

**Women
Matter
Canada**



**L'importance
de la femme
Canada**

Response to the Speech from the Throne
For the First Session of the 44th Parliament of Canada
Delivered on November 23, 2021

Sent December 5, 2021 to the Minister of Women and Gender Equality

Women Matter Canada is a national not-for-profit organization made up of women from both sides of the political spectrum and from across the country, united in our concern about the changes in government policy and law that have negatively impacted females.

Introduction

We carefully read the Speech from the Throne, delivered on November 23, 2021 by the Right Honourable Governor General Mary Simon. This is our brief response to the aspects of the speech that directly impact females. Given the complexity of all three issues: femicide and violence against women and girls; criminal justice reforms; and missing and murdered Indigenous women and girls— we have included additional resources at the end of our response.

Femicide and Violence Against Women and Girls

First, we appreciate that the government is acknowledging that Canada has a problem with violence against women and girls. We specifically applaud the government for noting the fact that violence against women and girls has increased throughout the pandemic. In 2020 alone, 160 females died in violent attacks, 86% of which confirmed to be committed by males (though 17 cases did not publicly identify an accused) "When accused identified (N=143), the deaths of 128 women and girls involved a male accused (90%)" ("Call It Femicide", p. 7 and 14). The Ontario Association of Interval and Transition Houses, which represents over 70% of shelters in Ontario, reported that 20% of its shelters had an increase in crisis calls, while the Vancouver-based Battered Women's Support Services reported a 300% increase in crisis calls. 40% of the calls were from first time callers ("Violence Against Women in Canada & COVID-19 Pandemic", p. 2).

In order to properly address this deadly problem, it is clear that the government must recognize and name male violence as a pervasive issue in our country, and put in place real, markable, annually publicly reported actions to counteract male violence against women and girls within the 10-year National Action Plan.

One cannot address a problem without being able to speak of it clearly. The Ontario Association of Interval and Transition Houses, which represents over 70% of shelters in Ontario, reported that 20% of its shelters had an increase in crisis calls, while the Vancouver-based Battered Women's Support Services reported a 300% increase in crisis calls. 40% of the calls were from first time callers ("Violence Against Women in Canada & COVID-19 Pandemic", p. 2) The government needs to start referring to this problem as endemic of sex-based male violence against women and girls, and femicide as opposed to "gender-based violence". To be clear, this is a problem that affects females overwhelmingly.

Unclear and ambiguous language hides the problem and makes it difficult to counter. For example, Statistics Canada changed the way it tracks crimes in 2017, recording crimes according to the accused and victim's chosen, mutable "gender identity" instead of the immutable sex of those involved. This change has resulted in unclear data, skewed such that it makes it impossible to track accurate numbers in regards to the sex of perpetrators

of violence against women and girls. Scotland has adopted a similar approach to statistics, and “as gender self-identification becomes more common, either by law or, as in Scotland, without legal change, there is evidence to suggest that failing to anticipate such abuse is naïve” (“Losing Sight of Women's Rights: The Unregulated Introduction of Gender Self-Identification as a Case Study of Policy Capture in Scotland”, p. 283). Skewed data obscures and derails ensuing political and financial support aimed at combating the problem.

When one does not identify sex, one cannot combat sexism. In this case sexism comes in the form of femicide and male violence against women and girls.

Criminal Justice Reforms

In the Speech from the Throne, the Right Honourable Governor General references criminal reforms in the following manner:

Canadians understand that equity, justice, and diversity are the means and the ends to living together.

Fighting systemic racism, sexism, discrimination, misconduct, and abuse, including in our core institutions, will remain a key priority.

The Government will also continue to reform the criminal justice system and policing.

Women Matter Canada is concerned that these reforms may have a negative impact on females if recent years' changes are not reviewed in a fulsome, honest manner, resulting in policy reversal in order to protect vulnerable, incarcerated females. Note that 5% of the population in federal prisons are women and 42% of those women are Indigenous. To combat racism, it is clear examination and reforms need to be made in order to change this over-representation of Indigenous women in federal prisons. Further, it is noted that “91 percent of indigenous women and 87 percent of all women in federal prisons in Canada have experienced physical or sexual abuse” (“Rising Incarceration Rates of Racialized Women”, p. 1). To combat the furthering of trauma for women trying to recover from abuse, women need proper protection from male violence while incarcerated. They deserve boundaries around their bodies that female-only space provides.

In 2017 Correctional Services Canada (“CSC”) made an interim policy change in response to *C-16* coming into force in the form of “Interim Policy Bulletin 584”. It is now almost 2022 and the policy still has neither been reviewed or put through Parliament. The Policy has resulted in removing the safeguards that had been put in place in the 1980's when policy was created to allow the rare transfers into women's prisons of convicted males who identified as women and who all had full genital surgery.

As a result of the 2017 policy, prisoners no longer need to have sexual reassignment surgery (SRS), be on hormones, or have to go through a psychological evaluation. They needn't even identify as women but can simply identify as "non-binary". Since this interim policy has come into force, 58 known transfers have taken place, with 27 (46.6%) of those being offenders who have histories of violence against women or children, and these transfer numbers would not include those with a GRC ("Brief Submitted to the Standing Committee on Public Safety and National Security", p. 11-14).

Even transfers that are deemed too dangerous to be in women's prisons have been transferred. At least one inmate who had been convicted of brutal rape of a young child has been placed in a mother-child unit. There is mounting anecdotal evidence that female prisoners have been assaulted, sexually harassed, and feel genuinely unsafe with many of these transfers ("Brief Submitted to the Standing Committee on Public Safety and National Security", p. 3-5). Further, currently there is one active case of a criminal proceeding against a transfer who had allegedly sexually assaulted a female prisoner in their shared living quarters ("Brief Submitted to the Standing Committee on Public Safety and National Security", p. 3). An interesting note is there are no such transfers of female to male prisons because it is deemed too unsafe for those female prisoners.

It is likely that the issue is affecting far more women than we know as there is evidence the system silences complaints: female prisoners who have attempted to use the complaint system about these problems have reported being threatened with having their paroles affected if they speak up ("Brief Submitted to the Standing Committee on Public Safety and National Security", p. 8-9). It is time that an inquiry be held and these transfers be suspended until better framework is put in place to ensure appropriate, functioning safeguards for females are enacted.

It is the contention of Women Matter Canada that incarcerated males do not belong in women's prisons, and statistics need to be collected accurately.

To combat sexism and abuse in criminal justice, Women Matter Canada calls on the Government of Canada to reverse the policy allowing incarcerated males who have not had full GRC to transfer into women's prisons and calls for a full inquiry into this issue and the effects on females.

To combat sexism in criminal justice, Women Matter Canada calls on Canada to gather and record accurate crime data listing the sex of both perpetrator and victim, as well as claimed "gender identity".

Missing and Murdered Indigenous Women and Girls

It is paramount that the federal government promptly focus on and act on the issue of missing and murdered indigenous women and girls. The inaction on this decades-long tragedy is cruel, racist, and a disgrace on this country. Femicide is approximately 4.5

times more likely to happen to Indigenous women and girls than the rest of the female population in Canada (“Missing and murdered Indigenous women and girls: Understanding the numbers”). It is time to take meaningful, markable action on this serious problem and to report annually to the public on the results of those actions.

Women Matter Canada calls on the Canadian government to have MMIWG be a focal point in reducing the over-representation of Indigenous women in the justice system, to action the suggestions in the MMIWG Reports immediately. And to include those actions as part of the 10 year strategy framework. Women Matter Canada calls for the Canadian government to and to publicly report on its specific actions and their results each and every year.

Conclusion

The fact that the government has made mention of violence against women and girls, criminal justice reforms, and missing and murdered Indigenous women and girls in the speech from the throne is an important first step in actively combating these three long-standing issues. We urge the government to take real action on these problems which have had increasingly negative impact on females in this country.

We call on the Government of Canada to:

1. Explicitly name and record femicide and male violence against Canadian females (women and girls);
2. To take identifiable, significant, and measurable actions to combat male violence;
3. To record, name, and track sex-based violence against women and girls;
4. To make changes to the reporting system in jails so abuse of inmates may be reported without fear of repercussions and reprimands;
5. To specifically focus on the matter of MMIWG by working to address the over-representation of Indigenous women in prison and by implementing suggestions in the MMIWG Reports; and,
6. To annually report publicly on the progress of each of these actions.

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