

Institute Protection Womens Rights

Submission to the Committee on the Elimination of All Forms of Discrimination against Women

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Individual NGO Submission: Gender-based violence and discrimination in Canada

By: The Institute for Protection of Women's Rights (IPWR)

Email: info@womenrightful.com

Website: www.womenrightful.com

The Institute for Protection of Women's Rights (IPWR) was established in 2015 and The Institute is a non-governmental organization in consultative status with the Economic and Social Council since 2019. In general, the activities of the institution can be described in the direction of supporting women's rights in political, social, cultural, economic and other fields. The most important goals of the institute are as follows: Helping women get to know their rights and assisting them; Empowering women and obtaining gender justice; Combating discrimination and violence against women; Formulating useful suggestions and proposals to achieve women's rights in order to offer Government authority.

Introduction

Despite the fact that Article 2 of the Convention explicitly rejects discrimination based on gender, many Canadians across the country continue to face violence every day because of their gender, gender expression, gender identity or perceived gender. This is referred to as gender-based violence and is a violation of human rights. The Violence against women in Canada, have had long-lasting and negative health, social and economic effects that span generations, which had led to cycles of violence and abuse within families and sometimes whole communities. While violence affects people of all genders, ages, religions, cultures, ethnicities, geographic locations, and socio-economic backgrounds, populations more at risk of gender-based violence include women, young women and girls, Indigenous Peoples, women living in Northern, rural, and remote communities, and women living with disabilities.

Lack of protective legal

In 1981, Canada was one of the first countries to ratify the CEDAW Convention. In 2002 it ratified the CEDAW Optional Protocol. Despite an early ratification of the CEDAW Convention, its provisions are not fully incorporated into the national legal system. They are not directly applicable and do not have full legal effect at the federal, provincial or territorial level. Canada's federal structure and division of competencies concerning the protection of women's rights among the federal, provincial and territorial governments', combined with the absence of a strict obligations to apply the CEDAW provisions at all levels, results in different level of CEDAW Convention's incorporation in laws on violence against women and girls, which presents particular challenges in assessing implementation gaps.

Violence against women continues to be a serious problem in Canada and much work remains to be done to prevent and respond to the violence that persists in both the public and private spheres of women's lives. Both police-reported and self-reported data show women are more likely than men to be the victims of specific forms of violence, such as intimate partner violence, severe forms of spousal violence, sexual violence and stalking.

One of the main issue of concern is also the lack of a national definition of family and domestic violence and the lack of national legal framework on violence against women and domestic violence based on women's international human rights standards, as enshrined in the CEDAW and elaborated in detail in its General Recommendations No. 19 and No. 35 on gender-based violence against women.

Violence against women and girls (Domestic Violence)

The overall number of women and girls killed in Canada has not moved significantly down for a number of years. On average, one woman or girl is killed every two and a half days in Canada, according to a report on femicide in the

country. The report by the Canadian Femicide Observatory for Justice and Accountability found that, in 2020, 160 women and girls were killed in Canada. April was the deadliest month for women and girls in Canada, according to the report, with a total of 26 victims. This isn't a new phenomenon, or a result of the pandemic, as the number of women and girls killed each year in Canada has remained relatively constant

Among females in Canada, homicide rates are highest for girls 11 years of age and younger (40.7 per million population). The second highest homicide rates were found for females 25-29 years of age (17.9 per million population), followed by 18-24 years of age (14.7 per million population) and 30-39 years of age (11.8 per million population). In contrast, homicide rates were highest for males 25-29 years of age (52.5 per million population), followed by 18-24 years of age (43 per million population) and 30-39 years of age (36.0 per million population). In 2015, close to one half (48%) of all solved homicides involving a female victim were committed by a spouse or other intimate partner. Family members (other than a parent) were perpetrators in 22 percent of female homicides, followed by casual acquaintances (14%), parents (6%), strangers (6%), and criminal acquaintances (3%). In contrast, males were most often killed by a casual acquaintance (45%), criminal acquaintance (16%) or a stranger (16%). In contrast to female victims, a much smaller percentage of incidents involving a male victim were committed by a family member (14%), parent (5%), or a spouse or other intimate partner (4%). As such, the motivations and circumstances in which women and men are killed differ significantly, underscoring the relevance of the term femicide. Both female and male victims are killed primarily by male perpetrators. .

The COVID-19 pandemic has exacerbated the plight of women and families experiencing domestic violence in Canada. The discussions uncovered a 20 to 30 per cent increase in rates of gender-based violence and domestic violence in some regions of the country, though data on where the uptick is occurring is not yet available. There is a 22 per cent increase in domestic incidents since stay-at-home measures came into effect March 17 2022.

Domestic violence carries over into the workplace, threatening women's ability to maintain economic independence. More than half (53%) of respondents who had experienced domestic violence said that at least one type of abusive at happened at or near their workplace. Almost 40% of those who had experienced domestic abuse said it made it difficult to get to work, and 8.5% said they lost their jobs because of it.

Discrimination against indigenous women

Indigenous women (61%) in Canada were more likely to have ever experienced IPV in their lifetime (since the age of 15) when compared with non-Indigenous women (44%). 1 in 6 (17%) Indigenous women experienced at least one form of IPV—psychological, physical or sexual—compared with 12% of non-Indigenous women.

In May 2022, a Statistics Canada report found that 81 percent of Indigenous women who had been in the child-welfare system had been physically or sexually assaulted in their lifetime.

In June 2021, the federal government published a report promising a series of “transformative changes” to address persistent discrimination and violence against Indigenous women and gender-diverse people. That year, the Trudeau government released a National Action Plan in response to the National Inquiry into Missing and Murdered Indigenous Women and Girls' findings and recommendations. In June, an assessment by the Native Women's Association of Canada on the government's performance deemed it to be a »failure«.

According to the SSPPS, lifetime violent victimization includes any experience of physical or sexual assault or any threat of physical or sexual assault experienced since age 15. Experiences of physical or sexual assault can have lasting detrimental implications for victims, their families, their communities, and society as a whole.

The Royal Canadian Mounted Police (RCMP), provincial and municipal police and private security services hired by industries, have been known to routinely harass, assault and intimidate women, girls. Resource extraction projects are also directly tied to the expansion of 'man camps,' temporary extractive industry labour camps that bring an influx of transient male workers to Indigenous territories. These 'man camps' are associated with high rates of sexual and gender-based violence and trafficking experienced by Indigenous women, girls .

Recommendations

We call upon Canada to:

Carry out a comprehensive assessment of the impact of proposed actions on the rights of Indigenous peoples, including an intersectional analysis of the impact on Indigenous women and girls.

Exercise due diligence to prevent, investigate and punish acts of all forms of violence against women and girls

Apply international human rights norms and to consider, as a matter of priority, becoming party to international human rights instruments that relate to violence against women and girls, and to implement fully their international obligations;

Condemn violence against women and not invoke custom, tradition or practices in the name of culture to avoid their obligations to eliminate such violence;

Enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence;

Take appropriate measures to create comprehensive frameworks of non-discrimination towards women and support women against violence, including domestic and sexual violence.