

CANADA

A Model for Gender Equality?



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The Quest for Gender Equality in Canada: Introduction

The invisibility and underrepresentation of women, their narratives, and female bodies¹ in academia and research, particularly in the medical field, humanities, and social sciences, have been well-documented. Since the well-being of women is intrinsically interrelated to the welfare of society in its entirety, these gaps in knowledge and subsequent repercussions impact us all. Over the past decade, numerous female scholars have highlighted this matter in renowned academic and popular science publications (Bohannon 2023; Bigg 2023; Perez 2019), advocating for a female-focused perspective across various fields of study. Others have embraced the term “Herstories” in their research, employing feminist methodologies in archival research and highlighting narratives

¹ Historically, women were mostly excluded from clinical trials and pharmaceutical studies due to a variety of factors, such as the additional variable of the menstrual cycle, potential threats to fetuses, and a general conviction that research done on male bodies can apply to female bodies. There has been some improvement since the 1990s, with several nations having introduced regulations that require the participation of women in clinical trials. The first guidelines of this kind in Canada were not developed until 1997. However, since these were merely recommendations, they could not be legally enforced. Even though these guidelines were updated in 2013 and acknowledged the underrepresentation of women, their inclusion in medical trials has not become mandatory to this day (Yakerson 2019). These centuries of exclusion from all kinds of medical research have led to enormous gaps in knowledge about female bodies, which continues to contribute to inequalities in medical research and treatment.

previously disregarded by male historians (Janovicek, Carstairs 2013; Ware 2015; Smith 2019; Miles 2021). Recently, Kimberlé Crenshaw's concept of "intersectionality" has gained widespread acceptance in research, surpassing feminist theories by taking into account the diverse identity factors impacting each individual's experience. This approach expanded the scope of feminist theoretical frameworks to encompass various aspects, such as sexual and gender identity, race, ethnicity, religion, socio-economic status, bodily ability/disability, and other related factors. It is crucial to note that while the literature on female experiences is still lacking, non-heteronormative, trans, and non-binary narratives have been even more obscure.

Within the scope of this publication, it is essential to differentiate between "gender equality" and "gender equity" in order to comprehend the dynamics of social justice and policy implementation. Gender equality denotes the condition in which individuals of all genders have equal rights, responsibilities, obligations, and opportunities. This concept frequently receives criticism for its exclusive emphasis on formal equality, potentially disregarding the enduring structural inequalities that persist in society (Hankivsky 2009; Fraser 2013). Nancy Fraser contends that although second-wave feminists instigated a cultural revolution, this transformation has not been completely translated into structural change (2013). Nevertheless, this is gradually evolving in many places, including Canada. In contrast, gender equity involves recognizing and addressing these systemic inequalities by implementing measures that ensure fair treatment, access, and opportunities for all genders, based on their distinct needs and circumstances (Sen 1992). Thus, equity extends beyond the mere provision of equal resources and opportunities. It involves the redistribution of resources and the restructuring of systems to address historical and social disadvantages faced by certain groups (Rawls 1971). For instance, while gender equality might ensure equal pay for men and women in the same job, gender equity would involve implementing policies that tackle the obstacles women encounter in accessing these jobs. This includes measures like offering affordable childcare or combating workplace discrimination (Hankivsky 2005). Therefore, attaining genuine gender equity necessitates a more nuanced and context-sensitive approach than what is offered by a simplistic notion of gender equality.

Furthermore, addressing gender equity encompasses not only the principle of fairness, but also the tangible benefits it confers upon society at large. Studies have demonstrated that providing fair and equal support to women and gender-diverse individuals leads to notable advancements in multiple sectors,

including health, economic development, and community welfare. For example, equitable access to reproductive health services has the dual benefit of improving individual well-being and positively impacting public health outcomes by reducing maternal and infant mortality rates (World Health Organization, 2015). Similarly, workplace policies that promote gender equity, such as offering parental leave and flexible working arrangements, have been associated with higher levels of employee satisfaction and efficiency, which, in turn, benefit the economy and foster a more inclusive society.

Canada's history of gender relations and its progression towards gender equality is characterized by complexity, shaped by a confluence of historical, social, and economic factors that have intersected with broader global movements as well as the evolving nature of gender dynamics within the Canadian socio-political landscape. Whereas it is impossible to formulate broad and overgeneralizing assertions regarding pre-colonial times and Indigenous views of gender roles, as each Indigenous culture held its distinct perspective, typically, Indigenous communities' views of gender roles challenged European binary notions. While many societies recognized distinct roles for men and women, these were often seen as complementary rather than hierarchical. Leadership frequently involved both male and female figures, as exemplified by the Haudenosaunee clan mothers and chiefs (Noel 2022). Additionally, Indigenous cultures widely accepted and celebrated a broader range of gender expressions beyond the traditional male-female binary, including the notion of gender fluidity and Two-Spirit identities (Robinson and Bird 2022).

French and British colonization, however, established new foundations of gender roles. Due to the impact of European patriarchal systems, women were largely confined to the realm of household affairs, with restricted legal and property rights. Historically, especially in New France, but also among Puritans in the British North America, marriage and childbirth were seen as the principal responsibility of women, and "male authority within the marriage and the gendered division of labour were firmly entrenched among couples of all occupational groups" (Brun 2004: 36). Women's social standing was mostly contingent upon the occupational rank and socioeconomic position of their husbands.

A turning point for women's rights in Canada came no sooner than in the late 19th and early 20th centuries with the emergence of women's suffrage movement in the U.S., Britain, Canada, and beyond, which challenged conventional gender roles and advocated for equal political rights for women. Prominent women activists like Nellie McClung and Emily Murphy were instrumental in

lobbying for women's suffrage, which was eventually granted federally in 1918 (Bacchi 1983). By 1922, women were also allowed to vote in all provincial elections, with the exception of Quebec, where the right was not granted in 1940. The landmark "Persons Case" of 1929, spearheaded by five notable Canadian women activists (known as the Famous Five), further solidified women's legal standing by securing their recognition as "persons" under Canadian law, and thus eligible to sit in the Senate (Sharpe, McMahon 2007). These early victories paved the way for further progress in women's rights and gender equality. While progress was slow, women gradually began joining the workforce, replacing men in factories, offices, and other industries. They subsequently became more prominent in fields like medicine, law, education, and eventually politics. The two World Wars only further accelerated women's rise in sectors previously dominated by men (Barker, Cooke, McCullough 2021). Despite the fact that many women resumed their traditional home responsibilities after the war, the groundwork for further advancements in gender equality and feminist movements had been established.

The suffrage movement, while a pivotal moment in the struggle for gender equality, was in its early iterations inherently limited in its scope. While figures like Nellie McClung and Emily Murphy achieved significant legal advancements for white, upper- and middle-class women, their advocacy was often underpinned by racist, classist, and eugenicist ideologies. Both activists were known for their support for policies that sought to control through sterilization the reproduction of those they deemed "unfit", often targeting Indigenous peoples, immigrants, and those from lower socioeconomic backgrounds (McClung 1928). In contrast, the feminist activism of women like Viola Desmond, who challenged racial segregation, and Indigenous activists like Mary Two-Axe Earley (Kanien'kehá:ka and Onyota'a:ka), who fought for the rights of Indigenous women under the *Indian Act* and opposed the exclusive nature of early feminism (Bromley 2012). By confronting systemic racism and colonialism, they expanded the movement's horizons to encompass the intersecting oppressions faced by marginalized groups. Their work was instrumental in creating a more inclusive and intersectional feminist framework.

The post-war period saw a notable rise of second-wave feminism. It specifically addressed concerns related to reproductive rights, equal pay, and workplace discrimination. The 1982 inclusion of gender equality rights in the Canadian Charter of Rights and Freedoms (Section 15), a component of Canada's Constitution, provided a crucial legal framework for combating sex-based discrimination and promoting gender equality in various domains. As

a result, substantial legislative changes followed, including the *Employment Equity Act* (1986), which sought to eliminate employment barriers and enhance job prospects for women and other underrepresented groups in federally regulated sectors, and the 1988 Supreme Court of Canada landmark decision (*R. v. Morgentaler* 1988) to strike down the criminalization of abortion as unconstitutional.

Nevertheless, the struggle for gender equality extended beyond legal recognition. The 1989 École Polytechnique massacre in Montreal, in which 14 women were killed by a shooter specifically targeting feminists, underscored the pervasive problem of violence against women and triggered a significant shift in public discourse regarding gender-based violence in Canada (Bradley 2006). The tragic event also led to increased advocacy and policy changes, prompting the creation of shelters, implementation of support services and educational programs, aimed at preventing and addressing violence. Additionally, the National Day of Remembrance and Action on Violence Against Women was established to solidify Canada's commitment to victims and raise awareness on this matter.

In the 21st century, the focus has broadened to encompass LGBTQ2S+ rights, including gender identity and gender expression. In 2005, Canada became the fourth country in the world to legalize same-sex marriage. Consequently, exhaustive legal safeguards against discrimination based on sexual orientation and gender identity have been enacted at both federal and provincial levels. Most recent years have also seen progress in recognizing the rights of transgender and non-binary individuals. Canada has made notable advancements in that regard, including allowing for self-identification of gender on legal documents and adopting gender-sensitive and inclusive language (Government of Canada 2024). In 2017, Bill C-16 was enacted, adding gender identity and gender expression as prohibited grounds of discrimination to the Canadian Human Rights Act and the Criminal Code.

Beyond dispute, over the last few decades, Canada has made significant strides in promoting women's rights and emerged as a global leader in the advancement of gender equality, both domestically and internationally. Canadian diplomats and representatives abroad have consistently emphasized the significance of gender equality, integrating it into both formal and informal diplomatic discourse. This trend culminated with the election of Justin Trudeau in 2015, who explicitly positioned himself as a feminist and Canada as a global champion of feminism. He announced the promotion of women's rights and gender equality as the cornerstones and highest priorities

of his government's foreign policy. A new era of feminist leadership was to be symbolized by the formation of Canada's first gender-balanced federal cabinet. Additionally, in 2017, his government adopted the first feminist foreign policy in Canada's history, however limited only to specific aspects of Canada's military and defense policies and to foreign aid (Soroka 2020). The Trudeau government also introduced Gender-based Analysis Plus (GBA+) framework across federal policies and programs, ensuring the government's policies are inclusive and equitable by analyzing, before their implementation, the different impacts they might have on men, women, and gender-diverse individuals.

Despite notable advancements, Canada continues to contend with persistent gender inequalities. The wage disparity, underrepresentation of women in leadership positions, unequal access to healthcare, including reproductive healthcare, and gender-based violence remain pressing challenges. Moreover, the intersectionality of gender with other sociocultural factors, including race, Indigenous or ethnic identity, religious affiliation, and cultural background, further complicates the picture. Furthermore, the legacy of settler colonialism continues to have a profound impact on the lives of Canada's Indigenous people, with Indigenous women bearing arguably the most severe consequences. While the loss of land, forced assimilation, and various types of government-sanctioned abuses have impacted all Indigenous people, women face heightened vulnerabilities, including disproportionately high rates of domestic violence, murder, and sexual assault (Bourgeois 2023; Hargreaves 2017). The persistent history of forced sterilizations, abuse in healthcare, and discriminatory legal frameworks under the *Indian Act* have compounded these challenges.

The Canadian commitment to forming governments that reflect the country's societal makeup has been hailed worldwide – and by now is considered normal by most Canadians. Gender parity and a high level of representation within the Cabinet do not translate to the entire Canadian Parliament, which in 2023 had only 30.6% of female members (Statistics Canada 2024). This is only marginally better than elsewhere – in the US, only 28% of Congress members are women (Leppert, DeSilver 2024). In Poland, that number is similarly low – at 29.4% in the Sejm and 19% in the Senate (GUS 2023). Even the European Parliament, which strongly emphasizes the need for gender parity in politics, had only 38.75% female MPs after the 2024 elections (da Silva 2024). The aspirations for gender parity in federal and some provincial governments, along with the implementation of feminist policies, raise critical questions about the extent to which these developments truly signify women's equality

and equity across all facets of Canadian society. Does this policy of representation carry into actual feminist objectives across all political parties or within the famous feminist foreign policy? What challenges has Canada faced and will encounter in relation to gender equality, despite its widespread reputation as a champion of gender equality and women's rights? To what extent does Canada genuinely serve as a model for gender equality? Addressing these inquiries necessitates a comprehensive examination of women's experiences and a deep dive into several interconnected areas: reproductive rights and health, domestic and foreign policy, gender-based violence, and literary and historical representations and portrayals of womanhood, which reflect the lived experiences of those in question.

This collection aims to reflect on and analyze the overarching matter of women's status in Canadian society. It endeavors to present a multifaceted examination of gender equality in Canada, offering a critical analysis of both the country's advancements and persistent challenges in this domain. Although it is clear that women's identities and contributions extend far beyond their reproductive abilities, exercising one's full authority over reproductive health is a critical component of a fulfilling life, encompassing both the ability to regulate reproduction through contraceptives and abortion, as well as the freedom to decide on childbirth. Hence, an important theme of this publication is bodily autonomy. Ultimately, this work hopes to illuminate the path forward, identifying key areas for policy and social change.

This volume aims to offer a comprehensive exploration of gender equality in Canada. The emerging scholars who author the chapters in this collection draw upon a diverse array of perspectives, incorporating insights from political science, policy analysis, history, cultural studies, literature, migration studies, and sociology.

Aleksandra Kuroś examines the challenges of contraceptive access in Canada, focusing in particular on the financial barriers many women face due to the high cost of certain contraceptive methods. By tracing the historical development of birth control in Canada and analyzing the current legislative landscape, including the impact of Bill C-64, Kuroś argues for the need for comprehensive pharmacare to ensure equitable access to reproductive health care for all women.

Iga Machnik critically analyzes the legal reasoning behind the landmark Supreme Court decision in *R. v. Morgentaler* (1988) and explores its role in securing access to abortion in Canada. By examining the legal arguments and

social context surrounding this decision, the chapter sheds light on the broader implications for gender equality and the ongoing debates over constitutional interpretation that influence the expansion or restriction of abortion rights in Canada.

Olena Chuprynska presents a comparative analysis of the accessibility of reproductive healthcare for migrant women in Poland and Canada, with a particular focus on abortion services. While Poland's restrictive abortion laws and conservative influences create significant barriers for migrant women, Canada's more liberal policies still leave migrants facing challenges, such as language barriers, financial constraints, and limited access in remote areas. Chuprynska's study highlights the urgent need for targeted policy reforms and collaborative efforts to ensure equitable access to reproductive health care for migrant women in both countries.

Gabriela Kwiatek explores the intersection of health equity, birthing practices, and indigeneity in Canada, focusing on the accessibility of Indigenous midwives and birth attendants within the healthcare system. The author employs a postcolonial framework to critique contemporary midwifery and doula practices, advocating for policy changes that focus on Indigenous knowledge and experiences. By foregrounding the historical and ongoing impacts of colonization on maternal health, Kwiatek underscores the necessity of decolonizing healthcare systems to ensure equitable care for Indigenous women.

Julia Tymczyszyn examines equity in healthcare access for LGBTQ2S+ people in Manitoba, highlighting the unique challenges the province's rural landscape poses. Through an analysis of legal documents and health statistics, Tymczyszyn uncovers significant disparities in healthcare experiences among queer women, men, trans, and non-binary individuals, pointing to persistent issues of heterosexism, cissexism, and discrimination. The chapter calls for targeted recommendations to improve healthcare access and equity for LGBTQ2S+ communities in Manitoba.

Kamil Sowa offers a critical examination of gender equality in Canadian party politics, focusing on the documentation and programmatic agendas of six major political parties. Through lexicometric and qualitative analysis, Sowa reveals the varying degrees of attention these parties pay to women's rights and gender equality, with left-wing and liberal parties typically showing more commitment to this cause in their platforms. The chapter also highlights the unique positions of the Bloc Québécois and the People's Party of Canada,

while underscoring the growing importance of Indigenous women's issues across the political spectrum.

JR Wikkerink critically assesses the effectiveness of the Trudeau government's Feminist International Assistance Policy and broader feminist foreign policy initiatives. By analyzing key areas such as international aid, trade, and defense, Wikkerink highlights the discrepancies between the government's feminist rhetoric and on-the-ground outcomes, including issues such as the Canadian mining sector's failure to meet gender equity standards abroad. The chapter argues that Canada's approach to promoting gender equality through foreign policy is fragmented and inconsistently implemented, using case studies to illustrate the gap between policy intentions and real-world impacts.

Marta Samburska-Kinal examines the Canadian Armed Forces' efforts to integrate gender diversity and inclusion into its ranks and analyzes how these initiatives align with the Canadian government's broader feminist approach. By examining statistical data, organizational culture, and policy frameworks, such as Gender-based Analysis Plus (GBA+), Samburska-Kinal assesses the progress and challenges in creating a more inclusive environment for women and gender-diverse individuals in the military. The chapter also discusses the support services available to CAF personnel and highlights ongoing efforts to address gender-based violence and promote a culture of equality within the armed forces.

Anna Kasperska provides a comparative analysis of military sexual abuse in the Canadian and Polish armed forces, examining its prevalence and the serious consequences it has on victims, unit cohesion, and military effectiveness. Through an examination of organizational culture, institutional responses, and existing policies, Kasperska identifies critical shortcomings that allow sexual harassment to persist and proposes recommendations for comprehensive reform. The chapter aims to deepen understanding of this pervasive problem and advocate for a culture of respect, equality, and safety within the military.

Alicja Murawa addresses the ongoing crisis of violence and discrimination against Indigenous women and Two-Spirit people in Canada, focusing on the infamous Highway of Tears and related issues of police negligence and systemic racism. By placing these cases in the broader context of societal marginalization and violence, Murawa highlights the disparities in legal responses and the lesser accountability for crimes against Indigenous victims compared to non-Indigenous victims. The chapter also explores the efforts of grassroots

movements to advocate for the recognition and systemic response to missing and murdered Indigenous people.

Katarzyna Sypień examines the ongoing struggle for gender equality in Canadian sport, highlighting both historical and contemporary efforts to address the inequalities faced by female athletes. Despite the introduction of policies such as Canada's *Gender Equality Act* of 1981 and the *Pay Equity Act* of 2018, which mandate equal pay and support programs, such as the Women in Coaching Canada Games Apprenticeship Program, significant gender inequalities persist. Sypień's analysis includes the challenges faced by women's hockey and soccer teams, examines the gap in pay, media representation, and resources compared to their male counterparts, and assesses the effectiveness of legislative measures to promote gender equality in sport.

Lucija Todorć explores the role of women in Cherie Dimaline's post-apocalyptic novel *The Marrow Thieves*, drawing parallels between the fictional resistance and survival efforts of female characters and real-world Indigenous and women-led movements in North America. By examining how these characters navigate extreme conditions and preserve cultural practices and language, Todorć highlights the essential role of women in both fictional and real-world contexts of Indigenous resistance and survival. The chapter aims to illuminate the connections between the novel's depiction of female resilience and the ongoing struggles of Indigenous women in Canada and the United States.

Nicole Koenigsknecht examines how Oji-Cree women in Joshua Whitehead's novel *Jonny Appleseed* resist colonial capitalist exploitation through acts of food sovereignty. By examining characters like Peggy and Jordan, who navigate intersecting capitalist, colonial, and racial pressures to feed themselves and their communities, Koenigsknecht highlights their subversive strategies against settler-imposed boundaries and violence. The chapter uses an analysis of settler-colonial urbanism and racial capitalism to show how these acts of resistance not only challenge systemic oppression, but also assert Indigenous presence and agency in a hostile environment.

Aleksandra Rachwał explores the impact of Icelandic immigrant women in Manitoba, focusing on their social and cultural capital in shaping both their communities and Canadian citizenship. By examining the biographies of influential Icelandic-Canadian women such as Jóhanna Ketilsdóttir, Anna Sigríður Gudmundsdóttir Sigbjörnsson, and Ingibjörg Björnsdóttir, as well as Margaret Benedictsson's significant role in the women's suffrage movement, Rachwał

highlights how these women used their unique backgrounds to achieve assimilation and advance women's rights. The chapter emphasizes the critical role of social and cultural capital in Icelandic women's contributions to Canadian society.

This volume offers a comprehensive and interdisciplinary exploration of gender equality in Canada, with the goal of enhancing the understanding of this complex and multifaceted matter. This collection aims to shed light on the accomplishments Canada has achieved in its quest for gender equality, as well as the problems and deficiencies that still exist, by analyzing the historical, political, social, and cultural aspects that influence the lives of women and non-binary individuals. Overall, it recognizes that achieving gender equality in Canada and worldwide is a complex and continuous journey, which is not straightforward and may experience setbacks along the way. The discourse included in this collection, we hope, reaffirms the importance of continuing the pursuit of gender equity through education, research, and political actions.

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Historical and Legal Perspectives on Contraceptive Accessibility in Canada: The Case for Comprehensive Pharmacare

Abstract

This chapter examines the availability of contraception in Canada. More precisely, it explores the difficulties encountered by numerous Canadian women as a result of the exorbitant expenses associated with some contraceptive methods. This problem is exacerbated by the absence of reimbursement for these agents in the majority of jurisdictions, rendering them unaffordable for low-income individuals. The article offers a concise account of the historical development of birth control in Canada, delineates the existing legal framework, including the recent enactment of Bill C-64, *An Act Respecting Pharmacare*, and explores the impact of contraceptive expenses on Canadian women's reproductive health.

Keywords: Canadian society, birth control, reproductive health, gender equality

INTRODUCTION

Examining Canadian society, it becomes apparent that the country serves as an exemplary model of gender equality. In the public sphere, there is a clear emphasis on the importance of strengthening women's positions, acknowledging gender egalitarianism as an indispensable aspect of progress. One of the fundamental pillars of gender equality is the liberty to make autonomous decisions concerning reproduction. A particular focus is placed on the individual's

right to use chosen forms of contraception. Considering the current regulations, Canadians have a diverse array of contraceptive options at their disposal. Nevertheless, the actuality appears to be divergent. It is evident that a significant segment of the Canadian populace has barriers in obtaining specific forms of contraception due to their high cost. In the majority of jurisdictions, more expensive methods, such as intrauterine devices (IUDs), contraceptive implants, and certain brands of birth control pills are not subject to reimbursement, rendering them unaffordable for low-income individuals.

The purpose of this chapter is to examine the magnitude of the problem. This text will provide a concise summary of the historical development of birth control in what is now Canada, alongside an account of the current legislative framework. This refers to the recent tabling in Parliament of Bill C-64, *An Act Respecting Pharmacare*. Furthermore, this analysis will clarify the impact of elevated prices of contraceptives on the reproductive well-being of women in Canada.

THE HISTORY OF BIRTH CONTROL IN CANADA

It has been over a century since the term 'birth control' first emerged in the public sphere. The phrase's popularization is attributed to Margaret Sanger, an American activist, who employed it in her publication in the magazine 'The Woman Rebel' in 1914. Although the history of the term itself is relatively short, the practices associated with it have accompanied humanity since the dawn of time (Engelman 2011, 1).

The use of birth control in North America can be traced back to pre-colonial times and the Indigenous peoples of the region. Oral contraceptives gained significant popularity as they did not have adverse effects on the quality of intercourse, unlike barrier methods. The development of the most efficient contraceptives is attributed to the Shoshone people of Nevada, known for their extensive knowledge of herbal medicine. They devised a method of preparing a macerate using the roots of plants belonging to the Boraginaceae and Solanaceae families. They believed that daily consumption of the aforementioned beverage for a period of six months would make pregnancy impossible. Notably, laboratory research conducted in 1945 on behalf of the Department of Agriculture revealed that the plants used by the Shoshone people were indeed capable of inhibiting fertilization. The bioactive compounds found in these

plants exert an influence on the functioning of the pituitary gland, hence limiting the production of gonadotropin. A deficiency of this hormone results in gonadal dysfunction, ultimately leading to infertility (“A Herbal Answer to Natural Birth Control” 1970).

With the arrival of colonists in North America, contraceptive methods previously employed in Europe entered the ‘New World.’ The widely used strategy for avoiding fertilization was the lactational amenorrhea method. It was observed that by following specific guidelines, a breastfeeding woman could suppress ovulation for up to six months postpartum. Under optimal circumstances, the female body produces prolactin, which inhibits the production of hormones triggering the release of the egg cell. Consequently, pregnancy becomes impossible (Planned Parenthood 2023). In addition to natural methods, colonists also introduced barrier contraceptives, including condoms crafted from linen and animal intestines. Their production was common in Europe due to the convenient availability of raw materials and the relatively low costs of manufacturing. Furthermore, unlike other known methods of contraception, they provided protection against sexually transmitted diseases. Despite the numerous advantages of this method, initially, only a small number of individuals chose to utilize it as a form of contraception. Condoms were associated with indecent conduct and moral laxity due to the fact that some men engaging in sexual intercourses with prostitutes resorted to condoms as a means of preventing fertilization (Lieberman 2017).

The beginning of the 19th century was marked by an event that unquestionably revolutionized the approach to birth control. In 1839, Charles Goodyear developed the technology for rubber production. That was a groundbreaking moment in the realm of manufacturing barrier contraceptives. Condoms crafted from linen and animal intestines were replaced by ones made of rubber solution. Additionally, several novel contraceptives were introduced to the market. One of them was the vaginal applicator. This tool substantially aided the insertion of spermicidal agents into the birth canal. Spermicides commonly used by women at the time included alum, carbolic acid, baking soda, vinegar, and extract of white oak bark (Brodie 1994, 73–74). Among the new contraceptive products were also cervical caps and diaphragms. These methods worked on analogous principles to male condoms but were specifically designed for women. When inserted into the birth canal, these agents acted as a mechanical barrier to sperm, impeding their ability to reach the egg cell.

The development of rubber vulcanization played a significant role in the increased production of contraceptives. By the 1870s, these products had

become more available and relatively affordable. However, their availability was largely confined to the affluent and educated elite of Canadian society. Although these contraceptives could be obtained via pharmacies, drugstores, haberdasheries, and mail-order companies, as well as through medical offices where some physicians provided them along with guidance on birth control, access was still limited. For the majority of the population, particularly among lower-income groups, discussions of procreation and contraception were shrouded in societal taboos. This restricted access was further exacerbated by the influence of the Comstock laws. In March 1873, the United States Congress passed a series of regulations aimed at curbing the distribution of obscene materials through the postal service. Named after the activist Anthony Comstock, who fervently lobbied for these restrictions, the Comstock laws criminalized the dissemination of contraceptive information and devices (Tone 2001, 14). Given the close ties between the United States and Canada, the restrictive climate created by these regulations inevitably impacted Canadian society, further limiting the acceptance of contraceptives. Although advertisements for such products began to appear more frequently in newspapers and as leaflets, this increased visibility did not translate to widespread accessibility or acceptance across all social strata (Heywood 1872, 21).

The significant societal changes were another crucial factor contributing to the gradually increasing popularity of contraception. Although Canada remained largely rural throughout the 19th century, the country saw urbanization and industrialization. The migration of some rural populations to urban areas, coupled with the country's economic growth, resulted in a growing inclination to forgo having large families. The allure of urban life, with its promise of employment and improved living standards, led to a preference for smaller, more manageable family sizes. As urban centers flourished and educational opportunities expanded, many Canadians began to prioritize professional pursuits over traditional familial responsibilities, thereby driving the demand for contraceptives to regulate fertility.

The ubiquity of birth control methods was not to the liking of moralists. They openly voiced their opposition, publishing numerous essays on the alleged moral degradation propagated by the manufacturers of contraceptives. Those who sought to maintain social order advocated for the criminalization of birth control. In their view, the possibility of disconnecting the sexual act from its natural consequences led to promiscuity. As a result, in 1892, a provision criminalizing the sale and distribution of contraceptives, as well as the dissemination of information on birth control methods, was introduced into

the Criminal Code of Canada. Individuals who were found to have knowingly violated this law could face a sentence of up to two years of imprisonment (Bishop 2021).

Certain sections of society reacted unfavorably to the imposition of the stringent regulations. This was evident through the establishment of a group members openly advocated for universal access to contraception. They were emphasizing that a child should be born into a family that is prepared to raise them. Attention was also drawn to the fact that each year many women experienced unplanned pregnancies, which in numerous cases culminated in illegal abortions, posing a genuine risk to their health and life. Additionally, the positive impact of contraception on marital relationships and family well-being was emphasized. The first association advocating for birth control was established in 1924 in Vancouver (Dodd 2004, 73). The majority of individuals in this group were primarily well-educated Anglophone Protestants. Among Francophone Canadians, there existed a prevailing notion that women should strive to bear a maximum number of offspring. This conviction had its roots in religious beliefs, particularly those espoused by the Catholic Church, as well as in socio-political factors (Bishop 2021).

In 1930, the first birth control program aimed to help economically disadvantaged women was initiated. The founder of this initiative was Alvin Ratz Kaufman, a Canadian philanthropist who advocated for universal access to contraceptives. Being a supporter of eugenics, he believed that controlling the demographics of lower social strata was key to solving the problem of poverty (Dodd 2004, 73). The dispensary he founded, known as Parents' Information Bureau, specialized in providing contraceptives to women seeking to control the number of offspring. Additionally, the facility's personnel arranged for medical visits, during which procedures such as diaphragm insertion or sterilization were performed (Bishop 2021).

In 1936, one of the employees of the Parents' Information Bureau, Dorothea Palmer, faced allegations of distributing contraceptives and disseminating information on birth control. During the high-profile trial, multiple arguments were raised in favor of universal access to contraception. Kaufman convened a panel of experts in economics and sociology who highlighted the correlation between birth control and a decline in crime rates, poverty reduction, and improvement in quality of life. The court ultimately ruled that Dorothea Palmer acted in the public interest, resulting in her acquittal. Thus, a precedent was established confirming the legitimacy of efforts to control fertility (Dodd 2004, 73).

The transformations that took place in the aftermath of World War II shifted public opinion more favorably towards the use of birth control methods. One of the key factors that facilitated this accomplishment was the high birth rate. As fertility rates continued to rise significantly, an increasing number of individuals were considering the possibility of overpopulation. In 1966, Harry Harrison published the renowned novel *Make Room! Make Room!*, an intriguing story delving into the consequences of uncontrolled population expansion and the accumulation of resources by a privileged few. Two years later, biologist Paul R. Ehrlich published the book *The Population Bomb*, which exacerbated fears of an apocalyptic future. In this book, the scientist forecasted that in the 1970s and 1980s, humanity would experience starvation due to an imbalance between the population size and the available resources. He argued for birth control as a means to mitigate the risk of a worldwide calamity (Haberman 2015).

In the early 1960s, the Canadian market saw the introduction of new contraceptive methods, such as the hormonal pill and the intrauterine device (IUD). As the regulations from 1892 prohibiting the distribution of such products remained in effect, they were advertised as cures for regulating the menstrual cycle. However, it became apparent that the primary use of these methods for the majority of women was to prevent unplanned pregnancies. This shift in contraceptive practices underscored the evolving attitudes towards family planning, indicating a growing inclination among women to have more authority over their reproductive choices and fertility (Black 2019).

While birth control could be considered a liberating force, the history of sterilization in Canada, deeply rooted in the eugenics movement, exemplifies how it could also serve as a tool of oppression. The laws enacted in Alberta (1928-1972) and British Columbia (1933-1973) were designed to enforce the sterilization of individuals categorized as “unfit”, with Indigenous women being the predominant targets of these measures (Stote 2019). Eugenic theory falsely attributed the high rates of ill health and poverty in Indigenous communities to racial inferiority, ignoring the profound impacts of colonialism. This ideology criminalized Indigenous women, casting them as “bad mothers” and unfit to raise children. Moreover, the 1960s and 1970s saw the federal government promoting birth control in northern communities as a cost-saving measure, leading to instances where Indigenous women were subjected to experimental contraceptive methods. “Some women were given Depo-Provera shots, or long-acting birth control, before it was approved elsewhere in Canada” (Dyck 2018). This dual role of birth control highlights its capacity to empower some while simultaneously perpetuating colonial oppression against others.

The proliferation of various contraception methods led to the emergence of birth control as a prominent topic in public discourse, prompting numerous groups to take specific actions. In 1963, Barbara and George Cadbury, prominent proponents of universal contraception, established a federation that united activists from Vancouver, Winnipeg, Hamilton, Toronto, and Ottawa. The association subsequently joined the International Planned Parenthood Federation. Its members sought to spread knowledge about birth control methods and advocate for changes in existing laws. Ultimately, in 1969, the Canadian Parliament enacted Bill C-150, thereby effectively legalizing the sale and distribution of contraceptive agents in Canada (Bishop 2021).

The change in the existing law marked the culmination of long-standing efforts undertaken by birth control campaigners. However, it cannot be asserted that the new regulations ensured universal access to contraceptive methods. An obstacle to the effective use of selected methods of fertility control was the prohibitive cost of products. Individuals with limited financial resources were unable to afford the higher-priced options such as hormonal tablets or intrauterine devices. It should be noted that a typically greater cost was associated with higher effectiveness, indicating that individuals with less financial means were more vulnerable to unplanned pregnancies. To address this problem, groups advocating for birth control took essential steps to ultimately reduce the cost of contraception. In 1971, the Planned Parenthood Federation of Canada became a catalyst for change in this domain. The aforementioned organization played a pivotal role to persuade the federal government to approve reimbursement for the costs of contraception. The number of groups and associations supporting this idea began to gradually increase, leading some provincial governments to implement birth control support programs. Additionally, in 1972, the Ministry of Health and Welfare agreed to provide funding to the Planned Parenthood Federation of Canada, thereby enabling the expansion of the organization's activities (Bishop 2021).

Over the span of more than fifty years, numerous programs, both public and private, have been established with the aim of providing support in the provision of contraceptive services. Although the rendered financial assistance is substantial, there remain groups of Canada's residents for whom access to certain contraceptive methods is limited. Obtaining the most effective means is hindered by their high cost and the lack of consistent reimbursement in most jurisdictions. The Canadian Community Health Survey (CCHS) identified disparities in contraceptive use based on income levels. According to the findings, individuals in the lowest income quintile were twice as likely to report

not using contraceptives during their last intercourse compared to those in the highest income quintile. More precisely, 20.5% of females in the lowest income quintile reported no contraceptive use, in contrast to 10% among those in the highest quintile (“Contraception in Canada” 2015, 5). The persistence of financial barriers and inequalities in access based on income underscores the ongoing necessity for reproductive healthcare initiatives.

MODERN BIRTH CONTROL AND THE PROBLEM OF LIMITED ACCESS TO CONTRACEPTION

The healthcare system in Canada is a source of considerable pride for its citizens. All residents, regardless of their financial status are entitled to free access to fundamental medical services. However, the scope of procedures and treatments covered by public funding varies. The Canadian healthcare system is decentralized, with each province or territory having its own regulations governing the financing of medical services. The decisions regarding this matter are determined by the respective provincial or territorial authorities, based on available financial resources, health priorities, and principles of equitable healthcare access for all residents (Government of Canada 2019).

Presently, British Columbia is the sole Canadian jurisdiction where prescription contraceptives are fully reimbursed. As of April 1, 2023, the province covers the cost of hormonal pills, injections, intrauterine devices, and emergency contraception. The program caters exclusively to residents of British Columbia who have mandatory health insurance, known as the Medical Services Plan. Consequently, residents of other provinces and territories cannot benefit from this funding (Canadian Pharmacist Association 2023).

The authorities of British Columbia emphasize that the introduction of new regulations yields various favorable outcomes. There is a noticeable decline in the rate of unplanned pregnancies and a marked improvement in the health status of both children and parents. Furthermore, they highlight the positive impact of these regulatory changes on patients struggling with chronic diseases such as endometriosis or polycystic ovary syndrome. This is crucial because hormonal contraception serves as a key treatment for both conditions.

It is estimated that the annual cost of the reimbursement program introduced by the authorities of British Columbia is approximately \$40 million. For comparison, according to a study published in 2015 in the *Journal of Obstetrics*

and Gynecology, healthcare expenses related to unplanned pregnancies in Canada amount to approximately \$320 million annually (Black et al. 2015). However, it is worthwhile to examine these figures from the perspective of an ordinary resident.

According to statistics published in 2020, over 48% of sexually active Canadians aged 15 to 24 reported using contraceptive pills (Government of Canada 2020). Given that the price of a single package of these pills is approximately \$20, an individual taking them regularly for a substantial portion of their reproductive years will spend around \$7,000 over their lifetime. A solitary hormonal injection carries an approximate price tag of \$45. Annually, four such injections are required. The total cost of this method of birth control over the specified time frame amounts to \$180. Consequently, an individual regularly relying on contraceptive injections can expect to spend around \$5,500 throughout their lifetime. The most challenging to determine is the cost of the systematic use of intrauterine devices (IUDs). In the Canadian market, a variety of products are available, spanning a price range of \$75 to \$500. Furthermore, the duration of IUD usage can vary. It depends on the type of device, the manufacturer's recommendations, as well as the individual's health condition. For some IUDs, replacement is suggested after three years of use, but there is a growing availability of products that can be used for up to five or even ten years. Therefore, estimating the average cost of the use of this contraceptive method is challenging and requires thorough examination. Nevertheless, it can be asserted with certainty that it reaches several thousand dollars ("Prescription Birth Control Will Soon Be Free" 2023). The implementation of the contraceptive reimbursement program by the government of British Columbia allows its beneficiaries to save the equivalent of the mentioned amounts.

Manitoba remains poised to become the second province in Canada to offer universal access to prescribed birth control, recognizing reproductive healthcare as an essential right. The government's initiative, which was announced in November 2023, aims to safeguard Manitobans' access to abortion services and provide free contraception. The plan encompasses a range of prescription and over-the-counter birth control methods, including the morning-after pill, hormonal injections, copper and hormonal intrauterine devices, and oral contraceptives, albeit excluding condoms. This decision underscores Manitoba's commitment to ensuring equitable access to reproductive health services for all residents ("Women's Health Advocates" 2023).

Although for now, only one Canadian jurisdiction offers full coverage of contraceptive costs, some provinces and territories have implemented programs aimed at facilitating unrestricted access to specific methods of birth control. In Ontario, individuals under the age of 25 who lack private insurance are eligible to apply for reimbursement of contraceptive costs. In Quebec, the Régie de L'Assurance Maladie program provides residents with certain forms of coverage for birth control. In addition, some residents of Yukon receive reimbursement for contraceptives through government programs such as social assistance, the Children's Drug and Optical Program, and the Yukon Sexual Health Clinic (Lang 2023). In Alberta, Saskatchewan, Quebec, and Nova Scotia, pharmacists are now able to prescribe certain forms of contraception as long as they follow. This is particularly important for individuals who live away from urban areas, where access to medical consultations may be limited ("Pharmacist Contraceptive Prescribing Across Canada" 2023).

THE ACT RESPECTING PHARMACARE AND THE FUTURE OF THE ACCESS TO CONTRACEPTION

On March 31, 2024, Deputy Prime Minister and Minister of Finance, Chrystia Freeland, along with Minister of Mental Health and Addictions and Associate Minister of Health, Ya'ara Saks, unveiled the government's ambitious plan to introduce the first phase of nationwide universal pharmacare, slated to be a part of the forthcoming Budget 2024. This initiative aims to dismantle barriers to accessing most prescription contraceptives and diabetes medication. On June 3, 2024, Bill C-64 successfully passed its third reading in the House of Commons. The Bill is now set to proceed to the Senate for further deliberation and consideration (Osman 2024). Recognizing that financial constraints often hinder access to contraceptives and essential diabetic medications, the universal pharmacare plan seeks to bridge the gap between cost and necessity, ensuring equitable access to contraceptives for over nine million women and aiding over 3.7 million Canadians reliant on diabetic medication, including insulin. This initiative garnered extensive support, including commendation from the Society of Obstetricians and Gynecologists of Canada (SOGC), underlining the importance of universal contraception coverage (Government of Canada 2024).

Effective implementation of universal pharmacare hinges on cooperation between the federal government and the provinces. Federal Health Minister

Mark Holland has expressed his expectation that provinces will promptly engage in this process, aiming to provide access to diabetes medication and contraception to the public by April 1, 2025 (Osman 2024). However, some provinces lack complete dedication to the plan. Quebec and Alberta have indicated their intention to opt out of the universal pharmacare initiative, while Ontario and Saskatchewan prefer to await further details before committing. The proposed universal single-payer system, which allows the federal government to negotiate bulk purchases of medications from pharmaceutical companies, shows potential for streamlining access to contraception. This system ensures that individuals can obtain contraception independently of private insurance, often shared with family members or a controlling partner (Latif 2024).

By tabling the *Act Respecting Pharmacare*, Canada aligns itself with other nations that prioritize access to contraception as a fundamental component of healthcare. In the United Kingdom, the National Health Service provides free contraception to the majority of residents. Reimbursement is available for contraceptive methods such as hormonal pills, patches, intrauterine devices, injections, and implants (NHS 2024). In France, the mentioned forms of contraception are provided at no cost for women aged 18 to 25 (Kappeler 2023). Similar regulations also apply in Ireland (Ryan 2024).

Education regarding contraception is vital to ensure equitable access and informed decision-making, especially as Canada moves towards providing universal pharmacare. While cost is often cited as a significant barrier, lack of knowledge about birth control presents another obstacle. Decent sexual health education can enhance awareness of contraceptives and improve their use. It is crucial for people to know what agents and procedures are covered, where to access them, and how offerings may vary by province. Additionally, education about different contraceptive methods and their suitability is essential. By breaking down barriers to access information and medications, individuals can make informed choices about their reproductive health. It is important to provide comprehensive sexual health education, including information about STI prevention, to ensure that people understand their options and the potential side effects of medications. Furthermore, organizations working in reproductive health should receive adequate funding to develop evidence-based educational resources. As contraceptives become free of cost, ensuring public education about access and use is available should be a priority for both federal and provincial governments. The non-profit sector could play a crucial role in identifying gaps and providing education as pharmacare is implemented (Latif 2024).

CONCLUSIONS

While Canada prides itself on being a proponent of gender equality and reproductive rights, there are still disparities in the availability of affordable contraception for many residents. Despite the progress made in certain jurisdictions, such as British Columbia, where prescription contraceptives are fully reimbursed, the reality for individuals in other provinces and territories remains challenging. The introduction of Bill C-64, *An Act Respecting Pharmacare*, presents an opportunity for the federal government to address these inequalities and ensure equitable access to contraceptives for all Canadians. In light of these considerations, it is imperative for policymakers to prioritize the elimination of financial barriers to contraception and to recognize the importance of reproductive health as a fundamental human right. By doing so, Canada can maintain its position as a front runner in promoting gender equality and reproductive autonomy.

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Abortion in Canada and the Importance of Legal Reasoning in *R. v. Morgentaler*

Abstract

The right to abortion has been a contentious and polarizing issue in Canadian society, prompting significant legal and societal debates over the years. This chapter aims to examine the legal reasoning employed in *R. v. Morgentaler* (1988), a landmark Supreme Court of Canada decision on abortion, and to evaluate its effectiveness in safeguarding access to abortion. Moreover, the analysis seeks to delve into the political and social implications inherent in this decision, examining the societal sentiments preceding this landmark ruling, the manner in which it was received within society, and the consequences arising from its implementation. As the extent of constitutional protection for individual rights appears to depend on the method of constitutional interpretation applied, the conducted analysis of the judicial reasoning and arguments presented in *Morgentaler* aspires to provide insights into the state of gender equality in Canada, and to facilitate a deeper understanding of the mechanisms that enable either the expansion or restriction of the abortion rights.

Keywords: abortion, Supreme Court of Canada, *R. v. Morgentaler*, constitutional interpretation, legal reasoning

INTRODUCTION

Reproductive rights, particularly access to legal abortion, are the most contentious and debated rights globally. Abortion's accessibility and legality are crucial determinants of healthcare quality and living standards within a particular

nation. However, public discourse often frames the abortion debate within an ideological or religious context, rather than being referred to it as a medical procedure. Uniquely, Canada stands out as the first nation to fully decriminalize abortion following the 1988 Supreme Court decision in *R. v. Morgentaler*, integrating the procedure into standard medical practice (Shaw and Norman 2020). The analysis of abortion in the Canadian context provides insights into the implications of exempting the procedure from criminal sanctions, the impact of the procedure's legality on accessibility, and the establishment of the distinctive regulatory framework.

In the *common law* tradition, the highest instance courts in the federal judicial system – the supreme courts – assume a central role in providing binding interpretations of constitutional norms, thereby establishing precedential frameworks of legal reasoning that affect not only the legal but also the social and political landscape of a nation. In Canada, as in the United States of America, the liberalization of access to abortion has been achieved through the jurisprudence of the Supreme Courts therein. In Canada, this was accomplished under *Morgentaler*, and in the U.S., under *Roe v. Wade* (1973) decision. However, the differences in legal reasoning applied by the Justices in these cases might be the reason, putting broader socio-political contexts aside, why the precedent set in *Roe* fell, whereas the argumentative framework provided in *Morgentaler* is still in effect.

It could be argued that the removal of abortion from criminal jurisdiction and its reclassification as a purely medical procedure, without constitutional protection of the right to abortion under the Canadian Charter of Rights and Freedoms, have hindered potential challenges to the *Morgentaler* decision and the possibility of recriminalizing abortion. However, this does not imply that the reasoning employed by the Supreme Court of Canada was flawless. In fact, the legal standing in *Morgentaler* imposed specific narratives upon which the decision was based. The distinction made between negative and positive rights, which contrasted protections against state interference with the obligation to allocate funding for such procedures by placing it under the *Canada Health Act* of 1984, ultimately resulted in unequal access to abortion, often based on socio-economic status, and vague interpretative frameworks to be used by lower courts (Macfarlane 2022). This chapter aims to analyze the legal reasoning applied in the *Morgentaler* decision and its implications within the broader social context preceding and following its issuance. It seeks to evaluate if the decision's legal rationale aligned with the appellants' calls for the liberalization of abortion laws and whether it effectively ensured equal access to abortion for all, thus safeguarding women's bodily autonomy.

HISTORICAL CONTEXT

In order to gain a comprehensive understanding of the liberalization of abortion law in Canada, it is essential to scrutinize the pre-*Morgentaler* legal framework governing abortion access and evaluate the rationale behind the Justices' decision that significantly altered the said framework. Throughout much of the 19th century, Canadian abortion legislation was largely influenced by British precedents. These laws underwent a gradual tightening, initially imposing penalties for abortions performed after the "quickening" stage, marked by the first fetal movement, and later extending criminalization to all stages of pregnancy (Johnstone 2017, 54). The more centralized push for criminalization of the abortion began just after the adoption of the Constitutional Act of 1867 which placed criminal law under federal jurisdiction and allowed for the unification of laws governing the termination of pregnancy across the existing provinces (Stettner 2016, 34). Significantly, in the 19th century the primary rationale behind advocating for limitations on abortion access and its regulation under criminal law was to ensure women's safety and counter the practices of dubious abortion providers (Erdman 2017, 231). It is noteworthy that social attitudes prevailing at the time did not universally consider abortion to be immoral, which ultimately undermined the effectiveness of the imposed restrictions (Johnstone 2017, 54).

Since its enactment in 1892, the Criminal Code of Canada has served as the primary legal framework for regulating sanctions related to abortion. Prior to 1969, aiding in abortion could result in a life sentence, whereas undergoing the procedure carried a punishment of up to two years' imprisonment. Importantly, the Code prior to 1969 did not include provisions for exceptions, such as cases involving rape, incest, fetal anomalies, or threats to the life and health of women, which could have exempted individuals from criminal liability for performing abortions (Sabourin, Burnett 2012, 533). Additionally, the Code imposed restrictions on other aspects of reproductive health, including prohibiting the sale and promotion of contraceptives (Johnstone 2017, 55). The side effects of imposing such stringent laws on abortion with the purported aim of safeguarding women's health, besides the obvious infringement on their bodily autonomy, were ultimately counterproductive. In actuality, women continued to be compelled to seek assistance covertly, often resorting to back-alley procedures. Moreover, as Erdman (2017, 231) observes, "criminalization classed abortion on the terms and location of its practice, the status of its providers, and the women seeking their services". This was particularly true given that numerous physicians, throughout the 20th century, performed procedures

resulting in pregnancy termination, thereby undermining the authority of the law. This essentially meant that abortion became accessible to those with the financial means and/or social connections to pursue it (Erdman 2017, 232).

The second half of the 20th century was marked by change. In 1967, under Lester Pearson's liberal government, the Royal Commission on the Status of Women was established with the mandate to "inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the federal government to ensure equal opportunities for women in all aspects of the Canadian society" (Privy Council Office 1970, vii). A significant portion of the testimonies presented before the commission highlighted the negative impact the illegal status of abortion and contraception have on women's lives (Stettner 2016, 43). As the narrative on reproductive rights evolved, the Canadian government introduced the *Criminal Law Amendment Act* in 1969. This legislation legalized contraception and amended the Criminal Code to partially decriminalize abortion. Under the new law, abortion became permissible if performed within accredited hospitals and conducted by licensed physicians. Moreover, a Therapeutic Abortion Committee (TAC), composed of at least three physicians, was mandated to approve each procedure, ensuring that it was deemed necessary for safeguarding the life or health of the mother (Stettner 2016, 43).

The amended law proved ineffective, as its application varied across the provinces due to a lack of uniformly set standards, both regarding the procedures of establishing TACs, as well as the lack of criteria defining a threat to the life or health of the pregnant individual. TACs ultimately limited abortion access by institutionalizing the process, operating without oversight, and providing no possibility for appeal from their decisions (Erdman 2017, 233). Additionally, the Canadian government commissioned the *Report of the Committee on the Operation of the Abortion Law* in 1977, which confirmed the amended law's failure as the testimonies included in it pointed to its illusory nature (Erdman 2017, 238-239). The *Report* indicated that the revised law failed to ensure equitable access to abortion services. This was largely due to numerous hospitals choosing not to establish TACs, and the considerable average waiting period, which often extended to several weeks. Consequently, many women resorted to seeking abortion services in the United States, especially following the landmark 1973 decision in *Roe v. Wade*, which incorporated abortion into the canon of constitutionally protected rights (Ackerman and Stettner 2019, 245). Ultimately, all these criticisms levelled against TAC operations laid the groundwork for a constitutional challenge of Section 251 of the Criminal Code before the Supreme Court of Canada.

THE ROAD LEADING TO CONSTITUTIONAL CHALLENGE

The legal case of *R. v. Morgentaler* originated from a campaign of civil disobedience initiated by Dr. Henry Morgentaler and other physicians, who provided abortion services without TACs' approvals (Erdman 2017, 239). Morgentaler, renowned for his outspoken advocacy for reproductive rights and the push for legalization of abortion in Canada, started to establish clinics to offer abortion services in the late 1960s, directly challenging the existing federal law. His objective was to give cause to legal action that could potentially undermine the constitutionality of the laws criminalizing abortion. His actions sparked a legal dispute that persisted for nearly two decades, ultimately reaching the Supreme Court of Canada. However, before the case reached the highest court in the Canadian judicial system, Dr. Morgentaler had been acquitted three times by provincial courts on charges related to performing illegal abortion procedures in Quebec, where his first clinic had operated. His activism ultimately culminated in the legalization of abortion in that province, along with the assurance of partial funding for performing the procedure (Johnstone 2017, 57-61).

The principle of federalism, integral to Canada's system of government, is crucial in understanding the evolution of the right to abortion. The enactment of the Constitution Act in 1982, and the Canadian Charter of Rights and Freedoms (CCRF), notably Section 7, affirming that "everyone has the right to life, liberty, and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice", has furnished the pro-choice movement with a significant and persuasive argument for the liberalization of abortion laws. Furthermore, the actions of the Quebec government, prompted by Morgentaler's activism in the province, which sparked divergence from federal policy on abortion accessibility, have significantly influenced the public discourse surrounding the issue (Erdman 2017, 744). This demonstrates the need for uniformity and more centralized protection of certain rights, while also underscoring the significance of grassroots efforts in advocating for and fortifying these rights.

In 1984, Morgentaler, along with two other physicians, filed an appeal with the Supreme Court of Canada, contesting the Ontario Court of Appeal's verdict that had overturned Morgentaler's acquittal by a Toronto jury for performing abortion procedures without the required TACs' certificates. The appellants argued that insufficient access to legal and safe abortion jeopardizes women's health and exposes them to life-threatening situations. Furthermore, they highlighted how the prevailing abortion laws perpetuate discrimination

against economically disadvantaged women, hindering their access to safe and timely abortion services (Johnstone 2017, 61-62). Significantly, drawing from the U.S. context, the appellants advocated for interpreting the right to abortion directly from the CCRF, arguing that this would afford constitutional protection to abortion as a fundamental right. The landmark case of *R. v. Morgentaler*, decided in January 1988, marked the culmination of Dr. Henry Morgentaler's activism in the advocacy for women's bodily integrity. However, the legal reasoning employed by the Justices did not align with the appellants' argumentation, as it did not grant abortion constitutional protection; rather, it simply invalidated contested Section 251 of the Criminal Code. The unique legal reasoning employed in *Morgentaler* undeniably contributed to the establishment of one of the most liberal abortion policies globally. However, does this decision provide sufficient safeguards against potential breaches and ensure accessibility to the procedure?

R. V. MORGENTALER

In the case of *R. v. Morgentaler*, the Supreme Court of Canada was presented with several constitutional questions regarding the existing abortion laws. Importantly, the Court was to determine whether Section 251 of the Criminal Code of Canada infringed or denied the rights and freedoms guaranteed by Section 7 of the Charter of Rights and Freedoms, and if so, whether such breach of rights could be justified under Section 1 of the said Charter, stating that "the rights and freedoms set out in it [are] subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The 5-2 majority ruled that Section 251 of the Criminal Code violated Section 7 of the CCRF and did not meet the "reasonable limit" standard under Section 1. Consequently, the court struck it down as unconstitutional. Yet, the decision reached was not unanimous, as the majority diverged into three distinct lines of argumentation. This, along with the legal reasoning applied by the Justices, has contributed to doubts about both the longevity and effectiveness of this landmark decision.

The arguments presented by the Crown, serving as a respondent in this case, emphasized the state's responsibility to protect fetal life, thus justifying restrictions on abortion access and the criminalization of the procedure under federal law. The Crown argued that the existing abortion legislation aimed to

strike a balance between protecting fetal life and preserving women's rights. Moreover, it stated that limiting abortion access aimed to serve the state's interest in safeguarding the well-being and health of pregnant women, whereas potential legalization of the procedure could pose risks to their physical and mental health. Additionally, it was contended that the judiciary should exercise restraint in interfering with the legislative authority of both the federal and provincial legislatures.

Chief Justice Dickson, in his opinion, with whom Justice Lamer concurred, famously stated that "Forcing a woman, by the threat of criminal sanction, to carry a fetus to term unless she meets certain criteria unrelated to her own priorities and aspirations, is a profound interference with a woman's body and thus an infringement of security of the person". The presented argumentation highlighted a violation of Section 7 of the Charter of Rights and Freedoms, which prohibits interference with an individual's bodily integrity. The Justices argued that this provision should not be narrowly interpreted solely in terms of physical integrity but should also extend to include protection from state-imposed psychological trauma. Access to abortion under Section 251 of the Criminal Code, as they argued, imposed both physical and emotional intrusion upon bodily integrity by "Forcing a woman, by threat of criminal sanction, to carry a fetus to term unless she meets certain criteria unrelated to her own priorities and aspirations".

However, the Justices explicitly refrained from exploring further implications of Section 7, limiting their analysis to two specific aspects: "security of the person" and "the principles of fundamental justice". In doing so, they visibly signaled a departure from the interpretative approach employed by the U.S. Supreme Court Justices in *Roe v. Wade* more than a decade prior. They argued that it was too early on in the Charter's history, since it was adopted in 1982, to "attempt an all-encompassing explication" of the provision under review. As a result, the Court did not recognize the right to abortion as a constitutionally protected right but instead simply decriminalized it by striking down existing federal laws that regulated it. This implies that restricting access to the procedure could potentially be permissible in the future, provided that the limits imposed align with the principles of fundamental justice.

Justice Beetz, with whom Justice Estey concurred, and Justice Wilson, in their separate opinions, all agreed with Chief Justice regarding the case's merits. In *Morgentaler*, that primary inquiry was to scrutinize the constitutionality of Section 251 of the Criminal Code. However, the opinion presented by Justice Wilson differed as to the extent to which the provisions of Section 7 of the

CCRF should be taken under consideration. While Chief Justice Dickson and Justice Beetz agreed that abortion in this case should be placed under a narrow interpretative framework, Justice Wilson emphasized that the analysis should encompass not only the right to security of the person but also the right to liberty. In her view, the issue arising in *Morgentaler* warranted a broader interpretative approach, one that included both a procedural and substantive review of fundamental justice. The reasoning applied by Justice Wilson was unique as it adopted a feminist perspective, one highlighting the inherently gender-based discriminatory nature of any statutory framework attempting to regulate abortion (Erdman 2024, 18–19). Under her interpretation of the right to liberty, she recognized that “women’s needs and aspirations are only now being translated into protected rights”. Therefore, objectively, potential limits on their bodily integrity are bound to demonstrate embedded gender inequality, as according to Justice Wilson, men can only relate to the issue by “objectifying it, thereby eliminating the subjective elements of the female psyche, which are at the heart of the dilemma”.

Although seemingly minor, the differences voiced in these opinions not only mirrored the divisive nature of the public debate on abortion, but also affected the scope of protections the Court was willing to establish in this matter (Lessard 1991, 267). The decision reached in *Morgentaler* is characterized by considerable legal restraint, yet it paradoxically resulted in the establishment of the most liberal policy on abortion globally. However, this landmark decision tends to be misconstrued as to the reach of its constitutional protections, as it did not in fact put forward any precedent indicating that abortion is a constitutionally protected right under the Canadian Charter of Rights and Freedoms (Erdman 2024, 16).

The case of *R. v. Morgentaler* is instinctively perceived as a comprehensive guarantee against legislative attempts to recriminalize or restrict access to abortion. However, the fact that it was not unanimous and lacked precedential value undermines that conviction. After all, it was the Justices themselves who pointed out both the validity of governmental interest in protecting fetal life and the possibility of imposing statutory restrictions on abortion if done “in a manner consistent with the principles of fundamental justice”. Then what are the practical implications of this landmark decision, and does it align with the common perception that it is a cornerstone guarantee of the right to abortion?

IMPLICATIONS OF *R. V. MORGENTALER*

The subtle indications in the *Morgentaler* decision suggesting permissiveness towards reintroducing abortion legislation did not go unnoticed. In 1989, the federal government, under the leadership of Prime Minister Brian Mulroney, introduced Bill C-43 with the intention of recriminalizing abortion, except under the condition of obtaining a physician's approval, deeming the procedure necessary to save the pregnant woman's life or health. Ultimately, the bill failed in 1991, as it did not pass the Senate vote (Ackerman and Stettner 2019, 248). The reasons for its failure are thought to stem from dissatisfaction among both the pro-choice and anti-choice movements, as the proposal was deemed too restrictive for the former and insufficient for the latter, resembling closely Section 251 of the Criminal Code struck down in *Morgentaler* (Jouet 2023, 81). Since then, no government has attempted to introduce legislation to regulate the procedure, although many unsuccessful grassroots initiatives with the intention to do so were introduced (Johnstone 2017, 72).

The uniqueness of abortion in the Canadian context is rooted in the narrative evolving around it, as it was detached from religious or moral considerations in the public discourse (Johnstone 2017, 72). This state of affairs was reinforced by the 1989 decision of the Supreme Court of Canada in *Trembley v. Daigle*, which rejected the concept of fetal personhood, ultimately diminishing the array of arguments available to anti-choice groups advocating for the recriminalization of the procedure (Jouet 2023, 81). Abortion, even under Conservative governments, began to be discussed purely in neutral, scientific terms, often justified by the protection of women's rights and health as primary objectives (Johnstone 2017, 73). Similarly, Liberal governments refrained from attempts to regulate abortion, even with the aim of furthering its protection, in order to avoid possible politicization of the issue (Johnstone 2017, 78). Although since Mulroney's failed attempt to recriminalize the procedure, the federal government has avoided reopening the abortion debate and seemingly solidified the protection of women's right to choose to terminate pregnancy, the flaws of the *R. v. Morgentaler* decision have come to the forefront at the provincial level.

The classification of abortion as a medical procedure granted provinces the authority to regulate its accessibility under the designated provincial powers outlined in the Constitution Act of 1867. Therefore, after its issuance, the *Morgentaler* decision faced backlash, with the majority of provinces imposing restrictions on access to the procedure (Johnstone 2017, 81). They did

so by passing legislation that determined where abortion services could be performed (Nova Scotia), under what circumstances they could be covered by health insurance (New Brunswick, Newfoundland), or by expressing stark opposition to the *R. v. Morgentaler* decision, refusing to recognize it altogether (Prince Edward Island) (Ackerman and Stettner 2019, 247). Although the legitimacy of such restrictions has been undermined by both the provincial Supreme Courts and the Supreme Court of Canada, the tendency to signal resistance to the objectives set forth in the *Morgentaler* decision uncovered its flaws. As there was no clearly established precedent providing uniform and centralized safeguards against limiting the accessibility of abortion services, many argue that federalism, and the resulting issues with administering federal funds, effectively hinder access to abortion at the provincial level (Burningham 2019, 38–39).

In order to receive federal funding all provincial regulations regarding healthcare services must adhere to the principles of public administration, accessibility, universality, comprehensiveness, and portability outlined by the *Canada Health Act* (CHA) in 1984. Yet, many provinces fail to meet accessibility and comprehensiveness principles with regard to abortion services. Resource limitations and certain medicare coverage restrictions, particularly the exclusion of private clinic abortions from insurance, hinder access to the procedure for many Canadian women (Burningham 2019, 40). Despite the *Canada Health Act* insuring abortion services across all provinces and territories, Prince Edward Island did not provide abortion services until 2016, forcing its residents to travel off the island to access them. Similarly, up until 2014, New Brunswick required certification of medical necessity issued by two physicians and the performance of the procedure by a specialist in gynecology or obstetrics in a hospital (Canadian Minister of Health 2015, 13).

While *R. v. Morgentaler* indisputably determined the legality of abortion procedures by creating a unique legal framework around them, it still failed to effectively ensure their accessibility. Therefore, in practice, abortion services remain class-oriented, with access to the procedure contingent upon an individual's place of residence and financial circumstances. Nevertheless, as J. Burningham points out, what is instinctively perceived as the decision's biggest flaw – the lack of precedent that would create a constitutionally protected right to abortion, resulting in varying regulations across the provinces in accordance with the principle of federalism – is ultimately responsible for the decision's nearly four decades-long standing. The rights provided in the Charter of Rights and Freedoms might be swept away under the so-called

notwithstanding clause, whereas the restraints resulting from the division of powers cannot (Burningham 2019, 41). This implies that the recognition of abortion as a constitutionally protected right under the CCRF could make it easier for Parliament to overturn its protections, potentially meeting the path of *Roe v. Wade*. Yet, despite its apparent flaws, the *Morgentaler* decision still stands.

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Comparative Analysis of Abortion Service Accessibility and Reproductive Healthcare for Migrants in Poland and Canada

Abstract

Amidst the 2022 humanitarian crisis triggered by Russia's invasion of Ukraine, Poland and Canada emerged as key destinations for displaced individuals, notably women and children. This study delves into the comparative analysis of reproductive healthcare accessibility for migrants in these two countries, highlighting the stark contrasts in policy, legal frameworks, and practical challenges faced by migrant women, particularly concerning the availability of abortion services.

In Poland, stringent abortion laws, exacerbated by recent legislative changes, pose significant hurdles for migrant women seeking reproductive healthcare. Bans on abortion, except in cases of rape, incest, or life-threatening situations, lead to unsafe procedures, raising concerns about maternal mortality rates. Involvement of conservative organizations further complicates matters, infringing upon women's autonomy.

Conversely, Canada's liberal stance on abortion sharply contrasts with Poland's policies. Yet, migrant women in Canada encounter barriers such as language, lack of awareness, financial constraints, and healthcare system deficiencies. Remote areas exacerbate obstacles due to limited healthcare access and unstable employment.

This research aims to shed light on the disparities in reproductive healthcare accessibility for migrant women in Poland and Canada. The methods employed include a thorough literature review and analysis of policy documents. Key conclusions drawn from this study underscore the urgent need for policy reforms and interventions to address migrant women's divergent reproductive healthcare experiences. Suggested measures include migrant-friendly healthcare centers, multilingual resources, and financial support to ensure equitable access. Collaborative efforts among governments,

healthcare providers, and civil society are deemed essential to uphold reproductive rights and health for migrant women.

Keywords: Ukraine, Russia, Poland, Canada, war, humanitarian rights, reproductive healthcare, displaced individuals, refugees, migrants, accessibility

INTRODUCTION

Following the full-scale invasion of Ukraine by Russia in 2022, Europe found itself grappling with a daunting new crisis. Beyond exacerbating tensions in the already complex relations between the Western world and the Russian Federation, the European Union was forced to swiftly adapt to a new reality. This reality materialized in the form of millions of Ukrainians seeking refuge and asylum from the distressing experience of Russian “liberation”, finding it initially in neighboring European countries, notably Poland. Between February 2022 and March 2024, the country welcomed nearly 957,000 asylum seekers, making it one of the greatest admissions ever recorded in Poland’s history as of August 2024 (Statista 2024c). It is safe to say that in all destination countries, statistically speaking, women and children constituted a significant majority among the asylum seekers. A study conducted by the World Health Organization and Statistics Poland between April and May of 2022 revealed that women and children under 18 comprised an overwhelmingly large percentage of the total number of displaced persons entering Poland (Bequiri and Cierpiał-Wolan 2022).

A significant number of Ukrainians opted for more distant routes in pursuit of safety and stability. Canada emerged as a favored choice for many due to a plethora of factors such as cultural and diasporic ties, accessible immigration programs, and the promise of economic security. As of 28 November 2023, Canadian statistics indicated that around 210,000 individuals had successfully resettled under the new Canada-Ukraine Authorization for Emergency Travel fast-entry program (Singer 2024). Unlike in Poland, gender demographics in this context exhibited a near-even distribution between the two sexes (Statista 2024b).

The newly emerged refugee crisis instigated by Russia not only engendered economic, financial, and social complexities. As per many other similar cases in situations of crisis and international havoc, the matters of women and femininity are frequently overlooked or completely disregarded. This occurs due to

a multitude of reasons, ranging from underestimating the importance of this issue, compared to the events on the so-called “large scale”, to the lack of specific statistical data focused specifically on women (Criado-Perez 2020, 25).

To underscore the significance of investigating this topic, it is important to note that Russian forces have systematically employed sexual violence against women as a method of warfare. Numerous instances documenting gender-based violence perpetrated by Russian occupiers were also documented during Russia’s previous invasion of Syria (Dharmapuri 2023). Previous research on the topic of reproductive healthcare accessibility for war refugees specifically, however, has not adequately addressed the reproductive rights of migrant and refugee women, since its scope covers only a select amount of countries. Moreover, currently, there is a noticeable gap in scientific literature specifically addressing the reproductive rights of Ukrainian war refugees, particularly since 2022. Considering the fact that the procedure of abortion in Ukraine prior to the full-scale invasion was widely available on the entirety of the country’s territory, allowing women to exercise their reproductive rights on request during the first twelve weeks of pregnancy, Ukrainian women who have suffered sexual violence from the Russian occupiers have faced serious setbacks abroad when it came to the matters of pregnancy termination. The situation regarding the inadequate access to reproductive healthcare – specifically access to both non-surgical and surgical abortion – for refugee and migrant women, particularly in Poland and to a lesser extent in Canada, reflects a similar pattern of oversight. Despite positive developments in immigration legislation and the provision of opportunities for asylum seekers, the problem of inadequate attention to female healthcare persists. Consequently, this paper aims to undertake a comparative analysis, highlighting the shortcomings in the current state of reproductive healthcare accessibility in both Poland and Canada.

THE LEGAL STATUS OF ABORTION IN POLAND

Inside the European Union Poland is notoriously known for its stringent stance on female reproductive healthcare. With Law and Justice becoming the ruling political force in Poland, one of the most limiting laws on abortion in the EU were implemented with the support of the party’s satellite organizations and the Catholic Church. On January 27, 2021, the ruling of the Constitutional

Tribunal entered into force, stating the procedure was legal in only three specific instances: pregnancies resulting from rape or incest, serious risk to a woman's health, and an overall threat to a woman's life. Fetal impairment along with economic and social reasons for which the woman might not be able to secure a safe and healthy environment for the child were not considered as adequate reasons to obtain an abortion ("Poland: Regression on Abortion Access" 2022). Moreover, under the current law, any third party – doctors or activists, or anyone assisting in persuading, inciting, or forcing a woman to facilitate abortion may be subject to a criminal case being opened against them.

It is fair to mention that recently the Polish law allowed purchasing and using over-the-counter emergency contraception methods. Prime Minister Donald Tusk emphasized, that this is not a measure to terminate pregnancy: "It is a method that prevents fertilization. So it's not an abortion pill, it's just a pill to prevent you from getting pregnant." (The Chancellery of the Prime Minister 2024).

Since the ascension of the right-wing Law and Justice party to power in 2015, Polish abortion laws have been increasingly inclined towards limiting female reproductive freedom. Addressing historical records, it is worth noting that in 2016 Law and Justice and namely ex-prime minister Beata Szydło were in favor of a bill proposing a total abortion ban ("Polish Prime Minister Favours Total Ban"). The parliament, however, was forced to reject the aforementioned bill due to a powerful surge of widespread public demonstrations ("Poland's Parliament Rejects Near-Total Ban"). Private lobbying organizations, exemplified by *Ordo Iuris* – an ultra-conservative Polish Catholic legal organization and think tank, have notably engaged in vigorous advocacy efforts aimed at influencing policy decisions in Poland, particularly those pertaining to women's reproductive rights. In September 2021, a significant legislative initiative, known as the "Stop Abortion" bill, was proposed with the overarching objective of rendering abortion illegal at any stage of pregnancy, equating it with homicide. This proposed legislation, if enacted, would impose stringent legal consequences on women, including imprisonment for up to 25 years for any attempt to terminate their pregnancies. Notably, the proposed bill did not provide exemptions based on the specific circumstances and conditions prompting women to seek an abortion ("Poland Debates Prison Terms for Abortion" 2021).

The aforementioned discourse naturally raises a question: does the imposition of a legal prohibition on abortion in Poland demonstrably result in a reduction in the incidence of such procedures? Do women refrain from exer-

cising what should ideally be recognized as their reproductive autonomy? The answer to this complex inquiry is negative. Empirical evidence indicates that despite the implementation of restrictive legislative measures, the demand for abortion services persists. Citing statistical data, it is evident that the number of officially documented abortion procedures in the country has witnessed a marked decline. More precisely, the recorded cases plummeted from 1076 instances in 2020 to a mere 161 cases in 2022 after the enforcement of the ban (Statista 2023). However, it is important to acknowledge that the published figures only represent the abortions that have been officially recorded. Aborcyjny Dream Team, a non-governmental organization assisting women in Poland in obtaining an abortion, reports 34,000 non-surgical abortions in 2021 alone, confirming that most of the cases are not properly displayed in governmental statistics (Chrzczonowicz 2021).

The enforcement of strict governmental measures is likely to push more women towards clandestine and potentially hazardous procedures, conducted outside of regulated healthcare settings, posing serious health risks. It is worth noting that the World Health Organization has named unsafe abortion to be the leading cause of death for pregnant women. An estimated 47,000 women die annually from complications resulting from the resort to unsafe practices for termination of pregnancy (“Unsafe Abortion is Still Killing Tens of Thousands Women” 2016).

Additionally, there is growing concern about the rise of abortion tourism, where individuals seek abortion services in neighboring countries with more liberal regulations. This trend is expected to gain traction as people seek alternatives due to legal constraints in their own country (Lauder 2021).

Despite Poland’s status as a developed state, the findings from the Guttmacher Institute, a prominent research and policy organization dedicated to sexual and reproductive health, underscore a concerning trend. Their report reveals that in nations where abortion is severely restricted, there is a notable increase in the incidence of unintended pregnancies and unsafe abortions. This stands in stark contrast to countries where abortion is legal and readily accessible (Cohen 2009).

It is known that at least seven cases of avoidable deaths of pregnant women have occurred in Poland since 2020 due to inadequate provision of reproductive healthcare. In these instances, medical professionals often refrained from performing life-saving abortions due to concerns about violating the country’s stringent regulations. These events underscore the critical need for safe access to proper surgical abortions in Poland. Ensuring that women have access to

necessary reproductive healthcare services, including the option of abortion in case of fetal impairment, is paramount for safeguarding maternal health and preventing avoidable loss of life. Addressing these shortcomings in the healthcare system is essential to uphold reproductive rights and promote the well-being of women in Poland regardless of their status in the country.

HOW LEGAL FORMALITIES AFFECT MIGRANTS

As previously shown, the majority of asylum seekers are women and children, which is mostly due to legal constraints imposed by Ukraine. The exigencies of forced displacement often precipitate urgent medical needs among displaced persons. Moreover, a substantial proportion of female newcomers seek medical assistance as a consequence of the war crimes perpetrated by Russian invaders (“Ukraine: Rape and Torture by Russian Forces” 2023). However, even amidst such pressing circumstances necessitating immediate attention, the rigidity of Polish law persists.

Given this situation, it is logical to ask: what concrete impact does this legislative decision have on Ukrainian migrants who have suffered from sexual violence? Formally, Polish law permits women to exercise their right to abortion in cases where the pregnancy originates from a crime such as rape or incest. However, a myriad of underlying challenges renders it practically unfeasible for asylum seekers to substantiate their eligibility for the procedure, with the primary obstacle being the timeframe. According to the law, women have a window of 12 weeks from the start of pregnancy for abortion to be considered acceptable (Adams 2022). When considering the practical realities of escaping from a country afflicted by war, it becomes evident that individuals typically endure extended periods of waiting, spanning from weeks to months, until conditions are deemed sufficiently safe to proceed with evacuation and depart from the affected region.

The most egregious aspect is that obtaining “permission” for this procedure entails navigating a series of complex bureaucratic procedures. This process can be humiliating, frightening, and distressing, especially considering that the environment of a foreign country, despite its hospitality, remains unfamiliar. The initial step toward accessing this crucial procedure involves gathering evidence of the crime and securing a letter from a public prosecutor. However, the notion that anyone, whether Polish or Ukrainian, could file a criminal

complaint and secure a conviction within a timeframe that allows them to access an abortion is unrealistic. Certain Polish prosecutors are notorious for exhibiting procrastination in handling such cases, thereby making it nearly impossible to obtain all the requisite documents in time (European Court of Human Rights 2013). It is unreasonable to expect victims of violence to suffer further distress due to excessive bureaucracy.

Moreover, the rigidity of conservative attitudes toward female reproductive freedom and health extends beyond this point. The aforementioned organization, Ordo Iuris, has conducted audits on hospitals to verify whether abortion services were being provided to Ukrainian refugee women: “In a letter obtained by Wirtualna Polska [Polish news portal], Ordo Iuris wrote to a hospital asking for information on how many abortions it carried out between 1 February and 11 May due to the pregnancy resulting from a criminal act; how many of those were for Polish or foreign citizens; and whether the required prosecutor’s opinion was provided” (Tilles 2022). Despite the persistent criticism that the ultra-conservative group has faced throughout the years, the organization affirmed its commitment to continue its monitoring endeavors (Lewandowska 2022).

Efforts are underway from various quarters to address this issue. Women on Web, an information support service offering assistance to women seeking to terminate their pregnancy, has partnered with a recently established organization called “Martynka.” This group operates a hotline specifically designed to aid Ukrainian newcomer women, particularly in navigating sensitive matters such as providing evidence of being victims of crimes committed by Russian occupants. Since the beginning of the full-scale invasion, the group has observed an increase in the number of cases specifically related to terminated unwanted pregnancies, which stemmed from gender-based violence: “... we [Martynka] provide information for women who write to the hotline about how to get the pill they need safely and free of charge” (Podorozhnya 2023). There are also other Polish organizations that have undertaken the challenging task of providing support for Ukrainian women. FEDERA (Foundation for Women and Family Planning) is also among the active foundations which share a similar plan of action with Martynka. Their efforts concentrate on offering accessible information to pregnant women in need (Vikhrov 2022).

As previously articulated, the profoundly restrictive Polish abortion laws, especially compared to their quite liberal Ukrainian counterpart, have not only infringed upon the rights of its own citizens but have also encroached upon the liberties of vulnerable women fleeing the conflict in Ukraine.

LEGAL STATUS OF ABORTION IN CANADA

Canada has adopted a notably liberal stance in its approach to regulating abortion, characterized by the absence of active federal legislation governing this facet of female reproductive health. This legal landscape was solidified by the landmark Supreme Court case *R v. Morgentaler* in 1988, which ruled that any legislation pertaining to abortion would contravene Section 7 of the Canadian Charter of Rights and Freedoms, safeguarding the life, liberty, and security of individuals. Consequently, the imposition of an abortion law was deemed unconstitutional (Supreme Court of Canada 1988).

Abortion procedures in Canada are administered through both medical and surgical means, depending on the stage of the pregnancy and the specific province or territory in which medical care is sought. There are, however, reasonable limitations. Despite the procedure being legal and conducted upon request all throughout the 40 presumed weeks of pregnancy, it is rare for an abortion to be performed after 20 weeks but may be sought due to life-threatening conditions. Abortion care for a pregnancy beyond 23 weeks and 6 days is unavailable due to the lack of providers offering such a complex procedure (“Access at a Glance: Abortion Services In Canada” 2019). Moreover, provincial and territorial health regulations are also imposed, allowing local governments and professionals to restrict the procedure on various grounds and gestational limits.

In some territories, access to abortion is supported by additional laws, allowing for the safety and confidentiality of patients. The Canadian province of British Columbia passed the *Access to Abortion Services Act*. This Act protects access to abortion by limiting the ability of third parties to conduct demonstrations outside of abortion clinics, doctors’ offices, and doctors’ homes. The law creates “access zones” around facilities providing abortion services, which excludes chances of sidewalk counselling and physical or mental intimidation interfering with patients’ safe access to the clinics. The regulations differ with doctor’s offices being restricted to coming within 10 meters, hospitals or clinics – up to 50 meters, and 160 meters for a doctor’s home (Legislative Assembly of British Columbia 2001).

Even though there is no legal ban on abortion, healthcare providers in some provinces can refuse to conduct the necessary procedure. For example, in Alberta physicians and nurse practitioners can refuse to provide abortion care due to their personal beliefs under current legislation and policies set by regulatory bodies. This practice is often referred to as “conscientious objection”, although a more accurate term may be “belief-based care denial” (“Alberta” 2024).

ABORTION ACCESS TO REFUGEES AND MIGRANTS IN CANADA

Canada has provided Ukrainian migrants with one of the most readily available options for seeking shelter. Its Canada-Ukraine Authorization for Emergency Travel program facilitated the distribution of nearly one million fast-entry visas, with around 210,000 applicants proceeding to enter Canada since March 2022 and up to November 2023 (Singer 2024).

Meanwhile, Canadian authorities have been actively engaged in on-the-ground efforts in Ukraine, extending assistance to Ukrainian officials in addressing issues pertaining to women who have endured gender-based violence at the hands of the invaders. Notably, Canada has dispatched rape kits to Ukraine, aiding law enforcement agencies in compiling evidence against Russian troops accused of perpetrating sexual assaults against women and girls. These efforts form part of broader initiatives aimed at mitigating the impact of gender-based violence stemming from the ongoing conflict. The former National Defense Minister of Canada, Harjit Sajjan, underscored that the provision of these rape kits was prompted by a specific request from the war-torn country, emphasizing the pivotal role in facilitating forensic medical examinations for sexual assault survivors (Woolf 2022).

Furthermore, Canada has been collaborating with European governments to ensure that Ukrainian female refugees have access to comprehensive reproductive healthcare services, tailored to their individual needs. Acknowledging the restrictive abortion laws in certain European countries, particularly Poland, Sajjan instructed Canadian officials in Ukraine and neighboring nations to prioritize assistance for women who have been sexually assaulted by Russian troops, including facilitating access to abortions if desired. Noting the legal landscape in Poland, where abortion was largely outlawed in 2021, Sajjan expressed apprehension and affirmed Canada's commitment to supporting these women. He indicated that efforts were underway to explore avenues for assisting pregnant sexual assault survivors who had fled Ukraine by potentially enabling their travel to other European countries where they could access the requisite treatment and services. Reflecting on this, Sajjan asserted in an interview with The Canadian Press, "We are very mindful of some of the laws in other European countries, especially Poland, so right now the department is working through our partners and figuring out how we can support these women. We will make sure that, if we have to, we will even get them to another country where they can actually get the support" (Woolf 2022).

While abortion procedures in Canada are purportedly accessible, refugee and migrant women encounter various obstacles when seeking these services. One notable challenge is the language barrier, as many women may struggle to access reproductive healthcare information and services in their native language upon arrival. While this might not apply as widely to women entering under CUAET, since many healthcare service providers have information available in Ukrainian, migrants and refugees from Latin America often face this issue (Ibrahim 2022).

Another notable concern is the inadequate geographical distribution of abortion service centers across the country. Ontario, which serves as a primary destination for migrants, only offers four rural points of service for abortion care. The situation is particularly dire in Northern territories like Nunavut, where there is a glaring lack of reproductive healthcare facilities, specializing on procedural abortion (“Access at a Glance: Abortion Services in Canada” 2019). When it comes to crisis centers, Nunavut and Northern Territories entirely lack them, leaving women in urgent need of healthcare without access to immediate assistance or requiring extensive travel to obtain essential care (“Access at a Glance: Abortion Services in Canada” 2019).

Alberta is the number one province in Canada with the largest Ukrainian diaspora and was recorded second most popular province by intent of resettlement by Ukrainians fleeing after the beginning of the full-scale invasion (“Pre-arrival Survey Report” 2023). Considering this, the province has 9 points of service for reproductive healthcare per approximately 1,000,000 women of reproductive age (“Alberta” 2024). Only four of those points of service offer abortion up to 20 weeks. Although CUAET is a fast-track entry program, some newcomers still might face time constraints if taken into account the time needed for relocation from Ukraine, entry into Canada, and proper settlement.

CONCLUSION

In conclusion, the full-scale invasion of Ukraine by Russia in 2022 precipitated a multifaceted crisis in Europe, prompting a significant number of Ukrainian refugees to seek sanctuary in neighboring countries, notably Poland. Amidst this crisis, Canada also emerged as a preferred destination for some refugees. Despite the economic, financial, and social complexities engendered by the

refugee crisis, issues pertaining to women and femininity have often been marginalized or overlooked. This oversight stems from various factors, including the prioritization of broader geopolitical events and a lack of specific statistical data focused directly on women.

The juxtaposition of abortion policies and practices between Poland and Canada underscores the profound impact of legislative frameworks on women's reproductive rights and access to healthcare. The controversy surrounding Poland's near-total ban on abortion highlights significant setbacks in human rights within the country, exacerbated by a deficient and inadequate response from the European Union. While the European Parliament has condemned Poland's restrictive abortion laws, these resolutions lack the legal force to induce any changes. Consequently, Poland's infringement against abortion access as a fundamental human right remains largely unaddressed, with detrimental effects extending to the lives of Ukrainian asylum seekers. The negative impact of Poland's abortion laws is evident, particularly in its adverse effects on women's health and rights. Women affected by these laws are compelled to seek assistance from organizations beyond Poland's borders, emphasizing the need for effective and timely resolutions.

Canada, with its ostensibly liberal approach to abortion, faces its own challenges, including the creation of barriers that disadvantage vulnerable women. The inequities in access to reproductive healthcare, compounded by language barriers and geographical limitations, highlight the pressing need for comprehensive and inclusive healthcare policies that prioritize the rights and well-being of all individuals, irrespective of their immigration status or geographic location. To address these problems, concerted efforts are necessary, including the establishment of more rural healthcare centers for women and the provision of medical protection for migrants and refugees.

A universal recommendation emerges from these observations: streamlining bureaucratic processes to reduce barriers to accessing essential healthcare services. In the long run, societal pressure and responses, along with potential EU sanctions (in case abortion in Poland is declared to be within the jurisdiction of the EU), may contribute to addressing the systemic issues underlying reproductive rights violations.

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Health Equity and Birth: The Accessibility of Indigenous Midwifery and Birth Workers in Canadian Healthcare

Abstract

This chapter examines the intersections of health equity, birthing, and Indigeneity in present-day Canada, outlining the current state of midwifery healthcare policy, with a specific focus on policies and measures intended to increase Indigenous self-determination in relation to childbirth. At the same time, it presents a decolonial approach to midwifery and doula practices as a means to address and counteract systemic discrimination against Indigenous women and gender diverse individuals within healthcare systems. A postcolonial lens is employed to highlight prospective initiatives aimed at reviving Indigenous birthing traditions and regaining authority over reproductive health. This chapter also highlights policy reforms and healthcare practices that prioritize Indigenous sovereignty and self-determination, as well as increased governmental support for Indigenous midwives and doulas.

Keywords: Indigenous healthcare, birthing, midwifery, reproductive rights, cultural safety, Canada, decolonization, self-determination

INTRODUCTION

In recent decades, Canada has made substantial progress in attaining gender equality. The development has been expedited by legislative measures, policy frameworks, and social movements, which have contributed to advancements in various spheres of life, including healthcare. However, achieving genuine gender equity is a complex and arduous journey, particularly when considering

the intersectionality¹ of gender with other aspects of identity, such as socioeconomic status, race, ethnicity, and – in a ‘post-colonial’ context – Indigeneity. Hence, an intersectional lens is essential for comprehending and addressing the enduring health disparities faced by Indigenous peoples in Canada, particularly concerning childbirth and maternity care.

First Nations, Métis, and Inuit in Canada have historically faced a multitude of oppressive policies, the cumulative effect of which has been land dispossession, the erosion of their cultural practices and traditions, and the deterioration of health. These historical and systemic injustices, multifaceted disparities in accessing high-quality maternity care, and experiences of discrimination have had enduring impacts on Indigenous health outcomes, including disproportionately high rates of preterm birth, maternal and infant mortality, as well as cases of SUDI, meaning sudden unexpected death of an infant (“Birth Outcomes Among First Nations” 2017).

Extensive research has been conducted on the instances and experiences of discrimination and mistreatment faced by Indigenous people within health-care systems. Smylie et al. (2016) demonstrate how historical traumas, such as the legacy of residential schools and 20th century forced sterilizations, continue to impede Indigenous women’s access to high-quality healthcare, resulting in increased rates of maternal mortality and adverse birth outcomes. A Métis senator Yvonne Boyer (2022) has brought attention, through her work and advocacy, to the current problem of coerced sterilization practices, bringing the cause of criminalization of such violations in front of the Senate, and has emphasized the reasons behind the widespread distrust towards healthcare workers among Indigenous women and gender diverse individuals. An additional, significant threat to Indigenous maternal and infant health is the pattern of forced travel for birth among those residing in remote areas, on reserves and the far north. This matter has been thoroughly investigated and documented, notably by a Lac Seul First Nation member, Karen Lawford et al. (2018). Undoubtedly, in such an adversarial setting, giving birth in a hospital as an Indigenous person can be a distressing, even traumatic, experience.

Furthermore, researchers have emphasized the significance of prioritizing Indigenous perspectives and knowledge systems while attempting to address health disparities. McCarney (2019) advocates for a decolonizing approach

¹ Intersectionality, a term coined by Kimberlé Crenshaw, is a framework for understanding how multiple social identities (such as race, gender, class, sexuality, etc) intersect and interact to create unique experiences of oppression and privilege (Crenshaw 1991).

to maternity care that acknowledges and respects Indigenous birthing traditions², while emphasizing the role of Indigenous midwives as cultural intermediaries within those settler hospital spaces. Kildea et al. (2016) underscores the efficacy of culturally safe maternity care models in improving outcomes for Indigenous Australian mothers and infants by integrating Indigenous knowledge and practices into mainstream healthcare settings. In addition to documenting disparities in health outcomes, scholars have also pinpointed effective programs and approaches for advancing health equity at birth within Indigenous communities. According to Smylie et al. (2016), there is a correlation between higher levels of community involvement and leadership in the design processes of birth-related programs and better outcomes. They emphasize the importance of community-led approaches that prioritize Indigenous self-determination. Moreover, various studies have proven the beneficial effects of Indigenous midwifery programs and birthing centers in revitalizing Indigenous birthing practices and traditions and empowering Indigenous women to reclaim control over their reproductive health (Cidro et al. 2018; Van Wagner et al. 2007). Given these considerations, it is evident that a critical examination of the existing laws that govern Indigenous midwifery and doula care is essential to understanding and advancing Indigenous reproductive rights and autonomy in what is now known as Canada.

INDIGENOUS SELF-DETERMINATION IN HEALTHCARE IN CANADA

The Canadian healthcare system is largely recognized as very effective and efficient, especially when compared to the United States. Nevertheless, the seemingly simple phrase “universal healthcare” conceals a complex landscape of overlapping jurisdictions, especially in the context of health services for First Nations, Inuit, and Métis. In Canada, healthcare administration and

² Traditions and customs related to birth vary significantly between different First Nations or Inuit groups. An example of a common practice, which has been frowned upon by white hospital staff, and essentially completely banned as ‘unhygienic’ and ‘uncivilized’ is the practice of hanging the placenta on a tree, or placing it on a stone in a forest, leaving it for an animal to eat. Whichever animal would consume it, would be forever connected as a guardian to the child who was sustained by this very placenta (O’Driscoll et al., 2011, 26). Birthing traditions should be broadly understood as, among others, the possibility of incorporating various plant-based healing practices (i.e., the use of cedar, sage, sweetgrass, etc.), having family members participate in the birth, and keeping the placenta.

service provision are mostly within the authority of provincial governments. The federal government, however, is responsible for providing healthcare to Indigenous peoples in Canada due to historical agreements and legal obligations between the British Crown and Indigenous nations, which were subsequently transferred to the Canadian government. This relationship has been governed over the years by a series of documents that form the foundation of Canada's status as a sovereign state. These include Section 91(24) of *Canada's Constitutional Act* of 1867, which grants the federal government authority over "Indians and lands reserved for Indians"; *The Indian Act* of 1876, designed to exert control over and assimilate Indigenous peoples, regulates their lives, governance, lands, and identities; and the Section 35 of *The Constitution Act* of 1982, which reaffirmed existing Indigenous and treaty rights, including the right to self-governance and – although not explicitly – the right to healthcare.

Over the past few decades, there has been a concerted effort to enhance Indigenous self-governance and Indigenous authority over healthcare. This has included the establishment of Indigenous-led health organizations and the implementation of collaborative approaches that respect Indigenous rights and self-determination. At the federal level, two notable advancements in Indigenous self-governance were the implementation of the *Indian Health Policy* in 1979 and the adoption of the *Health Transfer Policy* in 1988³. In addition, various systemic solutions have been implemented at the provincial level, specifically in Quebec (the *James Bay and Northern Quebec Agreement* of 1975 established a co-financing model for Nunavik Inuit and Cree health care in James Bay), in Saskatchewan (with the Athabasca Health Authority and the Northern Inter-Tribal Health Authority leading the way), and in British Columbia (where the First Nations Health Authority, the only Indigenous province-wide health organization in Canada, operates). Within the realm of perinatal care, some provinces and territories (Manitoba, Ontario, Quebec, Prince Edward Island, Yukon, and Nunavut) recognize the special status of Indigenous midwives and exempt them from certain requirements outlined in the professional code (Turcotte 2019).

The organization of healthcare for Indigenous peoples is constantly evolving, though often in response to a tragic event, as was the case of *Jordan's*

³ Both policies are a part of the Canadian Indian Health Transfer Policy, which allows each First Nation to take control of their health services. Communities can choose to enter transfer discussions with Health Canada and assume health program responsibilities at their own pace and to the chosen extent (Lemchuk-Favel 1999).

*Principle*⁴ and *Joyce's Principle*. In late September 2020, Joyce Echaquan, a 37-year-old Indigenous mother of seven from the Atikamekw community, passed away in Joliette, Quebec. A video she had posted on her Facebook shortly before her death gained widespread attention across Canada. In the background, nurses can be heard uttering racist remarks at Echaquan, subjecting her to psychological abuse. A subsequent investigation revealed that Joyce died without receiving adequate medical attention due to the discriminatory prejudice of hospital employees ("Joyce Echaquan: Racism Played Role in Death" 2021). In response, the Atikamekw Nation proposed what is known as *Joyce's Principle* in an effort to guarantee equal and non-discriminatory access to health and social services for Indigenous peoples. It also emphasizes and expresses the right to the best possible physical, mental, emotional and spiritual health. In January 2021, the Canadian government pledged to develop new health legislation based on *Joyce's Principle*. Subsequently, three consultation meetings named National Dialogues on Anti-Indigenous Racism in Health Care Systems have been held with representatives from the federal government, provinces and territories, Indigenous nations, and healthcare professionals. As a result, in the 2021 budget, the federal government has allocated 126.7 million CAD to be distributed over a span of three years to support programs that combat racism and discrimination against Indigenous people in the healthcare system. In addition, a portion of these funds is to be allocated to facilitate the involvement of Indigenous leaders and partners in regional consultations on evaluation programs and practices of the Department of Indigenous Services Canada (Government of Canada 2021). As the above examples demonstrate, the establishment of laws governing healthcare for Indigenous people in Canada is reactive rather than preventive.

⁴ Jordan's Principle is a policy that ensures that First Nations children have equitable access to all government-funded public services, without delays or denials due to jurisdictional disputes between different levels of government. It was named in memory of Jordan River Anderson (Norway House Cree Nation), a child who tragically died in hospital after being caught up in a jurisdictional dispute between the federal and provincial governments over payment for his care.

INDIGENOUS MIDWIFERY IN CANADA

Midwifery falls under the authority of a complex network of jurisdictions that collectively shape the landscape of healthcare for Indigenous peoples in Canada. All midwives engaged in practice must be registered with a college or council (attaining the status of Registered Midwife) and are subject to the jurisdiction of specific institutions that issue licenses (“Restoring Midwifery and Birth: Workbook” 2023, 25). However, two exceptions exist. In the province of Ontario, all Indigenous midwives are exempt from the requirement to register with a local college under the provincial *Midwifery Act* of 1991. Instead, they receive the professional title of Aboriginal Midwife and must adhere to the guidelines established by their communities or nations. In contrast, Inuit midwives in Quebec have the option of pursuing a different educational pathway. Rather than enrolling in provincially recognized programs, they can attend institutions in Nunavik, where there is no requirement to be fluent in French (“Bringing Birth Back: Aboriginal Midwifery Toolkit” 2014, 37-38). This arrangement allows them to acquire traditional midwifery methods from Inuit elders.

The Canadian Association of Midwives (CAM) defines a midwife as a healthcare worker providing comprehensive support to patients during the perinatal period, offering 24/7 availability, antenatal care, labor support in the location of patient’s own choosing, postnatal care (up to six weeks postpartum), and guidance to help patients make informed decisions (“Discover Midwifery Across Canada” 2023). CAM also affirms its support of the right to abortion and employs midwives who provide abortion services as well as post-abortion care (“Position Statement on Midwives’ Provision of Abortion” 2022, 1). One of the most fundamental principles of CAM’s work and philosophy is inclusiveness and the prevention of discrimination. CAM’s policy explicitly declares adherence to various recommendations, such as those put forth by the Truth and Reconciliation Commission, the National Inquiry into the Missing and Murdered Indigenous Women and Girls, the *United Nations Declaration on the Rights of Indigenous People*, *Jordan’s Principle*, and *Joyce’s Principle* (“Position Statement on Combatting Anti-Indigenous Racism” 2021, 1). These, in short, advocate for the recognition and implementation of Indigenous rights, improved healthcare access, the protection of women and girls, and addressing systemic discrimination to foster a more inclusive and respectful society.

The National Council of Indigenous Midwives (NCIM) is an internal organization within CAM that is of particular relevance to this work. It serves as a platform for bringing together Indigenous midwives from across the country.

Importantly, NCIM does not have the regulatory status enjoyed by midwifery colleges and councils. Instead, it operates as a so-called interest group or advocacy organization. NCIM recognizes Indigenous midwifery care as

“(...) a pathway that supports the regeneration of strong Indigenous families by bringing birth closer to home—by restoring the emphasis on birth as normal, rather than approaching it as an illness in need of treatment. Indigenous midwifery honors Indigenous peoples, languages, oral cultures, and traditions. Indigenous midwives uphold birth as a deeply profound and sacred event. Indigenous midwives play a key role in building healthy and safe Indigenous communities, in rural and urban areas.” (“What is an Indigenous Midwife?” 2019)

Moreover, Carol Couchie (Nipissing First Nation), a founding member of NCIM and the first Indigenous person to become a registered midwife in Ontario, says that midwives’ roles extend beyond simply delivering babies: “We are not just about catching babies. We are nutrition. We are breastfeeding. We are safety in remote areas. We are insurance for our young families”, positioning Indigenous midwives in Canada as guardians of their communities (“What is an Indigenous Midwife?” 2019).

The Canadian Midwifery Regulators Council (CMRC) serves as the governing body for midwifery in Canada. It is comprised of various provincial and territorial regulatory bodies that form a comprehensive network. CMRC is responsible for establishing national guidelines for the quality of midwifery services, promoting of the professional development of midwives, and administering the national professional assessment, the Canadian Midwifery Registration Examination. The primary objective guiding the CMRC’s activities is to ensure “equitable and dignified access for all to great quality midwifery services in the areas of sexual, reproductive and newborn health.” (About CAM 2024) Relevant in this context is the recommendation by the federal Public Health Agency of Canada that hospitals and birthing centers “support traditional birthing customs and cultural practices.” The recommendation is viewed as an attempt to enforce Article 24(1) of the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (Hayward and Cidro 2021, 216), which recognizes the right to inclusion of traditional healing practices and the right to healthcare free from discrimination.

Generally, the responsibility for funding midwifery falls under the jurisdiction of the provinces. Consequently, the earning conditions in this profession can vary considerably depending on the location. Noteworthy, however, is federal funding for Indigenous midwifery. In 2017, the Minister of Health

announced new measures to provide financial support for midwifery services among First Nations and Inuit. These initiatives involve a total funding of 6 million CAD, distributed over five years (or 1,2 million CAD annually, which was about 0.000484% of the annual healthcare budget of 248 billion CAD). The funds were to be allocated for the purpose of developing and supporting culturally safe maternity services in these communities. Furthermore, according to the 2017 data, Health Canada provides an annual funding of 25 million CAD to support Indigenous maternal and child health programs, as well as 4.9 million CAD to enhance the representation of Indigenous workers in healthcare, specifically in the field of obstetrics (Government of Canada 2017). In 2022, the federal government's Indigenous Services Canada department announced a contribution of 225,000 CAD to support midwifery and doula projects operated by First Nations in the Atlantic Provinces. The program benefits several First Nations, including Abeqweit, Natoaganeg, Elsipogtog, Eskasoni, Woodstock, Metepenagiag, and the Innu Round Table Secretariat (which represents three Innu nations – the Mushuau Innu, Sheshatshiu Innu, and Innu). Meanwhile, the 2021 federal budget set aside 33.3 million CAD, distributed over the period of three years, to enhance the availability of culturally safe⁵ services for Indigenous women. Ultimately, the funds will be used in part towards the development of Indigenous midwifery organizations and collectives for doulas, as well as other grassroots organizations led by Indigenous women (Government of Canada 2022). Concurrently, the Canadian government has also allocated 2.25 million CAD to subsidize the Saskatchewan Indian Institute of Technologies, specifically the Indigenous practical nursing diploma program, as well as 350,000 CAD to build a birthing center on the Sturgeon Lake First Nation (Government of Canada 2022b). These amounts, while significant for targeted initiatives, are very limited in scope and geographical reach. In addition, financial assistance is being provided to First Nations parents who wish to use the services of Indigenous doulas. For instance, in British Columbia, the provincial government, in partnership with the First Nations Health Authority, has established the Doulas for Aboriginal Families Grant Program, which provides grants to eligible families, with a maximum of 1,200 CAD per pregnancy. Since its launch in 2013, the program has provided

⁵ Cultural safety is an approach in healthcare that emphasizes creating an environment that is safe for all patients, where there is no denial of their identity and where their cultural needs and practices are respected and valued. It involves recognizing and addressing power imbalances, biases, and systemic inequalities to ensure respectful and equitable care for all, particularly for marginalized and Indigenous populations (Ramsden 2015, 6).

financial support for doula services to over 1,300 pregnancies and employed more than 200 doulas (“Doulas for Aboriginal Families: Grant Program” 2024).

Nevertheless, midwifery in Canada continues to be in its early stages of development, with a relatively limited number of 2,117 practitioners nationwide and only 177 Indigenous midwives. This can be largely attributed to a prolonged absence of legislation regulating the profession and the history of provincial policies toward midwifery, which was illegal or severely limited in most provinces throughout the 19th and 20th century. It was not until the 1980s and 90s when due to activism and as a response to the limited accessibility of doctors in certain areas that midwifery started becoming legal again throughout the Canadian provinces (Relyea 1992, 160).

Table 1. Number of registered Canadian midwives in provinces and territories, Canada 2022

Administrative unit	Number of midwives	Percentage of births from the region received by a midwife and number of total births
Alberta	160	10,6% out of 50 361
British Columbia	320	25,3% out of 44 540
Manitoba	69	8,8% out of 14 479
New Brunswick	7	1,5% out of 6 429
Newfoundland and Labrador	6	1,4% out of 3 860
Northwest Territories	25	2,5% out of 558
Nova Scotia	16	5% out of 7 038
Nunavut	26	0,4% out of 813
Ontario	1 031	20% out of 141 298
Prince Edward Island	0 ⁶	0% out of 1 475
Quebec	264	4,3% out of 85 584
Saskatchewan	16	3% out of 14 423
Yukon	Program temporarily suspended ⁷	0% out of 451

⁶ The Prince Edward Island Midwives Association is a recently established organization. On November 11, 2022, the association announced the opening of the province’s five midwife positions in Health PEI, Charlottetown, marking the province’s first-ever midwife employment (Prince Edward Island Midwives Association 2022).

⁷ A recently implemented program offering maternity services to Yukon residents was compelled to halt its operations shortly after its launch due to a shortage of personnel. Maternity care was temporarily outsourced to Solstice Maternity, a group of family physicians who are dedicated to providing maternity care (“Solstice Maternity...” 2023).

Administrative unit	Number of midwives	Percentage of births from the region received by a midwife and number of total births
First Nations, Métis and Inuit	177	No data available

Source: The table was constructed by the author based on the data from the Discover Midwifery Across Canada (2023b).

Canada's administrative structure assigns the responsibility of regulating midwifery to each province within its jurisdiction. The number of midwives per province or territory appears to be correlated with the population of the region, with the highest number of midwives practicing in Ontario, British Columbia, and Quebec. However, the growing demand for such services is posing a challenge, since many locations suffer from a shortage of an adequate number of midwives. Occasionally, women in dire need of assistance may feel compelled to take the risk of engaging unlicensed midwives and paying for their services out of their own pockets ("Midwife Shortage Spurs Safety Fears" 2010), or even opting for home births without anyone's aid (Desmarais 2021). It should be noted that these figures are not comprehensive, as they do not include the operation of a relatively unregulated profession, that of the doula.

Although the terms "midwife" and "doula" are occasionally used interchangeably, they are distinct professions in the Canadian context. The primary distinction between the two is the level of education required. While midwifery is a highly regulated profession, requiring medical education, successful completion of relevant examinations, and acquisition of a license; a doula, on the other hand, is not a healthcare worker, but rather a birth attendant or a supporter who is not legally required to have any formal training. A doula's primary role is to offer assistance to pregnant people and their families. This encompasses providing emotional, physical, and spiritual support throughout the perinatal period. Doulas may provide their services to everyone, although their assistance can be particularly crucial for Indigenous families. An integral component of the social structure in numerous Indigenous communities is the figure of the "Auntie," or elder woman, who provides guidance and support in all facets of life and is a repository of traditional cultural knowledge (Johnson 2020). It was these women who served as midwives and assisted with deliveries or attended births in numerous locations. When efforts are made to rein-vigorate traditional birthing practices and ceremonies, they frequently prove to be invaluable.

The role of a doula is similarly multifaceted. Unlike midwives, the doula profession lacks strict government regulation. Although no certification is required to practice, the process of skill validation holds significant value, prompting many individuals to pursue it. The Doulas of North America (DONA) course is particularly highly esteemed for its commitment to providing quality doula training (“Become a Doula”). Doulas are typically self-employed and engage in independent or collective practice. Although the use of their services is not covered by either universal Canadian insurance or First Nations Health Benefits, there are numerous ways to subsidize Indigenous families who wish to engage their assistance during childbirth. It is estimated that four visits (two prenatal, during delivery, and one in the postpartum period) can cost between 600 and 1,000 CAD (“Doula Services”).

DECOLONIZATION AND COMMUNITY-BASED RECOMMENDATIONS FOR HEALTHCARE REFORMS

Systemic change in Canada’s healthcare system necessitates a comprehensive and multifaceted approach. The implementation process itself is likely to span years, while the challenge of designing this reform persists. In recent years, there has been a growing body of research on the strategies that should be adopted in the decolonization process to positively impact the overall health of Indigenous peoples.

An extensive qualitative field research conducted among eight Manitoban First Nations groups has resulted in a compilation of four recurring themes and corresponding recommendations pertaining to the healthcare transformation. These were: assessing control over the healthcare design and delivery processes by and for First Nations; revival and integration of traditional medicine into general use; having a full and meaningful participation of the entire community – including youth and elders in advisory roles; and “cleaning up impacts of colonization”⁸, which includes ensuring equal access to health services, early childhood prevention as a means of combating intergenerational trauma and its effects, and the re-evaluation of the values instilled in assimilation processes (Eni et al. 2021, 6-8).

⁸ In the same study, participants defined colonization as “a system of beliefs and practices imposed upon them, at the same time devaluing, ridiculing and forbidding traditions” (Eni et al. 2021, 7).

All of these recommendations are feasible within the Canadian system and are already being applied to a certain degree. However, it cannot be asserted that this is a universal approach. A comparative analysis of the incorporation of Indigenous knowledge systems, beliefs, and practices into policy and practice documents within the health systems of Australia, Canada, and New Zealand revealed that Canada had the fewest documents reinforcing Indigenous treatment positions (Boot and Lowell 2019).

Even when strategies are introduced at a lower level to integrate Indigenous healing practices into primary healthcare, not all of these strategies are comprehensive and only partially address the recommendations put forth by Indigenous communities. To identify these strategies, a team of Ontario health sciences researchers conducted a systematic review of the existing literature. Out of the 31 strategies that were identified and focused on Indigenous health solutions, 58% fully complied with all the characteristics of culturally appropriate healing practices. Seventy-seven percent of the studies involved the active participation or cooperation of Indigenous leadership in every stage of the study, while 23% engaged them only in the consultation phase (Corso et al. 2022).

Undoubtedly, extensive evidence confirms that the enduring legacy of colonialism still resonates in the animosity displayed by various governmental institutions, including the healthcare systems. Indigenous parents face a particularly precarious situation during childbirth, which has been exploited by some healthcare employees and social workers who aim to restrict Indigenous reproductive rates, as supported by evidence (i.e. Boyer's report). Furthermore, Western medical traditions and environments often exhibit lack of acceptance towards culturally diverse traditions and belief systems. And while the slow wheels of change have started to turn within the Canadian healthcare, the system is still far from flawless and requires further work.

Integrating Indigenous midwifery practices into the modern Canadian healthcare system would represent a vital step towards achieving health equity at birth for Indigenous communities. By acknowledging and dismantling the colonial structures that have historically marginalized Indigenous knowledge and practices, a more inclusive and culturally safe healthcare environment could be established, finally closing the large gaps in health outcomes between Indigenous and non-Indigenous populations. This setting would proactively safeguard birthing people from acts of violation, such as forced sterilization, during their most susceptible moments. The revitalization and endorsement of Indigenous midwifery not only will enhance the quality of care for Indigenous

mothers and infants but would also reaffirm the significance of Indigenous sovereignty and self-determination in health. In light of these considerations, it is imperative that moving forward healthcare policies and practices progress with more inclusivity for the voices and needs of Indigenous communities, ensuring a future where every birth is greeted with respect, dignity, and cultural sensitivity.

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Equality and Equity in the Canadian Prairies: Understanding the Needs, Challenges, and Experiences of LGBTQ2S+ People in Manitoba's Healthcare System

Abstract

This study aims to determine the equity of access to healthcare for LGBTQ2S+ individuals in Manitoba. While Canada is often perceived as LGBTQ2S+ friendly, Manitoba's vast rural areas pose unique challenges. The prairie landscape, combined with the specific healthcare needs of the queer community, raises concerns about equitable access to healthcare services. This chapter encompasses an analysis of legal documents and healthcare system statistics in Manitoba. It delineates the differences in experiences and needs among queer men, queer women, and trans and nonbinary individuals. The study reveals notable instances of heterocism and cissexism, as well as persistent discrimination despite the existence of protective legislation. Additionally, there is a notable difficulty in accessing HIV tests or queer-friendly healthcare services, with extended waiting times. The findings underscore the pressing necessity for targeted recommendations to improve healthcare access and equity for LGBTQ2S+ communities in Manitoba.

Keywords: LGBTQ2S+ healthcare, equity, Manitoba, rural healthcare, heterocism, cissexism, HIV testing, queer-friendly services, healthcare discrimination, healthcare accessibility

INTRODUCTION

One of the provincial competencies outlined in Article 92 of the *Canadian Constitution Act* of 1867 is the healthcare system. Consequently, it is not possible to discuss the Canadian healthcare system as a unified entity. That is also the reason for considerable differences that exist among the provinces in funding, staffing, and accessibility of healthcare services. The Prairie provinces, due to their vast territory and high proportion of rural areas, tend to rank poorly across many health indicator categories (“Health System Transformation” 2018). On average, Manitoba’s services cost more and the waiting times of hospital admissions are longer, with the percentage rising up to twice the average for self-harm hospitalizations (“Your Health System” 2024). Given the numerous problems with accessing general healthcare, Manitoba presents an interesting case study that prompts questions about the equality and equity of access to general healthcare.

According to Article 15 (1) of the *Constitution Act* of 1982: “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability” (“A Consolidation of the Constitution Acts 1867 to 1982” section 15 [1]. While not listed specifically in the Constitution, discrimination based on gender identity and sexual orientation is prohibited in Manitoba by the Article 9 of the Human Rights Code (section 9[1][g][h]).

However, it is evident that the law is not always adhered to, whether due to personal convictions and biases or a mere lack of knowledge and understanding. The challenges encountered by queer people extend beyond mere discrimination and its milder form of assumptions and normalizations of heterosexuality and cisgender experiences (Schemma et al. 2023, 3). Some of additional challenges relevant to the community include access to queer-specific services, such as hormonal therapy and gender-affirming surgery, recognition of higher demand for HIV and STI testing and mental health services, or the creation of comfortable, inclusive and safe medical spaces.

It is crucial to acknowledge that Lesbian, Gay, Bisexual, Transsexual, Queer, Two-Spirit¹ and beyond (LGBTQ2S+) community is a large and diversified

¹ The term Two-Spirit describes “a North American indigenous person whose gender identity is a mixture of male and female or masculine and feminine, or is a different gender that is not male or female” (“Two-Spirit”).

group. Consequently, the risks and needs of specific members of the group may vary and cannot be determined one-dimensionally. For that reason, the experiences of queer people should rather be divided into three categories: GBQ2S+ men, LBQ2S+ women, and trans and non-binary specific. While there are common challenges and risks faced by the entire LGBTQ2S+ community, such as a disproportionately higher susceptibility to a variety of negative mental health outcomes, which in recent years worsened due to the impacts of the COVID-19 epidemic (Souleymanov, Moore, Star 2023, 2), the differences in needs and risks are significant enough to warrant the division. Given that where is a problem, there should be a solution, this article aims to propose recommendations for enhancing the LGBTQ2S+ friendly healthcare system in Manitoba. The suggestions provided in this article are based on the experiences of the members of the community taken from various surveys and studies conducted in the area in recent years. It is important to note that the experiences may vary based on the race, class, ethnicity or Indigeneity of person and challenges they face because of that. While the surveys are not fully representative due to often small groups of study participants, these voices cannot be ignored. Given the fact that most of the recommendations from the participants of different studies are similar and touch on the same issues, they can be valued as representative.

ACCESSIBILITY OF HEALTHCARE IN MANITOBA

As stated on the Manitoba Health's website, the province's healthcare system is provided by five regional and one provincial (Shared Health) authority, Manitoba Health department. Additionally, there is CancerCare Manitoba and over one hundred other service providers. The responsibilities of these health authorities include, but are not limited to planning, funding healthcare programs, administering additional programs and coordinating public health programs and services (Government of Manitoba. Health System. 2024).

The Shared Health website offers insight into the authority's mission to "bring Manitobans together to create equitable, safe, accessible, trusted, and sustainable pathways to care. (...) Valuing all voices." The website includes a subsection entitled "Shared Pride", which offers a downloadable toolkit specifically related to LGBTQ2S community. The toolkit comprises a guide on pronouns and queer-friendly conduct practices. It also contains a transcript

from a panel discussion in honor of Trans Awareness Week, script support, a poster on gender diversity and information on how to become an aware and informed ally. However, the services provided on the website lack information regarding therapies such as hormonal therapy or gender-affirming surgery (2SLGBTQIA+ Community 2024).

Over the past three decades, several initiatives have been undertaken to improve Manitoba's healthcare system. In 1997, the province of Manitoba established Regional Health Authorities. This resulted in the regionalization of healthcare delivery. However, this system was found to be too complex, hence impeding many prospective patients from accessing the services (Gabel, Powell 2023, 1). The subsequent step was to increase provincial healthcare funding (implemented between 2003 and 2016). Nevertheless, this did not result in substantial health improvements. With the COVID-19 pandemic, Manitoba, much like the rest of the world, experienced significant increase in healthcare spending, as well as cases of severe burnout, resignations, and early retirements among healthcare workers, creating personnel shortages. In Manitoba itself, reports have indicated vacancies of over 20% of nurses and over 350 doctors (Harney 2023, 5). The Health and Human Resources Action Plan, adopted in November 2022, aimed to alleviate the shortage of healthcare professionals by providing recruitment and training initiatives. While this plan did help to address certain deficiencies regarding healthcare professional staff, it was inadequate in tackling the broader challenges facing the healthcare sector (Harney 2023, 6). The problem is further exacerbated by the high poverty rates in the province. For the last few years, "Manitoba has consistently had higher average poverty rates than the rest of the country" (McCracken, Plante 2024, 5). This contributes to higher public expenses for healthcare services (McCracken, Plante 2024, 8). For those and other reasons, Manitoba remains one of the lowest-ranking provinces across multiple health indicator areas ("Statistical and EMS Response Time Information", 2018).

On 15 February, 2024, Prime Minister Justin Trudeau and premier of Manitoba, Wab Kinew, jointly announced the allocation of over \$633 million in funding to improve Manitoba's healthcare. The government of Canada will provide financing through the *Working Agreement* and the *Aging with Dignity* agreement. Out of the total investment, approximately \$434 million will be allocated to Manitoba's three-year action plan to enhance healthcare services. The objective of this financing is to recruit additional healthcare professionals, increase the number of medical beds, ease the pressure on overcrowded emergency rooms, expand primary care options to families, and double hospital

spaces for people experiencing homelessness and needing comprehensive treatment. The province also intends to enhance its mental health services by hiring more psychologists, support addiction treatment services, providing peer support, and implementing other community-based mental health initiatives (“More doctors, more nurses” 2024).

EXPERIENCES OF GB2S+ CISMEN

Although the law prohibits discrimination based on sexual orientation and gender, studies have shown that such instances do occur within the Manitoban healthcare system. According to a survey conducted by the Village Lab research team, only 25% of participants reported no instances of discrimination in the two preceding years. Participants frequently identified a lack of cultural competency and an overall sense of discomfort with healthcare providers. The survey also revealed that over a quarter of participants were reluctant to disclose their sexuality to their healthcare providers. The most commonly cited issues by 2SGBQ+ men included a perceived lack of cultural competency and safety, as well as an overall sense of discomfort with providers and the healthcare experience (Brennan et al. 2023, 8). Other challenges included difficulty in obtaining an appointment, lengthy waiting times, or a lack of a personal or family physician (which are problems faced by many Manitobans, not only those who identify as LGBTQ2S+) (Brennan et al. 2023, 27).

It is well documented that queer men are at a significantly higher risk of contracting HIV and other sexually transmitted infections (STIs) than the general population. The danger of being infected is approximately 17 times higher for LGBTQ2S+ men in general. Of course, the risk may vary due to factors like race or age. For instance, the highest percentage of HIV diagnoses among gay and bisexual men can be found in the black community and in people aged between 25 to 34 (“Fast Facts: HIV and Gay and Bisexual Men” 2023) (Government of Canada 2022). With respect to HIV treatment and prevention, Manitoba remains the only province in Canada that does not offer provincial drug coverage for PrEP and is among others that do not fully finance HIV treatment medications. The Village Lab study revealed that over one-fifth of the participants had never been tested for HIV and nearly half were not offered a test by the healthcare provider they saw in the twelve months leading up to filling in the survey (Brennan et al. 2023, 8). Regarding STI testing, the proportion of

participants who had never been tested was slightly higher, specifically at 7.3% (Brennan et al. 2023, 22).

Access to sexual health information is an essential component of harm reduction strategies designed to combat the transmission of HIV and STI infections. The primary sources of information in that department are (ranked in order of popularity): the Internet, LGBTQ2S+ organizations, friends, general practitioners, sexual health clinics, community health clinics, First Nations healthcare and hospitals (Brennan et al. 2023, 26). The first four most common choices could potentially pose risks to the individuals if they are not accurate.

The COVID-19 pandemic has exacerbated mental health disparities within the LGBTQ2S+ community. A study from 2022 found that 83% of respondents experienced a loss of income, and 55% reported worsening mental health. Notably, bisexual men were more likely to report worsening mental health compared to those identifying as gay, highlighting the unique challenges faced by different sexual minority groups. (Souleymanov et al. 2022, 7).

EXPERIENCES OF LB2S+ CISWOMEN

It is recommended that visits to a gynecologist be conducted more frequently for lesbian, bisexual, queer, and two-spirit (LBQ2S+) women, given the heightened risk of breast and gynecological cancers compared to heterosexual women (Schemma, McPhail, Chevrier 2023, 9). However, these visits often prove to be a highly stressful experience for LBQ2S+ women for a multitude of reasons. Due to a lack of knowledge, many queer women find themselves in the role of an educator to a healthcare professional. Furthermore, women also express concerns related to homophobia and fatphobia in long-term care facilities which have intensified following the process of coming out (Schemma, McPhail, Chevrier 2023, 3–4). Another notable concern pertains to the act of publicly revealing one's sexual orientation or gender identity. In many instances, individuals are compelled to reveal their gender identity or sexual orientation, due to a doctor's assumption of a risk of pregnancy (Schemma, McPhail, Chevrier 2023, 5).

Another problem arises from the limited availability of queer-friendly services. While in larger urban areas, the presence of safe spaces marked by pride flags or stickers is not uncommon, that is not the case in rural areas. In addition, even when a location is designated as a safe space, the staff often redirects

queer women to LGBTQ2S+ clinics, which can become quickly overburdened (Schemma, McPhail, Chevrier 2023, 15).

EXPERIENCES OF TRANS AND NON-BINARY PEOPLE

A major challenge encountered by transgender and non-binary people is the lack of accessible and competent services. Despite the presence of physicians in Winnipeg who serve transgender and Two-Spirit clients, i.e. at Nine Circles and Klinik Community Health Centers, there is absence of medical professionals providing trans-specific care² for communities in Manitoba's rural areas (Barnes et al. 2006, 55). Even though ten new clinics across the whole of Canada opened between 2017 and 2019, including one in Winnipeg, not much changed regarding smaller cities and countryside (Bauer et al. 2021, 2). In the most recent transnational survey of healthcare access among transgender and non-binary people, Manitoba exhibited a likelihood of having a primary care provider that was relatively close to the average (75.6% vs. 81.4%). However, the province had a relatively low likelihood of having a primary care provider who was comfortable discussing trans issues (44% vs. 59%) (Scheim et al. 2021, E1218-E1219).

Furthermore, Manitobans also had an above-average likelihood of being placed on a waitlist for gender-affirming care with almost half the chance of it happening (the only higher percentage was in the Northwest Territories and Yukon) (Scheim et al. 2021, E1220). Except for the waiting time contributing to higher risks of self-harm and suicide for the waitlisted trans and non-binary people, it also provides a technological barrier. Medical records are not neutral and do not allow for an update of the chosen name or gender. Consequently, the deadname (former name) is displayed on all the documents including hospital wristbands, which contributes to misgendering (Bhatla et al. 2023, 5).

² Trans-specific care should be understood as knowledgeable and specialized services including hormonal therapy, surgical care planning, pre-operative information and education as well as post-operative nursing, injection teaching and identity document changes ("Trans Specialty Care" 2024).

RECOMMENDATIONS

A portion of the allocated funding is already being directed towards the preparation of medical professionals, specifically through mandatory diversity and inclusion training. The Manitoba Health annual report of 2023 shows that 71% of department employees have completed this training (Government of Manitoba 2023b, 36). While this represents a promising beginning, there are several additional strategies that could be employed to further enhance queer healthcare experiences in Manitoba.

The most frequently identified priority across multiple studies (Bhatla et al. 2023; Henriquez, Ahmad 2021; Schemma, McPhail, Chevrier 2023) was the creation of safe settings that did not assume or employ binary practices such as gendered bathrooms. All participants described critical aspects of holistic care, including the importance of recognizing and understanding the intersection of identities and lived experiences. It would also be recommended that a training system be implemented for healthcare workers, and a responsible usage of safe space materials such as stickers and pronoun posters, with the understanding that they should only be employed once all the staff have received proper training.

Moreover, HIV and STI testing should be made available at minimal or no cost, and that testing facilities be conveniently located and accessible by public transportation, with extended hours and services offered on weekends and evenings. Reducing HIV stigma and discrimination is crucial, with provincial responses leading efforts to address these issues through interventions, programs, and campaigns. There should be support funding for programs and training specifically tailored to meet the needs of LGBTQ2S+ community (Brennan et al. 2023, 30-33). Manitoba Health should also provide at least partial funding for sex reassignment procedures, including out-of-province surgeries where an adequate level of expertise is not available in Manitoba (Barnes et al. 2006, 57).

There is currently a significant lack of accessible healthcare environments tailored to the needs of individuals within the LGBTQ2S+ community. The study from 2023 conducted on a group of 150 physiotherapy students found 29% of respondents reported no training hours dedicated to LGBTQ2S+ health education while 47% reported only between 0 and 10 hours (Primeau et al. 2023, 8). The majority of participants (69%) had no opportunities to work with non-heteronormative clients during their program or placement. For those who did receive some training, the median number of training hours was

remarkably low: just 2 hours for health inequities and inclusiveness, 2 hours for practical simulations, and 1 hour for direct client interaction, with an overall median of 3 hours across all areas (Primeau et al. 2023, 8). This paucity of training not only undermines the quality of care provided to LGBTQ2S+ individuals but also highlights a critical gap in the education of future healthcare professionals.

Addressing the issues of worsening mental health conditions across LGBTQ2S+ community requires targeted outreach and the development of specific healthcare services that are inclusive and sensitive to the needs of all sexual minority groups.

It is important to remember that gender or sexual orientation are not the only factors determining one's healthcare access and individual challenges must be considered regarding more marginalized groups like Indigenous peoples or other visible minorities, people experiencing homelessness and on a verge of poverty. For instance, the Two-Spirit community may be at an increased risk of HIV considering their increased mental health challenges, increased substance use, and exclusion from housing and support services. Admittedly, there is a need for better tracking the demographic data in order to assess the impacts of HIV on the Two-Spirit community more accurately (Dykhuisen et al. 2022). Another example concerning high incidences of violence rooted in structural racism, the continued impacts of residential schools and colonization, transphobia, homophobia, social exclusion, and conditions related to poverty shows that compared to heterosexual Indigenous women and non-Indigenous members of the 2SLGBTQIA+ community, Two-Spirit women are more likely to experience both sexual and physical violence (Dykhuisen et al. 2022).

In view of the above, the data and literature accessible is still insufficient to pinpoint more precise recommendations. For this reason, I advise for further research advancing inclusive and holistic access to healthcare services for LGBTQ2S+ community.

CONCLUSION

Manitoba's healthcare system is characterized by severe understaffing, high costs, and limited accessibility, making it one of the most challenging healthcare systems to navigate in all of Canada. Despite various attempts to address

these issues, significant improvements have yet to be achieved. Given the numerous challenges faced by the general public, it is even more difficult for specific groups to easily access healthcare. LGBTQ2S+ persons have unique health needs and are often at higher risks of mental illnesses, STIs and cancer. Participants in all studies cited above identified the lack of knowledge and heteronormative assumptions as the dominant issues.

Although Manitoba has taken steps to implement certain changes, such as funding training programs for the medical staff, there are still strategies that Manitoba's government and health facilities can undertake in order to improve LGBTQ2S+ healthcare experiences. It is of paramount importance to recognize that while implementing changes, it is necessary to ensure that the voices of those directly affected by these changes are heard. They are the only ones who can truly know what they lack and what they need.

The biggest challenge is [that] the healthcare system is woefully unprepared to take appropriate care of LGBTQ people. Like, the dream is [for] healthcare providers to understand how our sexuality, or gender, our race, our class, our economic level, all are part of our health, you know? How they all intersect. (Participant #1419 lesbian genderqueer, 38) (Schemma, McPhail, Chevrier 2023, 7)

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Gender Equality in Canada through the Prism of Political Party Documentation and Programs

Abstract

This chapter critically examines gender equality within Canadian party politics, with a specific focus on six principal political entities: the Liberal Party of Canada, the Conservative Party of Canada, the Bloc Québécois, the New Democratic Party, the Green Party of Canada, and the People's Party of Canada. It investigates the extent to which these parties address women's rights and gender equality within their respective party documentation and programmatic agendas. Utilizing a comparative analytical approach, it seeks to elucidate both convergences and divergences in how Canadian political parties address gender equality concerns. To this end, a lexicometric analysis was employed to quantify the occurrence of terms such as 'woman', 'female', and 'gender' in party documentation. Additionally, qualitative methodologies were applied to contextualize the utilization of such terminology. Mirroring patterns observed in other countries, left-leaning and liberal parties are expected to demonstrate greater attentiveness to women's rights and gender equality issues in their official documents compared to their conservative counterparts. However, this pattern primarily applies to the constitutions of Canadian parties. Regarding the programmatic space, there is a broad consensus encompassing the majority of Canadian parties. It is only questioned by the People's Party of Canada. An interesting position is also held by the Bloc Québécois, which, despite supporting feminist demands, as a separatist party, pays less attention to gender equality. The prominence of concerns regarding Indigenous women in the agendas of most Canadian parties underscores the progression of Canadian feminism.

Keywords: gender equality, election programs, party statutes, Canada, lexicometric analysis

INTRODUCTION

The activities of feminist movements, although undoubtedly marked by accomplishments over their extensive history, persistently encounter new challenges. This recognition extends to political parties, which include a significant number of feminist demands into their agendas and election platforms. However, such incorporation is frequently criticized for its instrumental use, failing to substantially improve the situation of women. Feminism, when embraced by neoliberal forces, tends to flatten, largely ignoring women's perspectives (Grierson 2019). On the other hand, as women join political parties, they influence the dominant discourse, reforming parties to be more sensitive to social justice or to include quotas in party structures (Kittilson 2011). At the same time, some researchers argue that Canadian feminists are increasingly abandoning attempts to change the *status quo* through political participation, placing greater hope in change stemming from the influence they exert on societies via social media (O'Neill 2017).

While feminist discourse is most commonly associated with liberal parties, it is important to note that they are not the sole actors addressing women's concerns. Furthermore, despite favorable circumstances, leftist and liberal parties have often been relatively restrained in taking actions aimed at increasing their representation. This was evident during the first 'pink tide' at the turn of the 20th and 21st centuries, which continued throughout the first decade of the 21st century, beginning with Hugo Chavez's rise to power in Venezuela. The dominant leftist forces in Latin America at that time did not enhance women's representation, and the inclination to nominate women to elective positions was influenced by contextual factors such as economic conditions (Funk, Hinojosa, and Piscopo 2017). Nevertheless, identification with the left in the region is generally associated with a stronger preference for gender equality (Morgan, Buice 2013). Similarly, Western European and North American countries generally adhere to the pattern whereby leftist and liberal parties are more inclined to address women's rights issues than conservative parties, which aligns with the gender gap in the electorates of these parties. Women's preference for leftist parties is thought to be related to their participation in the workforce (particularly in the public sector), lower religiosity, and support for state-provided social benefits, leading them to reject conservative parties that frequently endorse budget cuts (Kittilson 2013).

Women's rights and gender equality have remained popular topics among researchers in recent years. On the one hand, parties' policy agenda on women's

rights (Kabaskal Arat 2017; Nygård, Nyby, Kuisma 2023) and implementation of feminist demands during governance (Tiessen, Swan 2018) have been studied. On the other hand, within the party context, research focuses on party organization, female representation in party bodies, representation at various levels of power (Kunovich, Paxton 2005; Sundström, Stockemer 2022; Verge 2020), as well as the analysis of cultural, systemic and structural barriers that women face (Dolan 2010; Fraga, Hassell 2020). This paper attempts to reconcile these two perspectives. It aims to highlight the dividing lines among Canadian parties concerning women's rights based on their electoral platforms. At the same time, by analyzing their constitutions, it will attempt to determine which parties adopt favorable solutions for women in their official documentation. Although party documentation or electoral platforms may not precisely reflect a party's approach to specific policies, echoing the sentiments of Eduardo, Santos, and Teixeira (2023), for the purposes of this text, it is argued that such documentation significantly sheds light on parties' approaches to gender equality and, in a way, reveals intra-party dynamics.

Among developed countries, Canada may be considered a state that prioritizes gender inclusion topics. However, it is important to consider that this could be purely performative, as women are frequently placed in lower positions on electoral lists, reducing their chances of election and resulting in poorer representation at various levels of power. Additionally, Canadian parties have long opposed gender quotas on electoral lists (Scott 2023). This could also partly stem from women's weak electoral results and male leaders' higher chances of electoral success in the Canadian political scene (O'Neill, Steward 2009). It is also important to remember that women are not a homogeneous demographic, and as a result, the issues facing some of them, arising for example from their skin color, nationality or economic background, remain unaddressed. In this way, discrimination still affects Indigenous women (Suzack 2023). However, it should be noted that the lower electability of women in party structures may be influenced by ethnic or regional criteria (Bjarnegård, Zetterberg 2019) – in the case of a federal state such as Canada, and in the face of discrimination and the consequent need for representation of various minority groups, it may be more difficult to ensure fair representation of women.

The analyzed parties include: the Liberal Party of Canada (LPC), the Conservative Party of Canada (CPC), the New Democratic Party (NDP), the Green Party of Canada (GPC), the Bloc Québécois (BQ), and the People's Party of Canada (PPC). The latest electoral platforms from 2021, as well as the constitutions or statutes of the parties, were subjected to analysis. In the subsequent

text, the terms ‘constitution’ and ‘statute’ will be employed interchangeably, as well as ‘platform’ and ‘program.’ It is crucial to highlight a notable disparity – among the listed parties, the PPC does not possess an accessible statute. Therefore, the analysis of this party was limited solely to its electoral platform. Despite being a relatively new and less influential force in the Canadian political scene, in the recent 2021 elections, it performed better than the Green Party of Canada, represented in parliament. Therefore, it was considered sufficiently important to be included in this text. Lexicometric analysis was utilized to showcase the frequency of words related to ‘women,’ ‘female,’ and ‘gender’ in order to illustrate the significance of these issues for the specified parties. In French-language texts, the word ‘woman’ will be replaced by ‘*femme*’ and ‘gender’ by ‘*genre*’. Because French does not have a clear distinction between ‘woman’ and ‘female,’ the latter word will be omitted. For this purpose, the MAXQDA 24 software program was utilized, which allows for lemmatizing words and identifying the most prevalent word combinations. This analysis was enhanced with a qualitative component. Although the frequency of occurrence of certain words can suggest a party’s interest in a particular topic, it is necessary to verify the context in which these words are used to ensure accuracy. Additionally, special focus will be given to the use of inclusive language and the establishment of dedicated statutory bodies tasked with supervising the efforts to enhance representation of women in the party and in political life. In this sense, this analysis adopts a comparable methodology to that employed by Eduardo, Santos, and Teixeira (2023), in their examination of the statutes of Brazilian and Portuguese parties.

PARTY CONSTITUTIONS AND PLATFORMS

The lexicometric analysis of electoral platforms and constitutions of Canadian parties partially validated the assumptions that left-wing and liberal parties tend to address women’s rights and their participation in public life to a greater extent. Quantitatively speaking the program of the LPC had the most references to women and gender, whereas the GPC had the highest number of references in terms of constitutions. In contrast, the BQ had the fewest references in its program, while the CPC had the least number of references in its constitution. Considering that the BQ cannot be categorized as a conservative party, its infrequent mentions of women and gender in both its program and

statute are not unexpected; as a separatist party, its main emphasis lies on nurturing Quebec's cultural and political identity. Remarkably, the constitution of the CPC does not contain any words pertaining to women and gender in its constitution, which is noteworthy. Additionally, there is a notable pattern of increased usage of the word 'female' in the programs of conservative parties, suggesting a heightened emphasis on the biological nature of women (Language: Woman vs. female 2007). Therefore, the CPC and the PPC were the primary users of this term.

To supplement the analysis, it was decided to highlight sentences in the texts that contained words subject to lexicometric analysis, thereby attempting to demonstrate how much of the texts were devoted to topics related to women or gender. Consequently, the LPC's program had the highest percentage of sentences containing words subjected to lexicometric analysis, while the constitution of the NDP had the highest proportion among constitutions. On the other hand, the BQ presented the least feminized program, while the CPC's constitution remained the least feminized statute, with no sentences addressing the issue. The high proportion of highlighted sentences in the program of the PPC may be surprising; however, this is due primarily to the program's small size and the high concentration of gender-related content, as discussed below. Table 1 presents the complete data set. The results of the qualitative analysis, based on the party platforms and their constitutions, are provided below to shed more light on the context of the words under consideration. The order of the analyzed parties corresponds to the alphabetical order used in the table.

Table 1. The occurrence of words in the platforms and statutes of the analyzed Canadian parties

Party name	Document type	Woman (<i>femme</i>)	Female	Gender (<i>genre</i>)	Sentences containing the mentioned words as a percentage of the document
Bloc Québécois	Statute	1	-	1	0,7%
	Platform	11	-	0	2,0%
Conservative Party of Canada	Constitution	0	0	0	0,0%
	Platform	71	3	7	3,2%
Green Party of Canada	Constitution	12	0	9	2,5%
	Platform	25	1	10	2,6%

Party name	Document type	Woman (<i>femme</i>)	Female	Gender (<i>genre</i>)	Sentences containing the mentioned words as a percentage of the document
Liberal Party of Canada	Constitution	5	0	6	4,8%
	Platform	101	1	30	6,8%
New Democratic Party	Constitution	11	0	6	6,7%
	Platform	40	0	11	3,0%
People's Party of Canada	Platform	21	3	21	5,9%

Source: Own analysis based on electoral platforms and constitutions of Canadian parties.

Although the BQ (Plateforme Politique Bloc 2021; Status et Règlements du Bloc Québécois 2023) statute rarely addressed women's rights matters, when references did occur, they aimed to ensure greater representation of women in politics. The statute did not provide for an organization responsible for monitoring this objective, limiting itself solely to establishing a body combating sexual harassment. The electoral program also briefly addressed gender equality concerns. At the identity level, BQ primarily advocates for nurturing regional heritage, although this does not imply it overlooks women's issues. Nevertheless, references to women were largely limited to one chapter, in which gender equality was acknowledged as a fundamental value, the party declared itself feminist, supported abortion rights, and promised greater representation of women in politics.

The CPC's (Canada's Recovery Plan 2021; Conservative Party of Canada Constitution 2023) statute did not contain any references to women or gender. It also did not provide for an organization responsible for increasing women's participation in the political life of the party and the country. In contrast to the constitution, the CPC's election platform contained a surprising number of references to women's equality topics, though it should be noted that having a sizable program provided more opportunities to refer to women. Nevertheless, the CPC did not significantly differ from more liberal parties. The economic narrative predominated – women were to be the most vulnerable demographic during the pandemic-induced economic crisis. However, there were also proposals to support women who were the victims of violence or in financial difficulty. The state was also supposed to provide assistance during pregnancy and motherhood. Although the most common word combination

involving women in the CPC's election platform was 'Canadian women,' there were also references recognizing the discrimination affecting Indigenous women. In addition to the unique most frequently used word combination, the CPC's platform was marked by a reluctance to address matters related to sexuality. However, it should be noted that the CPC's election platform eventually aligned with the broader consensus on women's rights and gender narratives dominating the Canadian political scene. For this reason, the stark contrast between the election platform's relatively pro-women tone and the party's constitution, which omitted aspect of women's representation, is all the more intriguing. This could indicate either an ideological shift within the party in recent years or resistance from party structures to modifying the statutory document.

The GPC's (Green Future. Life with Dignity 2021; Constitution of the Green Party of Canada 2022) constitution addresses women's issues in greater detail. It envisions the formation of the Women's Caucus of the GPC, which would focus on ensuring gender equality in party life. Furthermore, the party's constitution, commits to using gender-neutral language and establishing a society based on the principle of gender equality in all aspects of life. The matter of quotas is not explicitly stated in the document; only the Ombuds and Appeals Committee are to be elected with gender balance, which also does not imply quotas. As for the party's program, it argues for solutions that promote women's emancipation in society. Consequently, it advocates equal opportunities in political life, the right to abortion as part of family planning, support for women after childbirth in the job market, equal pay, and financial assistance for low-income women. Another visible component in the GPC's program is the problem of violence against women, which the party promises to eliminate and increase funding for investigations into human trafficking. The most frequently used phrase in the party's program was 'Indigenous women,' focusing on the implementation of solutions proposed by the National Inquiry into Missing and Murdered Indigenous Women and Girls.

The LPC (Constitution of the Liberal Party of Canada 2021; Forward. For Everyone 2021) is a political party with one of the most female-oriented programs and constitutions. Starting with the constitution, the party committed itself to maintaining quotas at all levels of party organization, using gender-neutral language, and establishing the statutory body The National Women's Liberal Commission to oversee the reinforcement of female representation in the party. In terms of the electoral program, LPC has an extensive catalog of proposals aimed at women's emancipation. These include economic policies

(equal pay, women's participation in the labor market, support for female athletes, reducing childbirth costs), reproductive rights (better medical care during childbirth, the right to abortion), as well as combating violence against women and social exclusion. The most common phrase in this program, as it was in the GPC's program, was 'Indigenous women,' highlighting the unique challenges faced by this community and the need for greater representation.

The NDP (Constitution of the New Democratic Party of Canada 2021; Ready for Better. New Democrats' commitments to you 2021) could also be categorized as a party with highly feminized documentation. Its constitution calls for gender quotas in elected positions within the party, it ensures the involvement of twelve regional representatives from the women's caucus in the Council, as well as the establishment of a statutory body responsible for representing women – the Participation of Women Committee. Although the language used in the constitution is generally gender-neutral, there is no statutory requirement to convert gender-biased language to gender-neutral language. The constitution also allows for associated membership, which can include women's organizations committed to party values. Although the party's electoral program and the proposals occupy a smaller portion of the text, they are similar to the LPC's program. Thus, support is expressed for women's reproductive rights, pay equality, support for victims of discrimination and violence against women, and support for increased women's participation in politics. The similarity also pertained to the most frequently occurring phrase, which was 'Indigenous women,' highlighting party's advocacy for combating discrimination against that group.

The PPC (Our Platform 2024), as a relatively new and right-wing party, has a rather unique program concerning women. The most frequently occurring phrase in the party's program concerning words subject to lexicometric analysis was 'gender ideology'. The lexicometric analysis itself also revealed that this party refers to 'gender' as frequently as it does to 'women', which was the only such case. Its electoral platform includes a chapter dedicated solely to radical 'gender ideology', seen as contradicting human biological nature and the binary division into two sexes. The program's seemingly pro-women narrative is tinged with hostility towards transgender and non-binary people. Thus, the persistence of gender dysphoria among children is questioned, and the presence of trans women in women's restrooms is raised as a concern. Also, demands relating specifically to women fit into People's Party of Canada's larger, reactionary narrative. Therefore, gender equality is characteristic of Western civilization, which the party supports; protection against sexual offenders is

linked to the need to expand the right to self-defense, and the role of women as workers is only mentioned in the case of veterans. Interestingly, PPC also refrained from invoking the challenges related to motherhood, which is both revered and emphasized in conservative circles.

CONCLUSIONS

A qualitative and lexicometric analysis of the electoral platforms and statutes of the indicated Canadian political parties allows for conclusions to be drawn about the political divide between parties, their similarities, and their level of commitment to expanding women's rights and representation in public life. Among the most significant parties on the Canadian political scene, it can be confirmed that parties with liberal and leftist profiles (LPC, NDP, GPC) were more inclined than the right-wing CPC to address women and gender equality matters in their party documentation. The two remaining parties exhibited different tendencies, which stemmed from their nature. BQ, as a separatist party, was more inclined to focus on cultivating Quebec's identity, and while it declared support for feminist demands, they did not constitute a significant part of its party documentation. The PPC, on the other hand, had an entirely different reason – as a reactionary party, it sought to challenge the relatively liberal order in Canadian societal norms and sexuality, focusing its criticism on 'gender ideology'. Because of the significant attention paid to this issue, the party's platform had one of the highest proportions of sentences containing words subject to lexicometric analysis of any of the parties analyzed. However, qualitative analysis confirmed that the occurrence of these formulations was not feminist in nature.

The constitutions of the analyzed parties can be classified into two groups. The first category includes parties that did not prioritize women's representation challenges in their statutes. These include BQ and the CPC. However, there is a significant difference – the Conservatives made no mention of women in their constitution, whereas the BQ was statutorily committed to supporting greater representation of women, albeit without explicit quotas or statutory bodies established for that purpose. While the second group of parties (LPC, NDP, and GPC) placed significantly more emphasis on women and gender equality in their constitutions. Typically, this entailed a commitment to gender parity, the creation of special bodies ensuring women's representation, and a commitment to using gender-neutral language.

When it comes to party platforms, a clear divide can also be observed, although it is different than one might expect and is decidedly unbalanced. On one side are the majority of the Canadian political parties (CPC, LPC, NDP, GPC, BQ). Although to varying degrees and intensity, these parties generally approached women's rights in a similar manner, supporting increased representation of women in public life and advocating for gender equality in the economic sphere. Additionally, most of them (with the exception of BQ) addressed discrimination faced by Indigenous women, highlighting the evolution of party feminism towards embracing the perspectives of other marginalized minority groups. This is characteristic of an approach that takes intersectionality into account. According to this concept developed by American scholar Kimberlé Crenshaw (1989), the compounded challenges affecting individuals or groups who belong to multiple marginalized communities based on criteria such as gender or race deepen. In turn, incorporating the perspectives of each marginalized group could make feminism truly inclusive. Interestingly, such an approach is most commonly associated with progressive parties, although in the case of Canada, the consensus surrounding this matter is broader. Similarly, almost all of these parties supported women's rights regarding family planning and abortion (though the CPC sought to downplay this matter). On the other hand, the PPC was the only party questioning the consensus on women's issues. This party also prioritized protecting women over advancing of transgender people's freedoms, without addressing the topic of women's emancipation. Consequently, one of the party's biggest adversaries became 'gender ideology'. Undoubtedly, given the status of this party and its electoral results, the chance of breaking the consensus on women's rights is marginal. However, the emergence of a party with such a narrative in recent years can be viewed as an interesting phenomenon, signaling the emergence of a certain social cleavage that remains largely unaddressed.

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Canada's Feminist Foreign Policy: Analyzing the Effectiveness of the Trudeau Government's Gendered Approach

Abstract

Following the Trudeau government's 2015 election, its flagship policy on international assistance – the Feminist International Assistance Policy (FIAP) – was announced in 2017. The FIAP prioritized gender equality and the empowerment of women and girls. Seven years after the announcement, a performance audit by the Auditor General of Canada reported that Global Affairs Canada had failed to demonstrate the effectiveness of the FIAP in advancing outcomes for women and girls. At the same time, the Trudeau government has attempted to incorporate feminist ideals into its foreign policy decisions around trade and defense. These actions have been overshadowed by issues such as the Canadian government's support for the Canadian mining sector, which has been found to fail to meet gender equity standards in countries such as Ethiopia. While the Trudeau government's rhetoric and initiative in establishing a feminist foreign policy is laudable, Canada's foreign policy is not an exemplary model for promoting gender equality and feminist ideals.

This chapter will argue that Canada's current foreign policy stance with regard to its role as a model for promoting gender equality is fragmented at the policy level and ineffectively implemented by agencies. A historical overview of Canada's incorporation of a gendered lens into its foreign policy decisions will provide a contextual framework for analyzing the Trudeau government's decisions since 2015. Subsequently, the chapter will examine three key areas of the government's foreign policy: international assistance, trade as well as security and defense. Each component will be evaluated for its effectiveness in advancing gender equality at both the policy and implementation levels. Case studies, such as funding spent in Afghanistan, free trade agreement chapters on gender, and the Elsie Initiative for Women in Peace Operations

will be highlighted to demonstrate how a gap has developed between the current Canadian government's rhetoric and its actions on the world stage.

Keywords: foreign policy, international development, international trade, national security, gender equality, feminism, Trudeau

INTRODUCTION

Foreign policy frequently receives less media coverage and public attention than other issues. This is reflected in polling on the knowledge and interest of the Canadian public. In 2019, a Privy Council poll revealed that only two percent of Canadians were able to provide any information about the United Nations' flagship Sustainable Development Goals (SDGs). Moreover, only one percent of Canadians were able to say anything about the Trudeau government's Feminist International Assistance Policy (FIAP), which had been introduced in 2017, two years prior to the survey (Akin 2019). Thus, proposals such as former Opposition Leader Andrew Scheer's call for a 25% reduction in Canada's international development budget have received little traction (Valiante 2019). Nevertheless, this does not accurately reflect Canada's position on the global stage.

As a relatively wealthy middle power, Canada invests heavily in international development and has previously played an outsized role in international affairs. As of 2022, the Canadian government was the sixth largest contributor to official development assistance in real terms, having contributed USD 7.8 billion. However, it ranked 14th in relative terms, accounting for 0.37% of gross national income (Welch 2023). The Canadian government currently has no plans to meet the UN target of 0.7% of gross national income („Development Co-Operation Profiles" 2024). Global Affairs Canada (GAC) and Development Finance Institute Canada (FinDev) also secured USD 130.4 million from the private sector in development funding ("Development Co-Operation Profiles" 2024). In addition to development, the government of Canada and Canadian businesses play an important role in international trade, particularly in the mining sector, where Canadian companies account for 60% of the global mining industry ("Extracting Justice" 2023).

The Canadian government's role in international relations is evidenced by the country's internal and external perception as a peacekeeping nation. This can be traced back to former Prime Minister Lester B. Pearson's involvement

in establishing the United Nations Emergency Force in Egypt during the Suez Crisis of 1956 ("Canada and International Peacekeeping" 2024). This was followed by significant Canadian involvement in UN peacekeeping operations throughout the 20th century, demonstrating the country's outsized role on the world stage.

In terms of gender equality, Tiessen (2015) discusses how Canadian policy-makers have widely disseminated the language of 'gender equality' and 'equality between men and women' since the adoption of the first policy on women and development in 1976. Previous literature using a feminist lens has been critical in analyzing Canadian foreign policy. Stienstra (1994) criticized earlier Canadian governments for their 'add women and stir' approach to women in development, arguing that there was not enough consideration of the ways development projects affect women in the Global South. Furthermore, Stienstra criticized the Free Trade Agreement and the North American Free Trade Agreement (NAFTA) for their negative gendered impacts. This included the shift of the Canadian economy from skilled, well-paid jobs held primarily by men to low-skilled, low-paid jobs held primarily by women, especially immigrant women and women of color. Additionally, NAFTA was criticized for its reliance on Mexican factories staffed primarily by young women who did not receive livable wages.

Feminist critique has also been evident in the defense sector, with authors such as Eichler (2020) noting issues which include the Canadian Armed Forces (CAF) maintaining a 'minimum male requirement' until 1989. The gap of women in defense policymaking is also evident, with only one woman having served as Prime Minister or Minister of Defence before 2015, both roles being held by Kim Campbell.

This chapter generally uses the feminist foreign policy criteria established by Scheyer and Kumskova (2019) when referencing feminist ideals and analyzing how different Canadian governments have approached feminism and gender equality. While there is no generally accepted definition of a "feminist foreign policy", simply adding women to current structures is not enough. Rather, Scheyer and Kumskova argue that a truly comprehensive policy would challenge current systems that are inherently male-dominated and focused. This is demonstrated through five indicators: (1) an emphasis on political dialogue in conflict resolution, diplomacy, and trade; (2) a shift from a state security focus to one centered on individual safety and well-being; (3) advocating for an empathetic international community; (4) utilizing an intersectional approach; and (5) critically examining power through gender analysis.

PREVIOUS CANADIAN GOVERNMENTS

Prior to Justin Trudeau's Liberal government, all three previous administrations allocated financial resources to and endorsed international agreements which incorporated women and girls. This included Canada signing onto the United Nations Declaration on the Elimination of Violence against Women in 1994 as well as pushing for a position within the United Nations Centre for Human Rights in the area of women's rights. Furthermore, in 1999, the Chrétien government was praised for the gender equality policy drafted by the staff of the Canadian International Development Agency. The policy highlighted gender equality as a cross-cutting theme to be incorporated into all of the department's activities (Tiessen, 2015). This focus on gender was undercut by the financial state of Canada in the 1990s, which prompted the government to significantly reduce the foreign policy budget in conjunction with other public finance cuts (Geddes 2010). Following these cuts, the Martin government pledged in 2003 to double international assistance by the fiscal year 2010. This promise was kept following Stephen Harper's election in 2005 with funding for international aid doubling but then subsequently being frozen in 2010.

In the decade following Harper's election in 2005, the War in Afghanistan played a front-and-center role in Canadian foreign policy. When Canada assumed responsibility for the Provincial Reconstruction Team in Kandahar in 2005, Afghanistan became Canada's primary recipient of international assistance funding (Brown 2016). In July 2012 the parliamentary secretary to the minister of national defense asserted that the "primary focus of Canada's engagement in Afghanistan is the promotion of a better, and more equitable, future for women and girls" (Tiessen 2015). Further, throughout the war, CAF emphasized women's instrumental value to its operations in Afghanistan (Eichler 2020). Under Harper, Canada also passed the Official Development Assistance Accountability Act in 2008 and committed to increasing the emphasis on women and children in programming, including CAD 3.5 billion allocated to the Muskoka Initiative on Maternal, Newborn and Child Health (Brown 2016).

While Canadian foreign policy of the Chrétien, Martin and Harper governments did include a larger focus on gender, there are criticisms of how gender was incorporated during this time. Regarding international development, Brown (2016) argued that there was a securitization of aid as a significant portion of it was allocated to projects aimed at garnering local support for Canadian troops rather than prioritizing initiatives with the greatest potential

impacts. Brown argued that the significant amount of aid sent to Afghanistan was heavily influenced by the Department of National Defence (DND) to push the focus on 'failed and fragile states' rather than states with the most acute poverty. Further, there has been criticism that aid was also diverted towards middle-income Latin American states to support Canadian multinational mining companies under the auspices of promoting small and medium-sized enterprises (Brown 2019).

In terms of defence, Eichler (2020) highlights that the *Canada First Defence Strategy* published in 2009 only mentioned gender in reference to the 'women and men of the Canadian Forces.' The DND and CAF adopted gender neutrality under previous Canadian governments. This was in line with the Harper government's framing of women and girls as victims rather than as agents of change to be empowered (Tiessen 2015). Furthermore, in 2015 the chief of the defence staff acknowledged that sexual misconduct was a systemic problem in CAF, significantly affecting workplace culture.

The Chrétien, Martin, and Harper governments' foreign policies did not put gender equality at the forefront or utilize intersectional approaches in their decision-making. However, upon being elected in 2015, the Trudeau Liberals committed to a feminist foreign policy which puts gender equality and feminism squarely at the center.

THE TRUDEAU GOVERNMENT'S FOREIGN POLICY ON INTERNATIONAL ASSISTANCE

In 2015, Justin Trudeau and the Liberal Party ran on a platform that included reallocating aid back to sub-Saharan Africa (Liberal Party of Canada 2015, 65), returning to peacekeeping (Liberal Party of Canada 2015, 69), and establishing a feminist government. After returning the Liberals to power, the Trudeau-led government has implemented significant changes which mark a significant rhetorical departure from its predecessors. At the policy level, the Trudeau government made a substantial change from the approach taken by the Harper government by introducing the Feminist International Assistance Policy (FIAP), an overtly feminist approach to international development. The FIAP contains three spending targets, which show a shift to a pronounced focus on gender equality including:

- integrating gender equality into 80% of projects;
- designating gender equality and the empowerment of women and girls as a primary objective for at least 15% of projects;
- and allocating 50% of spending to sub-Saharan Africa.

The FIAP focuses on six action areas: gender equality and the empowerment of women and girls, human dignity, growth that works for everyone, climate action, inclusive governance, and peace and security. Moreover, the UN's SDGs are integrated, and the Trudeau government has pledged to "improve evidence-based decision-making by investing in better data collection and evaluation for gender equality" ("Canada's Feminist International Assistance" 2017). The FIAP has a clear rhetorical emphasis on gender equality and feminist ideals.

In 2023, the Office of the Auditor General of Canada released a performance audit meant to analyze the performance of the FIAP. The Auditor General found that the Canadian Global Affairs Department (GAC), the implementing agency, has successfully incorporated gender equality into 80% of its projects (OAG 2023, 13). However, it was unable to demonstrate how CAD 3.5 billion yearly in bilateral development assistance had significantly improved outcomes for women and girls (OAG 2023, 3). The Auditor General criticized GAC's information management practices as insufficient for tracking project outcomes ("International Assistance in Support of Gender Equality" 2023, 8–9). Moreover, 24 of the 26 indicators developed by GAC to monitor policy goals did not measure outcomes ("International Assistance in Support of Gender Equality" 2023, 11). Overall, GAC failed to meet two of three FIAP spending commitments, including designating 15% of projects with the primary objective of gender equality and empowerment of women and girls ("International Assistance in Support of Gender Equality" 2023, 13).

GAC has applied gender-based analysis (GBA+) – an analysis which emphasizes the gendered impacts of policy – to many of its projects, but the shortcomings of gender equality programming in Afghanistan indicate issues with GAC's protocol implementation. A 2021 internal review found that CAD 1 billion sent to Afghanistan between 2014 and 2020 was overly focused on sending dollars to areas of interest rather than areas of need in the country (Berthiaume 2021). While there was some tangible progress towards gender equality, GAC failed to adequately consider the local cultural context and Islamic traditions, which resulted in a backlash against the women being supported.

From a policy perspective, the FIAP can be viewed as a measure to enhance the incorporation gender equality into international assistance. Nevertheless,

it prompts the question as to whether this incorporation is a superficial and tokenistic approach to including women without genuine transformation (Palapothu 2022). Under the criteria established by Scheyer and Kumskova (2019) a feminist foreign policy should challenge current structures that cause negative gender dynamics, which the FIAP has not been able to fully achieve. This is further compounded by GAC not meeting its spending commitments as outlined in the FIAP. This lack of a transformative approach to the incorporation of gender can be highlighted in the context of trade and security policy decisions made by the Trudeau government.

GENDER AND INTERNATIONAL TRADE

Since 2015, the Trudeau government has sought to include a gender equality lens in its trade policy. This has been done through initiatives such as incorporating GBA+ into government-negotiated free trade agreements. The most notable example is the inclusion of gender and inclusivity issues during the renegotiation of the North American Free Trade Agreement. GAC emphasizes GBA+ innovations in areas such as cross-border trade in services, labor, and the environment as examples of the government's commitment to gender equality (Government of Canada 2023a). Furthermore, gender-specific provisions such as the establishment of a trade and gender committee have been incorporated into the Canada-Chile Free Trade Agreement, the Canada-Israel Free Trade Agreement, as well as the Comprehensive Economic and Trade Agreement with the EU (Government of Canada 2023b). The Trudeau government also promotes initiatives such as *Business Women in International Trade*, which aims to support women entrepreneurs in accessing global markets.

Despite these efforts to integrate gender equality, the Trudeau government's support for industries such as weapons manufacturing and mining can be seen to outweigh its feminist foreign policy objectives. In a recent access-to-information request, Fenton and Lukacs (2023) revealed that the Trudeau government was advised by GAC to continue supplying weapons to Saudi Arabia. Per internal documents, GAC views Saudi Arabia as an important and valued security partner. Saudi Arabia is regarded as a 'principal guarantor' of affordable oil for Western countries and as an important market for Canadian companies such as AtkinsRéalis (formerly SNC-Lavalin) and Bombardier. Evidence suggests that these weapons have been used to suppress resistance to

the current Saudi regime as well as in the war in Yemen (Fenton, Lukacs 2023). Further, Saudi Arabia's poor human rights record is cause for concern in supporting them through arms deals. This decision would be contrary to a feminist foreign policy which focusses on safety and well-being and building an empathetic international community rather than prioritizing economic self-interest.

The Saudi-Arabia relationship is only one example of potentially fraught Canadian weapons exports, as Canada has emerged as the Middle East's second-largest arms dealer. Pallapothu (2022) argues that a feminist foreign policy should be anti-militaristic, as unequal power structures between men and women become more pronounced with increased weapon proliferation. The argument can be made that the Trudeau government compartmentalizes foreign policy and selectively applies a gender equality lens.

This compartmentalization can be seen when examining the government's support for the Canadian mining sector. Before coming to power, the Liberal Party acknowledged criticisms of the industry's record abroad and announced the establishment of the Canadian Ombudsperson for Responsible Enterprise (CORE) in 2019. The objective of CORE was to ensure accountability on the part of Canadian mining companies. However, its effectiveness was compromised from the outset because it lacked the capacity to compel the production of documents and the testimony of witnesses from the companies in question (Lim 2021). This ultimately resulted in the resignation of all fourteen committee members shortly after the formation of CORE ("Panellists Quit Corporate Responsibility" 2019).

The failure of CORE is consistent with the Canadian government's overall support for mining activities, rather than an attempt to address potential abuses that a gendered lens would emphasize. For example, in Peru, the Canadian government has used development assistance to subsidize the efforts of Canadian mining companies to obtain a 'social license to operate' from nearby municipalities (Brown 2019). Canadian financial assistance was employed to persuade local governments to negotiate with mining companies. The interests of those less fortunate or the gendered impacts of mining activities were not given due consideration. This is not an isolated case; Canada is the largest OECD-DAC donor to the mining sector (Brown 2019). The Trudeau government's aid to a Canadian mining project in Ethiopia fell short of standards for gender equity, environmental protection, and responsible business practices. An independent consultant concluded that "[Canada] may be seen to be protecting its development aid investment and the interests of Canadian mining companies with licenses to operate in the region" (Areguy 2021).

These decisions stand in contrast with a feminist foreign policy that prioritizes gender equality. Instead, they can be interpreted as maintaining a status quo of supporting long-standing political and economic structures, especially when considered in conjunction with the government's security and defense policies.

CANADIAN SECURITY AND DEFENSE INTERESTS

Upon forming the government in 2015, the Trudeau government has shifted their language around security and defense. Eichler (2020) highlights that in 2016 CAF committed to integrating a gendered perspective into all military planning and operations. This was followed a year later in 2017 by the minister of defense's announcement that Canada would be taking a feminist approach to its military. Canada's defense policy released in 2017, *Strong, Secure, Engaged*, included more gender perspectives than previous policies but still fell short of a full intersectional approach to Canadian security and defense interests. The Trudeau government further cites initiatives such as the Elsie Initiative for Women in Peace Operations as examples of promoting gender equality. The Elsie Initiative is designed to increase the number of women peacekeepers deployed in UN peacekeeping missions around the world (Palapothu 2022).

Furthermore, in 2023, DND and CAF released their *Implementation Plan for Canada's National Action Plan on Women, Peace and Security – 2023 to 2029*. This plan aims to eliminate gender inequality as a root cause of conflict, ensure interventions do not reinforce or exacerbate gender inequalities and prioritize building an inclusive and diverse defense team that has a healthy workplace, free from sexual and gender-based violence. This is a significant departure from the DND and CAF's history of being gender-blind or gender-neutral. However, there is a fundamental conflict between how the Trudeau government has sought to incorporate gender into their defense and how a prototypical feminist foreign policy would incorporate security.

As described by Eichler (2020), many feminist observers emphasize that de-militarization would have to occur if Canada is truly committed to feminism. This is echoed in the criteria described by Sheyer and Kumskova (2019), where a feminist foreign policy should ideally emphasize political dialogue and focus on individual safety and well-being with traditional understandings

of national or human security often ignoring or overlooking the gendered dimensions of security. Under the Trudeau government, despite the rhetoric which would indicate a feminist approach to defense, there is once again an ‘add women and stir’ approach rather than a fundamental reformation of structures. Initiatives such as the establishment of three Operational Support Hubs across the world indicate a defense policy which is not fully committed to feminist ideals. As reported by Lukacs (2021) these military bases have been established in Kuwait, Senegal and Jamaica to facilitate military, policing and special forces operations around the world. They have the potential to support large military operations and have been positioned close to Canadian mining interests.

This gap between rhetoric and actions is also evident in gendered actions such as the aforementioned Elsie Initiative. As Bouka et al. (2021) have demonstrated, this initiative represents laudable rhetoric but flawed policy because it fails to acknowledge the biases and additional labor demands that women face in the Global South, where the majority of UN peacekeepers are from. The Global South countries have been forced to rapidly develop gender-sensitive policies, while Canada itself has yet to increase the number of peacekeepers it deploys. Overall, the Trudeau government has incorporated feminism and gender equality into defense sector policy, but there are questions of whether their changes go far enough and how effective their reforms are in practice.

CONCLUSION: IS CANADA’S FOREIGN POLICY A MODEL FOR GENDER EQUALITY?

The Trudeau government’s foreign policy has incorporated gender equality into Canada’s foreign policy but the lack of transformative change and weak execution by government departments mean Canada should not be seen as a model for gender equality. The FIAP is an example of a policy which is not gender transformative and the targets which were set have not been met by GAC. The compartmentalization of foreign policy, which allows for the selective application of gender equality, when it is convenient, with the example of Canadian mining, also affects Canada’s standing as a model for gender equality. The FIAP and Canadian mining policy are indicative of gaps evident throughout the government’s foreign policy rhetoric with the realities of its policy and implementation due to the entrenchment of current structures and weak execution.

To be seen as a model for gender equality, from a feminist perspective, the Canadian government would need to fully embrace the ideal characteristics of a feminist foreign policy. This would include challenging current international systems and fundamentally changing how the country conducts international trade and pursues its security policy. If these are deemed too transformational to be politically viable or implemented, gender equality and intersectionality at a minimum need to be more effectively disseminated through department operations and government decision-making. Gender equality should not be used when it is convenient and then put aside in cases such as the continued arms sales to Saudi Arabia for Canada's foreign policy to become a model for gender equality.

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Gender Diversity and Inclusion Efforts within the Canadian Armed Forces

Abstract

Historically, the armed forces and the military in general, have been perceived as male-dominated institutions. This is supported by various statistics, which indicate that women usually constitute up to 20% of the military personnel in a given country. As of May 2023, women comprised slightly more than 16% of members of the Canadian Regular Force. The number has been steadily increasing. What is Canada's strategy for integrating gender equality into its armed forces? Is the objective solely to increase the numbers? Is it only about the women? The aim of this chapter is to present and examine gender inclusion efforts within the Canadian Armed Forces (CAF), as well as to assess how they align with the Canadian government's broader feminist approach.

The paper provides an overview of the current state of gender integration in CAF, including statistical data on the representation of women in various military roles and branches. It also examines CAF's organizational culture and climate, including attitudes towards gender diversity, experiences of harassment and discrimination, and efforts to foster a more inclusive environment.

Secondly, this chapter analyzes the policy framework and institutional mechanisms that are in place to promote gender equality within CAF, including the Gender-based Analysis Plus (GBA+) approach and the Women, Peace, and Security agenda. Furthermore, this paper discusses support services and resources available to military personnel, such as Gender Advisors, diversity and inclusion training, and policies addressing gender-based violence and harassment.

Keywords: Canada, Canadian Armed Forces, gender diversity, inclusivity, Gender-based Analysis Plus, feminism, feminist military policy

INTRODUCTION

The armed forces, as well as the military in general, have traditionally been associated with male predominance and a masculine culture. Similarly, classical thinking about foreign policy is focused on military force, violence, and oppression. It is then arduous to try to incorporate largely anti-militarist and non-violent feminist traits and challenge the dominant reasoning on both – foreign policy and the military. Yet, this traditional view has been contested since 2017 by the Canadian government's commitment to pursue feminist foreign policy. The predominant focus was firstly put to the areas of foreign aid and to military forces. The newly introduced feminist military policy entailed a recalibration of perception of the role of gender in national defense structures, as well as incorporation of gender perspectives into planning and executing military operations.

In Canada the defense structures are mainly based on two institutions – the Department of National Defence (DND) and the Canadian Armed Forces (CAF). Both were established in their current shape by the 1985 *National Defence Act* and are often collectively referred to as the Defence Team¹. The Department is a component of the Canadian government structure and is headed by the minister. CAF is a distinct entity, led by a Chief of Defence Staff. Nonetheless, both institutions are interrelated, as the Chief of Defence Staff acting as the conduit for the minister's directives, while the DND provides support for the CAF's operations (Johnstone and Momani 2019, 2). Organizationally, the CAF includes sea, land, and air commands – the Royal Canadian Navy (RCN), Canadian Army (CA), and Royal Canadian Air Force (RCAF) accordingly. The personnel of CAF belongs either to the Regular Force or Reserve Force (Government of Canada 2023c).

As the most recent statistical data indicate, women comprise slightly more than 16% of the Regular Force, which includes officers and non-commissioned members. The RCN has the highest visibility of women, who constitute 20.69% of personnel, followed by the RCAF with 20.25%. A review of the CA reveals that only 13.92% of members are women (Government of Canada 2023d). In 2020, the North Atlantic Treaty Organization (NATO) reported that the

¹ The term "Defense Team" used throughout the chapter should be understood as a collective of the Canadian Armed Forces (CAF) and the Department of National Defense (DND). The term is commonly used in the Government of Canada publications (see for example: <https://rebrand.ly/ieiwu5k>)

average proportion of women in the armed forces across all member countries was 13%. Canada's situation can be considered as progressive in this context. According to the NATO report, only five other member states (Hungary, United States, Bulgaria, Greece, and France) have achieved a slightly higher outcome than Canada (NATO 2020, 5–6).

GENDER INTEGRATION IN CAF

CAF began admitting women in 1885, primarily assigning them to nursing roles. Women only began to become noticeable in other roles within the Armed Forces during the Second World War. At the time, CAF created approximately 50,000 positions specifically for women in the RCN, the CA, and the RCAF. In the most recent years, women have made significant progress in the Armed Forces, attaining high-ranking positions such as General and Flag Officers. According to Leavitt (2022), there were a total of 12 women occupying such positions in CAF. The sheer numbers unequivocally affirm that the military realm is strongly dominated by men. The juxtaposition of the military being traditionally associated with strength, and, on the other hand, feminism being associated with peace and weakness, creates an environment that may be discouraging for many women. The military culture is unlikely to undergo any transformation if the members of the armed forces firmly believe and maintain that women can only be considered “real soldiers” once they abandon feminine qualities and start to “kill and die in combat”. The challenge to overcome is to leave behind the conventional “masculine warrior paradigm” that is presently ingrained in the armed forces (Tait 2020). The organizational culture of CAF is often characterized as “hegemonic” or “militarized masculinity”. This culture “prizes hyper-masculine traits, such as physical strength and high tolerance for violence”. These traits are further reinforced by the hierarchical organization of the armed forces. In this context, it is noteworthy that the DND and CAF Code of Values and Ethics does not regard equality as a value as it may be perceived as an opposition and counteragent to the hierarchy intrinsic to the armed forces. Similarly, according to Johnstone and Momani (2019, 8-11), diversity and inclusion are not usually acknowledged as attributes of the defense forces.

The aforementioned factors have consistently resulted in low numbers of women joining the armed forces, particularly in their most often subordinate

positions, as well as in the reporting of gender-based violence within CAF (Eichler 2020, 2). The 2015 Deschamps Report confirmed the existing problems of sexual harassment and sexual assault in CAF. According to the summary provided by Canadian Supreme Court judge Marie Deschamps, the findings of the External Review Authority revealed that “there is an underlying sexualized culture in CAF that is hostile to women and LGBTQ members, and conducive to more serious incidents of sexual harassment and assault” (Deschamps 2015). Following the Report and its findings, the Defence Team proceeds to implement Operation HONOUR. The Operation’s aim was to eliminate harmful sexual conduct within the Canadian military and to exert a positive influence on CAF’s institutional culture. In March 2021, the Operation was declared concluded and is now being terminated, albeit falling short of fully achieving its intended objectives (Government of Canada 2022a). Nevertheless, the initiative has produced some notable results, including the recognition of the intricate nature of diversity within CAF. As a result, several significant challenges have been identified, including the limited representation of diversity in senior leadership, the widespread presence of gender stereotypes, as well as the necessity to enhance CAF’s capacity to effectively engage with all members of the institution. Furthermore, by implementing Operation HONOUR two additional initiatives have been implemented within CAF: the creation of the Sexual Misconduct Response Centre, and the implementation of the “Respect in the CAF” training program (Kean 2021).

POLICY FRAMEWORK AND INSTITUTIONAL MECHANISMS

In 2017 the Canadian government, led by Justin Trudeau, announced the implementation of the Feminist International Assistance Policy (FIAP), commonly regarded as one of the pillars of Canada’s feminist foreign policy. This policy acknowledges the importance and efficacy of applying a feminist perspective to analyze the power dynamics within organizations and societies in their entirety. The policy was designed to “help protect and promote the human rights of all vulnerable and marginalized groups and increase their participation in equal decision making”. The document enumerates priority areas: gender equality and the empowerment of women and girls; human dignity; growth that works for everyone; environment and climate action; inclusive governance; peace and security. The final pillar of this policy seeks to increase

“women’s representation in the security sector and enforce a zero-tolerance policy for sexual violence and abuse by peacekeepers” (“Canada’s Feminist International Assistance Policy” 2017). Although the main focus of the FIAP is to provide aid to other countries, it also affects the internal operations of the Canadian defense forces and other institutions. This is particularly evident in the case of Canada, given its membership in the NATO and the deployment of its forces abroad. The “peace and security” section in the FIAP mentions CAF as one of the allies and “leaders on gender issues in the military”. It underlines the pivotal role of CAF in implementing the feminist foreign policy, as it has “incorporated gender perspectives into the preparation, conduct and evaluation of missions”, as well as it ensures the possibility of the members of defense forces to “receive education and training on different impact the conflicts, natural disasters and humanitarian emergencies” have on women and men (“Canada’s Feminist International Assistance Policy” 2017).

CAF has implemented a vital mechanism, the Gender-Based Analysis Plus (GBA+), to work towards gender equality, diversity, and inclusion. This system was first introduced in Canada as a follow-up to the 1995 Beijing Declaration and Platform for Action. The initial implementation was not entirely satisfactory, necessitating a 2011 adaptation and subsequent redesign in 2013. The redesign addressed the issue of intersectionality, resulting in the addition of the “Plus”. However, the real-world impact of the GBA+ implementation was made possible by Prime Minister Justin Trudeau’s commitment to pursue a feminist foreign policy in Canada in 2017 (Johnstone, Momani 2019, 1–2).

The Gender-Based Analysis Plus is a tool designed to assess policies, programs, and services in terms of their impact on diverse groups of women, men, and gender-diverse people. This assessment takes into account race, ethnicity, religion, age, and mental or physical disability. The purpose of implementing the GBA+ across Canadian governmental institutions is to enhance their operations by responding to emerging needs and changes in the Canadian society (Government of Canada 2022b). One of GBA+’s defense-related objectives is to facilitate transformative change in the CAF’s organizational culture. The DND and CAF have both committed to implementing GBA+ in the 2017 Defence Policy – *Strong, Secure, Engaged*. In accordance with the Policy, the Defence Team is tasked with applying the GBA+ in all programs and services aimed at recruiting, supporting, and caring for the members of CAF (Canada Department of National Defence 2017, 24). The Standing Committee on National Defence’s 2019 Report identifies a number of strategies and programs implemented across the defense forces to help achieve this goal, while

also addressing the CAF's ongoing challenges. While there are programs in place to support the recruitment of women and young people (such as "Women in Force" or simplifying the application system), the Report finds that not enough is being done to recruit people from rural, remote, and Indigenous communities, which is linked to a smaller CAF presence there (Fuhr 2019, 23). Moreover, CAF has set a target of 25% female participation in the military by 2026, as outlined in the *Strong, Secure, Engaged* policy. While the goal is commendable, the defense forces have yet to adopt a strategy to achieve it, and they do not specify which occupations women should be recruited for (von Hlatky, Lacoursière 2019, 2). Concerning the retention and care of the CAF members, the efforts have been focused on the issue of parental leave and the possibility of returning to work afterwards. Additionally, they have increased the availability of childcare services, although further development of these services is needed. It is imperative to examine the accessibility of higher-level leadership positions for women, Indigenous people, and visible minorities. This is crucial to ensuring a clear career path that promotes retention while also bringing diversity to the military management (Fuhr 2019, 23–28).

Education and training form the second pillar of the defense force's commitment to implementing the GBA+. The *Strong, Secure, Engaged* policy emphasizes the implementation of new programs and training initiatives introduced across all levels of the Canadian defense forces. These initiatives aim to integrate the knowledge and tools related to gender-based analysis into the daily operation of the forces. In light of this, the *Strong, Secure, Engaged* policy ensures that all members of the Defence Team are obliged to undergo GBA+ training, and that all military personnel policies are to be subject to the GBA+ (Canada Department of National Defence 2017, 24). All members of defense forces are currently required to complete an online GBA+ course designed by the Status of Women Canada. The training, which provides an introduction to the GBA+, is open to members of the defense forces as well as to the general public (Johnstone, Momani 2019). To fulfill this commitment, in 2019, General Jonathan H. Vance, Chief of Defence Staff, issued a *Gender Aide-mémoire* to ensure that all CAF members have the requisite knowledge and tools to integrate GBA+ into operations. The document serves as a toolbox and practical guide to the importance of the Analysis and the introduction of "gender thinking" at all levels of operations and the chain of command (Canada Department of National Defence 2019).

However, it is evident that the GBA+ is frequently viewed as a mere formality to be completed in order to advance policies and decisions. It is not yet

valued and respected, particularly at the managerial levels. Consequently, it is being misused and its potential is limited. The GBA+ should be considered at the design stage of any policy or decision, rather than being employed solely as a means of checking them against the relevant criteria shortly before the implementation. Nevertheless, it remains a challenge to persuade all members of here a strong masculine perspective prevails, of the true value of transforming the vision into a gender-inclusive one.

SUPPORT SERVICES FOR MILITARY PERSONNEL

In order to reinforce their commitment to the implementation of GBA+, the DND and CAF have established the positions of Gender Focal Points (GFPs) and Gender Advisors (GENAD). As indicated in the *Gender Aide-mémoire*, the objective of both positions is to provide advice on “the overall integration of gender perspectives into planning, execution and evaluation”. The difference between the two positions is the terms of employment. GFPs are appointed on a part-time basis, whereas GENADS are full-time (Canada Department of National Defence 2019, 5). It is also noteworthy that GFPs serve as the first point of contact when it comes to GBA+. They provide guidance and support for the full implementation of the framework for assessing and rebuilding the organizational culture. Each unit headquarters is required to have at least one GFP who allocates approximately 10-15% of their time to GBA+ matters (Johnstone, Momani 2019, 3). Consequently, this GFP function is an additional responsibility for the CAF members, and they are not required to undergo formal training as GENADS. In contrast, GENADS are specifically trained for their role to advise the commanding officers and associated staff on the assessment of the impact of operations on women and men, the implementation of gender perspectives and gender-based issues during operations, training, and personnel decisions (Tait 2020, 16). In early 2017, CAF committed to deploying GENADS on all military operations in accordance with the directive issued by the Chief of Defence Staff. Furthermore, this directive also established a Directorate for Integration of Gender Perspectives, which collaborates with the DND Directorate for Gender, Diversity, and Inclusion (Eichler 2020, 5). Both institutions serve as focal points for GBA+, promoting and supporting gender inclusion programs while also providing framework implementation resources. This structure is intended to serve as a catalyst for change in the areas of

diversity and inclusion within the defense forces, with the goal of initiating and sustaining such change (Johnstone, Momani 2019, 10–11).

The existence of GFPs and GENADs is closely connected with NATO's approach to implementing United Nations Security Council Resolution 1325 (UNSCR 1325), which, along with subsequent resolutions, comprise the Women, Peace and Security Agenda (WPS). The approach entails establishing a framework of GENADs, who are supported by GFPs at all levels. These individuals are responsible for supporting gender mainstreaming and bringing gender perspectives (NATO 2021, 8). Furthermore, Canada, as a member of the United Nations and NATO, has pledged to implement the UNSCR 1325. A number of documents are relevant to the CAF's implementation of the Agenda.

The first one, is the *Chief of Defence Staff Directive for Integrating UNSCR1325 and Related Resolutions into CAF Planning and Operations (CDS Directive)*, issued with the beginning of 2016. The document outlines Canada's commitment to aligning with the direction established by NATO, as well as foresees the creation of GENADs and GFPs positions within the army. Furthermore, this document places a strong emphasis on integrating the GBA+ into all levels of defense forces, starting with education and training. The 2016 *CDS Directive* also refers to the second important component – the Canadian National Action Plan (CNAP) for the implementation of WPS Agenda (“CDS Directive” 2016).

The initial CNAP was adopted in 2010. Subsequently, two more have been developed, the most recent of them covers the period 2023-2029. The CNAPs laid the groundwork for a feminist foreign policy that acknowledges the necessity of including women in conflict resolution in order to ensure lasting peace (von Hlatky, Lacoursière 2019, 1–2). The defense forces, which are focused on conflict resolution, CAF and DND, are thus mentioned in the CNAP as implementation partners who have also contributed to its development. CNAP is committed to supporting CAF in its efforts to transform the organizational culture, to foster “recruitment, retention and career progression of women and continued operational effectiveness” (Government of Canada 2024a). The 2017-2022 CNAP was mostly focused on CAF/DND, establishing a number of priority areas for the defense forces and outlining specific activities and indicators for measuring developments. They were primarily focused on the already mentioned recruitment and retention, education, and training, as well as supporting the international cooperation on WPS (Government of Canada 2017).

According to the most recent available progress report on CNAP implementation by CAF/DND, none of the priority areas have been fully and satisfactorily completed. The targets that are most nearly achieved are those related to increasing the retention of women in CAF, increasing the completion rate of the GBA+ introduction course, raising the awareness within CAF of the importance of incorporating gender perspectives in military operations, and increasing the number of staff employed as GENADs or GFPs. The least progress has been observed in the monitoring and reporting domains, as well as in the target of increasing the number of women in CAF by 1% annually and the proportion of women at senior positions (Government of Canada 2022d). The current CNAP for 2023-2029, in particular the DND/CAF's plan of its implementation, places a great emphasis on the issue of sexual and gender-based violence. The plan also addresses sexual harassment within the defense forces, which is considered a significant problem in the context of the broader issue of sexual and gender-based violence. Furthermore, emphasized is the importance of maintaining and strengthening the commitment to the GBA+ within CAF, labeled in the plan as essential to advance with the "positive culture evolution" (Government of Canada 2024b).

In addition to the roles of GBA+ and GENADs within the Canadian Defense Team, Defence Advisory Groups (DAGs) serve as a support service to enhance diversity across DND and CAF. The DAGs are available to defense forces leadership for consultation on policies and programs designed to foster a more equitable, diverse, and inclusive organization. DAG members are volunteers who represent a variety of historically underrepresented and marginalized groups within CAF, including women, Indigenous people, persons with disabilities, visible minorities, and LGBTQI individuals. Any member of CAF or DND is eligible to join a designated DAG where their expertise may be relevant. The DAGs' primary focus is on ensuring equity and diversity in recruitment and employment, as well as on promoting a career in the defense forces within their communities (Government of Canada 2023b).

In light of the ongoing coverage of sexual misconduct within CAF, it is necessary to highlight the support available to the CAF members. Two such instances have been referenced in this paper in the context of Operation HONOUR. Firstly, the Sexual Misconduct Support and Resource Centre (SMSRC) assists current and former CAF members, DND employees, and Cadets who have been affected by sexual harassment, as well as their families. Additionally, it advises the Defence Team's leadership on how to respond to such issues. Moreover, it monitors and evaluates CAF's efforts to address sexual

misconduct and provides content-related expertise to support the training available for the armed forces members. It is also worth noting that the SMSRC operates independently of CAF and DND (Government of Canada 2023a). Another resource available for the members of the Canadian Defence Team in relation to sexual harassment is the “Respect in the CAF” training. This workshop is a voluntary, one-day, interactive event, designed to equip CAF members with the knowledge and skills necessary for “recognizing, responding and preventing sexual misconduct”, while also providing support to the victims (Government of Canada 2022c).

CONCLUSIONS

Despite the considerable efforts made to create a welcoming environment for women and broader diversity within CAF and DND, persistent gaps remain. One of the most significant challenges that CAF continues to face is the need to convince all members of the defense forces, particularly those who have been operating within these traditionally masculine structures for many years now, of the value of pursuing diversity within the military. The challenge lies in fostering a consciousness among soldiers at all levels of the army, thereby creating the necessary space for organizational culture.

It could be argued that feminism is a too “peacefully oriented” movement to prioritize including more women or bringing diversity to the armed forces and the military field in general. It may appear unusual to attempt to combine defense forces with human rights, gender equality, and peace, i.e. values frequently espoused by feminists. The issue under discussion is the variety of perspectives that should be brought to the strategic, operational, and tactical levels. It also involves ensuring that the armed forces are more focused on the human security rather than on national defense alone (Hutchinson 2023a, 230). It is evident that there are additional factors to consider beyond the mere presence of weaponry during military operations. It is also imperative that soldiers are aware of the people that are on the opposing side of the conflict, their needs and the necessity to protect them from the consequences of the conflict. This necessitates taking into account various aspects and perspectives, in all their diversity and interconnectedness, represented by a wide range of individuals. For this to occur, the army must be perceived and portrayed as an institution that values diversity and inclusion, rather than merely as a military

apparatus pursuing military solutions. Furthermore, it will facilitate the implementation of the Women, Peace and Security Agenda by considering diverse perspectives on threats and embracing also non-military solutions to maintain peace and security (Hutchinson 2023b, 237). It is imperative that the Defence Team remain cognizant of the challenges that have to be overcome in order to achieve the desired level of diversity. Several barriers have been identified in the DND and CAF's 2024 CNAP Implementation Plan, including an attachment to a stereotypical "ideal" military member, inflexible leadership styles and exclusionary practices (Government of Canada 2024b). It is anticipated that these issues will be addressed in the near future.

As various studies have shown (see Johnstone, Momani 2019; Tait 2020), CAF members' attitudes toward gender diversity, inclusion efforts, and implemented mechanisms vary considerably. While some view the undertaken endeavors positively, others consider them to be an additional bureaucratic burden serving political purposes. Consequently, the Defence Team's top priority should be to instill in their members a sense of value for gender diversity, as well as to ensure they are aware of the importance of mechanisms such as the GBA+. A review of monitoring reports reveals that new documents are being developed, and that some targets are being met. However, structural problems persist. To be effective, any strategy must first have a clear understanding of the purpose and benefits of inclusion across the armed forces. Presently, it appears that the CAF's efforts to promote gender diversity and inclusivity are largely confined to public diplomacy, with limited tangible impact on the forces' actual functioning. This raises the possibility of viewing gender equality, diversity, and, in the Canadian context, GBA+ as mere frameworks that are "ticked off" a list, lacking intrinsic value and serving only to project a positive image.

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Examining Military Sexual Abuse: A Comparative Study of Canadian and Polish Contemporary Armed Forces

Abstract

Sexual abuse within the military remains a persistent and complex issue, casting a shadow over the integrity and effectiveness of the armed forces. This chapter offers a comparative examination of the multifaceted nature of sexual harassment in the Canadian and Polish military, clarifying its prevalence and far-reaching consequences. The study examines various forms of sexual harassment encountered within the military hierarchy, from subtle microaggressions to outright assaults, and explores factors such as organizational culture as well as institutional responses that perpetuate this pervasive problem. Moreover, it examines the impact of sexual abuse on individual victims, unit cohesion, operational effectiveness, and the overall military image.

By analyzing definitional frameworks, existing policies, and procedures, it identifies shortcomings and proposes recommendations for comprehensive reform. Ultimately, the objective of this examination is to contribute to an understanding of sexual harassment in the military and to catalyze meaningful action to promote a culture of respect, equality, and safety within the armed forces.

Keywords: military, sexual abuse, reforms, law, gender equality, Poland, Canada

HISTORICAL BACKGROUND AND RESEARCH OVERVIEW

Women's participation on the battlefield has been present throughout history, however, women did not always receive official recognition for their activities, as it was considered their gender role. Historically, women have not been excluded from combat but rather assumed more traditionally feminine, auxiliary positions, such as nurses, comforters, cooks, and cleaners. In the Canadian context, this transformation commenced with the onset of the colonial wars, during which the French and the British fought for the territories of the present-day Canada. As early as 1885, the North-West Rebellion allowed women to join the Canadian army (then militia) (Waruszynski et al. 2019). The inclusion of women in the military and recognizing their contributions was not a common practice. Additionally, providing medical assistance was linked to membership in a religious order, not to medical nursing education, meaning that battlefield care was more aligned with spiritual or moral duty than with professional medical expertise.

Importantly and groundbreakingly, the Women's Royal Canadian Naval Service, Women's Canadian Army Corps, and Women's Royal Canadian Air Force were all formed between 1941 and 1942, formally enabling women to engage in military life, albeit primarily with support roles. Women within these organizations performed key logistical and coordination functions, providing essential support for combat operations. They provided administrative support, international telecommunication, medical care or supplies, they also worked as cleaners, tailors, and medical assistants, especially in the Armed Corps (Canada Remembers Women in the Canadian Military 2017). Women were able to participate in the war effort thanks to these positions, which improved public sentiment for female involvement and increased national mobilization. Women's participation in the war was not limited to official military positions. During both world wars Canadian women have worked in munitions and armaments factories, demonstrating their ability to perform tasks that had previously been the exclusive domain of men. Mechanics, drivers or radar operators were among the other jobs held by women. While these were non-decision-making roles, they enhanced operational efficiency of the Canadian military. Although at the time women were considered as a temporary measure to replace men, in terms of long-term consequences, this type of labor eventually led to enable women to hold higher positions. An example of the subjugation of women is the motto of the Women's Division of RC Air Forces, which reads "She serves that men may fly" (Harris 1941). Additionally,

there was a pay disparity in the Canadian Armed Forces. According to Veterans Affairs Canada: “In 1943, the initial pay rate for servicewomen was set at 2/3 of that for men, but in July 1943, it was raised to 80% of the pay of men at the time” (Women in the Canadian Armed Forces: A Historical Timeline 2024). Notably, the integration of women into the army enhanced its efficacy, since women performed the same duties as men, but in most cases, they did not risk their lives on the battlefield. After the World War II, Canada was one of the first countries to support UN peacekeeping operations. Canada is renowned for its advocacy of the participation of women in peacekeeping operations, both within its armed forces and in international organizations. Canadian women have served in a variety of roles, including as soldiers, police officers, counselors, and in humanitarian operations. The deployment of women peacekeepers is of particular importance in the establishment of trust, especially in communities that have been affected by conflict and where women and children are among the most vulnerable, as it is a case of missions in Congo or Rwanda. Their presence can facilitate access to these communities, especially in cultures where gender relations are more complex and conservative. As of May 2023, women made up 16% of the Canadian armed forces (Government of Canada 2023a) with 3.5% of all troops irrespective of gender reporting sexual assault (D’Andrea 2023).

The circumstances in Poland differed. Women’s auxiliary organizations existed, as evidenced by their participation in the November Uprising of 1830-1831. They provided medical care and guard duty; while also engaging in active combat, which drew criticism and led to objections due to their gender. During the interwar period, several factions of the Polish Military Organization were active. These included the Women’s Voluntary Legion, formed in 1918 by women eager to reclaim Poland’s independence, or the Women’s Military Organization for the Defense of the Country. Importantly, women did not receive uniforms, let alone payment for their combat roles (Zagórski 2021). Nonetheless, these were official military positions filled by women. In April 1938, the Polish Parliament’s act on universal military obligation in Article 8 §1 stated that women could voluntarily accept military service obligations, and Article 103 placed women’s auxiliary units on a par with men’s units (“Ustawa z dnia 9 kwietnia 1938”).

During World War II, women played an active role in operations, serving as nurses, communication officers, and soldiers (Kuśmirek 2017). Owing to their central position in the war, they were given increased authority in decision-making. They progressed from being helpers to becoming coordinators of

sabotage actions, as well as active participants of the resistance movement, whether in the ranks of the Polish Home Army (*Armia Krajowa*) or the Social Emergency of Women's Military Training (*Przysposobienie Wojskowe Kobiet*). In fact, during the Warsaw Uprising (August-October 1944) one in seven combatants were women (The People's War: Women, Children, and Civilians 2021).

Polish women have participated in peacekeeping missions since Poland began to engage in international operations after World War II. Since the 1990s, the number of women participating in missions began to increase, yet there is an apparent gender gap that persists regardless of the country of origin of the members of the peacekeeping personnel. Women have served in a variety of roles, from medical, administrative, to operational and command roles. Missions in which they participated included operations in the Balkans, Africa and the Middle East. According to the Polish Ministry of Defense, "As of 1 March 2024, there are 17,334 women [which is 13% of the army's headcount] serving professionally in the Polish army. Women serve in all corps and all types of armed forces." (Ministerstwo Obrony Narodowej 2023). As stated, women soldiers are proving themselves in positions of both commands, technical, medical, educational and as regular soldiers.

A substantial body of research has been undertaken on issues pertaining to the modern military, including discrimination and harassment in the workplace. Ottman (2017) highlights the pervasiveness of toxic work environments and recounts her personal experiences of violence and the subsequent trivialization of her reports in the Canadian Armed Forces. She underscores that such incidents continue to occur, leaving victims of attacks afflicted with PTSD and disempowered in the pursuit of women's self-determination. The existing literature on the subject of women in science and the military reveals a recurring theme of struggles faced by women in these two traditionally male-dominated fields. Despite their achievements, women are often undermined and considered less contributing members of the scientific community and the military. MacKenzie (2023) addresses global movements such as #MeToo and #TimesUp, focusing on the issue of rape culture and examining media coverage of stories and misconceptions about sexual harassment in the military. The author identifies several key issues that have been overlooked in mainstream discourse, including the tendency of predominantly white men to feel superior, the role of stereotypes about the military, the influence of social pressures, the narrative that soldiers are inherently noble individuals who prioritize the greater good.

A review of the literature on sexual offenses in the military in Poland reveals a paucity of research in this area. Additionally, a review of the main media reports indicates that there are no internal problems in the military. However, this is not consistent with the facts, as isolated articles are presented that discuss mobbing and harassment in the Polish army. Wolin (2020) indicates that the effectiveness of internal procedures is limited, resulting in a low number of criminal prosecutions against soldiers. The author highlights the absence of communication between superiors and the lack of preventive action, which results in the problem being marginalized and not addressed by the Ministry of National Defense. As a consequence, there is a deficiency in publicly accessible research, with the sole available data set being a study conducted on a limited participant group in 2009. Dzieciuchowicz (2019) indicates that those who commit sexual offenses are treated with impunity, as lawsuits are often dropped, or sentences served on probation. Additionally, Didusko-Zyglewska (2022) references accounts from women in the Polish military who have endured ridicule during service briefings, undermining of competence, sexual propositions formulated as service orders, exclusion from rewards, and disregard for basic sanitary needs.

Nevertheless, there is a notable absence of comprehensive literature, up-to-date statistics, and relevant reports on sexual harassment in the Polish military.

THEORETICAL FRAMEWORK

Given the history of women in the Armed Forces discussed above, it is crucial to acknowledge and address the persistent challenges and pervasive sexual discrimination that they face. Three basic concepts must be understood in order to comprehend behavioral variations: misconduct, harassment and assault. All of these concepts coincide but can be perceived and interpreted in different ways by the legislative and public spheres, especially in countries as far apart as Poland and Canada. Although sexism is not always perceived as a significant social issue, direct physical advance is a particularly extreme manifestation of it and can be attributed to a number of different factors, despite the existence of a single legal term to describe it. This problematic behavior is not gender-specific, although the victims of the sexual harassment are predominantly women.

“Sexual misconduct” is a broad term encompassing a wide range of inappropriate sexual behaviors. It includes actions such as grooming and unwanted advances, sexual comments and gestures, or any form of non-consensual sexual contact. This includes behaviors that are used as a form of coercion with the promise of promotion in the workplace. This type of behavior is considered a form of harassment and raises issues of unequal power relations. Similar in nature, “sexual harassment” stems from resentment or desire rather than originating from a position of authority. Harassment can take many forms, such as catcalling, derogatory comments, stalking, and cyberbullying, as well as commenting on body or sexuality. The term “misconduct”, however, is being phased out by the Canadian Armed Forces as it is too general (Globalnews.ca, 2023). As a result, the aforementioned behaviors are classified as “sexual assault”, which is the broadest term listed. A specific intent to cause harm distinguishes it; forced sexual intercourse, sexual battery, or sexual abuse, including manipulation, are the examples.

Given these definitions, it is necessary to examine the legal framework surrounding the aforementioned behaviors. The Canadian Criminal Code uses the umbrella term “criminal harassment” to describe actions that oppress another individual. However, the Code only mentions engaging in threatening conduct, not sexual assault (“Canadian Criminal Code” 1985). In this case, it is necessary to apply criminal law, which does not explicitly address sexual harassment but does punish threatening behavior without considering the underlying cause. This is exemplified by Articles 162 and 168 on mailing obscene matters and distributing inappropriate photos.

The key provisions relating to sexual violence is Sections 271-273 of the Criminal Code, which specify three levels of assault, ranging from unwanted touching to armed attack and threat to health and life. At the same time, the Canadian Labour Code “establishes an employee’s right to employment free of sexual harassment and requires employers to take positive action to prevent sexual harassment in the work place” (Human Resources and Skill Development Canada 2010), as well as imposes preventive solutions that must be implemented in a ‘rational manner’.

The *Canadian Human Rights Act* (CHRA) is the primary legislation governing sexual harassment reporting in Canada. Under the CHRA, individuals who have experienced sexual harassment in the workplace can file a complaint with the *Canadian Human Rights Commission* (CHRC). However, section 60(5) of *Canadian Human Rights Act* states that “a prosecution for an offence under this section may not be instituted more than one year after the

subject-matter of the proceedings arose” (Government of Canada 1985). The complaint process begins with an individual completing a form which can be obtained from the CHRC website or by contacting the Commission directly. The form requires the complainant to provide specific details about the alleged harassment, including the date, location, and nature of the incident, as well as a summary of the complainant’s experience. Once a complaint is filed, the CHRC investigates the case to determine whether there is sufficient evidence to support the allegations under the *Canada Evidence Act* (1985). During the investigation, the commission may seek additional information from the complainant, respondent, and any other relevant witnesses. The CHRC may also attempt to resolve the case through mediation or conciliation. If the CHRC determines that the complaint has merit, it may refer the case to the *Canadian Human Rights Tribunal* (CHRT) for a formal hearing. The CHRT has the authority to order the respondent to discontinue the discriminatory practice, compensate the complainant, and take steps to prevent similar incidents in the future.

There are also representative organizations that deal with class action lawsuits – one of them is the *Canadian Armed Forces-Department of National Defence Sexual Misconduct Class Action Settlement*. In 2019, CAF-DND Class Action filed a lawsuit regarding sexual violence in the Canadian Armed Forces. The possibility of extending the deadline for filing complaints was also discussed; according to the CHRA, this was possible under special circumstances, but “the Government of Canada has appealed a recent Federal Court ruling that would further extend the claims deadline and introduce a late claims management process for the CAF-DND Sexual Misconduct Class Action Final Settlement” (Government of Canada 2023b). However, victims of sexual violence have other options available besides reporting to the CHRC. They may also report the crime to the police and file a civil lawsuit, as there is no statute of time limits on reporting sexualized violence.

Polish legislation regarding sexual harassment is divided into several legal acts. The majority of regulations are concentrated in the Criminal Code, but those pertaining to mobbing are found in the Labor Law. The Criminal Code contains the most important regulations, particularly in Chapter 25 of the Code, which deals with crimes against sexual liberty. The legal definition of rape is found in Article 197 of the Code. According to the regulation, anyone who leads another person to sexual intercourse through violence, threat or deception is guilty of a crime, and anyone who violates the other person’s intimacy is punishable by imprisonment under Article 191a of Criminal Code.

Sexual harassment in the workplace also has the elements of the offense specified in Article 199 (1) of the Criminal Code, which states that taking advantage of the power relationship or critical position of the victim to perform a sexual intercourse is punishable by imprisonment. Sexual harassment in the workplace is typically prosecuted under Article 199 (1) of the Criminal Code, as the intercourse is done by the perpetrator via abuse of dependence of a victim (Bielski 2017).

The regulations discussed above can be broadly interpreted. Especially due to the fact that Polish legislation distinguishes between sexual intercourse and other sexual acts. The definition of “other sexual acts” is intentionally vague, reflecting the fact that the concept is not easily defined. The definitions are useful in that they are employed in conjunction with sexual intercourse. Consequently, the definitions of rape and other sexual crimes cover a flexible and broad spectrum of acts. In this context, the judge retains a considerable degree of discretion over how certain acts should be interpreted (Bielski 2017). Notably, the Polish Criminal Code consists of a specific set of regulations designed to address military-related issues. However, under Article 317 of the Code, civilian laws take precedence in cases where military provisions do not apply. The military part of the Code only addresses situations of harassment regarding the chain of command. It is illegal to harass those who are lower in the chain of command. However, by definition, such acts are not sexual in nature. According to the regulations, harassment with sexual intent is prosecutable under civilian laws.

In addition to the Criminal Code, the Labor Law contains regulations on sexual harassment. Article 94 (3) of the Labor Law introduces the concept of mobbing, which is broadly defined and encompasses a range of situations, including sexual harassment. It is, however, important to note that this regulation primarily targets the employer. It is civil in nature and addresses compensation for acts of mobbing (Maniewska 2024). Mobbing regulations were first introduced into Polish Labor Law in November 2003 and were later changed in September 2019. Despite the amendment, they remain lackluster and were implemented solely to comply with the directives of the European Union. The regulation consists of one article that has no meaningful connection to the rest of labor regulations in Poland (Maniewska 2024). These regulations hold employers financially liable for workplace mobbing. However, the perpetrator is not being prosecuted at all. Additionally, it is important to note that Labor Law regulations primarily apply to workers hired under a contract of employment. Other contractors in Poland are not protected by the anti-mobbing

regulations. This also applies to the military, where many positions are not based on a contract of employment. In cases of sexual harassment that are not prosecutable under Criminal Law or Labor Law, the aggrieved party may attempt to pursue a civil claim for personal interest. Such a claim might seek financial compensation. However, due to the nature of personal interest, the legal system in Poland, and the procedural hurdles associated with such cases – notably the high cost of litigation and the uncertain and complicated nature of the claim – this mode of operation is rarely employed.

ORGANIZATIONAL CULTURE

The armed forces have traditionally been a male-dominated institution, with gender roles and power dynamics contributing to the prevalence of sexual harassment. Historically, the military culture has been characterized by a hypermasculine environment, where traditional masculine traits, such as aggression and dominance, are often held in high regard. Hypermasculinity also seeks to limit emotions in taking actions, which are frequently associated with feminine qualities and are not respected by hypermasculine personalities (“Hypermasculinity” 2019). This type of behavior increases the likelihood of committing violent acts, including those on the basis of sexuality or gender. The warrior culture is a globally recognized phenomenon, ranging from Spartan soldiers or medieval knights to Japanese samurai, and it is responsible for the image of warriors as brave, strong men. There is no place for women in this vision and they must conform to male expressions of gender. This perspective can foster an environment conducive to the objectification of women and the normalization of discriminatory behavior, such as viewing women as men’s helpers only. Nevertheless, those are not the only factors contributing to harmful behavior, according to Emily A. Leskinen – “studies have found that sexual harassment is associated with decreased satisfaction with one’s job and professional relationships, loss of productivity, and increased turnover intentions and behaviors” (Leskinen et al. 2011, 4). Furthermore, the hierarchical structure of the military can exacerbate the problem of sexual harassment. The power dynamics between superior and subordinate officers can give rise to a culture of fear and intimidation, making victims hesitant to report incidents for fear of retaliation or career consequences. Given that the law does not criminalize violation of personal integrity that is considered minor

(e.g., unwanted touching of an intimate area), victims are more likely to report only the more severe cases to a superior (Leskinen et al. 2011).

Members serving under the leadership of a commander who does not actively prevent sexual assaults and mistreats subordinates face a higher risk of sexual assault. Commanders who are firm in their convictions, as well as aggressive, are less inclined to accept reports of violence under their supervision. This is related to the belief that any problems that arise during their tenure will have an impact on their promotion prospects, as well as the image of the group they are supposed to lead. As a result, reports of assaults are frequently not documented (Walker 2023). These problems are described as a culture of silence and double standards that shield criminals from accountability. These are groups of so-called elites who are accountable to no one and filing complaints against them often results in repercussions for the victims while no action is taken against the accused. “The National Post” also refers to the CANSOFCOM reports, which concern both the armed forces and special units in Canada: “Issues raised about JTF2 are largely censored from the reports obtained through the Access to Information law or limited in detail. But information about other special forces units was highlighted in the documents” (Pugliese 2023).

“Forbes Magazine” describes the stories of women who were subjected to sexual violence within the Polish military. A common theme was that they were repressed in a more or less official manner. The consequences of reporting a case of violation of bodily integrity include mobbing:

“Since then no one in the unit shook my hand, I became a black sheep. My pay bonuses were taken away from me, although I was a model soldier, then I was transferred to another city without giving a reason. I constantly heard my colleagues whispering among themselves to stay away from me, because I would snitch on others” (Szulc 2021).

Another form of mobbing is victim blaming, filing negative service reviews and implementation of disciplinary proceedings. Women are treated with disregard or hostility, and also as auxiliaries or people who owe their position through sexual advances. Despite being in the unit, many women were patronized and crew members preferred them not to take part in activities and only look after the group on their return. Women have to contend with sexual jokes on a daily basis, as well as prove that they are capable of doing their job, as they consciously chose it themselves. The article examines instances of sexual assault and the denial of fundamental necessities on the grounds of gender.

These actions are often accompanied by intimidation and hostile indulgence. In conclusion, the interview states:

“The military is neither organizationally nor culturally prepared for women’s service” (Szulc 2021).

THE IMPACT ON THE MILITARY’S IMAGE

Sexual violence not only disrupts gender integration, but it also reduces the effectiveness and depth of communication between individuals, which is crucial to the success of operations. The military services rely on trust, professionalism and teamwork. Frequently, soldiers are placed in life-or-death situations, and those who witness or experience inappropriate behavior lose trust in one another, particularly in situations where there is a lack of willingness to provide help within the military unit for a variety of reasons. Such circumstances lower group morale, as not everyone can feel respected or safe in their job, which is precisely to help in dangerous situations. Sexual violence affects not only the victim, but also those around them, which can lead to conflicts. In an environment that values teamwork and quick response, these conflicts can lead to weakened preparedness in dangerous circumstances.

Such incidents also have an impact on the public perception of a country’s military. While the military is unquestionably needed, even during times of peace, relatively few people want to join it, and many soldiers choose to resign from service (D’Andrea 2024; Kozubal 2023). Therefore, it is vital to maintain the military’s positive reputation. However, this should be accomplished not by concealing its internal issues, but rather by enforcing a zero-tolerance policy, as well as openly discussing the problem of sexual harassment and potential solutions. The absence of reliable and official information about the state’s problems results in the formation of negative stereotypes (Saliu 2017). Those considering enlistment in the military, in light of the hidden internal problems, may choose not to join the army, which represents a significant departure from the expected standard set to one of the most important units providing (inter)national security.

Conversely, the army’s international image is of significant consequence. High-profile scandals and lawsuits exposing pathologies within units undermine the army’s stature, and point to the disrupted unit cohesion, described

above. A positive image of the military results in increased public trust (Walker 2023), as well as in improved international diplomacy. A positive perception indicates professionalism, training, and adherence to international standards, which is critical in the development of treaties and agreements aimed at ensuring stability and security. The military's image affects a country's reputation, particularly in terms of acting in accordance with the values that it represents.

Sexual abuse in this industry not only jeopardizes the recruitment and performance of those affected in the armed forces, but it also undermines the cohesiveness of the entire organization. Such behavior cannot be tolerated in society or the workplace, including military service. Sexual abuse constitutes a violation of human rights and individual dignity, which can result in a variety of physical and mental health problems. In the context of the military, where hierarchy and discipline prevail, such behavior is particularly prevalent because it exposes those serving to the risk of abuse of power. Researching the issue allows us to consider the diverse experiences and perspectives of those affected by sexual violence in the military. This is crucial for the development of comprehensive and difference-sensitive approaches. Discussions about sexual violence in the military can serve as an educational tool for both the general public and soldiers. They provide relevant information about the state of the army and enable an open and transparent presentation of the problem without concealing the most important events from the public. The acquisition of knowledge regarding the issue in question can facilitate the prevention of sexual violence and the identification and reporting of cases of such violence. Further research into sexual harassment in the military could investigate several critical areas to deepen understanding, inform policy, and enhance prevention and response efforts. Key areas for potential research include long-term impact on victims such as post-traumatic stress disorder, depression and anxiety, as well as physical health outcomes linked to sexual harassment in the military. Also, the broader social and familial consequences, including how harassment affects relationships, family dynamics, and community reintegration, needs to be addressed. In addition, examining the effectiveness of prevention programs and evaluating current reporting systems is required. Research could explore what components are most effective and how these programs can be improved.

One of the most effective strategies for preventing and countering sexual violence in the military is the zero-tolerance policy, which has been implemented in numerous armies around the globe. This signifies a transformation in organizational culture, whereby each report is subjected to thorough consideration and subsequent investigation. In light of the recommendations set

by the Canadian Independent External Comprehensive Review (2022), it is imperative to enhance the safety of army members, guarantee the accessibility of forensic kits, provide for the healthcare needs of personnel, and facilitate training in leadership, recognition, and response to harassment. Similarly, Poland employs a strategy that involves a mediator monitoring and handling cases at an early stage, with the unit commander assuming responsibility for the subsequent phase. It is emphasized that false accusations of violence are prohibited, and that anonymous reports will not be considered. The promotion of rules of comity is a key aspect of this approach, with both countries maintaining comprehensive registers of sex offenders and detailed assessments of the likelihood of reoffending. The monitoring of inappropriate behavior represents a crucial element of sexual harassment prevention, as well as the creation of databases designed to detect patterns of behavior and identify individuals responsible for harassment. This is particularly important in the context of transfers to other units, where it is essential to assess potential risks. Introduction of this type of research will provide a platform for victims of sexual violence to share their experiences, while simultaneously creating databases that will facilitate a more comprehensive understanding of the broader context and challenges faced by the modern military. The existing data on violence in the military is limited, as the subject is viewed with disdain by military entities, who regard information about issues within the military as a potential indicator of internal destabilization of the armed forces. Awareness and conducting community interviews are essential for reporting certain disclosures of sexual violence. Collaboration with military organizations, veterans' groups, and sexual violence advocacy organizations ensure the research is relevant and impactful.

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Highway of Tears: Exposing the Crisis of Violence and Discrimination Against Indigenous Women and Two-Spirit People in Canada

Abstract

This chapter examines a crisis currently being experienced by Indigenous people of Canada – violence against women, girls, and Two-Spirit people. It presents the notorious Highway of Tears and related instances of police ineptitude as a case study, placing them within the wider context of racially motivated violence, marginalization, and the long-standing societal acceptance of such actions. It is also noteworthy that homicides and violence against Indigenous women are less likely to result in serious charges than cases involving non-Indigenous victims. The following chapter analyzes resistance and grassroots movements fighting for the Missing and Murdered Indigenous Women, Girls, and Two-Spirit People (MMIWG2S) crisis to be recognized as a systemic issue requiring federal government intervention and the implementation of viable prevention strategies.

Keywords: Highway of Tears, Canada, MMIWG2S, violence, Indigenous women, Indigenous girls, Two-Spirit people, systemic racism, First Nations, human rights

INTRODUCTION

Canada is typically perceived as a democratic country that prioritizes the well-being of its residents. Such perception is supported by its ranking as the seventh-safest country in the world. Canada is also ranked twelfth on the Global Peace Index 2022 (“9 Reasons Why Canada Is a Great Place to Live As a New-comer” 2023). Regrettably, these statistics do not accurately represent the situation of Indigenous peoples, who – far more than other groups in Canada – experience significant marginalization, abuse, and – in case of Indigenous women and girls – sexual objectification. The severity of this problem is illustrated by the following statistics: between 2009 and 2021, the rate of homicide against First Nations, Inuit, and Métis women and girls was six times higher than the rate among their non-Indigenous counterparts, 56% of Indigenous women have experienced physical assault, and 46% of Indigenous women have experienced sexual assault at least once (“Assembly of First Nations” 2024).

Canada, a country that prides itself on its multiculturalism, has turned a blind eye to the generational effects of colonization¹ that has affected its Indigenous population for nearly two hundred years. This has resulted in intergenerational trauma, cultural alienation as well as the erosion of communal bonds. The enduring effects of colonization are evident in the criminal and judicial laws, policies, and practices, as well as the European-imposed gender roles, which have had detrimental consequences on Indigenous peoples and their culture (Department of Justice 2024).

Indigenous women are alienated in their struggles, experiencing problems and challenges that are not commonly experienced by non-Indigenous women or Indigenous males. It can be argued that they are facing a “double burden”, experiencing discrimination based on both sex and Indigeneity (Hanson 2009). To fully comprehend the mechanisms leading to the unique position of Indigenous women in Canada, it is necessary to highlight intersectionality, a social theory coined in 1989 by Kimberlé Crenshaw, an American civil rights advocate and scholar. Crenshaw argued that multiple factors, e.g., gender, social

¹ Colonization is a process that includes geographic incursion, sociocultural dislocation, the establishment of external political control and economic dispossession, the provision of low-level social services, and ultimately, the creation of ideological formulations around race and skin color which position the colonizers at a higher evolutionary level than the colonized (Friederis 1983).

status, race, ethnicity, sexuality, religion, disability, or age, affect individuals in combination. That means that different women are affected by barriers and discrimination that go beyond their gender (Howard 2022). This phenomenon is highly visible in the case of Indigenous individuals living in Canada, especially women, girls, and Two-Spirit people as they are struggling with racial and systemic discrimination, gender-based violence, socioeconomic disadvantages as well as loss of cultural identity due to colonization. The following chapter will attempt to briefly zoom in on the cultural context and carefully consider gender roles and the impact of the aforementioned colonization.

The primary sources used in writing the following chapter include statistics describing violence against Indigenous women, girls, and Two-Spirit people in Canada, the report “Reclaiming Power and Place”, presented to the public on June 9, 2019, as well as the Human Rights Watch organization report published in 2012. The MMIWG2S crisis has previously been the focus of several publications (Meeme and Brant 2016; McDiarmid 2019; Labrecque 2014), however, the aim of this chapter is to outline an issue lacking satisfactory focus in academia. It seeks to identify various historical factors of high murder rates among Indigenous women, girls, and Two-Spirit people, as well as governmental and grassroots response.

HISTORICAL CONTEXT

Despite the socio-cultural diversity among Canada’s hundreds of First Nations, historians and experts largely concur that there was typically a balance between the roles of women and men in pre-contact Indigenous cultures (Sterritt 2007). There was a rather clear division between male and female activities among Indigenous peoples, members of the communities complemented each other, living in unison. This did not diminish the role of women in social life. On the contrary, they were admired for their distinct role in giving and nurturing life, and in preserving the traditions of their communities. They were perceived as the foundation of the nation, and the strength of their communities’ future (Stark 2013). Many First Nations were matrilineal, which manifested in men marrying into a woman’s family, accepting, and welcoming women into leadership roles, and entrusting them with significant decision-making responsibilities. Women were treated as the bonding units of society, playing an important role in creating and shaping it. Their role underwent a substantial

transformation due to the patriarchal customs of the European settlers, which were forcibly imposed on the Indigenous population through colonial policies, unjust seizure of resources, ruthless exploitation, and forced assimilation.

The fact that most pre-contact Indigenous cultures divided duties into female and male oriented does not mean that they diminished non-hetero-normative norms, before the arrival of Europeans, gender, and sexuality were not understood in binary, “either/or” terms. Throughout Indigenous North America, certain individuals lived their lives outside the binary classification of men and women. Some were perceived as embodying both masculine and feminine characteristics, having two great spirits living inside of them, one male and one female. These people fulfilled significant social roles, possessed specialized knowledge, led ceremonies, raised children, and engaged in same-sex relationships and marriages. (de Groot 2024). Individuals combining the aforementioned characteristics are now often described as Two-Spirit people. Although the concept of Two-Spirit individuals has long existed, the term itself was only introduced in 1990. During the Third Annual Intertribal Native American, First Nations, Gay and Lesbian American Conference held in Winnipeg, Elder Myra Laramée proposed the umbrella term “Two-Spirit” which is a translation of the Anishnaabemowin term “niizh manidoowag,” which translates to “two spirits” (Thurston 2022).

The enactment of the *Indian Act* in 1876 had a profound impact on the lives of Indigenous women in Canada. It forcefully redefined their identity and deprived them of their rights and privileges, thus subjecting them to male domination (Deschambault 2019). The *Indian Act* extended far beyond merely defining the term “Indian”. It dictated the eligibility criteria for Indian status, the ability to pass it on to their descendants, and, historically, even granted status to non-Indigenous wives of Indigenous men. Nevertheless, Indigenous women have consistently been denied the same rights as their male counterparts under the Act. Throughout history, various provisions of the *Indian Act* have systematically excluded women from certain rights. This has been achieved by either revoking their status or assimilating them. Under the *Indian Act*, women were denied the right to own land and marital property, save for widows who were permitted to hold land within the reserve system. However, widows were unable to inherit their husband’s personal property upon his passing. Consequently, all possessions, including the family home, were legally transferred to his children. These discriminatory policies, which deprived Indigenous women of their status and legal standings have had profound and lasting effects on subsequent generations. As a result, offspring of matrilineal

lineages within Indigenous communities have never had equal access to obtain Indian status and have been deprived of their identities (Deschambault 2019).

Early colonial records depicted Indigenous women as “Indian princesses” due to their dignity and virtue. However, as time passed, these records began to portray them as mere sexual objects. If a woman failed to meet the stringent Victorian standards of virtue, which were nearly unattainable, she was considered unworthy of respect. Any sexual relationships deemed non-monogamous or outside the bounds of marriage were viewed as uncivilized and in conflict with the government’s mission of civilizing (Hanson 2009).

Before the imposition of stringent legal restrictions and limitations, Europeans engaged in sexual abuse and committed acts of violence against Indigenous women, regarding them as impure and devoid of dignity. These acts have had a profound impact on establishing norms and social acceptance for the exploitation of Indigenous women and girls, which is reflected in the aforementioned statistics as well as the fact that they are victims of cruelty and discrimination both within and outside their communities, also suffering high rates of domestic and intimate partner violence. The majority of cases of violence against Indigenous women remain unsolved, with victims’ relatives citing apathy, after experiencing disrespect from police officers, and delayed responses that result in poor quality of the investigations. Notably, within the scope of the study examining the most recent homicides reported by police in 2021, a higher proportion of cases remained unsolved. Specifically, 29% of homicides involving Indigenous women or girls and 17% of those involving non-Indigenous victims were unresolved (Burczycka and Cotter 2023). As observed by Métis scholar Kim Anderson, the current situation faced by Indigenous women and children in Canada is one of diminished respect. It is not necessarily the fault of the men, but rather stems from the influences of colonialism, which are manifested in stereotyping, systemic violence, and legal inequities. Indigenous people are currently experiencing a state of confusion and are actively at tempting to work their way out of it (Meeme and Brant 2016).

THE HIGHWAY OF TEARS AS A CONTEMPORARY MANIFESTATION OF THE HERITAGE OF COLONIAL VIOLENCE AGAINST WOMEN

The Highway of Tears is, in essence, a manifestation of a broader, nationwide emergency concerning the disappearance and murder of Indigenous women and girls. It illustrates the susceptibility of Indigenous women to various forms of violence, including sexual assault, kidnapping, and homicide. The lack of proper police involvement and the errors made by the authorities have led to the active participation of Indigenous people in addressing the situation. Due to the factors described, the Highway of Tears has become a case study illustrating injustice and discrimination in the eyes of the world.

Highway 16 connects small towns, crossing British Columbia from east to west. However, it is more commonly referred to as the notorious Highway of Tears. The name was coined by Florence Naziel during a vigil held in 1998 to commemorate the women who died in an area stretching from Prince Rupert to Prince George, covering a distance of 450 miles, or 724 km. The route is sparsely traveled, situated in areas with low population density and a high proportion of residents who do not own a car. Until 2017, they also lacked reliable access to public transport that would be reliable, regular, and safe (McDiarmid 2019). The Royal Canadian Mounted Police (RCMP) has documented eighteen cases of murder or kidnapping along the Highway of Tears dating from 1969 to 2006. However, there is a prevalent contention that this number is likely to be much higher, possibly as many as forty ("Highway of Tears" 2016).

In 2004, Amnesty International published a report on missing and murdered Indigenous women in Canada. Among other findings, the report stated that despite assurances to the contrary, police in Canada have often failed to provide an adequate standard of protection for Indigenous women. The Human Rights Watch organization has investigated the dynamics between Indigenous peoples and law enforcement, with a particular focus on the Highway of Tears case in 2012. In July and August 2012, researchers conducted interviews with 50 Indigenous women and girls. Additionally, they carried out 37 interviews with the families of murdered and missing women, Indigenous leaders, community service providers, and other relevant stakeholders across 10 communities ("Those Who Take Us Away" 2013). Their findings reveal significant levels of apprehension towards the police among the interviewed women. This fear mirrors what is typically seen in post-conflict communities, akin to regions like Iraq, where security forces have historically been associated with state abuses and the enforcement of authoritarian measures (Labrecque 2014).

It should also be noted that historical experiences have shaped the relationship between Indigenous communities and law enforcement, causing the former to treat the police with reserve, and to maintain a cautious distance. There are multiple accounts of police violence against members of Indigenous communities in northwestern British Columbia. It is also important to remember what role the RCMP played in the assimilation policy, enforcing the federal government's top-down, forced placement of children in residential schools ("Those Who Take Us Away" 2013). Fear and distrust can occasionally result in individuals failing to report cases of violence or disappearances. It is estimated that police may not have information on as many as 25% of cases involving members of Canada's First Nations ("Canada: Stolen Sisters" 2004).

As Jessica McDiarmid notes in her publication "Highway of Tears: A True Story of Racism, Indifference, and the Pursuit of Justice for Missing and Murdered Indigenous Women and Girls", the public did not initiate vigils or marches often after another case of disappearance, nor were there any financial rewards announced as incentives for those who assisted in the apprehension of the perpetrators. In their search for resolution, amidst struggle and grief, the victims' families often found themselves feeling isolated. Similarly, there were instances where external parties, including police officers, attempted to comprehend the complex and distressing circumstances surrounding the incidents, presuming that the victims must have somehow provoked their fate. The statement in question was accompanied by a series of defamatory comments about the victim's alcoholism, their involvement in sex work, and their irresponsible late-night walks alone (McDiarmid 2019).

In the case of the Highway of Tears, the disappearances of women attracted media and public attention only when a young non-Indigenous woman went missing in 2002, that's when large Canadian newspapers such as The Globe and Mail, the Edmonton Journal and The Vancouver Sun covered the Highway of Tears case. This phenomenon can be understood through the lens of Goode and Maskovsky's analysis, which suggests that the prior media silence reflected a neoliberal governance approach that selectively sidelined or erased certain groups. However, the subsequent coverage does not necessarily improve when the silence is finally broken. Yasmin Jiwani, a feminist researcher, notes that the Canadian media often portrays Indigenous women as "abject victims of poverty" and depicts them as "inept, drunk, addicted mothers lacking maternal feelings." (Labrecque 2014). Before the disappearance of Nicole Hoar media coverage of the Highway of Tears was "unfair, inaccurate or distorted" ("Reclaiming Power and Place" 2019). Families of missing and

murdered Indigenous women have long contended that the media affords less attention to cases involving Indigenous women compared to white women. Media responses to this criticism have varied, ranging from incorporating the criticism into their coverage to victim-blaming or outright denial of the issue. For instance, when serial killer John Martin, who targeted Indigenous women in Saskatoon, failed to attract national headlines, an editorial in the “Saskatoon Star Phoenix” asserted that the victims’ race was not a factor. Instead, it argued that the limited coverage was due to the murders occurring in a small town and the absence of a compelling storyline. In his book “Just Another Indian: A Serial Killer and Canada’s Indifference”, journalist Warren Goulding posits that the story would have received national media attention if the victims had been white. Conversely, other reporters attribute the lack of coverage to limited travel budgets in newsrooms, the unwillingness of families to speak to the media, and a scarcity of leads or new details to maintain the story’s momentum. (“Media Portrayals of Missing and Murdered” 2019).

The Canadian government, the RCMP, and the media have been harshly criticized by international organizations such as Amnesty International, Human Rights Watch, the Inter-American Commission on Human Rights, and the United Nations Committee for the Elimination of Discrimination Against Women. In the absence of decisive actions to address the pressing problem, Canada has been accused of failing to fulfill its formal obligation, as committed to in 1981 in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to eliminate all forms of discrimination against women.

FIGHT AGAINST THE MMIWG2S CRISIS

In response to international criticism, the Canadian government has become more actively engaged in the efforts to address the violence and marginalization faced by Indigenous women and to identify the underlying causes of this problem. As a consequence of the lack of progress in solving the cases of missing and murdered women along the Highway of Tears, Project E-PANA, a special branch of the Canadian police, was established in the fall of 2005 to investigate cases of disappearances and murders. The eponymous Pana is an Inuit goddess who is responsible for the care of stray souls before they make their way to heaven. Unfortunately, a significant number of these cases remain unsolved, even as E-PANA has ruled out the possibility that a single perpetrator was responsible for the murders (“Project E-PANA” 2016).

In 2016, a National Inquiry into Missing and Murdered Indigenous Women and Girls was established to investigate the murders and disappearances of Indigenous women in Canada. It was chaired by Marion Buller, the first Indigenous judge to serve on the bench in British Columbia. Justin Trudeau's government designated \$67 million for the commission's three-year investigation. More than 2,380 people took part in the process, which resulted in the report "Reclaiming Power and Place", presented to the public on 9 June, 2019. The women's deaths were attributed to the system, which was perceived to be characterized by ossified, colonial structures. Additionally, the inquiry devoted particular attention to the police and justice system, emphasizing the need for greater competence, the elimination of discriminatory practices, and the rejection of victim-blaming attitudes, prevalent among the authorities. The Canadian government has received and acknowledged the conclusions of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. The authorities have decided to cofound projects to assist Indigenous peoples, defuse systemic discrimination, and train the RCMP (Burczycka and Cotter 2023). It is evident that this represents a significant stride toward improving the situation of Indigenous peoples. However, it would be unwise to overlook the challenges that remain. It is also imperative to direct greater attention to the resistance, grassroots movements fighting for the missing or murdered Indigenous women, girls, and Two-Spirit people (MMIWG2S).

GRASSROOTS INDIGENOUS ACTIVISM AND ADVOCACY TO END THE MMIWG2S CRISIS

Both the families of the missing persons and their local communities play a pivotal role in the investigation of the truth and the prevention of future incidents. They initiate the placement of billboards and the organization of marches in memory of the victims, thereby contributing to the advancement of knowledge and the prevention of future incidents. For years, Indigenous communities have not only demanded justice but have also proactively fostered it throughout the land by establishing networks of resources (e.g., crisis centers, advocacy groups, or educational workshops) and support to confront systemic, gendered, and racialized violence. For Indigenous grassroots movements, acts of remembrance based on land are central to their efforts to reclaim collective memory. The significance of this remembrance is underscored

by the extensive array of activities undertaken by the movements to honor and preserve the stories and spirits of women, girls, and Two-Spirit people. These efforts encompass a wide range of creative and performative expressions, including the creation of artworks, concerts, dances, fasts and feasts, gatherings, marches, performances, rallies, storytelling, as well as vigils and walks, among other forms of commemoration (Chartrand 2022). However, the initiatives undertaken by Indigenous peoples extend beyond the mere commemoration of deceased or missing women, they also take a more active form of engagement.

The Native Women's Association of Canada (NWAC) is a national Indigenous organization dedicated to advocating for the rights and amplifying the perspectives of Indigenous women, girls, Two-Spirit, transgender, and gender-diverse individuals all over Canada. The NWAC was established in 1974 and is composed of twelve Indigenous women's organizations, known as Provincial and Territorial Member Associations, that are spread across Canada. One of the organization's most significant initiatives is the "Sisters in Spirit" (SIS) campaign, perhaps one of the most notable and powerful responses to the MMIWG2S crisis. The initiative engages in research endeavors aimed at comprehending the underlying factors contributing to racialized and sexualized violence. Additionally, it is also dedicated to developing policies, programs, and services designed to mitigate such violence. As a component of the Sisters in Spirit initiative, Sisters in Spirit Day commemorates the lives of missing and murdered Indigenous women and girls throughout Canada. This solemn occasion is observed annually on October 4th. Across the country, communities organize vigils and various events to honor the memory of these individuals, while also providing support to their grieving family members and loved ones.

Another active approach to addressing the issues faced by Indigenous people would be organizing patrols to ensure security in a nonviolent and non-threatening manner. Community-based patrols, such as those held by Mama Bear Clan in Winnipeg, define their mission as ensuring the safety of all members of the community while fostering connections within it. Patrols are usually conducted three times per week, regardless of the weather, with the primary goal of safeguarding and providing direct support to vulnerable communities. Volunteers are tasked with distributing meals, conducting wellness checks, supplying essentials like water and hygiene products, and escorting individuals home safely (Chartrand 2022). Another significant community initiative was the Drag the Red initiative, undertaken following the police's refusal to take action. Volunteers came together to conduct a search of the Red River in Winnipeg following the tragic discovery of Tina Fontaine, a 15-year-old

Anishinaabe girl, whose lifeless body was found there. In response to the tragedy, families and community members collaborated to gather resources, including boats and financial aid, to assist in the search. This volunteer-driven group was dedicated to searching the river and its banks for evidence, remains, or any clues that could help solve the case and bring closure to the family of Tina Fontaine. Additionally, the volunteers underwent training in river mapping and navigation, bone identification, and search and rescue operations led by experts in search-and-rescue operations, forensic anthropologists, and law enforcement personnel (Marchinko 2018). Additionally, the volunteers underwent training in river mapping and navigation, bone identification, and search and rescue operations.

CONCLUSIONS

The general perception is that colonialism and its lingering racial inequalities are a closed chapter in the history of a liberal Canada, the country ranked as one of the best places to live in the world. However, these are merely appearances. The problems of Indigenous communities, which make up 5% of Canada's population, live in extreme poverty and face intergenerational trauma, are often forgotten. The legacy of Canada's colonial past is ongoing and continues to cast a shadow over the lives and health of Indigenous women, girls, and Two-Spirit people. The case of the Highway of Tears has highlighted a deeply entrenched issue that has afflicted Canada for centuries. Yet it also demonstrates that Indigenous women, girls, and Two-Spirit people have reclaimed their voices and will not let these voices be suppressed again.

This tragic case profoundly affected Indigenous communities, precipitating enhanced advocacy, policy reforms, cultural revitalization, and initiatives aimed at reclaiming Indigenous peoples' self-determination. The homicides along the Highway of Tears have drawn substantial attention to the broader issue of violence against Indigenous people. This heightened awareness has been pivotal in galvanizing support and advocacy at both national and international levels. In 2016, the Canadian government initiated the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), culminating in a comprehensive report in 2019. This inquiry was a direct outcome of advocacy efforts originating from the Highway of Tears and analogous cases across Canada. Following the inquiry, the government has implemented

several policy changes and made commitments to address the underlying causes of violence against Indigenous women, including systemic racism, poverty, and inadequate access to services. It is extremely important that, in addition to government action, we also remember about aforementioned initiatives organized on behalf of indigenous communities, e.g., vigils, marches, and awareness campaigns to highlight the plight of missing and murdered women. These grassroots movements have been crucial in maintaining public attention on the issue and advocating for justice. Despite the protracted and intricate path to justice and healing, the persistent endeavors of Indigenous peoples and their allies continue to effect change and highlight the systemic issues underlying the violence against Indigenous women girls, and Two-Spirit people.

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Gender Equality in Sports: The Struggle of Sportswomen for Equal Rights

Abstract

Canada has long been committed to promoting gender equality in sports and has implemented various measures to ensure equal opportunities for women in sports. Some examples of entitlement-based policies include the 1981 Canada Gender Equality Act, the Pay Equity Act 2018 mandating that sports organizations provide equal pay for men and women, or government programs including the “Women in Coaching Canada Games Apprenticeship Program”. Furthermore, public campaigns in Canada, both governmental and by sports organizations, are making an effort to promote gender equality in the field of sports. Although various equality measures have been identified, gender inequality in sports still exists in Canada, which is evident through the disparity in pay, prominence in media, and limited availability of resources when compared to male athletes. Notable examples of the fight for gender equality include the problems faced by women’s hockey teams and the efforts of women’s soccer teams in 2023 to have salaries and training conditions comparable to those men enjoy. This chapter analyzes the current social and legal situation of female athletes in Canada. Its purpose is to provide an overview of the challenges encountered by female athletes and to examine the current existence of inequalities between males and females in Canadian sports, as well as to analyze the legal solutions advancing gender equality and their practical implementation.

Keywords: Canada, sportswomen, female athletes, equality in sports, gender equality

INTRODUCTION

From Bianca Andreescu's remarkable triumph at the US Open ("Tennis: Canadian teen Bianca Andreescu" 2022) to Christine Sinclair's record-breaking performance on the soccer pitch (Davidson 2022), Canadian women have consistently demonstrated their exceptional talent on the international stage. They have dismantled obstacles, shattered glass ceilings, and paved the way for future generations of female athletes to follow in their footsteps. However, the road to gender equality in sports has been a challenging journey, and to date there have been precious few scientific texts which examine the problems encountered by female athletes. The academic discourse has engaged with this matter from the 1980s to the early 2000s. However, it is noteworthy that, as the problem has escalated, it is now more commonly discussed in social media and online sources rather than in academic texts. Scholarly works generated over the past two decades predominantly center on the underrepresentation of women in coaching and leadership roles within sports, while significant issues such as subpar training conditions have been marginalized. Women have faced a multitude of challenges and obstacles, from disparities in wages and inadequate media visibility to limited access to resources and opportunities (Hall, 2003; Federico, Bowden, Hamalian 2023). Notwithstanding these problems, Canadian sportswomen have persevered, advocating relentlessly for their right to compete and receive equal acknowledgment (Kestler-D'Amours 2023). The purpose of this chapter is to explore the legal frameworks, policies, and programs that have been implemented in Canada to promote gender equality in sports. Additionally, it will discuss the recent efforts of women's sports teams to secure equal pay and training conditions.

THE HISTORY OF CANADIAN FEMALE ATHLETES

Women wanting to participate in sports have come a long way. Up to the late 19th century, physical activity was still perceived as a threat to women's health and a violation of societal norms. It was not until the 20th century that women's participation in sports began to increase, mostly due to the rising popularity of cycling and the growing importance of women in public life. As a result, women gradually achieved successes in various sports ("Overview of Early History 1867-1960's."), and now have their own representation in almost every

discipline (“Women in Sport”). The period of 1920-1939 is commonly referred to as the “Golden Age” of women’s sport in Canada (McDonald 1981, 12).

Between 1943 and 1954, the All-American Girls Professional Baseball League (AAGPBL) operated as the precursor of a professional women’s sports league in the United States. (York, Miree 2023, 167-168). The AAGPBL promoted a ‘feminine’ approach to the game, combining elements of softball and baseball. Simultaneously, the organization’s policies exhibited discrimination against women, forcing them to follow a whole range of stereotypical rules, such as mandatory skirts, and full make-up, as well as behaving in a ‘feminine manner’ (“The Modern Era 1940’s-1950’s.”). Between 1970 and 1989 there was a second ‘Golden Era’ for Canadian women’s sports manifested through the growth in opportunity, participation, and public recognition that arose as a result of women collectively challenging discriminatory practices and attitudes (Lenskyj 1992, 141). In 1981, the Canadian Association for the Advancement of Women and Sport (CAAWS) was founded with female athletes as its “founding mothers” (de Bruin 2013).

Currently, many more women who have made a significant impact in the world of sports are widely recognized, and significant number of these influential sportswomen came from Canada (Williams 2020). Their chances of achieving success in the realm of sports were facilitated by the efforts of previous female athletes whose ambitions and abilities cleared the path for future young women. Also, teams and their successes hold great importance for Canadian women’s sports (Hall 2003, 30-32). Notable Canadian women’s sports teams include the national soccer team (“Canada Kick Off The Fifa Women’s World Cup” 2023), the national ice hockey team (“Canada Back on Top of Women’s Hockey World” 2022), and the national basketball team (Dichter 2022). Their successes are the significant contribution of Canadian women in global sports competitions.

GENDER INEQUALITIES IN SPORTS

Despite the progress made by female athletes, they continue to face various inequalities that persist and hinder their ability to pursue professional careers in sports, even some of the disparities have been partially addressed through legislation and government programs. One issue that endures is the discriminatory and sexist dress code faced by women representing their

countries in international sports. Women's outfits, when compared to men's, are often skimpy, uncomfortable, and their bottoms – skirts instead of shorts – often make it difficult to move freely on the field or court and prevent more active play (Huggins, Randell 2007). Moreover, homophobia, transphobia, racism, and misogyny have not been eliminated from the sports culture, posing significant obstacles for women in developing self-confidence in sports (Williamson 2015).

Female athletes also encounter a lack of visibility in the media, which creates difficulties in building their public image and attracting sponsors (Lever 2023). In 2015, only 0.4% of commercial investment went to sports that involved women, while in 2020, women's sports coverage accounted for 3.2% of all-sports TV and radio airtime (Williams 2020). Salaries pose another significant problem. Women who play sports are often paid less than men, especially in elite tiers of professional leagues. They also have more limited access to financial resources, training facilities, and sports infrastructure in comparison to men (Kestler-D'Amours 2023). Women are also underrepresented in decision-making positions in sports, such as directors and coaches in Canadian inter-university, national, and multi-sport organizations ("Recommendation Report: October" 2018). Additionally, they are insufficiently represented in all aspects of leadership at all levels (Burton 2015, 156–157). Notably, women remain minimally represented in senior sports management positions, despite their increased participation in the sports industry, entry-level positions, and in sports management programs (Consentino, Weese, Wells 2021).

Another issue of concern is the coercion of girls into more "feminine" sports, such as swimming, dance, ballet, or gymnastics (CAAWS 2016, 11) and reducing them to social stereotypes, e.g. that a girl is expected to have a feminine physique rather than a muscular body, while boys have much more freedom of choice (Murray, Koulanova, Sabiston 2022, 1-3). Maya MacIsaac-Jones, a Canadian cross-country skier, asserts that encountering body shaming constitutes the foremost challenge she comes across in sports, as societal expectations dictate that female athletes possess bodies akin to males – lean and muscular, yet retaining a distinctly feminine appearance. Furthermore, women frequently endure diminishment through inquiries regarding menstruation and the introduction of emotional or familial matters, as corroborated by Canadian skier Heidi Widmer. Rachel Klassen, a competitor in luge, contends that the vast majority of female athletes face oversexualization (Bennet 2017). As per research conducted at the University of Toronto, every female athlete surveyed disclosed encountering emotional abuse pertaining to

their bodies, including instances of public censure regarding their weight or physique, and facing threats of expulsion from the team due to weight-related concerns (Damjanovic 2021). Occasionally, females who want to start a career are required to play exclusively in teams comprised of males, such as ice hockey teams, for example. At the same time, playing on boys' teams compels growing girls to use the same infrastructure that boys use, including changing rooms and bathrooms (CAAWS 2012, 8–11).

The “Rally Report 2022: A Call for Better, Safer Sport” highlighted girls’ low participation in sports. Although their participation remained stable during the SARS-CoV-2 pandemic (2020-2022), in Canada, girls are now practicing sports at a lower level than before the pandemic, and their parents have higher expectations for improved sporting conditions. Moreover, sports leaders lack the necessary skills to address the needs of girls. Less than half of coaches receive training specifically focused on the needs of girls, and one out of every three girls reported that safety issues including bullying and sexual harassment, physical safety (e.g. poor field conditions, broken equipment), and social safety (e.g. coaches not trained on abuse, peer violence) within girls’ sports are not properly taken into consideration by coaches and sports organizations (“Rally Report” 2022; “A Call For Better” 2022, 5,11,12).

LEGAL FRAMEWORK FOR GENDER EQUALITY IN SPORTS

Although gender inequality in Canada in the field of sports still exists, it is being gradually addressed through legislation and social programs. Legal frameworks serve as a basis for promoting gender equality in sports in Canada. They ensure that women athletes and sports organizations have the necessary protections and support to combat discriminatory practices and policies.

The Canadian Charter of Rights and Freedoms is a constitutional document that delineates the fundamental rights and freedoms that are inherent to all Canadians. It guarantees equal rights and opportunities for all individuals, regardless of their gender, and ensures that discrimination on the basis of sex is prohibited (“Canadian Charter of Rights and Freedoms” 1982). In addition, the Canadian Human Rights Act, a federal legislation, prohibits any form of discrimination based on various factors, including gender, in areas under federal authority. The act provides a legal framework for women athletes and sports organizations to challenge discriminatory policies and practices within

the sports industry (“Canadian Human Rights Act” 1985). Another significant piece of legislation is the Department for Women and Gender Equality Act, which created a government department overseen by the Minister for Women and Gender Equality. The department promotes gender equality and the inclusion of women in diverse spheres of society and politics, including sports (“Department for Women and Gender Equality Act” 2018). Canada has also ratified international agreements relating to gender equality, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Labour Organization’s Forced Labour Convention (Government of Canada 2023a).

Canada has also implemented equality legislation on employment and pay. The former includes provisions that ensure the workplace, irrespective of gender or other factors, such as race, age, and sexual orientation (“Employment Equity Act” 1995). The latter, which came into force in 2021 (Government of Canada 2021a), seeks to guarantee equal pay without systemic discrimination against women by employers (“Pay Equity Act” 2018). In theory, both acts pertain to women ‘employed’ in the field of sports. However, it is worth acknowledging that there is still an inequality in wages, which has sparked protests by women’s teams. Eminent demonstrations were led by Canadian women’s soccer players in 2019 and 2021. The protesters eventually accepted temporary funding from Canada Soccer in 2023, but the problem of unequal wages and prizes in international tournaments for men’s and women’s teams remains unresolved (“Canada Women Agree Interim Funding Deal in Equal Pay Dispute” 2023).

POLICIES AND PROGRAMS FOR GENDER EQUALITY IN SPORTS

Both governmental entities and sports organizations persist in their efforts to enhance gender equality, undertaking measures to rectify disparities in remuneration, training environments, media exposure, and fostering greater involvement of girls in sports. Additionally, they are committed to ensuring that female athletes receive appropriate acknowledgment and rewards for their contributions to sports. In addition to laws, policies and programs play a critical role in promoting gender equality in sports in Canada. It should be noted, however, that the implementation of some initiatives is still in progress and can only be effectively assessed after several years. Meanwhile, some efforts,

despite their noble aims and declared commitment to equality, are not yielding measurable, tangible results.

Canada has implemented its own Sport Policy (the latest version came into force in 2023), which, among other things, aims to achieve equality in sports at every level, across all disciplines, by 2035 (Kay et al. 2022). The policy oversees and monitors various gender initiatives and programs, like Community Sport for All Initiative and Coaching Enhancement Program (Government of Canada 2024), with the aim of rectifying systemic inequalities that affect girls and women in sports (Kay et al. 2022). The effect of the previous version of the Sport Policy from 2012 to 2022 was to increase the proportion of women, particularly those aged 15 to 24, participating in sports. According to the 2020 Sport Monitor, the participation rate for women in this age category rose from 16% in 2010 to 20% in 2016, and to 31% in 2020. Within this policy, 71% of the coaches participating in training on ethics and values in sports were men and 29% were women, reflecting an increase in female participation compared to the early 2010s. Additionally, the training addressed gender equality and raised awareness among female athletes. Between 2015 and 2018, female athletes earned more medal points (214) than male athletes (190) in the Olympic Games across winter and summer sports, and also achieved higher rankings in international standings. The number of females in the NCCP training streams increased at a higher rate than males over the past decade, particularly in the Competition stream where the annual number of female participants more than doubled. In 2016, females aged 15 to 24 were more likely than their male counterparts to participate in amateur sports as coaches, with participation rates of 10% for females and 8% for males. Through activities at the Federal-Provincial/Territorial level and through bilateral agreements, the number of women and girls involved in sports increased by 75,623 between 2012 and 2018 (Goss Gilroy INC 2021, 11, 16, 36–37).

In 2009, A Policy on Sport for Women and Girls also came into effect, replacing the 1986 Sport Canada Policy on Women in Sport. The policy aims to promote and develop a sports system in which “women and girls are full, active and valued participants and leaders, experiencing quality sport and equitable support.” Its programs form integral components of the Canadian Heritage program, which seeks, among its objectives, to create and cultivate “sport system that provides quality sport experiences, where women and girls are actively engaged and equitably supported in a full range of roles.” By means of the programs encompassed within Canadian Heritage, it is likewise viable to advocate for an inclusive nation that champions women and gender equality,

yielding commendable outcomes in sports at the international level (Government of Canada 2017). In Canada, sports evoke a sense of national pride. To safeguard a secure sporting environment for athletes of every gender, Minister of Sport and Physical Activity, Carla Qualtrough, unveiled the establishment of the Future of Sports Commission in Canada in late 2023. The commission was tasked with evaluating Canada's sports system and reforming it to eliminate any form of violence against athletes (Government of Canada 2023b).

Among the governmental programs dedicated to fostering gender equality in sports, the paramount initiative is the "Women in Coaching Canada Games Apprenticeship Program", designed to provide female coaches with opportunities to gain experience and develop coaching skills, as well as increase their visibility and profile within the sports community. ("Canada Games Women Apprenticeship Program"). One other prominent initiative is the "She's Got Game – She Can Coach" program, which is designed to facilitate women's entry into leadership roles in soccer (Government of Canada 2021b). After one year of the program, a survey conducted in 2023 found that 93% of participants expressed an interest in continuing coaching. In some cases, participants also indicated an intention to become involved in a women's soccer league and pursue additional coaching certifications (MacPherson et al. 2023).

Furthermore, numerous social initiatives have been initiated in Canada to advocate for gender equity in sports. An illustration of such a campaign promoting pay parity is the "She's Got it All" initiative by Canadian Women & Sport. The objective of this campaign is to grasp the requirements of women and girl athletes and effectuate the necessary adjustments to facilitate their sustained involvement in sports ("Canada's Sport Community Needs to Do More"). However, their campaign sparked controversy due to the lack of diversity in the selection of models for the posters. All of the models featured had white skin, similar physiques, and conventional beauty standards, which, instead of encouraging girls to pursue a career in sports, could potentially lead to feelings of insecurities among them (Marashi et al. 2023, 36).

Many sports organizations, including the Canadian Olympic Committee, are actively working for gender equality in sports ("IOC Steps It up" 2016). In addition, Canadian female athletes actively engage in the battle against gender inequality in sports, voicing their opinions publicly and participating in social campaigns. Christine Sinclair, the captain of the Canadian women's soccer team, is an exemplary figure who actively advocates for gender inequality in sports and works to enhance the representation of women in soccer (Antonucci 2023). In 2022, she published the memoir *Playing the Long Game*, which

focuses on the struggle for equality. During a speech in parliament, she openly addressed the issue of unequal pay, revealing that in 2021 she discovered that the women on the national team were being paid one-fifth of what the men were (“Christine Sinclair Cemented Her Legend” 2023). As a recognized athlete, her words contribute to raising public awareness of the inequalities that the Canadian government should address more actively.

Canadian women athletes and organizations are demonstrating commitment and determination in their fight against inequality. Policies, programs, and campaigns play a crucial role in promoting gender equality in sports, showcasing the government’s willingness to ensure that women are granted equal rights and opportunities in all areas of Canadian society, including sports.

CONCLUSIONS

Despite significant progress made in advancing gender equality in Canadian sports and the partial success of the 2012-2022 Sport Policy (increasing the participation of young female athletes to 31% in 2020), considerable work still remains to be undertaken. Canadians take great pride in sports, and women are becoming increasingly successful in this field every year. The policies, programs, and campaigns implemented by the government and sports organizations have played an important role in ensuring equal opportunities for women in sports, but there are still challenges to be addressed, such as unequal pay, limited media visibility, and unequal access to resources. Additionally, more efforts should be made to increase women’s participation in leadership positions, encourage girls to also participate in sports traditionally considered “unfeminine”, and expand the number of women’s sports teams. The recent endeavors made by female teams to demand equal pay and training conditions are encouraging indications of progress. Moreover, the legal framework governing gender equality in sports in Canada provides a solid foundation for safeguarding the rights of female athletes. Last but not least, community campaigns, such as the Women in Coaching Canada Games Apprenticeship Program, are crucial for advancing gender equality in sports. They achieve success by encouraging girls and women to participate in sports and providing them with the necessary support and resources. Promoting gender equality in sports is not only a matter of fairness and justice, but also has far-reaching benefits for society as a whole. These benefits encompass enhancing health

and well-being, fostering women's confidence and leadership skills, and promoting diversity and inclusivity in sports.

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Women in the Post-Apocalypse: Resistance and Survival in *The Marrow Thieves*

Abstract

This paper intends to examine the experiences of women in the post-apocalyptic setting of Cherie Dimaline's novel *The Marrow Thieves*. It compares their efforts to preserve language and culture and their participation in the resistance movement depicted in the novel to historical and present-day Indigenous and women-led movements in North America. This paper aims to explore the ways in which the female characters endure the extreme conditions of the post-apocalyptic world of the novel and how their experiences relate to the existing plight of Indigenous women in Canada and the United States. Much like non-fictional women, the women in the novels are indispensable; they are crucial in the transmission of cultural practices and language, they participate in resistance movements and ultimately ensure the survival of humanity.

Keywords: Canadian literature, Indigenous literature, Cherie Dimaline, post-apocalypse, MMIW, activism

INTRODUCTION

The concept of the apocalypse has consistently captivated the humankind; however, the potential scenarios of what might unfold after the apocalypse have an equal appeal in literature and the media. Stories of heroic survivors, continuing to live in harsh post-apocalyptic environments, scavenging, inventing, rebuilding communities, and ensuring the survival of the human

(or post-human) race have widespread commercial appeal. In *The Marrow Thieves*, Cherie Dimaline presents a man-made post-apocalyptic reality through the narrative voice of Frenchie, a Métis teenager. The novel paints a bleak and dystopian vision of the near future, devastated by the effects of climate change. While we are witnessing the inertia of governments around the world regarding the impending climate catastrophe, the novel serves as a stark reminder of potential consequences for our planet and communities, if proper action is not taken to ensure the planet's livability. This novel makes it evident that "at the foundation of this ecological crisis does not lie a hostile nature [...], but rather a neocolonialist and capitalist logic" (Xausa 2020, 93), which causes the ice caps to melt and poisons the Great Lakes, rendering the water supply useless. As a result (or as a punishment), the white population in Dimaline's novel loses their ability to dream. The dreamlessness epidemic leads to escalating suicide rates amongst the white population and the government is tasked with finding the cure. This cure, as it turns out, is the bone marrow of the Indigenous peoples, who still maintain their ability to dream. Once it is discovered that the Euro-Canadians' malady can be cured by extracting Indigenous bone marrow, the former residential schools are reopened and used as medical centers, research facilities and prisons for the test subjects. The Recruiters, government employees assigned to hunt and apprehend Indigenous individuals, scout both the cities and the wilderness in order to catch as many 'test subjects' as they can. The white population does not immediately start hunting the Indigenous population. Rather, the decline from interest and research into outright genocide occurred gradually:

[a]t first, people turned to Indigenous people the way New Agers had, all reverence and curiosity, looking for ways we could guide them. Then they asked to come to ceremony. [...] And then they changed on us. (Dimaline 2021, 88)

As the white population realized that merely being inspired by Indigenous cultures would not benefit them, and that simply observing ceremonies would not restore their ability to dream, they turned against the Indigenous communities and started to regard them as a *resource*.

The Marrow Thieves introduces Indigenous-focused methods of preserving cultural memory, resistance and survival techniques in a post-apocalyptic world through the use of speculative fiction, thereby reminding the reader of similar struggles and movements that have been brought to the forefront. The novel depicts the history of the residential school system, cultural preservation

and language revitalization processes while masterfully utilizing the speculative fiction genre. Dimaline “employs the means already more or less to hand, and [the story] takes place on Planet Earth” (Atwood 2004, 513). Speculative fiction takes existing elements from the present-day and extrapolates them into the future, exaggerating them and bringing them to almost absurd new heights. In this novel, Indigenous peoples are *thingified* (Césaire 2000, 42), as a result of the reinstated colonialist practices; they are a commodity to be used for their precious marrow tissue and subsequently, once deemed useless and *resourceless*, discarded. Dehumanizing Indigenous peoples is reminiscent of past governmental policies and practices. From the existing historical racial policies implemented throughout North America, including forced relocations, land theft, the mandatory removal of children and their placement in residential schools, the forced loss of language skills and cultural practices, and, nowadays, the rising incarceration rates, sexual assault and murder rates amongst Indigenous women and girls, the novel serves as a reminder not only of the tragic past, but also of the existing issues that Indigenous people currently face.

THE WOMEN OF THE NOVEL

Frenchie’s group consists of ten people, two Elders and eight children and teenagers. Together, they evade the government’s Recruiters and aim to survive and ensure the continuation of Indigenous cultural memory, practices and languages. These goals and aspirations in the novel, as well as in real life, rely on women. As wisdom-keepers, language and ceremony teachers, and warriors, women are revered in Indigenous cultures across North America as leaders and decision-makers (Baskin 2020, 2085).

The female Elder, Minerva, teaches the children language, ceremony, myths, and, ultimately, proves to be instrumental in defeating the enemy by utilizing her knowledge of the language. The remaining three female members of the group, Wab, Rose and RiRi, all participate in the upkeep and safety of the group, showing the kinship in this small community where everyone is considered equally important. Wab and Rose, the two teenage/young adult female members of the group, are experienced trackers and fighters, both surviving on their own before deciding to join the group.

In this post-apocalyptic scenario, the female characters face extreme danger, exacerbated by the conditions in which they find themselves. Unfortunately, the fictional experiences of these characters are not distant from experiences of real-life women. A chilling statistic from 2017 states that 113 out of 1,000 Indigenous women self-report sexual assault, more than triple the rate of their non-Indigenous counterparts (Government of Canada 2017). Amnesty International's report *Stolen Sisters* outlines the rate at which Indigenous women are reported missing:

[NWAC] has estimated that over the past twenty years more than five hundred Indigenous women may have been murdered or gone missing in circumstances suggesting violence. (Government of Canada 2004, 4)

These rates prompted the establishment of the Missing and Murdered Indigenous Women, Girls and Two-Spirit (MMIWG2S) movement, which has highlighted the discrepancy between the number missing persons reports and the actual number of Indigenous women who have gone missing or have been found dead. For example, in the United States, The National Crime Information Center documented 5,712 cases of missing Indigenous women in 2016, whereas the US Department of Justice only recorded 116 cases ("Missing and Murdered"). Another report indicates that "56% of Indigenous women have suffered physical assault, and 46% have experienced sexual assault. By comparison, about one-third of non-Indigenous women have suffered these assaults in their lifetimes" ("Ending the Critical Situation of Violence"). These statistics serve as a testament to the *thingification*, fetishization and dehumanization of Indigenous women as a consequence of colonialism.

Out of the group's four female members, two are brutally sexually assaulted and one is killed as a result of an attempted kidnapping. The group's youngest member, RiRi, is only seven years old when she is abducted by one of the two male infiltrators the group encounters. Wab's and Minerva's experiences of sexual assault are particularly harrowing. When seventeen year old Wab decides to share her so-called 'coming-to' story, Frenchie and the rest of the group are taken aback by the horrors that Wab had lived through before joining the group. She describes her childhood and living with a mother who struggled with drug and alcohol addiction. Her mother would let strange men stay in their home and some of them would attempt to sexually abuse Wab, who was just 10 or 11 years of age at the time (Dimaline 2021, 80). In order to keep herself fed and clothed, she decides to start her own business delivering messages across town. Once electricity and telecommunication are no longer

available, she accepts a job offer that subsequently leads her to a local gang (Dimaline 2021, 82). Following her imprisonment and the infliction of severe physical injuries, including facial mutilation, Wab is subjected to sexual abuse, with gang members repeatedly raping her for two days (Dimaline 2021, 85). This horrific and nauseating experience mirrors real-life experiences of Indigenous women who are victims of trafficking and rape. One such account, told by J. Dakotah for the #StoryTellingHeals campaign launched by Native Hope illustrates how an unstable home environment contributes to the risk of being trafficked among young Indigenous women and how the loopholes in the legal system allowed her trafficker to avoid persecution (Dakotah 2022). Additionally, her story underscores the importance of Indigenous-based support systems for victims of human trafficking (Dakotah 2022). In the novel, Wab, with the support of her new community, survives, thrives and finds love and happiness with Chi-Boy, another member of the group. At the end of the novel, Wab is not only regarded as one of the most experienced trackers and hunters, but she is also expecting a child. As Miigwans, the male Elder of the group, states “babies are the most important thing we have to move ahead” (Dimaline 2021, 182), and thus, through Wab, the future of the Indigenous resistance movement in the novel is continued.

Minerva, the group’s female Elder, is an elderly Ojibwe woman. Like her namesake from Roman mythology, Minerva is wise, knows how to prepare herbal medicine, and serves as the group’s mother figure and teacher. When her family was forcibly removed from their home, she took on the responsibility of caring for her infant grandson. During a raid on her home, the Recruiters kidnapped her grandson and brutally raped her (Dimaline 2021, 98). Minerva joins Miig and becomes the (grand)mother of the children in the group. She teaches the children some words like “nishin” (good) and “abwaad” (cooking on fire), and imparts valuable cultural knowledge. Minerva also collects cans and pieces of metal to replicate a jingle dress (Dimaline 2021, 152), although it is extremely dangerous to make any kind of noise in the wilderness, demonstrating how dedicated Minerva is to her culture and Indigenous tradition. When Recruiters find the group, she surrenders to them to spare the group and is taken to one of the residential schools (Dimaline 2021, 151).

Additionally, Minerva employs a strategic approach to her resistance; she protects the group by distracting the Recruiters and surrendering while the group hides and avoids detection. Once in the residential school, Minerva begins humming a song quietly, but bursts into song once the extractor that would kill her is attached (Dimaline 2021, 171). When Minerva starts singing

and recollecting all of her dreams, invoking her ancestors and their accumulated knowledge, the system malfunctions and ignites a fire that renders the entire center inoperable (Dimaline 2021, 172). It is revealed that Minerva's dreams are exclusively in Anishinaabemowin, which is the key to destroying the marrow extractor. Despite the systemic annihilation of her people, she emerges victorious, becoming the key to Indigenous resistance and possessing the power to destroy the entire system designed to deplete her people of their dreams. She is the group's source of cultural knowledge, collecting porcupine quills and small metal objects to create makeshift regalia, she braids RiRi's hair, and prepares ceremonial and medicinal herbs. Her resistance, which inspires the children of the group, is language- and culture-centered, steeped in Indigenous practices and knowledge, which she gladly passes onto the children, when they pay attention.

Rose, the newest member of the group, was raised by her grandmother's brothers, who fled with her at the onset of the hunt for Indigenous peoples. The family lived in the wilderness and her great-uncles, William and Jonas, took every precaution when meeting other people as they "[...] couldn't trust anyone with a little girl around" (Dimaline 2021, 71). Through Jonas' stories of her family and heritage, Rose learns that her family are survivors of residential schools and that their stories were passed down through generations. Her nomadic upbringing made her a skillful hunter and her affection for her grandmother and great-uncles teaches Rose that Minerva's oftentimes frantic mumbling should not be disregarded as gibberish. Rose embraces Minerva's teachings and starts to learn Anishinaabemowin from her. As a child raised by Elders, Rose is familiar with some of what Frenchie refers to as 'old-timey' ways and can appreciate the knowledge being passed down to her by Minerva (Dimaline 2021, 38). Their connection is founded upon mutual respect and love, with Rose being one of the group members who appreciates the knowledge and Indigenous values being passed down on to her. According to the Assembly of First Nations, "First Nations young adults feel less connected to traditional ceremonies or spirituality than older adults. 4 out of 5 First Nation adults consider traditional ceremonies or spirituality at least "somewhat" important, although young adults are less likely to feel the same way" ("Ending the Critical Situation of Violence"). Rose is cemented as an outlier because of her interest in learning about her culture, language and practices through Minerva. However, her curiosity and interest are beneficial, as they lead to her gaining valuable knowledge that she herself can pass on, creating a new generation of youth that is connected to its ancient roots.

The key to resistance lies in this connection; if the children and youth can dream in the language, they can dismantle the machinery used to extract Indigenous bone marrow and, like Minerva, save themselves and others from systemic killing.

RESISTANCE AND SURVIVAL

Past and current traumas are intertwined in *The Marrow Thieves*, and, in order for the trauma to be resolved, it must be studied and understood. The effects of residential schools and trauma experienced by the Indigenous population are complex and “stretch through time and across generations”, affecting not only Indigenous communities’ mental health, education, and socioeconomic standing, but also the rates of various health issues like diabetes, cardiovascular diseases, and obesity (Wilk, Maltby, Cooke 2017, 20). Many organizations, movements, and projects have acknowledged this and are engaged in efforts to restore cultural and linguistic knowledge, as well as Indigenous foodways. Nourish, a project led by Indigenous women, views food as medicine, advocating the use of “food as a pathway toward decolonization and reconciliation with Indigenous peoples” (“Our Work”). Nourish operates within communities, offering resources on indigenous foodways and advocating for a sustainable and healthy nutrition. The group in the novel has to rely on natural food resources, hunting and gathering what is available near their camp. Hunting expeditions are often lead by Wab, who is the most knowledgeable tracker and a mentor of the ‘Hunters’. The members of the group who stay at the camp are called ‘Homesteaders’ and their responsibility is gathering food around the camp and preparing the food for the whole group, nourishing their community. Although assigned different tasks, depending on whether they are homesteaders or hunters, the members of the group work together to create meals that will sustain them, while epitomizing Indigenous hunting and gathering techniques.

Indigenous artists are also significant contributors to healing past traumas, while highlighting the present-day challenges faced by Indigenous communities. Jamie Black, an artist of Anishinaabe descent, created the project REDress in order to “to draw attention to the gendered and racialized nature of violent crimes against Aboriginal women and to evoke a presence through the marking of absence” (“The REDress Project”). The installation comprises a series

of red dresses displayed in public spaces, symbolizing the void left behind by a missing or murdered Native woman whose case remains unsolved. The project represents a form of protest against the apathy and passivity of both the government and the police departments in taking measures to protect Indigenous women and investigate the reported disappearances and murders. As previously mentioned, Minerva attempts to create art with limited supplies in the wilderness, collecting supplies to create regalia from metal scraps and porcupine quills, displaying the power of art as sustenance, hope, and as a means of resistance and protest.

As observed by the Assembly of First Nations, “Indigenous women make up 16% of all female homicide victims, and 11% of missing women, yet Indigenous people make up only 4.3% of the population of Canada” (“Ending the Critical Situation of Violence”). Bridget Tolley, one of the founders and organizers for the MMIWG2S cause founded Sisters in Spirit following the 2001 death of her mother, which was not properly investigated by the police. In collaboration with the Native Women’s Association of Canada (NWAC), Tolley has organized vigils to protest the lack of proper investigation in her mother’s case and cases involving other missing and murdered Indigenous women and girls (Jacobs in Anderson, Campbell, Belcourt 2018, 27-28). The vigils and protests inspired by the Sisters in Spirit campaign resulted in a raised awareness of the issue throughout Canada and the United States. Eventually, in 2019, the Alberta government proclaimed October 4th as Sisters in Spirit Day (“Sisters in Spirit Day”), commemorating the hard work and activism of not only Tolley, but a myriad of women who have joined her in advocating, protesting and organizing on behalf of the women whose cases have not been solved or are not properly investigated.

The act of survival in this novel encompasses not only basic necessities of finding food, water, and shelter, but also the survival of entire communities. This is initially accomplished through Miigwans’ *Story*, which elucidates the historical struggles of Indigenous peoples. The residential school system is the main theme of *The Marrow Thieves* and its long-lasting negative and debilitating influence on Indigenous communities is highlighted throughout the novel. The first church-run residential school in Canada opened in 1831 in Brantford and in 1920 the Indian Act mandated that every Treaty-status child, between ages of 7 and 15, has to attend a residential school (“Residential School History”). By funding the schools, the Canadian government was responsible for “a systematic [...] attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed

as distinct peoples” (“Residential School History”). The evidence of the Canadian government’s complicity and endorsement of the residential schools can be found in the fact that the government was aware of the practices and statistics of general health and fatalities in the schools, which were published by Peter Henderson Bryce in 1907. As the first Chief Medical Officer of the Department of the Interior, Bryce collected data and published his report on health statistics of Indigenous children in the residential school system, stating that “of a total of 1537 pupils reported upon nearly 25 per cent are dead, of one school with an absolutely accurate statement, 69 per cent of ex-pupils are dead, and that everywhere the almost invariable cause of death given is tuberculosis” (Bryce 1907). The last residential school closed in 1996, 89 years after Bryce’s report. The residential schools were not only detrimental to the health and wellbeing of the children, but were instrumental in disrupting generational knowledge and are responsible for the loss of language amongst communities. With Minerva being the character that effectively destroys the newly reestablished residential school/medical center by use of her language knowledge, the power of her song and, dreams, the system is shown to be flawed. Its makers did not take into account the perseverance of Indigenous languages and the power they can hold in the novel’s world.

In *The Marrow Thieves*, language revitalization is essential to both resistance and survival. Upon learning that Minerva had destroyed the medical center, the community began gathering information and organizing language learning lessons for everyone in the camp:

The Council spent a lot of time piecing together the few words and images each of us carried: hello and goodbye in Cree, a story about a girl named Sedna whose fingers made all the animals in the North. They wrote what they could, drew pictures, and made the camp recite what was known for sure. It was Bullet’s idea to start a youth council, to start passing on the teachings right away, while they were still relearning themselves. [...] We were desperate to craft more keys, to give shape to the kind of Indians who could not be robbed. [...] I had learned how to write “family” in syllabics [...] (Dimaline 2021, 214)

Language proficiency is emphasized throughout the novel as the most important means of survival. In order to create more so-called ‘keys,’ people who only dream in their native Indigenous language, the community would have to restore the languages and teach them to the next generation; their youth and children. Knowing and dreaming in the language is a shield against the newly

resurrected residential school system, against the persecution of Indigenous peoples and their annihilation. As Samuelson and Evans state:

Dreaming in the language is dreaming of a decolonized space and of Indigenous futures that are slowly being made reality. (Samuelson, Evans 2022, 288)

Bullet, the female Elder of the resistance, recognizes the necessity of establishing a youth council and the importance of language education for the next generation, in order to protect them from Recruiters. Minerva and Bullet's contribution to the language revitalization in the novel cannot be understated.

In the final part of the novel, the resistance community is engaged in the process of relearning orthography, mythology and idioms, piecing together what knowledge is left after centuries of forced language loss, while relying on the Elders to correct and contribute to the collective effort. As language revitalization programs started in the 1970s and 1980s, youth immersion programs became an essential part of these efforts. Through Indigenous- and women-led language revitalization programs, the statistic of language knowledge is improving slightly with "the share of Indigenous people who reported learning an Indigenous language as their second language rising from 24.8% in 2016 to 27.7% in 2021" ("Indigenous languages across Canada" 2021). Unfortunately, UNESCO considers all Indigenous languages in Canada to be at risk, with all languages but Inuktitut being deemed as critically endangered. Kevin Lewis, an employee at the kâniyâsihk Cultural Camp with a language immersion program aimed at the youth, states: "[i]f you want confident little human beings, teach them their language. Teach them how they act. How they tell jokes. [H]ow to tell stories" (Ponace 2024). The founding chair of the First Nations and Endangered Languages Program at the University of British Columbia writes in an article:

Language is our unique relationship to the Creator, our attitudes, beliefs, values, and fundamental notions of what is truth. Our languages are the cornerstone of who we are as a People. Without our languages, our cultures cannot survive. (Shaw 2001)

This sentiment is echoed throughout the novel, cementing language as a pillar of culture, resistance and survival.

CONCLUSION

The Marrow Thieves is a story of Indigenous resistance, survival, discovering ancestral struggles and the means to overcome them with community support and shared knowledge. Minerva's language teaching, Rose's efforts to immerse herself in knowledge, and Wab's pregnancy all serve as beacons of hope for the future and emphasize the importance of women as contributors to the community and its well-being. The female characters exemplify the roles held by women in Indigenous communities; they are teachers, leaders, fighters, hunters, mothers, and protectors of language and cultural practices. With hope rekindled at the end of the novel, the community mobilizes to revitalize the culture and language, with women leading the way. Much like real-life Indigenous heroines, from Tolley and Sisters in Spirit, to women behind Nourish and, artists like Jamie Black, the novel's female characters' contribution to community wellbeing, survival, resistance, and protest, no matter how subtle, is key to ensuring a brighter tomorrow for Indigenous peoples in North America.

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“Momma always said that woman was the epitome of resource”: Contesting Canada’s Colonial-Capitalist Food Systems in *Jonny Appleseed*

Abstract

Despite living in a colonial-capitalist society structured to exploit their lands and bodies, the Oji-Cree women in the novel *Jonny Appleseed*, (2018) written by Joshua Whitehead (Two-Spirit Oji-Cree/néhiyaw member of Peguis First Nation), resist settler-Canadian hegemony by feeding themselves and their communities through subversive acts of food sovereignty. According to Audra Simpson (Kahnawà:ke Mohawk), the Canadian settler-colonial regime legitimizes its occupying presence on Turtle Island by deteriorating, disappearing, and killing Indigenous women. Inflicting hunger – preventing Indigenous people from nourishing their bodies – is just one of the multifarious forms of violence administered by the settler state in efforts to eradicate Indigenous presence from the land. As a result, as the Oji-Cree women in the novel navigate a matrix of intersecting capitalist, colonial, heteropatriarchal, and white supremacist policies and (infra)structures to feed themselves and their relatives, they engage in resistance; they refuse to disappear. This chapter examines the setting of Winnipeg through an analytic lens of settler colonial urbanism and racial capitalism. The characters Peggy and Jordan demonstrate ingenuity, resourcefulness, and resilience as they employ creative foraging methods to obtain food from their hostile, hyper-capitalist environment. Jordan combines her extensive knowledge of Winnipeg’s grocery and restaurant infrastructure with her intimidating yet friendly demeanor to procure discounted or free meals, which she regularly shares with her friends. Peggy similarly defies capitalist norms by obtaining and distributing vital resources to isolated or otherwise immobilized Indigenous residents in both Winnipeg and Peguis First Nation. In performing these acts of community care, Peggy also challenges the settler-imposed boundary between urban and reserve spaces on Treaty One territory.

Both Oji-Cree women experience and resist insidious settler-colonial violence in Winnipeg as they creatively embody food sovereignty to nourish their physical bodies, cultivate relationships, and nurture their communities. Peggy and Jordan engage in radical resistance as they unapologetically assert their Indigenous presence.

Keywords: food sovereignty, settler colonialism, Indigenous literatures, Winnipeg, food insecurity

INTRODUCTION

In a recent op-ed for the *Toronto Star*, Jesse Rosenberg and Kwame McKenzie outline Canada's current cost-of-living crisis, criticizing the unregulated pricing practices of grocery stores that prevent many Canadians from accessing adequate amounts of nutritious foods (2024).¹ Though they allude to "marginalized groups," Rosenberg and McKenzie (2024) avoid explicitly naming which segments of Canada's population face disproportionately difficult decisions, such as choosing between a roof over their heads or a meal on the table. According to a Statistics Canada report, racialized communities, including Indigenous peoples, are far more likely to struggle with food insecurity than non-Indigenous, non-racialized (i.e., white) segments of the population (Uppal 2023, 5). When evaluated by gender, rates of food insecurity are considerably higher for women, especially for single mothers; nearly half of so-called "female lone-parent families" are unable to consistently obtain healthy food (Uppal 2023, 3). Consequently, at this intersection of racialized identity and gender, Indigenous women experience some of the highest rates of food insecurity among any demographic in Canada (Uppal 2023, 14). While these statistics provide useful information about Indigenous communities, they offer little insight into the lived experiences of the individuals whose data they collect and analyze. In contrast, while works of fiction are not 'real,' they illuminate realities that are otherwise obscured by hard data.

The novel *Jonny Appleseed* (2018) by Joshua Whitehead (Two-Spirit Oji-Cree/nêhiyaw member of Peguis First Nation) delves into the poverty, joy, pain, and love experienced by Indigenous people living on Treaty One territory – the traditional homelands of Anishinaabe, Cree, and Métis nations.

¹ This chapter was adapted from the author's unpublished master's thesis titled "Nurturing Resistance: Food Sovereignty in *Jonny Appleseed* and *The Seed Keeper*."

Much of the narrative takes place in Winnipeg, where Jonny, the novel's young Two-Spirit Oji-Cree protagonist, lives by himself after leaving his home reserve in Peguis First Nation. Jonny, like other disenfranchised residents of Winnipeg's North End neighborhood, works hard to make ends meet, yet often struggles to afford groceries. To survive, Jonny relies on the members of his urban Indigenous community. In particular, Jonny's female Oji-Cree friends, Jordan and Peggy, are especially adept at navigating Winnipeg's hostile settler-colonial landscape to procure sustenance for themselves and their loved ones.

Urban geographies present distinct economic and social challenges from life on the reserve. Jonny himself acknowledges the precarity urban Indigenous populations face on a daily basis: "Sometimes survival can be a hell of a game – we all knew when we moved off the rez, but living in the city was a whole different animal" (Whitehead 2018, 132). Geographers Heather Dorries (Anishinaabe), David Hugill, and Julie Tomiak (Anishinaabe) synthesize theories of racial capitalism and settler colonialism to evaluate critically how North American cities like Winnipeg are "different animal[s]" in the ways they facilitate physical and ideological violence against Indigenous peoples and other racialized groups compared to rural settings (Dorries, Hugill, and Tomiak 2022). Decades of policy choices have resulted in concentrated poverty, a lack of social services, and extensive police surveillance for Winnipeg's racialized working-class population. The scarcity of affordable, nutritious foods in neighborhoods such as the North End makes it harder for Indigenous people to nourish their bodies and take care of their communities. According to Kahnawà:ke Mohawk scholar Audra Simpson, the literal, physical deterioration, disappearance, and, ultimately, death of Indigenous women especially is foundational to Canada's existence as a nation-state (2016). Of course, as their bodies are weakened through undernourishment, Indigenous women are more likely to disappear or die and thus be removed as a hurdle to settler-colonial occupation. This chapter examines how the female Oji-Cree characters depicted in *Jonny Appleseed* resist this physical eradication as they obtain, share, and consume food with(in) their urban Indigenous community. On a meta level, this analysis asserts that Indigenous literatures contribute to a better understanding of the material realities shaping contemporary life in Canada and are thus as equally worthy of analysis as quantitative data.

NEGOTIATING FOOD SOVEREIGNTY

The eliminatory logic that underpins the Canadian settler-colonial regime simultaneously upholds and is upheld by capitalism. Cities are naturalized in the popular imagination as examples of national progress; they are conceptualized as exclusively settler spaces devoid of Indigenous presence (Dorries et al. 2019, 11). Though all North American metropolises, including Winnipeg, are located on Indigenous land, as settler-colonial spaces, Canadian cities are configured to perpetuate the disappearance of Indigenous bodies and the (labor) exploitation of racialized others in order to maintain land and capital accumulation (Dorries, Hugill, and Tomiak 2022, 267). This translates to a devaluation of Indigenous life to the point that the impoverishment, criminalization, and malnutrition of Indigenous bodies is normalized as a natural and unremarkable part of settler-colonial progress. Containing, assimilating, or destroying Indigenous physical and cultural presence in urban spaces therefore reinforces what Dorries and co-authors refer to as “settler colonial entitlement to the city” (Dorries et al. 2019, 2). In other words, settler urban fantasies are soothed when Indigeneity is contained (ideally in a faraway fenced-off reserve or prison) and disappeared (through physical death or social assimilation), thereby neutralizing potential challenges to the settler state’s legitimacy.

Crucially, violence against Indigenous people is also gendered, as evinced by Canada’s nation-wide crisis of Missing or Murdered Indigenous Women, Girls, and Two-Spirit People (MMIWG2S). Simpson discusses this disproportionate eradication of Indigenous women from their territories; “Indian women ‘disappear’ because they have been deemed killable, rapeable, expendable. Their bodies have historically been rendered less valuable because of what they are taken to represent: land, reproduction, Indigenous kinship and governance, an alternative to heteropatriarchal and Victorian rules of descent” (Simpson 2016, 7). Therefore, as Indigenous women attempting to survive in a Canadian settler city, Peggy and Jordan must navigate a matrix of intersecting capitalist, colonial, heteropatriarchal, and white suprem(ac)ist policies and (infra)structures which function to prevent them from nourishing their bodies.

Since the arrival of Europeans on their ancestral homelands, Indigenous women have led their peoples in the fight to continue cultivating food and feeding themselves from the land that makes up that territory. Despite the centuries-long duration of this ongoing struggle, the specific term ‘food sovereignty’ as a designation of efforts to maintain traditional land-based foodways did not emerge until the 1990s (Desmarais and Wittman 2014, 1155). Food

sovereignty refers to a global counter-hegemonic movement and framework mobilized by Indigenous peoples, peasant organizations, migrant workers, climate activists, and other aligned groups fighting for ecologically sustainable, equitably distributed, and culturally appropriate food for all (Patel 2009, 673–674). In stark contrast to ‘food security’, which functions as a measurable outcome that can be achieved through ‘correct’ economic choices in a capitalist system, the food sovereignty model embraces food as a fundamental human right (Wills 2017, 101–104). In essence, there is no singular or optimal iteration of food sovereignty. Indeed, food sovereignty practices must be situated within a physical ecosystem and cultural context. Following Christina Schiavoni’s lead, I conceptualize food sovereignty as a “historically embedded, continually evolving *set of processes* that are interactively shaped by state and social forces” (2017, 3; emphasis added). This means that unlike the metric of food security, food sovereignty must be evaluated as a dynamically negotiated process or practice, rather than an outcome. To adapt this framework to literary analysis, I interpret actions like cooking and consuming food as embodied negotiations of food sovereignty. As a decolonial praxis rooted in action, negotiating food sovereignty nurtures Indigenous resistance against settler-colonial domination. Therefore, despite living in a colonial-capitalist society structured to exploit their lands and bodies, Indigenous women like Jordan and Peggy resist settler-Canadian hegemony by feeding themselves and their communities through subversive acts of food sovereignty.

FORAGING IN FOOD DESERTS

Oji-Cree women in *Jonny Appleseed* work hard to find creative ways to feed themselves despite living in Winnipeg’s notorious North End, where nutritious, culturally appropriate food is scarce and/or unaffordable. Peggy and Jordan have learned from experience that wage labor alone cannot provide enough to support their families and, therefore, to survive Canada’s predatory capitalist economy, they occasionally engage in transgressive acts, such as stealing, to obtain food. I suggest that when Indigenous characters in *Jonny Appleseed* shoplift food from corporations or dine-and-dash at fancy restaurants, they are participating in a form of modern foraging. Though these acts are considered criminal within a settler-colonial legal framework, settler law has never protected the well-being of Indigenous people, but rather enshrined

their subjugation. Therefore, when Peggy and Jordan disregard settler laws to care for themselves and nourish their bodies, they are resisting a legal system that actively works to harm them.

An example of Indigenous characters using one such non-traditional foraging method occurs when Jordan invites Jonny out to celebrate her big bingo win at a high-end French restaurant. The pair's dining experience encapsulates key differences between Indigenous and settler attitudes towards food in Canada. Even the name of the hotel where the restaurant is located directly evokes nineteenth-century Canadian imperial expansion. According to the organization Heritage Winnipeg, "The hotel name comes from Upper Fort Garry, which acted as the Hudson's Bay Company Headquarters until 1882" (Costen 2020). The pair's presence in the restaurant causes confusion and judgment among the staff and other patrons, whose clothes contrast sharply with Jonny and Jordan's jeans and casual shirts, indicating their upper-middle class status. When Jordan notices Jonny's brief self-consciousness about their appearances she reminds him, "Don't let these *môniyâw* [white people] intimidate you, Jon, fuck 'em" (Whitehead 2018, 156). Yet, the restaurant's minuscule portion sizes are what surprises them the most. Having grown up in poverty, Jordan and Jonny cannot understand why a few bites of barely cooked meat can be considered gourmet. They are unfamiliar with the foodie sensibility that compels diners to pay high prices for what Jonny describes as "basically the amount of food we put out as an offering to the spirits at a smudge" (157). They are likewise unimpressed with the restaurant's advertising strategy, which promises food "from the land" (157). Their meal pales in comparison to the food they normally eat on the reserve. Though they come to the restaurant with the intention and capacity to pay, they quickly decide that the food is not worth its exorbitant price tag. Jordan asks Jonny, "You wanna just dine and dash this bitch?" (157). They recognize they are being charged for more than the food is worth and decide not to let themselves be ripped off. The judgmental white customers and staff likely attribute the pair's departure to intrinsic criminality or greed. However, Jonny and Jordan base their decision not to pay on the quality and size of their meal. By dining at the French restaurant, they assert their right to exist in the same space and receive the same service as wealthy settlers. Jonny and Jordan symbolically (and in a sense literally) breach a Canadian military fort to secure rations for themselves. Their refusal to pay is an act of food sovereignty that allows them to nourish their bodies, albeit with a small amount of food, while rejecting settler-colonial notions of class and refusing to contribute money towards the capitalist economy in exchange for an unimpressive product.

The high concentration of First Nations, Métis, and Inuit residents in Winnipeg means that Jordan and Jonny inevitably encounter people with different national and cultural affiliations than their own. Nevertheless, they are enmeshed in this pan-Indigenous community. Solidarity among the urban Native community extends to a degree to other BIPOC segments of the population who are also exploited (albeit in different ways) by the capitalist settler state. These shared affinities mean that members informally look out for one another and are willing to violate capitalist codes of conduct to help each other. Jordan is especially skilled at maneuvering this unofficial network to secure cheap food for herself and her friends. Jonny recalls that he and Jordan became "real friends" while sharing a meal she bought for them at a fast-food restaurant,

Inside McDonald's, she pulled out a giant book of coupons she was carrying around in her backpack. "Work smart," she said, "not hard." Half those coupons were old as shit but she knew where to take them, the right fast-food joints and grocery stores – places where she could either befriend or intimidate the other brown-skins. At the counter she marched right up to the cashier, this young Nate kid, slapped down her coupon, and said, "Two Big Macs and large fries, cuz – and don't forget, it's two-for-one." Her coupon had expired but the boy rang her through anyway – maybe out of respect, maybe out of fear. (Whitehead 2018, 118–119)

The size of the coupon book indicates Jordan's extensive geographic knowledge of Winnipeg's gastronomic infrastructure. She understands when and where to employ her combination of friendliness and intimidation on other BIPOC workers to procure discounted food on a regular basis. Her mantra "work smart, not hard" encapsulates her innovative spirit as she hustles to feed herself and her relatives in a hostile urban environment. While middle-class settlers might denigrate fast food for its poor nutritional value, Winnipeg's urban infrastructure inhibits Jordan and Jonny's access to healthy, affordable groceries. Therefore, eating a filling meal while enjoying the company of a friend is a healthier alternative to going hungry.

CULTIVATING COMMUNITY

To supplement their hustling and gathering lifestyle, the Oji-Cree women depicted in *Jonny Appleseed* improvise relationship networks to help provide each other with food (and other resources, including alcohol, tobacco, and drugs). These provisioning networks exist outside of settler-capitalist social norms, resembling what Cree geographer Michelle Daigle calls “alternative economies of food harvesting, sharing and gifting” (2019, 312). Through these informal and improvised systems, Indigenous characters can establish or strengthen friendships and obtain vital resources together that they otherwise would not be able to acquire on their own. While these provisioning networks manifest in a variety of diverse arrangements, they are all rooted in the struggle to survive the colonial-capitalist economy, and all participants exemplify ingenuity and resourcefulness as they cultivate strong communities.

Peggy (in)famously facilitates the delivery of a range of goods and services to both Peguis and Winnipeg’s Indigenous residents. Jonny considers Peggy a good friend and an indispensable part of his Peguis-Winnipeg social network. He explains, “See, Peggy is our best NDN smuggler, she’ll take a list of items you want from any department store – Wal-Mart is her favourite target – steal those items, and sell them to you for a hardcore discounted price. It benefits everyone. Momma always said that woman was the epitome of resource” (Whitehead 2018, 31). Again, rather than evaluating Peggy’s shoplifting through a settler-colonial lens, I contend that she resists predatory capitalist systems by procuring necessities for herself and community without directly putting money into the hands of corporations. When viewed through an Oji-Cree cultural lens, this arrangement “benefits everyone,” as Jonny makes clear. His statement deprives companies such as Wal-Mart of their corporate personhood and emphasizes that those who count as “everyone” are the individual members – the actual humans – who comprise Peggy’s provisioning network. The praise from Jonny’s mom is also well-deserved since Peggy’s operation demands her consistent patience and resourcefulness. As Peggy makes a living for herself while obtaining goods that people in her community need and want without contributing to corporate profits, she resists against colonial-capitalist exploitation.

Though Peggy charges cash for the goods she sells in her smuggling operation, something other than profit motivates her actions, unlike the multinational corporations she steals from. Peggy cannot maintain a traditional wage-labor position because she has, according to Jonny, “a criminal record

for assaulting the social worker that scooped up her babies" (Whitehead 2018, 31–32). Here Jonny's language implicates yet another facet of Canada's ongoing systemic violence against Indigenous women and mothers more specifically. In the twenty-first century the Canadian state continues to apprehend Indigenous children at disproportionately high rates, mirroring child-removal and assimilation policies of the "Sixties Scoop" (Battams and Mathieu 2024). Peggy is criminalized for physically resisting the colonial theft of her children, ultimately impeding her ability to find steady employment. Though forced to rely on the income she makes through her smuggling ventures, her actions are also guided by principles of reciprocity and respect. She genuinely looks out for her fellow community members and tries to alleviate their suffering whenever possible. Yet not all the materials she sells contribute to healthy coping mechanisms. Peggy makes a significant portion of her income by supplying alcohol and prescription drugs to the people in her network. Jonny knows, for example, that he can always count on her to provide him with liquor. Recalling one such occasion, he explains, "I called up ol' Peggy and had her sell us a bottle from her stash; she gave me a discount like usual because she had been so close with my kokum [grandmother]. [...] She always delivered her goods in person – brought cigarettes to the moms who couldn't make it out of the house, Percs to the kids who were 'feeling no pain,' McDonald's to the crews of Nates hungover as all hell" (130). Jonny's description shows that Peggy performs care labor for the wider community by delivering sources of comfort to those who are isolated or otherwise immobilized. His anecdote also reveals Peggy's enduring loyalty to her friends, which she demonstrates by giving them discounts on products. Nevertheless, Jonny addresses her prescription drug dealing with cynical ambivalence. He rationalizes Peggy's actions: "She thought she was doing a good thing, selling clean Percs to people who needed them, saving them from a fentanyl overdose, but we all knew she was enabling others – hell, sometimes you have to do what you have to do to survive" (132). Jonny neither judges nor condemns her Perc-selling business, but rather acknowledges the precarity Indigenous people are forced to navigate within the hellish reality of capitalism and settler colonialism. The material conditions of Canada's settler-colonial society create perilous situations for Indigenous people who are forced to make impossible choices. Peggy refuses to disappear from her Oji-Cree homeland by devising a means of personal survival.

Jonny sympathizes with rather than judges Peggy's behavior as he recognizes her vital role in the community, especially among other young adults like him who are new to the city and simply trying to survive. After delivering

a bottle of whiskey to him and his friends before a night out, Peggy kindly urges them to call her if they need a ride later. Jonny reflects on her concern: “She had this way about her, a motherly instinct that she extended to everyone she knew. [...] if you knew someone who OD’d or needed a ride to rehab, she had your back – free of charge. We all needed Peggy, even if we rarely said so” (Whitehead 2018, 132). Indeed, Peggy’s support for those in her social network extends beyond smuggling goods. In addition to her bountiful, albeit unconventional, hustling and gathering practice, she provides a vital transportation service to members of her community. Most Indigenous populations in Canada, in addition to other socioeconomic inequities, lack reliable modes of transport, both within and between cities and reserves (Hanson et al. 2021). Inadequate public transportation options and deteriorating roadways between metropolitan areas and First Nations reserves contribute to isolation, cultural disconnection, and psychological distress among urban Indigenous residents who cannot (regularly) travel to their reserve (Alhassan et al. 2021, 4). Therefore, by driving people around the city and to Peguis, Peggy transports them to essential services (e.g., hospitals, grocery stores) and helps them maintain their connection to the reserve community. Jonny explains how her operation works: “Before Uber was a thing, Peggy offered rides to people for a few bucks and if you needed a lift down to the hospital or if an Elder needed to head into town, she’d give you a ride for free so long as you threw her a few smokes and a slab or two of bannock. Momma says she’s sort of the folk hero of the rez, everyone has mad respect for her” (Whitehead 2018, 31). Unlike Uber, Peggy calculates her rates using a data matrix based on kinship ties, the necessity of the ride, and the rider’s age and community standing. This means she accepts gifts of tobacco or food in cases when someone urgently needs a ride but cannot afford it. Or, as Jonny mentions, Peggy provides this discount as a gesture of respect to her Elders. For Jonny and other Oji-Cree people in Winnipeg, Peggy is a lifeline that connects them to their home community on the rez. She traverses urban and reserve spaces by transporting food and people back and forth while earning both a livelihood for herself and the respect of her community. Peggy “rupture[s] colonial constructions of space and borders, including binaries between the rural and urban, as [she] simultaneously embod[ies] alternatives to a capitalist economy” (Daigle 2019, 312). Not only does Peggy demonstrate ways of transgressing capitalist systems to engage with her community, but she also proves that food and medicine can be used as currencies of community care.

CONCLUSION

For the Indigenous characters in *Jonny Appleseed*, surviving in settler-colonial Canada, whether on the rez or in the city, entails using informal provisioning networks to obtain material resources that would otherwise be unavailable to them. Jonny benefits immensely from his relationships with Peggy and Jordan, who, as Oji-Cree women, creatively engage with and defy colonial-capitalist systems to nourish themselves and their kin. Peggy, Jordan, Jonny, and anyone else who conspires with them in their unsanctioned food-gathering systems, defiantly refuse to follow settler-colonial rules and standards. Despite being situated within an environment of hyper-individualism and late-stage capitalism, the provisioning networks that feed Indigenous bodies are rooted in principles of community and reciprocity. By (re)negotiating Indigenous foodways across urban and reserve spaces the Oji-Cree women in the novel engage in resistant acts of food sovereignty.

As depicted in *Jonny Appleseed*, Indigenous women living in the place now known as Canada bear the disproportionate burden of feeding their underserved and undernourished communities. Winnipeg, as a racialized city embedded in the framework of Canadian settler colonialism, consistently inhibits First Nations, Métis, and Inuit women from accessing nutritionally dense, culturally appropriate foods. Even a perfunctory investigation into the lived experiences of Indigenous women reveals that the Canadian nation-state does *not* model gender equality.

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Icelandic Women in Manitoba: Exploring the Role and Significance of Social and Cultural Capital in a Gender Context

Abstract

This study examines the Icelandic diaspora in Canada, with a particular focus on the province of Manitoba, highlighting the social and cultural capital of Icelandic women immigrants who played a pivotal role in forming not only their own communities, but also in shaping Canadian civil rights for women. Despite the challenges of migration, over 100,000 Icelanders have established a notable presence in Canada, prompting an examination of how Icelandic women utilized their unique backgrounds to achieve successful assimilation. The study sheds light on immigration patterns and the biographies of three prominent Icelandic-Canadian women (Jóhanna Ketilsdóttir, Anna Sigríður Guðmundsdóttir Sigbjörnsson and Ingibjörg Björnsdóttir), reconstructed using newspapers and obituary data. Moreover, this chapter demonstrates how these women strategically employed their social and cultural capital to navigate within Canadian society, thereby contributing to a variety of fields related to women's rights. A particular focus is placed on the key figure of Margaret Benedictsson, whose leadership in the women's suffrage movement in Manitoba exemplifies the profound impact of social capital, education, and gender equality advocacy on the Icelandic-Canadian narrative. This study provides a comprehensive understanding of the Icelandic-Canadian experience, emphasizing the instrumental roles played by social and cultural capital in the assimilation and contributions of Icelandic women immigrants to the fabric of Canadian society.

Keywords: Icelandic Canadians, gender, immigration, social capital, cultural capital, Manitoba, women's rights

INTRODUCTION

To provide an overview of the context surrounding immigration and the experiences of Icelandic women relocating to Manitoba, two key terms need to be defined: social capital and cultural capital. Researchers disagree on to the precise definition of social capital, yet there is a consensus that it is inherently difficult to measure. Robert Putnam's definition is adopted for the purposes of this chapter. It is a basic conceptualization, as outlined in his book *Bowling Alone: America's Declining Social Capital*. Putnam defines social capital as the cooperation of individuals who share similar values and goals and self-organize into larger structures to benefit the group as a whole. A well-organized group is crucial, as it allows weaker-bound and less organized individuals to benefit from the majority (Putnam 2000). "Cultural capital", on the other hand, is a term coined by Pierre Bourdieu that refers to an individual's entire intellectual and acquired background. This includes the knowledge and skills required to navigate social situations and shape one's position in society. Cultural capital is frequently combined with economic capital which is used to acquire the former ("Pierre Bourdieu" 2021).

According to data from the 2021 census, Canada is home to the largest Icelandic diaspora outside of Iceland, with approximately 100,000 Icelanders residing there (Government of Canada 2023). The proportion of Icelandic men and women in the country is nearly equal. This figure is significant given that the total population of Iceland for the beginning of the year 2024 was approximately 380,000 ("The Country's Population" 2024). Icelandic immigration to Canada has exhibited certain patterns over time. In addition to the Vikings, who arrived around the year 1000, the first significant wave of Icelanders arrived in Quebec in 1873, followed by a second wave of immigrants who came to Ontario a year later. However, the lands they obtained were of poor quality, necessitating a subsequent relocation. In 1876, a permanent Icelandic settlement known as New Iceland was established, with a population of 250 residents. New Iceland was absorbed into Manitoba in 1881, during the process of the incorporation of more provinces into Canada. The Icelandic settlers desired a place where they could maintain their customs while living in peace and safety from natural disasters (Mackay 2017, 10–34). The towns with the highest Icelandic populations were Gimli, Selkirk, and Winnipeg, mostly located in the Red River Valley and on the shores of Lake Winnipeg. Icelanders worked primarily in agriculture and occupied the same professions as they did in Iceland. They prioritized education and pursued high-paying

careers such as medicine and law (Matthiasson 2008). However, Icelanders have not preserved many aspects of their culture, and currently only 900 people living in Canada consider Icelandic to be their mother tongue ("Population, Total – Iceland").

Nevertheless, it is worth noting that Icelanders in Canada, like other groups, assimilated relatively quickly. This was due to their a reputation for being a 'desirable' types of immigrants. Classifying themselves as Scandinavians, they were considered white. Therefore, it is important to note that the immigration patterns of Icelanders to Canada do not represent a general pattern of migration and cannot be considered a measure or example of the experiences of other groups. Consequently, their immigration experience will diverge significantly from those of other racial or ethnic groups.

Icelandic immigration to Canada was also notable for its demographics. Typically, most immigrant groups had a higher proportion of male settlers, most likely due to economic or political reasons. However, among Icelanders, over 50% of newcomers were women, a trend that remained consistent over time (Matthíasdóttir and Einarsdóttir 2016, 10). The immigration of women can be further subdivided into two categories: single and married women. Married women accompanied and followed their husbands to Canada. Although the precise number of single women who immigrated is uncertain, the ratio was considerably higher than the number of single women in Iceland at the end of the 19th century. At the time, Icelandic society was mostly comprised of small, traditional farming communities, where women were often employed as household servants and had limited opportunities for marriage. Additionally, in the late 19th century, women were inclined to migrate initially to larger cities within Iceland before moving on to North America (Matthíasdóttir and Einarsdóttir 2016, 11–13). Immigration provided a potential escape from these circumstances, but it was not without risks, as women were required to assume responsibility for their own future. This was a challenging objective to attain in the 19th century, given the pervasive gender-based discrimination and stereotypes that existed at the time.

ICELANDIC WOMEN'S IMMIGRATION AND ASSIMILATION PATTERNS

To demonstrate the utilization of social and cultural capital by women during the process of migration, it is essential to provide illustrative examples

of their relocation and assimilation experiences. Newspapers and obituaries can help reconstruct the biographies of Icelandic Canadian women and their lives in Canada. Although the materials are primarily in Icelandic, they provide insight into the women's pre-arrival backgrounds, as well as their cultural and social capital. As previously stated, many of these women were single and came from lower socioeconomic backgrounds. They arrived through special agencies. Traditionally, Scandinavian women worked as maids. A review of data from 1881 to 1901 indicates that 90% of Icelandic women in Winnipeg were unmarried and employed as maids, however, they also held positions in restaurants, boarding houses, the service industry, and as domestic service (Matthíasdóttir and Einarsdóttir 2016, 14; Lindström, 2010, 36–37). Many of these women were educated and employed as teachers, utilizing their language skills to teach Icelandic classes (Matthíasdóttir and Einarsdóttir 2016, 19; Lindström, 2010, 36–37).

For women, immigration entailed both emancipation and exploitation. The labor situation in Iceland during the 18th and 19th centuries was difficult for them. According to Icelandic law, individuals over the age of 16 years who did not own a home or lived with their parents were required to seek employment in other households. Additionally, women constituted the majority of the Icelandic population at the time, and many did not marry (Matthíasdóttir and Einarsdóttir 2016, 17–18; Hálfðanarson 1999, 111–112). Immigration was a form of liberation for women, allowing them to escape the male-dominated labor market and the specific rural lifestyle that characterized small communities. However, given the historical context in which they lived, it was also challenging because most of them were single and lacked men's support. Although Canada offered higher wages than Iceland in the 19th century, immigrants also faced exploitation there, including hierarchical and ethnic discrimination (Epp, Iacovetta, and Swyripa 2004, 12; Matthíasdóttir and Einarsdóttir 2016, 18).

A number of distinct patterns and elements of Icelandic migration can be distinguished, the most significant of which are transnationalism and the legacy of Icelandic ties. The significance of these relationships was particularly pronounced for single Icelandic women who defined their social status in Canada through networking with others from Icelandic community. The objective was to facilitate advancement in the social hierarchy (Loewen and Friesen 2009, 41). Icelandic women's cultural and social capital of their knowledge, skills, and strong family and friend relationships, facilitated their career development and success in Canada, even when they were single. Obituaries

and newspapers contain accounts of single women who were able to easily assimilate while maintaining their identities.

Jóhanna Ketilsdóttir was the first woman whose story was reconstructed based on an obituary and whose experience could be used to illustrate broader migration patterns. Her story was being described in *Lögberg* magazine in 1909. She immigrated to Winnipeg from eastern Iceland, where she had owned a restaurant with her husband. Following his death, she ran the business on her own for a while. She later became the director of the local hospital in her village before resigning and emigrating to Canada, where she began working as a seamstress. Jóhanna did not migrate alone; her brother and son both worked there. Even though her social and cultural capital played a significant role in her ability to assimilate in Canada, her occupation in Winnipeg was not as prominent as it was in Iceland (Matthíasdóttir and Einarsdóttir 2016, 22–24).

Another woman whose story was described in *Lögberg* magazine in 1951 was Anna Sigríður Guðmundsdóttir Sigbjörnsson. Prior to her emigration to Winnipeg she had had worked as a seamstress in Reykjavík, a highly regarded profession in Iceland during the 1860s. She brought with her social capital, as she married an Icelandic man in Canada, which allowed them both to make numerous connections within the Icelandic community. Anna demonstrated a comprehensive understanding of Icelandic literature, analyzing and expressing her opinions on various books, and she also wrote poetry (Matthíasdóttir and Einarsdóttir 2016, 24–25).

It is also worth noting the experiences of Ingibjörg Björnsdóttir, a third Icelandic woman, whose obituary was also described in *Lögberg* magazine in 1926. Ingibjörg was born in a small village in Iceland but relocated to Reykjavík to pursue studies in midwifery. After working in Iceland until 1903, she moved to Canada where she continued to work in the same field. Her qualifications were held in high regard by many members of her local community. Her obituary highlights her strength and ambition, as she was able to obtain an education despite her humble upbringing in a small village. She had strong family ties and roots in Iceland, which increased her social capital. Her obituary noted that she was popular among the Icelandic community in Canada and had a great sense of humor. Her cultural capital was evident in her education, extensive reading, and broad general knowledge (Matthíasdóttir and Einarsdóttir 2016, 25–26).

Regrettably, there is limited information available about the situation and lives of Icelandic women in Canada. Nevertheless, the examples provided above illustrate how their social and cultural capital aided their assimilation and

livelihood in their new environment. These women were ambitious, intelligent, and courageous, which facilitated their integration into both the Icelandic community and Canadian society. Each of them brought periodic skills to the new community that helped them form new connections and nurture existing ones. As previously mentioned, the experiences of Icelandic women were distinct from those of other groups due to the pervasive prejudices and perceptions of people from various racial and ethnic backgrounds prevalent at the time. Nevertheless, the Icelandic group exhibited a high level of assimilation, which was influenced by the social and cultural capital brought by Icelandic women to Manitoba.

It is evident that Icelandic women did not solely engage in work and social activities within the Icelandic community or in small groups. Margaret Benedictsson (née Jonsdóttir) was a key figure for Icelandic women in Canada. She played a pivotal role in the women's suffrage movement in Manitoba, which was one of the first provinces to grant women the right to vote. Other provinces followed suit. Benedictsson was instrumental in the suffrage movement due to her comprehensive understanding of the issue, straightforward concepts, and clear vision for a society with equal rights for women (Crippen 2004, 53–54).

WOMEN'S SUFFRAGE AND POLITICAL MOBILIZATION IN MANITOBA

To provide context on immigration, it is important to note the development of the women's suffrage movement in Iceland during the late 19th and early 20th centuries. Although Iceland gained independence from the Kingdom of Denmark in 1944, it had already developed its own identity and organizations while still under Danish rule. Icelanders were generally open to social change. However, the political advancement of the women's suffrage movement in Iceland was slower than in Canada (Styrkársdóttir 2006). In the mid-19th century, Icelandic women began organizing themselves into non-political groups, particularly in villages or small towns. Subsequently, more communities of this nature were established. The purpose of these groups was to raise funds for equipment, such as sewing machines or agricultural machinery, that could benefit the entire community or to educate individuals on new technologies. These organizations were primarily charitable and provided assistance to individuals within a wide range of needs (Jonsson 2001, 249–267). Overall, they

were pragmatic and focused on improving and modernizing the standard of living for community members.

In Iceland, the Icelandic Women's Association was a major force in the fight for women's suffrage. Founded in 1894, the association collected signatures for a petition supporting women's voting rights (Styrkárðóttir 2006). Another organization that contributed to the cause was the Icelandic Women's Rights Association, established by Bríet Bjarnhéðinsdóttir in 1907. She advocated for women's right to vote as a fundamental aspect of gender equality and full political citizenship (Styrkárðóttir 2006). In Iceland, unmarried women and widows who paid taxes gained the right to vote in local elections in Reykjavik in 1882, while married women were granted this right in 1908. Women in Iceland were accorded the right to vote in national elections in 1915, with the age qualification of 40 years old being lifted five years later in 1920 (Styrkárðóttir 2006).

Icelandic women played a pioneering role in the fight for suffrage in Manitoba. The groups in the Red River Valley were modeled after aid organizations in Iceland during the early stages of immigration. They established the Icelandic Society in 1877, which was later reorganized as the Icelandic Progressive Society in 1881. In the same year, the Icelandic Women's Society was founded to provide financial aid and assistance to newcomers. In 1908, Margaret Benedictsson founded the Icelandic Women's Suffrage Society, also known as *Tilraum* in Icelandic, with the goal of securing women's right to vote. Benedictsson served as the organization's first president ("Women's Suffrage in Manitoba" 2016).

The church was heavily involved in the women's suffrage movement and the fight for the right to vote. In Iceland, women had been able to vote in church elections since 1882, and single women and widows could vote at the municipal level, while married women were represented by their husbands. They also supported the suffrage movement by publicly campaigning and publishing their opinions in journals. In Winnipeg, the Icelandic Unitarian Church was established in 1891, and many Icelanders attended services. In the church synod, both men and women had equal voting rights, and decisions were made irrespective of gender (Jonasson). Additionally, Icelandic organizations in Canada prioritized education as a means to build social and cultural capital and improve the quality of life in the destination country.

In 1870, Manitoba became a province and established voter qualifications in an act respecting the *Qualification of Voters*. Section 4 of this act excluded women from voting in any Electoral Division (Larsen 2007). This provision

reflected the prevailing societal attitudes towards women at the time. In accordance with this legislation, women were not considered lawful citizens and were denied the right to vote due to the belief that they were ‘incapable of making sound decisions’ (Larsen 2007). However, there were indications that change was on the horizon towards the end of the 19th century. In 1887, women who owned property were granted the right to vote in municipal elections in Manitoba. Later, in the 1890s, Icelandic women formed suffrage organizations and fought for the right to vote. In 1893, two organizations petitioned the Manitoba legislature to grant women’s suffrage. Although it was rejected (Katherine 2016), they managed to build women’s structures to educate the public on the matter. Margaret Benedictsson was instrumental in increasing the publicity of the women’s suffrage movement.

FEMINIST ADVOCACY AND EDUCATIONAL EMPOWERMENT

Benedictsson immigrated from Iceland to the American Dakota Territories before moving to Winnipeg in 1887. While in Iceland, she worked as a maid, and was a strong advocate for children’s education. Margaret Benedictsson believed that it was the responsibility of parents to provide education for their children (“Margret Jónsdóttir Benedictsson” 2020). She also worked as a teacher on a farm in northern Iceland. Benedictsson aspired to receive a quality education, yet the opportunities were limited in Iceland. She borrowed money and moved to the United States, where she worked to pay for her education (Crippen 2016). She was inspired and influenced by the American suffrage movement and its leaders, including Elizabeth Cady Stanton and Lucy Stone, with whom she corresponded (“Margret Jónsdóttir Benedictsson” 2020).

Icelandic women in Canada started building their social capital by collaborating with other Icelandic immigrants who had already settled successfully. The majority of the assistance was focused on churches and aimed at helping the most impoverished. Benedictsson was a member of the Icelandic Women’s Society, which helped newcomers, primarily women, in obtaining an education and employment in Canada (Crippen 2016). She established a community of feminist Icelanders who advocated for human and voting rights.

Benedictsson played a crucial role in the women’s suffrage movement in Manitoba. It goes without saying that as a prominent figure in the suffrage movement, she actively promoted the enfranchisement of women and add-

ressed other significant social issues. She utilized *Freyja*¹ magazine, which she co-founded with her husband in 1898, as a platform to voice her opinions. To reach larger audiences, she wrote under a male pseudonym, targeting both female and male readers (“Women’s Suffrage in Manitoba” 2016). At the time, many women used the same tactic to avoid being discredited at the outset. The articles in *Freyja* addressed women’s equal rights in a variety of areas and encouraged support for these changes. Some historians regard her actions as courageous for speaking out about prohibition, divorce, and women’s participation in all aspects of society (Crippen 2016).

In her articles, she stressed the importance of social capital. She argued that women must recognize the power of unity, particularly in patriarchal societies, and form associations even if it required sacrifices. Despite the lack of voting rights, women still enjoyed the freedom of the press and speech, so according to her, they should use it (Benedictsson 2014). In her articles, she discussed not only the right to vote, but also the franchise for women and the possibility of female politicians to become members of the legislature. She contended that women could bring morality and a higher level of culture to governmental structures through public leadership and participation. She emphasized women’s freedom of choice, stating that a woman has the right not to vote if she chooses so. However, if she wishes to vote, she cannot be denied the right (Benedictsson 2014).

Margaret Benedictsson highlighted the importance of fostering cultural capital through education. She emphasized the importance of early intellectual development in children, as well as the need to understand society and its mechanisms. Education was also, in her view, crucial in enabling people, including women, to participate in the political system. She believed that if women were granted the same level of education as men, they would have the right to vote (Benedictsson 2014). Benedictsson delivered lectures on the suffrage movement, influencing not only Manitoba but also the rest of Canada. She did so in various localities outside of her province. *Freyja* was published between 1898 and 1910, but Margaret’s husband, Sigfus Benedictsson, blocked the press, obstructing the publication. Despite the high cost, Margaret eventually divorced him, demonstrating bravery (Crippen 2006).

Although the purpose of the movement was commendable, women’s voting rights were still subject to a considerable degree of racial and ethnic

¹ In Old Norse, the word *Freyja* meant “Lady.” Freja was also a goddess symbolizing fertility, love, but also battle and death (“Freyja” 2024).

discrimination. For instance, in Manitoba in 1916, only white women were granted the right to vote. Nevertheless, this was a step towards progress. Across Canada, women organized into groups and promoted the suffrage movement, gaining more publicity and amplifying their voices and arguments.

CONCLUSION

The aim of this chapter was to demonstrate the significant influence of social and cultural capital on the assimilation of Icelandic women into Canadian society, with a particular focus on the province of Manitoba. Despite the modest size of the migrant group, Icelandic women played a significant role in the Canadian feminist movement, particularly in Manitoba. Their involvement was of considerable consequence, as they were instrumental in advocating for women's suffrage and broader social reforms. Icelandic women such as Margaret Benedictsson played a pivotal role in the movement, leveraging their social and cultural capital to build networks, influence public opinion, and mobilize support for women's rights. While there is no direct indication that the Icelandic women's movement directly helped in creating women's rights, it can be argued that their efforts helped Manitoba become one of the first provinces in Canada to grant women the right to vote, a milestone in the country's feminist history. Icelandic women brought their social capital to Canada, enabling them to achieve success and maintain or even improve their standard of living compared to Iceland. The communities created by these women had strong and clear values, which helped promote the movement and ultimately gain their rights. Cultural capital also played a role, as they brought the concept of equal rights for women from Iceland. One common trait among all the women presented was their respect for education and understanding of its significance for social and cultural capital from an early age. These findings underscore the integral role of social and cultural capital in shaping not only the lives of these women but also the broader socio-political landscape of their adopted communities. The legacy of these Icelandic women highlights the enduring power of cultural heritage and social cohesion in overcoming challenges and fostering progressive change.

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The collective publication, titled *Canada: A Model for Gender Equality?*, highlights the work of emerging scholars as the project is conducted by the Students' Association for American Studies. The Students' Association prioritizes the promotion of Canadian cultures in Poland among its primary objectives. This interdisciplinary publication comprises 15 chapters, addressing various issues with a primary focus on feminism and women's rights in Canada. It analyzes the notion of gender equality through an examination of governmental programs, literary works, and social initiatives. It also discusses the challenges faced by marginalized groups, including women of Indigenous descent, immigrant women, and 2SLGBTQIA+ individuals. The book highlights legislative progress and the necessity to continue striving for comprehensive gender equality in social, political, and economic spheres. The historical context of gender equality initiatives in Canada was examined, highlighting the contributions of Canada's feminist movements that facilitated women's advancement in male-dominated arenas. The book underscores the need for further reforms to tackle the pervasive systemic barriers and discrimination that persistently affect the lives of many women and individuals of diverse gender identities in Canada.

The Students' Association for American Studies at the Jagiellonian University (KNA UJ) was founded in 2004 and gathers students studying at the Institute of American Studies and Polish Diaspora at the Jagiellonian University. During its activity, KNA UJ has organized various cyclical events and conferences, including the Festival of Canadian Cultures, as well as occasional events – celebrations of the 1st and 4th of July, Quiz nights, Election Nights and meetings of the Fireside Chats cycle, where current events related to Canada and the United States are discussed. KNA UJ actively participates in charity events and the activities of the Jagiellonian University, such as supporting the refugees or food donations.



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