

**REVIEW OF CANADA'S FIFTH REPORT ON THE IMPLEMENTATION  
OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN**

**Responses by Canada to the Advance Written Questions  
of the Committee on the Elimination of Discrimination  
against Women**

**PART 1**  
October 11, 2002

RESPONSES TO THE LIST OF ISSUES AND QUESTIONS WITH REGARD TO  
CONSIDERATION OF CANADA' 5<sup>TH</sup> PERIODIC REPORT

***1. Introduction***

The following report responds to advance written issues and questions posed by the United Nations Committee on the Elimination of Discrimination against Women in preparation for the review of *Canada's Fifth Report on the Convention on the Elimination of All Forms of Discrimination against Women*. It includes information provided by the federal and/or responsible provincial and territorial governments.

This report contains responses to the majority of questions posed by the Committee. Additional responses will be submitted separately.

***2. The report (para 48) states that the amendment to the Canadian Human Rights Act in 1998 made the Canadian Human Rights Tribunal a permanent court-like body. Please provide information on the rationale of this amendment. Do similar bodies exist at the provincial and territorial levels? If not, how does the federal government promote a national system for the investigation and adjudication of complaints of discrimination, in particular discrimination against women in all provinces and territories.***

Response:

An Act of Parliament created the Canadian Human Rights Tribunal (CHRT) in 1977. It was to meet on an *ad hoc* basis, and was funded through the Canadian Human Rights Commission (CHRC). After 1988, the Tribunal gradually began to work toward operating independently from the CHRC, and on Jan. 1, 1997, the CHRT officially became a separate, permanent, agency. As a small permanent agency, it was felt that the CHRT would be able to create a coherent, consistent body of jurisprudence because its members would sit more frequently. It could also establish its own rules of procedure, which would help to expedite the process by setting clear rules. In addition, a permanent CHRT would help to speed up the process by being more readily available to deal with cases than *ad hoc* Tribunals.

Tribunals or similar human rights adjudication bodies exist in all the provinces and in the Yukon Territory. Their independence from their provincial/territorial human rights Commission varies: in Saskatchewan, Manitoba, Ontario, Québec, Newfoundland and the Yukon, the Commission does not play a role in the appointment of the members of the adjudicative body. In Alberta, New Brunswick, Nova Scotia, and Prince Edward Island, the provincial Commission is involved in the appointment of members of the adjudication body. British Columbia will soon introduce new legislation to restructure its human rights system to allow direct access to a Tribunal, without a Commission. The *Canadian Human Rights Act* applies to the governments of the Northwest Territories and Nunavut while the

private sector in these territories is governed by a *Fair Practices Act*. Both territories are currently drafting their own human rights legislation.

It is important to note that decisions of each of these bodies, as well as of the CHRT, can be reviewed by appeal to the courts. This helps to ensure coherence in the adjudication of claims of discrimination against women on a national basis.

All provinces and territories with human rights acts provide protection against discrimination on the basis of sex or gender. The provincial, territorial and federal human rights systems therefore offer a process of investigation and adjudication of complaints of discrimination against women, through a combination of commissions and/or adjudicating bodies. In addition, the Canadian Association of Statutory Human Rights Agencies (CASHRA) meets annually to discuss issues of national importance. CASHRA is a national organization of human rights agencies from provincial, territorial and federal governments. Human rights activists and practitioners, human resource professionals in business and public service, union representatives, educators, employers and advocacy groups are also invited to their meeting to contribute to the discussion.

***3. The report (para 50) indicates that the Law Commission of Canada which was established in 1997, is mandated to engage Canadians in the renewal of the law to ensure that it is relevant, responsive, effective, equally just and accessible to all. Please provide information on the extent to which the Commission has made recommendations relating to the renewal of laws aimed at full implementation of the Convention on the Elimination of All Forms of Discrimination Against Women. Does the work of the Commission impact at provincial and territorial levels? Are there corresponding commissions at provincial and territorial levels? If so, what are the interactions of the commissions at the different levels?***

Response:

The Law Commission of Canada (LCC) is an independent federal law reform agency that advises Parliament on how to improve and modernize Canada's laws. The Commission's work is structured around the following four themes: personal relationships, social relationships, economic relationships and governance relationships.

The federal Minister of Justice may also refer questions to the Commission. To date, the questions referred have been on "Institutional Abuse of Children" and "Safeguarding the Future and Healing the Past."

While not directly related to the implementation of the CEDAW, the Law Commission of Canada made public its report *Beyond Conjuality: Recognizing and Supporting Personal and Adult*

*Relationships* in January 2002 (available at the LCC website: [www.lcc.gc.ca](http://www.lcc.gc.ca)). The Report contains thirty-three recommendations made from the perspective of evaluating government laws and policies based on principles of relational equality (equality between different types of relationships), equality within relationships (equality between men and women or between same-sex partners) and personal autonomy. Recommended reforms with implications for gender equality include: changes to evidentiary rules based on outdated concepts of marital unity so as to ensure that the provisions reflect equality between spouses while continuing to protect them (especially women) if they might be endangered by being compelled to testify; and amendments to income tax and other legislation to create new programs that more carefully target caregivers (mostly women) and children for direct income support.

The LCC's work is directed at the renewal and reform of federal legislation. It therefore has an impact at provincial and territorial levels in areas of federal jurisdiction, including criminal law, income tax law, immigration law and some aspects of family law (marriage and divorce). It has no direct impact, however, on provincial and territorial legislation.

A number of provinces have law reform commissions or institutes, including: the Alberta Law Reform Institute, the British Columbia Law Institute, the Manitoba Law Reform Commission, the Law Reform Commission of Nova Scotia and the Law Reform Commission of Saskatchewan. Other provinces have had law commissions in the past and create issue-specific law reform commissions as the need arises. The LCC has established research partnerships with a number of provincial law reform commissions and has organized information sessions for its provincial counterparts. In addition, the LCC participates actively in conferences organized in conjunction with provincial commissions and is a member of the Federation of Law Reform Agencies of Canada, which groups together these commissions and other like-minded bodies.

In addition to the LCC, there exists in Canada a Uniform Law Conference (ULC), founded in 1918, to work toward harmonizing the laws of Canada's provinces and territories and, where appropriate, federal laws. The ULC makes recommendations for changes to legislation based on identified deficiencies, defects or gaps in the existing law, or based on problems created by judicial interpretations of existing law. Its work is done by delegates, sometimes called commissioners, appointed by each of the governments in Canada.

***4. How does the federal government ensure compliance with its obligations under the Convention at the provincial and territorial levels? How is coordination amongst different levels of government ensured in order to obtain uniformity in the implementation of the Convention?***

Response:

International human rights treaties ratified by Canada apply throughout Canada in all jurisdictions. However, under Canada's Constitution, responsibility for implementation of these treaties, including the *Convention on the Elimination of All Forms of Discrimination against Women*, is shared by the federal and provincial governments. The federal government therefore cannot compel compliance in areas that do not fall within its jurisdiction. Rather, these treaties are implemented by legislative and administrative measures enacted by the competent authorities.

In a federal state like Canada, there may sometimes be differences in the way rights are implemented in various jurisdictions. Human rights are protected in a variety of ways throughout the country, reflective of the ability of governments to weigh the particular conditions prevailing in their jurisdictions when deciding on appropriate ways of implementing them. These differences may reflect specific local conditions.

While there is no uniform method of implementation, there are mechanisms in place which ensure governments in Canada share information on human rights issues and favour coordination in this area. The federal-provincial-territorial (FPT) Continuing Committee of Officials on Human Rights is the principal mechanism for consultation and information sharing on the ratification and implementation of international human rights treaties. In addition, the FPT forum for Ministers Responsible for the Status of Women meets regularly to share information and work collaboratively on issues relating to gender equality such as violence against women and economic and health issues.

***5. How does Status of Women Canada (SWC) ensure that the Federal Plan for Gender Equality (1995) is implemented by the federal departments and agencies according to the appropriate guidelines, tools and methodologies? Does SWC have a system or mechanism to monitor both quantitative and qualitative progress achieved, as well as to ensure sustainability of the gender-based analysis by the various provinces and territories?***

Response:

There was no formal requirement under the Federal Plan for Gender Equality (FPGE) to formally ensure compliance or implementation. The Plan was the result of a collaborative effort between Status of Women Canada (SWC) and 22 Government of Canada departments, and its realization was the culmination of partnerships with the same departments, NGOs, provincial and territorial governments, academics, researchers, foreign governments and international organisations.

While progress was achieved in key areas during the life of the Plan, from 1995 to 2000, (for information on achievements, see Beijing+5 Fact Sheets available on SWC's website at: <http://www.swc-cfc.gc.ca/beijing5/canada-e.html>), much work remained to be done to better address the systemic nature of gender discrimination. In 2000, the government of Canada re-affirmed its

commitment to advancing gender equality by investing \$20.5 million over the next 5 years, to implement an Agenda for Gender Equality (AGE) under the leadership of Status of Women Canada. This initiative builds upon the framework and the spirit of the FPGE yet takes a more targeted, results-based approach in order to measurably improve the quality of life of Canadian women and their families. In order to address persisting imbalances with concrete actions, relevant activities and initiatives are to be undertaken under three priority areas (improving women's economic autonomy, eliminating violence against women, advancing women's human rights) by: engendering policy; accelerating gender-based analysis; engaging Canadians; enhancing the voluntary sector; and upholding international commitments.

The AGE Implementation Strategy provides for an accountability framework tied to the allocated funding and includes a ministerial advisory committee, a communications plan, and reporting to Cabinet on progress being made in addressing critical gaps, expanding opportunities for women, and reflecting the diverse realities of men and women in government responses by using gender-based analysis. This framework, however, only pertains to the actions undertaken by the Government of Canada and not to governments from other jurisdictions.

SWC does however cultivate and maintain strategic links with provincial and territorial governments. The federal-provincial-territorial forum for Ministers Responsible for the Status of Women meets annually to work collaboratively on issues relating to gender equality such as violence against women, and economic and health issues. The forum's joint development of economic gender equality indicators in 1997 (updated in 2000) and soon-to-be-released violence indicators, help to focus governments' attention on critical areas for future policy development. This forum also unanimously supports the practice of gender-based analysis (GBA) in policy development and implementation, and has placed GBA as a standing item of discussion (i.e. exchange of information, sharing of best practices) at its meetings.

(For more information on the implementation of GBA, please see the SWC publication, Canadian Experience in Gender Mainstreaming, available on SWC's website at: <http://www.swc-cfc.gc.ca/publish/international/020319-international-e.html>).

***6. SWC as well as the Federal Plan for Gender Equality seem to focus on the implementation of the Beijing Platform for Action. Does the federal government plan to increase or expand the mandate of SWC to include coordination of the promotion, implementation, monitoring and reporting of the CEDAW Convention?***

Response:

SWC was established by the Government of Canada in 1976 to "co-ordinate policy with respect to the Status of Women and administer related programs" (Order in Council 1976-779). Its mandate is

further strengthened by the *Canadian Charter of Rights and Freedoms*, as well as Canada's commitments to implement the United Nations Platform for Action (Beijing, 1995), and its adherence to the *Convention on the Elimination of All Forms of Discrimination against Women*.

SWC's mission is to promote gender equality and the full participation of all women in the economic, social, cultural and political life of Canada. It accomplishes this by ensuring that the Government of Canada develops more equitable public policy and that a broader range of stakeholders is more informed and effective on issues relevant to gender equality. Activities undertaken by the department to reach these objectives are guided by the following corporate strategies:

1. Leadership and management of a federal Agenda for Gender Equality
2. Acceleration of knowledge building
3. Fostering of partnerships

In order to fulfill its mission, Status of Women Canada has identified the following three priority areas: improving women's economic autonomy, eliminating violence against women and advancing women's human rights. Within the priority areas, improved access to benefits, trafficking in women, women and trade and the status of aboriginal women, have been identified as key issues.

Canada's Federal Plan for Gender Equality, was the Government of Canada's official submission and response to the Fourth World Conference on Women (Beijing) and the priorities identified therein complement the implementation of the CEDAW Convention. In 2000, the government of Canada re-affirmed its commitment to advancing gender equality by investing \$20.5 million over 5 years, to implement an Agenda for Gender Equality (AGE) under the leadership of SWC. The AGE builds upon the spirit of the Federal Plan for Gender Equality.

Status of Women Canada plays a lead role in the promotion of women's human rights contained within the Convention and is the lead federal agency in Canada on these issues. Status of Women Canada works towards ensuring the implementation of Canada's commitments under the Convention and increasing public understanding in order to encourage action on women's equality issues.

In addition, the Department of Canadian Heritage (PCH) has the general responsibility at the federal level for the promotion of a greater understanding of human rights, fundamental freedoms and values. PCH undertakes a broad-based public education and promotion program and disseminates human rights education and training materials in partnership with NGOs and government departments. The CEDAW, Canada's reports under the CEDAW and the concluding observations of the Committee on the Elimination of Discrimination against Women are widely distributed and are available on the PCH website ([http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw\\_e.cfm](http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw_e.cfm)).

The Department of Canadian Heritage is also responsible for the overall coordination of Canadian reports to the United Nations' treaty bodies. These reports are produced in collaboration with the provinces and territories, through the Continuing Committee of Officials on Human Rights. Each province and territory prepares its own section of the reports. The federal section of the CEDAW reports are prepared by Status of Women Canada, as the federal agency with lead responsibility for the subject matter.

**7. The report (para 42) states that “the 1993 Violence Against Women Survey found that the rate of victimization of young women in the months prior to the study was almost three times higher among 18-to-24 year olds (27 per cent), than for women in general (10 per cent)”. Describe measures taken to decrease the vulnerability of young women to violence.**

Response:

#### *Family Violence Initiative*

Funding to the Alliance of Five Research Centres on Violence (para. 123 of Canada's report) continued until 2002 for the Alliance's multi-phased participatory research initiative to explore the diverse ways in which girls and young women are socialized to expect violence in their lives, and to examine how social policies, legislation and institutions alleviate or perpetuate violence and its effects on the Canadian girl child. As a result, on June 6, 2002, the Alliance hosted the National Roundtable on Violence Prevention and the Girl Child, where it presented its findings and recommendations to prevent further violence in the lives of girls. It also launched its final research report entitled “In the Best Interests of the Girl Child”, which includes recommendations for governments, research, education, health service providers, media, and programs and service delivery.

Health Canada's role is to educate professionals on the health effects of violence. The period from 18 to 24 years coincides with women's prime childbearing years. Estimates of the percentage of pregnant women who experience abuse during this period range as high as 20 percent. To help address this risk, Health Canada produced *A Handbook for Health and Social Service Professionals Responding to Abuse During Pregnancy*, a publication which is distributed through the National Clearinghouse on Family Violence. Health Canada also produced and distributes through the Clearinghouse *A Handbook for Health and Social Service Providers and Educators on Children Exposed to Woman Abuse/Family Violence*. These and other Clearinghouse publications and fact sheets are available online at [www.hc-sc.gc.ca/nc-cn](http://www.hc-sc.gc.ca/nc-cn).

#### *Criminal Justice Measures*



Bill C-15A, an omnibus Bill that received Royal Assent in June 2002, included a number of amendments to the *Criminal Code* in order to better protect children from sexual exploitation. For example, the Bill created a new offence that targets criminals who use the Internet to lure and exploit children for sexual purposes, and made it a crime to transmit, make available, export and intentionally access child pornography on the Internet. The Bill also enhanced the ability of judges to keep known sex offenders away from children by making prohibition orders, long-term offender designations and one-year peace bonds available for offences relating to child pornography and the Internet. Further, the Bill amended the child sex tourism law enacted in 1997 to simplify the process for prosecuting Canadians who sexually assault children in other countries.

In March 1999, Bill C-69 was introduced which included an amendment to the *Criminal Records Act* to allow for the disclosure of records for sexual offences in cases where applicants are being screened for positions of trust with children and other vulnerable groups. This amendment helps to promote the personal security of women and the girl child by providing additional protection from sexual predators.

Also in March 1999, Bill C-51 came into force. The Bill contained an amendment to the Criminal Code to make it an offence to communicate for the purposes of obtaining a child prostitute, thus allowing police decoys to be used in laying charges. This amendment responded to a recommendation set out in final report of the FPT Working Group on Prostitution entitled Report and Recommendations in Respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities, which was released December 15, 1998.

Bill C-79 (Voice of Victims of Crime), proclaimed on December 1, 1999, included amendments to the Criminal Code increasing and expanding the victim surcharge imposed on offenders, which will in turn, increase provincial and territorial revenues to allow provincial and territorial governments to improve services currently provided to victims. The Bill made a number of other amendments, including restricting cross-examination by self-represented accused persons of victims of sexual or violent crime up to age 18.

### *Commercial Exploitation of Children*

The Women's Program of SWC provides funding at national, regional, and local levels, and focuses on a number of areas including the elimination of systemic violence against women and the girl child. In May 1999, Save the Children Canada launched a three-year initiative called *Out from the Shadows and into the Light* to address the commercial sexual exploitation of girls and boys. SWC has contributed funding support to this initiative. The initiative aims at eliminating the sexual exploitation of the girl child by supporting preventions, resolution and public education strategies. Save the Children Canada's report of the National Aboriginal Consultation Project, entitled *Sacred Lives*, which came from the Out from the Shadows initiative, contained recommendations for a four-point strategy leading

to the building of a national awareness campaign to help eradicate the sexual exploitation of Aboriginal youth in Canada.

The Women's Program of SWC also supports RESOLVE (Tri Provincial Network on Family Violence Research) by the Alliance of the Five Centres for Research on Family Violence Against Women and Children, to examine programs for children and youth involved in the sex trade. Further, SWC supports the Saskatoon Communities for Children Inc.'s initiative, Stopping the Sexual Exploitation of Saskatoon's Children through the Sex Trade. Finally, SWC supports Pride Care Society's initiative, Homeless Youth in Vancouver, a participatory research initiative that will determine, among other things, the extent of the sexual exploitation of these youth.

A Canadian delegation, which included officials at both the federal and provincial levels of jurisdiction, participated actively in Second World Conference on the Commercial Sexual Exploitation of Children (Yokohama, Japan, December 2001). Overall the Canadian delegation was pleased that the Yokohama Global Commitment 2001 identified new and emerging issues in combating the commercial sexual exploitation of children and reaffirmed the principles of the First Congress in Stockholm.

### *Trafficking*

On May 14, 2002, Canada ratified the UN *Convention Against Transnational Organized Crime* and two protocols to this Convention - the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*.

Trafficking in persons is covered by a wide range of offences in the Canadian *Criminal Code* such as extortion, abduction, forcible confinement, assault, sexual assault, living off the avails of prostitution, and threats. Canada recently introduced a specific trafficking in persons offence in the *Immigration and Refugee Protection Act* (Section 118). The new offence, which came into force in June 2002, carries a maximum penalty of life imprisonment, a fine of \$1 million, or both. The *Immigration and Refugee Protection Act* also specifies that subjecting trafficking victims to humiliating or degrading treatment, including with respect to work or health conditions or sexual exploitation, serves as an aggravating factor in sentencing those who trade in human beings.

### *Violence Against the Girl Child*

In 2001-2002, Status of Women Canada provided funding for Revolution Girl-Style, Regional Multicultural Youth Council in Thunder Bay, Ontario for a capacity-building and community development initiative by and for young women between the ages of 11 and 17. Entitled Regional Revolution Girl-Style on the Road, this initiative will result in a network of young women across

Northwestern Ontario addressing women's equality issues from their own perspective, locally and regionally.

In 1999-2000, SWC funded the Muriel McQueen Fergusson Centre for Family Violence Research/le Centre Muriel McQueen Fergusson pour la recherche sur la violence familiale. Among other things, funding was to facilitate an Atlantic Networking Meeting involving Atlantic research teams, partners, victims and key stakeholders (governments) in becoming part of the solution, enhancing the partnership between the four provinces, and exploring new ways to collaborate in developing preventive solutions that can work in rural, farm and remote regions of the Atlantic.

During 2000-2002, SWC has supported the Women's Legal Education and Action Fund for its co-ed outreach education work with youth aged 11-14 years and 14-20 years, focussing on the Ewanchuk case ("no means no") to educate on sexual assault, women's equality and the *Canadian Charter of Rights and Freedoms*.

As part of the national Crime Prevention Initiative, the National Steering Committee on Community Safety and Crime Prevention has released its framework for addressing personal security issues concerning women and girls, which is most encouraging. In this Framework, mention is made of the work of the Federal-Provincial-Territorial Ministers Responsible for the Status of Women.

Canada was an active participant in both the United Nations General Assembly Special Session on Children and its preparatory process. The Canadian delegation to the Special Session (May 2002) included both federal and provincial officials, representatives of the NGO community and young people. Canada played a key role in strengthening the outcome document on several issues including, inter alia, issues of child protection. Canada is pleased that the final document commits to protecting children from all forms of abuse, neglect, exploitation and violence. We did however register our dissatisfaction with the language on the issue of sexual and reproductive health.

#### *Community-based supports for young women victims of sexual violence*

During 2000-2002, Status of Women Canada funded the Collective Making Waves/Vague par vague to empower teens in New Brunswick to address dating violence. This initiative has encouraged a collaborative approach among youth, parents, teachers, school administrations and the Departments of Education and Justice to ensure appropriate provincial policies and protocols are being implemented in anglophone and francophone schools on the issue of dating violence. Through the development of a province-wide strategy, the Collective has promoted the concept of abuse/dating violence prevention for teens in the province.

In Québec, SWC has financed the Centre d'aide et de prévention des agressions à caractère sexuel de Rouyn-Noranda (CAPAS) to implement a prevention program for high school students to sensitize

them to the realities of sexual assault. Also in Québec, SWC has financed the Regroupement des femmes de la région de Matane for an initiative designed to promote equal and healthy relationships between youth.

In 2000-2001, SWC funded the initiative of the Diverse Community Achievement Centre of Hamilton and Region entitled Exploring Relationships – Awareness and Skills for Eliminating Violence Against Women. This organization worked with visible minority youth to develop practical tools for empowerment in confronting and eliminating violence against women. The outcome of this work was to include the development of teen leadership on the issue of violence against women. The organization also worked with other community organizations dealing with violence against women to help them integrate issues of youth and violence into their programs.

### *Violence and the Media*

In 1993, the federal government announced its Media Violence Strategy. The strategy consisted of a five-year work plan (1995-1999) to reduce media violence, to use the media as a positive force to encourage attitudinal and behavioural change and to promote media education.

In 2000, SWC funded a 3-year initiative by the Feminist Research, Development and Action Centre to contribute towards the coordination of a media strategy on violence against women and girls in British Columbia. Given the media's role in shaping public opinion and policy, this initiative will contribute to the public understanding of the systemic nature of gender-based violence and its link to women's unequal status in society. In 2000, SWC also funded a 3-year initiative of MediaWatch to remedy the stereotypes and under-representation of women and girls in the media; to be responsible for the promotion of the advancement of women; educating the public about their options in making change in their media environment; and producing research that quantifies the extent to which the media representation of women remains inequitable.

### *Shelter Enhancement Program (SEP)*

Specific mention is made in the fifth report on the Family Violence Initiative and the Shelter Enhancement Program, which is delivered by CMHC as part of the Initiative. It should be noted that when the Family Violence Initiative was renewed in 1997 it became an on-going initiative. The funding level was set at \$7 million per year (of which SEP receives \$1.9 million). The funding was approved for 5 years and there is a requirement that the FVI reports to the federal Cabinet with recommendations for the following five years of funding.

The Shelter Enhancement Program assists in repairing and improving existing shelters for women and children in areas such as security, access for persons with disabilities and improvements in children's

play areas, as well as providing capital funds for developing new shelters and second stage housing where needed.

SEP benefits from a \$1.9 million annual amount from the Family Violence Initiative, and, in addition, for the period from 1999/2000 to 2002/2003, a further \$43 million from the federal National Homelessness Initiative. From 1995/1996 to March 1998, total SEP funding was \$17.1 million. For the period 1998 to 2002, total SEP funding was \$38.6 million.

Since the fifth CEDAW report, in December 1999, an additional \$43 million was allocated to SEP from the National Homelessness Initiative over the four years 1999/2000 to 2002/03 — \$7 million in the first year and \$12 million for each of the three subsequent years. Of this, about \$1 million of the \$12 million per year has been allocated to Indian reserves.

Since 1995, over \$55 million in funding has been provided under SEP to create and/or renovate approximately 10,000 shelter spaces, of which 6,000 have been committed since 1998.

According to the Shelter Enhancement Program evaluation undertaken in 2001, 70 percent of existing shelters and second stage housing have received funding for repairs and improvements, and SEP funding covered 60 percent of all repair costs in these shelters. Not only did these expenditures significantly improve the physical conditions and safety of the shelters, but a recent CMHC evaluation of SEP also found that the program had positive impacts on shelter usage by women and enhanced family violence programs. A third of shelters that received SEP repair funding reported an increase in the number of women coming to the shelters and nearly 30 percent said that women were staying longer. Existing shelters reported an increase of 6 percent or 5,567 more women and children served in 2000 versus 1998, and the majority reported that improved shelters helped women better address family violence problems and move to non-violent situations. These measures contribute to the overall objective of the federal Family Violence Initiative which is to prevent and reduce family violence in Canada.

In 1999, the federal government also expanded the mandate of the Shelter Enhancement Program to provide funding for shelters that serve youth who are victims of family violence, with the additional funding provided through the National Homelessness Initiative.

Between April 1, 1999 and March 31, 2002, SEP has provided commitments to some 530 youth shelter spaces for a total funding of over \$7 million. The Shelter Enhancement Program Evaluation undertaken in 2001 included an assessment of SEP projects funded for youth in the first two years of this activity (1999/2000 and 2000/2001). The evaluation indicated that SEP funding resulted in a 26 percent increase in capacity in the youth shelters reviewed. As well, most of the shelters serve both males and female, two are for females only and one is for males only. Typical clients served are aged 16 to 24, but some shelters serve youth under 18 (including a shelter for pregnant teens). The main

impacts of this program for youth shelters have been to improve the facilities, reduce operating costs, enhance safety and expand shelter programs that have allowed shelters to increase occupancy rates and improve client services. The evaluation also noted that 79 percent of the youth served have experienced family violence problems. A continuing need for funding for shelter repairs and expansion of the capacity to meet demands was evident.

The provincial and territorial governments have also undertaken a number of measures and enacted legislation to decrease the vulnerability of women to violence. Examples of these initiatives follow.

### Alberta

The Alberta *Protection of Children Involved in Prostitution Act* came into effect February 1, 1999. The Act recognizes that children (up to the age of 18) involved in prostitution are victims of sexual abuse. Under the Act, the Alberta Government has introduced programs and services to help children end their involvement in prostitution. The legislation also includes legal penalties for johns and pimps, who can be charged with child sexual abuse and fined up to \$25,000, jailed for up to two years, or both fined and imprisoned. Voluntary Support services are also available for sexually exploited children and their families. The Protection of Children Involved in Prostitution program also promotes various public awareness activities aimed at preventing children from becoming involved in prostitution and at helping parents and the public gain a better understanding of the issue.

Alberta Child and Family Services Authority's family violence prevention programming covers a range of prevention services, provided to various age groups of clients. Based on the expressed needs of communities, public education is provided to and through schools and other community groups and can be tailored to meet the information needs of young women and girls. Women's shelters provide services too all residential clients, including the children of women admitted to shelters. These services include crisis intervention, information, support, advocacy and referral.

### Manitoba

The Fifth Report refers to the 1993 Violence Against Women Survey (VAWS) which shows that young women are three times more likely to be victimized. Since that time, the 1999 General Social Survey, which contains data on victimization, suggests an overall decrease in spousal assaults, with the greatest declines for women under 25 years old. Women 18 to 24 years old, however, continue to be the most vulnerable to victimization.

The Government of Manitoba considers early intervention and prevention critical to reducing violence against young people. The main method of reaching this population is through the education system before they become either a victim or perpetrator. The emphasis is on teaching mutually respectful relationships to both girls and boys.

In particular, information on violence prevention, personal safety, and healthy relationships (including power in relationships) is integrated into the compulsory Physical Education/Health Education curriculum in high schools. Courses on family studies and independent living also educate adolescents on interpersonal relationships and respectful ways of dealing with conflict. Teachers have access to a resource document on violence against women entitled “Violence Against Women: Learning Activities to prevent Violence Against Women. Senior 1 to 4 (Grades 9-12)”.

Recognizing the link between violence against women and lower economic status of women, the Manitoba Department of Education and Training focuses on advancing the career prospects of women by placing an emphasis on career education and career counselling.

The Government of Manitoba provides funding to the program Teen Talk, which works with secondary schools to provide workshops on various issues, such as sexual assault, and to develop peer-support groups within requesting schools.

Non-governmental programs, such as the Canadian Red Cross program, “RespectED”, provides workshops to requesting elementary and secondary schools on abuse issues and healthy relationships.

#### Newfoundland

The Women’s Policy Office has published material on violence targeted at young women. These include *What Do You Think?*, which is a youth peer information package on violence and pamphlets on *Dating Violence; Stalking-Criminal Harassment; Assaulted, Threatened or Harassed*; and *Surviving Sexual Assault-A Women’s Guide*.

The Department of Education has a number of programs aimed at decreasing school violence and has established a “Safe and Caring Schools” provincial committee.

As part of a government-community Violence Prevention Initiative partnership, regional community groups offer workshops and conduct research and public awareness in this area. One example is the research and information program entitled: *Bars, Booze and Sexual Violence*, produced by the Regional Coordinating Coalition Against Violence - Eastern Avalon.

#### Nova Scotia

The Women’s Directorate, which existed until 1996, coordinated the governmental component of the annual Purple Ribbon Campaign since its inception. The purpose of this campaign is to increase awareness of violence against women and to raise additional funds for transition houses and women’s centres.

Until 1996, the Women's Directorate coordinated the provincial government observance of the National Day of Remembrance and Action on Violence Against Women and after the merger of that agency with the Advisory Council on the Status of Women, the new agency continued in that coordinating role.

Field work staff of the Advisory Council on the Status of Women organized and delivered:

- train-the-trainer workshops in schools and RCMP detachments around the province to assist participants in understanding and identifying sexual harassment in their organizations and to deliver their own training sessions to employees and students.
- a series of workshops on dating violence which discussed the dynamics of violent relationships and explored the barriers to providing appropriate and effective responses by organizations, communities, and society as a whole.

The Council also updated and released a second edition of *Making Changes: A Book for Women in Abusive Relationships* to meet a consistently high demand for information on domestic violence, and related community resources from transition house workers, advocates and others who provide assistance to women in abusive relationships. In December 2001, the Council published the third edition of *Making Changes*. On average, 500-700 copies of this document, available in English and French, are downloaded from the Council's website every month. Other, more recent, initiatives related to violence against women include:

- the release of a statistical publication on family violence in Nova Scotia
- the development, in conjunction with Avalon Sexual Assault Centre, of an informational brochure on sexual assault drugs. 3000 of these brochures have been made available through university campuses and the Nova Scotia Community College.

The Council joined with the Human Rights Commission, the Department of Education and Culture, the Halifax Regional School Board, and various community groups to form CASH, the Coalition Against Sexual Harassment in Schools. The purpose of the organization was to develop a program to prevent sexual harassment against students in Nova Scotia schools.

***8. The report (para 105) indicates that Bill C-27, proclaimed in 1997 makes the practice of female genital mutilation (FGM) an offence. Please explain who is punished for the offence: is it the health practitioner performing the mutilation and/or the parents or the guardians asking for the mutilation to be performed? Is there any data on the extent of illegally performed female genital mutilations?***



Response:

Bill C-27 (proclaimed into force on May 26, 1997) amended section 268 of the *Criminal Code* to specifically clarify that female genital mutilation is a form of aggravated assault. The section reads as follows:

**268(1) Aggravated assault**

(1) Everyone commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

**268(2) Punishment**

(2) Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

**268(3) Excision**

(3) For greater certainty, in this section, "wounds" or "maims" includes to excise, infibulate or mutilate, in whole or in part, the labia majora, labia minora or clitoris of a person, except where

- (a) a surgical procedure is performed, by a person duly qualified by provincial law to practise medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function; or
- (b) the person is at least eighteen years of age and there is no resulting bodily harm.

**268(4) Consent**

(4) For the purposes of this section and section 265, no consent to the excision, infibulation or mutilation, in whole or in part, of the labia majora, labia minora or clitoris of a person is valid, except in the cases described in paragraphs (3)(a) and (b).

Section 268 makes it clear that the practitioner or any other person carrying out the operation could be charged with aggravated assault. In addition, section 21 of the *Criminal Code* sets out circumstances wherein a person could be liable as a principal or party to an offence. The interaction of these two sections allows more than just the health practitioner performing the mutilation to be charged with an offence.

Section 21(1) reads:

- 21(1) Every one is a party to an offence who
- (a) actually commits it;
  - (b) does or omits to do anything for the purpose of aiding any person to commit it; or
  - (c) abets any person in committing it.

The mere presence of a person such as a parent or guardian at the scene will not be sufficient to charge them under these sections. However, if the parent actively participates in the offence by holding the child for example, he or she will be charged as a principal (someone who commits the offence) under s. 21(a) or as a party under s. 21(b). Similarly, a parent who requests and encourages the health practitioner (or another person) to carry out the act could also be charged with aggravated assault as a party to the commission of the offence (s. 21(c)).

In February 2002, in Ontario, the parents of an 11-year-old girl were both charged with aggravated assault under section 268. Although the parents did not perform the circumcision, the mother allegedly held the child during the procedure. It is anticipated that the preliminary inquiry will take place in the fall. To the best of our knowledge, there are no other documented cases where charges were laid against either parents or a practitioner under section 268 of the *Criminal Code*.

***9. What are the results of the second phase of an evaluation of the effectiveness of the Victims of Domestic Violence Act adopted by the province of Saskatchewan in 1995? Has similar legislation be enacted by other provinces?***

Response:

Saskatchewan

The second phase of the evaluation of the *Victims of Domestic Violence Act* commenced January 1, 1997, with Prairie Research Associates receiving a \$25,000 federal contract. Due to budget constraints, the evaluation focussed on use of Emergency Intervention Orders, one of three remedies in the Act. Saskatchewan Justice will provide the report to interested parties.

Data collection in Phase 2 included collection, review and analysis of administrative data from justices of the peace, courts and police, a survey of community-based agencies, key informant interviews (justices of the peace and police) and victim interviews.

Recommendations in the evaluation report included:

- developing an interdisciplinary training package that includes the information on the dynamics of family violence, describes the processes within the Act and demonstrates the fit of *The Victims of Domestic Violence Act* with other legislation used in situations of family violence;
- taking action to improve on-reserve access to Emergency Intervention Orders;
- ensuring consistency between Emergency Intervention Orders and the charging directive;

- investigating the need to include financial compensation as part of Emergency Intervention Orders;
- addressing technical issues, including revisions to the numbering system currently in use for Emergency Intervention Orders, specific identification of breaches of Emergency Intervention Orders and generation of monthly statistical reports on domestic violence calls by Saskatchewan police services; and,
- developing a public information package on *The Victims of Domestic Violence Act*.

In 1997, 420 calls were handled by Justices of the Peace. Emergency Intervention Orders were requested 394 times. (The remaining calls were requests for information.) Three hundred and thirty-one orders were granted (84 percent). The Court of Queen s Bench confirmed 89 percent of the orders granted by justices of the peace and denied 6 percent, generally because of insufficient evidence of an emergency. The five percent not accounted for could not be tracked due to missing information, and were coded as unknown.

The use of Emergency Intervention Orders appear to be increasing. Orders are primarily used in instances of wife abuse, although data indicated an increase in use in situations of child abuse. Reasons for obtaining the Orders included victims requiring immediate protection (72 percent), victims requiring possession of the home (63 percent) and victims threatened or harassed (52 percent). Police requested the Orders in 68 percent of the cases.

Emergency Intervention Orders are being used more often on reserves. This is occurring even when a reserve has not provided a band by-law to make exclusive occupancy orders available. In 1997, 25 Emergency Intervention Orders were used on-reserve, six with exclusive occupancy provisions.

An action plan in response to the recommendations has been developed and is being implemented. It includes:

- the development of a training package for police, front-line workers, justices of the peace, lawyers, justice workers, etc. on legislation used in family violence situations (development completed in 2000; training completed in June 2001);
- revisions to the numbering system used with Emergency Intervention orders (completed in 2000);
- contact with police services to initiate discussion of technical issues such as tracking of family violence calls and breaches of Emergency Intervention Orders (pending);

- further work in the areas of use of the Act on-reserve and development of user-friendly public information about the Act (pending).

### Alberta

The Alberta *Protection Against Family Violence Act* was proclaimed on June 1, 1999. The Act enhances the ability of the justice system to protect family members who experience family violence or who are being threatened

### Manitoba

Saskatchewan legislation served as a model for the drafting of legislation in other provinces. Manitoba is one of seven jurisdictions that have implemented civil domestic violence legislation. Civil legislation allows for more immediate response than do provisions under the *Criminal Code*.

Manitoba's *Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendments Act* came into force on September 30, 1999 to provide persons subjected to stalking and domestic violence with the ability to seek a wide range of civil remedies to address their individual needs. Its objectives are to provide quick and simple protection and services to victims, as well as to prevent further occurrences of family violence.

The Act has two different types of orders: Protection Orders, obtained from a designated Justice of the Peace of the Provincial Court of Manitoba, and Prevention Orders, obtained from the Court of Queen's Bench. It also contains general provisions, such as a warrant permitting entry.

### Newfoundland

In September 2001, the Department of Justice began a review of family violence legislation in place in other provinces. This review is still on-going in the Department of Justice under its Strategic Planning Process.

### Nova Scotia

Nova Scotia passed new legislation, the *Domestic Violence Intervention Act*, in 2001, but it is not yet proclaimed in force. The Act would permit a court to make an emergency protection order when domestic violence has occurred.

***10. Is there a database on "best practices" to address violence against women with a view to extending good programmes to other provinces and territories?***

Response:

Government of Canada

The National Clearinghouse on Family Violence, on behalf of the Family Violence Initiative, periodically compiles publications describing better practice. Such compilations are available on workplace learnings, and on the Family Violence Prevention Division-funded projects related to woman abuse which contributed to the range of effective prevention approaches and methods. The research Centres on Family Violence and Violence Against Women each have their own web sites which list research projects.

The Department of Justice hosted a federal-provincial-territorial forum on Spousal Abuse in March 1998 to discuss and exchange best practices by police, Crown prosecutors, corrections officials, victims' services and policy experts relating to spousal abuse cases. Two similar forums were subsequently held in March 2001 and in May 2002.

The Department of Justice also created a federal-provincial-territorial working group to examine spousal abuse policies. In particular, the working group is reviewing mandatory charging policies in all jurisdictions, with a view to identifying best practices. The working group is expected to report back to Justice Ministers in the fall of 2002.

The Federal-Provincial-Territorial Ministers Responsible for the Status of Women released, in June 1996, a resource guide entitled *Beyond Violence: Reaching for Higher Ground*. This guide catalogues violence prevention and intervention initiatives across the country. The aim of the publication is to help governments and community organizations share information on best practices and avoid unwarranted duplication.

In July 1999, the Federal-Provincial-Territorial Ministers Responsible for the Status of Women released their Strategic Framework on the Prevention of Violence Against Women. The Framework sets out the best practices and innovative anti-violence programs from all jurisdictions.

At the Federal-Provincial-Territorial Meeting of Ministers Responsible for the Status of Women in September 2000, the Ministers agreed to develop, in collaboration with Statistics Canada and in consultation with a wide range of stakeholders, a Federal-Provincial-Territorial publication on indicators of violence against women. The purpose of these indicators is to provide a readily accessible portrait of women's experiences of violence and to place the available data in a broad social context. The indicators should also serve as useful measures for a broad range of organizations to reflect on the impact and development of legislation, policies, programs and services related to violence against women. The publication is presently in its final stages of completion and is expected to be available before the end of 2002.

The federal government provides training on family violence within its jurisdiction in the justice sector. The RCMP, Corrections personnel, and members of the National Parole Board all receive such training. Similarly, the First Nations Family Violence Course, developed by the Canadian Police College in collaboration with the First Nations Chiefs of Police Association, provides First Nations police officers with the skill and expertise to deal with the pervasive problem of family violence on reserves.

In December 1999, the Department of Justice, together with Federal-Provincial-Territorial Justice officials, developed guidelines for police and Crown prosecutors relating to criminal harassment. These guidelines are a practical tool for law enforcers that seek to promote victim safety at all times.

The Department of Justice also prepared a training tool kit to assist Heads of Prosecutions (and therefore prosecutors in their prosecution duties) in the development of training programs to enhance sensitivity and awareness of gender and diversity issues. The training tool kit outlines general principles that should be considered in the exercise of prosecutorial responsibilities, including that any discretion must be exercised in accordance with the equality provision of the *Canadian Charter of Rights and Freedoms*.

### Alberta

There is currently no database for best practices. Current data gathering focuses on shelter utilization patterns, and basic demographic information.

Alberta participates in several Federal/Provincial/Territorial fora that deal with family violence. These fora provide an ongoing opportunity for jurisdictions to exchange information on best practices.

### Manitoba

The Manitoba Family Violence Court is profiled in the Strategic Framework on the Prevention of Violence Against Women released in July 1999 (see above). This court was the first of its kind in Canada and was designed to meet the unique needs of domestic violence victims. The Family Violence Court is composed of a women's advocacy and child witness program for victims of family violence; a specialized prosecutorial unit; specialized designated courtrooms and dockets for intake, screening and trials; and a special unit in the probation office to deliver court mandated treatment programs. The objectives of the court are: 1) expeditious court processing; 2) rigorous prosecution; and 3) more appropriate sentencing than that of non-specialized courts.

Since Manitoba implemented the Court, a number of other jurisdictions (Ontario, Alberta and the Yukon Territory) have followed suit with similar family violence courts.

### Newfoundland

While there are not databases on best practices to address violence against women, there are numerous resources on violence against women.

The current mechanism for sharing information amongst governments in the Atlantic region in the *Circle of Prevention*. The *Circle* is a network of government and community advocates which meets on a regular basis to share information, facilitate research and identify trends in violence against women and solutions for the Atlantic Region.

### Nova Scotia

The Family Violence Prevention Initiative was put into place, working across provincial government departments in coordinating efforts to address the issue of family violence.

***11. What are the results of the four research projects contracted by Status of Women Canada on the Canadian dimensions of trafficking in women? Are the results of the study being used for possible legal and social approaches to the issue?***

### Response:

To date, three of the four contracted studies have been published and are widely available. They are: Canada: The New Frontier for Filipino Mail-Order Brides; Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case; and Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-In Caregivers and Mail-Order Brides. SWC also lead and funded an interdepartmental policy research project looking into the existing government responses to trafficking of women. The project included a roundtable with government, academic, law enforcement and civil society participants. The report of the project is entitled, Trafficking in Human Beings: Summary of Federal Government Practices and Policy Issues in Canada.

The research underscored the need to have a comprehensive strategy and an intersectoral approach to the issue. To respond to this gap, an interdepartmental committee on trafficking and human smuggling, made of up representatives of multiple federal departments and agencies, considered the recommendations. This Committee played a key role in the process that led to Canada signing the United Nations *Convention Against Transnational Organized Crime* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the development of a new trafficking offence in Canada's *Immigration and Refugee Protection Act*, which was tabled in the House of Commons on February 21, 2001, as Bill C-11, An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

As part of Status of Women Canada's (SWC) focus on trafficking, two of the research reports were released at the International Metropolis Conference in November 2000, where SWC hosted a workshop for community and academic researchers and policy makers. Metropolis is an international co-operation research project, which Canada initiated, designed to stimulate research on the effects of international migration on cities.

The research studies have received considerable media attention, and Status of Women Canada continues to receive requests for them from policy makers, NGOs and media, both nationally and internationally.

To ensure that all research reports are made widely available, Status of Women Canada distributes each one to a diverse range of groups and individuals. They are also available on request and from SWC's website at <http://www.swc-cfc.gc.ca/research/pub-e.htm>.

***12. Having acknowledged that a broader approach is necessary to prevent trafficking in women, what action has the Federal Government taken to address trafficking in women including the recognition and protection of their human rights, as well as the prosecution of perpetrators and facilitators of trafficking? Please describe the facilities afforded to victims of trafficking pending, during and after prosecution of traffickers.***

Response:

The *Criminal Code* was amended effective May 26, 1997, to permit the Canadian prosecution of Canadian citizens or permanent residents who engage in sexual activity with children, including female children, while abroad. Bill C-15A, which received Royal Assent in June 2002, amends this 1997 law to simplify the procedure for Canadian prosecutions.

Canada actively participated in the negotiation of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, which was adopted by the United Nations' General Assembly in May, 2000. The Optional Protocol seeks to elaborate international standards to respond to the problems of the sale of children, child prostitution and child pornography. On November 10, 2001, Canada signed the Optional Protocol. Consultations are currently taking place with the provinces and territories to facilitate Canadian ratification of the Optional Protocol in the coming months.

As well, on December 14, 2000, Canada signed the newly elaborated United Nations *Convention against Transnational Organized Crime* and two supplemental protocols, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. This Protocol addresses a growing trend in transnational organized crime to physically move people through



the use of deception, coercion or force, for the purpose of exploiting these victims, typically in the form of sexual exploitation or forced labour.

Canada has also been working on the implementation of article 5 of the *Trafficking Protocol* (a protocol to the *Transnational Organized Crime Convention Against Human Trafficking and Migrant Smuggling*) which requires States to “adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct set forth in article 3” (trafficking in persons). While the trafficking offence set out in the Protocol is covered through existing *Criminal Code* and *Immigration Act* Offences (e.g. extortion, assault, sexual assault, kidnapping, uttering threats, forcible confinement, smuggling, etc.), a new offence of human trafficking in Bill C-11 (*An Act respecting Immigration to Canada and the Granting of Refugee Protection to Persons who are Displaced, Persecuted or In Danger*) was introduced during the negotiations on the Protocol. Bill C-11 received Royal Assent on November 1, 2001. In order to underscore Canadian society's abhorrence in respect of the trade in human beings, this new offence of trafficking in persons carries a maximum penalty of life imprisonment, a fine of one million dollars or both.

With respect to facilities, it should be noted that the Canadian Parliament recently passed legislation aimed at strengthening its youth justice system. The new *Youth Criminal Justice Act*, which will come into force in April 2003, is the basis for a fair and effective youth justice system that emphasizes the rehabilitation and reintegration of youth, ensures timely interventions, reduces the number of young people needlessly brought into the youth justice system and into custody and provides enhanced procedural protections to youth to ensure that they are treated fairly and that their rights are protected.

Canada is a party to the United Nations *Convention on the Rights of the Child*, and young persons have special guarantees of their rights and freedoms. The main objectives of the new legislation include reduced use of the formal justice system, and more diversionary and other extra-judicial measures for the vast majority of youth crime, including prostitution. One of the explicit goals of the new legislation is to reduce the use of custody, now primarily reserved for violent and serious repeat offenders. The emphasis in the new legislation is on assisting a young person to successfully make the transition back to the community, based on the belief that all young people can be reintegrated into society if they receive the proper support, assistance and opportunities.

**13. *The Federal-Provincial-Territorial Working Group on Prostitution, established in 1992 found that, “despite a series of Criminal Code amendments made over the last 25 years, there is compelling evidence that the current law is not working” (para 197). What measures are being taken by the Government to implement the recommendations of the Working Group contained in its 1998 Report and Recommendations in Respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities?***

Response:

The child prostitution provisions in the *Criminal Code* were amended effective May 1, 1999 to respond to concerns raised in the 1998 Report. In particular, an amendment was made to make it an offence for any person to obtain, or to communicate with anyone for the purpose of obtaining, the sexual services of a young person. The current wording of this provision facilitates the work of law enforcement agencies. Existing *Criminal Code* electronic surveillance powers were also amended in 1999 to allow police to use electronic surveillance to investigate organized and telephone prostitution rings.

The 1998 Report included a discussion of the issues of street prostitution and youth involved in prostitution. In particular, it noted that the most effective strategies for addressing youth in the sex trade, including young women, are those that prevent them from engaging in prostitution at the outset. It also noted the need for enhanced collaboration between the justice and child welfare systems. A National Meeting of Justice and Child Welfare officials was held in Ottawa on November 13 -15, 2000, to lay the groundwork for such collaboration. Follow-up action to this National Meeting has included the establishment of a network of Justice and Child Welfare officials to allow for the prompt sharing of information of all issues related to children and youth involved in prostitution. The network also offers a forum for the discussion of potential collaborative cross-jurisdictional strategies. The Federal-Provincial-Territorial Ministers Responsible for Social Services are overseeing additional follow-up action to the National Meeting.

Additional victims-related *Criminal Code* reforms were enacted effective December 1999. These amendments included: requiring police and judges to consider the victim's safety in all bail decisions; extending to victims of sexual or violent crime up to 18 years of age (an increase from the previous availability of this protection only to persons up to 14 years of age) protections that restrict cross-examination by self-represented accused; and making it easier for victims/witnesses to participate in trials by permitting the judge to ban publication of their identity where this is necessary for the proper administration of justice.

***14. Although acknowledging the increase in women's representation in elected bodies, as well as actions and guidelines on gender balance in appointments to federal boards and commissions and judicial appointments, women in most cases are still significantly under-represented, particularly in the House of Commons. Does the Government(s) consider adoption of temporary special measures as foreseen in article 4.1 of the Convention to accelerate participation of women in political life, particularly in the House of Commons and in provincial elected bodies?***

Response:

## Government of Canada

Canada believes that the full and equal participation of women from diverse experiences and fields, at all levels of decision-making, is essential to gender equality, human rights and democratic development. The Federal Plan for Gender Equality includes objectives to contribute to achieving the active participation of women in and their equal access to all levels of decision-making.

At the political level, Canada's approach has been to encourage political parties to set targets for the participation of women, rather than to take legal or constitutional measures. Although there are no legal barriers to women's participation in politics, obstacles include the nomination process, unequal access to financial backing, and child care expenses and responsibilities. To lower the barriers for women, many of Canada's major political parties have established programs to encourage and support women federal candidates. Measures include earmarking campaign funds for women, including grants for child care, household help, lost wages and campaign costs and mechanisms to achieve greater gender parity on executives, governing bodies and committees. During recent federal election campaigns, most national parties have also set targets for a minimum percentage of female candidates, ranging from 10-50 percent.

Canada's House of Commons currently has the largest number of women in the history of Canada. Women currently make up 20.9 percent of the Members of the House of Commons and 29.8 percent of Members of the Senate. Of Canada's Federal Cabinet Ministers, just over one-quarter are women. In the last federal election, November 2000, a total of 62 women were elected out of 301 ridings. This is two more than in the last election and an increase in the overall percentage from 20 percent to approximately 21 percent.

The Government of Canada actively works to ensure that gender balance is considered when proposing candidates for appointments to federal boards and agencies and is continuing efforts to recommend women for appointments to the federal judiciary. Beverly McLachlin was sworn in as Canada's first female Chief Justice of the Supreme Court on January 17, 2000. Women currently hold three out of nine (33.3 percent) seats on the Supreme Court of Canada. Among federally appointed judges, 29.4 percent are now women, up from 15 percent in 1991.

## Manitoba

In 1998, there was a fairly low representation of women in politics and public life in Manitoba. For example, women held only 11 of the 57 seats in the Manitoba Legislature and women held only 4 of the 17 cabinet minister positions. Recent statistics have shown some improvement. Currently, 14 women hold seats in the legislature and 5 women hold cabinet minister positions. Manitoba's government (regardless of the political party in office) does not dictate quota representation or provide specific incentives to encourage women's participation. Strategies to attract women candidates are the

prerogative of the parties themselves.

#### Newfoundland

The Women's Policy Office has undertaken initiatives to facilitate women's participation in a political career at the municipal, provincial and federal levels. A booklet was developed with community input entitled, *A Women's Manual on Organizing an Election Campaign*. Also, in the fall of 2001 contact was made with women's organizations throughout the province to encourage them to organize "Leadership Dinners" in their communities to bring women together to explore the needs in this area. This resulted in a number of such events taking place and support networks beginning to form in communities.

#### Nunavut

The Nunavut Status of Women's Council, Qullit, is committed to encouraging women to participate in political life.

***15. Does the Government provide incentives, for example via the election expenses reimbursement system, to encourage political parties to promote women's participation as candidates and elected representatives?***

#### Response:

In 2000, the Canada Elections Act was amended to expressly include incremental child care expenses in the definition of personal expenses for the purpose of reimbursement to candidates. This initiative will assist women candidates in participating in political life and is an addition to the actions that political parties have been encouraged to take (see response to Question 14).

***18. Paragraph 36 of the report states that, although access to higher education for women has increased and women make up a slight majority of students in Canadian universities, they are still under-represented in doctoral programmes and in college and university faculties. Please provide statistical data on women's participation at these levels? What measures have been taken to improve this situation?***

#### Response:

*Representation in doctoral programmes*

Women's participation in doctoral programmes grew at a steady pace from 1977-1998. The percentage of female doctoral candidates rose from 26.25 percent in 1977 to 44.21 percent in 1998. (See Annex 1, Trends in women's participation in doctoral programmes in Canada.) It is interesting to note that women's participation rates stagnated at around 34% from 1987-1991. Female participation rates have since resumed growing at an even higher rate than was experience pre-1991, increasing by 1 percent-2 percent per year.

In 1995, the Government of Canada, through the Canada Student Loans Programme (CSLP), introduced the Canada Study Grants for Women in Doctoral Studies. This grant provides financial assistance to women undertaking doctoral studies in certain fields where women have been traditionally under-represented.

### *Representation on college and university faculties*

Figures from the Association of Universities and Colleges of Canada (AUCC) indicate that the proportion of female faculty in all discipline groups has steadily increased since 1980, from approximately 15 percent to 25 percent for all disciplines. (See Annex 2, demographic/gender make up of Canadian university faculty.) This growth was most pronounced for the Social Sciences and Humanities Research Council (SSHRC) disciplines (from 16 percent to 30 percent) and lowest in the Natural Sciences and Engineering Research Council (NSERC) disciplines (from 6 percent to 11 percent).

The proportion of female appointees grew for all ranks from 1981-2000. In 2000, women accounted for approximately 15 percent of full professors, 32 percent of associate professors, 40 percent of assistance professors and 52 percent of "other" appointments. (See slide 4, AUCC.)

The Government of Canada undertook a gender-based analysis of the Canada Research Chairs programme, as a result of early indications that women were under-represented among nominees for research chairs. Upon further investigation, it was concluded that women's lower nomination rates were a result of their higher representation among lower-ranking faculty appointments, not because of discrimination in the Canada Research Chairs approval process.

The Government of Canada respects provinces' jurisdiction over educational institutions, including colleges and universities.

Note: Statistics were not available on women's representation on college faculties.

Source: Canada Research Chairs (2001). *Preliminary Gender-based Analysis of the Canada Research Chairs Programme*. <http://www.chairs.gc.ca/english/Research/GBAreportFinalE.pdf>  
Association of Universities and Colleges of Canada (2001). *AUCC Estimates*.

## Manitoba

The attached table shows enrolment by gender in doctoral programs at the University of Manitoba for all program areas for a three-year period (1999/00-2001/02 — the most recent data available). Note that doctoral programs are only offered at the University of Manitoba. The three-year average in terms of women in doctoral programs is around 43 percent.

In 2000/01, the Government of Manitoba set tuition fee guidelines that saw tuition reduced by 10 percent, the first time that tuition had been decreased in recent memory. In 2001/02 and 2002/03, government guidelines stipulated that tuition fees could not increase (i.e. a freeze). Both these actions applied to students in all programs at a public university or college. Manitoba also participated in the Canada/Manitoba Student Loan Program where non-repayable assistance of up to \$3000 annually (for up to three years) is available for female students taking studies at the doctoral (Ph.D.) level in selected non-traditional fields of study.

In addition to the above, it must be remembered that the *Human Rights Code* and the Manitoba Human Rights Commission have jurisdiction to deal with discrimination, including systemic discrimination, in this area. A number of years ago, there were complaints alleging systemic discrimination against women in Manitoba universities, and as part of the investigation of those complaints, the Manitoba Human Rights Commission conducted a statistical survey and analysis for each university involved. That survey and analysis compared the availability of qualified women for faculty and administrative positions in the exterior workforce with the departmental utilization rate at each university. This confirmed the under-representation of women in faculty positions and administrative positions in many faculties.

Pursuant to settlement agreements, the University of Winnipeg and Brandon University agreed to provide annual hiring data for a period of several years to the Manitoba Human Rights Commission for its consideration, response and commentary in the Commission's Annual Report. Detailed monitoring reports with respect to Brandon University have appeared in the 1999 and 2000 Manitoba Human Rights Commission Annual Report. Similar reports with respect to 2001 hiring data and information on employment equity initiatives both at Brandon University and the University of Winnipeg will appear in the Commission's 2001 Annual Report (but as that has yet to be tabled, the information is not presently available for distribution). The Commission's current Annual Report can be accessed at <http://www.gov.mb.ca/hrc/english/publicat.html>.

## Nova Scotia

The Women's Directorate, in conjunction with the Department of Education, developed an annual scholarship for women in science and engineering.

***19. According to the report (para 34), women receive less employer-sponsored training than men and even though women's and men's job-related training participation rates are similar, women receive fewer hours of training. This fact certainly contributes to a more disadvantaged position in the labour market. What measures are taken to ensure that such situation is correctly addressed with an equality perspective?***

Response:

Women's and men's participation in employer-sponsored training is approximately equal. (See Annex 3 for tables 1.5, 2.2 and 2.11b.) The differences in participation rates are not large enough to be considered significant and, in fact, are as often biased in favour of women as for men.

Combining employer-sponsored and job-related training conditions demonstrates that in 1997 the participation rate for women was 26.6 percent and for men, 24.6 percent (see table 2.11b).

Twenty-four percent of women and 23 percent of men received employer-sponsored training in 1997 (see table 1.5)

Also in 1997, 20.6 percent of women participated in job-related training compared to 21.6 percent of men (see table 1.5);

On average, women participated in 207 hours of adult education and training compared to 211 hours for men (see table 2.2).

Source: *Adult Education and Training Survey* (1998). <http://www.hrhc-drhc.gc.ca/sp-ps/arb-dgra/publications/books/educations/adults.shtml>

### Alberta

Measures taken by Alberta Human Resources & Employment (AHRE) to ensure Albertans receive employer-sponsored training apply equally to men and women. There are no special provisions made for women, because Alberta women do not, as a group, face barriers to receiving employer-sponsored training.

A major indicator of access to employer-sponsored training is education. Studies show that the more education an employee has attained, the more likely he or she is to receive employer-sponsored training, particularly classroom training. The following tables illustrate that women in Alberta are as likely as men, or in some cases more likely than men, to achieve high educational attainment. This suggests that women in Alberta are just as likely as men to receive employer-sponsored training.

The following tables report annual averages for the year 2001.

<b>2001 Alberta Population (15+) by Educational Attainment</b>
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**In thousands**

<b>Educational Attainment</b>	<b>Both</b>	<b>Male</b>	<b>Female</b>
Total, all education levels	2366.7	1189.9	1176.8
0-8 years	134.1	67.1	67.1
Some high school	422.8	217.5	205.3
High school graduate	464.1	220.9	243.2
Some post-secondary	262.6	133.2	129.4
Post-secondary certificate or diploma	719.1	361.3	357.8
University degree	363.9	189.9	174
Bachelor's degree	262.3	128.5	133.8
Above bachelor's degree	101.7	61.4	40.3



**2001 Alberta Population by Educational Attainment (15-24)**

**In thousands**

<b>Educational Attainment</b>	<b>Both</b>	<b>Male</b>	<b>Female</b>
Total, all education levels	445.1	228.9	216.2
0-8 years	14.2	8.5	5.7
Some high school	171.2	89.5	81.7
High school graduate	94.6	52.2	42.5
Some post-secondary	87.2	45.7	41.5
Post-secondary certificate or diploma	61.7	26.5	35.2
University degree	16.1	6.6	9.5
Bachelor's degree	14.4	6.2	8.3
Above bachelor's degree	1.7	0	0

**Source:** Statistics Canada's Labour Force Survey (2001 Historical)

While gender does not appear to be a barrier in receiving employer-sponsored training in Alberta, there are workers who tend to face barriers to receiving employer-sponsored training. According to the *Statistics Canada's 1999 Workplace and Employee Survey (WES)*, employees are less likely to receive training if they are:

- Over 45
- Employed in production, clerical/administrative, marketing/sales, and technical/trades occupations
- Employed in labour intensive tertiary manufacturing, construction, retail trade & consumer services, and real estate & leasing industries
- Employed in a small firm.

AHRE feels that rather than focussing on gender, it is important to take measures to ensure that these workers have equal access to training.

That being said, the existing measures taken by AHRE to facilitate and encourage employer-sponsored training, which are targeted at all Albertans, include:

**1. Labour Market Partnership (LMP) Program**

The purpose of the Labour Market Partnership (LMP) Program is to provide support to community partners to identify, develop and implement labour force adjustment and human resource strategies. The LMP program targets organizations with common labour market needs. Partnerships often occur within industry sectors.

The LMP program is used to support ad hoc, short-term, finite projects; it is not intended to replace ongoing program responses. For example, one recent LMP-sponsored initiative enabled the recreation and parks industry to study their education and training needs. AHRE's contribution through LMP to projects is determined on: the positive impact the initiative is expected to have; degree of priority for AHRE based on community need; and, the ability of other partners to make contributions. The current LMP program budget is \$2.820 million (2002-03).

## **2. Information Resources and Services**

AHRE develops, publishes, promotes, and distributes career, labour market and workplace-related information resources. These resources are prepared in a variety of formats: print, electronic, and audio-visual. They are aimed at a wide variety of people, including employers, employees and the self-employed. For example, specific information and services for employers, employees, and the self-employed is provided on the Alberta Learning Information (ALIS) website.

## **3. Workplace Effectiveness Program**

AHRE provides facilitated support and information resources to employers and employees to help them: define quality workplaces, anticipate skill shortages, identify requirements to build quality workplaces, design accountability indicators and benchmarks, and access available programs and services to facilitate quality workplaces. Quality workplaces include employer-sponsored training.

### Manitoba

While there are no overt barriers to women's equal participation in training, socialization and other factors have contributed to their under-representation in a number of occupational areas. The Manitoba Women's Directorate works to improve existing programs so that women are served more equitably and also to create new opportunities for women. To increase opportunities for women's economic independence and to address women's under-representation in the skilled trades, the Directorate developed Trade Up to Your Future, a pre-trades training program, for women. Trade Up to your Future is an innovative program for adult women to help them enter the skilled trades. This program provides training and preparation for work in an industrial setting; increases the number of women apprentices; and increases the number of women in high demand, well-paid employment.

Also to address women's under-representation, the Directorate administers the Training for Tomorrow Scholarship Awards Program, an initiative which encourages women to pursue high skills training in math, science and technology-related fields at Manitoba's community colleges. As of September 2001, 391 scholarships have been awarded. Scholarship recipients were enrolled in a variety of programs such as: Advertising Art, Chemical and Biosciences Technology, Civil Engineering Technology, Computer Analyst/Programmer, Electronic Engineering Technology, Radiation Therapy and Structural Engineering Technology.

In Manitoba, over 50 occupations are designated for apprenticeship training. Of this number, on-job practical training and in-school technical training are available in 39 trades. The length of apprenticeship training varies from one to five levels (years), depending on the trade; four levels are the average. To become a certified journeyman in a trade, an apprentice must complete all levels of training, complete a specified number of hours of practical and technical training for each level, and score a minimum mark of 70 percent on all examinations.

Manitobans, both male and female, are eligible to participate in apprenticeship training. However, only 14 percent of registered apprentices are female. The most popular apprenticeship trades for women are:

- Esthetician (99 percent of apprentices are female)
- Hairstylist (95 percent)
- Cook (36 percent)
- Pork Production Technician (27 percent)
- Landscape Technician (19 percent)

Women's participation rates in the 35 remaining trades in which Manitoba trains apprentices are in the single digits. Esthetician, Hairstylist and Cook are Manitoba's 10<sup>th</sup>, 4<sup>th</sup> and 11<sup>th</sup> most populated trades, respectively.

The premise of apprenticeship training is very traditional: a trained experienced worker or a trained employer takes a new worker under his/her wing and provides one-on-one practical instruction to the new worker. This practical training is supplemented with formal technical (in-school) training.

This training model poses several potential barriers to women:

- 1) They must find an employer willing to hire and train them. This can be difficult in traditional, male dominated occupations.
- 2) They must be willing to work for an apprentice's wage. Since wages tend to be modest, apprenticeship may not be a financially viable option for lone parents.

- 3) They must be able to attend technical in-school training. This can be difficult if the apprentice must travel out of her community to attend training or if child care arrangements are not available. In addition, technical training tends to be offered on a “block” basis — that is, for weeks or months at a time rather than during evenings or on weekends. This is good for employers who simply lay off apprentices so that they can attend school. However, lone parents are often unable to support their family, pay for child care and attend school while collecting Employment Insurance.

Manitoba’s Apprenticeship Branch, like other apprenticeship offices in Canada, is examining how these barriers to women’s participation in apprenticeship training can be reduced (or preferably, removed). However, the barriers are cultural, financial, and institutional and simple programming changes will not bring about equality for women in apprenticeship participation. The third barrier in particular requires substantive policy changes at both the federal and provincial levels since the “rules” of the Employment Insurance program drive how apprenticeship technical training is funded in Manitoba.

At present, the Apprenticeship Branch of the Department of Education, Training and Youth has no program in place that offers employees incentives to hire and train female apprentices or to assist female apprentices with related costs such as day care.

In the early 1990’s there was a federal/provincial initiative to encourage employers, through wage subsidies, to hire and to train women in the trades. The program operated for two years.

There are, however, some supporting networking organizations in Manitoba for women in trades, most notably:

- **Manitoba Women in Trades and Technology (MBWITT)** — This provincial jurisdiction entity, part of a national organization representing women training and working in trades and technology, works to identify and address barriers to women in the workforce. Members participate in outreach projects such as Girls Exploring Trades and Technology (GETT) camps, a speaker’s bureau and career symposia.
- **Skills Canada Manitoba** — This is a non-profit national organization funded in part by Human Resources Development Canada and the Provincial Government, whose mandate is to promote careers in trades and technology to youth. The organization partners with related organizations and schools to host an annual one-day olympic-styled competition in over 40 trades and technologies. First and second place winners represent Manitoba at the annual national competition. Operating concurrently during the competition is a Young Women’s Conference, sponsored by the Apprenticeship Branch. Students in Grade 8 from selected schools throughout the Province, and their counsellors, meet with seven female trade mentors and see work in the trades first hand by touring the competition sites. Since its inception two

years ago, the number of participants has doubled.

Nunavut

Employer sponsored training is open to both male and female employees of the Government of Nunavut.

***20. The Federal Plan for Gender Equality outlines a strategy in the area of education aiming at equality for women in this area. At provincial level, in most cases, information is given using the terminology of equity issues, equity plans, equity programmes, equitable procedures and initiatives, equitable representation etc. What is the reason for the use of two different concepts? Does it reflect a different substantive approach to gender issues?***

Response:

Manitoba

The Federal Plan for Gender Equity is not a governing document in terms of Manitoba Advanced Education's approach to gender equity. There is, however, no substantive difference in the way the federal government sets out its Gender Equality Plan and approaches used in Manitoba or other provinces. Universities and colleges in Manitoba have strategies and approaches in terms of attracting women to non-traditional fields (such as Engineering or applied trades). However, these are not mandated from the Departmental level, and are initiatives of the institution.

The Manitoba Human Rights Commission reports that, in its view, use of the different terminology does not reflect a different substantive approach to eliminating discrimination against women in education. Women's "equality issues" encompass issues with respect to the status of women as being equal. Women "equity issues" often refer to issues of fairness in employment or services such as education, and to measures necessary to correct situations so that women are treated equally in employment or the provision of these services.

***21. With regard to employment policies, the report frequently refers to equity - equity act, equity pay, etc. What is the reason for the use of the concept of "equity" rather than of "equality"? Does this reflect a different substantive approach to gender issues in regard to employment?***

Response:

The objective of the *Employment Equity Act* is to achieve equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability, and to correct the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities and members of visible minority groups. Equity means more than treating people the same way but also includes special measures and the accommodation of differences.

Equal pay refers to a much narrower concept of equal pay for equal work and is gender based.

**22. *The report states that the Employment Equity Act “requires federally-regulated employers to move toward a more representative work force by developing and implementing an employment equity plan.” It also states that “employers are required to make all reasonable efforts to implement their plan and achieve the goals they have set, but failure to achieve these goals does not automatically results in sanctions”. Is the Government considering the introduction of sanctions for employers who fail to achieve these goals?***

Response:

The Legislated Employment Equity Programme (LEEP) applies to federally-regulated employers who fall under the *Employment Equity Act*. Employers who fail to report complete and accurate information on the representation of designated groups (i.e. Aboriginal people, persons with disabilities, members of visible minorities and women) within their workforce by June 1 of each year may be subject to financial penalties. (See Annex 4: *Employment Equity Act*.)

The Federal Contractors Programme (FCP) applies to provincially regulated employers with a national workforce of 100 or more employees who receive federal government goods and/or services contracts worth \$200,000 or more. In terms of sanctions, contractors who fail to sign a Certificate of Commitment (to employment equity) or who are found to be in non-compliance with the FCP criteria, may lose the right to bid on further federal government contracts. (See Annex 5: Federal Contractors Program for Employment Equity.)

At present, there are no plans to introduce sanctions related to employers' progress in achieving the goals set out in their Employment Equity Plan.

**23. *The report, while reporting on the right to the same employment opportunities, gives information on disabled, aboriginal and immigrant women in comparison to women in general, but not as regards men. Do women and men enjoy equal rights of access to employment?***

Response:

In 1986, the *Employment Equity Act* was enacted based on the evidence that employment practices did not provide women, Aboriginal peoples, persons with disabilities and members of visible minorities with equal access to employment.

Since the enactment of the *Employment Equity Act*, progress has been made for women and visible minorities in terms of representation.

Although *levels of representation* still vary for women and men by occupation, the Government of Canada is satisfied that women and men enjoy equal *rights of access* to employment.

**24. The report indicates that, although decreasing, there is still a significant wage gap between women and men (para. 22). On the other hand, it states that pay equity legislation remains one of the main measures to address the wage gap. However, complaints-based enforcement of most pay equity legislation and a narrow interpretation of equivalent value have slowed progress in addressing the wage gap (para. 280). What measures have been taken by the Government to enforce application of pay equity legislation and settlements? Has the provision on equal pay for work of equal value, included in the Canadian Human Rights Act, also been adopted in the provinces and territories?**

Response:

On June 19, 2001, a Pay Equity Task Force was established by the Minister of Justice and the Minister of Labour to undertake a comprehensive review of federal pay equity legislation. The Task Force was asked to conduct a comprehensive review of section 11 of the *Canadian Human Rights Act* and the Equal Wages Guidelines, 1986 and to submit a report with recommendations to the Ministers by March 31, 2003.

The *Canadian Human Rights Act*, section 11 and the Equal Wages Guidelines, 1986 apply to federally-regulated employers only.

Alberta

The Government of Alberta has no pay equity programme. Alberta's human rights legislation, *Human Rights, Citizenship and Multiculturalism Act*, contains provisions for equal pay for equal work.

Manitoba

Manitoba's *Human Rights Code* does not expressly provide for equal pay for work of equal value. The Code does, however, require equal treatment without discrimination based on (amongst other things) "sex, including pregnancy, the possibility of pregnancy or circumstances relating to pregnancy; [or] gender-determined characteristics or circumstances other than those included in [the preceding terminology]." The prohibition applies with respect to all aspects of employment (section 14). This includes "any form of remuneration or other compensation received directly or indirectly in respect of the employment or occupation, including salary, commissions, vacation pay, termination wages, bonuses, reasonable value for board, rent, housing and lodging, payments in kind and employment contributions, pension funds or plans, long-term disability plans and health insurance plans."

In 1985, Manitoba also enacted *The Pay Equity Act*, C.C.S.M. P13. This legislation specifically dealt with the concept of equal pay for work of equal value. Its preamble states the policy basis for the legislation:

WHEREAS many women in the Manitoba labour force work in traditionally female occupational groups, where their work is undervalued and underpaid;

AND WHEREAS Canada's international obligations commit this country to implementing the principle of equal pay for work of equal value;

AND WHEREAS section 15 of the *Canadian Charter of Rights and Freedoms* guarantees individuals equality before and under the law and the right to the equal protection and equal benefit of the law without discrimination

This Act applied to the provincial government, crown entities, and "external agencies", which were defined to mean universities and health care facilities in the province and other entities receiving at least 50 percent of their annual revenue from the government. It created a pay equity bureau and set up a process for implementing pay equity, as defined, within the civil service and other target entities.

The statutory process was successfully defended in its one challenge: see *Manitoba Council of Health Care Unions v. Bethesda Hospital* (Manitoba Court of Queen's Bench, Jan. 6, 1992).

#### Newfoundland

In Newfoundland, the provisions for equal pay for equal work are contained in the *Human Rights Code*, R.S.N.L. 1990, c.H-14:

11(1) An employer, or a person acting on behalf of an employer, shall not establish or maintain differences in wages between male and female employees employed in the same establishment who are performing, under the same or similar working conditions,



- the same or similar work on jobs requiring the same or similar skill, effort and responsibility, except where that payment is made under
- (a) a seniority system, or
  - (b) a merit system.
- (2) A female employee employed in the same establishment as a male and who is performing under the same or similar working conditions, the same or similar work on jobs requiring the same or similar skill, effort and responsibility shall have
- (a) opportunities for training and advancement; and
  - (b) pension rights and insurance benefits
- (3) An employer shall not reduce the wages of a male or female employee in order to comply with subsection (1).

Section 11(1) prohibits an employer from establishing or maintaining a different pay scale for males and females doing similar work. To establish a breach of section 11(1) one must establish that (a) males and females are paid different wages; (b) they work in the same establishment; (c) they are performing under the same or similar working conditions; and (d) they are doing similar work or jobs requiring similar skill, effort and responsibility. An employer can avoid liability if it can establish that the different wage scale for males and females in use is in conformity with a seniority or merit system.

Section 11(2) prohibits employers from denying female employees certain employment benefits like training, promotion and pension and insurance benefits where they perform the same or similar work as men.

Section 11(3) prohibits an employer from lowering an employee's wages to conform with the provisions of section 11(1).

### Nova Scotia

The *Pay Equity Act* was implemented to ensure pay equity throughout the broader public service of Nova Scotia.

### Nunavut

The *Fair Practices Act* provides:

Section 6. (1) no employer shall employ a female for any work at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for similar or substantially similar work.

(2) Work for which a female employee is employed and work for which a male employee is

employed shall be deemed to be similar or substantially similar if the job, duties or services the employees are called on to perform are similar or substantially similar.

***25. The Employment Insurance System has been reformed and a gender-based analysis of the reforms has been conducted. Have all the measures, including eligibility requirements, proved to be favourable to women? The Employment Insurance Act, by providing parental benefits, enables women and men to take leave from work at the time of birth or adoption. What is the percentage of men taking advantage of parental leave? Are men encouraged to do so?***

Response:

#### *Gender & EI reforms*

A gender-based analysis of the impacts of the Employment Insurance (EI) reforms was conducted as part of the Employment Insurance Monitoring and Assessment Report for the period 1999-2000. Gender-based analysis based on data from previous periods is not available.

Since the EI reforms of 1995-1996, women's employment growth has been consistently higher than that of men, with the exception of 1999-2000, when there was slightly stronger growth for men (3.0 percent) than for women (2.7 percent). Further, employment growth for women was concentrated in full-time jobs.

The results of the Employment Insurance Coverage Survey indicate that eligibility for adult women increased by 6.3 percentage points to 87.4 percent in 1999-2000. Men's coverage rate for the same period was 89.8 percent. The gender difference in EI eligibility was 2.4 percentage points, a decrease of 7.4 percentage points from the previous year.

Some of the difference in men's and women's in EI benefits patterns can be attributed to differential labour market patterns:

1. Women are less likely than men to work in seasonal industries and sectors where EI use is frequent;
2. Women are more likely than men to leave the labour force for an extended period due to family responsibilities;
3. Women make up the majority of part-time employees.

EI contains many features that are of importance to women:

1. Women filed almost three-quarters of special benefit claims, 93 percent of biological parental claims and 87 percent of adoptive parental benefit claims;
2. Two-thirds of Family Supplement recipients were women;
3. Women accounted for 59 percent of all Small Weeks claims;
4. Women received 56 percent of all premium refunds.

While EI has a strong track record in being responsive to the needs of Canadian women, we will continue to monitor its gender-based impacts.

Source: "Reference Sheet 27: Impact on Women: Change from 1999-2000 to 2000-2001", *Employment Insurance Monitoring and Assessment Report* (2000).

#### *Men's participation in parental leave benefits*

Men's participation rates have risen year-over-year for both biological and adoptive fathers. (See Annex 6, Take-up rates of parental leave benefits, by sex.) Take-up of parental leave benefits is almost twice as high among adoptive fathers compared to biological fathers. However, women continue to claim the vast majority of parental leave benefits.

In 2000, the Government of Canada introduced changes to the *Employment Insurance Act* that permitted a maximum of 50 weeks of parental leave. This leave may be split between the mother and father during the 1<sup>st</sup> year of the child's life. An advertising campaign was launched (TV and radio advertisements, brochures, posters in HRDC offices, etc.) to inform Canadians of this new initiative. Whether parental leave will be split between a man and a woman is a decision that is left to individuals.

It is too early to draw any conclusions regarding the gender-based impacts of the new parental leave provisions.

Source: *Employment Insurance Monitoring and Assessment Report* (2000). <http://www.hrdc-drhc.gc.ca/ae-ei/loi-law/2000/2000mar.pdf>

***26. According to the report, gender-based policy research in the area of women's poverty has been undertaken. Have the findings led to any specific measures addressing the situation of women living in poverty, including single mothers and their children?***

Response:

#### *Poverty and women*

The Canada Pension Plan (CPP) has several features that are particularly important to women, such as

the Survivor Benefit, the Child-Rearing Drop-Out Provision, credit splitting, and full indexation. These features help to recognize that, on average, women's patterns of paid and unpaid work are different than men's and, as a result, women tend to be more dependent on the public pension system as a source of income in their senior years.

For women over age 65, Old Age Security (OAS) and the Guaranteed Income Supplement (GIS) provide a basic pension as well as supplementary income for low-income seniors. In 2001, approximately 65 percent of GIS recipients were women. (See Annex 7: Guaranteed Income Supplement beneficiaries, by sex.)

Source: *The ISP Stats Book 2001: Statistics Related to Income Security Programs* (HRDC: 2001).  
[http://www.hrdc.gc.ca/isp/studies/trends/statbook/ispstatbook\\_e.pdf](http://www.hrdc.gc.ca/isp/studies/trends/statbook/ispstatbook_e.pdf)

### *Women and their children*

Through our ongoing research, the Government of Canada is aware of the challenges faced by single mothers in the context of poverty. The Government of Canada recognizes that single mothers face significant poverty rates, as well as barriers to their participation in the labour market. That is why, under the National Child Benefit (NCB), the Government of Canada is increasing the child benefits it provides to families with children, including single mothers, and ensuring that families will always be better off as a result of working.

Since 1998, the Government of Canada has invested \$2.5 billion in the NCB Supplement, which supports low-income families. This is in addition to what is provided through the Canada Child Tax Benefit (CCTB) to 80 percent of all Canadian families with children. By 2004, the NCB Supplement and the CCTB will provide approximately \$4,800 annually to a low-income family with two children.

As part of the NCB, provinces, territories and First Nations have invested about \$730 million in NCB-related benefits and services, such as extending dental and health benefits to children, providing improved child care services, and creating new services for children at risk.

The *National Child Benefit Progress Report: 2001*, released on May 31, 2002, highlighted that fewer children are living in poverty and more low-income families are earning money from employment and leaving welfare. The Progress Report also demonstrated that the percentage of families with children living in low-income households dropped from 20.4 percent in 1996 to 17.2 percent in 1999. This decline was particularly significant with more than 200,000 children leaving low-income situations.

In addition, the Progress Report indicates that in 1999, as a direct result of the NCB, a total of 1.2 million families with 2.1 million children benefited from an increase in income. Low-income families saw an average increase of \$775 in their income. These impacts are expected to increase since the

NCB became more generous in 2000 and 2001.

The Employment Insurance Family Supplement recognizes the greater needs of low-income families with children during periods of temporary unemployment by providing higher benefits to claimants from these families. Two-thirds of recipients of the Family Supplement are women.

Reference: *The National Child Benefit Progress Report: 2001* <http://www.nationalchildbenefit.ca/ncb/NCB-2002/toceng.html>

***29. Have the proposed provincial breast cancer screening and cervical cancer screening programmes been introduced by Alberta Health and Wellness? (paras 982 and 983) How effective have they been?***

Response:

Alberta Health and Wellness is currently in the developmental phase for both a provincial Breast Cancer Screening Program and a Cervical Cancer Screening Program. It is anticipated that both Programs will be launched in the next year.

Based on the Canadian Community Health Survey (2000/2001), 71 percent of women participate in Breast Cancer Screening and 75.1 percent of women aged 18 to 69 reported having a PAP smear within three years.

***32. The report (para 906, page 194) indicates that the Manitoba Women's Directorate, in partnership with Manitoba Education and Training, has developed the Power Up computer training initiative to provide training to women in the Manitoba province. Is this training free or affordable? How successful has it been since its introduction in 1999?***

Response:

Manitoba Women's Directorate's computer and Internet training initiative, Power Up, is intended to promote the importance of technology for women in today's society/marketplace and to provide training in a non-threatening environment that will build computer and Internet skills for adult women. (The courses were offered free to Manitoba women.) Almost 5000 women have taken the course, which was offered in over 70 communities in Manitoba. The program was originally intended to run only in fiscal 1999/00 and 2000/01. Due to high demand the program was extended past its original two-year commitment. Currently, plans are underway to institutionalize the program at community-based adult learning facilities around the province. To date, the program has been offered free charge.

Once housed in the community charges, if any, will be minimal.

***33. Are rural women in Prince Edward Island and Alberta aware of their rights under the Convention? What measures are being taken to make women in these two provinces aware of their rights? What special programmes, if any, have been developed to meet the needs of rural women in Prince Edward Island and Alberta? Do the provincial budgets set aside specific amounts for programmes to benefit rural women? If so, what are these programmes?***

Response:

Alberta

Although the Government of Alberta sets goals and provides funding for health services for the province, Regional Health Authorities (RHAs) are responsible for determining the needs of residents and subsequent services and programs required within their regions.

- The Action for Health (AFH) Initiative provides funding to RHAs to plan and implement, in consultation with their respective communities, health promotion and disease and injury prevention strategies. Some RHAs have invested a portion of AFH resources in rural women's health issues including: women's health conferences, postpartum depression support conferences, community kitchens, breastfeeding workshops and programs, and tobacco reduction programs for women.
- The Young Family Wellness Initiative provides funding to RHAs to plan and implement, in collaboration with their respective communities, early childhood development strategies for children 0-6 years, their parents and caregivers. Some RHAs have invested a portion of their resources in rural women's health issues by implementing strategies that address isolation, child rearing and peer support for pregnant women and those raising young children.
- The Alberta Community HIV Fund supports HIV care and prevention initiatives in rural Alberta but there are no "special" programs specifically designed for women. However, the Aboriginal Community Developer with Alberta Health and Wellness has rural women as one of the target groups for her community development initiatives regarding HIV, STDs and hepatitis C but, there is no special program or specific budget allocations.
- As part of the preliminary work for a provincial Cervical Cancer Screening Program, funds have been made available to RHAs specifically for under-served women in the area of PAP smear screening. The focus has been on education and recruitment of under-served women, particularly rural, immigrant, Aboriginal, high risk, and women with lower education.

Alberta Agriculture, Food and Rural Development (AAFRD) is responsible for the *Women's Institute Act* under which Women's Institutes can be created throughout the province. The Alberta Women's Institute is nearly 100 years old. The first Institute was established in 1909 and there are now over 65 local branches of the Women's Institute in Alberta.

Women's Institutes are established to "improve social conditions in rural communities." These not-for-profit Institutes provide women with the opportunity share information on women's issues and to develop their personal and leadership skills. The Institutes also provide rural women with a strong united voice when dealing with government on issues affecting the home, family and community. AAFRD provides an annual operating grant of \$18,000 to the Institute's Governing Council. The articles of incorporation under the *Women's Institute Act* also allow the Institute to collect annual membership fees to help finance their work.

The Executives in some of these provincial organizations are aware of international initiatives such as the United Nations *Convention on the Elimination of All Forms of Discrimination against Women*, however most of the input into these high level initiatives comes through their more senior parent organizations. The Alberta Women's Institute is connected with the Federated Women's Institutes of Canada and the Associated Country Women of the World based in London. These international organizations work for the relief of poverty, advancement of education, relief of sickness and the protection and preservation of health for rural women.

#### *Human Rights, Citizenship and Multiculturalism Education Fund*

In 1996, the Government of Alberta created a \$1.2 million fund in support of human rights, citizenship and multicultural educational programs and special projects.

The Education Fund receives an annual allocation from the Alberta Lottery Fund. These resources are used to assist all kinds of educational activities that help foster equality, promote fairness and encourage access for all Albertans. Education Fund Grants are available to community organizations, as well as public and educational institutions in Alberta.

The Education Fund provides the financial resources for the Human Rights and Citizenship Branch to develop educational initiatives that relate to a broad definition of human rights, including diversity and multiculturalism. The Education Fund also provides financial assistance to community organizations that are undertaking human rights and diversity initiatives that lead to change.

The goals of the Human Rights, Citizenship and Multiculturalism Education Fund are as follows:

- To foster equality and promote fairness;
- To promote access by facilitating changes that lead to equitable participation in programs,

- services, or organizations;
- To increase awareness and understanding of rights and responsibilities under the *Human Rights, Citizenship and Multiculturalism Act* and of the benefits of diversity.

### Newfoundland

The Women's Policy Office funds eight regional Status of Women Councils to provide support to women in rural areas and to work on equality issues related to the health, educational, economic, social and legal status of women.

Government has set conditions for proponents of large scale resource development projects in the province that they develop a human resource plan with initiatives to encourage the participation of women in areas where they are under-represented. In resource sectors such as mining and forestry this will have an impact on the employment opportunities for women in rural areas.

Government's Strategic Social Plan process, which links social and economic development at the rural levels and works through regional Strategic Social Plan Committees, has equity as one of its key principles.

To ensure that women have access to growing opportunities in the trades, a program targeted at women has been established by the Women in Resource Development Committee with funding from the Labour Market Development Agreement. Offered through the community campus network of the College of the North Atlantic, the program not only offers a career exploration program for women but works to remove systemic barriers women face in the education, apprenticeship and employment environments.

***34. Please give information on the report on the operation of the Child Support Guidelines which was to be tabled by May 2002 by the Minister of Justice (paragraph 390). Are the Guidelines, as they relate to custody, access and child support, in conformity with the provisions of article 16 (i)(d) of the Convention?***

### Response:

The Child Support Initiative, announced in the 1996 federal budget, changed the way child support is determined and taxed, and added new mechanisms to assist provinces and territories with the enforcement of child support orders. The *Federal Child Support Guidelines*, which came into effect on May 1, 1997, replaced the previous, discretionary approach to determining child support. Support under the Guidelines is generally based on the number of children, the location of the support payer's residence and the support payer's income. The overriding objective of the Guidelines is to "establish a



fair standard of support for children that ensures that they continue to benefit from the financial means of both spouses after separation.” The Guidelines do not set out rules for deciding custody and access arrangements. They do, however, provide for certain adjustments to Guideline amounts depending on the arrangements decided upon by the parents or ordered by the courts.

On April 29, 2002, the Honourable Martin Cauchon, Minister of Justice and Attorney General of Canada, tabled in Parliament the Report: *Children Come First: A Report to Parliament Reviewing the Provisions and Operation of the Federal Child Support Guidelines* as required by Section 28 of the *Divorce Act*. The Report provides a comprehensive review of the support provisions and operation of the *Federal Child Support Guidelines* five years after they were implemented. It is available on the Department of Justice website site at:

<http://www.canada.justice.gc.ca/en/ps/sup/pub/rp/report2002.html>.

The overwhelming conclusion that may be drawn from the Report is that the Guidelines are a solid success and that their objectives have been met. Child support amounts are fairer, more predictable and consistent, ensuring that children receive the financial support they need from both their divorcing parents. The Guidelines have reduced conflict, tension and potential power imbalance between parents by making the calculation of child support more objective. This, in turn, has improved the efficiency of the legal process and most parents are now setting child support amounts without going to court. While the guidelines have been largely successful, several relatively minor amendments were recommended to improve consistency, predictability and fairness. The regulatory amendments required to implement the recommendations have not yet been introduced.

With respect to custody and access, the Guidelines provide that the amount of support that would be ordered based on the table amounts may be varied in some cases, depending on the custody and access arrangements ordered by the court. The Report found that current rules on what constitutes “shared custody” and “undue hardship” relating to high access costs for non-custodial parents provide a fair basis for deciding when the court should order an amount different from that prescribed in the Guidelines.

Because of Canada’s constitutional division of powers, the *Federal Child Support Guidelines* apply only to married persons who are seeking a divorce or who are already divorced. Under the Guidelines, parents’ obligations are the same whether they are married and seeking a divorce or divorced. In addition, four Canadian jurisdictions have been “designated” pursuant to the *Divorce Act*, meaning that within each of those jurisdictions, spouses have the same child support rights and obligations, regardless of their marital status. In the rest of Canada’s provinces and territories, child support guidelines governing parents who were never married, or who are married and separated but not seeking a divorce, are either identical or similar to the *Federal Child Support Guidelines*.

In Canada’s view, the *Federal Child Support Guidelines* are in conformity with the provisions of

article 16(1) (d) of the Convention. The Guidelines establish the same rights and responsibilities for men and women with respect to support obligations. They have facilitated variation of spousal support orders when a change of either parent's circumstances occurs. Children's best interests and parents' ability to pay are taken into account in s. 7 of the Guidelines (special or extraordinary expenses) with respect to any discretionary allocation of support. The Guidelines overall promote substantive equality between men and women across the country by setting fair and consistent support amounts based on the parents' respective incomes, on the number of children they have and the cost of living in their region in Canada.

***35. Paragraphs 149-152 of the report describe a number of measures taken to support Aboriginal women. Further to the implementation of the Gathering Strength - Canada's Aboriginal Action Plan launched in 1998, have there been visible improvements in the situation of Aboriginal women, especially those living in poverty?***

Response:

The conditions of Aboriginal women in Canada continue to improve overall, although a number of challenges remain to close the gap that exists between the socio-economic conditions of Aboriginal women and non-Aboriginal Canadians and, in many cases, between Aboriginal women and men.

Significant gaps exist in the rate and quality of Aboriginal women's participation in the labour force and in educational achievement and, consequently, in rates of poverty<sup>1</sup>. Aboriginal women have lower rates of unemployment than Aboriginal men in the wage economy, but are concentrated disproportionately in lower-skill and lower-paying occupations. While Aboriginal women attain higher education levels than Aboriginal men, they lag considerably behind the non-Aboriginal population. Aboriginal women are also more likely to head single parent families and have more dependents than non-Aboriginal women. Aboriginal single mothers and their families make up a significantly greater share of the Aboriginal population in urban areas. This segment of the urban population tends to be younger and is more likely to be living in poverty than their rural/reserve counterparts.

Aboriginal women in Canada generally enjoy equal rights of citizenship and treatment under the law as all other citizens of Canada. There are, however, certain situations where historical inequalities embedded in the *Indian Act* continue to pose problems. These issues relate to First Nations women's matrimonial real property rights on Indian reserve lands and Indian status membership issues related to 1985 Bill C-31 amendments to the *Indian Act*. The Government of Canada currently is considering appropriate approaches to these issues. The *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and treaty rights of Aboriginal peoples (sections 25 and 35) and guarantees equal

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<sup>1</sup> Source: "Aboriginal Women: A Profile from the 1996 Census", Indian and Northern Affairs Canada, December, 2001

treatment under the law for women and men.

The Government of Canada's renewed commitment to improving the quality of life of all Aboriginal Canadians is clear in the 2001 Speech from the Throne, which stated that nowhere is the creation and sharing of opportunity more important than for Aboriginal people. It is recognized that in many instances the issues concerning Aboriginal women are unique and require particular and focussed attention.

The federal Department of Indian Affairs and Northern Development (DIAND) is committed to actions to address gender equality issues linked to protection of First Nations women's rights. It continues to implement the departmental Gender Equality Analysis Policy and to address issues of specific concern to First Nations women. The Gender Equality Analysis policy is used in the legislative, policy and program development processes, and is integrated in all of DIAND's work, across all business lines.

In June, 2002 legislation was introduced into Parliament containing a number of measures that will help to ensure First Nations women's right and ability to participate in the governance of their communities, and to broaden Aboriginal women's protection from discrimination and recourse to remedies. Among these measures are proposals to amend the *Canadian Human Rights Act* to enable the application of that Act to the *Indian Act* and to First Nations' governmental organizations, thus extending human rights protection under the *Canadian Human Rights Act* to members of Canada's First Nations, as for all other citizens.

The proposed *First Nations Governance Act* will amend the *Indian Act* to provide First Nations communities with tools that would allow them to build self-sustaining communities. For First Nations people, it means: the right to vote on governance codes, whether they live on or off reserve; the right to appeal election matters; to have access to information; to be involved in law-making; and to have impartial redress for administrative decision-making. The proposed Act would enable First Nations to design and adopt codes for leadership selection, financial management and accountability, and the administration of government according to the needs of their communities. This legislative initiative addresses problems and concerns in local governance which have been identified by First Nations women.

The Government of Canada, as well as provincial, territorial and municipal governments, provide a wide range of programs and services that provide support to Aboriginal women and that address such issues as: family violence prevention, child and family services, child care, special needs, women with disabilities, youth, participation in the economy and political participation.

**36. What is the current rate of completion of secondary and post-secondary education for aboriginal women? What measures, if any, have been taken to ensure equal access for these women and to address any barriers to participation on an equal footing? What is the**

***percentage of Aboriginal women attaining high levels of education? What measures are being taken to increase the number of Aboriginal women in schools and universities?***

Response:

Generally speaking, Aboriginal women in Canada have made significant gains in the education sector over the past 15 years, both in terms of educational achievement and in participation in the administration of education programs. The most recent census data (1996) indicate that Aboriginal women are more likely than Aboriginal men to return to school, to have obtained a high school diploma, to have pursued some post-secondary studies and to have acquired a university degree. Twenty years ago, there were only several hundred First Nations or Inuit individuals with post-secondary degrees; today there are over 30,000 on-reserve First Nations and Inuit degree holders. At the same time, Aboriginal women lag non-Aboriginal Canadians in levels of educational achievement.

While education is primarily a responsibility of provincial and territorial governments, the Department of Indian Affairs and Northern Development (DIAND) of the Government of Canada provides funding to band councils or other First Nation education authorities to support instructional services for status Indians residing on reserve. This includes provisions for instructional services in on-reserve schools (First Nation-operated and federal), the reimbursement of costs of on-reserve students attending provincial schools (including post-secondary education) and funding for the provision of student support services such as transportation, counselling, accommodation and financial assistance. These programs are gender neutral and neither pose obstacles to females nor offer special, pro-active incentives for females.

The objective of DIAND's Elementary/Secondary Education Program is to ensure that eligible Indians have access to the education programs and services available in public schools in the province in which the reserve is located. Indians or Inuit normally resident on a reserve or Crown land are eligible for the program. Elementary/secondary education expenditures have increased from \$703.8 million in 1992-1993 to \$947 million in 2002-03. Since 1991-1992, the enrolment of First Nation children across Canada in elementary and secondary schools has increased from 96,594 to approximately 120,000 in 2002-03. There are presently 485 schools on reserve, all but eight are under First Nation management.

The Post-Secondary Education (PSE) program is considered one of the most important programs funded by the federal government for First Nations and Inuit/Innu, both for the rapid escalation in First Nation and Inuit participation as well as the demonstrated effects on economic participation and well-being. The number of First Nation and Inuit post-secondary students supported by DIAND's PSE increased substantially from about 2,700 in 1976-77 to about 27,000 in 1999-00 with about 3,700 graduates. Given that level of education is one of the best predictors of economic well-being as measured by income and educational achievement of children, this program is playing a key role in

reducing the socio-economic and education gap between First Nations, and Inuit and other Canadians. In 1999-00, almost half of DIAND funded students were over the age of 30 (compared to two percent of all Canadians in PSE in 1998-99).

Canada provides educational funding principally on a policy basis that accommodates any possible rights involving education. For Treaty First Nations that so desire, the Government is prepared, consistent with the Inherent Right Policy, to negotiate agreements on self-government — including agreements on education — which build on the relationship already established by historic treaties.

The Government of Canada has reinforced its commitment to education for First Nations in the 2001 Speech from the Throne. As a concrete step forward for First Nations education, the Minister of Indian Affairs and Northern Development in June, 2002, appointed a National Working Group on Education, consisting of 13 Aboriginal expert members from across Canada, six of whom are women educators. The Group's mandate is to research and provide advice to the Minister on how, in partnership with First Nations, DIAND can better foster excellence in First Nation education, celebrate some of the successes in First Nation education and help narrow the unacceptable gap in academic results between First Nations students and other Canadian students.

***37. Beside the “vitalization” of sections 81 and 84 of the Corrections and Conditional Release Act (promulgated in 1992) (para 84), what other measures have been taken to increase the reintegration potential of Aboriginal women offenders into their communities? Please provide information on progress achieved in this area.***

Response:

Several Aboriginal-specific programs for women offenders have been developed to help them reintegrate into the community as law-abiding citizens. These programs help offenders address issues such as racism, sexism, and lack of economic opportunity. They also provide Aboriginal women with an opportunity to learn about their culture, language and history.

Circles of Change is a unique gender-specific program that addresses the criminogenic needs of Aboriginal women offenders. Relational, cognitive-behavioural and solution-focussed rehabilitative strategies are employed to target social skills and/or living skills deficits. To increase women's knowledge of their own culture, Circles of Change incorporates sessions on pre and post contact Aboriginal history. It also integrates culturally appropriate ceremonies such as smudges.

The Family Life Improvement Program serves to prepare Aboriginal women offenders to engage in deep inner work with psychologists, elders, and program facilitators. The program teaches women to deal with negative emotions and situations that arise in their lives. It offers exercises that promote a

balanced approach to addressing issues such as anger, violence, grief, jealousy, family relationships, and holistic living. The program is based on the belief that Aboriginal culture and traditions can provide women offenders with a catalyst for healing. Once women have completed the Family Life Improvement Program, they can then participate in Spirit of a Warrior.

The Spirit of a Warrior program is designed to address the needs of Aboriginal women offenders who have committed a violent offence. By focussing on the woman's inherent strength and courage to fight against the odds of her heredity and experience, Spirit of a Warrior helps to guide the woman back to a more natural and non-violent way of life. The program aims to reduce the woman's risk of re-offending with violence; improve her family relations; increase her ability to communicate; augment her coping skills; and incorporate Aboriginal culture and spirituality into all aspects of her behaviour and everyday life.

Evaluations are currently being conducted on each of the above-mentioned programs to determine whether or not they are meeting the distinct needs of Aboriginal women offenders.

National policy has been promulgated to provide Aboriginal communities with an opportunity to become active partners in the care and custody of Aboriginal offenders. Under section 81 of the *Corrections and Conditional Release Act* (CCRA), Aboriginal communities can enter into formal agreements with CSC to provide a wide spectrum of correctional services to Aboriginal offenders, including custodial arrangements. Section 84 of the Act enables Aboriginal communities and organizations to propose a supervision and support plan for an offender's conditional release into the community.

Several Aboriginal women's organizations (including the Native Women's Association of Canada, the Métis National Council of Women, and the Pauktuutit Inuit Women's Association) have become active partners in the provision of correctional services to Aboriginal women offenders under Section 84 of the CCRA. These agreements have assisted CSC in achieving a better balance of Aboriginal women offenders who are incarcerated in institutions and who are being supervised in the community. The strength found within Aboriginal communities is proving to be successful in increasing the reintegration potential of Aboriginal women offenders.

***38. The report (paras 153-154) states that the 1993 Guidelines on Women Refugee Claimants Fearing Gender-Related Prosecution, amended in 1996, "now take into account Supreme Court of Canada decisions confirming that gender is the basis for entitlement to protection as a 'member of a particular social group' -- one of the grounds for recognition of the Convention refugee status". Describe cases in which women have been granted refugee status on the basis of gender-based persecution.***

Response:

With regard to gender-based persecution as a basis of asylum claim, the Immigration and Refugee Board (IRB) has provided the following summaries of illustrative cases approved on that basis since the publication of the previous report on CEDAW (1998):

Sexual violence:

- The claimant was living in Bukavu, Democratic Republic of the Congo when rebels murdered her husband. Documentary evidence presented at the hearing indicated that women in this area were particularly vulnerable to sexual abuse at the hands of rebels. As a young woman without a male relative, she faced more than a real possibility of being a victim of sexual violence. The Refugee Division found that although the claimant might possibly technically live elsewhere in the Democratic Republic of the Congo, there would still be an element of risk as a young woman alone and it would not be reasonable in all the circumstances to suggest she could locate elsewhere (CRDD A99-00918 et al. Kagedan, February 28, 2000).
- The claimant worked at the Togolese Embassy and was subjected to sexual harassment by her employer and another employee. She was raped by one of these men in the presence of the other. Although the claimant complained to the Ambassador, he told her he could do nothing for her and terminated her employment. The documentary evidence showed that the state did relatively little to protect women who were victims of violence. The Refugee Division noted that no disciplinary action was taken against either of the men and took into account the fact that one of the agents of persecution had an influential cousin in Togo (CRDD A99-00396 Gadbury, Kagedan, February 1, 2000).

Forced Marriage:

- A Chinese claimant in this case, alleged that her abusive father who was deeply in debt had arranged for her to marry in exchange for a sizeable dowry. She stated that she would rather commit suicide than marry the man. The Refugee Division found that the feared harm amounted to persecution. State protection would not be available to her in a rural village (CRDD V99-02940 et al. Vanderkooy, Gibbs, May 8, 2000).
- A Yoruba claimant from Nigeria feared an arranged marriage. The marriage was arranged by her father and although the claimant tried to resist her father insisted. The man, who was to be her husband locked her up, beat her and raped her. Although traditional marriages are not against the law in Nigeria, adequate state protection was not available to the claimant (CRDD T99-09887, Smith, May 17, 2000).

Genital Mutilation:

- The claimant, a Kenyan woman, based her claim on gender-related persecution in the form of genital mutilation. Despite having misgivings about some areas of the claimant's testimony, the Refugee Division found that the documentary evidence supported her claim and there was more than a reasonable chance that she would have female genital mutilation performed on her (CRDD U97-02960, Graff, Roy, October 27, 1998).

***39. Please indicate any progress made with respect to ratification or accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.***

Response:

As a federal state and given that human rights is a matter of shared federal, provincial and territorial jurisdiction, the federal government consults the provinces and territories with respect to adherence to new international human rights treaties. This process can be quite time consuming.

We are pleased to state that Canada is nearing completion of its review of the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*.