

**ADDRESS ON THE PRESENTATION OF
CANADA'S FIFTH REPORT TO THE COMMITTEE ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

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Introduction

1. I would like to begin by expressing Canada's appreciation for the critical role this Committee plays in the ongoing struggle to promote and protect women's human rights around the world.
2. We are pleased to be here to discuss Canada's Fifth Report under the *Convention on the Elimination of All Forms of Discrimination Against Women*, covering the period from April 1994 to March 1998, as well as initiatives since then, which have been highlighted in a supplementary document provided to the Committee.
3. We value the opportunity to respond to your questions today. I am Florence Ievers, the Co-ordinator of Status of Women Canada, the federal agency responsible to the Secretary of State for the Status of Women, the Honourable Jean Augustine. Joining me on Canada's delegation are members from several major departments of the Government of Canada, as well as the governments of four provinces - Prince Edward Island, Nova Scotia, Quebec and British Columbia.
4. Madame Chairperson, the importance we place on eliminating gender discrimination, and the measures we adopt, are tied to the nature of Canada itself. We are a diverse country in many respects. Our population is spread across a vast geography, with regional differences in language, economic base and demography. We have large rural areas and densely populated urban centres. We are a multicultural, multiethnic and multiracial society where Indigenous Peoples hold a unique and important role in Canadian society. . Aboriginal peoples play an important part in Canadian society. Men, women and children in Canada live in a growing and dynamic variety of family arrangements. Our economy is evolving and presenting new opportunities and challenges.

5. We are a privileged country and have been able to demonstrate leadership in many of our endeavours. We are, of course, proud of our achievements. But the responsibility that accompanies leadership also makes us very aware of needs still unmet and goals we have yet to achieve.

6. As you are aware, Canada is a federal state. This means that Canada's Constitutional structure provides unique roles and responsibilities for federal, provincial and territorial jurisdictions. Each jurisdiction shares responsibility for the articles of the Convention. Consequently, our reports before this Committee identify initiatives undertaken in all of these jurisdictions. In this statement, I will be able to address only a few examples. As you may be aware, we are also negotiating self-government agreements with Aboriginal communities, recognizing their jurisdiction.

Women and Men in Canada

7. As we enter the 21st century, it is important to note that the past century was a period of remarkable change in the role of women in Canadian society. As the decades passed, women became increasingly involved in the full range of social and economic aspects of life, most notably becoming a major and integral part of the paid labour force. There is still work to be done, however, as substantial differences persist between women and men on most key variables and the pace of improvement on many has slowed, or even at times reversed. Just as the experiences of women continue to be different from those of men in many spheres of Canadian life, certain groups of women have different patterns of experience within the female population and require specific attention. This is especially true where they face disadvantages as the result of the intersection of gender and factors such as race, disability, sexual orientation and family status.

8. As of the 1996 Census, close to one in five women living in Canada was an immigrant. Women who identified themselves as members of a visible minority made up 11 per cent of the female population. They are mostly immigrants but significant proportions were born in Canada and some have been here for generations. Another three per cent of the female population reported they were Aboriginal people, either North American Indian, Métis or Inuit.
9. While the vast majority of women live with their family, a growing proportion are living alone and there has also been a sharp increase in the number of families headed by female lone parents, almost double since 1971. Another dramatic trend has been the decline in the birth rate. Still, about one in five Canadian families have pre-school children.
10. The large majority of women of all ages consider themselves to be in good health and their life expectancy is higher than men's. However, a higher percentage of women than men report chronic and degenerative health conditions. Women are also more likely to use medications than men. It is estimated that about one in 10 Canadian women of working age has a disability. This increases with age, with 42 per cent of women 65 years of age and older living with disabling conditions.
11. Women have made tremendous strides in terms of educational attainment and are making inroads into male dominated fields. In the job market, the majority of employed women continue to be in predominately female occupations, but this is slowly declining. Women are a fast-growing force among self-employed workers and entrepreneurs in Canada. They also, however, tend to dominate the growing ranks of non-standard workers who have less access to benefits than other employed Canadians.
12. Women's overall economic situation continues to steadily improve. Women's earnings, total incomes and total after tax incomes as a percentage of men's have

been on an upward trend. Women's after-tax incomes, for example, increased from 52 per cent of men's in 1986 to 63 per cent in 1997.

13. There is still a distinct division of labour between the sexes, with women, especially those with young children, spending much more of their time on unpaid work. Both women and men report increasing work and family tension. Because of women's high share of unpaid work, however, the family status of adult women has a profound effect on their economic status. Sources of income such as child support from an ex-spouse and government child benefits and pensions, are very important for many women, in addition to employment earnings.
14. Factors such as age, race, ethnicity, immigrant status and Aboriginal heritage also have significant effects on women's economic status. Aboriginal women, for example, are concentrated disproportionately in lower-skill and lower-paying occupations and also have lower rates of employment in the wage economy than Aboriginal men or non-Aboriginal women. Women's lower economic status means they continue to face affordability issues in accessing goods and services, including child care, education and housing.
15. As the Committee has noted, poverty among some groups of women in Canada is far too high. Starting in 1997, however, there has been a significant change in poverty trends in Canada. Poverty in general, child poverty and lone-parent poverty have been on a continuous decline, as measured by Statistics Canada's Low-Income Cut-Offs. Poverty rates for lone-parent mothers dropped 11 percentage points from 58.7 per cent to 47.6 per cent between 1996 and 2000. Using after tax figures, the poverty rate of lone-parent mothers in 2000 was 38.1 per cent.
16. Traditionally, women's involvement in the criminal justice system has been more as victims of crime rather than as perpetrators and where they are victims it is much more likely to be at the hands of a relative or someone they knew rather

than a stranger. Recent findings show that although violence against women continues to be a social and economic problem the incidence of spousal violence, including spousal homicide, has declined somewhat over the past decade.

17. Women make up a very small proportion of all persons admitted to prisons in Canada. They are only five per cent of people sentenced to federal penitentiaries. The number of Aboriginal women who come into contact with the correctional system, however, is disproportionate to their representation of three per cent in the general population. In fact, more than 20 per cent of women serving federal sentences are of Aboriginal ancestry.

Recent Government Action Towards Equality

18. It is a fact that during the period covered by Canada's 5th Report, the extent of deficits and debt necessitated some very difficult decisions by Canadian governments to get our fiscal situation in order. Had we had a more fully developed gender analysis capacity at that time, some of those decisions might have been different, but we would still have had to take stringent measures to put Canada on a more solid economic footing for the future. The *Federal Plan for Gender Equality*, with its key long-term goal of undertaking gender-based analysis of policies and programs across government only came into effect in 1995 when the Budget Act placed an immediate focus on reductions to ensure fiscal responsibility.
19. Since that time, however, our economy has improved and governments have forged a renewed building block approach for a stronger long-term social policy agenda, in particular focused on investments in people, who truly are Canada's future. Measures from the last few Budgets are having a positive impact. And the most recent Speech from the Throne, which sets future direction for the government of Canada, has announced further enhancements in areas such as child benefits, child care and health care as well as new compassionate care

benefits to aid individuals with severely ill or dying family members. We also learned important lessons in the implementation of the Federal Plan on how we can improve our capacity for effective gender-based analysis.

20. Canada has a clear legal foundation for gender equality in our *Charter of Rights and Freedoms*. In addition, the federal and all provincial governments, as well as two territories, have adopted human rights legislation that prohibits discrimination based on such characteristics as race, nationality and ethnic background, colour, sex and disability. The government of the new territory of Nunavut recently introduced human rights legislation expected to come into force in 2003.
21. We are working towards substantive equality, the full participation of women in the economic, social, cultural and political life of the country, recognizing that treating women identically to men will not necessarily ensure equal outcomes and is not sufficient. The concept of substantive equality, however, is often highly complex and difficult to implement in practice. In our reports, we have highlighted some significant decisions by the Supreme Court that affect our interpretation of substantive equality in the design of public policy. The fact that the Court is sometimes significantly divided, with very compelling reasons provided in majority and dissenting views, indicates how challenging the task is of implementing genuine equality. In Canada, we have tackled many of the more obvious forms of discrimination. Our work now requires more critical and thoughtful analysis than ever before.
22. In this task, however, Canadian governments at all levels from municipal to federal are aided by an extensive network of women's equality-seeking and other non-governmental organizations, such as labour and anti-poverty groups. Many of these organizations are vibrant and forward-looking. They are well informed on current realities, and close to new and emerging issues. They provide services to women, speak out on gender-equality issues and are active in the policy-

development process. Increasingly, organizations are reflecting the growing diversity of women in Canada.

23. The Government of Canada, through its new Voluntary Sector Initiative and other mechanisms, as well as other levels of government, play an important role in providing funds to organizations so they can engage in the policy process, independently or in partnership with government and the private sector. They carry out community-based projects, and conduct gender-based research that informs our work and provides new perspectives on issues. Through their research and advocacy, these organizations may be critical of government policies and programs. We welcome these perspectives. They play a vital role in helping us to achieve our best practices in building gender equality and meeting our human rights obligations.
24. Since 1995, Canada has endorsed a dual approach to gender equality that combines both the integration of a gender perspective in government processes and the development of policies and programs that are gender specific. The former approach, known as gender mainstreaming in many parts of the globe, provides a more systematic approach to addressing gender discrimination.
25. Through the use of gender-based analysis (GBA), gender mainstreaming views women in relation to men in society, in all of their diversity, through all life stages and experiences. GBA makes good policy sense. It puts people at the heart of policy-making and fosters social inclusion and thereby benefits society, as a whole. From our experience with the Federal Plan, we realized, however, that more attention should be devoted to the tools, training and structures needed for GBA and for mainstreaming. A publication just released entitled *Canadian Experience in Gender Mainstreaming* includes details on recent steps taken by institutional mechanisms for the advancement of women in federal and provincial/territorial jurisdictions. It also discusses guidelines for GBA, partnerships outside government and case studies.

26. For its part, in 2000, the Government of Canada adopted a new *Agenda for Gender Equality*. The Agenda is a multi-year strategy, with new funding spread over a five-year period. It is designed to: engender current and new policy and program initiatives; accelerate the implementation of gender-based analysis; enhance voluntary sector capacity; engage Canadians in the policy process; and meet Canada's international commitments. In addition to the Secretary of State for the Status of Women, three key ministers of the federal Cabinet are responsible for overseeing the development of the Agenda – the Ministers of Health, Human Resources Development, and Justice.
27. Madame Chairperson, I would like to take an opportunity now to highlight a few examples that demonstrate progress we have made in the past few years – both in process and results.

Immigrant and Refugee Women

28. The Government of Canada's new *Immigration and Refugee Protection Act* is an example of recent advances in promoting substantive equality. The new Act promotes the mainstreaming of gender analysis through its requirement that gender impacts be reported on annually in the federal immigration department's report to Parliament. This is an unprecedented step in federal statutes in Canada. The first report to include a gender analysis component was presented in November 2002 and is publicly available.
29. As part of the legislative process for the Immigration and Refugee Protection Act, a gender-based analysis of the potential impacts of the Act and its regulations was prepared. This analysis was republished with the Regulations to facilitate advanced public scrutiny on this issue. Several sections of the Immigration and Refugee Protection Act highlight where gender considerations have been integrated. For example, the Act includes new offences for human smuggling and

trafficking in persons, carrying a maximum penalty of life imprisonment, a fine of up to \$1 million, or both. Trafficking is a heinous crime frequently perpetrated against women and children. The legislation recognizes the context of trafficked women's lives by allowing a court to take into account aggravating factors such as humiliating or degrading treatment, including sexual exploitation, when determining an appropriate penalty for the crime. A number of other regulations to the Act seek to combat trafficking, including those regulating adoption, to ensure that children are not trafficked into Canada under provisions for adoption.

30. Changes have also been made to Canada's program for migrant live-in caregivers. Although this program offers women unique opportunities to immigrate to Canada, many concerns have been raised over the application of this program. To address some of these, the government of Canada has instituted new requirements, including a written contract between the employer and employee to set out the terms of employment. The aim is to ensure that both the employer and the live-in caregiver are fully aware of their respective rights and responsibilities. Formal agreements on employment conditions, such as hours of work, salary and benefits, are aimed at protecting the caregivers from abuse and exploitation. Although migrant live-in caregivers have always had the same labour protection under the law as other workers in Canada, more formalized arrangements with their employers should improve their ability, in practice, to seek recourse in the event of problems. Another noted improvement to the Live-in Caregiver Program is the right to change employers. This additional provision should help reduce the reliance of migrant live-in caregivers on success with one employer and help live-in caregivers to leave abusive or exploitative employers.

Aboriginal Women

31. Madame Chairperson, we acknowledge the concerns previously expressed by the Committee about the circumstances facing Indigenous women within Canada. Among Canada's harshest historical realities is that today, despite years of work

by governments, organizations and individuals, the living standards and opportunities of Indigenous peoples remain well below Canadian averages. This is particularly true for Indigenous women. In our reports, we have provided information on a range of active measures related to the economic situation of Indigenous women, as well as to violence and to incarceration. I would like here to highlight some key developments to add to the reports.

32. As we reported, in 1998, in response to a Royal Commission on Aboriginal Peoples, the Government of Canada adopted an action plan called *Gathering Strength*, a strategy to improve the quality of life of Aboriginal people and promote self-sufficiency. Funding of \$965 million was targeted over five years to address key challenges.
33. Through a Statement of Reconciliation in 1998, the Government of Canada formally expressed to all Aboriginal people in Canada its profound regret for past actions of the federal government. More specifically, the government acknowledged the role it played in suppressing Aboriginal languages and cultures, and its role in developing and running the “Indian” residential schools, which separated many children from their families and communities.
34. At that time, the Government of Canada launched a \$350-million healing initiative, granting the money to the Aboriginal Healing Foundation to fund healing initiatives that address the intergenerational impacts of the residential schools system. To date, the Foundation has funded over 800 community-based projects benefiting over 65,000 individuals.
35. The government’s response to issues arising from these schools was further advanced on June 4, 2001, with the creation of a separate department, Indian Residential Schools Resolution Canada. Its mandate is to resolve all issues concerning the legacy of the residential schools system. In December 2002, a comprehensive plan to resolve these issues was announced, including dispute

resolution for legal claims and funding for commemorative initiatives – for example, public education initiatives or community-based activities that create greater awareness of the history of residential schools and their impacts on Aboriginal peoples. Also announced was the creation of an Aboriginal Languages and Cultures Centre to address issues of loss of languages and cultures of Aboriginal people, including losses by those who attended Indian Residential Schools. With assistance from Status of Women Canada, Indian Residential Schools Resolution Canada conducted a gender-based analysis on a number of the issues related to residential school claims. Status of Women Canada has also been working with Canadian Heritage on recognizing the importance of Indigenous women's role in the revival, transmission, and preservation of languages and cultures.

36. The Government has introduced legislation to modernize the governance components of the historic Indian Act, adding to First Nations' governance tools aimed at improving the quality of life in their communities. The proposed legislation hopes to provide new opportunities for women to participate in the governance of their communities and may broaden their protection from discrimination and provide additional remedies.
37. This Committee has expressed concern about the particular situation of Aboriginal women in prisons and our supplementary report provides information on the recent developments to address their specific needs. There are, for example, currently four facilities and an Aboriginal Healing Lodge accommodating federally-sentenced, medium- and minimum-security women offenders in Canada. These facilities are located in different regions of the country, allowing women to have more contact with their families and communities.
38. The Government of Canada is also working to improve the condition and quantity of housing on reserves, including an examination of the issue of matrimonial

property. It has commissioned a number of research studies to obtain a better understanding of matrimonial real property on reserve upon the breakdown of a conjugal relationship. These studies will serve as the basis for ongoing dialogue with Indigenous women as we consider solutions to the issues they face.

Paid and Unpaid Work

39. Issues related to paid and unpaid work provide another example of how gender mainstreaming, through the use of GBA, can help governments better identify and meet the needs of all Canadians. The Committee has commented in the past on our world leadership in the measurement and valuation of unpaid work but questioned the extent to which this important information was being used. Our initial focus on measurement more recently shifted to an analysis of the policy implications of unpaid work for both women and men and has now resulted in quite dramatic improvements to parental benefits.

40. In a move that is equally important to women's economic equality and to early child development, in December 2000, parental benefits under Employment Insurance were increased from 10 weeks to 35 weeks and a disincentive that affected fathers was removed. This has resulted in a doubling of the combined maternity/parental benefit period to one full year. Federal, provincial and territorial leave provisions in labour legislation were also extended, to enable parents to take advantage of the new benefit and maintain job protection. Results after the first year indicate how welcome these initiatives have been. The number of Canadians accessing parental benefits increased by 24.3 per cent in 2001. In particular, the number of claims by men increased by almost 80 per cent. This shows that fathers are taking advantage of the opportunity to share in the caregiver role in the first year of their child's life – a major development in the sharing of child-related work that has traditionally been carried out by women.

41. Child care, of course, is an essential element of any strategy to improve women's economic situation and children's development. While many jurisdictions have developed basic supports and innovative programs, Quebec's progressive network of early childhood centres stands out. Child-care services are provided to parents at a modest \$5 a day and the program is in very high demand.

42. The link between women's and children's economic status also underpins one of the largest social innovations in recent Canadian history, with the introduction and progressive enhancement of the Canada Child Tax Benefit and the National Child Benefit system which includes a supplement for low-income families. The National Child Benefit is an initiative of federal, provincial and territorial governments and First Nations, and includes both income and other supports. A two-child, low-income family currently receives a maximum benefit of about \$4,700 – up from \$3,400 in 1999. These benefits, in recognizing the costs of raising children in low-income families, are very important to fostering parental employment, where earnings alone would not be sufficient to meet family needs.

43. The new child benefits, therefore, directly address some key factors contributing to poverty among women – their average lower wages and their predominance as primary care providers for children, which limits their earning potential. Options for specific income supplements and employment supports aimed at improving the self-sufficiency of lone-parent mothers are also being tested and showing positive results for women and children. Since 1997, a package of child support reforms has also been in effect, again the result of cross jurisdiction cooperation, aiming to ensure fairer support for children in custodial households, most often headed by women following separation and divorce. A follow-up review shows that fairness is improving. As we build on initiatives such as these over time, we hope that the decline in poverty rates for families with children, especially for female-led lone-parent households, will accelerate.

44. In the labour force, one key development with even greater potential for the future is in the area of pay equity, especially important in view of the fact that women continue to study, earn degrees and work in female-dominated fields. In 1998, a Canadian Human Rights Tribunal decided the largest pay equity case in Canada. The ruling ultimately resulted in the payment of \$3.6 billion in back pay to about 230,000 federal workers in female-dominated jobs. Further, it clarified detailed methodological issues in the evaluation of jobs and highlighted the need to review the manner in which federal pay equity is implemented. As a result, in 2001, the Government of Canada established a Task Force to make recommendations for improving current pay equity legislation.
45. Enabling women to take advantage of new opportunities is also a forward-looking priority in Canada. In November 2002, the Prime Minister announced a Task Force on Women Entrepreneurs to examine the unique challenges that women entrepreneurs face and advise on how their contribution to the Canadian economy can be advanced.

Homelessness

46. Canadians, community groups and all levels of government have shown the effectiveness of working and learning together to help alleviate and prevent homelessness across Canada. The government of Canada's \$753 million investment includes flexible funding for local strategies that other partners are encouraged to join in supporting. We are gaining a better understanding of the gender dimensions of homelessness, recognizing that women's lower economic status makes them vulnerable to homelessness, yet their particular circumstances mean that their needs may not be visible.

Health and Well-Being

47. With regard to health and well being, the Government of Canada's 1997 guidelines on the *Inclusion of Women in Clinical Trials* are an important step forward in light of women's greater reporting of chronic health conditions and greater use of medication than men. The guidelines aim to ensure that drug manufacturers seeking market approval for their products base their application on research representing the full range of patients likely to receive the drug, and that women are enrolled in clinical trials at all stages of drug development. Such procedures help define the risks and benefits associated with drug therapy to women, including women with child bearing potential and post-menopausal women.
48. Renewed commitments to health research are similarly important. The Institute of Gender and Health established in 2000 as one of 13 Canadian Institutes of Health Research across the country, for example, offers an unprecedented opportunity to investigate the influence of gender and sex on health, and their interactions with other health determinants, such as ethnicity, rural/urban location or age. Its work contributes to reducing health disparities and promoting equity for vulnerable populations of women, including women with disabilities.
49. The Government of Canada currently invests about \$6.5 billion per year in many disability-related programs, and provinces and territories also make significant investments and deliver most of the programs and services. In addition, in the 2002 Speech from the Throne, the Government of Canada addressed a disability-related issue of particular importance to women as care providers. It proposes measures to alleviate the financial pressures faced by low-income families caring for children with severe disabilities.

Violence Against Women

50. Another major government priority is eliminating systemic violence against women. In the past, the Committee has expressed the concern that although laws

are in place in Canada to address violence against women, the incidence of such violence does not appear to be decreasing. In 2002, Federal-Provincial/Territorial Ministers Responsible for the Status of Women released *Assessing Violence Against Women: A Statistical Profile*. This document provides reasons to believe that Canada's efforts to address such violence may be having some effects. In 1993, 12 per cent of women indicated they had been assaulted by a marital or common-law partner in the preceding five years, whereas in 1999 the figure dropped to 8% of women. In addition, spousal homicide rates for both men and women have declined significantly over the past two decades. These decreases have been attributed, in part, to increased community-based supports, shelters, pro-charging policies and improved training of police officers. Although we appear to be making progress, there is still much to be done. Aboriginal women reported spousal violence rates twice as high as Aboriginal men and three times higher than non-Aboriginal women and men in 1999. Moreover, young women also have a higher risk of sexual assault, as well as spousal assault and homicide.

51. In keeping with Canada's national and international commitments to prevent and punish violence against women, the Government of Canada has initiated a number of criminal law reforms since the period of our Report. Many of these reforms have been aimed at providing increased protection for victims of sexual assault and other violent offences. In addition, the *Criminal Code* and related legislation have been amended to facilitate the testimony of young victims of sexual or violent crime, and to expand the role of victim impact statements. Moreover, the maximum penalty for criminal harassment, also known as stalking, has been increased from five to 10 years.
52. In two recent decisions outlined in our supplementary report, the Supreme Court has upheld *Criminal Code* provisions that give important protections to victims of sexual assault during the trial process. In both decisions, the Supreme Court has balanced the rights of the accused to make full defence, the rights of the

complainant to privacy and equality, and the need to preserve the integrity of the trial process by excluding misleading evidence based on myth or stereotyping.

53. Canada is also working to protect children from sexual exploitation. We have introduced legislation to create the criminal offence of using the Internet to lure children for a sexual purpose. And through our funding programs, we are supporting initiatives to examine innovative programming for children and youth involved in prostitution.
54. Domestic Violence Courts have been created in many jurisdictions, with the aim of improving the justice system's response to domestic violence. These courts provide a range of specialized services, such as advocacy and support for women and children, expedited court processing, better victim cooperation and support, greater conviction rates and appropriate sentencing, including treatment for abusers.
55. A number of provinces have also implemented civil domestic violence legislation that provides avenues of support for victims of intimate domestic violence in addition to protections offered under the Criminal Code. In general, the Acts offer remedies such as emergency protection orders granting exclusive occupation of home to victims, orders removing the abuser from the home and no-contact orders.

Conclusion

56. Madame Chairperson and members of the Committee: – I have reached the end of my remarks, and wish to leave you with a final message:
57. Canada is deeply committed to the elimination of discrimination against women even as we acknowledge that it persists. We have invested years of effort in the fight for gender equality, both domestically and internationally, and we will

continue this work in the new millennium, striving to learn from our own and others' experiences, and to develop and share specific, tangible and innovative initiatives to advance the equality of women. As the 2002 Speech from the Throne has stated, "*we must find new solutions to enduring problems ... to take responsibility for building the Canada we want, for ourselves and for our future generations*".

58. Again, we wish to express our gratitude to the Committee for its work. I thank you for your courtesy in considering my remarks.