

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.