

Discrimination Experienced by Women in Québec

Submission of the Fédération des femmes du Québec

Appendix

to

Women's Inequality in Canada

Submission of the Canadian Feminist Alliance for International Action

to the United Nations Committee on the Elimination of Discrimination against
Women on the Occasion of the Committee's Review of Canada's 6th & 7th Reports

September 2008

Table of Contents

The Fédération des femmes du Québec	3
Introduction	3
Violation of Article 2: Anti-Discrimination Measures	
Legal Aid	5
Violation of Article 3: Measures to Ensure the Advancement of Women	
Violence Against Women and Girls	6
Violation of Article 13: Economic and Social Life	
Support Programs and Services	8
Women’s Access to Housing	9

The Fédération des femmes du Québec

The Fédération des femmes du Québec (FFQ)'s membership comprises 146 groups and over 300 individual women. It is an autonomous feminist organization that works in solidarity and partnership with other groups for the transformation of gender relations in all areas of human activity to foster women's full independence and obtain genuine recognition of all the contributions women make to society.

The FFQ's principal goals are to promote and defend women's interests and rights and combat all forms of violence, discrimination, marginalization and exclusion that target women. Its aim is to achieve women's equality in all sectors of society, and it strives to implement conditions to facilitate the attainment of this goal from a pluralist perspective, enabling the integration of women in all their diversity of experiences, affiliations and backgrounds. The FFQ is a meeting place that seeks to reflect the pluralism of Québec society and the diversity of the women's movement, particularly women living in poverty and women targeted for discrimination based, for example, on their colour, ethnic origin, sexual orientation, disability, age, religion or lifestyle. Within the women's movement, it exercises collective leadership to respond to the social issues confronting women. At the international level, based on its activities and the means at its disposal, the FFQ develops ties of solidarity with other women's groups across the planet. The Fédération des femmes du Québec is a non-partisan political education and action organization exercising the roles of social critic, pressure group, coordination and mobilization.

Introduction

This short appendix accompanies the main report presented by the Canadian Feminist Alliance for International Action (FAFIA), entitled *Women's Inequality in Canada*. It offers a piecemeal view of discrimination experienced by women in Québec. Québec is distinguished within Canada by its status as a distinct founding nation and by its civil law tradition. Québec is also the province that makes the most use of the provinces' right to opt out of federal social programs and receive financial compensation. The constitutional principle recognizing the areas of jurisdiction of the provinces forms the basis of this choice, as stipulated in the *Constitution of Canada*. In Canada, the provinces exercise jurisdiction over most social and labour matters.

Due to the lack of sustainable and adequate funding for human rights advocacy groups, including women's groups, it was impossible for us to present a more complete report.

This appended report, then, will focus solely on three specific provisions of CEDAW. The report's piecemeal nature is all the more regrettable, given that Canada is a rich country, and cannot claim insufficient resources to justify either the deterioration of women's rights or the funding constraints that plague the women's movement.

Comment concerning the protection of rights and freedoms in Québec

Québec's *Charter of Human Rights and Freedoms* (binding both the State and private entities under Québec's areas of jurisdiction) was amended in 2008 to specifically guarantee the principle of equality between women and men. However, Québec did not deem it opportune to extend this fundamental protection to women's economic and social rights, the precedence of which over ordinary legislation has yet to be enshrined. The impact of this omission is profound and discriminatory with regard to Québec women, who, like women everywhere, are poorer than men. In so acting, Québec remains oblivious to the nature of the commitments it has undertaken under CEDAW.

Violation of Article 2: Anti-Discrimination Measures

Legal Aid

Affirmation of the Government of Québec in Canada's report to CEDAW

325. The levels of financial eligibility for legal aid in Québec were raised in January 2006 and will continue to rise gradually until 2010, thus providing greater access to the justice system for less affluent individuals. The increase represents 36.3 percent for single people and will increase potential clients of the system to about 900,000 new recipients in the coming years. Of the 213,302 people who accessed legal aid in 2004-2005, 43.4 percent were women.

2003 CEDAW Recommendation

356. The Committee urges the State party to find ways for making funds available for equality test cases under all jurisdictions and for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.

2006 CESC Recommendation

43. The Committee recommends that the State party ensure that civil legal aid with regard to economic, social and cultural rights is provided to poor people in the provinces and territories, and that it be adequate with respect to coverage, eligibility and services provided.

Progress report

Despite the gradual increase of levels of financial eligibility to Québec's legal aid program since 2006, women earning minimum wage (nearly 100,000 women in Québec) and older women (in 2003, the average income of women aged 65 and older was \$18,700¹ and 74.7% of Québécoise women aged 65 and older received less than \$20,000²), who receive only Old Age Security and

¹ Institut de la statistique du Québec,
<http://www.stat.gouv.qc.ca/salle-presse/communiq/2005/septembre/sept0529b.htm>

² Conseil des aînés,
http://209.85.165.104/search?q=cache:yugKXOs2LEAJ:www.conseil-des-aines.qc.ca/publications/pdf/CDA_aines6.pdf+institut+de+la+statistique+du+Québec+femmes+plus+65+ans+revenu&hl=fr&ct=clnk&cd=3&gl=ca

Guaranteed Income Supplement benefits,³ are poor and vulnerable in a variety of ways, and do not have access to free legal aid services. Only women who receive "last resort" support (welfare) derive any benefits from this program.

Recommendation

So that the more vulnerable women may exercise the rights to which they are entitled, the government of Québec should raise eligibility levels for legal aid to a level equivalent to the minimum weekly wage.

Violation of Article 3: Measures to Ensure the Advancement of Women

Violence against women and girls

Affirmation of the Government of Québec in Canada's report to CEDAW

335. In 2001, the Government of Québec released the *Government Directions concerning Sexual Assault* and the related 2001-2006 action plan. In these guidelines, the Government recognizes the socially unacceptable and criminal nature of all forms of sexual assault. The implementation of these guidelines is designed specifically to encourage the reporting of these crimes, to provide assistance and protection services better suited to the many needs of the victims, the vast majority of whom are women, in all regions of Québec, and to promote better supervision of sexual abusers in order to reduce the likelihood of repeat offences.

336. The Government of Québec has provided new funding amounting to \$21 million to implement these guidelines. In 2005-2006, an additional \$1.2 million was allocated to 38 Centres d'aide et de lutte contre les agressions à caractère sexuel (CALACS), bringing total funding of these centres to \$7.2 million.

2003 CEDAW Recommendations

368. The Committee encourages the State party to assist victims of trafficking through counselling and reintegration and to include detailed information on its victim assistance

³ In 2008, these women are receiving an annual income of \$13,636.

programmes in its next periodic report.

370. The Committee urges the State party to step up its efforts to combat violence against women and girls and increase its funding for women's crisis centres and shelters in order to address the needs of women victims of violence under all governments.

Progress report

The first Action Plan to implement the *Government Directions Concerning Sexual Assault* provided no specific measures for Aboriginal women and women from the groups most targeted for discrimination (immigrant and refugee women, women from visible minority and racialized groups, women with disabilities, and lesbians). Although the Second Action Plan, launched in 2008, contains measures for Aboriginal women, it is still inadequate with respect to the other groups of women for whom sexual assault is the consequence of intersecting systems of discrimination.

The 2008 Action Plan provides financial support for agencies providing services to sexual assault victims, regardless of their age and sex. Notwithstanding this, in 2008-2009, the Ministère de la Santé et des Services sociaux allocated a budget that is significantly inferior to the additional financial resources necessary for the provision of fair and accessible services for women and girls who are victims of sexual assault in every region of Québec (including Aboriginal women in the North and Nunavik/northern Québec).

Moreover, the Second Action Plan is mute on the subject of women and girls in prostitution, and victims of sex trafficking and street gangs. Measures to improve the living conditions of women who do not wish to report their assaults to the police are also nowhere to be seen in this Plan.

Recommendations

The Government of Québec should increase efforts to combat all forms of violence against women and girls. It should increase funding to women's crisis centres and place particular attention on the specific needs of immigrant and refugee women, women from minority and racialized groups, women with disabilities and lesbians.

Violation of Article 13: Economic and Social Life

Support programs and services

Affirmation of the Government of Québec in Canada's report to CEDAW

374. Since 2005, employment assistance benefits have been indexed to January 1 of each year, for a five-year period, on the basis of criteria related to temporary or severe employment constraints.

2003 CEDAW Recommendation

358. The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.

2006 CESCR Recommendation

53. The Committee urges the State party to establish social assistance at levels which ensure the realization of an adequate standard of living for all.

Progress report

In Québec, the basic benefits paid to people receiving social assistance do not cover their essential needs. Statistics Canada (2007) set the Market Basket Measure with respect to basic goods and services at \$13,267 per year. Yet, in 2008, annual income support paid to people with employment constraints is \$8,307.96, while annual support paid to people without constraints is \$6,903.96. Starting in January 1, 2005, social assistance benefits paid to people with employment constraints were indexed every year based on the rise in the cost of living. In the case of people who are able to work, however, indexation is partial and limited to 50% of the maximum indexation available for people with employment constraints. . As a result, people receiving social assistance who have no employment constraints have experienced a steady deterioration of their economic situation.

Recommendation

The government of Québec, which has adopted an *Action Plan to Combat Poverty and Exclusion*, should take the appropriate measures to ensure that all people receive an income that is at least equivalent to the Market Basket Measure. The first measure for urgent implementation would be full indexation of all benefits.

Women's access to housing

Affirmation of the Government of Québec in Canada's report to CEDAW

379. In its 2005-2006 budget, the Government of Québec announced supplementary expenditures of \$145 million for the construction of 2,600 new housing units under the *AccèsLogis* program for low-income households. Added to this sum, were expenditures of \$15 million to renovate existing social housing units. These expenditures will be of particular benefit to women, more of whom, compared to men, have to spend 30 percent or more of their income on housing.

2003 CEDAW Recommendation

384. The Committee recommends that the State party reconsider and, if necessary, redesign its efforts towards socially assisted housing after a gender-based impact analysis for vulnerable groups of women.

2006 CESCRC Recommendation

59. The Committee recommends that the State party ensure that low-income women and women trying to leave abusive relationships can access housing options and appropriate support services in keeping with the right to an adequate standard of living.

62. The Committee reiterates its recommendation that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, where necessary, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing,

increasing shelter allowances and social assistance rates to realistic levels, and providing adequate support services for persons with disabilities. The Committee urges the State party to implement a national strategy for the reduction of homelessness that includes measurable goals and timetables, consultation and collaboration with affected communities, complaints procedures, and transparent accountability mechanisms, in keeping with Covenant standards.

Progress report

Vulnerable women have no access to affordable housing due to the shortage of rental housing for families in some regions of Québec, and also the long waiting lists for access to low rental housing.

This situation has a direct impact on women who are trying to escape an abusive relationship. Many of them, especially those with children, have enormous difficulty finding decent, safe and sufficiently spacious housing for their family. Faced with this obstacle, some women decide to return to their violent spouse.

Recommendation Québec should pursue and increase its expenditures for the creation of social and community housing, paying particular attention to the needs of vulnerable women, including victims of violence.