

NGO Statement (Canada)

Geneva, October 20, 2008.

My name is Sharon McIvor. I am making this joint statement on behalf of the NGOs from Canada. Many of the NGO women here from Canada are experiencing the deprivations and discrimination we describe. When taken together, the NGO submissions for Canada represent the work and views of almost 500 women's organizations.

Canadian women legitimately question whether Canada takes the CEDAW review seriously. Canada has failed to implement the 23 recommendations that the Committee made in 2003, has directly flouted some of them and has moved backwards on central issues.

One reason this can happen is because there is no domestic process for responding to the CEDAW Committee's recommendations. Treaty body observations are not considered by Parliament or legislatures. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights recently expressed concerns about Canada's repeated failure to implement recommendations. Both noted the lack of any mechanism for addressing treaty compliance. We ask you to urge the Government of Canada to develop a transparent and co-ordinated system for domestic implementation of CEDAW obligations.

Canada has been unwilling to ensure the consistent and coordinated realization of women's human rights in all parts of the country. Programs and laws that are central to women's rights – such as pay equity and child care - exist in some jurisdictions, but are weak or non-existent in others. The Government of Canada has backed away from using the tools available to it, such as, the federal spending power. The Government of Canada invokes the constitutional division of powers between federal and provincial governments to explain its failure to ensure consistent realization of treaty rights, but Canada cannot justify its failure in this way.

Canada is one of the wealthiest countries in the world. It can fully realize its treaty obligations, but has not done so. In 2006 the Committee on Economic, Social and Cultural Rights concluded that there were no obstacles in Canada to the full realization of Covenant rights. There are also no obstacles to the full realization of CEDAW. Canada has enjoyed economic prosperity with federal budget surpluses for nine years. Yet programs and services for women's advancement have been cut and narrowed – harming the most vulnerable women. Despite Canada's wealth, some women in Canada do not have enough to eat and their children are hungry. If recession hits Canada, the most vulnerable women will be in even more desperate conditions.

Some of the concerns documented in the submissions of Canada's NGOs are these:

- Aboriginal women in Canada continue to live in impoverished conditions, with high rates of poverty, poor health, lack of access to clean water, low school completion rates, disproportionate incarceration and high rates of violence. They are still subject

to overt discrimination in laws. Amnesty International estimates that over the past 20 years, 500 Aboriginal women in Canada have been murdered or gone missing because of violence. We consider the status of Aboriginal women a crisis that must be addressed.

- There are high rates of poverty among women and girls in Canada. Particularly among lone-mothers, Aboriginal, African-Canadian, racialized, elderly, and disabled women. Women continue to be economically unequal with incomes that are about 60% of men's.
- Social programs that are vital to women, including social assistance, civil legal aid, and child-care are in crisis. Social assistance rates are at their lowest since the 1980s and do not provide an income that covers the cost of housing and food. In 2006, the Government cancelled child care agreements with the provinces. Only 17% of children under 12 in Canada have access to a regulated child care space.
- Canada frequently overlooks the needs of girls by designing de-gendered services for youth, or services for women - which do not account for girls' vulnerable age.
- Canada has no national housing strategy. Homelessness and lack of adequate housing has become a national crisis. This crisis has gendered implications, since women have less income, are more likely to rent, and are more likely to return to abusive partners when they cannot find adequate housing. Homeless women and girls are prey for violence and sexual harassment. The prevalence of girl homelessness has yet to be addressed.
- Law enforcement agencies and Canada's justice system continue to be inadequately responsive to violence against women. Most incidents of male violence are unreported or inadequately investigated. Girls are often returned to homes where they have been sexually abused and the abusers are not dealt with. Women who have called the police for protection and have restraining orders against violent partners, have nonetheless been murdered. Recommendations made after inquests and inquiries have not led to an improvement in police responsiveness. There are not enough shelters for women who are victims of violence, particularly in rural and northern communities. **Extreme violence against women that takes the form of torture by non-state actors is not adequately defined or punished in Canada's criminal law.**
- Federal women prisoners pose a low security risk but many are over-classified and segregated, in particular Aboriginal women. Canada continues the practice of employing male guards as front-line staff in women's institutions; and, despite many reports and recommendations, has failed to establish an independent external redress body for federally sentenced women. Teenage girls are routinely incarcerated alongside teenage boys in youth prisons, compromising girls' safety.
- Immigrant women in Canada are mainly underemployed. The foreign credentials of immigrant women are often not recognized. Live-in caregivers are still required to live in the homes of their employers, and unlike "skilled workers", who are mainly men, are not granted immediate permanent residence.
- In a shocking move in 2006, the Government of Canada cancelled its modest funding to the Court Challenges Program, which provided women with their only practical access to the use of their constitutional equality rights. Now the Charter's equality guarantee is accessible only to women with wealth.

- At the same time, the Government of Canada changed its funding guidelines for the Status of Women Canada's Women Program. Now women's NGOs cannot receive funding for advocacy or research. Women's NGOs are being silenced.

These are some of the concerns of the NGOs from Canada. Thank you.