

# Women's economic, social and cultural rights in Canada: 2006-2015 <sup>[1]</sup>

Report to the Committee on Economic, Social and Cultural Rights on the Occasion of the Committee's Sixth Periodic Review of Canada

**Author:** Canadian Feminist Alliance for International Action (FAFIA)

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## AVAILABILITY

Full report PDF <sup>[2]</sup>

## Introduction

The last decade has been a hard one for Canadian women. FAFIA's submission highlights particular gaps in Canada's compliance with the International Covenant on Economic, Social and Cultural Rights and documents Canada's failures to respect, protect and fulfill the social and cultural (ESC) rights of Canadian women, rights which are essential to women's enjoyment of equality in all areas of life. Failures to fulfill women's economic, social and cultural rights lock in place the inequality of the most vulnerable women, including Indigenous women, racialized women and women with disabilities. Through this decade, the Government of Canada, under the Harper administration, repeatedly acted in ways that ignored, obfuscated or downplayed the significance of Canada's international human rights commitments. The federal government also increasingly framed the implementation of its human rights commitments as a matter of policy choice, as opposed to a matter of legal obligation.

## Canada's stance

In 2015, in a response to a report from the Inter-American Commission on Human Rights (IACHR) addressing Canada's violations of the human rights of Indigenous women, the Government of Canada attempted to downplay the significance of the report and its findings by stating that the views and recommendations of the Inter-American Commission are "non-legally binding."

The IACHR repudiated Canada's position, finding that Canada is bound by the Charter of the Organization of American States and by the rights set out in the Declaration on the Rights and Duties of Man, which the Commission interprets in light of similar rights that are set out in international human rights treaties and accepted as a part of international customary law. Canada responded in a similar way when it rejected the ruling of the United Nations (UN) Committee on the Elimination of Discrimination against Women, which found that Canada is committing grave violations of the human rights of Indigenous women and girls by failing to respond adequately to their murders and disappearances.

FAFIA is concerned that Canada's response to these reports marks a dire deterioration in Canada's commitment to fulfilling the human rights of its residents and meaningfully implementing its legal obligations in a way that is responsive to the findings and recommendations of UN and IACHR human rights expert bodies.

There are other examples. In 2012, the United Nations Special Rapporteur on Food Security, Mr. Olivier De Schutter, undertook a formal country mission to Canada. The federal government agreed to his visit, but declined to set up any meetings between cabinet ministers and Mr. De Schutter—which is highly unusual for UN special rapporteur missions—and publicly attacked his preliminary findings. Special Rapporteur De Schutter noted the federal government's unwillingness to seriously examine the problem of food security in Canada, particularly amongst our poorest citizens.

Also, FAFIA, along with Aboriginal and human rights organizations in Canada, have been disturbed by Canada's repeated assertions, after finally endorsing the United Nations Declaration on the Rights of Indigenous Peoples in 2010, that the UNDRIP is "...an aspirational ...non-legally binding document that does not reflect customary international law nor change Canadian laws." We note that the Truth and Reconciliation Commission, which issued its final call to action report on 2 June 2015, has called on Canada to implement the UNDRIP as part of the project of reconciliation.

## A new federal government, a new stance?

On 19 October 2015, a new federal government was elected in Canada. The Liberal Party of Canada holds a majority of seats in Parliament under the leadership of Justin Trudeau. The new Government of Canada has indicated its plans to address pressing human rights issues, including the crisis of missing and murdered Indigenous women and girls, nation-to-nation relations with Indigenous peoples and the lack of national action plans on poverty and homelessness.

FAFIA hopes that the new Government of Canada will become a champion of equality for women and work to repair the damage done by the Harper administration. The damage done in the last decade has been profound.

**Region:** Canada <sup>[3]</sup>

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