

Women and Human Rights



MARCH 8, 2011

CELEBRATING NORTHERN WOMEN:
A CENTURY OF ACHIEVEMENT



***Northwest Territories
Human Rights Commission***



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Agenda

- Human Rights
- Equality
- Women's Human Rights – Legal Framework
- Status of Women's Equality in Canada
- Questions/Recommendations



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Human Rights

- Are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Everyone is equally entitled to our human rights without discrimination.
- Recognizes the inherent dignity and worth of each of us.
- Impose obligations on our governments.



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Equality

Formal equality

- Everyone gets the exact same treatment.



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Equality

Substantive equality

- Recognizes that patterns of disadvantage and oppression exist in society. Requires that governments and organizations take this into account in their actions.
- Concerned about surrounding social context to make sure that laws and policies promote full participation in society by everyone, regardless of gender, race, or other personal characteristic or group membership.



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Women's Human Rights - Legal Framework

United Nations *Universal Declaration of Human Rights*

- Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.



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Women's Human Rights - Legal Framework

United Nations *Universal Declaration of Human Rights*

- Statement of “moral and political intent”.
- It is not enforceable, such as a treaty or convention. Member countries are not obliged to report on their country’s progress with respect to the rights in the Declaration.
- Covenants or Conventions are “enforceable”.



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Women's Human Rights - Legal Framework

United Nations *Covenant on Political and Civil Rights* and
Covenant on Social, Economic, and Cultural Rights (1966)

- These translate the principles of the UDHR into legally binding form.
- They would only come into effect in 1976.



Women's Human Rights – Legal Framework

- **United Nations *Declaration on the Elimination of Discrimination against Women* (1967)**
- Preamble cites concern that despite the *Charter of the United Nations*, the *UDHR*, the *International Covenants on Human Rights* and other instruments and the specialized agencies and despite the progress made in the matter of equality of rights, there continued to exist considerable discrimination against women.
- It is a declaration of moral and political intent. It is not enforceable.



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Women's Human Rights – Legal Framework

United Nations Convention on the elimination of all Forms of Discrimination Against Women (CEDAW)

Defined discrimination as, “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.



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Women's Human Rights – Legal Framework

Charter of Rights and Freedoms, 1982

- Part of Canada's Constitution.
- Applies to all government actors in Canada - federal, provincial, and territorial.
- Does not apply to private and non-profit sectors



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Women's Human Rights – Legal Framework

Charter of Rights and Freedoms, 1982

- Section 15: Everyone is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination. Exemption for special programs, such as employment equity programs.
- Section 28: The rights and freedoms referred to in the *Charter* are guaranteed equally to male and female persons.



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Women's Human Rights – Legal Framework

Canadian Human Rights Act

- Protects women from discrimination based on sex in workplaces and services that are within federal jurisdiction.
- *Canadian Human Rights Act* applies to regional Aboriginal self-government agencies and to reserve governments



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Women's Human Rights – Legal Framework

Northwest Territories *Human Rights Act*

- Applies to organizations and governments within the jurisdiction of the Northwest Territories.
- Applies to community governments who provide basic community services to all individuals living in the community.



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Status of Women's Equality

1995 - “Beijing Platform for Action”

1. Women and Poverty
2. Education and Training
3. Violence against Women
4. Women and the Economy
5. Women in Power and Decision-making
6. Institutional Mechanisms for the Advancement of Women
7. Human Rights of Women
8. Women's Health
9. Women and the Media
10. Women and Armed Conflict
11. Women and the Environment
12. The Girl-child



Status of Women's Equality

Women and poverty

- Single mothers are the poorest family type with a poverty rate of 38.1% compared to 11.9% of single fathers.
- In the NWT 21% of families were headed by a single parent, 73% of single parent families are headed by women.
- 37.2% of unattached senior women fall below the poverty line compared to 28.9% of unattached men.
- The national poverty rate of Aboriginal women is 36%
- 29% of racialized women are poor; African-Canadian women being the poorest racialized group with a poverty rate of 57%.
- 26% of women with disabilities live in poverty.



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Status of Women's Equality

Women and poverty

“It is the result of women’s work not being properly valued, of women being penalized because they are the principal care-givers for children, old people, and those who are ill or disabled, and of systemic discrimination in the workforce which devalues the work of women, and marginalizes women workers who are Aboriginal, of colour, immigrants, or disabled.” *FAFIA, Women’s Inequality in Canada, September 2008*



Status of Women's Equality

Women and poverty – Beijing Platform for Action

- Strategic Objective: Review, adopt and maintain policies and strategies that address the needs and efforts of women in poverty.
 - Canada could set national standards for social assistance to address persistent poverty faced by women. It chooses not to do so.
 - Most provinces and territories have social assistance rates that do not reach Statistics Canada's Low-Income Cut-Offs.
 - Canada allows the provinces and territories to claw back the National Child Benefit from Income Assistance payments.



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Status of Women's Equality

Women and poverty – CEDAW

In 2003, the UN Committee on the Elimination of Discrimination Against Women recommended:

“The federal Government reconsider those changes in the fiscal arrangements between the federal Government and the provinces and territories so that national standards of a sufficient level are re-established and women will no longer be negatively affected in a disproportionate way in different parts of the State party’s territory.”



Status of Women's Equality

Women and poverty – Beijing Platform for Action

Strategic Objective: Develop gender-based methodologies and conduct research to address the feminization of poverty.

- Canada has eliminated the mandatory long form census. The mandatory long form census provides valuable and accurate data on the status of and barriers to women's equality. Losing this data will make it difficult for women's organization to effectively campaign for changes.
- Funding for women's groups has been cut drastically. This has restricted women's organizations' ability to conduct research.



Status of Women's Equality

Education and Training

- NWT women reported a higher level of education, with 68.5% having a certificate, diploma or degree, compared to 65.6% for males.
 - In 2004, 474 Aboriginal women had their university degrees, compared to 185 aboriginal men.
 - In 2004, 1,658 Aboriginal women had a certificate or diploma, compared to 1,960 aboriginal men.
- **Across Canada:** Women make up over half of all students in undergraduate programs
- 40% of Aboriginal women over the age of 25 are reported as not having completed high school. Funding for the education of children on reserve is capped at a rate well below the average for spending on children's education elsewhere in Canada (25-50%).
- Only 3 in 10 children on reservations graduate from high school



Status of Women's Equality

Education and Training- Beijing Platform for Action

- Strategic Objectives: Ensure equal access to education. Eradicate illiteracy among women.
 - Aboriginal girls who live on and attend schools on reserves do not enjoy equal access to education.
- Strategic Objective: Improve women's access to vocational training, science and technology, and continuing education.
 - GNWT provides and/or funds programs that encourage women to enter into non-traditional occupations.
 - High student loans (average \$36,000 for an undergraduate in 2006) can negatively impact women as women continue to earn less than men; to face barriers to advancement in the workplace; and, to act as primary caregiver.



Status of Women's Equality

Violence against Women – NWT

- 12% of adult residents in the NWT experienced violence by a spousal partner as compared to 7% elsewhere in Canada.
- Between April 1, 2003, and March 31, 2004 (12 months), 354 women and 368 children accessed family violence shelters in the NWT. NWT use of shelters is 3 times higher than the national average.
- 80% of the clients that use shelter services are of Aboriginal descent.
- Rates of sexual offences against women in the NWT are 3 to 6 times higher than the national average.
- The NWT has five family violence shelters for women.



Status of Women's Equality

Violence against Women – Canada

- Women are four times as likely to be killed by their spouse as are men.
- Each year, one in four female university or college student experiences some variation of sexual assault.
- 86% of criminal assaults in Canada are against women.
- 83% of victims of spousal violence are females.
- Approx. 100,000 women and children used women's shelters in the 12 month period beginning April 12, 2005.



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Status of Women's Equality

Violence against Women – Sisters in Spirit Project

Of the 520 cases of disappearances and murders of Aboriginal women tracked over the past 30 years:

- 43% of disappearances and 50% of murders since 2000
- 23% are cases of missing women and girls
- 67% are cases of murder
- 43% of the 520 cases remain open
- 52% are women and girls under 30
- Majority of women were mothers



Status of Women's Equality

Violence against Women – Beijing Platform for Action

- Strategic Objective: Take integrated measures to prevent and eliminate violence against women.
 - Inadequate justice system response
 - Funding for shelters inadequate
 - Funding cut to Status of Women and Native Women's Association have forced organizations to cut advocacy and interactions with governments. Change to mandate of Status of Women negatively impacts on its ability to advocate for women's human rights.



Status of Women's Equality

Violence against Women – Beijing Platform for Action

- Strategic Objective: Study the causes and consequences of violence against women and the effectiveness of preventive measures.
 - Cuts to funding for women's organizations have made it very difficult for NGOs to record and track statistics and to gauge the effectiveness of preventive measures.
 - Statistics Canada is only source of statistics; however, it does not disaggregate statistics on violence against women based on other factors such as race, income, and disability.



Status of Women's Equality

Women and the Economy – NWT

- Women were 48% of all NWT workers.
- 73% of women were part of the labour force, compared to 80% of men.
- The unemployment rate for women was 8% compared to 12% for men.
- In 2004, 60% of aboriginal women were part of the labour force, compared to 67% of Aboriginal men.
- In 2004, 15% of Aboriginal women were unemployed compared with 26% of aboriginal men.



Status of Women's Equality

Women and the Economy – NWT

- The average income for women was \$30,489 compared to \$40,044 for men.
- 16% of women earned more than \$70,000/year, compared to 28% of men.



Status of Women's Equality

Women and the Economy – NWT

	% of Jobs	% of Women
Sales and Service	23	54
Trades, Transport, Equipment Operators	18	7
Business, Finance, Admin	18	77
Management Occupations	12	40
Social science, education, government service and religion	11	67
Natural and Applied Sciences	7	21
Health occupations	4	83
Arts, culture, recreation	3	55
Other	4	38



Status of Women's Equality

Women and the Economy – Canada

- In 2004, 67% of working women were teaching, nursing or doing clerical or administrative work, compared to 30% of men.
- Women occupy only 37% of managerial positions and only 22% of senior management positions.
- 2010 - 30% of the largest companies in Canada did not have a single woman in their executive ranks.
- Half of women who take maternity leave return to work when their youngest is 12 to 47 months. 67% of fathers return to work when their child is less than one month old.



Status of Women's Equality

Women and the Economy – Canada

- In 2005, women earned 70.5% as much as men. Aboriginal women earned 46% as much as men working full-time.
- The gender wage gap for workers with a university degree is between 66% and 68%.



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Status of Women's Equality

Women and the Economy Beijing Platform for Action

Strategic Objective: Eliminate occupational segregation and all forms of employment discrimination.

- Public Service Equitable Compensation Act restricts pay equity in the public sector.
- Federal government refusal to implement pay equity task force recommendations.



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Status of Women's Equality

Women and the Economy Beijing Platform for Action

Strategic objective: Promote harmonization of work and family responsibilities for women and men.

- In 2004, Canada signed bilateral agreements-in-principle with the provinces for the creation of a national early learning and child care system. In 2006, Canada reversed these agreements and opted for a child care allowance of \$1,200/year/child under 6; and a tax credit for organizations who create child care spaces.



Status of Women's Equality

Women in Power – NWT

- 3 out of 19 members of the NWT Legislative Assembly are women.
- 1 out of 7 cabinet ministers is a woman.
- 7 out of 32 communities in the NWT are led by women.
- 4 out of 14 NWT Métis locals are headed by women.
- 4 out of 28 Chiefs of band councils are women.



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Status of Women's Equality

Women in Power – Canada

- Women account for 22.1% of Canadian Parliament
- Of 38 ministerial positions, 11 cabinet ministers are women (28.9%)



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Status of Women's Equality

Women in Power

- The UN states that in order for public policy to be significantly reflective of women, women's political representation in the lower house of a parliament must be no less than 30%.



Status of Women's Equality

Women in Power – Beijing Platform for Action

- Strategic objective: Take measures to ensure women's equal access to and full participation in power structures and decision-making.
 - Political parties are inconsistent in their approaches to supporting and running women candidates during elections.
 - Electoral system may act as barrier (Women for Fair Voting, www.fairvote.ca)



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Status of Women's Equality

Women in Power – Beijing Platform for Action

Strategic objective: Increase women's capacity to participate in decision-making and leadership.

- Barriers to women in politics: stereotyping, a lack of role models, negative media treatment, difficulties balancing family commitments, failure of political parties to support women candidates, finances, and exclusion from informal party networks. (*EqualVoice* www.equalvoice.ca)



Status of Women's Equality

Institutional Mechanism for the Advancement of Women

- House of Commons Standing Committee on the Status of Women
 - The Committee has tabled 20 reports in Parliament. It has recommended that the government adopt new federal pay equity legislation; reinstate the Court Challenges Program, increase funding for Status of Women, and reverse the changes made to the mandate of Status of women. The government has refused to implement these recommendations.



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Status of Women's Equality

Institutional Mechanism for the Advancement of Women

- **Ministers responsible for, and special advisors on the Status of Women**
 - The NWT has a Minister Responsible for the Status of Women and a Special Advisor to the Minister on the Status of Women.



Status of Women's Equality

Institutional Mechanism for the Advancement of Women

- Status of Women Canada – Since 2006
 - 43% of the budget was cut; 12 of 16 regional offices closed; and 50% of staff laid off.
 - SWC Independent Policy Research Fund cancelled.
 - Criteria for funding from SWC changed so that advocacy or lobbying for law reform no longer qualifies.



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Status of Women's Equality

Institutional Mechanism for the Advancement of Women

- Gender-based analysis in Government
 - Committee on Status of Women recommended improvements in gender-based analysis in federal departments. Committee found that gender-based analysis processes were weak, inconsistent across departments, and in some cases were done with little care and attention.
 - In 2009, the Auditor-General criticized the Government for not subjecting their programming to any assessment of impacts on women. The Canada Social Transfer of funds to the provinces for social assistance is not subject to a gender-based analysis.



Status of Women's Equality

Human Rights of Women

- Given legal protections through *Charter*
 - Government is making *Charter* arguments that weaken the interpretation of the *Charter*.
 - No access to legal assistance (Court Challenges Program) to advance cases that challenge federal laws and policies that violate the constitutional right to equality. In cutting the funding, the Government stated that women in Canada had already achieved equality.



Status of Women's Equality

Human Rights of Women

- Given legal protections through provincial and territorial human rights laws.
 - The laws are criticized for not being equipped to handle systemic discrimination.
 - The federal government provides targeted funds directly to the provinces and territories for criminal law legal aid, but none for civil law legal aid and poverty law.
 - Poverty law covers social assistance and employment insurance appeals, access to disability benefits, human rights, employment standards, and residential tenancy.
 - In most jurisdictions, legal aid funding no longer covers poverty law. Coverage for human rights complaints has recently been reinstated in the NWT on a limited basis.



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Status of Women's Equality

Human Rights of Women – CEDAW

In 2003, the Committee recommended that the federal government “find ways for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.”



Status of Women's Equality

Women's Health

- Access to abortion
 - Remains uncertain and uneven across the country. Women in Newfoundland, Nunavut, and many women in rural areas are impacted.
 - Recent bills introduced to amend the Criminal Code (Bill C-484; Bill C-537; Bill C-338) could impact on abortion rights.



Status of Women's Equality

Women's Health

- Women and HIV / AIDS
 - The proportion of people with HIV / AIDS in Canada who are women grew from 6.1% in 1994 to 16.5% in 2002. Among people 15 to 29 years old, girls and women make up almost half of all new HIV infections.
 - In 2001, 45% of HIV+ Aboriginal women were 15-29 years old.
 - Women tend to have lower survival rates than men due to late diagnosis and higher rates of poverty among women.



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Recommendations/Questions



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