



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

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**Eighth and ninth periodic reports of States parties due in 2014**

**Canada\***

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*Note:* The present document is being circulated in English, French and Spanish only.

\* The present document is being issued without formal editing.

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## I. Introduction

1. Canada is pleased to submit to the Committee on the Elimination of Discrimination against Women its eighth and ninth reports on the *Convention on the Elimination of All Forms of Discrimination against Women* (the “Convention”), ratified by Canada on 10 December 1981.
2. This report provides information on key measures adopted by federal, provincial and territorial (F-P/T) governments to further enhance the implementation of the Convention since the last periodic report, responding to most of the Committee’s Concluding Observations issued on 7 November 2008, following the examination of Canada’s sixth and seventh periodic reports on 22 October 2008.
3. In general, information that can be found in other reports submitted by Canada is not repeated in this report; references are added as appropriate. This includes Canada’s Common Core Document; the interim reports submitted at the request of the Committee on paragraphs 14 and 32 of the Concluding Observations; and the January 2014 Response to the follow-up questions of the Committee found in Annex 1A of the Observations of the Government of Canada on the report of the inquiry concerning Canada (the January 2014 Response).
4. In 2013, 17.7 million females accounted for 50.4 per cent of Canada’s population, continuing a slim female majority that has held for over three decades.<sup>1</sup> Information and data related to issues such as women’s family status, education, employment, economic well-being, unpaid work and health can be found in the sixth edition of *Women in Canada: A gender-based statistical report*.<sup>2</sup>

## II. Overarching implementation considerations

5. This section of the report contains information related to Articles 1, 2 and 3 of the Convention, and touches upon the legal framework for the protection of women’s rights and the machinery of governance regarding the advancement of women. It focuses on the Committee’s observations 9-12, 17-18, 25-28, and 49-52.

### Canadian federalism and legal framework

6. Canadian federalism includes collaborative and complementary laws, policies and programs of federal, provincial and territorial governments that protect the rights and freedoms of people in Canada. While governments work to find innovative and practical solutions to challenges and to adopt policies and programs tailored to local needs and circumstances, they also share common objectives and a strong commitment to building our society. There may be differences in the measures adopted by federal, provincial and territorial governments, but Canadian federalism fosters a multi-partner approach to the realization of rights, which reflects Canada’s diversity and values.
7. The Convention is implemented through constitutional and statutory protections, and legislative, administrative and other measures including:

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<sup>1</sup> Statistics Canada. Table 051-0001 — Estimates of population, by age group and sex for July 1, Canada, provinces and territories, annual, CANSIM (database).

<sup>2</sup> [www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.htm](http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.htm).

- Schedule B to the *Canada Act 1982* (the “*Canadian Charter of Rights and Freedoms*”), which applies to all government action and guarantees all individuals fundamental freedoms and rights, including an explicit equality rights guarantee for women;
- the *Canadian Bill of Rights*, which applies to federal laws and protects fundamental freedoms, legal rights and equality before the law;
- F-P/T human rights laws, which apply to the public and private sectors and prohibit discrimination on grounds such as sex, in regard to employment, and the provision of goods, services and facilities customarily available to the public and accommodation; and
- specific F-P/T laws, policies and programs governing areas that impact women.

8. Information on Canada’s legal system is available in paragraphs 120 to 130 of Canada’s Common Core Document.

#### **Machinery for the advancement of women**

9. In paragraphs 25 and 26 of its Concluding Observations, the Committee expressed concerns regarding changes at Status of Women Canada (SWC). SWC continues to be a federal government organization that promotes equality for women and their full participation in the economic, social and democratic life of Canada.

10. The delivery of SWC’s Women’s Program continues to improve through initiatives such as streamlined application processes, innovative calls for proposals and various efficiency strategies. Support for community-based projects through the Program has nearly doubled (from \$10.8 million to almost \$19 million) since 2006-2007. Funding is provided to organizations in support of projects at the local, regional and national levels that address the agency’s three priority areas: ending violence against women and girls; improving women’s and girls’ economic security and prosperity; and, encouraging women and girls in leadership and decision-making roles.

11. Provincial and territorial governments also have organizations that are dedicated to women’s issues and that offer funding for non-governmental organizations (NGOs) and Aboriginal Organizations, including for the purpose of research, lobbying and advocacy.

#### **Concluding Observations**

12. The Committee’s Concluding Observations (COs) were shared within F-P/T governments, with ministers and F-P/T committees to be used, as appropriate, in the development of new initiatives furthering women’s human rights. For example, the F-P/T Forum of Ministers Responsible for the Status of Women aligned its work with issues emerging from the COs and, in 2013, supported work on the report *Measuring violence against women: Statistical Trends* and worked with the Conference Board of Canada to develop *The Business Case for Women on Boards*. The Government of Canada has also endorsed a national goal of 30 per cent women’s representation on boards by 2019.

13. The federal parliamentary Standing Committee on the Status of Women also examined the COs for its 2010-2011 study on Violence against Aboriginal Women.<sup>3</sup>

14. The COs were also made available to the public, including civil society, through the Government of Canada's website.<sup>4</sup>

### **Consultations with NGOs and Aboriginal Organizations**

15. The views of more than 350 NGOs and Aboriginal Organizations were sought with respect to the issues to be covered in this report and fourteen organizations responded to that invitation.

16. All governments consult NGOs and Aboriginal Organizations on their policies, plans and services for women through meetings, forums, parliamentary commissions and on-line consultations. While these discussions are not specific to the Convention, issues have been raised related to matters within the Convention.

17. From 2010 to 2014, the Government of Quebec consulted over 500 agencies and people with respect to the development of three action plans and a provincial strategy and educational childcare services for Aboriginal communities. As part of the second government gender equality action plan (2011-2015), the government held special consultations and public hearings by means of a parliamentary commission as well as an online consultation.

18. The Government of Canada also continued to work closely with civil society to promote gender equality, including by supporting projects through SWC's Women's Program, collaborating on topical policy-related workshops and events, and through annual Canadian NGO participation at the United Nations Commission on the Status of Women.

19. Collaborative bodies, comprised of government officials and community representatives, that guide government responses and service delivery have also been created such as: the Government of Canada's National Committee on Services for Aboriginal Women works on issues related to Aboriginal women offenders; Saskatchewan's Provincial Partnership Committee on Missing Persons works on responses to missing person cases; and Ontario's Joint Working Group develops effective approaches to ending violence against Aboriginal women and their families.

20. More information on consultation initiatives can be found through this report and in paragraphs 35-53 of the January 2014 Response.

### **International endeavours**

21. In 2014, Canada completed a National Review of its implementation of the Beijing Declaration and Platform for Action and participated in the United Nations Economic Commission for Europe regional review. Canada is planning to participate in the international review of Beijing +20 at the 59th Commission on the Status of Women in March 2015.<sup>5</sup>

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<sup>3</sup> See: [www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5056509&Language=E&Mode=1&Parl=40&Ses=3&File=27](http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=5056509&Language=E&Mode=1&Parl=40&Ses=3&File=27).

<sup>4</sup> See: [www.pch.gc.ca/eng/1358179459602/1358179794270](http://www.pch.gc.ca/eng/1358179459602/1358179794270).

<sup>5</sup> Canada's national review can be found at [www.unece.org/index.php?id=35455](http://www.unece.org/index.php?id=35455).

22. Canada has made visible and lasting contributions towards achieving the Millennium Development targets, particularly in the area of maternal, newborn and child health. For example, in May 2014, the Government of Canada announced that it would contribute a further \$3.5 billion between 2015-2020 towards maternal, newborn and child health to improve the lives of women and their children. Canada also played a leadership role in the establishment of UN Women, and continues to engage actively across the UN system on issues related to gender equality and the empowerment of women and girls.

23. Looking forward to the post-2015 development agenda, Canada is an advocate for the inclusion of a dedicated goal on gender equality and the empowerment of women and girls, as well as the integration of gender equality targets/indicators throughout all other goals in the framework.

24. Canada ratified the *Convention on the Rights of Persons with Disabilities* in March 2010 and submitted its Initial Report in February 2014.

25. Canada, with support from Peru and Turkey, led a resolution to establish the International Day of the Girl Child at the United Nations to raise awareness about the particular challenges girls face. The first International Day of the Girl Child was celebrated on 11 October 2012 and Canada continues to actively commemorate this day domestically and internationally.

### III. Aboriginal and minority women

26. This section focuses on paragraphs 17-20 and 43-46 of the Committee's Concluding Observations regarding Aboriginal and ethnic and minority women. It includes some of the initiatives undertaken to improve the socioeconomic conditions of Aboriginal and minority women.

27. In 2011, there were 718,500 Aboriginal females in Canada. Aboriginal women and girls made up 4 per cent of the total Canadian female population that year: 61 per cent of the Aboriginal female population reported being First Nations (includes both Status and non-Status Indians), while 32 per cent were Métis and 4 per cent were Inuit.<sup>6</sup>

28. The 2011 National Household Survey counted 3.2 million females living in Canada who belonged to a visible minority group.<sup>7</sup> This represented 19 per cent of all women and girls living in Canada.<sup>8</sup> Moreover, 67 per cent of Canada's visible minority women were immigrants.<sup>9</sup>

<sup>6</sup> Statistics Canada. 2013. Canada (Code 01) (table). National Household Survey (NHS) Aboriginal Population Profile. 2011 National Household Survey. Statistics Canada Catalogue no. 99-011-X2011007. Ottawa. Released November 13, 2013, see: [www12.statcan.gc.ca/nhs-enm/2011/dp-pd/aprof/index.cfm?Lang=E](http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/aprof/index.cfm?Lang=E).

<sup>7</sup> The term "visible minority" is defined in the Employment Equity Act as "persons, other than Aboriginal people, who are non-Caucasian in race or non-white in colour." Under this definition, regulations specify the following as visible minority groups: Chinese, South Asians, Blacks, Arabs, West Asians, Filipinos, Southeast Asians, Latin Americans, Japanese, Koreans and other visible minority groups, such as Pacific Islanders.

<sup>8</sup> Statistics Canada, 2011 National Household Survey, Statistics Canada Catalogue no. 99-010-X2011030.

<sup>9</sup> *Ibid.*, Catalogue no. 99-010-X2011030.

**Legislative changes affecting Aboriginal women**

29. The *Gender Equity in Indian Registration Act* came into effect on 31 January 2011. The Act ensures that eligible grandchildren of women who lost Indian status as a result of marrying non-Indian men are now entitled to Indian registration. Persons newly registered now have access to the same benefits and services as do other registered Indians, including non-insured health benefits, and have the possibility of accessing post-secondary education benefits and federal and provincial tax exemptions.

30. The *Family Homes on Reserves and Matrimonial Interests or Rights Act* came into effect on 13 December 2013, and closed a legislative gap regarding matrimonial real property protections and rights on First Nation reserves. Residents on reserve have basic rights and protections during a relationship, in the event of a relationship breakdown, and on the death of a spouse or common-law partner regarding the family home and other matrimonial interests or rights similar to other Canadians. The Act also provides for emergency protection orders in situations of family violence, including an application for a court order awarding exclusive occupation of the family home for a prescribed period.

31. In 2008, section 67 of the *Canadian Human Rights Act*, which shielded the provisions of the *Indian Act* and any decisions made or actions taken by the federal government and Indian Band Councils under or, pursuant to, the *Indian Act* from the application of the *Canadian Human Rights Act*, was repealed. The repeal provided for a three-year grace period before coming into force for Band Councils on 18 June 2011. First Nations individuals now have full access to human rights protection and are able to file complaints with the Canadian Human Rights Commission alleging discrimination on a prohibited ground arising from actions taken or decisions made under or pursuant to the *Indian Act*.

32. Since 2008, Canada has signed or brought into effect five agreements with Aboriginal groups that contain self-government provisions. These contain principles that the Aboriginal parties must respect when creating their constitutions, including clear and transparent processes for the accountability of leaders to their members, rights of appeal and redress, and respect for the *Canadian Charter of Rights and Freedoms*. These agreements ensure that women members have the rights and freedoms to participate in their communities' governance and legislative processes.

**Aboriginal children and families**

33. Substantial information on F-P/T measures addressing the Committee's concerns regarding the number of Aboriginal children being taken into state care can be found in paragraphs 231-328 of the January 2014 Response. The following is additional information on government initiatives taken to support Aboriginal children and their families.

34. In 2014, the Government of Saskatchewan increased the availability of intensive family supports and after-hours services to help families stay together and prevent children from coming into care. The province is also expanding the Positive Parenting Program to give parents the opportunity to develop the skills and confidence they need to become better parents and address common child and adolescent social, emotional and behavioural problems.

35. In December 2013, the Government of Prince Edward Island and the Mi'kmaq Confederacy of Prince Edward Island Child and Family Services signed a protocol that provides a collaborative approach to child protection services for First Nation Children and Families. It is designed to ensure that services are delivered in a manner that preserves and promotes the Aboriginal cultural identity of children and families. It also recognizes that First Nations are consulted on decisions regarding First Nations children involved with Child Protection Services.

### **Socioeconomic conditions of Aboriginal and minority women**

36. F-P/T governments undertake many initiatives to improve the socioeconomic conditions of Aboriginal and minority women. The following are examples of recent initiatives.

#### *Health*

37. In 2010, the Government of Canada renewed funding for five years for a suite of First Nations and Inuit health promotion and disease prevention programs, including the Maternal Child Health (MCH) Program. The program supports home visiting by nurses and family visitors to women and families with young children in approximately 185 First Nations communities in Canada. Maternal and child health programming has been developed to address gaps in the overall health status of First Nations and Inuit compared to other Canadians by improving access to services for First Nations and Inuit women. Program design for First Nations and Inuit women and children includes holistic approaches that involve the whole family, recognizing the important roles and needs of women, men, boys and girls. In a recent evaluation, 90 per cent of participants reported that programming met their needs, provided culturally appropriate services and strengthened community linkages to ensure access to services.

38. In British Columbia, the First Nations Health Authority works in partnership with the federal government to ensure that Aboriginal peoples on reserve are provided with the care and services they require. The First Nations Transformative Change Accord outlined specific 'action items' regarding maternal health and, as a result, a project will be implemented to improve maternal health services for Aboriginal women and bring birth "closer to home and back into the hands of women".

39. British Columbia has developed a Provincial Prenatal Public Health Care Pathway to help improve continuous care for First Nations and Aboriginal mothers and families. This initiative seeks to develop an evidence-informed, consistent continuum of care in collaboration with health authorities that supports public health nurses to provide consistent, quality prenatal assessment, education and follow-up to pregnant women and their families.

40. The province has also partnered with BC Women's Hospital and Health Centre and the BC Centre of Excellence for Women's Health to lead the Newcomer Immigrant Women's Health Project. It focuses on understanding the health needs of newcomer immigrant women and their experiences with the health system, within the settlement context. The purpose is to identify opportunities and mechanisms for promoting health and strengthening the health system's response. A series of informational videos were developed for immigrants coming to British Columbia

and provides them with an overview of health services in the province, including information on applying for health insurance and accessing physician services.

#### *Housing*

41. Annually, the Government of Canada provides support to close to 600,000 lower-income households living in existing social housing, both on- and off-reserve.

42. The federal government, through Canada Mortgage and Housing Corporation (CMHC) and Aboriginal Affairs and Northern Development Canada, invests an estimated \$298 million a year to address housing needs on-reserve. A portion of the funding provides for the construction of an estimated 400 new homes, the renovation of some 1,000 existing houses and ongoing subsidies for an estimated 28,800 households. From April 2008 to March 2014, more than \$1 billion was spent through CMHC on housing on reserves.<sup>10</sup>

43. In its 2009 budget, the Government of Canada provided for a one-time federal investment of more than \$2 billion for the creation of new affordable housing and renovation and retrofit of existing social housing, resulting in more than 16,500 social housing and First Nations housing projects across Canada.

44. Further, under its Economic Action Plan 2013, the federal government is investing \$100 million, over two years, to support new affordable housing in Nunavut.

45. In 2013-2014, the Government of Quebec provided funding in 244,101 cases involving support for low-income households. For example, on 31 March 2014, the government was covering the operating deficit of 1,875 lodgings for Aboriginal people living off-reserve across Quebec and the operating deficit of 2,734 social housing units in Nunavik.

46. In Ontario, as of May 2014, 126 Aboriginal households have received loans to purchase homes, 86 have benefitted from the repair program and 10 rental projects for 113 units will receive funding.

#### *Primary and secondary education*

47. In 2011, the proportion of visible minority women aged 25-64 with at least a high school diploma was 88 per cent. The same proportion of non-visible minority women and immigrant women had at least a high school diploma.<sup>11</sup>

48. Between 2006 and 2011, the proportion of Aboriginal women aged 25-64 with a high school diploma or higher certification increased from 68 per cent to 74 per cent. During the same period, the proportion of First Nations women on reserve, aged 18-24, with a high school diploma increased from 37 per cent to 40 per cent. First Nations women were more likely to have a high school diploma or higher certification than men (40 per cent versus 36 per cent). However, First Nations women have a much lower attainment when compared to non-Aboriginal women.

49. The Government of Canada has made improving First Nations education a priority. Between 2006 and 2013, the federal government has invested over \$10 billion to support elementary and secondary education for First Nations students

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<sup>10</sup> More information on housing initiatives can be found in paragraphs 200 to 210.

<sup>11</sup> Statistics Canada Catalogue No. 99-010-X2011038.

living on reserve, while provincial governments are responsible for First Nations students off-reserve. In addition, \$1.7 billion was invested for school infrastructure over the same period. Specific initiatives since 2006 include:

- \$268 million over five years and \$75 million in ongoing funding through the Reforming First Nations Education Initiative;
- \$30 million over two years to support an implementation-ready tripartite K-12 education agreement in British Columbia; and
- \$100 million over three years for the Strong Schools, Successful Students Initiative to support early literacy programming, services and partnership with provincial school systems.

#### *Post-secondary education*

50. In 2011, the proportion of visible minority women aged 25-64 with a postsecondary qualification was 68 per cent, including 37 per cent having achieved a university certificate, diploma or degree at the bachelor level or above. Among immigrant women, 67 per cent had postsecondary qualification, with 34 per cent having a university qualification at the bachelor level or above. A slightly smaller proportion (64 per cent) of non-visible minority women obtained a postsecondary qualification, including 25 per cent with a university qualification at the bachelor level or above.

51. Between 2006 and 2011, the proportion of First Nations women (25-64 years) with a post-secondary qualification grew from 43 per cent to 46 per cent. During this period, the proportions of First Nations women with university degrees and college diplomas or other non-university certificates each grew by two percentage points (11 per cent and 22 per cent, respectively) and the proportion of Aboriginal women aged 25-64 with a university degree increased from 9 per cent to 12 per cent.

52. The Government of Canada is committed to providing a range of supports to help Aboriginal students access post-secondary education programs and acquire the skills they need to enter the labour market. In 2011-2012, the federal government provided a total of \$322 million for post-secondary education for Aboriginal people, including almost \$301 million for the Post-Secondary Student Support Program and the University and College Entrance Preparation Program to offset tuition, travel and living expenses for over 22,000 First Nation and Inuit students. According to the most recent data (2011-2012), 69.5 per cent of students receiving funding through these programs were women. The federal government invests approximately \$800,000 annually to support Indspire, including their scholarship and bursary program. Economic Action Plan 2013 proposed \$10 million over two years to Indspire to provide post-secondary scholarships and bursaries for First Nations and Inuit.

53. In Quebec, a post-secondary institution for an Aboriginal clientele, Kiuna, has been open since 2011, and two adult Aboriginal education centres, which opened between 2012 and 2014, promote access or a return to education, including for Aboriginal girls and women. Childcare services are available.

*Employment and poverty reduction*

54. Aboriginal women's labour market participation and employment rates trail that of both non-Aboriginal women and Aboriginal men. For example, as of 2011, the employment rate for Aboriginal women aged 25-64 was 11 per cent below that of non-Aboriginal women (60 per cent versus 71 per cent) and 5 per cent below that of Aboriginal men (65 per cent).

55. The Government of Canada is committed to working with First Nations to improve the on-reserve Income Assistance Program to help ensure that First Nation youth can access the skills and training they need to secure employment. Building on successful pilot projects and partnerships under way across the country, the Government introduced Enhanced Service Delivery for First Nations and their service providers. The Government is providing \$132 million over four years to support First Nations in identifying individuals' employment readiness and overcoming current barriers to employability.

56. The Government of Canada works with all levels of government, urban Aboriginal communities and organizations, and the private and the not-for-profit sectors to increase the participation of urban Aboriginal people in the economy. These efforts include supports for urban Aboriginal women and their families, as well as housing, employment, life skills and childcare supports for vulnerable Aboriginal women. The new and improved Urban Aboriginal Strategy includes an annual contribution of \$53.1 million in both 2014-2015 and 2015-2016. Of that amount, over \$30 million annually is dedicated to the new Urban Partnerships program to remove barriers preventing urban Aboriginal people from fully participating in the economy, while over \$23 million annually is for Community Capacity Support funding to support urban Aboriginal organizations with the goal of increasing participation of urban Aboriginal people in the economy.

57. Between 2010 and 2015, the Government of Canada will have invested nearly \$1.9 billion in the Aboriginal Skills and Employment Training Strategy (ASETS) and the Skills and Partnership Fund to ensure that First Nation, Inuit and Métis individuals have the skills they need to secure sustainable, meaningful jobs. Since 2010, under the ASETS, 48,700 aboriginal Canadians have become employed and another 22,600 have returned to school. Almost half of the clients served under the ASETS are women. (Approximately 41 per cent in 2011-2012, 42 per cent in 2012-2013, and 45 per cent in 2013-2014.)

58. Additionally, the Government of Canada introduced a four-year (2013-2017) investment of \$109 million which will be invested in the First Nations Job Fund as part of the Government's improvement of the Income Assistance Program on-reserve. This program will ensure that Aboriginal youth (18-24) in participating First nations communities, who can be trained within one year, have the skills required to participate in the labour market.

59. In addition, Aboriginal People off-reserve are also eligible for programs directed towards their specific needs (e.g. job training, skills development, youth employment, entrepreneurship) as well as a large number of programs that are available to all Canadians (e.g. health care, unemployment insurance, labour market development).

60. In Quebec, the Aboriginal Initiatives Fund II supports the economic, social and community development of Aboriginal people. In 2012, the \$135 million fund was

extended for another five years. The economic development component specifically facilitates the funding of entrepreneurship projects of Aboriginal women. In addition, under the community action component, \$1 million has been earmarked for Aboriginal women organizations.

61. Under Quebec's 2010-2015 Government Action Plan for Solidarity and Social Inclusion, each regional council of elected officials is to establish a poverty action plan that responds to the specific needs of local residents. In this context, the Cree Regional Authority and Kativik Regional Government, which cover two specific Aboriginal territories, have developed such a plan, and the First Nations of Quebec and Labrador Health and Social Services Commission has developed a plan for the other Aboriginal territories.

62. In December 2013, the Government of Alberta established the First Nations and Métis Women's Economic Security Councils, which are now in operation.<sup>12</sup>

63. With respect to visible minority women, the employment rate for women aged 15 and above was 55 per cent in 2011, 2 per cent below that of non-visible minority women (55 per cent versus 57 per cent) and 10 per cent below that of visible minority men (65 per cent).

64. The Government of Canada works in partnership with the provinces and territories to ensure that all Canadians have access to employment supports. Minority women benefit from employment insurance protections, federal transfers that support skills training and labour market development, and other employment supports that target under-represented groups. In addition to these programs, the Government of Canada funds skills and credentials recognition, job-finding services, and produces labour market information to help Canadians overcome obstacles to employment.

65. The Government of Canada, through its Settlement Program, funds organizations across Canada, many of which provide targeted programming interventions and resources for newcomers aimed at improving socioeconomic outcomes. For example, employment, skills training, and mentoring programs are in place to assist newcomer women at varying skills and language levels achieve economic independence, enter the work force, and find employment commensurate with their skills. Women make up more than half of those accessing federally-funded settlement services, 57.7 per cent, and close to 67.7 per cent of those accessing language-training.

#### **IV. Violence against women and girls**

66. This section contains information related to Articles 5 and 6 of the Convention and focuses on the Committee's observations 29-32. It reports on legislation and policies addressing family violence and child custody and provides examples of measures addressing violence against women and girls.

67. F-P/T governments in Canada are committed to addressing and reducing the occurrence of violence against women and girls, including Aboriginal women and girls, in all communities across the country. A wide range of measures have been implemented to support those affected by it and to hold perpetrators accountable for

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<sup>12</sup> See paragraph 92 of the January 2014 Response for more information.

their actions. These include a multi-jurisdictional response through the criminal justice system, as well as civil law, broader violence prevention responses and assistance to victims.

68. Recognizing the significant harms that flow from prostitution, the Government of Canada announced new legislative and programmatic measures in June 2014. The *Protection of Communities and Exploited Persons Act*, adopted in 2014, reflects a fundamental paradigm shift towards the treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and children, including Aboriginal women and girls. To complement the new laws, the Government has also announced \$20 million in new funding, over the next five years, to implement a range of social programming measures to support grassroots organizations dealing with the most vulnerable prostitutes. There will be an emphasis on funding programs with a proven record of helping prostitutes exit the sex trade.

69. Further, Canada has continued its efforts to protect the rights of victims more generally. Following consultations with the public and stakeholders, in April 2014, the Government of Canada introduced Bill C-32, the Victims Bill of Rights Act. This legislation seeks to create, for the first time in Canada's history, clear statutory rights at the federal level for all Canadians who are victims of crime. These include rights to information, protection, participation and restitution, and ensure a complaint process is in place for breaches of these rights.

### **Legislation and policies**

#### *Family violence*

70. In addition to Canada's criminal laws to address violence, including family violence, most provinces and territories have civil (non-criminal) legislation, which typically provides a range of options for victims of family violence that complement criminal law processes.

71. For example, the *Northwest Territories' Protection Against Family Violence Act* came into force in 2005 with amendments made in 2010 and 2013. The Act provides emergency and long-term protection for victims of family violence and allows emergency access to assist a person who may be subject to family violence.

72. Alberta's *Protection Against Family Violence Act* provides for victims' safety, through protection orders, to protect those who have experienced family violence and prevent further violence. Recent amendments add offence and penalty provisions to the Act, holding accountable those who violate protection orders. Penalties include fines and/or possible jail time for a first offence and mandatory jail time for subsequent offences.

73. The Act also mandates the province's Family Violence Death Review Committee to review incidents of family violence resulting in deaths and provide advice and recommendations regarding the prevention and reduction of family violence.

74. In 2011, the Government of Yukon enacted the *Victims of Crime Act*. The Act includes a Victims' Bill of Rights, which provides victims of crime with certain rights, including the right to privacy; the right to information about the justice system; the right to expect that the justice system will do what it can to reduce their

inconvenience and protect them from intimidation and retaliation; and, the right to have their needs considered when victim programs and services are developed.

75. British Columbia's *Family Law Act* came into force in March 2013. Under the Act, civil protection orders are available to help protect people experiencing or at risk of family violence. Breaches of protection orders are enforced as a criminal offence under Canada's *Criminal Code*, underscoring the seriousness of family violence and deterring breaches. British Columbia's Violence Against Women in Relationships Policy sets out the protocols, roles and responsibilities of service providers across the justice and child welfare systems to ensure an integrated and effective response to domestic violence. The policy directs the justice and child welfare systems to emphasize the criminality of violence within relationships and take the necessary measures to protect individuals who may be at risk.

76. The province of Prince Edward Island has a Police Response to Domestic Violence: Family Abuse Protocol under its *Police Act*.

#### *Laws on child custody and access*

77. Family law matters, including custody and access, are shared jurisdiction between the F-P/T governments and they work together to protect children from the adverse impacts of family violence and to ensure that the best interests of the child are central in custody disputes.

78. More specifically, when adjudicating cases involving custody and access issues, the *Divorce Act* requires the courts to consider any relevant factors, which would include domestic violence, in determining the best interests of the child. In this regard, Canadian courts have become increasingly aware of and sensitive to the negative impact of family violence on children. Convictions in relation to family violence would be a factor that the courts would take into account in making the best interests of the child determination.

79. The provinces and territories have various legislation, policies and protocols dealing with child custody and access. In determining a child's need for protection or applications for custody and access to a child, these statutes require courts to consider whether a child has been exposed to domestic violence in the home, whether directed at the child or a member of the household, and any impact such conduct could have on the child, and allow judges to make "emergency protection orders" where family violence has occurred and there is a risk of harm.

80. In 2010, in Manitoba, under the *Protection from Domestic Violence and Best Interests of Children Act*, best interests of the child criteria were added to the *Family Maintenance Act*, which include a requirement that courts, when making custody or visitation decisions, consider the impact on the child of any domestic violence. This is not limited to domestic violence for which there has been a criminal conviction.

81. Prince Edward Island has a *Victims of Family Violence Act* and has established a Child Sexual Abuse Protocol: Guidelines and Procedures for a Coordinated Response to Child Sexual Abuse. The Protocol supports an integrated, collaborative response by providing information concerning identifying and reporting suspected child sexual abuse; providing an overview of relevant law and government policies, procedures and protocols; clarifying the roles and shared responsibilities of service providers; and, ensuring that responses to suspected child sexual abuse in the province are effective, consistent and sensitive to the needs of children.

82. British Columbia's *Family Law Act* places the safety and best interests of the child first when families are going through separation and divorce. Among other things, it clarifies guardianship and parental responsibilities, encourages families to resolve their disputes out of court where appropriate, and requires that the potential impacts of family violence be considered in decisions about guardianship, parenting arrangements or contacts with a child.

83. In Ontario, the *Children's Law Reform Act* allows the court to make an interim or final restraining order against any person if the applicant has reasonable grounds to fear for his or her own safety or for the safety of any child in his or her lawful custody. The Act requires that an application for custody or access to a child be accompanied by an affidavit that includes information concerning any current or previous child protection or criminal proceedings. It also provides that a person's history of family violence is a relevant consideration in a custody or access application. Further, the Act requires a court, when determining an application for exclusive possession of the matrimonial home, to consider any violence committed by a spouse against the other spouse or the children.

#### **Funding and other measures**

84. Since 2009, the Government of Canada through SWC has funded over 200 projects to address violence against women and girls, totalling more than \$46 million. This includes over \$1.3 million for projects that address human trafficking and over \$2.8 million for projects that address harmful cultural practices such as violence committed in the name of so-called "honour".

85. In 2011, the Government of Ontario launched Changing Attitudes, Changing Lives: Ontario's Sexual Violence Action Plan. The \$15 million, four-year Action Plan focuses on raising awareness to prevent sexual violence, improving services for victims, and strengthening the criminal justice response. It was developed in consultation with more than 350 survivors, service providers and experts in the community, health, education and justice sectors.

86. Quebec's 2008-2013 Government Action Plan on Sexual Assault has been extended until a new plan is adopted. It includes 100 commitments and 149 million dollars has been invested for its implementation from April 2008 to March 2014.

87. In 2014, the Government of Alberta provided funding to train Alberta Native Friendship Centres' staff on "I Am A Kind Man", an anti-violence program for men and boys that originated in Ontario.

88. In 2014, New Brunswick updated the Woman Victims of Abuse Protocols, which comprise a suite of tools outlining the roles of departments and agencies, the measures to be taken to address violence against women, and the means to connect with partners and to establish a community approach with respect to safety and the prevention of violence against women.

89. In August 2009, the Government of Yukon released a five-year Victims of Crime Strategy, which focuses on the needs of victims of crime with an emphasis on addressing violence against women. This Strategy acknowledges, formalizes and strengthens the government's existing services; explores new and emerging initiatives, including legislative options, to provide more services; and emphasizes working with others to examine new supports for victims of crime.

90. In April 2014, Manitoba announced a four-point plan to address sexual assault that includes the UN Women Safe Cities Global Initiative; sexual assault protocols; a public awareness campaign; and a sexual assault knowledge exchange forum.

*Domestic violence*

91. After consulting with public, parapublic and community agencies that work with victims of domestic violence, Aboriginal organizations, associations, specialized organizations and research groups, Quebec launched a third action plan on domestic violence, covering the 2012-2017 period, to ensure the safety of and boost assistance for victims, including vulnerable children and to improve assistance and coaching for spouses who have violent behaviour. There are 100 measures for everyone and 35 measures specifically for Aboriginal people. An estimated \$57 million will be required over five years for the plan's implementation.

92. In 2013, the Government of Alberta released A Framework to End Family Violence in Alberta, which includes specific measures to address gender equality within the context of family violence. It builds on existing intervention and prevention measures and enhances existing strategies with evidence-based practices.

93. In 2014, the Government of British Columbia released a three-year Provincial Domestic Violence Plan. The plan is the result of consultation with the public and anti-violence stakeholders and includes commitments to create additional domestic violence units, programs for Aboriginal families, direct services for perpetrators, and improved access to services and social housing for survivors in rural and remote communities. The plan also includes commitments to develop an Aboriginal response and specific approaches to address the unique needs of immigrant and refugee women, as well as women with disabilities.

94. The Government of Northwest Territories' Domestic Violence Treatment Options Court provides an 8-week program for offenders charged with domestic violence who are prepared to take responsibility for their actions. Offenders are carefully screened into the program, and successful completion of treatment is a mitigating factor in sentencing. The program concluded its 6th session in March 2014 with 33 individuals successfully completing it to that point.

95. Prince Edward Island's Premier's Action Committee on Family Violence Prevention (PAC) includes government and community representatives, such as women's groups, working in collaboration on family violence prevention. In the last five years, the committee has engaged communities and schools in Family Violence Prevention Week; introduced an enhanced model of care for patients who go into Emergency Departments for treatment following a sexual assault; provided a number of advanced training opportunities for professionals working to prevent family violence; and, expanded the resources available on the PAC website for female and male victims of family violence, for neighbours, friends and family members, and for faith communities.

96. The Government of Manitoba has a Stop the Violence public awareness campaign in place, with a range of resource materials to promote non-violent relationships and appropriate interventions. The province has declared April of each year as Sexual Assault Awareness Month.

*Child, early and forced marriage and “honour”-based violence*

97. Efforts of governments and non-governmental organizations in Canada to address the issue of early and forced marriage domestically have intensified in recent years. In the October 2013 Speech from the Throne, the Government of Canada made a commitment to take steps to ensure that early and forced marriage does not occur in Canada. In response to this commitment, on 5 November 2014, Bill S-7, an Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts, was introduced in the Senate. The proposed amendments will help protect women and children from harmful practices such as early and forced marriage, and polygamy; and to ensure that people who kill in the name of honour are held fully responsible for their actions. These amendments would enhance legal protections for vulnerable Canadians, in particular immigrant women and girls, from these insidious forms of family violence.

98. The Government of Canada has created an interdepartmental working group on forced marriage and “honour” based violence, under the auspices of the federal Family Violence Initiative to act as a focal point for collaborative actions.<sup>13</sup>

99. Internationally, Canada has identified ending child, early and forced marriage as a foreign policy and development priority, and has played an important role in bringing global attention and action to ending this harmful practice worldwide.

*Cyberbullying*

100. Bill C-13, Protecting Canadians from Online Crime Act was introduced in the House of Commons in November 2013. The legislation addresses the non-consensual distribution of intimate images and seeks to modernize existing investigative powers (warrants and other judicial orders) to enable police — subject to prior judicial oversight — to obtain electronic evidence from the Internet and other new technologies more efficiently and effectively. It proposes *inter alia* to prohibit the non-consensual distribution of intimate images and to empower a court to order the removal of intimate images from the Internet. It also proposes to expand the definition of “identifiable group” in the Criminal Code hate propaganda related offences to include “sex”, among other new grounds.

101. In January 2014, the Government of Canada launched the anti-cyberbullying national awareness campaign, Stop Hating Online — a comprehensive resource for parents and youth to help stop cyberbullying with a focus on its consequences and how this behaviour amounts to criminal activity.

102. In 2013, Nova Scotia enacted the *Cyber-Safety Act*, which provides for the courts to issue protection orders, for those bullied to sue the cyberbully or the cyberbully’s parents and for clearer responsibility on school principals to take action when there is cyberbullying.

103. In 2013, the Government of Saskatchewan released Saskatchewan’s Action Plan to Address Bullying and Cyberbullying. The plan will provide students, families and schools with knowledge, skills, resources and supports to help Saskatchewan children and youth feel safe and accepted at school, in their

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<sup>13</sup> For more information on the Government of Canada’s Family Violence Initiative, see [www.phac-aspc.gc.ca/ncfv-cnivf/initiative-eng.php](http://www.phac-aspc.gc.ca/ncfv-cnivf/initiative-eng.php).

community and online. The plan is intended to address bullying behaviour and promote positive relationships for all children.

### **Victim supports**

#### *Supports and services*

104. Under the Family Violence Initiative, a partnership to coordinate activities between 15 federal departments, the Government of Canada manages an online resource centre for family violence professionals and the general public. Since 2009, the web pages have received an approximate average of 194,500 hits annually. The government is developing the web pages with a modernized platform and new content, including up-to-date statistics on violence against women, tools for professionals working with women and children who have experienced family violence, and information for women who need help dealing with family violence.

105. In Quebec, measures have been adopted to promote the complementarity of services and consistency in psychosocial, legal, police and penal interventions with respect to domestic, sexual and family violence. Enormous progress has been made.

106. The government also funds crime victims assistance centres (CAVAC), which offer front-line services to all victims of crime, their relatives and witnesses of the criminal offence. This funding allowed the CAVAC's services in Nunavik and to the Cree community to be extended. The funding also applies to sexual assault assistance centres, which have set up a confidential, free and bilingual telephone line for victims of sexual assault, including for relatives of victims and cases workers, across Quebec, 24 hours a day, 7 days a week.

107. Quebec has also made legislative amendments allowing people to cancel a residential lease on grounds of domestic violence or sexual assault and another legislative amendment that extends the statute of limitations from three to ten years applicable to civil liability actions when an act causing bodily harm may constitute a criminal offence. The limitation is 30 years when the harm stems from sexual assault, violence experienced as a child or violence at the hands of a spouse or ex-spouse.

108. In addition, following an assessment of needs to accommodate services provided for women with disabilities who are victims of domestic violence, new measures intended specifically for these women were added to the action plan on domestic violence.

109. The Government of Ontario's Sexual Assault Centre program provides support and services to women survivors of sexual violence who are 16 years and older, their family members, partners and friends. Forty agencies across the province deliver services such as individual and group counselling, information and referral services, advocacy and accompaniment, practical assistance and access to a 24-hour crisis and support telephone line. In 2012-2013, the program provided 7,164 clients with individual counselling, 2,005 clients with group counselling, and 12,151 referrals to other services.

110. Ontario's Family Violence Authorization Program, which is offered through some shelters and community legal clinics, offers emergency two-hour consultations with a private lawyer for survivors of domestic violence who are in need of immediate assistance. This program also provides advice on immigration and refugee matters.

111. The Government also established the Family Court Support Worker Program to help victims of domestic violence through the process of separation or divorce. The program is offered in 49 court districts across Ontario and its main objectives are to provide supports for victims of domestic violence involved in the family court process; address victim safety through safety planning; and increase victim awareness of available services and supports. Between the beginning of services in 2012 and 31 March 2014, the program has received 15,326 referrals and helped 13,865 clients.

112. In 2012-2013, the Government of Saskatchewan launched an expansion of its Victim Services, including the enhancement of the province-wide delivery of Victim/Witness Services, by increasing the number of regional offices from four to six. These programs provide court orientation and support for child victims and other vulnerable witnesses to help reduce fear, anxiety, and further trauma through testifying.

113. There was also a province-wide expansion of police-based victim services to 11 police jurisdictions in 2013-2014, with the remaining 23 jurisdictions to receive services in 2014-2015. These services provide support, information, and referrals to victims of crime immediately after an incident and throughout the criminal justice process.

114. In June 2013, Saskatchewan also amended The Victims of Crime Regulations to add *Criminal Code* offences for which victims may apply for Victims Compensation, including forcible confinement and trafficking in persons.

115. In 2012, *The Child Sexual Exploitation and Human Trafficking Act* of Manitoba came into force, allowing victims of child sexual exploitation and human trafficking to obtain court orders of protection.

116. Manitoba has nine Women's Resource Centres that provide individual counselling, information and referral, outreach and support groups to women impacted by domestic violence, as well as educational programs, children's services, volunteer training and community development activities.

#### *Shelters and accommodations*

117. Since 2011, the Government of Canada has entered into bilateral Investment in Affordable Housing agreements with most provinces and territories (P/Ts). Under these agreements, P/Ts cost-match federal funding and have the flexibility to design and deliver housing programs to address their local housing needs and priorities, including for accommodations for victims of family violence. P/Ts are required to allocate a minimum of \$1.9 million annually in federal funding for victims of family violence. Aboriginal Affairs and Northern Development Canada provides approximately \$18.5 million in funding for an existing network of 41 shelters in the provinces and in Yukon. On 15 September 2014, the Government of Canada released its Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls. As part of the Action Plan, as of 1 April 2015, the Government will invest a further \$158.7 million over five years for shelters and family violence prevention activities on and off-reserve.

118. From 2008 to September 2014, close to \$88 million in federal/provincial/territorial contributions were delivered to create or renovate and improve 4,693 shelter

units/beds for victims of family violence off reserve and, close to \$5 million in federal funding was delivered from 2008 to 2013, towards 309 on-reserve units/beds.

119. The Government of Quebec has been providing recurring annual funding for 110 shelters throughout the territory for women who are victims of domestic violence and in difficulty and their children and for two provincial associations of these types of organizations. A specialized organization for immigrant and refugee women is funded on a recurring basis in the Montreal area.

120. Quebec's Shelter Enhancement Program — Renovation component provides financial assistance for the renovation of existing temporary shelters for women who are victims of family violence. Between 28 February 2010 and 31 March 2014, 281 units for women victims of violence and their children and young people in difficulty under the age of 29 were renovated.

121. The Government of Ontario has invested \$142 million in programs aimed at increasing the safety of women who are experiencing abuse and their children. Part of this funding helps 95 agencies operate shelters that serve about 12,000 women and 8,000 children annually.

122. Under its *Housing Services Act, 2011*, Ontario's Special Priority Policy provides priority access to rent-geared-to-income housing (RGI) for victims of domestic violence. Service Managers are required to place eligible applicants at the top of the waiting list. In 2012, approximately 4,500 new and existing applicants were housed in RGI housing.

123. The Government of Alberta provides ongoing funding to women's emergency shelters across the province as well as the network of sexual assault centres. In 2013-2014, 7,604 women and 7,766 children were served by women's emergency shelters and on one day in 2013, 41 of those shelters helped 926 women and 1,102 children.

124. British Columbia funds around 1,750 permanent, year-round shelter beds. Approximately 1,610 of these permanent shelter beds are funded through its Emergency Shelter Program and roughly 260 of these are specifically allocated to women.

125. There are five family violence shelters across the Northwest Territories for women and children fleeing violence. These shelters are accessible by residents of all communities. In regions that do not have shelters, funding is provided to support the development of culturally relevant protocols and emergency response teams to improve safety for victims of family violence and to cover travel expenses for women and children who need to be flown to another community to access a shelter.

126. In 2011, the Government of Manitoba announced an additional \$2 million to help establish 18 new safe transition beds as well as support to StreetReach that helps exploited teens escape the street.

127. More information on shelters can be found in paragraphs 204-230 of the January 2014 Response.

**Violence against Aboriginal women and girls**

128. Governments in Canada are continuing to undertake initiatives and measures to address the issue of violence against Aboriginal women and girls. Substantial information on measures undertaken before 2014 is featured in the January 2014 Response and new developments are featured below.

*National Operational Overview on Missing and Murdered Aboriginal Women*

129. On 16 May 2014, the Royal Canadian Mounted Police (RCMP) released a National Operational Overview on Missing and Murdered Aboriginal Women. It was a comprehensive data analysis involving a manual file by file review of all historical incidents of missing Aboriginal females. In addition, the review encompassed all female Aboriginal homicide victims from 1980 to 2012. The compilation of this report involved the assistance of Statistics Canada and close to 300 policing agencies across Canada.

130. This National Overview revealed the following:

- Police-recorded incidents of Aboriginal female homicides and unresolved missing Aboriginal females total 1,181 — 164 missing and 1,017 homicide victims.
- There are 225 unsolved cases of either missing or murdered Aboriginal females: 105 missing for more than 30 days as of 4 November 2013, whose cause of disappearance was categorized at the time as “unknown” or “foul play suspected” and 120 unsolved homicides between 1980 and 2012.
- Aboriginal women are over-represented among Canada’s murdered and missing women.
- There are similarities across all female homicides. Most homicides were committed by men and most of the perpetrators knew their victims — whether as an acquaintance or a spouse.
- The majority of all female homicides are solved (close to 90 per cent) and there is little difference in solve rates between Aboriginal and non-Aboriginal victims.

131. The identification of trends and circumstances surrounding these cases will serve to inform police and police partner agencies, enabling enhanced prevention and investigative efforts and accountability. It will also assist operational planning from the detachment to national level of the RCMP.

132. Based on the file review, the RCMP provided updated data on the Aboriginal identity of all female victims of homicide between 1980 and 2012 to Statistics Canada. Moving forward, the RCMP will be providing Statistics Canada with data on the Aboriginal identity of all homicide victims and persons accused of homicide. Statistics Canada is also working with all police services to improve the quality of these data.

*Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*

133. In February 2013, the House of Commons unanimously voted in support of the creation of a Special Committee of the House of Commons to review the important

issue of missing and murdered Aboriginal women and suggest practical solutions. The Committee heard from numerous individuals and groups and issued its report in March 2014.

134. In September 2014, in response to the Special Committee's recommendations and in line with its commitment in Budget 2014 for an additional \$25 million over five years to address violence against Aboriginal women and girls, the Government of Canada released the *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*.

135. This five-year Action Plan reflects that this serious issue requires coordinated and multi-faceted action and brings together actions the Government of Canada will take under three pillars: Preventing Violence; Supporting Aboriginal Victims; and, Protecting Aboriginal Women and Girls.

136. Initiatives under the Action Plan include:

- the development of more community safety plans across Canada, including in regions identified as high risk through the RCMP's Operational Overview;
- projects to break intergenerational cycles of violence and abuse by raising awareness and building healthy relationships;
- projects to engage men and boys and empower women and girls in efforts to denounce and prevent violence;
- victim services and assistance to victims and families; and,
- actions to share information and resources with communities and organizations, and report regularly on progress made and results achieved under the Action Plan.

137. In addition to the \$25 million investment from 2015 to 2020, the Government of Canada is taking action to protect Aboriginal women and girls by:

- funding shelters and family violence prevention activities, at a level of \$31.74 million annually; and,
- supporting the creation of a DNA-based Missing Persons Index to help bring closure to families of missing persons.

138. This Action Plan, together with other federal support for shelters, family violence prevention, and increasing economic and leadership opportunities for Aboriginal women, will result in an investment by the Government of Canada of nearly \$200 million over five years.

#### *New provincial and territorial initiatives*

139. Since the release of the Missing Women Commission of Inquiry (MWCI) Report, in November 2013, the Government of British Columbia has continued to work on the implementation of its recommendations. Key actions taken in spring 2014 include the establishment, by the province, the Government of Canada and the City of Vancouver, of a Compensation Fund to offer \$50,000 in compensation to each of the living, biological children of the sixty-seven women identified in the MWCI Report.

140. The province adopted in 2014, the *Missing Persons Act*, which will provide police with tools to help find missing persons sooner.

141. Amendments to the *Police Act* were passed, to allow for additional standards to support bias-free policing and audits for unsolved major case investigations. Standards for missing persons' investigations, major case management and inter-agency cooperation are also currently being developed.

142. The province has also provided funding to the Police Academy of the Justice Institute of British Columbia to facilitate the integration of cultural competency and bias-free policing core values throughout training curricula. This will include training police officers with respect to developing and maintaining community relationships, particularly with vulnerable members of the community.

143. Working in partnership with the British Columbia Association of Chiefs of Police Advisory Committee, the province has conducted a review of existing police departments' policies, procedures and operational responses as they pertain to the MWCJ Report recommendations. This work has identified gaps and needs and recommended a number of action items to address the identified gaps and guide implementation.

144. British Columbia is developing provincial policing standards on missing persons' investigations, which are expected to be completed by fall 2014. A standing Advisory Committee on Provincial Policing Standards comprised of police and non-police stakeholders, including Union of British Columbia Municipalities, Union of British Columbia Indian Chiefs and the BC Civil Liberties Association has been established to provide input into the process.

145. A multi-year project has been initiated to examine how policing is currently structured and funded. The project will engage municipal leaders and police agencies to explore ways to build on the regional delivery of specialized services. This will lay the groundwork for exploring models of service delivery ranging from further integration to the regional delivery of services while retaining local, community-focused policing. To further this endeavour, an Expert Committee comprised of representatives from police agencies, local governments, the BC Police Association, and First Nations has been established to: clarify policing responsibilities of each level of government; explore policing models ranging from further integration to regional service delivery; and develop options for police service governance and funding models.

146. The province has supported the development of a Real Time Intelligence Centre (RTIC) by the RCMP and municipal police partners. The RTIC will ensure that information can be shared more readily and will enhance the ability of police to investigate all crimes, including those of missing persons. Implementation of the RTIC began in June 2014 with initial service to all police in Metro Vancouver, including RCMP and independent municipal police. Over the next two phases of implementation, the RTIC will examine expansion to Greater Victoria (2016) and then the remainder of the province (2017).

147. Manitoba Justice's Victim Services coordinates an inter-agency working group of agencies/individuals dedicated to the issue of missing persons, specifically missing and murdered Aboriginal women and girls, ensures that all involved are aware of the current services provided by each agency in Manitoba and creates a

link between them so that the affected families, along with the agencies, will have an easier time navigating the system and accessing services.

148. The province provided funding to: Aurora Family Therapy Centre's 'Unresolved Loss' program, which will enhance supports and long-term counselling for the families of missing persons; Ka Ni Kanichihk to expand and enhance the work of the Medicine Bear Project, specifically to increase partnerships and resources in rural and northern communities; and, Eyaa-Keen's Ni Mino Biimatiziiwin Project (My Good Life) to address the grief and loss experienced by families of missing and murdered Aboriginal women and girls.

149. The Government of Alberta is working with the Institute for Advancement of Aboriginal Women and other partners to develop a collaborative strategy for increasing safety for Aboriginal women and girls. This inter-agency committee led by the Institute aims to create awareness around missing and murdered Aboriginal women, provide better support for families, and build collaborative initiatives in Alberta communities to improve safety.

## **V. Employment and economic empowerment**

150. This section contains information related to Articles 4, 10, 11 and 13 of the Convention and focuses on paragraphs 23-24 and 37-40 of the Committee's Concluding Observations.

151. Governments in Canada are working to increase the employment and economic empowerment of women through a range of measures, including skills development and employment programming, funding for childcare to help Canadian families balance work and childcare, and affordable housing supports for families with low to moderate incomes.

### **Skills development and employment measures**

152. The gap in the labour force participation rate between men and women aged 15-64 has been significantly reduced over the past 40 years; from 33 percentage points in 1976 to 7 percentage points in 2013. In 2013, the participation rate of women aged 15-64 was 74.6 per cent, compared to 51.4 per cent in 1976. Nearly 27 per cent of working women in Canada worked part-time, whereas 12 per cent of working men held part-time employment. Although, women with children are still less likely to be employed than women without children, the employment rate among women with children under the age of six has more than doubled over the past 30 years.

153. Although women remain underrepresented in the skilled trades, the number of female apprentices is increasing. In 2011, women represented 14 per cent of all registered apprentices. While the number of female apprentices increased by 216 per cent between 2000 and 2010, they remain concentrated in certain trades, which are generally lower-paying (e.g., hairstylist, cook). However, in recent years, more women have registered in male-dominated trades. For example, both the industrial electrician and construction craft worker professions have seen increases in the number of women apprentices.

154. As means to provide temporary income support to individuals facing major life events and help maintain labour market attachment, the Government of Canada

also provides Employment Insurance special benefits, such as maternity, parental, sickness, compassionate care benefits and the benefit for parents of critically ill children.

155. F-P/T governments have put in place various measures designed to promote job creation and labour market inclusiveness, and to ensure women develop the skills they need to succeed in the labour market, including in non-traditional trades and professions.

156. The Government of Canada offers an integrated suite of supports to encourage greater participation in the skilled trades and apprenticeship by both women and men. For example, the apprenticeship incentive grant and apprenticeship completion grant help to reduce financial barriers to accessing training, as do the tradesperson's tools deduction and apprenticeship job creation tax credit (for employers). In 2014, the Government announced the creation of the Canada apprentice loan, which provides apprentices registered in their first red seal trade with interest-free loans to cover the costs of training.

157. The Government of Canada works with the provinces and territories (P/Ts) by investing approximately \$2.7 billion per year in skills development and employment programming to improve labour market outcomes. This investment includes: the new Canada Jobs Fund Agreement; the Labour Market Development Agreements, which support improved labour force attachment of unemployed Canadians, including women in underrepresented groups; and the Labour Market Agreements for Persons with Disabilities, which provide more demand driven training solutions for persons with disabilities.

158. Since 2009, the Government of Canada through SWC has funded over 140 projects, totalling \$33 million, to increase economic security and prosperity for women and girls, including over 40 projects (totalling \$11 million) that support women in non-traditional occupations and over 26 projects (totalling over \$6.7 million) that support women in entrepreneurship.

159. Examples of P/T measures include the government of Manitoba's Training and Employment Services (TES) that provides a range of direct and indirect employment and training services to all eligible Manitobans and which has particular projects or initiatives that are targeted specifically to the needs of women job seekers, including:

- Career Trek / "M" project is a career exploration program designed for adolescent mothers to assist them to stay in school, complete secondary education, and enroll in post-secondary education/training.
- Ka Ni Kanichihk /honouring gifts and essential skills program provides aboriginal single mothers aged 18-30 with the opportunity to build skills relevant to the labour market.

160. TES also delivers the Trade Up to Your Future Initiative, aimed at encouraging more women to pursue careers in the non-traditional skilled trades. TES provides direct financial assistance to support low income and low skilled women as they gain the skills necessary to qualify for entry level jobs in the skilled trades. Participants are eligible for one-on-one career development counselling and financial assistance to attend an accredited apprenticeship training program.

161. In total for fiscal year 2013-2014, TES delivered services to 14,963 women and within this group, 2,849 women received financial assistance to attend skills training, which includes skills upgrading, post-secondary education and in-class apprenticeship training.

162. In Quebec, Emploi-Québec's intervention strategy for female workers, launched in 2009, promotes employment integration and retention among women, including women who are more vulnerable in terms of employment.

163. Further, the 2011-2015 action plan on gender equality includes actions intended to improve the situation of women on the labour market, such as funding for organizations that coach women who have major difficulties that hinder their employment integration and measures intended to improve the social and professional integration of female immigrants who have recently arrived in Quebec.

164. The government also developed a work-family balance standard that encourages businesses of all sizes to put in place best practices in terms of balancing work and family and to advertise their commitment in this regard by undertaking a certification process.

165. Quebec is also making efforts to promote the diversity of school and professional choices of young girls and women, from high school to university, including encouraging them to pursue a technical or scientific career. It recognizes the efforts and perseverance of girls in traditionally male-dominated training programs through a competition called *Chapeau les filles!* Support for female entrepreneurship, through Femmessor organizations across Quebec, helps encourage women in traditionally male-dominated fields.

166. The Government of Saskatchewan provides a number of employment services and ensures that persons in receipt of income assistance are provided with access to employment services through the Accelerated Connections to Employment process.

167. Further, the Saskatchewan Apprenticeship and Trade Certification Commission promotes women in the skilled trades through partnerships with Employers, Trade Unions and Post-Secondary Institutions.

168. Since 2002, the Government of Newfoundland and Labrador has put measures in place to enable women to avail themselves of employment opportunities with large resource developments by requiring that project operators develop and implement Gender Equity and Diversity Plans (GEDP). These plans typically consist of quantitative (targets) and qualitative measures to ensure women's employment and retention as well as an implementation and reporting schedule. Since 2011, plans also contain business access strategies to help women-owned businesses secure access to contracts.

169. The province also supports outreach and training initiatives aimed at increasing the number of women in occupations where they are under-represented. Funding is provided to the Women in Resource Development Corporation, which delivers a wide range of supports and initiatives aimed at employers, women and school girls, and the Office to Advance Women Apprentices, which provides training and employment supports for women in apprenticeable trades.

170. The Government of Nova Scotia's GroundWorks Program helps women in receipt of income assistance upgrade skills and learn about possibilities in the trade and technology sector.

171. The Government of Yukon funds the Yukon Women in Trades and Technology, which offers an annual conference at Yukon College for 120 grade eight girls from Whitehorse and rural communities to provide hands-on experience with different trades in a fun and supportive environment. The goal of the conference is to get girls interested in pursuing non-traditional trades.

172. The Government of Ontario supports the Women in Skilled Trades and IT Training program, which provides employment training and supports for low-income women to enter into a variety of highly skilled and high demand skilled trade jobs and apprenticeships or IT jobs. Since 2008, 1,128 low income women have participated in the program. Of those who completed the program, 87 per cent secured apprenticeships, jobs or further training.

173. The Government of New Brunswick has a Gender Equality Scholarship Program, which is intended to encourage and support women and men pursuing a non-traditional career at a New Brunswick college. Over 400 scholarships have been awarded to women. The province is also developing a “Women in Trades” program, which will target job-ready women who are interested in pursuing training and/or employment in the trades.

174. The province also regularly holds the Trades & Tech Gala for Girls with private and not-for-profit sector partners designed to introduce young women in high school to women from their community working or studying in skilled trades and technology sectors. Since 2009, over 900 girls have attended.

### **Child care**

175. In Canada, provincial and territorial governments (P/T) have primary responsibility for the provision of health, social, and education services for children and families, including the design and delivery of Early Childhood Education and Care (ECEC) policies and programs. Each province and territory has a program of licensed and approved ECEC that establishes legislated requirements, standards, and funding arrangements for centre-based ECEC, licensed and approved family childcare, school-aged childcare, nursery schools, preschools, and kindergarten programs.

176. The Government of Canada’s approach respects provincial and territorial responsibility for social services while supporting parental choice. Programs under the aegis of the federal government include fiscal transfers to P/Ts to be spent at their discretion on programs and services; transfers to individuals to support their choices; tax expenditures; and programs for populations for which the federal government has particular responsibilities, such as contributions to ECEC in Aboriginal communities.

177. *The Public Investments in Early Childhood Education and Care in Canada 2012* report provides an overview of federal programs and spending, as well as provincial and territorial information on licensed childcare, kindergarten, and other ECEC programs including the number of licensed ECEC spaces in most provinces and territories by setting and age group in 2012.<sup>14</sup>

178. In 2013-2014, the Government of Canada committed \$6.5 billion in support of early childhood development and childcare through transfers to P/Ts, direct

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<sup>14</sup> [http://www.esdc.gc.ca/eng/child\\_family/childhood/ececc\\_2012.shtml](http://www.esdc.gc.ca/eng/child_family/childhood/ececc_2012.shtml), see page 90.

spending, and tax measures for families. The *Universal Child Care Benefit* (UCCB) assists Canadian families with the cost of childcare. As a result of the UCCB, it is estimated that 19,000 families were lifted out of low-income financial situations in 2012. As of 1 January 2015, through the UCCB, parents will receive a benefit of \$160 per month for each child under the age of 6 (\$1,920 annually). It will also be expanded to include children aged 6-17 where parents will receive a benefit of \$60 per month (\$720 annually).

179. In 2014, the Government of Canada also committed to the Family Tax Cut, a federal tax credit to allow a higher-income spouse to transfer up to \$50,000 of taxable income to a spouse in a lower tax bracket. The credit will provide tax relief (up to \$2,000) for couples with children under the age of 18. As well, the Child Care Expense Deduction will be increased by \$1,000 to \$8,000 for children under the age of 7, \$5,000 for children aged 7-16 and \$11,000 for children who are eligible for the Disability Tax Credit, effective for the 2015 taxation year.

180. In addition, the Investment Tax Credit for Child Care Spaces provides a 25 per cent credit towards capital and developmental costs for businesses that create new childcare spaces for their employees and the surrounding community to a maximum of \$10,000 per space.

181. In 2009, the Government of Canada also enhanced the Canada Child Tax Benefit (CCTB) and the National Child Benefit (NCB) Supplement to allow low-income families to earn additional income and to still qualify for benefits. Between 2009 and 2010, approximately 3.3 million families (5.8 million children) received the CCTB, including over 1.5 million families (2.7 million children) who received the NCB Supplement.

182. The federal government provides \$250 million each year to P/Ts to support the creation of new childcare spaces throughout the country to help Canadian families better balance childcare and work responsibilities. In addition, as part of the Aboriginal Skills and Employment Training Strategy, the Government is investing \$55 million per year to support a network of 8,500 childcare spaces in over 450 sites in First Nations and Inuit communities.

183. Moreover, through the Settlement Program, the federal government funds support services, such as onsite childcare, so that recent immigrant women can better take advantage of services such as language training and employment-readiness programming. This includes recent enhancements to add flexible options (e.g., care options on a short and long-term basis) to settlement service providers so childcare support services could better meet the needs of clients.

184. Between 2011 and 2013, two development plans for the subsidized day-care network were approved by the Government of Quebec to create 30,000 new places, for an overall objective of 250,000 subsidized places by 2021. In May 2014, there were 218,790 places in the network and 3,979 places in Aboriginal communities.

185. Manitoba's Five-Year Agenda for Early Learning and Child Care (2008-2013) committed funding for 6,500 childcare spaces. The newly announced Family Choices Plan (2014) commits to funding 5,000 more spaces over the next five years.

186. Manitoba's Early Learning and Child Care Program provides funding to support over an estimated 8,600 children in licensed childcare in every four-week period, including guaranteed subsidy funding to 29 centres to serve low income

families in high needs areas. Approximately 18 per cent of all subsidized children have parents who are supported by Employment and Income Assistance and approximately 13 per cent are foster children. The Program increased subsidy eligibility levels by 5.3 per cent in July 2012 to expand accessibility to childcare for low-income families.

187. The Government of Ontario provides low to moderate income families with children under 18 years old with the Ontario Child Benefit (OCB). Since its introduction in 2008, the level of support provided by the OCB has more than doubled. The annual maximum benefit has increased by an additional \$110 per child in July 2013 and \$100 in July 2014, raising the total maximum amount provided per child to \$1,310.

188. In 2013-2014, the Ontario government invested more than \$1 billion to support the availability of licensed childcare for parents and families; to deliver services to specific areas or population (e.g., remote/rural, language, etc.); and, to support capital retrofits to adjust to the implementation of full-day kindergarten.

189. As of March 2013, there were 5,050 licensed childcare centres in Ontario and the total licensed capacity in childcare centres was 294,490. There were 127 licensed private-home day-care (PHDC) agencies and 5,960 PHDC home locations with total enrolment of 16,807.

190. Ontario also implemented full-day kindergarten and is engaging with the childcare sector on how to transition the sector and improve childcare and early years' services so that they are more responsive, integrated and accessible for children and families.

191. In 2013, the Government of British Columbia announced the BC Early Years Strategy, an eight-year government commitment to improve the accessibility, affordability and quality of early years' programs. The government announced plans to introduce, in 2015, a new BC Early Childhood Tax Benefit to improve the affordability of childcare and assist families with the cost of raising young children.

192. In 2014, the province also announced a total of \$14.8 million in Child Care Major Capital Funding to support the creation of new licensed childcare spaces. Under the BC Early Years Strategy, the government aims to support the creation of up to 1,000 new childcare spaces between spring 2014 and spring 2015, and plans additional investments next fiscal year to support the creation of an additional 1,000 spaces. Since 2001, it has worked with community partners to create over 6,500 licensed childcare spaces, while its Child Care Subsidy program continues to provide financial assistance to low income families to help offset their cost of childcare.

193. Saskatchewan offers a range of supports to parents with low to moderate incomes, including the Child Care Subsidy; the Saskatchewan Employment Supplement; special allowances in social assistance; the Provincial Training Allowance; and, Canada-Saskatchewan Student Loans.

194. Saskatchewan has allocated funding to increase the number of childcare centre spaces in order to achieve the goal of adding 2,000 new childcare spaces by 2016 and has appointed a Legislative Secretary for Child Care to review the current Child Care Subsidy program. The government has also increased the maximum Saskatchewan Employment Supplement benefits by 14 per cent and extended the earning thresholds by 16 per cent.

195. Since 2007, there has been more than double the number of Prekindergarten programs added in Saskatchewan and low income and Aboriginal women's children aged three and four can have access to Prekindergarten at no cost. There are also Teen Student Support Centres across the province, which are intended to cover teen parent fees and to fund programming supports specific to teen parents and their children while the parents work to complete high school.

196. In 2008, Alberta initiated the Creating Child Care Choices Plan, which resulted in the creation of over 20,000 new childcare spaces. In 2012, childcare was made more affordable after increases to the childcare subsidy threshold. Alberta also has a voluntary accreditation program and over 97 per cent of day cares and family day home agencies and over 87 per cent of out-of-school care programs participate in accreditation to meet standards of excellence.

197. The Government of Nova Scotia's Child Care Subsidy Program helps eligible families pay for childcare at licensed childcare facilities or family home day cares. Early year centres have also been opened in four communities to provide families with more access to services and supports for young children.

198. In 2010, Prince Edward Island introduced Early Years Centers as part of its early learning and childcare system. Parent fees in Early Years Centers are regulated and since the province's Child Care Subsidy Program's maximum *per diem* rate is set at the same level as the regulated fee, families who qualify do not have to pay additional costs for the services.

199. The Northwest Territories is offering optional, no cost, full day early learning and care for four year olds in many of its communities in 2014-2015 and 2015-2016. A territory-wide roll-out will be considered following a program review in 2015-2016. Where offered, this will enable not-for-profit and for-profit day-care operators the opportunity to open more childcare spaces for 0-3 year olds. This will help address the issue of many mothers wishing to re-enter the workforce or further their education.

### **Affordable housing**

200. Governments in Canada recognize that the provision of safe, stable housing and related supports is important for helping individuals achieve greater economic self-sufficiency and improved quality of life. Although data on affordable housing are not broken down by gender, government interventions for low income earners and Aboriginal communities benefit women.

201. In 2011, the federal, provincial and territorial governments committed to a combined \$1.4 billion investment towards reducing the number of Canadians in housing need under a new Investment in Affordable Housing Framework 2011-2014, which resulted in close to 183,700 households no longer being in housing need.

202. Between 28 February 2010 and 31 March 2014, the *AccèsLogis* program of the Government of Quebec funded 464 lodgings for women who are destitute and in difficulty. The government also funds affordable housing projects for young single mothers re-entering the labour market (Quebec's *AccèsLogis* program). Some of these projects include setting up childcare services in the building to enable tenants to strike a balance between family life and their return to school or training.

203. The Government of Ontario has developed several measures to address housing needs for low-income women, including the Long Term Affordable Housing Strategy and the Community Homelessness Prevention Initiative.

204. Social housing in Ontario consists of approximately 260,000 social housing units, including approximately 186,000 rent-geared-to-income units. These units assist a range of low income households, including women-led households.

205. As of March 2014, over \$373 million in Investment in Affordable Housing funding has been committed to build and repair 10,144 units in Ontario and provide rental and down payment assistance to 6,941 households, including women-led households.

206. From 2004 through 2014, Prince Edward Island, in partnership with the Government of Canada and private developers, invested over \$20 million to provide new affordable housing options for individuals and families in need. This funding increased the available housing stock for vulnerable Prince Edward Islanders by 455 units.

207. The Government of Saskatchewan has adjusted rental housing supplements and shelter allowances under the Saskatchewan Rental Housing Supplement and social assistance programs nine times since August 2008 (the most recent increase was 1 October 2013).

208. In 2009, the Government of Manitoba released HOMEWorks! Manitoba's Long-Term Housing Strategy and Policy Framework, which complement AllAboard: Manitoba's Poverty Reduction Strategy. Announcements from both strategies have included substantial funding for new public housing and extensive renovations. The Cross-Department Coordination Initiatives also developed the Homelessness Strategy, which includes a range of housing projects for individuals with mental health and homelessness issues.

209. In February 2014, British Columbia updated its 2006 housing strategy, Housing Matters BC, and renewed its commitment to addressing Aboriginal housing through a strong Aboriginal housing sector. As of March 2014, there are more than 4,500 housing units dedicated to supporting low-income Aboriginal families and individuals.

210. British Columbia's Women's Transition Housing and Supports Program assists approximately 18,000 women and children throughout British Columbia. All of the programs serve Aboriginal women and children, and include seven Aboriginal providers.

## **VI. Women and the justice system**

211. This section of the report contains information related to Articles 15 and 16 of the Convention, and touches upon access to legal remedies, property distribution upon dissolution of marriage or *de facto* relationship, and women and girls in the correctional system. It focuses on the Committee's observations 21-22, 33-34 and 47-48.

212. All governments in Canada have adopted legislation prohibiting discrimination on various grounds, including sex, in regard to employment matters, the provision of goods, services and facilities customarily available to the public, and

accommodation. More information on Canada's human rights codes and on remedial avenues can be found in paragraphs 99-108 and 131-152 of Canada's Core document.

### **Legal aid**

213. As part of its constitutional jurisdiction in the area of criminal law, the Government of Canada provides financial assistance to the provinces and territories towards the delivery of criminal legal aid services. The Government of Canada provides financial assistance to the six provinces that provide Immigration and Refugee legal aid services (British Columbia, Alberta, Manitoba, Quebec, Ontario and Newfoundland and Labrador).

214. The federal Government's Canada Social Transfer (CST) includes funding for civil legal aid. The CST provides flexibility to provincial and territorial governments to invest these funds according to the needs and priorities of their residents, including by determining the design and delivery of civil legal aid programming.

215. Since January 2014, eligibility thresholds for legal aid have been substantially increased in Quebec. Over 500,000 more people will have access to this free component of the program. This increase enables older people living alone and mainly receiving the Guaranteed Income Supplement to receive free legal coverage. Starting in June 2015, people working full time and earning minimum wage will also have access to free legal aid. This amendment to the plan will benefit women who earn a low income.

216. With respect to family law, the Act to promote access to justice in family matters was enacted in 2012. The family mediation program was improved and offers parents who are separating (married or not) to continue to benefit from family mediation services covered by the government, up to seven and a half hours, including two and a half hours for a follow-up review. Parenting sessions following a breakup are also offered free of charge to parents, particularly to inform them of the psychosocial aspects of the breakup.

217. Since April 2014, an administrative service to adjust child support amounts enables parents to make an update to the amount in cases where a judicial assessment is not necessary. The service is offered at a fixed cost and is affordable, and eligible parents do not have to appear before a judge.

218. Legal Aid in the Northwest Territories is provided to financially eligible people and people on income support in the areas of family and civil cases as follows: child support custody or access cases, division of property and divorce when related to child support, custody or access, spousal support, emergency restraining orders, child welfare matters and access to government services. A Legal Aid Outreach Clinic in Yellowknife travels to communities throughout the territory and provides services related to civil matters affecting an individual's livelihood, physical or mental health, or ability to provide food, clothing and shelter for themselves or their families.

219. The Yukon Legal Services Society has established minimum criteria to access legal aid and poverty law services. All of the information is published on their website for easy access. In addition, the Society has an established appeals process.

220. More information on access to legal aid in Canada can be found in paragraphs 554-605 of the January 2014 Response.

**Property distribution upon dissolution of marriage or *de facto* relationship**

221. Each province and territory has constitutional jurisdiction over property and, therefore, has legislation providing for a division of family property upon marriage breakdown. The statutes differ in a number of ways, including what “property” is subject to division, when a right to claim a division of property arises, and whether the rights granted under the legislation are debtor-creditor rights or proprietary rights in the assets. In practice, there is less difference in the final distribution of property under the various statutes than might be expected and they generally result in a 50/50 division in value or property. Earning capacity is generally dealt with by the remedy of spousal support and not property division. Legislation also provides for exceptions in circumstances of inequality: for example, in the province of British Columbia where earning capacity can also be dealt with by an unequal division of property and in Quebec where the unequal division of property may be allowed under the *Civil Code of Quebec*.

222. In all provinces, division of family property legislation applies automatically to married couples. In Quebec, the legislation also applies to unmarried couples who have concluded a civil union contract. Two other provinces (Nova Scotia and Manitoba) also provide for a registration system of couples who are in a conjugal relationship but are not married, which then grants them similar rights and responsibilities to married couples. These registration systems have had a relatively low take-up rate, especially since same-sex couples have become eligible to marry. Three provinces (British Columbia, Manitoba and Saskatchewan) have extended their division of family property legislation to *de facto* couples who have lived together for a minimum of 2-3 years. Family property claims for *de facto* couples are generally based on the equitable remedies of unjust enrichment and constructive trust.

223. Federal legislation sets out provisional division of family property rules for First Nations until they enact their own legislation. It also provides the same rights and responsibilities to *de facto* couples.

224. In Quebec, assets are not divided. Instead, there is a division of “family patrimony,” which corresponds to the total net value of certain assets, namely homes used by the family, furniture used by the family in these homes, vehicles used for family travel and accumulated assets in a retirement plan during the marriage or civil union. Rules governing the constitution and division of the family patrimony apply to married couples and those who are in a civil union upon the dissolution of their union, regardless of their matrimonial or civil union regime and whether or not they have children. Assets that are not part of the family patrimony are subject to the spouses’ matrimonial regime. These rules do not apply to common-law spouses, although they may protect themselves by planning for the consequences of a breakup by means of a cohabitation agreement.<sup>15</sup>

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<sup>15</sup> The Supreme Court of Canada considered whether the provisions of the Civil Code of Quebec that create patrimonial and support rights for married and civil union spouses but not for *de facto* spouses unjustifiably discriminate on the basis of marital status contrary to s. 15(1) of the Charter. The Supreme Court of Canada concluded that while the law draws a distinction based on

225. An advisory committee on family law was created in April 2013 to assess the possibility of carrying out a reform of Quebec family law. In its preliminary report, which is based on a legal analysis and sociodemographic data, the committee concludes that there is a significant gap between the family model recognized by the *Civil Code*, which begins with marriage, and the various forms of unions and families in Quebec today. The committee recommended that family law as a whole be reviewed and is currently working on developing review proposals.

226. Manitoba's family property regime has been in place for married spouses since the 1970's and provides for the division of the value of any property acquired by one or both spouses during married cohabitation. The presumption is that the value of this property will be shared equally, but the court does have limited discretion to order an unequal division. Family property-sharing laws in Manitoba were extended to common-law partners effective 30 June 2004.

227. As Manitoba's family property regime deals with assets acquired during cohabitation, future earning capacity is not directly relevant and is more likely to be relevant to issues of spousal or common-law partner support. Future earning capacity may be indirectly considered in a family property claim when dividing the value of a spouse or partner's professional practice such as a medical, law or accounting business.

228. In Saskatchewan, *The Family Property Act* governs the possession and distribution of property between spouses. A spouse is a legally married spouse or a common law spouse (i.e., has cohabited with the other person as spouses continuously for a period of not less than two years). As a general rule, each spouse is entitled to an equal share of the family property, subject to the exceptions, exemptions and equitable considerations set out in the Act. For example, a court may order that one of the spouses be given exclusive possession of the family home or household goods. In making such an order, the court will take into account factors such as the needs of any children; the conduct of the spouses towards each other and towards any children; the availability of other accommodation within the financial means of either spouse; the financial position of each spouse; any interspousal contract or written agreement between the spouses; or any other relevant fact or circumstance.

229. In Newfoundland and Labrador, in *de facto* relationships, if arrangements have not been made regarding property, individuals can try to invoke the equitable remedies of constructive trust, resulting trusts, unjust enrichment, quantum meruit and allege the existence of a partnership to address inequities that may arise on dissolution.

230. In Prince Edward Island, net family property value is to be distributed evenly, so that if one spouse has property greater than half net family property (e.g., the house), he or she must supply the other spouse with one half of the difference in property value between them. The *Family Law Act* states "Every spouse or former spouse has an obligation to provide support for himself or herself and for the other spouse or former spouse, in accordance with need, to the extent that he or she is capable of doing so."

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the analogous ground of "marital status", the law does not unjustifiably discriminate on that basis, contrary to section 15(1) of the Charter.

231. With the implementation of its *Family Law Act* in March 2013, British Columbia reformed its property division scheme. Under the new Act, upon separation, each spouse has a right to an undivided one half interest in all family property and is equally responsible for family debt, subject to an agreement or order that provides otherwise. Family property includes all real and personal property, excepting specific categories of excluded property set out in the Act. Unlike the province's previous legislation, property division provisions apply to both spouses who are married as well as persons living together in a marriage-like relationship for at least two years.

232. When a marriage ends in Ontario, the equal contribution of each person to the marriage is recognized. The *Family Law Act* provides that the value of any kind of property that was acquired by a spouse during the marriage and still exists at the time of separation must be divided equally between the spouses. Also, any increase in the value of property owned by a spouse at the date of marriage must be shared. The payment that may be owed to one of the spouses to effect this sharing is called an "equalization payment", or an "equalization of net family property".

233. There are some possible exceptions to these rules, which are called excluded property, and may include gifts or inheritances received during the marriage from someone other than a spouse, provided that the gifts or inheritances were not used towards a matrimonial home. These automatic property sharing provisions only apply to married spouses. The future earning capacity of a spouse is not a factor in the division of family property; it may, however, be considered in the allocation of spousal support.

### **Women and girls in the correctional system**

#### *Classification system of women in the federal prison system*

234. The federal government has not redesigned its classification system for women in the federal correctional system. However, legislative amendments made in June 2012 authorized the Commissioner of Correctional Service Canada to assign sub-classifications to male and female offenders with maximum- and medium-security classifications.

235. Based on women offender warrant of committal admissions from 2008-2009 to 2013-2014, the proportion of women offenders with an initial Offender Security Level decision of maximum security varied between 5.1 per cent and 7.8 per cent. Furthermore, research has demonstrated that the tools used to assess security levels at intake and throughout the sentence, continue to be valid and reliable in predicting women offenders' institutional adjustment.

#### *Use of male guards as front-line staff in women's institutions*

236. Male primary workers may be used as front-line staff in federal women's institutions. Commissioner's Directive 577 — Staff protocol in Women Offender Institutions aims to ensure that the dignity and privacy of incarcerated women are respected to the fullest extent possible consistent with safety and security, and that the presence of men in the workplace does not expose staff or inmates to vulnerable situations. An additional measure regarding sexual misconduct was added to the protocol in 2013.

237. Correctional Services Canada requires all front-line staff to undergo Women Centred Training, which incorporates discussions on violence against women and Aboriginal culture.

238. Manitoba has male Correctional Officers working at the adult female Correctional Centre and has policies and practices to ensure female offender privacy is protected for example, male Correctional Officers are not permitted to search female offenders.

239. Ontario uses male correctional officers as front-line staff in adult women's institutions. The government has policies and procedures in place to ensure the client's right to privacy is not violated and has several programs that provide staff with knowledge and training regarding working with female offenders.

240. There is cross-gender staffing in all British Columbia's provincial correctional centres. However, living units in facilities designated for women are staffed by female officers as privacy and dignity are fundamental for women in the custodial environment. Additionally, there is no cross-gender staffing in change areas or living units where dignity and privacy cannot be provided. Except in emergency situations when female staff may be paired with male staff, only women may staff living units that are designated for women in centres where there are male and female inmates or just female inmates.

241. Except in emergencies, correctional officers of the same gender as the inmate supervise change areas when the inmate is required on admission to strip, shower and undergo a thorough search; supervise directly toilet and shower areas when correctional officers work in full view of showering inmates; and, perform skin searches. Observation of inmates by staff of the opposite gender must be kept to a minimum and is only permitted in emergency situations and during senior administrative review of incidents.

242. Given its small correctional population, Prince Edward Island's correctional institution is mixed and provides for female housing within the facility. Female correctional officers provide front line supervision to female offenders although there may be a mixed staffing model in place.

243. There are no male guards performing frontline work at the Northwest Territories' Correctional Centre Female Unit. Male staff members have been called in for night shifts in emergency situations, but are not permitted to participate in counts.

244. The Government of Yukon does not use male correctional officers as frontline staff in the women's unit. The unit is staffed with all female officers. Additionally Yukon has legislation that states that female prisoners must not be supervised by a male officer.

*Mixed-sex youth prisons or detention centres*

245. Both male and female youths are housed in Manitoba's Youth Centre where they are kept separate and have minimal contact. If they come into brief contact with each other, a Manitoba Youth Centre Juvenile Counsellor is immediately present. Juvenile counsellors are trained in gender responsiveness and are subject to the same policies and procedures as correctional officers at adult facilities to ensure privacy is protected when male staff work in a female unit.

246. Ontario has 11 custody and detention facilities that only accommodate female youth. There are 10 custody and detention facilities in Ontario that accommodate both male and female youth. The two genders are accommodated separately and only have minimal contact with each other (e.g., during the day while at school). All interactions between youth are supervised by staff at all times.

247. Ontario's youth custody and detention facilities have both male and female staff who work directly with female youth. The work assignments of male and female staff are consistent with Ontario's Human Rights Code that prohibits discrimination on the grounds of gender in hiring and work assignments, while demonstrating consideration and sensitivity towards the personal dignity and needs of young persons.

248. Ontario's Ministry of Children and Youth Services has standards, policies and procedures that describe specific expectations with respect to activities that expressly require a staff member of the same gender as young persons. With the exception of work assignments that expressly require a staff member of the same gender as youth (e.g., searches, supervision of showers, escorts, etc.), staff members of either gender may perform all other duties. This includes the routine supervision of youth.

249. A minimum of two staff members, one of whom must be the same gender as the youth, is required when any physical contact or removal of some or all of the youth's clothing is involved. When conducting searches, a staff member of the same gender as the youth performs the search, and if the second person is of the opposite gender and the search involves removal of some or all of the youth's clothing, the staff must be positioned in a way so as to view only the other staff and not the young person.

250. The Prince Edward Island Youth Centre deals with small populations on its units and currently, due to downsizing, dual designation, and impacts resulting from the implementation of the *Youth Criminal Justice Act*, there are fewer placement options within the province's custodial setting, resulting in mixed populations (male and female youth). However, the province's work philosophy is based on a young person's risks and needs, and implementation of case specific strategies to enable a young person to move forward and make amends to the community. This is accomplished through gender-specific programming whenever possible, either in group format or in one-on-one sessions. The province's staffing model partners female and male youth workers and at least one female youth worker must be on staff.

251. In exceptional circumstances, where placement of a young person on a unit might exacerbate difficulties with a specific or other residents due to presenting or pre-existing issues, or due to the uniqueness of a young person's particular circumstances, the province will provide a wrap-around service to the young person including one on one supervision and/or enhanced unit supervision.

252. As of February 2011, in New Brunswick, female youth offenders are housed in a separate unit at the same facility as male youth (the New Brunswick Youth Centre). This unit is staffed by female officers and programs are gender-specific.

253. In the Northwest Territories, there is one youth correctional facility and it is mixed-gender. Although, the government plans to construct a new facility for adult female inmates, it plans to continue housing male and female youth inmates in the

same existing facility due to the minimal number of young female offenders and the specialized training, programming and support available at the current youth facility. Much of the time, there are no female young offenders in the correctional facility, and the average number of custody orders for female young offenders over the last three years has been less than one. A female officer is on shift at all times and when a female young offender is held in custody, she is housed on separated tiers of the units, with separate bathrooms and laundry area, and is escorted by a female officer to the intake area to shower. There is also gender-specific programming at the facility.

*External redress and oversight mechanism for federal women prisoners*

254. Information related to the issue of external redress and oversight mechanisms for federal women prisoners can be found in paragraphs 262-280 of Canada's Response to the list of issues in advance of the examination of Canada's Sixth Periodic Report on the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

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