

**NCWC Response to Federal Ombudsperson's Request on
Bill C-46, Production of Records in Sexual Offence Prosecutions
February 2011**

Discuss the impact this Bill has had on victims since its implementation in 1997 particularly regarding victims' likelihood to report a crime, the process of interacting with the criminal justice system, and their ultimate healing journey in overcoming these traumatic events. Do NCWC's points of view and information remain consistent today as they were in 1997?

The National Council of Women of Canada (NCWC) is of the current opinion that a victim's likelihood to report a crime would not have increased substantially as a result of the enactment of Bill C-46. The reasons are systemic as evidenced by the numerous policies adopted since 1981 through 2009 by the NCWC relating to the treatment of women under the rule of law in Canada's legal institutions: police, medical forensics, criminal justice, mental health, immigration, family justice, and the court system. Gender sensitivity training for key players – social workers, doctors, police, in-take staff personnel, mediators, facilitators, arbitrators, lawyers, and judges – in sexual offence prosecutions is crucial for women to develop trust in the rule of law system in protecting women's privacy interests while serving the interests of justice.

The NCWC's views in 1996 and 1998 regarding this issue remain. In 1996 the NCWC adopted an emergency resolution to urge the government to “to introduce legislation as quickly as possible which will guarantee the confidentiality and privacy of the therapeutic records of rape complainants.” Bill C-46 attempts to do so by instilling specific procedural requirements in the trial judge's *in camera* consideration of allowing such records to be produced during trial. However, while a trial judge who decides in favour of records production under Bill C-46 can impose conditions on the production of records to ensure the confidentiality and privacy of the individuals concerned, there is no requirement in Bill C-46 for oversight and disclosure of a trial judge's expertise, or at the very least, training, in gender sensitivity to ensure an understanding of gender analysis in court orders under Bill C-46 towards guaranteeing a sexual assault survivor's confidentiality and privacy. In 1998 the NCWC adopted an emergency resolution to “urge the government to pass enabling legislation to ensure that gender analysis is applied throughout the government in relation to all laws, policies and programs, and that the reports on such gender analysis be made widely available to the general public.” In 1990 the NCWC adopted as policy to urge the Government “to appoint women in proportionate numbers to Federal decision-making bodies.”

In 1990 the NCWC urged the Government and the Ministry of Justice to:

1. Ensure that all judges, legal counsel and police under federal jurisdiction receive education which focuses on:
 - a. The context of women's lives and the impact of violence in homes across Canada;
 - b. The various aspects of sexual assault including the nature of the crime of sexual assault, the psychology of abuse, the prevalence and seriousness of sexual assault by acquaintances, the long-term psychic injury to sexual assault survivors and the difference between vigorous cross-examination that protects the defendant's rights and questioning that includes improper sex stereotyping and harassment of the victim;
 - c. Gender, class, and race differences in order that they better understand and deal with the crime in the context within which it is committed;
2. Include in the criteria for the selection/appointment of judges for all federally appointed courts, a demonstrated understanding of gender equality issues.

That same year, 1990, the NCWC urged the Government to appoint a national task force to:

1. Investigate the extent to which gender discrimination exists in the Canadian legal system;
2. Make recommendations to eliminate any gender discrimination found in that system; and further,
3. Urge the provinces and territories to promote the status of Canadian women in the legal system and the legal profession by providing education on gender equality for judges, law students, law professors and lawyers.

Most recently, in 2009, the NCWC adopted policies on the appointment of judges to the Supreme Court of Canada; a national mental health strategy, and ensuring police accountability through effective civilian oversight. The NCWC has highlighted the negative role played in sexual assault reporting by female prostitutes due to the Government's criminalization of sexual solicitation by female prostitutes. We have highlighted issues with HIV-AIDS; mental health; and societal stigma in sexual assault healing. Policy statements on further issues in Canada have been adopted by our national council – such as 1) inadequate support for mothers in encouraging them to report sexual assault and leave abusive-partner relationships including support to ensure child-support payments and provision of child-care, 2) unchecked sexual exploitation of women in media through explicit advertising and pornography, 3) unfettered polygamy, 4) lack of prosecution for sexual violence against prostitutes without safeguarding the prostitutes, themselves, and 5) lack of prioritization and investigation into missing women, particularly aboriginal women. The continued persistence of such issues, among many others, without clear and determined action on the part of our government does not engender women in Canada with a sense of safety from female exploitation within Canada's legal and social systems and does not enable public trust in Canada's rule of law..

APPENDIX

81.5 Battered Wives

Whereas, Thousands of Canadian women are battered by their spouses every year; and,

Whereas, The majority of women do not seek formal aid for the problem, nor do they press charges against their spouses;

and,

Whereas, The law now states that a married woman is not compellable to testify against her spouse; therefore be it,

RESOLVED, That the National Council of Women of Canada urge the Government of Canada to amend the Canada Evidence

Act to provide that married women are both competent and compellable witnesses against their spouses in cases

of marital assaults.

81.7 Rape Legislation

Whereas, The Department of Justice is currently considering alterations to the Criminal Code, pertaining to rape; therefore

be it,

RESOLVED, That The National Council of Women of Canada express to the Government of Canada its strong opposition to

any proposed legislation which would allow a defence lawyer, at trial to claim consent, or to use as evidence a

victim's past sexual history.

Long-term policy of the National Council of Women is developed over a period of years by the adoption of resolutions on issues of concern. At the time that the 1981 resolutions were submitted to the membership for study, Bill C-53 had not yet been tabled.

As there was concern that forthcoming legislation might considerably lessen penalties for rape, a resolution on

rape legislation was submitted to the Council and affiliated associations.

At the 1981 Annual Meeting, the Council adopted the following resolved clause, in addition to the clause above,

keeping in mind that long-term policy was being developed and that the particular clauses were not relevant at

the moment because of the provisions in Bill C-53. The text is included for information.

RESOLVED, That The National Council of Women of Canada express to the Government of Canada its strong opposition to

any proposed legislation which would:

1. Decrease the penalties associated with rape; and,
2. Reclassify the crime of rape to sexual assault if such reclassification would mean that this act would be decriminalized.

82.9P Support of Rape Crisis and Sexual Assault Centres

Whereas, A number of studies clearly show that existing legal, medical and police systems do not adequately serve the

needs of Rape and Sexual Assault victims; and,

Whereas, There is a requirement for resource centres to provide immediate advice and follow-up assistance for victims of

rape and sexual assault; and,

Whereas, Rape Crisis and Sexual Assault Centres require continuous financial assistance which cannot be fully provided

by voluntary contributions or municipal funding; be it,

RESOLVED, That the National Council of Women of Canada request the Provincial Councils of Women to urge their respective

governments to provide continuous financial support for Rape Crisis and Sexual Assault Centres.

83.2 Pornography

Whereas, The Criminal Code, Section 159(8) stating "... Any publication a dominant characteristic of which is the undue

exploitation of sex, or of sex and one or more of the following subjects, namely, crime, horror, cruelty and

violence

shall be deemed to be obscene", is not sufficient to protect all persons from pornography;

Whereas, The Canadian Radio Television and Telecommunications Commission (CRTC) regulations for AM, FM Radio and

TV stating "...No broadcaster shall broadcast any obscene or indecent audio or pictorial material", do not protect

all persons from pornography; therefore be it,

RESOLVED, That the National Council of Women of Canada:

a) Urge the Government of Canada to enact legislation that will protect all persons, including children, from verbal or pictorial material which presents or describes sexual behaviour that is degrading or abusive to one or more of the participants - often using violence: The material is presented in such a way as to endorse the degradation, with the prime purpose of entertainment or selling products;

b) Urge the Canadian Radio and Telecommunications Commission and the Canadian Film Development Corporation to strengthen their regulations to protect all persons, including children, from verbal or pictorial material which presents or describes sexual behaviour that is degrading or abusive to one or more of the participants - often using violence: The material is presented in such a way to endorse the degradation, with the prime purpose of entertainment or selling products; and be it,

RESOLVED, That the National Council of Women of Canada:

a) Ask their Provincial Councils to urge their respective provincial governments to enact legislation appropriate

to their jurisdiction, that will protect all persons, including children, from verbal or pictorial material which presents or describes sexual behaviour that is degrading or abusive to one or more of the participants - often using violence: The material is presented in such a way as to endorse the degradation, with the prime purpose of entertainment or selling products; and be it,

b) Ask their Provincial Councils to urge that Provincial Departments of Education include the study of the pornography issue in their health and family studies curriculum, beginning at the grade nine level; and be it,

RESOLVED, That The National Council of Women of Canada ask its federated associations to urge all their members to

approach their local municipal councils to implement by-laws, limiting access to pornography by children.

83.15 Pornography

This Provincial Resolution is presented for approval for requesting that Provincial Councils urge their respective Provincial

Governments to take action -

Whereas, Any extended visibility of pornographic material is completely unacceptable to women insofar as it belittles them;

it works against the movement for equal social, financial and cultural equality of the sexes; and it encourages wife battering and other violent acts; and,

Whereas, It is difficult to define pornography and to legislate against it. The line between pornography and art becomes

subjective and prohibitive legislation runs counter to the area of human rights; be it,

RESOLVED, That The National Council of Women of Canada asks its federates to urge all their members to take part in an

immediate move to stamp out pornographic material in Canada - books, magazines, advertising, displays, videos,

etc., particularly any displays that might be visible to children.

87.4 Sexual Abuse of Children

Whereas, The sexual victimization of children constitutes a significant social problem in Canada, and has the potential for

inflicting long-term emotional trauma on victims and their families; and,

Whereas, The federal government has recognized the need to attack this problem primarily by changes in the criminal law

but also by social and educational means; and,

Whereas, Present treatment resources available to victims and their families, as well as to perpetrators, are already

inadequate, and may well be further strained as a result of new legislation and government plans for a public education campaign; and,

Whereas, The agencies primarily responsible for treatment are within provincial jurisdiction; therefore be it,

RESOLVED, That The National Council of Women of Canada urge:

1. The Government of Canada to:

a) Work with provincial governments to develop the necessary services across the country to meet

the needs of sexually abused children, their families and the perpetrators of sexual offences;
b) Use the provisions of the Canada Assistance Plan to transfer to provincial governments funds sufficient to provide the necessary services; and,
c) Strongly urge the provinces to provide education courses advising the criminal justice system of problems faced by child and adult victims of sexual assault.

2. The Provincial Councils of Women to press provincial governments for:

- a) The provision of programs and services for child victims and adult survivors of sexual abuse and their families; and,
- b) The provision of compulsory treatment for perpetrators of sexual offences against children, without absolving the perpetrators of their criminal responsibility.

88.6 Guidelines for Sexually Explicit or Violent Advertisements

Whereas, Many ads and program promotions which contain violent or sexually exploitive and/or explicit materials are shown

during the hours when children are watching; and,

Whereas, Some children are sensitive to the images presented and are frightened; and,

Whereas, It is not always possible for parents to monitor these momentary interruptions in what is considered acceptable

programming; and,

Whereas, The Canadian Association of Broadcasters has adopted a voluntary code on television violence; therefore be it,

RESOLVED, That The National Council of Women of Canada urge the CRTC to monitor for such advertisements and program promotions on a regular basis, notify broadcasters of perceived deviations from the voluntary guidelines, and consider the findings of the monitoring when broadcasters' licenses come up for renewal

88.10 Hate Propaganda

Whereas, Canada is a country which has been built by citizens of many racial and religious backgrounds; and

Whereas, The Government of Canada recognizes and supports the multi-cultural nature of Canadian society; and,

Whereas, Recurring propaganda attacks on racial or religious groups in this country subvert the harmonious relationships

existing among Canadian citizens of various backgrounds; and,

Whereas, The Criminal Code of Canada under sub-section 281 is provided to protect all citizens from the effects of hate

propaganda and the spreading of false news; therefore be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to ensure that charges under

the Criminal Code are laid promptly whenever the generating of hate propaganda or the spreading of false news

occurs against an identifiable group in Canada; and be it further,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to take all necessary steps to ensure that the word "sex" be added to the definition of an "identifiable" group in the sub-section 281.1 of the Criminal Code.

88.11PU Update of Policy Regarding: Reproductive Rights

Whereas, The Government of Canada has agreed to, and signed, the recommendations of the 'Forward Looking Strategies

of the World Conference to Review and Appraise the Achievements of the United Decade for Women: Equality,

Development and Peace'; and,

Whereas, The National Council of Women of Canada has petitioned the Government of Canada since 1972 to remove the

sections pertaining to abortion from the Criminal Code: abortion is a matter of personal, rather than public morality;

abortion should be considered a medical, not a legal procedure; and,

Whereas, On January 28, 1988, the Supreme Court of Canada ruled that section 251 of the Criminal Code limiting abortions

violated the constitutional rights of women; and,

Whereas, The Government of Canada is currently reviewing this issue; therefore be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada:

1. To uphold the January 28, 1988 ruling of the Supreme Court of Canada;
2. To ensure that abortion is considered a medical rather than a legal procedure by having any legislation concerning abortion remain outside the Criminal Code;
3. To show leadership and commitment through increased financial support to family planning organizations working to prevent unwanted pregnancies.

The Salvation Army abstained from voting on this updating and asked that their abstention be noted in NWCW records and in speaking to the issue.

88.13RE Reiteration 1983 Policy on: Prostitution and Soliciting

Whereas, There appears to be a double sexual standard used in the enforcement of prostitution laws. If the soliciting is

done by a female prostitute, she is prosecuted. The soliciting male customer is rarely brought into court, except

to testify against her, even though participation in soliciting is illegal for both; and,

Whereas, Although the practice of prostitution is generally repulsive to most of our society, it is a victimless crime while,

on the other hand, prostitution-related activities such as pimping, procuring and running common bawdy-houses

may regularly exploit other persons; and,

Whereas, While soliciting is a crime, prosecution does little to discourage prostitutes from further offences (may even

encourage it by giving fines beyond the ability to otherwise earn) and places a heavy burden on the legal process;

be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to:

- 1) Amend the Criminal Code to remove the prohibition of soliciting (except in the case of adults soliciting from minors) from the code; and,
- 2) Increase penalties for procuring and living wholly or in part on the avails of prostitution of another person.

89.8 Protection of Society from Dangerous Offenders

[Whereas,] Rationale:

NCWC supports the decision by the Parliament of Canada not to reinstate capital punishment. However, NCWC also supports

the right of society to protection from those persons classified as 'dangerous offenders'. Taking

Responsibility, the report of the

Standing Committee on Justice and Solicitor General on its review of sentencing, conditional release, and related aspects of

corrections (the Daubney Report, 1988) addresses the concerns of NCWC with regard to 'dangerous offenders'.

[RESOLVED,] NCWC urges the Government of Canada to adopt Recommendations 54 and 56 of the Daubney Report (1988)

Taking Responsibility:

#54 That the detention provisions of Bill C67 (1986) which provides the National Parole Board with legislated authority to detain dangerous offenders eligible for mandatory supervision in custody until their sentence expiry date, be retained and that these provisions be applied in appropriate circumstances;

#56 that violent, recidivist offenders on conditional release be placed in community correctional centres operated by the Correctional Services of Canada with access to appropriate programmes and supervision.

89.9PU Policy Update: Welfare of Women Prisoners (1981)

[RESOLVED,]

NCWC requests the Government of Canada:

1) To take immediate action on recommendation 96 of the Daubney Report:

a) That the Solicitor General convene a Task Force on Federal Female Offenders, composed of representatives

of appropriate federal government departments and agencies, the Canadian Elizabeth Fry Societies and other

relevant private sector agencies and interested provincial/territorial correctional authorities, to:

i) Plan for and oversee closure of the Prison for Women within 5 years;

ii) Propose at least one plan to address the problems related to the community and institutional accommodation

of and programming for federal female offenders; and,
 iii) Develop a work plan for implementing the plan accepted by the Minister;
 2) To take immediate action on recommendation 97 of the Daubney Report:
 That such a Task Force consult with inmates, women's groups and private sector correctional agencies, as well as with provincial correctional authorities, across the country at various stages of its work;
 3) To continue to improve education, rehabilitation and recreation programs for female prisoners at the Prison for Women while it remains open, with special emphasis on:
 a) Educational training to prepare inmates for realistic employment in the 1990's;
 b) Specialized programs focused on self esteem and assertiveness, substance abuse education, counselling and self help, and sexual/other abuse education and counselling;
 4) To ensure that all programs and services for federal female offenders are equal to those received by federal male prisoners.

90.1 Unequal Treatment of Women in the Canadian Court System

Whereas, Section 15 of the Charter of Rights and Freedoms states the "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination..."; and,
Whereas, Paragraph 76 of the Nairobi Forward Looking Strategies, accepted by the Government of Canada in 1985, calls for action to address the special needs of women as victims of violence and degrading crimes; and,
Whereas, The Nairobi Forward Looking Strategies also stressed the need for training of enforcement personnel to ensure sensitive and sensible treatment of victims and that such training be enforced through legislation; and,
Whereas, Biases and inequality with respect to women still exist in Canadian courts where judges are responsible for making decisions that impact on the lives and future of women who are victims or who have come into conflict with the law and as such are a primary target of concern; and,
Whereas, Education is the best way to ensure that bias and attitudes do not drive the Canadian justice system; therefore
 be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada and the Ministry of Justice to:

1. Ensure that all judges, legal counsel and police under federal jurisdiction receive education which focuses on:
 - a. The context of women's lives and the impact of violence in homes across Canada;
 - b. The various aspects of sexual assault including the nature of the crime of sexual assault, the psychology of abuse, the prevalence and seriousness of sexual assault by acquaintances, the long-term psychic injury to sexual assault survivors and the difference between vigorous cross-examination that protects the defendant's rights and questioning that includes improper sex stereotyping and harassment of the victim;
 - c. Gender, class, and race differences in order that they better understand and deal with the crime in the context within which it is committed;

2. Include in the criteria for the selection/appointment of judges for all federally appointed courts, a demonstrated understanding of equality issues; and be it further,

RESOLVED, That The National Council of Women of Canada urge its Provincial Councils of Women to urge their respective Provincial Governments to take action at the provincial level of jurisdiction to ensure women receive just and equal treatment by making sure those working the legal system are educated so that they are able to understand the issues.

90.2 Gender Equality in the Courts

Whereas, The report of the National Association of Women and the Law entitled 'Gender Equality in the Courts' identifies

gender inequalities within the Canadian legal system; and,

Whereas, The courts often fail to recognize the disadvantaged economic position of women when ruling on Spousal

Maintenance, Child Custody, Access and Support, Marital Property Division and Personal Injury Awards; and,

Whereas, Women in the legal profession face discrimination in their day to day work with regards to job placement, university

tenure, sexual harassment, lower pay scales, and lack of reasonable accommodation in working conditions during

child bearing years; and,

Whereas, The appointment of qualified women to the judiciary, government boards and committees would demonstrate

gender equality in practice; therefore be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to appoint a national task force

to:

1. Investigate the extent to which gender discrimination exists in the Canadian legal system;

2. Make recommendations to eliminate any gender discrimination found in that system; and further,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to urge the provinces and

territories to promote the status of Canadian women in the legal system and the legal profession by providing education on gender equality for judges, law students, law professors and lawyers; and further,

RESOLVED, That The National Council of Women of Canada reiterate its 1980 Resolution to appoint women in proportionate

numbers to Federal decision-making bodies.

92.5 Shield Laws

Whereas, There is a need to encourage victims to report sexual assaults and to preserve their privacy during the criminal

prosecution process; and,

Whereas, Legislation defining consent and limiting judicial discretion as to questioning the victim about past sexual history

has been introduced in the House of Commons; therefore, be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to give priority to the passage

of this legislation.

92.6 Appointment of Judges

Whereas, The whole area of judicial appointments, how they are made, the selection criteria, who makes the selection,

required study and debate; and,

Whereas, Judicial appointments in Canada have not reflected the diversity of the population although recent provincial

appointments have included women in rising numbers; therefore, be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to set in a place a review of

the judicial appointment procedure and that a system be placed in motion to ensure that 50% of all newly appointed

judges be women.

92.7 Gender Unfairness

Whereas, Gender inequality presently exists in the courts and in the treatment of women as professionals, as witnesses,

as accused persons, and as victims; therefore, be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada in cooperation with the Canadian

Bar Association to establish a national task force on gender equality in the courts; and be it further,

RESOLVED, That The National Council of Women of Canada urge its provincial and local Councils of Women to request their

respective provincial governments to take similar action.

93.10EM Emergency Resolution: Battered Women's Defence

[**Whereas**,] Rationale:

NCWC recognized the inequalities of Canada's justice system for women in resolutions passed in 1989 and 1991. In 1989, it supported alternatives to incarceration for non-violent women offenders. It has advocated strongly for change in the area of violence against women, most recently in 1992. It was a member of the Steering Committee of the Task Force on Federally Sentenced Women and subsequently fully supported the Report of the Task Force, "Creating Choices". In 1990, the Supreme Court of Canada recognized the battered women's syndrome defence in the Lavallee decision. Approximately 12 women are currently incarcerated in Canada for having killed their abusive partners. They have not been able to avail themselves of the battered women's defence because of the timing or particular circumstances of their cases. The sentences imposed upon them vary widely, from community disposition to life imprisonment. NCWC supports the request of its federate, the Canadian Association of Elizabeth Fry Societies, that an en bloc review of these cases be undertaken.

[RESOLVED,]
The National Council of Women of Canada urges the Government of Canada to undertake an en bloc review with a view to the release of women currently imprisoned as a result of their involvement in the death of abusive partners.

93.11 RE Iteration of Existing Policy: Institution of Ombudsman

[Whereas,] Rationale:

No formal procedure exists in Canada which allows an individual to raise his/her grievances when treated unjustly by an official with discretionary powers, or where he/she complains of maladministration or official misconduct. Nor is it always possible for individual members of Parliament to raise such grievances effectively, or obtain a remedy expeditiously. An ombudsman could ensure fair treatment from the federal government in matters such as tax, unemployment benefits, pensions and immigration. The institution of ombudsman has proved effective in many Canadian provinces and in other countries, such as New Zealand, Great Britain and the Scandinavian countries. NCWC first passed a resolution in 1968 urging the government to adopt the institution of ombudsman.

[RESOLVED,]

The National Council of Women of Canada urges the Government of Canada to adopt the institution of ombudsman to meet our specific needs and to pass legislation to provide for such an official.

94.1 Pornography Prevention

Whereas, Pornography can be defined as verbal, audio, written or pictorial material which represents or describes sexual behaviour that is degrading or abusive to one or more of the participants in such a way as to endorse the degradation and abuse; and

Whereas, Clinical research, social science, personal testimony and statistics have clearly linked to exposure to pornography;

and

a) Instances of sex crimes against children and adults, both male and female;

b) Attitudinal changes which accept violence against anyone, sexual child abuse, rape, degradation, dehumanization or inequality; and,

Whereas, Pornographic materials have escalated tremendously in volume, theme, availability and mediums, especially magazine, video, computers, dial-a-porn, television; and,

Whereas, Pornographic materials with their addictive, progressive desensitizing and their potential for acting out, remain largely unregulated and easily accessible to children and youth; and,

ADD:

Whereas, It is recognized that inmates while serving in correctional institutions are more susceptible to addiction of pornography while in confinement and that the availability of this material will weaken the effects of any counselling

program;

therefore it be,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to work with all levels of government to commit to:

1. a. Strict regulation of violent, degrading, dehumanizing, objectifying pornography in Canada,
- b. Strict enforcement and increased consequences for the violation of these regulations in the production, distribution and possession of pornographic materials in Canada, including cross border traffic,
- c. Strict enforcement of the new Child Pornography Law and the elimination of all messages which represent children as sexually available to adults, youth and children;
2. Support education on the harms of pornography and its victims in production, consumption and society;
3. Assistance for therapy programs for pornography addictions and support groups for families of addicts or users;
4. Enactment of policies to prohibit the use of pornography by sex offenders serving in any correctional institution.

94.2a Improving Situation of Children in Cases of Separation and Divorce (Part 1)

Whereas, The Divorce Act (1985) does not require the guarantee of minimum child support; and,

Whereas, Provisions exist in bankruptcy law to protect creditors from fraudulent conveyance of monies, but such provisions

do not exist for monies for child support payments which may be moved out of reach of enforcement agencies;

and,

Whereas, Reciprocal enforcement of judgements may be required between provinces of Canada and the United States of

America and other countries to recover transferred monies designated for child support payment; therefore be

it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to:

- a) amend the Divorce Act (1985) to include in the Act minimum obligations for the non-custodial parent with regard to child support; and,
- b) Amend the Criminal Code to:
 - i.) include as a criminal offence, for any conveyor and the recipient by they corporate or private individuals, the hiding of assets, inside or outside of Canada, with the aim of escaping the responsibilities of child support; and,
 - ii) Ensure that reciprocal enforcement and extradition agreements are established with other countries, where similar laws apply.

94.2b Improving the Situation of Children in Cases of Separation and Divorce (Part 2)

Whereas, Although grandparents are an important resource for growing children, the Divorce Act (1985) does not mention

grandparents' rights; therefore be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to amend the Divorce Act (1985)

in order to ensure that the mutual and reciprocal rights of visitation of children and grandparents are recognized

in cases of separation and divorce, when this is in the child's best interest.

94.3 Amending Canada Assistance Plan (CAP) Agreements with the Provinces

Whereas, At present, in cases of non-payment of child support, the custodial parent is forced to pay the legal cost of enforcing

divorce or separation agreements, and, as a result, is often obliged to go on welfare; and,

Whereas, In some provinces Legal Aid is not available until the custodial parent is on welfare; and,

Whereas, If the children in such cases were to be declared as 'special needs' children and given the needed protective and

preventative measures, such as free legal representation, much stress and hardship could be avoided; and

Whereas, It would be far less expensive to cover the shared cost of legal representation in child support cases, through

amended Canada Assistance Plan agreements, than to pay welfare costs; and,

Whereas, One of the aspects of the Canada Assistance Plan was to cost-share civil legal aid for social assistance clients;

therefore be it,

RESOLVED, That The National Council of Women of Canada urge the Government of Canada to ensure

that Federal/Provincial programs such as CAP include the extension of legal aid facilities to children and/or custodial parents in cases where support payments are in default and the recipient incomes are below a certain cut-off level, and that this is provided for within a two-year time frame; and be it further,
RESOLVED, That The National Council of Women of Canada request its Provincial and Local Councils to urge their respective governments to provide Legal Aid facilities to children and/or custodial parents in cases where support payments are in default, and the recipient incomes are below a certain cut-off level, and that this is provided for within a two (2) year time frame.

94.4 Incentives for Workplace Childcare

Whereas, Statistics show that 42% of all children under the age of thirteen require childcare; and,
Whereas, While some of these children are cared for in informal arrangements, a substantial number need places in licensed childcare centres; and,
Whereas, Some parents prefer centres that are close to where they work, and to which they could give some input; and,
Whereas, The provision of adequate facilities is quite costly; therefore be it,
RESOLVED, That The National Council of Women of Canada urge the Government of Canada to establish incentives for employer-supported child care centres whether on site or close to the workplace, operated with parental input, and/or through a childcare resource and referral service.

95.5 Resolution Regarding the Needs of Immigrating Women, Victims of Spousal/Family Violence

(Note: Whereas clauses not dealt with at AGM).

Whereas, Some immigrating women, residing temporarily in Canada while waiting for Canadian Immigrant status, are married to Canadian Citizens or landed immigrants who sponsor them; and,
Whereas, It does happen that some of these women are victims of spousal/family violence that remains unreported because the immigrating women fear the loss of their sponsorship; and,
Whereas, Immigration officers are not required to provide appropriate services for these women, therefore be it,
RESOLVED, that the National Council of Women of Canada urge the Government of Canada to provide sensitivity training for immigration officers in order to prepare them for more humane processing of cases concerning women who are not landed immigrants and who are victims of spousal/family violence; and be it further,
RESOLVED, that the National Council of Women of Canada urge the Government of Canada to make it mandatory that the files of such victims of reported spousal/family violence be processed separate and apart from those of their spousal/family sponsors.

96.16EM Emergency Resolution: The Release of Confidential Therapeutic Records of Rape Complainants

Whereas, The December, 1995 ruling of the Supreme Court of Canada which allows the release of confidential therapeutic records of rape complainants feeds the most destructive myth surrounding sexual assault, that those women who report rape (as opposed to other crime) are peculiarly likely to be liars, discreditable, or easily duped; and,
Whereas, The release of therapeutic records will jeopardize the essential ingredient of counselling; the establishment of a sense of safety and containment for women; and,
Whereas, The therapeutic records of rape complainants are not scientifically gathered or tested for purposes of crime detection; and,
Whereas, The guidelines set by the Supreme Court of Canada decision to limit cases in which personal files

can be used
are vague; and,

Whereas, Although there has been much improvement in the "sensitivity" of judges in Canada, this sensitivity cannot be assumed; therefore, be it,

RESOLVED, that the National Council of Women of Canada urge the Government of Canada and Justice Minister, Allan

Rock, to introduce legislation as quickly as possible which will guarantee the confidentiality and privacy of the therapeutic records of rape complainants.

98.1 VIOLENCE AGAINST WOMEN

Whereas, everyday in this country women are subjected to violence; and
Whereas, women will not be free from violence until there is equality; and
Whereas, the financial cost of abuse of women in Canada, in the health/medical, social services/education, labour/employment and criminal justice systems exceeds \$4.2 billion per year; and
Whereas, despite the financial cost of abuse of women, the Government of Canada has failed to intervene in support

of women's human rights as set forth in the Canadian Charter of Rights and Freedoms; and

Whereas, the Government of Canada has not fully enacted the recommendations of the Zero Tolerance Policy and

Equality Action Plan for violence against women as set out in the "FINAL REPORT OF THE CANADIAN PANEL ON VIOLENCE AGAINST WOMEN, 1993"; and

Whereas, the Government of Canada should take the necessary steps from denial of abuse to acknowledgement of

abuse; from tolerance of violence to commitment against violence; from institutional violence to zero tolerance

of violence; therefore, be it

RESOLVED, the National Council of Women of Canada urge the Government of Canada to:

a) Enact fully the recommendations of Zero Tolerance Policy and Equality Action Plan for violence against women as set out in the "Final Report of the Canadian Panel on Violence Against Women, 1993" which asks the Government of Canada to:

- Recognize violence against women as a human rights issue; and
- Include violence against women as an issue in all human rights decisions and initiatives, both nationally and internationally; and

- Include violence against women as an issue in all international aid and development activities; and

- Create guidelines for the establishment of any future inquiries, task forces or commissions; and

- Implement a Zero Tolerance Federal Contractors' Programme whereby any organization, national or international,

which receives a government contract, grant of funding of \$1000,000 or more, must agree to put in place zero tolerance

processes and practices to support women's equality and safety within the recipient organization and through its

substantive work; and

b) Ensure that contract compliance also applies to subcontractors; and

c) Establish the recommended accountability mechanisms; and be it further

RESOLVED, that the National Council of Women of Canada urge its Provincial Councils, Local Councils and Study Groups to refer this resolution to their respective Provincial Governments.

98.1EM ECONOMIC GENDER EQUALITY INDICATORS AND GENDER ANALYSIS

Whereas, The advancement of women includes understanding their reality and the unique constraints they face,

particularly with respect to the amount of unpaid work they perform, and the varying needs of women across the country; and

Whereas, bureaucrats and politicians are often unaware of the different realities of women; and

Whereas, statistics are not always disaggregated by gender, which leads to blindness on the part of policy makers

to contributions and needs of women; and

Whereas, data from Statistics Canada and other departments are not often available to women's and community

groups because of the cost and complexity of presentations; and

Whereas, data on women are usually presented in a comparison with data for men which not only hides the

different

constraints women face but also tends to emphasize an adversarial rather than a cooperative framework; and

Whereas, although the Government of Canada has committed to doing gender analysis of all new federal programs,

this commitment is qualified by the statement "where appropriate" and the results of such gender analysis are not always readily available; therefore be it

RESOLVED, that the National Council of Women of Canada urge the Government of Canada to ensure that:

a) Statistics Canada and other government departments consult widely with diverse women's groups about the types of data collected; and

b) Gender sensitivity training be conducted for bureaucrats and politicians, and resources be allocated by the federal government for such training; and

c) Data be disaggregated by gender wherever possible; and

d) Data be made accessible without charge to women's and other community groups; and

e) Funding be provided for capacity building of organizations to ensure a strong voice for women, and that the government partner with such organizations to provide public information, which emphasizes women's distinct contribution and needs rather than the inequities between men and women; and be it further

RESOLVED, that the National Council of Women urge the Government of Canada to pass enabling legislation to

ensure that gender analysis is applied throughout the government in relation to all laws, policies and programs, and that the reports on such gender analysis be made widely available to the general public.

98.4EM CHILD CUSTODY AND ACCESS

Whereas, experiencing separation or divorce in the family can have a prolonged negative impact on children, which

studies showing a high incidence of depression where there is disrupted or diminished parenting by one or both parents; and

Whereas, contact with abusive parents or parents with serious mental illness may not be in the best interests of the

child and may indeed, put the child/children at risk, or may require supervised access; and

Whereas, abuse is not always obvious and may not be easily recognized; and

Whereas, female-led single families have a tremendously high rate and depth of poverty, compared with families where

there are two parents; and

Whereas, mediation and other alternatives to court litigation have a high rate of success in helping parents to recognize

their on-going roles and responsibilities for providing a nurturing environment for children; and

Whereas, the court system is often costly and may result in an escalation of hostilities between parents which in turn

may increase the psychological and sometimes even physical risk to the children; and

Whereas, there is a small number of cases where mediation is neither practical nor recommended, especially where

there is abuse or severe mental illness; and

Whereas, the effects of depression are lessened where children feel they have some control over their own lives,

particularly with respect to custody and access decisions; and

Whereas, father's' rights groups are increasing their demand that access be tied to support payments, giving, as their

rationale, the fact that they have been denied access; and

Whereas, hostile parents have been known to use custody and access as a pawn in the conflict with ex-spouses, to

the detriment of the child/children's well-being; and

Whereas, judges are predominantly male and often unaware of the dynamics of abuse and control, and guidelines for

the training of mediators are not fully developed; and

Whereas, without counseling, the effects of separation and divorce on the mental health of children and their parents

can be prolonged and adverse; and

Whereas, contact with grandparents can add an important dimension to children's lives, but contact can also result in

escalated hostilities in the family; therefore, be it

RESOLVED, that the National Council of Women of Canada urge the Government of Canada to ensure that

legislation

relating to custody and access of children in cases of separation or divorce of parents:

a. Be based on the best interests of children which, in most cases, includes regular and on-going contact with both parents;

and

b. Consider shared parenting as a serious alternative where appropriate; and

c. Develop a careful procedure for investigating the possibility of abuse and/or severe mental illness in a cases where custody

and access is an issue; and

d. Make the safety of children the priority in cases where there has been, or there is, the possibility of abuse and assume

that, as a matter of course, it is not in the child's best interests for custody to be granted to abusive parents or those who are

severely mentally ill; and

e. Ensure that provisions are made for supervised access and exchange, where indicated; and

f. Continue to ensure that the payment of adequate support payments by non-custodial parents is a priority;

and

g. Promote the use of mediation and other alternatives to court litigation for settling family disputes; and

h. Develop guidelines where mediation is contra-indicated; and

i. Ensure that children of 12 and over have an important voice in determining outcomes on matters of custody and access;

and

j. Seek effective way of ensuring access for a non-custodial parent, where the custodial parent is in contravention of an

access order; and

k. Ensure that custody and access are kept entirely separate from support payments; and be it further RESOLVED, that the National Council of Women of Canada urge the Government of Canada to urge the Provincial and

Territorial Governments to mandate:

a. That all family court judges, prior to their sitting on the bench, be given extensive training on the dynamics of family abuse,

particularly abuse against women and children; and

b. That upgrading courses dealing with family dynamics be offered at regular intervals in order that judges be kept up to date

with costs shared by both levels of government; and

c. That training for mediators be standardized to include training on the dynamics of family abuse, particularly abuse against

women and children; and be further

RESOLVED, that the National Council of Women of Canada urge the Government of Canada to urge the Provincial and

Territorial Governments to provide resources for counseling, where appropriate and particularly in cases where

there is suspicion of abuse or severe mental illness, to be offered without charge to parents on a separate basis; and be it further

RESOLVED, that the National Council of Women of Canada urge the Government of Canada to undertake a study to

determine the suitable ways of facilitating contact between grandparents and their grandchildren, while protecting the well-being of the grandchildren.

01.5 PROSTITUTION AND TRAFFICKING IN WOMEN AND CHILDREN

Whereas adult (over age 18) prostitution is legal in Canada, and child prostitution is not; and

Whereas the Criminal Code of Canada makes soliciting a criminal offence; and

Whereas there has been an increase world-wide in trafficking of women and children for purposes of prostitution carried

out inside nation states including Canada and across national and continental boundaries; and

Whereas this trafficking is against the law in most countries and prostitution is dealt with through criminalization of the act

of prostitution as well as the act of solicitation; and

Whereas women and children (under age 18) are usually driven into prostitution as a means of livelihood by the multiple

effects of violence, child sexual abuse, racism, poverty (i.e. hunger, homelessness, lack of education and employment opportunities), and/or indebtedness; and

Whereas prostitution and trafficking exist because there is a ready market for the sexual services of the

women and children;

and

Whereas this trafficking is criminal with the perpetrators acting in contravention of:

- Article 4 of the Universal Declaration of Human Rights (1948); and
- The intent of Article 6 of the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW - 1979); and
- The intent of Articles 34 and 35 of the UN Convention of the Rights of the Child (1989); and
- The intent of the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography

adopted by the UN General Assembly 25 May 2000 (A/Res/54/2263); and

- The intent of Articles 1 (s 1&2), and 2 (s1) of the UN Convention for the Suppression of the Traffic in Persons and of the

Exploitation of the Prostitution of Others (1949); and

- The intent of Articles 1,2,7,15 and 28 of the Canadian Charter of Rights and Freedoms; and

Whereas court-ordered diversion of other transitional programs which assist women in addressing their issues are either

short term or not available in many jurisdictions, with the result that many women charged with selling sexual services are processed through the justice system with insufficient attention given to their long term needs; and

Whereas court ordered diversion programs for men, such as “John School” in spite of its limited eligibility (first time offenders

but not with a minor, no criminal record, cost about \$400.) show a low rate of recidivism, are now accessible in

major cities across Canada and include education about the role these men play in victimizing women and children;

therefore be it

RESOLVED that the National Council of Women of Canada:

a. Adopt as its policy on Prostitution and Trafficking in Women and Children, the principles and purposes set out in the Convention on the Elimination of all forms of Discrimination against Women (CEDAW - 1979), the Convention on the Rights of the Child (1989) and the Convention for the Suppression on the Traffic in Persons and of the Exploitation of Prostitution of Others (1949); and

b. Reiterate NCWC policy (1983) that prostitutes should not be criminalized for soliciting except adults soliciting from minors; and be it further

RESOLVED that the National Council of Women of Canada urge the Government of Canada to:

a. Repeal the pertinent section of the Criminal Code of Canada; and

b. Strengthen and enforce the provision of the Criminal Code dealing with all those persons trafficking in women and children, and also living off the avails of prostitution; and

c. Address the multiple effects of sexual abuse, violence, racism and the problems of poverty (e.g. homelessness and lack of education) that contribute to driving women and children into prostitution, with emphasis on establishing, in cooperation with the provincial governments, comprehensive child care programmes to prevent desperate young persons from seeking to support themselves through prostitution; and

d. Ensure that there is adequate funding for rehabilitation and education programmes, arranged in cooperation with the provinces, for all women and children seeking to leave prostitution with protection from their exploiters.

01.6 STRENGTHENING AND ENFORCING CANADA'S IMMIGRATION POLICIES, INCLUDING GENDER SENSITIVITY

Whereas Canada's Immigration Policies, set in consultation with provincial and territorial governments to mesh with their

employment and settlement policies, have set targets for the three main categories of immigrant (independent/business, family reunification and refugee); and

Whereas Canada needs more younger immigrant families of child-bearing age who will contribute to the economy and will

ensure a better population ratio between young and old as their families grow; and

Whereas the targets, particularly for independent in business category immigrants, have generally been set with the

economic needs of Canada being given priority over the needs of the aspiring immigrants. Meanwhile, there is

a growing need for economic opportunities through emigration from countries which are suffering increasing economic inequities stemming from current inequitable international trade and investment policies; and

Whereas women and girls experience particular problems when applying to Canada for refugee status because they face threats of persecution, violence or physical abuse which are more likely to occur in the private spheres of their lives rather than in the public spheres, where men's fears of persecution are more often located; and Whereas women and children often are the most vulnerable and are increasingly subject to being drawn into sweatshop employment or prostitution; and Whereas gender-sensitive guidelines currently exist in Canadian Immigration Policies but lack the authority of legislation or regulation, and the application of these guidelines is not systematically monitored; and Whereas Canada is a signatory to the 1995 UN Beijing Platform for Action for the Advancement of Women which includes references to gender-sensitive treatment of women refugees (Para. 147.f which refers to the "need for special treatment of refugee women to ensure equality, prevention of sexual violence the responsibility of the states"; and Para. 226 which states that "factors causing flight of women and men differ"); and Whereas the 1990 UN Convention on the Protection of the Rights of All Migrants and the Members of Their Families: Article 64 calls for the promotion of equitable treatment of migrants and the members of their families; and Whereas an Immigration and Refugee Protection Act introduced to Parliament in February 2001, fails to address gender equity as promised by the Minister in the initial press release; therefore be it

RESOLVED that the National Council of Women of Canada adopt as its policy the strengthening and enforcing of Canada's Immigration Policies by the promotion of equal treatment of women and men as in Articles 64 and 64.2 of the 1990 UN Convention on the Protection of the Rights of All Migrants and Minorities; and be it further

RESOLVED that the National Council of Women of Canada urge the Government of Canada to further strengthen and enforce its Immigration Policy by:

- a. Ensuring targets for all types of immigration are reached; and
- b. Ensuring, within any target group, that the number of women and children admitted as refugees and immigrants is proportional to their number in that target group; and
- c. Encouraging adequate funding of the necessary settlement services for immigrants and refugees through the provinces and territories; and
- d. Raising the gender-sensitive guidelines to the status of legislation and regulation; and
- e. Giving special treatment to refugee women to ensure equality, their safety and the prevention of sexual abuse and exploitation in accordance with Para. 136 and 147 of the UN's 1995 Beijing Platform for Action for Women to which Canada is a signatory; and
- f. Instituting better training for refugee hearing boards including race and gender sensitivity and awareness of events in other countries around the world.

02.7PU DOMESTIC VIOLENCE - SHARED PARENTING

WHEREAS in 1998 the National Council of Women of Canada urged the Government of Canada to ensure that legislation relating to custody and access of children in cases of separation or divorce to consider shared parenting as a serious alternative where appropriate; and

WHEREAS the Special Joint Committee on Custody and Access was created in 1997 and released a report entitled For the Sake of the Children with recommendations to amend the Divorce Act; and

WHEREAS the Committee recommended that the terms "custody" and "access" no longer be used in the Divorce Act and instead, the meaning of both terms be incorporated in the new term "shared parenting"; and

WHEREAS as studies have shown, shared parenting, also referred to as joint custody, increases the opportunity for abusive spouses to harass their partners; and

WHEREAS the use of court-related procedure by abusive partners to harass their ex-

spouses is already a widespread problem; and

WHEREAS when domestic violence is or has been present in the relationship, shared parenting arrangements may increase the danger to children and to the non-violent partner; therefore be it

RESOLVED that the National Council of Women of Canada adopt and add to the policy

in 98.4EM the rejection of shared parenting in cases of domestic violence; and be it further

RESOLVED that the National Council of Women of Canada urge the Government of

Canada to amend to the Divorce Act and to recognize that joint custody or shared parenting should be considered only where:

- 1. both parties agree freely to such an arrangement,**
- 2. it is in the best interests of the children, and**
- 3. there is an amicable relationship between the parents**

04.03 PREVENTING ABUSE OF WOMEN AND FEMALE CHILDREN IN POLYGAMOUS COMMUNITIES

Whereas a) Polygamy is a violation of section 293 of the Criminal Code of Canada;

b) Sexual assault, having regard to section 273.1, is a violation of section 273 of the Criminal Code of Canada;

c) Procuring or knowingly aiding in procuring a feigned marriage is a violation of section 292 of the Criminal Code of Canada;

d) Sexual exploitation of a young person by a person in a position of authority is a violation of section 153 of the Criminal code of Canada; and

Whereas one or more older males have controlling authority in polygamous communities and are using such authority to make demands on women and female children for sexual and breeding purposes”; and

Whereas reports from women who are ex-members of polygamous communities indicate the immigration and emigration of women and female children is taking place across the Canada-United states of America border under threat to their physical and spiritual harm while proper authorities fail to act; and

Whereas sections 15 and 28 of the Canadian Charter of Rights and Freedoms guarantees females equal protection, and benefit “before and under the law” and that “notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to both male and female persons”, and

Whereas the fundamental freedom of conscience and religion as set out in section 2 (a) of the Canadian Charter of Rights and Freedoms, often cited as a defence or reason not to intervene to help these female children, is subject to section 1 of the said Canadian Charter of Rights and Freedoms which states: “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society; and

Whereas polygamy has already been condemned as a contravention of women's equality rights by the United Nations Office of the High Commissioner for Human Rights under the document entitled the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW), such document having been ratified by the Government of Canada on October 18, 2002: therefore be it

RESOLVED that the National Council of Women of Canada adopt as policy opposition to:

- a) polygamy in Canada:
- b) the immigration and emigration of women and female children for sexual and breeding purposes;
- c) the abuse of women and children in polygamous communities; and be it further

RESOLVED that the National Council of Women of Canada urge the Government of Canada to:

- a) improve policies and practises so as to prevent immigration and emigration of female children for sexual and breeding purposes under the pretext of "celestial marriages";
- b) encourage all provinces to enforce the relevant sections of the Criminal Code of Canada so as to end polygamy in Canada and to immediately prevent the abuse of female children in what are presently polygamous communities;
- c) take all steps necessary to ensure the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) having been ratified, is complied with in Canada, and to encourage other nations to do the same;
- d) ensure the protection, rights and freedoms of the Canadian Charter of Rights and Freedoms are available so as to end polygamy in Canada and to immediately prevent the abuse of women and female children in what are presently polygamous communities; and be it further

RESOLVED that the National Council of Women of Canada urge the International Council of Women to vigilantly pursue action against the abuse of women and female children in polygamous communities world-wide; and be it further

RESOLVED that the National Council of Women of Canada urge all Local and Provincial Councils to:

- a) alert authorities (as required by law) to possible cases of abuse in their own communities; and
- b) encourage letter writing campaigns by individual citizens to all levels of government drawing attention to the plight of women and female children subjected to polygamous practises, and urge that the Criminal Code of Canada relevant to polygamy be enforced; and
- c) to offer support to other organizations dealing with this issue consistent

with NCWC policy .

04.08 SUPPORTING WOMEN PRISONERS THROUGH RESTORATIVE JUSTICE

Whereas in 2000, Canada was successful in introducing a resolution at the United Nations (UN) in New York entitled "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters", and in 2002 achieving consensus support for a Declaration of these principles at the UN Commission on Crime Prevention and Criminal Justice in Vienna; and

Whereas Restorative Justice treats criminal offences as against the state (or in Canada, the Crown), to be dealt with not so much by punishment as by processes that promote healing, reparation and restoration for both the offender and the victim; and

Whereas some progress has been made since the release of the Arbour Report in 1996 – The Commission of Inquiry into certain Events at the Prison for Women in Kingston; and

Whereas these basic principles governed the approach taken by the National Council of Women of Canada in Policy 88.17EM on Sentencing Reform; therefore be it

Resolved that the National Council of Women of Canada adopt as policy full support for the United Nations document entitled "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters"; and be it further

Resolved that the National Council of Women of Canada urge the Government of Canada to:

- a) reaffirm its support for the "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters" and to provide adequate funds to implement Restorative Justice in the Federal Corrections System; and
- b) urge the Provincial and Territorial Governments to adopt support for the "Basic principles on the Use of Restorative Justice Programmes in Criminal Matters" and to provide adequate funding for its implementation in the provincial correctional system; and be it further

Resolved that the National Council of Women of Canada request its Local and Provincial Councils of Women to urge their respective governments to adopt support for the "Basic Principles on the Use of Restorative Justice Programmes in Criminal matters" and to provide adequate funding for its implementation.

2007:06 INDEPENDENT EXTERNAL ACCOUNTABILITY MECHANISM FOR FEDERAL WOMEN'S PRISONS

Whereas women prisoners are being subjected to sexual harassment but are unable to properly address this due to lack of an effective complaint mechanism as confirmed at an October 2003 and an October 2006 Stakeholders Meeting with Correctional Service Canada and the Canadian Human Rights Commission; and

Whereas judicial oversight is more likely than administrative tribunal to provide a meaningful sanction and redress for rights violations in prison including an independent Canadian inspectorate of women's prisons; and

Whereas in October 2006, the stakeholders' organization, of which the National Council of Women of Canada (NCWC) is a member, was unanimous in the proposal that an independent external accountability mechanism for federal women's prisons be put in place; and

Whereas the United Nations Human Rights Commission (UNHRC), in reviewing Canada's compliance with the International Covenant on Civil and Political Rights, called

upon Canada to implement the recommendations of the Canadian Human Rights Commission (2003) and, in particular, to establish external redress and adjudication processes for prisoners (UNHRC 2005); therefore be it

Resolved that the National Council of Women of Canada adopt as policy the establishment of an external, independent and autonomous mechanism of oversight for correctional institutions for federally sentenced women, with accountability to the Parliament of Canada; and be it further

Resolved that the National Council of Women of Canada urge the Government of Canada to establish an external, independent, autonomous mechanism of oversight for correctional institutions for federally sentenced women which has a capacity to order and enforce meaningful remedies and compensation and which is accountable to the Parliament of Canada.

2007:01UP WOMEN AND HIV/AIDS

WHEREAS in 1992, the National Council of Women of Canada urged the Government of Canada to increase research into HIV/ AIDS in women, allow women access to clinical trials; and ensure that women have equal access to treatment for HIV/AIDS; and

WHEREAS in 1999 the National Council of Women of Canada urged the Government of Canada to increase funds for HIV/AIDS programs for women; develop educational programs for the public, physicians, healthcare workers and other professionals to identify and support women with HIV/AIDS; and requested Provincial Councils of Women to develop educational programs for women, pre-teens, physicians, healthcare workers and other professionals; and support women with HIV/AIDS and those at risk of infection, which are often their children, through counseling and financial help; and

WHEREAS women continue to be under-diagnosed and anonymous testing is not consistently offered in all provinces and territories; and

WHEREAS women continue to be unable to negotiate safer sex because of situations of domestic violence and gender inequality; and

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WHEREAS medical care and treatment continues to be inaccessible and unaffordable for many women; and

WHEREAS many women become infected due to risky drug use practices combined with risky sexual behaviours; and

WHEREAS Aboriginal Canadian women are disproportionately affected by HIV and AIDS; therefore be it

RESOLVED that the National Council of Women of Canada adopt as policy that the needs of women with HIV and AIDS be fully addressed; and be it further

RESOLVED that the National Council of Women of Canada reiterate to the Government of Canada the need for research, clinical trials and equal access for treatment for women with HIV/AIDS; and to provide education programs for the public and professionals to identify and support women with HIV/AIDS; and be it further

RESOLVED that the National Council of Women of Canada urge the Government of Canada to:

- a) provide anonymous HIV testing in all areas under its jurisdiction
- b) continue promoting the equality of women so that abused women are not vulnerable to HIV infection from their partners; and
- c) provide funding for targeted programs that address drug use and its risks which acknowledge sex trade as the ripple effect of addictions; and
- d) be more proactive in the global efforts to provide Anti-Retroviral Treatment for AIDS; and
- e) provide more effective prenatal care for aboriginal women, as

they are disproportionately affected by HIV/AIDS, so that their children are less likely to be born HIV+; and
e) strengthen the penalties for knowingly infecting a partner; and be it further

RESOLVED that the National Council of Women of Canada request Provincial Councils of Women and, where appropriate, Local Councils of Women to urge their respective Provincial Governments to:

- a) provide anonymous HIV testing in all provinces; and
- b) provide funding for more treatment centres and training for more HIV specialists; and
- c) provide funding for needle exchange programs, detox centres and addiction centres; and
- d) provide more effective prenatal care for aboriginal women, as they are disproportionately affected by HIV/AIDS, so that their children are less likely to be born HIV+.

2008.1 Appointment of Judges to Supreme Court of Canada

2009-1 Ensuring Police Accountability Through Effective Civilian Oversight

2009-3 National Mental Health Strategy