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February 3, 2017

Hon. Indira Naidoo-Harris
Minister of Women's Issues
11th Floor, 80 Grosvenor St.
Toronto, ON M7A 1E9

Dear Minister Naidoo-Harris:

Re: Implementing recommendations of the UN Committee on the Convention on the Elimination of all Forms of Discrimination Against Women

I am writing to you in keeping with the Ontario Human Rights Commission's mandate to promote and protect human rights in Ontario. First, let me congratulate you on your recent appointment as the new Minister of Women's Issues for Ontario.

Your Ministry has a mandate to deal with many issues that have relevance under Ontario's Human Rights Code. As you know, the Code prohibits discrimination and harassment based on sex and gender identity, among other grounds, in the areas of employment, housing, services, vocational associations and contracts. The Code generally has primacy over other Ontario laws.

You may be aware that in November 2016, the United Nations Committee that oversees the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) released its Concluding Observations on Canada's eighth and ninth periodic reports.¹ The Committee makes a number of recommendations that are relevant to both our mandates. Among its recommendations, the Committee calls on federal, provincial and territorial governments in Canada to establish a national gender equality plan as well as an oversight mechanism for the implementation and monitoring of the Convention and the Committee's recommendations. Many organizations like the Canadian Feminist Alliance for International Action are calling on governments across Canada to implement these recommendations as well.² We urge your government to establish an oversight mechanism for implementing and monitoring Ontario's obligations under the Convention as well as call for a coordinated mechanism across Canadian jurisdictions.

The OHRC's new Strategic Plan stresses human rights compliance and accountability as a vital part of our mission. Education, good will and even legislative change are not enough. The ground of sex was added to the Code around 1970 yet all socioeconomic indicators show women continue to face much inequality 47 years later. Ontario needs

an oversight mechanism for implementing and monitoring domestic and international human rights obligations to make sure substantial progress really happens.

Many of the other UN Committee recommendations relate directly to the mandates and work of your new Ministry and other ministries. Some of these recommendations include:

- Improving efforts to combat gender based violence, particularly against racialized and Indigenous women (para 25)
- Collecting disaggregated data on gender-based violence, including information on the sex, age, ethnic group, Indigenous identity, and relationship of the victim and perpetrator (para 25)
- Developing a plan for overseeing the implementation of the remaining 37 recommendations contained in the CEDAW Committee's 2015 report on Missing and Murdered Indigenous Women and Girls (para 27)
- Developing a specific and integrated plan for addressing the particular socioeconomic conditions affecting Indigenous women, both on and off reserves, including poverty, poor health, inadequate housing, low school-completion rates, low employment rates, low income and high rates of violence (para 29)
- Taking all necessary steps to narrow the wage gap... (para 39)
- Adopting effective measures... to achieve substantive equality of women and men in the labour market (para 39)
- Taking into account the needs of disadvantaged groups of women in the labour market, including Indigenous, racialized, and disabled women (para 39)
- Ensuring that poverty reduction and housing strategies use a human rights and gender-based approach that protects the rights of women (para 47)
- Addressing the over-incarceration of Indigenous and Afro-Canadian women (para 49)
- Abolishing solitary confinement (para 49)
- Restricting the use of administrative and disciplinary segregation to a measure of last resort, used for as little time as possible, and avoid segregating women with serious mental health issues (para 49)

These recommendations also relate to the areas of the OHRC's Strategic plan focusing on Indigenous reconciliation, the criminal justice system and poverty. Some of our work on these issues this past year includes: the OHRC's gender gap statement on Equal Pay Day; the OHRC's policy position on sexualized and gender-specific dress codes; our participation on Ontario's Roundtable on Violence Against Women; our support for the national inquiry into missing and murdered Indigenous women and girls; as well as statements and submissions we made on needed reforms to investigations, detention, segregation and oversight in the criminal justice system.

We recognize that your Ministry and other ministries have a number of related initiatives underway as well including strategies and plans to address the gender wage gap, gender diversity on boards, sexual harassment and violence, domestic violence, violence against Indigenous women, human trafficking and poverty reduction. The last

mandate letter for your Ministry also recognizes that the Minister is to "ensure a gender lens is brought to the development of government policies and programs". We believe that the Convention on the Elimination of all Forms of Discrimination Against Women is an important lens for guiding the work of your Ministry.

We encourage your Ministry, in cooperation with other ministries that have responsibility for equality rights for women and girls, to carefully review the rights and obligations set out under the Convention, as well as all of the UN Committee's recommendations, in light of work already underway, and in consideration of what still needs to be done. We then recommend that Ontario develop a comprehensive gender strategy and action plan for the province, and call for a coordinated gender strategy Canada-wide.

I would be pleased to meet with you anytime to discuss these issues and the important work that both our organizations are doing to advance equality rights for women and girls in Ontario.

Sincerely,



Renu Mandhane, B.A., J.D., LL.M.
Chief Commissioner
Ontario Human Rights Commission

Copy: Hon. Kathleen Wynne, Premier of Ontario
Hon. Yasir Naqvi, Attorney General of Ontario
Shelagh Day, Canadian Feminist Alliance for International Action
OHRC Commissioners

¹ Canada ratified CEDAW in 1981 and the rights and obligations set out in the Convention apply to all parts of a federal state, which includes all federal, provinces and territorial jurisdictions in Canada. For more information about the Convention and the Committee and access to Canada's report and other related documents, see online:

www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx

² FAFIA and its partners recently held a press conference giving particular attention to the Committee's recommendation that Canada develop a national gender equality plan and oversight mechanism. For more information: <http://fafia-afai.org/en/>.