

The Canadian Research Institute for the Advancement of Women/ L’Institut canadien de recherches sur les femmes (CRIAW-ICREF) has been focussing on three areas of relevance to the UPR review of Canada in its recent work – Aboriginal Women, GBA+, and Women in the Public Sector Labour Force. CRIAW’s comments on these three topics follow.

Aboriginal Women.

Canada is signatory to a number of UN commitments that related to the protection and improvement of the situation of Aboriginal women in Canada. These include CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women), the Convention on Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Declaration on the Rights of Indigenous Peoples. Finally, after years of pressure Canada endorsed the UN Declaration on the Rights of Indigenous Peoples in 2007. All these agreements concern the treatment of Aboriginal people and Canada is committed to making regular reports on its actions in implementing these agreements.

There is evidence of decades of neglect of Aboriginal women subjected to violence both inside and outside their own communities. This neglect includes neglect by RCMP and local police forces, who have failed to prevent, investigate or to prosecute incidents of violence against Aboriginal women. The notorious “Highway of Tears” (Highway 16) along which many Aboriginal women have tried to travel to escape the conditions surrounding them in is just one example of the brutal circumstances facing Aboriginal women. Highway 16 runs between Prince George and Prince Rupert, both in British Columbia. There are 23 Aboriginal communities bordering this highway. The lack of public transportation means that Aboriginal women are frequently forced to hitchhike along this remote highway, a highly vulnerable form of transport, especially when drivers know about the vulnerability of women hitchhiking. Aboriginal organisations have claimed that at least forty women, many young teenage girls, have disappeared while travelling this route. Even though it has been documented that public transit creates a safer and secure mode of transportation for women in remote communities, public transit continues to be cut across Canada.ⁱ

In 2017, the newly elected Liberal Government instituted the process leading the National Inquiry into Missing and Murdered Aboriginal Women and Girls. This Inquiry started with high ideals: Finding the Truth; Honouring the Truth and Giving life to the Truth as a path to Healing.ⁱⁱ The Native Women’s Association of Canada (NWAC) has been broadly supportive of the process, but also critical of the shortcomings, which include the limits on the terms of reference and the failure to fully consult NWAC and Aboriginal women more generally during the process or to fully recognise the extensive work already carried out by Aboriginal women.ⁱⁱⁱ

Currently, the Inquiry process is close to chaotic. Four senior officials and one Commissioner have resigned and the Assembly of First Nations has threatened to censure the remaining commissioners. They also want the Inquiry's terms of reference to be re-written, especially the specific exclusion of the re-opening of specific cases. Even without that, the Inquiry faces enormous and probably insurmountable barriers. It is supposed to report in November 2018, barely a year away, but has barely begun to hear oral evidence. Given the Inquiry's stated purpose of reporting on "systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes", there will be an overwhelming body of evidence and documentation for the Inquiry to analyse and report on.

While the Government of Canada should be commended for starting to recognise and address the long festering wound of the abuse of Aboriginal women, the process is flawed and there is a real danger that the Inquiry and subsequent policies will do more harm than good. There is also evidence that the Federal government is failing to truly understand how systemic discrimination, exclusion and devaluation of Aboriginal women happens more broadly. The Federal government continues to exclude Aboriginal women in matters that affect them, and have not been including national Aboriginal women leadership in Federal discussions.^{iv}

GBA+ - Intersectional Analysis including Gender

The Canadian Research Institute for the Advancement of Women (CRIAW-ICREF) commends the Canadian federal government for its development, firstly, of Gender-Based Analysis (GBA) and, since 2010, of Gender Based Analysis+ (GBA+) as tools for developing sensitivity to and assessing "how diverse groups of women, men and gender-diverse people may experience policies, programs and initiatives"^v. In the case of GBA+, this involves the simultaneous consideration of gender with at least one other indicator of social position or identity (such as race, ethnicity, age, or disability...), in order to understand how their intersection impacts these policies, programs and initiatives. CRIAW also commends the Canadian government for introducing in 2016 the mandatory requirement that a GBA+ analysis be included in memoranda to Cabinet and in Treasury Board submissions, and for tabling the "first-ever gender-based assessment of budgetary measures in Budget 2017"^{vi}. It was, however, during the 1970s that the Government of Canada began making commitments to consider women when making policy decisions: progress towards effective implementation has been slow. Instruments in which such commitments have figured have included the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1976, the Canadian Human Rights Act, in 1982 and the Beijing Platform for Action in 1995^{vii}. Despite this forward-looking policy by the Canadian government, CRIAW-ICREF regrets the fact that until very recently federal government departments and agencies have not been obliged but only encouraged to consider gender in their policy and program

development and resource allocation. CRIAW-ICREF also regrets that limitations to the resourcing of the training in and implementation of GBA+, have resulted in limitations to its actual implementation.

Women in the labour force

Canada is a signatory to several UN Conventions that apply to women's participation in the labour force, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 11.

Canada has passed federal legislation, the Employment Equity Act (1996), which is intended to “achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability” and recognizes that “to correct conditions of disadvantage in employment experienced by” four designated groups – women, Aboriginal peoples, visible minorities, and people with disabilities – entails the implementation of employment equity. The Act states that such implementation entails “more than treating persons in the same way but also requires special measures and the accommodation of differences”^{viii} in the Canadian labour force, in other words, addressing issues of systemic discrimination. Ongoing intersectional analysis within “Changing Public Services: Women and Intersectional Analysis”^{ix} by CRIAW-ICREF of data from two recurring national surveys of the labour force by Statistics Canada (the Survey of Labour and Income Dynamics, SLID and the Public Service Employee Survey, PSES) reveal, however, that inequality persists for the four groups designated by the Act. Using frequencies and logit regression, CRIAW-ICREF is conducting an intersectional analysis of recent SLID and PSES surveys conducted before, during and after the 2008 recession (for 2005, 2008, 2011 and 2005, 2008, 2011 and 2014 respectively)^x. Two results illustrating this conclusion are:

- Aboriginal women were significantly less likely than non-Aboriginal men to be employed all year, and, except in 2008, they were also less likely to be employed all year than Aboriginal men or non-Aboriginal women.
- Compared with women of the same designated group, (Aboriginal, disabled, visible minority), men who were not part of the group consistently had significantly more favourable employment experiences and outcomes. Results for men of the designated group and for other women often tended to be more favourable than those for women of the designated group, but these results were more varied. Clearly both gender and being part of one of the other three designated groups had independent effects on the outcomes.

In addition, the scope of the Act is limited: it only applies to the federal public service and to large organizations which are contractors with the federal government. This no doubt contributes to the fact that in all comparisons the public sector was typically a better employer than the private sector for women who were members of the

designated groups, compared with their male counterparts, with all other women and with all other men.

It should be noted that Canada still does not have national childcare framework. Such a framework would greatly improve the opportunities for women to participate in full-time employment.

ⁱ CBC. (2017, July 7). “‘Lives could be at stake’: Women’s groups want feds to act on Sask. STC closure.” *CBC News*. <http://www.cbc.ca/news/canada/saskatchewan/women-organizations-write-to-federal-government-stc-closure-1.4194775> . Accessed Oct. 1, 2017.

ⁱⁱ National Inquiry into Missing and Murdered Indigenous Women and Girls <http://www.mmiwg-ffada.ca/>. Accessed Oct. 1, 2017.

ⁱⁱⁱ Native Women’s Association of Canada (2010). What their stories tell us: research findings from the Sisters in Spirit Initiative <https://nwac.ca/wp-content/uploads/2015/07/2010-What-Their-Stories-Tell-Us-Research-Findings-SIS-Initiative.pdf>. Accessed Oct. 1, 2017.

^{iv} Native Women’s Association of Canada. (2017, September 8). “National Voice of Indigenous Women Silenced at Federal Level” [Press release]. <https://www.nwac.ca/2017/09/national-voice-indigenous-women-silenced-federal-level/> . Accessed Oct. 1, 2017

^v Canada. Status of Women Canada. <http://www.swc-cfc.gc.ca/gba-acs/index-en.html> . Accessed Oct 1, 2017.

^{vi} Canada. Status of Women Canada. History of GBA+, *GBA+ Course*. On-line at: http://www.swc-cfc.gc.ca/gba-acs/course-cours-2017/eng/modA1/modA1_01_01.html. Accessed Oct. 1, 2017.

^{vii} Ibid.

^{viii} Canada. Department of Justice. 1996. Purpose of Act, *Employment Equity Act*. On-line at: <http://laws-lois.justice.gc.ca/eng/acts/E-5.401/page-1.html> . Accessed Oct 1, 2017.

^{ix} See <http://www.criaw-icref.ca/en/page/changing-public-services> for information about the project, as it becomes available.

^x Denis, A. 2017. Denis, Ann. (2017). Disadvantaged or Not? A Comparative Analysis of Marginalized Women’s Employment in Canada. Presented in the parallel session organized by CRIAW-ICREF on ‘Does Work Necessarily Empower Women? Diverse Views’, at UN NGO-CSW61 in New York, March 13.