

BRIEF
B.C. CEDAW Group

Presented by

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&

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To the House of Commons Standing Committee on Finance

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The B.C. CEDAW Group is a coalition of 12 women's non-governmental and non-profit British Columbia organizations committed to advancing the equality interests of women and girls. Please see page 6 of this brief for the list of coalition members¹. The goal of the coalition is to ensure that governments comply with their human rights obligations to women. The B.C. CEDAW Group was formed in 2001 and has, among other activities, made submissions to and appeared before the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in 2003 and 2008.

Canada was required to report back to the United Nations Committee on the Elimination of Discrimination against Women on steps Canada has taken to implement recommendations made by the Committee, after its review of Canada in 2008. Canada has not acted on these recommendations. The failure to do so puts the governments of Canada and British Columbia in violation of the *Convention on the Elimination of All Forms of Discrimination against Women*.

Today, the B.C. CEDAW Group's presentation to the Standing Committee on Finance will address 3 issues of concern to the U.N.'s CEDAW Committee and to women and girls in British Columbia. The upcoming Federal Budget provides an opportunity for government to address fiscal policies that discriminate against women by acting on the recommendations contained in this brief. The issues touched on here are too often put aside by federal politicians and civil servants on the grounds that they fall solely within the jurisdiction of provincial and territorial governments. However, the implementation of Canada's human rights treaty obligations, its fiduciary and human rights obligations to Aboriginal women and girls, and the adequacy of federal transfers to the provinces and territories are all federal matters. The Government of Canada has clear responsibilities with respect to the three issues that we will address:

The 3 issues that we will now address are:

- Women's poverty and inadequate social assistance rates,
- Police and government failure to prevent or effectively investigate violence against Aboriginal women and girls, and
- Women's access to justice.

Women's Poverty and Inadequate Social Assistance Rates

Cuts to welfare rates and the erosion of the value of benefits through inflation have a harsh impact on women and girls who are in need. And it is the women with the highest rates of poverty, including single mothers and Aboriginal women, who are most likely to have to turn to welfare. In 2008, 9.4 per cent of Canadians lived below the poverty line, and at 11.4 per cent, B.C. has the highest overall rate of poverty in the country.² B.C. also has the highest rate of child poverty in Canada at 18.8 per cent while the national average is a disgraceful 15 per cent.³

Nation-wide data demonstrates that particular groups of women have very high poverty rates:

- 36 per cent of Aboriginal women live in poverty, more than double that for non-Aboriginal women;
- 29 per cent of women of colour live in poverty;
- 23 percent of immigrant women live in poverty, rising to 35 per cent for those who arrived in Canada between 1991 and 2000; and
- 26 per cent of women with disabilities live in poverty.⁴

In B.C., in 2006, single mothers had a poverty rate of 35.7 per cent, and single senior women had a poverty rate of 20.4 per cent.⁵

There has been no change in social assistance rates in B.C. since 2007. That year, shelter allowances were raised by \$50, plus welfare was increased by \$50 for lone parents and single adults. In most cases these new rates remain lower than pre-2002 rates. In 2002, the B.C. Government restructured and cut back welfare, instituting a number of regressive changes to eligibility as well as cuts to rates. Today, a single person in B.C. receives \$610 per month and a lone parent with one child get \$946 on welfare.

Lacking the means of subsistence has well-documented gendered consequences including that women and girls lose autonomy in their relations with men and turn to “survival sex” or prostitution. Women and girls live in squats, cars, and other unsafe housing and are more vulnerable to rape and sexual harassment. Women cannot leave abusive relationships because welfare rates are not sufficient to support them and their children. If they do leave, they often return for economic reasons, even when they are endangered.⁶ And women receiving welfare are more likely to have their children apprehended, not because the children are mistreated, but because they cannot provide adequate housing and food.⁷

In its 2008 Concluding Observations, the U.N. CEDAW Committee wrote:

13. The Committee notes that federal funds to support social assistance are provided to provinces and territories through the Canada Social Transfer (CST) and welcomes information indicating that the CST budget increased in the past year and will continue to increase in the future. Nevertheless, the Committee is concerned at the fact that decisions on expenditure of funds from the CST are completely at the discretion of the provinces and territories and that there is no federal accountability mechanism to ensure minimum standards across the country for the provision of funding to social assistance programmes for women. The Committee is also concerned at reports of cuts in social assistance schemes in many provinces and at the resulting negative impact on the rights of vulnerable groups of women, such as single mothers, Aboriginal women, Afro-Canadian women, immigrant women, elderly women and disabled women, who rely on social assistance for an adequate standard of living.

14. The Committee calls upon the State party to establish minimum standards for the provision of funding to social assistance programmes, applicable at the federal, provincial and territorial levels, and a monitoring mechanism to ensure the accountability of provincial and territorial governments for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women. The Committee also calls upon the State party to carry out an impact assessment of social programmes related to women's rights.

RECOMMENDATION The B.C. CEDAW group is calling on the Federal Government to attach conditions to the Canada Social Transfer that will ensure that social assistance provides adequate incomes to women and their families when they are in need, in compliance with Canada's international human rights obligations, and to allot adequate funds in the Canada Social Transfer to ensure that the provinces and territories can fulfill their responsibilities.

Police and Government Failure to Prevent or Effectively Investigate Violence against Aboriginal Women and Girls

All of the indicators of equality and well-being – educational attainment, health status, income level, housing adequacy, participation in paid work, and rates of child apprehension – reveal an entrenched pattern of inequality and dismal conditions of life for Aboriginal women and girls. These disadvantaged conditions are the result of both historical and ongoing colonialism including systemic racism and sexism.

Aboriginal women in Canada report rates of violence including domestic violence and sexual assault, 3.5 times higher than non-Aboriginal women, and they experience high levels of sexual abuse and violence in their own families and communities and high levels of stranger violence in the broader society.⁸ Also, young Aboriginal women are 5 times more likely than other Canadian women of the same age to die of violence.⁹

In March 2009, the Native Women's Association of Canada issued the second report of the Sisters in Spirit project documenting 520 known cases of Aboriginal women and girls who have gone missing or been murdered across the country over the last 30 years.¹⁰ Most Aboriginal and human rights organizations agree that the count of missing and murdered Aboriginal women and girls is likely much higher. In B.C. since the mid-1990s, 69 women have been reported missing from the Downtown Eastside, Canada's poorest neighbourhood. The majority of these women were Aboriginal.

Two facets of this problem have been identified by Aboriginal women, families, and non-governmental organizations, first, the failure of police to protect Aboriginal women and girls

from violence and to investigate promptly and thoroughly when they are missing or murdered. Secondly, the disadvantaged social and economic conditions in which Aboriginal women and girls live, which make them vulnerable to violence and unable to escape from it.

In its 2008 Concluding Observations, the U.N. CEDAW Committee wrote:

31. Although the Committee notes that a working group has been established to review the situation relating to missing and murdered women in the State party and those at risk in that context, it remains concerned that hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.

32. The Committee urges the State party to examine the reasons for the failure to investigate the cases of missing or murdered Aboriginal women and to take the necessary steps to remedy the deficiencies in the system. The Committee calls upon the State party to urgently carry out thorough investigations of the cases of Aboriginal women who have gone missing or been murdered in recent decades. It also urges the State party to carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case.

RECOMMENDATION The B.C. CEDAW group is calling on the Federal Government to take responsibility for determining the reasons for the failure to investigate the cases of missing or murdered aboriginal girls and women, and design and implement steps to remedy the system failure in compliance with Canada's international human rights obligations, and to implement a national strategic plan to address the disadvantaged social and economic conditions of Aboriginal women and girls.

Women's Access to Justice

In 2002, the Government of British Columbia drastically reduced the availability of legal aid in B.C. by cutting funding by 38.8 per cent, closing 60 rural legal aid offices, and severely cutting legal aid coverage, including all legal aid for poverty law issues. Family legal aid was also eliminated except for situations involving state-identifiable domestic violence. Four years later, the Government expanded eligibility to include significant custody, access, and financial security matters. However, this 2006 increase in funding represents only 12 per cent of what was cut in 2002. As well, the number of hours of representation available for each case is limited. Women are pressured into mediation and reliance on services from community advocates without legal training.¹¹

Today, family law services are piece-meal and summary in nature. These legal aid changes have disproportionately impacted women, effectively denying legal representation to the most vulnerable women in matters that affect their ability to pay for food and shelter for themselves and their children, to escape violent spouses, and to seek spousal support and custody of their children.¹²

Women's access to justice was further compromised in Canada when the Federal Government ended funding for the Court Challenges Program in 2006. The Court Challenges Program, established in 1985, has funded test cases initiated by individuals and groups to challenge federal laws and policies that violate the constitutional right to equality. In 2008, the Federal Government reinstated funding for the official languages component of the Program and made funds available for appeals of equality cases that had previously been funded by the CCP in lower courts. However, the Federal Government continues to provide no funding for new equality rights cases.¹³

In its 2008 Concluding Observations, the U.N. CEDAW Committee wrote:

21. The Committee is concerned at reports that financial support for civil legal aid has diminished and that access to it has become increasingly restricted, in particular in British Columbia, consequently denying low-income women access to legal representation and legal services. The Committee also notes with concern the fact that the State party's Court Challenges Programme, which facilitated women's access to procedures to review alleged violations of their right to equality, was cancelled, and it regrets the absence of concrete reasons in the budget review and assessment that led to that cancellation.

22. The Committee urges the State party to ensure that all women, particularly women belonging to vulnerable groups, have access to remedies for discrimination on the basis of sex by making available to them adequate mechanisms and access to legal aid so as to enable them to have legal representation to seek and obtain redress from courts and tribunals for violations of their rights. In this connection, the Committee encourages the State party to reconsider its cancellation of the Court Challenges Programme. The Committee also encourages the State party to consider ways and means of establishing minimum criteria relating to access to legal aid schemes, including in particular in the area of family and poverty law, that would be applicable in all provinces and territories, so as to ensure that women across Canada are able to access such schemes.

RECOMMENDATION The B.C. CEDAW group is calling on the Federal Government to cooperate to establish national standards for family and poverty law legal aid, to adequately fund civil legal aid and designate funds for it under the Canada Social Transfer, and to reinstate full funding to the Court Challenges Program, consistent with the Canadian Charter of Rights and Freedoms and in compliance with Canada's international human rights obligations.

In closing, the B.C. CEDAW Group urges the Federal Government to structure spending and fiscal policies to adopt gender responsive budgeting which will ensure that all future budgets advance women's equality and further the human rights of women in compliance with Canada's international human rights obligations. In the 2009 Spring Report of the Auditor General of Canada, Sheila Fraser was critical of government for not fulfilling its 1995 commitment to implement gender-based analysis throughout its departments and agencies.

The B.C. CEDAW Group wants immediate government action on fiscal policy related to the three issues discussed in the preceding pages of this brief:

- Women's poverty and inadequate social assistance rates,
- Police and government failure to prevent or effectively investigate violence against Aboriginal women and girls, and
- Women's access to justice.

We would be happy to answer any questions that committee members have regarding these issues. Thank you.

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ENDNOTES:

¹ The 2010 B.C. CEDAW Group includes:

The Poverty and Human Rights Centre
Aboriginal Women's Action Network
Coalition of Child Care Advocates of B.C.
Hospital Employees' Union
Justice for Girls
Women's Housing Equality Network
North Shore Women's Centre
Vancouver Committee for Domestic Workers and Caregivers Rights
Vancouver Rape Relief and Women's Shelter
Canadian Association of Sexual Assault Centres, B.C. and Yukon Region
Vancouver Women's Health Collective
West Coast Women's Legal Education and Action Fund

² Statistics Canada, Income in Canada 2008, 2010.

³ First Call, BC Child Poverty Report Card, 2009.

⁴ Statistics Canada, Women in Canada, 2005.

⁵ Klein et al., A Poverty Reduction Plan for B.C., CCPA, 2008, at p. 21-22.

⁶ Klein et al., A Poverty Reduction Plan for BC, Canadian Centre for Policy Alternatives, 2008, at p. 21-22.

⁷ Canadian Feminist Alliance for International Action, Women's Inequality in Canada, 2008, at p. 86-87.

⁸ Jodi-Anne Brzozowski, et. al., "Victimization and offending among the Aboriginal population in Canada, Juristat Vol. 26, no. 3, Canadian Centre for Justice Statistics, 2006.

⁹ Amnesty International, No More Stolen Sisters, 2009, at p. 1.

¹⁰ Native Women's Association of Canada, Voices of Our Sisters in Spirit, 2009.

¹¹ Legal Services Society, News Release: Legal Aid to give more help to more families, October 30, 2006.

¹² A. Brewin et. al., Legal Aid Denied, 2004.

¹³ Canadian Feminist Alliance for International Action, Women's Inequality in Canada, 2008, at p. 20-21.