



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

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## Committee on the Elimination of Discrimination against Women Eighty-ninth session

### Summary record of the 2103rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 16 October 2024, at 3 p.m.

*Chair:* Ms. Bethel (Rapporteur)

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*In the absence of Ms. Peláez Narváez, Ms. Bethel (Rapporteur) took the Chair.*

*The meeting was called to order at 3.05 p.m.*

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

*Tenth periodic report of Canada (continued) (CEDAW/C/CAN/10; CEDAW/C/CAN/QPR/10)*

*Articles 10–14*

1. **A representative of Canada**, replying to questions raised by Committee members at the previous meeting, said that amendments to the Canada Elections Act, which governed federal-level elections, were in the pipeline and would require major political parties to publish diversity-related information. In the Province of Prince Edward Island, the government provided core funding to a non-partisan organization dedicated to advancing women's leadership in the political, civic and democratic sphere. At the recent annual meeting of the Federal, Provincial and Territorial Ministers Responsible for the Status of Women, ministers had discussed the importance of supporting women in politics and leadership roles. Regarding hate speech against women in public life, the Governor General of Canada had recently hosted a symposium on building a safe and respectful digital world, which had been attended by women and gender-diverse persons from a range of sectors, as well as representatives of various digital platforms.

2. Efforts to improve the participation of women and girls in science, technology, engineering and mathematics subjects included the Canadian Apprenticeship Strategy, which was aimed at increasing the participation of equity-deserving groups, including women, in traditionally male-dominated skilled trades; and the CanCode programme, which supported young people to build digital skills, including in artificial intelligence, with a focus on underrepresented groups, including girls. Data on the educational attainment of women and girls in Canada could be found in her country's report (CEDAW/C/CAN/10, annex II).

3. **A representative of Canada** said that the Government of Canada had been actively engaged in discussions on lethal autonomous weapons systems, including as a member of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems. The Government's position on the matter was outlined in the report of the Secretary-General on lethal autonomous weapons systems (A/79/88, annex I). It considered that fully autonomous weapons systems, which could operate without human involvement, would be incompatible with international humanitarian law and inconsistent with the principles of the women and peace and security agenda. The Government was concerned about the risks posed by algorithmic biases in artificial intelligence, including in relation to fully autonomous systems and those accompanied by human involvement; their gendered impacts; and their significant potential negative impacts on human rights, including women's rights. In recognition of the need to hear from diverse voices, the Government had hosted a dialogue with Indigenous and civil society partners on its feminist foreign policy. Participants had raised concerns about lethal autonomous weapons systems, including the issue of collateral harm to women and children in conflict zones and the risk that such systems could exacerbate existing power imbalances and biases.

4. The Government of Canada did not recognize the Taliban as the legitimate Government of Afghanistan; however, Afghanistan was a State party to the Convention and bound by its international obligations. In September 2024, the Governments of Canada, Australia, Germany and the Netherlands had formally reminded the de facto authorities of their responsibilities under international law and had offered to resolve the issue through dialogue. Nevertheless, legal action under the Convention might ultimately be necessary.

5. **A representative of Canada** said that the Government had observed an increase in engagement with new Indigenous partners at national, regional and grass-roots levels, including those representing the interests of urban Indigenous Peoples and members of the Indigenous Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual plus (2SLGBTQQIA+) persons community.

6. While the Government recognized the impact of historical sex-based inequalities on the registration status of First Nations women and their descendants, individual reparations for those whose registrations had previously been denied were not currently being considered. Record numbers of registrations continued to be observed and backlogs were being reduced, owing in part to the adoption of Bill S-3 amending the Indian Act to eliminate known sex-based inequities in registration.

7. Measures being taken with regard to Indigenous data sovereignty included the allocation of more than 80 million Canadian dollars (Can\$) towards the development and implementation of Indigenous-led data strategies to inform policymaking and decision-making. Steps were being taken by Indigenous Services Canada to facilitate data-sharing with and, ultimately, the transfer of data assets to Indigenous partners, and Statistics Canada was improving the visibility of Indigenous Peoples in national statistics.

8. The Government's Urban Programming for Indigenous Peoples provided financial support to organizations delivering culturally appropriate programming and services to assist First Nations, Inuit and Métis people, including women, living in urban areas. While Inuit and Métis women did not live on reserve land, the Government funded organizations representing those women, who did not fall under the provisions of the Indian Act.

9. With reference to calls to action Nos. 62 and 63 of the Truth and Reconciliation Commission of Canada, the provincial and territorial governments, which had jurisdiction over most education matters, were advancing, albeit at different rates, on making an age-appropriate curriculum on residential schools, treaties and Aboriginal peoples' historical and contemporary contributions to Canada part of the mandatory education of schoolchildren, starting from kindergarten and up to the final year of secondary education. The federal Government was providing funding for First Nations education.

10. **A representative of Canada**, providing an overview of the inclusive education policy of the Province of Nova Scotia, said that funding for almost 300 additional staff – including teaching assistants, autism and behavioural support specialists, school psychologists and African Nova Scotian and Mi'kmaq support workers – had been allocated to better support pupils' diverse learning needs. As part of efforts to achieve an equitable Nova Scotia, the government was committed to developing regulations on education accessibility.

11. **Ms. Hacker** said that she wished to know what steps the State party was taking to encourage men to become teachers, to achieve parity in the numbers of female and male university professors, and to harmonize the sex education curricula among its provinces and territories. She wondered whether the State party might consider conducting population-level research on adolescents' knowledge, attitudes and behaviour with regard to sexual and reproductive health, in order to identify gaps in education and access to health services. She would be interested to know how the Government intended to address the decision of the Quebec Court of Appeal, by which asylum-seekers were denied access to subsidized day care, and to prevent further discrimination against asylum-seeking mothers and their children.

12. **Ms. Akizuki** said that she would welcome information on the implementation of the Pay Equity Act, in particular the monitoring and enforcement mechanisms that were in place and the specific outcomes that had been observed to date. She wished to know what action the State party had taken to close the gender pay gap, especially with regard to Indigenous and ethnic minority women and women with disabilities; whether it intended to extend the Act to cover workplaces under provincial and territorial jurisdiction; and how it planned to improve national data collection on the gender pay gap to analyse differences across all jurisdictions.

13. She would like to know what measures had been taken to counter gender stereotypes and increase women's representation in senior roles; to what extent relevant provincial-level programmes had led to women's increased participation in non-traditional professions; and whether there were plans to evaluate the impact of unpaid work on economic inequality, in particular among Indigenous women, women with disabilities and migrant women. She would be interested to know whether any specific measures had been introduced to address obstacles to employment for disadvantaged groups of women, particularly Indigenous women, Afro-Canadian women, migrant women and women with disabilities; and whether the amendments made to the Temporary Foreign Workers Programme had improved women

migrant domestic workers' working conditions and access to justice. The delegation might also provide up-to-date information on the State party's progress towards becoming a party to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

14. She would be curious to know whether the adoption of Bill C-65, requiring federally regulated employers to take measures to prevent incidents of harassment and violence in the workplace, had led to a change in the reporting and handling of incidents; whether there were plans to extend the rules to cover provincial and territorial jurisdictions; and what the impact had been of awareness-raising campaigns and training programmes to combat sexual harassment in the workplace. The State party might also consider becoming a party to the ILO Violence and Harassment Convention, 2019 (No. 190).

15. **A representative of Canada** said that various initiatives were under way to reduce the gender pay gap. A commissioner had recently been appointed to monitor and enforce implementation of the Pay Equity Act, which sought to ensure that women and men received equal pay for equal work in federally regulated workplaces; implementation was therefore still in the early stages. It was worth noting that the provincial and territorial governments had their own versions of the Act. In accordance with pay transparency requirements under the Employment Equity Act, federally regulated private sector employers with more than 100 employees were required to publish information on pay and representation gaps. Other initiatives to foster pay equity included encouraging more men to take parental leave; supporting more women, through investments in various projects, to become entrepreneurs; and providing support to women's civil society organizations. Women's representation was increasing in senior roles at the federal level; for example, gender parity had been achieved in the federal Government.

16. With regard to the unpaid domestic and care work burden, a positive trend had been observed in comparison with the Organisation for Economic Co-operation and Development (OECD) average. Nevertheless, more still needed to be done to tackle the problem; women were still doing more unpaid work than men.

17. **A representative of Canada** said that, under the Temporary Foreign Workers Programme, the federal Government had the authority to conduct unannounced inspections, including on the basis of a complaint or tip-off, to ensure that employers were complying with the rules and regulations. Concerned individuals could report allegations of mistreatment or wrongdoing anonymously, either through a dedicated telephone hotline or an online reporting tool. The amendments introduced in 2022 had strengthened protections for temporary foreign workers, requiring employers to inform them of their rights and updating the definition of abuse to include reprisals against whistle-blowers.

18. **A representative of Canada**, providing an overview of sexual health education in the Province of Nova Scotia, said that the sexual health curriculum was taught in all public schools and followed national and international guidelines. It was designed to build pupils' knowledge and skills in areas such as human development, healthy and respectful relationships, positive self-image, informed decision-making, media literacy and personal safety. One of the primary goals was to prevent young people from resorting to unreliable sources of information or misinformation, which could lead to them making unhealthy and unsafe decisions.

19. **Ms. Akizuki** said that she wondered whether progress on the gender pay gap was proceeding at the same pace across the board, given the various federal, provincial and territorial layers of government and legislation.

20. **Ms. Hacker** said that she wondered how the State party intended to address the care deficit, facilitate access to care for older women who needed it, and ensure that caregivers were fairly compensated for the economic value of the care they provided. She would welcome statistical data on the use and length of paternity leave taken by fathers in Canada, and she would like to know whether the changes to the Temporary Foreign Workers Programme had effectively ended employer-specific closed work permits.

21. **Ms. Mikko** said that she would like to know the extent to which horizontal and vertical gender segregation in the labour market had an impact on the gender pay gap.

22. **A representative of Canada** said that the data indicated that, overall, the gender pay gap was closing, although in certain sectors large gaps remained.

23. **A representative of Canada** said that efforts to support family caregivers, who played a crucial role in supporting relatives and friends with care needs, included family caregiver and compassionate care benefits. Among other measures, the Government had improved employment insurance and maternal, parental and other benefits to help workers balance their work and caregiving responsibilities. It had also amended labour standards with a view to improving working conditions and contributing to more equitable sharing of family responsibilities.

24. **A representative of Canada** said that the Government had also provided funding in the form of wage subsidies to the care sector, allocating some Can\$ 1.7 billion towards hourly wage increases for personal support workers, most of whom were women. Measures to support the recruitment and retention of workers in the care sector were being explored.

25. **Ms. de Silva de Alwis** said that she wished to learn more about informed consent in the context of gynaecological care. It would be helpful to know how the State party was addressing the lingering distrust of State-sponsored medical facilities and resources in the Indigenous community, resulting from the forced and coerced sterilization of Indigenous women. The Committee would welcome information on the status of bill S-250 to amend the Criminal Code to end forced and coerced sterilizations.

26. Artificial intelligence was affecting multiple areas of healthcare, yet the gender data gap in healthcare could render women, particularly Indigenous women, invisible, with life-threatening implications. In that context, she wondered whether the Artificial Intelligence and Data Act sought to mitigate the risks of harm and of biased output of artificial intelligence systems in healthcare, in a gender-sensitive manner.

27. The State party's programmes on period poverty in conflict-affected communities, such as South Sudan, were commendable, but it would be helpful to learn how menstrual equity would be achieved domestically through comprehensive access to menstrual products. Similarly, in view of the timely decision of the Minister of Foreign Affairs to prioritize reproductive rights and health in her work, the Committee would like to know whether that work would involve psychological support for survivors, in line with United Nations Security Council Resolutions 2417 (2018) and 2475 (2019).

28. In the context of the landmark advisory opinion of the International Tribunal for the Law of the Sea that all States were legally bound to protect the marine environment from the existential threats of climate change, would Canada join international negotiations on rules for seabed mining?

29. **A representative of Canada** said that surgical procedures performed without the patient's consent constituted aggravated assault under subsection 2681 of the Criminal Code.

30. **A representative of Canada** said that the country was committed to addressing anti-Indigenous racism in the healthcare system in a manner inclusive of Indigenous Peoples' perspectives and based on recognition of their rights. First Nations, Inuit and Métis women and girls had the right to access high-quality healthcare services without fear of discrimination or mistreatment throughout Canada. Under the 2024 federal budget, Can\$ 167.6 million had been allocated over five years to continue combating anti-Indigenous racism in healthcare. The federal Government was working with provinces and territories to improve the quality of health services for Indigenous Peoples.

31. Regarding forced and coerced sterilization, the Government was working with its partners, including Indigenous People's organizations, to eliminate systemic racism, ensure informed consent and reduce the barriers that Indigenous Peoples – particularly Indigenous women and transgender, non-binary and Two-Spirit people – faced when accessing health services.

32. **A representative of Canada** said that, in 2023, the Government, in association with the civil society organization Food Banks Canada, had launched a pilot initiative to enable

access to menstrual products at sites nationwide. Over one million individuals had benefited to date, and the Government was exploring how to expand the project.

33. **Ms. de Silva de Alwis** said that geographical and financial barriers to access to reproductive resources for Indigenous communities, resulting from their lack of access to urban-centred healthcare services, appeared to be a gap in the State party's otherwise excellent feminist healthcare policy. Information would be welcomed on how the country's feminist foreign policy could be harnessed to address reproductive health rights violations in conflict areas.

34. **Ms. Hacker** said that she would like to know what safeguards were in place to ensure that medically assisted dying was not seen as a substitute for proper protection and support for women with physical or mental disabilities, and to provide a safe and non-discriminatory mental health system for girls and women. She also wished to learn whether the State party would guarantee the right of women drug abusers to shelter, rehabilitation and decriminalization, and whether it would expand health coverage to female asylum-seekers. She would appreciate receiving information on the efforts made to ensure that policies inclusive of transgender people did not compromise the health needs of women requiring female-only spaces.

35. **Ms. Tisheva** said that there were extensive reports that the State party's arms trade and support for Israeli military forces since late 2023 had affected the human rights of women in Gaza, specifically their health and reproductive rights. Women and girls faced disruption to maternal, obstetric and neonatal care, the destruction of infrastructure and health facilities, malnutrition, attacks and displacement. It would be helpful to know how Canada regulated corporations under its jurisdiction that contributed to the human rights violations of women in Gaza, and whether it would refrain from providing arms to Israeli forces in the immediate future.

36. **Ms. Bonifaz Alfonzo** said that she wished to know whether migrant women and girls had access to healthcare, including safe abortions. Information would also be appreciated on measures to end the forced or coerced sterilization of persons with disabilities, particularly intellectual or psychosocial disabilities, and especially in situations where they were unable to consent. What efforts were being made to coordinate such measures nationwide?

37. **A representative of Canada** said that her country remained fully committed to the right to choose; no one should be forced to carry an unwanted or unsafe pregnancy. The federal Government supported non-discriminatory and science-based policies to ensure that transgender and non-binary young people and their families could access gender-affirming, evidence-based and high-quality care. Through the Sexual and Reproductive Health Fund, it had invested in expanding relevant information services for the benefit of communities nationwide and providing training for healthcare providers. Medication to support safe abortion was authorized for use and was publicly covered by all provinces and territories.

38. **A representative of Canada** said that safe abortion in the Province of Nova Scotia was accessed via self-referral to a centralized contact point managed by the Reproductive Options and Services Clinic. Medical abortions in the province were provided by a coordinated network of prescriber physicians and were available to people at nine weeks' gestation or less. Surgical abortions were available to people at 16 weeks' gestation or less. Procedures were primarily offered in Halifax, but aspiration abortions were available to people at 12 weeks' gestation or less in three rural communities throughout Nova Scotia.

39. **A representative of Canada** said that the Government had increased funding for Indigenous midwives and doulas to improve access to prenatal, post-partum and birth support for Indigenous families. It also funded national Indigenous organizations to support their work in areas including sexual and reproductive health. In order to improve access to culturally safe health support, funding had also been provided to regional and grass-roots organizations providing services directly to women and marginalized groups, including persons with disabilities and 2SLGBTQQIA+ people. Furthermore, youth sexual health networks had been strengthened to raise awareness of sexual health and reproductive health rights, particularly in relation to consent to medical treatment.

40. **A representative of Canada** said that the debate about the circumstances under which medical assistance in dying should be available in Canada was ongoing; the Government would continue to consider the views of experts, stakeholders and the general public. The Government remained committed to ensuring that its laws on medical assistance in dying supported autonomy and freedom of choice, while protecting potentially vulnerable people.

41. When medical assistance in dying had been expanded to persons whose natural death was not reasonably foreseeable, additional safeguards had been introduced. In such cases, at least one practitioner must have expertise in the person's medical condition or consult someone who did, and patients must be informed of alternative means to relieve their suffering and must be offered consultations with relevant professionals providing such services or care, including counselling services, mental health and disability support services, community services and palliative care. Both practitioners must be satisfied that the patient had given serious consideration to those alternative means, and a minimum of 90 days must be spent assessing the patient to ensure that all of the requirements were met.

42. Since 2023, Health Canada had collected information from practitioners on the circumstances of individuals requesting medical assistance in dying, including their race, Indigenous identity, sex and gender identity, disability and living arrangements. The information was used to determine inequity or systemic disadvantages in the context of medical assistance in dying.

43. **A representative of Canada** said that, at the 2019 Women Deliver Conference in Vancouver, the Government had announced a 10-year commitment to global health and rights, under which it provided an annual average of Ca\$ 1.4 billion to support the health of women, children and adolescents worldwide, Ca\$ 700 million of which was allocated to comprehensive sexual and reproductive health and rights. The Government's investment in sexual and reproductive health and rights was focused on five neglected or underfunded areas: family planning and contraception; safe abortion services and post-abortion care; comprehensive sexuality education; advocacy; and the prevention of and response to sexual and gender-based violence.

44. In 2022 and 2023, Canada had provided Ca\$ 1.3 billion in humanitarian assistance, in line with its subpolicy on gender equality in humanitarian action. Gender equality was integrated into approximately 99 per cent of humanitarian assistance projects, with the exception of funding for humanitarian logistics operations, and continued to be prioritized. Under the National Action Plan on Women, Peace and Security, 2023–2029, the Government would promote and support women's participation in decision-making and ensure that women were meaningfully included in humanitarian action.

45. Respect for human rights was a cornerstone of the country's export control system, which was one of the world's strongest. All export permit applications for controlled items were reviewed on a case-by-case basis under the relevant risk assessment framework, which included criteria from the Arms Trade Treaty, also enshrined in the Export and Import Permits Act. The Minister of Foreign Affairs would deny an export permit if she determined that there was a substantial risk of the item being used to commit or facilitate serious violations of international humanitarian or human rights law, or serious acts of gender-based violence or violence against children. The Government had not approved new arms export permits to Israel since 8 January 2024. In view of the rapidly developing situation on the ground, the Government had suspended a number of export permits for military items destined for Israel in the summer of 2024.

46. Canada used the Gender-based Analysis Plus model to consider different groups' experiences of the environment and the differentiated impacts of environmental policies and programmes, which helped to inform policymaking, science, programme implementation and service delivery. The model was also used to consider issues relating to deep-sea mining and climate change.

47. **The Chair** said that it would be useful to know whether the State party was revising the definition of chronic homelessness to better reflect gendered experiences of housing needs and homelessness among Indigenous and other systemically disadvantaged women. She also wished to know whether Canada would develop a gender-specific accountability mechanism to be applied across all policymaking and implementation processes, with

time-sensitive and rights-based goals and targets, in order to eliminate housing insecurity among women.

48. The Committee would like to know what measures provinces and territories were taking to increase social assistance rates for the neediest women and their children; whether the Canada Disability Benefit would be increased to lift women with disabilities out of poverty; and whether eligibility for the benefit would be expanded to all women with disabilities. Information would be welcomed on the status of Bill S-233, establishing a framework for a basic guaranteed liveable income, and calling for broad consultations and the full participation of the most disadvantaged in society.

49. In view of the direct correlation between the presence of extractive industries near Indigenous communities and increased rates of gender-based violence against Indigenous women, she wished to know what steps were being taken to protect Indigenous women from gender-based violence in that context and to ensure their right to give their free, prior and informed consent to decisions affecting their lands and resources.

50. She wondered how the State party was working to prevent the criminalization of Indigenous women defenders of land rights and how it ensured that Canadian extractive companies, whether operating domestically or abroad, were held accountable for human rights violations. What effective controls had the federal Government put in place to ensure that provincial and territorial governments complied with human rights standards?

51. She wished to know whether the Government recognized women's unpaid labour in its analyses of gross domestic product, and what financial support was available for women engaged in unpaid care work. The Committee was curious to know whether seabed mining companies were held accountable for environmental damage caused to marine life, which adversely affected the livelihoods of women in the Pacific region. It would also be interested to hear about any measures being taken to ensure that arms sold to the United States or other countries were not transferred to Israel and used in the violation of women's and girls' rights in Gaza.

52. **Ms. Bonifaz Alfonzo** said that she wished to know what had been done to provide compensation for the disappearance and murder of Indigenous women and girls, and what preventive measures were being taken to ensure that such crimes were never committed again.

53. She wondered whether any efforts had been made to investigate why the population of Indigenous women prisoners was growing at a much faster rate than the overall population of women prisoners, and whether any support was provided to Indigenous women prisoners, especially those who were illiterate.

54. She would welcome information on any steps being taken to ensure equal access to education and employment for women with disabilities. It would also be useful to have information on the outcome of the strategy that the Government, together with the International Organization for Migration, had launched in 2021 to empower and protect women and girls affected by irregular migration and forced displacement, especially those from Central America. What specific programmes were in place to protect and promote the rights of migrant women?

55. **A representative of Canada** said that the Government was investing heavily in measures to support the social and economic well-being of all Canadians. The Poverty Reduction Strategy, launched in 2018, had established an official measure of poverty, as well as ambitious and concrete poverty reduction targets. In accordance with the strategy, a national advisory council on poverty had been established in 2019 to advise the Minister of Families, Children and Social Development on poverty reduction and to issue annual public reports on the progress made towards meeting the Government's poverty reduction targets.

56. In order to reduce poverty among families and children, tax-free monthly payments were allocated to eligible families to help them meet the costs of raising children under 18. Around 3.5 million families had benefited from such payments. The Government had also invested in measures to provide meals in schools and childcare services, with a view to raising women out of poverty.

57. The Government had made significant investments in measures to reduce the poverty rate among older persons, which had fallen from 7.1 per cent to 6 per cent between 2015 and 2022. The allocation of State pensions had played a key role in reducing poverty among older women. The Old Age Security Programme and guaranteed income supplements had helped to provide income security for older persons.

58. Three types of caregiving benefits were made available to persons who needed to stop working temporarily in order to care for a critically ill or injured person or a person requiring end-of-life care. The benefits in question were the compassionate care benefit, which provided up to 26 weeks of income support to workers providing end-of-life care to a family member; the family caregiver benefit for children, which provided up to 35 weeks of income support to workers caring for a critically ill or injured family member under 18; and the family caregiver benefit for adults, which provided up to 15 weeks of income support to workers caring for a critically ill or injured adult family member.

59. **A representative of Canada** said that the Reaching Home strategy had been established to tackle homelessness. In line with the strategy, the Government had allocated Can\$ 5 billion over nine years to help communities support homeless persons at the local level. Between 1 April 2019, when Reaching Home had been launched, and 4 July 2024, the strategy had provided assistance to almost 3,000 projects that specifically supported women, including 800 projects that assisted women leaving situations of domestic violence. Support had also been provided to a further 1,385 projects that supported persons leaving a situation of domestic violence.

60. **A representative of Canada** said that the Government acknowledged that there was a direct correlation between resource extraction activities and violence against Indigenous women, girls and 2SLGBTQQIA+ people. In 2018, Indigenous members of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project had developed an action plan to respond to the problems associated with temporary work camps and the influx of workers. In that connection, the Advisory and Monitoring Committee had provided funding for targeted training in identifying risks, providing safe spaces for women, and helping Indigenous communities to prepare for the arrival of extractive companies in their areas. The Advisory and Monitoring Committee had subsequently expanded the scope of its work to consider the impact of marine shipping.

61. **A representative of Canada** said that the Government took a balanced approach to responsible business conduct, carrying out preventive measures, enacting legislation in select areas and providing access to two non-judicial dispute settlement mechanisms: the National Contact Point for Responsible Business Conduct and the Canadian Ombudsperson for Responsible Enterprise. The approach that those mechanisms took to dispute resolution was based on the Guiding Principles on Business and Human Rights of the United Nations and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

62. The National Contact Point offered dispute resolution services for the wide range of issues covered by the OECD guidelines, including employment and industrial relations, human rights, the environment and bribery. It could facilitate dialogues or provide mediation to help resolve complaints involving multinational enterprises operating in or from Canada in any sector of the economy.

63. The Ombudsperson for Responsible Enterprise was mandated to review complaints of human rights abuses arising from a Canadian company's operations outside Canada in the garment, mining, or oil and gas sectors. The Ombudsperson could also undertake reviews on his or her own initiative. Canadian companies involved in a dispute resolution process were expected to participate in good faith. If they did not do so, the National Contact Point or the Ombudsperson could recommend the withdrawal of certain forms of trade support offered by the Government or the denial of future access to support from trade bodies such as Export Development Canada.

64. All applications for permits to export controlled items, including those exported through the United States, were reviewed on a case-by-case basis to ensure that they complied with the relevant regulations, including the Arms Trade Treaty criteria enshrined in Canadian law. The Minister of Foreign Affairs would deny an export permit application if she determined that there was a substantial risk that the item concerned could be used to commit

or facilitate serious violations of international humanitarian law, international human rights law or acts of gender-based violence or violence against women and children.

65. **A representative of Canada** said that the Government was not currently offering compensation to individuals or families in connection with the disappearance and murder of Indigenous women. However, it did support organizations that provided assistance to disappeared persons and their families and communities. It also provided mental health support to families and communities affected by crises.

66. **The Chair** said that it was still not clear whether the Government was developing or implementing a gender-specific accountability mechanism to address homelessness that took account of the needs and concerns of vulnerable and systemically disadvantaged women. If such a mechanism existed, it would be interesting to know whether it set out time-bound and human rights-based goals with a view to eliminating housing insecurity in Canada. She would welcome further information on any measures being taken to protect Indigenous women against the impact of “man camps” established for workers by extractive companies.

67. **Ms. de Silva de Alwis** said that the Government might consider taking account of the report on institutional investors, issued in connection with the tenth anniversary of the Guiding Principles on Business and Human Rights, in its efforts to address the traceability of investments made in corporations that might directly or indirectly engage in business practices that adversely affected women’s and girls’ enjoyment of their human rights in different countries.

68. **A representative of Canada** said that the Government took a human rights-informed approach to housing and had adopted a National Housing Act that supported the progressive realization of the right to housing. With regard to “man camps”, the Department for Women and Gender Equality funded a number of organizations that examined gender stereotypes and worked with companies to ensure that workplaces were safe. In the extractive sector, it had funded the development of tools that companies could use to provide relevant training to their temporary staff.

69. **A representative of Canada** said that he noted the Committee’s comments concerning the importance of investor and human rights principles.

#### *Articles 15 and 16*

70. **Ms. Hacker** said that she wished to know what was being done to secure free and accessible legal aid for all women who could not afford private legal representation, in particular in family matters. She wondered what the State party was doing to ensure women prisoners’ right to access to justice, including in relation to family and political rights.

71. It would be interesting to know whether the State party had conducted a study of the impact of its allegedly gender-neutral reform of family law, which, among other things, had provided for the forced separation of mothers from their children and forced contact with violent fathers and former spouses. If a study had been conducted, the Committee would welcome information on its findings; if it had not, the Committee would be grateful to know why not.

72. She was curious to know what the State party was doing to prevent legal changes that broadened the scope of the concept of parental alienation syndrome or sought to restore that concept in the legal system. It would be interesting to learn about the remedies offered to women and children whose rights had been violated because a family court had invoked the concept of parental alienation syndrome. She would welcome information on the percentage of professionals within the legal system, including judges, police officers and mediators, who received gender-sensitive training related to domestic violence and intersectionality.

73. **A representative of Canada** said that the Government allocated financial assistance to the provinces and territories so that they could provide legal aid in criminal, civil and immigration matters and in cases involving applications for refugee status. The Government’s decision to increase that funding in 2024 was expected to enhance access to justice for vulnerable and marginalized Canadians and for eligible asylum-seekers and persons involved in immigration proceedings. A number of provinces, including British Columbia, Manitoba and Prince Edward Island, had recently taken steps to improve access to legal aid in family

law or child protection cases in their jurisdictions, including by amending financial eligibility thresholds.

74. No specific study had been conducted into the impact of the various amendments made to family law, most of which had entered into force in March 2021. However, the Government continued to study the effects of those amendments. Under the Divorce Act, the main consideration taken into account in custody proceedings was the best interests of the child. With regard to parental alienation syndrome, the Act provided that, in determining the best interests of the child, the court must consider each spouse's willingness to support the child's relationship with the other spouse.

75. The Divorce Act, as amended, included a broad definition of family violence that recognized its many forms and the significant harm that it could do to victims and witnesses. In determining the best interests of the child, the courts were required to consider the views of the child where he or she was considered to be of sufficient age and maturity. In cases where a child was allegedly resisting contact with a parent, the court made efforts to determine whether the allegation was true and, if so, why the child was resisting contact. In cases where family violence was alleged to have taken place, the court would consider the specific criteria related to family violence in determining the best interests of the child.

76. In order to safeguard the constitutional principle of judicial independence, it was the judiciary, rather than the Government, that oversaw judicial education, including in relation to intimate partner violence and other forms of gender-based violence. The Canadian Judicial Council was responsible for establishing the professional development requirements for superior court judges. Under federal legislation, in order to be eligible for judicial appointment to a provincial superior court, candidates must agree to participate in ongoing training in the law governing sexual assault and the social contexts in which it occurred. Legislative measures had been taken to make the Canadian Judicial Council aware of the importance of delivering continuing education seminars for judges on intimate partner violence and coercive control in intimate partner and family relationships.

77. **The Chair** said that she wished to thank the delegation for the constructive dialogue with the Committee.

*The meeting rose at 4.50 p.m.*