



**CFUW** CANADIAN  
FEDERATION OF  
UNIVERSITY WOMEN



THE NATIONAL COUNCIL OF WOMEN OF CANADA  
LE CONSEIL NATIONAL DES FEMMES DU CANADA

## Canadian Federation of University Women (CFUW) and National Council of Women Canada (NCWC)

### Joint Submission on the Occasion of Canada's Universal Periodic Review

Submitted October 5, 2012

**About CFUW:** Founded in 1919, CFUW is a national, non-profit, self-funded, non-governmental, women's equality-seeking organization of close to 9, 000 women graduates, students and associate members in 110 Clubs across Canada. CFUW/FCFBU is committed to improving the lives of women and girls by advancing the status of women, human rights, justice and peace, and promoting quality public education. In 2011, the founding of CFUW was proclaimed an event of national historical significance by the Government of Canada for CFUW's role in Canadian women's history. CFUW/FCFBU is the largest of the 61 affiliates of the International Federation of University Women (IFUW) [www.ifuw.org](http://www.ifuw.org). CFUW/FCFBU was granted UN ECOSOC status in 1998; it is also represented at the Sectoral Committee on Education at the Canadian Sub-Committee for UNESCO and has participated in the UN Commission of the Status of Women since 1999.

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**About NCWC:** The National Council of Women of Canada (NCWC) is an NGO (non-governmental organization) that is self-funded, and was founded in 1893. It was incorporated by an Act of Parliament in 1914, and given national historic significance status on April 30th, 2001 by the Government of Canada for its role in Canadian women's history. Since 1893 NCWC has been working to improve the lives of women, children and communities in Canada. Today there are Local Councils of Women and Study Groups in 20 Canadian cities and Provincial Councils of Women in 6 Canadian provinces, along with 27 National Organizations affiliated with NCWC. NCWC is a member of the International Council of Women, which represents the National Councils of Women in more than 70 countries. NCWC has accreditation with the Economic and Social Council of the United Nations and regularly attends meetings of the Commission on the Status of Women. On June 4th, 2011, NCWC signed a Joint Declaration with the Native Women's Association of Canada (NWAC) and the Assembly of Manitoba Chiefs (AMC). NCWC declared continued commitment in cooperation, engagement, and support of Aboriginal women, to urge open and meaningful public policy dialogue between the Government of Canada and Aboriginal communities on critical issues needing immediate resolution in addressing the systemic issues of violence against Aboriginal women and girls.

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## Introduction

1. Since Canada's last Universal Periodic Review in 2009, little action has been taken to improve the rights of women. Notably there has been a lack of effective measures to prevent violence against women, particularly Aboriginal women, and extreme forms of violence such as torture in the private sphere. Housing insecurity, poverty, access to justice and programs and services, and pay equity also remain issues for many women, in particular, those who are Aboriginal, racialized, living with disabilities, or single mothers. Gender equality in Canada has been further eroded in recent years due to several measures initiated by the Government of Canada, such as the cuts to women's organizations, programs and services (see Annex I), changes to the licensing and registration of long guns, weakening the measures to enforce pay equity, and the cancellation of key data-collection tools to support the development of policies, programs and services for women.

### *Violence against Women (VAW)*

2. Although rates of violent crime have generally declined in Canada, including intimate partner/spousal violence, homicides and sexual assaults, violence against women still remains a persistent issue. The overall rate of self-reported spousal violence for instance has remained steady since 2004 at 6.2% according to the General Social Survey (GSS) on victimization<sup>1</sup>. Women who experience intimate partner/spousal violence continue to report more serious forms of violence than men. Women are more likely than men to report being physically injured, experience chronic violence and fear for their lives as a result of violence. Although rates of homicide for women have also declined to approximately one third of the levels witnessed in 1979,<sup>2</sup> as of 2009, women are still nearly three times as likely as men to be killed by a spouse.

3. Many shelters for women fleeing violence across the country continue to operate at full capacity. The latest data available through the Transition Home Survey shows that annual admissions of women to shelters have remained relatively stable, with over 64,000 admissions annually across Canada; 71% seek shelter because of abuse.<sup>3</sup> On April 15th, 2010 alone there were a total of 426 women who were turned away from shelter facilities. The most common reason (50%) for not providing admission to women was that the shelter was full.

4. The overall rate of sexual assaults has also declined according to latest reports from police, with over 21,800 sexual assaults recorded in 2011<sup>4</sup>; down 3% since 2010 and 19% since 2001. It is estimated that 86% of sexual assault victims are women and women under 25 are at the greatest risk of being sexually assaulted. Declines in reported sexual assaults are likely grossly underestimated, as self-reported victimization data from the GSS consistently shows that the majority of assaults are not brought to the attention of police. It is estimated that only 10% of sexual assaults are reported to the police.

5. Not all women experience violence equally in Canada. Aboriginal women experience far higher rates of violence, at approximately three to five times that of non-Aboriginal women. Young women, women

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<sup>1</sup> Data for the GSS is collected every 5 years from a random sample of Canadian women and men aged 15 years and older, and represents data not reported to the police. The last survey was conducted in 2009, which means that new data will not be available until after 2014.

<sup>2</sup> These statistics are taken from the annual Homicide Survey.

<sup>3</sup> Shelters for abused women in Canada, 2010. Statistics Canada.

<sup>4</sup> Data comes from the Uniform Crime Reporting (UCR) Survey, taken from police annually. It does not however include data on unreported victimization, as does the GSS.

with disabilities, and women belonging to the Lesbian Gay Bisexual Transgender Two-spirited Queer (LGBTQ) community are also more vulnerable to violence.

6. Canada accepted several recommendations on VAW in its 2009 Universal Periodic Review (UPR), including 27 and the underlying principles of 33, 34, 35, 36, 37 and 38 and other related recommendations. Although funding to end violence against women represents the largest proportion of Status of Women Canada's budget, this funding has been cut by over one third since 2007, and represents less than 0.0002% of Canada's overall federal program spending. Since Canada lacks a national action plan to address VAW, funding supports a piecemeal approach to programming and service provision. The submitting organizations deem this inadequate to meet Canada's obligations under the Convention to Eliminate Discrimination Against Women (CEDAW) and commitment to the recommendations accepted during the 2009 UPR to address VAW. **The submitting organizations ask that the Government of Canada take immediate action to collaborate with provinces, territories, in order to develop a comprehensive and coordinated national action plan to end VAW, which includes, but is not limited to the following:**

- **Mechanisms for meaningful and substantial participation by community and other civil society organizations, including adequate support for those organizations to participate in the implementation of the national action plan;**
- **Strategies that address the specific needs and vulnerabilities of different communities (such as women with disabilities, Aboriginal women, young women);**
- **Strategies and policies for addressing the socio-economic factors contributing to VAW.**
- **Clear benchmarks and goals for measuring progress based on the collection of data on levels of violence against women over time;**
- **A clear and broad definition of gender-based violence;**
- **Distinct strategies for different types of violence (such as intimate partner violence, sexual violence, and violence that amounts to torture); and**
- **Adequate human and financial resources earmarked specifically to carry out the program of action set by the plan**

7. On April 5, 2012 a law removing key licensing and registration provisions for non-restricted firearms was brought into force in Canada, without taking into account women's disproportionate vulnerability to gun-related intimate-partner violence and homicide. Mandatory license checks were legislated in Canada to address a major flaw in Canada's gun controls.<sup>5</sup> Registration reinforced the licensing process as guns were only sold or transferred to those with valid gun licences. These are the safeguards that were removed by the new law; without them it will now be possible for individuals with cancelled/revoked licences, such as those with histories of intimate/spousal violence, to easily and legally acquire a firearm. Furthermore, through firearm registration police knew exactly how many firearms were in a home and could take precautions to enhance the safety of women and children living with violence. By removing the requirement to register non-restricted firearms and deleting the data on the over 7.1 million non-restricted firearms already registered, the Government of Canada has impaired the ability of police to remove all firearms from dangerous individuals, to enforce prohibition orders including in cases of domestic violence, to trace non-restricted firearms, and to undertake investigations. The Government of Canada has changed the regulations and the provinces and territories can no longer require merchants to keep records of sales on non-restricted firearms; a provision that has been in place in Canada since 1977. Given that non-restricted firearms are the guns most often used to kill or threaten women in Canada, by removing the requirement to register non-restricted firearms and verify the validity of Firearms Licences upon transfer of non-restricted firearms,

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<sup>5</sup> A finding of the coroner's inquest into the murder of Arlene May, who was shot and killed by her former partner with a legally acquired rifle

the new law will put women's safety at risk, and significantly infringe on their rights to life liberty and security of the person. **The submitting organizations recommend that the Government of Canada take action to repeal this law and accompanying regulations.**

***VAW: Specifically Torture by Non-State or Private Actors***

8. The defining elements of torture by non-state or private actors are listed in **Article 1** of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). Protection from torture is considered a non-degradable human right of all human beings—women and girls as well as men and boys. **Article 5** of the *Universal Declaration of Human Rights* made this clear 64 years ago in 1948. Besides CAT, the Committee on the CEDAW, General Recommendation 19, 7 (b); the *Declaration on the Elimination of Violence against Women*, Article 3(h), and Article 7 of the *International Covenant on Civil and Political Rights* all reinforce that no one shall be subjected to torture irrespective of who the torturer was/is.

9. The 1993 report of the Canadian Panel on Violence Against Women first established that women are victims of torture in the private sphere.<sup>6</sup> The Canadian Centre for Child Protection also published a study that revealed website images involving dehumanizing acts of (a) torture, bestiality and bondage, (b) necrophilia, degradation, children being urinated and defecated on, (c) weapons being used, and (d) children forced to inflict sexualized harms against each other. Most of the victimization images were of children less than eight years of age; 83% of the images were of girls. Previously in 2006, an RCMP officer noted that approximately 20% of the pedophilic sexualized violent images involved torture and that there was a demand for pedophilic torture images in Canada.<sup>7</sup>

10. Even though the Government of Canada is aware of the occurrence of non-state torture, and acknowledged this fact to the CEDAW Committee in 2008<sup>8</sup>, it has failed to take effective action to remedy this human rights violation, which amounts to acquiescence and a failure to meet its human rights obligations and commitments. For instance, **Section 269.1** on torture in the *Criminal Code of Canada* is discriminatory, as it only permits persons who have endured torture inflicted by State actors to name the torture they suffered as a crime in Canadian courts. Persons—women and girls—who have endured the same or similar acts of torture in the private sphere, an extreme form of violence against women and girls, cannot seek equal access to justice before the courts. Such discrimination is a violation of Article 7 of the *Universal Declaration of Human Rights*. Furthermore, Canada has not taken all necessary measures to prevent and address all forms of violence against women and girls, which includes torture in the private sphere by non-state actors.

11. Since torture by non-state actors or private individuals is not criminalized as a specific offence, no reliable data on its occurrence exists in Canada. Statistics Canada has confirmed that data on non-state actor torture is not collected through any existing data collection tools, such as the Uniform Crime Reporting (UCR) Survey<sup>9</sup> or the General Survey (GSS) on victimization. Without such data it creates the illusion that the issue does not exist, which further nurtures serious and ongoing gaps within the

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<sup>6</sup> Canadian Panel on Violence Against Women. (1993). Changing the landscape: Ending violence ~ Achieving equality Executive summary/national action plan (Cat. No. SW45-1/1993E) p. 5. Ottawa: Minister of Supply and Services Canada.

<sup>7</sup> Caswell, J., Keller, W., & Murphy, S. (Producers). (2006, July 26). Supervisor of RCMP child exploitation unit, Ottawa, Earla-Kim McColl speaking about child pornography [Television broadcast]. Atlantic Canada: CTV News.

<sup>8</sup> CEDAW/C/SR.855 (A), para. 46.)

<sup>9</sup> Since 1962, Statistics Canada has conducted the Uniform Crime Reporting (UCR) Survey, which collects data on all criminal incidents reported to, and substantiated by, Canadian police services.

judiciary, social services and civil society. Invisibility also prohibits the development of informed educative, protective, investigative, legal, reparative, supportive, and rehabilitative interventions for victims of torture in the private sphere.

12. The Concluding Observations of the 48<sup>th</sup> sessions of the Committee against Torture (CAT) delivered to Canada the acknowledgement that torture inflicted against women and children by non-state actors is under the mandate of CAT and recommended that it be incorporated into Canadian national law, and steps be taken to end all forms of violence against women. Canada spoke against such recognition; perpetuating invisibility and inaction is a substantial impairment of women's and girls' fundamental human rights.

13. In its 2009 UPR report Canada states that Canadian courts have jurisdiction to determine if laws and practices violate human rights. According to Gabriela Knaul, the Special Rapporteur on the independence of judges and lawyers, this is true; there is indeed judicial responsibility to point out legal inequalities and gaps.<sup>10</sup> Recently in the province of Nova Scotia, a judge stated that a victim had suffered acts of torture by non-state actors, acts that the judge differentiated from and identified were beyond the crimes of abuse or assault.<sup>11</sup> Although the judge's statements identified a legal gap, it ultimately remains the responsibility of the Government of Canada to amend the *Criminal Code of Canada* so that the perpetrators of non-state torture can be held criminally responsible for the acts of torture they inflict.

14. Many recommendations made to Canada by other countries in the 2009 UPR are applicable to specifically incorporating into Canadian law the criminalization of the non-state torture. For instance, State parties recommended that national legislation be implemented to prohibit and criminalize all types of violence against women and children in accordance with the corresponding Conventions. Canada accepted this recommendation in principle, but stated that the range of offences covered under the Criminal Code was comprehensive enough to address violence against women. The Concluding Observations of CAT and the legal gaps identified by aforementioned Canadian judge (point 13) demonstrate that this is false.

15. Recommendations by other countries during the 2009 UPR also included implementing Human Rights Committee recommendations to effectively implement United Nations treaty bodies' to promote and protect all human rights. This cannot and will not happen until the Government of Canada specifically amends the *Criminal Code of Canada* to include the criminalization of torture perpetrated by non-state or private actors, and takes action to end all forms of violence against women.

**16. The submitting organizations therefore recommend the following actions be taken by the Government of Canada to meet its international human rights obligations and commitments related to the torture of individuals by non-state actors:**

- **The Government of Canada, within twelve months, amend the *Criminal Code of Canada* to include torture by non-state actors as a specific and distinct criminal offence; and**
- **The Government of Canada strengthen and enhance efforts to end all forms of violence against women and girls by developing a coordinated and comprehensive national plan of action to end violence against women<sup>12</sup>.**

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<sup>10</sup> A/66/289.

<sup>11</sup> *R. v. C.S.*, 2012, p. 2

<sup>12</sup> Specific details of the recommended national action plan to end VAW are listed under point 7.

### **VAW: Aboriginal Women<sup>13</sup>**

17. Canada has not implemented recommendations from treaty bodies or from the 2009 UPR regarding violence against Aboriginal women and girls and, in particular, recommendations regarding the hundreds of murders and disappearances. The Assembly of First Nations (AFN)<sup>14</sup>, approved by consensus, a Resolution in July, 2012 on the topic of Missing and Murdered Indigenous Women and Girls, which states (inter alia): Canada has failed to take effective action on this national and international human rights crisis despite the fact that the number of missing and murdered Indigenous women has increased.

18. In response to the evidence developed and submitted by the Native Women's Association of Canada (NWAC) and the Canadian Feminist Alliance for International Action (FAFIA), in October 2011 the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) decided to initiate an inquiry procedure under article 8 of the Optional Protocol of CEDAW regarding disappearances and murders of Aboriginal women and girls in Canada. **The submitting organizations recommend that Canada invite the CEDAW Committee to visit Canada in order to carry out this inquiry effectively and with the participation of Aboriginal women, and organizations that support them.**

19. In addition to the CEDAW inquiry, a national inquiry in Canada is needed. In June 2012, the Assembly of Manitoba Chiefs, the Manitoba Keewatinowi Okimakanak and the Southern Chiefs Organization called on Manitoba and Canada to conduct a provincial and a national inquiry into missing and murdered Indigenous women to include: hearings to listen to issues that affect Indigenous families of missing and murdered women and girls; a review of police policies and procedures on searches and investigations, including procedures respecting the initiation and conduct of investigations in Canada of missing women and suspected multiple homicides; the examination of communications and notifications between officials, police and the families of missing and murdered women; and, the examination of the socio-cultural and socio-economic risk factors affecting Indigenous women and girls. **The submitting organizations recommend that Canada establish a National Inquiry, with criteria agreed to by the NWAC, the AFN, and other organizations representing and supporting the interests of Aboriginal Women.**

20. As recognized by the AFN, there is an urgent need for the Royal Canadian Mounted Police (RCMP) to establish a National Integrated RCMP and Police Task Force on Missing and Murdered Indigenous Women and Girls, in order to coordinate the several specific initiatives being carried out between the RCMP, other police services, First Nations and government officials, including those in Vancouver, the "Highway of Tears" in northern British Columbia, Edmonton, Winnipeg and Whitehorse. **The submitting organizations recommend that an integrated RCMP and Provincial Police Task Force be established, including representations from First Nations Police Forces.**

21. The Government of Canada has denied funding for women's organizations, including the NWAC, for advocacy and research about violence against Indigenous women; and in particular to maintain its national database on missing and murdered Indigenous women and girls. **The submitting organizations recommend that Canada restore funding to the NWAC to maintain its database on the murders and disappearances of Aboriginal women and girls, and give adequate funding to ensure proper facilities and services are available within communities for those who are victims or have lost their loved ones through acts of violence.**

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<sup>13</sup> Aboriginal is used here to describe First Nations, Non Status, Metis, and Inuit.

<sup>14</sup> The Assembly of First Nations (AFN) is the national representative organization of the First Nations in Canada.

22. A recent court case in the North West Territories of Canada resulted in a review (April 26, 2012) by the CEDAW. Canada is a signatory to the Optional Protocol of CEDAW making access to the Committee possible to those seeking justice. The case dealt with the handling of property, by government authorities, following a marital breakup. The Committee found that the authorities responsible had not dealt with the plaintiff appropriately<sup>15</sup>. Canada is to report back to the CEDAW Committee by October 26th, 2012. **The submitting organizations recommend that Canada follow the General Recommendations of the CEDAW committee:**

***Recruit and train more aboriginal women to provide legal aid to women from their communities, including on domestic violence and property rights; and review its legal aid system to ensure that aboriginal women who are victims of domestic violence have effective access to justice.***

23. **The submitting organizations also recommend that Canada take immediate action to implement the Concluding Observations of the 48th session of the Committee Against Torture, which states:**

***that the State party enhance its efforts to end all forms of violence against aboriginal women and girls by, inter alia, developing a coordinated and comprehensive national plan of action, in close cooperation with aboriginal women's organizations, which includes measures to ensure impartial and timely investigation, prosecution, conviction and sanction of those responsible for disappearances and murder of aboriginal women, and to promptly implement relevant recommendations made by national and international bodies in that regard, including the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, and the Missing Women Working Group.***

### **Access to Justice**

24. Access to justice is important for women who face discrimination and frequent violations of their rights. Women need civil legal aid in order to deal with separation and divorce, division of assets, child custody, tenancy, social assistance, employment issues, among other issues.

25. Publicly-funded legal aid programs started in Canada almost 40 years ago. Their purpose was to ensure that everyone, regardless of income level would have access to legal representation when necessary and access to effective remedies - provide the poorest residents with access to a lawyer and the justice system. It was generally recognized that Canada could not claim to be a fair and just society if some of its members were denied an opportunity to seek justice. Today however, the legal aid system in Canada is facing great challenges.

26. The federal government has retreated from being an initial strong supporter and founding partner of legal aid programs to a much more limited role. This retreat has had an immense impact on the availability of legal aid. The renewal of the federal role in funding legal aid and in establishing national legal aid policy is the sine qua non step to ensure the viability and sustainability of this vital social program. Thirty years ago, legal aid in the province of Manitoba was shared 50-50 between the Provincial and Federal governments. In 2011, the Manitoba Government funded legal aid with a total of \$24,666,304 or 89% of the overall budget, while the Federal government's contribution was \$132,130 or barely .5%<sup>16</sup>. **The submitting organizations recommend that Canada revitalize its commitment**

<sup>15</sup> For further details on this case, see the submission from FAFIA, re: Cecilia Kell

<sup>16</sup> Annual Report Legal Aid Manitoba 2011-2012

**to legal aid, recognizing that legal aid is an essential public service necessary to ensure access to justice for women and uphold their rights to equal benefit of the law.**

27. The Court Challenges Program, introduced in Canada in 1978 to support legal challenges related to language rights in Canada, was expanded in 1985 after the equality sections of the Canadian Charter of Rights and Freedoms became law. As several sections of the Charter applied specifically to women's equality rights, it was an important source of financial support for women to legally challenge the Government of Canada if they felt their rights had been denied. In 2006 the Government of Canada announced that it would no longer provide financial support for Charter Challenges pertaining to equality rights; now this is the responsibility of the individual(s). **The submitting organizations recommend that Canada reinstate the Court Challenges Program so that Canadians are not denied the ability, due to finances, to ensure their rights are being upheld under Canada's Charter of Rights and Freedoms.**

### ***Housing and Homelessness***

28. The United Nations has described housing and homelessness in Canada as a "national emergency". An estimated 250,000 people are homeless in Canada, with another 1.5 million individuals either unable to access satisfactory housing, or experience serious financial burden to keep their housing. Aboriginal peoples, newcomers, lone parents, women, people living with disabilities, and seniors are all disproportionately affected. Women and children, particularly women of colour and Aboriginal women, are the fastest growing group using shelters in Canada<sup>17</sup>. Many studies conclude that affordable housing, adequate incomes from employment and income assistance programs, and appropriate, accessible supports such as childcare and harm reduction initiatives are necessary to end women's and families' homelessness.<sup>18</sup>

29. Homelessness and inadequate housing places women at higher risk for chronic and infectious diseases and premature death. Women are often homeless or housing insecure because of a history of physical, sexual, or emotional abuse. When pregnant, they are less likely to get prenatal care or family planning advice or services. Many suffer from mental health problems and substance abuse disorders. They are three times more likely than men in the same housing conditions to commit suicide, and six times more likely than women with adequate housing.

30. Violence against women is deeply interconnected<sup>19</sup> with women's homelessness and housing insecurity, as many women may stay in violent and dangerous situations to avoid becoming homeless.

31. In the 2009 UPR of Canada, the Committee on Economic, Social and Cultural Rights called upon "federal, provincial and territorial governments to address homelessness and inadequate housing as a national emergency by reinstating or increasing, where necessary, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, and providing adequate support services for persons with disabilities". The CESCR has also called on Canada to "implement a national strategy for the reduction of homelessness that includes measurable goals and timetables,

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<sup>17</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context – February 2009

<sup>18</sup> We're Not Asking: We're Telling. An Inventory of practices promoting the dignity, autonomy, and self-determination of women and families facing homelessness. [http://homelesshub.ca/ResourceFiles/goodpractice\\_report.pdf](http://homelesshub.ca/ResourceFiles/goodpractice_report.pdf)

<sup>19</sup> Violence against Women & Women's Homelessness: Making the Connections  
YWCA, 2010

consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with ICESCR standards". Canada has not yet implemented these recommendations.

**32. The submitting organizations recommend that the Government of Canada provide leadership and financial supports to develop a national housing and homelessness strategy, with a community focus that would increase, and improve the number of affordable, suitable, adequate units (new or existing) and that includes transitional and supportive housing with a focus on recovery and community integration for those who are homeless or at risk of homelessness.**

**33. The submitting organizations further recommend that the Government of Canada provide sufficient funding and support to ensure that housing for First Nations communities is supported by the necessary infrastructure, is of sufficiently high quality to ensure healthy living, is sufficiently plentiful to eliminate overcrowding, takes into account the special needs of vulnerable women and their families on reserves, and meets the standards of the National Building Code.**

### ***Poverty and Economic Security***

34. Women in Canada continue to be more vulnerable to persistent poverty and economic insecurity than men. The latest data available in Canada shows that the overall rate of poverty increased in 2009 to 9.6%, the second straight year that poverty grew after more than a decade of decline. Aboriginal women continue to experience some of the highest rates of poverty (36%); women of colour (28%); women with disabilities (26%); and single mothers (21.5%). While some measures have helped to improve the situation for low income women, particularly the Canada Child Tax Benefit (CBBT), socio-economic factors still contribute to women disproportionate vulnerability to poverty, including a significant pay gap between women and men.

35. Poverty has very gender-specific consequences, which infringe on women's fundamental human right to life, liberty and security of person. Women who are poor are less able to escape violent living situations, or experience poverty as a result of leaving an abusive relationship. They are also more likely to experience sexual exploitation, including turning to prostitution as a means of survival.

36. Canada refused to accept recommendation 17 of the 2009 UPR and other related recommendations to develop a national strategy to eliminate poverty. **The submitting organizations reiterate the importance of this recommendation as a means to meet Canadian commitment to women's economic and social rights, as well as life, liberty and security of person.**

37. Women's overall economic well-being and ability to participate in the labour force is also constrained by significant unpaid care responsibilities for children and the elderly, as well as prohibited care costs. Although women's labour market participation has increased significantly over the last few decades, the employment rate for women in Canada is still below men's<sup>20</sup>, with women more likely to work part-time<sup>21</sup>. Cross-country studies conducted by the OECD and others, have found that subsidized childcare boosts women's participation in the work force<sup>22</sup>. Among industrialized countries Canada has

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<sup>20</sup> HRSDC (2011). Work – Employment Rate. Retrieved from: [http://www4.hrsdc.gc.ca/.3ndic.1t.4r@-eng.jsp?iid=13#M\\_2](http://www4.hrsdc.gc.ca/.3ndic.1t.4r@-eng.jsp?iid=13#M_2)

<sup>21</sup> Statistics Canada (2011). Full-time and Part-time Employment by Sex and Age Group. Retrieved from: <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labor12-eng.htm>

<sup>22</sup> Daly, K. (2007). Gender inequality, growth and global ageing. Goldman Sachs Global Economics Paper

one of the lowest child care access rates and invests significantly less in childcare than most OECD countries<sup>23</sup>. The Universal Child Care Benefit (UCCB) implemented by the Government of Canada in 2006 does not address the root causes limiting access to childcare in Canada; the rising cost and the lack of quality childcare spaces. **To meet the economic and social rights of women the submitting organizations recommend that the Government of Canada dedicate sufficient funds to implement a nationally regulated universal early learning and childcare program.**

38. Access to affordable home care and long term care are essential to ensure that younger generations, and particularly women, are not unduly burdened with unpaid care responsibilities of aging parents and friends. According to Statistics Canada, in 2007 2.7 million adults between the ages of 45 and 64 were providing unpaid elder care. Most of these caregivers juggle employment with family and eldercare tasks. Nearly six out of 10 of these caregivers were women, and seven out of 10 requiring elder care were women<sup>24</sup>. Elder care has been shown to have particularly negative effects on the financial, mental and physical health of women. As the population in Canada ages, this is an issue that will become more widespread and requires the Government of Canada to take action. **To promote women's social and economic rights the submitting organizations recommend that the Government of Canada increase investments to public home care and long term care.**

### ***Pay Equity***

39. Canada has not implemented recommendations from treaty bodies or from the 2009 UPR pertaining to pay equity. In 2009, Canada accepted recommendation 44 of the UPR, which called on Canada to “take the necessary measures to end discrimination against women in workplaces and implement International Labour Organization (ILO) and Convention on Economic Social and Cultural Rights (CERSC) recommendations to ensure equal remuneration for work of equal value in public and private sectors”.

40. Although the wage-gap between women and men has narrowed over the last decade in Canada, women working fulltime still earn on average 21% less than men. The disparity is greater for women of colour and Aboriginal women, who earn 36% and 54% less respectively. Several provinces have adopted pay equity legislation and frameworks over the last few decades, however not all workers are covered, particularly in the private sector. The provinces of Ontario and Quebec are the only provinces with comprehensive proactive pay equity legislation covering both private and public sectors. Some provinces have pay equity legislation for public service employees, while others have no laws in place. The lack of national proactive pay equity legislation for all workers in Canada has created disparities in meeting women's rights to pay equity across the country.

41. In 2009, the Government of Canada introduced the *Public Sector Equitable Compensation Act*. This legislation has made it more difficult for women to claim pay equity in the public sector by redefining a “female predominant” job-group to require that such groups are made up of 70% women. The law has also changed the criteria used to evaluate whether jobs are of “equal” value and transformed pay equity into an issue that must be dealt with at the bargaining table. Pay equity is a fundamental human right that should not be traded away at a bargaining table.

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<sup>23</sup> Shaker, E. (2009). *Beyond Child's Play: Caring for and Education Young Children in Canada*. Centre for Policy Alternatives.

<sup>24</sup> Kelly Cranswick and Donna Dosman. (2007). *Elder care: what we know today*. Statistics Canada. Retrieved from <http://www.statcan.gc.ca/pub/11-008-x/2008002/article/10689-eng.htm>

42. The submitting organizations recommend that the *Public Sector Equitable Compensation Act* be repealed, and the following recommendations from the 2004 Pay Equity Task Force be implemented immediately:

- Adopt of a new proactive pay equity law;
- Expand pay equity coverage to include women and Aboriginal workers, workers with disabilities, and workers of colour;
- Ensure that all employees in the federal jurisdiction be covered by new pay equity legislation, including non-unionized employees, part-time, casual, seasonal and temporary workers;
- Include workers and their unions in developing pay equity studies and in maintaining pay equity over time; and
- Set up a Commission to assist employers, employees and unions, and establish an expert Tribunal to quickly decide pay equity disputes between parties.

### *Data and Research*

43. In 2010, Statistics Canada announced the cancellation of the mandatory Long Form Census, to be replaced by a voluntary Short Form Census. This change poses a serious threat to the reliability and breadth of data available in Canada. For instance, the only question in the census about unpaid work has been removed. Using census data in the past, it has been calculated that women do two-thirds of all unpaid work, accounting for 30 to 45 percent of Canada's GDP. Given the aging population and the Government of Canada's lack of commitment to the improvement of access to childcare spaces, women will continue to do the majority of care work. Elder care has negative impacts on the financial, mental and physical health of women. Without reliable information on this issue, the effects and consequences of unpaid work on women will be unknown. The submitting organizations see this as a substantial impairment to all levels of Government's ability to develop policies, programs and services for women's equality. **The submitting organizations recommend that the Government of Canada reverse its decision to cancel the Long Form Census and, in particular, the deletion of the question on unpaid work.**

44. Statistics Canada in 2012 announced the cancellation of University and College Academic Staff System (UCASS), an annual survey that collected national comparable information on the number and socio-economic characteristics of full-time teaching staff at Canadian universities and colleges. The information from the survey has been used in system-wide studies of employment patterns, gender-based analyses, salary analysis for contract negotiations, and more. The loss of the UCASS will result in information gaps pertaining to employment equity and pay equity in Canada's universities and colleges, which will impair effective policy and programming responses to promote women's rights. **The submitting organizations recommend that the Government of Canada reverse its decision to cancel the UCASS.**

## Annex I

### **Major Government of Canada Cuts Impacting Women in Canada Since 2006**

- Funding for Status of Women Canada (SWC) was cut significantly in 2006, resulting in the closure of 12 of 16 offices across the country. The mandate of SWC was changed to exclude “gender equality and political justice” and to ban advocacy, policy research and advocacy. The Women’s Program of SWC previously funded women’s groups to undertake research and advocacy to promote women’s active participation in policy development and systemic change. The program now focuses on training oriented projects and service provision. It no longer funds advocacy or research. The cuts and change in focus of SWC left many women’s organizations without funding. **(See the list of organizations below).**
- Implementation of a National Child Care Program was cancelled in 2006. Instead the Universal Child Care Benefit was introduced, which only provides a small monthly benefit to families with children under 6. A National Child Care Program, with affordable regulated child care spaces would better address the accessibility of child care.
- Ended the Court Challenges Program in 2006, which provided an essential source of financial assistance for important court cases that advance equality rights guaranteed under Canada’s Constitution.
- Ended the Mandatory Long Form Census, which provided a vital source of data about unpaid work, among other data that was used for social policy development.
- Eliminated the Long Gun Registry in 2012 through Bill C-19.
- Assisted Human Reproduction Canada (Eliminated with 2012 Budget).
- Federal Contractors Program (2012 Budget will eliminate the Minister’s responsibility to ensure that Employment Equity programs for federal contractors are comparable to those enacted in the federal public service. The outcome is still unclear, but it may mean that Compliance Reviews for federal contractors will be eliminated).
- Eliminated funding for the National Council on Welfare (NWC) in the 2012.
- Announced cuts to the public service in 2012 that will disproportionately affect women.
- Discontinued the University and College Academic Staff System (UCASS) from which useful data is gleaned to negotiate salaries and track the progress towards gender equality among faculty and staff in Canadian universities and colleges.
- Eliminated the Women’s Health Contribution Program (WHCP), which provided funding to 6 research programs in 2012.

### ***List of Women’s Organizations and Programs whose funding has been cut or ended by the Government of Canada since 2006***

- Aboriginal Healing Foundation (cuts affected several healing centres that focused on providing support to abused women, such as the Native Women’s Shelter of Montreal)
- Action travail des femmes
- Alberta Network of Immigrant Women
- Association féminine d’éducation et d’action sociale (AFEAS)
- Atlantic Centre of Excellence for Women’s Health (ACEWH) (WHCP cut with budget 2012)
- British Columbia Centre of Excellence for Women’s Health (BCCEWH) (WHCP cut with 2012 Budget)
- Canadian Child Care Federation
- Canadian Research Institute for the Advancement of Women (CRIAW)

- Canadian Women's Health Network (Funding cut as a result of 2012 Budget and end of Women's Health Contribution Program)
- Centre de documentation sur l'éducation des adultes et la condition féminine
- Child Care Advocacy Association of Canada
- ChildCare Resource and Research Unit
- Specialink the National Centre for Child Care Inclusion
- Conseil d'intervention pour l'accès des femmes au travail (CIAFT)
- Elspeth Heyworth Centre for Women Toronto (funding cut by CIC in December 2010)
- Feminists for Just and Equitable Public Policy (FemJEPP) in Nova Scotia
- First Nations Child and Family Caring Society
- International Planned Parenthood Federation
- Marie Stopes International, a maternal health agency, has received only a promise of "conditional" funding IF it avoids any & all connection with abortion
- MATCH International
- National Association of Women and the Law (NAWL)
- National Network on Environments and Women's Health (2012 Budget cuts)
- Native Women's Association of Canada (Health funding cut as a result of 2012 Budget)
- New Brunswick Coalition for Pay Equity (lost funding for advocacy and research)
- Older Women's Network
- Ontario Association of Interval and Transition Houses (OAITH)
- Ontario Coalition for Better Child Care
- Pauktuutit, Inuit Women of Canada (Health funding cut as a result of 2012 Budget)
- Prairie Women's Health Centre of Excellence (WHCP cut with 2012 budget)
- Réseau action femmes
- Réseau des Tables régionales de groupes de femmes du Québec
- Le Réseau québécois d'action pour la santé des femmes (RQASF) (WHCP cut with 2012 budget)
- Riverdale Immigrant Women's Centre, Toronto
- Sisters in Spirit
- South Asian Women's Centre
- Tri-Country Women's Centre Society
- Womanspace Resource Centre (Lethbridge, Alberta)
- Women and Health Protection
- Women for Community Economic Development in Southwest Nova Scotia (WCEDSN)
- Women's Innovative Justice Initiative – Nova Scotia