



Government  
of Canada

Gouvernement  
du Canada

# **Convention on the Elimination of All Forms of Discrimination against Women**

## **Fifth Report of Canada**

Covering the period  
April 1994-March 1998

**Canada**



## FOREWORD

The *Convention on the Elimination of All Forms of Discrimination against Women* was adopted by the United General Assembly on November 7, 1967. Canada ratified the Convention on December 10, 1981.

States Parties are required to report to the United Nations on measures they have taken to give effect to the Convention. The present report was submitted to the Committee on the Elimination of Discrimination against Women in February 2002 and covers the period of April 1994 to March 1998. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Convention.

The report is published so that it can be made available to interested groups and individuals. Through its publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Convention and to broaden their understanding of the obligations contracted by Canada through ratification of this important international treaty.

Copies of the report, in both official languages, may be obtained free of charge from the Human Rights Program, or at any regional office of the Department of Canadian Heritage. This report is also available on the Human Rights Program website at: <http://www.pch.gc.ca/ddp-hrd> .

Human Rights Program  
Aboriginal Peoples' and Human Rights  
Programs Directorate  
Department of Canadian Heritage  
15-7-B  
Hull QC K1A 0M5  
Tel: 819-994-3458  
Fax: 819-994-5252  
E-mail: [rights-droits@pch.gc.ca](mailto:rights-droits@pch.gc.ca)

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\* In geographical order, East to West



## List of Acronyms

|        |   |   |
|--------|---|---|
| AACWI  | — | Alberta Advisory Council on Women's Issues  |
| AAFC   | — | Agriculture and Agri-Food Canada  |
| ADM    | — | Assistant Deputy Minister   |
| APEC   | — | Asia-Pacific Economic Cooperation   |
| ATRA   | — | Alberta Tobacco Reduction Alliance  |
| CALACS | — | Canadian Association of Sexual Assault Centres (Québec)                           |
| CAP    | — | Career Assignment Program   |
| CBCI   | — | Canadian Breast Cancer Initiative   |
| CCTB   | — | Canada Child Tax Benefit  |
| CEDAW  | — | <i>Convention on the Elimination of All Forms of Discrimination Against Women</i> |
| CFNIS  | — | Canadian Forces National Investigation Service                                    |
| CHR    | — | Commission on Human Rights (United Nations)                                       |
| CHRA   | — | <i>Canadian Human Rights Act</i>  |
| CHRC   | — | Canadian Human Rights Commission  |
| CHST   | — | Canada Health and Social Transfer   |
| CIDA   | — | Canadian International Development Agency   |
| CLSC   | — | community health and social service centres (Québec)                              |
| CMHC   | — | Canada Mortgage and Housing Corporation   |
| CNIB   | — | Canadian National Institute for the Blind   |
| CPP    | — | Canada Pension Plan   |
| CSW    | — | Commission on the Status of Women (United Nations)                                |
| CWC    | — | Canadian Women in Communications  |
| DAWN   | — | DisAbled Women's Network  |
| DFAIT  | — | Department of Foreign Affairs and International Trade                             |
| DIAND  | — | Department of Indian Affairs and Northern Development                             |
| DND    | — | Department of National Defence  |
| DVJS   | — | Domestic Violence Justice Strategy (Ontario)                                      |
| EAPD   | — | Employability Assistance for Persons with Disabilities (Nova Scotia)              |
| EI     | — | Employment Insurance  |
| FAS    | — | fetal alcohol syndrome  |
| FGM    | — | female genital mutilation   |
| FIS    | — | Family Income Supplement  |
| FRA    | — | <i>Family Relations Act</i> (British Columbia)                                    |
| FVPI   | — | Family Violence Prevention Initiative (Nova Scotia)                               |
| GAATW  | — | Global Alliance Against Trafficking in Women                                      |
| GBA    | — | gender-based analysis   |
| GEA    | — | gender equality analysis  |

|       |   |  |
|-------|---|--|
| GIS   | — | Guaranteed Income Supplement                                   |
| GST   | — | Goods and Services Tax   |
| HRDC  | — | Human Resources Development Canada                             |
| HST   | — | Harmonized Sales Tax   |
| IAAW  | — | Institute for the Advancement of Aboriginal Women (Alberta)    |
| ICPD  | — | International Conference on Population and Development         |
| IMYM  | — | Interdisciplinary Middle Years Multimedia Project (Manitoba)   |
| LCDC  | — | Laboratory Centre for Disease Control                          |
| LICO  | — | low-income cutoff  |
| LRA   | — | <i>Labour Relations Act</i> (Ontario)                          |
| MCP   | — | Management Class Positions (Nova Scotia)                       |
| MFE   | — | Department of Child and Family Welfare (Québec)                |
| MPEF  | — | Maritime Provinces Education Foundation                        |
| MSSS  | — | Department of Health and Social Services (Québec)              |
| MWE   | — | Ministry of Women's Equality (British Columbia)                |
| NBWI  | — | New Brunswick Women's Institute                                |
| NCB   | — | National Child Benefit   |
| NFB   | — | National Film Board  |
| NGO   | — | non-governmental organization                                  |
| NLS   | — | National Literacy Secretariat                                  |
| NSCC  | — | Nova Scotia Community College                                  |
| NP    | — | Nurse Practitioner   |
| OAS   | — | Old Age Security   |
| OAS   | — | Organization of American States                                |
| OECD  | — | Organisation of Economic Co-operation and Development          |
| OHS   | — | occupational health and safety                                 |
| OLT   | — | Office of Learning Technologies                                |
| OPS   | — | Ontario Public Service   |
| OSCE  | — | Organization for Security and Co-operation in Europe           |
| PARE  | — | Physical Abilities Requirement Evaluation                      |
| PLEIS | — | Public Legal Education and Information Service (New Brunswick) |
| PRF   | — | Policy Research Fund   |
| PSAC  | — | Public Service Alliance of Canada                              |
| RCMP  | — | Royal Canadian Mounted Police                                  |
| RCP   | — | Reproductive Care Program (Nova Scotia)                        |
| RDA   | — | Regional Development Authority                                 |
| RHA   | — | Regional Health Authority (Alberta)                            |
| RNs   | — | Registered Nurses  |
| SEP   | — | Shelter Enhancement Program                                    |
| SIN   | — | Social Insurance Number  |



|       |   |  |
|-------|---|--|
| SME   | — | small- and medium-sized enterprises                          |
| SMIP  | — | Special Measures Initiatives Program                         |
| SPA   | — | Spouses Allowance  |
| STD   | — | sexually transmitted disease                                 |
| SWC   | — | Status of Women Canada                                       |
| UNHCR | — | United Nations High Commissioner for Refugees                |
| VRDP  | — | Vocational Rehabilitation of Disabled Persons (Nova Scotia)  |
| WCB   | — | Workers' Compensation Board                                  |
| WGIP  | — | Working Group on Indigenous Populations (United Nations)     |
| WHO   | — | World Health Organization                                    |
| WIPO  | — | World Intellectual Property Organization                     |
| WITT  | — | Women in Trades, Technology, Operations and Blue Collar Work |
| WRED  | — | Women and Rural Economic Development (Ontario)               |
| YIIP  | — | Youth International Internship Program                       |



## Introduction

1. Canada ratified the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) on December 10, 1981, and submitted its initial report in June 1983, its second report in January 1988, its third report in September 1992 and its fourth report in September 1995. This is the fifth report submitted by Canada under the Convention. The main period covered is from March 31, 1994 to March 31, 1998 (with occasional references to developments of special interest that have occurred since.)
2. Canada is a federal state of 10 provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan), and three territories (the Northwest Territories, Yukon and Nunavut, this last territory having come into existence on April 1, 1999). While the ratification of international treaties is the prerogative of the Government of Canada, their implementation requires the active participation of the governments with jurisdiction over the subject matters covered. Under Canada's constitutional division of powers, jurisdiction over some areas affecting women's lives falls jointly to federal and provincial/territorial governments. In other cases, aspects fall solely under provincial/territorial jurisdiction, such as the provision of social services. Strictly federal responsibility includes such areas as criminal law. Therefore, efforts to advance women's equality require a commitment and partnerships among all levels of government.
3. Information about Canada's political and legal structure is presented in the *Core Document Forming Part of the Reports of States Parties: Canada*, submitted by Canada to the United Nations in 1997, which forms part of Canada's periodic reports under international human rights treaties (to the United Nations).
4. Additional information regarding the situation of women in Canada can be found in Canada's response to the UN Questionnaire on Implementation of the Beijing Platform for Action.
5. This fifth periodic report is composed of four parts. Part I contains an introductory overview of the situation of women in Canada. Part II contains a review of measures relevant to CEDAW adopted by the federal government. Part III contains a review of measures adopted by the provincial governments, as prepared by these governments. Part IV contains a review of measures adopted by the territorial governments, as prepared by these governments. The report follows, as much as possible, the guidelines issued by the Committee on the Elimination of Discrimination Against Women. The concluding comments adopted by the Committee have also been taken into consideration, as has paragraph 323 of the Beijing Declaration and Platform for Action which invites state parties to include information on measures taken to implement the Platform for Action in their reports to the Committee.



# **PART I**

## **Overview**

6. In 2000, Canadians will mark the 30th anniversary of the groundbreaking *Report of the Royal Commission on the Status of Women* and the 15th anniversary of the coming into force of s. 15 of the *Canadian Charter of Rights and Freedoms*, which formally entrenched women's equality within the Canadian Constitution.
7. Over the 30-year period since the Royal Commission on the Status of Women, Canada has made significant progress in the advancement of the status of women. The efforts of individuals, governments and non-governmental organizations (NGOs) have enabled Canada to reap many social and economic rewards, which benefit all Canadians. Women and women's organizations, in particular, have been instrumental in this progress.
8. Canadian legislation, policies and programs are subject to the *Canadian Charter of Rights and Freedoms*. Sections 15 and 28 of the Charter provide constitutional protection for gender equality. Section 15 prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, or analogous groups, which has been interpreted to include sexual orientation. Section 28 provides: "Notwithstanding anything in this Charter, the rights and freedoms referred to it are guaranteed equally to male and female persons." The Charter generally governs the relationships between governments (federal, provincial and municipal) and individuals rather than between individuals. Federal and provincial human rights codes extend similar prohibitions against discrimination to the private sector.
9. Canada is committed to advancing gender equality and women's human rights through our domestic and international activities. Canada's promotion of gender equality is based on a belief that equal rights for women are an essential component of progress on human rights and democratic development, and sustainable development will only be achieved if women are able to participate as equal decision makers in, and beneficiaries of, that development.
10. Canada, along with all United Nations member states, was called upon to formulate a national plan to advance the situation of women, both within its own borders and globally. *The Federal Plan for Gender Equality*, presented in 1995 at the Fourth United Nations World Conference on Women in Beijing, is Canada's response to that request. The Federal Plan is both a statement of commitments and a framework for the future, representing a collaborative initiative of 24 federal departments and agencies, led by Status of Women Canada.
11. The Federal Plan has eight objectives:
  - to implement gender-based analysis throughout federal departments and agencies
  - to improve women's economic autonomy and well-being
  - to improve women's physical and psychological well-being

- to reduce violence in society, particularly violence against women and children
  - to promote gender equality in all aspects of Canada's cultural life
  - to incorporate women's perspectives in governance
  - to promote and support global gender equality
  - to advance gender equality for employees of federal departments and agencies
12. Many of the specific measures taken by Canada toward the fulfilment of these objectives are discussed in more detail in Part II of this report. Highlights include the following:
- Guides and symposiums have been prepared on gender-based analysis by several federal departments. Research and information have improved through the inclusion of questions on unpaid work in the 1996 Census.
  - A federal-provincial/territorial initiative worked toward the development of gender-sensitive indicators. In 1997, the ministers responsible for the status of women published *Economic Gender Equality Indicators*.
  - The federal government's *Gathering Strength: Canada's Aboriginal Action Plan* responds to the final report of the Royal Commission on Aboriginal Peoples and includes many initiatives with an impact on Aboriginal women.
  - Sexual orientation has been added as a prohibited ground of discrimination under the *Canadian Human Rights Act*. This law is applied to employment in the provision of goods and services by the federal government and federally regulated businesses, such as banks and airlines.
  - There is a continued commitment to reduce family violence through ongoing funding for the third phase of the Family Violence Initiative.
  - The \$4.3 million Shelter Enhancement Program (SEP) resulted in the upgrading of existing shelters for abused women to acceptable standards and addresses the needs of children, older clients and persons with disabilities. Since 1995, 3,000 shelter units have been enhanced under this program.
  - Criminal justice initiatives include restrictions to the ownership and use of firearms, limits to the defence of self-induced intoxication, more effective peace bonds, the provision of

longer sentences for hate crimes and the prohibition of the practice of female genital mutilation (FGM).

- There have been improvements in the living conditions of federally sentenced women.
  - The federal *Employment Equity Act* has been strengthened.
  - The Canadian Opportunities Strategy increases accessibility to post-secondary education for persons with dependants and those with disabilities.
  - A care giver credit, introduced in the 1998 budget, partially recognizes unremunerated work, most of which is performed by women.
  - The new National Child Benefit (NCB) system was implemented on July 1, 1998 as a collaborative effort by federal and provincial/territorial governments. About half of the beneficiaries are lone-parent families headed by women.
  - The \$6 billion Canada Child Tax Benefit (CCTB) was introduced in 1997 and subsequently augmented.
  - The Centres of Excellence for Women's Health Program was established in 1996.
  - There have been key reforms to the child support system.
13. There continues to be a distinct gender division of labour in Canada. For much of this century, men's work was concentrated in the paid market economy, while women's work consisted largely of the unpaid activities related to managing the household and caring for children and family members.
14. Since the 1950s, female participation in the paid labour force has more than doubled. Women now comprise close to half (46 percent) of all paid workers in Canada. Men's labour force participation, on the other hand, has experienced a small but steady decline, mostly due to earlier retirement. Nonetheless, men are still somewhat more likely than women to be paid labour force participants, and spend more total time working for pay.
15. In the past, relatively few women with children worked for pay. In the 1960s, labour force participation was very low for women with children under age 6, and, over her lifetime, a woman could expect to give birth to an average of four children. Today, the fertility rate has fallen below the replacement rate of two children per woman, and women with children account for much of the increase in female labour force participation. More than six out of ten women



whose youngest child is of preschool age are employed, and most are working for pay on a full-time basis.

16. With respect to paid work, although considerable advancements have been made in increasing the representation of women in all types of occupations, women still tend to be concentrated in jobs that parallel the kinds of unpaid domestic and caring work they have historically done in the home. In the late 1990s close to 68.5 percent of employed women work in teaching, nursing, clerical, sales and service jobs. Women are also much more likely than men to have non-standard employment (jobs where the employee does not work full time, full year for a single employer). This is especially evident with respect to part-time work (less than 30 hours of paid work per week), with women accounting for 70 percent of the part-time work force. Female-dominated and non-standard jobs are typically low paying, and have fewer benefits, such as pension or drug plans.
17. Virtually all adults in Canada do unpaid work; however, some kinds of unpaid work appear to be more equally shared between men and women than others. For instance, women perform more than 70 percent of meal preparation, cleaning, clothing care, child care and other dependent care. Together, these tasks accounted for more than half of all time spent on unpaid work in 1998. The type of unpaid work largely done by men includes repairs and maintenance. Tasks that are more equally shared between men and women include household management and shopping, transportation and travel. Men are responsible for slightly less than half the time spent on these types of unpaid work.
18. In addition to gender inequalities, experiences of paid and unpaid work also differ among women. For example, several groups of women — including women in a visible minority group, Aboriginal women and women with disabilities — are less likely to participate in paid work than other women in Canada, and when they do they experience higher rates of unemployment. Women with preschool children devote more time to unpaid work than women without children, or those whose children are older. Older women are the most likely to provide unpaid care to elderly relatives.
19. Women in Canada spend about the same amount of time doing work of economic value (paid and unpaid) as men. In 1998, the average total workload was 7.8 hours for both. However, the allocation of time was different, as the amount of time spent at paid work is not offset by a decline in the time spent on unpaid work. For example, women with children who were employed full time spent an average of 10 hours per day working, compared to eight hours per day for women who were not employed who had children. As women's involvement in the paid work force increases, responsibility for housework is more likely to be shared with their partner, although men's contributions do not increase enough to approach parity.

20. Because of the ongoing gender division of labour, it is still women who limit their paid work to care for dependents and other family members. Women are responsible for more than 70 percent of all time spent on helping and caring for children and other family members. Women also spend, on average, more than twice the time that men do on primary child care. The gender imbalance in households where both spouses have full-time employment is substantial. Furthermore, women with children tend to alter their paid work arrangements to meet demands of unpaid work, while the age or presence of children has little similar impact on men's paid or unpaid work patterns. The struggle to balance paid and unpaid work responsibilities leads to high levels of time stress, especially among employed women with young children. This stress, in turn, takes a toll on women's health. The trend of de-institutionalization in Canada's health care system has placed increased burdens on women as caregivers in the home.
21. In the 1996 Census questions on unpaid work, one in six people (or approximately 17 percent of the population 15 and over) responded that they provided some care to seniors. This was defined to include such activities as providing personal care to a senior family member, visiting seniors, talking with them on the telephone and helping them with shopping, banking or with taking medication. More women than men (19 percent versus 14 percent) reported providing such care. The time spent caring for seniors depended largely on whether an individual had elderly parents or other elderly relatives. The Census data showed that the proportion reporting hours of care to seniors increased as respondents approached middle age, then tapered off. Those aged 45 to 54 had the highest proportion (23 percent) of individuals providing unpaid care to seniors.
22. Although women do more total work than men do, their incomes are lower. Comparing average total income before taxes, women in Canada receive 38 percent less income than men (as of 1997). This gap is related to a number of factors, such as the concentration of women in part-time and non-standard employment, family responsibilities, their over-representation among lone parents and seniors who have few or no earnings, and their under-representation among those with higher education. However, the income gap has closed steadily since 1986, when the figure was 51 percent. Canada's progressive tax system and the redistributive effects of government transfer payments also help to improve the gender balance in income. After taxes, women receive 33 percent less income than men.
23. More women than men live in poverty. Because economic autonomy and well-being are linked to access to income from the paid labour force, women are more likely than men to live with low incomes. Certain groups of women are particularly at risk; almost 49 percent of all elderly women living alone and 56 percent of female lone parents live in poverty. This has direct implications for the well-being of children because those living with lone mothers accounted for 40 percent of all children living in poverty in 1997. Although the rate of low income remains high among the elderly, the situation has improved since the early 1980s when nearly 70 percent of elderly women living alone had low incomes.

24. Fifty-four percent of all people below the Statistics Canada low-income cutoff (LICO) in 1997 were women; 19 percent of the female population, and 24 percent of all women 65 or older, lived below the Statistics Canada LICO that year.
25. In 1995, 37 percent of visible minority women and 43 percent of Aboriginal women not resident on a reserve, or in the territories, lived in a low-income situation. In 1997, the same was true of 56 percent of female lone parents.
26. Many social policy programs allocate benefits using the family as the basic unit of administration. However, there have been significant changes to the organization of family life in Canada over the last few decades. This poses a challenge to policy makers for the development of programs that recognize the universal nature of unpaid work, encourage economic autonomy and gender equality, and are compatible with broad national and social objectives.
27. Family forms are becoming more diverse in Canada, and a growing percentage of people live alone. Many factors have contributed to the diversity of family arrangements. For example, the marriage rate has fallen and marriage is being delayed. At the same time, the divorce rate has risen dramatically since the late 1960s, largely as a result of legislation in 1968 easing divorce restrictions. Trends in divorce, as well as an increase in births outside of a conjugal relationship, have also contributed to the growth in the number of lone-parent families. In 1996, families headed by one parent (over 80 percent of whom are women) account for nearly one in six families in Canada, up from one in ten in 1981.
28. The changing attitude of Canadians toward marital unions is also reflected in the increased popularity of common-law relationships. Over the last 15 years, the share of common-law families doubled from 6 percent to 12 percent. And there is increasing recognition of same-sex relationships. Successful challenges under the equality provisions of the *Canadian Charter of Rights and Freedoms* have led to an increasing acknowledgment of same-sex couple families. This has led Canadian governments and employers to review policies regarding family status and eligibility for qualifying for social and employee benefits.
29. As a result of women's increased participation in paid work, dual-earner families have become the norm in Canada. Both partners work for pay in 61 percent of two-partner families. In half of dual-earner families, both partners work full time. The percentage of dual-earner families has been relatively stable in the 1990s, following two decades of growth. However, the proportion of families where neither partner had earnings has increased gradually, reflecting the aging of the population and the trend toward earlier retirement from paid work. For an increasing number of families, women have become the sole earners. This has contributed to the increasing income gap between dual-earner and single-earner families because women tend to earn less than men in the paid labour force.

30. The majority of Canadian children live in two-parent families where both parents are employed in the labour force. In 1996, there were 4.8 million children under the age of 15 living in two-parent families. Both parents were working in the case of 60 percent of these children, up from 43 percent in 1981 and 58 percent in 1991.
31. The 1996 Census showed that trends for preschool children under the age of 6 were similar to those for all children under the age of 15. The proportion of preschoolers whose parents were both working for pay has also increased during the last 15 years. In 1996, both parents were working in the case of 56 percent of these preschool children, compared with 38 percent in 1981 and 52 percent in 1991. The proportion of preschool children living in a female lone-parent family in which the mother was working for pay has declined slightly during the last 15 years. In 1996, the single mother was employed in the case of 38 percent of these children, compared with 41 percent in 1981.
32. The 1996 Census also showed that only 35 percent of female lone parents had completed a post-secondary certificate or degree, compared to about 53 percent of women with partners.
33. At the same time, the number of two-parent families with one partner staying at home to manage the household and care for the children has decreased dramatically since 1976. As a result, less than one in five families with children under the age of 16 had a stay-at-home parent in 1997, compared with half of families in 1976. The proportion of families where fathers are at home to care for children has remained close to one percent.
34. Education is key to women's equality. It has a profound impact on women's access to employment and on women's economic independence. The changing nature of employment in Canada and elsewhere requires Canadians to be prepared to make several career changes during their adult lives. As well, the emergence of the knowledge-based economy and society in Canada has made women's access to education and training even more imperative as technical and scientific fields become the key elements for growth. However, women receive less employer-sponsored training. Women's and men's job-related training participation rates are similar, but women receive fewer hours of training.
35. In general, access to higher education has increased. For example, in 1996, 12 percent of women aged 15 and over, and 14 percent of men, were university graduates, as compared to 1971 when 3 percent of women and 7 percent of men had a university degree. The gap continues to close, as women currently make up a slight majority of students in Canadian universities. As of 1998, more women graduated from post-secondary institutions than men did.
36. In 1997-98, women accounted for about 29 percent of university students in mathematics and sciences and for 22 percent of students in engineering and applied sciences — key growth areas

in the knowledge-based economy and society. Women are still under-represented in enrolment in doctoral programs and on college and university faculties. Rates of higher educational attainment by Aboriginal women continue to lag behind those of non-Aboriginal women.

37. Although women in Canada have a longer life expectancy than men (by six years), isolation, illness or disability may mark those additional years. Cardiovascular disease is the major cause of death among women in Canada. And, while breast cancer is the most frequently diagnosed cancer among women, lung cancer is the leading cause of cancer death for women.
38. In Canada, women have made advances in numbers and influence in political, economic and social decision making over the last decade. At the same time, they continue to be under-represented in decision-making positions. For example, after the federal election in 1997, Canada's House of Commons had the largest number of women representatives ever elected in Canadian history, with 20 percent of its members being women. By comparison, in provincial legislatures 18.4 percent of members are women.
39. The Statistics Canada 1993 Violence Against Women Survey showed that 51 percent of all Canadian women had experienced at least one incident of physical or sexual violence since age 16. Twenty-nine percent of women who had ever been married or lived in common-law relationships had been physically or sexually assaulted by their partner at some point during the relationship. Children witnessed violence against their mothers in four out of ten marriages where violence was reported.
40. The rates of both sexual and non-sexual assaults against women reported to police have increased since the passage of criminal law reforms in 1983. When measured 10 years later, sexual assault reports had increased by 152 percent and physical assaults by 62 percent.
41. According to a homicide survey conducted by Statistics Canada in 1996, married women are seven times more likely to be killed by a spouse than by a stranger.
42. To continue to undertake effective efforts to address violence against women, root causes — such as the social context of power imbalances and ongoing systemic attitudes and values — should be explicitly named along with the vulnerability to violence that is experienced differently by the various communities and age groups of women. These include Aboriginal women, immigrant women, visible minority women, refugee women, women with disabilities, live-in domestic workers, women from linguistic minorities, senior women and young women. In fact, 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 percent), than for women in general (10 percent).

43. There is not yet a clear picture of whether violence against women has decreased or increased in Canada. Reports from a sample of 61 police agencies across Canada indicate that between 1993 and 1996 the number of reported cases of spousal assault dropped by seven percent. These statistics look promising. However, a large number of cases are still not reported to the police. Of those women who reported being victims of spousal violence in the Violence Against Women Survey, only 26 percent had reported an incident of violence to police.
44. Statistics Canada also publishes an annual statistical review of family violence, *Family Violence in Canada: A Statistical Profile* (available at <http://www.statcan.ca>). In 2000, Statistics Canada will release the results of its General Social Survey — Victimization Cycle, which will provide trend information on violence against women and baseline information on the experience of violence in the general population, particularly among older adults.
45. Statistics Canada released *Women and Men in Canada: A Statistical Glance*. Produced for Status of Women Canada, the report provides a snapshot of gender equality in Canada using data from 1997.
46. A more comprehensive overview of the status of Canadian women will be available with the publication of the fourth edition of *Women in Canada — A Statistical Report* to be completed and published by Statistics Canada in 2000.

**PART II**

**Measures Adopted by  
the Government of Canada**

## Article 2: Anti-Discrimination Measures

47. In 1982, the *Canadian Charter of Rights and Freedoms* was enacted. The Charter, also known as the *Constitution Act, 1982*, provides constitutional protection of individual rights. According to s. 1, it guarantees the rights and freedoms set out therein “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” As a result, any law, regulation or act, of any level of government in Canada, or any government agency, as well as all court decisions, must conform to the Charter within the meaning of s. 1. The Charter applies to relationships between an individual and government, rather than between individuals which are covered by provincial bills of rights.
48. Section 15 of the Charter ensures equal protection and equal benefit of the law for all Canadians without discrimination, and s. 28 guarantees that all the rights covered in the Charter apply equally to men and women. The *Canadian Human Rights Act* (CHRA), passed in 1977, prohibits discrimination in employment and services within federal jurisdiction. The Act provides a list of prohibited grounds of discrimination, which was expanded last year to include sexual orientation. The CHRA creates the Canadian Human Rights Commission (CHRC), which investigates, settles and prosecutes complaints of discrimination. It also creates the Canadian Human Rights Tribunal, which hears and adjudicates complaints. Amendments to the CHRA in 1998 made the Tribunal a permanent court-like body.
49. The Court Challenges Program, originally established in 1985 through the former Department of the Secretary of State, was introduced to fund private cases involving challenges to federal policies, laws or practices pertaining to equality rights protected by ss. 15 and 28 of the Charter. The Program was discontinued in 1992. However, following widespread public demand, it was reinstated in October 1994. The current Program provides funding to selected challenges to federal law, policy or practices, with the exception of complaints under the *Canadian Human Rights Act*.
50. In addition to the legal instruments to combat discrimination, a number of other agencies promote anti-discrimination measures at the provincial, territorial and federal levels. For example, the Law Commission of Canada, which was established on July 1, 1997 under the *Law Commission of Canada Act*, 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. The Commission is an independent agency of the federal government. It was established to provide the government with independent, broadly based advice on legal policy issues. Commission projects include historical child abuse in public institutions, adult relationships of dependence and interdependence, relationships involving older adults, transformative justice, workplace relationships in transition, the role of legislation and the governance of research on human subjects.



## Article 2 (c): Protection of Women's Legal Rights

51. There have been several important Supreme Court of Canada cases relating to women's equality during the reporting period. Although many of the cases mentioned below do not deal with sex-based discrimination, they are important to women's equality and are particularly relevant to women exposed to double disadvantage by virtue of such personal characteristics as disability, religion, marital status, sexual orientation or race. These cases arise out of claims of discrimination pursuant to s. 15(1) of the Charter, or under human rights legislation. Also included are cases relating to women's equality in the criminal law context.

### Section 15(1)

52. In *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624, the Supreme Court reiterated that s. 15(1) of the Charter protects against direct, as well as adverse effects, discrimination. The latter type of discrimination does not require a discriminatory purpose or intent but merely that the effect of the measure is to deny an individual equal protection or benefit of the law. The Court held that the failure to provide sign language interpretation for deaf patients in hospitals where necessary for effective communication violated the appellants' equality rights. The appellants in *Eldridge* were a deaf woman who needed medical treatment for her diabetes, and a deaf couple who were attending at the birth of their twin girls.
53. Considerable advances were also made during the review period with respect to the equality rights of lesbians. In *Egan v. Canada*, [1995] 2 S.C.R. 513, the Supreme Court held that although "sexual orientation" is not listed as a ground of discrimination in s. 15(1), it constituted an analogous ground on which claims of discrimination may be based. In *Vriend v. Alberta*, [1998] 1 S.C.R. 493, the Court held that provincial human rights legislation which omitted the ground of sexual orientation violated s. 15(1).
54. A majority of the Supreme Court in *Miron v. Trudel*, [1995] 2 S.C.R. 418, recognized "marital status" as an analogous ground of discrimination. The exclusion of common-law (unmarried) spouses from accident insurance benefits was found to violate their equality rights.
55. In *Thibaudeau v. Canada*, [1995] 2 S.C.R. 627, a majority of the Supreme Court held that the legal requirement stating that when separated or divorced parents compute their income for tax purposes, they must include amounts received from their former partners for child support, did not constitute sex-based discrimination. The Court found that the requirement did not impose a burden or disadvantage when examining the situation of the post-divorce family unit.
56. In response to the negative reactions of women, women's organizations and the media to the *Thibaudeau* decision, the federal government responded to these concerns through Bill C-93,

which amended the *Income Tax Act* to eliminate this treatment of child support. It received Royal Assent on April 25, 1997. Under the new rules, child support paid pursuant to a written agreement or a court order made on or after May 1, 1997 is no longer deductible to the payer, or included in the income of the recipient for tax purposes.

57. In *Benner*, the Court held that the imposition of additional requirements for the granting of citizenship to children born abroad prior to February 15, 1977, to a Canadian mother (as opposed to a Canadian father) constituted sex-based discrimination.
58. In *R. v. S. (R.D.)*, [1997] 3 S.C.R. 485, the Court was asked to determine whether comments made by a Black female judge about police treatment of minorities raised a reasonable apprehension of bias. A majority of the Court found that the remarks did not raise a reasonable apprehension of bias and that, in general, judges should be aware of social context — including the prevalence of racism or gender bias in a particular community in rendering their decisions.

### **Human Rights Legislation**

59. In *Gibbs v. Battleford and District Co-op Ltd.*, [1996] 3 S.C.R. 566, the Court reiterated that human rights legislation is “fundamental” or “quasi-constitutional,” and that it should be interpreted in a broad and purposive manner. The Court held that a female employee had been discriminated against when her disability insurance benefits were terminated after a two-year period because she suffered from a mental disability as opposed to a physical disability.
60. There have also been several cases before the lower courts regarding pay equity. The federal as well as some provincial human rights statutes contain provisions embodying the general principle that men and women should be given equal pay for work of equal value. Disputes in these cases often relate to the methodology used to compare the wage differentials between predominately male occupational groups and predominately female ones.

### **Women's Equality in the Criminal Law Context**

61. In *R. v. Biddle*, [1995] 1 S.C.R. 761, one of the issues before the Court was whether the use of the Crown's power to tailor the jury constituted an abuse of the jury selection process or created a reasonable apprehension of bias. The appellant was convicted on two counts of assault causing bodily harm and two counts of choking with intent to commit an indictable offence. The two victims were women. The Crown successfully empaneled an all-female jury. While the majority of the members of the Court decided that it was not necessary to deal with the issue, two (female) members of the Court found that there was no abuse of the system in empaneling an all-female jury. Moreover, there was no evidence that an all-female jury could not act impartially in judging the case before them. To find otherwise would be applying impermissible stereotypical assumptions. Of particular interest is McLachlin J.'s statement: “I

see no reason to suppose that an all-woman jury cannot be as impartial as all-male juries have been presumed to be for centuries.”

62. In *R. v. Daviault*, [1994] 3 S.C.R. 63, the Court held that it was unconstitutional to not allow the defence of voluntary drunkenness to a general intent offence. In *Daviault*, the accused had sexually assaulted a 65-year-old disabled woman but was acquitted at trial because there was a reasonable doubt as to whether he had the minimal intent required to commit the offence because of his extreme intoxication. This decision resulted in considerable criticism from women's groups and others. In response, the federal government amended the *Criminal Code* to specify that the defence of self-induced intoxication will not be available for particular offences (including assault) where the accused departs markedly from the standard of care generally recognized in Canadian society.
63. In *R. v. Park*, [1995] 2 S.C.R. 836, the Supreme Court of Canada restored a sexual assault conviction. In this case, the appellant had put forward the defence that no sexual intercourse had occurred or, in the alternative, that he mistakenly believed the victim had consented to sexual intercourse. In her reasons, L'Heureux-Dubé J. expounded on the issue of consent in sexual assault trials. She expressed the view that in order to combat the stereotype regarding consent held by men, the focus must shift from whether there were words or actions consistent with no consent, to what actions or words communicated by the complainant grounded the accused's honest but mistaken belief in consent. This case arose prior to the *Criminal Code* section that stipulates the meaning of “consent” for sexual assault offences. These provisions generally require that an accused must take reasonable and definitive steps to ensure that the complainant consents to engaging in sexual activity.
64. A majority of the Supreme Court of Canada in *R. v. O'Connor*, [1995] 4 S.C.R. 411, reaffirmed that the Crown had a duty to disclose all relevant records in its possession to the defence, including the victim's therapeutic records (in this case, sexual assault counselling records). With respect to records in the hands of a third party (as compared to the state), the Court in *O'Connor* established a procedure for the production of such records. A minority of the judges were of the view that, in determining whether private records in the hands of a third party should be disclosed to the defence, the accused's right to make full answer and defence should be balanced against the victim's right to privacy and the right to equality without discrimination. Subsequent to this decision, the *Criminal Code* was amended to codify a specific procedure for the disclosure of private records in the possession of the Crown or a third party to defence counsel where the accused has been charged with a sexual offence. The purpose of the procedure is to protect the privacy and equality rights of victims of sexual offences while, at the same time, preserving the accused's right to a fair trial. The Supreme Court of Canada recently upheld the latter amendments as constitutional.

## **Article 2(d): Public Authorities and Institutions**

65. *Setting the Stage for the Next Century: The Federal Plan for Gender Equality* was released in Canada on August 11, 1995, and tabled at the Fourth United Nations World Conference on Women in Beijing. The Federal Plan represents a collaborative initiative of 24 federal departments and agencies, led by Status of Women Canada (SWC), and is Canada's framework and blueprint for implementing the Beijing Platform for Action.
66. The Federal Plan's most strategic measure is a policy requiring federal departments and agencies to conduct gender-based analysis (GBA) of future policies and legislation. GBA is a key methodology for mainstreaming a gender perspective. It is being developed to ensure that federal policies have intended and equitable results for both women and men, and will assist the federal government in respecting the equality provisions of the *Canadian Charter of Rights and Freedoms* and international obligations.
67. SWC has been leading this analysis process, collaborating with other governments, as well as federal departments and agencies, in its staged implementation over a five-year period. SWC has developed and provided other departments with a series of tools and supports to assist them in implementing gender-based analysis. Notable among these is the publication *Gender-Based Analysis: A Guide for Policy-Making*, released in March 1996, as well as a series of presentations to departments and agencies initiated in the fall of 1996.
68. Although the implementation of GBA in public policy is still in its infancy, Canada has made some significant efforts. Examples of some key achievements in this area include:
- developing tools and methodologies to carry out GBA, including a guide and brochure for policy makers
  - holding information sessions on GBA for managers and officials
  - stimulating GBA discussion through dialogue, roundtables, workshops, symposiums and conferences with governments, women's organizations and other non-governmental actors
  - contributing to the development of statistics and indicators to support GBA, such as the *Economic Gender Equality Indicators*, *Finding Data on Women: A Guide to the Major Sources at Statistics Canada*, and the *Guide to Gender-Sensitive Indicators* with its accompanying handbook
  - developing gender-based research in the Government of Canada and with counterparts in other governments and international organizations

69. Several departments and agencies within the federal government have undertaken specific activities to advance gender-based analysis of the policies and programs within their mandates. This includes the production of customized training materials to meet their own particular needs. Some examples follow.
70. In 1996, the Department of Justice established the three-year Gender Equality Initiative headed by a Senior Advisor on Gender Equality, with a mandate to implement gender-equality analysis in all departmental activities. The following year, the Department adopted the Policy on Gender Equality Analysis. Subsequently, a report entitled *Diversity and Justice: Gender Perspectives, A Guide to Gender Equality Analysis* was developed and published. The Department also created an internal network of gender equality specialists in each sector to act as resources to colleagues in the development of policies, programs, legislation, legal opinions and research. Finally, in 1998, the Department of Justice began providing training on gender equality analysis to lawyers throughout the Department, including regional offices across the country.
71. Human Resources Development Canada (HRDC) has developed the *Gender-Based Analysis Background and Guide*, customized for the Department's needs and activities. The Deputy Minister has also issued a memo to executives encouraging the use of GBA as part of effective policy and program development within HRDC.
72. Health Canada's Women's Health Strategy includes a commitment to implement a gender-based analysis of the Department's research, policies and programs. Tools, methods and training materials appropriate to the health sector are being developed that will assist in implementing gender-impact assessments. Workshops are being held and women's health networks are being created in the line branches of the Department. The Women's Health Bureau is also using the Commonwealth framework to develop a Gender Management System for the health sector. In addition, as chair of the Commonwealth Working Group on Gender Equality and Health Indicators, the Women's Health Bureau has begun work on developing a conceptual framework for a system of gender equality and health indicators.
73. The Gender Equality Division within the Canadian International Development Agency (CIDA) is responsible for articulating the Agency's policy and good practices in gender equality. The Division's activities include:
- development of mechanisms to mainstream gender perspectives into CIDA's management, planning and performance assessment systems
  - contributions to the Agency knowledge base on gender equality
  - participation in conferences and international policy dialogue on gender equality

- management of information on gender equality issues, particularly lessons drawn from gender equality policy implementation in developing countries
74. Gender analysis and gender equality results are to be incorporated into all of CIDA's international cooperation initiatives, although application will vary among branches, programs and projects.
75. CIDA has underlined the importance of integrating gender considerations in all of its policies, programs and projects. Its Policy on Poverty Reduction and its Health Strategy (both released in 1996) and the 1997 Policy on Basic Human Needs, all recognize the need to address gender equality. At the program and project level, guidelines to promote the systematic application of GBA and a handbook on gender-sensitive indicators has been developed and widely distributed. In 1998, CIDA began a series of extensive consultations — including a virtual one with partners in Canada and around the world — to revise its policy on gender equality. Based on these consultations, an updated policy has been developed with a strong gender-mainstreaming, rights- and results-based approach to better serve policy makers and people in the field.
76. The Departmental Coordinator on International Women's Equality at the Department of Foreign Affairs and International Trade (DFAIT) is situated within the Human Rights, Humanitarian Affairs and International Women's Equality Division. The Coordinator heads up the International Women's Equality section which functions as the focal point on gender within the Department to promote gender equality and the human rights of women, including integrating gender perspectives into foreign policy development and operations.
77. The Department of Indian Affairs and Northern Development (DIAND) has developed its policy on gender equality analysis (GEA). It requires that GEA be used in the legislative, policy and program development processes, and that it be integrated into all of the Department's work, including:
- the development and implementation of policies, programs, communications plans, regulations, legislation, consultations and negotiations (including, but not limited to, self-government agreements, claims, treaty land entitlement, fiscal framework and devolution)
  - instructions and strategies on research, contracting, dispute resolution and litigation (This policy has been developed in consultation with the Department's Advisory Committee on Gender Equality and with other government departments. The *Guide to Gender Equality Analysis*, which explains how to apply GEA in the day-to-day work setting, has been developed and will be distributed within the Department.)

## Gender-Based Policy Research

78. New and significant initiatives in the area of gender-based research have also been developed to support gender-based analysis. For instance, Status of Women Canada (SWC) launched its Policy Research Fund following input from extensive national consultations held between March and May 1996. The primary objective of the fund is to support forward-thinking, independent, nationally relevant policy research on gender equality issues. The Policy Research Fund supports research which identifies policy gaps, trends and emerging issues, and provides concrete recommendations and alternative solutions to policies and programs affecting women. A small, non-governmental external committee, nominated by constituents, plays a key role in identifying priorities and research themes, choosing research proposals to be funded and exercising quality control over the final research products. Policy research themes explored to date include women's access to justice, women's paid and unpaid work, women's vulnerability to poverty, and the integration of women's diversity into policy research, development and analysis. Once the research is complete, it is available free of charge to the public and is also available on the SWC website <http://www.swc-cfc.gc.ca>
79. Other examples of research initiatives within the federal government which include a gender perspective are the Metropolis Initiative and the Policy Research Initiative.
80. A consortium of federal departments and agencies provides core funding for the Metropolis Initiative. It examines immigrant integration and the effects of international migration on urban centres. A gender perspective is to be factored into all the research being undertaken, with applicability to policy development.
81. The mandate of the Policy Research Initiative, launched in July 1996, is to build a solid foundation of horizontal research on which future public policy decisions can be based. The Initiative brings together over 30 federal departments and agencies, including SWC, which plays an active role in ensuring that a gender perspective is incorporated into all research activities.

## Article 2(f): Legislative Changes

82. In 1996, the *Canadian Human Rights Act* was amended to include sexual orientation as a prohibited ground of discrimination.
83. In 1998, the Government of Canada passed amendments to enhance the overall protective provisions of the *Canadian Human Rights Act*. These amendments included the addition of an express duty on employers and service providers to accommodate (up to the point of undue hardship) the needs of persons protected by the law, the establishment of a permanent human rights tribunal and improvements to the remedies provided by the Act.

## Article 2(g): Penal Provisions

84. Actions were undertaken between 1994 and 1998 to vitalize ss. 81 and 84 of the *Corrections and Conditional Release Act* (promulgated in 1992). The two provisions read:
- s. 81. "The Minister, or a person authorized by the Minister, may enter into an agreement with an Aboriginal community for the provision of correctional services to Aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.
- s. 84 "Where an inmate who is applying for parole has expressed an interest in being released to an Aboriginal community, the Service shall, if the inmate consents, give the Aboriginal community
- “(a) adequate notice of the inmate’s parole application; and  
“(b) an opportunity to propose a plan for the inmate’s release to, and integration into, the Aboriginal community.”

Sections 81 and 84 are intended to increase the reintegration potential of Aboriginal women offenders through community support.

## International Activities

85. Since the Fourth World Conference on Women in 1995, Canada has continued to advocate for the integration of a gender perspective in the work of international forums. This includes multilateral organizations, such as the United Nations, the Organisation for Economic Co-operation and Development (OECD), the Commonwealth, La Francophonie, and the Organization of American States (OAS).
86. Canada consistently stresses the importance of the full realization of the human rights of women in its relations with other countries, and at international and world conferences, including the International Conference on Population and Development and the Fourth UN World Conference on Women. For example, Canada took a lead role in ensuring that the 1996 Habitat II conference document, *Habitat Agenda and Global Plan of Action*, acknowledged the empowerment of women and their full and equal participation in political, social and economic life as essential to achieving sustainable human settlements.
87. Canada’s international efforts with regard to gender equality include promoting and supporting the work of international organizations to integrate gender considerations — for example, the UN Economic and Social Council adoption of agreed conclusions on gender mainstreaming. Further mainstreaming efforts are under way at the Commonwealth, the OAS, the Organization



for Security and Co-operation in Europe (OSCE), and the organization for Asia-Pacific Economic Cooperation (APEC).

88. Canada strongly supported the adoption of an effective Optional Protocol to the CEDAW creating both an individual complaints mechanism and an inquiry procedure. Canada was among those countries which originally proposed language in the Vienna Declaration and Program of Action (adopted at the 1993 World Conference on Human Rights) calling for an Optional Protocol to CEDAW. This was adopted and subsequently reaffirmed in the Beijing Platform for Action.
89. Canada supports the strengthening of the Committee on the Elimination of Discrimination Against Women which oversees CEDAW's implementation. In order to address the lack of meeting time available to the Committee — the shortest of any of the six human rights treaty monitoring bodies — an amendment to Article 20(1) has been officially accepted by Canada.

## **Article 3: Measures to Ensure the Advancement of Women**

### **Reducing Violence Against Women**

90. One of Canada's key objectives in its *Federal Plan for Gender Equality* is "reducing violence in society, particularly violence against women and children."
91. In 1997, the federal government confirmed its commitment to reduce family violence in Canada, particularly violence against women and their children, through the third phase of the Family Violence Initiative. Under the Initiative, federal departments collaborate to prevent family violence by integrating preventive measures in policy and programming. Ongoing additional funding supports research, knowledge dissemination through the National Clearinghouse on Family Violence and costs related to coordination. The key results anticipated from this horizontal approach are effective, efficient, coordinated federal policy development and programming, enhanced prevention of and improved response to family violence, development and implementation of community activities, increased public awareness and reduced tolerance of family violence in society. The 13 federal departments that currently collaborate in this strategy address housing, international development, immigration, corrections, culture, justice, employee assistance, health, social policy, Aboriginal peoples, law enforcement, national data collection and gender equality.
92. The federal intervention model depends on partnership with provincial, territorial and municipal governments, non-governmental organizations, academic institutions, professional associations, corporations and individuals to develop, implement and evaluate programming for effectiveness.

93. Under the present Family Violence Initiative, a number of important activities have been undertaken. For example, a policy focus group on violence against women was held to share information and identify priorities in areas such as public awareness, prevention, intervention and research, and an expert group on the cost of violence was also convened. Research was carried out on the issue of homelessness and family violence, and two projects are under way to review the impact of conditional sentencing in cases of family violence, and to examine the effectiveness of model family violence treatment programs for offenders.
94. A five-year report summarizing and evaluating the achievements of the current phase of the Family Violence Initiative will be prepared in 2002 for the Treasury Board Secretariat.
95. The Family Violence Initiative supports many activities intended to reduce violence against women. In 1997-98, federal government funding specific to family violence amounted to \$30.7 million. This figure includes direct allocations for shelter enhancements, family violence treatment for federal offenders and transfers to First Nations shelters and family violence prevention projects on reserves. It also includes an additional annual allocation of \$7 million which departments share to address identified gaps, operate the National Clearinghouse on Family Violence and coordinate the Family Violence Initiative. It does not reflect expenditures to carry out the regular work of departments. For example, ongoing policing provided by the Royal Canadian Mounted Police (RCMP), prevention programming provided to inmates by Correctional Services of Canada and housing initiatives provided by Canada Mortgage and Housing Corporation (CMHC) all incorporate elements intended to prevent family violence.
96. Other Canadian initiatives place priority on issues related to the safety, health and well-being of women, and help address violence against women, although they are not specifically directed to the prevention of family violence.
97. The National Longitudinal Survey of Children and Youth is a long-term study being conducted by Human Resources Development Canada and Statistics Canada. It examines a variety of factors thought to influence child growth and development. The study began in 1994, with data being collected at two-year intervals as the child grows from a newborn to an adult. The survey consists of a parent and child questionnaire given at home, as well as a teacher and principal questionnaire given at school. Some questions relate to child maltreatment, for example, traumatic events such as abuse, conflict between parents and parents' use of physical punishment. Based on the research, recommendations for governments, communities and individuals will be used to enhance child development.
98. The government's commitment to diversity and human rights demands that all Canadians have a right to dignity and respectful treatment, regardless of ethnic, racial, religious, gender or other differences. The Multiculturalism Program is working in partnership with other federal

departments such as Justice, the Solicitor General and Industry Canada, to develop a coordinated strategy to combat hate crime and bias activity.

99. The National Strategy for Community Safety and Crime Prevention promotes the integrated action of key governmental and non-governmental partners to reduce crime and victimization, and to assist communities in developing and implementing community-based solutions to problems that contribute to crime and victimization, particularly violence against youth, women and Aboriginal people. Its aim is also to increase public awareness and support effective approaches to crime prevention. Launched in 1994, Phase I consisted primarily of coordinating a range of federal initiatives that emphasized a proactive and social development model of crime prevention. It also emphasized building federal, provincial/territorial and community partnerships. Phase II, announced in 1998, enables the federal government to broaden its partnerships and support communities in designing and implementing innovative and sustainable ways of preventing crime.
100. Addressing violence in First Nations and Inuit communities is also a priority for the federal government. Federal support is provided to community-based services to help in the prevention, intervention and treatment of violence against women, and for research evaluation and professional training that increase recognition of abuse and explore healing models.

### **Criminal Justice Measures**

101. Violence against women, including physical and sexual assault, is considered a crime under the *Criminal Code*. The Department of Justice participates in the Family Violence Initiative and, as part of its responsive policy and programming, has amended the *Criminal Code* through several measures to provide enhanced protection to women and children from violence and sexual abuse.
102. Bill C-42 (omnibus amendments) included over 100 amendments to the *Criminal Code*. These amendments, proclaimed in 1995, included making peace bonds (protective court orders) easier to obtain and more effective, and increased the maximum penalty for a breach from six months to two years. They also included the reclassification of certain offences (known as dual procedure or hybrid offences). This allows the Crown prosecutor to choose to proceed summarily or by way of indictment. Proceeding by way of summary conviction is sometimes preferred in cases involving violence against women because it can avoid having the victim testify twice.
103. Bill C-72 (self-induced intoxication) clarified the criminal law to indicate that intoxication is not a defence to any general intent crimes of violence such as sexual assault and assault. It came into effect in 1995.

104. Bill C-41 (sentencing) included amendments to the sentencing provisions of the *Criminal Code*. These amendments, proclaimed in 1995, provide that where an offender, in committing the offence, abuses his spouse or child or a position of trust or authority, this shall be considered an aggravating factor for sentencing purposes. The restitution provisions were also amended to entitle a victim to seek restitution for actual and reasonable expenses for moving out of the offender's home to avoid bodily harm.
105. Bill C-27 (child prostitution, child sex tourism, criminal harassment and female genital mutilation (FGM)) included provisions to facilitate the testimony of young victims and witnesses of sexual exploitation. In addition, the legislation, proclaimed in 1997, allows for the prosecution of Canadians who travel abroad and sexually exploit children, strengthens penalties against those who exploit juvenile prostitutes and those who kill the victims they have stalked, and clarifies that the practice of FGM is an offence.
106. Bill C-46 (production of records in sexual offence proceedings) protects sexual offence victims by restricting the production of personal information records, such as psychiatric, therapeutic and counselling records. The legislation was proclaimed in 1997.
107. In 1996, the federal government introduced the *Firearms Control Act*. Key elements include licensing possession of firearms, a national registration system for all firearms and a mandatory minimum sentence in four years of prison, and a lifetime prohibition against the possession of a restricted or prohibited firearm on conviction of specific violent offences, including sexual assault with a weapon and aggravated sexual assault. These measures, intended to ensure greater community safety, will have an impact on women's safety. Registration of firearms will enhance women's safety by alerting police to the presence of firearms in scenes of family violence. In dealing with applications for firearms acquisition certificates, risk factors associated with incidents of family violence must be considered, and applications require spousal consent.
108. *Criminal Code* provisions relating to the defence of provocation, self-defence and defence of property are under review as a result of concerns expressed by a judicial inquiry and some women's groups that these provisions are not applied in a gender-sensitive manner.
109. The federal government is also reviewing an ad hoc process that has been in existence since 1992 to respond to requests from victims trying to change their identity to escape life-threatening spousal abuse. Through this process, victims are provided with a new, de-linked (i.e., no computer links) Social Insurance Number (SIN). Canada Pension Plan (CPP), tax and social benefit records are also securely re-created under the new SIN. Because of concerns about client safety, the federal government has initiated an interdepartmental project to complete in-depth work with the provinces and territories to determine whether a nationally coordinated New Identities Program can be implemented. This initiative seeks to support victims' services

strategies by addressing the concerns of victims of extreme family violence in relation to safety, restitution and the prevention of further violence.

110. Other justice system initiatives include seeking to improve the criminal justice system by making it more accessible to vulnerable groups, including Aboriginal women and women with disabilities.
111. The province of Saskatchewan adopted the first *Victims of Domestic Violence Act* in Canada in February 1995. This civil legislation is designed to provide an alternative, non-criminal response to victims of family violence. The provisions include emergency intervention orders which may provide for exclusive victim occupation of the home, and restrain the abuser from communicating with or contacting the victim or members of the victim's family. Victims' assistance orders may include monetary compensation from the abuser, and warrants of entry which allow police officers to obtain entry to a home where family violence is suspected. The second phase of an evaluation of the effectiveness of the *Victims of Domestic Violence Act* will be completed in 1999.
112. Other jurisdictions in Canada have enacted similar legislation. Prince Edward Island's *Victims of Family Violence Act* is the first provincial act to include emotional abuse as a form of violence. Manitoba's *The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act* is the first act to address civil remedies for stalking. Yukon has enacted its *Family Violence Prevention Act* and *Crime Prevention and Victim Services Trust Act*. Alberta's legislation, the *Protection Against Family Violence Act* was introduced in the Legislature during the 1998 spring sitting.

### **Training and Education in the Criminal Justice System**

113. Since January 1997, the Social Context Education Project at the National Judicial Institute has developed and delivered a range of programs examining the social context of judicial decision making for courts across the country. During these programs, judges have examined issues such as equality, impartiality, judicial independence and the process of decision making, as well as considering the needs of women and disadvantaged communities, such as Aboriginal peoples and racial minorities. The programs are available to both federally and provincially appointed judges.
114. As part of the Family Violence Initiative, the federal government provides training on family violence within its jurisdiction in the justice sector. The RCMP, Correctional Service of Canada personnel and members of the National Parole Board all receive such training.
115. As part of the Family Violence Initiative, in March 1998, the Department of Justice Canada hosted the Federal-Provincial-Territorial Forum on Spousal Abuse Cases, to discuss and

exchange best practices by police, Crown prosecutors, victims' services and policy experts relating to spousal abuse cases.

116. The First Nations Family Violence Course was developed by the Canadian Police College in collaboration with the First Nations Chiefs of Police Association, with funding provided by the Aboriginal Policing Directorate within the Department of the Solicitor General of Canada. The course has been offered on five occasions: May 1994, March 1995, 1996 and 1997, and January 1998. The course provides First Nations police officers with the skills and expertise to deal with family violence on reserves. The three-week course offers training in investigative techniques, including confronting the perpetrator, supporting the victims of family violence and attempting to guide both the victim and aggressor toward the proper community or justice resources. Having First Nations police officers trained in the area of family violence investigation can only serve to help women living on reserve feel more comfortable with reporting the crime to the police.

### **Supporting Community-Based Action**

117. The federal government provides funding for projects that address violence against women in a variety of community contexts. Following are some examples.
118. The Aboriginal Friendship Centre Network developed a framework for services and programs to meet the needs of urban Aboriginal women. The Women's Community Action Team in the Northwest Territories developed a series of community training modules in three Aboriginal languages.
119. The Calgary Coalition Against Family Violence, with funding from Status of Women Canada (SWC), worked extensively with women's shelters and transition houses to ensure that the needs of immigrant and visible minority women were met. The project resulted in changes to policies and procedures by agencies throughout the shelter movement, involving such areas as staffing and staff training, diet, child care and cultural interpreters.
120. Equay Wuk Women's Group was established in 1988 to represent the interests of Aboriginal women in the Nishnawbe Aski Nation of Northern Ontario. Women from 25 isolated First Nations communities are represented. Status of Women Canada has been a key partner in supporting Equay Wuk to develop and carry out a three-year, anti-violence strategy in northern communities. Anti-violence training manuals were developed based on meetings held with women in First Nations communities. The guides, in English and Oji Cree, have been used extensively in training health and social service workers. In addition, local women were trained to conduct workshops and to provide support to women in their communities.

121. As part of the Family Violence Initiative, efforts to increase access to information and services often have a community focus. In 1995, the government produced a booklet for immigrant women entitled *Abuse is wrong in any language*. The government was also a key sponsor of the Canadian Mental Health Association's document, *Joining Together Against Violence, An Agenda for Collaborative Action*.
122. The Multiculturalism Program of the Department of Canadian Heritage has an allocation of \$215,000 per year for family violence prevention programming, as part of the Family Violence Initiative, for ethnic and visible minority communities, particularly for community members who are not fluent in either English or French. The Program is working with community NGO partners in the three largest Canadian urban centres to develop heritage language programming about family violence, including child abuse, for airing on ethnic radio and television stations. It has also developed, in collaboration with CFMT-TV (Canada's largest multilingual television station), a 30-second public service announcement about the impact of family violence on children. The announcement has been produced in 14 languages and was aired on all major ethnic television stations across Canada.
123. From 1992 to 1995, on behalf of the Family Violence Initiative, funding was provided by the Social Sciences and Humanities Research Council and Health Canada to establish five Research Centres on Family Violence and Violence Against Women across Canada. Based on partnerships among front-line workers, government officials and academics, each centre continues to carry out participatory research, the results of which are available from Health Canada's National Clearinghouse on Family Violence. In 1996, the centres formed an alliance, and, in 1998, SWC provided financial assistance to the alliance to develop recommendations for a national strategy on family violence prevention and the girl child.

### **Awareness and Education Initiatives**

124. Through the National Film Board (NFB), the federal government continues to produce films that stimulate discussion and promote action on the issue of violence against women. Since 1995, the NFB has assisted in the production of more than 10 English and French productions that focus on violence against women, including *De l'amour à la violence : trois femmes parlent*, *You Can't Beat A Woman* and *Mixed Messages: Portrayals of Women in the Media*. Through a partnership with the National Clearinghouse on Family Violence, these films are distributed to 38 partner libraries across Canada.
125. The Department of Justice Canada has developed various information materials to inform Canadians about their rights and responsibilities under the law, including a booklet entitled *Stalking is a Crime Called Criminal Harassment*, as well as a guide which explains how to do gender equality analysis in the prosecution of family violence cases. The Department has also

developed information materials on spousal abuse for immigrant women and their service providers, and on the use of peace bonds.

126. In 1995, the federal interdepartmental Working Group on Female Genital Mutilation supported community consultations on FGM and the development of a literature review. In 1998, a workshop training module was developed for communities to address the health, legal and cultural aspects of this practice.
127. In April 1994, the federal government, as part of the Family Violence Initiative and in partnership with the Canadian Association of Broadcasters, launched a two-part national campaign to raise awareness about violence and to change people's attitudes toward violence. One major element of the "Speak Out Against Violence Campaign" was the broadcast, on a national scale, of a series of radio and television public service announcements. Phase I of the campaign focused on messages designed to raise awareness about violence in general.
128. Phase II of the campaign was launched in April 1996 and lasted a year. Entitled "Violence: You Can Make A Difference," it went beyond raising awareness of the issue of violence to giving practical information to Canadians for action against violence. It revolved around a new series of television and radio announcements on the themes of violence against women, violence against children and media literacy. To support this campaign, print materials were developed and distributed to communities across Canada.
129. An evaluation of Phase II of this initiative concluded that the campaign was successful. It found that violence issues, including family violence, are of concern to Canadians, that the television and radio public service announcements were well received and the print materials were useful to a wide variety of front-line workers, service agencies and other intervenors.
130. In June 1996, the Federal-Provincial-Territorial Forum of Ministers Responsible for the Status of Women released a resource guide entitled *Beyond Violence: Reaching for Higher Ground*. This guide catalogues violence prevention and intervention initiatives across the country, and aims to help governments and community organizations share information on best practices and avoid unwarranted duplication.
131. To mark Canada's National Day of Remembrance and Action on Violence Against Women (December 6) in 1998, the *Iqaluit Declaration of the Federal-Provincial-Territorial Status of Women Ministers on Violence Against Women* was issued. The Declaration reflects the shared vision of Canada's status of women ministers of safe, healthy communities in every region of the country and government commitments to end violence against women.



## **Shelters for Women Leaving Abusive Situations**

132. Transition homes in Canada have more than 85,000 admissions of women and dependent children every year. Eighty percent of these women are escaping abusive situations. From April 1, 1997 to March 31, 1998, there were 90,792 admissions to the 413 facilities that responded to the survey question — 47,962 women and 42,830 children. In a snapshot taken on April 20, 1998, the 422 shelters that provided data had 6,115 residents — 2,918 women and 3,197 accompanying children. Nearly 80 percent of the women and children living in shelters that day were there to escape abuse. These women were escaping from psychological abuse (78 percent), physical assault (67 percent), threats (48 percent) and sexual assault (26 percent). Non-abuse admissions for both women and children generally resulted from housing problems (almost three quarters of those women admitted for reasons unrelated to abuse).
133. The federal government has made a substantial investment in building and enhancing shelters in Canada. Its commitment to providing and enhancing housing for women and children in crisis continues through the \$4.3 million Shelter Enhancement Program (SEP), launched in 1996. The federal government upgraded existing second-stage housing and emergency shelters to meet acceptable health, safety and security standards, as well as to address the needs of children, older clients and persons with disabilities. It also constructed new family violence emergency shelters in First Nations communities, which opened in 1998-99. Since 1995, 3,000 shelter units have been enhanced under this program.
134. The largest period of growth came in the 1980s as the issues of violence against women and family violence gained attention at all levels of government. Much of the growth between 1989 and 1998 was due to the development of shelters in Aboriginal communities and in rural areas. In 1998 for example, 46 percent of shelters served rural areas (and may also have served urban/suburban areas), and 29 percent provided services to reserves. Currently, however, safe shelters in Canada accommodate about 90,000 women and children annually. An evaluation of the federal government's SEP will be conducted in 2000-01. As part of this evaluation, the question of "need," and the extent to which the Program addresses it, will be assessed where possible.

## **Conditions of Women in Federal Prison**

135. Women serving federal sentences make up approximately 4 percent of the total federal offender population. More than half of the 850 women offenders are in the community on conditional release.
136. In 1990, the Task Force on Federally Sentenced Women recommended the replacement of the sole federal Prison for Women with four regional facilities and an Aboriginal healing lodge. The

Task Force also recommended that these facilities operate on a community-living model and that women-centred programs be developed.

137. These five new facilities, accommodating medium and minimum security women, were operational by the end of the 1996-97 fiscal year, are located in Nova Scotia, Québec, Ontario, Saskatchewan and Alberta. Eighty-five percent of federally sentenced women are now housed in these facilities.
138. In April 1996, a few months before the opening of the new facilities, the commission of inquiry into a disturbance at the Kingston Prison for Women released its report. The Arbour Commission, in general, supported Correctional Service of Canada's plans for the new facilities but made several recommendations to further ensure there would be consistent improvement in the management of women offenders. In response to this report, the federal government committed to several key measures, including the following.
139. A Deputy Commissioner of Women's Corrections has been appointed to be responsible for all policy and program development for women offenders in the federal correctional system.
140. An external monitor has been appointed to oversee and report annually for the next three years on the systemic impacts, if any, of cross-gender staffing at the regional women's institutions. The project began in January 1998 with the second annual report being released in 1999. The final phase of the project is under way.
141. Correctional Service of Canada has amended its policy to state that, in a women's institution, there will never be an all-male institutional emergency response team used as a first response, and at no time will male staff ever participate in, or witness, a strip search of female inmates.
142. An exclusion order in place at the Edmonton Institution for Women authorizes the Correctional Service of Canada to have women only in front-line staff for three years, pending the final recommendations of the cross-gender staffing monitor.
143. The implementation of the new facilities for women included not only a new physical design but also the establishment of a program strategy for women offenders and a unique staff selection and training program. In addition to standard correctional officer training, front-line staff are required to participate in a 10-day modularized women-centred course.
144. The Okimaw Ochi Healing Lodge for Aboriginal women is the first institution of its kind in Canada, and was developed with and for the First Nations community. The majority of the staff, including the *kikawinaw* (director of the institution — "our mother" in the Cree language) are of Aboriginal descent. The Okimaw Ochi Healing Lodge opened in 1996 near Maple Creek, Saskatchewan, and operates at capacity with 28 women offenders. The interventions with the

women are Aboriginal based, with a strong emphasis on culture and spirituality. There are full-time, on-site elder services available, and a major component is the strong link between the programs and the larger Aboriginal community. Women offenders at the Healing Lodge also have the opportunity to participate in the residential mother-child program.

145. With the regional facilities, the Correctional Service of Canada designed an environment which provides women with related opportunities to accept responsibility, learn new skills and successfully return to the community. The institutional design and operation is based on a community-living model. The inmate housing is provided through stand-alone houses clustered behind a main building containing staff offices, program space, a health care unit and visiting area. Each facility also has an enhanced security unit, which contains cells used for segregation and initial reception for new admissions. Each house accommodates 6-10 women and includes communal living space, kitchen, dining area, bathrooms, a utility/laundry room and access to the grounds. The women in each house are responsible for all their daily living needs, including cooking, cleaning, laundry, etc. There are no staff members in the houses; however, regular counts are done. As well, the facilities all have a perimeter fence with a detection system, and the doors and windows on each house have alarms.
146. During 1996-97, it became apparent that the community living concept and design of these facilities did not meet the needs of the maximum security population or the women with severe mental health needs, in terms of both security and programming. Based on a comprehensive review of operations and an assessment of the population, it became evident that some inmates pose an unacceptably high safety risk, or their mental health status was such that appropriate long-term clinical intervention could not be addressed within the community-living operation of the regional institutions. After examining a number of options, available accommodations in existing facilities where women are housed separate from the male population are being used as an interim measure.
147. The Correctional Service of Canada has also implemented two intensive mental health treatment programs — one at the Regional Psychiatric Centre in the Prairie Region and one at the Prison for Women in Ontario — for those women with significant mental health problems.
148. The Women Offender Initiative of the Correctional Service of Canada represents a new and innovative way of housing and assisting women. To date, it has proven to be a successful approach to correctional interventions for women offenders. It is anticipated that the initiative will continue to evolve within the gender-responsive framework established in *Creating Choices*, the 1990 Task Force Report.

## Support for Aboriginal Women

149. In January 1998, the Government of Canada launched Gathering Strength — Canada's Aboriginal Action Plan, a comprehensive long-term plan to develop healthy, more self-sufficient and economically viable Aboriginal communities.
150. Gathering Strength sets out commitments under four themes: renewing partnerships, strengthening Aboriginal governance, developing a new fiscal relationship, and building strong communities, people and economies. The aim of this integrated agenda is to improve living conditions, develop employment-related skills and promote economic development.
151. Aboriginal women living in poverty benefit from the integrated and numerous Gathering Strength initiatives, in particular:
- the development of a framework for welfare reforms focusing on economic development and job creation
  - the Aboriginal Human Resource Development Strategy which includes labour market programs and child care
  - the Aboriginal Workforce Participation Initiative which increases recruitment, employment, retraining and promotion of Aboriginal people
  - increased funding for housing, water and sewer projects on reserves
152. Canada has undertaken research and development of supports for Aboriginal entrepreneurs. Programs include: Aboriginal Business Canada; the Opportunities Fund; the Aboriginal Business Development Centre; Canada's Aboriginal Youth Business Strategy; and the Aboriginal Export and Trade Directory. These programs are particularly beneficial to Aboriginal women as their growth in self-employment is double that of women generally. An additional program, the Procurement Strategy for Aboriginal Business, was developed by the Department of Indian Affairs and Northern Development (DIAND) and is supported by Public Works and Government Services Canada. In 1998-99, 103 contracts were awarded to Aboriginal firms.

## Women Refugees

153. The Immigration Review Board *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, issued originally in 1993, were updated in 1996 to clarify and strengthen the principle that adjudicating gender persecution requires making the links between a woman's gender, the feared persecution and one or more of the enumerated grounds for persecution.

154. The Guidelines 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 Convention refugee status. As well, the amended Guidelines clarify that, in the context of civil war, sexual violence must be recognized as gender persecution.
155. In response to a request from the United Nations High Commissioner for Refugees in 1998, Citizenship and Immigration Canada hosted an international workshop of government officials, NGOs and Women at Risk program participants to examine challenges facing both governments and NGOs in the delivery of programs designed to protect refugee women. That workshop was followed by a national workshop on Canada's Women at Risk program. One outcome of these workshops is the Urgent Protection Pilot implemented in 1999. The Pilot was tested on women in need of urgent protection and involved expedited processing in their selection and resettlement. Women at Risk in need of urgent protection are now selected within 24 hours and resettled in Canada within 48-72 hours.

### **Proposals to Reform Immigration Legislation**

156. In November 1996, an independent advisory group was established to review legislation relating to immigration and the protection of refugees. Building on the report of the Legislative Review Advisory Group (released in January 1998) and subsequent public consultations, the Department of Citizenship and Immigration developed proposals to reform Canada's immigration legislation. These proposals were presented in a document entitled *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation*. This document contains several proposals of particular significance to women under consideration for immigration.
157. The government proposed to discuss (with provincial and territorial governments) a possible reduction in the length of sponsorships for spouses and children. Currently, the duration of a sponsorship is 10 years for all categories; while in Québec, the duration is three years for spouses. In keeping with Canadian values and important national policies in support of families and children, it was proposed to prohibit sponsorship by people in default of court-ordered obligations (alimony or child support) and people convicted of crimes involving domestic violence. Enacting a provision that suspends sponsorship obligations, if the sponsor or the sponsored immigrant is convicted of violence against the other person, would also recognize the overwhelming evidence of danger for the victim that any contact with the convicted person represents.
158. In the area of immigrant selection, the government proposed to undertake further research to determine how a new selection system might take into account the potential for the social and

economic contribution of spouses. The government also examined its policies in the area of employment for spouses of temporary foreign workers and instituted a spousal pilot project, automatically extending employment authorizations to spouses accompanying highly skilled foreign workers entering Canada for a period of more than six months. Programs of a more permanent nature are under consideration.

## **International Activities**

159. Canada continues to promote the mainstreaming of a gender perspective into programming and policy in the United Nations High Commissioner for Refugees (UNHCR). Canada was a strong proponent of the establishment within UNHCR of a senior coordinator for refugee women in 1989, and agreed to both staff and fund the position for three years. The senior coordinator drafted the UNHCR guidelines on refugee women, and the position has now become a permanent UNHCR post attached to the Program Policy Unit. This position is regarded as an important means of mainstreaming a gender perspective, and Canada continues to support strongly the work of the UNHCR in this regard. Furthermore, Canada has been, and continues to be, active within UNHCR Executive Committee discussions on conclusions related to gender persecution and women refugees. Canada continues to promote UNHCR reporting on steps taken to mainstream gender concerns in their activities, including efforts to follow up on the implementation of the Beijing Platform for Action.
160. The Department of Foreign Affairs and International Trade (DFAIT) works actively at the UN Commission on the Status of Women (CSW), the Commission on Human Rights (CHR) and the UN General Assembly to support resolutions calling for the elimination of violence against women, including the girl child, to recognize violence against women as a violation of the human rights of women, and to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation (FGM).
161. As a result of a Canadian-led resolution at the CHR in 1994, a Special Rapporteur on violence against women was appointed. (The Rapporteur is in her third term, as of CHR 2000.) Support for this Canadian-led CHR initiative is increasing with over 70 cosponsors from all regional groups.
162. DFAIT recently launched a new research and policy development initiative on gender and peace building. This initiative focuses on the gender-differentiated experiences, accounts, impacts and perspectives of armed conflict. The policy work seeks to address, from a gender perspective, the broad issues of peace implementation, human security and the cessation of violence. The objective is to integrate a gender perspective into the Department's peace building policy development and peace implementation programming.

163. DFAIT is co-developing the Joint Canada-UK Gender Awareness Training Initiative for Civilian and Military Participants in Peace Operations. The training curriculum under development will enhance awareness of the gender dimensions of peace operations and provide participants with the ability to employ gender analysis in the field. This will be achieved through the provision of concrete skills and tools. The pilot is expected to be delivered in March 2000.
164. The Pearson Peacekeeping Centre has been involved with the creation of Gender Training for Peacekeepers. This course sensitizes those involved in peacekeeping with the trauma faced by local women in the areas of operation, including the impacts of culture and religion.

## **Article 4: Temporary Special Measures**

### **Women's Equality and Role in the Federally Regulated Sector**

165. The federal government is one of the largest employers of women in the country and, as such, has a responsibility to exercise leadership in promoting gender equality within the public service. The federal government is committed to increasing women's recruitment, development and promotional opportunities within the federal public service. One key objective outlined in *The Federal Plan for Gender Equality* is the advancement of gender equality for employees of federal departments and agencies.
166. The representation of women in the federal public service has gone from 42 percent in 1987 to 49.5 percent in 1996; in 1998, that figure rose to 50.5 percent. Despite these advances, women in the public service have yet to attain gender parity with men in terms of career development, opportunities for advancement and job security.
167. A number of initiatives are under way to improve the representation of women in non-traditional public service occupations.
168. There are recruitment campaigns to attract women to non-traditional occupations and programs, and to facilitate the transition of administrative support staff into high growth, high demand career streams such as computer science.
169. Some departments have introduced mentoring programs to enhance promotion opportunities for women in non-traditional occupations.
170. Other departments have set targets for the participation of women in recruitment and career-bridging programs.
171. A major initiative in support of the goal of improving the representation of women in the public sector was strengthened with the coming into force of the new *Employment Equity Act* on

- October 24, 1996. The new Act strengthened the former *Employment Equity Act* of 1986. It continues to apply to private sector employers under federal jurisdiction, and it includes almost all employees in the federal public sector. In addition, the Act gives the Canadian Human Rights Commission the authority to conduct audits and to verify and gain employment equity compliance, clarifies existing employer responsibilities and streamlines regulatory procedures. Where compliance is not attained within a designated period, the Commission may issue "directions" to order compliance.
172. The 1996 *Employment Equity Act* enhances the merit principle by ensuring that all qualified candidates are considered for employment opportunities. The legislation specifically states that the obligation to implement employment equity does not require an employer to hire or promote unqualified persons.
173. The Act requires federally regulated employers to move toward a more representative work force by developing and implementing an employment equity plan. The plan, based on a careful analysis of the employer's work force and a review of the employment systems to identify barriers, must contain flexible numerical goals (not rigid quotas) for the hiring and promotion of designated group members in those occupational groups where there is under-representation. The four designated groups are women, Aboriginal peoples, persons with disabilities and members of visible minorities. These goals, which, in most cases, must be higher than availability in the labour force, are intended to act as human resource planning tools. They must be supported by sufficient special measures to ensure they are achieved. 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 result in sanctions.
174. Under the Act, employers must report on their progress annually, and these reports are made available to the public. On June 1st of each year, employers covered under the Act (about 340 employers and 568,000 employees) submit to the Minister of Labour a report on the employment situation of the four designated groups for the previous year.
175. Reports filed by employers covered under the *Employment Equity Act* indicate that the four designated groups are under-represented in most occupational categories and industrial sectors everywhere in Canada.
176. Employment equity for the public service (those for whom Treasury Board is the employer) is now legislated in the *Financial Administration Act*, through passage of the *Public Service Reform Act* in 1992.
177. In addition, Human Resources Development Canada (HRDC) tables an annual report on employment equity in Parliament. The report for 1998 (released in February 1999) shows that the overall representation of women in the work force under the Act was 44.57 percent in



- 1997, compared to 44.81 percent in 1996 (compared to overall representation in the Canadian labour force of 46.4 percent according to the 1996 Census). The decrease was mainly due to the fact that significantly more women were terminated than were hired in the work force under the Act in 1997, mainly in the banking sector. Despite a slight decrease, from 1996-97, in the overall representation of women in the work force, their representation increased in full-time work and in promotions.
178. In the banking sector, the number of jobs traditionally occupied by women has decreased significantly in the last 10 years, and banks have not been hiring enough women into other jobs to compensate for the decrease. In 1997, women represented 73.79 percent of all employees in the banking sector, compared to 74.76 percent in 1996. However, there have been increases in some key areas, such as in the number of female executives.
179. The average salary of women working full time in the federally regulated private sector work force under the Act was \$39,282 in 1997, compared to \$51,727 for men.
180. Women increased their share of promotions in permanent jobs in the private sector from 55.96 percent in 1996 to 56.59 percent in 1997. In 1998, that figure rose to 57.6 percent.
181. In the private sector subject to the *Employment Equity Act*, women in the other three designated groups earned average salaries that were lower than the salaries of all women in the work force. The representation of persons with disabilities decreased significantly, from 2.66 percent in 1996 to 2.31 percent in 1997. Women with disabilities accounted for almost 85 percent of this decline.
182. In addition to the *Employment Equity Act*, the federal government has other initiatives to advance the representation of women in the federal public service.
183. The Treasury Board Secretariat announced its new Employment Equity Positive Measures Program in December 1998 as a successor program to the former Special Measures Initiatives Program (SMIP) which ended in March 1998. By 1997-98, the SMIP, along with federal government departments, had funded 166 special measure programs for the four designated groups at a cost of \$32.5 million. Many of these programs were designed to address special measures for women. Some of the programs included career development, moving women into non-traditional occupations and out of the administrative support categories, workplace equality and mentoring programs.
184. The new Employment Equity Positive Measures Program is a temporary four-year program, running from 1998-99 to 2001-02. It is designed to promote greater self-sufficiency of departments and agencies in achieving their employment equity objectives and fulfilling legislated obligations. It also positions central agencies to better discharge their legislated responsibilities to

- address system-wide employment equity priorities. The Program aims to: promote multi-departmental partnership projects dealing with barriers to employment equity; provide an intervention fund for strategic initiatives; offer career counselling to designated group members; and establish the Employment Equity Resource Centre for Persons with Disabilities.
185. The Management Trainee Program is designed to attract qualified university graduates from both inside and outside the public service and to develop them to the middle management level. As of March 1996, 55 percent of the participants were women.
186. The Diversity in Leadership Program, which assesses the experience of aspiring senior level, employment equity group managers, includes a component to develop women for non-traditional occupations.
187. The Career Assignment Program (CAP) and the International Program also seek to ensure that qualified women are nominated as participants wherever possible. CAP is intended to develop the executive potential of promising public servants through rotating assignments. As of March 31, 1997, 62 percent of CAP participants were women. The International Program identifies qualified candidates for work experience in international organizations.
188. A number of steps have been taken to create a more supportive and flexible work environment in the federal public service. There is a focus on learning and development, balancing work and family, wellness, and recognition of individual and team accomplishments. There is also promotion of the value and strengths of gender equality and diversity in the work force. Medical and dental benefits have been extended to the same-sex partners of employees.
189. The introduction of a government-wide flexible workplace policy has been positive. As a result, public servants can take advantage of a number of flexible working arrangements such as telework, compressed hours, job sharing, part-time work, daycare and self-funded leave. These initiatives particularly benefit employees seeking better ways to balance family and professional responsibilities.
190. In 1994, a strengthened harassment policy was introduced into the federal public service. It includes access to impartial mediation and conflict resolution, and a new prescribed means of handling harassment complaints. As a result, all departments are reviewing, updating and improving their harassment policies and procedures. Training programs on interpersonal relations, harassment, abuse of authority and conflict resolution have been introduced in many departments.
191. There have also been changes to the physical design of the workplace and adjacent areas to improve the physical safety of women employees of the federal public service. This has included tree trimming to eliminate hiding places along exterior walkways and improved lighting in parking

areas. Some departments have undertaken personal safety inspections and audits, while others have made self-defence courses or information available to employees.

## **Article 5: Elimination of Stereotypes**

192. Awareness and education programs in the area of violence against women are discussed under Article 3. A discussion of the promotion of women role models in the area of sports, and a commemoration of women's achievements in history are discussed under Article 13.
193. The Women's Program administered by Status of Women Canada (SWC) provided \$1.6 million in grants and contributions in 1996-97 to equality-seeking groups to address such issues as sexual assault, family violence, pornography and the portrayal of women in the media.
194. In 1995-96, SWC's Women's Program provided funding to the Students Commission of Canada to prepare a multimedia kit on young women's issues entitled "Challenge the Assumptions." In 1997-98, SWC provided funding to the Commission to hold a national video conference, "Challenge Those Images." The conference involved young women in the development of critical perspectives on the impact of media on young women and in articulating recommendations related to the negative portrayal of young women in the media to influence media professionals and other relevant decision makers.
195. In March 1997, SWC held the Roundtable on the Portrayal of Young Women in the Media. Participants included industry representatives, advertising agencies, publishers, fashion editors and television producers, as well as academics and representatives of MediaWatch with expertise on the impact of media images on young women. Among the concerns discussed were the relationship between the portrayal of women as victims of violence and violence against women, and the sexualization of younger women. This dialogue continues.

## **Article 6: Trafficking of Women and Prostitution**

196. Prostitution itself is not illegal in Canada, but a number of prostitution-related activities are prohibited. It is a criminal offence to keep or be an inmate of a bawdy house (brothel). "Procuring" or "living off the avails" of prostitution is illegal. Finally, it is an offence to communicate in public for the purpose of engaging in prostitution (this applies to the customer as well as the prostitute).
197. On December 15, 1998, the Federal-Provincial-Territorial Working Group on Prostitution released its final report entitled *Report and Recommendations in Respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities*. The Working Group was established in 1992 by the federal and provincial/territorial deputy ministers of justice. Its

mandate was to review legislation, policy and practices concerning prostitution-related activities and to provide recommendations. The Working Group focused its energies on the issues of youth involved in prostitution and the harm associated with street prostitution. The issue of violence against prostitutes was raised frequently as it affects both youth and all street prostitutes. The Working Group 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.

198. The Working Group recommended that the response to youth involved in prostitution should include social intervention strategies and more effective measures to apprehend and prosecute those who sexually exploit youth. Any response should also address the issue from the perspective of the victimization of youth.
199. The Canadian government is working interdepartmentally to develop domestic policies to deal with trafficking in women in Canada and a federal government interdepartmental working group on trafficking is examining issues related to trafficking in women in preparation for negotiations of the UN Convention on Transnational Organized Crime.
200. Canada supports the elaboration of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime. Canada emphasizes the importance of including human rights protections and safeguards and, if appropriate, an article on discrimination.
201. In 1996, the Minister of Foreign Affairs appointed a special advisor on children's rights, with a mandate to provide advice on children's issues, liaise with NGOs, the academic community, business and the public, and to participate actively in national and international activities on children's rights. The special advisor also chairs an interdepartmental committee that is following up on the Agenda for Action of the 1996 Stockholm Congress on the Commercial Sexual Exploitation of Children. The focus of the committee is to help develop and promote a Canadian strategy that is aligned with the orientations set out in the *Report of the Rapporteur-General*, prepared by the former UN Special Rapporteur on the sale of children, child prostitution and child pornography.
202. The interdepartmental committee was instrumental in the convening of the Summit on Sexually Exploited Youth held in March 1998 in Victoria, British Columbia. The Summit provided a forum for victims of sexual abuse to convey their personal experiences, and brought together youth (primarily girls) from the Americas with experience in the commercial sex trade. They successfully developed a declaration and an action plan. Canada is currently exploring ways to develop support mechanisms for youth, particularly girls, to return to their communities. This includes rehabilitation and counselling, education and training, and reintegration into the community and labour force.

203. Canada has also been very supportive of the early adoption of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution. It has been very active in the negotiations to ensure that the text would oblige states to criminalize these practices and to put measures into place to protect child victims.
204. The Canadian International Development Agency (CIDA) supports a number of initiatives to prevent the exploitation of women in developing countries, including the trafficking of women. Through its Southeast Asia Fund for Institutional and Legal Development, CIDA has supported the national and international action to control, reduce and ultimately eliminate the exploitation of migrant labor, especially the trade in women in the sex industry in the Mekong area.
205. Efforts to prevent trafficking in women have historically focused on controlling illegal migration and punishing those who violate immigration law. There is now an understanding that a broader approach is necessary — one which not only focuses on preventing illegal immigration, but also recognizes and protects the human rights of the women being trafficked, and prosecutes those who perpetuate and facilitate this trafficking. In order to develop policies and programs that satisfy the requirements of this broader framework, it is important to have a good understanding of how trafficking plays out in Canada. Unfortunately, there is limited concrete information on the extent and the nature of trafficking in women in Canada, and on the implications for municipal, provincial and federal governments of policies that would reinforce this wider approach.
206. A Federal Government Interdepartmental Working Group on Trafficking is presently examining issues related to trafficking in women in preparation for negotiations of the UN Convention on Transnational Organized Crime.
207. SWC has contracted four research projects on the Canadian dimension of trafficking in women. It is anticipated that the research will provide greater insight into the extent of the problem in Canada and suggest possible legal and social approaches to the issue, which would take into account the various jurisdictional aspects. The projects are scheduled for completion by the year 2001.
208. SWC has convened a series of roundtables to address different aspects of the issue of exploitation of children, with a focus on the exploitation of girls and young women. The first one held in December 1996 — the Roundtable on Child Sex Tourism — brought representatives of the travel and tourism industry together with groups such as Street Kids International and End Prostitution in Asian Tourism to discuss how Canadians can contribute to solving the problem of child sex tourism. A subsequent roundtable in March 1998 produced a draft action plan for a national education campaign against the commercial sexual exploitation of children. The campaign, called *Stolen Innocence*, brings together representatives of the Canadian travel and

tourism industry, NGOs and governments to coordinate efforts to address the problem both here and abroad.

209. The Women's Program, administered by SWC, has also funded a number of activities undertaken by NGOs in this area, including Passages : Centre des femmes pour jeunes prostituées de Montréal, to undertake a public awareness and education campaign on issues of street life, commercial sexual exploitation and violence against women. The project L'autre coté de la rue will train 10 female street youth to facilitate workshops in Montréal, St-Jérôme, Drummondville, Buckingham and Hull. In addition, the Women's Program has provided funding to The Tracey Memorial Project carried out in Vancouver by Prostitution Alternatives Counselling and Education to look at off-street prostitution. In Saskatchewan, funding was provided in support of a project entitled Saskatoon Communities for Children to begin the process of implementing the strategies and recommendations developed by the Working Group to End the Sexual Abuse of Children by Pimps and Johns. It involved working with community groups, government departments and agencies to establish fiscal responsibilities and time lines for the implementation of recommendations. Outcomes include the establishment of a safe house, healing and treatment programs for victims aged 7-15 and service protocols among the various agencies involved.
210. SWC also supports community-based action on trafficking in women. For example, in the spring of 1997, SWC provided financial assistance to the North American Regional Consultative Forum on Trafficking in Women held by the Global Alliance Against Trafficking in Women (GAATW) Canada. The Forum took place in Victoria, British Columbia.
211. More recently, SWC provided funding to the Toronto Network Against Trafficking in Women to document the experiences of the women arrested under Operation Orphan in Toronto in September 1997.

## **Article 7: Women in Politics and Public Life**

212. A key objective for Canada outlined in *The Federal Plan for Gender Equality* is the incorporation of women's perspectives in governance. The federal government acknowledges that promoting women's participation and representation in governance and decision making — at all levels of political and social life — is an essential step in improving women's status and well-being. It is also a fundamental prerequisite for women's equality and is integral to respecting women's human rights.
213. Despite their many advances in leadership roles, women continue to be under-represented in such critical areas as politics and the corporate business sector. Women are also a minority among professionals working in such fields as the natural sciences, engineering and mathematics.

## **Representation in the Federal Parliament**

214. As of December 1998, women comprise 60 (or 19.9 percent) of the 301 elected members of the House of Commons. This is up from 13.6 percent in 1990 and 5.0 percent in 1980.
215. Within the appointed Senate, women constitute 32 of the 104 senators, or 30.8 percent. This is up from 13.5 percent in 1990 and 10.2 percent in 1980.

## **Representation on Boards and Judicial Appointments**

216. The federal government acts to ensure gender balance is considered when proposing candidates for appointments to federal boards and agencies. Some departments have developed guidelines in this regard, while others are establishing data banks of qualified women who can be considered for appointments to boards and commissions.
217. Between April 1, 1994 and March 31, 1998, a total of 3,021 appointments were made to federal boards and commissions; of these 1,930 were men and 1,091 were women.
218. The federal government continues its efforts to recommend women for appointments to the federal judiciary. In 1997, 17 of 39 judicial appointments were women, while in 1998, 17 of 55 appointments were women.
219. In 1997, Industry Canada and Canadian Women in Communications (CWC) established an exchange program to foster professional and personal growth for high potential business and government employees. As part of this exchange program, awards are offered each year to two candidates from the private sector and two employees from Industry Canada. Industry Canada's participation in this program complements the existing Jeanne Sauvé Award, an internship program sponsored by the Department of Canadian Heritage and the CWC in memory of Canada's first female Governor General.

## **Women in the Royal Canadian Mounted Police**

220. During 1996, it became evident that many female applicants were unsuccessful in passing the Physical Abilities Requirement Evaluation (PARE) for the Royal Canadian Mounted Police (RCMP). The main reason was the lack of upper body strength. To alleviate the problem, recruiting personnel (with the assistance of the "B" Division (Newfoundland) fitness-lifestyle coordinator and "Depot" Division (formerly the RCMP Training Academy) fitness staff) developed a training program specifically designed for female applicants in preparation for PARE. This program is available to all applicants, regardless of gender. Since its inception, a vast improvement has been noted in PARE test results for female applicants.

221. The RCMP is continuing to develop initiatives to have the number of instructional staff correspond to the proportion of women, visible minority and Aboriginal members throughout the RCMP work force. Policy on the recruitment of applicants from designated groups has also been established based on the need to make the RCMP more representative of the clients it serves and to ensure that recruiting supports community policing principles.

## **Women in the Canadian Armed Forces**

222. In 1989, a human rights tribunal concluded that the exclusion of qualified women from combat roles could not be justified. It ordered the Canadian Forces to develop a plan to ensure that the integration of women proceeded "steadily, regularly and consistently" toward complete integration into combat operations within 10 years. Full integration does not mean that women must make up half of Canadian Forces members. Rather, barriers must be eliminated so that women, who meet the required standards and want to serve, can have a career in combat occupations and other areas where previously there were limits on the numbers of women who could serve in a specific occupation.
223. As of September 1997, women accounted for 10.6 percent of the effective strength of the Canadian Forces. However, in 1998, women still accounted for only 4.8 percent of the members of combat occupations in the navy, army and air force. In 1997, Land Command developed a targeted recruitment campaign to increase the number of women in combat occupations, with Operation Minerva, which was targeted toward career retention and promotion, and the elimination of systemic barriers by 1999. The army has requested that 25 percent of its intake of recruits be women, in order to obtain a critical mass for training and employment in various units. Beginning in January 1998, the army launched a \$1.5 million advertising campaign aimed at recruiting women for infantry, armor, artillery and engineering roles. From 1989 to 1997, 245 women joined all four combat non-commissioned member occupations. As of November 1998, in the four months following the completion of the campaign, 368 women applied for at least one combat arms occupation, and recruiting centres received numerous applications from women wanting to transfer from the primary reserve to regular force combat arms positions.
224. Maritime Command has undertaken various initiatives, including a study of the reasons that lead women to leave the navy and a re-examination of its family support policies.
225. Other initiatives undertaken by the Canadian Forces include efforts to design its newer ships, and those undergoing refits, in a way that provides flexible accommodation to meet the needs of a mixed male and female crew. Further, combat helmets, rucksacks, combat boots and flak jackets are being modified to ensure that women have the same level of protection and comfort as their male colleagues. Diversity issues are included in senior level Department of National Defence (DND) and Canadian Forces briefings and seminars, and gender issues are covered



extensively in the Department's harassment elimination program. A harassment sensitization course, Standard for Harassment and Racism Prevention, is now mandatory for every member of DND and the Canadian Forces. A gender integration component is being incorporated into the curricula of basic recruit and officer training.

226. The Canadian Forces National Investigation Service (CFNIS), created in September 1997, was established to investigate reports of sexual misconduct. It is independent of the operational chain of command, and is an investigative body that will recommend criminal charges if warranted. The CFNIS is a revamping of a special arm of the military police. It specializes in sensitive investigations, and aims to develop expertise through its specialized focus. It has the authority to bring sexual assault cases directly to trial, thus eliminating the need for an officer — who may have served directly over the victim or the assailant or both — to make the ultimate decision to press a charge. The CFNIS has no mandate to conduct investigations into sexual harassment, which is dealt with through other means.
227. The CFNIS released statistics in July 1998 on investigations it is conducting into sexual misconduct allegations. Between January and June 1998, the Service received reports of 97 sexual assaults and 13 other sex-related offences.
228. In the wake of a series of press reports on incidents of sexual harassment and assault within the Canadian Forces in the spring of 1998, the Canadian Forces has made a number of efforts to step up its commitment to eliminating these unacceptable behaviours. In May 1998, DND established a national 1-800 hotline for reporting sexual assault incidents, with the new National Investigation Service investigating the reported incidents. In June 1998, the military's first ombudsman was appointed, providing an informal clearinghouse for complaints. In November 1998, the Minister of National Defence announced the re-establishment of an advisory board on gender integration, headed by Sandra Perron, the former captain of the Royal 22nd Regiment who left the military in 1996 after being harassed by fellow soldiers.
229. The recent passage of Bill C-25 will also greatly improve the effectiveness of the military justice system in dealing with complaints of sexual assault in the military. The legislation to amend the *National Defence Act* was given Royal Assent on December 10, 1998. One amendment relating to sexual offences in the military and the military justice system is of particular interest to women. The new legislation empowers the military justice system to handle these matters directly, rather than having cases of sexual assault tried in a civilian court, under the *Criminal Code*, as they have been. As a result, cases of sexual assault can be tried under the military justice system. This is expected to result in more expeditious and serious treatment of any such complaint.

## **Women in Power and Decision Making**

230. The federal government continues its practice of ongoing consultation with women's organizations and other community leaders on key issues of concern to women. For example, since 1994, the Minister of Justice and the Secretary of State for the Status of Women have consulted with women's organizations on women and violence. Similar consultations have been held on the developments of the Centres of Excellence on Women's Health and on issues relating to sustainable development. Biannual consultations are also held with national women farm leaders.
231. Under Gathering Strength — Canada's Aboriginal Action Plan, the Department of Canadian Heritage works with Aboriginal women's groups (both on and off the reserve) primarily to strengthen their capacity at the community level, with some attendant support at the provincial/territorial and national levels. The goal is to ensure the full and equitable participation of Aboriginal women in the consultations and decision making surrounding Aboriginal self-government initiatives.
232. The Department of Foreign Affairs and International Trade (DFAIT) has promoted engagement by Aboriginal women in power and decision making by inviting the leaders of national Aboriginal women's organizations to consultations convened by DFAIT on international indigenous issues. For example, DFAIT sponsored Aboriginal women to attend sessions of the World Intellectual Property Organization (WIPO) Fact-Finding Mission to Canada on Intellectual Property Rights and Indigenous Peoples, during its cross-Canada tour in November 1998.
233. In 1996-97, through the Women's Program, Status of Women Canada (SWC) provided funding in support of some 33 projects, with these grants totaling \$579,422 in support of a range of projects at national, regional and local levels aimed at addressing the issue of the participation of women in decision making. For example, funding was provided to the Manitoba Association of Women and the Law to increase women's awareness of the federal appointment system and areas where qualified and interested women are needed to fill positions. In Ontario, Women Plan Toronto received funding to conduct workshops aimed at getting women involved in municipal elections as well as municipal governance issues in general. In Québec, the Table de concertation des groupes de femmes de l'est du Québec received funding for four regional meetings. The goal in involving 27 women's groups and 50 women, who sit on regional decision-making bodies, was to increase the representation of women on these bodies and to improve the supportive links among these women.
234. The Government of Canada has also provided funding support for projects undertaken by women's and other equality-seeking organizations to address the participation of women in decision making. Of particular importance is the funding of Aboriginal women's groups to

participate in the self-government process. Through this funding, a new relationship is being forged with the Aboriginal community. Initiatives funded include the following.

235. In response to the creation of Nunavut, Canada's newest northern territory, the Inuit Women's Association of Canada (Pauktuutit) implemented an education strategy for generating public support for gender equality in the Nunavut legislature and the full participation of Inuit women in self-government efforts. This was accomplished with the financial assistance of the Women's Program. Pauktuutit's work focused on the proposal for gender parity in the Nunavut Legislative Assembly, and encouraged women's participation in the plebiscite on gender parity. Pauktuutit held education and strategy sessions with women from across the North, developed a website to post information throughout the plebiscite process, and taught women how to use telecommunication tools and the information highway in networking and coalition building. In the end, although the plebiscite results did not adopt the gender parity proposal, there was widespread public debate about the proposal, laying the groundwork for future public policy discussions on gender equality.
236. The Nova Scotia Native Women's Association researched the traditional role of Mi'kmaq women in the self-governing process. Through its efforts, the Association successfully acquired official status in the NS-Canada Tripartite Forum on Native Self-Government in 1997, thus facilitating Native women's involvement in setting public policy on the critical issue of self-government for Native people in Nova Scotia.
237. The Aboriginal Women's Action Network received funding in 1997-98 to undertake research on the impact of Bill C-31 (an amendment to the *Indian Act*) on Aboriginal women in British Columbia, on the extent of inequities in status and membership and, consequently, access to decision making and resources. Through interviews and questionnaires, research is being conducted, primarily with urban Aboriginal women throughout the province, to identify issues related to band membership, access to homelands and rights for Aboriginal women. In partnership with other urban Aboriginal groups, a strategy is being developed to address identified issues, and improve women's access to band membership and the self-government process.
238. Through the Government of Canada, the Canadian Adaptation and Rural Development Fund is providing \$80,000 to farm and rural women's organizations to undertake leadership development and strategic planning workshops in order to revitalize and strengthen their organizations' leadership.
239. The Department of Indian Affairs and Northern Development (DIAND) provided the Native Women's Association of Canada with project funding of \$250,000 for a national conference on Bill C-31 which was held in March 1998, and \$45,000 for a national follow-up conference which was held in May 1999.

## Article 8: Women as International Representatives

240. The Department of Foreign Affairs and International Trade (DFAIT) has made progress in the last five years toward the goal of achieving a work force that reflects the diversity of the Canadian labour market. Progress is also being made to meet obligations under the *Employment Equity Act*. In addition, DFAIT is committed to improving the career prospects of women by increasing their representation in departmental management and by facilitating their access to non-traditional occupations. Efforts continue to be made to implement outreach measures to recruit visible minorities, persons with disabilities and Aboriginal peoples.
241. In 1998-99, women made up 44.7 percent of DFAIT's work force. This is an increase from their representation of 40.8 percent on March 31, 1994. In the Foreign Service officer group, women comprise 28.4 percent, an increase from 22.8 percent in 1994. Progress continues to be made in the recruitment of women. In 1998-99, 49 percent of new employees were female, a slight decrease compared to 52 percent on March 31, 1994. Progress is also being achieved in the Department's commitment to ensure that 50 percent of the candidates interviewed annually are women. The rate of promotion among women has also improved; in 1998-99, 45.5 percent of the people who received promotions were women, compared to 36.7 percent in 1994-95. The separation rate for women in 1998-99 was 46.6 percent, an improvement compared to March 31, 1994 when the rate was 51.5 percent.
242. Current female representation in the executive group of DFAIT is 13.3 percent compared to 8.7 percent in 1994. In 1999, 16.6 percent of heads of mission were women, a substantial increase from 10 percent in 1994.
243. In 1998-99, 28.68 percent of Canadian International Development Agency (CIDA) overseas employees were women. Of these, 5.71 percent occupied management positions, 88.57 percent were in program and administrative services, 2.86 percent in economics and 2.86 percent were from the Foreign Service.
244. DFAIT has initiated qualitative measures to improve the career prospects of women employed in the Foreign Service, *inter alia*, developmental and educational opportunities, flexible working arrangements, teleworking, job sharing, arrangements to accommodate religious holidays and the responsibilities of caregivers, and the provision of funding to acquire special equipment for persons with disabilities.
245. DFAIT has enhanced and improved departmental mechanisms for the career advancement of Aboriginal women in the public service, through the efforts of the Department's employment equity advisor, and pursuant to the provisions of the *Employment Equity Act*. An Inuit woman has served as Canadian Ambassador for Circumpolar Affairs for several years and provides

strong leadership at the Arctic Council where she is Canada's senior Arctic official. Other Aboriginal women occupy positions at the management level and at Canadian missions abroad.

246. Status of Women Canada (SWC) has been successful in securing the participation of representatives from Canadian NGOs (including women's organizations) at key international meetings, to enable them to access the international public policy process more effectively. This has included sending two NGO representatives on the Canadian delegation to the Commonwealth Women's Affairs Ministers Meeting in November 1996 and having NGO representatives on the Canadian delegation to the UN Commission on the Status of Women since 1997.
247. Through SWC's Women's Program, funding has been provided to Canadian women's NGOs for activities in support of Canadian NGO preparations for participation at the United Nations World Conference on Women held in Beijing in 1995 and the more recent United Nations Beijing + 5 preparatory meetings. Through CIDA, Canada has also supported the involvement of women from developing countries in the Beijing process and its follow-up.

## **Article 9: Nationality**

248. Before February 15, 1977, children born outside of Canada were entitled to be registered as Canadians provided they were born in wedlock to Canadian fathers. If they were born to Canadian mothers, they were entitled to be registered as Canadians only if they were born out of wedlock. Since most children were born in wedlock, the parents' civil status had the effect of discriminating against Canadian women.
249. In 1997, the Supreme Court of Canada found in *Benner v. Canada* that the denial of citizenship to a man (for reasons unrelated to his birth), who had been born abroad in wedlock to a Canadian mother in 1962, amounted to unjustifiable discrimination based on sex. If the individual had been born to a Canadian father, he would have been entitled to registration as a Canadian, and other reasons for denying citizenship would not have come into play. The Supreme Court found that the difference in treatment between children born in wedlock to Canadian fathers and those born in wedlock to Canadian mothers amounted to unjustifiable discrimination based on sex.
250. As a result of the Supreme Court decision, eligibility for citizenship for those born abroad of Canadian mothers in wedlock before February 15, 1977 is no longer subject to certain prohibitions. Such children are now entitled to citizenship.

## Article 10: Education

251. In Canada, responsibility for education rests primarily with the provincial governments. All levels of government recognize the importance of improving women's education and training opportunities as being central to improving their employment opportunities and, subsequently, their economic well-being. In *The Federal Plan for Gender Equality*, the Government of Canada has outlined a strategy, in partnership with provincial and territorial governments and women's organizations. The Plan focuses on improving women's access to lifelong learning, supporting and encouraging women's participation in the fields of science and technology, and developing appropriate training materials and programs for women. Examples of initiatives that have been undertaken include the following.

### Article 10(a): Access to Studies

252. The Canadian Opportunities Strategy (introduced in the 1998 budget) will be of particular importance to women in gaining access to knowledge and skills. Women represent more than 50 percent of university and community college students. Initiatives included in the Canadian Opportunities Strategy are:

- income-sensitive measures to help students manage their debt from Canada Student Loans
- child care expense deductions and education tax credits for part-time students, many of whom are women
- Canada Study Grants designed to provide assistance for high need, low-income students (such as sole-support mothers) who must study part time
- Canada Study Grants students designed to assist female doctoral students in certain programs in which women are traditionally under-represented
- new Canada Study Grants designed to promote accessibility to post-secondary education for students with dependents, by helping them to better afford to continue their studies
- the needs assessment provision under the Canada Student Loans Program which allows child care costs to be assessed for both full- and part-time loans

253. The Canada Student Loan Program provides assistance to eligible students attending post-secondary institutions; a number of provisions are relevant to women. Fifty-five percent of full-time Canada Student Loan borrowers are women, and there is no upper age limit for eligibility.

## **Article 10(c): Elimination of Stereotypes**

254. Through the Office of Learning Technologies (OLT), the Government of Canada provided support to the Pan-Canadian Women and the Internet Conference, held in the fall of 1997. The focus of the Conference was on learning about women's equality issues by using the Internet. The OLT also sponsored the Women's Ways of Learning Workshop which highlighted the work of women and women's organizations in addressing these issues.
255. Another OLT initiative, the Janus Project, raised awareness about the challenges and opportunities learning technologies present to women. Researchers gathered data, published a discussion paper and held a workshop on technologies and women's learning. Results were integrated into a discussion paper outlining trends, issues and areas for further exploration. This paper provided the background for a workshop in the spring of 1997 that brought together about 100 representatives from women's literacy and adult education organizations, unions, industry and government.
256. The federal government is also committed to supporting and encouraging Canadian students (particularly women) to achieve excellence in science, technology, engineering and mathematics, and to choose careers in science. In 1996, women accounted for 34 percent of all university science and technology graduates in Canada, up from 28 percent a decade earlier. Studies in the early 1990s identified many of the obstacles to the advancement of women in these careers and provided recommendations for action.
257. Federal and private sector funding was announced in 1996 for the creation of five Chairs for Women in Science and Engineering at different Canadian universities across the country. The Chairs encourage female students in elementary and secondary schools to consider careers in science or engineering, and promote the integration of women students in universities.

## **Article 10(e): The Same Opportunities for Adult and Functional Literacy Programs**

258. The National Literacy Secretariat (NLS) works to ensure that Canadians have opportunities to develop the literacy skills they need to manage everyday life. NLS supports projects in five mandated areas of activity: the development of learning materials; public awareness; literacy research; improved coordination and information sharing; and improved access to literacy programs. Within the scope of this mandate, the Secretariat supports projects that facilitate the involvement of women in literacy programs. Some examples of such projects, from 1995 to the present, include the following:

- C The Montréal YM/YWCA was funded to research and develop a bilingual literacy program designed for women learners.
- The Canadian Congress for Learning Opportunities for Women received support for a project to research and assess the relative merits of different approaches to serving women's needs in a literacy program. It is conducting research into the effects of abuse on literacy learners and is examining ways of creating more appropriate learning practices for abuse survivors.
  - The Regina Chapter of Immigrant Women of Saskatchewan received funding to research and develop a literacy entrepreneurial skills program model and curriculum for immigrant women.
  - The Women's Network Inc. of Prince Edward Island will prepare health education materials in plain language for adult learners, health education curriculum for adult educators and a plain language resource guide to health information for adult learners.
  - Le Réseau national d'action-éducation femmes will develop and produce literacy exercise booklets which target the needs of Francophone women. The booklets will be distributed to practitioners in the Francophone community across the country for integration into their literacy programs.
  - The Edmonton John Howard Society received support for the research phase of a project to determine the effectiveness of literacy and life skills integration programs for women in conflict with the law.
  - The Canadian African Women's Organization received support to develop literacy activities designed to encourage women from Africa and the Middle East to acquire the skills they need to deal with their social and economic marginalization.
  - The Provincial Association Against Family Violence in Newfoundland received support to develop and hold a series of family literacy workshops for mothers who are, or who have been, residents of transition houses. The workshops demonstrated ways in which mothers can help their children develop literacy skills. A tutor-training guide and a program model were developed for women interested in setting up family reading circles in their own communities.



## Support to Civil Society

259. The Government of Canada has provided support to a range of NGOs to undertake initiatives in the area of education and training. This includes the following:
- The Women Inventors Project Inc. conducted a series of workshops for women with children and leaders in NGOs, and a public awareness campaign to increase knowledge and understanding about why activities and careers in science, technology, engineering and mathematics are important for girls and young women.
  - Les Scientifines piloted a project involving girls aged 9-12 from five schools in Montréal, along with their mothers and teachers, in order to stimulate interest in non-traditional occupations and careers in science and technology.
  - In Saskatchewan, funding was provided in support of a conference entitled "Women and Other Faces in Science," and an affiliated project entitled "A Day of Science for Girls." This multi-component project also included an essay contest for girls and a video production of the conference.
  - Working for Women in Saskatoon Inc. received funding for the development of a FreeNet workshop to help women access the information highway in order to enhance their marketability in a changing workplace and to promote their economic autonomy.
  - The Réseau-Femmes Colombie-Britannique is working with the newly created Francophone School Board of British Columbia to develop a gender sensitive French language education system. The School Board will submit to its Board of Trustees a policy that will commit its teaching methods to those described in the guide.
  - In Québec, funding was provided in 1998-99 to the Centre d'intégration au marché de l'emploi for a project promoting education in non-traditional, science and technology areas for women. Workshops will serve to sensitize up to 2,000 young women in the Estrie region, and also reach guidance counsellors, teachers and parent associations.

## International Activities

260. At the UN Working Group on Indigenous Populations (WGIP) at Geneva in July 1998, three Aboriginal women teachers from Canada, as members of Canada's official delegation, organized and hosted a workshop on indigenous education and training, with financial and policy support from the Department of Foreign Affairs and International Trade (DFAIT). The Canadian workshop supported the designated theme of education for the 1998 WGIP, as one of the principal themes of the International Decade of the World's Indigenous People.

261. DFAIT coordinates the Youth International Internship Program (YIIP) which is designed to provide youth with career-related internationally focused work experience. Since 1997, women have comprised 55 percent of the participants in the program. The program has placed hundreds of women, including young Aboriginal and visible minority women, from across Canada in international training and intern positions in multilateral, regional, private and public sector organizations around the world. The selection criteria focus particular attention on recruitment of women and Aboriginal and visible minority youth. The program also placed interns with organizations working on indigenous and ethnic issues.
262. One of the guiding principles of the Canadian International Development Agency (CIDA) is to promote the equal participation of women as agents of change in economic, social and political processes as an essential component in achieving gender equality. One example of such a project is CIDA's support for the Training Fund for Tanzanian Women Project which aims to increase the number of qualified women capable of assuming responsibility and decision making in the public, private and NGO sectors in Tanzania.

## **Article 11: Employment**

263. One of Canada's objectives outlined in *The Federal Plan for Gender Equality* is to improve women's economic autonomy and well-being. The federal government has undertaken a number of measures to this end, including areas reported under other articles within this report, such as improved education and training opportunities (Article 10), support for women entrepreneurs (Article 13) and strengthened child support (Article 16).
264. Statistics Canada's Survey of Labour and Income Dynamics is a longitudinal survey of individual and family incomes. It provides a basis for the study of the dynamics of low income through time. Studies have shown the extent to which families and individuals move into, and out of, low income and the extent to which these movements are the result of changes in family composition (e.g., separation or divorce) and changes in income sources (e.g., earnings).
265. Using longitudinal income tax data, Statistics Canada has published studies showing the differential impact of family dissolution on men and women, both for families with children at the time of family breakdown and for those without.
266. Other measures taken by the government include the following.

## **Recognition for Unpaid Work**

267. Each year, Canadians spend as much or more time on unpaid work as they do on their jobs. Women, on average, spend five full-time weeks a year more on unpaid work than men. Unpaid

work — from making meals to caring for children or the elderly, or volunteering in the community — comprises essential tasks that individuals, families and society at large could not do without. It is increasingly evident that women's responsibilities for unpaid work create barriers to their participation in, and progress through, the paid labour force.

268. The government has taken a number of measures to raise awareness and stimulate public policy discussion on the issue. For example:

- The 1996 Census included questions on unpaid household work, child care and elder care for the first time in Canada's history.
- Statistics Canada is continuing its program of time use surveys, the most recent of which was conducted in 1998. Time use surveys generate data on a wider range of unpaid work activities than are available from the Census and can be used to update the information collected in the Census. Time use surveys in the future will be based on larger samples allowing for more detailed analysis.
- In 1997, Statistics Canada conducted another survey of volunteer work that examined, in detail, this important dimension of unpaid work.
- Statistics Canada has been a pioneer in the development of measures of the value of unpaid work. The Department is creating an accounting system analogous to the System of National Accounts (measures such as the gross domestic product) to facilitate the comparison of the value of the output of the non-market sector with conventional national accounting statistics.
- Released in 1997, Economic Gender Equality Indicators is a new tool for measuring women's economic status and progress. This set of benchmarks — a joint federal-provincial/territorial initiative — transcends traditional measures and reflects factors such as unpaid work, education and job-related training.
- The government sponsored an international symposium on gender equality indicators in March 1998 as a way to stimulate public policy discussion on indicators and contribute to international work in this area.
- Unpaid work has been identified as a specific priority for SWC's Policy Research Fund (PRF). A notable recent contribution under this theme is a study entitled *Unpaid Work and Macro Economics: New Discussions and New Tools for Action*. A considerable amount of other PRF research addresses unpaid work issues in examining child care, elder care and public service delivery issues. An example is *Benefiting Canada's Children: Perspectives on Gender and Social Responsibility*.

- Research in other departments exploring the dynamics of unpaid work in our society, its contributions and its relevance to the development of labour market policy is also being undertaken, including a work arrangements survey to explore the extent and use of various alternative work arrangements.
- Funding has been provided to a number of women's NGOs to study and promote awareness of the policy implications of unpaid work. One important product has been the development of *When Women Count: A Resource Manual on Unpaid Work*.
- A House of Commons committee was struck to examine issues related to the treatment of families with dependent children in the tax and transfer system. It heard witnesses from across the country and has reported a number of recommendations to be considered by the Finance Committee and the government that could provide enhanced assistance for families to meet their income and care requirements.

### **Recognition for Unpaid Caregiving**

269. The government has taken a number of steps to recognize unpaid work — most of it done by women — related to caring for children, elderly and disabled family members.
270. The government also recognizes that the economic welfare of women and children are inextricably linked. Child welfare — particularly child poverty — is a priority for the government.
271. Federal, provincial and territorial governments are developing the National Children's Agenda, a comprehensive and long-term strategy for improving children's well-being. Representatives from the five national Aboriginal organizations participate in the Aboriginal Perspectives sub-group of the National Children's Agenda Federal-Provincial/Territorial Working Group. The Agenda will act as a focal point for collaboration across sectors (e.g., health, social services, justice, education) and will build on efforts already under way by non-governmental organizations and business.
272. The \$6 billion Canada Child Tax Benefit was introduced in 1997 to help low-income families and families on social assistance, many of whom are lone-parent families headed by women. The initiative enables provincial governments to invest more in services and supports, such as child care, dental and drug plans, and nutrition programs.
273. The 1998 federal budget announced that the tax system would provide a better financial break for child care expenses. The Child Care Expense Deduction increased from \$5,000 to \$7,000 for children under age 7, and from \$3,000 to \$4,000 for children aged 7-16.

274. The 1998 budget acknowledged the significance of unpaid work in the home with a new caregiver tax credit. The credit gives Canadians a tax break of up to \$400 for producing care and support for elderly or disabled family members. Since women outnumber men at a 3:2 ratio in caring for people with long-term health problems, the credit will benefit them most.
275. Expenses related to care for a person who has limited means of self-care are now exempt from the Goods and Services Tax (GST) and Harmonized Sales Tax (HST).

### **Article 11.1(b): Right to Same Employment Opportunities**

276. Status of Women Canada provided financial support for the DisAbled Women's Network (DAWN) to carry out an action research employment project. DAWN prepared a comprehensive employment workbook filled with experiences of job readiness and job searching for women with disabilities. It also contained examples of successful employer programs that may be adapted and promoted, and recommendations and strategies to assist women with disabilities to access mainstream employment programs. The workbook has been very well received by both employers and potential employers of women with disabilities, and by women with disabilities themselves. Due to an overwhelming demand for this employment tool, over 1,500 French and English copies in print and alternative format have been distributed to women with disabilities, employers and employment counsellors, and it is now also available on DAWN's website.
277. In September 1997, the federal government signed an agreement with the Native Women's Association of Canada to provide funding of \$6.6 million under the Urban Aboriginal Employment Initiative until March 31, 1999. The agreement represents the first time Aboriginal women have had the opportunity to determine labour market programming and intervention for Aboriginal women on this scale. The Native Women's Association of Canada works closely with other partners, such as the provinces/territories, the private sector and non-profit organizations, to provide the tools Aboriginal women need for themselves and their families to become self-sufficient. For example, one project is the work of the Bay of Islands Native Women's Association in Benoit's Cove, Newfoundland. Aboriginal women were trained as home support workers through the local Victorian Order of Nurses.
278. Data from the 1996 Census indicate that immigrant women who arrived between 1961 and 1970 have a lower unemployment rate than non-immigrant women. Women who arrived between 1971 and 1980 have an unemployment rate similar to non-immigrant women. Women who arrived from 1981 to 1996 have a higher unemployment rate than non-immigrant women. With respect to participation rates, immigrant women who arrived between 1971 and 1980 have a higher participation rate than non-immigrant women. Immigrant women who arrived between 1981 and 1985 have a participation rate almost the same as non-immigrant women, as do those who arrived between 1961 and 1970. The participation rate is lower among more

recent arrivals (1991-96) which could be the result of a number of factors including the recession of the early 1990s, language and other integration issues.

279. Immigrant women make a considerable contribution, both paid and unpaid, to the economic well-being of their families. Once immigrated, the financial security of immigrant families depends on the labour force participation of both spouses. In many key source countries and regions (e.g., Hong Kong and Southeast Asia), two-income earner families are the norm. *Building on a Strong Foundation for the 21st Century*, a public document produced by Citizenship and Immigration Canada, lays out new directions for immigration and refugee policy, and states that further research will be undertaken to determine how a new selection system might take into account the potential for the social and economic contribution of spouses. This is an acknowledgment that the often “invisible” contribution of spouses (mostly women) needs to be recognized in the immigrant selection system.

### **Article 11.1(d): Right to Equal Pay**

280. Pay equity requires that occupations of equal value receive the same wages (equal pay for work of equal value). Aside from employment equity programs, pay equity legislation (and settlements) remains one of the main measures to address the wage gap. Complaints-based enforcement of most pay equity legislation and a narrow interpretation of equivalent value have slowed progress in addressing the wage gap.
281. Section 11 of the *Canadian Human Rights Act* (CHRA), introduced in March 1978, requires employers under federal jurisdiction to pay men and women workers equal pay for work of equal value. The CHRA covers employees of the federal government, Crown corporations and private companies under federal jurisdiction, such as banks and Bell Canada, regardless of the size of their work force. In 1986, equal wage guidelines were introduced which prescribe factors to be used in interpreting s. 11. For instance, this includes a list of exemptions that justify the payment of a different wage in cases involving different performance appraisals, seniority, demotion, training assignments and internal labour shortages.
282. The Canadian Human Rights Commission (CHRC) has the authority under the CHRA to bring a complaint, given reasonable grounds; it can also receive pay equity complaints, investigate, settle, dismiss or refer a complaint to a tribunal. Enforcement of federal equal pay legislation remains reactive and relies on complaints and investigations rather than on mandatory timetables. Employers are not obliged to bargain pay equity with unions.
283. On October 29, 1999, an agreement was reached between the Treasury Board Secretariat and the Public Service Alliance of Canada on the implementation of the July 1998 Canadian Human Rights Tribunal ruling on pay equity. This agreement followed a Federal Court of Canada decision that resolved a long-standing debate on the interpretation of s. 11 of the CHRA.

284. The *Canada Labour Code*, Part III, s. 182, empowers Human Resources Development Canada (HRDC) to monitor implementation of pay equity in the federally regulated, non-governmental sector (i.e., transportation, banking, communications, some Crown corporations), covering over 700,000 employees. Officials from HRDC's Equal Pay Division work with employers and provide training to ensure compliance with s. 11. Employers who fail to implement a pay equity plan may be referred to the CHRC. Since 1986, 1,300 employers have been contacted, and 76 percent have started to address pay equity.

## **Article 11.1(e): Right to Pension and Social Security Benefits**

### **Support for Older Women**

285. The government recognizes that public pensions have been essential in reducing poverty among older women.
286. The Canada Pension Plan (CPP) reflects this understanding through such means as the child-rearing drop-out provision, credit splitting and full indexation of benefits. These features recognize that women's patterns of unpaid work, employment, unemployment and remuneration are significantly different from those of men.
287. These features were maintained during pension revisions and included rate increases to ensure the CPP's financial sustainability. They are being examined in a second stage of the review to ensure that the CPP continues to meet the needs of Canadians.
288. The other key parts of Canada's retirement income system, the Old Age Security (OAS) program, the Guaranteed Income Supplement (GIS) and the Spouses Allowance (SPA), have also been maintained. The GIS and SPA provide assistance to those with little or no other retirement income, and are particularly important for women, who comprise 65 percent of GIS recipients and 91 percent of SPA recipients.

### **A New Employment Insurance System**

289. The Canadian Employment Insurance (EI) system provides temporary income supports to workers who become involuntarily unemployed. Special benefits, such as maternity, parental and sickness support, are provided, as well as measures to assist unemployed Canadians to re-enter the paid work force.
290. The reforms of the EI system introduced in July 1996 and January 1997 were the most fundamental restructuring of the Unemployment Insurance Program in 25 years. In conducting a gender-based analysis (GBA) of the reforms, it was recognized that any measures would have a

differential impact on women and men because of their different social, economic and familial realities. Women earn less than men on average and are over-represented in the contingency work force through part-time employment, multiple jobs and low-paying jobs. They comprise the majority of lone-parent families, and carry the main share of family responsibilities and unpaid work.

291. These reforms included providing means to assist women in overcoming barriers to employment through targeted employment benefits, and child care and income supports. The broader eligibility requirements for benefits will enable women who find it difficult to re-enter the work force to access assistance. For example, women who left the paid labour force for maternity or parental leave in the last five years will be eligible for active employment benefits.
292. By serving as replacement income, maternity and parental benefits provided under the *Employment Insurance Act* enable women and men to take temporary leave from work during the period immediately surrounding the birth of a child, and during the early months after birth or adoption. The system provides 15 weeks of maternity benefits to biological mothers, during the period surrounding childbirth, and 10 weeks of parental benefits to both adoptive and biological parents for child care purposes. Parental benefits are payable to either parent or can be shared between them with an extra five weeks of benefits, should the child require special care.
293. About two thirds (67 percent) of new claimants receiving the Family Income Supplement (FIS) are women. The FIS is intended to target claimants in need. It is a family supplement for claimants in low-income families with dependent children based on net family income. To qualify, claimants must receive the Child Tax Benefit, which indicates they have at least one dependent child and have a net family income of \$25,921 or less.

### **Article 11.1(f): Occupational Health and Safety**

294. Proposed changes to Part II of the *Canada Labour Code*, designed to improve occupational health and safety in the workplace, are before the House of Commons. A new provision would allow a pregnant or nursing employee to withdraw from work or be given other tasks, even before she obtains a medical certificate, if she believes the job will adversely affect her, her fetus or the child she is breastfeeding. The revisions will also extend the responsibilities of employers and employees to monitor and resolve workplace health and safety issues jointly.

### **Article 11.2(c): Child Care**

295. The Government of Canada's activities with respect to child care include research and funding.
296. One such activity was a comprehensive study of human resource issues in child care. This in-depth sector study entitled, "Our Child Care Workforce: From Recognition to



Remuneration,” examines the child care work force, its wages, benefit levels, working conditions, and training and career opportunities in a full range of settings such as child care centres and nursery schools, as well as home-based care. The study was funded through the Sectoral Partnerships Initiative, which is designed to bring together partners in a sector to analyze human resource issues and to develop a plan of action. A committee is now examining ways to act on the study recommendations.

297. Child Care Visions was created in 1995 as a national child care research and development contributions initiative to support projects that will study the adequacy, outcomes and cost-effectiveness of the best child care practices and service delivery models that currently exist.
298. Funds have been invested to create 4,800 new child care spaces, and enhance a further 2,900 spaces, on First Nations reserves and in Inuit communities. This programming is designed and delivered by First Nations and Inuit child care centres at the local level, with good results.

### **Funding Women's Equality Organizations**

299. Women's equality organizations play a very important role in raising public awareness and increasing public understanding.
300. The Government of Canada provides financial support for projects undertaken by women's and other equality seeking organizations aimed at addressing women's economic equality. The following are some examples of these projects:
- the Manitoba Farm Women's Conference — an annual provincial farm women's conference and follow-up evaluation
  - the New Brunswick Women's Intercultural Network — an activity entitled “Steps Towards Economic Self-Sufficiency,” which identified and addressed the various systemic barriers to economic participation faced by immigrant and visible minority women in New Brunswick
  - the Nova Scotia Women's Fishnet — to facilitate a community development process aimed at increasing women's ability to participate in all aspects of decision making concerning the fishery and their local communities
301. Two grants from Status of Women Canada (SWC) in 1995-96 and 1996-97 enabled Kootenay WITT (Women in Trades, Technology, Operations and Blue Collar Work) to achieve a number of significant outcomes related to women's participation in British Columbia's economic development. These include:

- Three members of the eighteen-member Advisory Committee of the Columbia Basin Trust (a regional benefit program to address the environmental damage caused by the 1964 Columbia River Treaty between Canada and the United States) are women's equality advocates. One seat has been specifically reserved for a women's equality representative.
  - Equity integration committees have been established under the Science Council of British Columbia, the Columbia Basin Trust and the Island Highway Infrastructure Project to address equity issues on an ongoing basis.
  - A formalized commitment was achieved in the Columbia Basin Trust Management Plan to create equitable outcomes for traditionally disadvantaged groups in all development and construction projects administered by the Trust.
302. These outcomes were accomplished by Kootenay WITT working in partnership with other local WITT groups and groups representing First Nations peoples, visible minorities and persons with disabilities to secure the representation of women's equality advocates at a number of key negotiations and consultations affecting trade and technology workers. Once representation was secured, advocates worked to ensure that a gender-based analysis was incorporated into all agreements and practices relating to hiring, training and promotion of trade and technology workers.
303. SWC also contributed funding to the production by the Canadian Bar Association of *Equality for Women in the Legal Profession: A Facilitator's Manual*. This publication is a tool designed to: encourage action on women's equality issues in the legal profession; promote action by legal institutions to incorporate women's equality issues in decision-making structures, policies and programs; and promote equality, diversity and accountability within the legal and other professions. As a result of the use of this tool, a number of policies and procedures in the law societies of various provinces and territories have been changed or are under review. In addition, the Manual has been used by organizations representing the profession of engineering.

### **Research on Women's Poverty**

304. The Government of Canada has provided financial support for gender-based policy research in the area of women's poverty. Through SWC's Policy Research Fund, a number of research projects have been supported which examine the issue of women's poverty.
305. Statistics Canada continues to produce reports on male-female earnings gaps. As well, most income-related outputs include data for men and women separately, where this is appropriate. Further, there is a great deal of emphasis on female lone-parent families in the analyses when results on low income or income distribution are released.

## Article 12: Health

### Article 12.1: Access to Health Care Services

306. Physical, emotional and social well-being at all stages of life are key to women's equality. While female life expectancy remains high in Canada, this positive indicator is offset by other realities, such as violence against women and quality of life issues.
307. Improving women's physical and psychological well-being is one of Canada's key objectives in *The Federal Plan for Gender Equality*.
308. The renewal of Canada's health system is a priority of the Government of Canada. Civil society and government representatives — federal, provincial and territorial — participated in three working conferences in early 1998 to examine home care, pharmacare and the health infrastructure. In its 1997 budget, the government announced the new \$150 million Health Transition Fund. The Fund supports efforts by the provinces to evaluate their health care programs and undertake projects to improve the health care system. The fund focuses on four areas — home care, pharmacare, primary care reform and integrated service delivery — all areas of particular relevance to women.
309. In the 1998 budget, the federal government allocated \$350 million for an Aboriginal healing strategy and \$126 million for new and expanded Aboriginal programs. In 1999, the federal budget allocated additional funds to strengthen Aboriginal communities by improving First Nations and Inuit health services, and providing increased funding for home and community care to northern and Aboriginal women.
310. On March 8, 1999, the Minister of Health launched Health Canada's Women's Health Strategy, a framework to guide Health Canada in addressing biases and inequities in the health system. To meet its goal, the Strategy is organized around four main objectives:
- to ensure that Health Canada's policies and programs are responsive to sex and gender differences and to women's health needs
  - to increase knowledge and understanding of women's health and health needs
  - to support the provision of effective health services to women
  - to promote good health through preventive measures and the reduction of risk factors that most imperil the health of women

311. In 1996, the Government of Canada established the Centres of Excellence for Women's Health Program. The five research centres are mandated over six years to conduct policy-oriented research on women's health. Through focus groups, women identified health issues that were important to them. Along with focusing on projects that research and promote the empowerment of women, each Centre is a partnership between academic and community-based groups, thus directly promoting the effectiveness of local communities, where many health services are provided. As part of the Program, the non-governmental Canadian Women's Health Network is funded by the federal government to disseminate information on women's health, including new knowledge generated by the Centres, and to foster critical debate.
312. The National Coordinating Group on the Impact of Health Care Reform on Women, representing the five Centres of Excellence for Women's Health and the Canadian Women's Health Network, has begun to document how health care reforms, particularly in the area of privatization, have been implemented in the various regions of Canada. The goal is to ensure that there are ongoing strategies for documenting, researching and monitoring health care reform and its implications for women. The Coordinating Group is focusing on the effects of these reforms on women as health care users and providers (paid and unpaid). The group is especially concerned with ensuring that there are ongoing strategies for documenting and monitoring health reform, and its implications for women.
313. In order to respond to proposed changes to Canada's health protection legislation, the Working Group on Women and Health Protection has been funded by the Centres of Excellence for Women's Health Program. The Group will undertake activities to inform the health protection transition process in areas such as the "medicalization" of women's lives, the drug approval process, reproductive and genetic technologies, and confidentiality and privacy issues.
314. The Research Centres on Family Violence and Violence Against Women were selected in 1991 to establish a sustainable capacity to conduct research on family violence and violence against women. (Funding was provided by the Social Sciences and Humanities Research Council, a federal granting council, and the Family Violence Initiative, an initiative of the federal government.) The Centres incorporate the expertise of front-line organizations, provincial partners and academics. There are five Research Centres across Canada. Partnerships between front-line and academic members are fundamental to the Centres. A process that is mutually respectful lies at the core of their success. Critical to their cohesion is a participatory action research approach, in which the front-line community defines the research question and helps to design the methodology, and then directs, carries out and analyzes the research. Results are then applied in the community. The Research Centres include health care providers on their research teams who are beginning to conduct research on links between violence and health.

315. The experience of family violence, including physical, sexual, emotional and financial abuse, underlies many health problems. Among the negative health outcomes of exposure to family violence are life-threatening injuries, death, mental and sexual/reproductive health problems, and substance abuse and eating disorders. Women, children and older adults are most likely to sustain injury. From a population health perspective, family violence victims are disadvantaged in relation to income, education and social supports — all determinants of health. Preliminary partial estimates place the annual health costs to Canada of violence against women alone at \$1.5 billion. These health outcomes cannot be addressed without making the link to family violence.
316. In the last decade, Health Canada has developed screening tools for professionals and university curriculum content on family violence, and has funded parenting programs that address family violence prevention. Its Laboratory Centre for Disease Control (LCDC) has undertaken surveillance and developed guidelines on sexually transmitted diseases in children and youth. LCDC collects national sex-disaggregated data on reported child abuse and neglect. In partnership with other departments, Health Canada addresses family violence in Aboriginal populations. Since 1997, Health Canada has used its resources to broaden awareness, increase sensitivity and develop knowledge among health care providers so they can prevent, detect and respond appropriately to family violence. It also supports research to influence policy makers, provinces/territories and the corporate sector to address the issue. Family violence initiatives that focus on violence as a health issue are intended to increase the opportunity for individuals and population groups to lead healthy physical and mental lives and reduce physical and mental health service costs.
317. The first Canada–United States Forum on Women's Health was held in Canada in 1996. This ground-breaking event brought together 300 researchers, health professionals, academics and representatives of voluntary and community organizations to exchange perspectives on women's health issues. Delegates examined a range of health concerns common to women in both countries, including breast cancer, smoking, stress, violence against women and health care service delivery.
318. The inclusion of a gender breakdown in the National Population Health Survey, released in 1996, has generated important information for understanding the incidence of depression, chronic pain and mental health problems among women in Canada and has shed light on the social and economic determinants of health.
319. While the incidence of breast cancer has risen steadily over the last decade, mortality rates have remained relatively stable. Decreasing breast cancer mortality rates among certain age groups have been attributed to screening and improved treatment.

320. In 1993, the federal government initiated the Canadian Breast Cancer Initiative (CBCI). In June 1998, the CBCI was renewed with stable, ongoing funding of \$7 million per year for research, prevention, early detection, quality screening, support to community groups and networks, access to information, public and professional education, diagnosis, care and treatment, and surveillance and monitoring of breast cancer. A key objective is the continued support and coordination of provincial breast cancer screening activities.
321. Previously, women in Canada had been excluded from clinical research trials of new drugs, medical devices and therapies on the grounds of their inconstant hormonal state (compared to men) and researcher liability in the event of pregnancy and subsequent birth defects. In 1996, following consultations with the medical research community, and health advocacy and women's organizations, the government stipulated that manufacturers applying to Health Canada for market approval of drugs had to include women in their clinical trials in the same proportion as they are likely to use the drugs.
322. In the period 1994-97, the federal government allocated \$104 million to the Tobacco Demand Reduction Strategy. During that time, many resources were developed for girls and women. The government has now allocated \$100 million over five years under the Tobacco Control Initiative. Five broad target groups, including women, were identified. This Initiative builds on lessons learned from past strategies and strengthens legislation, regulations, enforcement, and research and public education activities.
323. Canadian women are increasingly becoming infected with HIV, especially those who use injection drugs and whose sexual partners are at increased risk for HIV. In addition, the proportion of AIDS cases among women has increased over time. In 1998, the federal government renewed the National AIDS Strategy with ongoing funding of \$42.2 million annually. Women are identified as a priority group under the renewed Strategy. Collaborative studies, conferences, community initiatives and education projects that meet the specific needs of women are supported.
324. In 1997, the federal government passed legislation amending the *Criminal Code* to specifically prohibit the practice of female genital mutilation (FGM). A workshop module was developed, to be used in community workshops across Canada, to help educate community members about the health, legal and social/cultural aspects of FGM. The government is also working with health care providers and educators to provide effective and sensitive responses to girls and women affected by FGM.
325. With the 1997 federal election call, Bill C-47, a bill to create the Human Reproductive and Genetic Technologies Act, failed to complete the legislative process. The voluntary moratorium on the application of nine reproductive and genetic technologies to humans (e.g., sex selection for non-medical purposes, cloning of embryos, embryo research), declared by Health Canada in

July 1995, remains in place. Having consulted with the public, medical professionals and other stakeholders, the federal government will be introducing a comprehensive legislative and regulatory framework in the near future.

326. Canada Mortgage and Housing Corporation (CMHC) is collaborating with First Nations, the Department of Indian Affairs and Northern Development, Health Canada and northern partners to develop five housing demonstration projects on healthy housing. The objectives are to establish house designs that meet the lifestyle needs and climate requirements of First Nations communities in the North. The project will demonstrate housing that is healthy and affordable, while using much less water and energy than current on-reserve housing. Information is also being distributed on indoor air quality and other housing-related health issues.

## **Article 12.2: Appropriate Services in Connection with Pregnancy**

327. In 1999, the government announced an expansion of Health Canada's Canada Prenatal Nutrition Program. The Program aims to improve the health of high-risk pregnant women and the subsequent birth outcomes with a focus on nutrition, breastfeeding, education and support for the first year of life.
328. The Medical Services Branch of Health Canada is responsible for the delivery of health programs and services to First Nations peoples and the Inuit. Increasingly, Health Canada is moving away from the provision of health services toward First Nations and Inuit control and ownership of their health programs and resources. Aboriginal self-government is one of the federal government's highest priorities.
329. There are several examples of initiatives in this area of particular relevance to Aboriginal women and girls. For example, the Aboriginal component of the national Child Development Initiative (Brighter Futures) helps First Nations and Inuit communities develop mental health and child development programs that are community based and managed. Such programs help improve parenting skills, prevent childhood injury, develop youth activities and community mental health programs, and address the problem of solvent abuse.
330. As part of the Canada Prenatal Nutrition Program, Health Canada, in consultation with First Nations and Inuit communities, has produced versions of *Building Healthy Babies: A Prenatal Nutrition Resource Book* for each cultural group. While infant mortality among First Nations and Inuit people is still higher than among other Canadian groups, the rate has dropped dramatically. The First Nations and Inuit Health Programs Directorate (within the Medical Services Branch of Health Canada) funded a video on breast cancer detection among Aboriginal women, and is working with Aboriginal organizations to make existing screening features available to all communities. Another area of research into the health needs of Aboriginal women has been projects on the risk factors of HIV/AIDS.

331. The First Nations and Inuit Health Programs Directorate successfully collaborated with the Society of Obstetricians and Gynaecologists of Canada to set up the Aboriginal Women's Committee, which has held workshops and information sessions to educate the Society's members on the needs of Aboriginal women.
332. In October 1998, the Minister of Health announced the expansion of the Aboriginal Head Start Program to First Nations children and their families living on-reserve. Funding for the Program has been set at \$100 million over four years. This complements the Aboriginal Head Start Initiative launched in 1995 to help enhance child development and school readiness of First Nation, Métis and Inuit children living in urban centres and large northern communities. As women are pivotal to the health of families and communities, they will play a key role in the Aboriginal Head Start Program.

### **Civil Society**

333. Health Canada is committed to increasing the role of civil society in policy and program development. For example, Phase III of the National AIDS Strategy (1998 and ongoing) was planned following extensive consultations with NGOs and members of the public, including women living with HIV/AIDS.
334. The Government of Canada has also provided funding support for activities undertaken by women's organizations and other NGOs aimed at addressing the issue of women's health and well-being. Examples of funded initiatives follow.
335. In 1996-97, funding was provided to the Aboriginal Nurses Association of Canada in support of an activity entitled "Health Care Reform and the Team Approach in First Nations." This two-day educational program explored approaches and strategies relevant to community health planning, women's health and partnership building. It also involved site visits to seven Aboriginal communities to discuss community health plans in action. This was followed by the adoption of resolutions and an action plan by members of this organization, as part of its annual general meeting.
336. In 1997-98, funding was provided to the Réseau québécois d'action pour la santé des femmes in support of an initiative to promote the participation of women in the development of policies and programs aimed at better responding to women's health needs.
337. Multi-year funding (1998-99, 1999-2000, 2000-01) is being provided in Alberta to Multicultural Health Brokers for Advancing Minority Women's Health and Well-Being — An Intersectoral Program and Policy Development Initiative. The aim is to increase access by marginalized minority women to, and participation in, decision making about culturally



appropriate health and social services. Outcomes will include the development of guiding principles, practice standards and policies on the creation of meaningful relationships between immigrant and refugee women and families, and institutions.

338. Funding was provided to the Kinap'eskwa Consulting Group through SWC's Policy Research Fund for a research project entitled, Health Issues for Aboriginal Women in Urban Centres in the Maritime Provinces. This project will focus on the economic impact of women living in urban centres in the Maritimes. Using talking circles, the leadership will investigate the overall health concerns of urban Aboriginal women, identify gaps in health care policy and establish a database.

### **International Activities**

339. At the UN Working Group on Indigenous Populations (WGIP) at Geneva in July 1997, Canadian Aboriginal health experts hosted a joint Canada/World Health Organization (WHO) workshop on substance abuse and healing, at which Aboriginal women played a major role in focusing on the special health concerns of indigenous women. This workshop was organized with financial and policy support from the Department of Foreign Affairs and International Trade (DFAIT), and supported the designated theme of health for the 1997 WGIP, as one of the principal themes of the International Decade of the World's Indigenous People.
340. As part of Canadian preparations for the UN General Assembly Special Session in June 1999 to review the International Conference on Population and Development/Program of Action (ICPD+5), Health Canada, in collaboration with DFAIT and the Department of Indian Affairs and Northern Development (DIAND), provided support to the Aboriginal Nurses Association of Canada to host the Aboriginal Roundtable on Sexual and Reproductive Health. The Roundtable was intended, as a first step, to identify, in partnership with Aboriginal people, sexual and reproductive health concerns for Aboriginal women in particular, and to develop joint strategies for addressing these concerns. The results of the Roundtable were distributed in the form of a report at the Special Session.
341. CIDA has made women's health and reproductive health a top priority. In Bangladesh, Canada has supported the capacity building of the Ministry of Health and Family Welfare to improve reproductive health and family service delivery. In Africa, Canada continues to support NGOs working to raise awareness of the harmful consequences of such customs as FGM, and to increase awareness among both men and women of the importance of AIDS prevention.

### **Article 13: Economic and Social Life**

342. Extensive discussion of federal measures regarding the economic condition of women is also found under articles 11 and 16.

343. In 1996, the federal government consolidated existing federal–provincial transfer programs into the Canada Health and Social Transfer (CHST). The CHST is a block grant to provinces to support health, post-secondary education, social services and social assistance programs. Many of the programs funded under the CHST, including child care subsidies for low-income mothers, counselling and support services, rape crisis centres and shelters, are of particular importance to women. The new CHST was introduced to give the provinces greater flexibility in the design and delivery of programs. The CHST legislation states that: the principles/conditions of the *Canada Health Act* will be maintained; no period of minimum residency shall be required or allowed with respect to social assistance; and the federal government should invite the provinces to consult and work together to develop, through mutual consent, a set of shared principles and objectives for social programs other than health. The 1998 budget raised the cash floor of the CHST from \$11 billion to \$12.5 billion. As women are the primary users and providers of health care in Canada, the increase in federal transfers and equalization payments, and other initiatives to support health care, will allow each province and territory to be more responsive to the needs of women across the country.
344. The Aboriginal Women's Program is the primary source of federal funding to Aboriginal women's organizations for the purposes of improving their socioeconomic and political status. It enables Aboriginal women to advance their interests through the initiation of activities and projects that improve social conditions, cultural retention and preservation, economic well-being and leadership development, while maintaining cultural distinctiveness and preserving cultural identity.
345. Women entrepreneurs are changing the face of business in Canada. Firms headed by women are now creating more jobs than the largest 100 companies in Canada combined. A 1996 Bank of Montreal study found that women-led firms are creating new jobs at four times the rate of the average firm.
346. The government is encouraging this vital economic current with a number of initiatives aimed at two critical areas for women entrepreneurs — starting and expanding their businesses.
347. The Business Development Bank of Canada, a Crown corporation, provides loan assistance and counselling for business owners. It also offers seminars and conferences specifically designed for women in business.
348. STEP-IN and STEP-UP programs offer a 10-month training opportunity, counselling and mentoring to assist women who are starting or expanding their businesses. The programs are a partnership of the federal and provincial governments, and the private sector.

349. In 1998, a seminar on access to credit for women entrepreneurs was organized by Le Groupe conseil femmes-expertise, in cooperation with Canadian Heritage, Status of Women Canada and the Quebec Ministère de l'Industrie, du Commerce, de la Science et de la Technologie, in order to address entrepreneurship issues experienced by women. FedNor, the federal government's economic development initiative in Northern Ontario, also offers funding to support women entrepreneurs.
350. In 1998, FedNor supported a mission for Northern Ontario women entrepreneurs to Chicago. Since 1996, FedNor has consulted with a number of Aboriginal community organizations, including the Ontario Native Women's Association, in order to support Aboriginal business and economic development in the region.
351. Western Economic Diversification Canada supports women entrepreneurs in Western Canada. In 1996, there were approximately 275,000 self-employed women entrepreneurs (up 35 percent from 1991) mostly concentrated in personal and household services, and health and social services. Recognizing that entrepreneurship presents women with unique opportunities and challenges, Western Economic Diversification launched the Women's Enterprise Initiative in 1994, which makes loans available to women entrepreneurs. In 1996-97, the Initiative made 107 loans to women entrepreneurs, for a total of \$2.3 million.

### **International Activities**

352. DFAIT works actively to support women business owners. In June 1998, the Department launched the Businesswomen in Trade Website that allows women business owners to learn more about government services and how to export successfully. It also allows them to network online, learn about financing and insurance services, and locate foreign business opportunities. The site launch reached over 500 Canadian women.
353. The Trade Research Coalition, under the direction of 20 Canadian businesswomen, academics and government representatives, launched a major research project in September 1998. The project surveyed 254 women business owners, examining their export patterns and export service requirements. The results, contained in the document *Beyond Borders: Canadian Businesswomen in International Trade*, was launched to 1,500 businesswomen during a national video conference call on International Women's Day, March 8, 1999. The call joined nine sites across Canada, the United States, Argentina and the United Kingdom. Through this initiative, DFAIT identified and added 2,100 new businesswomen contacts to its database, and developed the first quantified documentation in Canada on the export activities and attitudes of this growing market sector. Following the release of the report and in conjunction with its partners, DFAIT coordinated and held extensive focus groups across the country. These focus groups helped to expand the awareness of *Beyond Borders* and brought forward concrete

recommendations on how to improve the success of women-owned small- and medium-sized enterprises (SMEs) in foreign markets.

354. This research provided the main substance of the policy elements discussed at the Canada/U.S.A. Businesswomen's Trade Summit, in May 1999 in Toronto, which focused on women business owners. Participating in the Summit were 150 Canadian and 150 American businesswomen within SMEs. Participants were provided with an opportunity to discuss trade impediments between the two countries as experienced particularly by businesswomen and researched by the Trade Research Coalition. New partnerships were formed through organized networking events.
355. Canada plays a lead role in advancing the interests of women in Asia-Pacific Economic Cooperation (APEC). Canada's goal is to ensure that APEC recognizes the specific realities of women's lives and systematically considers the implications of gender in its work. Canada was instrumental in the establishment of the Women Leaders' Network, an APEC-related body that has met annually since 1996. In 1997, during its year as chair of APEC, Canada successfully initiated the concept of the Ministerial Meeting on Women in APEC, which was held in the Philippines in October 1998 on the theme of Women in Economic Development and Co-operation in APEC. This was the first ministerial-level meeting on women in a multilateral trade-related organization.
356. The Government of Canada has also worked to fast-track Aboriginal businesswomen into the APEC trade environment. Before the Women's Leaders Network and the APEC trade ministerial meetings in June 1999, a three-day conference was organized to bring indigenous businesswomen together from each of the 21 APEC countries. The conference built awareness of the scope of APEC for Canadian Aboriginal businesswomen; provided them with an introduction to potential trading partners from 20 other countries; and built their knowledge of the APEC trade process and their opportunities for trade. Recommendations from the conference will also be conveyed to the APEC trade ministers concerning the requirements and importance of Aboriginal businesswomen.
357. In 1996, the Canadian International Development Agency (CIDA) provided seed funding for a new project, Gender and Economic Reforms in Africa. The project focuses on increasing the capacity of African research organizations and women's groups to research, analyze and influence economic policies from a gender perspective.
358. Through CIDA, a micro-credit program for rural women's groups involved in agricultural production/processing and fish farming in Cameroon has taught entrepreneurship to rural women and provided credit. In Colombia, the Calmeadow Foundation of Canada has provided training workshops and a revolving fund to assist micro-entrepreneurs in low-income communities.

Women comprise 60 percent of the borrowers in this program, and their increased participation is being encouraged.

359. A key Canadian objective for the World Food Summit in 1996 was the integration of a gender perspective in all development and economic activities. Equal access to education, credit and the ownership of land is critical if women are to contribute fully to poverty reduction and food security.

### **Article 13(a): The Right to Family Benefits**

360. Established in July 1998, the National Child Benefit (NCB) system is a federal–provincial–territorial initiative designed to support low-income families and reduce child poverty. The federal government provides increased income support to these families, through the Canada Child Tax Benefit (CCTB), while provinces/territories develop programs and services targeted to low-income, employed parents and their children. These programs and services include child care and health benefits. About half of NCB beneficiaries are lone-parent families headed by women. The 1999 federal budget proposes to build on the NCB by increasing the income threshold at which benefits start to be reduced from \$25,921 to \$29,590 at a cost of \$300 million.
361. The goals of the initiative are to:
- help prevent and reduce the depth of child poverty
  - promote parental attachment to the paid labour force
  - reduce overlap and duplication between Canadian and provincial/territorial programs
362. Under the previous system, some families were actually worse off when parents increased their employment income and no longer received social assistance because they lost special types of income support, benefits such as dental care and other services for their children.
363. The NCB begins to address this situation, in part, by restructuring programs and services to ensure that all low-income families with children receive comparable income support, benefits and services. As families leave social assistance for paid employment, they continue to receive financial support to assist with their children and child-related costs of employment. Overall, income support to families on social assistance remains at least the same as it was before implementation of the NCB.

364. As federal funding for income support for families with children increases, provinces and territories have agreed that any savings realized will be re-invested in complementary programs to improve attachment to the paid labour force, and benefits and services for low-income families with children. Provinces and territories have announced innovative child benefit programs that reduce the gap between what social assistance recipients and employed parents receive, including income support programs, earned-income supplements and in-kind benefits (e.g., health/dental benefits) as well as child care and programs for families/children at risk. Given that there is substantial movement of many families between social assistance and employment, this will provide more security for all low-income families with children.
365. Aboriginal people living on reserves will also benefit from re-investment savings under the NCB, and work is under way to improve access of First Nations families to the CCTB.

### **Article 13(c): The Right to Participate in Recreational Activities, Sport and All Aspects of Cultural Life**

366. The federal government is involved in a number of initiatives to increase women's participation in culture and sport. *The Federal Plan for Gender Equality* has, as an objective, the promotion of gender equality in all aspects of Canada's cultural life.
367. Sports Canada, in association with the Canadian Association for the Advancement of Women and Sport and Physical Activity, supports the Breakthrough Awards, a celebration of the accomplishments of Canadian women in sport. In 1998, the Breakthrough Awards joined with the Canadian Sport Awards and received significant media coverage.
368. Since 1996-97, national sport organizations have been required to specify certain levels for women's equality and access where female participation/representation is less than 40 percent, and they must have an approved harassment policy and procedures to receive federal support. The Canadian Hockey Association, through federal funding and in conjunction with the Red Cross Abuse Prevention Services program, has been developing harassment resource materials for clubs and sport organizations. One of these resources, the *Speak Out! . . . Act Now!* guide, was released in January 1998.
369. In conjunction with the 1998 Winter Olympics in Nagano, Japan, a series of vignettes were developed featuring Olympic and Paralympic athletes. Female athletes were featured in six of seven vignettes, with women's hockey featured in two more. The portrayal of women athletes in a major, nation-wide television campaign during the Olympic and Paralympic Games promoted successful female athletes as role models and leaders.

370. This decade, the federal government has focused on the commemoration of the contribution of women to Canadian history. Since 1995, 27 designations related to women have been made. These include: important events, such as the winning of the vote; important places, such as nurses' residences and the Women's College Hospital; important groups, including the Women's Christian Temperance Union; and important women, such as Emily Stowe, Margaret Newton and Edith J. Archibald. Every year, the National Library of Canada adds new components to its website profile of the contributions of Canadian women entitled "Celebrating Women's Achievements."
371. Museum exhibitions, events and other programming — both in the context of International Women's Day and Women's History Month, and as part of regular programs — also serve as important vehicles for making Canadians more aware of the historical role of women in the development of Canada. Exhibition highlights include those featuring women inventors and domestic life (National Museum of Science and Technology), the Women in Aviation touring exhibition created by the National Aviation Museum, and an exhibition at the Canadian War Museum on the Canadian Women's Army Corps.

## **Article 14: Rural Women**

### **Article 14.1: Economic Equity for Rural Women**

372. In 1994, the Federal–Provincial–Territorial Ministers of Agriculture adopted a record of decision on the advancement of farm women, recognizing the essential role of farm women as economic partners for a prosperous agri-food industry. The ministers agreed to promote and support initiatives enabling farm women to participate, to a much greater extent, in policy and decision-making forums affecting the operation and development of the agricultural sector. Part of their commitment to advancing farm women in leadership and decision making was their agreement to meet with farm women leaders annually. Since 1994, the federal Minister of Agriculture holds annual business meetings with leaders of national farm women's organizations.
373. Agriculture and Agri-Food Canada (AAFC) monitors Canada's progress on the advancement of women in any decision making by inviting provincial ministers of agriculture to submit annual updates on any measures taken in their provinces to increase women's participation in policy and decision making or to ensure that more women are appointed to agencies, industry boards, commissions, etc. Responses are analyzed and a summary report distributed to the provinces as well as to farm women's organizations.
374. Through the Farm Women's Bureau, AAFC conducts regular meetings with national farm women leaders, as well as regular conference calls, to exchange information on priority issues and activities, and obtain their input in departmental work planning.

375. Since 1996, AAFC has continued to work toward implementing women's participation in departmental and industry consultations by monitoring participant lists, and providing names of farm and rural women participants to conference and consultations organizers.
376. To increase women's representation in decision-making forums, AAFC developed a national farm/rural women's talent bank for reference by senior officials when considering appointments to agricultural agencies, boards and commissions.

## **Article 14.2: Rural Development**

377. In partnership with other departments, AAFC has provided funding to farm and rural women's groups through various departmental programs for projects related to issues of concern to women. This includes health and farm safety, rural child care, family violence, social, economic and legal rights for farm women and organizational development. It also includes the participation of farm and rural women at national and international conferences, including the 1995 Beijing World Conference on Women and, most recently, the Second International Women in Agriculture Conference in Washington, D.C.
378. Rural women were an integral part of the Canadian Rural Partnership initiative. In 1998-99, five of the ten Selection Advisory Committee members were women, thus ensuring a gender balance in the review of pilot project proposals. Approved pilot projects included a focus on rural women. In 1999-2000, a greater number of pilot projects that target women as the main focus are being recommended for consideration.
379. Women's groups were encouraged by the Rural Secretariat to participate in the Rural Dialogue. For example, in the summer of 1998, Women and Rural Economic Development organized its own workshop to ensure that women's issues were captured as part of that phase of the Dialogue. At the National Rural Workshop held in 1998, 50 percent of the participants were women. This Workshop was by invitation only, and a conscious decision was made to target 50 percent female representation. Since the Workshop, the focus of the Dialogue has been on conducting regional activities with efforts being made to include an equal representation of women.
380. Status of Women Canada (SWC) is a member of many of the rural teams across Canada, providing valuable advice with respect to ensuring that rural women's interests are considered for federal-led rural initiatives. The Rural Secretariat is in regular contact with the Farm Women's Bureau to keep farm women informed of rural initiatives and to invite their participation.

## **Article 15: Legal Rights**



## Article 15.1: Equality with Men Before the Law

381. Under Canadian constitutional arrangements, the administration of justice is primarily a provincial matter, with the federal government exercising some jurisdiction over spending powers. Since 1995, the federal government no longer specifically earmarks moneys transferred to the provinces for civil legal aid. Civil legal aid is available across Canada; however, eligibility criteria vary among jurisdictions.
382. The Canadian Bar Association created the Standing Committee on Equality to monitor the implementation of the recommendations put forward by the Canadian Bar Association Task Force on Gender Equality in their report, *Touchstones for Change: Equality, Diversity and Accountability*. The report contained over 200 recommendations on how to improve the situation of women in the legal profession. The Committee established the Action Plan on Equality which records, on a yearly basis, the progress of the various institutions implicated in the Task Force's recommendations. The Department of Justice submits an update each year to the Committee on progress made since the 1993 recommendations. The last update was provided in May 1998.
383. Actions undertaken by the federal Department of Justice in response to the recommendations include: monitoring the equity of allocation of workload, particularly in senior positions; accommodating family responsibilities through a comprehensive policy on alternative working arrangements; and establishing a policy for the hiring of legal agents from law firms where demonstrated commitment to employment equity is evident.
384. Canada played a leadership role in the creation of the independent and effective International Criminal Court. Canada was also instrumental in achieving a gender-sensitive statute, including securing the provision that the applicable sources of law must be applied without adverse distinctions based on grounds such as gender. Canada continues to promote the integration of a gender perspective in the Elements of Crimes and the Rules of Procedure and Evidence.
385. Canada advocated for the successful inclusion of sexual and gender-based violence within the definition of crimes, for provisions ensuring protection of victims and witnesses, and for the assurance of relevant expertise in the composition and administration of the International Criminal Court. Canada was also instrumental in securing references that states should strive to elect judges who possess expertise in violence against women, and that the prosecutor take measures to ensure the effective investigation of sexual violence and violence against children.
386. Canada strongly supported the appointment of advisors on gender-based violence to the International Criminal Court, and the establishment of a Victims and Witnesses Unit for the protection, security and counselling of victims and witnesses, including staff experienced in

trauma related to crimes of sexual violence. Canada appointed an NGO advisor with expertise in gender issues to the Canadian delegation to the Rome Conference, which was held in July 1998 to establish the International Criminal Court, and worked in close collaboration with NGOs interested in ensuring gender-sensitive outcomes.

## **Article 16: Women and the Family**

387. On March 6, 1996, the government announced comprehensive child support reforms in the budget speech. The reforms included the introduction of child support guidelines and a change in the tax treatment of child support which came into effect on May 1, 1997. The child support guidelines (Bill C-41) were stalled in Senate Committee hearings in November 1996. In order to resolve the stalemate, it was agreed that the Senate Committee would monitor the use of the guidelines and that a joint House of Commons–Senate committee would review the issue of custody and access.
388. The Special Joint Committee on Child Custody and Access was established in December 1997 to examine and analyze issues related to custody and access arrangements after separation and divorce. Throughout 1998, the Committee held 55 public hearings. On December 9, 1998, it tabled its report, *For the Sake of the Children*, which contains 48 recommendations referring to a wide variety of issues.
389. The Minister of Justice tabled the government response on May 10, 1999. The response incorporates the key themes, concerns and recommendations contained in the Committee's report within the context of a proposed federal strategy for reform — the principal directions the government will be exploring with the provinces and territories over the next few years.
390. The process to implement the strategy for reform will involve working closely with the provinces and territories in coordination with the federal government's comprehensive review of the Federal Child Support Guidelines. The Minister of Justice must table a report by May 1, 2002, on the operation of the new Child Support Guidelines. The strategy for reform outlined in the response will be carried out in conjunction with the child support review. The report to be tabled in 2002 would deal with both custody and access, and child support.

## **Article 16(d): The Same Rights and Responsibilities as Parents in Matters Relating to Their Children**

391. In 1996, a new child support system was announced. The system has four key features:
- introduction of a no-deduction/no-inclusion tax treatment
  - creation of new guidelines for the calculation of child support payments

- new enforcement measures
- an increase in the Working Income Supplement (since superseded by the new National Child Benefit System)

392. The outcome of the new tax treatment is that the full amount of the support payment can be used to care for the child. New federal child support guidelines make it easier to calculate the appropriate amount for support payments — making the system more consistent and predictable. New measures assist provincial and territorial authorities in enforcing child support orders. For example, the Canada Customs and Revenue Agency database has been added to the list of federal information banks, that can be used to track defaulters. Federal pensions can now be diverted to pay for child support, and federal passports and certain federal licences can be suspended if a debtor is in persistent arrears. In addition, the legislation provides for measures to help the provinces streamline the collection of out-of-province orders. A standardized database on default and compliance of support orders will also help governments design more effective enforcement mechanisms. Since 1997, the *Bankruptcy and Insolvency Act* contains provisions which give preference to recipients of child and spousal support, whose parents or former partners have filed for bankruptcy, arrears for certain amounts. These recipients are overwhelmingly women. As preferred creditors, such recipients take precedence over unsecured creditors. Outstanding child and spousal support payments remain unextinguished by bankruptcy. The Act also allows damage awards for bodily harm intentionally inflicted or sexual assault to remain undischarged by the bankruptcy.

### **Article 16(h): The Same Rights in Respect to Ownership and Disposition of Property**

393. The Minister for DIAND made the concerns of First Nation women a priority. On December 9, 1999, the Minister announced that he would be naming a special representative whose broad mandate will be to make recommendations ensuring the protection of First Nations women's rights. The Special Representative for the Protection of First Nations Women's Rights will be mandated to examine the division of matrimonial real property on reserve in the case of marital breakdown.

