



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

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## Committee on the Elimination of Discrimination against Women Sixty-fifth session

### Summary record of the 1433rd meeting\*

Held at the Palais des Nations, Geneva, on Tuesday, 25 October 2016, at 10 a.m.

*Chair:* Ms. Hayashi

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

*Combined eighth and ninth periodic reports of Canada*

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\* No summary record was issued for the 1432nd meeting.

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*The meeting was called to order at 10 a.m.*

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

*Combined eighth and ninth periodic reports of Canada (CEDAW/C/CAN/8-9; CEDAW/C/CAN/Q/8-9 and Add.1)*

1. *At the invitation of the Chair, the delegation of Canada took places at the Committee table.*
2. **Ms. Savoie** (Canada), introducing the State party's combined eighth and ninth periodic report, said that the 2015 federal elections had heralded a change in direction for the Government of Canada. Prime Minister Justin Trudeau, a self-declared feminist, had made a renewed commitment to gender equality in Canada and had appointed the country's first fully-fledged Minister of Status of Women and its first ever gender-balanced Cabinet. As part of the drive to achieve gender equality and empower all women and girls, the Minister of Status of Women had developed a detailed results framework, with clear objectives, that would serve as a road map for the attainment of gender equality in all areas of Canadian life. There was, however, much work to be done in order to achieve that objective.
3. Gender-based violence, the gender pay gap and obstacles preventing women from taking on executive and decision-making roles were just some of the challenges facing women and girls in Canada, in particular indigenous women, women with disabilities, women from visible minorities and women belonging to a sexual minority. However, the federal Government was strongly committed to tackling those issues, as well as to rooting out institutional racism and sexism. To achieve that aim, long-term investment and a coherent, collaborative, intergovernmental approach was needed. For that reason, the federal Government was working closely with provincial and territorial governments, indigenous peoples' organizations and NGOs.
4. A number of programmes and measures had been implemented since 2008 to address the persistent inequalities experienced by women and girls in Canada, including the factors underlying the gender pay gap. Pay equity legislation or policies were already in place, to varying degrees, in most jurisdictions, but the federal Government was planning to enact more proactive legislation within the next two years.
5. Violence against women and children was considered a serious public health issue and various measures were in place to combat the problem. By way of example, the Minister of Status of Women, in conjunction with other ministers, was in the process of developing a federal strategy on gender-based violence that would complement efforts at the provincial and territorial levels and strengthen endeavours to eliminate such violence from society. Strategies to tackle the root causes of violence against indigenous women and girls were also being implemented by the provinces and territories. A review of the criminal justice system that would include sentencing reforms was in the pipeline, and efforts were under way to eliminate gaps in legal services for indigenous peoples and persons with mental health issues.
6. **Ms. Buist** (Canada), turning to the situation of indigenous women and girls, said that, in the words of the Prime Minister, there was no relationship more important to Canada than the nation-to-nation relationship with indigenous peoples. The Government had accepted the recommendations of the Truth and Reconciliation Commission and was working with key stakeholders to establish a national reconciliation framework. Canada had recently become a full supporter, without reservation, of the United Nations Declaration on the Rights of Indigenous Peoples and had committed to its full implementation, working in partnership with indigenous peoples and other stakeholders. In that connection, a Federal,

Provincial, Territorial and Indigenous Forum was to be established to strengthen cooperation with indigenous peoples and address issues of importance to them.

7. Responding to calls from the Committee and various other bodies, the federal Government had now begun the National Inquiry into Missing and Murdered Indigenous Women and Girls. During the pre-inquiry design phase, Government ministers had met with more than 2,100 survivors and family members of victims in 18 face-to-face meetings, and more than 4,000 people had responded to an online survey. The Commission appointed to lead the Inquiry had been mandated to examine and report on the root causes of all forms of violence against indigenous women and girls and to assess the institutional policies and practices implemented in response to such violence, including policing practices. All provinces and territories had agreed to adopt the Inquiry's Terms of Reference under their respective Public Inquiries Acts and a majority had already done so. The Commission's interim report was due in November 2017, with a final report expected in November 2018.

8. The Inquiry was just one of many steps being taken to address the ongoing inequalities experienced by indigenous women and girls. In addition, the Government had allocated Can\$ 8.4 billion from the federal budget for investments aimed specifically at improving the living conditions and future prospects of the indigenous population, addressing the underlying causes of violence against women and girls and promoting opportunity and inclusion.

9. **Ms. Savoie** (Canada) said that, although it still faced many challenges in the pursuit of gender equality, the Government of Canada was committed to addressing them with a renewed spirit of cooperation. It was hoped that a more inclusive, open and transparent approach that drew on the strengths of the many diverse viewpoints existing across Canada and embraced the opportunity for constructive dialogue would pave the way to a strong, pluralistic Canadian society.

#### *Articles 1 to 6*

10. **The Chair**, speaking in her capacity as an expert, said that she commended the State party's commitment to promoting and protecting women's human rights in both the domestic and international spheres and the progress it had made in advancing women's rights in Canada, in particular by repealing section 67 of the Canadian Human Rights Act. She was concerned, however, that certain provisions discriminatory against women still remained in the amended Indian Act. Noting that, in 2015, the Quebec Superior Court had ruled that the Indian Act violated the right to equality, she asked what steps the Government was, or would be, taking to comply with the requirement to amend the Act by February 2017. Information on the content of the proposed amendments would also be welcome.

11. In its previous concluding observations (CEDAW/C/CAN/CO/7), the Committee had urged the State party to address disparities affecting access to legal aid services and the funding assigned to them. Given that the number of approved applications for legal aid had apparently fallen significantly over the past 20 years, and in view of recent increases in the budget for criminal legal aid, for which the main beneficiaries were men, she would be interested to know whether the Government intended to provide more funding for civil legal aid for women. She would also like to learn more about its approach to gender-sensitive budgeting for the legal aid system in general.

12. **Ms. Patten** said that she shared the concerns raised by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee about alleged human rights abuses committed by Canadian companies, particularly mining companies, operating abroad, and the limited access to effective legal remedies enjoyed by the victims of such violations. She wished to know what concrete measures had been taken, or were envisaged,

to establish effective administrative and judicial mechanisms to ensure that women victims were able to gain access to justice; whether a gender perspective was being incorporated into such mechanisms; and whether due consideration was being given to the appointment of an extractive industry ombudsman empowered to receive complaints, launch investigations and make recommendations to the mining sector and the federal Government.

13. While the State party was to be commended for being among the first countries to introduce a national action plan to implement the recommendations of United Nations Security Council resolution 1325 (2000) on women, peace and security, the plan itself contained a number of deficiencies. She wondered how the Government intended to address those deficiencies and, in particular, to improve monitoring and evaluation processes, enhance reporting and accounting mechanisms, and ensure regular consultation with civil society. In light of the recommendations set out in the Global Study on the implementation of Security Council resolution 1325 (2000), she would also like to know whether there were any plans to increase the resources allocated to women, peace and security issues; how the authorities kept account of the number of peace-related projects supporting the rights of women and girls and the funding each project received; what action was being taken to equip Canadian personnel with the capacities required to protect women's human rights and prevent violence in conflict-affected and humanitarian situations; and to what extent women, including indigenous and local women, were able to play an active and meaningful role in peace and decision-making processes. Lastly, reiterating Ms. Hayashi's concerns regarding the availability of legal aid, she asked whether there were any plans to review the eligibility criteria for family law legal aid.

14. **Mr. Bruun** said he was delighted that the recommendations made by the Committee in its report on missing and murdered indigenous women in Canada (CEDAW/C/OP.8/CAN/1) had been accepted by the Government, and that he warmly welcomed the State party's decision to launch the National Inquiry into Missing and Murdered Indigenous Women and Girls. However, the Inquiry's Terms of Reference did not appear to contain a clear commitment to a human rights-based framework and did not expressly indicate whether the mandate of the Commission leading the Inquiry included reviewing policing policies and practices. That omission was surprising since the failure of the police force to promptly investigate cases involving indigenous women had been cited as one of the biggest issues to be addressed. He wondered whether a deadline had been set for the country's provinces and territories to adopt the legislation necessary for the Inquiry to proceed.

15. He invited the delegation to comment on reports that indigenous women's organizations had had no specific role in the design of the Inquiry and that discussions had been conducted almost entirely with male-dominated indigenous organizations; clarification as to the extent of women's involvement would be appreciated. He was also concerned that male indigenous organizations appeared to be viewed as the Government's sole partner in the "nation-to-nation relationship with indigenous peoples" while funding for women indigenous organizations had been cut. Lastly, in view of the country's federal structure, he wished to know how the Government ensured that all territories and provinces of Canada were fulfilling their obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

16. **Ms. Brady** (Canada) said that a comprehensive range of measures was in place to enhance access to justice and that the federal Government worked closely with the provinces and territories to identify areas for further improvement. It was true that the federal Government had substantially increased its funding for the criminal legal aid system. However, that move was expected to improve access to justice for vulnerable and marginalized persons, including indigenous women and men and women with mental health and substance abuse problems. In recent years, legal aid thresholds had been adjusted

in some provinces to ensure that more persons, including women, were eligible. As regards civil legal aid, the federal Government had committed to reinstating the Court Challenges Programme, which in the past had funded groundbreaking cases brought under the equality rights and official languages provisions of the Canadian Charter of Rights and Freedoms.

17. **Ms. Neveu** (Canada) said that in the province of Quebec the threshold for free legal aid had been raised on 1 January 2016 so that single minimum-wage earners became eligible. The threshold would also be indexed to take account of two increases in the minimum wage, thereby improving access to justice for vulnerable sectors of society and victims of domestic violence in particular. Persons in receipt of social benefits were automatically eligible for legal aid and, in 2016, 68,000 women had received civil legal aid.

18. **Ms. Priest** (Canada) said that legal aid thresholds had also been raised in the province of Ontario, increasing the number of eligible persons, many of whom were indigenous, by 40 per cent. The comprehensive range of services available to victims of domestic violence included free legal advice for victims who had been charged with assaulting a partner and more general advice on civil issues such as child custody.

19. **Ms. Buist** (Canada) said that persistent discrimination against indigenous women had prompted the Government to initiate consultations with First Nations and other indigenous groups on the eligibility criteria for Indian registration and band membership and the amendments to the Indian Act necessary to eradicate inequalities.

20. The Commission appointed to oversee the Inquiry into Missing and Murdered Indigenous Women took a human rights-based approach, was led by an indigenous woman and included representatives of the country's three indigenous peoples and many of its different regions. Almost all provinces and territories had formally adopted the Inquiry's Terms of Reference and the remainder would do so in the very near future. Two indigenous women's organizations had engaged in pre-inquiry consultations and had produced reports that were considered during the design phase. Women's organizations would also have an advisory role during the Inquiry, which would focus on the main concerns identified in the pre-inquiry stage, which included policing and child welfare.

21. **Ms. Brady** (Canada) said that the repeal of section 67 of the Canadian Human Rights Act had led to a significant increase in the number of complaints filed by indigenous persons. The majority were lodged against First Nation Governments. Thanks to additional funding from the federal Government, the Canadian Human Rights Commission had been working to raise indigenous communities' awareness of the repeal.

22. Treaties ratified by Canada were not automatically incorporated into domestic law but were implemented through legislation at all levels of government. Some obligations assumed under the Convention fell within the remit of the federal Government, others were addressed by provincial and territorial governments, while responsibility for the rest was shared. Governments at all levels worked together to respond to the needs of their local communities; those different needs occasionally necessitated different approaches. All measures adopted by governments were subject to judicial review, thus enhancing uniformity in the protection of rights. Courts across the country took similar approaches to equality, and the Supreme Court of Canada ensured that all governments respected domestic human rights standards by interpreting and enforcing legislation from across the country.

23. **Ms. Savoie** (Canada) said that the Continuing Committee of Officials on Human Rights and the Federal-Provincial-Territorial Forum of Ministers Responsible for the Status of Women, whose work was guided by the Convention, were instrumental in coordinating governmental activities related to women's rights. Training on the Convention was given to those involved in raising awareness of its provisions.

24. **Ms. Anderson** (Canada) said that all Canadian companies operating abroad were expected to respect human rights legislation and standards. Voluntary regulations were effective in promoting responsible business practices, particularly with regard to women's rights, but it fell to host countries to protect those rights and provide legal remedies in the event of violations involving Canadian companies. However, companies that failed to adopt best practices in the area of corporate social responsibility were denied access to government support. Protection for human rights had also been addressed in the negotiation of several bilateral trade agreements.

25. The Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security had concluded in 2015 and a new action plan would be drawn up in consultation with domestic and international civil society organizations.

26. **Mr. Bruun** asked whether Bill C-16 providing for the addition of gender identity and gender expression to the list of prohibited grounds of discrimination included in the Canadian Human Rights Act would apply at all levels of government once adopted.

27. **The Chair**, speaking in her capacity as a Committee member, said that she would welcome an update on action taken in response to communication No. 19/2008 (CEDAW/C/51/19/2008), including, specifically, action to address the author's request for legal aid and the Committee's recommendation that legal aid service providers should recruit indigenous women.

28. **Ms. Brady** (Canada) said that the amendment to the Canadian Human Rights Act would apply at the federal level only but that Bill C-16 would also amend the Criminal Code, which applied nationally, extending the protection against hate propaganda to sections of the public distinguished by gender identity or expression and introducing an obligation for the courts to treat such bias as an aggravating circumstance. In any case, several provincial and territorial governments had already incorporated similar provisions in their regional legislation and some courts had ruled that discrimination on grounds of gender identity was already prohibited under legal provisions relating to discrimination on grounds of sex. With regard to communication No. 19/2008, the State party had addressed the issue of legal aid in its response of 2012 and the federal Government was working to reach a settlement with the author.

29. **Ms. Haidar** said that action was needed to improve de facto equality in Canada, including temporary special measures in areas where shortcomings had been identified. Given the country's federal structure, she wondered how the Government was able to fulfil its obligation to ensure compliance with the Convention nationwide. Noting that the gender-based analysis carried out by the federal Government prior to allocating development aid was not replicated by all aid agencies in the country, she called for gender-based analyses also to be undertaken for provincial- and territorial-level gender programmes. In addition, she would like to know whether disaggregated data would be compiled to identify the obstacles to women's advancement; whether a comprehensive national gender equality strategy would be drawn up, in the absence of a national human rights mechanism; and whether civil society organizations would play a more prominent role in the development, monitoring and evaluation of strategies.

30. **Ms. Savoie** (Canada) said that the new Government's vocal support for gender equality had had a significant influence on other levels of government. That influence had been further enhanced by substantial direct investment in Status of Women Canada, the agency responsible for ensuring that comprehensive gender-based analyses were undertaken for all policies and programmes. The country's federal system had proven effective and no changes to it were planned. Concerns raised about the role of civil society

organizations had been centred not on the level of government engagement with them, which was considerable, but on their ability to influence policy development.

31. **Ms. Haidar** said that, regardless of the country's federal structure, work to achieve gender equality at the national level might be enhanced, for example, if gender issues were to be addressed through First Ministers' Meetings rather than the Federal-Provincial-Territorial Forum of Ministers Responsible for the Status of Women. The strength of the Forum was diminished by the fact that some provincial and territorial governments had no focal point for women's rights.

32. **Ms. Savoie** (Canada) said that provinces and territories that lacked dedicated gender equality machinery were still able to participate in the Federal-Provincial-Territorial Forum of Ministers Responsible for the Status of Women. She acknowledged that better disaggregated data were needed to develop more refined policies and programmes; that need had already been identified in consultations with civil society.

33. **Ms. Patten** asked how the Canadian authorities intended to respond to a recent report published by the Chief Public Health Officer that contained alarming information about domestic violence in Canada. She wondered whether priority would be given to the development of a comprehensive national action plan to combat violence against women; what steps had been taken to combat the underreporting of domestic violence; and what efforts had been made to set up a reliable reporting mechanism and improve oversight of the police.

34. She would welcome information on the funding of social programmes and services for female victims of violence, particularly in rural or remote areas, and for indigenous women and girls. She wished to know whether the federal Government coordinated the work and evaluated the effectiveness of the providers of such programmes and services. Information on the efforts that had been made to collect data on violence against women from around the country would also be welcome.

35. She asked whether the delegation could provide more detail about the federal gender violence strategy and action plan to combat gender-based violence that was currently under development. It would be interesting to know whether priority had been given to amending the Criminal Code to establish an offence for acts of torture committed by non-State actors, as had been proposed in Bill C-242.

36. **Ms. Halperin-Kaddari** said that the low rate at which women reported acts of violence committed against them was tantamount to a vote of no confidence in the country's police and its system of justice. The issue of civilian oversight of the police, in particular in connection with their dealings with indigenous women, was thus of considerable concern. She would welcome information about any plans to restore funding for free legal aid to previous levels.

37. She wondered why the Government had repealed the provisions establishing a civil law remedy for cyberbullying, since criminalizing cyberbullying placed a far greater burden of proof on the victims of online hate speech and other forms of online violence. In that connection, she preferred the term "cyberviolence" to "cyberbullying", as "cyberbullying" appeared to downplay the seriousness of the offence.

38. **Ms. Jahan** asked whether the State party's anti-trafficking efforts included targeted initiatives for groups especially vulnerable to exploitation, such as migrant or indigenous women and girls and girls in foster care or child welfare institutions. She wished to know whether the authorities intended to develop a plan to follow on from the National Action Plan to Combat Human Trafficking, which had run until June 2016; what plans had been made to improve coordination between the agencies responsible for combating human trafficking in all Canadian jurisdictions; what efforts had been made to improve the

identification of trafficking victims, and foreign women in particular; whether human trafficking cases could be brought on a victim's behalf; and what specific steps were being taken by the federal and provincial or territorial governments to direct funding towards female trafficking victims and ensure that shelters were available to them.

39. She would welcome more information on the decriminalization of prostitution in the State party. She wondered whether an attempt had been made to evaluate the impact on women engaged in prostitution of the Protection of Communities and Exploited Persons Act, which had been adopted in 2014. She asked whether the delegation could comment on the rehabilitation and reintegration services available to women who wished to leave prostitution and whether plans had been made to provide additional funding for such services.

40. **Ms. Savoie** (Canada) said that the Minister of Status of Women had been given a mandate to develop a comprehensive federal strategy and action plan on gender-based violence with a strong emphasis on disaggregated data and intersectional factors of discrimination. Consultations had been held in recent months to ensure that all stakeholders, including survivors of gender-based violence, were heard. The issues raised by Committee members, such as the shortage of shelters, underreporting and cyberviolence, had been discussed thoroughly. The situation at provincial or territorial levels would be addressed once the federal authorities had properly calibrated the federal strategy and action plan.

41. **Ms. Lavoie** (Canada) said that all police services currently reported the aboriginal identity of homicide victims and persons accused of homicide in the data that they provided to Statistics Canada. A number of mechanisms were in place to ensure that allegations of police mistreatment of indigenous women were effectively addressed. For instance, a public complaints process, managed by the Civilian Review and Complaints Commission, was initiated when allegations were made against a police officer, and if criminal behaviour was alleged, an independent criminal investigation was conducted by an outside agency.

42. **Ms. Novak** (Canada) said that the federal Government provided significant funding to support the construction, repair and operation of facilities accommodating the victims of family violence, of which there were more than 600. Twenty-eight shelters served rural communities exclusively, and a number of others served indigenous communities, some of which were located in remote areas. Ensuring access to shelters for victims of violence, particularly women and their children, was a major target of a national housing strategy currently under development.

43. **Ms. Neveu** (Canada) said that the province of Quebec had more than 100 publicly funded shelters and a number of women's centres offering medical services, information and counselling. Crisis lines also received public funding. The most recent version of the provincial action plan to combat gender-based violence had included a component focusing on aboriginal peoples.

44. **Ms. Lavoie** (Canada) said that the Canadian authorities favoured the term "cyberbullying". It was seen as an expansion of traditional schoolyard taunting to social media platforms, where it was especially prevalent among young women and girls. Since 2012, the prevention of bullying in schools had been one of the priorities of the National Crime Prevention Strategy, and investments had been made in a number of programmes designed to prevent bullying. In 2014, the federal Government had launched the "Stop Hating Online" multimedia campaign to raise awareness of the impact of cyberbullying. Similar initiatives had been undertaken by provincial and territorial governments. The Province of Nova Scotia had announced that it intended to draft new legislation on cyberbullying, as its Cybersafety Act had been struck down by the provincial Supreme Court.



45. **Ms. Brady** (Canada) said that, although section 13 of the Canadian Human Rights Act had been repealed, there were numerous provisions in Canadian law that protected women from online hate speech, hate crime and harassment. The courts were empowered to increase sentences for offences that involved discrimination against identifiable groups, including women, and the Canadian Human Rights Act continued to prohibit discrimination and harassment in the provision of services, whether online or offline.

46. **Ms. Priest** (Canada) said that the Sexual Violence and Harassment Action Plan Act adopted by the Government of Ontario in 2016 had strengthened provisions addressing sexual violence and harassment in the workplace, on campus, in housing and through the civil claims process. Initiatives to combat violence in indigenous communities in Ontario were culturally appropriate and led by indigenous women themselves. The provincial Government had pledged more than Can\$ 100 million to fund a strategy for ending violence against indigenous women and those funds would enhance support for children, policing, access to justice and data collection. The Barbra Schlifer Commemorative Clinic offered a number of services, including free legal aid, to women from diverse communities.

47. In June 2016, the Government of Ontario had announced that it would spend Can\$ 72 million over four years to combat human trafficking. The majority of the cases of human trafficking investigated by the police involved sex trafficking. Many of the victims, who were provided with wraparound services, including housing, had been living in group homes, which had consequently become the focus of the provincial Government's prevention efforts.

48. **Ms. Lavoie** (Canada) said that, although the National Action Plan to Combat Human Trafficking had run its course, funding for anti-trafficking initiatives continued. An evaluation of the Plan was under way. The Human Trafficking Task Force, comprised of representatives of 18 key departments, met quarterly, and held regular consultations with civil society organizations and its provincial and territorial counterparts.

49. **Ms. Brady** (Canada) said that acts of violence constituted torture within the meaning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights only when they involved intentional action, including acquiescence, by a public official or another person acting in an official capacity. A parliamentary committee had recommended unanimously that the House of Commons should proceed no further with Bill C-242.

50. The Protection of Communities and Exploited Persons Act had reframed prostitution as a form of exploitation. The purchase of sexual services was criminalized, but prostitutes were protected from criminal liability for the part they played in the sale of their own sexual services. Statistics on prosecutions and convictions under the Act were not yet available but the Government had committed to conducting an evidence-based review of the Act. An additional Can\$ 8 million had been earmarked for a range of programmes supporting women who wished to leave prostitution.

51. **Ms. Buist** (Canada) said that funding for a network of shelters for indigenous women living on reserves was set to increase over the coming three years. Funding for initiatives to prevent violence was also increasing. A number of other government health initiatives targeted women and girls living on reserves and in Inuit communities in the north of Canada. The federal Government worked closely with its provincial or territorial counterparts and NGOs in that area and was committed to enforcing the Family Homes on Reserves and Matrimonial Interests or Rights Act, which established matrimonial real property protection and rights on First Nation reserves.

52. The renewal of the National Action Plan to Combat Human Trafficking would depend on the recommendations received by the Government following evaluation.

53. The federal strategy for combatting gender-based violence that was currently in the pipeline was being developed in close consultation with Health Canada, so the concerns raised in the Chief Public Health Officer's report would be taken into account in that process. As it was true that there were gaps in data on victims of violence in general, the Government had increased the budget available for research and evaluation and had begun working with stakeholders such as Statistics Canada to address the gaps and build mechanisms that would yield more robust data on all aspects of violence against women.

54. **Ms. Halperin-Kaddari** said she was concerned that the Government had chosen a criminal law approach to address cyberbullying and cyberviolence following the removal of the human rights protection provided by section 13 of the Human Rights Act. Such an approach might not provide adequate redress for victims belonging to more vulnerable social groups who might be reluctant to resort to criminal proceedings. She urged the State party to consider restoring section 13 of the Act alongside the new criminal provisions.

55. **Ms. Jahan** said that she would like more information on the procedure whereby women victims of trafficking were able to obtain temporary residence permits. According to information received, eligibility seemed to be tied to the victim's willingness to cooperate with the police and take part in the prosecution. According to other reports, victims without proper documentation had no access to services such as health care. What safeguards were in place to protect such women from revictimization and guarantee them access to services?

56. She wished to know whether the State party's ultimate goal was to ensure systematic protection from criminal liability for all women involved in prostitution; currently, it appeared, they were protected only under certain conditions. Since, according to alternative sources, it was chiefly indigenous and aboriginal women who were affected by sex trafficking, and since the root cause of that situation was the poverty that increased such women's vulnerability, she would also like to know what poverty-reduction measures the State party intended to put in place for Aboriginal women. Lastly, she would like to know what was being done to address the overrepresentation of Aboriginal girls in welfare homes and foster care and what protection was in place to prevent them becoming victims of trafficking.

57. **Ms. Patten** asked what measures were being taken to ensure that women in the north of the country could effectively access domestic violence shelters despite the lack of public transport in that region. She would like to know whether any systematic evaluation of initiatives to combat domestic violence was conducted and what information the State party could provide on the effectiveness of the Northwest Territories treatment programme for those convicted of domestic violence. Was there any data on the rate of repeat offending? She likewise wondered whether there had been any evaluation of projects addressing harmful cultural practices such as honour-based violence; whether there were any plans to renew such strategies; and whether there was any federal mechanism to coordinate and monitor such initiatives.

58. **Ms. Schulz**, noted that, although the State party described the Protection of Communities and Exploited Persons Act as representing a paradigm shift, the three provisions of the Criminal Code struck down by the Supreme Court had since been reintroduced alongside the new provisions criminalizing the purchase of sexual services. She therefore asked whether the paradigm shift mentioned consisted in ignoring the Supreme Court ruling. Given that opinion varied widely as to the effectiveness of the so-called Nordic approach to prostitution, she welcomed the State party's openness to a review of the impact of the current legislation. In her view there was a tendency in Canada to conflate sex trafficking and prostitution and she would like to know how the State party intended to address that trend. What framework would be used for the review and how would the reasoning of the Supreme Court in the Bedford decision be taken into account?

59. She would like to know whether it was correct that non-Canadians who obtained a temporary permit were not allowed to engage in sex work. The question was relevant because in many cases those who did such work were women with few qualifications and little education and sex work was the field that gave them the highest income.

60. **Ms. Savoie** (Canada) said that cyberbullying was one of the many forms of cyberviolence, which itself merely reflected the violence that women and girls experienced in their day-to-day lives. The State party naturally wanted to have a broader spectrum of tools than purely legislative measures; it wished not only to help women and girls feel safe on the Internet but also to ensure that platform owners took responsibility for creating safe spaces for them. The Government had engaged with civil society and survivors of cyberviolence, and had funded targeted projects over the past two to three years to find out what worked. Since placing the onus on girls to refrain from particular behaviours had been shown not to work, part of the gender-based violence strategy was to explore what else could be done, notably through exchanges with experts in other countries.

61. **Ms. Brady** (Canada) said that her Government would not agree that it had re-enacted the provisions on prostitution that had been struck down by the Supreme Court. The new legislation respected the Supreme Court's views in the Bedford decision by focusing on stopping demand rather than criminalizing those who sold sexual services.

62. **Ms. Buist** (Canada) said that the Government's recent commitment to invest Can\$ 8.4 billion over five years to improve the socioeconomic conditions of indigenous peoples would undoubtedly help reduce poverty among indigenous women. As to young women in foster care, a full-scale reform of the on-reserve child welfare programme was to be developed with and for First Nations, in partnership with agencies and NGOs. Input from young women in foster homes would be sought and taken into account in improving the system.

63. **Ms. Savoie** (Canada) said that a written reply would be provided to the questions on women of precarious immigration status and women on work permits.

64. **Ms. Brady** (Canada) said that recent amendments to the Criminal Code had created specific offences to address underage and forced marriage. In addition, the Civil Marriage Act had been amended to include a requirement for free and informed consent to marriage and to set a new national minimum age of marriage of 16. The Criminal Code had also been amended to limit the defence of provocation in respect of honour-based killings.

65. As to programmes and expenditure, numerous training courses on the various legislative changes and the issues they covered had been run by Justice Canada and the Royal Canadian Mounted Police for front-line workers, including police officers and border officials, and for provincial and territorial Crown prosecutors. At the federal and inter-provincial levels, there were two working groups coordinating and evaluating work on harmful practices. One was a federal working group bringing together 13 departments and agencies; the other was a federal, provincial and territorial working group on forced marriage, female genital mutilation and honour killings. Thus, information and best practices were being coordinated and exchanged at all levels of government.

66. **Ms. Savoie** (Canada) said that projects had been funded, on a small scale but nationwide, to explore how to address harmful cultural practices. The issue was highly complex. Cultural communities differed on the best means of providing support and addressing needs. It had proved an enormous challenge for communities even to find language that would enable them to engage in internal dialogue. There was concern for the safety of women and girls wanting to take part in such discussions, but some young women had successfully gained the support of their communities, and in particular the men in those communities, in halting harmful cultural practices. One approach did not suit all and there

was still much to learn about which interventions were the right ones and how to respect communities by not assuming that they were all at the same stage of readiness.

67. With regard to the specific issues regarding the Northwest Territories, her delegation would provide written replies within 48 hours.

*Articles 7 and 8*

68. **Ms. Haidar** said that she welcomed the historic formation of the first federal Government with gender parity. The Committee nevertheless had serious concerns about women's participation in public life. Representation of women was still low in the federal Parliament. Moreover, a bill to encourage political parties to achieve gender parity — and even then only in nominations for elections — had recently been defeated. A real transformation of public and political institutions was needed in order to overcome historically determined male paradigms of power. She would like to know what measures were being considered to address the structural impediments to the realization of women's political rights and participation in public life. Did the State party envisage adopting temporary special measures including quotas and affirmative action?

69. Despite the new balance in the Supreme Court, and the fact that the Chief Justice was a woman, still only one third of federally appointed judges were women. Women were still underrepresented on corporate boards. What plans did the current feminist Government have to tackle that issue?

70. **Ms. Savoie** (Canada) said that there were no plans for quotas or affirmative action, but some significant initiatives were under way. Status of Women Canada, for instance, had launched projects in cooperation with civil society to support the presence of women in leadership and decision-making positions by addressing the structural, systemic barriers that prevented such environments from being women-friendly. Some 50 groups would be working together to address women's political participation as well as their presence in other leadership roles and to enhance democracy by giving women a voice in spaces where they did not currently have a say. That was an investment that would continue over the next two years, with a focus on enabling women to transform such environments.

71. **Ms. Priest** (Canada) said that the province of Ontario was working with the Minister of Finance to set a 30 per cent target for women on company boards by the end of 2017, while the provincial Government was to set a 40 per cent target for women on public boards.

72. **Ms. Neveu** (Canada) said that in the province of Quebec some 450 projects had been funded since 1999 to increase women's participation, notably in municipal elections, and legislative measures had been adopted to move towards parity in Crown corporations. Parity had been attained earlier than expected, in 2011, and as of 31 March 2015 51 per cent of seats on the boards of Crown corporations had been filled by women. In the private sector, between 2010 and 2014 women's representation on the boards of large corporations had increased from 16 per cent to 20 per cent.

73. **Ms. Savoie** (Canada), referring to the question concerning federally appointed judges, said that the need for a strong gender lens in all such appointment processes was recognized. The Privy Council Office, which was responsible for processing applications, had been reorganizing its data to ensure that gender and other forms of diversity were foregrounded in respect of each candidate. The data being compiled would enable the Government to correct discrepancies and imbalances.

74. **Ms. Brady** (Canada) said that gender diversity was a very important criterion in the new judicial appointments process announced recently. The process would now be more open and transparent and data collection would be a vital component.

75. **Ms. Haidar** said that in the list of issues the Committee had asked for information about the gender composition of legislative, executive and judicial bodies at the provincial and territorial levels. The Committee had received some information about certain provinces, but it would be helpful to have more data disaggregated by province and territory. She wondered why Canada was reluctant to consider temporary special measures, including quotas and affirmative action, when it was clear that some areas still lagged behind because other measures had not yielded the hoped-for results. Lastly, she would appreciate more information on women in the diplomatic arena and international organizations.

76. **Ms. Savoie** (Canada) said that her delegation would provide a breakdown of judicial appointments by provincial and territorial jurisdiction, as well as the number of women in foreign service. As to the reluctance of Canada to set quotas, she could only surmise that it reflected a tendency to prefer cooperation, collaboration and persuasion. That was not to say that quotas would never be used, however: Quebec's experience had certainly provided a wealth of information in that regard.

*The meeting rose at 1 p.m.*