

HUMAN RIGHTS OF WOMEN



The *Beijing Platform for Action* (PfA) identifies “lack of respect for and inadequate promotion and protection of the human rights of women” as a critical area of concern. The PfA contains strategic objectives and actions to: promote and protect the human rights of women through the full implementation of all human rights instruments, especially the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW); ensure equality and non-discrimination under the law and in practice; and, achieve legal literacy.

TOWARDS EQUALITY

Canada has a comprehensive human rights framework and is committed to equality for women in all spheres of Canadian society.

- 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 *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Convention on the Elimination of All Forms of Racial Discrimination* and the *Convention on the Rights of the Child*.
- Canada has been a party to CEDAW since 1981 and further demonstrated its commitment to women’s human rights by acceding to its *Optional Protocol* in 2002.
- Canada’s most recent presentation to the CEDAW Committee was in January 2003. Canadian reports and the Committee’s comments are available at <http://www.pch.gc.ca>.
- Since 1982, the *Canadian Charter of Rights and Freedoms* provides constitutional protection of individual rights. The *Charter* applies to relationships between an individual and government, while relationships between individuals are covered in certain areas by the *Canadian Human Rights Act* (CHRA) and provincial and territorial human rights legislation.
- Section 15 of the *Charter* ensures 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 expanded this list to prohibit discrimination on other grounds such as citizenship, marital status and sexual orientation, and have recognized that multiple grounds of discrimination may intersect in particular cases. Section 28 of the *Charter* guarantees that all rights covered in the *Charter* apply equally to men and women.
- The Supreme Court of Canada has reiterated that Section 15 of the *Charter* protects against both direct discrimination and adverse effect discrimination. Adverse effect discrimination means that even if the purpose or intent is not discriminatory, a measure may be discriminatory if the effect is to deny an individual equal protection or benefit of the law.
- 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 pay equity, employment opportunity, family law, sexual assault, sexual harassment, sexual orientation, pregnancy discrimination, fair pensions and violence against women.
- The CHRA, 1977, states that all Canadians have the right to equality, equal opportunity, fair treatment, and an environment free of discrimination on the basis of sex, sexual orientation, marital status, and family status, in employment and the provision of goods, services, facilities or accommodation within

federal jurisdiction. The CHRA created the Canadian Human Rights Commission to investigate and settle complaints of discrimination and referral to the Canadian Human Rights Tribunal to adjudicate complaints. Since 2002, there have been approximately 1,070 cases referred to the Tribunal based upon sex.

- All provinces and territories have human rights legislation that include protection against discrimination on the basis of sex or gender. Tribunals or similar human rights adjudication bodies exist in all the provinces and in the territories. The provincial and territorial 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.
- 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 that clarify equality and language rights guaranteed in Canada's Constitution.