

Government of Canada

Written response to questions posed by the Committee on the Elimination of Discrimination against Women during the Interactive Dialogue with Canada on October 25 2016

The Government of Canada is pleased to respond in writing to questions posed by the Committee during Canada interactive dialogue. Please note that Canada has strived to answer the questions as fully as possible in the available time, and acknowledges that some of the answers may be incomplete. Canada would be pleased to provide additional information should the need arise.

As mentioned during the review, Justice Canada has developed a technical paper that contains a summary of the Supreme Court of Canada decision in *Bedford v Attorney General of Canada*, an overview of Canada's legislative response to this case, and the extensive research and studies that informed this response, including international comparators. The technical paper is available at: <http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/p1.html>.

Constitutional, legislative and institutional framework (Articles 1-2)

1. Is Canada considering appointing an extractive sector ombudsman?

Canada's current corporate social responsibility (CSR) framework for Canadian extractive companies abroad is built on advancing widely-recognized international CSR standards; fostering networks and partnerships with stakeholders; and, providing assistance through two dispute resolution mechanisms.

We must consider the two mechanisms currently in place to help resolve differences between Canadian extractive sector companies and those affected by their operations abroad. The first is housed in Canada's National Contact Point (NCP), established in the year 2000 as part of our commitment to the OECD Guidelines for Multinational Enterprises on responsible business conduct and applies to all sectors. The second is the Office of the Extractive Sector CSR Counsellor, established as part of Canada's CSR strategy for the Canadian extractive sector abroad.

The Government of Canada is actively assessing Canada's CSR approach, and identifying ways to strengthen it. We are giving considerable thought to mechanisms and practical, demonstrable leadership around the world on CSR. We are actively listening to civil society and Canadian companies operating abroad, and are committed to demonstrating real leadership on CSR.

2. Has there been a delay in the implementation of Canada's National Action Plan on Women, Peace and Security? If so, why?

Canada's National Action Plan on Women, Peace and Security (C-NAP) was announced in October 2010. Since then, the implementation of Canada Action Plan on Women, Peace and Security (C-NAP) has been continuously ongoing through the work of the Royal Canadian Mounted Police (RCMP), the Department of National Defence (DND), and Global Affairs Canada (GAC). C-NAP sunset on 31 March 2016; however, on 8 March 2016, Canada announced the renewal of the C-NAP. Canada will consult civil society and other stakeholders regarding the renewal of C-NAP. During the renewal process, the Government continues to operate under the existing C-NAP.

3. Has there been inconsistent reporting under Canada's National Action Plan on Women, Peace and Security? If so, why?

C-NAP is implemented through policies and programs in a whole-of-government approach, including significantly by GAC, DND, and the RCMP. The Government of Canada has tabled in Parliament four annual progress reports on implementation of C-NAP and is currently in the process of preparing the final 2015-2016 report.

One aspect of C-NAP was a mid-point review, which was conducted by the NGO Inclusive Security in 2014. The report of this assessment can be found online. As a result of this review, Canada modified some aspects of implementation C-NAP, and also some aspects of our reporting, which has caused some inconsistencies in the subsequent reporting.

The progress reports contain an annex with actions and indicators on which the three implementing department partners are required to report. Inconsistency in reporting resulted from the difficulty of properly capturing the various WPS-related initiatives of the government under the specified actions and indicators. All three implementing departments have learned from their implementation of C-NAP and the C-NAP reporting. The lessons learned have been noted and Canada will work to address them in the second-generation of C-NAP.

4. When will Canada's report on the implementation of its National Action Plan on Women, Peace and Security be available?

Canada has reported on implementation of C-NAP for each Canadian fiscal year. The reports are tabled in Parliament and they are publicly available. The 2014- 2015 report was tabled on September 28, 2016 and it should soon be available online in the coming weeks. Officials are currently working to finalize the 2015-2016 report.

5. How much funding has Canada allocated to women, peace and security initiatives in fragile states and how many projects has Canada undertaken?

Over 2014-2015, Canada funded approximately 200 WPS-related projects and contributions that totaled approximately \$285 million, the majority of which were humanitarian, stabilization, and development projects in fragile and conflict-affected states. Canada considers projects as WPS-related if a component of the project contributes to gender equality, women's and girls' empowerment, works to prevent or address sexual and gender-based violence or violence against women, and/or promotes the human rights of women and girls, as outlined in C-NAP.

6. How is Canada supporting the role of Indigenous women in peace operations?

One of C-NAP's overarching objectives is to increase the active and meaningful participation of women, including indigenous and local women, in peace operations and peace processes, in the management of conflict situations, and in decision making in all of these areas. Furthermore, one of C-NAP's actions is to actively encourage UN and other multilateral efforts to involve women, including Indigenous women, in peace agreements and mediation processes, and ensure that such agreements take into account the differential experiences of women and girls, women's and girls' human rights and the rights of the child.

Overall, Canada encourages UN and other multilateral efforts to include all women in peace processes, which includes local and indigenous women. Canada will consider the issue of supporting the role of indigenous women in peace processes during the renewal process of C-NAP.

7. What concrete measures to prevent violence against women are included in Canada's National Action Plan on Women, Peace and Security?

One of the pillars of C-NAP is "Prevention" which is defined as:

- Integrating a perspective that takes into account the differential experiences of men and women, boys and girls in conflict situations into all conflict prevention activities and strategies; strengthening efforts to prevent violence, including sexual violence, against women and girls in peace operations, fragile states and conflict-affected situations.

C-NAP has nine actions and five indicators under the Prevention Pillar. In addition, the pillars in C-NAP are mutually-reinforcing. Many of the actions called for under the other pillars are evidence-based strategies to prevent violence against women, such as the action on the active and meaningful participation of women in decision making and in deployments for peace operations; on reporting on serious violations of women's and girls' human rights in their reporting, and addressing reports of alleged sexual exploitation or abuse with the utmost seriousness; and on providing deploying personnel with clear context-specific instructions on measures to protect and promote women's and girls' human rights, including measures to prevent sexual violence, and to respond appropriately if sexual violence occurs.

Political and public life (Articles 7-8)

8. What is the breakdown of women judicial appointments in Canada's provinces and territories?

Provincially and territorially appointed judges

Province or territory	Number of Judges	Number of women	% of women judges
British Columbia ¹	147	54	37%
Alberta	141	40	28%
Saskatchewan	48	15	31%
Manitoba	40	21	52%
Ontario	233	119	51%
Quebec			
New Brunswick	22	8	37%
Nova Scotia	38	13	34%
Prince Edward Island	-	-	33%

¹ Approximate. Source : <http://www.fja-cmf.gc.ca/appointments-nominations/judges-juges-eng.aspx>

Newfoundland and Labrador	26	6	34%
Yukon	3	1	33%
Northwest Territories	4	2	50%
Nunavut	None	N/A	N/A

Education (Article 10)

9. How much of the \$8.4 billion in funding announced for Indigenous peoples will be allocated towards Indigenous women and girls education?

Budget 2016 provided \$8.4 billion over five years to support Indigenous communities and the aspirations of Indigenous Peoples, including in infrastructure, child and family services, and on-reserve education. These investments are intended to begin to address some of the root causes of poverty, ensure that Indigenous children receive the best possible start in life, and begin a renewed relationship with Indigenous communities.

Specifically, this amount includes a \$2.6 billion investment over five years in primary and secondary education on reserve to address immediate needs and to keep pace with cost growth over the medium term. It also includes investments in language and culture programming, investments in literacy and numeracy programs, and special needs education, all of which will contribute to improved education outcomes.

In 2016-2017, Budget 2016 investments of \$286.4 million will build on approximately \$1.5 billion in previously existing 2016-2017 funding for Elementary and Secondary Education to support approximately 108,000 eligible students.

All Indigenous and Northern Affairs Canada Elementary and Secondary education program funding is equally available to benefit both genders. Additional information on the suite of elementary and secondary education programs can be found at <http://www.aadnc-aandc.gc.ca/eng/1100100033676/1100100033677>.

Elementary and Secondary Students Funded by INAC, by Gender

	Female	Male	Gender Not Stated	Total
2005/2006	54,812	56,829	87	111,728
2006/2007	53,532	55,771	68	109,371
2007/2008	53,431	55,442	70	108,943
2008/2009	53,363	55,331	61	108,755
2009/2010	52,971	54,923	54	107,948
2010/2011	52,719	54,360	83	107,162

2011/2012	52,309	53,821	70	106,200
2012/2013	52,158	53,286	131	105,575
2013/2014	52,580	53,727	195	106,502
2014/2015	53,213	54,760		107,973

Notes:

1. Reporting for certain First Nations with self-government agreements is not included.
2. The 2012-2013 and 2013-2014 Federal School results are not included.

Source: INAC Education Reporting and Analysis Solution, current as of 25-10-2016

10. What strategies are in place to close the gap in post-secondary education experienced by Indigenous women?

Ensuring that First Nation students have the same opportunities for success as other Canadian students also means ensuring that First Nation high school graduates can access post-secondary education. In 2014-2015, Indigenous and Northern Affairs Canada (INAC) invested \$341 million into post-secondary education. This includes the Post-Secondary Student Support Program/University and College Entrance Preparation Program, which funds First Nations, and organizations designated by First Nations, which, in turn, are responsible for decision-making about student selection and amount of funding per student according to national program guidelines (<http://www.aadnc-aandc.gc.ca/eng/1100100033679/1100100033680>). All Indigenous and Northern Affairs Canada Post-Secondary Education program funding is equally available to benefit both genders.

The Government of Canada remains committed to working with Indigenous communities on the future of the Post-Secondary Student Support Program and to support Indigenous students achieve their post-secondary education goals. Further to commitments in the Prime Minister's mandate letters to Ministers, the Minister of Indigenous and Northern Affairs Canada is working closely with the Minister of Employment, Workforce Development and Labour to fulfill the Government of Canada's commitment to increase annual support to the Post-Secondary Student Support Program.

As well, this collaboration extends to cooperation on a package of reforms to the Canada Student Loans and Grants Program announced in Budget 2016. These reforms are intended to make post-secondary education more affordable for students from low- and middle-income families, and to ensure that student debt loads are manageable. Indigenous youth have an opportunity to participate in the restructured Canada Student Loans and Grants Program including measures to simplify the application process for student financial assistance, thereby making the Canada Student Grants Program more transparent and predictable.

INAC collects data on students funded by First Nations, and organizations designated by First Nations; the Department does not collect data on the number of students on post-secondary education waiting lists.

Funding for the Indigenous and Northern Affairs Canada Elementary and Secondary Education Program is provided to First Nations, and organizations designated by First Nations, who in turn design, deliver

and procure instructional and student services (e.g. operating schools, employing teachers, delivering courses, and supervising students). In 2014-2015, 74% of education staff (including certified teachers, other education professionals, and schools staff) funded by the Program were female.

Number of PSE Students Funded by INAC, by Gender

Student Funded Count	Female	Male	Total
2009/2010	13,431	5,999	19,430
2010/2011	13,454	5,876	19,330
2011/2012	13,375	5,840	19,215
2012/2013	15,797	6,995	22,792
2013/2014	16,454	7,355	23,809

Notes:

1. Post-Secondary historical data up to fiscal year 2011-2012 may not represent a complete portrait of the number of students because a portion of the students was missing. Therefore, for these students, the only data available are at the regional level and are categorized under N/A.
2. Fiscal Year 2011-2012 was a transition year where AANDC replaced the PSE data collection system, therefore some data anomalies may exist.

Source: INAC Education Reporting and Analysis Solution, current as of 25-10-2016

Number of PSE Graduates Funded by INAC, by Gender

Student Funded Count		Female	Male	Total
2012/2013	Graduated	2,518	1,060	3,578
2013/2014	Graduated	2,341	1,003	3,344

Notes:

Source: INAC Education Reporting and Analysis Solution, 25-10-2016

11. Could Canada provide additional information on Indigenous women and girls' education dropout rates, absenteeism, ratio of female/male teachers and student/teacher ratio?

Drop-out rates, absenteeism, and teacher to student ratios are important indicators in relation to education program performance. As a part of engagement with First Nations, and First Nations education leaders, the Department is currently exploring how best to develop meaningful and representative performance indicators and data on First Nation education systems for public reporting purposes, including in ways that reflect the relatively small size of certain First Nation classes and schools. Therefore, data regarding these indicators is in development and is not currently available.

Secondary Graduation Rate of Students Funded by INAC, by Gender

	Female	Male	Total
2004/2005	32.02%	29.24%	30.70%
2005/2006	36.69%	34.88%	35.82%

2006/2007	41.30%	39.11%	40.24%
2007/2008	39.98%	36.82%	38.51%
2008/2009	42.52%	40.68%	41.63%
2009/2010	41.54%	39.24%	40.42%
2010/2011	43.51%	39.31%	41.46%
2011/2012	50.86%	47.85%	49.39%
2012/2013	51.22%	48.54%	49.91%
2013/2014	54.39%	51.73%	53.08%

Notes:

1. Reporting for certain First Nations with self-government agreements is not included.
2. The 2012-2013 and 2013-2014 Federal School results are not included.
3. Elementary/Secondary graduations are reported on the following year's Nominal Roll. e.g. A student who graduated in June 2012 is reported as 'Graduated' on the 2012-2013 Nominal Roll.
4. Graduation rates in the most recent years reflect a change in calculation methodology which refined data on the reasons that students leave schools. For example, it excludes students who left high schools for reason other than graduation (e.g. students who permanently moved off reserve and therefore left the on-reserve system, and students who left school for medical reasons).

Source: INAC Education Reporting and Analysis Solution, current as of 25-10-2016

12. What have been the impacts of the initiatives outlined in paragraphs 49, 52 and 53 of Canada's 8th and 9th report on the implementation of the Convention on the Elimination of all forms of Discrimination against Women, specifically:

- **\$10 billion to support elementary and secondary education for First Nations students on reserve and funding to the Post-Secondary Student Support Program as well as the University and College Entrance Preparation Program;**

In pursuit of its objective of First Nation and Inuit students achieving levels of education comparable to other Canadians, the Government of Canada is continuing to work with First Nations, Métis and Inuit groups to improve education outcomes. The funding outlined in Canada's report has laid the foundation for establishing partnerships to achieve this goal; however, it is still too early to report on the results of funding allocated to support both elementary and secondary education as well as post-secondary education such as funding to the Post-Secondary Student Support Program and the University and College Entrance Preparation Program.

In addition to the participation and graduation statistics provided above for students funded by Indigenous and Northern Affairs Canada, collectively, Indigenous women are more likely than Indigenous men to have completed post-secondary education. However, there has been an increase for both groups. In addition to information reflected in the paragraph 51 of the April 2015 Periodic Report regarding the proportion of First Nations women with a post-secondary qualification, the percentage of Indigenous women with Post-secondary education certification increased from 36% in 2006 to 40% in 2011. (Source: Jeremy Hull (2015). Aboriginal Post-Secondary Education and Labour Market Outcomes. Based on Data from the 2011 National Household Survey).

- **The Kiuna Program for Indigenous students in Quebec.**

Indigenous and Northern Affairs Canada has provided a total of approximately \$588,000 in funding to the Kiuna Institution since 2013-2014 through the Post-Secondary Partnerships Program.

Depuis l'ouverture de l'Institution Kiuna, le Québec note que la moyenne d'âge des étudiants inscrits est de 24 ans chez les étudiants francophones et de 21 ans chez les étudiants anglophones. Le Québec constate une forte prédominance féminine (69 %). Les étudiants qui ont des enfants représentent par ailleurs 20 % de la clientèle totale admise à ce jour.

À la demande des communautés, le Conseil en éducation des Premières Nations et Kiuna ont d'ailleurs offert, en partenariat avec le Cégep de l'Abitibi-Témiscamingue, une centre d'éducation aux adultes (AEC) en *Éducation spécialisée et contextes autochtones*. Pour ce programme, Kiuna a reçu 19 demandes d'admission pour ce programme, et 15 étudiants ont suivi la formation. 73% d'entre eux avaient un vécu collégial antérieur. La cohorte était composée de femmes dans une proportion de 93 %, et 60 % de ces étudiants avaient des enfants. L'âge moyen de cette cohorte était de 34 ans

Aussi, une AEC en *Travail administratif pour les Premières Nations et les Inuit* de 405 heures a été offerte à la session d'automne 2015. Pour ce programme, Kiuna a reçu 24 demandes d'admission, et 15 étudiants se sont présentés. La cohorte est à forte prédominance féminine (80 %) et 27 % de la cohorte avaient un vécu collégial antérieur. L'âge moyen de la cohorte est de 28 ans.

Après l'ouverture des centres de Lac-Simon et Kahawake-Listuguj en 2012 et 2013, le Québec a procédé à l'ouverture de deux autres centres dans des communautés autochtones en 2015; Listuguj en Gaspésie, qui a obtenu le statut de centre à part entière et Uashat mak Mani-Utenam près de Sept-Îles. Il est important de noter que le Centre de développement de la formation de la main-d'œuvre huron-wendat (CDFM) offre également les mêmes services éducatifs en formation générale des adultes que les CRÉA. La clientèle de ce centre est donc incluse aux données.

Deux des cinq centres d'éducation aux adultes sur communautés autochtones offrent ou offriront des services de garde pour leurs élèves adultes. Le CRÉA de Lac Simon a ouvert une garderie afin d'offrir ce service à ses élèves adultes inscrits. Le CRÉA cherche maintenant à augmenter le nombre de places financé puisque la demande surpasse largement l'offre disponible. Le gouvernement du Québec a récemment officialisé une subvention pour une garderie sur la communauté huronne-wendat. L'Entente établie à l'intérieur de la communauté, entre le CDFM et le conseil huron-wendat, prévoit que la moitié des places financées seront réservées pour des parents inscrits dans l'établissement scolaire.

Depuis 2013-2014 :

2013-2014 : 282 femmes sur un total de 531 inscriptions (53 %)

2014-2015 : 310 femmes sur un total de 630 inscriptions (49%)

2015-2016 : 455 femmes sur un total de 880 inscriptions (52 %)

Ainsi, 1 047 femmes ont fréquenté l'un des quatre CRÉA ou le CDFM sur un total de 2 041, ce qui représente 51 % de toutes les personnes inscrites. Considérant les responsabilités familiales des femmes autochtones et le haut taux de natalité de cette population, ces données semblent démontrer que les CRÉA et le CDFM offrent des services adaptés aux besoins de la clientèle féminine.

27 October 2016

Employment (Article 11)

13. Does Canada require victims of trafficking to cooperate with prosecutions in order to be eligible for a temporary resident permit?

Since May 2006, Canadian immigration officers have been authorized to issue temporary resident permits (TRPs) to foreign nationals who may be victims of human trafficking so that they have a period of time to remain in Canada and consider their options. Victims are not required to collaborate with enforcement agencies or testify against their traffickers in order to receive the permit. There is no fee for the temporary resident permit and victims benefit from the Interim Federal Health Program for the duration of the permit.

Officers are instructed to be sensitive to the personal situation of a suspected victim of human trafficking as they may be experiencing psychological and/or physical trauma.

14. Does Canada issue employment authorizations for sex work or prostitution?

Under subsection 183(1) of the *Immigration and Refugee Protection Regulations*, general conditions are placed on all temporary residents; and in subsection 196.1(a) of the Regulations a restriction is placed on foreign nationals to not enter into an employment agreement, or extend the term of an employment agreement with an employer who, on a regular basis, offers striptease, erotic dance, escort services or erotic massages. In addition, subsection 200(3)(g.1) of the Regulations states that an officer may not issue a work permit to a foreign national if they intend to work for an employer who, on a regular basis, offers these same services.

Health (Article 12)

15. Are modern contraceptives available and easily accessible as an alternative form to relying on abortion? Does Canada have any data related to girls that use contraceptives? How does Canada ensure access to contraception for girls?

The Government of Canada does not collect information about access to modern contraceptives. The Canadian Community Health Survey (CCHS), issued by Statistics Canada, does not examine availability or access to contraceptives, only usage. The CCHS includes questions about the use of condoms, birth control pills, the emergency contraceptive pill and “other” contraceptives for sexually active Canadians 15 years of age or older. The survey does not ask these questions to youth younger than 15. These questions were a theme in the 2015 & 2016 surveys. The 2015 data will be released on March 22nd, 2017 and the 2016 data will be released in summer 2017. The exact questions in the questionnaire can be found at:

http://www23.statcan.gc.ca/imdb/p3Instr.pl?Function=assembleInstr&lang=en&Item_Id=260675

Access to contraception is promoted by provincial and territorial governments. For instance, in Newfoundland, a province-wide publicly funded health care system promotes contraception while ensuring confidentiality. Youth can access contraception from a health care provider if they are deemed able to consent to the same by a health care practitioner.

The Yukon Sexual Health Clinic offers sexual and reproductive health services to men and women of all ages. Birth Control is readily available in all communities and the Department of Health distributes information on birth control methods. Emergency contraceptives are also readily available.

Au Québec, les services cliniques et préventifs adaptés aux jeunes de 12 à 25 ans, du type cliniques jeunesse, sont notamment offerts en milieux scolaires et en Centres locaux de services communautaires (CLSC). Ceux-ci comprennent la prévention et le dépistage des infections transmises par le sexe et le sang, la contraception hormonale, le dépannage contraceptif, la contraception orale d'urgence, le counseling, la promotion de l'utilisation du condom, etc.

16. Does Canada privilege one option of abortion over another, specifically medical versus surgical means? How much does Canada invest in medical versus surgical abortion?

In Canada, health care services, including abortion services, fall under the jurisdiction of provincial and territorial governments. Canada does not privilege one form of abortion over another. As an example, the Yukon Health Guide publishes information on both types of abortions and emphasizes a woman's right to choose. Medical abortions are available up to seven weeks. If a woman is over 12 weeks but under 20 weeks into her pregnancy, she is sent outside the territory to Vancouver, Edmonton or Calgary. Medical Doctors will help make appointments and arrangements. Travel costs are covered. Counseling and support is available before and after the procedure.

17. What is Canada doing to address the interpretation and application of the criminal code provisions related to the non-disclosure of HIV/AIDS?

In Canada, non-disclosure of HIV is criminalized in limited circumstances; i.e., where a person intentionally transmits HIV or where a person intentionally places another person at a significant risk of contracting HIV. Many reported HIV non-disclosure cases involve female complainants; few involve female accused.

In its 1998 [Cuerrier](#) and 2012 [Mabior](#) decisions, the Supreme Court of Canada (SCC) clarified that a complainant's consent to sexual intercourse is vitiated by the accused's failure to disclose, or misrepresentation of, his or her HIV status where:

- The complainant would not have consented had s/he known of the accused's HIV status; and,
- The sexual contact posed a "significant risk of serious bodily harm" or caused actual serious bodily harm (a "significant risk of serious bodily harm" is established by evidence of a "realistic possibility of transmission of HIV").

A "realistic possibility of transmission" is determined by the most recent medical evidence; future advances in treatment of HIV are to be taken into account and may lower the applicable standard.

In *Mabior*, the SCC found that this approach respects the values of equality, autonomy, liberty, privacy and human dignity, which require full recognition of the right to consent or to withhold consent to sexual relations.

In Canada, provinces are generally responsible for the enforcement of the *Criminal Code*, including the development of prosecutorial guidelines.

Women in rural areas (Article 14)

18. What is Canada doing to address the lack of transportation for women in Canada's north to access shelters, specifically in Northwest Territories?

All five family violence shelters in the Northwest Territories (NWT) are territorial resources. Women and their children who are experiencing family violence have access to a shelter. If there is no shelter in the woman's community, the Health and Social Services Authority provides free return air travel for her and her children to the nearest family violence shelter.

19. Has the government of the Northwest Territories conducted an evaluation of their domestic violence interventions and treatments related to addiction, including rates of recidivism?

The NWT is testing a 20-week group narrative therapy program for men who use violence in intimate relationships. Early indications show the program reduces involvement with police for men who complete at least 10 sessions. Further research is needed and the pilot is still underway.

Women in Detention (Article 15)

20. What specific measures has Canada used to revalidate the Security Reclassification Scale for Indigenous women?

Since the development of the Security Reclassification Scale for Women (SRSW) tool in 2005, several re-validations have examined the reliability and validity of the tool (Blanchette & Taylor, 2005; Gobeil, 2008; McConnell, 2012; Thompson, McConnell, & Paquin-Marseille, 2013). Each of these studies has shown the SRSW to be both a reliable and valid tool for use in security reclassification of federally-sentenced women. Measures used to re-validate the tool included all SRSW recommendations, caseworker recommendations, and actual security placements; scores on measures of risk, need, and reintegration potential; and information regarding institutional behaviour, discretionary release, and post-release returns to custody (e.g. Gobeil, 2008). SRSW recommendations have a better ability to discriminate between security levels in predicting institutional outcomes than final security level decisions. Notably, often the scale appears to be both more reliable and more valid among Indigenous women than among non-Indigenous Aboriginal women.

The following four studies detail the variables and samples used to re-validate the SRSW with Indigenous and non-Indigenous women:

Thompson, J., McConnell, A., & Paquin-Marseille, L. (2013). *The Security Reclassification Scale (SRSW) for Shorter Review Periods among Federal Women Offenders*. Research Report R286. Ottawa, ON: Correctional Service of Canada. <http://www.csc-scc.gc.ca/research/005008-0286-eng.shtml>

- This study was designed to validate the use of the SRSW in review periods of less than six months. A sample of 610 security reviews of 397 women offenders completed from June 27, 2007 to March 31, 2010, for whom a Custody Rating Scale and SRSW were completed relating to the term in which the Offender Security Level decision was made, was examined.
- Generally, the scale proved reliable for use in shorter time periods and was slightly more reliable among Aboriginal women compared to non-Aboriginal women. Regardless of the type of outcome

or analyses conducted, findings suggest that SRSW recommendations better predict outcomes than final security level decisions and tend to better discriminate between differing levels of security in predicting outcomes.

McConnell, A. (2012). *A Re-Validation of the Security Reclassification Scale (SRSW) among Federal Women Offenders for a period of at least six months*. Research Snippet RS-12-05. Ottawa, ON: Correctional Service of Canada. <http://www.csc-scc.gc.ca/research/005008-rs12-05-eng.shtml>

- This study was designed to validate the use of the SRSW in review periods of at least six months. A total of 610 security review of 397 women offenders were completed between June 27, 2007 and March 31, 2010.

Gobeil, R. (2008). *Revalidation of the Security Reclassification Scale for Women (SRSW)*. Research Report R191. Ottawa, ON: Correctional Service of Canada. <http://www.csc-scc.gc.ca/research/r191-eng.shtml>

- This study was undertaken to re-validate the use of the SRSW. Analyses involved 443 consecutive security reviews completed between the instrument's June 2005 implementation and February 2007. Data included all SRSW recommendations, caseworker recommendations, and actual security placements; scores on measures of risk, need, and reintegration potential; and information regarding institutional behaviour, discretionary release, and post-release returns to custody. Feedback was also gathered from seven caseworkers with extensive experience using the SRSW.

Blanchette, K. and Taylor, K. (2005). *Development and Field-Test of a Gender-Informed Security Reclassification Scale for Women Offenders*. Research Report R167. Ottawa, ON: Correctional Service of Canada. <http://www.csc-scc.gc.ca/research/r167-eng.shtml>

- The study comprised the development and field-test of the SRSW. The development sample included 285 successive offender security level (OSL) reviews for women offenders. The field test sample ($N = 580$) included all federal women offender security level reviews that occurred between July 2000 and June 2003.

Marriage and Family Relations (Article 16)

21. Is Canada undertaking efforts to increase information sharing between criminal courts and family law courts to ensure protection for women experiencing domestic violence?

Federal, provincial and territorial governments have identified the need to improve coordination between courts hearing criminal, family and child protection matters in relation to family violence. There is a Federal Provincial and Territorial Ad Hoc Working Group on Family Violence that has been mandated by Deputy Ministers of Justice and Public Safety to examine this issue. In 2013, Federal Provincial and Territorial Ministers of Justice approved a report of the Working Group entitled: [*Making the Links in Family Violence Cases: Collaboration among the Family, Child Protection and Criminal Justice Systems*](#). The report – available on the Justice Canada website - identifies both challenges and promising practices to achieve coordination in these cases. Members of the Working Group have undertaken outreach to increase knowledge about these issues in the different justice system sectors.

In addition, there are important examples of work being pursued in Canadian jurisdictions. For example, in 2014, the province of Prince Edward Island introduced a Court Order Registry, which allows for police and court system access to protection orders in cases of family violence. The Registry contains all Emergency Protection Orders, Custody Orders, Probation Orders, and Undertakings to a Justice. The purpose of the registry is to allow the Provincial and Supreme Courts to have access to existing documentation in all courts. In British Columbia, Justice Summits are held twice a year which include representatives from justice and public safety, public servants, the law society, the three courts, advocacy groups and other stakeholders. The November 2015 Justice Summit specifically examined coordination and information sharing. As another example, in the province of Saskatchewan, a committee with representation from the Court of Queen's Bench, Family Law Division, the Provincial Court and the Ministry of Justice is working on protocols and approaches to enhance communication between the two levels of court in cases involving family violence, particularly where children are involved.

In 2011, Ontario launched an Integrated Domestic Violence Court in Toronto that aims to improve communication between the criminal and family justice systems for families dealing with domestic violence. Cases are referred to the integrated court when there is a criminal domestic violence charge and a family court case filed at two of four Toronto courthouses. Ontario's Family Court Support Worker program provides assistance and support to victims of domestic violence as they move through the family court process; in addition, linkages are also made with the criminal system. The objectives of the Family Court Support Worker Program include providing supports primarily for female victims of domestic violence involved in the family court process, as well as enhancing victim safety and access to services and supports. From the perspective of better coordination between systems, a particularly important role of the Family Court Support Worker is to communicate with criminal court-based services, such as the Victim/Witness Assistance Program, where appropriate and in accordance with an established protocol.

22. Is Canada undertaking efforts to harmonize the federal *Divorce Act* with provincial and territorial legislation?

The *Divorce Act* requires that all parenting (custody and access) decisions, be made on the basis of the best interests of the child. While the *Divorce Act* does not specifically mention family violence, it is a factor that the courts take into account in determining the best interests of the child.

In addition, Justice Canada has undertaken significant non-legislative policy work to improve justice system responses to family violence. For example, Justice Canada has published a number of research reports related to family violence and the family justice system, including: [“Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce”](#) and [“Making appropriate parenting arrangements in family violence cases: applying the literature to identify promising practices.”](#)

Justice Canada has also emphasized in public legal education and information materials, that family violence can be a very important consideration when parenting arrangements are being made. For example, the publication for parents – *Making Plans: A Guide to parenting arrangements after separation or divorce* - addresses issues such as options for parenting arrangements when there is a history of family violence and the advisability of alternative dispute resolution in family violence cases.

23. Quelle est le régime du Québec envers les conjoints puisque le patrimoine familial n'est pas couvert pour les conjoints dans la province?

La conjugalité hors mariage est devenue légale lors de la réforme du droit de la famille de 1980. Le Québec confère donc aux conjoints de fait toute la liberté contractuelle nécessaire. Au nom de la liberté contractuelle et de l'autonomie de la volonté, le législateur s'est refusé d'assortir les conjoints de fait aux effets juridiques sur le plan patrimonial.
