

# Amnesty International

CANADA

SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

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Indigenous Rights

- 1.1 Violence Against Indigenous Women Land and Water Defenders

Amnesty International research has found that resource development initiatives in British Columbia significantly contribute to a state of 'constant crisis'. Indigenous women and girls are being acutely subject to domestic, workplace and structural violence. This is attributed to numerous factors including limited consultation with Indigenous Peoples about development projects, influx of transient male industry workers, misogynistic and racist attitudes, and an overwhelmed social safety net that is underfunded.

Amnesty International has documented extensive human rights violations against Indigenous defenders fighting against the Coastal GasLink (CGL) pipeline being built through Wet'suwet'en territory without free, prior and informed consent (FPIC). The majority of Wet'suwet'en land defenders are women. Amnesty International has received numerous reports of incidents of gender-based violence and discrimination by the Royal Canadian Mounted Police (RCMP), Forsythe Security and CGL employees against land defenders including threats over radio channels while travelling in the area, aggressive and misogynistic language, and specific threats of rape.

- 1.2 Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ Peoples

Indigenous women and girls are six times more likely to go missing or be murdered than non-Indigenous women and girls in Canada. Indigenous women make up 16 per cent of all femicide victims and 11 per cent of all missing women.

On 3 June 2021, the Government of Canada released the 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People. Amnesty International criticised the government for taking two years after the National Inquiry into Missing and Murdered Indigenous Women and Girls' (MMIWG2S+) final report to release a national action plan and found the plan to be incomplete because it lacks a time-bound implementation strategy.

Although Canada has invested in MMIWG2S+ initiatives, these efforts are slow-moving. In 2024, Amnesty International and Secwepemc Nation representatives made a written submission to the Standing Committee on the Status of Women urging the implementation of the Red Dress Alert system through meaningful engagement and co-creation with Indigenous women and 2SLGBTQQIA+ defenders, leaders and Indigenous-led organizations.

## RECOMMENDATIONS

Canada must:

Ensure that prior to the approval of resource development projects that affect the rights of Indigenous Peoples, impact assessments are conducted that incorporate a comprehensive analysis of the Indigenous Peoples including the rights of women and girls, and there is proper consultation with Indigenous Peoples in accordance with international law.

Create a time-bound, Indigenous-led, trauma-informed and culturally sensitive National Action Plan Implementation Strategy outlining how all 231 Calls for Justice will be implemented to prevent and end violence against Indigenous women, girls and 2SLGBTQQIA+ People.

### Femicide on the Rise

Femicide, or the killing of women, girls, and 2SLGBTQQIA+ individuals is a critical issue in Canada. Since 2018, approximately 850 women and girls have been killed, or an average of one femicide every 48 hours. Community organizations have continued to call on the provincial government and municipalities to declare intimate partner violence an epidemic as recommended in Bill 173, Intimate Partner Violence Epidemic Act (2024).

Since femicide is not defined as a distinct crime in the Criminal Code of Canada. Most femicide research relies on media-reported femicide data drawn from police-reported data and can often lead to under-reporting. Significant lack of accurate disaggregated data has resulted in further under-reporting of femicides.

## RECOMMENDATIONS

Canada must:

Recognize femicide as a distinct crime is critical to making access to justice more equitable.

Introduce accurate disaggregated race-based data collection and reporting mechanisms to record femicides against Black, Indigenous, racialized women and 2SLGBTQQIA+ people.

The government of Ontario must implement Bill 173 immediately.

### Anti-2SLGBTQQIA+ Hate and Policies

In 2023, hate crimes targeting sexual orientation and gender identity increased by 69% from the previous year while police-reported hate crimes increased the third time in four years. Amnesty International has expressed grave concern regarding the alarming rise in hate crime rates and threats of violence toward 2SLGBTQQIA+ individuals, emboldened by disinformation and anti-2SLGBTQQIA+ legislation.

In 2023, Saskatchewan and New Brunswick passed separate legislation regarding children under 16 in schools, requiring parental consent for the use of preferred name and pronouns aligning with their gender identity. In 2024, Alberta introduced measures limiting student's access to gender-affirming healthcare and stifling discussion about gender identity, sexual diversity, and comprehensive sexuality education in schools.

## RECOMMENDATIONS

All levels of government must reaffirm their commitments to protecting the rights of 2SLGBTQQIA+ communities by:

Ensuring anti-2SLGBTQQIA+ hate and discrimination are meaningfully addressed including consultations with 2SLGBTQQIA+ communities, organizations and defenders toward the effective implementation of the Federal 2SLGBTQI+ Action Plan.

Repealing harmful legislation and promoting gender-affirming and inclusive environments and care for 2SLGBTQQIA+ communities in provincial education systems and in sports.

Sustainable funding for 2SLGBTQQIA+ led community organizations to support implementation of the National Action Plan on Combatting Hate.

Appointing a Special Representative to provide guidance and advocacy to address and prevent rising anti-2SLGBTQQIA+ hate in Canada.

#### Technology-Facilitated Gender-Based Violence

Cyberbullying, online harassment, the non-consensual sharing of intimate images, doxing, swatting, death threats and the use of spyware to track or control individuals, are just a few manifestations of how technology is employed to intimidate, control and harm women, girls and 2SLGBTQQIA+ people. Indigenous, Black, and racialized women and 2SLGBTQQIA+ people are disproportionately targeted through online threats, violence, and racist abuse.

#### RECOMMENDATIONS

Canada must:

Ensure dedicated funding for disaggregated data collection by gender, race and other characteristics.

Ensure the application of intersectional analysis of the human rights violations and abuses experienced by 2SLGBTQQIA+ communities in online spaces.

#### Sex Workers' Rights

In response to the Supreme Court decision in *Attorney General v Bedford, Lebovitch and Scott* (Bedford) ruling that laws that criminalized aspects of sex work were unconstitutional, Canada enacted the Protection of Communities and Exploited Persons Act (PCEPA). This law criminalizes the purchase of sex among other provisions that follow an 'end-demand' model which aims to ultimately eradicate sex work. PCEPA forces sex workers to operate in covert ways that compromise their safety and prohibits actions that workers take for their safety. A constitutional challenge to some provisions of PCEPA is currently before the Supreme Court of Canada.

#### RECOMMENDATIONS

Canada must:

Repeal PCEPA and decriminalize all aspects of consensual sex work to ensure safety for all sex workers.

#### Migrant Rights and the Right to Non-discrimination

##### 6.1 Childcare for Refugee Claimants in Quebec

In 2018, refugee claimants were stripped of access to subsidized childcare, following the Ministry of the Family reinterpreting article 3 of le règlement sur la contribution réduite. In June 2019, a legal challenge was filed with the Superior Court of Quebec on behalf of an impacted refugee claimant to have article 3 annulled on numerous grounds including equality rights given the disproportionate impact on women, in particular, single mothers. On 25 May 2022, the Superior Court of Quebec ruled in favour of the plaintiff. Despite the Court's decision, the Minister of the Family sent an internal directive on May 26 to government-funded daycares instructing that the criteria for access to subsidized daycare remain unchanged, meaning that claimant families remained unable to access these services while the appeal proceedings were underway. On May 29, the Quebec government appealed the decision. On 7 February 2024, the Quebec Court of Appeal affirmed the lower court ruling, finding that the exclusion of refugee claimants from subsidized daycare services was discriminatory and violated gender equality. Although access to subsidized

daycare for refugee claimants has now been reestablished, the Quebec government is seeking to file an appeal with the Supreme Court of Canada.

## 6.2 Temporary Foreign Worker Program

Migrant women working in Canada with employer-specific closed work permits under the Temporary Foreign Worker Program are at risk of labour exploitation and other human rights abuses including wage theft, long hours, unsafe conditions among others. Employers control over their migration status meaning workers cannot access adequate remedies when abuses happen. These women experience intersectional forms of discrimination and abuse at work, due to their gender, race and socioeconomic class.

During his visit to Canada in 2023, the UN Special Rapporteur on Contemporary Forms of Slavery stated that “the agricultural and low-wage streams of the Temporary Foreign Workers Programme (TFWP) constitute a breeding ground for contemporary forms of slavery” due to the employer-specific work permit regime and inadequate recourse in cases of abuse.

## 6.3 Quebec’s secularism law

Quebec’s Act Respecting the laicity of the state (“Bill 21”), adopted in 2019, prohibits some public employees from wearing religious symbols in certain public service positions, including schoolteachers. This has a disproportionate impact on religious minorities, notably Muslim women. However, when passing the law, the Quebec government invoked the notwithstanding clauses in the Canadian Charter and Quebec Charter to prevent it from being struck down even if it violates rights, including the right to non-discrimination and freedom of religion. Both the Quebec Superior Court found that some sections of Bill 21 unjustifiably violate fundamental rights but could not strike down the remainder of the law for violating the right to equality and right to freedom of religion, expression and association due to the use of the notwithstanding clause. The Court of Appeal overturned the finding that the law violated the rights of linguistic minorities but agreed that it was precluded from striking the law for violating the right to non-discrimination and to freedom of religion, expression and association due to the notwithstanding clause.

## RECOMMENDATIONS

Canada must:

Abolish the closed work permit regime for migrant workers under the Temporary Foreign Worker Program, and instead provide open work permits.

Work with Quebec (and other provinces) to seek a commitment to use notwithstanding clauses only in cases where it is demonstrated that the legislation in question is not discriminatory and that there is an “exceptional public danger threatening the life of the nation” and/or that the rights of a minority are at stake, justifying its use.

Canada’s Violence Against Women and LGBTI+ people Abroad

### 7.1 Supporting Israel’s military operations in the occupied Gaza Strip

Amnesty International has documented damning evidence of war crimes by Israeli forces in their intense bombardment of the occupied Gaza Strip resulting in massive displacement and more than 39,677 Palestinians killed. Women and girls in Gaza have been victims of horrific violence. Israeli-imposed aid restrictions violate international humanitarian law and prevent women accessing basic hygiene supplies including a lack of adequate nutrition for over 155,000 pregnant women and nursing mothers in Gaza. According to the United Nations Population Fund, every day 180 women give birth without medical help or pain relief.

Canada continues to transfer military equipment to Israel, in violation of international rules on the arms trade, risking complicity in violations of international humanitarian law. In recent years, Canada’s arms sales to Israel have significantly increased with exports in 2023 reaching a record high of over \$30.6 million CAD and 193 new export permits granted. Between 7 October and 6 December 2023, alone, \$28.5 million of new military exports to Israel were approved – more than the value all export permits issued in 2022. These figures do not include Canadian parts exported to the USA, which are integrated into US military equipment.

Despite knowledge of Israel's violations of international humanitarian law, Canadian officials did not conduct any additional reviews of Canadian military exports to Israel. Although Canada reportedly stopped issuing new permits for military exports to Israel as of 8 January 2024, transfers continue on existing permits.

## 7.2 Impact of Canadian companies overseas

Amnesty International research has found that the Canadian company 'Ivanhoe Mines' violated the human rights of hundreds of people in the Democratic Republic of the Congo (DRC) who were evicted to make way for the expansion of a sprawling copper-mining complex. The research highlights gender-based violence, skin rashes and vaginal infections from contaminated waterways, and forced evictions disproportionately impacting women farmers.

In 2019, the government created the Canadian Ombudsperson for Responsible Enterprise (CORE) to address overseas Canadian corporations' human rights abuses but did not give it the power to compel witnesses or produce documents. All fourteen representatives of the government's Multi-Stakeholder Advisory Body on Responsible Business Conduct Abroad tendered their resignations after loss of trust and confidence in the government's commitment to international corporate accountability.

In November 2022, Canada launched talks with Ecuador toward a free trade agreement, with a goal to promote and protect more Canadian mining investment. Women with Indigenous and environmental organizations have expressed concern that a free trade agreement between Canada and Ecuador could exacerbate a dire human rights situation in Ecuador.

## RECOMMENDATIONS

Canada must:

Stop all arms transfers to Israel, including parts and components via the United States.

Give CORE the ability to compel witnesses and documents to ensure Canadian businesses abroad operate in line with international human rights standards. and specifically protect the rights of women, girls, and LGBTI+ people.

Guarantee that no free trade agreement with Ecuador will advance without transparent, meaningful consultation with Indigenous women and Indigenous-led organizations in Ecuador, and their FPIC.

Canada's engagement with human rights mechanisms

Amnesty International urges Canada to ratify the International Labour Organization's Indigenous and Tribal Peoples Convention without further delay. Amnesty International supports Canada's willingness to ratify the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, International Convention for the Protection of All Persons from Enforced Disappearance, and Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment but the pace is slow.

## RECOMMENDATIONS

Canada must:

Ratify the American Convention on Human Rights.

Improve the pace of the accession and ratification of treaties.

Implementation of CEDAW Recommendations

Canada has accepted the recommendations from its last Universal Periodic Review to implement a follow-up mechanism for the recommendations from UN mechanisms.

## RECOMMENDATIONS

Canada must:

Report on progress in implementing the recommendations offered by UN mechanisms, including CEDAW.

Explain how it engages with the provinces and territories beyond discussions of possible implementation of CEDAW