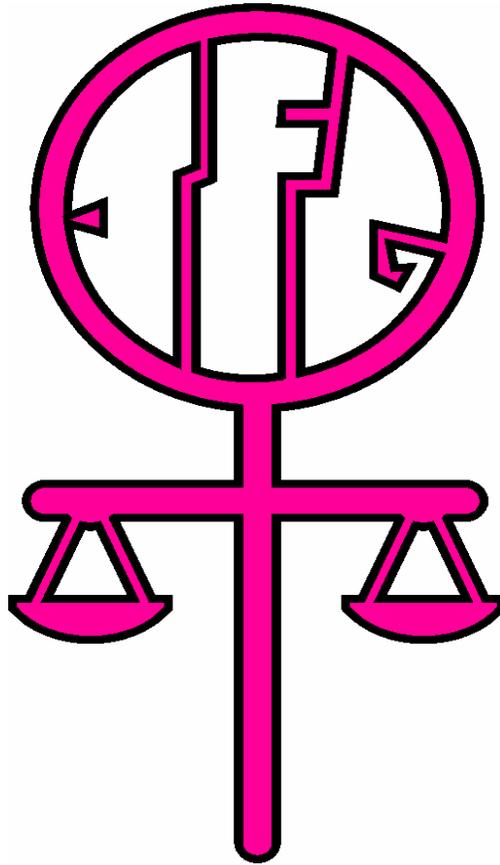


**Submission to the
United Nations Committee on
Economic, Social and Cultural Rights
at its' 5th periodic review of Canada**



Submitted by:
Justice for Girls
Vancouver, Canada
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Summary

1. **Justice for Girls respectfully submits that Canada is failing to take the necessary steps to progressively realize the rights set out in the *International Covenant on Economic Social & Cultural Rights* (hereinafter, *the Covenant*) to the maximum of its available resources as these rights pertain to teenage girls, and that the social and economic position of teenage girls in Canada is an outcome of that failure.**
2. Justice for Girls respectfully submits that the present Committee, in accordance with the recognition of the specific circumstances of the girl child arising from the United Nations Fourth World Conference on Women, must evaluate Canada's compliance with *the Covenant* as it applies to the specific position of the girl child within the Canadian nation state.
3. Special Rapporteur on Adequate Housing, Mr. Miloon Kothari recently identified girls/young women, especially those who are homeless, as a group that is especially vulnerable to international human rights violations and in particular, the right to adequate housing. Mr. Kothari stated that sexual abuse in the family home is a major reason for homelessness among girls in Canada. Mr. Kothari also noted that "Homelessness in general and that of young women and girls in particular has become a national concern in Canada."¹
4. Poverty along with sexual and physical violence severely impacts and restricts the lives of girls and young women in Canada. The dire situation of Indigenous girls in Canada is a direct result of colonization: Indigenous girls and young women thus face the most extreme conditions of poverty and violence, including cultural genocide.
5. Teenage girls are one of the most vulnerable groups in Canadian society. They are subjected to high rates of sexual and physical violence, often with little response from government authorities. Approximately 1 in 6 girls² live in poverty, many encounter abuse and neglect in government facilities such as youth prisons and child welfare agencies, they have virtually no access to girl-only shelter, and they make up approximately 10% of the homeless in Canada.³
6. Once they are homeless, girls endure frequent and severe male sexual and physical violence, grossly inadequate and dangerous housing conditions, criminalization, serious and sometimes fatal health disorders, and many other devastating consequences.

¹ Miloon Kothari, *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), page 20 paragraph 76

² Campaign 2000, *Decision Time for Canada: Let's Make Poverty History*, 2005 Report Card on Child Poverty in Canada. See <http://www.campaign2000.ca/rc/rc05/05NationalReportCard.pdf>

³ Based on compilations of statistics from cities across Canada found in the *On Her Own: Young Women and Homelessness in Canada*, Report (Novac, L. Serge, M. Eberle and J. Brown, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada, http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf) and Canadian government estimates that youth constitute 10-30 percent of the total homeless population in big cities (The National Homelessness Initiative at http://www11.hrdc-drhc.gc.ca/pls/edd/SPAH203_03_343004.htm)

7. Despite a situation of overall prosperity in Canada, the Canadian government has consistently failed to provide teenage girls who live in poverty and who are affected by violence, with secure homes and safe communities in which to live in peace and dignity.
8. **Justice for Girls asserts that Canada is failing to undertake the fulfillment of the rights of girls in this covenant without discrimination.** Particular groups of girls—Indigenous girls, lesbian girls, teenage mothers, girls with disabilities—are severely marginalized and very likely to experience male violence, live in poverty, and/or to become homeless.
9. Indigenous girls disproportionately experience poverty and homelessness. Many have described the degree of violence against Indigenous girls in Canada as epidemic in proportion. Indigenous girls are also disproportionately criminalized, often for poverty-related crimes⁴. Poverty, violence, and criminalization in the lives of Indigenous girls, whether they are living at home, in child welfare agencies or on the streets, is a direct result of historical and current conditions of colonization that systematically devastate Indigenous nations, cultures, languages and communities.

Recommendations

Recommendation 1: Canada must revise youth policies and programs, both federal and provincial, to make them gender specific. Housing (transitional and long term), anti-violence/advocacy centers, addictions treatment and detox programs, and education and health services, that are specifically designed to meet the needs of girls, are critical in order to address current social inequalities and to meet Canada's obligations to girls' equality under *Section 15* of the *Canadian Charter of Rights & Freedoms* and the present *Covenant*.

Recommendation 2: The Canadian government must specifically uphold the inherent rights of Aboriginal⁵ girls and make every effort to remedy the consequences of colonization. In so doing, the Canadian government must engage the leadership of the Native Women's Association of Canada, Pauktutit, and provincial/territorial Indigenous grassroots women's groups.

Recommendation 3: Canada must take immediate action to alleviate poverty in the lives of teenage girls and their families by ensuring that all persons have access to the means by which to live in peace, security and dignity. Economic security must be legally recognized as a constitutional right in Canada.

Recommendation 4: Canada must take steps to prevent and respond to violence against girls, especially the extreme rate of violence against Indigenous girls:

- Canada must **remove and prosecute the perpetrators of violence in the home**, especially in cases of child sexual abuse. Girls must be free from violence

⁴ According to Justice Canada's 2004 One-Day Snapshot of Aboriginal Youth in Custody, 33% of youth in custody were Aboriginal even though Aboriginal youth make up only 5% of the Canadian population. In British Columbia, a 2001 study found that 58% of girls in custody identified themselves as Aboriginal (McCreary 2001).

⁵ Throughout this submission the terms "Aboriginal" and "Indigenous" are used interchangeably to describe the Original peoples of what is now called Canada.

within their own homes and without fear of being removed if they report sexual or physical abuse by male family members.

- Canada must **ensure that the criminal justice response to violence against girls is immediate, thorough, and complies with girls' right to equality** under the *Canadian Charter of Rights and Freedoms*.
- Canada must **provide supports such as girl-only transitional housing to girls who are escaping violence and/or who are homeless**.
- Canada must **fund girls' rights, advocacy, and anti-violence centers** in order to protect the social, economic and cultural rights of teenage girls in Canada.

Recommendation 5: The government of Canada must stop the criminalization and incarceration/forced confinement of teenage girls in response to poverty, violence, and colonization.

Recommendation 6: The government of Canada must fund long term subsidized housing for homeless teenage girls, in particular teenage mothers who are at serious risk of homelessness and state apprehension of their children.

Recommendation 7: Programs and policies for teenage girls must be developed and administered under the auspices of Status of Women Canada and provincial/territorial Women's equality ministries. Such policies and programs must be understood and developed as part of a response to social inequalities in Canada.

Recommendation 8: Ultimately, we sincerely believe that a Special Rapporteur on the Rights of the Girl-Child must be appointed by the United Nations to guarantee that there is a mechanism for challenging breaches of girls' human rights at the international level.

Introduction

Justice for Girls

10. Justice for Girls is a Canadian non-profit organization that promotes the economic, social, and human rights of the girl-child. Justice for Girls is the only equality rights organization for girls in Canada. JFG advocates both for individual teenage girls who are living in poverty and systemically to challenge laws, policies and practices that breach the rights of teenage girls.⁶ JFG promotes domestic laws and policies that ensure teenage girls' rights to safety and dignity. At the same time, we challenge governments to close the gap that often exists between social policy and the realization of equality and human rights for teenage girls in Canada.

11. Despite Canada's statement in its' 5th periodic report⁷ that Justice for Girls is a "three-year project... aimed at developing creative housing options for street-involved young women who live in poverty, instability, and violence", Justice for Girls has been established for 7 years and works in a variety of ways to promote the human rights of teenage girls. One of our principal goals is to prevent and eradicate homelessness and poverty in the lives of girls in Canada.

The importance of addressing the human rights of the girl-child

12. The rights of girls and the specific conditions of oppression with which they are faced are often overlooked within Canadian society and indeed worldwide. Marginalised within the category of children as females and within the category of women as minors, the girl-child⁸ and the issues that affect her tend to be eclipsed by concerns general to youth or adult women.

13. The *Platform for Action on the Girl Child*, arising from the United Nations Fourth World Conference on Women, as well as the *World Programme of Action for Youth on Girls and Young women*, articulate numerous strategic objectives to eliminate violence and discrimination in the lives of girls worldwide and set out a framework for situating the girl-child within international human rights.⁹ Despite this, girls seem to remain a low priority for many Nation states and their specific issues tend to be overlooked by international human rights bodies.

14. There is an urgent need to re-acknowledge girls as a distinct group with specific needs and to recognise the importance of protecting girl's human rights in international law. **Indeed, girls/young women, especially those who are homeless, have recently been cited by a United Nations body as a group that is especially vulnerable to human rights violations and in particular the right to adequate housing.**¹⁰

⁶ Justice for Girls has provided individual advocacy to imprisoned teenage girls, monitored court cases involving violence against girls and cases in which girls are accused of a crime (most often poverty-related crimes), conducted a national study of girls' access to education in Canada, and is currently developing a housing and anti-poverty strategy for teenage girls. For more information about JFG please see <http://www.justiceforgirls.org>

⁷ At paragraph 190

⁸ We use the term "girls" and the "girl-child" interchangeably to mean "girl-child" as defined by the Beijing Conference. This category includes both girl children and young women who are not legally adults; in Canada, girls younger than 19 years of age.

⁹ The United Nations Beijing Declaration and Platform for Action <http://www0.un.org/womenwatch/daw/beijing/platform/girl.htm> and The World Programme of Action at <http://www.un.org/esa/socdev/unyin/wpaygirls.htm>

¹⁰ Kothari, page 10 paragraph 30

15. We urge the Committee at this 4th & 5th periodic review of Canada's compliance with *the Covenant* to pay specific attention to the conditions and rights of the girl-child in Canada.

Specific Breaches of Covenant by Canada
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Article 1

16. Justice for Girls respectfully submits that Canada is violating *the Covenant* right of Indigenous teenage girls to self-determination. The colonization of Indigenous girls in present-day Canadian society is the root of Indigenous girls' inability to freely determine their political status and freely pursue their economic, social and cultural development in Canada. Cultural genocide--exemplified by an epidemic of suicides, murders, and disappearances of Indigenous girls--criminalization, systemic racism, racialized male sexual violence, especially childhood sexual abuse, and sexist discrimination against Indigenous girls are poignant examples of how colonization ravages the lives of Indigenous girls in modern-day Canadian society. Indigenous girls' identity--a key factor in their ability to be self-determining--is fragmented and devastated in the process of colonization. Although Indigenous girls and their communities work hard to decolonize their lives by regaining connections to their land, family, and identity, the current process of colonization in Canada is a breach of Indigenous girls' rights to self-determination.
17. Indigenous girls face extreme social and economic marginalization in contemporary Canadian society and in their own communities. There is no question that Indigenous girls bear the brunt of colonization. However, the intense sexual abuse they face in their homes and in the larger community/society goes largely unnoticed, unreported and unpunished. In fact, many Indigenous girls do not report sexual abuse, rape, and sexual assault out of fear of being disbelieved, blamed, or even criminalized for the abuse.
18. The colonizing policies/practices of the Canadian Government can be seen across institutions including child welfare/social services, health, education, criminal justice and policing. While professing a desire to right the wrongs of the past, the Canadian Government continues its process of colonization with the effect of controlling virtually every aspect of Indigenous life. The impact of both historical and current colonization of Indigenous nations and lands is extreme and brutal for Indigenous girls:
- Up to 75% of victims of sex crimes in Aboriginal communities are female under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age.¹¹
 - The poverty rate amongst Aboriginal children is more than double the rate for non-Aboriginal children in Canada.¹²
 - About 70% of on-reserve Indigenous youth will never complete secondary school. The numbers are similar for Indigenous youth attending provincial schools.¹³

¹¹ FREDA Center for Research on Violence against Women & Children. <http://www.harbour.sfu.ca/freda/articles/stats.htm>

¹² Campaign 2000 ---<http://www.campaign2000.ca/rc/rc05/05NationalReportCard.pdf>

- According to Justice Canada's 2004 One-Day Snapshot of Aboriginal Youth in Custody across Canada, 33% of youth in custody are Aboriginal even though Aboriginal youth make up only 5% of the Canadian population.
 - Aboriginal children in British Columbia are 7 times more likely to wind up living in government care than non-Aboriginal children.¹⁴ It is likely that this high rate of child apprehension in BC is related to the large number of single Indigenous women who are raising their children in abject poverty¹⁵, and because of extreme racism, including Canada's long history of apprehending Indigenous children into state care.
 - The suicide rate for adolescent Aboriginal girls has been measured to be 8-20 times the national average of non-Aboriginal adolescent girls.¹⁶
19. Canada has severely restricted Indigenous girls' right to self determination through the *Indian Act*¹⁷. Indigenous societies, many that were traditionally matrilineal with genealogical descent traced through the mother's line, were subjected to the patriarchy of European laws -now internalized by many Indigenous men and women. Indigenous girls' daily lives are shaped by the *Indian Act*. Homelessness, sexual abuse, immense poverty, poor health, mental illness, criminalization, alienation from education and a loss of culture among Indigenous teenage girls are symptoms of colonization under the *Indian Act*.
20. Traditional economic systems of Indigenous peoples in Canada are critically disrupted by colonization. The failure of Canada to respect Indigenous ownership of land, that was formally recognized in *Delgamuukw v. British Columbia*, is a breach of the self-determination of Indigenous peoples including girls.¹⁸ Indigenous girls suffer poor health due to laws and legislation that limit or forbid access to traditional diets including wild fish, game, plants, and medicines and sacred sites. Spiritual and cultural power and development stems from land for all Indigenous nations in Canada. Without traditional territories, Indigenous peoples' ability to live their cultures is severely fractured.
21. Indigenous girls continue to be over-criminalized and incarcerated as a form of forced assimilation in Canada: historically "attempts to 'rehabilitate' First Nations girls, mainly through incarceration in training and industrial [and residential] schools, were embarked upon with open admission that the aim of such ventures was to make the girls relinquish their cultural ties and embrace white, middle-class values."¹⁹ Indigenous young women remain over-represented in Canadian prisons. In the province of BC, Indigenous girls make up 58% of incarcerated girls.²⁰ Until very recently youth were punished in a British Columbia youth prison

¹³First Nations Education Action Plan. Assembly of First Nations. May 2005. <http://www.afn.ca/cmslib/general/Education-Action%20Plan.pdf>

¹⁴ Aboriginal Child Welfare: Wounds, Healing and Hope (Spring 2005). Society for Children & Youth BC http://www.scyofbc.org/site_assets/www.scyofbc.org/images/dynamic/scy_vp_extract.pdf

¹⁵ *ibid*

¹⁶ National Forum on Health 1997, <http://wwwfnh.hc-sc.gc.ca/publicat/finvol2/vol2.htm> and Raven's Children Aboriginal Youth Health in BC, McCreary Centre Society 2000

¹⁷ Indian Act (R.S., 1985, c. I-5) <http://lois.justice.gc.ca/en/I-5/>

¹⁸ *Delgamuukw v. British Columbia* [1997] 3 S.C.R.--see http://www.lexum.umontreal.ca/csc-scc/en/pub/1997/vol3/html/1997scr3_1010.html

¹⁹ Amber Dean, "Locking them up to keep them 'safe': Criminalized girls in British Columbia"

²⁰ McCreary Centre Society, Time Out: A Profile of BC Youth in Custody, 2001

for engaging in a Sacred Spiritual ceremony.²¹

Article 3

22. Justice for Girls respectfully submits that Canada has not met its obligations to prevent and respond to violence against girls and that girls sometimes become homeless as a result of this government inaction. During its 5th periodic review of Canada's compliance with the *Covenant on the Elimination of all forms of Discrimination against Women*, the Committee urged Canada to step up its efforts to combat violence against women and girls and to increase funding to women's crisis centers and shelters.²²
23. Recent Canadian statistics report that teenage girls are disproportionately sexually and physically violated by men in their families and communities:
- According to the 1999 survey, teenage girls were more likely to report being sexually assaulted than women in any other age category.²³
 - Up to 75% of victims of sex crimes in Aboriginal communities are female under 18 years of age, 50% of those are under 14, and almost 25% of those are younger than 7 years of age.²⁴
 - In 2002, girls represented 79% of the victims of family-related sexual assaults reported to a subset of police departments. Rates of sexual offences were highest among girls between the ages of 11 and 14, with the highest rate at age 13.²⁵
 - Young women under the age of 25 are at the highest risk of domestic male violence and to be murdered by a male spouse.²⁶
24. Male violence—sexual abuse, physical assault, psychological torment—pushes Canadian girls out of their family homes. As the 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.”²⁷ ”
25. Research cites sexual abuse in the family home as a major cause of homelessness amongst girls in Canada and the United States. In recent studies between 75-84% of homeless girls reported having experienced sexual abuse.²⁸

²¹ Aboriginal and Girls' Advocates call on MCFD Minister to stop racist shackling during Sacred Sweat Lodge Ceremony at Youth Prison, February 17th, 2006 http://justiceforgirls.org/press/pr_02172006_shackling%20sweat%20lodge.html

²² United Nations Report of the Committee on the Elimination of All forms of Discrimination against Women, 28th Session, January 2003. See http://www.fafia-afai.org/images/CEDAW_UNrecs_to_Canada_2003.pdf

²³ Canadian Center for Justice Statistics Profile Series. *Children & Youth in Canada* (2001). See <http://www.statcan.ca/english/freepub/85F0033MIE/85F0033MIE2001005.pdf>

²⁴ FREDA Research Centre. *Violence Prevention and the Girl Child*. www.harbour.sfu.ca/freda/report/gc01.htm

²⁵ Canadian Center for Justice Statistics. *Family Violence in Canada: A Statistical Profile 2005*. See <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2005000.pdf>

²⁶ Ibid.

²⁷ Kothari, page 20, paragraph 77

²⁸ *No Place to Call Home: A Profile of street youth in BC*, 2001. www.hvl.ihpr.ubc.ca/pdf/mccreary2001.pdf. Study of 523 homeless youth found that 87% of the homeless girls had been physically and/or sexually abused.

Between the Cracks: Homeless Youth in Vancouver, 2002. www.hvl.ihpr.ubc.ca/pdf/mccreary2002.pdf. Study found that 84% of homeless Aboriginal girls had experienced sexual abuse.

Kral A.H, Molnar B.E, Booth R.E, Watters J.K. *Prevalence of sexual risk behavior and substance use among runaway and homeless adolescents in San Francisco, Denver, and New York City*. International Journal of STD and AIDS 8 (2). Study of 775 homeless youth found that 75% of homeless girls reported being sexually abused.

26. When girls attempt to escape male violence within the family home, Canadian state authorities—police, child welfare—tend to respond in a discriminatory manner both in breach of girls’ right to equality pursuant to Section 15 of the *Canadian Charter of Rights & Freedoms* and in breach of Article 3 of the *Covenant*. Government authorities often send girls back into their family homes where the abuser remains, sometimes remove girls from their family homes/communities to be placed in unsafe and/or inadequate government homes/youth shelters, and rarely remove the abusive adult male from the family home or pursue criminal prosecution against him.
27. Recently, the Special Rapporteur on Adequate Housing, Miloon Kothari requested that nation states “Act with due diligence to prevent, investigate and punish acts of violence against women given the linkages between violence against women and women’s adequate housing.”²⁹
28. The Canadian government has failed to respond to girl homelessness with gender specific policies or housing options. Despite Canada’s claims at paragraph 189 of its’ 5th periodic report on the present *Covenant*, that there are services for youth exiting homelessness, these services are inadequate, gender-neutral, and moreover fail to address the violence and discrimination that shapes the lived realities of teenage girls.
29. Currently, teenage girls make up between 1/3 and half of homeless youth in big cities across Canada.³⁰ Yet, the vast majority of youth shelters across Canada jointly house teenage girls and teenage boys. Girls continually report experiencing male violence at co-educational youth shelters.³¹
30. A recent government review of youth shelters in BC confirmed that there are risks to teenage girls when they are housed in co-ed youth shelters.³² National research also found that young women are reluctant to make use of co-ed services for street youth because of “fears of intimidation and violence by male patrons”.³³ When asked about sexual harassment in youth shelters, young women told Justice for Girls:

*“You do get hit on a lot but that’s pretty much everywhere you go right?”*³⁴

*“It’s pretty dangerous if you’re a girl.”*³⁵

*“if you’re going in there to have a break off the streets you don’t want people cat-calling you...I don’t wanna be hit on when I’m going to a shelter...so if there’s a women only shelter that’s better.”*³⁶

²⁹ Kothari, page 21 paragraph 83 (d)

³⁰ On Her Own: Young Women and Homelessness in Canada

³¹ Review of Youth Safe Houses and Emergency Shelters in BC (Ministry of Children and Family Development 2005), On Her Own: Young Women and Homelessness in Canada, and Justice for Girls interviews with young women for the anti-poverty project.

³² Review of Youth Safe Houses and Emergency Shelters in BC

³³ Novac, L. Serge, M. Eberle and J. Brown, “On Her Own: Young Women and Homelessness in Canada”, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada, http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

³⁴ Justice for Girls interviews with young women for the anti-poverty project 2005

³⁵ Ibid

³⁶ Ibid

31. Canada, in breach of Articles 3, 10 & 11, does not provide adequate or safe girl-only housing to girls escaping abuse in the family home or on the street.
32. The *Committee* at General Comment 16 has stated that “Implementing article 3, in relation to article 10, requires States parties, inter alia, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage.”³⁷
33. Recently, the Special Rapporteur on Adequate Housing recommended that states “ensure that women can access temporary, appropriate shelters.”³⁸
34. Young mothers are particularly at risk of homelessness with their children because so many young mothers live in poverty. As the *Committee* noted in its’ concluding observations at the third periodic review of Canada, the poverty rates for young moms and their children are disturbingly high.³⁹ Despite this fact, there is not even one youth shelter in British Columbia specifically for teenage mothers and their children.⁴⁰
35. Gender-neutral youth programs and policies in effect discriminate against girls and do little to achieve substantive equality for girls under the Section 15 of the *Canadian Charter of Rights & 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 residents.
36. According to the UN Beijing Platform on the Rights of the Girl Child: “In addressing issues concerning children and youth, governments should promote an active and visible policy of mainstreaming a gender perspective into all policies and programs so that before decisions are taken, an analysis is made of the effects on girls and boys, respectively.”⁴¹
37. Girls experience extreme violence while homeless because of their gender.⁴² The UN Special Rapporteur on Adequate Housing recently stated that: “Homelessness exposes women to an additional range of physical and emotional dangers. In order to obtain even temporary shelter, women are forced to provide sexual favors or work as sex workers/prostitutes. Homeless women, particularly young women are vulnerable to sexual exploitation, sexual trafficking and drug

³⁷ General Comment 16 on Article 3 of the ICESCR, can be found at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.2005.4.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.2005.4.En?Opendocument)

³⁸ Kothari, page 21 paragraph 83 (e)

³⁹ Concluding observations of the Committee on Economic, Social and Cultural Rights, on Canada at its’ 3rd periodic review. “The Committee is concerned at the crisis level of homelessness among youth and young families. According to information received from the National Council of Welfare, over 90% of single mothers under 25 live in poverty.”

⁴⁰ Young moms are at particular risk for homelessness because so few emergency safe houses accept youth with children. There are only a few beds for parenting youth in a co-educational youth short-term shelters for the whole Lower Mainland which has a population of over 2 million persons. To our knowledge there is no long term subsidized housing for teenage girls with children in BC.

⁴¹ UN Beijing Platform on the Rights of the Girl Child at www.un.org/womenwatch/daw/beijing/platform/girl.htm

⁴² It is widely accepted that homelessness is a key factor in young women’s vulnerability to various forms of victimization. Once they are on the street, girls experience devastating amounts of violence, from assaults (being kicked, spat on) by passers-by, abuse through sexual exploitation by adult men (johns), rape and assault by boyfriends and male street “brothers,” extreme mental and physical cruelty by pimps and drug dealers, to sexual harassment, assault, and brutality by police and prison guards.

- abuse. Homeless Indigenous women were also reported to be at higher risk of systematic murder/disappearance”.⁴³
38. Girls who are homeless, addicted and experiencing violence are often incarcerated under criminal law and/or, in some provinces, can be forcibly confined/detained under child welfare statutes ostensibly “for their own protection.”⁴⁴
39. At paragraph 681 of its’ 4th periodic report, Canada states that the BC government has policies and services for sexually exploited youth. In fact, almost no critical programs such as safe girl-only housing and voluntary girl-only drug treatment are available to girls. Instead of creating adequate, safe, voluntary services specifically for girls, the government is in the process of adopting a protective confinement (detainment) strategy.
40. The BC and Alberta governments, without restriction from Canada, have chosen to breach numerous international human rights laws by allowing for the arbitrary detention of girls who are presumed to be at risk, “for their own protection” through the *BC Secure Care Act* and the *Alberta Protection of Children Involved in Prostitution Act*. In Alberta, over 98% of youth detained under the PCHIP Act were girls. We presume that if the *Secure Care Act* came into force in BC, the result would be similar and girls would overwhelmingly be the targets of authorities. Homeless Aboriginal girls would be at particular risk of detainment. These laws breach Articles 11, 2, & 3, as well as the *Convention on the Rights of the Child*.⁴⁵
41. Men who pay to sexually abuse children are rarely criminally prosecuted for sexual exploitation in Canada. In 1999, Daum found that men who pay to abuse children and youth are 20 times less likely to be charged than if they buy sex from an adult.⁴⁶ Though more men have been charged for sexually exploiting girls in recent years, conviction rates are abysmally low and sentences minimal. Homeless girls on the other hand, particularly those who are sexually exploited in prostitution, are criminalized for violence committed against them.
42. Girls in poverty are overwhelmingly criminalized for poverty related crimes and to protect them from male violence and drug addiction. For example, until recently girls who were sexually abused through prostitution were charged under prostitution related statutes approximately 60 times more often than their adult male customers.⁴⁷ Within a national context, researchers have documented gender bias with regard to criminal justice processing of teenage girls.”⁴⁸ “For First Nations girls and young women of Colour, who are over-represented in the justice system, the situation is compounded by racism.”⁴⁹

⁴³ Kothari, page 20 paragraph 77

⁴⁴ Corrado, Odgers, Candice, Cohen & Irwin. *The Incarceration of Female Young Offenders: Protection for Whom?* 2001. Dean. *Locking Them Up to Keep Them “Safe”: Criminalized Girls in BC*. 2005

Alberta Protection of Children Involved in Prostitution Act and *BC Secure Care Act*

⁴⁵ Jennifer Koshan, *Alberta (Dis)Advantage: The Protection of Children Involved in Prostitution Act and the Equality Rights of Young Women*, 2003

⁴⁶ Kimberly Daum, *Painting By Numbers*, Report prepared for Downtown Youth Activity Society, 1999

⁴⁷ Ibid,

⁴⁸ Marge Reitsma-Street, *Justice for Canadian Girls: A 1990's Update*, Canadian Journal of Criminology 41(4), 1999

⁴⁹ Ibid

43. **The UN Special Rapporteur on Adequate Housing recently recommended that states “adopt alternatives to criminalizing activities commonly associated with homelessness.”**⁵⁰

Article 11

44. Poverty is a reality for many girls and women in Canada. The *Committee* has asked in its’ list of issues on the consideration of the 4th periodic report of Canada, at issue 29 to indicate the extent of poverty in Canada. In fact, poverty is a reality for girls and women across Canada and affects certain groups of girls and women disproportionately.
45. In 1989 the Canadian House of Commons unanimously resolved to eliminate poverty among Canadian children by the year 2000. As of 2004, Canadian children were worse off economically.⁵¹ Poverty rates amongst Aboriginal, Immigrant and racialized groups are more than double the average for all children and almost a third of children with disabilities are living in poverty.⁵²
46. The province of British Columbia has the highest child-poverty rate in Canada. 23.9 % of children--201,000 children in BC are living in poverty.⁵³
47. The concept of child poverty adopted by the Canadian Government is problematic because it erases the fact that poor children live in poor families. Many girls are living in poverty because of a denial of economic security to their families, which are often led by single mothers, the poorest group in Canada.⁵⁴ Immigrant and refugee, Aboriginal, and racialized single mothers and their children are at an extreme disadvantage in Canadian society and are virtually guaranteed to live in poverty.
48. The Canadian government has failed to respond to girl homelessness. Despite Canada’s statement at paragraph 189 of its’ 5th periodic report on the present Covenant, that services exist for homeless youth, these services are inadequate, gender-neutral, and fail to meet the specific needs of girls. Moreover, through our advocacy work we have found that children’s ministries often simply do not respond to girls’ requests for help but instead refer them to adult income assistance programs for support or tell girls to “go home”.
49. When girls become homeless because of male violence, or abusive, inadequate and racist child welfare placements, they are not supported adequately by the government to live in safety and dignity.
50. The BC Ministry of Children & Family Development often abdicates responsibility for girls aged 16-18 and refers them to adult income assistance for support. In

⁵⁰ Kothari, page 22 paragraph 83 (h)

⁵¹ First Call BC, *One Million Too Many: 2004 Report Card on Child Poverty in Canada*.

<http://www.firstcallbc.org/documents/whatsnew/NationalreportcardFSA.pdf>

⁵² Ibid. Also, According to the 2001 Statistics Canada Census, the following numbers of children live in poverty: about 28% of children with disabilities are living in poverty, 40 % of Aboriginal children are living in poverty, 33.6 % of visible minority children are living in poverty, and 49 % of recent immigrant children are living in poverty.

⁵³ Child Poverty Fact Sheet at <http://www.firstcallbc.org/2005FactSheet.pdf>

⁵⁴ Brodsky, Day, Young. *Human Rights Denied: Single Mothers on Social Assistance in British Columbia*. See <http://www.povertyandhumanrights.org/docs/denied.pdf>

Justice for Girls' work with young women we have consistently found that the children's ministry of BC tells girls aged 16-18 to go to adult income assistance for help instead of supporting these young women. Some of the girls we have interviewed were put on adult income assistance as young as 15 years of age.

51. Adult income assistance rates across Canada do not meet the low-income cut-off line (LICO) and often do not even come close to it.⁵⁵ The *Committee*, in its' third periodic concluding observations of Canada stated "The Committee is concerned that provincial social assistance rates and other income assistance measures have clearly not been adequate to cover rental costs of the poor." Girls on adult income assistance have described to us how institutionalized poverty affects their lives: girls often stay with abusive older men because they cannot afford accommodations on their own; girls are pushed into prostitution because they cannot survive on welfare, and girls live in inhumane conditions in housing that is uninhabitable.⁵⁶
52. In its' 5th periodic report, the government of BC points out that the Youth Agreement Program supports homeless youth. In fact, this program does not provide adequate essential financial support to young women. The Youth Agreement Program shelter allowance is equal to the adult income assistance shelter allowance which has been repeatedly named as grossly inadequate for its failure to give persons enough money to cover their basic needs or to live in dignity.⁵⁷
53. Teenage girls who need affordable housing do not have access to subsidized housing in many provinces, including British Columbia.
54. At point 700 of its' 4th periodic report Canada states that people in British Columbia have access to subsidized housing. However, in spite of the *BC Residential Tenancy Act* which allows persons under 19 to sign tenancy agreements, the main subsidized housing body in BC, BC Housing, discriminates against young persons, including teenage girls, and does not allow them to apply for subsidized housing. Thus teenage girls who are low income or living on income assistance cannot access subsidized suites independent of an adult guardian. Teenage moms who live in poverty with their children are in desperate need of subsidized housing suites with supports so that they do not become homeless.⁵⁸
55. Recently, the UN Special Rapporteur on Adequate Housing remarked that in North America "The problem (of evictions) is intensified given the shortage of public housing, with waiting periods as long as 10 years in some areas."⁵⁹ This

⁵⁵ National Council of Welfare Reports, *Welfare Incomes 2004*, See <http://www.ncwcnbes.net/htmldocument/reportWelfareIncomes2004/WI2004EngREVISED.pdf>

BC income assistance rates only cover between 32 - 54 percent of the moneys needed to meet the provincial low income cut-off line

⁵⁶ Single Room Occupancy Hotels (SROs) are an example of the kind of housing that girls who are living on inadequate welfare rates endure. SROs are small hotel rooms (9x10 usually) that are rented to low-income people. Bed bugs, rodents, silverfish, shared bathrooms, and unsafe residents characterise these rooms. Girls have described to us how they are sexually harassed and sexually violated in these hotels and are further exploited within this environment.

⁵⁷ National Council of Welfare Reports, *Welfare Incomes 2004*, See <http://www.ncwcnbes.net/htmldocument/reportWelfareIncomes2004/WI2004EngREVISED.pdf>

⁵⁸ City of Toronto Report Card on Homelessness, 2003, www.toronto.ca/homelessness/pdf/reportcard2003.pdf

⁵⁹ Kothari, page 18 paragraph 69

- shortage means that teenage girls are unlikely to access subsidized suites in the future unless suites are specifically designated to low-income young women, especially to teenage mothers and their children.
- 56.** The City of Toronto has taken an innovative step towards housing homeless youth by designating subsidized housing suites specifically to youth living in poverty. However, waiting lists for subsidized housing in Toronto are extremely long. In 2004, there were 63,791 people on the Toronto subsidized housing list.⁶⁰ Youth under 18 and families with children are the fastest growing groups within the homeless population in Toronto.⁶¹
- 57.** Recently, the UN Special Rapporteur on Adequate Housing recommended that “at the national level, there continues to be a need for States to strengthen national legal and policy frameworks for protecting women’s rights to adequate housing,” and urged states to recognize the right “to adequate housing, non-discrimination and gender equality.”⁶²
- 58.** Teenage girls experience homelessness and other inadequate standards of living within Canada. We respectfully submit that the state is not fulfilling its’ obligation to move towards the full realization of Article 11 for teenage girls who are marginalized and homeless. The *Committee* has asked at paragraph 34 of the list of issues for consideration of Canada’s 4th periodic report to provide further information about homelessness in Canadian cities.
- 59.** As the *Committee* noted in its’ 1998 concluding comments on Canada’s compliance with the *Covenant*, homelessness has been declared a national disaster in Canada.⁶³
- 60.** Recently, the United Nations Special Rapporteur on Adequate Housing stated that “homelessness in general and that of young women and girls in particular has become a national concern in Canada. Reports have been received according to which teenage girls make up 6 to 12 percent of the homeless in large cities across Canada.”⁶⁴
- 61.** In the Vancouver area⁶⁵, for example, teenage girls make up about 12% of the homeless⁶⁶ and yet there is no girl-only emergency shelter anywhere in the area, in fact anywhere in the province. Girls only have access to shelters with male peers and male adult workers. In interviews with Justice for Girls, teenage girls who are/have been homeless described sexual harassment and sometimes sexual assaults against them in co-ed shelters and State agencies (group homes, foster homes). The situation for homeless girls in British Columbia is

⁶⁰ Housing Connections, Annual Statistical Report 2004, See

<http://www.housingconnections.ca/pdf/annualReports/2004/TSHC%20Annual%20Report%202004.pdf>

⁶¹ Interim Report- Mayor’s Homelessness Action Taskforce, 1998, www.toronto.ca/pdf/homelessness.pdf

⁶² Kothari, page 21 paragraph 83

⁶³ Big Cities Mayor’s Caucus of the Federation of Canadian Municipalities (FCM) in November 1998- Declaration.

⁶⁴ Kothari, page 20 paragraph 76

⁶⁵ Greater Vancouver Regional District, comprising Vancouver and surrounding municipalities in the province of British Columbia.

⁶⁶ This percentage is based on a compilation of statistics, as following: The 2002 Research Project on Homelessness in the Greater Vancouver Regional District found that youth make up about 23-28% of the homeless in the GVRD. According to studies such as No Place to Call Home: A Profile of Street Youth in BC-2001, Between the Cracks: Homeless Youth in Vancouver 2002, and according to the 2003/04 Vancouver Underage Safe House statistics, girls make up about 42-53% of the youth homeless in the GVRD.

- mirrored in other cities across Canada. In Montreal for example about 50% of the homeless under the age of 18 are girls.⁶⁷
62. In Toronto, Ontario about 34% of homeless shelter users ages 15-24 are female.⁶⁸ In 1999 there were 2155 young women housed in Toronto shelters.⁶⁹ Despite this fact, there is only one young woman-only shelter in Toronto which houses 27 teenage girls and young women.⁷⁰
63. In Calgary, Alberta young women are 35% of the homeless ages 13-24.⁷¹ Virtually all of the shelters for homeless girls in Calgary are part of a program of forced confinement under law that allows the provincial government to detain girls in locked facilities as a means of “protection.”⁷² It is no coincidence that Alberta, up until very recently, refused to endorse Canada’s ratification of the *UN Convention on the Rights of the Child*, arguing that it undermines the rights of parents.⁷³
64. A disproportionate number of homeless girls are Indigenous. Aboriginal girls who Justice for Girls interviewed as part of our multi-year anti-poverty/homelessness strategy described sleeping in parks all over the Vancouver area of British Columbia when they did not have a place to stay. One young woman talked about how she would burn free newspapers to stay warm and sleep on newspapers on the street. According to another Indigenous young woman “if you have no place to go you just curl up where you are, go to sleep and you wake up the next day.”⁷⁴

Article 12

65. At paragraph 41 of its list of issues on Canada’s 4th periodic report the *Committee* has asked for information on the health of homeless persons. Teenage girls suffer the extreme health effects of repeated violence, trauma, addiction, and homelessness.
66. The range of health problems that young women face is extensive and includes: hepatitis A, B and C, infection, self-harm, eating disorders, sexually transmitted diseases, HIV-AIDS, addiction, scabies, lice, irregular menstruation, headaches, depression, anxiety, phobias, overdoses, sexual identity crises, tuberculosis, jaundice, diabetes, malnutrition, collapsed veins, abscesses, dental problems, suicide, mental illness, drug-induced psychosis, and fetal alcohol syndrome.⁷⁵

⁶⁷ Novac, L. Serge, M. Eberle and J. Brown, “On Her Own: Young Women and Homelessness in Canada”, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ 1st Stop Woodlawn is a YWCA shelter for young women and teenage girls, one of very few of its’ kind in all of Canada.

⁷¹ 2004 City of Calgary Homelessness Count, See

http://www.calgary.ca/docgallery/bu/corporateproperties/countofhomelesspersons_2004_fullreport.pdf

⁷² Youth can be detained under the Protection of Children involved in prostitution Act , See at

<http://www.canlii.org/ab/laws/sta/p-28/20060217/whole.html>

⁷³ Alberta Civil Liberties Research Center , *United Nations Convention on the Rights of the Child: How Does Alberta’s Legislation Measure Up?*, See at <http://www.aclrc.com/CRC%20book/crctoc.html#Alberta>

⁷⁴ Justice for Girls 2005 interview with young woman who experienced homelessness

⁷⁵ Novac, L. Serge, M. Eberle and J. Brown, *On Her Own: Young Women and Homelessness in Canada*, 2002, Canadian Housing and Renewal Association, online: Status of Women Canada , See http://www.swc-cfc.gc.ca/pubs/pubspr/0662318986/200303_0662318986_e.pdf

67. In order to deal with the compounding effects of homelessness, violence, alienation, and grief, young women often turn to drugs to mask their pain. Once they become addicted to powerful drugs such as heroin or crack cocaine, young women are especially vulnerable to a number of chronic and fatal diseases.
68. HIV/AIDS Researchers Drs. Patricia Spittal and Martin Schecter describe the following typical scenario of a young woman's path to HIV infection in their commentary on the gendered nature of HIV/AIDS transmission:

According to Marie, this man became like a father figure for her and showed her love like she had never known. But then he began to beat her, and her predilection for injected powder cocaine intensified. "He said to me, this is what happens to you if you enjoy being with a trick.... He wanted to make sure that all that was in my head was to make money, to get the money and go back and give it to him." She sometimes tried to make her money and run; however, he would track her down, inject her and then batter her, sparing only her face. Controlled by both fear and drugs, Marie's vulnerability escalated. "I just started using a lot, and every time I got into a trick's car, I felt relieved. I could escape." By the time Marie was 17 years old, drugs and tricks had become the only reality she knew. Today, at age 28, although she has survived gang rape, incarceration, miscarriages and 2 suicide attempts (slashed wrists and a heroin overdose), she is infected with both HIV and hepatitis C.⁷⁶

69. Homelessness teenage girls are more at risk of developing physical and mental health problems. The prevalence of sexually transmitted diseases, HIV, viral hepatitis, drug dependence and mental health problems are significantly higher than that found among the non-homeless population.⁷⁷
70. It is difficult to find statistics on the risk of death for homeless girls; however studies on young homeless women and on homeless youth in general have clearly found that homeless young persons are at a higher risk of death. Homeless women aged between 18 and 44 years are ten times more likely to die than women in the general population. Younger homeless women tend to be at greater risk of mortality. A 2000 study of HIV risk factors and incidence of Montreal street youth aged 14 to 25 also confirmed these findings.⁷⁸
71. At paragraph 42 of the *Committee's* list of issues on the 4th periodic report of Canada, the *Committee* has asked about suicide rates among Aboriginal persons. The suicide rate for adolescent Aboriginal girls has been measured to

⁷⁶ Patricia M. Spittal and Martin T. Schecter. Injection drug use and despair through the lens of gender. Canadian Medical Association Journal, March 20, 2001; 164 (6), Commentary.

⁷⁷ S. Acorn, Mental and physical health of homeless persons who use emergency shelters in Vancouver, (1993), Hospital and Community Psychiatry, Vol. 44, Num. 9, pp854-7, online: The Homelessness Research Virtual Library <http://www.hvl.ihpr.ubc.ca/pdf/AcornEmergency.pdf>

É. Roy, N. Haley, P. Leclerc, B. Sochanski, J-F. Boudreau and J-F Boivin, Mortality in a Cohort of Street Youth in Montreal, (2004), *The Journal of the American Medical Association*, Vol. 292, No. 5.

⁷⁸ Angela M. Cheung and Stephen W. Hwang, Risk of death among homeless women: a cohort study and review of the literature. *Canadian Medical Association Journal*. April 13, 2004; 170 (8). See <http://www.cmaj.ca/cgi/content/full/170/8/1243>

É. Roy, N. Haley, P. Leclerc, B. Sochanski, J-F. Boudreau and J-F Boivin, Mortality in a Cohort of Street Youth in Montreal, (2004), *The Journal of the American Medical Association*, Vol. 292, No. 5, August 2004.

be between 8 and 20 times the national average of non-Aboriginal adolescent girls.⁷⁹

Article 13

72. Canadian research indicates that social inequalities--poverty, racism, male violence, homophobia --and criminalization of poverty prevent teenage girls from accessing education in Canada. Furthermore, school curriculum, which tends to present a dominant understanding of the social, political and historical landscape in Canada, often undermines the full development of the human personality and sense of dignity of young women.⁸⁰ Racism in curriculum and among teachers and students is one of the contributing factors for high levels of school leaving rates among Indigenous youth.

- Approximately 10% of girls in Canada leave school before completion⁸¹
- About 70% of on-reserve Indigenous youth will never complete secondary school. The numbers are similar for Indigenous youth attending provincial schools.⁸²
- Many young women drop out of school for personal and family reasons, primarily pregnancy and marriage, but also because of drug and alcohol problems, problems at home and medical conditions.
- Young women living in poverty are less likely to complete secondary education. 1 in 5 young women who lived with single parents (typically mothers, one of the poorest groups in Canada) did not complete high school.⁸³
- In 1998 in Canada, 64 per cent of young women aged 22-24 with dependent children left high school before graduating.⁸⁴

73. Canada's failure to provide young women access to education without discrimination is a breach of numerous domestic and international laws and policies: "What becomes alarmingly clear as one listens to the perspectives and experiences of these young women and girls is that they are being denied their social right of access to universal public education which we would argue is a direct contravention of both the *UN Convention on the Rights of the Child*, the *International Covenant on Economic, Social, and Cultural Rights*, and the Education Acts governing the provinces of British Columbia, Saskatchewan and Nova Scotia."⁸⁵

⁷⁹ National Forum on Health 1997, <http://www.nfh.hc-sc.gc.ca/publicat/finvol2/vol2.htm> and Raven's Children Aboriginal Youth Health in BC, McCreary Centre Society 2000

⁸⁰ Jaskiran Dhillon, "Struggles for Access: Examining the educational experiences of homeless young women and girls in Canada." Report prepared in collaboration with Justice for Girls, September 2005.

⁸¹ Youth in Transition Survey, Statistics Canada 2002, www.statscan.ca/Daily/English/020123/d020123a.htm

⁸² <http://www11.hrsdc.gc.ca/en/cs/sp/hrsdcrb/publications/research/2000-000063/page06.shtml>

⁸³ Ibid

⁸⁴ <http://www.givegirlsachance.org/faq.htm#school>

⁸⁵ Dhillon, Struggles for Access: p.53