

RESEARCH SUMMARY

FROM REPORT

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Justice pour les femmes marginalisées victimes de violences sexospécifiques

Ce que la littérature et les intervenantes nous apprennent

SUGGESTED REFERENCE: Thibault, Sarah, Pagé, Geneviève, Boulebsol, Carole et al. (2022). *Research summary from report : Justice pour les femmes marginalisées victimes de violences sexospécifiques. Ce que la littérature et les intervenantes nous apprennent.* Montreal: Service aux collectivités de l'Université du Québec à Montréal/Fédération des maisons d'hébergement pour femmes/Regroupement des maisons pour femmes victimes de violence conjugale/Concertation des luttes contre l'exploitation sexuelle/Regroupement québécois des centres d'aide et de lutte contre les agressions à caractère sexuel.

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REGROUPEMENT DES MAISONS
POUR FEMMES VICTIMES
DE VIOLENCE CONJUGALE



FÉDÉRATION DES MAISONS
D'HÉBERGEMENT
POUR FEMMES

CONTEXT

The legal system still does not play the essential role of denunciation, dissuasion, and reparation that it claims to play with regard to acts of gender-based violence. As a result, leading feminist groups fighting against violence against women for forty years in Quebec, reaching thousands of women annually, have taken steps to reflect on the issue of access to justice for women victims of gender-based violence (domestic violence, sexual violence, and sexual exploitation). A team bringing together researchers from different disciplines (social work, criminology, law) and community-based co-investigators was formed in 2016 to better document this issue. The first phase of this partnership's work enabled us to draw a portrait of the barriers that women victims of violence encounter in the criminal legal system and possible means by which to improve their access to justice (Frenette et al., 2018).

OBJECTIVE

This second phase of our program specifically and thoroughly documents the justice experiences of marginalized victims of gender-based violence (immigrant, racialized, indigenous, disabled and Deaf women, as well as sexual and gender minorities), a perspective that could not be addressed as thoroughly as we would have liked in the first phase of the research program. This report focuses on the **barriers to justice** encountered by marginalized women and **the work of community workers** who assist them, and suggests **avenues for transformation** to better adapt the judicial system to their needs and realities.

METHODOLOGY

- Our data come from a review of both scientific and “grey” literature, and from the experiences of community workers who have supported marginalized victims of gender-based violence in their quest for justice. To identify these workers, the research team created lists of community groups likely to receive testimonies and demands of support from marginalised victims of gender-based violence, including groups specialized in gender-based violence and groups specialised in supporting marginalized segments of the population.
- Our research targeted **community workers** who assisted marginalized victims of gender-based violence with legal proceedings **over the past five years**, whether they filed charges or not. These community workers were first invited to fill out an online questionnaire. Interviews were then conducted over a period of six months.
- 60 community workers covering 12 administrative regions in Quebec participated in our research via an online questionnaire. Of these, 12 continued their participation by taking part in a group (n = 6) or individual interview (n = 6).
- Just over half (53%) of the respondents work for organizations whose mission is primarily geared toward victims of gender-based violence and one-third (30%) work for organizations whose mission is primarily geared toward immigrants, racialized, Indigenous, disabled, deaf people, or sexual and gender minorities. The remainder work with in women-centered organization (women’s centers, etc.).
- This report combines a literature review and the testimonies of community workers who have assisted marginalized women with legal proceedings.

RESULTS

1. BARRIERS TO REPORTING GENDER-BASED VIOLENCE

The specific realities of women who face multiple axes of discrimination are marked by heightened distrust of public services and encountering multiple and more significant barriers in their attempts to obtain justice. Marginalized women face material and symbolic barriers that can make them question the benefits of filing charges or limit their ability to make an informed choice.

1.1. Some barriers are common to all women victim of gender-based violence

Some obstacles to reporting, particularly those raised by the marginalized women (fear of reprisals, fear of not being believed, fear of the consequences of the legal process, prioritizing the management of daily life following a violent situation) have already been highlighted by the participants in Phase I of this study. Thus, women victims in general face these obstacles. However, these obstacles must be understood in the context of other factors that shape and greatly influence the experience of marginalized women.

1.2. A system built by the privileged that inspires distrust

The testimonies of this study's participants directly echo the literature on marginalized women's feelings of distrust towards health and social services, as well as towards the police, judicial, and corrections institutions (Commission d'enquête sur les relations entre les Autochtones et certains services publics [CERP], 2019; Éducaloi, 2020a). Twenty-two of the questionnaires refer to feelings of distrust experienced by marginalized women, whether it be towards institutions, judges, the police or, in several cases, towards the Direction de la protection de la jeunesse (DPJ).

1.3. Barriers linked to socio-economic status, social isolation, and financial dependence

In Quebec and Canada, statistics indicate an overrepresentation of marginalized women living in poverty (Celis et al., 2020; National Collaborating Centre for Indigenous Health, 2009; Posca, 2016; DAWN-RAFH Canada, 2013), which may represent a barrier to reporting. For example, participants reported that immigrant women who are financially dependent on their abuser (including those who are sponsored by them) and women with disabilities who are dependent on their abuser's care are less likely to report abuse. Some women who are new to Canada or Indigenous women living in isolated areas also lack the communication tools necessary to report the violence they experience.

1.4. Barriers related to belonging to a marginalized community and to relational closeness

No less than half of the community workers who participated in the interviews identified the influence and pressure on women from their own community, the fear that their situation would not remain confidential, and feelings of conflicting loyalties as obstacles to reporting among immigrant, deaf, Indigenous and racialized women. Relational closeness within some communities can amplify these phenomena.



1.5. Fear of reprisal or being excluded from the community

The participants corroborated the findings reported in the literature regarding fear of retaliation from abusers and their entourage as a barrier that is particularly present for victims who are more marginalized by their isolation or the precariousness of their migratory status, as well as for those “having considerably less social privilege than the abuser” (Ingenito, 2019, p. 70). Relational closeness is also mentioned as a factor that can open the door to intimidation attempts, hate messages, or threats from an entire community.

1.6. Barriers related to not speaking French as a first language

The language barrier, lack of bilingual services, and difficulty in obtaining an interpreter were identified in 15 questionnaires as barriers to justice for some immigrant, Indigenous, and deaf women. The participants and the literature decry the fact that free and universal access to interpretation services is not provided throughout the legal process.

1.7. Barriers related to the accessibility of support and reporting services, ableist stereotypes, and mobility

That some shelters are not accessible or the difficulty of finding suitable housing can be a barrier to reporting for women with disabilities when they are forced to continue living with their abuser. The existence of ableist biases may also cause these women to fear that they will not be viewed as credible by law enforcement. Finally, participants report that mobility issues can be a barrier to reporting, particularly for women with limited mobility and Indigenous women who are isolated in the territory.

1.8. Barriers related to the migration process, precarity of immigration status, xenophobia, and the functioning of the immigration system

Between the precariousness of their status, their lack of knowledge of how the Canadian and Quebec legal systems work, isolation, the challenges created by the immigration process, discrimination, and negative experiences with law enforcement in their country of origin, the literature (Éducaloi, 2020a; Frenette et al, 2018; Guay, 2020; Hajdeman, 2015; Massoui, 2017; Rojas-Viger, 2008) and participants report multiple barriers to justice for immigrant women who experience gender-based violence.

1.9. Barriers related to racism

The results of our research confirm the presence, in Quebec, of phenomena that have been identified mainly in the United States and in English Canada, in particular with regard to heightened distrust of the police by racialized communities due to profiling, surveillance, and police violence against them. Like many immigrant women, racialized women who wish to speak out about violence often find themselves torn between the desire for justice and the desire to avoid participating in the marginalization and criminalization of their communities. Additionally, these women sometimes choose not to report in order to avoid microaggressions or being exposed to comments that convey racist prejudices.

1.10. Barriers related to colonialism

The participants in this study corroborate much of what is said in the literature about the barriers to reporting that are specific to the colonial context in Quebec. They cite Indigenous people's distrust of the police due to profiling and police brutality, systemic discrimination, bureaucratic red tape, and cultural insecurity felt towards the system as factors that discourage Indigenous women from reporting.

1.11. Barriers related to myths, prejudices, and discrimination against sexual and gender minorities

The data collected during the study provide a deeper understanding of the damaging effects of heterosexist and cisnormative conceptions of sexuality and relationships on the recognition of violence experienced by sexual and gender minorities. These factors are in addition to the taboos that persist in some LGBTQIA2S+ communities that can contribute to the silencing of domestic and sexual violence and sexual exploitation.

2. EXPECTATIONS AND GOALS OF MARGINALIZED WOMEN WHO UNDERTAKE LEGAL PROCEEDINGS

The primary reasons identified by intervention professionals that women decide to pursue justice are the same as those identified in the first phase of this study: a desire to regain power over one's life and to protect oneself and one's children (Frenette et al., 2018). Community workers spoke more frequently of having assisted women who wanted to see the person responsible for the violence suffer consequences for their actions, rather than women seeking a sense of justice and safety without judicializing or harming the abuser. In no less than 16 of the questionnaire, respondents were of the opinion that the expectations marginalized women had of the justicial system were very low or non-existent.



3. ENGAGING WITH A SYSTEM THAT REPRODUCES INEQUALITIES: A JUDICIAL PROCESS THAT IS LONG, COMPLEX, AND AT TIMES, DISCRIMINATORY

3.1. General barriers that overlap with other systems of oppression

In terms of how the legal system functions, the recurring barriers identified by the participants are: long delays in legal proceedings, the lack of measures put in place to ensure the safety of women victims during and after the process, women victims' status as witnesses, and the bureaucratic red tape involved with legal proceedings. The participants also associated more marginalized women's distrust with the lack of consideration they feel they are shown by the actors in the legal system.

3.2. The police: a poorly adapted entry point into the system

The main barriers to seeking police intervention identified by the participants were officers' lack of sensitivity and knowledge regarding the realities of victims of gender-based violence who are marginalized, discriminatory (sexist, but also racist, xenophobic, ableist, and colonial) and shaming attitudes towards these women, and the trivialization of the violence they experienced.

3.3. Discrimination and shaming by actors within the system

The prejudicial attitudes raised by community workers that hinder justice for marginalized women were grouped into three main categories. These are the discrediting and shaming of women victims, actors' lack of knowledge and sensitivity regarding the realities of more marginalized women, and discriminatory treatment.

3.4. A precarious system: accommodations and interpretation services

Participants expressed concern at the legal system's inability to put the necessary measures in place to ensure equitable access for all victims. They pointed to the lack of accommodations and the lack of access to and effectiveness of some adapted services, such as interpretation services.

4. STRATEGIES USED BY COMMUNITY WORKERS TO SUPPORT MARGINALIZED WOMEN WITH LEGAL PROCEEDINGS

The main strategies implemented by community workers in their efforts to support marginalized women aim to center women and their needs in the process, to develop a bond of trust with them, to offer an adapted psychosocial follow-up that takes into account the multiple axis of marginalization for women and their effects, to ensure the defence of their rights, and to establish partnerships with different actors in the legal system.

5. COMMUNITY WORKERS' PERSPECTIVES ON FACTORS FACILITATING MARGINALIZED WOMEN'S ACCESS TO JUSTICE

5.1. A collaboration that benefits everyone

Proper collaboration between the different actors involved was repeatedly emphasized, both in the literature and by the participants, as being essential to properly support women in the aftermath of situations of gender-based violence (Ingenito, 2019; Le Phénix, 2018;

TCRI, 2018). Respondents especially emphasized the benefits of trusting relationships and partnerships between community groups and government services that allow women to receive adapted services more quickly.

5.2. Supportive attitudes on the part of actors in the legal system

The participants also emphasized the knowledge and relational skills of actors in the system as facilitating factors. They mentioned situations where the latter listened to the women and offered them close, sensitive, and constant support and follow-up throughout the process. In particular, they said they were satisfied when judges spoke directly to women and lent credibility to their testimony, when police officers were trained in gender-based violence intervention and sensitive to the consequences of victimization, and when prosecutors took the time to listen to women and explain how the system works.

5.3. Access to specialized support, adapted services, and accommodations

When asked about factors they believe make it easier for marginalized women who are victims of gender-based violence to take action, 18 workers emphasized access to resources and psychosocial and legal support as the most helpful factors. In particular, they pointed to the positive difference that workers from community groups, Côté Cour, and CAVACs can make in assisting, informing, and defending women in their efforts to deal with situations of violence. Fourteen workers mentioned the positive influence of specialized services (such as interpretation) and culturally appropriate services (such as assistance by and for), as well as accommodations (screens, testifying by video-conferencing) in the legal process of the women they assist.

6. SOME WAYS TO TRANSFORM THE LEGAL SYSTEM TO BETTER MEET THE NEEDS AND REALITIES OF MARGINALIZED WOMEN

6.1. Change the system at its root

In order to make the legal system a space that defends the rights of Indigenous and racialized women, both the literature and the participants put forth avenues for radical transformation of the system. These tend towards a disinvestment in policing and a replacement of police presence and corrections services with services that take a community empowerment approach. Practitioners and authors also advocate for the importance of moving away from colonial, patriarchal, and punitive models of justice and violence management to alternative forms of justice.

6.2. Reform the system

The participants, as well as the literature reviewed in the context of this study, propose various reforms to the legal system in order to better meet the needs of marginalized victims. Among the reforms proposed are the creation of a specialized court for sexual and spousal violence, the implementation of measures to ensure a safe and accommodating judicial environment that reflects the image of marginalized women, and the ongoing training of actors in the system. Some legal reform proposals also suggest granting party status to complainants and facilitating access to an 810.



CONCLUSION

The results of our research demonstrate the need to better solidify the services offered within the legal system and improve its actors' attitudes in order to make it a space that defends the rights of all women victims of gender-based violence. The distrust and low expectations of marginalized women towards the legal system, phenomena previously documented in the literature and supported by the results of this study, are worrying findings.

The main observation that emerges from the community workers' recommendations is that actors in the system (police officers, investigators, prosecutors, defence lawyers, judges) need to be better trained and to establish a relationship with more marginalized women based on trust, openness and respect.

The forthcoming results of the third phase of our research team will provide a better understanding of the perspective of prosecutors, police officers, and CAVAC workers on their work with women victims of gender-based violence.



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