

WOMEN AND HUMAN RIGHTS

The Big Picture

In Canada

- Canada recognizes that women may face multiple forms of discrimination, which prevent them from fully enjoying their human rights. Canada is committed to equality for women in all spheres of Canadian society.
- Canada maintains that progress on women's rights around the world is central to progress on overall human rights and to democratic development.

Around the World

- Women are entitled to equal rights with men as a matter of social justice and in accordance with internationally agreed universal values, including those enshrined in the *Universal Declaration of Human Rights (1948)* and the *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)*.
- Despite legislation and the existence of national machineries in most countries, there is still a gap between *de jure* and *de facto* equality between women and men.

Facts and Figures

- The Vienna Declaration and Programme of Action (VDP), adopted by the World Conference on Human Rights (1993) confirmed that “the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights” and called for action to integrate the equal status and human rights of women in the mainstream of UN system-wide activity. The World Conference of Women (1995) reaffirmed the universality of women's human rights and the obligations of governments to promote and protect all human rights of women.

- Although the goal of universal ratification of CEDAW by the year 2000 has not yet been achieved, it is the second most widely ratified human rights treaty in the world, ratified by 165 state parties. Despite the number of states who have ratified this important instrument, many state parties have taken numerous reservations to the CEDAW, particularly in relation to marriage and family law, citizenship and nationality rights and commitment to eliminate discrimination, which hinder the full realization of women's human rights in these countries.
- The Optional Protocol to CEDAW, adopted by the UN General Assembly in October 1999, creates an individual complaints mechanism and an inquiry procedure to the CEDAW. By ratifying the Optional Protocol, states would recognize the competence of the CEDAW Committee — the body that monitors states parties' compliance with the Convention — to receive and consider complaints from individuals or groups within its jurisdiction once domestic remedies had been exhausted.
- At its 68th Session (April 2000), the United Nations Human Rights Committee adopted General Comment No. 28, Equality of Rights Between Men and Women. This Comment informs the Committee's interpretation of Article 3 of the *International Covenant on Civil and Political Rights*, which guarantees the equal right of men and women to the enjoyment of their civil and political rights provided for in the Covenant.

Towards Equality

In Canada

- *The Canadian Charter of Rights and Freedoms (1982)*, is part of Canada's Constitution and guarantees *all* Canadians equal protection and equal benefit of the law “without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical

disability". Court decisions have also expanded this list to prohibit discrimination on other grounds such as citizenship, marital status, and sexual orientation.

- The Court Challenges Program of Canada is a distinctive Canadian achievement in the area of human rights, providing funding to disadvantaged groups and individuals to put forward selected test cases of national significance on language rights and equality rights as guaranteed in Canada's Constitution including the *Canadian Charter of Rights and Freedoms*.
- Women in Canada have used the *Charter*, often supported by progressive decisions from the Supreme Court of Canada on equality rights, to challenge existing legislation in a number of areas including adverse effect discrimination, equal pay, employment opportunity, family law, rape, sexual assault, sexual harassment, sexual orientation, pregnancy discrimination, fair pensions, and violence against women.
- Various legislative changes have increased accessibility to the justice system for persons with disabilities. For example, the *Canadian Human Rights Act* now includes a duty for employers to accommodate the needs of persons with disabilities. The *Canadian Criminal Code* has been modified to make jury service possible for persons with disabilities, to allow persons with physical or mental disabilities to provide testimony through videotape, and to establish the offence of sexual exploitation of persons with disabilities.
- Many recent court decisions have found that the state cannot limit benefits or obligations to opposite-sex common-law couples. As a result, the federal government recently introduced an omnibus Bill (*The Modernization of Benefits and Obligations Act*) amending 68 federal statutes to extend benefits and obligations to same-sex couples.
- The Government of Canada has appointed a Special Representative on Protecting First Nation's Women's Rights with a wide-ranging mandate to make recommendations on the protection of rights for First Nations women both under the Indian Act and outside of it.

Around the World

- Canada continues to promote the human rights of women in international fora including the United Nations, la Francophonie, the Organization for Security and Cooperation in Europe (OSCE), the Commonwealth and the Organization of American States (OAS).
- In partnership with a Canadian human rights non-governmental organization, Canada has produced an annual report on the UN human rights system, called *For the Record: The United Nations Human Rights System*. The report condenses UN documents relating to human rights and organizes them into country-specific and thematic sections. Consideration of women's human rights by the UN is summarized in both sections. The thematic section on women's human rights includes summaries of the work of the Special Rapporteur on Violence Against Women (SRVAW), the women-specific resolution of the CHR and General Assembly, and the Commission on the Status of Women (CSW) activities. The country-specific sections include elements of the reports of the UN mechanisms and bodies relating to women's human rights.
- The Canadian International Development Agency (CIDA) supports a number of international projects promoting the human rights of women and girls, such as:
 - gender awareness training for judges, lawyers and legal activists in South Asia to ensure that women's rights are observed throughout the judicial process, particularly where women are victims of violence.
 - a democratic development project in El Salvador that supported women's participation in developing new electoral laws and greater awareness of women's political and civil rights.
 - a local network in Senegal, Siggil Jigeen, successfully advocating for legislative change and to promote women's human rights. This funding led to the national assembly adopting legislation against female genital mutilation. Similarly, in Kenya, CIDA funding helped women's groups lobby successfully for a Member of Parliament to put forward a private member's bill on affirmative action.

- mobile legal aid and education clinics serving rural women in a number of francophone African countries, through *la Francophonie*, an association of French-speaking nations.
 - CIDA has long supported international women's rights organizations such as the Asia-Pacific Forum on Women, the Law and Development, Women in Law and Development in Africa, and the Comité Latinoamericano para la Defensa de los Derechos de la Mujer.
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