 365 of the *Civil Code of Quebec*[[18]](#footnote-18) and sections 4, 5 and 6 of the *Federal Law-Civil Law Harmonization Act, No. 1*, (2001)[[19]](#footnote-19), c.4, provide conditions for the validity of the marriage, including the requirement for free and informed consent from the intended spouses and the prohibition to contract marriage before the age of sixteen.
* Under article 374 of the *Civil Code of Quebec,* the officiant must request and receive from each intended spouse a declaration of their wish to marry each other. In order for a marriage to be valid, it must be entered into with the free consent of both spouses. According to the guide for marriage officiants prepared by the Directeur de l'État Civil:

"Marriage requires the free and informed consent of the two people being married. You must therefore be attentive to the quality of the consent expressed during the marriage or civil union ceremony."

* Any disregard of a necessary condition of marriage, including free consent, may result in the marriage being declared null (article 380 of the *Civil Code of Quebec*).

* Forced and early marriages are therefore already prohibited from taking place within the province of Quebec.
* Furthermore, a study is being conducted in Quebec on whether to introduce civil protection orders. This study is in response to commitment #78 from the 2012-2017 government action plan on domestic violence:

[translation] "Study the possibility of introducing a legislative measure regarding civil protection orders for victims of domestic violence and the recognition of such orders rendered elsewhere in Canada or abroad."

* This study will also analyze the relevance of civil protection orders as a measure against forced marriages, in consideration of the October 2013 study on honour crimes (cited above) by the Council for the Status of Women (CSW). In its study, the CSW presented the British legal model that aims at protecting children and adults threatened with forced marriage, without criminalizing their parents. "When a person is under the threat of a forced marriage, the law provides for a protection order to be issued, instructing the parents to cease and desist, and if the marriage takes place abroad, obliging them to return the victim to the UK. Violation of a forced marriage protection order is considered contempt of court and can lead to various penalties including arrest." This analysis will also take into consideration existing civil measures—such as injunctions—found in Quebec law.
* Finally, the Committee on the Application of the *Youth Protection Act*,[[20]](#footnote-20) is currently analyzing the application of the *Act* when youth experience early or forced marriage.

**Non-governmental responses and activities**

* Many Canadian non-governmental organisations and community-groups, particularly immigrant women’s organization, provide information about forced marriage and honour related violence under the guise of other topics, such as girls’ leadership, in order to reach a wider audience. The following serve as examples of a few specific responses and activities.

***Coordinating committees***

* In 2010, the South Asian Legal Clinic of Ontario (SALCO) founded the Network of Agencies Against Forced Marriage (“NAAFM”). The NAAFM has approximately 70 members across the country (http://www.forcedmarriages.ca/get-connected/naafm-network-of-agencies-against-forced-marriages/).

***Awareness and outreach***

* The Agincourt Community Services Association’s funded project, “Forced Marriage – Education and Empowerment” involved an advisory committee working with the organization and the Toronto School Board to integrate women’s experiences, stories of forced marriage and resources available into the “English as a Second Language” curriculum, as well as developing and distributing a comprehensive toolkit to other service providers to increase their abilities to assist women who have been, or are at risk of being, forced into marriage. The project began in 2010 and was completed in January 2013 (see also: <http://www.fmp-acsa.ca/home/> ).
* A high school curriculum project on civic education and youth that uses domestic legal concepts to understand the law’s culture on youth and agency, will explore complex topics like forced marriage. This curriculum project is forthcoming for the next academic year in Ontario’s school board and is affiliated with the University of Toronto.
* The Indo-Canadian Women’s Association, in Edmonton, Alberta, has information about forced marriage and honour violence on their website conducts research and hosts conferences on the subject; and provides a range of other supports to women and girls as part of the broader context of harmful cultural practices that exist in some ethnic communities (<http://icwaedmonton.org/index.php/violence-against-women/forced-marriages>).

***Services and Training***

* In 2010, SALCO created a toolkit on Forced/Non-Consensual Marriages for service providers, to serve as a guide for agencies dealing with forced marriage cases in Canada. To accompany the toolkit, SALCO launched a forced marriage website, *www.forcedmarriages.ca*, intended to be a national tool on the issue of forced marriage. Since 2010, SALCO has conducted over 100 trainings on forced marriage, including trainings for various federal government agencies and departments, the police, children’s aid societies, schools, frontline workers, legal professionals, social workers, and South Asian youth.

***Research***

* In August 2013, SALCO published a report entitled *Who-If-When to Marry: the Incidence of Forced Marriage in Ontario*. The study found 219 cases of forced marriages in Ontario alone between 2011 and 2012. The report may be found at the following link: [http://www.salc.on.ca/SALCO%20-%20Who,%20If,%20When%20to%20Marry%20%20-The%20Incidence%20of%20Forced%20Marriage%20in%20Ontario%20(Sep%202013).pdf](http://www.salc.on.ca/SALCO%20-%20Who%2C%20If%2C%20When%20to%20Marry%20%20-The%20Incidence%20of%20Forced%20Marriage%20in%20Ontario%20%28Sep%202013%29.pdf)
1. *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5; Federal law allows territories to elect councils with powers similar to those of the provincial legislatures. [↑](#footnote-ref-1)
2. *Constitution Act, supra* note 1, subsection 92(13). [↑](#footnote-ref-2)
3. *Criminal Code,* RSC 1985, c C-46. [↑](#footnote-ref-3)
4. Divorce Act, RSC 1985, c 3 (2nd supp). [↑](#footnote-ref-4)
5. Alberta: *Marriage Act*, R.S.A. 2000, c M-5; British Columbia: *Marriage Act*, R.S.B.C. 1996, c 282; Manitoba: *Marriage Act*, C.C.S.M. c M50; New Brunswick: *Marriage Act*, RSNB 2011, c 188; Newfoundland and Labrador: *Marriage Act,* S.N.L. 2009, c M-1.02; Northwest Territories and Nunavut: *Marriage Act,* R.S.N.W.T. 1988, c M-4; Nova Scotia: *Solemnization of Marriage Act*, R.S.N.S. 1989, c 436; Ontario: *Marriage Act*, R.S.O. 1990, c M.3; Prince Edward Island: *Marriage Act,* R.S.P.E.I. 1988, c M-3; Quebec: *Civil Code of Québec*, R.S.Q. c C-1991, *Federal Law—Civil Law Harmonization Act, No. 1,* S.C. 2001, c 4; Saskatchewan: *Marriage Act*, 1995, S.S. 1995, c M-4.1; Yukon: *Marriage Act*, R.S.Y. 2002, c 146. [↑](#footnote-ref-5)
6. Alberta: *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c C-12; British Columbia: *Child, Family and Community Service Act*, R.S.B.C. 1996, c 46; Manitoba: *Child and Family Services Act*, C.C.S.M. c C80, s 2(2); New Brunswick: *Family Services Act*, S.N.B. 1980, c F-2.2; Newfoundland and Labrador: *Children and Youth Care and Protection Act,* SNL 2010, c C-12.2; Northwest Territories and Nunavut: *Child and Family Services Act*, S.N.W.T. 1997, c 13; Nova Scotia: *Children and Family Services Act*, S.N.S. 1990, c 5; Ontario: *Child and Family Services Act*, R.S.O. 1990, c C.11; Prince Edward Island: *Child Protection Act*, R.S.P.E.I. 1988, c C-5.1; Quebec: *Youth Protection Act*, R.S.Q., c P-34.1 Saskatchewan: *Child and Family Services Act,* S.S. 1989-90, c C-7.2; and Yukon: *Child and Family Services Act*, S.Y. 2008, c 1. [↑](#footnote-ref-6)
7. In Newfoundland and Labrador, Child Youth and Family Services (CYFS) has a policy regarding a child/youth in continuous custody which states that as the parent for a child/youth in continuous custody, CYFS will not provide consent for a child/youth to marry while in they are under the continuous custody of CYFS.  [↑](#footnote-ref-7)
8. *Protection Against Family Violence Act*, RSA 2000, c P-27. [↑](#footnote-ref-8)
9. *Domestic Violence and Stalking Act*, SM 1998, c 41, CCSM c. D93. [↑](#footnote-ref-9)
10. *Family Violence Protection Act*, SNL 2005, c F-3.1. [↑](#footnote-ref-10)
11. *Protection Against Family Violence Act*, SNWT 2003, c 24. [↑](#footnote-ref-11)
12. *Domestic Violence Intervention Act*, SNS 2001, c 29. [↑](#footnote-ref-12)
13. *Family Abuse Intervention Act*, SNu 2006, c 18. [↑](#footnote-ref-13)
14. *Victims of Family Violence Act*, RSPEI, 1988, c V-3.2. [↑](#footnote-ref-14)
15. *The Victims of Domestic Violence Act*, SS 1994, c V-6.02. [↑](#footnote-ref-15)
16. *Family Violence Prevention Act*, RSY 2002, c 84. [↑](#footnote-ref-16)
17. The provinces have jurisdiction to investigate *Criminal Code* offences as well as offences under provincial legislation and municipal by-laws. Ontario and Quebec have established their own provincial police forces. The other provinces have entered into agreements with the Royal Canadian Mounted Police (RCMP) to contract their services. The RCMP is the police force in the territories. Policing in larger municipalities is provided either by the provincial police or by separate municipal forces. [↑](#footnote-ref-17)
18. *Civil Code of Québec*, R.S.Q. c C-1991. [↑](#footnote-ref-18)
19. *Federal Law—Civil Law Harmonization Act, No. 1,* S.C. 2001, c 4. [↑](#footnote-ref-19)
20. *Youth Protection Act,* CQLR c P-34.1. [↑](#footnote-ref-20)