

2004:03 PREVENTING ABUSE OF WOMEN AND FEMALE CHILDREN IN POLYGAMOUS COMMUNITIES

Whereas:

- a. polygamy is a violation of section 293 of the Criminal Code of Canada;
- b. sexual assault, having regard to section 273.1, is a violation of section 273 of the Criminal Code of Canada;
- c. procuring or knowingly aiding in procuring a feigned marriage is a violation of section 292 of the Criminal Code of Canada;
- d. sexual exploitation of a young person by a person in a position of authority is a violation of section 153 of the Criminal code of Canada; and

Whereas one or more older males have controlling authority in polygamous communities and are using such authority to make demands on women and female children for sexual and breeding purposes”; and

Whereas reports from women who are ex-members of polygamous communities indicate the immigration and emigration of women and female children is taking place across the Canada-United states of America border under threat to their physical and spiritual harm while proper authorities fail to act; and

Whereas Sections 15 and 28 of the Canadian Charter of Rights and Freedoms guarantees females equal protection, and benefit “before and under the law” and that “not withstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to both male and female persons”, and

Whereas the fundamental freedom of conscience and religion as set out in section 2 (a) of the Canadian Charter of Rights and Freedoms, often cited as a defence or reason not to intervene to help these female children, is subject to section 1 of the said Canadian Charter of Rights and Freedoms which states: “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society; and

Whereas polygamy has already been condemned as a contravention of women’s equality rights by the United Nations Office of the High Commissioner for Human Rights under the document entitled the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW), such document having been ratified by the Government of Canada on October 18, 2002: therefore be it

Resolved that the National Council of Women of Canada adopt as policy opposition to:

- a. polygamy in Canada:
- b. the immigration and emigration of women and female children for sexual and breeding purposes;
- c. the abuse of women and children in polygamous communities; and be it further

Resolved that the National Council of Women of Canada urge the Government of Canada to:

- a. improve policies and practises so as to prevent immigration and emigration of female children for sexual and breeding purposes under the pretext of “celestial marriages”;
- b. encourage all provinces to enforce the relevant sections of the Criminal Code of Canada so as to end polygamy in Canada and to immediately prevent the abuse of female children in what are presently polygamous communities;
- c. take all steps necessary to ensure the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) having been ratified, is complied with in Canada, and to encourage other nations to do the same;
- d. ensure the protection, rights and freedoms of the Canadian Charter of Rights and Freedoms are available so as to end polygamy in Canada and to immediately prevent the abuse of women and female children in what are presently polygamous communities; and be it further

Resolved that the National Council of Women of Canada urge the International Council of Women to vigilantly pursue action against the abuse of women and female children in polygamous communities world-wide; and be it further

Resolved that the National Council of Women of Canada urge all Local and Provincial Councils to:

- a. alert authorities (as required by law) to possible cases of abuse in their own communities; and
- b. encourage letter writing campaigns by individual citizens to all levels of government drawing attention to the plight of women and female children subjected to polygamous practises, and urge that the Criminal Code of Canada relevant to polygamy be enforced; and

to offer support to other organizations dealing with this issue consistent with NCWC policy.