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Canada

Ministère de la Justice
Canada



2020

STATE OF THE
**CRIMINAL
JUSTICE
SYSTEM**

Focus on Women

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Minister's message

I am very pleased to present the *2020 State of the Criminal Justice System Report: Focus on Women*. This report is an important part of our efforts to report publicly on the performance of Canada's criminal justice system. The special focus of this report is an example of how we are modernizing the use of data to inform decisions and to serve all Canadians.

This year's report focuses on women's perceptions of the criminal justice system, as well as their interactions with it as victims, survivors, accused and/or offenders. We know that women make up the overwhelming majority of victims of certain types of violent crimes and represent a growing proportion of the prison population. We also know that victimization plays an important role in many women's experiences as offenders.

Indigenous women continue to face particularly high rates of violent victimization. Other groups of women are also at risk of violence, including those with disabilities, LGBTQ2 people, immigrant and refugee women, women living in Northern and rural communities, and racialized women. The Government of Canada remains committed to preventing and addressing gender-based violence in a way that is comprehensive, inclusive, and based on the lived experiences of women and gender diverse people across Canada.

As we collaborate with other departments to implement the National Strategy to Prevent and Address Gender-Based Violence, which will fill gaps in supports for diverse populations, the Department of Justice Canada has undertaken important initiatives to improve the experiences of victims and survivors of gender-based violence with the criminal justice system. For example, we have made funding available to the provinces and territories to pilot the provision of independent legal advice to victims of sexual violence. As Minister of Justice, I re-introduced legislation in Parliament that would work towards ensuring that judges hearing sexual assault matters have the necessary training to decide matters fairly and respectfully, without the influence of myths and stereotypes.

The Department of Justice continues its important work to help strengthen existing policies and programs and increase the safety of Indigenous women, girls and LGBTQ2 people in Canada. We also continue to collaborate with other departments as we accelerate work on the co-development of a National Action Plan in response to the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice, as well as implementation of the Truth and Reconciliation Commission's Calls to Action.



Recent social movements have drawn attention to the unfair treatment of Indigenous and Black people in Canada. There is no place for racism or discrimination in Canada's social systems and institutions. Systemic racism can have a profound impact on women, who experience multiple layers of disadvantage. The *2020 State of the Criminal Justice System Report* is part of our pledge to address systemic inequalities in all phases of the criminal justice system. We must work to create a system that is more just, effective and fair, particularly for Indigenous, Black and racialized people in Canada.

All Canadians must have the confidence that the justice system is there to protect them, not harm them. Ensuring that the criminal justice system works for everyone means looking beyond overall rates of crime and victimization. It means looking through different social lenses to inform the development of responsive programs, policies and initiatives. Taking a people-centered approach to improving access to justice requires understanding how different groups of people experience the justice system. The Government will take steps to ensure that the strong hand of criminal justice is used where it is needed to keep people safe, but not where it would be discriminatory or counterproductive.

Creating change in Canada's criminal justice system requires the collective efforts of federal, provincial, and territorial partners and stakeholders, and much work remains. Monitoring the performance of the criminal justice system will be even more crucial as we move forward and address the impacts of the COVID-19 pandemic on the criminal justice system, and in turn all Canadians.

The Honourable David Lametti, P.C., Q.C., M.P.
(he/him)
Minister of Justice and Attorney General of Canada

Acknowledgements

The Department of Justice Canada wishes to thank all of its partners, stakeholders and key experts for contributing to the development of the State of the Criminal Justice System performance monitoring framework. Their collaboration, engagement, and continued support are essential to its success. For more information on the development of the Framework, please see the *State of the Criminal Justice System Methodology Report* (Department of Justice Canada 2020b).

Special thanks to federal government partners whose data this project relies on, including the Correctional Service of Canada, the Office of the Correctional Investigator, the Parole Board of Canada and the Canadian Centre for Justice and Community Safety Statistics at Statistics Canada. Also, to our Justice colleagues who support this project through continued data contributions.

The Department of Justice Canada also wishes to thank all partners who contributed in the review of this report, including the Correctional Service of Canada, the Parole Board of Canada, Public Safety Canada, the Royal Canadian Mounted Police, Statistics Canada, and Women and Gender Equality Canada, as well as to our Justice colleagues.

Finally, the Department of Justice Canada is grateful to the Research Branch and the Women Offender Sector at the Correctional Service of Canada, Statistics Canada and Women and Gender Equality Canada, as well as a number of subject matter experts, for their expertise and guidance on the development of the Women theme of the [State of the Criminal Justice System Dashboard](#) (Department of Justice Canada 2020a).

Introduction

Understanding how different groups of people experience crime, as both victims/survivors and accused/offenders, is critical to achieving key criminal justice system outcomes. This knowledge promotes evidence-based program and policy development that is people-centred and responsive to the unique needs of individuals.

One way that society groups people is by [gender](#). A long history of research shows that [women](#) and men tend to be impacted differently by crime, and interact differently with the CJS. Women are more likely than men to experience [gender-based violence](#)—violence targeted at them because of their gender, gender expression, gender identity or perceived gender. Certain violent crimes, including [sexual assault](#), [intimate partner violence](#), and intimate partner homicides, are particularly [gendered](#), with women making up the vast majority of victims/survivors and men overwhelmingly the perpetrators (Burczycka 2019; Conroy and Cotter 2017; Department of Justice Canada 2019b). Recent findings from Statistics Canada have also shown that [transgender](#) and [non-binary](#) individuals are more likely to experience violent victimization in their lifetime (from the age of 15) (59%) compared with [cisgender](#) people (37%) (Jaffray 2020). Sexual minority people who self-identify as Indigenous also experience higher prevalence of physical (73%) and sexual assault (65%) in their lifetime compared with non-Indigenous sexual minorities (45% and 37%, respectively) (Jaffray 2020).

When women engage in crime, they tend to become involved for different reasons than men, are accused and convicted of less serious crimes, and are less likely to be incarcerated (Balfour 2020; Bloom et al. 2003; Gartner and Jung 2014; Hannah-Moffat 2017; Hannah-Moffat and Shaw 2001; Mahony 2015; Mahony et al. 2017; Savage 2019). Many correctional programs are based on research conducted with men offenders, given that they make up the large majority of the incarcerated population (Balfour 2020; Hannah-Moffat 2017; United Nations 2014), and may not be effective in meeting the needs of women offenders. That said, women, especially Indigenous women, make up a growing share of those incarcerated in Canada's prisons and jails (Balfour 2020). Targeting interventions to prevent women's offending and developing policies aimed at the fair and rehabilitative treatment of women offenders, requires assessing how they become involved in crime, and how their needs can be best addressed when in custody.

[Women](#) also have different experiences based on the [intersectionality](#) of various factors such as age, [sexual orientation](#), [gender identity](#) and [expression](#), [Indigenous identity](#), race and ethnicity, geographical location, income and class, mental health, physical and cognitive disability, citizenship, immigration and refugee status, and family status (Creek and Dunn 2014; Crenshaw 1989). As conceptualized by Kimberlé Crenshaw (1989), intersectionality highlights how various forms of inequality can combine to create increasingly negative impacts. Employing an intersectional approach helps to fully understand and respond to the multiple, overlapping discrimination or privileges some individuals experience.¹

The inaugural 2019 SOCJS Report provided a broad overview of performance on all SOCJS Framework indicators. The same type of report will be released on a five-year cycle. Annual interim reports will provide a more focused narrative and contextual details surrounding a particular topic or issue. This second edition of the SOCJS Report examines performance indicators through a gendered lens, specifically women's perceptions of the CJS, and their interactions with this system both as victims/survivors and accused/offenders. It presents quantitative data on a subset of indicators that explore women's perceptions and experiences of the CJS. When possible, the report also explores intersecting identity factors to better understand the diverse experiences of women living in Canada. This includes analysis of how interactions with the CJS may differ for Indigenous women compared with non-Indigenous women wherever data were available. The report looks beyond the Framework by including data from a variety of related sources and from the literature. It situates the Framework data in a broader context and provides more detail and nuance than what the Framework itself would allow.

The report begins by discussing the Framework's various gaps, limitations and caveats, including those related to the concept of gender in CJS data. Next, the report presents Framework highlights that illustrate key differences between men and women relevant to CJS performance. The main sections of the report describe the performance of the CJS based on Canadians' understanding and perceptions of the CJS, as well as the experiences of women as victims and survivors of crime, and as accused and offenders. The conclusion identifies key trends for women based on the information provided in the report and highlights some areas in need of further data collection and reporting.

Data gaps, limitations and caveats

The CJS is a complex grouping of systems, such as police, courts, corrections, parole, and oversight bodies as well as the myriad of programming within these systems. It is also administered differently by the provinces and territories across Canada. In many jurisdictions, these systems are independent of each other, and as a result this creates challenges in following individuals through the justice system within or across jurisdictions. The purpose of the SOCJS Framework, [Dashboard](#) and Report is to provide a national picture of Canada's CJS, and may not represent some of the differences in processes and practices across the country. The data presented in the Framework do not take into consideration jurisdictions' unique contexts and realities. Additionally, for some indicators, data for certain provinces and territories are not available and are therefore not included in the national estimate.²

It is also important to note that the current Framework is not exhaustive of all relevant indicators that could be used to monitor the performance of the CJS. Gaps in data availability have been highlighted as areas for future development (see the Department of Justice Canada 2020b). The Department of Justice is committed to working with partners to further refine the Framework and fill the data gaps it has identified.³ As new data are collected, statistical standards are developed and consultations with experts continue, it is expected that new indicators will be added to the Framework. Further, as new data breakdowns become available (e.g., [sex](#), [gender](#), [gender identity](#) and [expression](#), [sexual orientation](#), race, ethnicity, physical and cognitive disability), they will be added to highlight the experiences of different populations in contact with the CJS.

Text Box 1 – Moving forward on the inclusion of race and ethno-cultural disaggregated data

The need for data on Indigenous and ethno-cultural groups has been a subject of discussion for decades. Disaggregated data for these groups can help increase knowledge and understanding of individuals' experiences in the CJS. These conversations gained rapid momentum with the #BlackLivesMatter social movement against systemic racism, especially in the context of police brutality. The need for disaggregated data was also accelerated by the current global COVID-19 pandemic. In July 2020, Statistics Canada and the Canadian Association of Chiefs of Police announced they would be working together to enable police to report statistics on Indigenous identity, race, and ethno-cultural identities in police-reported crime statistics for victims/survivors and accused persons.⁴

With respect to the CJS, there are currently limited national statistics available on [gender](#) and other intersecting identity factors such as age, sexual orientation, gender identity and expression, [Indigenous identity](#), race and ethnicity, geographical location, income and class, mental health, physical and cognitive disability, citizenship and immigration status, and family status. The lack of

national statistics with respect to these indicators is due to a number of factors including differences in the way in which jurisdictions capture data, lack of national collection strategies, data quality issues, and lack of resources. For the purpose of this report, only indicators with a sex or gender breakdown available are presented. Where feasible, the report also explores [women's](#) intersecting identity factors. While it is recognized that not everyone in Canada is considered Canadian (e.g., non-permanent residents) and that some Indigenous individuals do not identify as Canadian, for the purpose of analysis and reporting, the report uses the term “Canadians” to refer to all people living in Canada regardless of citizenship.

Text Box 2 – Indigenous peoples in Canada and in the CJS

Indigenous peoples in Canada are not a homogeneous population. Instead, they have distinct nations with different histories, cultures, identities, knowledges, languages, understandings of the world, and social experiences. In the 2016 Census, over 1.6 million people, or 5% of Canada's total population, self-identified as Indigenous. This represents an increase from 4% in 2006 and 3% in 1996. Within this population, in 2016, 58% were First Nations, 35% were Métis, and 4% were Inuit. A small proportion (3%) identified as having multiple Indigenous identities. Three-quarters (76%) of Indigenous individuals had Registered or Treaty Indian status, with 44% of this population living on reserve (Statistics Canada 2017a).

The Indigenous population in Canada is younger than the non-Indigenous population, with an average age of 32 years versus 41 years, respectively (Statistics Canada 2017a). Inuit are, on average, younger than First Nations and Métis people (with an average age of 28 years compared with 31 years and 35 years, respectively).

In 2016, Indigenous women comprised 4% of the total population of adult women in Canada. They were also, on average, younger than non-Indigenous women (average age of 33 years compared with 41 years), less frequently married or living common-law (35% compared with 48%), and less likely to have a highschool diploma or equivalent⁵ (70% compared with 84%) (Statistics Canada 2018).

Where possible, a distinctions-based approach is used to present information about different Indigenous groups. However, most of the statistical data related to Indigenous identity is unavailable by Indigenous group. For more information on Indigenous peoples in the CJS, see the [“Learn More”](#) page on the [State of the Criminal Justice System Dashboard](#).

A final caveat is that the CJS, as referred to in the Framework and online [Dashboard](#), encompasses both the adult⁶ and youth CJSs. However, the two systems are distinct. The *Youth Criminal Justice Act* (YCJA) (2002) is an act that governs Canada's youth CJS. It applies to youth, 12 to 17 years of age, who are alleged to have committed a criminal offence. The youth system is different from

the adult system in many respects: measures of accountability are consistent with young persons' reduced level of maturity; procedural protections are enhanced; rehabilitation and reintegration are given special emphasis; and, the importance of timely intervention is explicitly recognized. As a result of these inherent differences, the intention is to add to the existing Framework by developing a youth specific Framework in the coming years. It should be noted that the current report is focused on the adult population.

CJS indicators are useful in providing information on the system's performance and directing attention to areas in need of improvement. However, they cannot, on their own, explain the system's performance, nor can an indicator explain trends in data. To understand the reasons behind performance and trends, the data must be situated in the context of social, political and economic events. Although a full analysis of the drivers of performance is beyond the scope of this paper, some effort is made to contextualize the data within these broader systems.

A note on the concept of gender in criminal justice system data

Gender refers to the socially-derived constructs that describe the categories of “men” and “women” including expected behaviours, roles, and attributes. Gender identity refers to a deeply felt sense of being a man, a woman, both, or neither (Women and Gender Equality Canada). Traditionally, national statistical agencies, including Statistics Canada (STC), have collected and disaggregated data by [sex assigned at birth](#) (or “sex”) (male and female), and these data continue to be used as the basis for a large part of gender-based analysis. However, the Western concept of gender has evolved to recognize that gender exists on a continuum with individuals identifying as women, men, neither, or both. In addition, an individual’s [gender identity](#) (internal sense of gender) and [gender expression](#) (external expression of gender) may change or shift along the continuum over time.

Within many Indigenous nations, the understanding of gender and sexuality has been different from Western concepts. The term Two-Spirit person is an umbrella term for some Indigenous individuals who identify as having both a female and male spirit within them or whose gender identity, gender expression, sexual orientation, or spiritual identity is not limited by the binary classification of gender as woman or man.⁷

In response to evolving social contexts and data needs, statistical agencies around the world have begun altering the way that they collect information on sex and gender to be more inclusive of gender diversity. As part of the Government of Canada’s efforts to modernize sex and gender information practices,⁸ Statistics Canada designed the 2016 Census so that respondents who were unable or unwilling to respond to the binary sex question could skip the question and leave a comment instead.⁹ In order to fully capture the population of [transgender](#) and other gender diverse people, Canada’s 2021 Census questionnaire will ask people to indicate both their sex assigned at birth (male or female), as well as their current gender (male, female or please specify).¹⁰ STC has begun including a gender question with three options (male, female and please specify) in some surveys to better capture gender diversity in the population (e.g., 2018 Survey of Safety in Public and Private Spaces (SSPPS)¹¹ and the General Social Survey (GSS) on Canadians’ Safety [Victimization]).¹² The GSS and SSPPS also collect information on sexual orientation and the Incident-based Uniform Crime Reporting Survey (UCR)¹³ collects information on hate crimes targeting individuals’ sex, [sexual orientation](#), gender identity, and gender expression.

Estimates from the 2018 SSPPS found that the transgender population in Canada (which included other gender-diverse individuals, such as those who identified as [non-binary](#)) is quite small (0.24% of population ages 15 years and older) (Jaffray 2020). Given requirements for confidentiality and data quality that are in part based on sample size, the small size of the transgender and gender-diverse population will likely present challenges for producing official statistical estimates. It is also expected to be even more challenging to produce estimates for the various identities included under the [gender-diverse](#) umbrella. Very little is known about the experiences of transgender and other gender-diverse individuals in the courts and in correctional contexts. Even less is known

about how gender intersects with other characteristics to impact individuals' experiences with the CJS. The collection of new quantitative and qualitative data is therefore essential to fully understand how [intersectionality](#) may be related to one's experience with the CJS.

The terms "men" and "women" used throughout the report may refer to individuals who have either self-identified as such in a survey or have been assigned a gender (i.e., based on the perceptions of those capturing the data or based on already existing information). The data presented in the report are collected from a number of sources, each may be capturing or defining these terms differently. For more information, please refer to the original data source.

Framework highlights

This section presents key indicator data from the Framework. Each highlight is presented based on the latest available year of data, and where information was available specifically on the perceptions and experiences of women in relation to the CJS. For comparison, data are presented for men when feasible. Although the Framework indicators currently use a [binary](#) classification of [gender](#), on the basis of available data, it is important to note that data may evolve over time to be more inclusive of [gender-diverse](#) populations in Canada.

▶▶ Expected Outcome 1:

Canadians are safe and individuals and families feel safe.

- The majority of Canadians report feeling satisfied with their personal safety from crime. However, satisfaction levels are slightly lower for women compared with men. Satisfaction levels among women are also lower for those with mental health related disorders or a history of homelessness as well as for gay, lesbian and bisexual people.
- Women are more likely to experience violent victimization in comparison with men. Women experience higher rates of [sexual assault](#), and are more likely to experience chronic and severe [intimate partner violence](#) (IPV).

▶▶ Expected Outcome 2:

The criminal justice system (CJS) is fair and accessible.

- Women report less confidence in the accessibility and fairness of the CJS than men.
- Women spend shorter amounts of time in remand than men.
- The majority of clients served by the Indigenous Courtwork Program (ICWP) are men.
- Compared with their representation in federal corrections, women make up a higher proportion of complainants to the Office of the Correctional Investigator (OCI).

▶▶ Expected Outcome 3:

Canadians understand the role of and express confidence in the CJS.

- Women report less awareness of the role of all three aspects of the CJS (i.e., police, courts and corrections) than men.
- Despite lower awareness, women report higher confidence in the police and in the courts than men, a finding consistent among Indigenous individuals and visible minorities.
- Despite high confidence in the police, not all victimization incidents are reported to them. In fact, very few incidents of sexual assault are reported, a crime that disproportionality affects women and this has not changed over time. IPV, which affects women in a more chronic and severe way, is another crime that often goes under reported.

▶▶ **Expected Outcome 4: The CJS operates efficiently.**

- Overall, cases involving a woman accused take less time to complete in court than cases involving an accused who is a man. The median number of days it takes to complete a case in court is increasing for both women and men, though the increase is slightly greater for women.

▶▶ **Expected Outcome 5: The CJS promotes and supports diversion, restorative justice (RJ), Indigenous justice, and tools for community-based resolution.**

- Despite an overall decrease in the federal incarceration rate over time, the rates for Indigenous and non-Indigenous women are increasing. In fact, women offenders are the fastest growing population in federal corrections.

▶▶ **Expected Outcome 6: The CJS provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community.**

- Women are less likely than men to secure employment prior to the end of their federal correctional sentence, a finding consistent among visible minority individuals.

▶▶ **Expected Outcome 7: The CJS respects victims' and survivors' rights and addresses their needs.**

- Women and men have similar satisfaction levels with the actions taken by police regarding a reported victimization incident.

▶▶ **Expected Outcome 8: The CJS reduces the number of Indigenous people in the system.**

- Indigenous women are more likely to report experiences of violent victimization than Indigenous men, and even more likely than non-Indigenous women.
- Indigenous individuals make up a disproportionate share of homicide victims. The homicide rate is several times higher among Indigenous women than non-Indigenous women.
- Indigenous women are accused of homicide at a rate higher than non-Indigenous women and non-Indigenous men.
- Indigenous women account for a disproportionately high number of women's admissions to provincial/territorial custody.

- While overall admissions to federal custody have been decreasing, the number of women's admissions has been increasing. Indigenous women make up a disproportionately high number of women's admissions to federal custody.
- Indigenous women released from custody are more likely to have a community release plan that was created in collaboration with Indigenous communities (i.e., a Section 84 release plan) than Indigenous men. However, the proportion of Indigenous women with a s. 84 release plan is decreasing.

Expected Outcome 9: The CJS reduces the number of marginalized and vulnerable people in the system.

- Certain groups of women, including gay, lesbian and bisexual women, those with a mental health related disability, those with a cognitive or learning disability and those with a history of homelessness are much more likely to report experiences of violent victimization.

Findings

Canadians' understanding and perceptions of the criminal justice system

Outcomes discussed:

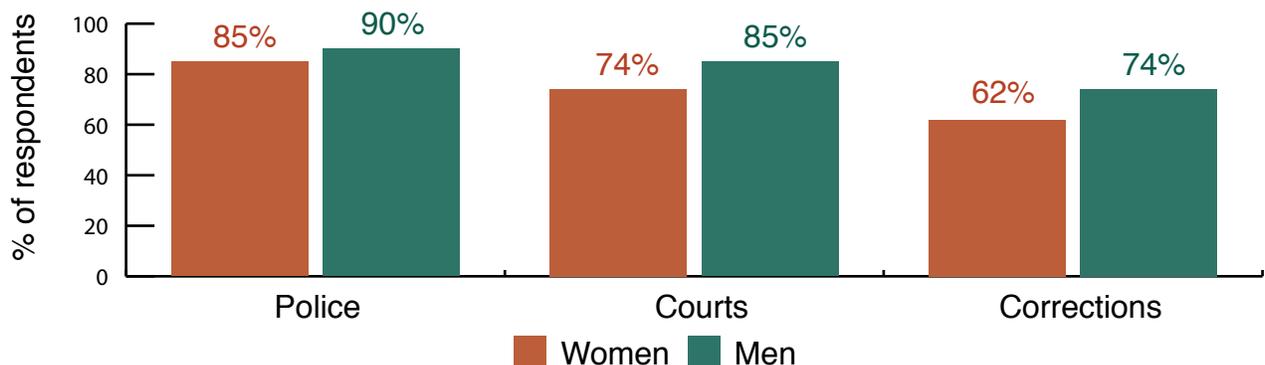
- Canadians understand the role of and express confidence in the CJS.
- The CJS is fair and accessible.
- Canadians are safe and individuals and families feel safe.

Ensuring that Canadians understand the role of and express confidence in the CJS is a core outcome of the CJS. Research shows that Canadians' greater awareness and understanding of the roles of the three primary CJS institutions (i.e., police, courts, and corrections) is related to greater confidence in the system (see for example Latimer and Desjardins 2007). This outcome is measured by a number of indicators including awareness of the role of the CJS, confidence in the institutions of the CJS, and measures of fairness and accessibility.

Awareness

In 2018, women were less likely than men to say they were aware of the role of police, courts and corrections.¹⁴ Both women (85%) and men (90%) reported a higher level of awareness of the role of police in comparison to courts (74% vs. 85%, respectively) and even more so in comparison to corrections (62% vs. 74%, respectively; See Chart 1). (Department of Justice Canada 2019d).¹⁵

Chart 1. Percentage of women and men who reported being aware or moderately aware of the role of the three primary institutions of the CJS, 2018.

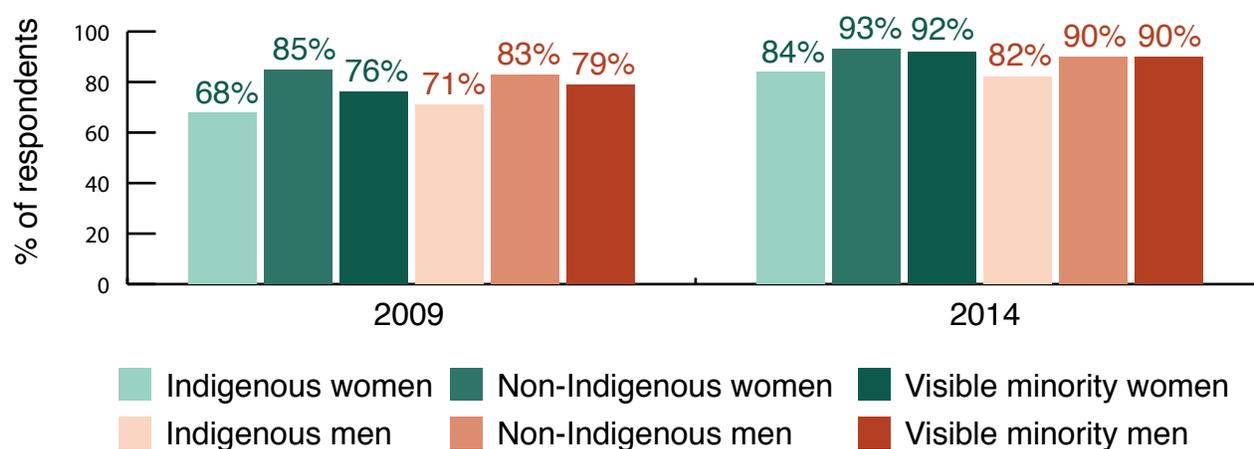


Source: Department of Justice Canada, National Justice Survey, 2018.

Confidence

In 2014, the vast majority of Canadians reported confidence in the police (91%), with women slightly more likely than men to report being confident in police (92% vs. 89%).¹⁶ This gender difference was also observed among Indigenous individuals (84% vs. 82%, respectively) and members of visible minority groups¹⁷ (92% vs. 90%, respectively). The proportion of Canadians reporting confidence in the police has increased over time for all groups (see Chart 2). (GSS on Canadians' Safety [Victimization], Statistics Canada, special request).

Chart 2. Percentage of individuals who reported some or a great deal of confidence in police, by gender and ethno-cultural group, 2009 and 2014.



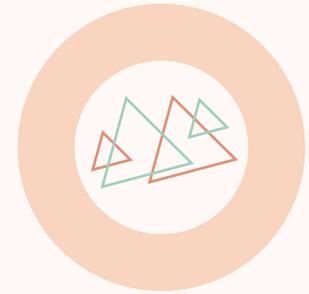
Source: GSS on Canadians' Safety (Victimization), Statistics Canada, special request.

Women were also slightly more likely to report being confident in the courts (73%) compared with men (70%).¹⁸ Similar results were found among visible minority women (79%) and Indigenous women (70%) in comparison with their male counterparts (75% and 61%, respectively). The proportion of Canadians reporting confidence in the courts has also improved over time for all groups (with increases between 8% and 21%) (GSS on Canadians' Safety [Victimization], Statistics Canada, special request).

Fairness, Accessibility and Personal Safety

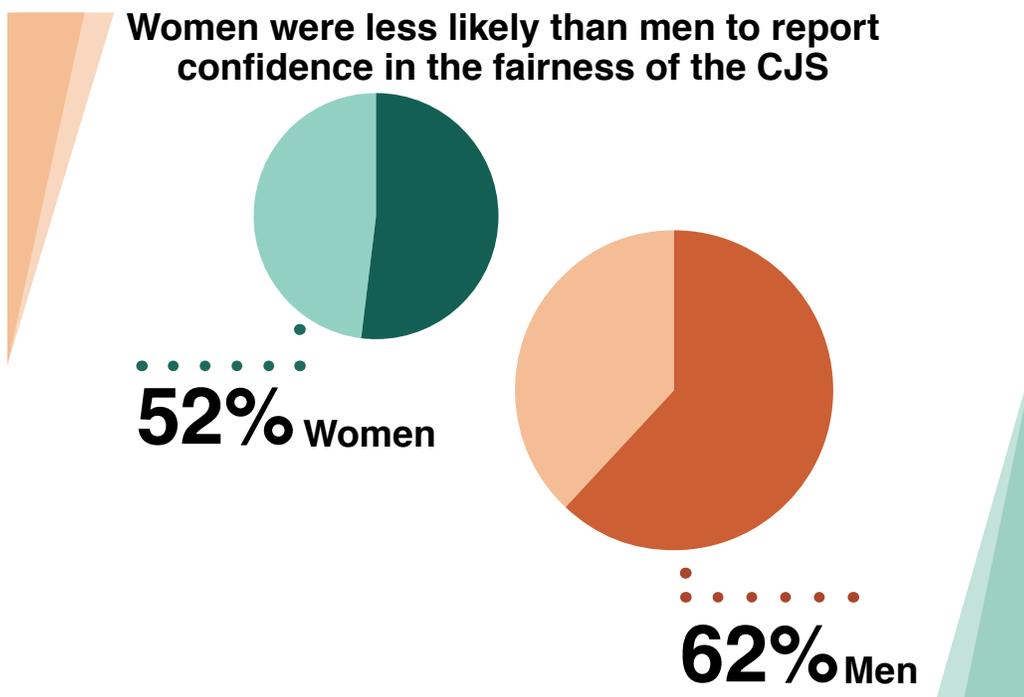
Another way of assessing confidence in the CJS is through measures of fairness¹⁹ and accessibility²⁰. In general, women were less likely than men to report confidence in the accessibility (62% vs. 66%, respectively)²¹ and fairness (52% vs. 62%)²² of the CJS (National Justice Survey, Department of Justice Canada 2019d).

Increased confidence may increase feelings of safety (see for example Cotter 2015), which is another essential outcome of the CJS. In general, the majority of Canadians reported feeling satisfied²³ with their personal safety from crime (88%). However, women were less likely than men to report satisfaction with their personal safety (85% versus 91%, respectively). Similar results were found among immigrant²⁴ women (85%), visible minority women (84%), and Indigenous women (80%) in comparison with their male counterparts (92%, 89%, and 89%, respectively). Certain groups of women were less likely to report satisfaction with personal safety from crime. This included women with mental health related disorders (74%), women with a history of homelessness (75%), and gay, lesbian or bisexual women (77%). This was also true for men with a mental health related disorder (83%), men with a history of homelessness (87%), and gay or bisexual men (86%). (GSS on Canadians' Safety [Victimization], Statistics Canada, special request).²⁵



Women

were less likely than men to report satisfaction with their personal safety (85% versus 91% respectively). Women with mental health related disorders, with a history of homelessness, and gay, lesbian or bisexual women were least likely to report being satisfied with their personal safety from crime.



As victims/survivors

Outcomes discussed:

- Canadians are safe and individuals and families feel safe.
- Canadians understand the role of and express confidence in the CJS.
- The CJS respects victims' and survivors' rights and addresses their needs.
- The CJS reduces the number of Indigenous people in the system.
- The CJS reduces the number of marginalized and vulnerable people in the system.

Gender-based violence is violence directed at a person because of their [gender](#)—their status in society as a woman/girl, man/boy or [gender-diverse](#) person—[gender expression](#), [gender identity](#) or [perceived gender](#). The term is often used to describe violence that is rooted in gender inequalities between women and men including the unequal distribution of power both at home and in public. Decades of research shows that women in Canada are at higher risk than men of experiencing certain types of violent victimization. Women are substantially [overrepresented](#) among victims/survivors of [sexual assault](#), police-reported [intimate partner violence](#), forcible confinement, criminal harassment, and threatening and harassing phone calls (Burczycka 2019; Conroy 2018; Department of Justice Canada 2019b). In contrast, men make up the majority of perpetrators of these crimes (Savage 2019). This distinction between victims/survivors and perpetrators of certain types of crimes is a hallmark of gender-based violence (Burczycka 2019; Conroy 2018; Department of Justice Canada 2019b).

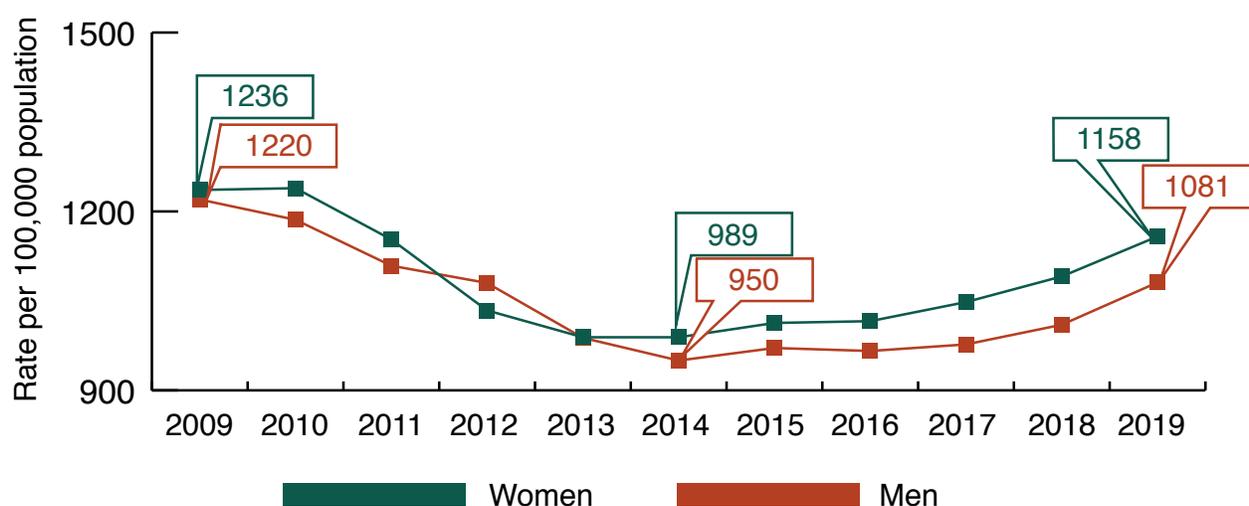
Police-reported and self-reported crime

Most national data on victims/survivors of crime come from the Uniform Crime Reporting (UCR) survey, the General Social Survey (GSS) on Canadians' Safety (Victimization), and the Survey of Safety in Public and Private Spaces (SSPPS). The UCR survey consists of police-reported data. This means that the UCR only contains information on incidents that have come to the attention of the police and that have been substantiated through investigation. However, for a multitude of reasons, some crimes never come to the attention of the police. To help address this data gap, the GSS and the SSPPS collect data directly from individuals on the experiences of some forms of violent victimization, namely physical assault, sexual assault, and robbery, as well as information on whether or not these incidents were reported to police.²⁶ It is possible that victimization is under-reported in all surveys as people may choose not to disclose these experiences for a variety of reasons.

Following a steady decline between 2009 and 2013, police-reported violent crime rates have trended upwards since 2014, though not surpassing pre-2009 levels. The increase has been greater for crimes against women than for crimes against men (see Chart 3). Of all police-reported

incidents of violent crime²⁷ in 2019, women represented slightly over half (52%) of victims/survivors.²⁸ Specifically, police-reported violent crime data showed a higher rate of violent victimization among women (1,158 per 100,000 population) than among men (1,081 per 100,000 population). This trend has been relatively persistent over the last 10 years (Uniform Crime Reporting Survey, Statistics Canada, special request).²⁹

Chart 3. Victims/survivors of police-reported violent crime aged 18 years and older, by gender of victim, 2009 to 2019 (rate per 100,000 population).



Source: Uniform Crime Reporting Survey, Statistics Canada, special request.

Compared with men, women are also more likely to self-report experiences of violent victimization.³⁰ In 2014,³¹ the rate of self-reported violent victimization for women was 85 incidents per 1,000 population, while for men the rate was 67 incidents per 1,000. This rate was even higher among Indigenous women (219^E per 1,000 population), compared with non-Indigenous women (81 per 1,000 population) as well as Indigenous men (106^E per 1,000 population). The self-reported victimization rate among younger Indigenous women (aged 15 to 24) was over five times higher than same-aged Indigenous and non-Indigenous men, as well as three times higher than non-Indigenous women. Indigenous women were more likely than non-Indigenous women to report experiences of violent victimization, even after controlling for a range of risk factors such as age and marital status (Boyce 2016; GSS on Canadians' Safety [Victimization], Statistics Canada, special request).³²

Gender is one way to examine experiences of victimization. However, women make up a diverse group of people whose risk and resiliency is impacted by many other social factors. Certain groups of women are more likely to experience violent victimization. For example, even when controlling for other factors, gay, lesbian and bisexual women self-reported violent victimization at a rate of 281^E per 1,000 population, a rate close to four times higher than that of [heterosexual](#)

women (75 per 1,000 population) and over two times higher than that of gay or bisexual men (121^E per 1,000 population; GSS on Canadians' Safety [Victimization], Statistics Canada, special request; Simpson 2018b). Women and men with a disability reported higher rates of violent victimization compared with women and men without a disability (Cotter 2018). This was true regardless of the type of disability, be it sensory, physical, cognitive or mental health-related. In addition, women with a disability had slightly higher rates of violent victimization compared with men with a disability. For example, women with a physical disability reported violent victimization at a higher rate (241^E per 1,000 population) than men with a physical disability (102^E per 1,000 population) as well as women without a disability (65 per 1,000 population) (Cotter 2018). Women with mental health disabilities self-reported being violently victimized at a rate over three times higher (260 per 1,000 population) than women without a mental health-related disability (70 per 1,000 population). Similarly, women with a cognitive or learning disability (242^E per 1,000 population) and women with a history of homelessness (216 per 1,000 population) were also more likely to have experienced violent victimization (compared with women with no cognitive or learning disability: 79 per 1,000 population and women with no history of homelessness: 73 per 1,000 population). Interestingly, the opposite trend was observed for immigrant women who were less likely to self-report incidents of violent victimization compared with non-immigrant women (45^E vs 96 per 1,000 population, respectively). Similarly, visible minority women were less likely to self-report violent victimization (62^E per 1,000 population) than women who did not belong to a visible minority group (89 per 1,000 population); however, there were no statistically significant differences between visible minority women and men (Simpson 2018a; GSS on Canadians' Safety [Victimization], Statistics Canada, special request).

Recent research suggests that immigrants may be less likely to report violent victimization (Xie and Baumer 2019). There may be differing interpretations about what constitutes violence across cultures and beliefs surrounding gender roles and behaviours which may inhibit or discourage immigrant women from recognizing or reporting violence perpetrated against them (Guruge et al. 2012). Additionally, immigrant women may face language barriers that make it difficult to report violence, or they may fear deportation or a breakdown of their sponsorship particularly if the perpetrator is their sponsor (Ahmadzai 2015; Tabibi and Ahmed 2018).

With respect to the specific types of violent victimization, women most often self-reported experiences of physical assault (43 per 1,000 population) and sexual assault (37 per 1,000 population), while robbery represented only a few self-reported incidents (5^E per 1,000 population). In comparison, men often self-reported experiences of physical assault (54 per 1,000 population) and robbery (8^E per 1,000 population), while sexual assault represented relatively few self-reported incidents (5^E per 1,000 population) (Perreault 2015).

The rate of self-reported violent victimization was higher among Indigenous women than non-Indigenous women across all major types of violent crime (Boyce 2016; Brennan 2011; Brzozowski, Taylor-Butts and Johnson 2006; Mahony, Jacob and Hobson 2017; Miladinovic and Mulligan 2015; Perreault 2015; Perreault and Simpson 2016). For example, the rate of

physical assault was two times higher among Indigenous women (89^E per 1,000 population) than among non-Indigenous women (41 per 1,000 population), and just slightly higher than that of Indigenous men (85^E per 1,000 population). The rate of sexual assault among Indigenous women (115^E per 1,000 population) was slightly more than three times higher than the rate observed among non-Indigenous women (35 per 1,000³³ population) (GSS on Canadians' Safety [Victimization], Statistics Canada, special request).³⁴

Sexual assault: A gendered crime

Both police-reported and self-reported data support the consistent finding in the literature that sexual assault is a gendered crime, with women making up the majority of victims/survivors and men making up the majority of perpetrators (Department of Justice Canada 2019c).

In 2018, according to the SSPPS, nearly one-in-three (30%) women and nearly one-in-ten (8%) men reported that they had been sexually assaulted at some point since the age of 15 (Cotter and Savage 2019). The relatively high prevalence of these experiences among women is related to the normalization of sexual violence against women in Canadian society. Sexual violence is normalized—made to seem commonplace and acceptable—by many behaviours and practices. This includes, for example, inappropriate sexual jokes, unwanted sexual attention (e.g., comments, gesture, body language), unwanted touching and the depiction of violence against women in the media (Bastomski and Smith 2017; Cotter and Savage 2019; Mellgren et al. 2018). One-in-three women in the provinces (32%) and territories (35%) reported experiences of unwanted sexual behaviour in public in 2018 (Cotter and Savage 2019; Perreault 2020). What's more, the onus of avoiding sexual assault is often placed on women and girls themselves, rather than preventing men and boys from engaging in violent behaviour (Herberle 2014). This contributes to feelings of responsibility that may prevent women from reporting sexual assault to the police. Furthermore, most sexual assaults against women are committed by someone they know, which can further complicate the decision whether or not to report (Mahony et al. 2017). As noted by Cotter and Savage (2019),

Measuring gender-based violence is complex. The victims—and even the perpetrators—may not themselves perceive the motivations for the incident as being rooted in social structures and systems, which can serve to produce and reproduce gender inequality and gendered violence across many dimensions. Because of this, asking about gender-based violence directly in a survey may not lead to accurate findings or conclusions. Instead, asking about all experiences of violence and using contextual information—such as the gender of the victim and the perpetrator, the relationship between the victim and the perpetrator, and the nature and impact of the incident—allows for an examination of violence where the gender-based nature of an incident and the broader systemic factors underpinning these acts can be considered. (p. 4)

Data from the GSS and SSPPS show that very few incidents of sexual assault are reported to police. In the 2018 SSPPS, only 5% of women living in the provinces who had experienced sexual assault in the previous 12 months indicated reporting the incident to police (Cotter and Savage 2019).³⁵ This is consistent with the 2014 GSS findings (5%^E).³⁶ In comparison, though not currently available by sex, 38% of people who self-reported incidents of physical assault and 45% who self-reported incidents of robbery indicated that the incident was reported to the police (GSS on Canadians' Safety [Victimization], Statistics Canada, special request).

Information from qualitative research has found that the low reporting of sexual assault incidents could be due to various factors such as: the internalization of shame, guilt, or stigma; fear of being blamed, re-victimized, dismissed, not believed, or treated disrespectfully; or the broader issues related to the normalization of sexual violence in Canadian society (Johnson 2012; Sable et al. 2006; Taylor and Gassner 2010; Venema 2014). Another factor may be victims/survivors' lower levels of confidence in the CJS. For example, according to a JUS study on survivors of sexual assault (Lindsay 2014), many respondents noted low levels of confidence in the police (52% reported they were not very or not at all confident), the court process (66%), and the CJS more generally (65%), all of which may affect willingness to disclose the incident to the police. According to 2014 GSS data, most incidents of sexual assault are not reported to police because, for example, the victims/survivors perceived that:

- the incident was minor and not worth taking the time to report (71%);
- the incident was a private or personal matter, and was handled informally (67%);
- no one was harmed or suffered any financial loss (63%);
- they did not want the hassle of dealing with the police (45%);
- they believed the police wouldn't have considered the incident important enough (43%);
- there was a lack of evidence (43%); and,
- the offender would not be convicted or adequately punished (40%) (Perreault 2015; Rotenberg 2017).³⁷



Very few incidents of sexual assault are reported to police. In the 2018 SSPPS,

only **5%**
of women

living in the provinces who had experienced sexual assault in the previous 12 months indicated reporting the incident to police.

Most sexual assaults against women in 2015 that were brought to the attention of the police were committed by someone they know, such as an [acquaintance](#) (44%), an intimate partner (11%), a current or former spouse (5%), or other family member³⁸ (19%) (Mahony, Jacob and Hobson 2017). Men represent the majority of sexual assault perpetrators; for example, from 2009 to 2014, 98% of accused charged with sexual assault were male (Rotenberg 2017).

Women aged 18 and older accounted for over nine-in-ten (92%) victims/survivors of police-reported sexual assault in 2018. Following several years of relative stability, the rate of police-reported sexual assault against women increased substantially between 2014 and 2018 (from 69 victims/survivors per 100,000 population to 108 per 100,000 population). There was also a slight increase in the rate of this type of victimization among men during this time period (from 6 victims/survivors per 100,000 population to 10 per 100,000 population) (see Chart 4; Statistics Canada Table 35-10-0051-01). Social media movements such as #MeToo and #TimesUp have fueled, at least in part, the rise in reporting of sexual assaults since 2017 (Rotenberg and Cotter 2018).

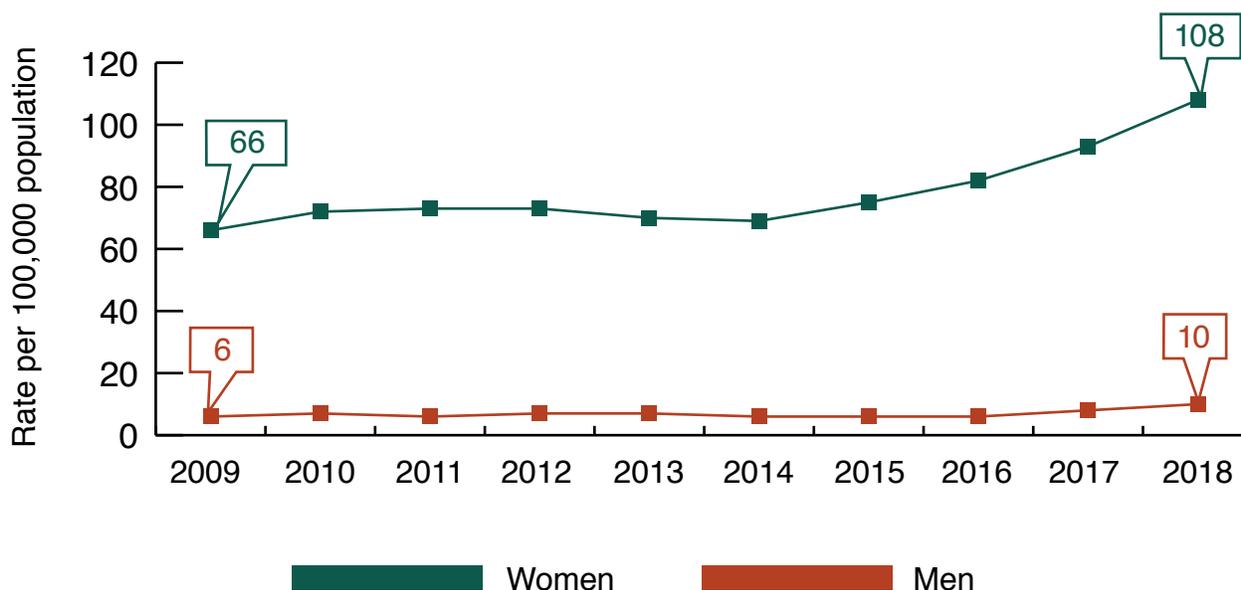


Women aged 18 and older accounted for over nine-in-ten

(92%)

victims/survivors of police-reported sexual assault in 2018.

Chart 4. Victims/survivors of police-reported sexual assaults (levels 1, 2, 3),³⁹ aged 18 years and older, by sex of victim, 2009 to 2018 (rate per 100,000 population).



Source: Uniform Crime Reporting Survey, Statistics Canada Table 35-10-0051-01.

Text Box 3 – Social and legislative contexts of sexual assault

Canada has some of the strongest sexual assault laws in the world (Craig 2018; House Standing Committee on Justice and Human Rights 2017), but legislation alone cannot change public attitudes towards sexual violence that have persisted for centuries. These attitudes include [gendered](#) stereotyping about how a victim/survivor of sexual assault should behave, and how women should look and act to avoid sexual assault. In recent years, social media movements like #MeToo and #BeenRapedNeverReported have opened up the conversation around sexual assault and placed it in the public domain (Rotenburg and Cotter 2018). A supportive, [trauma- and violence-informed](#)⁴⁰ response to victims/survivors of sexual assault requires a system-wide approach, including specialized in-depth training for all those working in the CJS, greater public awareness and education, and appropriate, timely and accessible support services.

Intimate partner violence (IPV)

IPV is defined as violence committed against an individual by their current or former spouse or dating partner. According to 2018 police-reported data, people who experienced IPV represented close to one-third (30%) of all victims/survivors of police-reported violent crime.^{41,42} In 2018, women accounted for almost eight-in-ten victims/survivors of police-reported IPV (79% women vs. 21% for men), with IPV rates four times higher among women than men (507 vs. 134 per 100,000) (Burczycka 2019).

Certain groups of women are more at risk of experiencing IPV. For example, in 2018 women aged 25 to 34 years old (1,104 per 100,000 population) were more than 18 times more likely than those aged 55 years and older (60 per 100,000 population) to be victims/survivors of police-reported IPV. This age-related finding was similar among men (Burczycka 2019). Women in rural areas were also more likely than men in rural areas (789 vs. 218 per 100,000 population) as well as women and men in urban areas (447 and 117 per 100,000, respectively) to be victims/survivors of police-reported IPV (Burczycka 2019).

According to self-reports from 2014 GSS data, one-in-five (22%) women with a disability⁴³ reported experiences of spousal violence, compared with 11% of women without a disability. A similar trend was found among men (21% vs. 13%, respectively) (Cotter 2018). One-in-five (23%) gay, lesbian and bisexual women reported experiences of dating violence, which was twice the proportion of gay and bisexual men who reported these experiences (11%) (Ibrahim 2019). Indigenous women were three times more likely to report being a victim of spousal violence (10%^E) compared with non-Indigenous women (3%) (Boyce 2016). Some research suggests that, women who are immigrants/newcomers may also be more vulnerable to IPV due to a variety of factors such as economic dependency, language barriers, and a lack of awareness of available community resources (Canadian Women's Foundation 2017; Migrant Mothers Project 2014). They may also

be suffering from trauma as a result of war or oppressive governments. These reasons may increase their fear of re-victimization and deportation which ultimately may impact their likelihood to report experiences of violence to the police (Ibid).

Many incidents of IPV are not reported to police. For example, in 2014, only 35% of incidents of [spousal violence](#) committed against women were reported to police while less than one-quarter (24%) of incident committed against men were reported (Mahoney et al. 2017). Research has also shown that women (56%) were more likely than men (20%) to have talked about their experiences of spousal violence with someone they knew, and sought formal supports and services, including counselling, crisis centers and [shelters](#). These differences may be partly explained by the high frequency and severity of spousal violence incidents against women (Mahony et al. 2017). According to the 2014 GSS women were more likely to experience violence that was chronic and severe (Mahony et al. 2017). Among those who experienced spousal violence, women were more likely than men to report a high frequency of incidents (i.e., six incidents or more).⁴⁴ They also reported more incidents involving the most serious forms of physical and sexual violence, such as being sexually assaulted, beaten, choked, or threatened with a gun or a knife (34% vs. 16%^E for men). Women were also more likely to report fearing for their lives during these incidents (31% vs. 8%^E, respectively). Additionally, they were more likely to suffer from physical injuries (40% vs. 24%, respectively), some even requiring medical attention as a result of the spousal violence incident (8%^E for women⁴⁵) (Mahony et al. 2017).

Domestic violence does not necessarily cease when the relationship ends; in 2014, 41% of individuals who separated from their abuser suffered physical or sexual violence post break-up, with no significant differences observed between women and men (Burczycka 2016). Leaving an abusive relationship is a key period of risk and can be dangerous. In fact, past research has shown that women are more likely to be killed by an ex-partner than a current partner (Sinha 2013; Statistics Canada 2006). Although women represent a smaller proportion of homicide victims than men overall, women account for the large majority of victims of intimate partner homicides. Between 2008 and 2018, women accounted for about eight in ten victims of this crime in Canada. In 2018, nearly half of all female victims of homicide were killed by an intimate partner, compared with 7% of male homicide victims (Roy and Marcellus 2019).

In addition to the significant physical and emotional harm that IPV has on individuals and families, it is also financially costly to individuals, institutions, and the Canadian economy. A Department of Justice study (2012) estimated the financial cost of spousal violence in Canada in 2009 at \$7.4 billion over a one-year period. Of this amount, the CJS bore 4.3% of the total economic impact (costing the system approximately \$320.1 million). Victim costs, such as health care, mental health issues, productivity losses, other personal costs and intangible costs such as pain and suffering, accounted for 80.7% of the total economic impact (\$6 billion). Third-party costs, such as social services, negative impacts on children exposed to spousal violence and other government expenditures made up 12% of the total economic impact (\$889.9 million). In addition, the study found that spousal violence had cost employers an estimated \$77.9 million annually (Department of Justice Canada 2012).

Violence against Indigenous women

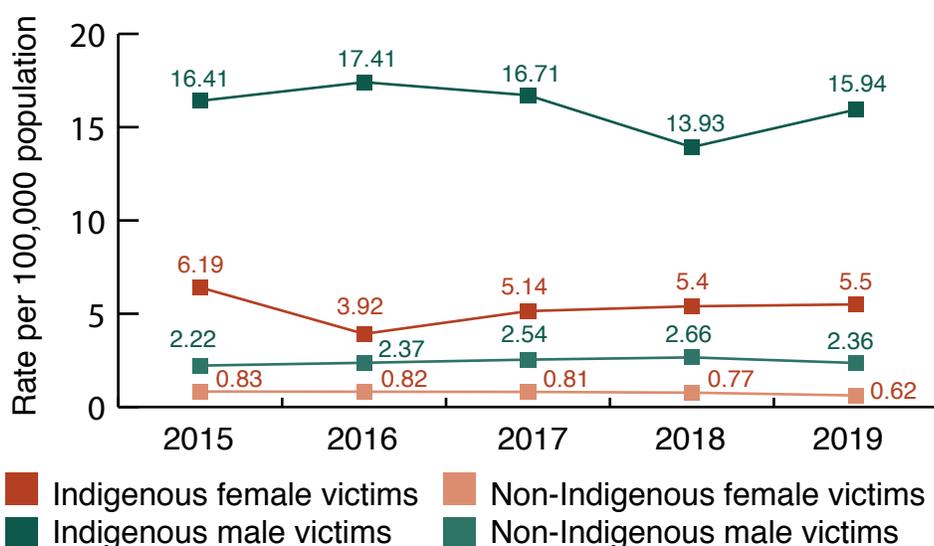
The gendered impact of [colonialism](#) has led to higher rates of violent victimization among Indigenous women, with a significant proportion of incidents going unreported to police (Chansonneuve 2005; Chartrand and Horn 2016; Clark 2019; Hansen 2012; Jackson 1989; Kubik et al. 2009; National Inquiry Missing and Murdered Indigenous Women and Girls 2019; Royal Commission of Aboriginal Peoples 1996a; Truth and Reconciliation Commission 2015). According to the 2014 GSS on Canadians' Safety (Victimization), over three-quarters (77%) of non-spousal victimization incidents against Indigenous individuals went unreported to the police compared with two-thirds (66%) for non-Indigenous individuals (Boyce 2016). Some studies suggest that Indigenous individuals are reluctant to report victimization incidents to the police due to certain biases towards Indigenous individuals. These biases may result in their credibility being questioned, their requests for assistance being ignored or not adequately supported (McGlade 2010; National Inquiry into Missing and Murdered Indigenous Women and Girls 2017), and harmful police action (see for example police practice called Starlight Tours as referred to in the Commission of Inquiry into the death of Neil Stonechild 2014).⁴⁶ In addition, Indigenous women, who are at greater risk of having their children placed in state care, may be particularly concerned about engaging with authorities (Human Rights Watch 2013; Moorcroft 2011).

There are also challenges in gathering accurate statistical data about Indigenous individuals (Kong and Beattie 2005). Data are most likely to be accurate when respondents have the opportunity to self-identify as Indigenous and when data collection takes a distinctions-based approach (see Text Box 1 and 2), which is not possible in all stages of the CJS. Even the most comprehensive data source on self-reported victimization is limited as it is known to under-represent many sectors of society, especially Indigenous individuals (Department of Justice Canada 2017). As Indigenous women have been marginalized both socially and economically as the result of Canada's history of colonization, they constitute a group that may be harder to reach in surveys conducted online or by phone, or through in-person interviews (Kong and Beattie 2005; Perreault 2015; Perreault and Simpson 2016). Those experiencing violence may also be reluctant to participate in surveys for a variety of reasons, including concerns about safety and privacy (see for example Perreault 2015; Canadian Institutes of Health Research 2018). Additionally, small Indigenous communities tend to have close relational networks and people may have feelings of mistrust and apprehension in sharing information outside of their community (Canadian Institutes of Health Research 2018). Indigenous accused within the CJS may also be hesitant to self-identify as Indigenous for fear of unfair, discriminatory, and harmful treatment (Rudin 2005).

Violent attacks against Indigenous women are not only more frequent, they are also more likely to be lethal. Each year, Indigenous women and girls account for at least one-fifth to one-quarter of all female homicides in Canada; a homicide rate roughly between five and seven times higher than all other women and girls, depending on the reporting year (Statistics Canada Table 35-10-0156-01). In 2019, Indigenous women were victims of homicide at a rate of 5.50 per 100,000 population,

almost nine times higher than the rate for non-Indigenous women victims of homicide (0.62 per 100,000; see Chart 5; Homicide Survey, Statistics Canada, special request).^{47,48} Research has shown that rates of homicide differ depending on geographical location. In the North for example, Indigenous women and girls comprise a disproportionately high number of homicide victims compared with non-Indigenous women and girls (see, for example: Mahony et al. 2017; Rotenberg 2019; Conroy 2018; Statistics Canada Table 35-10-0156-01).⁴⁹

Chart 5. Adult victims of homicide by Indigenous identity and gender of victim, 2015 to 2019 (rate per 100,000 population).



Source: Homicide Survey, Statistics Canada, special request.

According to research conducted by the Canadian Domestic Homicide Prevention Initiative,⁵⁰ Indigenous women were also more likely to be victims of intimate partner homicides with rates eight times higher than non-Indigenous women (Dawson et al. 2018). Authors of the report indicated that [colonization](#), the impact of residential schools, poor socio-economic status, systemic and interpersonal racism, and [intergenerational violence](#) may all contribute to these significantly higher rates. In 2019, among Indigenous women, victims of homicide were most often killed by a spouse or other intimate partner⁵¹ (42%) or by another family member⁵² (25%). The relationships were similar between accused and non-Indigenous women victims of homicide (spouse or other intimate partner (48%), another family member (26%)). However a higher proportion

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of Indigenous women homicide victims were killed by an acquaintance (21%) and fewer were killed by a stranger (4%) compared with non-Indigenous women (10% and 8%, respectively) (Statistics Canada Table 35-10-0119-01).

It is important to note that these numbers may be greatly under-estimated. In the vast majority of missing persons cases reported to police, there is no foul play involved and the individual is quickly found unharmed (Royal Canadian Mounted Police 2014). However, recent efforts to link missing persons cases with homicides found that in as many as one-in-five homicides of women, the victim was previously reported to police as missing (David 2017; Mulligan et al. 2016; Roy and Marcellus 2019). Indigenous women and girls, are greatly overrepresented among long-term, unresolved missing persons cases (Royal Canadian Mounted Police 2014). Because of limitations in police data, it is likely that other cases of missing Indigenous women and girls may have been misidentified as non-Indigenous so the number of cases could be higher (National Inquiry Missing and Murdered Indigenous Women and Girls 2019). Although a national review conducted by the Royal Canadian Mounted Police (RCMP) in 2014 found that Indigenous women and girls were greatly overrepresented in unresolved missing persons' cases, there has been no ongoing national reporting of these numbers (National Inquiry on Missing and Murdered Indigenous Women and Girls 2019). For all these reasons, the actual rates of violent crime against Indigenous women, and the disparity in comparison with non-Indigenous women, almost certainly continues to be under-estimated.

As accused/offenders

Outcomes discussed:

- The criminal justice system is fair and accessible.
- The criminal justice system promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution.
- The criminal justice system provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community.
- The criminal justice system reduces the number of Indigenous people in the system.

Pathways to crime are the experiences that lead individuals to engage in criminal behaviour (Hackett 2013). Targeting crime-prevention interventions, and developing policies aimed at the fair and rehabilitative treatment of offenders, requires a good understanding of these different pathways. For women offenders, this can only be achieved by recognizing that the experiences that lead women and men to engage in criminal behaviour are often different, and their needs once they have entered the system are also different (Hannah-Moffat 2017; Hannah-Moffat and Shaw 2001).

The literature on pathways to crime has often connected women's involvement in criminal activity to their personal experiences of violence and victimization, also known as the victimization-criminalization continuum (Faith 1993). Many of the strategies used to cope with victimization can move women along the continuum, increasing their risk of criminal behaviour (Gilfus 2002; Pollack 2007). Other types of experiences may also contribute to criminal behaviour. For example, most women accused/offenders have experienced [social exclusion](#) caused by physical or sexual abuse, mental illness, poverty, homelessness, racism and/or a history of trauma (Balfour and Comack 2006). Indigenous accused/offenders, in particular, continue to experience the traumatic legacy of [colonialism](#), including the intergenerational impacts of residential schools and [socio-economic marginalization](#) (Clark 2019). Criminalized women also often report histories of substance use and addiction issues, self-injury, or attempted suicide (Auditor General 2017). Substance use and addiction is a major factor that influences women's involvement with crime. In fact, many women commit crimes such as theft and [property offences](#) to financially support their addiction (Canadian Human Rights Commission 2003).

Although some pathways are similar among men and women, many social and economic conditions affect women more than men, such as single parenting, lack of access to affordable child care, living in poverty, lack of employment opportunities and unstable housing (see for example Kruttschnitt 2013; Pollack 2007).

Text Box 4 – Age and offending

Over a century of research supports the relationship between age and criminal activity (Ulmer and Steffensmeier 2014). Young people, meaning those in late adolescence and early adulthood, tend to commit more crime than older adults. In 2017, men between the ages of 20 and 39 accounted for over half (51%) of adults charged by police and a slightly larger proportion (58%) of admissions to provincial/territorial custody.⁵³ Comparatively, women in the same age range accounted for 15% of all adults charged and 11% of provincial/territorial admissions to custody (Malakieh 2019).

Although information on [Indigenous identity](#) is currently not available in police or court data, corrections data indicate that Indigenous individuals are vastly overrepresented in the CJS. Census data also reveal that the Indigenous population in Canada is younger than the non-Indigenous population (see Text Box 2). While age may act as a risk factor for criminal behaviour it does not, on its own, account for the chronic, systemic and worsening overrepresentation of Indigenous individuals in the CJS.

Police

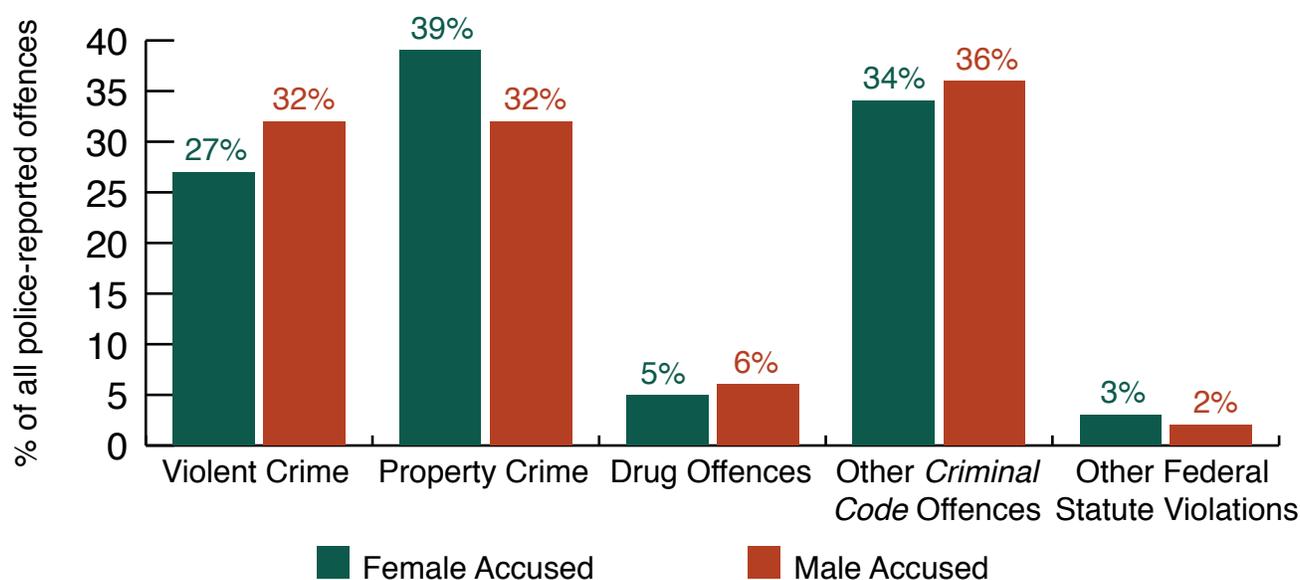
Compared with men, women represent a small proportion of those accused of police-reported crime (Savage 2019). Women also tend to be arrested and convicted for less serious crimes than men (Gartner and Jung 2014; Hannah-Moffat 2017; Mahony 2015; Savage 2019) and are less likely to engage in violence (Balfour 2020; Bloom et al. 2003; Hannah-Moffat 2017).

In 2019, nearly one million (849,039) individuals ages 12 and over were accused of committing at least one *Criminal Code* offence (excluding traffic violations), with females comprising one-quarter (26%) of accused (Uniform Crime Reporting Survey, Statistics Canada, special request). Violent crimes accounted for a smaller proportion of crimes with a female accused (27%), than for crimes with a male accused (32%; see Chart 6). In contrast, property crimes

made up a larger proportion of crimes with a female accused (39%) than for crimes with a male accused (32%) (ibid; Hannah-Moffat 2017; Savage 2019). Shoplifting was the most common property offence for females (49%), a proportion much higher than that observed among males (35%) (Uniform Crime Reporting Survey, Statistics Canada, special request).

Compared with men, women represent a small proportion of those accused of police-reported crime.

Chart 6. Police-reported offences, by gender of accused and category of offence (as a percentage of all police-reported offences for each gender), 2019.



Source: Uniform Crime Reporting Survey, Statistics Canada, special request.

Administration of justice offences (AOJOs), such as breaching conditions of release or failure to appear in court,⁵⁴ are one of the most common *Criminal Code* offence categories, accounting for 10% of all police-reported crimes in 2019 (Statistics Canada, Table 35-10-0177-01) and one-fifth (22%) of all adult criminal court cases in 2018/2019 (Statistics Canada, Table 35-10-0027-01). AOJOs have been identified as contributing to delays and acting as a “revolving door” for many involved in the CJS, especially Indigenous individuals and vulnerable and marginalized populations. A Report to Parliament of the Standing Committee on Public Safety and National Security (House of Commons 2014) explored justice system spending and identified AOJOs as an area of potential inefficiency. Between 2014/2015 and 2018/2019, approximately 20% of adults in criminal courts had an AOJO. The proportion of women with an AOJO was similar to that of men, with little change over time (Statistics Canada, Table 35-10-0027-01).⁵⁵

Women make up a minority of adults accused of homicide (12% in 2019), with both Indigenous and non-Indigenous women being less likely than their male counterparts to be accused of this crime (Uniform Crime Reporting Survey, Statistics Canada, special request). Indigenous women are, however, overrepresented among women accused of homicide. Despite making up only 4% of the adult female population in Canada (Statistics Canada 2018), Indigenous women made up 39% of women accused of homicide in 2019 (Homicide Survey, Statistics Canada, special request). In 2019, Indigenous women were accused of homicide at a rate of 2.82 per 100,000 population, 14 times higher than the rate for non-Indigenous women (0.20 per 100,000).⁵⁶ The rate for Indigenous

women is also higher than that for non-Indigenous men (1.80 per 100,000) but lower than the rate for Indigenous men (18.59 per 100,000) (Homicide Survey, Statistics Canada, special request). Women accused of violent offences often commit the offence in the context of family violence or [intimate partner violence](#) (IPV) and act in self-defence or in defence of their children (Canadian Human Rights Commission 2003; Hannah-Moffat 2017; Savage 2019).

Courts

Women are not only less likely than men to be accused in police-reported criminal incidents (26% of all incidents in 2019 involved a female accused), they also comprise a much smaller proportion of accused in court cases. In 2018/2019, only one-fifth (19%) of cases completed in adult criminal court involved a female accused. Among those accused of violent and property crimes, women were less likely than men to be found guilty (38% and 50% respectively, compared with 50% and 64% for men) (Statistics Canada, Table 35-10-0027-01). When they did receive a guilty decision for a violent offence, women were less likely to be sentenced to custody (22% compared with 39% for men) (Statistics Canada, Table 35-10-0030-01).

Specialized Courts and Programs

The relationship between substance use and criminal behaviour is well established. Statistics Canada (STC) has estimated that approximately one in five contacts with the police involves someone with a mental health or substance use disorder (Boyce et al. 2015).⁵⁷ In the federal correctional system,⁵⁸ it is estimated that as many as four-in-five women have a substance use problem (Farrell MacDonald et al. 2015). Other studies have reported similar estimates for men (between 70% and 80%) (Kelly and Farrell MacDonald 2015a, 2015b). Despite these estimates, there is a gap in knowledge regarding the prevalence of substance use among those in contact with the CJS. Drug Treatment Courts (DTCs) can be an effective tool in providing accused persons appropriate treatment and support that may address the underlying substance use and addiction issues that bring them to court. DTCs primarily admit clients who are at a high risk of re-offending. While the program offers specialized programming to address the unique needs of women, DTCs experience difficulties reaching and retaining this population. Women participants have noted factors that might impact their participation such as discomfort or fear of disclosing personal issues during the program. Women might also require further incentives to participate such as receiving supports and services including childcare and housing (Department of Justice Canada 2015).

The Indigenous Courtwork Program (ICWP) assists Indigenous individuals involved in the CJS in obtaining fair, just, equitable, and [culturally-relevant](#) treatment. Services include: providing information to accused persons and their families; referrals to resources and services; providing assistance to victims/survivors; supporting witnesses and family members; promoting and facilitating practical, community-based justice initiatives; and advocating for Indigenous individuals. Of those clients served by the ICWP who are charged with an offence, over one-third (34%) are women. These proportions remained relatively stable from 2012/2013 to 2016/2017 (Department of Justice

Canada internal database).⁵⁹ According to the 2018 Evaluation of the ICWP (Department of Justice Canada 2018b), there were no significant differences between women and men in regards to the types of courtworker services⁶⁰ required. However, there were a few differences in the types of charges and the clients' circumstances, which ultimately affects the specific programming needs for women and men. For example, the 2018 Evaluation of the ICWP identified anger management programs, as well as programs targeting domestic violence, as programming gaps for women offenders.⁶¹

Remand

Remand is the temporary detention of accused persons in provincial or territorial custody who are awaiting trial or sentencing.⁶² An accused person can be detained in remand for three reasons: to ensure attendance in court; for protection of the public; and to maintain public confidence in the justice system. The average number of adults in remand has outnumbered the population of adults who are in provincial/territorial sentenced custody every year since 2004/2005 (Correctional Services Program 2017). Women tend to spend shorter amounts of time in remand than men. In 2017/2018, 59% of women in remand spent one week or less there, compared with half (50%) of men. Only 17% of women spent more than one month in remand, compared with over one-quarter (26%) of men (Malakieh 2019). Women's shorter remand time may partially be explained by the less serious nature of their crimes; less complex cases and fewer court appearances (Department of Justice Canada 2011).

Detaining accused individuals in remand is financially costly to the justice system (Correctional Services Program 2017; Johnson 2003). Remand may also pose significant challenges related to legal rights (e.g., access to justice, presumption of innocence), human rights (e.g., poor conditions, overcrowding, lack of correctional programming) and the CJS's disproportionate impact on vulnerable and marginalized people. In addition to the potential loss of employment and housing, there are impacts of remand that may affect women more severely than men. Women are more likely than men to be lone parents (Statistics Canada 2017b) and primary caregivers to family members or friends (Statistics Canada 2020), and so are more likely to be negatively impacted by separation from family (Canadian Civil Liberties Association 2014; Correctional Services Program 2017). There are also documented negative psychological, physical, and social impacts of remand on pregnant women (Knight and Plugge 2005; Mukherjee et al. 2014; Shaw et al. 2015). In some legal cases, the use of remand for pregnant women has been found to be unjustified (see for example *R. vs. D [A.]* 2003 and *R. vs. Grewal* 2008).

Case processing time

The length of time it takes to process a case through the courts (i.e., case processing time) is another important measure of court efficiency and, by extension, an important measure of fairness and accessibility. Court delays increase costs of the CJS, impact the rights of the accused, and may negatively affect victims/survivors of crime. The *Canadian Charter of Rights and Freedoms* outlines the right of an accused to a trial within a reasonable time (Section 11(b)). The Supreme

Court of Canada's (SCC) decision in *R. vs. Jordan* (2016) established a new framework for determining unreasonable delay and provided presumptive ceilings on the time between the accused person's charge date and the end of trial (i.e., 18 or 30 months, depending on the specifics of the case).⁶³

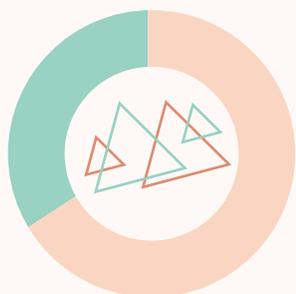
The median number of days to complete a case was at least ten days lower for women than for men every year from 2014/2015 to 2017/2018, with a slightly smaller difference in 2018/2019 (8 days or 133 days vs. 141 days).⁶⁴ Since 2014/2015, case processing time has increased for both women and men, however the increase was slightly greater for women (18% vs. 14% for men) (Statistics Canada, Table 35-10-0029-01). The reason for the greater increase in case processing time for women is not clear, though it may be related to changes in women's offending over time (Savage 2019).

Corrections

In Canada, correctional populations are counted in a number of ways including incarceration rates,⁶⁵ admissions to custody,⁶⁶ and total offender population.⁶⁷

Incarceration rates

The overall provincial/territorial incarceration rate⁶⁸ remained relatively stable between 2014/2015 and 2017/2018 (between 84 and 88 adults per 100,000 population) but decreased in 2018/2019 (79.57 per 100,000) (Statistics Canada, Table 35-10-0154-01). The overall federal incarceration⁶⁹ rate steadily decreased from 53.0 per 100,000 in 2014/2015 to 47.08 per 100,000 in 2018/2019 (Statistics Canada, Table 35-10-0155-01). However, the changes in rates of incarcerated women do not follow the broader trends. An examination of the trends in adult federal custody populations based on the data points for the last three census years (2006, 2011, and 2016) show that the federal incarceration rate increased by 16% for Indigenous women (from 35.7 per 100,000 in 2006 to 41.4 per 100,000 in 2016) and by 32% for non-Indigenous women (from 2.5 per 100,000 in 2006 to 3.3 per 100,000 in 2016) (Department of Justice Canada 2018c).



The number of
Indigenous women admitted to provincial/territorial custody has increased dramatically, by

66%

Admissions to provincial/territorial and federal custody

Women make up a minority of admissions to provincial/territorial custody. In 2018/2019, only 15% of provincial/territorial admissions to custody were women, a proportion that has slightly increased from 2014/2015 (13%)

(Statistics Canada, Table 35-10-0015-01). Despite representing only 4% of all women in Canada, Indigenous women made up 42% of women's admissions to provincial/territorial custody. In comparison, Indigenous men made up a smaller share of the total population of men admitted into provincial/territorial custody (28%).⁷⁰ Since 2007/2008, the number of Indigenous women admitted to provincial/territorial custody has increased dramatically, by 66%, compared to a decrease of 8% for non-Indigenous women. In comparison, the number of Indigenous men admitted to provincial/territorial custody has increased by 28% while the number of non-Indigenous men decreased by 17% (Malakieh 2019).

The story is similar for women in the federal correctional system. In 2018/2019, women comprised 8% of admissions to federal custody. However, over the last ten years, while the overall number of admissions to federal custody has decreased by 8%, the number of women admissions has increased by 16%

Over the last ten years, while overall number of admissions to federal custody has decreased by 8%, the number of women admissions has increased by 16%. In 2018/2019, of all women admitted to federal custody, two-fifths were Indigenous.

(Public Safety Canada 2020). In 2018/2019, of all women admitted to federal custody, two-fifths (41%) were Indigenous. Indigenous men comprised over one-quarter (29%) of men's admissions (Correctional Services Survey, Statistics Canada, special request). Similar to their representation in the general population (see Text Box 2), Indigenous offenders admitted to federal custody tend to be younger than their non-Indigenous counterparts. Specifically, 42% of Indigenous offenders are under the age of 30 at admission, compared with 32% of non-Indigenous offenders. Indigenous women have a median age of 32 at admission, compared with 34 for non-Indigenous women⁷¹ (Public Safety Canada 2020).

Total offender population

The total federal offender population is measured by the number of individuals in custody and under community supervision at the end of each fiscal year.⁷² Overall, women represent a small proportion (6% in 2018/2019) of the total federal offender population. However, the number of women in federal corrections has increased by 20% since 2014/2015, despite the total number of offenders changing very little (+0.3%). The reality is even more concerning for Indigenous women, whose numbers have increased by 38% compared with 13% for non-Indigenous women (Public Safety Canada 2019; Public Safety Canada 2020). Of all women in federal corrections in 2016/2017, almost one-quarter (23%) identified as First Nations, 8% identified as Métis,

The number of **women** in federal corrections has increased by

20%

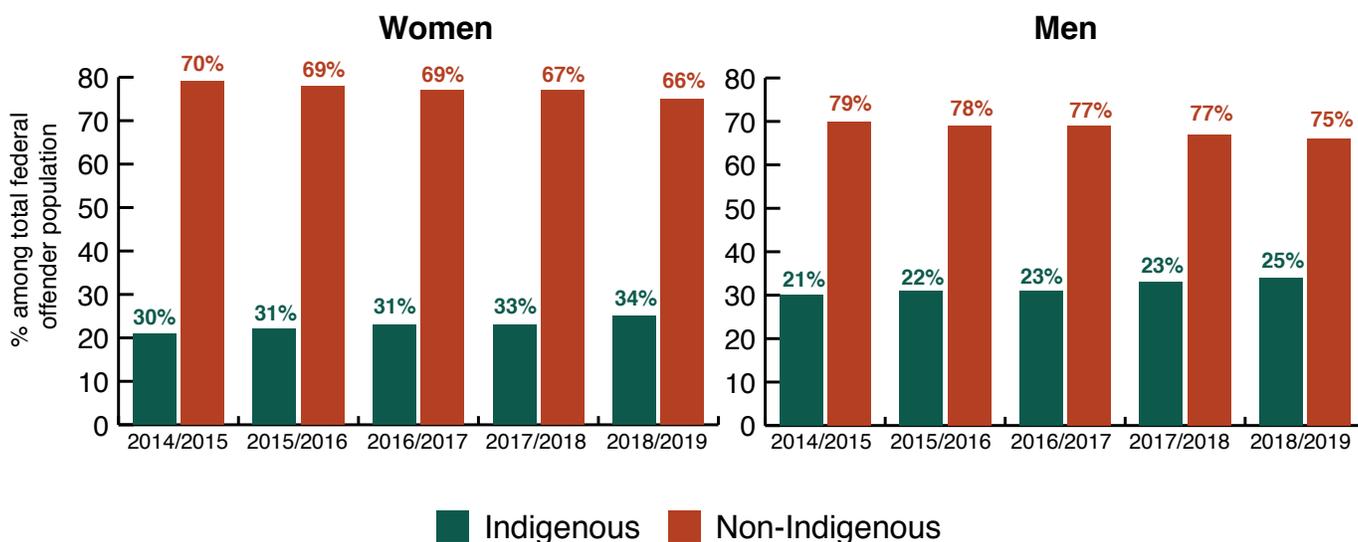
since 2014/2015, despite the total number of offenders changing very little (+0.3%).

and less than 1% identified as Inuit while 68% identified as non-Indigenous (Correctional Service of Canada, Offender Management System, special request). In comparison, of Canada’s total population of women aged 15 or older, 2% identified as First Nations, 2% as Métis, and less than 1% as Inuit in the 2016 Census (Statistics Canada 2018).

The trends for men differ, and show an increase of 17% for Indigenous men and a decrease of 3% for non-Indigenous men over the same time period. Similar to the proportions for federal admissions, Indigenous women represented one-third (34%) of all women in federal corrections in 2018/2019, compared with less than one-quarter (25%) of Indigenous men (Public Safety Canada 2020). These proportions are increasing at an alarming pace especially in comparison to their trends in the general population. In 2016, Indigenous individuals accounted for 5% of the total

Canadian population, up from 4% in 2006 and 3% in 1996 (Statistics Canada, Census data). If the trends persist, the proportional representation of women, particularly Indigenous women, in federal corrections will continue to increase.

Chart 7. Indigenous individuals among the total federal offender population, by sex, 2014/2015 to 2018/2019.



Source: CSC with custom tabulations from JUS.

In 2018/2019, women in the federal correctional system were more likely than men to be supervised in the community (51% vs. 39%, respectively) rather than held in custody (49% vs. 61%, respectively). The proportion of federal offenders supervised in the community has increased in the last five years for both women and men (43% and 35%, respectively in 2014/2015) (Public Safety Canada 2019; Public Safety Canada 2020). In 2018/2019, the majority of Indigenous women in federal corrections were in custody (60%) rather than supervised in the community (40%). The opposite

was true among non-Indigenous women in federal corrections, with 44% in custody and 56% supervised in the community. The proportions of both Indigenous and non-Indigenous women being held in custody, as opposed to supervised in the community, have decreased since 2014/2015 (68% and 53%, respectively). Indigenous men were least likely to be under community supervision in 2018/2019 (72% were in custody) (Public Safety Canada 2020).

In 2018/2019, Indigenous individuals accounted for over one-third (35%) of all people identified as a dangerous offender (DO).⁷³ This increased from 30% in 2014/2015. Very few women are designated as DOs and, therefore, an analysis by sex and Indigenous identity cannot be made. (Correctional Service of Canada, special request).

To successfully reintegrate into the community, women offenders must be given the opportunity to work on their [criminogenic needs](#), especially within the prison context or through community-based programs (Hannah-Moffat 2010). These needs must be appropriately addressed via [trauma- and violence-informed](#), as well as [gender-responsive approaches](#),⁷⁴ programming and/or treatment to reduce the likelihood of re-offending (Bloom, Owen and Covington 2008).⁷⁵ In most criminogenic domains, incarcerated women are more likely to have a moderate/high need than incarcerated men. For example, incarcerated women are more likely to have an incomplete high school education and be unemployed at the time of arrest compared with their male counterparts (Ferguson 2016; Zinger 2014). In addition, many incarcerated women have children or dependents at home, which can lead to increased anxieties when separated from them (Hackett 2013). A disproportionately high number of incarcerated women have mental health and addiction issues compared with the general population, and with incarcerated men. Many federally incarcerated women meet the criteria for a mental health disorder, have low psychological and social functioning, and some have been hospitalized for psychiatric reasons prior to incarceration (Brown et al. 2018a; Brown et al. 2018b; Sapers 2012).

Women with an identified criminogenic need are more likely than men to complete a correctional program. In 2018/2019, for example, 86% of federally incarcerated women with an identified criminogenic need completed a correctional program compared with 49% of men. While the percentage of women completing correctional programs has increased from 80% in 2014/2015, the completion rate for men has decreased from 64% (Correctional Service of Canada, special request).

Correctional Service of Canada (CSC) also provides educational programs to incarcerated offenders designed to provide literacy, academic, and personal development skills that lead to formal recognition, certification or accreditation from an educational authority.⁷⁶ Similar to the correctional program data noted above, women with an identified need are more likely than men to complete an educational program, regardless of other identity factors, such as [Indigenous identity](#) and identification as a visible minority. In 2018/2019, for example, 81% of federally incarcerated women with an identified need completed an educational program compared with 57% of men. While the percentage of women completing an educational program has increased from 63% in 2014/2015, the completion rate for men stayed relatively stable (55%) (Correctional Service of Canada, special request).

The Office of the Correctional Investigator (OCI) is mandated by the *Corrections and Conditional Release Act* to act as an Ombudsman for federal offenders. The OCI provides independent oversight of CSC by providing accessible, impartial, and timely investigation of individual and systemic concerns. Federally sentenced individuals may file complaints with the OCI related to decisions, recommendations, acts or omissions by CSC, and it is the Office's responsibility to investigate and resolve them. In the SOCJS Framework, complaints to the OCI are a measure of fairness, where a decrease in complaints over time could suggest an increase in fairness in the federal correctional system. Data shows that the proportion of complainants⁷⁷ who are women increased slightly from 8% in 2013/2014 to 12% in 2018/2019. Similar to their composition in the women's federal offender population, Indigenous women complainants make up almost one-third (32%) of women complainants. Overall, compared with their representation in federal corrections (6%), women make up a higher proportion of complainants to the OCI (Office of the Correctional Investigator, special request).⁷⁸

Release

Women released from prison do not usually pose a significant risk to the community. They tend to have low levels of recidivism and when they do re-offend, their crimes typically do not increase in severity (Hannah-Moffat 2017; Kong and AuCoin 2008). Advocacy groups such as the Canadian Association of Elizabeth Fry Societies have argued that this low risk of re-offending should be considered when planning for the release of criminalized women.

Early release from prison can help women successfully reintegrate into the community. However, many incarcerated women are on waitlists for correctional programming and community housing plans, which ultimately affects their eligibility for parole (Auditor General 2017). Other barriers to a successful community reintegration include:

- meeting numerous and strict parole conditions;
- finding housing and employment;
- obtaining health and mental health care;
- obtaining treatment for substance use issues;
- obtaining social assistance and/or having financial stability;
- difficulty reuniting with children and families; and,
- dealing with the stigma of their criminalized status (Correction Service of Canada 2014; Maidment 2006; Richie 2001; Shaw et al. 1991; Turnbull and Hannah-Moffat 2009; Zinger 2018).

Leaving these issues unaddressed can result in women living in unsafe situations and can increase their risk for victimization and re-offending. Therefore, it is important for women to have access to gender-responsive and culturally-relevant resources and programs to address barriers to successful reintegration.

Research has shown that obtaining employment is one of the best predictors of successful reintegration and a lowered risk of recidivism (Wilson et al. 2000). CSC provides employment and employability skills training to federal offenders to ensure that they have the skills and training required to obtain and keep employment upon release.

Overall, a relatively high proportion of individuals under federal correctional supervision secure employment before the end of their sentence (75% in 2017/2018) and this has been slowly increasing since 2013/2014 (72%). In 2017/2018, women were slightly less likely than men to secure employment (72% vs. 75%). Additionally, Indigenous and visible minority women were less likely than other women to secure employment (57% and 78% respectively, compared with 81%) (Correctional Service of Canada, special request). Indigenous individuals who return to an urban setting may face social marginalization and systemic barriers to employment, while those who return to rural communities or reserves may be contending with not only lack of employment opportunities, but also inadequate access to basic needs such as clean drinking water or housing (Wesley 2012). Data on type of employment obtained and length of employment post-release would further assist in understanding the challenges faced by women released from prison.

Between 2014/2015 and 2018/2019, the proportion of offenders in federal corrections who applied and were granted [day parole](#) by the Parole Board of Canada (PBC) increased from 71% to 80%, while full parole grant rates increased from 30% to 38%.⁷⁹ Women were more likely than men to be granted both day and [full parole](#), and those proportions increased over the five-year timeframe, from 85% to 94% for day parole and from 45% to 47% for full parole (Public Safety Canada 2020).

Section 84 (s. 84) of the *Corrections and Conditional Release Act* requires CSC to involve Indigenous communities in planning for the release of Indigenous individuals to their community. Overall, the proportion of Indigenous individuals released from federal custody with a s. 84 plan increased from 26% in 2013/2014 to 31% in 2017/2018. However, the reality for women is hidden in the broader trend which is driven by men. While Indigenous women released from custody were more likely to have a s. 84 plan than Indigenous men (43% vs. 30% respectively in 2017/2018), the relative proportion has actually decreased since 2013/2014, when 54% of Indigenous women had a s. 84 release plan. Comparatively, the proportion of Indigenous men with a s. 84 release plan increased from 24% in 2013/2014 (Correctional Service of Canada, special request).

Conclusion

The purpose of this report was to examine CJS performance through a gendered lens, drawing on the research literature to place performance indicator data in a broader social context. This approach demonstrates what general performance indicators cannot – that women perceive and experience the criminal justice system differently than men. Further, the report shows that women may experience multiple layers of systemic disadvantage based on age, socioeconomic status, Indigeneity, racialization, sexual and gender identity. The frequency and reasons for which women interact with the criminal justice system vary substantially based on these and other identity characteristics. This final section provides an overview of key findings, highlights possible relationships between indicators, and builds on the contextual details provided in the body of the report.

Canadians' confidence in the CJS has increased over time, and the most recent data suggest that confidence in the CJS is generally high. And yet, despite overall confidence in the CJS—and in particular, in police—less than half of robberies and physical assaults are reported to police. Even more striking, only about 5% of sexual assaults—of which women are the large majority of victims/survivors—are reported to police. The reasons that victims/survivors choose not to report are complex, and may involve a number of factors such as feelings of shame and guilt, concerns about personal safety, whether they will be believed, or more generally how they will be treated. In one report, sizeable proportions of victims/survivors who did not report an incident of sexual assault indicated that they did not think the incident was serious enough, did not think the police would consider the incident important enough, or did not think the offender would be convicted, or adequately punished. Importantly, those who experienced sexual assault also reported lower confidence in police, in court processes, and in the CJS more generally. Some recent findings have suggested that social movements such as #MeToo have increased women's reporting of sexual assault to police, which accounts for at least some of the increase in incidents of sexual assault in crime statistics in recent years (Rotenberg and Cotter 2018).

The rate of police-reported violent crime over the last five years has been increasing more quickly for women than for men. Women are generally more likely than men to be victims/survivors of violence and make up the large majority of victims/survivors of sexual assault and police-reported intimate partner violence—both crimes that are most frequently perpetrated by men. Women are more likely than men to be victimized by someone they know. Although women are less likely than men to be victims of homicide, they make up the vast majority of people killed by an intimate partner. These gender differences in accused-victim relationships signal gender differences in power that are characteristic of gender-based violence. Other imbalances in the distribution of power in society make certain groups of women particularly at risk of violent crime—this includes, Indigenous women, those from racialized groups, women with disabilities, young and LGBTQ2 women, among others who face systemic disadvantage.

While women are overrepresented among victims/survivors of violent crime, they account for a small minority of accused and offenders. This means that general performance data for accused and offenders may mask the experiences of women in the system. Women who are navigating the CJS as accused/offenders tend to spend fewer days in remand and have, on average, shorter case completion times than men. These data may partially be explained by the fact that women are typically accused of non-violent crimes, most frequently property crimes, which tend to take the shortest amount of time to complete (Department of Justice Canada 2019e). Women are also less likely than men to be found guilty and less likely to be sentenced to custody. It is possible that the CJS is more efficient and fair in its treatment of women in that they may spend less time away from home, their family, and their role as primary caregivers, all of which have been shown to disproportionately affect justice-involved women. Alternatively, less time spent in the court system may simply be a reflection of the less serious crimes that are committed by women. It could also indicate inadequate access to legal aid or higher rates of self-representation among women, which would suggest less fair treatment. While the Framework does include an indicator on approved legal aid applications, the breakdown by sex is currently not available. Indicators of self-representation broken down by sex and identity factors would allow for a more nuanced understanding of the experiences of women in the courts system. Additionally, courts data typically cannot be disaggregated to capture intersecting identity factors such as Indigenous identity or ethnicity. Thus, no conclusions can be drawn regarding how the courts are performing for diverse groups of women and men.

While there may generally be less reliance on custody sentences for women accused, the number of women in both provincial/territorial and federal custody is increasing. At the same time, the number of men in federal corrections is decreasing. Incarcerated women are more likely than men to complete programming, though they are slightly less likely to secure employment before release. This is particularly interesting, considering women are more likely than men to be granted release into the community (on both day and full parole), and the proportion of federally incarcerated women being granted parole has been increasing over time. This supports the literature that women tend to pose a lower risk to the community and so are more likely to be released. However, a lack of employment may elevate the risk of criminal behaviour after release. Further study on the employment needs of incarcerated women would allow for a greater understanding of the challenges women face upon release.

The Truth and Reconciliation Commission of Canada has called for action to eliminate the overrepresentation of Indigenous individuals in custody over the next decade, and to reduce the rate of criminal victimization of Indigenous individuals, including violent victimization. The MMIWG National Inquiry recommends a national action plan to address the staggering rates of violence against Indigenous women, girls and LGBTQ2 people. Findings in this report emphasize that the CJS has a long way to go for Indigenous women in particular, as they continue to be overrepresented as both victims/survivors and accused/offenders. Indigenous women are more likely than non-Indigenous women to be victims of all types of crime, including violent crime such as sexual assault, intimate partner violence and homicide. The number of Indigenous women being incarcerated is increasing dramatically, both in provincial/territorial and federal custody

and they represent the fastest growing adult prisoner population in Canada. Indigenous women offenders also fare more poorly on most corrections-based indicators than non-Indigenous women. There is still much that is unclear about the challenges faced by Indigenous women as accused/offenders in the CJS. Current and future data collection efforts will help build a clearer picture of the experiences of Indigenous women in all areas of the CJS from police through to courts and provincial/territorial corrections.

In conclusion, this report highlights that efforts to improve the workings of the criminal justice system cannot take a one-size-fits-all approach. Ensuring a fair, accessible, effective and efficient CJS requires taking a people-centered approach to understanding system performance. This means looking at how the system is performing for different groups of people, in order to better target programs, policies and initiatives to meet diverse needs. This report examined how women perceive and experience the criminal justice system, and how gender and other identity characteristics interact to make certain groups of people more or less likely to engage with the CJS as victims/survivors or as accused/offenders. It also points to where certain key data are still missing to be able to comprehensively assess how gender and other characteristics like Indigeneity and racialization influence whether and how individuals interact with the CJS. The reporting and collection of various identity factors will be crucial in examining the impact of the COVID-19 pandemic on the CJS, as well as its disproportionate impact on groups that already face systemic disadvantage. Regular performance monitoring and ongoing efforts to address data gaps within the CJS improve our ability to make decisions driven by data and evidence, which will have a positive effect on the lives of Canadians.

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Annex

Annex I – Abbreviations

AOJO	Administration of justice offences
CCJCSS	Canadian Centre for Justice and Community Safety Statistics
CCRA	<i>Correctional and Conditional Release Act</i>
CJS	Criminal justice system
CSC	Correctional Service of Canada
CV	Coefficient of variation
DO	Dangerous offender
DTC	Drug treatment court
DTCP	Drug treatment court program
GBA+	Gender-based Analysis plus
GSS	General Social Survey
ICWP	Indigenous courtwork program
IJP	Indigenous justice program
IPV	Intimate partner violence
JUS	Department of Justice Canada
NJS	National Justice Survey
OCI	Office of the Correctional Investigator
PBC	Parole Board of Canada
PS	Public Safety Canada
RCMP	Royal Canadian Mounted Police

RJ	Restorative justice
s. 84	Section 84 of the CCRA
SCC	Supreme Court of Canada
SOCJS	State of the Criminal Justice System
SSPPS	Survey of Safety in Public and Private Spaces
STC	Statistics Canada
UCR	Uniform Crime Reporting Survey
WAGE	Women and Gender Equality Canada
YCJA	<i>Youth Criminal Justice Act</i>

Annex II – Definitions

Acquaintances: Term used for a wide range of potential relationships including, non-family members, authority figures in the community or someone they may have just met.

Binary: A division into two groups that are considered distinct and opposite.

Cisgender: People whose gender identity matches the sex that they were assigned at birth.

Colonialism: Policy of taking political and economic control of a territory and the people who are Indigenous to that area underpinned by racist doctrines of superiority.

Colonization: The action or process of settling and taking political and economic control of a territory and the people who are Indigenous to that area underpinned by racist doctrines of superiority.

Criminogenic needs: Criminogenic needs refer to issues, risk factors, characteristics and/or problems that relate to a person's likelihood of reoffending or recidivism. Within a correctional setting, needs are measured related to the following areas: employment/education, community functioning, family/martial situation, associates, attitudes, personal/emotional, and substance abuse.

Culturally relevant: Responses to the distinct needs, values and lived experiences of diverse cultural groups, such as programming designed to be accessible and effective for participants.

Day parole: Type of conditional release granted by the Parole Board of Canada in which individuals are permitted to participate in community-based activities in preparation for full parole or statutory release. The conditions require individuals to return nightly to an institution or halfway house unless otherwise authorized by the Parole Board of Canada. Not all individuals under federal correctional supervision apply for day parole, and some apply more than once before being granted day parole.

E: Use with caution. As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling errors. Somewhat different results might have been obtained if the entire population had been surveyed. STC uses the coefficient of variation (CV) as a measure of the sampling error. Estimates with a CV between 16.6 and 33.3 should be used with caution and the symbol "E" is used.

Full parole: Type of conditional release granted by the Parole Board of Canada in which the remainder of the sentence is served under supervision in the community. The Parole Board of Canada must review the cases of all individuals for full parole at the time prescribed by legislation, unless the individual under federal correctional supervision advises the Parole Board of Canada in writing that he/she does not wish to be considered for full parole.

Gender: A person's status in society as a man, woman, or as gender-diverse. A person's gender may be influenced by several factors, including biological features, cultural and behavioural norms, and self-identity.

Gender-based violence: Violence targeted at a person because of their gender, gender expression, gender identity or perceived gender.

Gendered: Characteristic of, suited to, or biased toward or against a certain gender.

Gender-diverse: Refer to individuals who do not identify as exclusively male or exclusively female (for example, individuals who are non-binary or two-spirit).

Gender expression: The way in which people publicly present their gender through aspects such as dress, hair, make-up, body language, and voice.

Gender identity: A person's internal and deeply felt sense of being a man or woman, both or neither. A person's gender identity may or may not align with the gender typically associated with their sex. Gender responsive approaches: Any programming or interventions that recognizes the lived realities of individuals, including pathways to crime, are impacted by gender.

Heterosexual: An individual sexually attracted to people of the opposite sex or gender.

Indigenous identity: Individuals that identify as First Nations, Inuit or Métis.

Intergenerational violence: Trauma that is passed from one generation to the next generation(s). Coping and adaptation patterns developed in response to traumatic experiences may be learned from or otherwise impact subsequent generations living with survivors, which in turn may be handed down to future generations. Intergenerational trauma may be experienced by groups of people with shared histories, and has resulted from, for example, the historical, systemic mistreatment of First Nations, the Inuit and the Métis Nation.

Intersectionality: The interconnected nature of various social or identity factors, such as sex, gender, age, race, ethnicity, Indigenous identity, economic status, immigrant status, sexual orientation, disability, and geography, as they apply to a given individual or group, viewed as impacting experiences of discrimination or disadvantage. For example, intersectionality recognizes that Indigenous women hold more than one identity: they are women and share some common experiences with other women, and they are Indigenous and have shared experiences with Indigenous men. Trying to understand Indigenous women's experiences by focusing only on sex or only on Indigenous identity prevents us from seeing how these identities intersect to create a unique lived experience for Indigenous women that is different from the experiences of Indigenous men and non-Indigenous women.

Intimate partner violence: Violent offences that occur between current and former legally married spouses, common-law partners, boyfriends and girlfriends and other kind of intimate partners.

Non-binary: Person whose gender identity does not align with a binary understanding of gender such as man or woman. A non-binary person may identify as neither a man nor a woman, both, or anywhere along the gender spectrum.

Other *Criminal Code* violations: Police-reported offences are often grouped into five categories: violent crimes, property crimes, drug offences, other *Criminal Code* offences, and other federal statute violations. The category “other *Criminal Code* offences” includes crimes such as disturbing the peace and administration of justice offences, such as failure to comply with an order, failure to appear and breach of probation.

Overrepresented: Occurs when one segment of the population is disproportionately represented in an area compared with the overall population, often as a consequence of systemic discrimination.

Property offences: Property offences involve unlawful acts to gain property, but do not involve the use or threat of violence against the person. These can include offences such as theft, breaking and entering, burglary, auto theft, arson and vandalism.

Sex assigned at birth (sex): A person’s biological status as male, female, or intersex based on their primary sexual characteristics at birth.

Sexual assault: Refers to all incidents of unwanted sexual activity, including sexual attacks and sexual touching.

Sexual orientation: This can refer to the behaviour, that is, whether a person’s partner or partners are of the same or the opposite sex, and to the identity, that is, whether a person considers himself or herself to be heterosexual, homosexual or bisexual.

Shelters: Places where women (and their children) can go to stay, typically when fleeing domestic violence from their partners or spouses.

Social exclusion: Describes a state in which individuals do not have full access to opportunities available to others. This access may be denied because of factors such as race, class, disability or gender.

Socio-economically marginalized: Being blocked from or denied full access to economic opportunities, social opportunities, or resources (e.g., education, employment, housing) that other members of society have because of one or more personal characteristic(s) (e.g., poverty, health and mental health, sex and gender, race, ethnicity, Indigenous identity, immigrant status).

Spousal violence: Violent offences that occur between legally married spouses, common-law partners, as well as separated and divorced spouses.

Trans: Umbrella term that refers to transgender, non-binary and other gender-diverse people. The opposite of cisgender.

Transgender: A person whose current gender does not align with the sex that they were assigned at birth.

Trauma- and violence-informed approaches: Policies and practices that recognize the connections between violence, trauma, negative health outcomes and behaviours.

Two-spirit person: Umbrella term for some Indigenous individuals who identify as having both a female and male spirit within them or whose gender identity, gender expression, sexual orientation or spiritual identity is not limited by the binary classification of gender as woman or man.

Unwanted sexual behaviour: Includes unwanted physical contact (e.g., touching or getting too close in a sexual manner), indecent exposure, unwanted comments about sex or gender, unwanted comments about sexual orientation or assumed sexual orientation and unwanted sexual attention (e.g., comments, whistles, gestures, or body language).

Violent offences: Involve the use of or threatened use of violence against a person, including homicide, attempted murder, assault, sexual assault, and robbery. Robbery is considered a violent offence because, unlike other theft offences, it involves the use or threat of violence.

Women: All people who identify as women, whether they are cisgender or transgender women.

Annex III – State of the Criminal Justice System Framework

The Framework provides the foundation for understanding the state of the CJS. It provides a clear roadmap for further data development and data collection necessary to understand how the CJS is performing. The Department of Justice Canada (JUS) developed the Framework through extensive research and consultations with key federal, provincial, and territorial government partners, academics, community organizations, Canadians, and other experts in criminal justice policy, performance measurement, Indigenous justice, and Indigenous legal traditions.⁸⁰

The Framework presents nine high-level outcomes of the Canadian CJS, measured by 42 indicators (see below). Performance on these outcomes is monitored through an online interactive [Dashboard](#), and the SOCJS Report. Since the last report in 2019, two additional indicators, *Restorative justice program referrals* and *Victims and offenders accepted into a restorative justice process*, have been added under the following outcome: “*The criminal justice system promotes and supports diversion, restorative justice (RJ), Indigenous justice, and tools for community-based resolution.*” This addition reflects ongoing efforts to improve the Framework and expand the scope of available data. The Framework currently relies on data from the Correctional Service of Canada (CSC), JUS, the Office of the Correctional Investigator (OCI), the Parole Board of Canada (PBC) and Statistics Canada (STC).

▶▶ Outcome #1: Canadians are safe and individuals and families feel safe.

- Self-reported victimization
- Police-reported crime
- Crime severity
- Satisfaction with personal safety from crime

▶▶ Outcome #2: The CJS is fair and accessible.

- Public perception that the CJS is fair to all people
- Public perception that the CJS is accessible to all people
- Approved criminal legal aid applications
- Pre-trial detention/remand
- Office of the Correctional Investigator complainants
- Clients served by the Indigenous Courtwork Program

▷▷ **Outcome #3: Canadians understand the role of and express confidence in the CJS.**

- Public awareness of the role of the CJS
- Public confidence in the police
- Public confidence in the Canadian criminal courts
- Victimization incidents reported to the police

▷▷ **Outcome #4: The CJS operates efficiently.**

- Offence clearance rate
- Administration of justice offences
- Case completion time

▷▷ **Outcome #5: The CJS promotes and supports diversion, RJ, Indigenous justice and tools for community-based resolution.**

- Drug treatment court program referrals
- Restorative justice program referrals
- Victims and offenders accepted into a restorative justice process
- Incarceration rate
- Criminal incidents cleared by referral to a diversionary program

▷▷ **Outcome #6: The CJS provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community.**

- Intensive Rehabilitative Custody and Supervision youth cases receiving specialized treatment
- Mental health services in federal corrections
- Correctional programs in federal corrections
- Educational programs in federal corrections
- Individuals under federal correctional supervision granted parole

- Successful completion of statutory release without revocation in federal corrections
- Individuals under federal correctional supervision who secure employment before their sentence ends
- Community release plan for Indigenous individuals in federal custody

▶▶ **Outcome #7: The CJS respects victims' and survivors' rights and addresses their needs.**

- Individuals registered as a victim to receive information about an individual who harmed them
- Victim satisfaction with the actions taken by police

▶▶ **Outcome #8: The CJS reduces the number of Indigenous people in the system.**

- Self-reported violent victimization among Indigenous individuals
- Police-reported homicide victims identified as Indigenous
- Police-reported homicide accused identified as Indigenous
- Indigenous adults and youth admissions to provincial/territorial correctional services
- Indigenous admissions to federal correctional services
- Indigenous individuals among the total federal offender population
- Indigenous individuals designated as dangerous offenders

▶▶ **Outcome #9: The CJS reduces the number of marginalized and vulnerable individuals in the system.**

- Mental health needs in federal corrections
- Visible minorities in federal corrections
- Self-reported violent victimization among marginalized and vulnerable populations
- Police contact among individuals with a mental or substance use disorder

Endnotes

- 1 For more information on the use of GBA+ analysis in a government policy context, see the [Women and Gender Equality Canada website](#).
- 2 For additional indicator breakdowns, such as provincial/territorial breakdowns when available, please refer to the data source as listed on the [Dashboard](#).
- 3 For more information on data gaps, please see the online [Dashboard](#) (Department of Justice Canada 2020a).
- 4 See the following link for more information about this commitment: <https://www150.statcan.gc.ca/n1/daily-quotidien/200715/dq200715g-eng.htm?CMP=mstatcan>.
- 5 Data on educational attainment includes women aged 25 and over.
- 6 For an overview of the adult CJS, refer to STC's infographic [Overview of the Adult Criminal Justice System](#).
- 7 To learn more about Indigenous gender and sexuality, refer to Hunt's (2016) report *An Introduction to the Health of Two-Spirit People*: <https://www.ccsa-nccah.ca/docs/emerging/RPT-HealthTwoSpirit-Hunt-EN.pdf>.
- 8 For more information, see: <https://www.canada.ca/en/treasury-board-secretariat/corporate/reports/summary-modernizing-info-sex-gender.html#h-3>.
- 9 See the following link for more information: <https://unstats.un.org/unsd/classifications/expertgroup/egm2017/ac340-21.PDF>
- 10 See the following link for more information: <https://www150.statcan.gc.ca/n1/daily-quotidien/200717/dq200717e-eng.htm>.
- 11 The 2018 SSPPS was the first national survey to include a three-option gender question. This survey collects information on experiences, perceptions and attitudes related to gender-based violence among people ages 15 and over. It was the first national survey to release provincial estimates of the size of the gender diverse population (including transgender and other gender diverse identities). For more information, see <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=5256>.
- 12 The GSS on Canadians' Safety (Victimization) examines issues related to the safety and security of Canadians, including perceptions of crime and the justice system, experiences of IPV, and how safe people feel in their communities. As an important source of information for monitoring self-reported victimization, it was changed in 2019 to include the three-option question on gender in addition to the traditional question on sex. It also collects information on sexual orientation. For more information, see <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=148641>.
- 13 For more information, see <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3302>.
- 14 Aware includes responses of "aware" and "moderately aware." Excludes a small proportion of "unknown" responses.
- 15 All "special request" data can be found on the [Dashboard](#).
- 16 Confidence includes people who reported "a great deal" or "some" confidence in police. Excludes data from the territories.
- 17 "Visible minority" refers to a person belonging to a visible minority group as defined by the Employment Equity Act. The Act defines visible minorities as "persons, other than Indigenous people, who are non-Caucasian in race or non-white in colour". The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese. Non-members of a visible minority include respondents who reported "Yes" to the Indigenous identity question as well as respondents not considered members of a visible minority group.
- 18 Confidence includes people who reported "a great deal" or "some" confidence in Canadian criminal courts. Excludes data from the territories.
- 19 Fairness is defined as being treated according to the rule of law, without discrimination, while also having the circumstances of the crime and a person's individual characteristics considered throughout the process (e.g., past behaviours, lived experiences, history of victimization, mental health and substance use and addiction issues).

- 20 Access to the CJS is defined as having equal access to the information and assistance that is needed to help prevent legal issues and help resolve such issues efficiently, affordably, and fairly.
- 21 Excludes a small proportion of “unknown” responses. A definition of “accessible” was not provided to respondents.
- 22 Excludes a small proportion of “unknown” responses. A definition of “fair” was not provided to respondents.
- 23 Satisfied includes responses of “satisfied” or “very satisfied”. Excludes a small proportion of “unknown” responses.
- 24 “Immigrant” refers to a person who is, or who has ever been, a landed immigrant or permanent resident. Such a person has been granted the right to live in Canada permanently by immigration authorities. Immigrants who have obtained Canadian citizenship by naturalization are included in this group.
- 25 Data from this section are from two sources. The 2018 National Justice Survey (NJS) includes indicator data on public perception and public awareness. The 2014 GSS on Canadians’ Safety (Victimization) includes indicator data on satisfaction with personal safety from crime and public confidence in institutions (police and criminal courts).
- 26 The GSS and SSPPS collects data about Canadians living in all provinces and territories who are 15 years and older. People living in institutions including prisons are not included. The GSS asks respondents to identify any incidents of victimization they experienced within the previous 12 months, and the survey is repeated on a five-year cycle. The SSPPS, first conducted in 2018, focuses on Canadians’ experiences of gender-based violence within the last 12 months, including unwanted sexual behaviours in public spaces, unwanted sexual behaviours at work, unwanted behaviours online, sexual assault, and intimate partner violence. The SSPPS also collects information on childhood maltreatment, and lifetime experience of sexual and physical assault (since age 15).
- 27 Includes traffic violations causing bodily harm or death.
- 28 Includes those aged 18 years and over. The victim’s age is calculated based on the end date of an incident, as reported by the police. Some victims/survivors experience violence over a period of time, sometimes years, all of which may be considered by the police to be part of one continuous incident. Excludes victims/survivors where age is over 89.
- 29 Excludes accused where the gender was unknown. Small counts of victims and accused persons identified as “gender diverse” were assigned to either “male” or “female” in order to ensure the protection of confidentiality and privacy.
- 30 The GSS on Canadians’ Safety (Victimization) collects information for a subset of offences – sexual assault, robbery, physical assault, breaking and entering, theft of motor vehicle or parts, theft of personal property, theft of household property, and vandalism. Violent victimization as measured by the GSS includes sexual assault, robbery and physical assault. Excludes data from the territories – the survey in the territories was conducted using a different sampling design.
- 31 Data presented below are from the 2014 GSS Survey on Canadians’ Safety (Victimization), unless stated otherwise.
- 32 In this analysis, some societal factors could not be controlled, such as the impact of residential schools on Indigenous families and communities.
- 33 The rate of sexual assault for Indigenous men was too unreliable to publish. As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling errors. Somewhat different results might have been obtained if the entire population had been surveyed. This article uses the coefficient of variation (CV) as a measure of the sampling error. Estimates with a high CV (over 33.3%) were not published because they were too unreliable.
- 34 For additional breakdowns, such as self-reported violent victimization among marginalized and vulnerable groups by type of violent victimization, see the online [Dashboard](#) (Department of Justice Canada 2020a). Note that these only included provincial data to offer a comparison to 2009. For territorial data, please refer to the original data source.
- 35 Includes the police finding out about the most serious incident of sexual assault in the previous 12 months, either from the respondent or in some other way. The data for men were too unreliable to report.
- 36 The General Social Survey on Victimization asks whether or not all incidents in the past 12 months came to the attention of police, while the Survey of Safety in Public and Private Spaces (SSPPS) only asks about the most serious incident.

37 Other reasons for not reporting to the police include: no harm was intended; feared or did not want the hassle of dealing with the court process; did not want the offender in trouble with the law; did not want others to find out about the victimization; police would not have been efficient or effective; fear of revenge by the offender or others; police would not have been able to find or identify the offender; police would be biased; received unsatisfactory service from the police in the past; afraid reporting would bring shame and dishonour to the family.

38 Other family members include siblings and all others related by blood, marriage (including common-law), adoption or foster care.

39 Sexual assault level 1 is defined as assault of a sexual nature that violates the sexual integrity of the victim. Sexual assault level 2 is defined as sexual assault in which the assailant uses a weapon, threatens to cause bodily harm to a person other than the victim or causes bodily harm to the victim. Sexual assault level 3 is defined as sexual assault that wounds, maims, disfigures, or endangers the life of the victim.

40 A trauma- and violence-informed approach recognizes the traumatic and long-term impacts of violence on victims/survivors, whether the violence is ongoing or in the past. Trauma- and violence-informed approaches work to increase safety, control and resilience, minimize harm to victims/survivors of violence, and aid healing and justice (Hill 2009). According to Public Health Canada, trauma- and violence-informed approaches are based on the following four principles: understanding the concepts of trauma and violence, and their impacts on peoples' lives and behaviours; creating emotionally and physically safe environments; fostering opportunities for choice, collaboration, and connection; and providing a strengths-based and capacity-building approach to support client coping and resilience.

41 Excludes victims/survivors where the sex or the age was unknown. Counts represent the number of victims/survivors involved in incidents of IPV. It is possible that individual victims/survivors may have experienced more than one incident, and would therefore be counted more than once here.

42 Victims/survivors aged 90 years and older are excluded from analyses due to possible instances of miscoding of unknown age within this age category. Excludes victims where the sex or age was unknown. Percentages have been calculated excluding unknown relationship.

43 Disabilities include: sensory (hearing or visual); physical (mobility, flexibility, dexterity, pain); cognitive (learning, developmental, and memory); and mental health related disability.

44 For data on the number of spousal violence incidents reported by female and male victims/survivors, see Mahony, Jacob and Hobson (2017).

45 According to STC, the percentage for men victims/survivors was too unreliable to publish.

46 See, for example, a police practice called "starlight tours" as referred to in the Commission of Inquiry into the death of Neil Stonechild 2014. http://www.publications.gov.sk.ca/freelaw/Publications_Centre/Justice/Stonechild/Stonechild-FinalReport.pdf

47 Excludes 10% of Indigenous homicide victims where gender identity was unknown.

48 Gender identity was first reported for victims and persons accused of homicide on the 2019 Homicide Survey. Prior to 2019, Homicide Survey data was presented by the sex of victims and accused persons. Caution should be used when comparing counts for sex with those for gender.

49 Note that rates tend to fluctuate more in the North due to smaller population sizes and, therefore, cannot be used to directly compare between groups.

50 The Canadian Domestic Homicide Prevention Initiative (CDHPI) is a knowledge hub for information to help inform promising practices in homicide prevention. For more information, see: <http://cdhpi.ca/>.

51 Includes the following opposite-sex and same-sex relationships: boyfriend, girlfriend, extra-marital lover, ex-boyfriend/girlfriend and other unspecified intimate relationships.

52 Includes nieces, nephews, grandchildren, uncles, aunts, cousins, in-laws, etc., related by blood, marriage (including common-law) or adoption. Includes biological, adopted, step and foster relationships.

53 Though police-reported data are calculated by calendar year, admissions data to provincial/territorial custody are calculated by fiscal year (2017/2018).

54 AOJOs are *Criminal Code* violations that include: failure to comply with conditions of release; breach of a probation order; failure to appear at court; escape or help escape from custody; prisoner unlawfully at large; and other offences against the administration of justice (for example, impersonating a peace officer).

55 Data excludes information from superior courts in PEI, ON, MB, SK, and municipal courts in QC.

56 Excludes 1% of accused where Indigenous identity was reported as unknown.

57 Excludes the territories.

58 CSC is responsible for the federal system and has jurisdiction over adult offenders (18 years and older) serving custodial sentences of two years or more, and is responsible for supervising offenders on conditional release in the community (such as parole or statutory release).

59 Excludes Prince Edward Island, Newfoundland and Labrador, and New Brunswick.

60 Services include: refer clients to legal services; provide information on charge(s), rights, court procedures, roles and responsibilities, alternative/RJ; interview clients; assist clients to appear before the court; explain documented information and forms; provide emotional support and non-therapeutic counselling; refer clients to alcohol and drug addiction treatment or mental health services; refer clients to other community support service (e.g., housing, child care, social assistance); facilitate access and participation of clients in alternative/RJ; provide general information and/or assistance to Indigenous victims/survivors of crime; and, refer clients to education or employment resources.

61 Data exclude Prince Edward Island, Newfoundland and Labrador, and New Brunswick, which do not currently have ICWPs. The total does not necessarily represent all reporting jurisdictions, because the availability of data for certain jurisdictions and years varies.

62 Data on remand counts allow for comparisons with sentenced custody counts, but do not allow distinctions to be made between those in remand awaiting sentence and those awaiting trial.

63 These presumptive ceilings are 18 months for cases tried in provincial court and 30 months for cases tried in superior court or in provincial court after a preliminary inquiry. See Department of Justice Canada 2019d for additional information on *R. v. Jordan, 2016* and other delay-related litigation

64 Excludes superior courts in Prince Edward Island, Ontario, Manitoba, Saskatchewan, as well as municipal courts in Quebec.

65 Adult incarceration rates represent the average number of persons in custody per day per 100,000 population.

66 Admissions are counted each time an individual begins or moves to a new type of custody or community supervision. Admissions to federal custody may include new warrant of committals, revocations of release, and 'other' types of admissions such as international transfers. Offenders may be counted more than once.

67 Includes all active offenders in federal Corrections who are: incarcerated in a CSC facility, on temporary absence from a CSC facility, temporarily detained, actively supervised (i.e. those on parole), and unlawfully at large for less than 90 days.

68 The provincial and territorial correctional services programs are responsible for adult offenders (18 years and over) serving custodial sentences that are less than two years, or who are being held while awaiting trial or sentencing (remand), and those serving community sentences, such as probation. CSC is responsible for the federal system and has jurisdiction over adult offenders (18 years and older) serving custodial sentences of two years or more, and is responsible for supervising offenders on conditional release in the community (such as parole or statutory release).

69 See endnote 62.

70 Information excludes a small proportion of cases where Indigenous identity and sex were unknown.

71 Median age was not available for men. The median age of all offenders at admission (men and women) was 31 for Indigenous offenders and 35 for non-Indigenous offenders.

72 The total offender population includes all active offenders who are incarcerated in a CSC facility, offenders on temporary absence from a CSC facility, offenders who are temporarily detained, offenders who are actively supervised, and offenders who are unlawfully at large for less than 90 days. The in-custody population includes all active offenders incarcerated in a CSC facility, offenders on temporary absence from a CSC facility, offenders who are temporarily detained in a CCSC facility and offenders on remand in a Correctional Service of Canada facility.

The in-community under supervision includes all active offenders on day parole, full parole, statutory release, or in the community supervised on a long term supervision order, offenders who are temporarily detained in a non-CSC facility, offenders who are unlawfully at large for less than 90 days, offenders on remand in a non-CSC facility, and offenders supervised and subject to an immigration hold by the Canada Border Services Agency

73 The DO provisions of the *Criminal Code* are intended to protect the public from the most dangerous violent and sexual predators in the country. Individuals convicted of certain offences can be designated as a DO during sentencing if a sentencing court is satisfied that the offender constitutes a threat to the life, safety or physical or mental well-being of the public. Where an offender is designated by the court as a DO, the offender may be sentenced to an indeterminate sentence of imprisonment. Individuals who have died since receiving designations are no longer classified as “active”; however, they are still represented in the number of individuals with a DO designation.

74 Gender-responsive approaches include the following guiding principles:

- acknowledge and show how gender and other intersecting identity factors make a difference in how people experience the CJS;
- create a trauma- and violence-informed environment based on safety, dignity, and respect;
- address substance use, trauma, and mental health issues through comprehensive, integrated, and culturally-relevant services and appropriate supervision;
- dedicate more resources to studying the experiences of women in the CJS, and how their experiences as women intersect with other elements of their identity;
- develop policies, practices, and programs that are relational and promote healthy connections to children, family, and significant others;
- provide women with opportunities to improve their socio-economic conditions; and,
- establish a system of community supervision and re-entry with comprehensive, collaborative services (Bloom et al. 2003).

75 Criminogenic needs are typically grouped into the seven domains. 1) Employment/education – which assesses the offender’s employment history and education attainment; 2) Community functioning – which assesses factors such as accommodations and poverty; 3) Marital/family – which assesses the offender’s family situation; 4) Associates – which examines the social entourage of the offender; 5) Personal/emotional – assesses the various personality and emotional traits of the offender; 6) Attitude – assesses the offender’s pro-social views; 7) Substance abuse – assesses the presence of current or past substance use issues.

76 Recognized by the province or territory in which the program is being delivered.

77 A complainant may make multiple complaints to the OCI in a fiscal year.

78 For further information on complaints made by federal offenders to the OCI, see OCI’s *Annual Report 2018/2019* (Zinger 2019).

79 Under day parole, offenders are permitted to participate in community-based activities in preparation for full parole or statutory release. The conditions require offenders to return nightly to an institution or half-way house unless otherwise authorized by the PBC. Not all offenders apply for day parole, and some apply more than once before being granted day parole. Under full parole, the remainder of the sentence is served under supervision in the community. The PBC must review the cases of all offenders for full parole at the time prescribed by legislation, unless the offender advises the PBC in writing that he/she does not wish to be considered for full parole. For this reason, full parole grant rates should be read with caution.

80 For more information about how the Framework was developed, and for a technical description of indicators, see the *State of the Criminal Justice System Methodology Report* (Department of Justice Canada 2020b) (<https://www.justice.gc.ca/eng/cj-jp/state-etat/2020rpt-rap2020/index.html>).