



**FAFIA-AFAI**

Feminist Alliance for  
International Action

L'Alliance Féministe pour  
l'Action Internationale

**CANADA**

**Compilation of Recommendations on Women's  
Economic, Social and Cultural Rights in Canada:  
2006-2015**

*Recommendations to the Committee on Economic, Social and Cultural Rights  
on the Occasion of the Committee's Sixth Periodic Review of Canada*

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Action (FAFIA)

**Contact Information**

Shelagh Day, Human Rights Committee Chair, FAFIA  
251 Bank Street, 2<sup>nd</sup> Floor  
Ottawa, ON K1P 1X3  
Tel: +1 (604) 872-0250  
Email: [shelagh.day@gmail.com](mailto:shelagh.day@gmail.com)

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## I. Introduction

The Canadian Feminist Alliance for International Action (FAFIA), with the insight and expertise of women's rights advocates and professionals from across Canada, has prepared a report on Canada's compliance with the *International Covenant on Economic, Social and Cultural Rights* from a gender-equality perspective. The report, *Women's Economic, Social and Cultural Rights in Canada: 2006-2015*, details the many setbacks for women in Canada that have occurred in the last ten years. This period has been mired in attacks on women's economic, social and cultural rights, with little regard by Canadian governments for the findings and recommendations of international and regional human rights bodies, including United Nations treaty bodies. In this document, we provide a compilation of our recommendations to Canadian governments on how they can better meet their international economic, social and cultural rights obligations.

## II. General Information: Domestic Implementation and Legal Remedies

### Court Challenges Program

#### ***Recommendation***

- The Government of Canada should update the Court Challenges Program to include funding for economic, social and cultural rights test cases that arise in federal, provincial and territorial jurisdictions.

### Canada's failure to ratify the Optional Protocol to the *ICESCR*

#### ***Recommendation***

- The Government of Canada should ratify the *OP-ICESCR*.

### Disregard for social and economic rights in Canadian law

#### ***Recommendations***

The Government of Canada should:

- Recognize the justiciability of ESC rights in domestic courts and tribunals, acting to uphold and fulfill these rights when litigating under the *Charter*; and
- Ensure that its domestic legal system can provide effective remedies for violations of *ICESCR* rights.

### Implementation of human rights commitments

#### ***Recommendation***

- The Government of Canada should call an inter-ministerial meeting that brings together federal, provincial and territorial ministers responsible for human rights to design a new national mechanism for monitoring and implementing treaty body recommendations in a coordinated, effective and transparent way.

### Funding for women's rights research and advocacy

#### ***Recommendations***

The Government of Canada should:

- Restore funding for women's rights advocacy and research under the *Women's Program of Status of Women Canada*; and
- Restore the Status of Women Canada Independent Policy Research Fund for feminist research.

### III. Maximum Available Resources: Tax Policy (Article 2, para 1)

#### *Tax Policy and Women's Human Rights*

##### **Recommendations**

The Government of Canada should:

- Execute the federal national plan to implement CEDAW and the *Platform for Action* that has been in place since 1995, so that tax policy supports and enhances women's equality;
- Reverse the tax policies and laws in place for the past ten years that have followed a systematic program of continuous tax cuts, tax expenditures, and attendant program cuts that benefits better off Canadians and men, particularly old age pensions;
- Restore full progressivity to the graduated income tax rates in both federal and provincial/territorial tax laws, together with realistic low-income exemptions;
- Restore full progressivity to corporate income tax rates and tax corporations as separate entities;
- Reduce reliance on flat-rated consumption and commodity taxes, including GST/HST and ad hoc taxes; and
- Restore the integrity of all Canadian tax bases by eliminating tax expenditures, special credits, and 'boutique' tax items that largely benefit the wealthy and reduce revenue.

### IV. Non-Discrimination and Equality between Women and Men (Articles 2 and 3)

#### 1) *Women with Disabilities*

##### **Recommendations**

The Government of Canada should:

- Sign the *CRPD Optional Protocol*;
- Ensure that the national independent body responsible for monitoring the implementation of the *CRPD* collects data disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women with disabilities across Canada;
- Ensure that Canada's response to *Carter v Canada*, the Supreme Court of Canada decision on assisted suicide, provides adequate safeguards to protect women with disabilities and consider their unique and intersecting vulnerabilities;
- Enact pay equity measures that support women with disabilities to attain equal pay for equal work;
- Develop and implement a national housing strategy that includes affordable, accessible housing for persons with disabilities;
- Allocate long-term funding to support social service programming for women with disabilities;
- Provide a comprehensive list of agencies that service women with disabilities, identify regional and service gaps;
- Create a network for these agencies so that they are better equipped to coordinate services for women with disabilities and take action to intervene when a woman with disabilities in the community presents as being a victim of violence;
- Provide educational opportunities for women with disabilities that includes human rights and self-advocacy training;
- Provide funding to support social networks of women with disabilities to create safe spaces for women with disabilities to come together and share their experiences;
- Require that agencies working on ending violence against women allocate public

monies to raising awareness about the pervasive violence against women with disabilities; and

- Increase funding to women's shelters and earmark accessibility funds for shelters so that women with disabilities can access them.

## **2) Indigenous Women**

### **Sex discrimination in the *Indian Act***

#### ***Recommendations***

The Government of Canada should:

- Immediately ensure that s. 6(1)(a) of the status registration regime, introduced by the 1985 *Indian Act*, and re-enacted by the *Gender Equity in Indian Registration Act* (Bill C-3), is interpreted or amended so as to entitle to registration under s. 6(1)(a) those persons who were previously not entitled to be registered under s. 6(1)(a) solely as a result of the preferential treatment accorded to Indian men over Indian women born prior to April 17, 1985, and to patrilineal descendants over matrilineal descendants, born prior to April 17, 1985; and
- Implement the CEDAW and Human Rights Committee recommendations; and
- Work with First Nation's women's organizations to eliminate any other sex discrimination in access to recognition of status under the *Indian Act*.

### **Violence against Indigenous Women and Girls**

#### ***Recommendations***

The Government of Canada should ensure that:

- The mandate of the national public inquiry on murders and disappearances of Indigenous women and girls includes full examination of failures to fulfill the economic, social and cultural rights of Indigenous women and girls and that the inquiry's mandate include the design of concrete strategies and a comprehensive plan for addressing these failures; and
- The scope of the public inquiry is national, not just federal, in order to ensure that the conduct of officials and institutions, and the policies, laws, programs and services of all levels of government, including provincial and territorial governments, can be scrutinized, and a comprehensive plan to address the violence can be co-ordinated effectively across institutions and jurisdictions.

## **3) Muslim Women: discrimination on the ground of religion that undermines social and economic agency**

#### ***Recommendation***

- The Government of Canada should ensure that there are no legal prohibitions against women wearing religious articles of clothing whether they are in public or in private, and in particular women should be permitted to wear religious articles of clothing when testifying in court, when voting or accessing public services and during citizenship ceremonies.

#### **4) Women's Working Conditions**

##### **Women's economic equality in the workplace (Issue 9)**

###### ***Recommendations***

The Government of Canada should:

- Implement strategies that will address the structural inequality of women, and marginalized women, in employment in all jurisdictions, including employment equity programs, higher minimum wages and 'living wage' strategies, increased access to unionization, and enhanced resources and legal capacities for human rights institutions and law to address systemic discrimination in employment; and
- Repeal the *Public Service Equitable Compensation Act* and replace it with a proactive federal pay equity law.

The governments of all provinces and territories should:

- Ensure that there is effective, proactive pay equity legislation in place in their jurisdiction that will address and correct the lower pay assigned to 'women's work.'

##### **Minority and Indigenous women's access to work**

###### ***Recommendations***

The Government of Canada should ensure that the Aboriginal Skills and Employment Training Strategy (ASETS) program:

- Receives funding to continue its operations;
- Continues to partner with employers to create demand-driven workshops and training;
- Partners with local schools to create education-based workshops, and academic counseling, when requested;
- Encourages employers to make long-term job opportunities available to program participants, where possible; and
- Be expanded to include more remote communities, particularly in northern areas.

###### ***Recommendation***

- That the Government of Canada should develop a program which focusses on employment skills building and career development for landed immigrants, particularly women and newly arrived individuals.

###### ***Recommendation***

- That the Government of Canada should create and promote employment and financial saving programs for seniors, particularly elderly women.

###### ***Recommendations***

That the Government of Canada should ensure that the Racism-Free Workplace Strategy (RFWS):

- Expands to reach more unionized organizations;
- Enlarges its focus to address the issues commonly linked to racism such as ethnocentricity, xenophobia, islamophobia, anti-semitism, and sexism; and
- Facilitate focus groups to identify and develop a program that can better address workplace-specific factors of discrimination.

## Live-in-Caregiver Program (Issue 12)

### ***Recommendations***

The Government of Canada should:

- Permit domestic workers to come to Canada as regular immigrants;
- Eliminate tied work permits;
- Take steps to ensure that the federal government works with the provinces to improve regulation of recruitment agencies based on best practices;
- Remove the caps on access to residency and citizenship for migrant domestic workers; and
- Ratify the *Domestic Workers Convention* and bring domestic laws into alignment.

## Sexual harassment in the workplace (Issue 13)

### ***Recommendations***

The Government of Canada should:

- Ensure that procedures for addressing sexual harassment complaints within the RCMP are effective and provide protections, assistance and appropriate remedies to complainants;
- Provide regular public reports on measures taken, including disciplinary measures, to eliminate sexism and racism from police culture and to address complaints of discrimination from members and the public; and
- Implement the Deschamps report within the Canadian Armed Forces.

## Childcare

### ***Recommendations***

The Government of Canada should:

- Fulfill its election promise to eliminate the Universal Child Care Benefit (UCCB) by replacing it with the more progressive Canada Child Benefit; and
- Fulfill its election promise to initiate discussions on the National Early Learning and Child Care Framework. The Framework should guide collaboration between the federal government and Quebec, other provinces and territories, and indigenous peoples, as well as provide adequate, sustained funding support for provinces, territories and Indigenous communities to build public child care systems that will ensure universal access to high quality programs and meet the care and early education needs of both children and parents.

*Trade Union Rights (Article 8)*

**5) Trade union women (Issue 14)**

***Recommendations***

The Government of Canada, as both an employer and legislator, as well as provincial and territorial governments, should:

- Ensure that women fully enjoy their right to strike and to bargain collectively without constraints or interference; and
- Restrictions on the right of teachers to bargain class size and composition, and on the right of domestic workers, and other temporary migrant workers, to unionize should be removed.

*Protection of Family, Mothers, and Children (Article 10)*

**6) Violence against Women (Issue 17)**

***Recommendation***

- The Government of Canada should follow the Blueprint for Canada's National Action Plan (NAP) on Violence Against Women and Girls to develop a coherent, coordinated, well-resourced plan that meets international human rights standards, incorporates recommendations by treaty bodies, and women's non-governmental organizations and takes into account the experiences and needs of diverse Canadian women.

**7) Child Welfare (Issue 18)**

***Recommendations***

The federal, provincial, territorial, and Aboriginal governments should:

- Commit to reducing the number of Aboriginal children in care by:
  - Monitoring and assessing neglect investigations.
  - Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside;
  - Implement Jordan's Principle so that all Indigenous children have access to the same services as all Canadian children.

The federal, provincial and territorial governments should:

- Review all policies and practices to identify and eliminate the specific gender-based harms caused to Indigenous women and girls by current child welfare practice.

*The Right to Social Security and an Adequate Standard of Living (Articles 9 and 11)*

**8) Women in poverty: measures to reduce poverty among marginalized and disadvantaged women and girls (Issue 19)**

**Poverty and Welfare: Conditions on the Social Transfer Related to Social Assistance (15)**

***Recommendations***

The Government of Canada should:

- Design and implement a lasting and meaningful national plan to combat poverty that uses a human rights framework, includes a national housing strategy, and takes the particular realities of diverse women's lives into account;
- Establish national standards for social assistance across the country, and reinstate conditions regarding the level and adequacy of assistance that will ensure welfare incomes for all household types in all jurisdictions provide at least poverty level incomes, and assist recipients to get out of poverty; and
- Improve accountability in the Canada Social Transfer by setting out clear penalties for provinces that violate the existing condition banning minimum residency requirements in provincial social assistance programs, including for refugees.

**Adequate Housing**

***Recommendations***

The Government of Canada should:

- Recognize adequate housing as a human right and support civil society efforts to have such a right recognized by the judiciary as implicit in rights to life and security of the person already recognized in the *Canadian Charter of Rights and Freedoms*;
- Implement a national housing strategy that prioritizes the housing needs of the most vulnerable, including the specific housing needs of women, and that gives effect to the right to adequate housing by ensuring the availability and adequacy of a wide range of housing/shelter options for different housing needs and preferences, such as emergency shelters, social housing, affordable homeownership options, and market rental and ownership housing;
- Implement a housing strategy for Indigenous peoples;
- Focus its efforts on supporting and expanding existing social housing, and developing new social housing, defining affordability according to income levels, rather than market prices; and
- Develop social housing in cooperation with provincial, territorial and municipal governments.

**Food Security**

***Recommendation***

- The Government of Canada should formulate a comprehensive rights-based food strategy, identifying measure to be adopted, time frames, and attentiveness to most vulnerable populations. Included must be revision of social assistance levels and minimum wage levels to correspond to costs of necessities required to enjoy the human right to an adequate standard of food security.

***Recommendation***

- The Government of Canada with territorial governments should develop an effective food security strategy for the North that will address the disproportionate food insecurity of Northern women.

*The Right to Physical and Mental Health (Article 12)*

**9) Women's Health**

**Refugee and migrant women's access to health care**

***Recommendation***

- The Government of Canada should act urgently on its commitment to restore the Interim Federal Health Program to its pre-2012 coverage levels for refugee claimants.

**Incarcerated women and mental health**

***Recommendations***

The Government of Canada should:

- Restrict the imprisonment of women, and develop new protocols to de-carcerate women who do not pose a risk to public safety and/or whose risk may be managed in the community;
- Increase income security, health and educational measures such as income assistance, adequate housing, and community supports for women with mental health issues to address the reality that women are being criminalized and incarcerated because of poverty, previous abuse, social disadvantage, racialization and disabling mental health issues;
- Put an end to the practice of employing male staff working in front-line contact with women in women's institutions;
- Establish an independent external redress body for federally sentenced prisoners; and
- Put an end to the practice of placing women prisoners in segregation or solitary confinement.

**Access to abortion and sexual and reproductive health and information services (Issue 23)**

***Recommendation***

- The Government of Canada should ensure that every province and territory funds and provides easy access to self-referral abortion services covered by Medicare in both private clinics and hospital settings.

*The Right to Education (Articles 13 and 14)*

**10) Women's Right to Education**

***Recommendations***

The Government of Canada should:

- Eliminate the Registered Education Savings Plan (RESP) and redirect the funding into the need-based Canada Student Grants Program (CSGP), which would provide up-front, non-repayable financial assistance to the students who need it most;
- Increase grant funding to reduce overall student debt and allow new graduates to obtain financial security sooner; and
- Remove the funding cap on Post-Secondary Student Support Program (PSSSP), and ensure that all eligible Indigenous students have access to funding.