

**THE OBSTACLES SOUTH ASIAN VICTIMS  
OF SPOUSAL VIOLENCE ENDURE IN VANCOUVER,  
CANADA: CULTURE VS. THE EXTENDED FAMILY VS.  
THE LAW**

by

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Bachelor of Arts (First Class, Honours)  
Simon Fraser University, 2006

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS

In the  
School of Criminology

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SIMON FRASER UNIVERSITY

Summer 2009

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## **ABSTRACT**

South Asian family violence is a unique social problem largely based on cultural beliefs and social stigmas, which lead to the persistent unequal treatment of women in the South Asian community. Policies are typically intended for protecting women's fundamental individual rights as in the VAWIR policy and the RCMP's policies. However, there is an apparent disconnect between policies and actual procedure. The goals of this exploratory study are multi-layered, but the overarching goal was to identify the different factors that are unique to South Asian family violence in Vancouver, as set out by key participant interviews. These appear to be largely rooted in cultural practices and beliefs that most of the respondents expressed during the course of this study. The power and control theory is employed to gain insight into family violence power struggles.

**Keywords: Spousal Violence, South Asian, Cultural Bond Theory**

**Subject Terms: Family Violence, Domestic Assault, Domestic Violence**

## **DEDICATION**

I am dedicating this work to many individuals I would like to acknowledge those people who are in each of our lives, who have been my pillars of love and strength, my family and friends. Throughout many of the hurdles we attempt to overcome, we often seek emotional support—love, encouragement, faith, assistance, friendship, and bravery. My family has never failed to provide me with all of this and more. Though a “thank you” is not a fully adequate way to show my appreciation, I am confident that my deepest love in return is. There are also those individuals who we often classify as friends, but in actuality, they are more like family. Thank you for your continued love, care, and support throughout this journey, and to all of you, I am humbled to add this to my list of personal accomplishments—my warmest gratitude!

## **ACKNOWLEDGEMENTS**

I would like to extend my sincerest gratitude to Dr. Margaret Jackson and Dr. David MacAlister. Thank you both for being so dedicated to your work and your students. Your support, patience and encouragement throughout this endeavour is greatly appreciated. I thank you both. I also wish to give thanks to all of the respondents who participated in this study. Thank you to all for your involvement and for investing your time and providing the necessary data needed to successfully complete this study. I am hopeful that my work might one day prove to be useful in future research and particularly in sparking some form of positive change in family violence procedures and policies.

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# CHAPTER 1: BACKGROUND

## Introduction

In 2006, Statistics Canada reported that there were over 38,000 incidents of family violence reported to the police all across Canada (Li and AuCoin, 2006). In 2008, Statistics Canada reported that, from 1997 to 2006, 1150 intimate partner homicides occurred in British Columbia (Ogrodnik, 2008). According to data collected from family violence incidents reported to the police throughout all of Canada, women continue to be disproportionately victimized, with 83 percent of all victims being female and 17 percent being male. In 2006, 17 percent of all solved cases of homicide in Canada involved spousal victims and approximately 47 percent of family homicides involved spouses (Bressan, 2008). Also, the rates of spousal homicides between 1997 and 2006 were highest for both genders between the ages of 15 and 2; females were three times more likely to be killed by their partners than males (Bressan, 2008). However, data on family violence rates for 2006 alone indicated that those between the ages of 25 and 34 were at an increased risk, followed closely by the 35 to 44 years of age group (Bressan, 2008).

As startling as these statistics are, these rates only represent known or reported cases of spousal assault. The dark figure of family violence crime is unknown, and countless victims continue to suffer in silence without seeking the aid of any agency or family members. According to Mihorean (2005), the 2004

General Social Survey—data reflecting rates across Canada—indicated that only 28 percent of family violence victims sought out police involvement; prior to doing so, however, nearly 61 percent had endured more than one violent incident. According to Bressan (2008), a family member committed one in five, or 22 percent, of violent crimes reported to the police throughout Canada in 2006. Furthermore, data illustrate that current spouses or common-law partners inflicted 69 percent of spousal assaults; 31 percent of victims were victimized by ex-spouses, and spousal violence continued—or in some cases began—after marital separation (Bressan, 2008). The statistics on family violence cases in British Columbia show that this phenomenon has been declining since the late 1990s; however, this could be attributed to a decrease in victims' willingness to report the violence (Bressan, 2008). Statistics also reflect a general decline in violent offences over the same period.

The Canadian justice system of the 1800s had deemed family affairs of this sort to be exclusively private in nature. The courts supported this perspective by limiting the degree to which “outside” interference by law enforcement would be permitted. Instead, they provided supremacy of the husbands' legal authority over their wives. The judicial system of today contrasts markedly. For example, the recognition of battered women's syndrome reflects one of the biggest legal steps towards adequately responding to family violence. Though much has evolved, family violence continues to be a contentious area that maintains resistance from “outside” intervention.

Rather than attempting to ascertain what we currently know about family violence in general, this thesis will address more focused questions. What are the dynamics of family violence that exist in South Asian families living in the Greater Vancouver area? It is hypothesized that, within this ethnic community, cultural beliefs and practices play a significant role in the multiplicity of factors that contribute to spousal violence when one or both partners have immigrated to Canada. As a result, many individuals undergo culture shock, and many are unaware of their legal rights in Canada, which might hinder their efforts to adequately deal with the abuse by not seeking out available resources.

## **Overview**

To set the stage for this exploratory thesis, it is important to determine the parameters of defining what is considered abusive or violent behaviour. The following section examines previous literature on domestic violence in general, and then specifically on violence in South Asian communities. The subsequent section presents a brief yet critical reference to a media account of a very important event pertaining to South Asian family violence that occurred in Surrey, British Columbia in 2006. A local South Asian radio station hosted an open public forum for individuals to attend in order to discuss the influx of family violence in South Asian communities following several tragic deaths of South Asian females because of domestic violence.

These deaths struck a chord with many South Asians living in the Lower Mainland. It also generated heightened public awareness of domestic violence in general, but specifically within the South Asian community. Many individuals

blamed traditional South Asian cultural beliefs and practices such as gender inequality between women and men, and raised the issue that many are immigrants who are most vulnerable and susceptible to family violence incidents. Much time has passed since this forum occurred. However, according to the participants of this study, it failed to make any notable changes in regard to South Asian family violence in the Lower Mainland.

The focus of this thesis then shifts to considering some of the policies that are meant to assist victims of family violence. Two of these fundamentally important policies that directly apply to the realm of family violence are presented: The B.C. Attorney General's Violence against Women in Relationships policy and the relevant Royal Canadian Mounted Police policies and practices. There appears to be a persistent disconnect between the goals of these policies and successful outcomes in protecting victims.

The methodology section identifies the means chosen to hone in on understanding the divide between victims, law enforcement, victim services agents, grassroots organizations, and government officials. The primary data to assess this understanding are the voices of key participants in the justice processing of family violence. The power and control theory is utilized to analyze the various segments and results of this study. This theory falls closely in line with the RCMP's mandates for handling domestic violence calls. Finally, suggestions for future research and legal action that might better address family violence issues in South Asian families will be provided.

## Definitional Parameters

South Asians may be defined as individuals of ethnic origins from countries such as India, Pakistan, Bangladesh, Sri Lanka, Bhutan, and Nepal (India Mahila Association Report, 1994). In Canadian society, South Asians, East Indians and Indo-Canadians are terms that are often used interchangeably. The population under consideration are South Asians living in the Greater Vancouver area in British Columbia. There are also a number of terms used to describe the type of crime under examination: partner or spousal abuse, family violence, domestic assault, family assault, intimate partner violence and, in some cases, same sex violence (India Mahila Association Report, 1994). Several of these terms are used interchangeably in this paper as well, but since the primary focus of this thesis is on the violence between spouses, *spousal violence* and *family violence* will be more commonly utilized.

The term family violence is predominately used throughout this thesis because it directly reflects to the role of immediate and extended family members (not including children), who are often involved in many South Asian family violence incidents. Partner violence exists in intimate heterosexual and homosexual relationships, whether involving couples who are married, co-habiting, or living in common law partnerships (India Mahila Association Report, 1994). For the present purposes of this thesis, spousal violence is only used in reference to heterosexual South Asian couples. As aforementioned, the inclusion of children as victims and/or witnesses of family violence is beyond the scope of this thesis.

According to Miller and Downs (1993), and Rainbolt and Greene (1990), violence “is an act or acts carried out with an intention to cause harm or hurt to another person” (p. 137; p. 2). Miller and Downs (1993), argued that this definition allows for the violence “to range from relatively moderate forms of violence, such as slapping, to severe forms of violence, such as beatings and physical violence that could result in death” (p. 137). However, it should be noted that this definition may not be acceptable for some researchers who argue that it fails to recognize the psychological and emotional aspects of violence. According to Oriana and McAlister (1999), interpersonal violence can be defined as “threats or acts of physical attack or severe emotional abuse inflicted by intimate or known adults” (p. 251).

Gill’s (2004) definition of spousal violence is the one adopted for this thesis. Gill subscribes to *The United Nations Declaration on the Elimination of Violence against Women* (1993) definition of intimate partner violence. It is defined as “any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering ... including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in private or public life” (p. 465). Verbal, financial and social abuse should also be added to this definition as aspects of psychological harm. Those who hold the status of being current or former partners make up the final element that is included in the definition of spousal violence employed in this thesis.

As statistics have illustrated, women are predominately the victims of family violence, and men are typically the abusers in violent heterosexual

relationships (Ogrodnick, 2008). According to Gill (2004), one in four women will be victims of intimate partner abuse at some time in their lives, as compared with one in six men. An article presented by the Asian and Pacific Islander Institute on Domestic Violence discusses the findings from a telephone survey study conducted from 1995 to 1996, with 8,000 male and 8,000 female participants of various ethnic backgrounds. A total of 12.8 percent of Asian and Pacific Islander women stated that they had experienced physical violence by their intimate partners at least once during their relationships. With definitional parameters set, it is now necessary to discuss some important historical aspects of family violence to provide context for this research inquiry.



## **CHAPTER 2: LITERATURE REVIEW**

### **The General Population**

Historical accounts of gender inequality assist in gaining a deeper understanding of family violence issues. Many of these 'pre-dated' notions are reminiscent of similar issues that continue to persist in contemporary societies. According to Gavigan (1989-90), while it is imperative to address modern day economic and social inequalities, it is equally important to recall past conditions that facilitated the restructuring of "social and economic relations upon a formally equal footing" (p.3). She added that married women in 18<sup>th</sup> century England were subjected to patriarchic conditions stemming from their husbands' superior status in society. Wives were unequal before the eyes of the law in every sense, thus they lacked the formal protection and rights of the law, denying them the ability to base any claims against their husbands (Gavigan, 1989-90).

Boritch (1997) stated that 19<sup>th</sup> century Canadian women who violated the law or society's expectations of appropriate female behaviour were commonly referred to as "fallen women" (p. 5). She added that women were viewed as more inherently moral (i.e. pure) than men and were expected to conform to higher standards of morality, consistent with the conceptualization of "true womanhood" prevailing at that time (p. 5). Consequently, female offenders of spousal violence were not only seen as having violated the law, but also were viewed as breaching prescribed gender, social, and moral roles.

This power imbalance between the genders maintained biases against females, which often subjected them to cruelty and hostility. Gavigan (1989-90) noted that from 1351 to 1790, English statutes stated that a wife (or any other woman, including a slave) who murdered her husband (or master) was liable to be convicted of "*petit treason*" and their resulting punishment involved being "burned at the stake" (1989-90, p. 1). She further added that this law in particular reflected and reinforced the "domination of women by men, however humble their social class, derived from their position as heads of households, as patriarchs, as kings of their private castles" (p. 2). Yerbury and Faith (2004) stated that women in 18<sup>th</sup> century England increasingly became dependent upon their fathers or husbands—while the law reinforced male authority over women—making women property. Similarly, Lachancé (1981) maintained that during the 18<sup>th</sup> century, France's old regime also valued male dominance and granted males the prerogative to define rules of conduct, and the power to decide on the imposition of punishment upon their wives based upon their own personal discretion.

Gavigan (1989-90) has stressed the importance of examining iniquitous laws such as *petit treason*, not because the legal position of women in contemporary society is the same, but for the sake of achieving a deeper understanding of the intricate relationship between women and current law. She further noted that there is a need to examine and comprehend the different "*forms of patriarchal domination*" in various historical contexts and to identify both societal and officialdoms' contributions to these patriarchal structures (1989-90, p. 2).

According to Mehrotra (1999), “[d]espite the historic prevalence of abuse, the terms *wife abuse* and *battered women* were coined only in the 1970s [thus] [w]omen’s experiences were labelled as a social problem only two decades ago” (p. 619). Though it is almost four decades since the introduction of this terminology, contemporary society continues to face many similar challenges such as gender hierarchy and patriarchy in relation to law. Similar ideologies continue to be culturally supported in Canada today, especially in many South Asian populations.

## **The South Asian Population**

Previous literature on domestic violence in South Asian communities is scarce compared to research on domestic violence in general. According to Gill (2004), research on violence against women has tended to homogenize them by “failing to consider the interplay between race and gender” (p. 466). Dasgupta (2000) stated that violence against women has always been a part of the South Asian gender hierarchy. The Asian and Pacific Islander Institute on Domestic Violence reported that, within the last two decades, research on South Asian domestic violence has increased significantly (2005). Their findings show how cultural, linguistic, socioeconomic, and political barriers prevent Asian women from seeking help.

A study by Raj and Silverman (2002), found that 40.8 percent of the South Asian participants reported being physically and/or sexually abused by their current partners, while 36.9 percent had been victimized in the past year (Asian & Pacific Islander Institute on Domestic Violence, 2005). According to Chatzifotiou, Dobash and Tsougas (2001), “[d]omestic violence, specifically, has

turned the private sphere into a focus of public attention not only in the South Asian community, but also in other communities worldwide” (p. 466). This form of violence transcends all economic, racial and ethnic groups, leading many researchers, including Gill (2004), to conclude that family violence is a major health issue for women.

Each culture presents its own unique obstacles to dealing with intra-familial violence. Differing cultures also present various barriers to victims seeking support. However, Gupta (2003) has argued that South Asian women are doubly victimized, initially by the spousal violence, and then by society, which fails to provide them with adequate support that could empower women. Patel (2003) elaborated that when Asian women expect state protection in family violence matter, they are likely to experience racism, indifference and hostility. It should be noted, however, that similar forms of re-victimization are evident in other ethnic groups as well.

The intra-familial violence in South Asian communities is multi-layered and is often inflicted by several members of the family. According to Segal (1999), “the traditional Indian family system is that of the joint family, in which the family is strictly hierarchical, patriarchal, and patrilineal” (p. 215). Sinha (1984) stated, “a high premium is placed on conformity. Interdependence is fostered, self-identity is inhibited and a conservative orientation, resistive to change, is rewarded” (p. 275). Despite a greater number of individuals living in one household, the chances of informal social control inhibiting abuse are still weak. One could argue that the mere presence of more people living under one roof

would increase the chances of detection and the opportunities for corrective action to minimize abuse. However, in most of these living situations, cultural hierarchy predominates, and accordingly dictates what each individual's role within the family infrastructure is.

Much like a pyramid structure, the husbands' parents (wives' in-laws) are placed at the highest peak as the grand authority on how each household operates, including asserting the inherent 'right' to interfere with, or resolve, family disputes. However, this creates a number of other obstacles that often prevent victims from obtaining protection against abuse. Segal (1999) argued, "[d]espite the occidental belief that women's movements and higher social class increase gender equality, this has not occurred in the Indian tradition" (p. 216).

There are obvious generational differences that will influence the way the parents/in-laws view marital problems. Many also continue to view family abuse—both generally and when it occurs within their own family—as strictly a private matter, thereby limiting the opportunity of gaining outside assistance. When outside intervention is warranted, it is most typically through the means of an ancient Indian practice called the *Punjat* system, which is still practiced in some rural areas of India. The *Punjat* system is comprised of elderly males living in the same village or city who act as mediators and they get together with the family seeking their input to discuss the family's problems. However, some argue that this practice ignores the victim or women's perspectives. A further discussion of the *Punjat* system is presented in the results section of this thesis.

In many South Asian spousal violence cases, the parents/in-laws themselves are also involved in perpetuating the abuse. One consequence of in-law interference, as Hicks (2003) stated, is the disproportionately high suicide rate among women in India. There is the added possibility of parental bias, whereby parents/ in-laws might have the tendency to overlook their sons inappropriate 'disciplinary measures' or authority over his wife's behaviour. Segal (1999) stated, "the rights and privacy of the family are sacrosanct. The Indian family is clearly patriarchal and ... childhood and adolescence are marked by strict discipline as children are socialized into obedience to parents" (p. 223). Thus, in many households, South Asian cultural practices and norms make it that much more difficult for female victims of family abuse to seek protection from the abuse.

According to Mullatti (1995), "[d]espite the many changes and adaptations to pseudo-Western culture and a tentative move toward the nuclear family among the middle class, this [extended family] system is preferred and continues to prevail in modern India" (p. 15). Moreover, most theories on family violence point to a definite linkage between society's tolerance of physical violence as a form of conflict resolution and the acceptance of male supremacy in the home, which "provides the ideal blueprint for family violence" (Segal, 1999, p. 217). The lack of victims seeking outside resources to help deal with family abuse is also statistically supported. According to Raj and Silverman (2002), of the 160 South Asian victims of family abuse participants, only three point one percent obtained

a restraining order against their abusive partner (Asian & Pacific Islander Institute on Domestic Violence, 2005).

Another ancient practice, the dowry system, which many South Asians have forsaken for many years, may also be a contributing factor to spousal violence in that community. However, it is important to note that the participants of this study rarely raised the issue of the dowry system, thus an extensive discussion on the matter is not presented. The dowry system allows the groom and his family members to place specific demands, such as money, on the bride and her family as a part of the marriage contract (Segal, 1999). This practice, which is now illegal in India, typically requires the bride's family to pay a sum of money, or transfer the rights to property and/or household appliances before a marriage was permitted (Segal, 1999). Despite its current illegality, the dowry system still has an impact in India. There are many risks and consequences that might arise if the bride and her family fail to fulfil the groom's (and his family's) demands, including breaking off the engagement. If it happens after marriage, then the wife (and her family) may endure abuse for breaking the contract (Segal, 1999).

Segal (1999) argued that "despite the illegality of the dowry system, a relatively new phenomenon has developed in India: dowry-deaths. Women are murdered by 'accidental burning' because their dowries are considered inadequate by their husbands and in-laws" (p. 221). Segal (1999) noted that the Indian government estimated that approximately 5, 000 dowry deaths occur annually, while others have reported the numbers being as high as 12, 000 per

year. In some South Asian families, marriage is not only the union of two people, but it is also a union of two sets of families, and everyone involved has a vested interest in the courtship. According to Rao (1998), “the average dowry with the expenses for the marriage celebration can amount to three to four times a family’s total assets ... and they are often [unable] to pay the dowry necessary to find a suitable match” (p.7). Whether or not these traditional views and practices are mirrored in Canadian society, albeit perhaps in more subtle forms, is an element of the present inquiry.

Many Canadian South Asian families include new immigrants, including spouses, in-laws and extended family members who have migrated to Canada. In many cases, immigrants continue to live under similar social and cultural rules that existed in their homelands, even after moving to a country with differing social norms. According to Bhanot and Senn (2007), “[p]atriarchal values and violent behaviour targeting women vary across cultures and appear to be related. What is less clear is whether these cultural influences maintain themselves once people immigrate to less patriarchal countries” (p.25). They further added, “[s]ome studies suggest that higher levels of acculturation to the relatively egalitarian North American culture are associated with higher levels of domestic violence or attitudes condoning violence against women” (p. 25).

In another study, Merali (2009) interviewed 10 South Asian brides who immigrated to Canada shortly after changes were made to immigration policies, which were intended to decrease “sponsored women’s vulnerability to maltreatment” (p. 321). The results of the study indicated that there were



noticeable differences among those who did not face language barriers, and those who did. The latter expressed that they experienced many hurdles that prevented them from safely assimilating into the mainstream culture, as well as, experiencing severe forms of neglect and abuse (Ibid.). Thus, language barriers were also linked to the degree and type of support and protection these females received. Therefore, these findings add to the other contributing factors noted above, which further complicates the cultural differences many individuals experience.

These points raise some interesting questions that form the core basis of the analysis in this thesis—determining or measuring the level of cultural influences. How much power or influence do an individual's social and cultural norms from their native country have on their behaviour in a new country? What are the types of hardships they might endure in a country that is culturally different from their own? According to Jiwani (2005), “immigrant and refugee girls experience higher rates of violence not only because of dislocation and racism but also the sexism they experience within their own communities and within the external society” (p. 849). Does the same hold true for South Asian individuals who are first, second, or third generation Canadians?

Is there evidence to support the assumption that South Asian cultural hierarchy and dominance also exists among Canadian South Asians? Do South Asian Canadians face similar obstacles and challenges in dealing with spousal violence as those living in India? Do extended family members and parents/in-laws have extensive authority in Canadian South Asian family infrastructure, as is

the case in most families living in India? The basic premise of this thesis is that South Asian cultural mores transcend from one generation to the next, and supersede the norms prevailing in Canada regardless of whether one or both spouses and/or extended family members migrate from India to Canada.

## **North American South Asian Population**

A stark contrast exists between Western individualized societies and South Asian collectivist societies. The different belief system that immigrants from collectivist societies adhere to helps shed some light on the causes of intra-familial violence. A vast majority of South Asian females are raised according to strict customary rules and cultural practices. For example, according to Abraham (2000), the practice of arranged marriage (as opposed to love marriages) is seen as a fundamental mechanism to uphold traditional values, cultural norms, and mores. Therefore, parents are delegated the responsibility to find potential marital matches for their offspring. Young adults are forbidden from taking their own initiatives, such as dating, to avoid being shamed or shunned by society, but also to avoid the behaviours that commonly occur in dating, such as kissing or other physical pleasures. The concept of arranged marriages is meant to function as a collective cohesion of two merging families (the groom's and the bride's) to help support the sanctity of the relationship (Abraham, 2000).

Dasgupta (2000) conducted an analysis of South Asian migration in the United States and found that, “[i]n addition to their commitment to retaining cultural identity, the early South Asian community leaders became strongly engaged in upholding an impeccable image of the community” (p. 174). Thus,

“many United States South Asian immigrants denied the existence of social problems such as sexual assault, mental illness, homelessness, intergenerational conflict, unemployment, and delinquency” (p. 174). She further added, “although the community turned a blind eye to many troublesome issues, it denied abuse of women in particular” (p.175). Accordingly, it is important to consider whether individuals who assimilate into Western society hold these same views on gender division, which is a topic addressed in the discussion section.

In many cultures, it is often still believed that the husband and his family hold superior status, power, and control over his wife and her family, a belief system that continues to survive among various immigrants who come to Canada. According to a Committee on South Asian Women (COSAW) bulletin (1992), “for South Asians, a woman's loyalty and deference to her family carries strong moral overtones [and] popular culture and mythology hold in great honour a woman who suffers in silence to maintain her family honour at any cost” (p. 40).

Jiwani (2000) stated that violence is all about power and control, and women who are victims of this form of abuse often suffer from different forms of powerlessness, which contribute to her low levels of self-esteem. This very eminent power structure persists among many South Asian immigrants, which is also further enhanced by the process of immigration sponsorship. Applications for immigration—often made by a Canadian citizen to the government of Canada asking them to allow their spouses to immigrate to Canada—typically require the

resident spouse to financially sponsor the incoming spouse and be liable for their living costs for a period of 3 years.

### **Sponsorship & Inequality**

According to Citizenship and Immigration statistics for 2008, the number of applications for sponsored immigration submitted to the Canadian government by males is greater than those submitted by females (<http://www.cic.gc.ca/>). These trends mirror those found in the United States. Dasgupta (2000) noted that in the United States South Asian community, “men were the primary immigrants, whereas women entered the country as their dependents: wives, daughters, or on a few occasions, mothers and sisters” (p. 175). Furthermore, Dasgupta (2000) discussed the marriage provisions of the 1986 *Immigration Reform and Control Act*, which impose a two-year conditional residency status on ‘alien’ spouses of United States citizens. This means that sponsored immigrant spouses could be forced to leave the country if the couple split up within two years of immigration. The couple has to prove that the marriage was contracted in ‘good faith’ in order to remove these conditions. “This policy obviously left women (because in the South Asian community women tend to be the secondary immigrants) helpless to the batterers’ whims as most were terrified of being rendered out-of-status and thus, deportable” (Dasgupta, 2000, p. 178).

Similar issues arise in this country from the operation of the *Immigration and Refugee Protection Act* of Canada, whereby sponsors agree to certain conditions and are held legally liable for their spouses for a period of three years.

According to the Citizenship and Immigration Canada website (<http://www.cic.gc.ca/>), the number of spousal sponsorship applications made in 2005 was 45,445, remaining relatively stable with 44,182 applications in 2008. The number of applications made for parents and grandparents in 2006 was nearly half the number of spousal applications at 20,005, declining to 16,598 in 2008.

According to a report conducted by the India Mahila Association (1994) on the dependency status of women, husbands “transformed the sponsorship into a form of new power over their wives” (p. 2). South Asian women become co-dependent upon their husbands and in-laws in virtually all aspects of their daily lives, while isolating themselves from any other individuals outside the family network (India Mahila Association, 1994). Jiwani (2001) stated, “the isolation that immigrant women experience has been identified as a key factor contributing to their risk” of violence (p. 2). She further added that the problem is “exacerbated by their dependent status on their spouses, as underscored by immigration legislation, resulting in an unequal power relation and the potential for abuse within the family” (p. 2).

It is clear that immigration policies play a role in perpetuating immigrant women’s subordination by differentiating between independent and dependent roles, according to who puts forth the application for sponsorship. According to Ng (1993), the dependent title subordinates immigrant women, which accentuates their enslavement to sponsors compelling them to meet their basic needs. Several studies have shown that women have reported feeling this sense

of men's superiority over their status in the relationship. Jiwani (2001) also noted that immigrant women have expressed their fears of being deported, having their children removed from their care, economic dependence and have an overall ensuing feeling of indebtedness to their husbands. Furthermore, sponsorship policies in B.C. stipulate that the applicant is financially liable if their partner seeks social assistance despite the dissolution of the marriage—something many victims are reminded of by their abusers.

### **Isolation**

Women not only face the challenges of leaving behind their homelands, family and familiar surroundings, but often will also suffer isolation and dependency upon arriving on new soil. According to a COSAW bulletin (1992), battered women “live in a world of alienation, silence and denial, exacerbated by barriers of language and culture” (p.40). Males, on the other hand, can also be in similar positions, but their experiences prove to diverge from those of women. For example, according to the India Mahila Association's (1994) findings, “husbands had stronger personal, social and financial positions in place upon arrival to Canada and they were in no way dependent on their wives before or during the marriage” (p. 2).

According to Jiwani (1998), social, structural, and cultural isolation helps to contribute to women's subordination and increases their vulnerability to violence. She further added that immigrant women who lack knowledge of the dominant linguistic skills are at an increased risk of being victims of violence and are likely to be more dependent upon their families and communities to negotiate

their survival. Jiwani (2001) stated that women are excluded by the mainstream culture's stereotypical and racist beliefs, which can impede a woman's independence, and instead assist in exasperating her sense of loneliness and helplessness.

According to the India Mahila Association's (1994) findings, some of the women reported that their husbands maintained all of the finances, and in cases where the women were employed, the husbands would typically demand their earnings. In cases involving familial conflict, some of the women reported that discord with their husband automatically led to disagreements with his family members (India Mahila Association, 1994). This could enhance the sense of isolation experienced by many women. Dasgupta (2000) argued that, "[f]or South Asian battered women, immigration status, race, and class add to the common difficulties that, for example, Anglo women may not encounter when attempting to escape intimate violence" (p. 180). Thus, new immigrant South Asian females are highly vulnerable and susceptible to increased levels of violence given their heavy reliance on their spouses and extended family members, instead of relying on law enforcement or other outside resources for help in conflict situations.

### **Types of Abuse**

One major distinguishing feature of South Asian family violence separating it from other ethnic groups is the extensive involvement of extended family members in daily life.

According to Dasgupta (2000):

In the South Asian community, domestic abuse is not just perpetrated by the intimate partner but is often complicated by the proverbial “mother-in-law” abuse. As families gradually reconfigure in the United States by adding other members of a woman’s affinal household such as her husband’s siblings and parents, the sources of abuse tend to extend also. As advocates, we often hear battered women detailing their abuse in the hands of their in-laws and not the husbands. At times, a husband may be a passive observer/participant in a woman’s battering, reinforcing her belief that the removal of extended family members from her household would end all violence in her life (p. 178).

Although Dasgupta largely referred to observations of South Asian family violence in the United States, these issues are also widespread in Canadian society. Furthermore, the role of extended family members is one of the themes that emerged from this study’s data and is discussed in detail later within this thesis. In a more general sense, the Ministry of Attorney General (1993) reports that there are four distinguishable types or forms of abuse that victims might endure. These include physical, sexual, emotional and economic abuse (India Mahila Association, 1994). According to Ogrodnik (2008), the Canadian Centre for Justice Statistics (1994) reported Canadian girls are victims in 84 percent of reported cases of sexual abuse, 60 percent of physical abuse cases, and 52 percent of known cases of neglect.

The results of the India Mahila Association (1994) study, involving fifteen participants who were female victims of spousal abuse, showed that verbal abuse either preceded or accompanied physical, sexual, emotional, and/or



economic abuse. Sexual abuse is perhaps the most complex type of abuse in South Asian communities—especially because of some cultural ideologies that normalize marital rape. A wife’s claim of sexual abuse can be easily rejected as reflecting the “normal” or “typical” traits of the wife’s shyness to participate in sexual encounters as women are expected to be de-sexualized individuals. According to Abraham (2000), many “men are taught that sex is their masculine right as a husband, and little attention is placed on socializing them to fulfil the sexual desires and needs of their wives” (p. 91).

Dasgupta (2000) conducted a study comprised of 160 highly educated middle class South Asian women between the ages of 18 and 62 who were living in the United States. The results indicated that approximately 35 percent reported having experienced physical abuse, and 19 percent had experienced sexual abuse by their husbands. Furthermore, Dasgupta (2000) pointed to some alarming rates of South Asian family abuse in Boston. Between March 1990 and December 1999, newspapers reported 43 domestic violence murders, four attempted murders, 11 suicides after murder, and two individuals killed by the police in the South Asian community (Dasgupta, 2000).

A woman’s lack of knowledge on sexual matters does not negate her ability to recognize marital rape when it occurs. According to Abraham (2000), when the wedding night lacked intimacy, many women reported feeling “empty, lonely, and objectified” (p. 92). She further asserted that there is an assumption that non-participation “culturally implies [that the wife is shy] and [it] must be

overcome by the husband. [This] is closely connected with cultural notions of femininity, masculinity, and gender role expectations” (2000, p. 92).

Some husbands will also use the “other woman” threat—implying that he could seek sexual gratification from another woman if his wife fails to satisfy his sexual needs—as a form of manipulation and a means to assert his control and gain his wife’s sexual obedience. Abraham (2000) argued that males’ preconceived notions of western sexuality are “superimposed by some husbands on their wives while simultaneously drawing upon traditional cultural values of the rights of a husband to demand sexual gratification from his wife” (p. 99). Some individuals who follow traditional teachings of the South Asian culture continue to deny that women have their own sexual needs and preferences. This lack of acknowledgement of female sexuality is also largely supported through many South Asian mass media such as Bollywood films. Compounded, these issues add to the complexity of dealing with marital rape in South Asian communities.

An overwhelming number of spousal violence cases also involve drug use/abuse. This occurs predominately among the husbands. Rao (1998) conducted a number of studies in India’s Karnataka state and found that women who reported having been physically abused by their husbands complained that the problem was exacerbated when their husbands were inebriated. At times, “drunkenness acted as catalyst ... arguments that would otherwise have passed uneventfully would turn violent if the husband was drunk. But drunken husbands would also assault their wives without any other provocation” (p. 6). Quite often, discussion of South Asian spousal violence is devoid of much consideration of

drug use primarily because it still carries a social stigma inhibiting any discussion on the matter. Drug use, however, turns out to be one of the factors that some of the participants mentioned in this exploratory study, and will be discussed more in-depth later.

Although South Asian immigration is not the primary focus of this paper, it is relevant to a proper examination of South Asian spousal violence. Dasgupta (2000) stated, “[a]lthough immigration provides many opportunities, it has not prompted South Asians to repudiate traditional gender asymmetries” (p.176). Shirwadkar (2004) argued that Canadian policies fail to adequately address the needs of immigrant communities, particularly South Asian immigrants, which clearly require more attention. Many studies have found a significant correlation between one’s attitudes and one’s ultimate behaviour and when these stray from the dominant, mainstream culture—especially in consideration of the types and levels of abuse—then one must include these considerations (Yllo, 1983, 1984).

## **Cultural Acknowledgement**

There are ample reasons to argue for the increased need to provide victims of domestic abuse with the proper support and resources they require. Gill (2004) argued, “[i]t is critical that practitioners, policy makers, and health care professionals working with victims of domestic violence be culturally sensitive to the needs of South Asian women to provide effective services and interventions more effectively” (p. 467). However, it is equally imperative to provide victims with specialized services, such as interpreters for those with language barriers. Without first addressing individual core needs, there will be obvious obstacles for

individuals to access the many services that exist to assist victims of spousal violence, such as women's shelters.

In extreme cases of family violence, abusers will not only kill their spouse, but their children and extended family members as well. This has been the case in several unfortunate deaths in South Asian families. The Asian and Pacific Islander Institute on Domestic Violence (2005) referred to a study involving a content analysis of various local and ethnic newspapers in the United States and Canada from 1981 to 2000. The results indicated that of the 63 separate reports of murder and attempted murder, the majority were South Asian women, but their children and relatives were also killed in many of these domestic violence related homicides—a few were murder suicides. This raises an important aspect of cultural consideration—the role of extended families—which is examined further in this thesis.

Western mass media are often criticized for sensationalizing events and obscuring facts to serve its own profitable needs. The South Asian media—generated either in Canada or from other countries such as India—are also subject to such public cynicism. However, over the years, many have applauded the South Asian mass media's efforts to combat spousal violence, mostly by raising public awareness. In Surrey, British Columbia on November 2, 2006, a popular South Asian radio show—the largest Punjabi-speaking station in North America—hosted a public forum, the first of its kind, in hopes of removing the secrecy that typically surrounded family violence. Many key individuals participated in this forum, including the then Attorney General, Wally Oppal. More importantly, South Asian female

victims of family violence also rose to the podium and shared their personal horrific stories with the audience. This signalled to many Canadians that the silence that often surrounded South Asian family violence could no longer persist and, instead, it needed to be brought to the forefront in order to find possible solutions to curbing the violence.

Several legal policies and practices apply to the area of spousal violence. The following section presents two topics that form the core analysis of this topic namely the Violence Against Women in Relationships policy, and the Royal Canadian Mounted Police's practices and regulations.

## **CHAPTER 3: THE VAWIR & RCMP POLICIES**

### **Violence Against Women in Relationships (VAWIR)**

Kachuk (1999) reported that the first formal acknowledgement of the problem of wife battering in Canada occurred in 1982. According to Wilmshurst (1997), the officialdom's initial response manifested in 1983, when the Attorney General of Ontario and the Solicitor General of Canada called for police agencies and crown counsels to be more rigorous in investigating, prosecuting, and considering judicial deterrence. This resulted in new policy initiatives being implemented by every provincial and territorial government. Begin (1991) stated that this nationwide pro-arrest, pro-charge policy—the first of its kind in the world—was meant to send a convincing message that violence against women in relationships was a serious crime with dire consequences, and it would no longer be condoned in Canadian society.

British Columbia's Attorney General responded to the increasing public awareness and concern by implementing the *Wife Assault Policy* in 1984. The intent was 1) to prevent wife assault through legal intervention, 2) to provide detailed guidelines and procedural instructions to direct each component of the justice system to emphasize the serious nature of wife assault, and 3) to emphasize and prioritize the safety of the women involved (Kachuk, 1999). This policy was amended in 1984 and again in 1986, primarily because the legal definition of 'wives' discriminated against those living in relationships that were

common-law, same-sex partnerships, or dating relations (Kachuk, 1999). In 1993 the 'Violence against women in relationships' (VAWIR) policy was finally introduced and, in 1996 it was amended to reflect the changes made in the *Code* sections pertaining to the release of the accused and enhancing victim security upon release (Ministry of Attorney General, 2004).

The VAWIR policy incorporated all of the previously ignored categories. Kachuk (1999) noted that intimate partner sexual assault was not encapsulated in the 1984, 1986 or 1993 policy reforms. Yet, the most dramatic change that this policy offered is with reference to police actions by implementing pro-arrest/pro-charge procedures. Thus, based upon reasonable grounds, law enforcement must be rigorous and proactive for arrest, charge and prosecution, regardless of the wishes of the victim (Kachuk, 1999). However, a very important emphasis about mandatory arrests and charges must be made. In the most extreme spousal violence calls, whereby there are obvious signs of physical abuse, the police have no discretion and must arrest the offender. Also, in such circumstances, the police have the duty to recommend a charge against the offender with the appropriate *Criminal Code* charges, regardless of whether or not the victim wished to move forward with these charges.

The intent was to relieve women of the onus to press charges, and to prevent further abuse, as offenders were made aware that the decision to press charges is made by the police, and not the victim's choice. However, as the participants in this study have noted, the practice of mandatory arrests in cases evidenced of physical abuse continues to be a part of standard police practice in

British Columbia. Pro-charges are up to police discretion with regard to whether they do recommend charges against the accused. The crown in British Columbia, however, is the ultimate decision maker on whether charges are recommended to be laid.

In 2003, under the *Crown Counsel Act*, charge approval policy for VAWIR cases were modified to clarify that prosecutors have the discretion whether or not to follow through with criminal charges. Crown counsel is required to examine each case individually and to decide whether there is a high likelihood that a conviction would be the result, and if there is public interest. Thus, the onus is not placed upon victims of spousal violence. In cases whereby a conviction is not likely, then prosecutors must consider the victim's or children's safety, which then would require a recognizance application under s.810 of the *Criminal Code* of Canada. One outcome of this request includes counselling and supervisory conditions administered by Corrections Canada. Furthermore, if crown counsel decided that the level of risk—factors that are listed in this section of the VAWIR report—of further violence is low, then they may refer the case for consideration of alternative measures. Out of the nine listed risk factors such as history of violence, escalation of violent behaviour, use or threat of use of weapons, and extreme minimization tactics, crown counsel must identify if there are two or more risk factors involved in the case. If so, then it is not considered a low risk to perpetuate future abuse situation.

In cases involving reluctant witnesses, crown counsel must ascertain the reasons why victims, or other witnesses, are feeling hesitant. If the witnesses are



being subjected to coercion then prosecutors must refer the case to the police for further investigation. However, there are other options also available to crown counsel in such situations such as incorporating victim impact statements. Crown should not issue a warrant to a witness for failure to appear unless there is a likelihood the victim will testify, or if the situation is severe, such as if there is a need to provide safety to children or others. Additionally, crown counsel must take due care with regard to the safety of all those involved by ensuring that victims are made aware of victim services, and victims should be provided with all necessary and relevant information arising from the legal case. Additionally, when the accused has been issued a promise to appear or recognizance with conditions, crown counsel must review these conditions and ensure that they are in the best interest of the victim and children.

In 2005, the amended Crown Counsel Policy Manual, covering all criminal prosecutions, outlined many of the same crown responsibilities as mentioned in the 2003 VAWIR policy amendment with minor additions. The decision whether to prosecute the accused still requires a two-prong consideration. First, crown must contemplate the significance of evidence and the likelihood of a conviction, or the evidentiary test. Second, they must deem whether there is public interest in the case, thus also considering the level of risk factors. However, the decision to charge must first be approved by the Regional or Deputy Regional Crown Counsel. The policy also outlines several factors affecting the assessment of the public interest in prosecuting a case including whether the victim was severely

harmed, evidence of premeditation, and the safety of the victim, children, elders and common law partners.

An important report was released by the Ministry of Public Safety and Solicitor General of British Columbia in 2008. It is entitled, *Keeping Women Safe – Eight Critical Components of an Effective Justice Response to Domestic Violence*. The analysis was conducted by a critical components project team which was comprised of various professionals employed in the judicial system, including police officers and government officials and headed up by the Honourable Judge Josiah Wood. The report highlights many of the issues surrounding family violence and the role and responsibilities of the justice system. Of utmost importance to the current study are the recommendations that are set out by the critical components project team. Some of these include: increased government funding for victim support services for marginalized groups, offering new approaches to alleviating isolation including abused immigrant women, making interpreter services available for immigrant women. Also, an increased public awareness and education on the availability of outside resources and services for spousal abuse victims, and an overall enhanced prevention and intervention of ways to curb family violence in the long term.

In general, the VAWIR policy does include some positive police and court procedures. However, it has been largely criticized for failing to be sensitive to the needs of women of various cultural and ethnic backgrounds—especially those with language barriers (see also, Merali, 2009). Kachuk (1999) argued this is unfair for these women as many are reluctant to seek police assistance for a

number of reasons including racism. According to the Ministry of Attorney General (2004), research indicated that before a woman requests police intervention, she may have already endured approximately 35 violent episodes. Thus, once she seeks this assistance, it is imperative that her needs for safety and protection are met.

Kachuk (1999) also pointed out that, though the VAWIR policy was amended to include different definitions of relationships, the police still often tend to hold the traditional concepts of 'wives'. This is evident in police training whereby cultural sensitivity is not incorporated, especially with reference to refugees and immigrants, resulting in rare arrests. Kachuk (1999) further stated that this policy fails to acknowledge women with mental, physical, and/or psychological disabilities. The severity and type of abuse and/or the presence of children also further the impact of the violence.

It has been stated in research studies that women will endure the physical pain, but the psychological impact is most detrimental to their health. Since the VAWIR's policy introduction, a change in government resulted in stumping its widespread application of the policy into practice. Kachuk (1999) noted that some critics argue that the policy simply created an *illusion* or symbolic protection and some claim that *non-interference* in policy reform therefore will not change anything. This is an ongoing debate among community members, victims of domestic abuse, women's/advocacy groups and the police—one that might not be entirely resolved any time soon.

## **Royal Canadian Mounted Police (RCMP)**

The Federal Police Agency's script on societal violence on its website reads:

The RCMP continues to address societal violence including criminal and anti-social behaviours, spousal abuse, physical and sexual abuse ... The organization works in partnership with other federal government departments to promote awareness and prevention of violence (no date).

The Ministry of Attorney General (2004) provided an extensive list of police duties in handling domestic violence cases, a few highlights of which will be discussed here. The section begins with cautioning police officers from re-victimizing women. An example of secondary victimization includes police discriminating or blaming victims for the abuse if they seem "hysterical, violent or intoxicated" (p. 2). Also, the importance of raising public awareness "coupled with rigorous arrest and charge policy" is heavily emphasized to provide safety (p. 2). The enforcement section is quite extensive, and the following list provides the key features that are paramount to consider for domestic violence cases in South Asian communities:

- 1) Attending officer must complete a thorough investigation and provide the victim with his/her name, file and phone numbers.
- 2) Officer(s) must conduct a background check of the perpetrator and look for any breaches of restraining order, bail/probation and no-contact conditions.

- 3) Police officers, based on reasonable and probable grounds, must always arrest if there is public interest, to secure perpetrator's attendance in court, prevent continuation of abuse and/or to prevent the occurrence of future offences.
- 4) Once arrested, an accused may be either released on appearance notice, conditions set forth by police officers, held for bail hearing, released with conditions or detained.
- 5) Court or police imposed conditions should include the following stipulations: the accused must not attend the family residence, the victim's place of work, or any other place where other members named in the non-communication order can be found, and the courts and the police are not to provide the accused with victim's or witness's unknown information of whereabouts. The accused must also abstain from possessing any firearms and surrender any they own including licenses and registrations. If needed, the police can also stipulate that the accused abstain from drugs or alcohol as well.

It is explicitly stated that these procedures closely mirror the suggestions initially set out in the VAWIR policy. The RCMP has reformed many of its previous policies, adopting a pro-arrest and pro-charge approach on behalf of victims. The policy's purpose was to eliminate the complications and possible consequences victims would experience if they, rather than the police, charged the abusers. However, these procedures ineffectively address the numerous cultural barriers that often prevent a majority of South Asian women from seeking

police assistance. Many of these issues cause frustrations for the police as they are left uncertain about how to handle such cases. Some of these frustrations are mirrored by participants in this study.

## **CHAPTER 4: THEORIES: WHICH IS THE BEST FIT?**

### **The Power and Control Theory**

It is quite often a daunting task for researchers to apply the theory that best describes their findings, and it was no different for the current study. According to Sev'er (2002), "[t]heories are sets of logically interrelated statements that attempt to order, describe, and explain the causes and consequences of personal, social, or other relevant events" (p. 43). Many researchers have also expressed the hardships in finding a theory that is readily applicable within the realm of family violence. Sev'er (2002) stated, "work in the area of violence against women in intimate relationships draws from more general theories that are related to psychological, social-psychological, or sociological fields of deviance and crime, but tries to apply their causal insights to the social problem at hand" (p.43).

However, perhaps the most challenging feat in family violence matters, theoretically speaking, is finding one that incorporates a cultural perspective as well. According to the research conducted in this study, there is yet to be a theory that does include a culturally based theoretical consideration in addition to other already identified factors of influence. At the most basic level, there has been extensive research conducted especially in the psychological discipline with regard to learned behaviour and social learning. Bandura's (1973) social learning theory is perhaps the most significant (Se'ver, 2002). Bandura exposed children

to videotapes of adults hitting blow-up dolls or bobo dolls and then placed in a room with toys and similar blow-up dolls. He found that the children imitated the behaviours of the adults did in the videos they watched earlier. Bandura also added in the element of positive re-enforcement, and discovered that the aggressive behaviour intensified if the children saw the adults in the videos being rewarded for their aggressive actions (Ibid).

In the area of gendered learning, many researchers have conducted studies showing the link between learning violent behaviour and gender. Gelles (1979) found that women who experienced violent behaviour during their childhood were more likely to be victims of partner violence during adulthood (as referenced in Sev'er, 2002, p. 49). Likewise, males in similar situations were also more likely to become abusers as adults (Ibid). Similarly, Levinson's (1989) intergenerational transmission theory, found that male children who were either victims of abuse while growing up, or who witnessed their fathers abuse their mothers had a high propensity to repeat these violent acts during adulthood (Ibid). DeKeseredy (1988, 1989, 1990) has done some extensive studies on peer influence on men's conduct and found that peer pressure can lead to spiteful and harsh behavioural patterns when dealing with their female counterparts (Ibid). The feminist perspective is yet another theoretical area that has advanced an understanding of gendered issues, including those that stem from systemic discrimination and society's stereotypical treatment of women. According to Sev'er (2002), central to feminist research "is the role of the unequal and



gendered distribution of power and resources, a differentially valued division of labour and a patriarchal system that fuels and protects these inequalities” (p.51).

Feminist perspectives can be further broken down into different strands including, Marxist, Radical, Liberal, and Social. However, feminist research primarily focuses on classism, patriarchy stemming from social perspectives on gendered roles, and legal and systemic discrimination of women. Though it does advance much in the area of understanding these relationships in a broader sense, it lacks detailed explanations of intimate relations particularly in regard to spousal violence.

Another relatively new feminist theory which might be applicable focuses upon the various intersecting oppressions experienced by women generally.

Davis (2008) describes intersectionality theory as considering "each new category of inequality, such as race, class and gender" which "intersect further to make the person more vulnerable, more marginalized and more subordinate” (p. 7). Certainly there are elements of significance for the current study here, however, it is argued that primarily the cultural aspects of the problem within a power and control context were focussed upon for the current study.

There have been other feminist critiques, which have focussed primarily on male involvement in domestic violence. According to Sev'er (2002), “[i]t was feminist critique of criminology that put the relation between men and crime ... front and centre on criminology’s agenda” (p.15). Many researchers since then have attempted to offer theories that focus on men’s propensity to inflict violence and examine the causes of these actions through upbringing, socialization and

institutional influences. Sev'er (2002), conducted a study comprised of nineteen male prisoner participants and found that, "[w]hile each of the men talks about his own use of violence, they also all relay experiences of violence being done to them, not just by other individuals but also by institutional processes and systems" (p.10).

Other research on masculinity also suggests that male machismo and society's definition of masculinity directly influence men's behaviour including violent actions. Connell (1987, 1995, 2000) argued that, "male dominance in the gender order is achieved by the ascendancy of a particular idealized form of masculinity that is culturally glorified, honoured and exalted" (as quoted in Sev'er, 2002, p. 17). However, critics such as Sev'er (2002) noted that these explanations may not extend to all men in that, "sports heroes, movie stars, business tycoons, and even fantasy figures ... can offer representations of masculinity that come to be normative" for some men, but not all. Thus, attempting to explain men's violent behaviour through such a theoretical lens can be problematic knowing that men commit more violent crimes than women. Therefore, a more detailed theory on violent behaviour is needed, but one that also is applicable to a greater number of men.

Many of the respondents in this study consistently referred to the power imbalance that exists among men and women. In particular, they often described different means that abusers attempted to control and maintain their power over their victims through manipulation and other tactics. Thus, the power and control theory seemed to be the best theory that best described the type of violence that

occurs in intimate relationships. One key aspect, however, that is missing from the power and control model is a culturally based analysis of spousal violence, which the cultural bond theory attempts to overcome. The following sections present the key elements of both of these theories.

The power and control theory elaborates on the several ways abusers maintain their power often by means of employing coercion or threats. It is important to choose this theory over another because many police and Royal Canadian Mounted Police manuals also incorporate this model into their training to help them deal with family violence calls. Furthermore, many researchers have incorporated this theory into their research studies (Babcock, Waltz, Jacobson & Gottman., 1993; Felson, 1996; Cassidy, 1995; Ehrensaft, Langhinrichsen-Rohling, Heyman, O'Leary & Lawrence, 1999).

Felson (1996) defined power as “the capacity to force change using threats of harm, actual harm, or bodily force” (p. 434). This definition, although not exhaustive, serves well to highlight the two important effects of domestic abuse. First, there is a threat of violence and harm. Second, there is possibility of actual physical harm being inflicted on the weaker person. Moreover, Ehrensaft et al. (1999) argued that behaviours such as “reducing the spouse’s power to make decisions, limitations of the spouse’s relationships with others and independence in daily activities, and diminution of his or her self-image and ego strength” can be considered controlling (p. 21).

According to Cassidy (1995), the power and control theory is applicable to domestic violence scenarios for two main reasons. First, the patriarchal family

structure in many cultures encourages the use of threats and power over women. Second, violence is expected even when the male partner can be viewed as lacking power because he can, in an attempt to save face or recapture his position of power, inflict violence. Babcock et al. (1993) also found that male partners could use violence as a means of achieving power or compensating for lack thereof in other arenas of their relationships.

In many cultures, it is still believed that the husband and his family hold superior status, power and control over his wife and subsequently, her family. It is a belief system that continues to thrive within some Canadian cultural groups such as immigrants. According to a COSAW bulletin (1992) “for South Asians, a woman's loyalty and deference to her family carries strong moral overtones [and] popular culture and mythology hold in great honour a woman who suffers in silence to maintain her family honour at any cost” (p. 40).

According to the RCMP Handbook on *Police Responses to Domestic Violence* (2004), power imbalances prevent women from leaving their abusive relationships. The 33-page document carefully outlines many of the various scenarios and includes the power and control wheel adopted from the Duluth Domestic Abuse Intervention Project in Minnesota. Please see appendix D for an enlarged version of the wheel and for copyright permission.

Figure 1. The Power & Control Wheel



*The Duluth Domestic Abuse Intervention Project*

It is also recognized that many victims from diverse backgrounds have added obstacles to leaving their abusers. For example, language barriers prevent many women from seeking adequate legal support services. “Indirect or direct experience may cause victims to fear they will be discriminated against. In some cases, abuse by authorities in other countries may prevent victims from trusting or seeking assistance from police or others in the community” (*The Police Responses to Domestic Violence*, 2004, p.7).

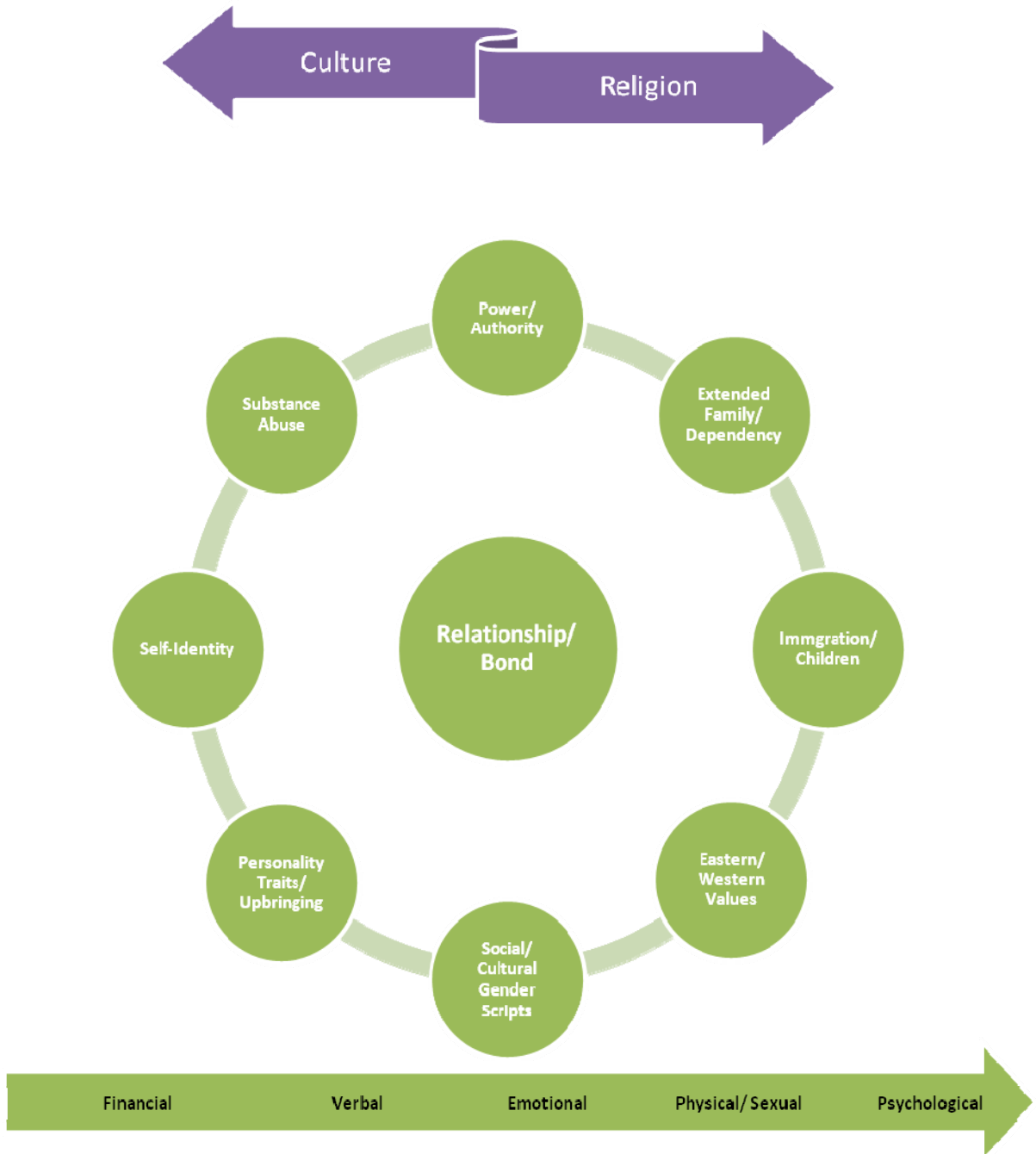
In these circumstances, many of the different components presented in the power dynamic wheel above are contributing factors for women who become entangled in this power struggle. These factors include isolation, intimidation, coercion/threats and intimidation tactics. Fortunately, there are some programs

that address many of these challenges. For example, the Domestic Violence Unit in Vancouver is an effective partnership program between Family Services of Greater Vancouver and the Vancouver Police Department. The teams offer counselling, advocates and police officers who respond to high-risk family violence cases (Family Services of Greater Vancouver, 2007). Even though this service is a necessity for many victims who seek assistance, it may fall short in providing ethnic minorities with the specific needs they might require.

The power and control theory is definitely a relevant theory that allows one to examine the many aspects of family violence in detail. However, as noted previously, it failed to acknowledge or account for causes of family violence that are culturally rooted. Furthermore, after having coded the data for the current study, it became quite evident that a culturally based theory was necessary in order to best explain the findings; thus, the proposition of a cultural bond theory.

# The Cultural Bond Theory

Figure 2. The Cultural Bond Theory Model



Individuals might equate cultural values alongside those based upon religion. However, the participants of this study indicated that South Asian cultural values and practices differ starkly from South Asian religious teachings. These differences are especially significant to consider within the realm of South Asian family violence because religious practices are often blamed for being the cause of gendered differences. The respondents in this study indicated that South Asian religious preaching promotes equal treatment of all individuals alike, and the creation of a so-called *gendered balance* and a *bond* in marital relationships. Thus, each partner is to assume an equal role in raising children, supporting each other (i.e. emotionally and financially), and in all other areas related to marital relationship. However, as the respondents in this study expressed, many individuals have misconstrued these principles and have thereby created gendered differences that fall more in line with traditional stereotypical gendered roles based on social rules and norms. Therefore, for many, this means women must assume subordinate roles by being subservient to their husband's and his family's needs in various ways including: being a housewife, assuming the majority of the responsibility for raising their children, and having little to no say on how the family's income is distributed.

Likewise, the Sikh religion stresses the responsibility of all individuals (couples and society in general) to take special care of elders, which also includes taking care of one's parents and, in particular, for women to care for their in-laws. In contrast, cultural perceptions of this principle have been



moulded in that the male's, or the husband's, parents and other extended family members' needs are paramount to those of the female's, or wife's, family. This is also perhaps the area of greatest discontent among many South Asians, but particularly for the respondents of this study. Many participants stated that these traditional cultural views on gender differences are evident in many family violence cases. Often, there is evidence that the husband (and his family) feel that they have an inherent right to have their needs made paramount to the needs of the victims. Many participants also singled out the fact that a victim's mother-in-law quite often directly interferes in the couple's marriage by being overbearing and constantly telling them how their relationship should function. In many situations, mothers-in-law, and other extended family members, also have a hand in perpetuating the abuse in family violence cases.

The circular diagram is meant to illustrate both the cyclic nature of violence, and the multiplicity of factors that might affect a couple's relationship. These issues are meant to highlight the various contributing factors, that the participants of this study expressed, which play a significant role in South Asian family violence cases. However, it is also important to keep in mind the various facets of abuse that the power and control theoretical model outlines, such as abusers using intimidation tactics over their victims in order to maintain their power status, alongside those included in the cultural bond theory. There are many ways perpetrators of spousal violence inflict abuse in order to maintain their power within the relationship. According to the power and control wheel, many will use intimidation tactics such as smashing things or destroying property,

and using coercion or threats such as threatening to leave the relationship. According to the research and the data collected for the current study, in many South Asian cases of spousal violence, many abusers will use similar forms of violence in order to create fear, but the types of intimidation and threats might be those that are more rooted within the South Asian culture. Thus, for example, some spousal abuse offenders might try to intimidate their partners by stating that if she told anyone of the abuse, that she would be culturally ostracized within the South Asian community. Similarly, different forms of coercion and threats might also be rooted in cultural shaming. For instance, some abusers might state that if he left her, she would be labelled as a divorcee, which is a major cause of shame within the South Asian culture. The data indicated that extended family members might use similar forms of intimidation and coercion tactics as well.

According to the research and the data collected in this exploratory study, many immigrants are further disadvantaged as they often face added challenges and barriers, especially as victims of family violence. According to the power and control wheel, many abusers tend to isolate their victims by limiting her movement outside of the home. Likewise, the data indicated that many South Asian victims, and particularly immigrants, are also isolated in the same manner. Also, many immigrants experience language barriers and lack knowledge of their individual rights and information about how the Canadian legal system operates (see Merali, 2009). However, an important distinction to be made here is that many victims are also heavily sheltered culturally. Thus, the extent of their socialization might only go as far as interacting with her husband's family

members. In particular, many respondents stated that abusers also inflict culturally based threats, but immigrants experience different forms of these pressures. For instance, an abuser might state that the victim would be separated from the children if she spoke to legal authorities, or, she would be deported back to India and that her family there would refuse to take her back if she left the relationship. Again, many of these forms of manipulative behaviour have strong cultural overtones, which are rooted in shaming their victims as a means of creating fear and obtaining power and control in the relationship.

The research and data also indicated that many South Asian victims of family violence struggle with Eastern and Western principles of livelihood. In other words, some victims might follow what is viewed as a mainly Western way of life, such as following some aspects of women's liberation by taking part in the work force. However, the respondents expressed that Eastern principles supersede the Western ones. Thus, though victims might be employed, often the earnings go directly to their husbands, and once they are home, they are to assume their traditional female/ wife role. According to the power and control wheel, many perpetrators of spousal abuse might also use male privilege, such as is demonstrated in defining gender roles and responsibilities for their victims. Likewise, the cultural bond theory also highlights male superiority within the South Asian culture. Traditional South Asian cultural roles indicate that male status is paramount to that of female status. Thus, traditionally, the male is the breadwinner and the one who makes all major decisions concerning finances and all other important decisions. However, another key component to this theory

is that it also incorporates the direct role of extended family members. The data indicated that extended family members further solidify these culturally defined gendered roles by making similar comments about gender hierarchy and status.

It is also important to note many other contributing factors upon which theorists have focused that might help to understand spousal violence at another level. Theories such as Bandura's social learning theory, for example, illustrate that one's socialization and learned behaviour during childhood influence one's behaviour in adulthood. The power and control theory elaborately outlines the many levels and types of violent behaviour that typically occur in spousal violence relationships. However, it does not account for individual personality traits and one's perception of their self-identity. The cultural bond theory does make this association. According to the data, many respondents stated that if both the offenders and the victims witnessed family violence in the home during their childhood, then they might perceive violent behaviour as the norm. Thus, what one might consider as an act of violent behaviour might not be viewed in the same manner by another, reflecting how some research, and the data, make note of some victims being referred to as having learned helplessness.

Many of the participants in this study suggested that if one witnessed his/her father abusing his/her mother, then they were likely to repeat this behaviour in their relationship as adults. Another respondent stated that, as a police officer, he witnessed a generational cycle whereby one could see similar cultural belief systems among the grandfather, father and son. Likewise, many participants commented that, among South Asian immigrant victims of spousal

violence, many continued to preserve their self-identities as they were initially defined in their home countries, despite living in a more modernized society, perhaps due to them refraining from assimilating into the culture of the mainstream society. Analogously, substance abuse and dependency must also be considered as another factor that might affect one's violent behaviour. Some of the participants in this study expressed that drug abuse is another factor that is often overlooked when attempting to understand why spousal violence occurs. These respondents commented that drug abuse is running rampant among the South Asian community, but because conversations about substance abuse are not encouraged, culturally speaking, it is a topic that is ignored. However, even in this area, there are some cultural rules. The South Asian culture normalizes males drinking alcohol and even smoking cigarettes; however, the same is not true for women, whether it is merely social drinking or doing so privately with their partner. Some of the participants of this study noted that many South Asian males have severe drug dependencies, such as alcoholism and cocaine abuse, but because they are using these drugs in privacy, others rarely are aware of it. Participants in this study also indicated that some spousal violence offenders are only violent when they consume alcohol. Though the respondents in this study did not heavily emphasize the drug dependency issue, it is one that merits some recognition, reflecting why it is incorporated into the cultural bond theory.

The arrow at the bottom of the circular model illustration above indicates that there are multiple levels of abuse that victims of family abuse may experience. It is important to note that each family violence case is unique. Thus,

some victims might endure many of these forms of violence at the same time, while others may experience a few of these forms of violent behaviour, and yet others might experience all forms of these violent acts together and at the same time. However, the main objective of this diagram is to illustrate that there is evidence to support—based on research and the data—the fact that many victims of spousal abuse experience lesser acts of violent behaviour before it escalates to more severe forms of violence (Se'ver, 2002). The diagram illustrates that there is an intensification of the level of violence that abusers might inflict upon their victims as previous research, and the respondents in the current study also, indicated. The power and control theory also incorporates physical, sexual, financial and emotional abuse that offenders might inflict upon their victims. However, it does not account for psychological abuse, though it is implied throughout the model.

The cultural bond theory highlights psychological abuse as a separate entity for at least two reasons. First, some victims might only experience this form of abuse, which might be inflicted in more subtle ways than in comparison to the other forms of abuse. However, second, and perhaps most importantly, for South Asian victims of spousal abuse, many endure various types of psychological abuse. Some of the respondents stated that an offender often endures a great deal of psychological stress stemming from his parents, his partner, and pressure to fulfil his own duties, that lead to his violent outbursts. Others commented that victims of spousal abuse often express the multiple levels of psychological pressures they endure due to cultural principles and practices,

such as taking care of her in-laws' and her husband's needs above her own. Similarly, there are pressures for financially supporting her family who live in her home country, taking care of the children, and assuming other wife and daughter-in-law duties. This is the primary reason why psychological abuse is given separate recognition: it is commonly encountered in various forms in many abusive relationships. The results section showcases both the power and control theory and the cultural bond theory explanations in order to offer a deeper understanding of the many perplexities of spousal violence.

# CHAPTER 5: DATA COLLECTION STRATEGIES

## Methods

### Interview Approaches

Deciding on what tools to pick up, how to use them, and providing an explanation for those decisions can be a daunting task for a novice researcher. However, Wolcott provides some consolation. He argued, “[t]here is no longer the need to defend qualitative research or offer the detailed explication of its methods that we once felt obliged to supply” (p.29). A fine balance must be drawn between providing the most relevant information and allowing the reader to properly assess the credibility of the study, which inevitably leads to an assessment of the researcher’s abilities.

The approach taken in this exploratory study is the semi-structured, in-person interviewing technique while utilizing a questionnaire as a guideline. Hoyle, Harris, and Judd (2002), stated one of the rewards of face-to-face interviews is “the ability of the interviewer to notice and correct the respondents’ misunderstandings, to probe inadequate or vague responses, and to answer questions” (p.102). The quality of information is key and “can attain the highest response rate of any survey technique, sometimes over 80 percent” (p.102). It also allows one to “best establish rapport and motivate the respondent to answer fully and accurately, again improving the quality of data” (p.102).

However, in-person interviews have many disadvantages as well. Perhaps the biggest issue is the rapport building process. Frey and Oishi (1995) argued, “[t]he interviewer’s expectations or personal characteristics (such as ethnicity or



sex) can influence responses” (p.112). However, the pros supersede the cons on the topic of spousal violence, given the sensitivity of this topic.

### **Formulating Questions**

Researchers must be mindful of the types and sequence of interview questions. According to Hoyle et al. (2002), “[i]mproperly worded questions can only result in biased or otherwise meaningless responses, and as noted, attitudes are particularly subject to biases caused by wording” (p. 129). They consider “[a]n essential prerequisite for developing properly worded questions is to have a clear conceptual idea of just what content is to be measured” (p. 129). Questions should be short and simple, and should also provide respondents with clear alternatives and avoid “double-barrelled questions”, which combine two separate ideas requiring a single response (p.133).

Furthermore, researchers must decide whether to use open-ended or closed questions or both. Hoyle et al. (2002) argued that open-ended questions allow the opportunity for respondents to answer in a relatively unconstrained way. Thus, it is important to design the questions and/or have a natural flow to the interview, and then to probe key areas of interest in an unbiased manner. Furthermore, interviews that follow the “funnel principle” wherein general questions are initially introduced and followed by increasingly specific and detailed questions, proves to be an effective method.

## **Conducting Interviews & Coding Data**

The interviewer's demeanour, age, sex and education levels can also influence the types of responses received. A naturalistic approach is taken in order to understand the phenomenon of domestic violence. Golafshani (2003) stated that to understand phenomena means to view them in "context-specific settings, such as [a] real world setting", whereby researchers refrain from manipulating the phenomena under study (p. 600). As a part of preparation, time will also be taken to consider some of the potential problems that could occur. Hoyle et al. (2002) stated, "[t]he specific tasks of the interviewer that contribute to these overall goals involve creating a positive atmosphere, asking the questions properly, obtaining adequate responses, recording the responses, and avoiding biases" (p. 145).

## **Reliability & Validity**

The approach taken in this exploratory study is a qualitative one and as previously mentioned there is a certain degree of reliability and validity that automatically exists with this form of statistical data. For example, providing readers with firsthand accounts of the participants' responses allows the reader to draw upon their own conclusions as well as consider the researcher's viewpoint. Technological growth has allowed researchers to increase the validity of their data by utilizing digital recording devices at interviews. Given (2004) stated that audio recording can be beneficial as it "increase[s] fidelity, longer recording time, and the ability to index recordings" (p. 1). These functions were indeed quite useful during the data analysis process of this study.

Hoyle et al. (2002) argued, “[t]he **reliability** [emphasis in original] of a measure is defined as the extent to which it is free from random error” (p. 83). In turn, “**validity** [emphasis in original] is the extent to which a measure reflects only the desired construct without contamination from other systematically varying constructs” (p. 83). According to Golafshani (2003), “precision ... credibility, and transferability ... provide the lenses of evaluating the findings of qualitative research” (p. 600). In qualitative research, reliability and validity measurements are not as straight forward as the assessment of quantitative studies. Thus, Golafshani argued that qualitative researchers should adopt the aforementioned levels of measurement.

## **Methodology**

This research and the questionnaires were cleared by Simon Fraser University’s (hereinafter, SFU) Research Ethics Board (see Appendix A). Twelve individuals participated in this study including: the Attorney General at the time the study was conducted, the Chief of a police department, RCMP officers, Victim Service agents, and women’s support group workers. Purposive sampling of participants was conducted in order to ascertain professional opinions on family violence, which were primarily based on their work related experiences. Some of the respondents were contacted after having conducted a search on the Internet on the World Web of individuals or agencies related to family violence, and with the aid of newspaper articles, while gatekeepers or respondents who participated in this study themselves suggested further contributors. As previously mentioned, a qualitative approach was taken to extract data as it is

arguably the most effective means of providing respondents with a degree of autonomy in their responses, which is important given the sensitivity of the topic.

Respondents were asked to partake in semi-structured in-person interviews while utilizing a questionnaire as a basic guideline, though one responded to this questionnaire via email and another by telephone (see Appendix B). Prior to conducting each interview, participants were briefed on the intended goals of the study with an emphasis on maintaining confidentiality and anonymity along with the appropriate contact information of the researcher and the Director of the SFU Ethics Board. It was stressed to all of the respondents that they could volunteer to withdraw from the research at any given point and that they could bypass any questions they did not feel comfortable answering.

Participants were then provided with a hardcopy detailing this information, along with some time to review its components prior to the start of each interview. After having addressed these issues of anonymity and confidentiality, all respondents gave informed consent and signed the necessary forms to reflect this agreement, with the exception of the Attorney General who was given, and agreed upon, the option not to remain anonymous (See Appendix C for a general copy).

All of the interviews were recorded for a number of reasons, including: to allow ease and flow during the interview stage, to strengthen the accuracy of the data collected and to enhance the level of reliability and validity of the data during the write-up stage. On average, the duration of each interview conducted lasted from approximately 45 minutes to an hour, and most were conducted in the

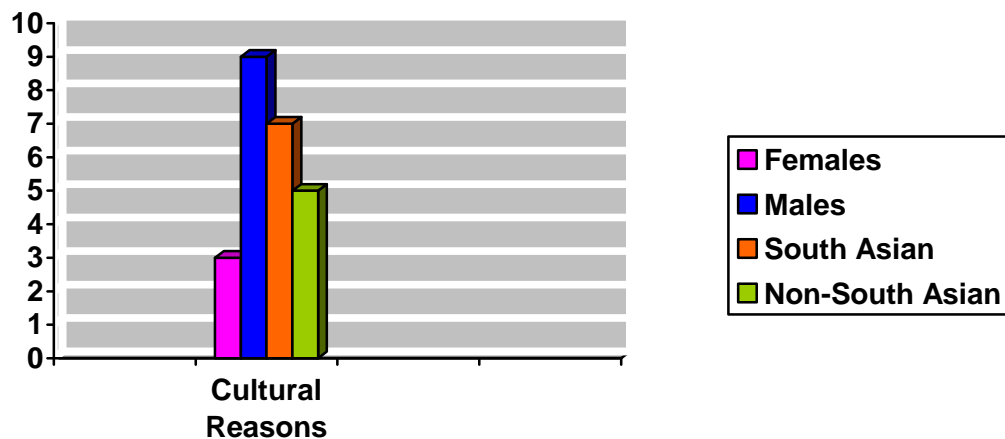
respondents' respective private offices or conference rooms. Upon completion of each interview, the data were then transferred to audio recording software and pseudonyms were used to ensure anonymity while the initial recordings were deleted from the hand-held device. The data were later transcribed in privacy in order to prevent potentially jeopardizing the identities of the respondents. The data were saved into Microsoft Word Documents—under the respective pseudonyms—then coded, and analyzed according to the emerging themes. The participant responses for this exploratory study have then been reproduced verbatim—primarily in block quotation format—as this allows the reader firsthand knowledge of the qualitative data; thereby allowing the reader to form their own opinions of the information.

## CHAPTER 6: RESULTS

### Emerging Theme I: Cultural Consideration

One of the emerging themes in this study was the evidence of opinions that either support or refute the notion that there are some intricacies within family violence in the South Asian community. Though all of the respondents expressed that there were inherent differences, some of the violence was no different from that which exists in other ethnic pools. However, many emphasized that the mass media often glorifies and sensationalizes incidents involving South Asian spousal violence, which tends to paint a negative picture of South Asians in general. It was felt by many that there is a need for community responsibility to rectify the situation.

Figure 3. Respondent Views on Cultural Variance



As the above figure indicates, all of the participants (n=12) commented on various traces of traditional South Asian cultural viewpoints which surface when

dealing with South Asian family violence. The number of male participants outweighed the number of females, and so did the number of those who identified themselves as also being of South Asian descent. However, what is interesting is that regardless of the respondents' gender or ethnic backgrounds, all of them noted that cultural standpoints and influences play a significant role in South Asian family violence.

The former Attorney General, Wally Oppal, commented:

The point is that there are some characteristics of South Asian cultures that I think lend themselves to violence against women. And it is the unequal treatment of girls and boys, unequal treatment of men and women. The examples, the dowry system, which still is practiced here not the same extent as it is in India, but still here. That in itself shows that women are treated as property, women have very little choice. Who they're going to marry, who they're not going to marry. But there is always a shortcoming to every generalization. In fact, there is considerable evidence that the mores and attitudes of the police is changing in India. What happens here, many of the people that come here come here with their old country attitudes and submit them to their children.

An RCMP officer, Frank, who has worked on the force for approximately two years said, "verbal abuse leads to physical. Women infatuated with men, respect thing, rooted in cultural practices/ beliefs, outcastes by parents, fear of divorce, will stay in order to avoid not feeling out casted". Frank mentioned that nearly 40 percent of his caseload relates to domestic violence and approximately 90 percent of those cases involve South Asian families. RCMP officer Bob, who

has 26 years of experience working on the force, argued, “we don’t know what happened, how long it’s been going on, how do we know that it didn’t happen in India before they come to Canada, and now they are dead”. Another RCMP officer, Cameron, who worked for the force for nearly 22 years, expressed similar concerns. He argued:

None of the religions talk about inequality however cultural practices are different. There is inequality. Who was [sic] the bread winner and the decision maker? In our communities ... there are so many different elements and we cannot generalize. Religious organizations they are so involved in their own political infighting. Culture, there is so many different levels of factors.

When Cameron was probed further in explaining whether or not the severity of violence within the South Asian community is unique compared to the violence in others, he stated:

The violence issue, when it’s a South Asian involved it all of a sudden becomes a cultural issue and the community owns it. When it’s an Italian or Russian issue, we don’t go to their community; we don’t go to the Pope and say you own this. It’s highlighted more in the media. We [South Asians] are unfairly represented in the media. Sensationalism sells, the headlines sell. The violence is rooted in literature, culture, music [...] it’s very deep.

When asked to describe the type and level of exposure he had as an RCMP officer in handling domestic violence cases specifically within the South Asian community, Cameron responded:



I've policed the South Asian community from a distance. In terms of domestic violence, I saw files come in; I saw the assimilation issues and violence issues. I witnessed domestic violence in India and witnessing the types of violence here. I had an oversight level of viewing operations. I recall going to a number of these cases and you see the language and cultural barriers. I recall one where the guy was trying to run over his wife. Fifteen years of violence in that home and finally she had the courage to call the police. I would see these individuals in the jail cells. I would at times release and explain the conditions in Punjabi. I would hear their stories and they would suggest things like, it was only a slap, or it was fictitious and nothing happened. I would hear all sides of it. There was a lack of comprehension on societal values and no matter how long they lived here, you could still see it.

The notion that cultural differences play a significant role in the types and levels of violence in the South Asian community was a factor among all of the responses. Sarah, a victim services manager of nearly 23 years explained that, at the time the interview was conducted, approximately 35 to 40 percent of her caseload involved family violence disputes. Of these cases, approximately 40-50 percent were those that dealt specifically with South Asian families. When Sarah was asked to describe her experiences in dealing with South Asian clients, she said:

Specifically, number one, the woman is in his house and anyone living there will be on his side. Most times it's the husband who's the offender and sometimes also the mother in-law. We've advocated here that the police do not use any of the extended family members as interpreters and to separate her from the rest of the family. Second, if she doesn't want

to go to a transition house, you're going to leave her there. Most times her family is not in the area, or they don't want her back because of shame. Culturally, spiritually, religiously and intellectually, most do not endorse violence, but it is tremendously prevalent. With South Asian communities there are added layers.

Continuing on with the theme of cultural variances, another victim services agent named Alicia explained that her cases solely pertain to those involving serious threat of death or bodily harm, thus they are high risk domestic assault files. She has worked for victim services for nearly nine years and approximately 35 percent of her caseload involved South Asian incidents. She noted this trend:

The point when they come to me, there's multiple charges, a long history. So a lot of choking and strangulation, sixty percent have had some sort of choking or weapons used, having escalated from things like stalking and emotional abuse.

Family members support the abusers, or if not supporting then staying uninvolved, and if they take her side, they do it behind closed doors. They don't support her when she's being abused and when there's other family members around. I also see that there is a lot of recanting and taking back charges, try not showing up for court, going to crown asking to change the conditions. A lot stems from extended family, then staying home, financially, the family the children, then cutting them off all at once and the constant pressure to go back to him and everything will be okay.

Steven, a Chief of Police officer, who has worked in policing for nearly 30 years, explained, "in talking to the Indo Canadian community, a lot of people won't come forward, they won't tell you exactly how they feel". Moreover, "I've

talked to many victims and many families, [they] denied that there was any domestic abuse, all around what will the neighbours think and pride". However, when asked to isolate some specific factors, Steven added:

I don't think domestic violence in the Indo-Canadian community is greater to any extent than any other community. I don't believe it, but cases involving violence that is involved, tarnishes our entire community. The ordinary person believes we have nothing but abusers among our community and that is the unfortunate factors. These same factors you can find in any other community out there. In my opinion, and being raised in a quasi Indo-Canadian environment, in my thirty years of law enforcement, there is nothing I can pin point as being a major contributing factor of violence in our community.

When questioned whether the level of violence in the South Asian community was heightened in comparison to other ethnic groups, Steven stated:

No, recently what's been unique about it is the level of violence. Before it's got to that level, something has occurred previously that has been overlooked. It doesn't go from you're getting along fine, and you're burned. You have to learn to recognize that and make sure that something is done when it is recognized.

Likewise, Karen, who has been working with a well-known women's support group for 15 years commented:

Violence crosses all cultures South Asian women talk about the violence to their friends and family they get a little bit of support elsewhere, you will also reach out for other help. But there is also the shaming factor; women see themselves as failing to keep the

family together. This is what makes it difficult to talk about it.

James, who has been an RCMP officer for approximately 16 years, has had significant experience in attending domestic violence calls involving South Asians, in fact, dealing with three or four calls per shift. He remembers attending these calls:

I knew [violence] was big in our community in our last generation, it was almost accepted at a lighter level. A man can discipline the woman ... some wrong stuff placed in the culture that just was not right at all and some people had made it like it was normal. Men would beat up their wives or, slap them and their parents wouldn't say anything. Men had a lot of power back then in India at that time and generation, it became a cultural thing.

[W]e have some people who are stuck in their traditional times ... it's too comfortable, it's the power thing for them, whether a lack of education, or their personality. In some cases, the family has many individuals like that and they're sort of teaching it, ... the father and the son and you'll see it, three generations and they all have the same beliefs still. Some of those families are stuck in time, and no one to enlighten them, to help them step out of it. People who have been victimized [are] victimizing others. It's completely wrong.

When Raymond, a settlement worker working for a well-known South Asian assistance services organization for three years, was asked to identify the root causes of violence, he stated:

[There are] a variety of reasons sometimes it's male chauvinism and vice versa as well. The women also become arrogant, but maybe in

lesser cases. Or maybe they've sponsored the husband and they will try to dominate and the husband tolerates everything, but when he's settled down then he starts retaliating. Sometimes it's the interference of extended families, or addictions. Every family and circumstance is different.

Raymond's co-worker Sam stated much the same when he was asked the same question. He commented:

Something that is not only in the South Asian community it is everywhere, but there are some things first generation migrating here with those traditions and cultures and values and here there is a little bit of Western values. Five percent is that. They lead their whole life with that philosophy, tradition, extended families.

Thus, the respondents have touched upon several factors including traditional values, gender inequality, cultural structures, generational values, immigrants and educational levels. Many of the respondents had touched upon some of the key elements of both the power and control theory and the cultural bond theory. Both theories suggest that offenders will often use economic abuse and isolation as a form of manipulation and control over their victims. However, the cultural bond theory seems to be the better fit of the two theories. According to these respondents, many South Asian victims endure abuse that is culturally rooted. Some of the respondents indicated that many victims are culturally shamed into coercive behaviour by being told that the family and the South Asian community in general would shun them if they leave the abusive relationship. Also, extended family members have an equal hand in making such threats and,

as the participants stated, often extended family members will side with the abuser. Others mentioned that the violent behaviour escalates in severity over time, which is also supported by the cultural bond theory. Some of the other issues such as assimilation problems and language barriers that many immigrants experience are also highlighted by this theory. The cultural bond theory also considers the possibility of violent behaviour stemming from the offender's dependency on drug use, which a few of the respondents mentioned as well. The second emerging theme is the role and consideration of the involvement of extended family members.

## **Emerging Theme II: Role of the Extended Family**

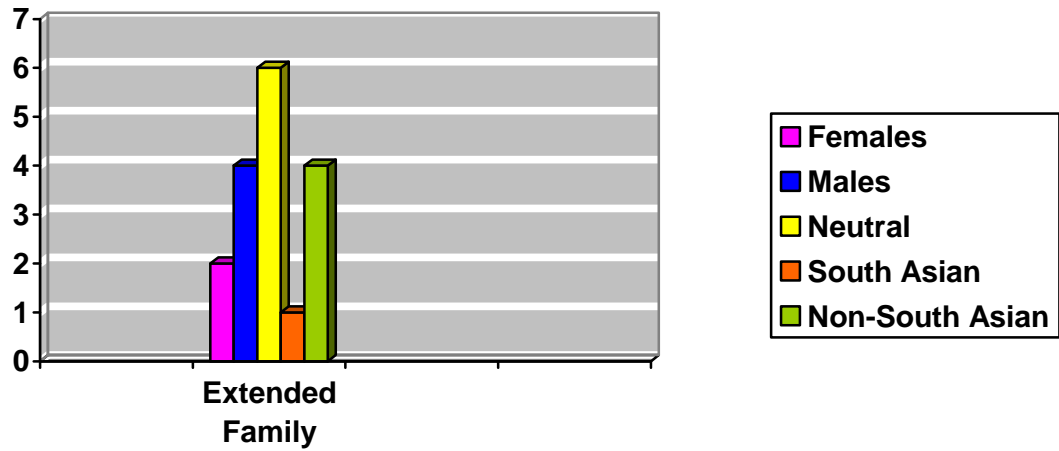
Many individuals from various cultures have and continue to live in large family member households even in the present day. Others might not live with their extended family members physically, but they may be emotionally, financially, spiritually and culturally bound to their close-knit family members regardless of the living arrangements. Ancient times in India fostered its own notions of the 'proper' portrayal of a family to which many continue to adhere. It was considered the norm for the bride to marry 'into' her husband's family and household. There, she would have to share her living quarters with in-laws including the mother in-law and father in-law and her husband's siblings, along with her brother-in-law's wife and children, if there were any.

As one might expect, there is a host of different types of issues and conflicts that might arise out of this type of living situation. Also, noteworthy is that many Indian marriages occur through the practice of arranged marriage, and

therefore the bride and groom might have been complete strangers to one another. Once married, the bride and groom need time and space to get to know one another, but this can be very challenging when in-laws are a constant presence and voice in their day-to-day lives. Thus, from the onset, the role of the extended family in South Asian families is not only an active one, but also paramount in the family infrastructure. Some argue that the husband and his family have an unfair advantage, as their roles are considered more valuable than the wife's side of the family, culturally speaking.

These 'traditional' notions of the family unit continue to persist today whether it is in India or in Canada. Bollywood movies continue to make enormous profits from depicting images of marital conflicts and the ongoing battle between a wife and her mother-in-law, as one attempts to assert herself over the other to be the head of household. This power struggle creates further conflict between other family members as they are often forced choose a side. However, it is important to acknowledge that seemingly 'healthier' relations might endure similar types of challenges. Yet, many insist that the South Asian culture and its family ideology is one of the causes of the core problems—especially within the realm of family violence.

**Figure 4. Respondents Expressing Importance of Extended Family Influence**



This bar graph reflects the data indicating that half of the total number of participants (n=6) commented that the extended family has an influence in South Asian spousal violence cases. Four of the respondents are males and of South Asian descent while only two are females, only one of whom is of South Asian descent. Wally Oppal placed a heavy responsibility upon the extended family and its direct involvement in inflicting violence. “When women move in with the extended family and the bickering that starts and often leads to women being isolated and those are some of the characteristics that are unique to the Indo Canadian communities”. Furthermore, “it’s not so much a legal problem as it is a power imbalance that exists in the home. Picture the prototype bride, age of twenty-one, in a strange country, family, language is different, she’s overwhelmed by the pressures”.

Cameron, an RCMP officer for nearly 22 years, proposed some good and bad aspects of this type of family involvement. He argued, “support network and economically [speaking], [it is] very positive in many areas. The negative is the



bride will marry into a family and there is conflict that now you have to satisfy the expectations of so many other people". He further added, "there is always the cultural nuance in our blood somewhere. Some of it old expectations". When asked about the relationship specifically between the wife and her mother-in-law, he added:

The mother-in-law factor is huge, for a South Asian woman, this factor is huge. How happy or the level of violence and it's a circle of violence, if she grew up where violence was acceptable then she will equate it as normal. I have seen it, we have extended families in other provinces but the mother-in-law was a bitch and the son inflicted abuse and to her, he could do no wrong. Mother in law plays a huge role, less than the father-in-law. That concept is foreign within the white community.

The involvement of extended family members bares many consequences as Alicia, who works on high-risk cases exclusively, noted:

If they're not inflicting it, they're encouraging it. People are standing back and letting it happen as opposed to this is not right, we need to stop it. Especially, it seems mother in laws seem to be a bit more involved and a bit more protective of their sons, just more proactive ... instigating a lot. I have a lot of cases where victims complained that 'my mother-in-law said this and he beat me'.

Women's support group representative Karen noted that extended family members often maintain control over women's lives. She stated:

When the woman is living with [extended family members versus] they don't feel there is space and confidentiality and she doesn't feel she can get the support because the in-laws control

what she should do or shouldn't do. She can be a professional, go to work, but when it comes to family they face different issues. The mother-in-law, father-in-law, and brothers all putting their head down looking down on the woman.

Sometimes if there is violence in the family, they don't see it as violence. If you are a child growing up in a house and you saw your father treat his mother this way ... No respect, so when the children grow up, they feel it's the norm, it's okay and that's fine.

However, Chief of Police Steven pointed out that this type of family dynamic is not simply unique to that of the South Asian culture. He argued, "extended family involvement happens in other communities too, like Asian communities and even in Caucasian communities. There were all types of reasons and all types of family involved in domestic violence cases". Settlement worker, Raymond, discussed different types of violence and the juxtaposed position victims often find themselves in. He stated:

They don't have the right resources or the right impression of police services. The police can't help much in cases where they can intervene and lay some charges where something really physical has happened. But violence is not only just physical injuries. Sometimes it's mental torment. In those cases police cannot help. I know women sometimes suffer a lot and don't want to separate themselves for the sake of the children. But sometimes I think the parents are also to be blamed. I don't think the police can be of much help, unless there is physical infliction but before this point, so much more happens. So for that kind of situation, a different kind of mechanism is necessary.

The power and control theory highlighted one aspect that resonated in most of the above responses, namely male privilege. However, it is also arguably possible that minimizing, denying and blaming the victim's concerns are also applicable. As noted by the cultural bond theory, many South Asian families continue to live under one household and as the data indicated, and this theory suggested, the mother-in-law interference seems to be a major problem for many victims—especially given their over protectiveness of their son. The data also showed that many victims might also be employed in the work force—which may be considered as assimilating to mainstream society— yet, upon returning home, women are expected to assume their traditional roles and follow South Asian cultural practices and responsibilities as is also described by the cultural bond theory. Victims of family violence may be subjected to various levels of torture and the same holds true for many South Asian women. However, some might also face the added pressures from extended families and, by the time law enforcement is called upon, this perpetuated abuse might be enough to silence her. This view was shared by several respondents, leading to the discussion of the third emerging theme in this study—the criminal justice system.

### **Emerging Theme III: The Criminal Justice System (CJS)**

As in the second theme, the involvement of extended family members in South Asian family violence matters is a well-known factor for many working in law enforcement. At times, maltreatment of the victim is easily visible when the police are called to the home and, at other times, in legal or court proceedings. Clearly, for a victim who has suffered abuse by her husband, regardless of the

number of years she has been subjected to the abuse, she may experience a great deal of hesitation about leaving the relationship.

With the added pressures of two, three, or more people also responsible for inflicting abuse, there is added uncertainty in leaving the abusive situation. There are several key issues the respondents touched upon, forming four major sub-categories or themes under the CJS umbrella, including: the role of extended family members and the police, mandatory arrests and charges, crown prosecutors, and punishment of offenders.

### **Extended Family Members & The Police**

The involvement of extended family members can often lead to confusion and frustration not only for the victim, but also for other agencies such as victim services and the police. Alicia, from victim services, stated:

A lot of people are new to the country so there is a lack of knowledge of the criminal justice system. I find that there is a lot of, from extended family and spouse, contradictions of the justice system. So it's really tough for them to get a grasp, when a lot of people around them are telling them that no, if you do this your children can be taken away so it takes a lot of time to diffuse these stereotypes. There is a lack of information in their own language.

It is really hard to take material in the home. Mostly because of extended families or neighbours, they [victims] have limited time and opportunities to seek outside services.

When asked if victims are more likely to press charges, Alicia replied, "Yes, there's been so many charges, and broken bones and a lot say, 'I've

exhausted every option', and they're afraid for their lives. The black eye happened years ago, now it's broken bones and strangulation". It can also be challenging to provide victims with several key types of services victim services provide. She commented, "the likelihood of victims receiving the assistance is fifty/fifty". She added:

I find you have to keep offering it. Sometimes it's going on deaf ears but there is just too much going on at that time. More outreaching needs to be done, for South Asians not that easy to access the police station or the courts when there [are] so many people around, there is a lot more control and a lot more people to keep that control.

Women's support worker Karen commented that South Asian women undergo enormous pressures not only from extended family members, but also from the community at large and, more commonly, the perpetrator and/or his friends. She expressed:

The [women] don't want anybody else to know about it. Even if the police bring them to the house, and they open a file and she will try but she doesn't want the community to know about the abuse. Once it's in the media or in the courts, there is the pressure from the family to throw the case. [She'll hear] you're not a good wife, [or] he doesn't want to have a criminal record, and try to work things out, [thus] there is a lot of pressure.

Sometimes we talk to crown prosecutors [and they comment] 'well if she doesn't show up then she won't show up. She has a fear of exploitation, too much shame. The biggest fear is that the husband will try to find her and harm her again, even if he has a no contact order, but there are his friends who can harass her

and stalk her. The [woman] might as well as drop everything and run and hide.

[Extended family members] are cooperative if it is to defend the offender. The woman is always not their daughter, it's somebody against someone. Even if there was no in-laws and a police officer arrives, they always believe the man, maybe because [the women feel they] don't know English that well, but the guy, is composed and calm.

For police officers, the challenges can be similar to those that victim service agents face, albeit in a different fashion. Some police officers have the added pressure of having to take on several different roles. The general public, neighbours, witnesses (such as children), the victim, offender, and extended family members all rely on the police to play the role of the mediator, the protector, the punisher, the counsellor and to apply the law. RCMP officer Bob expressed some of the frustrations he experienced when he had to deal with spousal violence cases, especially those situations to which the police had attended in the past. He stated:

It's probably one of the hardest things to deal with as police, it's a behavioural problem, all the time, it's a social problem [it] could be anyone. You can call, we can get tired of going too, some cases some people just escalate where there is a fatality, and we end up arresting them or her. Nothing police can do other than provide the service we do ... I can go back three or four times to the same place, you'll eventually say, that's enough, you people need to do something, you can't live this way. Get counselling or move away ... we end up going back, now other family members are involved now ... They're so enraged they don't

know what they have done, assaulted their wives, children or dog.

Many hurdles may occur for each spousal violence call that the police attend, which may also prevent them from performing their duties proficiently. For some South Asians, especially with regard to immigrants, negative images of law enforcement from their ancestral or native country may have an impact on their interactions with the police in Canada. For victims, there is a lot of trepidation. Some victims are misinformed by threats made by the husband and/or other family members—if she involves the police, she risks being deported back to her home country. In addition, if there are children involved, then she would also be risking their status in Canada. Many victims also fear the negative consequences that might result if she contacts the police, such as being further victimized by the police and/or experience a heightened level of abuse by her abusers.

James, an RCMP officer for nearly 16 years, commented on these struggles while recalling some of the cases he dealt with. He stated:

In some cases, South Asians wanted to use the police sort of like a witness. Like 'this is my stuff, I'm going to take I'm not stealing anything'... most times it's the female who is the victim, and in a few cases she was victimized by the entire family. You know, [with] a good portion it was the mother-in-law, her husband ... and they were all ganging up on her. This one person, the victim had no family, most of them were in India, and if they were living here, she was not able to contact them. Those ones were disturbing.

I sensed a lot of those types of people where the families were just lying in some cases it

was hard to listen to them ... eventually you'll get it out from one of them. I've witnessed in some cases a lot of families lied, they would just pretend to be victims, the whole family. The real victim might be too afraid to speak up. The culture, these are women that did not want to leave the relationship, in a lot of cases, they didn't have jobs, financial background, they didn't have the family ... the culture is designed where you need family support. The system in the South Asian culture is generally where the family has a lot of say, control and involvement.

Raymond, a settlement worker, argued that we should be more optimistic; when a victim realizes that the abusive situation has become extremely severe, she will certainly seek out assistance. According to him, "a lot of women come to us. I don't think that there is going to be any stigma because when you're stuck, you need to find help. Moreover, "It's difficult sometimes to get in touch with friends and family. Women in society are realizing they should seek out professional help". Raymond's co-worker, Sam, was also optimistic, and stated, "women should feel comfortable to call the police. Female[s] need to be protected and once the [police] come, they should protect them".

It is important to note that there will be some differences in the content of responses between police officers and women's organization service workers. The former are the first line of defence and are often called upon to intervene and assist in defusing the situation when the violence has reached an unbearable level. Meanwhile, the latter are often sought out much later on in the process when victims are struggling to cope with the aftermath of having left their abuser, as possibly being outcaste by other family members, and dealing with a new form



of independence (financial, emotional). The power and control theory highlights many of the key issues that were raised by the participants such as using intimidation tactics, emotional abuse and isolating victims. Yet, it fails to adequately describe these problems at a deeper level, particularly with respect to South Asian family violence.

The cultural social bond theory, however, reinforces such issues as the active role of extended family members who often prevent victims from seeking any assistance. Also, as both the data and the cultural bond theory highlight, extended family members might also be victimizing or inflicting abuse upon victims. According to the data, family members also pressure victims to stay the charges or to throw the case offenders would be charged with, which is also mentioned in the power and control theory. The results also indicate that, at times, extended family members will also attempt to manipulate police officers by lying about facts in order to protect the offender. Both the data and the cultural bond theory note that offenders will often use the culturally based shaming aspect as a main form of manipulating their victims.

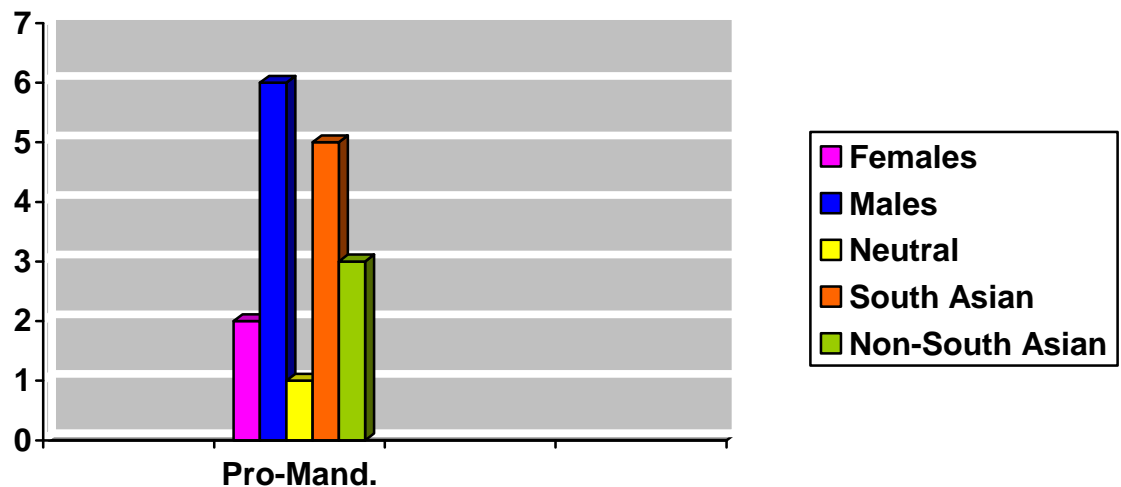
Keeping in line with police services and the legal ramifications that offenders might face, the third emerging sub-theme is that of mandatory arrests and charges.

### **Mandatory Arrests/ Charges**

In British Columbia, the police are required to arrest offenders when there are physical signs of abuse. Neither the victim nor the police have the onus to decide whether the offender will be arrested in such cases, it is mandatory police

procedure in these circumstances. This is different from mandatory charges, which used to be a part of standard police procedure mandating that the police must also recommend charges of assault under the *Criminal Code*. However, this is no longer in effect in British Columbia.

**Figure 5. Respondent Opinions on the Pros/Cons of Mandatory Arrests**



This figure reflects a greater number of participants (n=9) who commented on police mandatory arrest practices: eight in favour of and one neutral. Of the nine respondents— six males and three females—an overwhelming number are South Asian males (n=5). Of the females, two participants are of non-South Asian descent, and one South Asian female was neutral on the topic, commenting that there were definite pros and cons to the argument, and the effectiveness of mandatory arrests would have to be weighed on a case-by-case analysis.

The intention for mandatory arrests and charges is to alleviate the pressure and accountability from the victim by placing this responsibility onto the police and Crown. RCMP officer Caddie expressed this view. She stated:

Any time there is a violation, police are supposed to respond immediately on violations ... charges shall be made and arrest made. So if violating, you don't let it go ... Sometimes, the women allow the men to violate the orders, or she is in court the next morning trying to drop the charges. That is some of the drawbacks of this. One of the reasons is that they want to take some of the responsibility away from the victim, so that the victim does not feel guilty or to blame for charging the loved ones.

RCMP officer Bob expressed similar views in favour of mandatory arrests.

He commented:

We have to lock them up, take them to hospital if [they] drank too much, because if we don't take him and family member takes them, an hour later, he's going to be back to the house, worse situation, now he's probably really mad ... goes back and beats the hell out of her, or other way around. We always get this case, domestic violence, someone's gotta [sic] go, either voluntarily leave, come back tomorrow.

The repercussions for victims who have had to make this decision themselves are known to be grave and detrimental for many; they often become more vulnerable and are subjected to higher levels of violence from the perpetrator and/or extended family members for having involved the police. Wally Oppal discussed the pros and cons of mandatory arrests and charges.

Oppal noted:

Mandatory arrests, should we be rid of them? No, it's a good policy, to try to lessen the dynamics that are taking place at the scene. There is nothing wrong with having a cooling off period. We encourage not having a mandatory charge, can't have a one size fits all. We need to listen to the victims. I think it's presumptuous to tell the victim what's good for her. Without being pressured, that the charges should not go ahead because they're working together in counselling etc, I don't think we should interfere with this decision. We need to discuss each case on its own.

When questioned whether or not mandatory arrests and charges are effective solutions to preventing the abuse and in offering victims some form of protection, RCMP officer Cameron stated:

Yes, I really think so. The primary aggressor should be charged. How else do you stop the cycle of violence and I fully support that, if not, then the cycle of violence will continue. [The abuser] has to know that there are consequences to [his] actions.

Arrest is one thing, charges the crown must look at. What is the best way to stop the violence? Jail is not the goal; the goal is to stop the cycle of violence. In the end you know they're just going to get back together, how do you get the family together, I darn well know that they will not get a divorce.

Alicia from victim services commented that, since working in this capacity and with high risk offenders, she is all for pro arrest and charges. She argued:

I've gone completely pro-arrest and charge after working here. The alternative measures are not working. We have lot of guys who are in organized crime and abuse their spouses

and you can't convince victims to come to court, but I don't want them to come to court for their safety. We've had guys who have found her in transition houses and under police protection in hotels. I really wish they would stay the proceedings and go ahead with charges. This guy is so enraged and he's told her if you call the police I'm going to kill you. Counselling doesn't seem to work.

Yes [mandatory charges are effective]. I know some say it's not empowering women, but now I think you can empower them in other ways. If they want to come to court, it should be a choice.

Women's support group worker Karen expressed the pros and cons of mandatory arrests as per her experiences. She argued:

It used to be a very good policy. It has pros and cons. There was a time when there was a 911 domestic call they would arrest him and remove him, [put him] in jail and put him out on bail. But, [what if] he was the bread winner? Now, they say 'women you have no choice' and that freaked them out. Her rights were not explained or maybe she didn't understand. But she feels that if they don't know the law, 'I just wanted him to stop his behaviour. I want this abuse to stop'. That is the reason why a lot of women are not calling the police. There is a huge disconnect. Damned if you do it, damned if you don't.

Chief of Police Steven had extensive opinions on mandatory arrest and charges. His statements clearly indicated the various factors that arise in consideration of both punitive actions. He remarked:

In this particular area, I don't think law enforcement has done a very good job. I remember that when you went to a domestic

violence call, you try to settle things down and you left. This is perpetuated throughout law enforcement. We start to really see a grey area. She will say, 'I don't want to do anything about it'. They will say, 'I don't want to do anything about it'. And we have to understand why she will say this. First of all, he's probably the one bringing in the money, and she will blame herself at the end of the day, that she did something wrong.

There have been cases where the violence has been so severe and ended up in tragedy and deaths as a result. As a law enforcement practitioner, when they brought in mandatory arrests, we thought, 'oh my god it's a lot of work'. But, you know what? It made our job easier in a way because when you went there, you now had a tool to defuse the situation right then and there. What happens after he is released from jail? That is what's missing. I am somewhat supportive; it is a tool for law enforcement. But, once law enforcement is finished with it, someone else has to come in.

RCMP officer James argued that cultural considerations should not be regarded as far as mandatory arrests or charges are concerned. He noted from his experiences that this choice:

Depends on individual cases. We can't worry about the culture, things get really muddy, and we have a system, people have to learn this system in this country. That system has to be the same for everybody. And everybody has to learn this system and that's the way it'll work. We may need different support like language [interpreter services] but the same system but different assistance and different programs.

However, Sam, a settlement worker, holds a different opinion. He commented:

In some parts it's not effective; what I've heard from families is that it gets worse. Sometimes the parents call the police, but once the police come, everyone has calmed down and they don't want anything to happen and they don't want any arrests or charges. If it's evening time and he's under the influence of alcohol and his temper, then yes, arrests are a good option.

Sam touched upon an issue that was brought up by several other respondents; a brief discussion of offender drug abuse will be discussed later on in this paper. A large majority of respondents felt that mandatory arrests and charges are an effective tool for the police to utilize to control the scene of the spousal violence cases they attend. However, the respondents seemed to express that the next step in the legal process—the court system and the duties of crown prosecutors—is more convoluted.

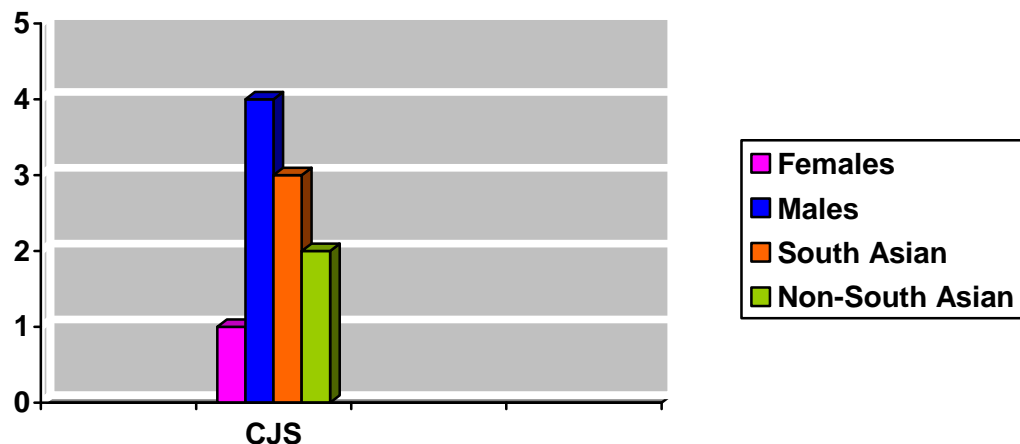
### **The Canadian Courts & Crown Prosecutors**

Crown prosecutors rely on several things in order to prosecute perpetrators one of which is to have proof or factual evidence of the crime. Many victims of spousal violence fear future abuse from her abusers and/or added pressures from outside family members, which might prevent her from following through with legal charges. Wally Oppal recalls, “in Kelowna, recently, seventeen Indo-Canadian men charged with assaulting their spouses in [a] small centre like Kelowna. I talked to our prosecutors all the time, without any empirical evidence [they can't do anything]. He further adds that the prosecutors will “tell you there's a large number of Indo-Canadian men who are charged with assault, if you go into a Surrey courthouse any day, you'll find that”.

Mr. Oppal also stressed that aside from cultural differences:

There's the unwillingness for victims to go ahead with criminal charges. That cuts across cultural lines, because we prosecute very few people successfully, because [of] the reluctance of women/victim to go ahead because of the unequal position of women as opposed to men, the power imbalance and economic balance that exists. [With] the police and victim services policies and practices, the policies are good. Over all, they do a fairly good job of looking after victims. But there is always a break down.

**Figure 6. Respondent Views on the Criminal Justice System**



The data in this graph reflects participants' overall views on the effectiveness of the Criminal Justice System (CJS). Of the total number of respondents who expressed these views (n=9), a larger number of males (n=4) and one female stated that the CJS fails to provide victims with protection against future acts of violence, or in providing solutions for curbing the offenders' violent behaviour. Thus, the CJS inadvertently causes secondary victimization of



spousal violence victims. Of this group, three are of South Asian descent and two are non-South Asian.

Many of the respondents expressed empathy for crown prosecutors and RCMP officer Cameron agreed. He remarked:

Prosecutors are so overworked, they're underpaid ... their case load is higher than others. It is very hard to add cultural variables. The work load [of] an Indo-Canadian police officer's ... is fifty percent higher than that of a White policeman. The workload of prosecutors is the same. Will they be able to pay attention to cultural nuances when it's just another file sitting in front of them while they have sixty others there too? Cultural factors increase your workload. They need more time and resources to deal with this.

RCMP officer Bob considered the role of the courts. He stated, "Conditions are placed through the courts such as take anger management classes. The accused and victim can only stipulate so much. It's not only one party's fault, it takes two people to fight ... so we tell them, there needs to be conditions on both sides". Victim services worker Alicia was the only contributor who considered some of the cultural hardships that potentially arise in the court process, as well as the importance of presenting victim impact statements. From her experiences, she noted:

Family members or friends won't come to crown meetings, they're just more involved and the pressure is so much greater. In court, it is quite common to have more family members there ... a lot of intimidation not sitting on the victim's side even though you can see it in their faces. It's just more of a cultural thing. When they're abandoned they're really abandoned by

everyone their whole support network which makes it really tough when you're one person and all these people are pressuring you.

Chief of Police Steven considered the events that unfold after an offender is arrested. He commented:

The judge and crown still have the discretion. Most of the times when you make an arrest a charge will go forward. The crown then reviews it and decides if it meets the criteria for prosecution. And then it goes in front of a judge, and at that point a judge can exercise some discretion too. If it's a severe assault on an individual, there has to be some classical punishment, there has to be some deterrent.

I don't think [crown are] as hesitant now compared to several years ago. In my experience, crown wants to ensure first of all that the police have done what they have or should have in order to put the best case forward.

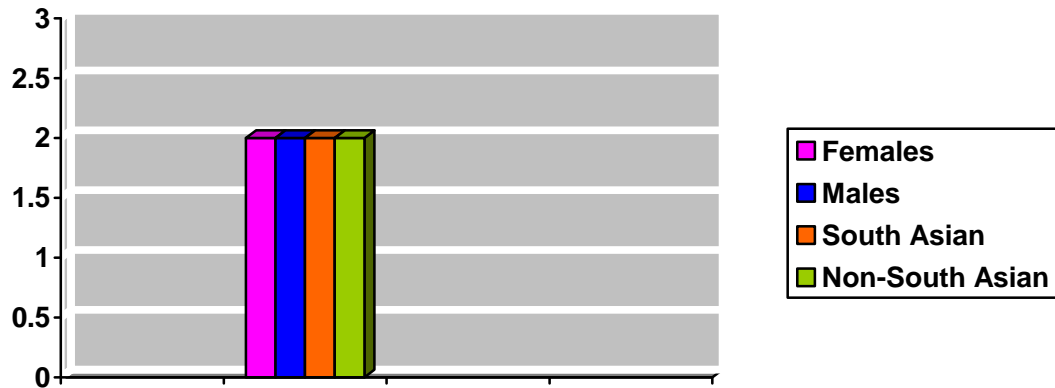
To summarize, there are several key legal players involved in attempting to curb domestic violence from police officers to crown prosecutors to judges. This brought many of the interviews into a discussion of punishment of offenders, whether the judicial system effectively penalizes spousal violence offenders, and if it acts as deterrence for future violence.

## **Punishment**

Some argue that locking up perpetrators of spousal violence is not only inept, but might also escalate the level of violence they inflict upon their release from prison. Others argue that by removing violent offenders from the scene and from the home, victims are provided with the space they need in order to escape their abusers. Critics of the judicial system argue that imprisonment does not

deal with the root causes of crime and many victims including children suffer the consequences.

**Figure 7. Respondent Views on Punishment**



Four respondents expressed that the effectiveness of punishing offenders for their violent behaviour is inadequate (n=4), two are South Asian males and two are non-South Asian females. Wally Oppal touches upon some key principles of the South Asian culture such as the shaming aspect.

Some people feel that the arrest and humiliation and spending the night in jail [is] sufficient punishment, others who will spend a week in jail and come back and do the same thing over again, so there for them the punishment was not enough. [For] some people removed from the premises is sufficient. Punishment and sentencing is a difficult concept and practice.

I'll give you an example, [I asked] a prosecutor in Surrey, how are we doing in family violence? She said that she got a call from a woman saying 'I'll never call you guys again, I'll never call the cops again, the police arrived you took my husband away, you guys prosecuted him, he was fined or jailed, my marriage is broken, I can't reconcile, the whole process has

destroyed our marriage. That is the other side of the coin. Over fifty percent are victims of spousal violence, [say] 'go ahead, but when it comes to the trial date, what I said to the police was wrong, I over reacted ... in the courtroom I'll deny everything'. That happens over and over again.

RCMP officer Cameron noted the differences in punishment for South Asian offenders. He stated:

Ninety nine percent [are] male, with no contact. The female is self-sufficient. But in the South Asian [community], it doesn't quite well work. There is no independence of women in the same as [in mainstream society]. The pressure is to get back together. There is a societal pressure to stay together. The goal is to provide some sort of incentive, but at the point where the abuse is so violent, people should understand that there are repercussions of their actions.

Victim services worker Sarah also mentioned some challenges in penalizing South Asian offenders and similar to Cameron's comments, she too feels that there are extreme social pressures for couples to remain together. She said:

I see very little punishment; within the South Asian community the majority of the charges are stayed. Eighty-five percent of women come in and ask to drop the charges. They get tremendous pressure from extended families to drop charges. They do get sentenced to probation and told no drinking, no firearms and go to anger management counselling. But, there are very few programs and there is a year and a half waiting list and the probation might be only a year.

It's really hard for women who have been raised in a [traditional] culture to make her way through the criminal justice system so inevitably they get off. It is a cycle and it is a learned behaviour and there has to be new behaviour and then there has to be consequences.

According to women's support worker Karen's experiences, offenders rarely seek out assistance in dealing with their violent tendencies. She stated:

They will only go to anger management abusive men's program in Mosaic and [a representative of Mosaic] was speaking on this. She was saying men will only come if they are court mandated. They will do anything to avoid having a criminal record. They will never come on their own. How effective is this? If they don't want to do this on their own, they won't. They might move onto another relationship and the violence will change; it might not be physical but might become emotional.

As is evident, there are a host of competing issues that exist in cases involving family violence and in particular those of South Asian descent. Though not every respondent touched upon all of the sub-themes presented above, each one had something to contribute on one or more of them. The criminal justice system's role and its responsibilities are vast and extend further than the factors noted above. However, the role of extended family members, mandatory arrests and charges, crown prosecutors, and punishment are four very important and key issues to contemplate.

Though neither the power and control theory nor the cultural bond theory include a specific analysis of the criminal justice system. However, both theories

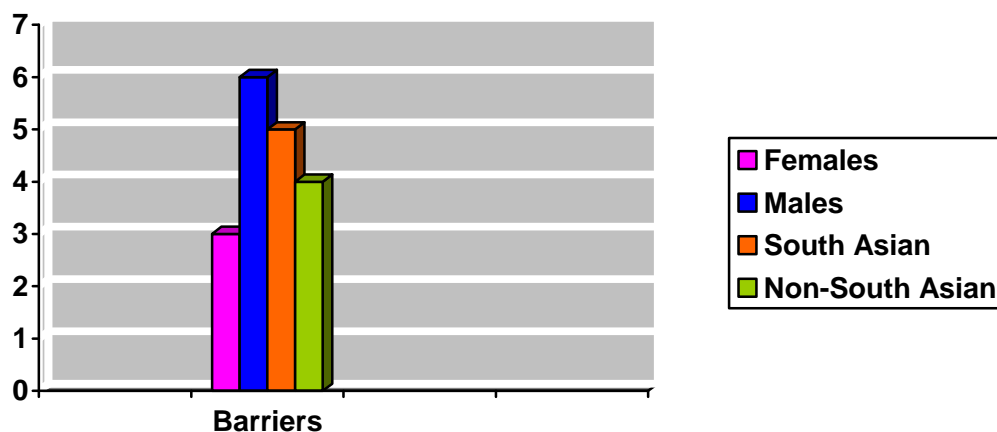
do point to some of the underlying issues that the data reflect. Intimidation tactics seem to be a major form of manipulation offenders employ in order to control their victim's actions. As the data indicated, offenders will attempt to sway victims from seeking legal intervention by threatening them of the dire consequences of doing so. Likewise, many abusers will use male privilege in a general sense according to the power and control theory. Again, the cultural bond theory, however, highlighted many of the core issues that are relevant to South Asian family violence. For instance, the constant role and interference of extended family members in court as they show their support for the offender. Also, as the data illustrated, extended family members also apply a lot of pressure upon the victim to drop the criminal charges. Respondents also noted the increased barriers immigrants face when dealing with the criminal justice system, and perhaps even experiencing a heightened level of intimidation as they often lack knowledge of how the judicial system operates.

As is evident, there is a lot of grey area involved in this discussion. Another added component is the consideration of immigrants. Many new immigrants struggle on an entirely different platform than most others, since they are often more vulnerable to empty legal threats, such as deportation and so many are unaware of their individual legal rights in Canada. These issues coupled with language barriers are just some of the problems so many immigrants face, which forms the next theme.

## Emerging Theme IV: New Immigrants

A discussion on South Asian spousal violence cannot be complete without a brief consideration of the trials and tribulations that many immigrants endure. Many immigrants have language barriers and experience culture shock as the mainstream culture in Canada might be starkly different from that in their homelands. Many immigrants, especially women, are isolated from engaging in everyday mainstream societal tasks, such as making friends or working. Many are unaware of their individual rights in Canada and others face isolation from the community at large. In most cases, a South Asian woman's own family members might live abroad, most typically in India. Contact with them and any others outside of the home might be limited at best. As aforementioned, many are also misinformed and under the threat that if they do not comply with the husband's (and in-law's) wishes, that she might risk being deported back to her home country.

**Figure 8. Respondents' Views that Immigrants Face Unique Barriers**



The data indicated that, of the total number of participants (n=9) who commented on the hardships that are unique to immigrants, four were South Asian males and one a South Asian female. Additionally, two male and two female participants were of non-South Asian descent. Sarah, a victim services worker, commented on the lack of knowledge immigrants have of their services primarily due to language barriers, and offers an alternative on the presentation of awareness literature. She stated:

Immigrants and refugees have no idea who we are, they might think they have to pay for it [victim services] or because of traditions and culture are nervous of the criminal justice system based on their own experiences from their home country, that they don't want anything to do with anybody.

One of the things that have not happened ... federally there are so many funds available through multi-cultural initiatives and everyone seems to be fighting for the money, but very little is produced. Also, a lot of new immigrants, and those who are not, they don't necessarily read Punjabi or Cantonese.

Sarah's co-worker Alicia noted that "even victims who have lived here for four or five years, they tell us that they're so afraid that their children will be taken away or they're going to be deported back and this is so terrible they have sat here living in fear". Chief of Police Steven, paid particular interest to female immigrants, and in examining the adversity they face while settling in Canada, he commented:

Look where she is most likely come from. Look at law enforcement from where she is coming from. She doesn't walk the malls; she doesn't



have a circle of friends, other than her extended families. You need to start to bring in service groups. This is where our community differs, not to some great degree, but we are such a proud community. We seldom go outside of our family in order to assimilate a person, other than the family. There are some very good things, but when things are twisted, there has to be intervention. Usually it comes from the neighbours phoning in and the law enforcement enters and has to have the skill set to determine how to intervene.

RCMP officer Cameron noted that a majority of the victims of family violence that he dealt with involved immigrants. He related:

There were two cultures competing and sometimes it was the girl marrying into a traditional type of family or vice versa. And I think that still exists today. Some guys and girls who were born here, but they'll use the culture as an excuse, go out and be foolish, but the girls expected to stay home and follow the culture. There has to be fairness. The culture is, even way back then, is an excuse. There were a lot of men who would never hit a woman, and everybody saw that. They knew even back then that it's wrong.

RCMP officer Frank also noted:

Females from India have no support system, different culture in Canada, patriarchy is normal, feel demoralized, demeaned, second class citizen, in home, victims of mental and emotional and physical abuse, no documentation of anything, if they leave, no place to go, fear of leaving and so they endure the abuse.

RCMP officer Bob, who has been policing for nearly 27 years, expressed similar opinions regarding immigrants and their fears. He stated that it is important that victims know that, “you need to tell somebody, but they are afraid because they have no financial income, no support, no family, whatever it is. They’re totally lost here, because family is over there, and I’m over here, no one is going to help me, what do I do next?” There have been ongoing efforts on the part of the government to implement some resources that would cater specifically to immigrants. Wally Oppal mentioned a couple of these initiatives:

We have something called, *Welcome BC Now*. We’re putting a lot of money into the *Welcome BC* initiative. Some of that involves, we’re putting settlement workers into schools where kids come from refugee backgrounds, we’re putting in workers who can explain what is going on in the courtrooms and the school [class]rooms. We’re also putting in more English as a second language in the schools. The settlement workers have received thirty-eight million to one hundred and five million on settlement services in the future. Settlement services include where to go to find a job, where to go to when they’ve been discriminated against, where to go when their rights have been violated.

Analogously, settlement worker Raymond discussed the services provided by the organization for which he works. He explained:

[We give] information and help to new immigrants and people who have been here for awhile. Some who have language barriers we help them fill out some forms such as CPP [Canada Pension Plan] and WCB [Worker’s Compensation Board]. Law students also come in to help. Some problems we solve in house, others that we can’t solve here we refer them

to other organizations. Most of them are new immigrants but also seniors. People from different backgrounds as well. Language is the single important reason why [clients seek] our assistance.

Karen has worked for a women's support group for nearly 15 years, and she expressed that there are noticeable differences among victims of family violence who were born and raised in Canada versus those who migrated here.

Karen commented:

Compared to women who are born and raised here, they are more outspoken and they will not put up with that. New immigrants are very vulnerable they don't know their rights. Because of the culture and they are more prone to violence and put up with that. There are more women new immigrants. Then the sponsorship thing, she might want her family here, and she might not be working, learning English and doing odd jobs. Because she has been told that she has to settle down, they only believe whatever the men or the family tells them. They don't know what sponsorship really means.

RCMP officer Cameron also touched upon the lack of services available for immigrants and he stressed the need for the media to help fill this deficit of knowledge. He argued:

The key is going to be how much resources we put into in terms of immigrants when they come over [...] but they never have any money to begin with and sometimes there's pressure to work to bring the next generation over and then the next generation. They're in shock in awe when they arrive [and] there's so many issues like language barriers too.

Over time, we're going to have three hundred thousand immigrants this year and the next ... the key is through all sorts of services, media we have to keep re-emphasizing this issue, in our religious organizations too. We're a firm believer that new immigrants don't have equal access to services. We have to change the values and what happens behind closed doors.

Though the few factors mentioned above are not an exhaustive list by any means, it still does provide a framework of the issues and some of the challenges that are unique to immigrants. Language barriers prevent many from fully assimilating into mainstream society. This coupled with the lack of knowledge of individual rights and the knowledge of legal proceedings, puts many immigrants at a disadvantage. The power and control theory supports some of the data pertaining to immigrants as well. Many victims of spousal abuse are isolated not only from the mainstream society, but also within their own social circles. Participants also noted that many abusers would also use their children as another form of manipulating their victims. Data also indicated that economic abuse is also common in many family violence situations. All of these, and other factors, could lead to emotional abuse as well.

Immigration and the hurdles they face are, however, specifically inclusive in the cultural bond theory. As both the data and the cultural bond theory indicated, many immigrants face assimilation issues and culture shock. Many are also isolated, as some of the respondents commented that South Asian victims often over rely on the extended family members for information and support. Some abusers will also threaten victims of being removed from their children and

deported back to India if they do not comply with their demands. Similarly, many South Asian immigrants face the added challenge of deciphering which Eastern versus Western ideologies to embrace. Some of the respondents stated that, though some victims might be employed, they are still required to follow traditional cultural practices outside of the work field.

The next theme that materialized from the data is the ramifications of the mass media's portrayal of South Asians in general and family violence specifically, as well as its responsibility to raise social awareness.

### **Emerging Theme V: The Mass Media**

The mass media has two distinctive qualities. It can be viewed as a source that helps generate public awareness on important social issues, which could help foster social changes. Conversely, some argue that the mass media interferes with issues and skews the facts by sensationalizing them in order to gain viewership. RCMP officer Bob conveyed the latter perspective when he was questioned about the media's role. He argued:

Newspapers. All they do is that they write it up the way they want to sell papers. If they write the truth, they exaggerate it, if it's a lie, they exaggerate the lie. Unless you were there, dealing with these people on a face-to-face basis, they don't know nothing ... they don't know anything about the situation, maybe [the violence is] a life cycle from childhood to adulthood. Newspapers don't give [the] honest truth of what transpires.

Similarly, women's organization support worker Karen also expressed the mass media's desire to portray South Asians in a negative light. She argued:

They play a huge role of how they portray South Asians. One example, there was a father who killed his daughter in Kitimat. She was dating outside of the culture. It made the front page newspaper. There was a same thing, from a Portuguese family and the story made it in the paper on page sixteen and a small column. They show that South Asian men are more violent and they make the headline news and they sell their papers, but if it happens in any other community then no. The large majority of our clients sixty to seventy percent are non South Asians; they [the media] exploit South Asians.

Many of the respondents noted the mass media's tendency to portray South Asian issues in a negative light. However, much of the South Asian mass media has been able to bring about social awareness and changes particularly within the realm of South Asian domestic violence.

Wally Oppal said, "unfortunately and tragically, [we] have these incidences where someone kills their child because they are not the right gender, regrettably. But educating people more, the Indo-Canadian media does a good job of raising these issues and we're on the right track". He also stated that the mass media's positive influence, generally speaking, has improved by at least 50 percent in comparison to five years ago. Wally Oppal was in attendance of the public forum on raising public awareness of south Asian family violence, which occurred on November 2, 2006 in Surrey, B.C. When asked if it were effective, he stated, "the public forums are constructive for these reasons. So many bared their souls".

RCMP officer Cameron shared similar views on whether the mass media effectively fuelled any affirmative social changes. He stated, "I believe so. They

all care of different issues. It's like the stages of alcohol like denial and these issues go through the same thing. I think they [the mass media] can be beneficial to spread the message of what is acceptable". Chief of Police Steven disagreed for the most part. He argued that South Asians are unfairly represented in the media, "but most minority groups are unfairly represented. We get more play in the media than the mainstream community does". His comments regarding specific South Asian news media sources were just as critical. Steven stated, "Red FM is crying, Radio India and Punjab at times it seems like a lot of yelling and screaming versus truly wanting to delve into the issue".

RCMP officer James also seemed hesitant about the mass media's effectiveness. When asked if he thought that the level and intensity of South Asian violence was unique to its culture, he commented:

I think it happens in a lot of cultures, but there's a few more in the last ten years. When it happens in the South Asian culture, it's always in the media, always headlines and makes the front page news. The focus we hear about in the media is the South Asians, some of it is their own fault, the violence part of it and it's done in the open. I know everyday there are a couple of thousand per year overdose deaths ... they don't make the news.

[A] lot of things that are done out there are very political. There are many groups involved here, and many do help, but in a lot of things you won't get the victims to come out. Go back to the kids, educate them and it takes many years, many years to make it good as it does to make it bad.

Settlement worker Raymond was questioned about whether the mass media effectively raises social awareness on South Asian family violence issues.

He replied:

I think more media attention have also played a part in bringing it out. It is not a problem of only the South Asian community. But, because some times of being a minority group, they get the focus. This is a social problem of every country. There are lots and lots of these kinds of cases. But, minority groups are always in focus and sometimes to disproportionate lengths.

Yes, we [the media] certainly can. The media is a strong participant and has the capacity to mould people's attitudes. Even people who have no language barrier can communicate with the mainstream media. [The public forum] was a good effort but it lacked the follow up, there has been no follow up. There must be a mechanism in place in society where when such a situation arises, which can help resolve those issues before it reaches the point of no return. They were able to create awareness and break the ice ... but there was no follow up efforts.

So it seems that there were mixed responses from these respondents.

Though they acknowledged that such efforts as the public forum on South Asian violence was valuable, it lacked the necessary follow up in order to fully reap its advantages. Many continue to argue that South Asians are unfairly represented in the mass media. Yet, it would also be a disservice not to acknowledge that some of its efforts have been the cause of some degree of social change. For instance, the media's reports on several South Asian spousal violence cases helped generate a public conversation about such abuse. This alone is progress,



as it has forced individuals to consider family violence issues, a matter that has been much ignored in the past.

As was the case in the previous section on the criminal justice system, the power and control and the cultural bond theory do not specifically address the effects of the mass media on family violence. However, the cultural bond theory does account for social influences. Thus, in this regard, as the mass media plays a heavy role in shaping social perceptions and norms, then this theory does acknowledge the media's influences in a broader sense. South Asians are doubly influenced by two main forms of mass media, first, the mainstream mass media, and second, the South Asian mass media. The effect this has on South Asian family violence is unknown, and is certainly an area that would require further examination in future research. As is evident from the data, participants who did comment on the mass media and its effects produced mixed reviews, while many did not comment much on the subject matter. Thus, within this context, the findings are limited and, consequentially, the discussion on the mass media is also restricted.

## **Emerging Theme VI: Breaking the Cycle of Violence**

### **Alternative Measures**

After a discussion of the many problems with South Asian spousal violence, many of the respondents addressed and suggested some foreseeable solutions and alternatives to dealing with it more effectively. Attorney General Wally Oppal remained hopeful that the efforts that have been made thus far will prove to be fruitful. He commented:

A lot more mechanisms and resources exist more than people think. A lot of them come from environments where it is difficult to seek out help. There are transition houses, albeit temporary. But I think the problem is that it is a societal problem. We all have to think about how we can help. Crown prosecutors are quite diligent in laying charges. But the complaint I hear is that victims are reluctant. We have to talk about these things more. Historically, the reluctance to deal with these issues is proof.

Regarding one of the many challenges that inhibit police officers from being able to interact with some families due to language barriers, Wally Oppal stated:

Well we have interpreters, but not enough of them. In a perfect world we'll have a Punjabi interpreter every time, they're the first responders but the police do a pretty fair job. There are almost forty percent minorities in the city. The institution and resources haven't been there as plentiful as they should be. I think we have to put some of those policies and some of the issues we've discussed in the forum into practice. The issues have to be at the forefront all the time. You are never going to prevent all violence from taking place.

RCMP officer Caddie also expressed the importance of many organizations to come together to work on the issue of family violence. She commented:

Family violence is a complex problem and cannot be solved by any single form of intervention. Implementation of effective strategies requires the collaborative and cooperative efforts of many other agencies and individuals. Police are the frontline, but that is just one step ... we could never solve the

problem, but can reduce the incidents, but other agencies need to also be involved.

When asked if some restorative justice principles could be applied to deal with South Asian family violence, RCMP officer Frank commented, "In depot, a major issue was whether or not restorative justice approach works or not. It works well in Native communities, but not in Indo-Canadian communities". RCMP officer Cameron commented on his personal experiences as he sat in as a member of a *Punjat* the last time he visited India. A *Punjat* consists of a group of selected few community members who are called upon to meet with families who are facing problems and to help by offering suggestions and solutions to these issues.

This practice mirrors closely what the Aboriginals refer to as healing circles, whereby victims, perpetrators and other community members all participate by sharing their feelings and elders provide their advice based on experience, wisdom and insight. Some of the goals include individuals having to actively listen and consider opposing viewpoints, and to come to a collectively agreed upon punishment for the offence. Similarly, in the *Punjat* system, community elders from nearby villages attend. However, all of the elders are male. Cameron commented that not much has changed in this practice since it was first adopted, and when asked if *Punjats* could be successfully practiced in Canada, he stated:

The whole idea in India is *Punjat*. I sat in on one. I watched issues as they arose. In one sense it is male dominated and from the paradigms of older males and their views. You

need the right mix of people and consequences. *Punjat* is based on shame and knowledge with a social stigma attached to it. I've worked in Aboriginal communities and it works where there were a strong social system and valued elders but any break down, then it was not effective. *Punjat* is based on your peers; there is anonymity here, so that is why I don't think it would work here. The crime rate was higher here than in India in some cases. When you come here there is more anonymity. Many challenges for that to work here.

Ultimately, Cameron commented that, "Each one has a particular role to pay and needs the particular resources and the literature to play that role. Every part of that system has that role to play in this. The complexity of the system is that it doesn't allow us to play in the sand box together".

Women's organization support group worker Karen argued:

We have to use the media [in] a powerful way, but we have to do it in a non threatening way. All of these cultural medias, the editors don't want to put anything that might offer distaste and show non support of the man. But there are certain awareness programs that can be presented in a non threatening way. We need to do more of that. It boils down to the sensitivity of the issue and the way we deliver the message.

Asked whether or not the *Punjat* system would be effective in Canada,

Karen stated:

All depends who is sitting on the *Punjat*, are they all men, are there women, and is there an equal representation? Back home it might work, if they're fighting over the land. But it won't work in family violence. We have alternative measures with Aboriginals with

circle sentencing, but we need to have a good moderator to do that who is non-biased and fair to both of them. The worst you can do, though, for the victim, is putting both in the same room. Men will come because they want to avoid the court system and not have a criminal record. But what does it do to the women? How supportive is the victim services and the criminal justice system and the mediator, what happens after that?

It seems that the success of adopting India's ancient *Punjat* system in dealing with South Asian spousal violence could only be successful if it incorporated some Western principles, as well as ensuring that there is an equal female to male representation. However, as Karen pointed out above, many other considerations must be met. She argued that not every criminal act could be properly addressed by placing the victim and the offender in the same setting. It is equally crucial to deem what the legal implications would be as well because without any legal or political support, the system might place victims in more vulnerable situations—perhaps even further re-victimization. One of the other themes that emerged from the data was the significance of drug abuse among the South Asian population.

### **Drug Abuse & Educational Levels**

Many of the respondents raised the issue of drug abuse among South Asians in general, and how it influences one's behaviour in spousal violence specifically. RCMP officer Frank stated, "drugs among the young Indo Canadian population is rapid ... Meth, crystal meth and pot". The "older generation of men do tend to drink alcohol, but they're] generally harmless, generally arrest for

breach of peace”. And those who are between the ages of “seventeen and thirty are more aggressive, other problems such as intoxication, fights and domestic violence, assaults while impaired occur”. He further added, “Newton is considered ‘Little India’. Eighty-five percent have accepted drinking as socially acceptable”.

RCMP officer Bob disagreed to some extent. He commented, “there is no specific thing; not always drugs, money, alcohol. It’s a combination of a small thing to a big thing, depending on the family. Where do they live, what do they do, do they have an education?” Victim service worker Sarah commented on the social infrastructure of South Asians. She argued, “The children who are now teenagers in gangs are into drugs [...] [there is a] total breakdown of the old traditional values of community and that is going to make a huge difference within the community, especially the strong knit aspect of it”. In terms of how to deal with the issue of family violence then, Sarah offered:

[We should be] starting in Kindergarten and grade one ... it’s difficult to change attitudes but it is easier to change behaviour when [things] become socially unacceptable, violence, and children need to be taught that when you see someone hitting someone you need to call 911. And there is a substantial increase in the number of children calling 911 in domestic violence cases. It’s great to educate adults, but where you’ll see a huge impact is in the intergeneration by raising awareness there. Attitudes take decades to change, but behaviours change quickly.

In terms of educating the public at large, Sarah said:

If you say to people, whether they were born here or come here, that if you assault someone there are consequences to that. We live in a society where we expect people to conduct themselves with a certain degree of dignity. Once you lay hands on somebody that is a crime. In 2003, the Attorney General changed things for Crown counsel and they're staying all charges now or clearing them with a peace bond. That's unfortunate. Men knew that they could pressure their wives. Before it didn't matter and they got a lot of guilty pleas. If it's the law, then it's the law. If it's continually broken, it shouldn't matter.

Victim services worker Alicia touched upon many other factors that are often connected to family violence such as drug use/abuse and educational levels. She noted:

Unemployment of the abusers or not allowing victims to work [is common]. Something bad has happened in their lives and [other things like], drugs and alcohol. Severe drugs like crack and meth are the two biggest drugs used by South Asians. They're still different [in] that they'll do crack in the car, whereas doing it in the house [due to the culture]. I have clients who have their Masters and bachelor's degrees. Then there are those who are educated from back home but not here or there are language issues. But, no, there are no trends in this way.

When asked how to deal with these competing issues and how to prevent future violence, Alicia commented:

Proactive outreach is a huge thing and knowledge building support systems within the South Asian community. Realizing that there

are all these familial pressures [and dealing with] new immigrants [is] crucial. I do find if there is even just one person supporting them, it gives them power and they feel validated. It's a lot of drop the charges due to the shaming. They tend to have a little more respect for the police or the authority. I wish we could do more, something like the Aboriginal circle sentencing where there is more accountability and involving those who have more cleats, like Wally Oppal.

Chief of Police Steven also noted some of the drug issues facing many in the South Asian community. He stated, "in this community it's E—ecstasy, major consumption among the youths in this community. You'll see crystal meth problems too. We have our youths who are trying drugs". Thus, the drug of choice seems to vary, and some varying patterns can be witnessed between the older generations and the younger ones. However, none of the respondents emphasized the drug issue to any greater extent.

The power and control theory also supports some of the respondents experiences that some offenders may be unemployed, or they may not allow their victims to work. The cultural bond theory also acknowledges financial dependency, but it also entertained the possible effects of substance abuse in South Asian spousal violence. Furthermore, it also considered the notions of Eastern and Western principles, as some of the participants noted the challenges of combining the two with the example of the *Punjat* system. The cultural bond theory also included education levels as another possible contributing factor to family violence under the semblance of self-identity as many individuals—perhaps the more educated ones—define themselves through educational



achievements. Both theories, however, do illustrate that there is a cyclic pattern of family violence, which some of the respondents also mentioned. The next step to the data analysis and collection was to consider all of the information each participant had provided and use it to discuss how future dealings with South Asian spousal violence could be altered.

## **Emerging Theme VII: Future Implications**

When asked whether he felt public forums would be beneficial or not in dealing with these issues, Chief of Police Steven said:

I think it was good for the community itself, but not for the larger community. Look what they did with it. The problem is there is a lot of talk but very little action that comes with these forums. The difficulty is to turn those words into action. That's where government has to take more of a role; the community is looking for a leadership. Government has to lead them into something. You have to care. I feel that some people in law enforcement should not be in it. But, I can't blame them either. Everyone has to be treated with dignity and respect. Police officers might also have experienced domestic violence at home, and then here they are dealing with these calls. They have to care.

On future suggestions for ways to help curb family violence, he commented that:

Any support system would work. Here's the way I like to look at it. Community court that opened in Vancouver. If you look around in other jurisdictions like America, they have domestic violence courts; I think that is something we really need to try here. Especially if we have law enforcement and politicians saying we have a large domestic violence cases. Kids that were five or six years old, who witnessed violence, and now are involved in it when grown up. There has to be

early intervention. Certainly school liaison is good but it needs to be catered to the issues specific to that community. You can't just come up with policy and make it straight across British Columbia; you have to tailor it. Difficulty is that politicians don't have vision past their elected years.

When asked whether he believed that police officers were provided with ample training in order to deal with domestic calls, he stated, "The initial training is never adequate. You start to learn the more you get out there and do it. Do we have enough advance training? Probably not. Do we need more? Yes, but we need more training in other areas too". In considering whether it would be beneficial for South Asians to isolate themselves from the mainstream and find their own means to deal with issues relating exclusively to their community, Steven noted:

I don't think so. I've gone back and forth on this many times. Now, do we just expect our community to use the services that are out there? We don't and try to identify them as different or separate? I thought well, if I make the argument that it's not, our percentages are not extreme in comparison to other communities. I thought, no, we do need something specific to our community. They're too proud to go out to get that service. So we need these services so they don't feel ashamed, and understand that these people will not talk to others and tell everyone. We need to have specific outreach programs within our community and I think it needs to be driven by government.

Women's support group worker Karen expressed that there are many things that are needed in order to effectively deal with South Asian family violence. She argued:

I think I want to say that the state has a responsibility to have more services provided to women so they feel free to go and feel supported. If you put down your name and they call you five months later, how effective is that? They should have more funding and there should not be any waiting lists. It took me a lot of guts to even call somebody and then to be put on a waiting list, and you can't put someone like this on hold and never mind this is a stranger.

When you look at the South Asians population in the lower mainland ... we are about four hundred thousand and we have one or two multi cultural societies. There are not that many; we need more funding for these types of services.

RCMP officer Frank describes his account of the many events that occur in family violence situations. He stated:

Public awareness needs to be there. Women can identify their own violence, etcetera, but to come forward is another thing. When there is the first incident of violence, people try to resolve the issue on their own. Other issues are at play, other violence comes first, such as verbal, pushing etcetera, then escalates to assault. A reverse aggressor is also typical. The Attorney General policy says RCMP must arrest person most compelling. Did you receive reciprocation? If both equally violent both arrested. Reverse aggression is common, though the guy typically provokes the women. There is a definite cycle of violence, guys see dad beat mom, and therefore they think its okay.

Settlement worker Raymond also commented on the *Punjat* system and whether it would be successful here in British Columbia. He argued:

Most of the Asian countries there is a kind of peer support, family friends. Here, people are more individualistic, some simply don't have any family and if they have they might not want to relate to them. It then becomes imperative that that kind of mechanism that back home was available should be available to them here also. Education and awareness is the only way. Make them aware that it is good to seek professional help in case they need it. How not to always react, it's good sometimes not to react. But, if it persists even then, there is no harm in seeking professional help.

Raymond's co-worker Sam mostly agreed and stated, "There should be more programs in the community, just like family counselling. There are not many available in Surrey and they should be easily available". With regard to whether he perceives there to be a drug problem within the South Asian group, he commented, "There is more alcohol. It starts with a social thing, but day by day they work so many hours, majority in construction and transportation, and at night that is the main form of entertainment. Alcohol is a major factor".

When asked if he felt a *Punjat* system in Canada would be helpful, Sam added, "definitely that would be more helpful. There are so many reasons for violence. Sit with them and listen to them and ... they should try to find a way. [There must be] laws that would protect that; otherwise it wouldn't work". In terms of the broader picture of finding ways to curb South Asian violence, Sam offered:

More and more education is needed. There is no doubt ending violence against women. When there is violence in the family everyone suffers. There needs to be something that we can find out for everyone. The man needs to be educated. This is not good for the family. There is the example, he drank a lot, beat his wife, his business suffered, when he got in touch with [us] they educated him and it changed him. We need a balance. Children. We need more and more education programs. Keep the values and traditions keep the good things take away the bad things.

In concluding this section, the data analysis indicates that many competing ideas and themes surfaced throughout each of the interviews conducted. Some of the main themes were factors unique to South Asian communities—the role of extended family members, and the criminal justice system and its various components. The latter factor included mandatory arrests versus charges, crown prosecutors, and punishment.

Additional themes were immigrants and the hardships they endure, the influence of the mass media, and breaking the cycle of violence. Other contributing factors were drug abuse, alternative measures, and the importance of education and public awareness. The following section addresses these issues through a theoretical lens to assist in further analyzing South Asian spousal violence.

## **CHAPTER 7: DISCUSSION**

The beauty of qualitative data is that a researcher has the opportunity to provide readers with firsthand accounts of the participant responses—to hear the participants' voices directly. Not only is this information powerful on its own, but it also allows the reader to draw upon their own interpretations. However, apart from this benefit, viewing the data through a theoretical lens might offer other useful suggestions in gaining a further understanding of the issues at hand.

### **Data & Theoretical Analysis**

According to the power and control theory, a power imbalance within the partnership often prevents victims from leaving their offenders. Quite often, victims are afraid of many consequences, such as possible repercussions of leaving the relationship, becoming the sole provider for their children and having to support themselves financially. For many South Asian women, there are added pressures such as being viewed as a cultural and social outcast and language barriers that prevent them from seeking appropriate outside resources. The cultural bond theory highlights many of the specific challenges that many South Asian victims endure in cases of spousal assault. According to the research and data, some of the main concerns include the extensive interference of extended family members, and the various pressures that prevent victims from seeking the assistance of the criminal justice system. However, despite the

specifics of each family violence case, the overall concern for many South Asian victims seems to be to avoid cultural shaming. There are also many individuals who are included in the term 'family' in many South Asian families, and those individuals also tend to play a very active role in the operation of the household. Unfortunately, some of these family members might also be abusive towards victims.

The South Asian cultural infrastructure and participant responses point to a heavier influence and interference in a couple's lives by extended family members than occurs in other cultures—most noticeably that which comes from the husband's mother or the victim's mother-in-law. The number of family members per family unit varies. One can only imagine the depth of problems that might exist in violent relationships, and any further violent inclusion of other individual's participation, such as mothers-in-law, could prove to be detrimental in some cases. Furthermore, many of the participants noted that the number of family members who show their support for the offender often leaves victims feeling further disarrayed and isolated. As both the power and control and cultural bond theory highlight, with the many layers of abuse including psychological and emotional, many of these victims are left to contend with feelings of guilt and severe depression.

Family violence is a universal problem that circumvents all cultural barriers. Many of the respondents referred to offenders' desire to attain power and control over their victims, be it financially, socially or legally. In some extreme cases, children are not only unfortunate witnesses, but they are also often used

as another means to threaten their victims; it is also one of the tactics displayed in the power and control wheel and the cultural bond theory.

An offender's violent tendencies might have resulted from learned behaviour during early childhood. It may be equally possible that other individuals will have had a healthy upbringing and adulthood, and for any number of other reasons, developed violent tendencies later on in their lives. A couple of the respondents commented that in some of cases that they dealt with, men reported feeling a great deal of psychological stress from their families, which led to their violent outbursts. Some of these reasons include financial hardships, the loss of a family member, changes in employment status and social pressures. Yet, the dark figure of family violence crime in general, and South Asian family violence specifically, has been considered greater based on social stigmas and negative perceptions of law enforcement. The data and the cultural bond theory indicated that women may not report spousal violence because of cultural shaming, negative labelling and because they have no confidence in law enforcement's assistance.

The crux of the core issues involving South Asian family violence might be best explained through a consideration of why it occurs. As aforementioned, it is important to recognize that many offenders might have also witnessed spousal violence in their homes while growing up. Thus, they may not see anything wrong with their actions, instead perceiving their violent behaviour as the norm. This is acknowledged by the cultural bond theory as it considers one's self-identity and upbringing. Another contributing factor the respondents in this study touched



upon was drug abuse, another element entertained by the cultural bond theory. Many participants, predominately police officers, noted that perpetrators typically tend to work long hours during the day and drink excessively during the evening as a form of relaxation. They further added that alcohol and other drug abuse has become a considerable problem within the South Asian community. However, it is much more disguised than in some other communities, as users typically abuse drugs in extreme privacy, primarily out of fear of social shaming and ramifications if individuals within their social circles knew about it.

Many of the respondents' views on the effectiveness of the criminal justice system varied according to differing issues, such as mandatory arrests and charges, the crown prosecutor's responsibilities, punishment, and alternative measures. However, there were still some overarching similarities. All of the respondents agreed that the laws of the land must be the same for all, and any cultural considerations should take a back seat when it comes to enforcing the law. Cultural reflection should only be acknowledged when one is attempting to gain a perspective of the nature of violence and the sensitivity needed in dealing with it appropriately. For example, police officers armed with the knowledge of certain cultural nuances, such as the influence of extended family members in South Asian families, might assist victims by better knowing how to better deal with such domestic calls.

Many of the respondents favourably supported the practice of mandatory arrests and some were also pro-mandatory charges. The primary reason for this seems to be that a cooling off period is necessitated when matters have grown

out of control. Others stated that it is also important that offenders understand the repercussions of their actions, and, by experiencing jail time, they are faced with the hard reality of these repercussions. Some argued that it is equally necessary for victims and other family members to have some breathing room by being removed from the violent situation. The problem, however, lies in the aftermath of mandatory arrests. Several participants expressed concerns that victims and/or extended family members will for various reasons seek not only to drop the charges, but also to blame law enforcement, victim services and crown prosecutors for interfering in their marriage—an interference that they argue compromises the probability of mending a broken relationship and marriage afterwards.

Overall, however, it is clear that the participants demonstrated some confusion in their discussion about the mandatory/pro charge debate, in the sense that it was clear many did not actually know which policy was actually in place for the province.

The problem perceived in the court system more generally seemed to be one perceived to have been long lived. The backlog, the long and tediously drawn out process, and the competitive nature often forges a greater divide between the two contending sides. The result is often greater emotional and financial strain. Some of the participants also argued that many perpetrators agree to attend courses, such as anger management classes in order to avoid having a criminal record. Thus, the intention is often not to make an attempt to

mend a broken marriage or to alter one's violent behaviour, but to do whatever is necessary to avoid legal ramifications.

Furthermore, some of the respondents noted that some of these classes had long waiting lists, thereby making it extremely difficult to encourage offenders to attend when spots do become available after a lot of time has passed. Some of the participants argued in favour of such punishment in that it has proven to be effective in some cases. Yet, in most cases no contact orders are enforced, and they are often ineffective even when in place. Additionally, many victims, for whatever convictions, seek to have the criminal charges stayed.

A considerable amount of focus has been placed on this thesis in examining South Asian immigrant family violence. Therefore it is again important to make note of some of the key issues the data indicated, which also assisted in the creation of the cultural bond theory. Many of the respondents expressed the view that many immigrants are unaware of their individual legal rights once migrating to Canada and, as a result, they are often perceived as the most vulnerable of victims. This, coupled with language barriers, often causes immigrants to feel incapable of seeking appropriate outside resources for assistance. Respondents also mentioned other problematic areas, such as being isolated from the community and/or family members, the wives' families living overseas, and/or the husband's income financially supporting their families in their native country. Some immigrant victims of spousal abuse might also experience the lack of economic independence, ill knowledge of sponsorship rules and regulations, the fear of losing their children; interference of in-laws, and

cultural practices and pressures. Compounded, all of these issues and problems lead many victims to feel an overwhelming sense of fear of the unknown.

Unfortunately, much of this fear is heightened when extended family members and/or the husband play on it by using coercion or threats to manipulate the victim even further. For example, a couple of the participants working in women's organizations noted that victims expressed feeling rather hesitant to call the police for assistance because their offenders threatened them with deportation back to their native country and their children would be taken from them, which are not legal options for offenders.

All of the respondents expressed some level of disappointment and dismay with the ongoing portrayal of South Asians in various mass media mediums. They argued that tragic cases of South Asian domestic violence headlines are plastered in popular media outlets, which lead many of their audiences to view South Asians in a negative light. South Asian mass media seems to be no different in its portrayal, but there are several mass media outlets, such as Radio India, that have been successful in raising public awareness of the issues. Many participants also argued that when domestic violence occurs among the non-South Asians, it rarely becomes a part of the headlines. Furthermore, there seems to be an overarching accountability or onus that is placed onto South Asians compared to other ethnic groups. Almost all of the participants mentioned the necessity not only to raise public awareness on the issue of family violence in general, but also the importance of raising it when

children are at a young and impressionable age in order to help combat this form of violence.

## **Disconnect Between Policy vs. Practice**

### **Violence Against Women in Relationships (VAWIR)**

As discussed earlier, the Violence Against Women in Relationships policy of 1993—amended in 1996 (with an associated amendment to Crown Counsel policy in 2003 and 2005)—is a document that was drafted in order to offer possible solutions in dealing with domestic violence in general. The increase in public awareness led many to demanding that the Canadian government could no longer ignore these issues. As previously mentioned, the intention was to increase legal intervention, and to provide procedural solutions with the overarching semblance of ensuring the safety of victims.

The most significant change it offered was the introduction of police mandatory arrest procedures in severe cases of abuse. However, the police still have a vast degree of discretion and it is unclear based on the participant interviews whether or not the police are actively enforcing this policy. The VAWIR policy faced a great deal of criticism since its introduction in the 1990s, particularly because many of the suggested solutions it offers for dealing with spousal violence have not been consistently incorporated, and because it fails to account for cultural and ethnic variances.

Critics and respondents in this study also argue that the VAWIR policy does not adequately recognize different levels of abuse, such as psychological, emotional, physical, and financial, however, the participants demonstrated some

confusion in their discussion about the mandatory/pro-charge practices. Though all were aware of mandatory arrests, most were unaware that pro-charge policies are still valid in British Columbia. This in itself is a fascinating finding as the majority of the participants in this study are employed in the criminal justice system, and it points to a key area that might help to understand another reason why victims are not gaining the protection they require. Clearly, there is a pressing need to raise public awareness in this area in particular.

Many critics, including a victim services worker who participated in this study, argued that the pitfalls of not dealing with spousal violence actively, adequately and in its entirety will unfortunately send the message to the public, victims and offenders that society has lost hope in combating this form of violence. It is also unfortunate that along with the shift in government power, a shift away from a focus on family violence has also occurred. While one particular party or government in power might make several attempts to provide victims with legal security, another might disregard it altogether, and funding and services bear the brunt of that decision.

One component of the VAWIR policy that did receive some favorable recognition is mandatory arrests in domestic abuse cases. One of the police chiefs expressed the advantage of police officers having this option—it serves as another tool for them to help facilitate or control the situation. However, many critics, including some of the participants in this study, stated that police discretion directly interferes with and inhibits the benefits of this practice.

The situation is further compounded when victims are coerced or threatened by several individuals, such as extended family members, whereby police mandatory arrests ought to be relieving victims of the onus to decide whether or not to arrest their abusers. Another criticism expressed by many, including some police officers, is that in cases when there are obvious signs of abuse, but without physical signs or evidence, the police cannot enforce mandatory arrests. Therefore, there are still many competing ideas and problems that must be reformed in order to serve the best interests of victims of spousal violence—especially those from different cultural backgrounds.

### **The Royal Canadian Mounted Police (RCMP)**

As aforementioned, the Royal Canadian Mounted Police mandate has not been able to find successful law enforcement solutions for dealing with domestic calls. According to some of the respondents in this study, there are many problematic areas that continue to persist when law enforcement becomes involved in family disputes. Cultural perspectives of law enforcement, predominately stemming from the views shared in their native countries, prevent many individuals from willingly accepting legal intervention.

Conversely, many individuals, such as extended family members, have attempted to influence or sway law enforcement's actions for a variety of reasons. As a result, victims are vulnerable to being re-victimized by extended family members and, at times, by the legal process itself. Law enforcement officers in the current study expressed their frustrations at having to deal with these issues when attending domestic calls. An overwhelming number of them

insisted that every police officer ought to be sensitive to such cultural nuances of the family at hand, in order to best enforce the law.

Though the Chief of Police in this study spoke in favour of having mandatory arrests available to police officers, he agreed that overall efforts in police training on family violence are inadequate. Police discretion, as already mentioned, can be used to either impede or facilitate the safety of victims of spousal violence. Critics argue that the fear of causing secondary victimization or re-victimization of victims ought to be of the utmost concern for police officers in any case, most particularly in family violence matters.

One of the victim services participants in this study made special note that, before the change in charging practices, it was mandatory for victim service workers to attend domestic calls along with the police. Now, police officers have the added responsibility to educate and offer victims these services and many victims are not made aware of the many ways victim services could help. Often, victims think that they have to pay for these services, and that victim services assistance may have some form of legal bearing. However, neither is true. Hence, victim services have been witnessing a significant decrease in the use of their services.

Another participant argued that many of her clients have complained about South Asian police officers who had not taken a domestic call seriously, instead giving the offender a 'slap on the wrist' along with a verbal warning, and then simply moving on. However, in extreme cases, the victim is left feeling more



vulnerable, as she may not opt to call the police in the future for assistance, and there is an increased possibility that her abuser might inflict further abuse.

Some of the respondents raised the issue of dealing with South Asian police officers. This can act as a double-edged sword. In one sense, it can be beneficial as these police officers have an increased understanding of how to deal with and understand various South Asian cultural practices. Conversely, many stated that this has worked against them because extended family members may not offer up information due to consensus about cultural shaming.

Another participant provided some of the police training materials dealing with attending domestic calls, which are given to new recruits. This material was virtually without any mention of cultural or ethnic sensitivity. It was also quite inadequate in delving into the heart of the issues that exist in such cases, thereby offering very limited suggestions on police procedures for dealing with these types of calls. The Chief of Police commented that the training is inadequate and that there certainly needs to be more enhanced training made available for the police.

It is clear that a single overarching policy would fall short of being effective in curbing this divide between policy intent and actual procedures for assisting victims while effectively sanctioning offenders. Perhaps what is needed is to reform some police procedures and policies that directly influence police practices in dealing with family violence which take into account cultural differences.

## CHAPTER 8: LIMITATIONS

Every research study has limitations. One of the limitations of the present study is that there is not an incorporation of firsthand victim experiences of spousal violence, as occurred in the Merali (2009) interviews with South Asian women. It is possible, however, that some of the participants in the present study have experienced spousal violence, but chose not to disclose that fact. Nevertheless, the purpose of this study is to gain a deeper understanding of what occurs in South Asian family violence cases, and it would have assisted the results of this study if it included firsthand accounts of such experiences. It is important to recognize that there can be some foreseeable problems in recruiting victims for such a study.

A possible source for recruiting victims for such a study might stem from contacting local women's shelters, and this was attempted for this study. However, many were disinterested in returning the researcher's phone calls. Additionally, it was anticipated that, largely due to cultural reasons, many victims would be extremely hesitant to participate despite being assured confidentiality and anonymity. Finally, there is the issue of possible re-victimization of participants in the interview. Some may not wish to disclose such personal information, while others might fear some form of repercussions.

A small number of the respondents were contacted as per suggestions made by other participants. While some could perceive this as posing potential

conflicts of interest or confidentiality issues, it would also be unfair to assume that these respondents are unable to draw upon their own experiences or hold their own opinions on the subject matter. Ergo, the data should not be viewed as less credible or compromised, as each individual's perceptions and experiences vary from one another.

Another limitation of this study is the disproportionate number of participants from one background or profession versus another. There are more police officer accounts in this study than victim services and women's group workers. Once again, there were several attempts made over the course of this study to establish contact with members of each group. Ironically, enlisting the assistance of women's group workers proved to be the most challenging.

Arguably, the contributors' genders, ages, ethnicities and professional differences might have also skewed the data. Though males outnumbered females eight to four respectively, one might draw the conclusion that this unequal representation does not present the fairest information from both perspectives. However, the same argument could be made if there were a greater number of female participants. Having an equal number of both sexes does not necessarily equate to fair representation either.

Similarly, the same arguments could be made with respect to the respondents' ages, even though they were not asked to reveal them. It could be more likely that the older individuals were raised during a time when women's rights were not as viable an idea, and they may have continued to maintain those perspectives. However, the interesting finding is that the contributors did vary in

ages—based upon visual determination—yet many of them had very similar responses.

As well, there were more South Asian participants than any other ethnicity in this study—seven to five. Again, some could argue that the South Asian contributors were biased in their responses because they have been raised in a similar cultural infrastructure. However, this would be a generalization, as not all South Asian families follow these cultural practices. Herein also lies one of the biggest contentions about stereotypes, which many of the respondents raised.

Most of the participants provided their own accounts of how they choose to practice cultural rituals and how they might differ not only from persons of the same generation, but also from those of their parents' generation. Most argued that a combination of Eastern and Western beliefs and practices are the most beneficial for them. For example, gender inequality and hierarchy is not condoned by the Sikh religion itself nor is it largely accepted in many regions in India, where these ancient beliefs initially originated. Some of the participants commented on their views on gender equality, and that they treat their sons and daughters equally. Several parts of India—predominately the metropolitan regions—have adopted a more 'modern' way of living, thereby foregoing outdated traditions. Many South Asian families living in the Lower Mainland have done the same.

Finally, professional differences among the participants might be one of the most significant limitations of this study. An overwhelming number of the participants are from law enforcement or government official backgrounds, while

a couple of others work very closely with them. Thus, there is a lack of information from individuals working in professions from non-law enforcement related fields. However, as aforementioned, many attempts were made to include such individuals, but many did not respond or chose not to participate for unknown reasons. Thus, including the viewpoints of individuals who do not work in law enforcement becomes the best recommendation for any future research endeavours on South Asian family violence. Many of the above limitations also resulted from time limitations given the parameters and expectations for the completion of a master's thesis.

## **CHAPTER 9: FUTURE IMPLICATIONS**

One of the recommendations for future research includes enlisting a greater number of participants. More respondents would assist researchers by providing more data. Also, as it was previously stated, inclusion of victims' firsthand perspectives would also be a great asset to any future studies. Furthermore, over the years, there have been a number of public forums on discussing South Asian spousal violence, along with an increase in media attention. Hence, it might be significant if future studies incorporated a media analysis. Also, given that many of the respondents in this study noted several media mediums that serve the South Asian community exclusively, it would be beneficial to incorporate them into some form of media analysis as well.

Any study with a careful combination of both qualitative and quantitative analysis could also be an improvement. While the present thesis did provide qualitative realities about domestic violence in South Asian families, a close-ended survey would have generated more quantitative information. The beauty of adopting a primarily qualitative approach, however, is that the reader has firsthand accounts of the data, and this in turn allows the reader to draw some of their own conclusions.

It is imperative that any future studies consider input from various individuals who differ mainly in their professional experiences, especially those who work in different women's group organizations. It might have proven to be

more beneficial if the participation of individuals who work more closely with South Asian victims had been enlisted. It would be equally important to consider conducting a cross comparison analysis between two different cities or countries. For example, comparing the known rates of reported family violence cases, such as in Vancouver versus Toronto, or for an even broader comparison, of Canada versus India, would be valuable. Any research concentrating on South Asian violence specifically should compare two cities or countries that have a high concentration of South Asians residing there, as these examples do.

Additionally, the data and lack of applicable theories based on cultural considerations clearly indicated that there is a need for development in this area too. The proposition of the cultural bond theory is an attempt to void this gap, but since it is a new theory, it requires to be further tested. Although there is always room for improvements, it is equally important to acknowledge that this exploratory study will also add to the literature on South Asian family violence. There is currently a considerable lack of research on South Asian spousal violence in the literature over all and the data produced in this study will contribute to this area of knowledge. This, in turn, could potentially assist future researchers to generate further questions for research in this area.

## **CHAPTER 10: CONCLUSION**

Based upon analysis of the interviews in this exploratory study, a few conclusions can be made regarding South Asian domestic violence in Vancouver. First, the Violence against Women in Relationships policy and the Royal Canadian Mounted Police policies appear not culturally sensitive enough to adequately address the needs of the South Asian population in Greater Vancouver. The voices of the participants clearly indicate this is a problem. Second, though some theories are readily applicable in explaining the various intricacies involved in domestic violence, there seems to be a deficit of theories that account for cultural considerations. As previously noted, the power and control theory does provide detailed information on family violence that other models were lacking in, and that is the reason why it served as a launching pad to develop the cultural bond theory. The cultural bond theory is a theoretical offering for future research as well, which might consider cultural influences in family violence. The theory is readily applicable to various other cultural groups (i.e. Portuguese or Japanese communities) as well. Though, for the purposes of this study, it obviously was intended to best explain the issues specific to the South Asian community after having reviewed the data.

The cultural bond theory highlights several contributing factors in South Asian family violence that were evident from the data collected from this study. It also makes an important distinction between culture and religion whereby many



consider it to be the same concept. The cultural bond theory draws attention to the role and influence of extended family members and, in particular, the effects of these pressures in legal matters. The other factors including, immigration and assimilation issues, Eastern versus Western lifestyles, mainstream and the South Asian culture, and one's self-identity are important areas that require consideration in future research.

Hopefully, the cultural bond theory will be able to assist future researchers showcase their findings in related research as often, family violence is left to be analyzed at a very general level. There also needs to be more done with respect to police operational policy and procedures, as it was evident in this study that in dealing with spousal violence matters there is a definite need for more active and affirmative solutions. Similarly, the judicial system needs to play a more flexible and sensitive role in dealing with such cases. Fourth, though some mass media outlets have been effective in highlighting South Asian family violence, others continue to portray South Asian issues in a predominately negative light.

This ultimately leads many to discount the importance of all Canadians feeling they have the responsibility to prevent spousal violence, including that violence specific to South Asians, rather than assuming it is solely the South Asian community's responsibility. Finally, ongoing efforts to continue to generate and raise public awareness by counseling children in schools, empowering victims and women, providing effective tools to alter violent behaviour and enforcing the same law for everyone are just some solutions that may assist

victims. It is just as important to acknowledge that violence affects all of us in some manner or another.

In hearing the voices of the participants, many efforts, resources and specialized services clearly need to be created to help victims of family abuse to break their silence. As a community, we cannot afford to be in denial about any form of abuse, including South Asian family violence. Instead, we must take the necessary steps to move forward by providing the proper legal and social networking support that so many individuals need. We must all learn to work together to produce tangible results in combating family violence at every level, regardless of one's ethnicity and cultural beliefs.

## APPENDICES

### Appendix A: SFU Ethics Approval



OFFICE OF  
RESEARCH ETHICS

March 27, 2008

street address  
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Multi-Tenant Facility  
Room 230, 8900 Nelson Way  
Burnaby, B.C. Canada  
V5A 4W9

Parveen Bandan  
Graduate Student  
School of Criminology  
Simon Fraser University

mailing address  
8888 University Drive  
Multi-Tenant Facility  
Burnaby, B.C. Canada  
V4A 1S6

Dear Parveen:

**Re: In Our Back Yards: The Symbiotic Relationship  
between Cultural Demands & Legal Impediments that  
Greater Vancouver South Asian Women face in Incidences  
of Family Violence - Appl. #: 38856**

I am pleased to inform you that the above referenced Request for Ethical Approval of Research has been approved on behalf of the Research Ethics Board. This approval is in effect until the end date March 20, 2011, or only during the period in which you are a registered SFU student. This approval is contingent on the following:

1. For the interview of any police officer, approval must be received from the Police Department that employs the police officer. Please forward copy of the approval to the Office of Research Ethics for inclusion in this file.
2. For the interview of any person in a Victim Services Agency, approval must be received from the Agency. Please forward a copy of the approval to the Office of Research Ethics for inclusion in this file.
3. Change in consent form as documented in correspondence of March 19, 2008.

The Office of Research Ethics must be notified of any changes in the approved protocol. Request for amendments to the protocol may be requested by email to [dore@sfu.ca](mailto:dore@sfu.ca). In all correspondence relating to this application, please reference the application number shown on this letter and all email.

.../2



OFFICE OF  
RESEARCH ETHICS

Page 2

Your application has been categorized as “minimal risk” and approved by the Director, Office of Research Ethics, on behalf of the Research Ethics Board in accordance with University policy R20.01, <http://www.sfu.ca/policies/research/r20-01.htm>. The Board reviews and may amend decisions or subsequent amendments made independently by the Director, Chair or Deputy Chair at its regular monthly meetings.

“Minimal risk” occurs when potential participants can reasonably be expected to regard the probability and magnitude of possible harms incurred by participating in the research to be no greater than those encountered by the participant in those aspects of his or her everyday life that relate to the research.

Please note that it is the responsibility of the researcher, or the responsibility of the Student Supervisor if the researcher is a graduate student or undergraduate student, to maintain written or other forms of documented consent for a period of 1 year after the research has been completed.

If there is an adverse event, the principal investigator must notify the Office of Research Ethics within five (5) days. An Adverse Events form is available electronically by contacting [dore@sfu.ca](mailto:dore@sfu.ca).

Please note that all correspondence with regards to this application will be sent to your SFU email address.

Best wishes for success in this research.

Sincerely,



Dr. H. J. Weiskopf, Director  
Office



c: Dr. Margaret Jackson, Supervisor  
/jmy



OFFICE OF  
RESEARCH ETHICS

June 23, 2009

STREET ADDRESS  
SIMON FRASER UNIVERSITY  
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Parveen Brandan  
Masters Student  
School of Criminology  
Simon Fraser University

Dear Parveen:

MAILING ADDRESS  
8888 UNIVERSITY DRIVE  
MULTI-TENANT FACILITY  
BURNABY, B.C. CANADA  
V4A 1S6

**Re: THE OBSTACLES SOUTH ASIAN VICTIMS OF  
SPOUSAL VIOLENCE ENDURE IN VANCOUVER,  
CANADA: CULTURE vs. THE EXTENDED FAMILY vs.  
THE LAW - Appl. #38856  
*Title Change***


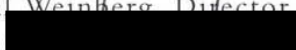
In response to your request, I am pleased to approve, on behalf of the Research Ethics Board, the title change in the research protocol of the above referenced Request for Ethical Approval of Research originally approved on March 20, 2008.

If there is an adverse event, the principal investigator must notify the Office of Research Ethics within five (5) days. An Adverse Events form is available electronically by contacting [dore@sfu.ca](mailto:dore@sfu.ca).

All correspondence with regards to this application will be sent to your SFU email address. Please notify the Office of Research Ethics at [dore@sfu.ca](mailto:dore@sfu.ca) once you have completed the data collection portion of your project so that we can close this file.

Best wishes for continued success in this research.

Sincerely,

  
Dr. Hal Weinberg, Director  
Office 

c: Dr. Margaret Jackson, Supervisor  
/jmy

## **APPENDIX B: QUESTIONNAIRES**

### **Participant's Copy**

The purpose of this study is to obtain various perspectives on domestic violence cases in general, and, specifically, on such cases involving those of South Asian or East Indian descent. Participation is entirely voluntary throughout the period of this interview and you may opt out at any given time.

Anonymity and confidentiality will be strictly maintained to the full extent permitted by the law. You will not be required to provide your name or to write your name or any other personal identifiable information on any of the research materials. However, you will be asked to read and sign an informed consent form indicating you have fully understood. In some circumstances whereby an interviewee prefers to have their names published, in which case, the interviewee must sign a waiver foregoing their rights to remain anonymous. In the matter in which an interviewee's name is known to me for my own personal records, pseudonyms in data collection and write ups will be utilized. All research materials will be maintained in a secure location.

I can be reached at 604-###-#### or parveens@sfu.ca if any questions or concerns may arise at any time. Also, if you wish to be provided with a final copy of my research then please feel free to contact me.

If you wish to address or forward any concerns then please contact Dr. Hal Weinberg, the Director office of research ethics at: hal\_weinberg@sfu.ca or 778-782-6593. This session should take approximately 25 to 30 minutes.

Thank you.

### **Questionnaires**

#### **The Police—RCMP**

- 1) How long have you been a police officer?
- 2) What experiences do you have in working with matters/disputes in dealing with South Asians?
- 3) Have you had any experience in dealing with domestic violence? South Asians?
- 4) What are some of the ways the Police handle such calls?
- 5) Do you feel that family violence is a major problem in Vancouver?
- 6) What do you feel are some of the major factors involved in family violence cases?

- 7) What are some specific factors unique to South Asian cases?
- 8) What do you feel are the two most primary issues that are typical in dealing with South Asian family violence?
- 9) What do you feel are some of the hindrances in effectively curbing this type of violence in South Asian communities from the perspective of : A) the Police B) the families involved C) Policies & Immigration D) the media
- 10) What types of services should be available to victims of this form of violence? **SA**
- 11) Are the courts doing all that they can do to assist victims?
- 12) Within this context, what are some of the factors or barriers that exist for SA new immigrants?
- 13) Would it be fair to say that South Asian victims have added pressures from their extended families?
- 14) Should those members of extended families also be penalized for their role in the violence?
- 15) How large of a factor would you say cultural practices play a role in this form of violence? **SA**
- 16) Do you feel we have attained sufficient educational awareness on this issue now that we must now look at police procedures and government policies?
- 17) How effective are women's shelters? Are they adequate assistance for SA women?
- 18) Who needs to be involved in assisting victims? The media, healthcare, the police, government, immigration, language schools, etc
- 19) Do you feel that punishing offenders by imprisonment and/or restraining orders is effective in preventing repeat offences?
- 20) Do you feel the courts are a revolving door for perpetrators?
- 21) There have been a number of cases recently whereby SA perpetrators have either killed their spouses and/or their entire family including themselves, is it fair to say that this is unique to SA violence solely? What are some preventative measures the police and others can make to avoid this severe form of violence?

### **Victim Services**

- 1) How long have you worked for Victim Services?
- 2) What percentage of your caseload is specific to dealing with South Asian family violence?
- 3) How prevalent is family violence in the South Asian community?
- 4) What are some of the factors you have experienced that are unique in dealing with South Asian family violence cases?
- 5) What types of punishments are perpetrators receiving?
- 6) Are the punishments effective? Are they re-offending?
- 7) If not, what would you suggest are good alternatives? I.e. shaming?

- 8) There have been a number of cases whereby the perpetrator has either killed his spouse and/or other family members and himself. Is this typical of South Asian violence?
- 9) What role do the police and victim services play?
- 10) What has the Surrey RCMP and Victim Services done to curb this form of violence?
- 11) What are some of the challenges you have witnessed/experienced in attending these types of calls? Are victims receptive?
- 12) Are **court** measures effective in punishing offenders and curbing the violence? Charges, restraining orders etc.
- 13) Is the involvement of extended family members a hindrance to your job or assistance?
- 14) Is the active role of extended families unique to South Asian family violence only?
- 15) Why do you feel are victims less likely to report the violence?
- 16) Have you seen a difference between victims who were born and raised in Canada vs. new immigrants?
- 17) Considering that you have been involved with Victim Services for a long time, have you noticed any **trends**?
- 18) When talking to victims, have you noticed any **trends** in the reasons they provide for the nature of the violence?
- 19) What type of community support is available for victims? Are victims hesitant to outreach these services? If so, why?
- 20) Have you noticed victims often re-uniting with their offenders? Why?
- 21) Do you feel there are enough preventative measures to effectively deal with the violence? What more can be done?

### **Women's Support Groups/ Organizations Representatives**

- 1) How long have you been involved in this organization? How long has it been operating?
- 2) What is your role?
- 3) What percentage of your client base is centered on dealing with South Asian victims of family violence?
- 4) What types of services do you provide? Do these include interpreters?
- 5) What are some of the challenges you encounter?
- 6) How often are extended families involved in the process of protecting victims?
- 7) What are some of the fears your clients express when they seek out your services?
- 8) In what ways are clients successful in preventing themselves from being re-victimized?



- 9) Do you have to rely on partner agencies while performing any of your services or in providing assistance? i.e. the police if offenders continue to harass victims
- 10) What are some of the factors unique to South Asian family violence?
- 11) What percentage of your client base includes new immigrants?
- 12) Are there any differences you have experienced when dealing with clients who were born and raised in Canada vs. new immigrants?
- 13) In what ways do you feel South Asian family violence issues can be resolved?
- 14) How do you feel that varying Police agencies and government officials assist in curbing this form of violence?
- 15) Do you feel mandatory arrest policies are effective in curbing SA family violence?
- 16) How else could they (Police, victim services, government, courts) better assist?
- 17) Are there any policies in place that assist victims? Do these policies need to be changed?
- 18) Do you feel that perpetrators are punished fairly? Is punishment effective? If not, what are some alternatives you would suggest?
- 19) Did the public forum on South Asian violence change anything?
- 20) Is society, specifically the South Asian community, receptive to these types of organizations? The past vs. now
- 21) Is it possible to prevent and stop violence proactively instead of reactively?
- 22) What more needs to be done? And how can it be achieved?

## APPENDIX C: INFORMED CONSENT

SIMON FRASER UNIVERSITY

### Form 2- Informed Consent By Participants In a Research Study

**The University and those conducting this research study subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of participants. This research is being conducted under permission of the Simon Fraser Research Ethics Board. The chief concern of the Board is for the health, safety and psychological well-being of research participants.**

Should you wish to obtain information about your rights as a participant in research, or about the responsibilities of researchers, or if you have any questions, concerns or complaints about the manner in which you were treated in this study, please contact the Director, Office of Research Ethics by email at hweinber@sfu.ca or phone at 778-782-6593.

Your signature on this form will signify that you have received a document which describes the procedures, whether there are possible risks, and benefits of this research study, that you have received an adequate opportunity to consider the information in the documents describing the study, and that you voluntarily agree to participate in the study.

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Title: In Our Back Yards: The Symbiotic Relationship between Cultural Demands & Legal Impediments that Greater Vancouver South Asian Women face in Incidences of Family Violence

Investigator Name: Parveen Bandan

Investigator Department: Criminology

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Having been asked to participate in the research study named above, I certify that I have read the procedures specified in the Study Information Document describing the study. I understand the procedures to be used in this study and the personal risks to me in taking part in the study as described below:

Purpose and goals of this study:

To obtain various perspectives such as police officers/ victim services, lawyers, victims and grassroots organizations on the nature of domestic violence in Greater Vancouver South Asian communities. This examination will then be utilized to analyze some of the practices and policies that currently exist to help curb some of these potential problems by providing suggestions on how to effectively assist South Asian victims of family violence gain safety from their abusers.

What the participants will be required to do:

To partake in face-to-face interviews while utilizing a survey as a guideline.

Risks to the participant, third parties or society:

By consenting to participate in this study you are acknowledging that there might be potential risks involved. Some individuals might endure more risk than others such as victims of family violence as they may endure psychological strain from re-living their past accounts of abuse by discussing it. However, as with all of the participants, it will be stressed during the study that these participants may choose to opt out of the interview at any point and, if so needed, they will also be provided with the proper contact information for women's shelters, or various services in order to obtain assistance, such as Women Against Violence against Women, a center for women.

It is equally important to understand that the researcher is obligated to report any accounts, or potential accounts, of harm to yourself or others, such as child or elderly abuse, including any indications of suicide or to harm or kill others.

Benefits of study to the development of new knowledge:

There are many potential benefits from this study, some that can be identified at this stage and some that might arise later. Some of these benefits include, gathering data on South Asian communities in order to add to the current lack of data in this area, to gain a better understanding of the various dynamics that exist specifically in this group e.g. cultural demands, perhaps discovering the reasons for the disconnect between law enforcement, procedures and policies e.g. immigration policies and in providing victims the support they require.

Statement of confidentiality: The data of this study will maintain confidentiality of your name and the contributions you have made to the extent allowed by the law.

Anonymity and confidentiality will be strictly maintained to the full extent permitted by the law. You will not be required to provide your name or to write your name or any other personal identifiable information on any of the research materials. In the matter in which an interviewee's name is known to me for my

own personal records, pseudonyms in data collection and write ups will be utilized. All research materials will be maintained in a secure location. You will be asked to sign this form indicating that you have understood these rights.

Interview of employees about their company or agency:

Most of the participants are in Managerial, Directorial and/or governmental positions that allow them to participate in this research without the researcher having to obtain clearance. Similarly, victims will be partaking in this research as independently, therefore not requiring any clearance. Others, such as grassroots organizers such as women's shelters and women's organizations might require to have the clearance prior to participating, in this case, the researcher will have to obtain this clearance from their respective managers, supervisors and/or directors prior to participating in this research study.

For Police Officers and Victims Services Representatives, it is mandatory for the researcher to first obtain approval prior to conducting the interviews. In these situations, the employer will be required to sign a pre-approval clearance form.

Inclusion of names of participants in reports of the study:

You will not be required to provide your name or to write your name or any other personal identifiable information on any of the research materials. In the matter in which an interviewee's name is known to me for my own personal records, pseudonyms in data collection and write ups will be utilized. All research materials will be maintained in a secure location. You will be asked to sign this form indicating that you have understood these procedures and your rights.

Contact of participants at a future time or use of the data in other studies:

Upon completion of this study, participants will not be contacted in the future for the purposes of this study. The data, however, might be utilized in the future by others such as the general public or other students as per my findings from this study. However, this data will not be traceable to the participants or lead to their identity for those who opt for the complete anonymity option. The researcher may utilize this data to enhance her own future research endeavors.

I understand that I may withdraw my participation at any time. I also understand that I may register any complaint with the Director of the Office of Research Ethics.

Dr. Hal Weinberg  
Director, Office of Research Ethics  
Office of Research Ethics  
Simon Fraser University

8888 University Drive  
Multi-Tenant Facility  
Burnaby, B.C. V5A 1S6  
hal\_weinberg@sfu.ca

I may obtain copies of the results of this study, upon its completion by contacting: Parveen Bandan email: parveens@sfu.ca or by phone: 604-###-####.

I understand the risks and contributions of my participation in this study and agree to participate:

The participant and witness shall fill in this area. Please print legibly

Participant Last Name:

Participant First Name:

Participant Contact Information:

Participant Signature (for adults):

Witness (if required by the Office of Research Ethics):

Date (use format MM/DD/YYYY)

Contact at a future time / use of data in other studies

## APPENDIX D: THE POWER & CONTROL WHEEL



August 3, 2009

Parveen Bandan  
School of Criminology  
Simon Fraser University  
Burnaby BC

Re: Permission to use wheels

Dear Parveen:

Thank you for your request. You have permission to use the Power & Control, Equality Wheel, Abuse of Children and/or Nurturing Children Wheel(s) in your thesis. Please credit the Duluth Domestic Abuse Intervention Project as indicated below.

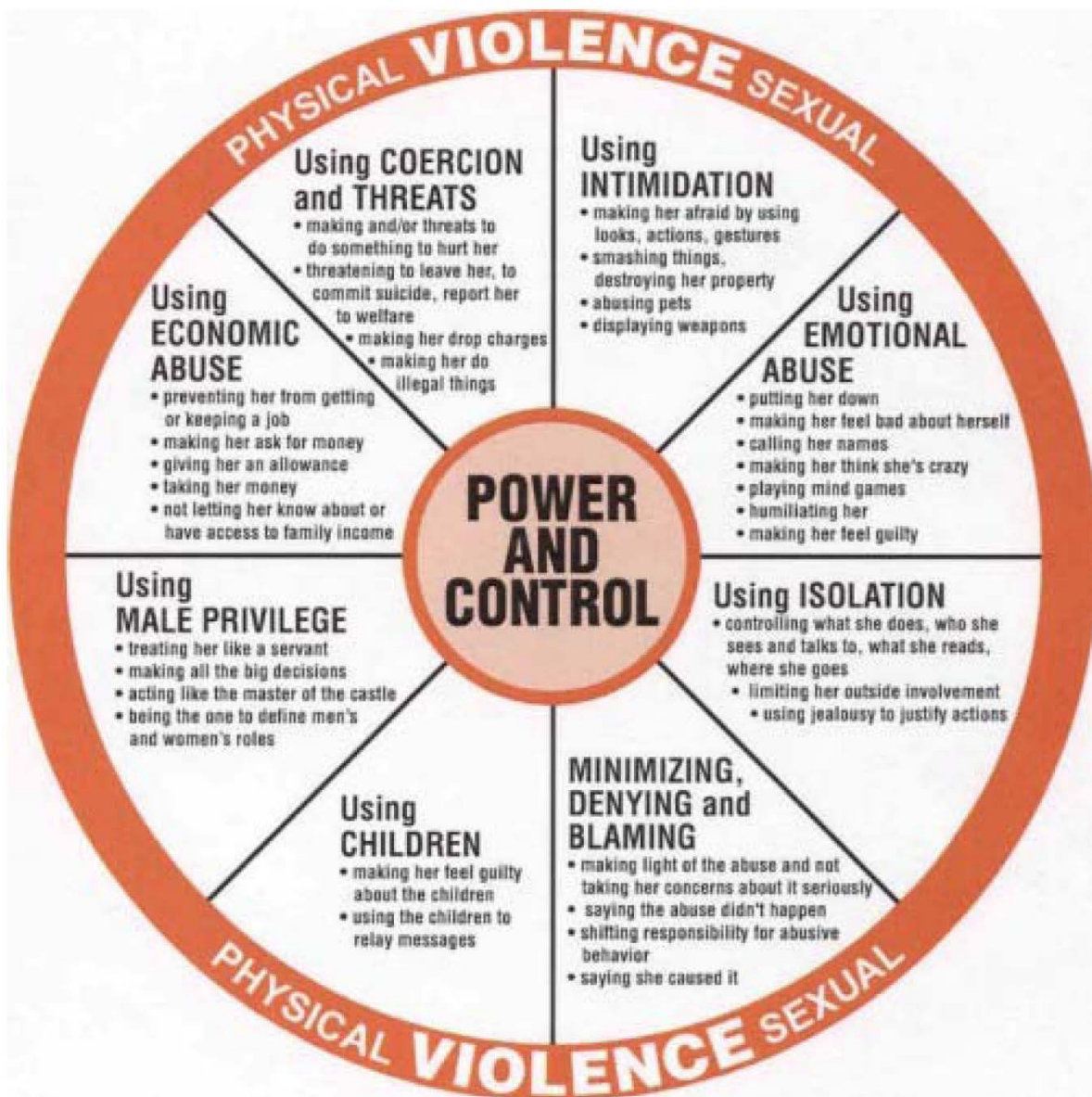
The Power and Control Wheel was developed by battered women in Duluth who had been abused by their male partners and were attending women's education groups sponsored by the women's shelter. The Wheel used in our curriculum is for men who have used violence against their female partners. While we recognize that there are women who use violence against men, and that there are men and women in same-sex relationships who use violence, this wheel is meant specifically to illustrate men's abusive behaviors toward women. The Equality Wheel was also developed for use with the same curriculum.

You may copy the Power and Control and Equality Wheels for use in your men's educational classes, groups for battered women, or community education presentations as long as they are credited to the Domestic Abuse Intervention Project as noted on the wheels. Programs wishing to use the Wheels in other ways, or change or adapt them should submit a written request and explain the desired use and purpose. Requests are considered on a case by case basis. If you have questions about our copyright policy or use of our educational materials, please contact us.

Sincerely,

Patricia Bergquist  
Domestic Abuse Intervention Project  
Credit: DOMESTIC ABUSE INTERVENTION PROJECT  
202 E. Superior Street  
Duluth, MN 55802  
218-722-2781  
[www.theduluthmodel.org](http://www.theduluthmodel.org)

The Power & Control Wheel from the Duluth Domestic Abuse Intervention Project



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