

Summary of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW)

CEDAW/C/CAN/CO/8-9: The Concluding Observations can be accessed here:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCAN%2fCO%2f8-9&Lang=en

Implementation of CEDAW Rights

The CEDAW Committee recommended that Canada:

- Implement its recommendations prior to the next reporting period in 2020; and develop a strategy to disseminate information about the *Convention*, its Optional Protocol, and its current recommendations to all relevant stakeholders (paras 7, 9);
- Enhance women's and girls' awareness and understanding of their rights under CEDAW;
- Take the necessary legislative measures to give full effect to *Convention* rights in Canada's legal order and promote the justiciability of these rights (para 9);
- Educate judges, prosecutors and lawyers on women's and girls' rights under CEDAW (para 9);
- Create an effective mechanism aimed at ensuring accountability and the transparent, coherent and consistent implementation of the *Convention* throughout Canada (para 11);
- Use federal accountability measures, including conditional federal transfer payments, to ensure provincial and territorial governments comply with CEDAW (para 11).

Indian Act Sex Discrimination

- Remove all remaining discriminatory provisions in the *Indian Act* and ensure that Indian women enjoy the same rights as men to transmit Indian status to their children and grandchildren (para 13).

Access to Justice

- Increase funding for civil legal aid and designate specific funding for civil legal aid in the Canada Social Transfer to ensure that all women, particularly women who have experienced violence, Indigenous women and women with disabilities, have access to legal aid (para 15);
- Review the income-based eligibility criteria applied for qualification for legal aid, and ensure that, especially in the area of family law, legal aid is available to all women without sufficient means (para 15);

- Provide reparation and compensation to the author/complainant in communication No. 19/2008 and inform the Committee about all measures taken and planned to implement the recommendations regarding her complaint to CEDAW (para 17);
- Ensure Indigenous women who have experienced domestic violence, or wish to enforce their property rights, have access to legal aid; recruit and train more Indigenous women to provide legal supports and services in their communities (para 17);
- Expand the Court Challenges Program to cover provincial and territorial jurisdictions and section 7 *Charter* challenges, and maintain its community-based structure (para 15).

Extraterritorial Industries

- Strengthen legislation regarding Canadian corporations operating abroad whose operations could impact women's and girls' human rights; require those corporations to complete human rights and gender based impact assessments prior to making investment decisions (para 19);
- Establish an Extractive Sector Ombudsperson to independently investigate reports and complaints of women's rights violations by Canadian corporations; create judicial and administrative mechanisms to provide access to justice for women and girls whose human rights have been violated by Canadian companies operating abroad (para 19);
- Adopt measures to facilitate women victims of human right violations access to justice, including judicial and administration mechanisms with a gender perspective; and
- Ensure that the trade and investment agreements negotiated by Canada recognize the primacy of its international human rights obligations over investors' interests, so that the introduction of investor-State dispute settlement procedures do not create obstacles to full compliance with the *Convention* (para 19).

National Gender Equality Machinery

- Ensure that the Ministry of Status of Women has a strong mandate and adequate resources to coordinate gender equality plans, policies and programs in all areas (para 21);
- Develop a comprehensive national gender strategy, policy and action plan that addresses the structural factors causing persistent inequality for women and girls, with particular attention paid to marginalized women and girls including Indigenous, Afro-Canadian, disabled, migrant, refugee, asylum-seeking, single mother, and lesbian, bisexual, transgender, and intersex women and girls (para 21);
- Include Indigenous women's organizations in nation-to-nation relationship building in all relevant areas (para 21);
- Provide adequate resources, guidance and support to provincial and territorial governments to ensure the implementation of gender equality policies (para 21);

- Strengthen monitoring and evaluation mechanisms that will assess the implementation of provincial and territorial gender equality policies (para 21);
- Reopen and properly resource the regional Status of Women's offices to provide services to women across Canada, particularly those in remote or rural areas (para 21).

Stereotypes and harmful practices

- Collect disaggregated data on harmful practices in Canada, such as child and forced marriages, and disseminate information on how to combat those practices widely available (para 22).

Violence

- Improve Canada's efforts to combat gender based violence, particularly against marginalized and Indigenous women (para 25);
- Take measures to increase the number of women reporting violence against them by educating law enforcement on how to properly apply criminal law provisions related to violence against women and increasing public awareness of the criminal nature of violence against women (para 25);
- Ensure that cases of violence against women are properly investigated and prosecuted (para 25);
- Develop and implement a national action plan to combat gender based violence, that meets UN standards, in consultation with women's organizations (para 25);
- Increase and strengthen social services available, including shelters, to women victims of gender-based violence (para 25);
- Collect 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);
- Provide civil and human rights based remedies for victims of cyber-violence (para 25).

National Inquiry on Missing and Murdered Indigenous Women and Girls

- Develop 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);
- Properly investigate and prosecute all cases of missing and disappeared Indigenous women and girls (para 27);
- Ensure that the National Inquiry into Missing and Murdered Indigenous Women and Girls ("the National Inquiry") uses a human rights based approach (para 27);

- Guarantee that the National Inquiry investigates the role of federal, provincial, and municipal police and public complaints commissions (para 27);
- Establish a mechanism to investigate cases of missing and disappeared girls that are alleged to have been inadequately or partially investigated (para 27);
- Partner with Indigenous women's organizations and other human rights organizations when conducting the inquiry and implementation process (para 27);
- Ensure that witnesses to the National Inquiry are supported and protected (para 27).

Socio-economic Conditions of Indigenous Women and Girls

- Develop 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);
- Implement the recommendations made in the Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya (para 29);
- Promote and apply the principles in the United Nations Declaration on the Rights of Indigenous People (para 29);
- Ratify the ILO Convention No. 169 (1989) on Indigenous and tribal peoples (para 29).

Trafficking and Prostitution

- Adequately investigate and prosecute human trafficking cases (para 33);
- Improve measures that identify and support women and girls who are at risk of being trafficked (para 33);
- Improve access to data disaggregated by age and sex on victims of human trafficking (para 33);
- Adopt a new National Action Plan to Combat Human Trafficking and assess the impact of the previous plan (para 33);
- Provide all victims of human trafficking with access to health care, counselling, and social services related to human trafficking and ensure that they have access to protection and redress (para 33);
- Address the root causes of human trafficking and prostitution through educational, employment and supportive programs for women who are, or are at risk of becoming, trafficked and prostituted (para 33);
- Fully decriminalize all women engaged in prostitution (para 33);
- Assess the impacts of the *Protection of Communities and Exploited Persons Act* on women (para 33).

Participation of women in peace process

- Require accountability mechanisms and increase support to women's organizations to ensure the participation of women engaging in peace negotiations and reconstruction processes (para 31);
- Increase support to local women's organizations and networks active in peace and post-conflict initiatives (para 31);
- Adopt a second national action plan on women, peace and security (para 31);
- Increase funding to the Women, Peace and Security agenda and its National Action Plan (para 31).

Political Participation

- Improve efforts to increase the number of women in elected and appointed positions in public life, including through the use of temporary special measures, such as quotas (para 35);
- Remove structural barriers for women participating in political affairs (para 35);
- Increase awareness campaigns so the public is aware that women's participation in politics is required for the implementation of women's human rights (para 35);
- Provide training for women who could be potential political candidates, specifically targeting marginalized women (para 35).

Education

- Increase grants and remove the funding cap on the Post-Secondary Student Support Program for Indigenous students (para 37);
- Address structural barriers that deter women and girls from pursuing male-dominated fields of study (para 37);
- Ensure a zero-tolerance policy on violence, discrimination and sexual harassment of girls in schools (para 37);
- Combat discrimination against particular groups of women and girls, including Indigenous, refugee and girls with disabilities, that prevents them from accessing high-quality education (para 37).

Work, Pay, Childcare

- Take all necessary steps to narrow the wage gap, including by ensuring that legislation is adopted in all jurisdictions that guarantees equal pay for work of equal value, and by increasing the minimum wage (para 39);
- Repeal the *Public Sector Equitable Compensation Act* (para 39):

- Adopt effective measures, including skills training and incentives for women to work in non-traditional professions, and temporary special measures, in order to eliminate occupational segregation, both horizontal and vertical, in the public and private sectors and to achieve substantive equality of women and men in the labour market (para 39);
- Create targeted measures to address discrimination against disadvantaged groups of women in the labour market, including Indigenous, racialized, and disabled women (para 39);
- Create a national rights-based child care framework that will provide adequate and sufficient childcare facilities (para 39);
- Develop confidential and safe systems for women to report sexual harassment in the workplace, with appropriate remedies (para 39);
- Discontinue closed working permits that increase the chances of women being exploited by their employers in the Temporary Foreign Workers Program and facilitate access to permanent residency permits for women migrant domestic workers (para 39);
- Provide legal aid to migrant workers who are victims of rights violations (para 39);
- Ratify ILO Convention No 189. (2011) on decent work for domestic workers (para 39).

Women's Health

- Ensure women have access to legal abortion services in all provinces and territories, and guarantee that physician's conscientious objections do not impede that access (para 41);
- Make contraceptives affordable and accessible to all women and girls, particularly women living in poverty or in rural locations (para 41);
- Establish national guidelines to ensure consistent and comprehensive sexual and reproductive education across Canada (para 37);
- Limit the application of criminal law provisions related to HIV/AIDS to cases of intentional transmission of HIV/AIDS (para 43);
- Identify harm reduction as a key element in the federal strategy on drugs and increase access to harm reduction services without risk of criminal prosecution of clients or service providers (para 45);
- Repeal the Respect for Communities Act (para 45);
- Establish a process that would allow for the operation of supervised consumption sites without risk of criminal prosecution of clients or services providers (para 45);
- Repeal mandatory minimum sentencing for minor, non-violent drug-related offences (para 45);
- Work to prevent drug overdose deaths, including exempting from arrest drug users who call 911 when facing an overdose (para 45).

Poverty and Housing Strategies

- Ensure that the National Poverty Reduction Strategy and the National Housing Strategy use a human rights and gender-based approach that protects the rights of women (para 47);
- Engage First Nations women in the development of water systems management (para 47);
- Increase federal transfer payments to the provinces and territories, earmark sufficient funds for social assistance, and make transfer payments conditional on social assistance rates being set at levels that are sufficient to ensure an adequate standard of living (para 47);
- Intensify efforts to provide sufficient numbers of affordable childcare facilities and affordable and adequate housing options, including in Indigenous communities, with priority being given to low-income women (para 47).

Women in Detention

- Address the over-incarceration of Indigenous and Afro-Canadian women (para 49);
- Implement alternative measures to prison for women who have been convicted of non-violent offences (para 49);
- Redesign the classification system for women in federal prisons (para 49);
- Abolish solitary confinement (para 49);
- Restrict 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);
- Stop employing male guards as front line staff in women's prisons (para 49);
- Expand services that would support women living with HIV/AIDS in prison (para 49).

Family and Matrimonial Property Law

- Adopt guidelines and minimum standards that should be applied by First Nation governments that have enacted their own real property laws to ensure women's matrimonial property rights are protected (para 51);
- Harmonize federal, provincial and territorial child-custody legislation, using the British Columbia Family Law Act, as a guide for future legal reforms. Domestic violence should be considered in child-custody cases; the "maximum contact" provisions should be reviewed, and the economic welfare of children should be monitored following separation to prevent strategic and opportunistic claims for shared custody in order to avoid child support payments (para 53).

Dissemination and Reporting

- Disseminate bilingual versions of the CEDAW Committee's Concluding Observations to all levels of government and the judiciary (para 56);
- Within two years provide the CEDAW Committee with a written follow up reports on the steps taken to implement 1) the national gender action plan and 2) the 37 outstanding recommendations from the CEDAW report on missing and murdered Indigenous women and girls (para 58).