



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the tenth periodic report of Canada*

General

1. Please provide information and statistics, disaggregated by sex, age, disability, ethnicity, religion and location, on the current situation of women in the State party, to enable monitoring of the implementation of the Convention.

Visibility of the Convention and the Optional Protocol thereto and the Committee's general recommendations

2. In the light of the Committee's concluding observations on the combined eighth and ninth periodic reports of the State party, (CEDAW/C/CAN/CO/8-9, para. 9),¹ and the report of the Committee on its inquiry conducted under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/CAN/1) please provide information on the steps taken: (a) to give sufficient visibility to the Convention and to increase awareness of the communications and inquiry procedures provided for under the Optional Protocol and of the Committee's general recommendations; (b) to ensure that women in the State party are aware of their rights under the Convention, in particular women and girls with disabilities, indigenous women and girls, Canadian women and girls of African descent, migrant, refugee, asylum-seeking, lesbian, bisexual and transgender women and girls and intersex persons; and (c) to provide capacity-building for judges, prosecutors and lawyers to enable them to interpret national legislation in accordance with the Convention.

Application of the Convention under the federal system

3. In view of the concerns expressed by the Committee in its previous concluding observations that the federal Government does not sufficiently ensure the transparent, coherent and consistent implementation of the Convention throughout its territory (para. 10), please provide information on measures taken to establish an accountability mechanism with the mandate to oversee, evaluate and ensure the

* Adopted by the pre-sessional working group on 15 November 2019.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



implementation of the State party's obligations under the Convention in the provinces and territories.

Constitutional, legislative and institutional framework

4. Please provide information on steps taken to fully incorporate the provisions of the Convention into the national legal system and ensure that it is directly applicable in the national courts. In view of the recent amendments to the Indian Act, through which the 1951 cut-off date was removed, please provide information on how the Government intends to ensure the timely registration of status for all applicants and clarify the resources that have been allocated for the implementation of the law. Please also provide information on measures taken to provide reparations and to address residual discrimination within First Nations communities arising from the legal discrimination based on sex in the Indian Act, as required by the Human Rights Committee by its decision in *McIvor and Grismer v. Canada* (CCPR/C/124/D/2020/2010).

Access to justice

5. In the light of the Committee's previous recommendations (para. 15), please provide information on measures taken to increase the availability of legal aid in civil cases, particularly for indigenous women, and include data, disaggregated by sex, age, disability, ethnicity, religion and location of the applicant, on the number and nature of cases in which legal aid in civil cases has been sought and the numbers of granted and rejected requests for such aid. Please also provide information on measures taken to ensure that access to legal aid in civil cases is equally accessible in all of the State party's provinces and territories.

6. Please provide information on relevant cases brought before the courts with respect to discrimination against women and the outcomes of those cases, indicating the number of cases in which the Convention was invoked. Please indicate how the State party intends to address the finding contained in the report on the National Inquiry into Missing and Murdered Indigenous Women and Girls, released on 3 June 2019, that there is no accessible and reliable mechanism for indigenous women and girls to seek recourse and remedies for violations of their rights.

National machinery for the advancement of women

7. With regard to the recently established Department for Women and Gender Equality, please provide information on its structure and financial and technical resources and indicate whether it has the authority to effectively coordinate government policies regarding gender equality, in particular with provincial and territorial governments. Please also provide information on the implementation of gender equality policies and the Gender Equality Budgeting Act at the provincial and territorial levels. In the light of the Committee's previous recommendations (para. 21), the information contained in the follow-up report submitted by the State party (CEDAW/C/CAN/CO/8-9/Add.1) and the Committee's assessment of the implementation of the recommendations, please inform the Committee of measures taken to address the recommendations that have not yet been fully implemented.

Temporary special measures

8. Please provide information on the measures taken to promote and accelerate the de facto equality of women and men, including through the adoption of temporary special measures in the fields of political life, employment and education, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures. Please indicate

whether the Convention is used as a legal framework for their adoption and implementation. Please include information on the enforcement, monitoring and outcomes of those measures, supported by statistical data.

Extraterritorial obligations

9. In view of the recently passed Bill C-69, which imposes an obligation to conduct impact assessments of resource development projects, including a gender-based analysis on projects under federal jurisdiction, please inform the Committee as to whether this obligation applies to projects executed abroad by transnational companies that are domiciled in the State party. Please also inform the Committee as to whether the State party intends to extend the application of the law to projects under provincial and territorial jurisdiction. Please update the Committee on measures taken to address the recommendations in the Committee's previous concluding observations (para. 19) and the recommendations made by the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Canada ([A/HRC/38/48/Add.1](#)).

National human rights institution

10. Please provide information on measures taken to implement the recommendations of the Global Alliance of National Human Rights Institutions, in particular efforts to broaden the mandate of the Canadian Human Rights Commission to include all rights covered by the Convention and to permit all individuals, regardless of their legal status, to gain access to the complaints procedure. Please inform the Committee of any plans to amend the Canadian Human Rights Act to allow the Commission to table all reports directly in the legislature, rather than through the Executive.

Discriminatory stereotypes and harmful practices

11. Please inform the Committee of any measures taken to systematically collect data, disaggregated by relevant factors, on harmful practices in the State party and to make information on ways to combat such practices widely available, as recommended by the Committee in its previous concluding observations (para. 23). Please also inform the Committee of any measures taken to modify or eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society and how the impact of such measures is assessed.

Gender-based violence against women

12. In view of the low rates of reporting of gender-based violence against women, including sexual violence, please provide information on measures taken to effectively implement legislation and to ensure that perpetrators are prosecuted and adequately punished and that victims are provided with reparations, in all provinces and territories. Please provide information on the implementation of the strategy to combat gender-based violence, including its main objectives, the financial and human resources allocated for its implementation and whether a monitoring mechanism will be put into place. Please explain how the State party intends to implement the national action plan on combating violence against women, including whether there is a timetable for its implementation and whether resources have been allocated therefor. Please explain how the State party ensures that cases of family violence is prosecuted in a consistent manner throughout its territory, given the absence of a specific federal offence criminalizing it. Please provide data and detailed information on the recent incorporation into the Criminal Code of the offence of non-consensual distribution of intimate images, including any investigations, prosecutions and convictions regarding this offence. Please update the Committee on steps taken to implement the

recommendations of the Special Rapporteur on violence against women, its causes and consequences, following her visit to the State party in April 2018 (see [A/HRC/41/42/Add.1](#)). Please update the Committee on any plans to repeal section 43 of the Criminal Code and to prohibit all forms of corporal punishment against children in all settings, and please update the Committee on the status of Bill S-206.

Missing and murdered indigenous women and girls

13. Please provide detailed information on measures taken to implement and fully comply with the outstanding recommendations in relation to paragraph 27 of the concluding observations, as outlined in the follow up letter sent to the State party on 9 September 2019 referring to the report of the Committee on its inquiry conducted under article 8 of the Optional Protocol to the Convention ([CEDAW/C/OP.8/CAN/1](#)). Please also provide information on measures taken to implement the recommendations contained in the report on the National Inquiry into Missing and Murdered Indigenous Women and Girls. Please inform the Committee of the time frame for the adoption of a national action plan on missing and murdered indigenous women and how the State party intends to ensure the participation of indigenous women in the execution of the plan.

Trafficking and exploitation of prostitution

14. Please provide data, disaggregated by relevant factors, on the number of investigations, prosecutions, and convictions in cases of trafficking-related crimes at the federal, provincial and territorial levels. Please also provide data on the number of victims of trafficking who have been provided with services tailored to the specific needs of such victims at the federal, provincial and territorial levels, including information on the type of service provided, how it is funded and whether it is specifically designed for victims of trafficking. Please update the Committee on progress made in adopting a new national action plan on combating trafficking in persons.

15. Please update the Committee on steps taken to implement the Committee's previous recommendations to decriminalize prostitution and to assess the impacts of the Protection of Communities and Exploited Persons Act on women in prostitution (para. 33). Please also respond, with supporting data, to the reports that anti-trafficking initiatives have resulted in increased detentions, arrests and deportations of migrant women in prostitution and explain how the State party ensures the safety of women in prostitution, especially women belonging to disadvantaged groups, such as indigenous women, migrant women or women with disabilities.

Participation in political and public life

16. In line with target 5.5 of the Sustainable Development Goals, please elaborate on the measures taken, including the use of quotas, to increase the number of women in decision-making positions in elected and appointed bodies, in particular in the legislature, the diplomatic service and in senior positions in the Government. Please provide information on measures taken to increase the number of women in management and leadership positions in academia and in public and private companies at the national, provincial and territorial levels. Please also provide information on the mechanisms available for monitoring the impact of those measures. Please indicate whether campaigns are conducted to raise awareness of the importance for society as a whole of the participation of women in decision-making and for their necessary empowerment, in particular women and girls with disabilities, indigenous women and girls, Canadian women and girls of African descent and migrant women and girls.

Education

17. Please provide information on measures taken to address the Committee's previous recommendations in the area of education (para. 37). Please inform the Committee of measures taken to set up a comprehensive nationwide strategy aimed at ensuring that women and girls with disabilities have access to the mainstream education system. Please provide information on measures taken to ensure access to education for Canadian women and girls of African descent and indigenous, migrant, refugee and asylum-seeking women and girls. Please provide data, disaggregated by sex, age, ethnicity, disability and territory or province location, on the enrolment and dropout rates for girls in secondary schools and tertiary education institutions. Please indicate whether the State party has adopted any affirmative action policies and programmes aimed at ensuring enrolment in education and preventing school dropout of girls belonging to indigenous groups, Canadian girls of African descent and migrant, asylum-seeking and refugee girls. Please provide information on measures taken to ensure adequate opportunities for indigenous women and girls to receive instruction in their own languages in indigenous education institutions. Please provide data and statistics on specific budget allocations aimed at ensuring that girls who have received their education in an indigenous education institution have access to non-indigenous institutions at all levels of education throughout the State party.

18. In line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, please provide information on measures taken to ensure consistent, mandatory, age-appropriate sex education, including education on sexual and reproductive health and rights, in all parts of the State party and explain what monitoring mechanisms have been put into place to allow the federal Government to hold territorial and provincial governments accountable for failure to implement the guidelines for sexual health education issued by Sex Information and Education Council of Canada or other national guidelines and standards regarding sexuality education. Please also provide information on measures taken to disseminate and raise awareness about the existence of the guidelines. Please provide information on measures taken to collect data, disaggregated by relevant factors, on the number of teenage pregnancies and provide information on how the State party ensures the reintegration into school of girls after delivery and that they have access to affordable, modern contraceptives in all provinces and territories.

Employment and economic empowerment of women

19. Please provide information on measures taken to address the Committee's previous recommendations (para. 39), including measures taken to facilitate access for women to the labour market. Please also provide information on the implementation of the Pay Equity Law, including any impact that the law has had on the gender pay gap in federally regulated workplaces. Please clarify whether the State party has any plans to extend the application of the law to provincially and territorially regulated workplaces. Please provide information on the implementation of Bill C-65, under which federally-regulated employers are obligated to take preventive measures against incidents of harassment and violence in the workplace. Please also provide information on any plans to extend the application of the Law to workplaces under provincial and territorial jurisdiction. Please inform the Committee of the steps the State party has taken to ratify the Domestic Workers Convention, 2011 (No. 189), and/or the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization and, if no steps have been taken, please explain why. Please provide information about measures taken to raise awareness about sexual harassment in the workplace. Please also provide information on measures taken to facilitate entry into the labour market, particularly for indigenous women and women with disabilities.

20. In view of the Committee's previous concluding observations (para. 47), please update the Committee on measures taken to decrease poverty, homelessness and inadequate nutrition for women in the State party, especially indigenous women, Canadian women of African descent, immigrant women, women with disabilities, older women and single mothers. Please also provide data, disaggregated by relevant factors, on the number of women that live under the official poverty line in all provinces and territories of the State party.

Health

21. Please provide information on measures taken to collect comprehensive data, disaggregated by relevant factors, on sexual health in all territories and provinces. Please also provide information on the availability of abortion services, by province and territory, throughout the State party and inform the Committee on measures taken to implement its previous recommendation to ensure equal access to abortion services in all provinces and territories (para. 40 (a)). Please provide information on measures taken to monitor access and to sanction provinces and territories that fail to comply with the criteria set out in section 13 of the Canada Health Act. Please inform the Committee of measures taken to ensure access to support services, including rehabilitation and psychosocial care, for women with disabilities.

22. Please respond to reports that the practice of the forced sterilization of indigenous women in Canada persists and inform the Committee of measures taken to implement the recommendations of the Committee against Torture in this regard ([CAT/C/CAN/CO/7](#), para. 51). Please also inform the Committee about the steps that the State party has taken to investigate allegations of the forced sterilization of women with disabilities. Please indicate the HIV infection rate among women and girls, including pregnant women, and provide data on the number of new HIV diagnoses among girls and women in the State party. Please also indicate whether a gender perspective has been integrated into the existing programmes to combat HIV and other sexually transmitted infections.

Disadvantaged groups of women

23. Please provide updated information and data on the human rights situation of women facing intersectional discrimination, including women and girls with disabilities, Canadian women and girls of African descent, indigenous, migrant, refugee, asylum-seeking, lesbian, bisexual and transgender women and girls and intersex persons, and specify the measures taken to ensure that they have effective access to education, health, housing and employment and the opportunity to participate in political and public life, including through the use of temporary special measures. Please provide information on the situation and conditions of women in detention, in particular indigenous women. Please inform the Committee about the implementation and functioning of the "structured intervention units", which are aimed at ending the practice of solitary confinement. Please provide information on measures taken to implement the ruling of the Canadian Human Rights Tribunal, in 2016, that the Government must pay compensation to First Nations children, particularly girls, harmed by the on-reserve child welfare system.

Marriage and family relations

24. Please provide information regarding whether the provisions on the economic consequences of divorce for women, in particular on the division of property, are in line with article 16 of the Convention, as explicated in the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. Please provide information on the legislative measures taken or envisaged to protect the rights of women upon the dissolution of de facto

unions. Please also provide information on whether gender-based violence against women in the domestic sphere is taken into consideration in judicial proceedings concerning custody and support of children in all provinces and territories, as recommended by the Committee in its previous concluding observations (para. 53).

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2016. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.
