

**Reality Check:  
Women in Canada  
and the Beijing  
Declaration and Platform  
for Action  
Fifteen Years On**

**A Canadian Civil Society Response**

**February 22<sup>nd</sup>, 2010**

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## Part One: Overall Achievements and Obstacles

There has been a sharp decrease in institutional and political support by the Government of Canada for the promotion and protection of the human rights of women and girls during the period 2004 - 2009. This is true of Canadian government policy on women's human rights in the national and the international context. Examples of this shift include:

- The elimination of the phrase "gender equality" from the mandate of Canada's primary institution responsible for gender equality in Canada: Status of Women;
- The closing of twelve of the sixteen Status of Women offices, on the principles that women's and men's issues do not need to be separated;<sup>1</sup>
- The reallocation of funding from organizations that support advocacy for women's human rights to organizations that provide front-line services only;
- The elimination of funding to the court challenges program, a program created to provide assistance to court cases related to equality rights guaranteed under Canada's constitution;
- The elimination in 2006 of the funding agreements that had been negotiated with provinces and territories to provide five billion dollars for childcare and early learning programs;
- The decrease in levels of financial and human resources specifically committed to gender-equality projects in the Canadian International Development Agency and the Department of Foreign Affairs;<sup>2</sup>
- Statements by the Minister of Foreign Affairs indicating a deliberate

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1 "Tories shutting Status of Women offices." *CBC News*, November 30, 2006.

<http://www.cbc.ca/canada/story/2006/11/29/status-women.html#ixzz0egDF7BLH>

2 "Strengthening Canada's International Leadership in the Promotion of Gender Equality: A Civil Society Response to the Evaluation of the Implementation of CIDA's 1999 Policy on Gender Equality." Informal CSO Working Group on Women's Rights, September 2009.

[http://www/ccic.ca/e/docs/002\\_gender\\_cida\\_analysis\\_csos\\_response.pdf](http://www/ccic.ca/e/docs/002_gender_cida_analysis_csos_response.pdf); see also "Proceedings of the Standing Senate Committee on Human Rights; Second Session, Fortieth Parliament, 2009." September 14, 2009.

disengagement from international norms, including international humanitarian law and women's human rights;<sup>3</sup>

- Senior policy advisors within the office of the Prime Minister with strong links to anti-feminist organizations,<sup>4</sup>

Canada's achievements towards women's equality, over the past decades have been considerable. For example, women's participation in higher education has increased since the Fourth World Conference on Women was held in 1995. However, during the period of 2004-2009, women's achievements in all twelve areas of critical concern outlined in the Beijing Platform for Action have slowed or been turned back. Canada no longer compares favourably against other nations in assessments of gender equality and the gender gap. For example, in 2004 the World Economic Forum Gender Gap Index, Canada was ranked 7th. In the 2009 Gender Gap Index, Canada ranked 25th. In 2009, Canada was ranked 73rd in the UN Gender Disparity Index. Canada has been strongly criticised by several UN human rights bodies on the issues of women's poverty and the endemic violence against Aboriginal women and girls.<sup>5</sup>

As the following report will demonstrate, there has been a systematic erosion of the human rights of women and girls in Canada. The changes to gender architecture, the shifts in policy and programming within the Government, and the Government's response to the economic crisis have been felt by the

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3 Collins, Michelle. "'Gender Equality,' 'Child Soldiers' and 'Humanitarian Law' are Axed from Foreign Policy Language." *Embassy*, July 29, 2009. <http://www.embassymag.ca/page/view/foreignpolicy-7-29-2009>

4 Münster, Cynthia. "Harper government more connected to 'organized anti-feminism' than previous Conservative or Liberal parties." *The Hill Times*, August 10, 2009. [http://www.thehilltimes.ca/page/view/qa\\_bashevkin-8-10-2009](http://www.thehilltimes.ca/page/view/qa_bashevkin-8-10-2009), Bashevkin, Sylvia. *Women, Power, Politics: The Hidden Story of Canada's Unfinished Democracy*. Oxford University Press, 2009.

5 Committee on Economic, Social and Cultural Rights, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada, May 19, 2006, E/C.12/CAN/CO/5; Human Rights Committee, Concluding Observations of the Human Rights Committee, 20 April 2006, CCPR/C/CAN/CO/5; Human Rights Council, Universal Periodic Review, Report of the Working Group: Canada, 3 March 2009, A/HRC/11/17; Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada, CEDAW/C/CAN/CO/7, 7 November 2008.

most vulnerable women and girls in Canada. The organizations that provide those women and girls with an opportunity to bring their concerns forward have been eliminated, or gagged by new funding regulations. Women and girls in Canada call on the international community to condemn the policies that have resulted in the deaths of Aboriginal women, the abandonment of women living in poverty, and the curtailing of the democratic representation of women's needs and interests.

## Part Two: Critical Areas of Concern

### 1. Women and Poverty

Women and girls living in poverty currently rely on welfare incomes so low that the National Council of Welfare called them “cruel” in its 2006 report.<sup>6</sup> The poverty levels and the lack of social assistance to women in Canada has been raised by virtually every United Nations body that reviews Canada’s human rights performance, including the CEDAW Committee, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, and the Human Rights Council.<sup>7</sup> The United Nations has asked the Government of Canada to establish minimum standards for social assistance, applicable at the federal, provincial and territorial levels.

The Government of Canada has set no standards. Instead the federal government transfers funds to the provinces and territories and permits them to set social assistance rates so low that they do not fulfill Canada’s human rights obligations. The Government has not met its obligation under international human rights law to ensure that everyone enjoys equality and an adequate standard of living. The Government has not met its obligation under section 36 of the Canadian Constitution to work with the legislatures and governments of the provinces and territories to provide “essential public services of reasonable quality to all Canadians.”

Federal funding for social assistance has been provided through block funding arrangements since 1995.<sup>8</sup> Under the current scheme, provinces and

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6 National Council of Welfare, “Staggering losses in welfare incomes”, August 24, 2006. Online at: [http://www.nwcwbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2005Report\\_Summer2006/PressReleaseENG.pdf](http://www.nwcwbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2005Report_Summer2006/PressReleaseENG.pdf)

7 Committee on Economic, Social and Cultural Rights, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada, May 19, 2006, E/C.12/CAN/CO/5 at paras. 15, 44, 52, 53; Human Rights Committee, Concluding Observations of the Human Rights Committee, 20 April 2006, CCPR/C/CAN/CO/5, at para. 24; Human Rights Council, Universal Periodic Review, Report of the Working Group: Canada, 3 March 2009, A/HRC/11/17, at para. 45.

8 Department of Finance Canada. “Canada Social Transfer” (web page; retrieved from <http://www.fin.gc.ca/fedprov/his-eng.asp> on November 7, 2009).

territories receive money ostensibly targeted for social assistance through the Canada Social Transfer (CST). But there are no conditions attached to the transfers that require money from the CST to be spent on social assistance, or that ensure that the receiving provinces and territories will provide benefits at a level adequate to sustain a decent life. There is consequently no accountability at either the federal or provincial level for the violations of women's rights that result when women do not have access to adequate incomes.

The 2009 Federal budget provides for an annual 3% increase in the CST through 2011, but does not address the issue of adequacy of social assistance benefits provided by the provinces and territories.<sup>9</sup> According to the Department of Finance, the money provided by the CST is “notionally earmarked” for three spending areas: post-secondary education, child care services, and social assistance programs. Of these, social assistance spending has been allotted the smallest increase in funding from 2007 to 2010.<sup>10</sup> No conditions have been attached to ensure that social assistance is more than “notionally” funded by the CST, or that incomes delivered by the provinces and territories are adequate to meet the needs of the most vulnerable women.

Provinces and territories are not able to address these human rights violation by themselves. Social assistance rates have remained unchanged in seven provinces and territories in the past year, have risen by only 1 - 3% in four provinces and territories. For only a few family types in a few jurisdictions do social assistance rates reach the Statistics Canada Low-Income Cut-Offs. Most social assistance incomes in Canada remain well below the poverty line. There is no federal mechanism to ensure that women and girls living in poverty receive support adequate to meet their basic needs.

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9 Department of Finance Canada. “Canada’s Economic Action Plan: Budget 2009” (retrieved from <http://www.budget.gc.ca/2009/pdf/budget-planbudgetaire-eng.pdf> on November 7, 2009) at p. 189.

10 Department of Finance Canada. “Canada Social Transfer” (web page; retrieved from <http://www.fin.gc.ca/fedprov/cst-eng.asp> on November 7, 2009).



Cuts to welfare rates and erosion of the value of benefits through inflation have had a harsh impact on women who are in need. Women who are more likely to have to turn to welfare, including single mothers and Aboriginal women, must now rely on welfare incomes so low that the National Council of Welfare Chairperson recently called them “shameful and morally unsustainable in a rich country.”<sup>11</sup>

Women in Canada have a higher rate of poverty overall than men, and particular groups of women, including single mothers, Aboriginal women, women of colour, immigrant women, women with disabilities, and single women, have shockingly high rates of poverty. Women in Canada shows rates of poverty for Aboriginal women – including Indian, Métis and Inuit women - at 36%, for women of colour at 29%, for immigrant women at 23%, rising to 35% for those who arrived in Canada between 1991 and 2000, and for women with disabilities at 26%.<sup>12</sup> Single mothers had an after-tax poverty rate of 35.6% in 2004,<sup>13</sup> while single women over 65 had a poverty rate of 17%.<sup>14</sup>

In summary, by the Government’s own admission, there is no accountability for expenditure of the funds transferred by the federal government to the provinces and territories through the CST; there is no documentation of any gender-based analysis conducted by the three central agencies of the

Government of Canada. If there has been any impact assessment of social programs related to women’s human rights, there is no proof, no public

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11 National Council of Welfare, “Staggering losses in welfare incomes”, August 24, 2006. Online at: [http://ncwcnbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2005Report\\_Summer2006/PressReleaseENG.pdf](http://ncwcnbes.net/documents/researchpublications/ResearchProjects/WelfareIncomes/2005Report_Summer2006/PressReleaseENG.pdf)

12 Statistics Canada, *Women in Canada: A Gender-Based Statistical Report (2005)*. Online at: <http://www.statcan.ca/english/freepub/89-503-XIE/0010589-503-XIE.pdf>

13 National Council of Welfare, *Poverty by selected family types, 2004*. Online at: <http://www.ncwcnbes.net/documents/researchpublications/ResearchProjects/PovertyProfile/2004/PovertyRates-FamiliesENG.pdf>

14 National Council of Welfare, *Poverty for unattached individuals by sex and age*. Online at: <http://www.ncwcnbes.net/documents/researchpublications/ResearchProjects/PovertyProfile/2004/PovertyRates-IndividualsENG.pdf>

record, and no positive result. Most importantly, most welfare incomes across the country remain inadequate to meet the basic needs of Canada's poorest women and men.

## **2. Women and Education and Training**

### ***2.1 Aboriginal Women and Education***

The female Aboriginal population is growing at a rate of four times that of the non-Aboriginal female population of Canada according to Statistics Canada. It is relatively young, with twice as many Aboriginal girls and women of school age than non-Aboriginal females. Yet, some 40 percent of Aboriginal women over age 25 have not completed high school. Less than half as many Aboriginal women complete a university education as their non-Aboriginal peers.

Funding for the education of children on reserves is capped at a rate well below the average for spending on children's education elsewhere in Canada.<sup>15</sup>

As stated in the First Nations Child and Family Caring Society of Canada report to the Senate Human Rights Committee: "The Auditor General of Canada (2004) found elementary and secondary funding on reserves to be inequitable. The Assembly of First Nations estimates that at the current rate of federal investment it will take 28 years to achieve equity with non-Aboriginal education systems. There are also severe shortages of schools on reserves with 53 First Nations communities not having schools, and schools in many other communities are in need of substantial renovations or expansion. Only three out of ten First Nations children on reserves graduate from high school."

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<sup>15</sup> Blacstock, Cindy. "First Nations Child and Family Caring Society of Canada: Federal Government Under-Funding of Children's Services on Reserves as a Risk Factor for Disadvantage Including Sexual Exploitation." Senate Committee on Human Rights. October 26, 2009.

## **2.2 Women and Higher Education**

Women have made significant gains in access to higher education. Notably, women now make up more than half of all students enrolled in undergraduate programs in Canadian universities. The representation of women in programs: in medicine and law has increased dramatically since the time of the Fourth World Conference on Women in 1995. However, women are still underrepresented in the Natural Sciences and Engineering.

Hiring and promotion within academic institutions has not kept pace with women's enrolment. Men with doctorates are still twice as likely to hold the position of Full Professor as are women with doctorates.<sup>16</sup> Female faculty who have children see significant decreases in their rates of promotion compared to male faculty who have children (who see no decrease).<sup>17</sup> Moreover, women working in academia experience the same wage gap that women working in other fields experience—earning 79 cents on every dollar their male peers earn (only slightly better than the overall wage gap, which stands at 70.5 percent).<sup>18</sup>

## **3. Violence Against Women**

### **3.1 Violence Against Aboriginal Women and Girls**

On March 31, 2009, the Native Women's Association of Canada (NWAC) issued its second report from the Sisters in Spirit project,<sup>19</sup> which documents the disappearances and murders of 520 Aboriginal women and girls over the last thirty years. Of the 520 cases:

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16 Sussman, Deborah and Lahouaria Yssaad. "The Rising Profile of Women Academics." *Perspectives*. Statistics Canada, 2005.

17 Ibid.

18 Ibid.

19 Native Women's Association of Canada, *Voices of Our Sisters in Spirit: A Report to Families and Communities*, 2<sup>nd</sup> edition, March 2009, [http://www.nwac-hq.org/en/documents/NWAC\\_VoicesofOurSistersInSpiritII\\_March2009FINAL.pdf](http://www.nwac-hq.org/en/documents/NWAC_VoicesofOurSistersInSpiritII_March2009FINAL.pdf)

- 43% of disappearances and 50% of murders occurred during or since 2000;
- 24% are cases of missing women and girls;
- 67% are cases of murder (homicide or negligence causing death);
- 52% of murder cases have been cleared by charges or suicide;
- 43% remain open (no one charged);
- 26% of cases are in British Columbia, 17% in Alberta, 14% in Manitoba, 12 % in Saskatchewan;
- 52% are women and girls under 30;
- majority of women were mothers.<sup>20</sup>

The Native Women's Association of Canada points out that their documented number "likely does not reflect the actual number of missing and murdered Aboriginal women and girls in Canada." They have included only cases in the public domain, that is, cases that have been: 1) reported to police/media; 2) acknowledged by police/media; and 3) publicized by police/media.<sup>21</sup>

Walk 4 Justice has carried out a walk across Canada each summer for the last four years to talk with Aboriginal families and communities about missing women. From anecdotal evidence Walk 4 Justice believes that there are many more cases of missing and murdered Aboriginal women and girls that have gone undocumented by police or media. Most informed observers and non-governmental organizations that work on this issue agree that the count of missing and murdered Aboriginal women and girls is likely much higher.

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<sup>20</sup> Ibid. pp. 88-93.

<sup>21</sup> Ibid. p. 6.

The disappearances and murders of Aboriginal women and girls is not a phenomenon of the past. As the Sisters in Spirit documented cases show 43% of the disappearances and 50% of the murders have occurred since 2000. Six Aboriginal girls have gone missing in Manitoba just over the last year, and two young Aboriginal women, Cherisse Houle, 17, and Hillary Angel Wilson, 18, were found murdered in August, in Winnipeg.<sup>22</sup> The disappearances and murders continue.

Two facets of this problem have been identified by Aboriginal women, families of the missing and murdered Aboriginal women and girls, and non-governmental organizations, including the Native Women's Association of Canada, the Assembly of First Nations Women's Council, Pauktuutit Inuit Women's Association, Amnesty International, the Canadian Feminist Alliance for International Action, the Aboriginal Women's Action Network, and the B.C. CEDAW Group. These two facets are:

1. The failure of police to protect Aboriginal women and girls and to investigate promptly and thoroughly when they are missing or murdered;
2. The social and economic conditions in which many Aboriginal women and girls live.

**Police Failure:** Despite the overwhelming evidence of high levels of violence against Aboriginal women and girls, Canadian police forces have been slow, if not reluctant, to take this violence seriously. There are multiple reports in the media, and in the reports from the Native Women's Association of Canada of the negative experiences that families, communities, and friends of missing Aboriginal women and girls have had with police. From police personnel, NWAC reports that families have experienced "a lack of responsiveness, disrespect, confusing or incorrect information, poor adherence to policies and

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22 CBC News-Manitoba, "Unsolved murders of women under review by Winnipeg police", August 25, 2009, <http://www.cbc.ca/canada/manitoba/story/2009/08/25/mb-missing-women-review-manitoba.html>

protocols, and an overall discounting of family information.”<sup>23</sup> Many family members or friends who report the disappearance of an Aboriginal woman or girl have been brushed off with justifications that stereotyped and discounted the women, such as, “she has a transient life style” or “she’ll come back when she wants to.” Many of the cases did not receive timely or thorough investigation.<sup>24</sup> Beverly Jacobs, then President of the Native Women’s Association of Canada said to the media when presenting Sisters in Spirit’s second report, “it’s as if society is prepared to disregard the missing women as ‘garbage.’”<sup>25</sup>

**Racialized Violence:** The racism and sexism inherent in the high rates of violence against Aboriginal women has been widely acknowledged.<sup>26</sup> Racism and sexism affect the attitudes of violent men who view Aboriginal women and girls as socially unprotected targets because of the depth of discrimination against them. Racism and sexism also affect how seriously the police take their disappearances and murders, and the treatment their families receive. Racism and sexism are also root causes of the disadvantaged social and economic conditions of Aboriginal women and girls and are manifest in the long-standing failure of the Government of Canada to correct these conditions. The failure by all levels of government in Canada to fulfill the social and economic rights of Aboriginal women and girls to an adequate standard of living, including adequate food, clothing and housing directly violates their rights to security of the person and to life.<sup>27</sup>

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23 NWAC, *Voices*, supra note 20 at 96.

24 See *Voices*; supra note 20. See also Amnesty International, *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*, 2004, at 2 and 23 - 33. Online at: <http://www.amnesty.ca/campaigns/resources/amr2000304.pdf> and Amnesty International, *No More Stolen Sisters; The Need for a Comprehensive Response to Discrimination and Violence Against Aboriginal Women*, September 2009, at 1. Online at: <http://www.amnesty.org/en/library/info/AMR20/012/2009/en>

25 Winnipeg Free Press, Mia Rabson, “Feds urged to stem tragedies”, May 1, 2009,

<http://www.winnipegfreepress.com/local/feds-urged-to-stem-tragedies-44125677.html>

26 See Manitoba Justice Inquiry, 1991, re: the death of Helen Betty Osborne. <http://www.ajic.mb.ca/volume11/toc.html> see also *No More Stolen Sisters*, supra note 25 at 5 – 6. See also statement from Minister for Status of Women, the Honourable Helena Guergis, quoted below.

27 These rights are set out in Articles 6 and 9 of the *International Covenant on Civil and Political Rights*, which Canada ratified in 1976, as well as in s. 7 of the *Canadian Charter of Rights and Freedoms*.

Conditions for Aboriginal women and girls will not change until strategic and co-ordinated policies are put in place by the Government of Canada, working in co-operation with provincial and territorial governments, to address and reverse the specific disadvantages of Aboriginal women and girls. Further, conditions will not change until adequate resources are allocated, over a sustained period, to support systemic change.

### **3.2 Violence Against Women in Northern Communities**

Violence against women and girls in northern Canadian communities is acute. Rates of violence against women in the north are consistently higher than for southern Canadian populations.<sup>28</sup> Pauktuutit reports that in Nunavut “it is estimated that only 29% of spousal abuse cases are reported. Nunavut has 6.5 times the national reported spousal abuse rate — the highest in Canada.”<sup>29</sup> Access to services, including medical care, counselling and shelters is significantly lower than in the south of the country.<sup>30</sup> Several interlocking factors contribute to the crisis: remote locations, lack of access to health care and social services, lack of housing, the legacy of residential schools and other forms of institutionalised abuse of Inuit, Métis, and First Nations populations, lack of economic opportunities, and climate change.

Higher rates of child apprehension, the legacy of residential schools and racial discrimination against Inuit, Métis and First Nations mothers contribute to the unwillingness or inability of women to leave violent relationships—because in doing so they may lose custody of their children. Exposure to domestic violence, direct experience of violence, the lack of economic and social resources additionally contribute to high rates of suicide, particularly amongst young people.<sup>31</sup>

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28 *Family Violence in Canada: A Statistical Profile*. Statistics Canada. Government of Canada, 2009.

29 “Family Violence in the Canadian Arctic.” Pauktuutit, 2009.

30 Ibid. See also: “Violence Against Women in the NWT.” Department of Labrador and Aboriginal Affairs, 2007; “Family Violence in the Canadian Arctic.” Pauktuutit, 2009.

31 “Acting on What We Know: Preventing Youth Suicide in First Nations.” Suicide Prevention Advisory Group, Health Canada, [undated].

There is a longstanding and widespread lack of housing in northern communities. Where housing is available, renting practices are often racially discriminatory.<sup>32</sup> Overcrowding and lack of adequate and secure housing in communities that are subject to extreme weather conditions contribute to violence against women and girls.<sup>33</sup>

In 2006, the federal government unilaterally reneged the funding agreements to the First Nations communities that had been negotiated in the Kelowna accord. This Accord would have provided 5 billion dollars to help reserves across Canada provide much needed housing and social and economic services and programs. The cancellation of the Kelowna Accord has exacerbated the economic and social vulnerability of women living on reserves, particularly in northern communities, by denying them much needed services and housing.

### **3.3 Violence Against Women Across Canadian Communities**

Although there are some signs that some forms of violence against women are decreasing, for many groups of women, violence against women remains endemic. One in two women in Canada will experience violence during her lifetime. Women are far more likely than men to be victims of sexual violence, family violence, and intimate-partner violence.

According to the Government of Canada's Statistics Agency (Statistics Canada), rates of sexual violence in Canada have been stable. However, rates of reporting crimes of sexual violence to police are decreasing.<sup>34</sup>

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32 "Rights North: Housing and Human Rights in Northern Ontario." Centre for Equality Rights in Accommodation, 2009. <http://www.equalityrights.org/cera/docs/Rights%20North%20Public%20Report.pdf> The Little Voices of Nunavut A Study of Women's Homelessness North of 60 Territorial Report. Qullit Nunavut Status of Women Council, 2007. <http://www.qnsw.ca/projects/documents/Nunavut-FinalFinalReport.pdf>

33 Ibid. See also: "Family Violence in the Canadian Arctic." Pauktuutit, 2009.

34 *Sexual Assault in Canada 2004 and 2007*. Statistics Canada and Canadian Centre for Justice Statistics. Government of Canada, 2008.



Rates of spousal violence and spousal homicide committed against women have decreased by 15% in the past decade.<sup>35</sup> However, women are still four times as likely to be killed by their spouse as are men.<sup>36</sup> 83% of victims of spousal violence are female and estimates suggest that as many as 70% of incidents of spousal violence are never reported.<sup>37</sup>

Rates of firearm-related spousal homicides have decreased in the past decade in Canada.<sup>38</sup> However, one of the most significant factors in this decrease is the gun registry. The gun registry was created as a response to the Montréal Massacre, where 14 young women were killed by Marc Lépine in the name of 'fighting feminism'. The Royal Canadian Mounted Police have cited the gun registry as a "key to the safety of both police officers and the public."<sup>39</sup> The long-gun registry is now likely to be eliminated and all records of existing gun registrations excised as a result of legislation tabled in the Canadian Parliament.

As described in detail above, levels of violence against women vary significantly across different groups and regions, with Aboriginal women being disproportionately subject to violence. Other groups who are disproportionately subject to violence include: women with disabilities, criminalized and imprisoned women, single women over 65, and women living in poverty.

In all instances, violence against women is under-reported. It is, therefore, a matter of urgency to ensure that data on violence against women is collected consistently by both governmental and non-governmental organizations. Many of these organizations are receiving decreasing or inconsistent levels of support. Projects such as Sisters in Spirit represent a unique tool for

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35 *Family Violence in Canada: A Statistical Profile*. Statistics Canada. Government of Canada, 2009.

36 *Family Violence in Canada: A Statistical Profile*. Statistics Canada. Government of Canada, 2009.

37 *Family Violence in Canada: A Statistical Profile*. Statistics Canada. Government of Canada, 2009.

38 *Family Violence in Canada: A Statistical Profile*. Statistics Canada. Government of Canada, 2009.

39 *Commissioner of Firearms: 2007 Report*. Minister of Public Works and Government Services Canada, 2008.

assessing and understanding violence against women which, in turn, provides a basis for better policy and programming efforts to eliminate violence against women.

#### **4. Women and Armed Conflict**

The Government of Canada has significantly reduced its capacity to meet the objectives set out in international norms with respect to women and armed conflict. Canada's single largest investment of military and development spending is in a country beset with conflict: Afghanistan. However, recent policy decisions at the Department of Foreign Affairs and International Trade (DFAIT) and at the Canadian International Development Agency (CIDA) demonstrate decreased political will and institutional capacity to implement international norms with regard to women and armed conflict. The Government of Canada does not have a national action plan for the implementation of United Nations Security Council Resolutions on Women, Peace and Security. The last civil society consultation on such a plan occurred in 2006. Recent hearings in the Senate Human Rights Committee on women, peace and security, yielded no further concrete commitments for the completion of a national action plan.

DFAIT continues to be the lead agency for the Government of Canada on implementation of UN Security Resolutions on Women, Peace and Security. Following a recent reorganization, the Women, Peace and Security file is now housed with the Stabilization and Reconstruction Task Force (START). The START mandate is for short-term, high impact projects—not necessarily appropriate to either peace-building or gender-equality seeking projects. Further, recent statements by the Minister of Foreign Affairs suggest that DFAIT may be shifting its support away from International Humanitarian Law and for the International Criminal Court more broadly.<sup>40</sup>

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40 Collins, Michelle. “‘Gender Equality,’ ‘Child Soldiers’ and ‘Humanitarian Law’ are Axed from Foreign Policy Language.” *Embassy*, July 29, 2009. <http://www.embassymag.ca/page/view/foreignpolicy-7-29-2009>; Berthiaume, Lee. “Tories Elected to Set Foreign Policy: Cannon.” *Embassy*, August 5, 2009.

In statements to the Security Council during the August 2009 open debate on Women, Peace and Security, Canada identified training, monitoring and data collection as its priorities. In a subsequent statement delivered at a UN panel on "Peace and Security Through Women's Leadership" the Government identified CIDA as the lead agency in achieving these goals. Yet, CIDA does not have the mandate to do training for peace operations or international policing. Further, CIDA's three new priority areas also demonstrate a clear shift away from peace and security issues generally.<sup>41</sup>

## **5. Women and the Economy**

### ***5.1 Labour Force Participation and Income***

In Canada, as in all advanced industrial countries, there is still very marked occupational segregation between women and men. Men and women hold very different kinds of jobs, working in almost parallel occupational worlds. Jobs where women predominate still tend to be lower paid than jobs where men predominate, even though the educational and skill requirements may differ very little.

Traditionally, men were relatively concentrated in blue-collar industrial occupations, in white-collar management jobs and in the professions, while women were relatively concentrated in low-level, "pink-collar" clerical and administrative jobs in offices, and in sales and services occupations. This division has broken down over time as women have entered professional and managerial jobs in increasing numbers. But, women in better-paid occupations are mainly to be found in only a relatively few occupational groups, notably in health, education, and social services in the broader public sector. Women are much more likely than men to work in the public sector, defined as working directly for government or in almost entirely government-funded bodies, such as schools, universities, and hospitals.

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41 Canada Introduces a New Effective Approach to its International Assistance." Canadian International Development Agency, Government of Canada, May 20, 2009. <http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/NAT-5208514-G7B>

One in four women employees (28.6%) worked in public services in 2006, compared to just less than one in five men (17.3%). The better-paid professional and managerial jobs in the business sector and, indeed, many of the higher-level jobs in the public sector are still held mainly by men. In 2006, four in ten men (39.7%) were still in blue-collar jobs.<sup>42</sup> While by no means all well-paid, these kinds of jobs do tend to command above average pay, and are often unionized. In 2006, by contrast, just 7.7% of women were employed in these blue-collar jobs, one-fifth the proportion of men.<sup>43</sup> This small minority of women are mainly to be found in relatively low-paid manufacturing jobs in sectors like clothing. By contrast, one-quarter of women (24.1%) are still in non-professional office jobs - that is in clerical, administrative, and secretarial jobs - compared to just 7.1% of men.<sup>44</sup> Many of these jobs are quite skilled, but they tend to pay less than skilled blue-collar jobs.

Both men and women work in low-paid, often part-time, sales and service jobs. But, more women are employed in these lower-end jobs than are men, explaining why women are much more likely to be low-paid than men. More than one in four women (28.6%) worked in these occupations in 2006 compared to one in five men (19.3%), and the men who work in these kinds of jobs tend to be younger workers.<sup>45</sup>

Turning to professional occupations, which require formal post-secondary education and qualifications, women now hold a significant edge over men. Almost one in three women (32.5%) work in these kinds of jobs, a much higher proportion than for men (22.9%). But, women are significantly more likely to work in professional jobs in public and social services: in health care, social services, government and teaching. In 2006, women accounted for 55.9% of all professional jobs, but 87.4% of jobs in nursing, therapy and

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42 *Women in Canada: Work Chapter Updates*. Statistics Canada. Government of Canada, 2007.

<http://www.statcan.gc.ca/pub/89f0133x/89f0133x2006000-eng.pdf>

43 Ibid.

44 Ibid.

45 Ibid.

other health related professional jobs; 71.3% of professional social sciences and religion jobs (most in public and not-for-profit social services); and 63.9% of teaching jobs.<sup>46</sup> Of the 32.5% of all women who are professionals, two in three are employed in these predominantly public sector/female-dominated occupations. By contrast, the majority of professional men are to be found in business/finance and natural sciences/engineering/mathematics occupations in the private sector (where women account for just 22.0% of employment), and still account for about half of all professional jobs in business and finance.<sup>47</sup>

Men also still hold a big lead in management jobs. More than one in 10 men (11.0%) are in management jobs compared to 7.1% of women.<sup>48</sup> Moreover, men hold double the proportion of senior management jobs, which make up 0.8% of all men's jobs compared to just 0.3% of all women's jobs. These positions predominate in the top 1% of the workforce, whose share of all earnings exploded in the 1990s.

To summarize, the majority of women still work in the traditional and relatively badly-paid clerical, sales, and services categories, and very few women work in the blue-collar occupations. A high and rising proportion of women work in professional occupations requiring higher levels of education and providing better levels of pay, but are still relatively concentrated in public and social services.

The report of the federal government's Pay Equity Task Force (Government of Canada 2004) further details the fact that women are still highly concentrated in a small number of traditionally female occupational categories - health care, teaching, clerical, administrative, and sales and services jobs, and

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46 Ibid.

47 Ibid.

48 Ibid.

overwhelmingly predominate in the very lowest-paid occupations, such as child care workers, cashiers, and food services workers.<sup>49</sup>

Women are still greatly under-represented in most of the very highest-paying professions, from specialist physicians, to senior private-sector managers, to corporate lawyers and security dealers. Even in the public sector where women predominate, men are much more likely to hold senior management jobs. In the federal public service, men are more than twice as likely to be senior managers.<sup>50</sup> These differences persist despite employment equity policies which were intended to increase the proportion of women in management jobs in the federal public service.

## **5.2 The Gender Wage Gap**

The Government of Canada Report claims that “Canada continues to close the gender gap in earnings.”<sup>51</sup> This is unfortunately not the case. One striking development in Canada over the past decade has been that the gender pay gap has, after many years of gradual progress, remained more or less stuck. Continued economic inequality between women and men, despite the fact that formal educational qualifications of at least younger women now exceed those of men, tells us that women still face discrimination and barriers, and that real equality of opportunity does not yet exist. As a result, many women remain economically dependent upon the earnings of men to sustain a decent family income, and many are especially vulnerable to low income and poverty.

While the Government of Canada has chosen to measure the gender wage gap using a “dollar per hour” comparison, the most commonly cited indicator of

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49 *Pay Equity: A New Approach to a Fundamental Right*. Pay Equity Task Force, Government of Canada, 2004. [http://www.justice.gc.ca/en/payeqsal/docs/PETF\\_final\\_report.pdf](http://www.justice.gc.ca/en/payeqsal/docs/PETF_final_report.pdf)

50 Nack, Katarzyna. *Female Employment in the Core (Federal) Public Administration*. Statistics Canada, Government of Canada, 2007. <http://www.statcan.gc.ca/pub/11-621-m/11-621-m2007061-eng.pdf>

51 “Canada’s Response to the Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) and The Outcome of the Twenty-Third Special Session of The General Assembly (2000).” Government of Canada, 2009. <http://www.unecce.org/gender/documents/Beijing+15/Canada.pdf>

the gender wage gap is annual earnings of full-time, full year workers, i.e. of workers in full-time jobs who work all year. The annual earnings indicator combines the impact of lower hourly wages with fewer weeks and hours worked over the year.

By this measure, women earned just 70.5% as much as men in 2005.<sup>52</sup> The situation is even worse for women of colour, who earn only 64% as much as men and for Aboriginal women, who earn an appalling 46% as much as men working full-time, full year. If we look at all workers – including part-time and part-year workers – the gap is even greater, with women earning just 64.0% as much as men. The gender wage gap for workers with a university degree closed steadily until the mid-1990s, and then suddenly rose again in 1997. It has remained stuck at between 66% and 68% since that time. In short, the long trend towards greater economic equality of women and men has drawn to a close over the past decade.

The failure of the gender wage gap to continue to close is particularly surprising in view of the fact that the educational attainment of women, especially younger women, has continued to improve compared to that of men. By age 25-44, half (49.0%) of women in 2001 had a post-secondary qualification, compared to just 40.1% of men, with women accounting for the majority of university graduates and almost 60% of those with a community college qualification. Yet, the annual earnings gap has continued to widen, not least among those with a university education.

In terms of the dollar per hour comparison preferred by the Government of Canada, there continues to be pure gender gap per hour worked. Women earned an average of \$17.96 per hour compared to \$21.43 for men in 2006, meaning that women earned, on average, 83.8% of the male hourly wage. As indicated, the wage gap tended to be greatest in the male-dominated blue

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<sup>52</sup> *Income Trends in Canada*. Statistics Canada, Government of Canada, 2007; Canadian Labour Force Survey. Statistics Canada, Government of Canada, 2007

collar occupations, and in the low-paid sales and service sector. Overall, women earned significantly less than men in lower-paid occupations. By contrast, the wage gap is smaller in better-paid occupations, especially in health occupations.

The impact of these wage differences between occupations and wage gaps within occupations is amplified by the fact that women are disproportionately overrepresented in low wage occupations. There is a higher proportion of women than men in all earnings brackets until an income level of \$35,000 to \$40,000 is reached. At an annual earnings level of \$60,000 and more, men predominate in a proportion of about 2.5 to 1. Almost one in five men earned more than \$60,000 in 2005, compared to well under one in ten women. At the very top of the income spectrum, men overwhelmingly dominate. In 2004, the top 5% of Canadian tax-filers earned \$89,000 or more. Of this top group, 76% were men, rising to 79% in the elite top 1% group earning more than \$181,000.

The gender wage gap exists in all OECD countries, with the median hourly pay of women full-time workers averaging 18% less than that of men. The gender pay gap in Canada measured by this key international indicator is, however, well above average, with women earning 23% less than men in full-time jobs. The Canadian gender pay gap is now the fifth greatest among 22 OECD countries, somewhat greater than in the United States.

### ***5.3 Legislated Retreat on Pay Equity***

Despite the serious gender wage gap in Canada, the Government of Canada has not only failed to implement proactive pay equity legislation, they have in fact, removed the right of public sector workers to access the equal pay provisions which do exist in the Canadian Human Rights Act.



On March 12, 2009, the House of Commons adopted the Public Sector Equitable Compensation Act (PSECA), as part of an omnibus bill entitled Budget Implementation Act 2009. The PSECA will, in both substance and process, entrench existing patterns of female inequality, and have a profoundly discriminatory impact on the women working for the federal public service. This new law will weaken the pay equity provisions in existing Canadian law, and replace the current legislative framework for public sector workers with ineffective and regressive legislation.

In 2003, the CEDAW Committee noted the slow progress towards pay equity under the Canadian Human Rights Act provisions and it made this recommendation to the Canadian government: “The Committee urges the State party to accelerate its implementation efforts as regards equal pay for work of equal value at the federal level and utilize the respective federal-provincial-territorial Continuing Committees of Officials to ensure that that principle is implemented under all governments”.

In 2001, the federal Minister of Justice appointed a Pay Equity Task Force to examine the problems with the current system, and to develop solutions. This task force spent three years doing extensive research on the issue, consulting with employers, unions, women’s groups and human rights groups across the country, holding roundtables with unions and employers to understand the problems and explore the solutions that were developed in other jurisdictions.

In May 2004, the Task Force issued a 571 page report entitled “Pay Equity: a Fundamental Human Right”. In this report, the Pay Equity Task Force concluded that “the regime in place under section 11 has provided an inadequate foundation for significant and systematic progress toward the goal of pay equity across the federal jurisdiction as a whole. It recommended:

- The adoption of a new proactive pay equity law;
- The expansion of pay equity coverage to include women and Aboriginal

workers, workers with disabilities, and workers of colour;

- That all employees in the federal jurisdiction be covered by the new proactive pay equity legislation, including non-unionized employees, part-time, casual, seasonal and temporary workers;
- That the new proactive law include workers and their unions in developing pay equity studies and in maintaining pay equity over time;
- That the process for achieving pay equity be separated from the process for negotiating collective agreements;
- That a Commission be set up to assist employers, employees and unions and an expert Tribunal be established to quickly decide disputes between the parties.

Despite repeated requests from the Government's Standing Committee on the Status of Women, and despite the strong consensus from civil society, the federal government has refused to implement the Pay Equity Task Force recommendations. Instead, it introduced the Public Sector Equitable Compensation Act (PSECA) as part of the Budget Implementation Act, 2009.

The Public Sector Equitable Compensation Act restricts the substance and the application of pay equity in the public sector. The legislation makes it more difficult to claim pay equity by redefining the notion of "female predominant" job groups to require that women make up 70 per cent of workers in the group. It also redefines the criteria used to evaluate whether or not jobs are of "equal" value, by adding a reference to "market forces". Market forces are the very ones that have perpetuated systemic discrimination, and the very ones whose impact pay equity is designed to remedy.

The Act allows for pay equity to be bargained away. The Act transforms pay equity into an "equitable compensation issue" that must be dealt with at the bargaining table. Pay equity is a fundamental human right that should not be

vulnerable to being traded away at a bargaining table. Even within a negotiation framework, this Act provides for a very bad process. There is:

- no obligation on the employer to proactively review its pay practices and to provide the union with the relevant information;
- no obligation to proceed with a joint pay equity assessment;
- no clear definition of the new terms that are introduced with this Act, and
- no time limit to provide equitable compensation.

The Act compels women to file complaints alone, without the support of their union. Under this new legislation, if pay equity is not achieved through the bargaining process, individual workers are permitted to file a complaint with the Public Service Labour Relations Board, but without their union's support. In fact, this Act imposes a \$50,000 fine on any union that would encourage or assist their own members in filing a pay equity complaint.

The Act prohibits access to the Canadian Human Rights Commission for violations of public sector workers right to pay equity. This new law removes the right of public sector workers to claim protection under sections 7, 10 and 11 of the Canadian Human Rights Act. It prohibits public sector workers from filing complaints for pay equity violations with the Canadian Human Rights Commission. It has specifically targeted public sector workers, since other federally-regulated workers are not covered by the new act.

The federal government in Canada, and most governments at the provincial level have failed to provide Canadian women with effective laws and procedures for redressing discrimination in pay. (Proactive pay equity legislation covering both the private and public sectors exists only in two provinces, Ontario and Quebec.) These same governments committed themselves to respecting women's rights to pay equity by ratifying both the

Convention on Economic, Social and Cultural Rights in 1976, and the Convention on the Elimination of all forms of Discrimination against Women in 1981. In our view, this reveals a pattern of government failure to provide effective remedies for pay discrimination and to take the necessary steps to end discrimination against women and promote their equality rights. Given Canada's relative wealth and prosperity, this situation is simply unjustifiable.

## **6. Women And Politics**

Women's political representation in Canada has remained fairly stagnant over the last five years, barely showing any traces of improvement. According to data compiled by the Inter-Parliamentary Union, Canada's ranking in the world has just recently slipped to 49<sup>th</sup> from 47<sup>th</sup> regarding women's representation in Parliament. This ranking places Canada behind many European countries and a significant number of developing countries. Women account for only 22.1% of Canadian Parliament, even though they comprise 50.4% of the population. The United Nations has stipulated that in order for public policy to be significantly reflective of women, women's political representation in the lower house of a parliament must be no less than 30%, also known as critical mass.

Although, Canada's current Parliament boasts the highest level of women's representation in Canadian history at 22.1%, this increase is a remarkably modest one. Following the 2006 election, women's representation in Parliament stood at 20.8%, but in 2004 it was higher, standing at 21.1%. Representation of women in the 2006 election more closely resembled elections from 1997 and 2003, at 20.6%. These small fluctuations show that the representation of women in Parliament has not moved consistently or significantly forward. This said, women presently have a greater presence in the federal cabinet than they did following the 2006 election. Out of 38 ministerial positions, 11 cabinet ministers are women amounting to 28.9%. There were seven women in the federal cabinet as of 2007 and six as of 2006.

The Beijing Declaration places emphasis on women's equal rights, opportunities, access and participation. Full equality cannot be met without women's equal access to positions of power and the decision-making processes. Women's advancement in Canadian federal politics is not necessarily going backwards but not adequately moving forward either. Canada is a country that prides itself on its Charter of Rights and Freedoms and its dedication to human rights. For a country that is both economically and politically advanced, the persistent gaps between women's and men's parliamentary representation need to close.

## **7. Women and the Environment**

Canada's record on emissions and other environmental policies aimed at addressing climate change came under sharp criticism at the recent United Nations Conference on Climate Change in Copenhagen. The Government of Canada has committed to carbon reductions of 17 per cent from 2005 levels by 2020 and by 60 to 70 per cent by 2050.<sup>53</sup> This represents a significant difference from the requirements of the Kyoto Protocol, which calls for 1990 levels to be used as the benchmark.<sup>54</sup>

The effects of climate change are already being felt by women in Canada—particularly in the northern regions of the country. The 2004 Arctic Climate Impact Assessment (ACIA) reported several dramatic impacts to the Inuit who live in the Canadian arctic. Unpredictability of weather, more frequent and turbulent storms caused by the melting of ice that shelters coastal communities, contribute to the situation described by the ACIA.<sup>55</sup> Additional

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53 "Canada's Action on Climate Change." Environment Canada. 2010. <http://www.climatechange.gc.ca/default.asp?lang=En&n=72F16A84-1>

54 Intergovernmental Panel on Climate Change, 2007. Climate change 2007: Synthesis report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. IPCC: Geneva, Switzerland

55 Centre for International Climate and Environmental Research, 2004. Arctic climate impact assessment: Key findings. CICERO: Oslo

vulnerability studies have been conducted showing the damage on infrastructure and housing in the Arctic.<sup>56</sup>

Women in Canada, and in the Arctic in particular, are disproportionately affected by climate change. They are more likely to be affected by the economic costs of climate change because they are more likely to be poor or live on a fixed income. Women are more likely to be affected by the health costs of climate change because they are more likely to be caretakers to those who become ill as a result of climate change. Women are more likely to be dependent on public transport (a key element of reducing greenhouse gas emissions), yet less likely to have their needs taken into account by public transportations plans.

Women in Canada have been under-represented in the Government's key decision making bodies in general and in its climate change policy making bodies in particular. Women hold fewer positions within the departments of Natural Resources and Environment Canada than they do elsewhere in the public service. Moreover, when the Government established a consultative process for evaluating climate change policy, women made up only 1 in 7 participants, nor were the gender-differentiated impacts of climate change discussed in any detail during the process.<sup>57</sup>

## **8. The Girl-Child**

### **8.1 Violence against Girls**

Canadian girls face disturbingly high rates of male violence, including sexual abuse in the home. Girls represent 79% of the victims of family-related sexual assaults reported to a large subset of Canadian police departments.

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56 Ford, J., Smit, B. (2004). A framework for assessing the vulnerability of communities in the Canadian Arctic to risks associated with climate change. *Arctic*, 57(4), 389 - 400

57 Eyzaguirre, Jimena. *Women & Environments International 2007*, Issue 74/75.

Rates of sexual offences are highest against girls between the ages of 11 and 14, with the highest rate at age 13.<sup>58</sup>

Girls are at high risk of sexual assault both within and outside of the home. According to police-reported data in 2007, over half (58%) of sexual assault victims were under the age of 18, with children under 12 accounting for 25%. The vast majority of these young victims were girls (81%).<sup>59</sup>

Indigenous girls in Canada face extreme levels of violence as well as deeply rooted and pervasive social inequality as a result of colonization. This added marginalization places indigenous girls in situations of extreme vulnerability and has denied them adequate protection of the law and of society as a whole. Up to 75% of victims of sex crimes in Aboriginal communities are female and under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age.<sup>60</sup>

## **8.2 Sexual Exploitation**

Despite government rhetoric about stopping the sexual exploitation of children and youth, and the existence of laws prohibiting sexual exploitation of children and youth, very few men are charged and convicted for pimping or sexually exploiting girls in Canada.

In 1999, Daum found that men who buy sex from children and youth are 20 times less likely to be charged than if they buy sex from an adult.<sup>61</sup> Though in recent years a greater number of men have been charged for sexual exploitation, conviction rates are low and sentences are minimal. The

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58 Canadian Center for Justice Statistics. Family Violence in Canada: A Statistical Profile 2005, accessed online: <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2005000.pdf>

59 <http://www.statcan.gc.ca/pub/85f0033m/85f0033m2008019-eng.pdf> Sexual Assault in Canada 2004 and 2007.

60 FREDA Research Centre, Violence Prevention and the Girl Child, accessed online: [www.harbour.sfu.ca/freda/report/gc01.htm](http://www.harbour.sfu.ca/freda/report/gc01.htm)

61 Daum, Kimberly. *Painting by Numbers*. 1999

Government of Canada does not collect specific data on the number of charges, convictions, and sentences on sexual exploitation statutes (212.4) of the Criminal Code of Canada and as such it is difficult to gauge the criminal justice system's progress in holding men accountable for sexual exploitation of girls.

### **8.3 Homelessness**

As the United Nations Special Rapporteur on Adequate Housing, Miloon Kothari, recently pointed out “Studies from both Canada and the United States identify sexual abuse in the family home as one major contributing reason for homelessness among girls”.<sup>62</sup>

In a 2007 survey of 762 homeless youth aged 12 to 18 it was found that 55% of the girls had been sexually abused.<sup>63</sup> In a 2000 Vancouver study on youth homelessness it was found that 84% of Aboriginal homeless girls had experienced sexual abuse.<sup>64</sup>

When girls attempt to escape male violence within the family home, Canadian state authorities, such as police and child welfare organizations, frequently respond in a discriminatory manner. Government authorities often return girls to their family homes where the abuser remains. Girls who are removed from their family homes/communities are frequently placed in unsafe and/or inadequate government homes (such as group homes and foster homes) or mixed gender youth shelters. Canadian authorities rarely remove the abusive adult males from the family home or pursue criminal prosecution.

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62 Kothari, Miloon. *Economic, Social and Cultural Rights: Women and Adequate Housing: Report by 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*. 2006. 20, para 77.

63 [http://www/mcs.bc.ca/pdf/Against\\_the\\_odds\\_2007\\_web.pdf](http://www/mcs.bc.ca/pdf/Against_the_odds_2007_web.pdf) Against the Odds: A profile of marginalized and street-involved youth in BC.

64 McCreary Centre Society. *Between the Cracks: Homeless Youth in Vancouver*. Vancouver, BC. 2002. 24. [www.ihpr.ubc.ca/media/McCreary2002.pdf](http://www.ihpr.ubc.ca/media/McCreary2002.pdf)



The Committee on Economic, Social, Cultural Rights recently recommended that “[Canada] give special attention to the difficulties faced by homeless girls who are more vulnerable to health risks and social and economic deprivation, and take all necessary measures to provide them with adequate housing and social and health services.”<sup>65</sup> The government of Canada has not made efforts towards complying with this recommendation since 2006.

#### **8.4 Criminalization & Incarceration**

As Aboriginal women are highly over-represented within adult prisons, Aboriginal girls also continue to be over-represented among incarcerated youth within youth prisons. In 2007/2008 across Canada, Aboriginal youth accounted for 25% of youth in remand custody, 33% of youth imprisoned in sentenced custody and 21% of youth on probation, despite the fact that Aboriginal youth represent about the 6% of general population.<sup>66</sup>

Although the federal Youth Criminal Justice Act stipulates that measures taken against young persons who commit offences should ‘respect gender’ teenage girls are continually put at risk through co-educational incarceration and cross-gender monitoring in youth prisons. The current system endangers girls and compromises their right to live in safety and dignity.

Mixed youth prisons inevitably result in incidents of sexual harassment and sexual assault, most of which go unreported. Sexual harassment and sexual abuse becomes a part of daily life in penal facilities and occurs in the form of verbal abuse and threats of rape. Sexual encounters between young women and men are frequent in juvenile prison units where young women may be pressured into sex.<sup>67</sup> Youth prison policy in at least one province explicitly states that condoms must be made available to all youth in prison. While it is

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65 Recommendation of the United Nations Committee on Economic, Social and Cultural Rights, to Canada at the Committee’s 5<sup>th</sup> review of Canada’s compliance with the Covenant on Economic, Social and Cultural Rights in 2006.

66 <http://www.statcan.gc.ca/pub/85-002-x/2009002/article/10846-eng.pdf>

67 Dr. Mark Totten, ‘The Special Needs of Females in Canada’s Youth Justice System: An account of some young women’s experiences and views,’ (March 2000), Youth Services Bureau of Ottawa, Department of Justice Canada, 29 – 40.

emphasized that '[t]his policy should not be construed as condoning sexual activity among youth', it does demonstrate that prison authorities are aware of sexual activity within prisons.<sup>68</sup>

Supervision of girls by male guards is accepted practice in many youth prisons across Canada. Male guards frequently monitor girls on their living units and in vulnerable situations, such as when girls are showering. The historical, biological and sociological differences between men and women mean that the effect of cross-gender searching is more threatening for females than it is for males. Moreover, given that so many girls who are in prison have experienced male violence, the presence of male guards, especially in their living space, is highly inappropriate and a breach of girls right to equality pursuant to section 15 of the Canadian Charter of Rights & Freedoms.

### **8.5 Gender Neutral Policies**

Gender-neutral youth programs and policies discriminate against girls and compromise gender equality under the Section 15 of the Canadian Charter of Rights and Freedoms. Moreover, gender-neutral policies and programs often exacerbate situations of inequality and violence by, for example, placing homeless girls in government facilities (youth shelters, youth prisons) with male staff and male youth where they experience sexual harassment, assaults, and discrimination.

Discrimination and male-bias characterize the 'youth policy' approach. Boys' experiences define the norm while girls' experiences are frequently devalued and ignored. The tendency for Canada and other nation states to take a gender-neutral approach to youth and children obscures the role of sexism in society, and how issues like sexual abuse and assault disproportionately affect girls. A gender-neutral approach further marginalizes teenage girls.

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68 Youth Custody Programs Provincial Operations Manual, British Columbia, Section G, [11.01 – 11.02].

Canada must acknowledge and develop policies that address the complexity of girls' lived realities of inequality and violence as manifested at the intersection of multiple forms of oppression such as poverty, colonization, racism, sexism, and age discrimination.

## **Part Three: Gender Architecture in Canada**

In its report on Canada's implementation of the Beijing Declaration and Platform of Action, the Government of Canada presents the Status of Women Canada (SWC) as a successful institutional mechanism ("main co-ordinating agency") for advancing women's rights in Canada. In reality, however, the current Government has made several changes to Status of Women which have significantly undermined the ability of the organization to achieve this objective.

Between 2006 and 2008, the word "equality" was removed from the mandate of Status of Women Canada, 43% of the budget of SWC was cut, 12 out of 16 regional offices were closed and approximately 50% of its staff were laid off, despite a national outcry from women's organizations, unions, opposition members of Parliament, academics and other community members and leaders.

At the same time, the Status of Women Independent Policy Research Fund was cancelled and the criteria for funding from SWC was changed to preclude support for advocacy or lobbying for law reform. This meant that important national women's rights organizations dedicated to advocacy, law reform and systemic change, such as the National Association of Women and the Law (which published influential research reports and submissions including on pay equity, family law, criminal law and other areas) lost all of their funding.

In 2008, the word "equality" was officially returned to the SWC's mandate, but without any corresponding substantive commitment to achieving women's equality through this institutional mechanism. The ban on funding for women's organizations which engage in advocacy or lobbying for law reform remains in place, thus shutting out funding for research and other efforts to achieve systemic change. According to the federal government, total funding

for SWC has increased, but these funds are largely directed to organizations which provide direct service-delivery.

The 2006-2008 cuts to SWC contributed to a climate of financial insecurity and fear for women's organizations and civil society. Women's organizations have been threatened with the withholding or cancellation of funding if their positions are critical of the performance of the current government. This is part of a general trend with respect to the funding of non-governmental organizations.<sup>69</sup>

In May 2006, the all-party House of Commons Standing Committee on the Status of Women issued a study on gender-based analysis in federal departments, which found that gender-based analysis processes were weak, inconsistent across government departments, and in some cases, perfunctory.<sup>70</sup>

Following this study, the Committee recommended that the Government of Canada:

- Develop legislation immediately that would ensure the systematic application of gender-based analysis to all federal policy and program activities;
- Establish a secretariat in the Privy Council Office with responsibility for ensuring the development and implementation of effective gender equality legislation.<sup>71</sup>

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69 Payton, Laura. "KAIROS funding cuts chill community." *Embassy*, December 9, 2009.

<http://www.embassymag.ca/page/view/kairos-12-9-2009> "Rights and Democracy Anger." *Embassy*, January 13, 2010.

<http://www.embassymag.ca/page/view/edit-01-13-2010>

70 *Towards Responsive Gender Budgeting: Rising to the Challenge of Gender Equality*, Report of the Standing Committee on the Status of Women, June 2008, 39<sup>th</sup> parliament, 2<sup>nd</sup> session. Online at:

<http://www2.parl.gc.ca/content/hoc/Committee/392/FEWO/Reports/RP3551119/feworplle.pdf>

71 Standing Committee on the Status of Women, Second Report, 39<sup>th</sup> Parliament, Session 1. Online at:

<http://www2parl.gc.ca/HousePublications/Publication.aspx?DocId=2216072&Language=E&Mode=1&Parl=39&Ses=1>

The Government of Canada refused to implement the Committee's recommendations, preferring to maintain the *status quo* of uncoordinated departmental efforts.

In 2008, the SCSW again recommended that the Government of Canada introduce legislation by April 2009 to promote gender equality, to set out the GBA and gender budgeting obligations of federal departments and agencies and to create the Office of the Commissioner for Gender Equality.

The Committee also recommended that: "the Auditor General of Canada regularly conduct audits to review Canada's implementation of gender-based analysis in the federal government; and, that such audits take into account all of the elements of Canada's framework for equality, including the *Convention on the Elimination of All Forms of Discrimination Against Women*, and other international treaties to which Canada is a signatory."<sup>72</sup>

In the spring of 2009, the Auditor-General of Canada, Sheila Fraser, confirmed that there is no government-wide policy requiring that departments and agencies perform gender-based analysis. She also found that few of the departments that do perform gender-based analysis can provide evidence that these analyses are used in designing public policy.<sup>73</sup>

In October 2009, the Auditor General's Spring Report was considered by the House of Commons Public Accounts Committee. Ms. Fraser testified that she was astonished that the Government's central agencies - the Privy Council Office, the Finance Department and Treasury Board - could provide no proof that they subject their advice regarding resource allocations and programming to any assessment of impacts on women. The Treasury Board

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72 Standing Committee on the Status of Women, Ninth Report, 39<sup>th</sup> Parliament, Session 2.  
<http://www.2parl.gc.ca/HousePublications/Publication.aspx?DocID=3431733&Language=E&Mode=1&Parl=39&Ses=2>

73 Spring Report of the Auditor General of Canada, Chapter 1, Gender-Based Analysis:  
[http://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_200905\\_01\\_e\\_32514.html#hd3a](http://www.oag-bvg.gc.ca/internet/English/parl_oag_200905_01_e_32514.html#hd3a)

Secretary, Michelle Auray, explained that the gender “challenge” function is conducted verbally. “We do not document.”<sup>74</sup>

By the Government’s own admission, there is no accountability for expenditure of the funds transferred by the Government of Canada to the provinces and territories through the CST which are only “notionally” earmarked for social assistance; there is no documentation of any gender-based analysis conducted by the three central agencies of the Government of Canada. If there has been any impact assessment of social programs related to women’s human rights, there is no proof, no public record, and no positive result.

With the current restrictions to its funding and mandate of Status of Women Canada and the lack of a comprehensive government-wide action plan on gender equality, Canada has little institutional capacity to protect and advance women’s rights.

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74 Cynthia Munster, “Treasury Board Won’t Commit to Documenting GBA”, Hill Times, Ottawa, October 26, 2009, at 34: [http://www.thehilltimes.ca/page/view/civil\\_circles-10-26-2009](http://www.thehilltimes.ca/page/view/civil_circles-10-26-2009)

## **Part Four: Key Challenges and Plans for the Future**

Women and girls in Canada are facing an array of social, economic, and structural challenges. Many women and girls across Canada are struggling to realize their potential while facing the multiple pressures of poverty, violence, and isolation. We acknowledge their strength and courage. Canadian civil society will continue to work with the Government of Canada and international human rights bodies to ensure that Canada meets its commitments to those women and girls. We look forward to seeing progress towards the full and equal realization of their human rights by all Canadians.

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