

A Failing Grade On Women's Equality

CANADA'S HUMAN RIGHTS RECORD ON WOMEN

FEMINIST ALLIANCE FOR INTERNATIONAL ACTION
SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL
on the occasion of its universal periodic review of Canada

SEPTEMBER 2008



Acknowledgments

This submission was prepared for the Feminist Alliance for International Action by Margot Young, Shelagh Day, Kari Schroeder, and Aileen Smith in connection with the Social Rights Accountability Project, a Community University Research Alliance funded by the Social Sciences and Humanities Research Council of Canada. We also acknowledge the support of the Centre for Feminist Legal Studies at the University of British Columbia.

Founded in February 1999, FAFIA is a national alliance of forty Canadian women's equality-seeking organizations. FAFIA's goals are to:

- develop the capacity of women's organizations to work at the international level;
- make links between international instruments and agreements and domestic policy-making;
- hold Canadian governments accountable to the commitments to women that they have made under international human rights treaties and agreements, including the *Convention on the Elimination of All Forms of Discrimination against Women* and the *Beijing Platform For Action*.

2008 Feminist Alliance for International Action (FAFIA)
(<http://www.fafia-afai.org>)

Introduction

1. Canada has made political and legal commitments to women's human rights and to women's equality both internationally and domestically. In 2006, the current Prime Minister of Canada, Stephen Harper, signed a public election pledge to support women's human rights and to "take concrete and immediate measures, as recommended by the United Nations, to ensure that Canada fully upholds its commitments to women in Canada." In light of the depth and history of Canada's commitments to women's equality, Canada's human rights performance, and, in particular, recent decisions which have thrust women backwards, are dismaying.
2. One of the principles informing the Universal Periodic Review of Canada is to "fully include a gender perspective." The Human Rights Council should attend particularly to Canada's compliance with treaty obligations to respect, protect and fulfill the human rights of women in Canada.

Non-Compliance with International Obligations

3. Canada has a sophisticated infrastructure of institutions and programs, and it ranks among the 10 countries with the largest GDP in the world. In each year since 1998, the Government of Canada has run budget surpluses of billions of dollars. In 2007 the federal surplus was 13.6 billion dollars. Canada has the resources to provide the social programs and services that are key to achieving equality for women.
4. Despite such economic prosperity, Canadian governments have failed to take measures necessary to women's advancement, and have cut back on programs and services that are essential to women's equality. Canadian governments have not designed and implemented the policies and laws necessary to address the persistent conditions of social and economic inequality among women and girls, and particularly among the most vulnerable, including Aboriginal women, racialized women, women with disabilities, and lone mothers. Canadian women do not share equally in Canada's prosperity nor do they have an equal place in Canada's political and judicial institutions. Canadian women remain vulnerable to poverty, violence, political exclusion, and discrimination.
5. United Nations treaty bodies have, over the last decade, expressed consistent concerns about Canada's failures to uphold the human rights of women. But Canada has ignored these concerns and treaty body recommendations. No transparent and effective system is in place for monitoring compliance with treaty body obligations or for publicizing and responding to the concerns and recommendations of UN treaty bodies.

Poverty and Human Rights Centre, 2007, *Human Rights Treaty Implementation: The Consensus on Canada*, Online: Poverty and Human Rights Centre
<http://www.povertyandhumanrights.org/html/cat1599.html> (date accessed 6 September 2008)
6. The result is that Canada's commitments to uphold the rights of women lie in sharp contrast to current practices of Canadian governments.

Women's Poverty in Canada

7. Women in Canada are disproportionately poor. Since 1983, the poverty rate for women has fluctuated between 12% and 20% (it was 15.1% in 2006 for all women aged 19-64). While Canada boasts that poverty rates have dropped in recent years, this is due to a strong economy rather than to successful government efforts at reducing women's poverty. When the economy weakens, poverty rates for women are likely to rise again. Even when poverty rates for women are at their lowest, one in eight women in Canada lives below the government's Low-Income Cut-Offs (LICOs).
8. General poverty rates mask the disturbingly high poverty rates for particularly disadvantaged groups of women. According to Statistics Canada:
 - Lone mothers are the poorest family type in Canada, with a poverty rate of 38% compared to 12% for single fathers;

- Unattached senior women are also particularly vulnerable to poverty, with 37% falling below the poverty line compared to 29% of unattached men;
- Of all senior women, 17% are poor compared to just 8% of senior men;
- The poverty rate of Aboriginal women is 36%;
- 29% of women of colour are poor;
- 26% of women with disabilities fall below the poverty line;
- Foreign-born women living in Canada have a poverty rate of 23%, rising to 35% for those who arrived in Canada between 1991 and 2000.

9. Women's poverty has far reaching, gender-specific consequences. Poor women are less able to protect themselves from sexual exploitation, and more likely to turn to prostitution as a means of survival. Their vulnerability to rape and assault is magnified. Poor women, especially poor Aboriginal women, are more likely to have their children taken away by the state on the grounds that the women have "failed to protect" their children. Low-income women have very little political voice or influence.

Marginalized Women in Canada

10. The women who are poorest and most socially marginalized in Canada have been most severely harmed by government cuts to social programs and services, particularly those that have occurred since 1995.

Single Mothers

11. Lone mothers disproportionately rely on social assistance, the income support program of last resort. Their responsibility for their children makes their capacity to engage in paid work limited. Consequently, lone mothers and their children have been hit particularly hard by government reductions in social assistance benefits and by new punitive rules. Statistics Canada reports that lone mother families on social assistance have experienced dramatic reductions in benefits over the past decade, with current welfare incomes well below the poverty line. In 2003, 38% of all families headed by lone mothers had incomes that fell below the after-tax Low Income Cut-offs.

Aboriginal Women

12. Aboriginal women are among the poorest individuals in Canada. They are marginalized in the labour force, disproportionately working in lower paid and precarious jobs, with higher unemployment rates and lower incomes. They do not have the same level of educational attainment as non-Aboriginal women and their life expectancy is lower. In addition, they experience more violence. Despite the fact that Canada is an advanced democracy with a well-established justice system, more than 500 Aboriginal women have gone missing or been murdered over the last 15 years, a massive and systemic violation of the human rights of Aboriginal women, which has not yet been fully dealt with, or remedied. Systemic economic and social marginalization permits the cycle of racialized and sexualized violence to continue.

13. Federal legislation discriminates overtly against Aboriginal women. A recent court decision found that the federal *Indian Act* discriminates with respect to Indian status against Aboriginal women who "married out" and against those whose Indian status is derived from female ancestors. This finding is under appeal by the federal government. If successful, the federal government's appeal will retain the discriminatory provisions in the statute. Additionally, the federal government has failed to provide Aboriginal women living on reserves with the same matrimonial property rights as other women.

14. United Nations treaty bodies have been consistent in expressing concern about the conditions of Aboriginal women in Canada. In its *Concluding Observations* of Canada's 5th Periodic Report, the CEDAW committee noted that:

The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence.

Patterns of neglect and overt discrimination against Aboriginal women persist.

Women of Colour, Immigrant Women, and Refugee Women

15. Access to opportunities and income equality are limited for many Canadian women because of their racialized status. Statutory human rights laws, which prohibit race discrimination in employment, tenancy and public services, have failed to effectively address and eliminate the effects of entrenched racism. As a result, racialized women are under-represented in political office, academia, senior management positions, and media, and over-represented in precarious employment and among the poor. Government employment equity programs, where they exist, have been weak. Women who are immigrants come to Canada mainly as family class immigrants, reliant on a spouse or child, or to fill “women’s” jobs, such as live-in caregiver. Often, foreign training and education are not recognized by Canadian employers, or professional regulatory bodies. Racialized women are more highly educated than other women in Canada, but their incomes are lower and their jobs often do not match their skills and expertise. Governments have failed to put in place a coherent system to appropriately assess the foreign credentials of immigrant and refugee women living and working in Canada.

Women with Disabilities

16. Women with disabilities have been hit particularly hard by cuts to social programs, including services on which they are directly reliant, such as home care. For women with disabilities, access to employment is tenuous. Women with disabilities are poorer than non-disabled Canadians and than their male counterparts. For example, recent statistics indicate that women with disabilities aged 35-54, have an average income of \$17,000 compared to an average income of \$26,900 for men with disabilities in the same age range.

Specific Areas of Concern

Inadequate Social Assistance

17. Social assistance (SA), or welfare, is the most basic income security program available to Canadians. More women than men depend upon SA. In recent years, however, Canadian governments have reduced benefits, limited eligibility, and increased punitive regulation of benefit recipients. Changes to eligibility rules at the provincial level include: requiring recipients to have lived independently of their parents for two years – a requirement that places vulnerable young women at risk (British Columbia); deeming lone mothers employable when their youngest child is three years of age (British Columbia) or even 1 year old (Alberta); reducing the assets that a recipient can retain and still qualify for SA; imposing waiting periods for benefit initiation (British Columbia); and requiring recipients to work in order to gain access to SA benefits. Canadian governments have reduced the welfare rolls by making these changes. But they have not reduced poverty. Rather, they have increased the suffering of the most vulnerable women.

18. In addition to limiting access, all provinces, except Quebec and Newfoundland & Labrador, have reduced benefit rates. Benefit rates have declined in both absolute and relative terms between 1989 and 2005. In this same period, the cost of living rose by 43 percent. The result is welfare incomes that are grossly inadequate and now stand at their lowest level since the mid-1980s. In Ontario, Canada’s most populous province, welfare incomes for lone mothers dropped by over 30%. Measured as a percentage of Statistics Canada’s 2005 Low-Income-Cut-Offs (Canada’s functioning poverty lines), more than one-half of all households receiving welfare had incomes that were 50% of the poverty line or less.

19. The majority of provinces, with permission from the federal government, claw back from welfare

recipients the National Child Benefit Supplement. The practical result is that the poorest of all families in these provinces are denied the benefit of this federal income supplement, which is intended to benefit low-income families with children. As lone-mother families are the majority of families from whom the supplement is clawed back, the National Council on Welfare has concluded that the clawback discriminates against women.

Demise of National Standards

20. Provincial governments have been facilitated in this erosion of SA adequacy, availability, and accessibility by the federal government's removal of conditions from the funding that it provides to provincial governments to support social programs and services that are delivered by the provinces. Conditioned federal transfers have permitted the federal government to ensure that key designated social programs in all jurisdictions incorporate some standards that reflect treaty rights, such as the right to an adequate standard of living. However, since 1995, successive federal governments have backed away from attaching conditions to federal transfers, and the result has been eroded SA schemes, cuts to civil legal aid, inadequate provision of child care, erosions of home care services, and inadequate provision of shelters for battered women. This federal withdrawal from ensuring that there is a reliable, stable and adequate pan-Canadian system of social programs and services hits the most disadvantaged women hardest.

Housing

21. Homelessness and the housing conditions for low income people in Canada have been recognized as a "national crisis" by the mayors of major cities across the country. Average rents continue to escalate, social assistance rates continue to fall, there continues to be a severe shortage of social housing, and private sector landlords continue to discriminate against the most disadvantaged groups in Canada. All of this leads to housing insecurity for the most vulnerable populations, particularly low income women and Aboriginal women, immigrant women, disabled women, single mothers, older women and girls.

22. Females are more likely than their male counterparts to experience housing affordability problems. In 2003, 42% of renter families headed by lone mothers had housing affordability problems, as did 38% of single female renters under the age of 65. Housing affordability is particularly problematic for women in receipt of social assistance. Women in receipt of social assistance, in cities across the country, cannot meet basic needs, including housing. Homelessness and housing insecurity puts women and girls at extreme risk of violence.

23. One of the biggest issues for women in rural Canada is housing. In rural and northern Canada, adequate housing is out of reach for low and moderate income women and their families. The situation is particularly acute for Aboriginal women, both off and on reserve, in relation to both permanent housing and emergency shelters.

24. The Government of Canada has failed to address this problem. There has been no concrete and concerted government action to ensure access to decent housing for all Canadian women. Canada has no national housing strategy and federal housing spending is at its lowest level in two decades. Repeated concerns expressed by UN treaty bodies about the housing and homelessness crisis in Canada have been ignored.

Violence Against Women

25. Violence against women in Canada remains a key problem. Women who are poor, young women and girls, and women with disabilities are particularly vulnerable to violence, and have difficulty escaping it. Though eliminating violence against women is one of Canada's international development priorities, Canadian governments have not taken effective action at home. Statistics Canada (2006) studies show that:

- Rates of spousal violence against women have remained relatively unchanged in nearly all of the provinces over the last decade;
- Each year, one out of every four female university or college students in Canada experiences some variation of sexual assault;
- Over 86% of all criminal assaults in Canada are against women;

- Five times more women than men are murdered by their partners; women who kill their partners often do so in self-defence or after years of abuse;
- 96% of girls in custody in B.C. report having experienced physical and/or sexual abuse; 63% report having experienced sexual abuse specifically.;
- Every second, a woman somewhere in Canada experiences some form of sexual violence.

26. Aboriginal women are more likely to experience violence than non-Aboriginal women in Canada and are currently experiencing grave and systematic forms of violence, deserving of international attention and prompt action.

- The Native Women’s Association of Canada and Amnesty International estimate that over the past 20 years, 500 Aboriginal women in Canada may have been murdered or have gone missing in circumstances suggesting violence.
- In 2003 Aboriginal women were three times more likely to be victims of spousal violence than were those who are non-Aboriginal.
- Fifty-four percent of Aboriginal women have reported experiencing severe and potentially life threatening violence compared to 37% of non-Aboriginal women.
- Up to 75% of survivors of sexual assaults in Aboriginal communities are young women under 18 years old. 50% of those are under 14 years old, and almost 25% are younger than 7 years old.
- Eighty-two percent of all federally sentenced women report having been physically and/or sexually abused. This percentage rises to 90% for Aboriginal women.

Yet, there is a noted lack of comprehensive reporting and statistical analysis by government of the scale and character of violence against Aboriginal women. Governments have failed to respond in a timely and effective manner to massive violence against Aboriginal women.

27. Most incidents of violence against women are not reported to the police. Of those reported, the police and crown prosecutors increasingly divert to civil or criminal restraining orders rather than initiating immediate investigations, arrests, and appropriate conviction. In British Columbia, in 2003, the government’s Criminal Justice Branch reinstated Crown discretion to divert abusive men to alternative programs rather than maintain the rigorous prosecution stance previously in place. According to Statistics Canada, judges handed down prison terms in 19% of convicted cases of spousal violence. By contrast, 29% of offenders were incarcerated when convicted of other violent crimes. “Dual” charging has become a common practice, that is, charging both the woman and the man involved in domestic violence, and even sole charging of the woman reporting the crime is occurring in some jurisdictions, often with the police deeming the male abuser to be more “credible” than the woman. As well, it is not mandatory for judges to consider “domestic violence” in custody and access decisions upon separation.

28. Provision of shelters for abused women is inadequate. Canada’s 550 shelters for women fleeing violence are full and many have waiting lists. Recent government funding cuts for shelters, inadequate social assistance benefits and cuts to housing subsidies have resulted in a critical shortage of resources to get abused women and children out of danger. This is particularly extreme in rural and northern Canada and for women with disabilities.

Criminalized and Imprisoned Women

29. Women account for less than 5% of individuals serving sentences of 2 years or more. Aboriginal women and racialized women are disproportionately represented among federally sentenced women. Although women pose little risk to the community and have a much lower recidivism rate, Correctional Service of Canada continues to use the same risk and needs assessment tools for both women and men. The result is often skewed and discriminatory assessments of federally sentenced women. Women as a group are also subject to more disadvantaged treatment and more restrictive conditions of confinement than men. This is particularly true for

Aboriginal federally sentenced women and other racialized women. For example, Aboriginal women are only 32% of federally incarcerated women yet account for 35.5% of admissions to administrative segregation.

30. Approximately 20 reports, investigations, and commissions of inquiry have chronicled the urgent need for oversight and accountability mechanisms to address the violations of the rights of women prisoners in Canada. In 2005, the United Nations Human Rights Committee called on Canada to remedy the discriminatory treatment of women prisoners, and to implement recommendations of the Canadian Human Rights Commission regarding women prisoners. It also instructed Canada to report within one year on their progress on this front. No such report has been submitted.

Health Care

31. Gender, poverty and race are major determinants of health and also affect access to health care in Canada. Canadian women living in poverty are most affected by government cutbacks to health care services. Low income women and women in precarious employment are less likely to have supplementary health insurance coverage.

32. The structural inequality women face in Canadian society has had a particularly harsh effect on the health of Aboriginal women. Aboriginal people are more likely to face inadequate nutrition, substandard housing and sanitation, poverty, discrimination, racism, violence and high rates of physical, social and emotional injury, disability and premature death.

33. Women, and young Aboriginal women in particular, have disproportionate rates of infection with HIV/AIDS, although rates of infection remain relatively low in Canada. HIV infection is also 20 times greater in the Ontario African-Canadian community than among non-injection-drug-using heterosexuals. Women have lower survival rates than men. Yet research and programs to deal with HIV/AIDS remain largely gender neutral and rarely address the specific needs of women.

34. Women's access to abortion remains uncertain and uneven across the country, despite the fact that abortion is legal in Canada. Less than 20% of general hospitals perform abortions, and even those hospitals that do perform the service can have restrictive gestational limits, and long wait times. Prince Edward Island and Nunavut have no hospitals that perform abortions. Women in rural areas have to travel significant distances for abortion services.

Education

35. Education is a key protection from poverty for women. Women university graduates working full-time in 2003 earned an average income of \$53,400; no other group of women earned an average income greater than \$35,000 that year. Yet, it has become financially prohibitive for many poor women and lone mothers to pursue a higher education. Undergraduate tuition at universities across Canada has risen dramatically in recent years; tuitions fees are on average more than three times higher than 1990 levels, increasing at a rate four times the rate of inflation. These dramatic increases are due significantly to federal budget cuts, removal of federal conditions from federal transfers for post-secondary education, and the replacement of Established Program Financing and the *Canada Assistance Plan* with the Canada Social Transfer. As a result of these changes, student debt levels are rising. High debt loads have a disproportionate impact on women because of women's lower earning power before, during, and after their programs of study. In addition, some provinces no longer provide social assistance to recipients who are attending any form of post-secondary education, putting higher education beyond the reach of the poorest women.

36. Aboriginal women have lower participation rates in education at all levels. School completion rates for Aboriginal children and youth are much lower than for non-Aboriginal children and youth. In British Columbia alone, 38% of Aboriginal students graduate from high school, compared to 77% of non-Aboriginal students.

Political and Public Life

37. Women are underrepresented in all areas of political and public life. The number of women candidates

running for Parliament has dropped from 476 candidates in 1993 to just 373 in the last election. Ranking 47th in the world, Canada now has fewer women in Parliament than do most European countries and fewer than countries such as Mauritania, and Afghanistan. Barriers to women in politics include: stereotyping, a lack of role models, negative media treatment, difficulties balancing family commitments, the failure of political parties to support women candidates, finances, and exclusion from informal party networks.

Civil Society Participation

38. For 30 years the federal program, Status of Women Canada (SWC) Women's Program, has provided modest funds to women's organizations so that they could engage in policy analysis and development and advocate for women's equality. In 2006, the federal government closed local SWC offices and revised funding guidelines for the program. Organizations can no longer receive funding for advocacy or lobbying of governments at any level, or for research related to these activities. Only non-profit societies that are incorporated are now eligible for funding, eliminating funding for new or *ad hoc* women's organizations without capacity to incorporate. These changes have seriously stunted the ability of women's equality-seeking organizations to sustain advocacy work, to do research and to educate the public and governments about women's needs and violations of women's human rights. Organizations have shut down, cut advocacy activities, fired staff, and limited or eliminated research activities. The negative impact on the presence in Canadian public life of women's issues and voices is dramatic.

39. The Government of Canada has also eliminated the SWC Policy Research Fund (PRF). This fund has seen the production and publishing of cutting-edge policy research on issues of concern to women. Research supported by the PRF was relied upon by women's organizations, human rights organizations, academics, and government officials in Canada and in countries around the world.

Employment

40. The number of women joining the workforce continues to rise in Canada. In 2004, 7.5 million women, or 58% of all women over 15 years of age, were engaged in paid work. However, women still enter, and work in, a sex-segregated labour force where they do not enjoy equality with men in access to jobs, remuneration, or benefits. Women are over-represented in traditional "female" jobs such as nursing and clerical work, and they occupy only 37% of managerial positions, with a high concentration in lower management. Canadian women earn less than men, even when working in the same sectors or jobs. Women in full time employment earn 71% of the income of their male counterparts. The gender wage gap is not the result of lower educational levels, as women with university degrees earn only 74% of what university educated men earn. African-Canadian women earn an average income that is 88% that of non-racialized Canadian women, 79% of African-Canadian men, and almost half the income of non-racialized Canadian men.

41. Women in Canada are more likely than men to be in non-standard employment – in part-time, temporary, or multiple jobs. This is not necessarily by choice, but often a result of childcare responsibilities or inability to find full-time work. In 2004, 26% of women part-time workers indicated that they wanted full time employment but could only find part-time work. This is particularly true for Aboriginal women, immigrant women, and racialized women, all of whom are also more likely to be unemployed than other groups of women. For example, 57% of Aboriginal women workers work part-time and 47% of employed immigrant women (on average better educated than Canadian-born women) work primarily on a non-standard schedule. These jobs are less likely to provide access to employment insurance, pensions, and benefits. Women with disabilities are more likely to be unemployed. In addition, while women are doing paid work in increasing numbers, they also still do most of the unpaid domestic and childcare work in their homes, and most of the volunteer work in their communities.

42. In most jurisdictions in Canada, there is no pay equity legislation that applies to both public and private sector employers. In some provinces and territories there is no pay equity legislation at all, even for the public sector – that is, for government itself. In September 2006, the Government of Canada refused to improve the

federal pay equity law, despite strong and repeated recommendations from the government's own Pay Equity Task Force and the Parliamentary Committee on the Status of Women. The federal government's message is that women should rely on education, more mediation and wage rate inspections, although these methods of closing the wage gap have failed.

43. The lack of improvements to child care services across most of Canada remains a serious concern for women. Canada has recently moved backwards on ensuring adequate and affordable access to quality child care. While the progress on child care was painfully slow prior to 2006, since that time the federal government has cut dedicated federal child care transfers to the provinces and territories and weakened accountability requirements. Shortly after coming to power in 2006, the federal government terminated the 2005 Agreement on Early Learning and Child Care, effectively eliminating federal funding commitments for child care services. In 2005-2006, only 17% of children under 12 had access to a regulated child care space. A 2006 report by the Organization for Economic Cooperation and Development (OECD) ranked Canada last out of 14 countries in terms of public investment in early childhood education and care services and last out of 20 countries in terms of access.

44. In 2003, more than one out of three women with newborns did not qualify for maternity or parental benefits at all. As well, maternity benefits, currently lower than those available in 1995, provide only 55% of insurable income under the Employment Insurance scheme. Benefit calculation penalizes seasonal, on-call, and part-time workers. In addition, a waiting period of two weeks of no benefits is imposed on the first parent to draw benefits (usually the mother). The result is that maternity and parental leave is unavailable or unaffordable for many poor women in the paid labour force.

45. Unions play an important role in reducing the pay gap between women and men. In the public sector, the unionization rate for women is high and stable at 76%. However, in the private sector (in which one third of women work) the rate is just 14% and declining, well below the 23% rate for men in the private sector. Unionization is especially low for women working in low paid private service industries such as retail trade (12.9%) and accommodation and food services (7.1%). Forced to work for minimum wage, women working full-time in such jobs typically earn an income well below the poverty line.

Access to Justice

46. Civil law legal aid is used disproportionately by women, specifically in family law and poverty law matters, whereas criminal law legal aid is mainly used by men. The civil cases typically faced by women significantly affect women's security and enjoyment of social and economic rights. Yet, over the last decade, financial support for civil legal aid has dramatically diminished and access to legal services has become increasingly restricted. For example, in British Columbia in 2002, funding for civil legal aid was cut by almost 40% over three years. In many jurisdictions, family and poverty law legal aid is either unavailable or has been significantly eroded. When denied counsel and faced with representing themselves, women often give up pursuing their share of family assets, or resign from contesting variations in custody or support orders. Poor women cannot access legal services when denied benefits to which they are entitled by law, such as social assistance, employment insurance, disability benefits, and workers' compensation, or when they face eviction from their housing. Cuts to civil legal aid hit women harder than men.

47. The Court Challenges Program (CCP) was established in 1985 to provide modest federal funding for test cases initiated by individuals and groups to challenge federal laws and policies that violate the constitutional right to equality. Individual women, women's organizations and other equality-seeking groups were able, with this funding assistance, to access the Canadian court system to assert constitutional equality rights. In its 2003 Concluding Comments, the CEDAW Committee urged Canada to expand the CCP, making funds available for equality test cases in all jurisdictions. However, rather than expanding the program, the federal government announced in 2006 that funding for the program was cancelled. In the absence of CCP funding, women cannot exercise their equality rights in Canada unless they are wealthy.

48. Currently, Canada's domestic laws and law enforcement machinery do not provide women with access to effective adjudication of claims and redress for violations of the rights that are set out in international treaties that Canada has ratified.

Immigration

49. Significant areas of Canada's immigration policy raise distinct issues for women immigrant workers and refugees. The new "Canadian Experience Class" of immigrants privileges temporary workers classified as highly skilled. Women are disproportionately not in this classification and thus are disproportionately ineligible for this program. Women tend to enter Canada as family class immigrants, reliant on a spouse or child for their status, with many concomitant problems of access to services and integration into Canadian society..

50. Women entering Canada under the Live-In Caregiver Program are admitted as temporary rather than permanent workers and must live in the homes of their employers. Other categories of workers, (mainly dominated by men) receive permanent residency on arrival. Temporary worker status results in problems such as inability to effect family reunification, only partial coverage by provincial labour standards and no access to medicare. The requirement that the caregiver live in her employer's home has been widely criticized as leading to abuses such as unpaid or excessive working hours, violations of privacy, sexual harassment and assault.

51. Canada's designation of the United States as a "safe third country" has resulted in women refugees being denied protection for gender-based claims, due to American failure to reliably recognize gender-based refugee claims.

Trafficking of Women

52. Trafficking of women appears to be on the rise in Canada. Canada's Interdepartmental Working Group on Trafficking in Persons has not been effective in addressing trafficking or in meeting the needs of trafficked women. Canadian law provides no protection for the human rights of trafficked women and girls, is inconsistent, and does not reflect the requirements of the Palermo Protocol. Law enforcement efforts show limited progress. Trafficked women and girls are not provided with adequate access to medical services, counselling, legal aid, translation, and employment services. Trafficked women when apprehended are often treated as criminals and are reluctant to contact government service providers as such contact may trigger deportation. Guidelines recently announced by the federal government for Temporary Resident Permits deter trafficked persons from seeking such status and anecdotal evidence suggests that few have been issued.

Conclusion

53. FAFIA submits that Canada, by both government action and inaction, has failed to comply with its obligations to women under international human rights law. Appended to this report is FAFIA's 2008 submission to the Committee on the Elimination of Discrimination Against Women, which provides a more detailed assessment of Canada's compliance with CEDAW and of the underlying conditions of women's equality in Canada.

List of References

“Canada’s Failure to Act: Women’s Inequality Deepens.” *Submission of the Canadian Feminist Alliance for International Action to the UN Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee’s Review of Canada’s 5th Report* (January 2003), online: FAFIA http://www.fafia-afai.org/en/canadas_failure_to_act_womens_inequality_deepens (date accessed: 20 August 2008) .

Committee on the Elimination of Discrimination against Women. “Concluding Observations of Canada’s 5th Periodic Report.” CEDAW/C/CAN/5, 28th Sess., A/58/38 (31 January 2003).

Department of Finance, *Federal Government Public Accounts* (2007 September), online: Department of Finance Canada http://www.fin.gc.ca/frt/2007/frt07_1e.html#FederalGovernment (date accessed: 26 August 2008).

Statistics Canada, *Women in Canada: A Gender Based Statistical Report*. (March 2006), online: Statistics Canada <http://www.statcan.ca/cgi-bin/downpub/listpub.cgi?catno=89-503-XIE2005001> (date accessed: 20 August 2008) [Statistics Canada].

"Women's Inequality in Canada." *Submission of the Canadian Feminist Alliance for International Action to the UN Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee’s Review of Canada’s 6th and 7th Report* (September 2008), online: FAFIA <http://www.fafia-afai.org/>.

Appendix I

FAFIA Membership as of September 4, 2008

A Commitment to Training and Employment for Women (ACTEW)
Alliance des femmes de la francophonie canadienne (AFFC)
Amelia Rising Sexual Assault Centre of Nipissing
Antigonish Women's Resource Centre
Association Feminine d'Education et d'Action Sociale (AFEAS)
Assembly of First Nations
Atikokan Crisis Centre
Campaign 2000
Canadian Association of Elizabeth Fry Societies (CAEFS)
Canadian Association of Sexual Assault Centres / Association Canadienne des Centres Contre les Agressions a Caractere Sexuel (CASAC)
Canadian Council of Muslim Women / Conseil Canadien des Femmes Musulmanes
Canadian Federation of Students
Canadian Federation of Students Women's Caucus
Canadian Federation of University Women / Association des Femmes Diplomees des Universite (CFUW)
Canadian Federation of University Women - Kanata
Canadian Federation of University Women / Federation Canadienne des Femmes Diplomees des Universites (CFUW/FCFDU) - Human Rights Committee
Canadian Labour Congress - Women's Committee / Congres du Travail du Canada (CLC)
Canadian Research Institute for the Advancement of Women - National / Institut Canadien de Recherches sur les Femmes - National (CRIAOW)
Canadian Research Institute for the Advancement of Women - Nova Scotia / Institut Canadien de Recherches sur les Femmes - Nouvelle Ecosse
Canadian Union of Postal Workers (CUPW)
Canadian Union of Public Employees (CUPE)
Canadian Union of Public Employees (CUPE) - Women's Committee
Canadian Union of Public Employees (CUPE), National Women's Task Force
Canadian Voice of Women for Peace / La Voix Canadiennes des Femmes pour la Paix
Canadian Women's Community Economic Development Council
Canadian Women's Foundation
Canadian Women's Health Network / Reseau Canadien pour la Sante des Femmes (CWHN/RCSF)
Canadians for Choice
CARAL - 2
Centre for Equality Rights in Accommodation - Toronto (CERA)
Child Care Advocacy Association of Canada / Association Canadienne pour la Promotion des Services de Garde a l'Enfance
Childcare Resource and Research Unit
Committee for Domestic Workers and Caregivers' Rights
Congress of Black Women
Disable Women's Network Quebec
Disabled Women's Network Canada / Reseau d'Action des Femmes Handicappes du Canada (DAWN)
Federation des femmes du Quebec (FFQ)
Federation de ressources d'hebergement pour femmes violentees et en difficulte du Quebec
Feminists for Just and Equitable Public Policy (FemJEPP)

Intercede
 Intercede
 International Women of Saskatoon
 Kaushee's Place - Yukon Women's Transition Home
 Les EssentiElles
 Manitoba Women's Advisory Council
 Match International
 Media Watch
 Memorial Women's Studies Department
 Metis National Council of Women / Conseil National des Femmes Metisses
 Mother of the Red Nations (MORN)
 Mother's Are Women / Meres ET Femmes
 National Action Committee on the Status of Women - British Columbia
 National Action Committee on the Status of Women / Comite Canadien d'Action sur le Statut de la Femme (NAC)
 National Association of Women and the Law (NAWL)
 National Council of Women in Canada / Conseil National des Femmes du Canada (NCWC)
 National Organization of Immigrant and Visible Minority Women and Canada / Organisation Nationales des Femmes Immigrantes et des Femmes Appartenant une Minorite (NOIVMWC - National Office)
 Native Women's Association of Canada / Association des Femmes Autochtones du Canada (NWAC)
 Nobel Women's Initiative
 Older Women's Network
 Ontario Association of Interval and Transition Houses (OAITH)
 Power Camp National / Filles d'action
 Provincial Advisory Council on the Status of Women
 Quebec Native Women Association / Association des Femmes Autochtones du Quebec (QNWA/AFAQ)
 "Regroupement provincial des maison d'hébergement
 et de transition pour femmes victimes
 de violence conjugale"
 Regroupement québécois des CALACS (Centres d'aide et de lutte contre les agressions a caractere sexuel)
 Relais-Femmes
 Riverdale Immigrant Women's Centre (RIWC)
 The Convention on the Elimination of all forms of Discrimination Against Women - BC (CEDAW - BC)
 Toronto Women's City Alliance
 United Nations Development Fund for Women, Winniped Chapter
 United Nations Platform for Action Committee (UNPAC)
 Vancouver Rape Relief and Women's Shelter
 Vancouver Status of Women
 Vancouver Women's Health Collective
 Victoria Faulkner Women's Centre
 Toronto Women for a Just and Healthy Planet
 Women's Habitat of Etobicoke
 Women's Health in Women's Hands
 Women in Resource Development Inc.
 Women's Inter-Church Council of Canada
 Womenspace
 Womenspace National Office
 Centre for Northern Families / Yellowknife Women's Society
 Yukon Status of Women Council
 YWCA Canada - National Office / YWCA Canada - Office Nationale

