**Government of Canada submission to OHCHR**

**on progress towards ending child, early and forced marriage**

**(Nov 2017-Nov 2019)**

1. What measures have been taken to implement the recommendations of the last report of the Secretary General on the issue of child, early and forced marriage ([**A/73/257**](https://undocs.org/A/73/257))?

Canada is pleased to present in the questions that follow measures taken by the Government of Canada domestically and internationally that respond to the recommendations of the last report of the Secretary General on the issue of child, early and forced marriage.

These developments include launching a new federal strategy to eliminate all forms of gender-based violence, including harmful practices and the launch of the Feminist International Assistance policy which prioritizes comprehensive and sectoral approaches to prevent and respond to gender-based violence including child, early and forced marriage and female genital mutilation/cutting.

For the purposes of this input it should be noted that input reflects action taken at the federal level and that education, health, and child protections services are the responsibility / jurisdiction of provinces.

1. What type of measures are in place to end child, early and forced marriage, including laws and policies as well as national and subnational action plans and programmes? What measures have been taken to ensure adequate budget allocations for the implementation of these plans and programmes?

In addition to amendments made to Canada’s *Criminal Code* by former Bill S-7, amendments to Canada’s *Civil Marriage Act* which came into force in June 2015 codified the requirement for free and enlightened consent to marriage and introduced a national absolute minimum age of marriage of 16.

Since March 2016, Justice Canada and the Royal Canadian Mounted Police (RCMP) have provided training to front line workers, including police officers, on the criminal offences related to underage and forced marriage resulting from former Bill S-7, *An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts,* which came into force in 2015.

In 2017, Justice Canada updated two public legal education and information booklets, *Child Abuse is Wrong: What Can I Do?* and *Abuse is Wrong in Any Language*, to reflect the changes to the law on underage and forced marriage. In addition, Justice Canada has provided funding to various non-governmental organizations for relevant projects such as funding MOSAIC BC for the development and dissemination of a forced marriage risk assessment framework for the use of front-line service providers.

Canada continues to uphold 2015 regulatory amendments that increased the minimum age of a recognized spouse from 16 to 18 in all permanent and temporary immigration programs, to address concerns of early and forced marriages and protect vulnerable children from being sponsored as spouses. Canada also continues to uphold a 2015 regulatory change that eliminated the recognition of marriages facilitated by proxy, telephone, fax, internet or other similar means that may be associated with forced marriage for the purpose of immigration.

Administrative measures continue to be used to address forced marriage and child abuse in the immigration context. This includes operational guidelines and training to officers and information sharing protocols between Global Affairs Canada and Immigration, Refugees and Citizenship Canada to facilitate lawful information sharing in select cases of forced marriage. Victims of abuse and forced marriage can call the Immigration, Refugees and Citizenship Canada Client Support Centre to speak directly to an agent to inform of their situation and receive information on available immigration options.

In addition to the legislative framework to address child, early and forced marriage, the Government of Canada launched *It’s Time*: *Canada’s Strategy to Prevent and Address Gender-Based Violence* in 2017. The Strategy is Canada’s response to all gender-based violence (GBV), including child, early and forced marriage. It builds on current federal initiatives, coordinates existing programs and lays the foundation for greater action on GBV. The Strategy is based on three pillars: the prevention of GBV; support for survivors and their families; and the promotion of responsive legal and justice systems.

Budget 2017 included $100.9 million over five years, and $20.7 million per year ongoing, to support the implementation of the GBV Strategy. Budget 2018 provided an additional $86 million over five years, starting in 2018-19, and $20.0 million per year ongoing, to expand the Strategy.

1. Please provide information on promising practices relating to the development and implementation of holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage.

In 2017, Women and Gender Equality Canada (then Status of Women Canada) launched *It’s Time: Canada’s Strategy to Prevent and Address end Gender-Based Violence*. It is a whole-of-government approach to addressing gender-based violence (GBV) that builds on existing federal efforts and coordinates all federal actions related to GBV. It helps meet survivors’ needs and provides supports for diverse populations while filling gaps in knowledge and data. Led by the Minister for Women and Gender Equality (WAGE), the Strategy was designed as an ongoing and evolving approach, bringing together departments and programs to contribute to the elimination of GBV in Canada. The Strategy is organised across three pillars: preventing gender-based violence; supporting survivors and their families; and promoting responsive legal and justice systems. A GBV Knowledge Centre was established within WAGE to strengthen federal leadership, coordination and accountability, and engage practitioners and policymakers in the development and sharing of knowledge on GBV. Information on the online platform will include information and resources on harmful practices. As part of the Strategy, WAGE co-chairs an Interdepartmental Working Group on Harmful Practices with Global Affairs Canada that brings together 13 federal departments to address harmful practices.

Supporting victims of crime is a shared responsibility in Canada. The federal government is responsible for the development of the criminal law, such as that set out in the Criminal Code, while the responsibility for the provision of victim services falls primarily to the provincial and territorial governments. The federal government makes resources available to the provinces and territories through the Victims Fund to deliver or enhance services for victims or implement federal or provincial victim-related legislation. In addition, the federal Victims Fund and the Justice Partnership and Innovation Program make resources available to NGOs and other eligible recipients for projects and activities that benefit victims of family violence, including child, early and forced marriage.

For example, through the Justice Partnership and Innovation Program, Justice Canada has supported the development of a high school curriculum on forced marriage entitled *Youth Agency and the Culture of Law* (<http://ojen.ca/resource/8898>). The department has also supported the Multi-lingual Orientation Services Association for Immigrant Communities in its work to develop a risk assessment framework designed to train and educate front line service providers, law enforcement officers and educators on issues related to forced marriage.

Justice Canada can also provide limited financial assistance to Canadians who have been the victim of a specified serious crime aboard. Canadian victims of an early, child or forced marriage abroad may be eligible for this assistance, which can include the reimbursement of counselling expenses or other eligible medical or travel expenses. Further, Global Affairs Canada consular services provides services for Canadians overseas who are at risk of these forms of violence.

In June 2017, Canada’s Minister for International Development launched the Feminist International Assistance Policy (FIAP). Canada’s FIAP commits to addressing the unacceptably high rates of GBV experienced by women and girls under the core action area Gender Equality and the Empowerment of Women and Girls. This includes support for comprehensive approaches to help end SGBV so that fewer women and girls are subjected to domestic violence, intimate partner violence, trafficking and exploitation, child, early and forced marriage and female genital mutilation / cutting. In addition, since GBV undermines investments in health, education and other sectors, it is also addressed in action areas focused on health, education, humanitarian action, inclusive governance and peace and security.

The FIAP’s Gender Equality Action Area policy outlines a comprehensive approach to eliminate all forms of GBV including:

* Adoption and implementation of national legislation outlawing all forms of violence against women and girls and of violence against children;
* Eliminating the cultural, legal and judicial barriers that perpetuate impunity for these violations of the human rights of women and girls;
* A rights-based approach to raising awareness and prevention efforts, as well as to protection and support services, including access to health services, child protection services, psychological counselling, shelters, care facilities and justice; and
* Support for the empowerment of women and girls, including the mobilization of women and girl leaders and networks as well as of men and boys to address the social norms and gender equalities that are the root causes of violence and harmful practices.

Since the launch of the FIAP, Canada has committed more than $100 million to programming that addresses GBV, including support for PLAN International Canada to address CEFM in Bangladesh and Ethiopia and funding to support the UNFPA, UNICEF Global Programme to Accelerate Action to End Child Marriage.

Canada continues to co-lead with Zambia, a biennial resolution at the UN to eliminate child, early and forced marriage. The 2016 resolution, which was adopted by consensus outlined a comprehensive roadmap for reaching the SDG target 5.3.

1. What measures are in place to support already married girls and women affected by child, early and forced marriage, including targeted programmes aiming at addressing their specific needs and promoting gender equality in all aspects of marriage and its dissolution?

Immigration, Refugees and Citizenship Canada’s website provides information for victims of abuse and forced marriage, including immigration options and resources available. We inform victims of abuse that they don’t have to stay in an abusive relationship to keep their status in Canada. The website also provides information on rights and freedoms in Canada, and specifies that it is against the law to engage in forced marriage or force a child into marriage.

In 2018 the biennial resolution co-led with Zambia reiterated a comprehensive approach to ending child, early and forced marriage and brought increased attention to supporting already married women and girls.

1. Please provide information on promising practices concerning measures that promote the meaningful participation of and active consultation with children and adolescents, including already married girls, on all issues affecting them and to raise awareness about their rights?
2. What type of measures are taken to empower girls, including by removing barriers to education and promoting equal access to free and quality education and promoting technical and vocational training and skills development for women and girls?

To ensure the successful integration of newcomers and refugees, Immigration, Refugees and Citizenship Canada provides funding to more than 500 settlement service provider organizations across Canada to deliver pre- and post-arrival settlement services to newcomers, more than half are of whom are women. Immigration, Refugees and Citizenship Canada data indicates that females account for 57% of unique clients. Settlement services range from language training to employment services and specialized referrals.

The Visible Minority Newcomer Women Pilot is an example of an initiative to provide targeted support. Canada’s 2018 Federal Budget announced $31.8M for a three-year pilot starting in 2018-19 to help visible minority newcomer women develop employment skills and find jobs, through various combinations of employment interventions and case management. Programming is focused on visible minority newcomer women with lower language and skill levels. The Pilot will address multiple barriers to their labour market entry and career advancement.

Canada’s Feminist International Assistance Policy recognizes that gender-based violence including child, early and forced marriage is a barrier to girls’ education. Canada has ensured that eliminating GBV is a central element of Canada’s support for the G7 *Charlevoix Declaration on Quality Education for Girls, Adolescent Girls and Women in Developing Countries* through a 400 million dollar commitment over three years focussed on girls’ and women’s education in fragile settings; and Canada’s historical $1.4 billion annual investment, starting in 2023, to promote the health and rights of women and girls around the world will include $700 million for the most underfunded areas of sexual and reproductive health rights (SRHR), including sexual and gender-based violence such as child, early and force marriage and female genital mutilation and cutting.

1. What type of measures are taken to promote women’s and girls’ access to health care, social services and childcare opportunities?

To ensure the successful integration of newcomers and refugees, Immigration, Refugees and Citizenship Canada provides funding to more than 500 settlement service provider organizations across Canada to deliver pre- and post-arrival settlement services to newcomers, more than half are of whom are women. Settlement services range from language training to employment services and specialized referrals along with childcare while newcomers are attending classes and workshops.

Canada Feminist International Assistance recognizes the negative health consequences of child, early and forced marriage and the need to promote sexual and reproductive health and rights of women and girls. For this reason eliminating GBV is a central element of our signature international assistance initiatives, including *Her Voice Her Choice* – a 650 million dollar commitment over three years to support comprehensive programming on sexual and reproductive health and Canada’s $1.4 billion annual investment, starting in 2023, to promote the health and rights of women and girls around the world will include $700 million for the most underfunded areas of sexual and reproductive health rights (SRHR), including sexual and gender-based violence such as child, early and force marriage and female genital mutilation and cutting.

1. What progress has been made in formulating or reviewing policies, programmes or strategies to address discrimination and violence, including domestic violence, which may occur against women and girls subjected to child, early and forced marriage, including with a view of strengthening child protection systems?

As noted above, in 2017, the Government of Canada launched *It’s Time*: *Canada’s Strategy to Prevent and Address Gender-Based Violence.* The Strategy is Canada’s response to gender-based violence (GBV), including child, early and forced marriage, female genital mutilation/cutting and honour-based violence. It builds on current federal initiatives, coordinates existing programs and lays the foundation for greater action on GBV. The Strategy is based on three pillars: the prevention of GBV; support for survivors and their families; and the promotion of responsive legal and justice systems.

Budget 2017 included $100.9 million over five years, and $20.7 million per year ongoing, to support the implementation of the GBV Strategy. Budget 2018 provided an additional $86 million over five years, starting in 2018-19, and $20.0 million per year ongoing, to expand the Strategy.

In addition, the Family Violence Initiative has been the federal government's main collaborative forum for addressing family violence since 1988. The Family Violence Initiative brings together 15 partner departments and agencies to prevent and respond to family violence, which may include child, early and forced marriages. Funding has been made available under this initiative through Justice Canada to support the development, implementation, testing and assessment of models, strategies and tools to improve the justice system's response to family violence. Funding is also available to support projects that raise public awareness of the issue and encourage public involvement in responding to family violence.

Integrating Gender Based Analysis+, an analytical process used to assess how diverse groups of women, men and non-binary people may experience policies, programs and initiatives, is a whole of Government of Canada priority. Immigration, Refugees and Citizenship Canada is required under the Immigrant and Refugee Protection Act (IRPA) to include a GBA+ assessment of the impact of the Act in its Annual Report. As such, the Department regularly reviews and assesses its policies, programs and strategies to address discrimination and all forms of gender-based violence.

On July 26, 2019, Immigration, Refugees and Citizenship Canada implemented two initiatives to support newcomers in situations of family violence, including forced marriage:

* Out-of-status foreign nationals who are currently in Canada and seeking permanent residence that is dependent on remaining with an abusive spouse or partner will be able to apply for an expedited temporary resident permit (TRP). This fee-exempt TRP provides temporary immigration status in Canada, along with a fee-exempt work permit and Interim Federal Health Program coverage, for a minimum of 6 months. An individual’s dependent children living in Canada are also eligible for this TRP. This measure is meant to assist individuals to escape their abusive situation and provide sufficient time to decide whether they would like to leave Canada or consider other immigration options.
* An expedited process has also been formalized for individuals in urgent situations of family violence who apply for permanent residence on humanitarian and compassionate grounds. The application process for permanent residence under humanitarian and compassionate grounds remains the same. However, by strengthening the operational guidelines for identifying applications upfront and expediting the assessment of these cases, Immigration, Refugees and Citizenship Canada is ensuring that individuals in urgent situations of family violence will receive expedited processing so that they can safely escape abusive situations.

To support these measures and help to improve the protection of vulnerable individuals within Canada’s immigration system, additional operational guidelines and training were introduced to assist immigration officers in identifying and addressing cases where a person is in a situation of abuse.

The Canada Border Services Agency (CBSA) acknowledges the importance of ending child, early and forced marriage and other forms of gender-based violence. In support of this, and as part of Canada’s National Strategy to Combat Human Trafficking, the CBSA recently increased its activities in funding research related to gender-based violence. The research is intended to support policy development and the identification of gender-based violence considerations in the immigration enforcement framework, including ending child, early and forced marriage.

Under Canada’s National Strategy to Combat Human Trafficking, the CBSA will also establish an internal expert group to coordinate, consult and develop strategies to combat human trafficking and gender-based violence, including issues of child, early and forced marriage. This group will identify linkages between gender-based violence and immigration fraud-related violations improving the Agency’s ability to address discrimination and violence occurring against women and girls.

In July 2019, Canada announced new funding to support the UNFPA-UNICEF Global Programme to End Child Marriage, which includes support to strengthen child protection systems in 12 countries in Africa, Asia and the Middle East.

1. What measures are taken to hold perpetrators accountable, to ensure access to justice and accountability mechanisms, and to implement violence prevention and response activities, including at school and community level, as well as to provide adequate victim reparation and assistance measures?

Gender-based violence disproportionately impacts women, and many settlement service organizations deliver programming in the area of violence prevention. They have strong community partnerships in place with local transition houses, police, and key emergency services to ensure holistic programming for victims of abuse.

Under Canada’s Strategy to Prevent and Address Gender-based Violence (GBV), Immigration, Refugees and Citizenship Canada received $1.5 million in funding over five years to further enhance its Settlement Program. This funding is being used to develop a national settlement sector strategy on GBV through a coordinated coalition of settlement and anti-violence sector organizations. The strategy will include the standardization of GBV policies and protocols, the establishment of a common base of knowledge on GBV, training for front-line settlement workers to assist in identifying abuse and making appropriate referrals, as well as a promising model of GBV prevention programming for clients accessing services, including those in smaller cities and rural areas.

In addition to the legislative amendments noted in question 2, the *Criminal Code* amendments in former Bill S-7 made it an offence to celebrate, aid or participate in a marriage ceremony with knowledge that one of the persons being married is marrying against their will. Anyone found guilty of that offence is liable to imprisonment for a term not exceeding five years. Funding for victim related services and programs is described in question four.

The CBSA is reviewing the Agency’s current practices as they relate to gender-based violence considerations in immigration enforcement and inadmissibility frameworks. The Agency will assess the impacts of gender-based violence throughout the immigration enforcement continuum and develop policy to respond to gender-based violence to limit situations where CBSA actions inadvertently further victimize individuals who have experienced or are at risk of gender-based violence.

1. What progress is made to improve the collection and use of disaggregated quantitative, qualitative and comparable data on violence against women and girls and harmful practices in order to strengthen measures to prevent and eliminate child, early and forced marriage?

Through the initiatives above implemented in July 2019, Immigration, Refugees and Citizenship Canada now has the ability to collect quantitative and qualitative data on clients experiencing family violence (including children) who avail themselves of those measures. This data can be used to inform ongoing policy, program, and operational work.