

<b>Country</b>	<b>Canada</b>
<b>SIGI 2019 Category</b>	<b>Very low</b>
<b>SIGI Value 2019</b>	<b>18%</b>

<b>Discrimination in the family</b>		<b>27%</b>
	Legal framework on child marriage	75%
	Percentage of girls under 18 married	2%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	28%
	Female to male ratio of time spent on unpaid care work	1.5
	Legal framework on inheritance	0%
	Legal framework on divorce	0%

<b>Restricted physical integrity</b>		<b>4%</b>
	Legal framework on violence against women	25%
	Proportion of the female population justifying domestic violence	8%
	Prevalence of domestic violence against women (lifetime)	2%
	Sex ratio at birth (natural =105)	105.1
	Legal framework on reproductive rights	0%
	Female population with unmet needs for family planning	7%

<b>Restricted access to productive and financial resources</b>		<b>17%</b>
	Legal framework on working rights	0%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	0%
	Share of managers (male)	64%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	50%
	Share of agricultural land holders (male)	73%
	Legal framework on access to financial services	0%
Share of account holders (male)	50%	

<b>Restricted civil liberties</b>		<b>23%</b>
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	80%
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	17%
	Percentage of male MP's	73%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	52%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Canada

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage and the Civil Marriage Act establishes that marriage requires the free and enlightened consent of two persons to be the spouse of each other (sect. 2. 1). Forced marriage is prohibited under section 293 of the Criminal Code and anyone who aids, participates or celebrates a marriage where one of the spouse is marrying against his/her will is punishable of imprisonment of up to five years. Under provincial laws, customary/religious marriages must be registered, such as under the Ontario Marriage Act, which stipulates that anyone who solemnizes a marriage must be authorised or registered with the authorities (sect. 20); or under the British Columbia Marriage Act which establishes that the registrar general may register any religious representative as authorized to solemnise a marriage (sect. 2). Informal or de-facto unions are regulated by law in all provinces and territories except for Québec which does not recognise de-facto unions (Justice Québec, n.d.).

The government of Canada provides training for the Royal Canadian Mounted Police (RCMP) and judicial staff on the legal provisions regarding forced marriage (CEDAW, 2016c). Additionally, a Working Group on Underage and Forced Marriage, “Honour” Based Violence and Female Genital Mutilation/Cutting has been established and works as an inter-governmental information-sharing platform at the federal, provincial and territorial levels (CEDAW, 2016a). The Government has also developed guidelines to address forced marriage for immigration officers (CEDAW, 2016a).

At the provincial level, Québec is developing a training programme for health and social practitioners for harmful practices (including arranged marriages, honour crimes, female genital mutilation and other discriminatory practices) (CEDAW, 2016a). In Prince Edward Island, an online learning module on honour based violence and forced marriage is provided for members of the RCMP (CEDAW, 2016a).

Regarding civil society organisations, for instance the South Asian Legal Clinic of Ontario (n.d.) developed an online platform on forced marriage and provides information on available services to victims of forced marriage.

#### b) Child marriage

The Civil Marriage Act establishes the minimum legal age of marriage for women and men at 16 years old (sect. 2. 2). The legal age of marriage may vary across provincial legislation but may not be lower than 16 years old as per the federal law. No legal exceptions allow women and men to marry under the legal age of marriage.

Several provisions in the Criminal Code address marriage under the age of 16, notably section 293. 2, which sets that everyone who celebrates, aids or participates in a marriage rite or ceremony knowing

that one of the persons being married is under the age of 16 years is punishable of imprisonment of no more than five years. Section 273. 3 (1) of the Criminal Code also protects children who may be taken abroad to be married under the age of 16.

There is no evidence to suggest that early marriage is a concern in Canada.

### **c) Household responsibilities**

No restrictions concerning the right to be recognised as the head of household could be located in the law, and the law does not require a married woman to obey her husband. Additionally, provincial laws provide women the same rights as men to be the legal guardians of their children during marriage and in informal unions, such as the British Columbia Family Law Act under section 39. Similarly, provincial laws provide women the same rights and responsibilities as men with regard to their children during marriage, such as under section 41 of the British Columbia Family Law Act, or under section 21 of the Alberta Family Law Act. Furthermore, the Canadian Charter of Rights and Freedoms guarantees to every citizen the right to choose where to live (sect. 6).

The Coalition of Child Care Advocates of British Columbia and West Coast Leaf (2016) reports that child care services across Canada are underfunded. Child care services are a shared responsibility between federal and provincial jurisdictions and a lack of coordination and federal guidelines compound this challenge (Coalition of Child Care Advocates of British Columbia and West Coast Leaf, 2016). The CEDAW Committee (2016b) has expressed concern over the lack of affordable childcare facilities and the low use of parental leave by fathers.

Additionally, a complaint filed by First Nations Child and Family Caring Society and the Assembly of First Nations against the Department of Indigenous and Northern Affairs asserted that there was unequal funding of child welfare services for First Nations children living on reserves (Canadian Human Rights Tribunal, 2016). Furthermore, the CEDAW Committee (2016b) stresses the lack of appropriate measures to address reports that Aboriginal girls in foster care and in child welfare system are vulnerable to sex trafficking.

### **d) Divorce**

At the federal level, the Divorce Act provides women with the same rights as men to initiate divorce and women have the same requirements as men to finalise a divorce or annulment (sect. 8). Men and women are granted with the same rights to be the legal guardian of their children after divorce and they have the same rights and responsibilities with regards to their children after divorce (Divorce Act, sect. 16).

Section 16 (1) of the Divorce Act establishes that maximum contact with each spouse should be sought. The CEDAW Committee (2016b) mentions its concern regarding the maximum contact provision within the federal law and the lack of additional provisions to restrict maximum contact in cases of domestic violence. The CEDAW Committee (2016b) has also called for legal harmonization between the federal and the provincial levels, especially regarding child custody regulations. Furthermore, the CEDAW Committee (2016b) notes that shared custody often results in a diminution of child support, and expressed its concern about opportunistic and strategic claims for shared custody with the view to reduce child support payments.

### e) Inheritance

Inheritance is legislated at the provincial and territorial levels. Uniformity in principle prevails over provincial and territorial legislation. Daughters are provided with the same rights as sons to inherit land and non-land assets and female surviving spouses are granted the same rights as male surviving spouses to inherit land and non-land assets, as stipulated for instance by the Manitoba Intestate Succession Act (sect. 2). Moreover, the law provides women with the same rights as men to make a will, as for instance per section 36 of the British Columbia Wills, Estates and Succession Act. Inheritance laws regarding land on reserves are regulated under the Indian Act, as reserve land is under Parliament authority and legal titles to reserve land are held by the Crown as stipulated by the Indian Act (Government of Canada, n. d.).

## 2. Restricted Physical integrity

### a) Violence against women

Violence against women is criminalised under a range of Criminal Code offences, including assault (sections 266 to 268), sexual assault (sections 271 to 273), uttering threats (section 264.1), criminal harassment (section 264) and murder (section 229 to 231). The Canadian Charter of Rights and Freedoms also guarantees equality before and under the law and the right to the equal protection and equal benefit of the law without discrimination, including based on sex. The Criminal code provides several provisions for the protection of victims, such as testimonial aids, publication bans, victim impact statements, restitution and surcharge. Victims across jurisdictions in Canada are provided with services (system-based, police-based, court-based, community based, volunteers and non-governmental organisations). Provinces and territories have legislation concerning victims' rights and services for victims are provided at the provincial and territorial level.

At the federal level, Status of Women Canada has developed and is responsible for the implementation of a strategy regarding gender-based violence, entitled *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence* (Status of Women Canada, 2017a). The Strategy, which includes budgetary commitments, aims to implement measures regarding prevention, support for survivors and their families and promoting responsive legal and justice systems (Status of Women Canada, 2017a).

Furthermore, with regards to budget, Status of Women Canada, the dedicated federal agency on violence against women and gender equality, is funded by an annual budget approved by the Parliament (Status of Women Canada, 2017). Status of Women Canada also provides funding to NGOs and civil society organisations to implement projects (Status of Women Canada, 2017). At the provincial and territorial levels, the ministries and departments on women's condition are funded through provincial and territorial government budget (Status of Women Canada, 2017).

Survivors' rights at the federal level are encompassed in the Canadian Charter of Rights and Freedoms, and in the Canadian Statement of Basic Principles of Justice for Victims of Crime. Survivors' rights are a shared responsibility between the federal and provincial levels of government. The Federal Victims Strategy proposes a Victims Fund which provides funding for non-governmental organisations and civil

society organisations to implement projects and programmes to improve services available to victims (such as access to justice, information, improving the capacity of service providers in particular emergency shelters) (Department of Justice, 2017). Provinces and territories also have their specific legislation concerning victims' rights. Services accessible to survivors (and their families) vary for each province and territory, but cover broadly universal health care, emergency housing, legal aid, social assistance and psycho-social programmes (Department of Justice, 2017).

In its inquiry on missing and murdered Aboriginal women in Canada, the CEDAW Committee (2015) establishes the high level of violence faced by Aboriginal women, including murders, disappearances, and domestic and sexual violence. The CEDAW Committee (2015) further reports on the vulnerability of Aboriginal women to violence as a result of structural violence and discrimination as well as economic, social and political disadvantage and the lack of adequate political actions in particular regarding the disproportionate number of unresolved or untreated cases of missing and murdered Aboriginal women by the police. Following the report of the inquiry, the Federal government of Canada launched in 2016 a National Inquiry into Missing and Murdered Indigenous Women and Girls (CEDAW, 2016b).

### **b) Domestic violence**

Domestic violence is addressed under provincial and territorial legislation, either as a provision under family law or as specific acts. For instance, the British Columbia Family Law Act provides for an inclusive definition of family violence understood as “(a) physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm, (b) sexual abuse of a family member, (c) attempts to physically or sexually abuse a family member, (d) psychological or emotional abuse of a family member, including (i) intimidation, harassment, coercion or threats, including threats respecting other persons, pets, or property, (ii) unreasonable restrictions on, or prevention of, a family member's financial or personal autonomy, (iii) stalking or following of the family member, and (v) intentional damage to property (e) in the case of a child, direct or indirect exposure to family violence” (sect. 1). Other provinces and territories also include provisions regarding domestic violence under family law acts.

Additionally, some provinces and territories have specific acts to address domestic violence, such as the Alberta Protection Against Family Violence Act; the Manitoba Domestic Violence and Stalking Act; the Newfoundland and Labrador Family Violence Protection Act; the Nova Scotia Domestic Violence Intervention Act; the Prince Edward Island Victims of Family Violence Act; the Saskatchewan Victims of Domestic Violence Act; the Yukon Family Violence Prevention. As an example, the Ontario Domestic Violence Protection Act includes relationships such as within families and former partners (sect. 2) and includes protection from physical, sexual, psychological and economic form of domestic violence (sect. 1). Furthermore, certain acts provide specific provisions for investigation, prosecution and punishment of perpetrators, such as the Alberta Act to Remove Barriers for Survivors of Sexual and Domestic Violence, which stipulates that there is no limitation period for a claim relating to sexual assault or battery when the claim is made by a minor, an intimate partner or former partner, or a dependent person (sect. 3).

The Family Homes on Reserves and Matrimonial Interests or Rights Act provides for emergency protection orders in case of family violence on reserves, upon application of a spouse (sect. 16).

At the federal level, the agency Status of Women Canada developed an Action Plan to Address Family Violence and Violent Crimes against Aboriginal Women and Girls (Status of Women Canada, 2017). At the provincial level, several action plans have been developed such as the British Columbia Provincial Domestic Violence Plan or the Manitoba's Multi-Year Domestic Violence Prevention Strategy (British Columbia Government, 2015 & Manitoba Government, 2012). As an example, those two action plans include specific provisions for the prevention of domestic violence and provide for integrated services for women and girls who have survived domestic violence, including emergency shelters, comprehensive and accessible health services and 24-hour, free of charge hotline for survivors of domestic violence. Guidelines for professionals who may deal with domestic violence, budgetary commitments and awareness-raising and education campaigns are also covered in the action plans.

Survivors of domestic violence have access to services across all jurisdictions and provinces and territories have implemented a wide range of measures. For instance, the Ontario province offers free emergency two-hour consultations with a lawyer (with interpretation services) for issues related to domestic violence and a 24/7 assaulted women's helpline (CEDAW, 2016a). Alberta has elaborated a domestic violence handbook for police and crown prosecutors (CEDAW, 2016a). Prince Edward Island has set up a Premier's Action Committee on Family Violence Prevention (CEDAW, 2016a). Québec has issued an intervention guide on the prevention of domestic homicide of women to provide workers in community settings with improved assessment and intervention skills in order to prevent domestic homicides (CEDAW, 2016a).

A study conducted by Statistics Canada (2016a) on family violence found that women usually report only the most severe forms of spousal violence. The study also concludes that Aboriginal women are more likely to be subjected to violence by their current or former partners in comparison to non-Aboriginal women (Statistics Canada, 2016a). The Committee on Economic, Social and Cultural Rights (2016) further notes a lack of appropriate victims' services for women escaping violence in remote and rural areas.

### **c) Rape**

Sexual violence and rape are considered criminal offenses under the Criminal Code (sect. 265). Sexual assault is defined as the application of force without consent, as well as its attempt or threat of it (Criminal Code, sect. 265). Sexual assault is liable of imprisonment of no more than ten years, with increased sentence if the victim is under 16 or if there was use of a weapon (Criminal Code, sect. 271 & 272). The law is based on lack of consent, which is defined as voluntary agreement to engage in a sexual activity (Criminal Code, sect. 265 & 153). Lack of consent is not established on the proof of physical force, resistance or penetration. The Criminal Code specifically stipulates that a spouse may be charged with sexually assaulting his or her spouse (sect. 278). Spousal immunity was repealed from the Criminal Code in 1983. Increased penalties are included for aggravated forms of rape and sexual violence (Criminal Code, sect. 273).

Action plans to address sexual violence are developed at the provincial and territorial levels. These action plans include measures regarding three broad areas of action: prevention, investigation and

prosecution and victim's support and services. Provincial and territorial action plans or strategies include budgetary commitment from the provincial and territorial governments. As such, the Ontario province launched in March 2015 its action plan, entitled *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment* (Ontario Government, 2015). Additionally, the province of Quebec launched a governmental strategy to address sexual violence, entitled *Sexual violence, it's NO - a Government Strategy to Prevent and Counter Sexual Violence* (Quebec Government, 2016). The Strategy includes specialised training and capacity building for professionals, the provision of victims' services, such as medical support and legal assistance, awareness-raising and education campaigns as well as budgetary commitments (Quebec Government, 2016). Furthermore, initiatives are being conducted at the provincial and territorial levels, as well as amongst civil society organisations. For instance, the New Brunswick province launched in 2014 a *Woman Victims of Abuse Protocols* intended for its governmental departments (New Brunswick Government, 2014). Ontario has implemented special services in hospitals dedicated to victims of sexual violence (the hospital-based Sexual and Domestic Violence Treatment Centres) (Ontario Government, n. d.).

The Canadian Association of Sexual Assault Centres (CASAC) and the Canadian Feminist Alliance for International Action (FAFIA) (2016) jointly report that sexual assaults are often not reported by women. Additionally estimations show that when reported, less than 1% of sexual assaults cases reach convictions (CASAC & FAFIA, 2016).

#### **d) Sexual harassment**

The legal framework provides legal protection from sexual harassment and includes civil remedies (Canadian Human Rights Act, sect. 14 & 53). The law covers sexual harassment in the workplace, under section 247 of the Labour Code and public places under section 14 of the Canadian Human Rights Act (Sec. 14(1) and (2)). No legal provisions could be located specifically covering educational establishments, sporting establishments or cyber-harassment. The province of Manitoba is developing the Bill 204 on Post-Secondary Sexual Violence and Sexual Harassment Policies Act, covering sexual harassment in educational establishments (sect. 12).

At the provincial level, the Ontario Government (2015) has developed an Action Plan, entitled *It's Never Okay: An Action Plan to Stop Sexual Violence and Sexual Harassment*, including budgetary commitments for implementation.

The Angus Reid Institute (2014) conducted a survey on sexual harassment in the workplace. The conclusions established that 43% of the women interviewed reported having been sexually harassed at work (compared to 12% of men) and 20% of the women declared experiencing unwanted contact (compared to 9% of men) (Angus Reid Institute, 2014). 78% of respondents did not report sexual harassment to their employer and 80% did not report non-consensual sexual contact to their employer (Angus Reid Institute, 2014).

#### **e) Female genital mutilation**

Female genital mutilation (FGM) is a criminal offense under section 268 on aggravated assault of the Criminal Code and anyone who commits an aggravated assault is punishable of imprisonment of up to 14 years. Victims can seek legal redress and compensation under the law (Criminal Code, sect. 268 & Victim Bill of Rights, sect. 16).

At the federal level, a Working Group on Underage and Forced Marriage, “Honour” Based Violence and Female Genital Mutilation/Cutting has been established (CEDAW, 2016a). At the provincial level, measures include for instance the development of a training programme for health and social practitioners for harmful practices (including arranged marriages, honour crimes, female genital mutilation and discriminatory practices) in Québec (CEDAW, 2016a).

Evidence indicates that FGM is practised in Ontario and across Canada. Evidence also suggests that in some cases, families from those communities send their daughters out of Canada to have the operation performed (Government of Canada, n.d.).

#### **f) Abortion**

The decision of the Supreme Justice Court of Canada in 1988 and the case of R. v. Morgentaler, ensured the decriminalization of abortion and unrestricted access to abortion services for women throughout Canada (without any justification nor approval needed) (National Abortion Federation, n.d.). However, the physicians’ conscientious objection may affect women’s access to abortion services (CEDAW, 2016b).

The maximum number of weeks by which a woman can seek a legal abortion varies across provinces and territories (National Abortion Federation, n. d.). Some provincial health plans cover the costs for women who seek abortion in another province (National Abortion Federation, n.d.).

There is no minimum age set federally for women to seek abortion services with the need of the permission of a parent or a guardian (National Abortion Federation, n. d). It is dependent on provinces’ and territories’ own regulations (National Abortion Federation, n. d). For example, in the province of Québec, young girls under the age of 14 must seek parental or guardian consent to obtain an abortion (National Abortion Federation, n. d). British Columbia does not set any age when a young girl must obtain the approval of a parent or a legal guardian (National Abortion Federation, n. d).

The CEDAW Committee (2016b) highlights the disparities in accessing abortion services across the provinces and territories. Action Canada for Sexual Health and Rights (2016) additionally states that women living in remote or rural areas are limited in their choices to access abortion services. Women are facing additional geographical, financial and time constraint if they are to travel to another province or territory for an abortion (Action Canada for Sexual Health and Rights, 2016). According to Action Canada for Sexual Health and Rights (2016), the province of Prince Edward Island is the only province that refuses to offer abortion services.

### **3. Restricted Access to productive and financial resources**

#### **g) Secure access to land and assets**

Regarding land, property and other non-land assets, married/unmarried women are provided with the same rights as married/unmarried men to own, use, make decisions and use as collateral (Canadian Charter of Rights and Freedoms, sect. 15 & 28). Provincial and territorial legislation also include this principle, such as the Alberta Bill of Rights which stipulates the right to property without discrimination (sect. 1). Regarding land, the law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Canadian Charter of Rights

and Freedoms, sect. 15 & 28). Provincial legislation regulates the specifics of division of property after divorce or separation, for instance the Ontario Family Law establishes that a provision on equalization of net family properties (sect. 5).

Furthermore, a married woman has the same rights as a married man to administer marital property according to provincial legislation. For instance, the Ontario Family Law stipulates equal rights to administer the marital property (sect. 21).

Provincial legislation provides for joint land titling for land used or acquired by married couples and informal unions. As an example, the Ontario Family Law provides for joint ownership by married couples (sect. 14) or the New Brunswick Land Titles Act provides for co-ownership titles (sect. 64).

Reserve land is under Parliament authority as stipulated by the Indian Act (Government of Canada, n. d.). Legal titles to reserve lands are held by the Crown and either a First Nation as a whole has the right to the use and benefit of reserve land or individual members of a First Nation may be given allotments (right to use and occupy a parcel of reserve land) (Government of Canada, n. d.). The Family Homes on Reserves and Matrimonial Interests or Rights Act regulate on the use, occupation and possession of family homes on First Nation reserves upon the breakdown of a relationship or on the death of a spouse (sect. 4).

#### **h) Secure access to formal financial resources**

The law provides women with the same rights as men to open a bank account at a formal financial institution and to obtain credit (Canadian Human Rights Act, sect. 5). There is no legal discrimination regarding women's right to open a bank account nor to obtain credit and there are no discriminatory practices that may restrict those rights.

#### **i) Workplace rights**

The law mandates non-discrimination on the basis of sex in employment, covering job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination (Canadian Human Rights Act, sect. 7 & 8). Additionally, the law mandates equal remuneration for work of equal value (Canadian Human Rights Act, sect. 11).

Maternity leave is for a total amount of 17 weeks, including 15 paid weeks for approximately 55% of wages by the Government, with a ceiling of \$547 per week as of January 2018 (Labour Code, sect. 206; Government of Canada, n.d.). There is no provision regarding paternity leave. Paid parental leave of 35 weeks is available to both parents, with approximately 55% of wages paid by the Government (Government of Canada, n.d.). The law protects women's employment security when they are on maternity leave (Labour Standards Regulations, sect. 29). The law does not require women to have permission from their husband or legal guardian to choose a profession/occupation or work or to register a business.

The Canadian Human Rights Commission can receive and resolve complaints based on sex discrimination in employment (Canadian Human Rights Act, sect. 40). Additionally, the Labour Code stipulates that an inspector who has reasonable grounds at any time for believing that an employer is

engaging or has engaged in a discriminatory practice may notify the Canadian Human Rights Commission (sect. 182).

According to Statistics Canada (2017), women workers earn \$0, 87 for every dollar earned by men. The Committee of the International Covenant on Civil and Political Rights (2015) notes the disparities across provinces of the pay gap between men and women, which is specifically significant for low-income women, minority and Aboriginal women. The Committee of the International Covenant on Civil and Political Rights (2015) additionally notes the lack of legal coordination regarding equal pay between federal, provincial and territorial levels and the private and the public sector.

## 4. Restricted Civil liberties

### j) Citizenship rights

The law provides married/unmarried women with the same rights as married/unmarried men to acquire, change and retain nationality (Citizenship Act, sect. 5, 9 & 11). Additionally, the law provides married women with the same rights as married men to confer nationality to their spouses (Citizenship Act, sect. 5). The law provides married/unmarried women with the same rights as married/unmarried men to confer nationality to their children (Citizenship Act, sect. 3).

Provincial and territorial legislation regulate the registration of birth, but it appears that across provinces and territories, the law provides married/unmarried women with the same rights as married/unmarried men to register the birth of their children. For instance, the Ontario Vital Statistics Act stipulates that the parents, or one of them, can register the birth of their child (sect. 9).

The Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act recognise intersectional discrimination and prohibit discrimination on 11 grounds (respectively, sect. 15 & sect. 3).

The Federal government does not issue national identity cards. The law provides unmarried/married women with the same rights as unmarried/married men to apply for passports (Canadian Passport Order, sect. 2). Women are granted the same rights as men to acquire passports and other travel documents for their minor children (Canadian Passport Order, sect. 7). Furthermore, the Canadian Charter of Rights and Freedoms guarantees to every citizen the right to travel outside the country (sect. 6).

### k) Voting

The law provides married/unmarried women with the same rights as married/unmarried men to vote, under section 3 of the Canadian Charter of Rights and Freedoms and under section 3 of the Canada Elections Act. Some civil society organisations focus on increasing knowledge about women's voting rights; for instance, the Native Women's Association of Canada developed in 2015 a voting guide for young Aboriginal women (Native Women's Association of Canada, 2015). Additionally, Elections Canada (an independent, non-partisan agency) offers general resources and leads campaigns on increasing knowledge of women's voting rights (Elections Canada, 2015). Estimations show that for the 2015 federal election, a higher rate of women voted (68%) than men (64%), except for the age group of over 64 where men's participation was predominant (Elections Canada, 2015).

## l) Political voice

The law provides women with the same rights as men to hold public and political office, including within legislature, executive and judiciary (Canadian Charter of Rights and Freedoms, sect. 3 & Supreme Court Act, sect. 5).

Canada has not implemented temporary special measures such as quotas and affirmative actions at the federal level regarding women's political participation (CEDAW, 2016c). Voluntary quotas are accepted within political parties (Quota Project, n.d.). The New Democratic Party and the Liberal Party of Canada respectively set a 50% and 25% quota of women candidates at federal elections (Quota Project, n.d.). At the federal level, Status of Women Canada implements projects, in partnership with civil society, to address the issues women face in politics (CEDAW, 2016c). Provincial and territorial jurisdictions also implement measures to promote women's participation in politics. For instance, the province of Québec has funded a project to train and support women from the North-Coast who wish to engage in politics for municipal elections (Portail Québec, 2017).

Progress has been achieved with regards to women's participation in politics at all levels, for instance the Cabinet of Ministers has achieved gender parity and there are high numbers of women judges on the Canadian Supreme Court and other levels of the judiciary (CEDAW, 2016b). However, the CEDAW Committee (2016b) notes that there is a lower representation of women in the House of Commons, in the Senate, in provincial and territorial legislative assemblies, as well as in locally appointed positions. The CEDAW Committee (2016b) additionally stresses that "structural obstacles to the realization of women's political rights and engagement in public life" persist. Furthermore, minorities, such as migrant women, Aboriginal women and Afro-Canadian women remain marginalised from the political sphere (CEDAW, 2016b). The CEDAW Committee (2016b) emphasises the need to implement temporary special measures and to increase awareness-raising and targeted training and mentoring programmes on leadership and negotiation skills.

## m) Access to justice

The law provides married/unmarried women with the same capacity as married/unmarried men to be sued and to sue (Canadian Charter of Rights and Freedoms, sect. 15). Additionally, a married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's in all types of court cases, such as civil, criminal, family court and tribunal (Canadian Charter of Rights and Freedoms, sect. 15). The Canadian Human Rights Act includes a provision establishing that the judge may require the confidentiality of an inquiry and hearing (sect. 7 & 8). Additionally, the Criminal Code stipulates that a victim may testify through a television link (sect. 722).

Status of Women Canada is the specialized body tasked with monitoring gender equality (Status of Women Canada, 2017). It is a federal government organisation. Its mandate covers broadly three dimensions: increasing women's economic security and prosperity; encouraging women's leadership and democratic participation; and ending violence against women and girls (Status of Women Canada, 2017). Status of Women Canada launched GBA+ which is an analytical tool used to evaluate the impacts of policies, programmes and services on diverse groups of women and men (Status of Women Canada, 2017). This analytical tool goes beyond gender and includes other factors and is used across government (Status of Women Canada, 2017).

The Canadian Human Rights Commission has the power to receive and resolve complaints on discrimination (Canadian Human Rights Act, sect. 4). Furthermore, the Commission has the power to monitor compliance of national laws and policies with international human rights standards and to conduct education and public awareness on gender equality and women's human rights (Canadian Human Rights Act, sect. 27).

In 2008, the repeal of section 67 of the Canadian Human Rights Act allowed for First Nation individuals (registered Indians and members of Bands) or individuals residing or working on reserves to bring a complaint on discriminatory ground to the Canadian Human Rights Commission (Government of Canada, n. d.).

The CEDAW Committee (2016b) highlights the reduction in funding for civil legal aid of which women are the primary users. Additionally, the Aboriginal Legal Services (2016) reports a lack of consistency across jurisdictions to establish adequate legal aid services supporting Indigenous women.

## Sources

### **Legal Sources (as amended):**

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