

Canadian Feminist Alliance for International Action

A Framework for Full Implementation of the

Convention on the Elimination of All Forms of Discrimination against Women

November, 2008

On November 15, 2008, the United Nations Committee on the Elimination of Discrimination against Women issued its Concluding Comments after its review of Canada's 6th and 7th reports on Canada's compliance with the *Convention on the Elimination of All Forms of Discrimination against Women*. The Committee made x important recommendations to Canada.

In January 2003, the United Nations' CEDAW Committee reviewed Canada's 5th report to the UN on its adherence to the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, which was ratified by Canada in July 1981. The Committee issued 23 recommendations.

Canada has pledged to respect and fulfill its obligations under international human rights law, including this *Convention*. These obligations, as acknowledged by Canada, include treaty provisions and treaty committee recommendations. This document provides a framework for moving forward to fully implement these recommendations.

Since 2003, the Canadian Feminist Alliance for International Action (FAFIA), with its many allies, has made its best efforts to secure from Canadian governments open and practical responses to the 2003 CEDAW recommendations. However, FAFIA has encountered both political unwillingness and an institutional vacuum. There are no institutional spaces at federal, provincial, territorial, or intergovernmental levels where review, open public examination, and engagement with the CEDAW recommendations takes place.

In the five years between the 2003 and 2008 CEDAW reviews, domestic and international comment on the incoherent and inconsistent implementation of Canada's international human rights obligations has mounted. Concern about Canada's failure to fully implement human rights treaties and comply with UN-level human rights recommendations is shared by key UN human rights monitoring bodies.

- In 2005 the Standing Committee on Human Rights of the Senate of Canada highlighted this shortcoming and urged the "federal government – with the provinces, territories, Parliamentarians and interested stakeholders - ... to establish a more effective means of negotiating, incorporating and implementing its international human rights obligations."
- In 2006, the United Nations Committee on Economic, Social and Cultural Rights, noting that most of its previous recommendations had not been implemented, called on Canada "to establish transparent and effective mechanisms, involving all levels of government as well as civil society, including indigenous peoples, with the specific mandate to follow up on the Committee's concluding observations."

- Also in 2006, the United Nations Human Rights Committee urged Canada to “establish procedures, by which oversight of implementation of the Covenant is ensured, with a view, in particular, to reporting publicly on any deficiencies. Such procedures should operate in a transparent and accountable manner and guarantee full participation of all levels of government and of civil society, including indigenous peoples.”

In the 2006 federal election each party leader pledged that: “If elected, I will take concrete and immediate measures, as recommended by the United Nations, to ensure that Canada fully upholds its commitments to women in Canada.” During the 2008 election, the leaders of the Liberal, New Democratic, Bloc Quebecois and Green parties, pledged to “implement recommendations by the United Nations Committee on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to ensure that a government mechanism is established to review and follow-up on CEDAW recommendations.”

In 2008 the CEDAW Committee reiterated many of the same recommendations it made in 2003, with added emphasis, and included some new ones. It is vital to women in Canada, and to Canada’s reputation as a nation of integrity and leadership on human rights, that the 2003 and 2008 recommendations of the CEDAW Committee be fully implemented.

In order for the election pledges of Canada’s political leaders to be honoured and for Canada’s international human rights obligations to be met, an Action Plan for follow-up and implementation is needed. Between 2003 and 2008, the Canadian Feminist Alliance for International Action (FAFIA), working with national and local women’s organizations, identified the elements of an Action Plan.

Because, in 2008, the CEDAW Committee has underlined once more the responsibility of the federal government to ensure that the *Convention* is fully implemented in all parts of Canada, FAFIA reiterates its call for the immediate activation by the federal government of a detailed Action Plan for follow-up and implementation of the 2003 and 2008 CEDAW recommendations.

The Government of Canada needs to take the following steps immediately:

1. Establishment of a Cabinet-authorized cross-departmental process

A Cabinet-authorized cross-departmental process leading to an immediate Action Plan for implementing the 2003 and 2008 CEDAW Committee recommendations, (as well as the related recommendations of the U.N. Committee on Economic, Social and Cultural Rights, the U.N. Human Rights Committee, and the U.N. Committee on the Elimination of Racial Discrimination) should have three components:

- a mandate to implement the recommendations that fall directly within federal jurisdiction;
- a mandate to assume the leadership role which the treaty bodies expect the federal government to play with the provinces and territories, and, to that end, to use all available levers including communication, promotion, training, designated and conditional

transfers, and the creation of a new collaborative mechanism, to ensure that provinces and territories comply with their international human rights commitments to women;

- a mandate to ensure that intergovernmental agreements and fiscal arrangements are used to help meet CEDAW standards.

Rationale: The federal government has four key roles to play with respect to Canada's compliance with international treaty obligations:

- using its direct authority within federal jurisdiction to ensure that federal policies and programs meet international rights standards;
- taking political leadership with the provinces and territories to foster provincial and territorial compliance;
- using negotiating authority and the federal spending power at intergovernmental tables as a means of ensuring that there is Canada-wide compliance with international human rights commitments to women's equality;
- educating the public, as well as federal, provincial and territorial officials, about the terms of the *Convention* and the obligations of governments that are inherent in it.

Canada has procedures in place for ratifying treaties and for reporting to United Nations treaty bodies. However, procedures for responding to treaty body findings and recommendations do not exist. The regular reviews by treaty bodies of Canada's compliance with its human rights obligations should provide an opportunity for an accountable and transparent review of Canada's performance and for necessary changes to rights compliance to be made.

2. Incorporation of a feminist integrated analysis

An analytical framework for designing the appropriate means of implementing the 2003 and 2008 CEDAW (and related) recommendations is needed which takes into account the intersection of sex discrimination with discrimination based on other grounds including race, language, ethnicity, culture, religion, disability, sexual orientation and socio-economic class.

Rationale: It is essential to be sure that measures taken to remedy discrimination or inequality will benefit all women, and take into account the ways in which different groups of women can be adversely affected by a policy or program because of their social location and the forms of discrimination that they encounter.

3. Inclusion of women's non-governmental organizations in policy-making

Women's non-governmental organizations, and experts designated by these organizations, need to be partners with governments in the development of an action plan to implement the 2003 and 2008 CEDAW (and related) recommendations. Working closely with others, FAFIA has agreed to take the lead in organizing this participation.

Rationale: There are two reasons for establishing this process as a government-NGO partnership:

- women's non-governmental organizations have substantial expertise to offer; the action plan will be a more effective one, more accurately tailored to deal with the identified inequalities if this expertise informs both the Action Plan and other decision-making processes;
- women have a recognized right to participate in decision-making that affects them. The right of women and men to participate in the conduct of public affairs is articulated in Article 25 of the *International Covenant on Civil and Political Rights (ICCPR)* and women's right to participate in decision-making is further elaborated in the 1995 *Beijing Platform for Action*. Canada has ratified the *ICCPR* and is a signatory to the *Beijing Platform for Action*.

4. Establishment of a time frame for the process

The process, developed further through discussions between representatives of the Government of Canada and representatives of FAFIA, should be in place within a reasonable time from the date when the United Nations CEDAW Committee issued its 2008 Concluding Comments. The Action Plan, when developed, should be tabled in the House of Commons so that it can be reviewed by Parliament.

Rationale : An elaborated time frame is necessary to ensure that steps are taken, response is reviewed publicly, and progress is made. Accountability to elected representatives is a key feature of legitimacy and transparency.

5. Sufficient funding for strategic policy interventions and inclusive policy-making

Adequate funding is needed to support both the process of implementing the CEDAW 2003 and 2008 (and related) recommendations and the policy changes that such a process will require. This funding should include:

- Funds set aside in the current and upcoming budgets for the implementation of the CEDAW 2003 and 2008 (and related) recommendations, such as the provision of adequate civil legal aid and anti-poverty strategies directed to women, including funds to be transferred to the provinces and territories and designated for this purpose;
- Funding to support the participation of women's non-governmental organization representatives and designated experts in the development of the process, the Action Plan, and the monitoring of implementation;
- Funding (beginning immediately) to support research on the part of women's non-governmental organizations to identify permanent mechanisms that are needed for monitoring Canada's compliance with its international human rights commitment to women, and implementation of treaty body recommendations.
- Funding (beginning immediately) for public education regarding Canada's international human rights treaty commitments, and dissemination of the CEDAW 2003 and 2008 (and related) findings, as recommended by the Committee.

Rationale: While implementing some of the CEDAW 2003 and 2008 (and related) recommendations will not have cost implications, others will. Responsiveness to the Committee's findings requires appropriate financial allocations. Additionally, genuine participation by women's non-governmental organizations in the development of an immediate action plan and in the development of longer term, permanent mechanisms for ensuring and monitoring compliance with Canada's treaty obligations requires financial support for research, administration and organization, travel and other related costs. Finally, though Canada provides funds to other countries for training and public education regarding CEDAW obligations, it has provided minimal funding for such initiatives at home, though they are clearly needed.