

Network Womens NGOs Iran

Submission to the Committee on the Elimination of All Forms of Discrimination against Women on Status of women's rights in Canada

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In this report, we have examined cases of violations of women's rights based on the articles of the Convention on the Elimination of All Forms of Discrimination against Women. In the end, we have provided some recommendations to Canada.

Introduction

Canada is the second largest country in the world by area, with 40.09 million population in 2023 from which 50.3% are female (World Bank, 2024). Canada is a country where human rights, individual freedoms, democracy and avoid discrimination, especially against women are thought to be respected. Such claims are even mentioned in the constitution of this country. In act 15 under Equality Rights section of constitution Act 1982 of Canada has been emphasized that "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability". But, in practice, there are many evidences that refute these claims and indicate the existence of human rights violations, inequality and discrimination in this country. In between, women rights violations are more serious and need to be investigated.

Facts and figures about women rights violations in Canada

Women rights violations in Canada could be explained in terms of various indicators, here, some of the most important ones will be briefly mentioned.

Gender wage gap

The gender wage gap is defined as the difference between median earnings of men and women relative to median earnings of men which is 17.1% in Canada (OECD, 2024). Also, the data from International Labour Organization (ILO) indicates the average hourly earnings of employees in the year 2023 in Canada was 28.26 and 25.103 Us\$ for men and women, respectively. It reveals that the average hourly earnings of women employees have been 12.6% less than men in Canada in this year (ILO, 2024). Another noteworthy point is that the average wage of indigenous women is 26 percent less than indigenous men in Canada (Canadian Women Foundation, 2024).

Victims of family Violence

Family violence has not defined in Canadian Criminal Code, but it could be referred to violence committed by spouses, parents, children, siblings and extended family members (Statistics Canada, 2023). In 2022, there were 129,876 victims of police-reported family violence, in which, the number of women and girls has been almost 2.12 times higher than their men and boys' counterparts (455 victims per 100,000 population Vs 215 victims per 100,000 population) (Statistics Canada, 2023).

Victims of intimate partner Violence

According to Criminal Code (R.S.C., 1985, c. C-46; Interpretation- Definitions), intimate partner with respect to a person, includes their current or former spouse, common-law partner and dating partner (Government of Canada, 2024: 6). This term is known as "Domestic violence" in the laws of many countries. The data from Statistics Canada reveals that from 117,093 victims of police-reported intimate partner violence in 2022, almost 8 in 10 (78%) were women and girls. In terms of age group and gender, intimate partner violence was almost seven times higher among women and girls aged 12 to 24 years (776 victims per 100,000 population) than among their male counterparts (114 victims per 100,000 population). The number of victims among women aged 25 to 64 years has been also more than three times among their male counterparts (661 Vs 203 victims per 100,000 population, respectively), (Statistics Canada, 2023).

Sexual assault

Sexual assault has not directly defined in Canadian Criminal Code, but Martin's Annual Criminal Code, 2010, in the annotations for s. 271 states that "Sexual assault is an assault, within any one of the definitions of that concept in s. 265(1), which is committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated". According to Canadian Women's Foundation, 30% of all women age 15 or older report experiencing sexual assault at least once, and the rate of sexual assault against Indigenous women is approximately three times higher than among non-Indigenous women. Moreover, the rate of sexual assault against people with disabilities is about two times higher than those with no disabilities (Canadian Women Foundation, 2022).

Despite the prevalence of sexual assault, especially against women in Canada and its unfortunate consequences for victims, the punishment provided for it, is not compatible with this crime. In Criminal Code (R.S.C., 1985, c. C-46), part VIII, act 271 of Canada Consolidation Criminal code, Everyone who commits a sexual assault is guilty of (a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or (b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months (Government of Canada, 2024: 334).

On the contrary to the fact that heavy punishment has not considered in the Canadian law for this crime, in practice, this amount of punishment is not also applied. It means from all sexual assault reported by police from 2009 to 2014, only 21.2% (one in five) led to a completed court case within the six-year reference period. Meanwhile, only 11.7% sexual assault reported by police led to a criminal conviction, and 6.5% resulted in a custody sentence. In other words, only less than 7% (one in fifteen) of sexual assaults cases reported by the police, has been faced serious legal action (Statistics Canada, 2017).

Recommendations

We urge the Canadian government to criminalize all forms of discrimination and violations of women's rights, and to provide legal protection to the victims of such violence.

Despite the prevalence of sexual assault, especially against women in Canada and its unfortunate consequences for victims, the predicted amount of punishment in Canadian Judicial system is not compatible with this crime (act 271 of Canada Consolidation Criminal code). In addition, its judicial process is long in terms of time, therefore, it is recommended to revise this law, with the aim of intensifying the punishment and reducing the judicial process.

Recognition of common-law partner and dating partner alongside legally married spouses under "intimate partner" has been caused the instability of the original concept of family in Canada and part of the prevalence and variety of social abnormalities may be caused by it. Hence, it is suggested to social and cultural policy-makers of Canada to rethinking about definition and structure of family in this country.

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