

*Presented to Women for Fair Voting
at the Plenary Session for the Annual General Meeting of Fair Vote Canada
on June 2, 2007
as part of the panel discussion Yes to Women and Minorities: Why women should
support the recommendation of the Ontario Citizens' Assembly for a new voting system
called MMP (Mixed Member Proportional)*

Is Canada fulfilling its international legal commitments to equality for women?

by Linda Silver Dranoff*

Women need a real voice and strong presence in government in order to achieve equality. Majority governments have used their power to force changes and programs for which there was no consensus and which are often based on ideology alone. They freely ignore the needs and interests of women.

It is not true, as some suggest, that women have won our rightful place in society and there is nothing more to accomplish. While advances have been considerable over the past 30 years, they fall short, and they are always in danger of being cut out from under us.

Canada has made numerous promises to women and signed international treaties, but has failed to adequately live up to the pledges it has made.

The United Nations Convention on the Elimination of all Forms of Discrimination against Women (**CEDAW**), was adopted by the United Nations General Assembly in 1979, and endorsed by Canada. Often described as an international bill of rights for women, this convention defines what constitutes discrimination against women – basically anything that results in inequality between men and women--- and sets up an agenda for national action to end it.

In accepting the Convention, Canada made a commitment to act to incorporate the principle of equality of men and women in our legal system, establish public institutions to ensure the effective protection of women against discrimination, and to ensure the elimination of all acts of discrimination against women by anyone or group in our society. CEDAW expects women to be enabled to work towards equal opportunities in political and public life—including the right to vote and to stand for election- as well as education, health and employment. Countries that have ratified the Convention are legally bound to put its provisions into practice and to submit national reports every four years on measures they have taken to comply with their treaty obligations.

Canada certainly has formal legal equality in our Charter of Rights and Freedoms, and many advances have been made that some other countries would envy. But we still have a long way to go.

The current government of Canada has been so remiss in its obligations that, on the 25th anniversary of Canada's ratification of the convention in 2006, there was a campaign by a coalition of hundreds of women's groups to call the government to account for the way in which it has acted to not only fail to add to, but to actually undermine women's equality rights.

The UN Committee responsible for reviewing Canada's performance under CEDAW has repeatedly urged Canada to address fundamental issues regarding aboriginal women, violence against women and the unacceptable level of poverty suffered by Canadian women and their children.

CEDAW is not the only international convention. There are others. For example, the 1995 Beijing Platform for Action identified inequality between men and women in

positions of power and decision-making as one of the twelve key areas for action. It also reaffirmed the equal rights and inherent human dignity of women and men enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, such as CEDAW and the Convention on the Rights of the Child.

This is how current and recent governments have performed with regard to women's interests and needs, which call into question Canada's commitments to CEDAW and other international undertakings:

1. Status of Women Canada CUTS

The Harper federal government in 2006 freely and without any compunction, made a 40% cut to **Status of Women Canada's** budget and eliminated 12 regional offices. The requirement in CEDAW was to *improve* our institutions, which help *achieve* equality, not remove them. Not only that. The Status of Women Canada mandate was changed to exclude any activity or any funding of any program that could be defined as lobbying the government, and actually went so far as to remove the goal of equality for women from the agency's mandate. This agency was set up in the 1970's on the recommendation of the Royal Commission on the Status of Women. Without any input from the women of this country, the Harper government did what it pleased for its own reasons.

2. Child Care Program

We still do not have a national child-care program, which is accessible to the significant number of mothers in the paid labour force. Successive governments over the

past 30 years have promised such a program, and while the number of day care places has certainly increased, the availability of affordable childcare places in this country is completely inadequate in view of the enormous increase in the number of women in the labour force.

The previous federal government of the Paul Martin Liberals *finally* after many years of promises, and as a result of minority government pressures, put a reasonably acceptable plan together with the provinces.

The minute the Harper Conservatives came into power, the plan was dropped for ideological reasons and without a national consensus, even though there was funding for it. There was and is a sizable surplus in the federal coffers. Instead the Harper Conservatives brought in a system of paying a small taxable cheque to certain families, which was not enough to enable a family to pay for child care of any kind. It is my conviction that equality is not possible unless we have government-funded child care programs.

3. Wage Gap

Women continue in an unequal position and on average earn 71 cents for every dollar a man earns, making Canada 38th in the world in terms of the wage gap suffered by women.

Despite concerted efforts to bridge the gap between male and female wages, inequity remains, and appears to be entrenched. Statistics Canada reported that in 1995 women working full-time received on average 73.1 cents for every dollar earned by a man, and that at least one-third of the differential resulted from discrimination. By 1998, it had declined to 72.2 cents for every dollar earned by a man. The 2001 Census revealed that the wage gap had continued to deteriorate; by 2001, it was 70.9 percent.

If women had more say in our national agenda, we might finally after all these years manage to narrow this, up-till-now, intractable wage gap.

Legislation to deal with the wage gap is helpful only in Ontario, Manitoba and Quebec which have pro-active pay equity laws. The federal government has refused to adopt pro-active pay equity legislation but left the ineffective complaints-based model in place.

4. Access to Justice

Access to justice is now denied to many women. Women most often face the legal system when they have a family law problem, usually if their marriage breaks down. The huge cost of accessing legal system and the slashes by governments at both the federal and provincial level of legal aid funding, make the legal system almost inaccessible to many women. This undercuts Canada's pledge in ratifying CEDAW to ensure institutions that foster equality.

5. Court Challenges Program

The Court Challenges program was cut completely by the Harper Conservative government. This program had helped women's groups and others to challenge discrimination before the courts. This program was a significant source of funds for the equality rights litigation brought before the courts since 1985, when the Charter equality rights sections took effect.

6. Law Reform Commission

The Law Commission of Canada was dissolved, again by the Harper Conservative minority government. The Commission was instrumental in highlighting necessary

renovations to the legal system. It is notable that not long before its demise, the Law Commission released a report recommending proportional representation, and the mixed member proportional model.

7. Social Programs

In 1995, the Canada Assistance Plan (in place since 1966) was repealed and replaced by the Canada Health and Social Transfer. Paul Martin when he was Jean Chretien's Finance Minister, put this dramatic change in place.

The Canada Assistance Plan had been a vehicle for setting the terms of federal/provincial cost-sharing for social assistance and related social services. Its effect however was to protect funding for social programs, health and education.

In reporting to the UN Committee on Economic, Social and Cultural Rights, Canada had pointed with pride to the Canada Assistance Plan as one way in which Canada met its obligations to provide adequate social assistance and related services, which are essential to women's enjoyment of their rights to equality, security of the person and an adequate standard of living. The repeal of the Canada Assistance Plan left a vacuum that has not been filled by any other mechanism. The federal government downloaded its responsibilities to the provinces without funding them, leading to the cancellation of many social programs on which women relied.

This has contributed to increasing poverty for women and children. Cancellation of funding has affected programs dealing with violence against women.

8. Employment Insurance

In 1996, Paul Martin and the Chretien Liberals restructured the program, increasing the cost of the premiums and reducing the benefits. This was another institution, which became less effective for all citizens, including women. For example, many women work part-time. The changes made in 1996 reduced eligibility for most people working on a part-time basis. Although a part-timer can work less than 15 hours a week to qualify, the number of hours a part-time employee needs to work in a year in order to qualify for Employment Insurance has increased.

The government had a huge surplus from the increased Employment Insurance premiums (by 2004, the accumulated surplus in the EI fund was \$46 billion), which it did not use for the benefit of unemployed workers.

Under the first year of the revised EI structure, only 43 percent of unemployed Canadians received benefits, compared to 83 percent in 1989 under the former Unemployment Insurance plan.

These are only a few of the problems we need **women** to put on the agenda.

I believe that women need to support the Citizens Assembly recommendation of a Mixed Member Proportional System. It contains the real possibility of fairer representation, and a more collaborative structure of government. As the Citizens Assembly reported, the experience in New Zealand suggests that parties must compromise and negotiate more, because no party can expect to govern on its own. Coalition governments are more common. We need this collaborative form of government.

If women make up a larger percent of the representation in government as is anticipated, they will contribute to a different kind of consensus. There will not be the same opportunity for an ideologically-driven government to make wholesale changes on taking office; they will have to compromise.

Consider the fact that Stephen Harper promised during the last election campaign to ensure that Canada upholds its commitments to women. We need a system in place, which would hold his feet to the fire.

Proportional Representation is a first step to improve the situation for women in Canada. Under the current system, we are falling short in fulfilling our promises to women and our international agreements.

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