



**Written submission for the Committee on  
Social Affairs, Science and Technology, Senate of Canada**

**Review of Bill S-249**

“An Act respecting the development of a national strategy for the prevention of intimate partner violence”

**South Asian Legal Clinic of Ontario (SALCO)  
April 26, 2024**

SALCO remains deeply committed to addressing and preventing intimate partner violence within the South Asian communities that it serves and within Canada at large.

**SALCO provides the following recommendations:**

- **That Bill S-249 be passed by the Senate with the amendments noted below**

**Introduction:**

The South Asian Legal Clinic of Ontario (SALCO) is a not-for profit legal clinic funded by Legal Aid Ontario to enhance access to justice for low-income South Asian communities. SALCO does that by:

- i) providing summary legal advice, legal brief services, and legal representation to low-income South Asians in Ontario in a number of areas of law, including intimate partner violence, elder abuse, forced marriage, human trafficking, immigration, income maintenance, tenant’s rights, employment, human rights, and family law; and
- ii) By participating in law reform, community development, and public legal education to advocate for systems change to address the issues that our low-income racialized communities face across Canada. SALCO has participated in

several test cases at all levels of court including the Supreme Court of Canada; has appeared at government committee hearings to speak about legislation that impacts our clients; has provided expert advice to several government departments on issues of gender-based violence, equity, anti-racism, faith-based discrimination, data collection, and socio-economic discrimination; and has appeared at the United Nations multiple times in relation to its review of Canada's domestic and international track record on human rights.

### **Background:**

SALCO works with a large population of racialized and low-income clients in Ontario. SALCO is considered a national expert of certain aspects of violence within South Asian communities including forced marriage, human trafficking, and intimate partner violence.

From 2014 – 2024 SALCO worked with 3734 clients facing intimate partner violence in various areas of law like income maintenance, family, immigration, and housing. SALCO notes a steady increase in intimate partner violence cases from 2020-2024, with a year over year increase between 15%-25%.

In casework the nature of the intimate partner violence reported by SALCO clients include:

- Physical violence (reports of damage to personal property, hitting, scratching, pushing, punching, stabbing, burning, sexual assault, and death in a small number of cases)
- Emotional violence (reports of threats, isolation, verbal abuse, swearing, yelling, and intimidation)
- Online violence (reports of posting photos, posting comments, posting hate, and posting violent comments online)
- Financial Abuse (reports of lack of access to finances, stealing victims money, property, or other financial resources, coercion into taking loans, credits card, and signing over property)

We note the following on-going issues that arise consistently in our casework:

- Populations with either no immigration status or precarious immigration status are more vulnerable to violence
- Lack of language specific and culturally appropriate resources for racialized people facing intimate partner violence
- Lack of access to mental health supports for racialized communities
- Lack of access to legal supports, and in particular family law supports
- Lack of access to transitional and permanent housing

- Lack of access to income supports (social assistance, Canada Child Benefit, and supports for victims of violence)
- Approximately 55% of our clients choose to stay in situations of intimate partner violence because systems simply do not meet their needs

In addition to our direct legal work, SALCO also participates in advocacy work to better support people facing intimate partner violence. That work includes:

- Co-chairing a section of the Roadmap for National Action Plan on Gender-based Violence (funding by the federal government to support the development of the Action Plan on Gender-Based Violence) - <https://nationalactionplan.ca/>;
- Government advisory for the preparation of Canada's Action Plan on Gender-Based Violence
- Canada's only civil society data collection and study on the incidence of forced marriage in Canada and the creation of a Forced marriage toolkit for service providers - <https://salc.on.ca/fm/>;
- A panel member of Ontario's Domestic Violence Death Review Panel, which looks at femicide resulting from intimate partner violence - <https://lukesplace.ca/wp-content/uploads/2023/03/DVDRC-Announcement.pdf>;
- Training for Toronto Police Services, York Regional Police, Peel Police, and the Eastern Region RCMP on intimate partner violence;
- Public legal education in community (ex: mosques, temples, guradwaras, schools, community centres, cultural organizations) related to intimate partner violence
- Expert advisory and data collection to support the creation of the "GBV Toolkit: A silent pandemic within the pandemic" for South Asian communities - <https://www.cassa.ca/gbvstudy/>;
- Test Case interventions at Tribunals and courts to extend the understanding of what intimate partner violence looks like in different South Asian communities; and
- Submissions to the United Nations Universal Periodic Review and to the United Nations Special Rapporteur on Domestic Violence about intimate partner and gender-based violence for racialized women in Canada.

### **What We Know From Our Work:**

1. People with no immigration status or precarious immigration status are extremely vulnerable to intimate partner violence and have limited access to support in housing, income, and health;

2. Lack of social infrastructure forces many clients to stay in situations of intimate partner violence;
3. There are massive gaps in legal support across Canada for people trying to assert legal rights, like family law rights, in cases of intimate partner violence;
4. There is very limited support for victims / survivors of intimate partner violence as they navigate the criminal justice system when partners are charged. This is often an extremely scary and traumatic experience for victims / survivors; and
5. Canada does not have an Action Plan on Intimate Partner Violence that directly addresses the hundreds of recommendations by civil society around the barriers to safety for people.

### **SALCO's Position:**

SALCO supports Bill S-249. However, we recommend some proposed amendments for consideration:

1. The call for a “strategy”: Canada has had a number of historical strategies that have had little impact on the actual lives of people impacted. One example is the continuing proliferation of racism and hate against Indigenous and racialized communities despite the creation of an Anti-Racism Strategy. We recommend that the bill be amended to create a **legislated Action Plan to Prevent Intimate Partner Violence**;
2. The definition of “intimate partner” within Bill S-249 is expansive. For additional clarity, we recommend that ‘dating” also **include “online” dating**, which is as prevalent in Canada, and where online forms of violence take place;
3. Consultation Participants: Consultation should also include victims / survivors of intimate partner violence if they so choose to participate. Consultations with people who have faced intimate partner violence should be at the heart of this process;
4. Literature Review: In addition to consultation we recommend that that Bill S-249 mandate a literature review of the hundreds of recommendations that have come out of government, police, and civil society engagements that will guide an Action Plan to Prevent Intimate Partner Violence. In our view, the breadth and depth of those recommendations are directly related to creating the proposes strategy;

5. Consultation Content: S. 2(a) should be amended to list some of the most critical systems that are inadequate. For example, “the adequacy of current programs and strategies aimed at preventing intimate partner violence, **including health housing, income supports, and legal supports, ...**”
6. Consultation Content: s. 2 (d) proposes consultation on “the requirements for health professionals to make a report to the police if they suspect that a patient is a victim of intimate partner violence”. **We recommend that this subsection be removed.** We have found in multiple cases that reporting to police without consent of the victim / survivor has led to significant violence, in some case has led to immigration detention and removal for the victim / survivor, has led to double-charging where the victim / survivor has also been charged based on statements made by the abuser, and has reinforced the over-representation of racialized and Indigenous persons within Canada’s criminal justice system. If consultation on this subsection goes ahead, it is critical to consider the intended and unintended consequences of police reporting, in particular for racialized and Indigenous communities.

SALCO continues to be overwhelmed by the number of clients facing intimate partner violence who come to our clinic. Prevention is critical to addressing that violence. An in-depth look at the true barriers that victims face will help to determine upstream approaches that can provide safety and support for so many.