



CPIJ
PCJI

CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE
PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE

G7 Priority themes on gender equality and women's empowerment

April 2018

Canada's Presidency of the G7 *Priority themes on gender equality and women's empowerment*

Introduction and Context

This note is submitted by the Canadian Partnership for International Justice (CPIJ) to Ambassador Isabelle Hudon, Co-President of the Gender Equality Advisory Council for Canada's G7 Presidency, following a meeting on 14 March 2018, at Laval University, in Québec City, at her request. It hopes to provide useful information and reflection material to the Gender Equality Advisory Council and other interested leaders in preparation of the Ministerial Meetings and other preparatory steps to the 44th G7 Summit.

Objectives and Justifications

This note aims at contributing to the development of Canada's agenda and specific priorities for the G7 meeting to be held in Charlevoix, Québec, in June 2018. Canada is well placed to take a leadership role in three main areas in particular:

1. Preventing sexual and gender-based violence (SGBV) through increased criminal accountability;
2. Ending corporate complicity in human rights violations, in particular violence against women and girls, through corporate accountability and remedy mechanisms;
3. Using laws and legal mechanisms to empower women and girls.

In these three areas, Canada has experience and expertise that provide a strong basis for assuming a leadership role and proposing concrete joint initiatives that G7 members can undertake. The subjects relate to the [five key themes](#) that the Canadian Government has identified as priorities for Canada's G7 Presidency. They are all most acutely related to the main and cross-cutting priority theme of **Advancing gender equality and women's empowerment**. They are also central to the themes **Building a more peaceful and secure world** and **Investing in growth that works for everyone**. The CPIJ hopes to feed the reflection on the questions raised in the G7 Public Engagement Papers on these themes.

Canada has a robust international reputation for the protection and promotion of international human rights laws and is known for its historical support for international criminal justice institutions. Its commitment to the human rights and empowerment of women and girls, and to eradicating SGBV, is reflected in its recently adopted Feminist International Assistance Policy, which is a model for other countries. The CPIJ applauds Canada for establishing gender equality as both one of five independent themes and a crosscutting priority for Canada's G7 Presidency.

Measuring Progress

With respect to all three of the areas described below, the CPIJ **provides possible recommendations for G7 members** and recommends that Canada use its G7 Presidency to call for a commitment of all G7 members to yearly reporting on progress made over the next five years, using established categories and benchmark indicators. This note will provide some suggestions of potential indicators. Past G7 summits have yielded such outcomes. The [G7 Roadmap for a Gender-Responsive Economic Environments](#) adopted in Taormina in 2017, which commits to:

- Introduce, and/or strengthen legislation and its implementation to help ensure the effective prosecution of perpetrators of violence against women; and
- Promote and facilitate cooperation to help ensure the effective and timely prosecution of those engaged – at any level – in human trafficking and exploitation, both domestically and internationally, including

G7 Priority themes on gender equality and women's empowerment

cooperation among countries of origin, transit and destination and their respective law enforcement agencies.

The Charlevoix G7 Summit can build on this Roadmap and strengthen the resolve and commitment of its members by adopting effective and concrete measures with proper follow-up.

About the CPIJ

The [Canadian Partnership for International Justice](#) (CPIJ) is a pan-Canadian partnership bringing together leading Canadian academics and non-governmental actors to contribute to strengthening access to justice for victims of international crimes. It includes 24 individual team members and 12 university and non-governmental partner organizations, and is hosted by Laval University. The partnership is funded by a 5-year grant from the Social Sciences and Humanities Research Council (SSHRC), and by significant financial and in-kind contributions from every partner organization.

The project is designed to:

- provide cutting-edge research and co-create knowledge about more effective ways to hold individuals, states and corporations accountable for serious international crimes;
- create analytical, practical and policy-oriented tools to assist legal practitioners and policy-makers within Canada and globally and increase victims' access to remedies;
- strengthen communication and collaboration among leading Canadian scholars and practitioners;
- produce a cohort of students who are educated, trained and networked in this field; and
- train and educate diverse Canadian audiences about the history, challenges, pitfalls, potential and priorities for improvement of the system of international justice.

CPIJ participation in G7 consultations

On November 16, 2017, members of the CPIJ participated in a public event and subsequent experts' roundtable consultation with Deputy Minister for the G7 and Personal Representative of the Prime Minister, Peter Boehm, held at Laval University, in Québec City. In addition, CPIJ members met with Isabelle Hudon, Co-President of the Gender Equality Advisory Council for Canada's G7 Presidency, on March 14, 2018, also at Laval University.

CPIJ contact information

- Fannie **Lafontaine**, CPIJ Director, Canada Research Chair on International Criminal Justice and Human Rights, Professor of Law, Laval University: fannie.lafontaine@fd.ulaval.ca
- Pascal **Paradis**, Executive Director, Avocats sans frontières Canada: pascal.paradis@asfcanada.ca
- Janine **Lesperance**, Legal Advisor, Avocats sans frontières Canada : janine.lesperance@asfcanada.ca
- Penelope **Simons**, Professor of Law, University of Ottawa : Penelope.Simons@uottawa.ca
- Valerie **Oosterveld**, Professor of Law, Western University: vooster@uwo.ca



CPIJ
PCJI

CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE
PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE

G7 Priority themes on gender equality and women's empowerment

1) Preventing SGBV through increased criminal accountability

G7 Priority Themes

Advancing gender equality and women's empowerment
Building a more peaceful and secure world

Canada's expertise

Canada has played a leading role in the development of international criminal law and its institutions, including the International Criminal Court (ICC). This has stimulated broader change in the domestic prosecution of international crimes, including SGBV. In particular, Canada played a leading role in ensuring that the Rome Statute of the ICC be gender-sensitive by pressing for the inclusion of a wide range of sexual and gender-based crimes, gender-sensitive procedures and a gender-representative court. Since that time, Canada has worked to protect those significant advances, and Canadians in academia and civil society contributed views during the drafting of the ICC Prosecutor's groundbreaking 2014 Policy Paper on Sexual and Gender-Based Crimes. Additionally, Canadians with this expertise are registered in the Justice Rapid Response-UN Women Roster of SGBV experts.

Importance for Canada's G7 Presidency Themes

Increasing criminal accountability for SGBV advances gender equality and women's empowerment, and is critical to achieving the goals of Canada's Feminist International Assistance Policy. The systematic failure to investigate and prosecute SGBV, either in domestic systems or in international tribunals, is a manifestation of gender discrimination and inequality. It represents a significant access to justice barrier and a failure of institutions to respond to women's needs and priorities. Moreover, gender equality requires investigations and criminal trials to be conducted with a gender-sensitive approach. For this, adequate laws, institutional structures, and funding are necessary. The effective prosecution of SGBV also contributes to the goal of building a more peaceful and secure world, as it increases human security by deterring the future commission of sexual violence. It strengthens a rules-based international order and upholds respect for international law.

Recommendations for G7 members

- Create an international taskforce on accountability for SGBV, which would serve to gather and identify best practices in the prosecution of this type of violence from past and present international criminal accountability mechanisms, building on the United Kingdom-sponsored "[International Protocol on the Documentation and Investigation of Sexual Violence in Conflict](#)";
- Ensure that laws and mechanisms exist to ensure the prosecution of SGBV committed during armed conflict and of peacekeeping forces that engage in SGBV, including human trafficking;
- Through international cooperation, increase support for international institutions, notably the ICC, and national institutions, in their efforts to end impunity for SGBV;
- Ensure coordinated means to provide technical support to other countries with respect to domestic prosecution of SGBV committed in conflict and mass atrocity situations.

Possible indicators

- Number of investigations and/or reports by the taskforce by year, including potential reporting on legal regimes
- Data on interactions between the taskforce and domestic and international institutions involved in criminal prosecutions
- Percentage of GDP going to funding for the ICC or other institutions active in the prosecution of SGBV
- Data on direct international assistance programs aimed at increased criminal accountability for SGBV.



CPIJ
PCJI

CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE
PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE

G7 Priority themes on gender equality and women's empowerment

2) Ending corporate complicity in human rights violations through corporate social responsibility and accountability measures

G7 Priority Themes:

Advancing gender equality and women's empowerment
Building a more peaceful and secure world

Investing in growth that works for everyone
Working on climate change and clean energy

Canada's expertise

Canada's corporations play a dominant role in the global natural resource extraction sector. The activities of extractive corporations have significant implications for human rights, including those of women and girls. Given the large proportion of extractive corporations headquartered in Canada and which raise financing through Canadian stock exchanges (and other institutions such as the Canadian Pension Plan), the government of Canada's decisions with respect to regulation of these corporations are liable to have a sector-wide impact. Canada also has significant civil society expertise on resource extraction and human rights as well as a range of other expert industries that support the extractive sector at home and abroad. Canada recently announced the creation of a unique Canadian Ombudsperson for Responsible Enterprise (CORE) to investigate allegations against Canadian corporations operating abroad and recommend remedies and accountability measures. Canada's leadership in the creation of this institution could provide a model for other G7 countries.

Importance for Canada's G7 Presidency Themes

Ensuring corporate accountability is pertinent to all of the themes identified. The full respect of human rights standards ensures that communities directly affected by extractive industry activities are involved in economic development decisions and benefit from development, rather than being harmed. Industry activities often have gender-specific effects, where the rights of women and girls are disproportionately impacted, so improving access to justice for human rights violations contributes to gender equality. It also contributes to a more peaceful and secure world, as the global lack of regulation, and generalized impunity for corporate complicity in human rights violations, does not deter harmful corporate behaviour. Finally, there is often a nexus between human impacts and environmental harms of extractive activities, and mineral extraction is part of the development of new technology.

Recommendations for G7 members

- Adopt adequately funded ombudsperson mechanisms, with the independent ability to conduct effective investigations, make recommendations, and impose sanctions on corporations and provide reparations to victims of corporate related human rights violations, including SGBV;
- Remove legal obstacles to bringing civil suits in domestic courts by foreign victims alleging violations of human rights associated with transnational resource extraction activity, including SGBV;
- Create a specific cause of action in domestic courts for claims of corporate-related SGBV and establish parent corporation or enterprise liability in these cases;
- Establish laws, supported by accountability and remedial mechanisms, that meet or exceed the requirements of the UN Guiding Principles on Business and Human Rights, in order to prevent corporate commission of, or complicity in, violations of human rights and in particular, SGBV;
- Adopt domestic laws enabling the criminal prosecution of corporate groups for commission of, or complicity in, SGBV
- Include corporate activities and impacts in the mandate of the aforementioned international taskforce on accountability for SGBV
- Ensure coherence between foreign policies, like Canada's Feminist International Assistance Policy for example, and policies relating to corporate conduct abroad, by recognizing and addressing, through law and policy, the role of investment by transnational resource extractive (and other) companies in propping up existing structural inequalities in other countries that perpetuate the oppression of women, and the conditions for SGBV.

G7 Priority themes on gender equality and women's empowerment

Possible indicators

- Number of countries with ombudsperson mechanisms, including features guaranteeing independence and effectiveness, and number of specific cases being investigated, mediated, and/or resolved by such ombudsperson mechanisms;
- Number of cases involving allegations of transnational corporate harm advancing in domestic systems, and percentage of such cases having been rejected at the pre-trial stage;
- Steps taken to ensure access to justice for victims of corporate-related SGBV both domestically and internationally;
- Domestic laws and policies in place to prevent transnational corporate-related violations of human rights, in particular SGBV;
- Steps taken to ensure coherence of their foreign policies in addressing SGBV;
- Actions taken in global institutions to address corporate-related SGBV.



CPIJ
PCJI

CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE
PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE

G7 Priority themes on gender equality and women's empowerment

3) Legal empowerment of women and girls

G7 Priority Themes:

Advancing gender equality and women's empowerment
Investing in growth that works for everyone

Canada's expertise

The legal empowerment of girls and women, encompassing their ability to know and exercise their rights, can be considered both a goal in itself and a means to create greater societal change. Canada is recognized as a leader in terms of human rights, including women's rights, and has publicized its Feminist International Assistance Policy. Canada has development and human rights experts, including lawyers and judges, with the ability to educate, train, and build institutional capacity.

Importance for Canada's G7 Presidency Themes

The legal empowerment of women and girls is integral to Canada's priority of advancing gender equality and women's empowerment. The legal aspect of female empowerment is important, and has several different inter-related elements, including women and girls: having knowledge of their domestically and internationally protected rights; knowing strategies to demand and secure improved legal protections when existing laws are lacking; having access to legal advice and representation, including through legal aid and for the purpose of undertaking strategic litigation; being able to equally access institutions, especially those of the justice system; and having the benefit of laws and institutions that provide them the opportunity to take part in economic, cultural, and political life.

Recommendations for G7 members

- Direct foreign aid and international cooperation programmes toward supporting women's legal empowerment, including addressing discrimination against women and eliminating SGBV;
- Amend laws that prevent women from participating in the labour force and benefiting from and contributing to economic development, including marital rape exemptions, gender-based job restrictions, and unequal nationality laws;
- Implement comprehensive strategies for eliminating the structural factors that perpetuate the inequality and subordination of women and girls in society, and result in SGBV, including addressing international economic laws such as trade and investment agreements, and the lending practices of international financial institutions and export credit agencies;
- Recommit to the G7 Roadmap for a Gender-Responsive Economic Environment made in Taormina, May 27, 2017.

Possible indicators

- Percentage of foreign aid allocated specifically to initiatives that contribute to women's legal empowerment;
- Investment and actions taken to revise legal regimes that hinder women's full participation in society, including economic and political leadership;
- Statistics indicating improvements in women's labour force participation.