



**FAFIA-AFAI**

Feminist Alliance for  
International Action

L'Alliance Féministe pour  
l'Action Internationale

**CANADA**

# Submission to United Nations Human Rights Committee Review of Canada

February 2, 2026

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## **Introduction**

The Canadian Feminist Alliance for International Action (FAFIA) is a coalition of women's organizations in Canada. The Alliance was founded after the Fourth World Conference on Women in Beijing in 1995. The mission of the Canadian Feminist Alliance for International Action (FAFIA) is to defend the human rights of women in Canada, and to advance women's equality through working to secure the domestic implementation of Canada's international and regional human rights commitments. FAFIA submits this information to assist the Human Rights Committee's 2026 review of Canada.

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## **Contact Information**

Canadian Feminist Alliance for International Action  
Shelagh Day, Chair, Human Rights Committee  
Tel: +1 (604) 872-0750  
Suite # 228  
9-2020 Lanthier Dr,  
Orleans, ON K4A3V4

## **I. Articles 2, 6 and 26 of the International Covenant on Civil and Political Rights Require Canada to Respect, Protect and Fulfill Social and Economic Rights**

Canada's refusal to recognize social and economic rights as justiciable rights, giving rise to remedial obligations,<sup>1</sup> is a serious obstacle to the achievement of women's equality, and, FAFIA submits, violates the civil and political rights of women to equality, life,<sup>2</sup> political participation, and to effective remedies when rights are violated.

Canadian women have rejected a thin, formal version of women's equality, and fought for a full, substantive version of equality, with material conditions at its centre.<sup>3</sup> While the Government of Canada claims to embrace this understanding of equality, that claim is not persuasive when Canada does not recognize social and economic rights as real rights, on the same footing and indivisible from civil and political rights.

In the language of international human rights, a substantive version of equality means that social and economic rights are an integral part of the "substance" of substantive equality.<sup>4</sup> Women who are materially disadvantaged, many of whom are Indigenous, racialized, or have a disability, do not enjoy equality, and their sexual autonomy, security, political participation, and liberty are all constrained, as is their right to life with dignity.

Women cannot achieve equality unless Canada recognizes social and economic rights as justiciable rights that place essential obligations on all levels of government. Canada must accept that in women's lived experience, the civil, political, social, economic, and cultural dimensions of their inequality are inseparable, and indivisible.

Canada has repeatedly insisted in litigation that the right to equality does not engage any positive obligation of government to provide remedies for violations of social and

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<sup>1</sup> The Committee on Economic, Social and Cultural Rights criticized Canada for refusing to recognize social and economic rights as justiciable rights and failing to provide domestic remedies for their violation at its 2016 review of Canada. See Committee on Economic, Social and Cultural Rights, UN Doc E/C.12/2016/SR7 (2016) at para 41, online: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/037/75/PDF/G1603775.pdf?OpenElement>>.

<sup>2</sup> FAFIA notes para. 26 of General Comment 36 in which the Committee states: "The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity."

<sup>3</sup> Canadian women have been successful in establishing substantive equality as the interpretive norm for Canadian courts and tribunals. See, for example, *Fraser v. Canada (Attorney General)*, 2020 SCC 28, at 42. Abella J. writing for the majority, states "... substantive equality is the 'animating norm' of the s. 15 framework."

<sup>4</sup> See, for example, CEDAW Committee, 1999, General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures.

economic rights.<sup>5</sup> Despite having ratified international treaties that guarantee equality for women, and social and economic rights, the position of governments in Canada appears to be that the right to equality does not require the provision of equality-enhancing benefits, programs and services, even when it is proven that their absence perpetuates women's inequality and disadvantage, and threatens their right to life. Rather, in their view, the right to equality merely requires that *if* a government provides a benefit, program or service, it must do so in a non-discriminatory way. This is not substantive equality.

In 2016, after expressing concerns about the Government of Canada's repudiation of Charter challenges which invoked s. 7 and s. 15 to seek remedies for violations of social and economic rights, the CESCR Committee recommended that Canada "review its litigation strategies in order to foster the justiciability of the economic, social and cultural rights."<sup>6</sup> Subsequently, the Attorney General of Canada undertook a review, mandated by the Prime Minister of Canada. However, the *Principles guiding the Attorney General of Canada in Charter Litigation*,<sup>7</sup> resulting from the review, do not engage with the issue raised by CESCR regarding Canada's stance on social and economic rights, and do not contain any commitment to ensuring that positions advanced by the Government of Canada in Charter litigation are consistent with the obligation to *fulfill* treaty rights.<sup>8</sup> This review did not result in any change.

FAFIA submits that the insistence of Canada on treating social and economic rights as merely aspirational, not encompassed by ss. 15 and 7 of the Charter, is evidence of intent *not* to fulfill the right to equality and non-discrimination set out in Article 26 of the ICCPR, *not* to fulfill the obligation to protect the right to life as set out in Article 6 and General Comment 36, in particular para. 26, and *not* to ensure that there is a means of seeking an effective remedy for violations of rights as required by Article 2. It is also evidence of intent *not* to perform the terms of the *Covenant on Civil and Political Rights*, the *Covenant on Economic, Social and Cultural Rights*, and the *Convention on the*

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<sup>5</sup> See, for example, Factum of the Attorney General of Canada in *Tanujadja et al v. Attorney General of Canada and Attorney General of Ontario*, Court File No. C57714, at paras. 54 - 57, online at:

<http://socialrightscura.ca/documents/legal/motion%20to%20strike/AG%20Canada%20Factum%20OCA.pdf>

<sup>6</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Canada*, E/C.12/CAN/CO/6, 4 March 2016, at para. 6, online at:

<http://www.socialrightscura.ca/documents/international/CESCR%20COs%202016.pdf>

<sup>7</sup> Attorney General of Canada, *Principles guiding the Attorney General of Canada in Charter Litigation*, online at: <https://www.justice.gc.ca/eng/csj-sjc/principles2-eng.pdf>

<sup>8</sup> For more detailed comment on this point, please see the submission from the National Housing and Homelessness Network and the Centre for Equality Rights in Accommodation.

*Elimination of Discrimination against Women*, in good faith, contrary to Article 26 of the *Vienna Convention on the Law of Treaties*.<sup>9</sup>

The problem for women in Canada, however, is not only that governments treat social and economic rights as non-justiciable, unenforceable rights, not subject to determination by competent courts or tribunals, but also that they treat the programmatic fulfillment of the right to equality - that is all the actions of governments, including the provision of services and the allocation of resources - which is necessary to the fulfillment of social and economic rights, as optional. Canadian governments have not taken the steps necessary to realize the right to substantive equality by implementing the necessary laws, programs, and measures, and allocating the necessary resources, to address and remedy women's long-standing structural and systemic inequality.

COVID-19 exposed and exacerbated long-known truths regarding the inequality of women in Canada. More women lost jobs because of shut-downs; as the majority of workers in health care, women were on the front lines dealing with COVID exposure and institutional stresses; women's burden of unpaid caregiving increased because of school and work shutdowns; and women were exposed to increased male violence in the home<sup>10</sup>.

Canada's failures to implement the rights to an adequate standard of living, to adequate housing, to health, and to just and favourable conditions of work had especially devastating effects on women in a time of crisis, and particularly on those women who are most disadvantaged, including Indigenous women, Black women, racialized women, newcomer women, women living with disabilities, single mothers, and LGBTQ2S communities.<sup>11</sup> FAFIA, along with many women's organizations in Canada, echoed the call of UN Secretary-General António Guterres, and urged our governments to design a new gender and social pact, rooted in core human rights principles, that will fulfill women's economic and social rights and women's right to equality.<sup>12</sup> However, nothing has changed.

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<sup>9</sup> Vienna Convention on the Law of Treaties, 23 May 1969, Article 26 states: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith, online at:

[https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

<sup>10</sup> Canadian Centre for Policy Alternatives, Katherine Scott, Women, work and COVID-19, March 2021, online at: <https://www.policyalternatives.ca/wp-content/uploads/attachments/Women%20work%20and%20COVID.pdf>

<sup>11</sup> See Canadian Feminist Alliance for International Action, with YWCA Canada, *A Feminist Economic Recovery Plan for Canada: Human Rights Approach*, December 10, 2020, online at: <https://static1.squarespace.com/static/5f0cd2090f50a31a91b37ff7/t/5fd17ce4a9eaf43bd84b44e1/1607564520499/Feminist+Economic+Recovery+Plan+-+Human+Rights+Approach.pdf>

<sup>12</sup> UN Secretary-General António Guterres, *Tackling Inequality: A New Social Contract for a New Era*, online at: <https://www.un.org/sustainabledevelopment/a-new-social-contract-for-a-new-era/>; FAFIA, *ibid*.

- **A New Gender and Social Pact and a Comprehensive Plan**

In March 2016, the CESCR made a critical recommendation to Canada, calling on the State to:

Develop and implement a comprehensive national gender equality plan to address the structural factors leading to gender inequality, in close cooperation with provinces and territories, as well as in consultation with civil society organizations.<sup>13</sup>

In November 2016, the CEDAW Committee recommended that Canada:

Develop a comprehensive national gender strategy, policy and action plan addressing the structural factors that cause persistent inequalities with respect to women and girls, including intersecting forms of discrimination, with a special focus on disadvantaged groups such as women and girls with disabilities, those who are single parents, indigenous, Afro-Canadian, migrant, refugee, asylum-seeking, lesbian and bisexual women and girls, and transsexual and intersex persons.<sup>14</sup>

In October 2024, the CEDAW Committee expressed concern about the feminization of poverty in Canada and issued a detailed recommendation regarding homelessness, the burden of unpaid care work, and the inadequacy of social measures of support and protection for the most vulnerable women.<sup>15</sup>

These recommendations have not been acted on by Canada.

Following the review of Canada by the CEDAW Committee in October 2024, FAFIA and a coalition of women's organizations developed a proposal for civil society – government dialogue. The goal of this proposal was to bring governments and civil society experts together in "implementation tables" where strategies and methods could be designed for the implementation of the CEDAW Committee's recommendations. In March 2025, the proposal was presented to the Senior

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<sup>13</sup> Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth report of Canada, E/C.12/CAN/CO/6, 4 March 2016, at para. 22, online at: <http://socialrightscura.ca/documents/international/CESCR%20COs%202016.pdf>

<sup>14</sup> CEDAW, Concluding observations on the combined 8<sup>th</sup> and 9<sup>th</sup> periodic reports of Canada, CEDAW/C/CAN/CO/8-9, 25, November 2016, at para. 21(b), online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/402/03/PDF/N1640203.pdf?OpenElement>

<sup>15</sup> CEDAW, Concluding observations on the 10<sup>th</sup> periodic report of Canada, CEDAW/C/CAN/CO/10, 29 October 2024, at para. 39, online at: <https://www.ohchr.org/en/documents/concluding-observations/cedawccanco10-concluding-observations-tenth-periodic-report>

Committee of Officials Responsible for Human Rights, an intergovernmental Committee charged with overseeing Canada's human rights compliance. No response has yet been received.

FAFIA submits that, particularly in light of what was exposed by the COVID-19 pandemic, it is time to address the structural inequality of women in Canada in a holistic way. Rather than dealing with the manifestations of deeply rooted systemic discrimination as disconnected factors that can be corrected in isolation from each other, FAFIA recognizes that poverty and income inequality, systemic discrimination in employment, inadequate social programs (social assistance, housing, childcare), lack of access to justice, male violence against women, and police failure to provide women with equal protection of the law are factors that interact with each other to create a structure of inequality for women. Its most harmful effects are experienced by Indigenous women, Black women and racialized women, women with disabilities, single mothers, refugee and immigrant women, and LGBTQ2S communities.

This submission addresses some key components that must be addressed if women in Canada are to enjoy the equality they are guaranteed by Article 26 of the Covenant, and related guarantees in international human rights law.

- **Women's Poverty and Income Inequality**

About 10.2% of women in Canada live in poverty according to Statistics Canada's 2023 figures.<sup>16</sup> Available data shows the percentage of women in poverty has consistently risen since COVID-19 in 2020.<sup>17</sup> Women continue to be poorer than men in Canada, more likely to be poor, and more likely to live in deeper poverty.

Particular groups of women have much higher rates of poverty:

- 13.7% of Indigenous women living off reserve<sup>18</sup>
- 12% of transgender women<sup>19</sup>
- 11% of women with disabilities;<sup>20</sup>
- 17.2% of single mothers;<sup>21</sup>

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<sup>16</sup> Statistics Canada, *Table 11-10-0135-02 Percentage of persons in low income by sex*, November 7 2025, online at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110013502&cubeTimeFrame.startYear=2020&cubeTimeFrame.endYear=2023&referencePeriods=20200101%2C20230101>

<sup>17</sup> *Ibid.*

<sup>18</sup> Statistics Canada, "International Women's Day 2024", March 8 2024, online at: <https://www150.statcan.gc.ca/n1/pub/89-28-0001/2022001/article/00009-eng.htm>

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*



- 33.4% of single women under 65;<sup>22</sup> and
- 16% of single women over 65.<sup>23</sup>

In 2024, women aged 25 to 54 earned 0.87 cents for every dollar earned by men.<sup>24</sup> Similar to rates of poverty, the gender wage gap is significantly greater for racialized women, Indigenous women and immigrant women.<sup>25</sup> Data on differences in hourly earnings by gender are not as illuminating, however, as data on the annual incomes of women and men, since women are the majority of part-time workers and their participation in the labour force is also constrained by unpaid caregiving for children and older family members. In 2022, Canadian women had an average employment income of 45,800 Canadian dollars per year, while that of men was 64,000. On average, Canadian women earn annually about 75% of what men earn.<sup>26</sup>

Women's poverty and income inequality has deep roots. Women are poorer than men because they have been assigned the role of unpaid caregiver and nurturer for children, men and old people; because in the paid labour force they perform caregiving and support work which is devalued and lower paid; because there is a lack of safe affordable childcare and this constrains women's participation in the paid work; because women, particularly Indigenous, racialized, and immigrant women and women with disabilities, are devalued workers, and more likely to be in precarious work; and because women incur economic penalties when they are not attached to men and when they have children alone.<sup>27</sup>

### • **Women in the Care Economy and Service Sector**

The inequalities between women and men persist not only because there is no effective legislated pay equity regime in all jurisdictions across Canada, but also because current

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<sup>22</sup> National Advisory Council on Poverty, *We can do better: it is not a safety net if the holes are this big – the 2025 report of the National Advisory Council on Poverty*, at Table 2, 2025, online at:

[https://www.canada.ca/content/dam/esdc-edsc/documents/programs/poverty-reduction/national-advisory-council/reports/2025-annual/NACP\\_2025\\_Annual\\_Report-EN.pdf](https://www.canada.ca/content/dam/esdc-edsc/documents/programs/poverty-reduction/national-advisory-council/reports/2025-annual/NACP_2025_Annual_Report-EN.pdf)

<sup>23</sup> Canadian Women's Foundation, *Fact Sheet Women and Poverty in Canada*, at 2, 2018, online at:

<https://canadianwomen.org/wp-content/uploads/2018/09/Fact-Sheet-WOMEN-POVERTY-September-2018.pdf>

<sup>24</sup> Vanessa Preston and Miek Van Gaalen, *Gender Equality in Canada*, at 4, January 27 2025, online at:

[https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/202504E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202504E)

<sup>25</sup> *Ibid.*

<sup>26</sup> Statistics Canada, *Average employment income in Canada 2022, by gender*, online at:

[https://www.statista.com/statistics/1314929/average-employment-income-canada-gender/?srsltid=AfmBOop7cUISfQtYAj26xXFQgXbM\\_Bvb556CE1X\\_IJXGxcR3OqZmfZnD](https://www.statista.com/statistics/1314929/average-employment-income-canada-gender/?srsltid=AfmBOop7cUISfQtYAj26xXFQgXbM_Bvb556CE1X_IJXGxcR3OqZmfZnD)

<sup>27</sup> Shelagh Day, "The Indivisibility of Women's Human Rights" (2003) 20:3 *Can Wom Stud* 11 at 12; see also The Economic Well-Being of Women, "The proportion of women in low income has been consistent for four decades", supra note 11.

equal pay laws are designed to rely on a male comparator and rarely touch the most pernicious employment and pay discrimination faced by women, which occurs in the care economy and service sector where women are the predominant workers.

Six years after the onset of Covid-19, Canada has failed to act upon the severe and systemic inequality, racism, and misogyny faced by those who support the formal and informal care economy, and who increasingly originate from racialized and immigrant backgrounds. Little has changed in the demographic of care economy and service sector workers since the pandemic. In 2018, approximately 54% of women were employed in the “5 Cs” occupations: caring, clerical, catering, cashiering and cleaning.<sup>28</sup> Today, health care, education and social service industries are still the largest employers of women as 34.1% of women in the workforce are employed in these industries.<sup>29</sup>

During the height of the pandemic, FAFIA noted that the sexist and racist structure of these industries, and the conditions of work in them, violate women’s right to equality and non-discrimination guaranteed by Article 26. Today, Canada’s continued failure to address and remedy this systemic discrimination perpetuates this violation.

- **Temporary Domestic Workers**

As more women have moved into the labour force, formal and informal care work has increasingly been filled and supported by immigrant and racialized women.<sup>30</sup> Canada has historically relied on immigration policies to sustain Canada’s care economy. Migrant care workers are disproportionately overrepresented in the home care and personal support work sector, making up over one-third of nurse aides, orderlies, patient service associates, and personal support workers.<sup>31</sup> The vast majority of these care workers are women who leave their own children and families to take care of families in Canada, leaving behind care gaps in their own communities.<sup>32</sup>

Domestic and personal care workers occupy some of the most precarious positions in society. The personal service sector is the lowest-paid sector and has the lowest rate of unionization in the Canadian economy.<sup>33</sup> Personal service employees are also the least

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<sup>28</sup> Katherine Scott, *The widening gap: Gender segregation and job polarization in the post-pandemic labour market*, at 8, January 13 2026, online at: <https://www.policyalternatives.ca/news-research/the-widening-gap-gender-segregation-and-job-polarization-in-the-post-pandemic-labour-market/>

<sup>29</sup> *Ibid*, at 13.

<sup>30</sup> Oxfam Canada, *How Much Do We Care: An Assessment of the Canadian Paid and Unpaid Care Policy Landscape*, at 20, June 2023, online at: [https://issuu.com/oxfamca/docs/care\\_policy\\_scorecard\\_report\\_2023\\_-\\_final?fr=sMjJiNzYxNDE2OTQ](https://issuu.com/oxfamca/docs/care_policy_scorecard_report_2023_-_final?fr=sMjJiNzYxNDE2OTQ)

<sup>31</sup> *Ibid*, at 30.

<sup>32</sup> *Ibid*, at 20.

<sup>33</sup> Supra note 29 at 19.

likely to have access to employer-provided health insurance and other benefits.<sup>34</sup> Despite the demonstrated importance, and the dramatic inequality of women in this sector, both of which were dramatically exposed during Covid-19, the business model of this sector has remained unchanged.

After many years of lobbying, the federal government recently decided to provide a pathway to permanent residency and citizenship for foreign domestic care workers. In March 2025, the government implemented a Home Care Worker Immigration Pilot Program, the only available pathway for migrant home care workers to apply for permanent residency.<sup>35</sup> Within 5 hours of the program's launch, the program crashed due reaching its 2,750 cap, leaving 40,000 eligible care workers unable to access the program.<sup>36</sup> On December 19, 2025, the federal government announced the program would not be re-opened due to high demand and wait times.<sup>37</sup> Without this program, migrant home care workers, whose work is precarious and unregulated, have only a limited pathway to permanent residency through applications for residency on humanitarian and compassionate grounds. The federal government's choice to put a hold on the Home Care Worker Immigration Program places these women's ability to remain in Canada and maintain income in jeopardy. The lack of political voice for these migrant workers compounds the lack of respect for their social and economic rights.

- **Inadequate Social Assistance**

In Canada, welfare (social assistance) is a program of last resort. It is only available to persons who have no alternative income to rely on. Unfortunately, welfare rates in Canada are set so low that women who are reliant on social assistance are stuck in poverty rather than being helped out of it. Welfare incomes remain below the poverty threshold with an exception for 2% of welfare recipients whose income is a meager 7% above the threshold.<sup>38</sup> Inadequate social assistance perpetuates poverty as recipients cannot afford adequate food and shelter.

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<sup>34</sup> *Ibid.*

<sup>35</sup> Migrant Rights Network, "FEDERAL GOVERNMENT GIVES CARE WORKERS "COALS FOR CHRISTMAS" WITH IMMIGRATION PROGRAM CANCELLATION", December 22 2025, online at: <https://migrantrights.ca/cwclosurepr/>

<sup>36</sup> *Ibid.*

<sup>37</sup> Government of Canada, "Pausing Home Care Worker Immigration pilots application intake", December 19 2025, online at: <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/pausing-home-care-worker-immigration-pilots-application-intake.html>

<sup>38</sup> Maytree Foundation, *Welfare in Canada, 2024*, at 18, July 2025, online at: [https://maytree.com/wp-content/uploads/Welfare\\_in\\_Canada\\_2024.pdf](https://maytree.com/wp-content/uploads/Welfare_in_Canada_2024.pdf)

Even further, welfare rates have not been sufficiently adjusted to address Canada's ongoing "cost of living crisis". Inflation has risen, Canadian cities are experiencing unprecedented increases in rent, and limited budgets are stretched to accommodate spikes in food prices. Between 2022 and 2024, Ontario welfare recipients' purchasing power decreased by 16% and recipients in Alberta and Manitoba lost roughly 7%.<sup>39</sup>

The Canada Disability Benefit (CDB), introduced by the Government of Canada through Bill C-22 is a new federal transfer to individuals with disabilities. The hope was that this benefit would lift women and men with disabilities out of poverty. However, the CDB has been a major disappointment, since, as Budget 2024 shows, the CDB will provide only a maximum benefit of \$200/month or \$6/day, for those who are eligible, making no meaningful difference to the persistent poverty among people with disabilities.<sup>40</sup>

- **Child Care**

The federal government's maintenance of childcare funding at previous levels is particularly concerning.<sup>41</sup> In 2021, the federal government announced the Early Learning and Child Care strategy, providing 30 billion dollars over five years through agreements with each province and territory.<sup>42</sup> The strategy aimed to reduce childcare costs to \$10 a day by 2025 and to create 250,000 new child care spaces for children by March 2026.<sup>43</sup>

While the price of childcare has decreased across Canada, significant issues remain regarding the supply and quality of childcare. Actual progress on the expansion of childcare spaces is well below the projected expansion needed to meet national targets.<sup>44</sup> The expansion has also been asymmetric across the country. Only two provinces have met or surpassed their interim target of 59 percent of coverage rate,

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<sup>39</sup> Natalie Catney, *The cost-of-living crisis for social assistance recipients*, April 5 2024, online at: <https://policyoptions.irpp.org/2024/04/cost-of-living-social-assistance/>

<sup>40</sup> Inclusion Canada, *Budget 2024 Disappoints – Major Shortfalls in Canada Disability Benefit Funding & Eligibility*, April 17, 2024, online at: <https://www.inclusioncanada.ca/post/budget-2024-disappoints>

<sup>41</sup> Gordon Cleveland, *Federal budget: Mr. Prime Minister, child care is infrastructure too*, November 6 2025, online at: <https://theconversation.com/federal-budget-mr-prime-minister-child-care-is-infrastructure-too-269177>

<sup>42</sup> Department of Finance Canada, *A Canada-wide Early Learning and Child Care Plan*, online at: <https://www.canada.ca/en/department-finance/news/2021/12/a-canada-wide-early-learning-and-child-care-plan.html>

<sup>43</sup> Employment and Social Development Canada, *Toward \$10-a-day: Early Learning and Child Care*, online at: <https://www.canada.ca/en/employment-social-development/campaigns/child-care.html>

<sup>44</sup> Canadian Centre for Policy Alternatives, *Cash Cow Assessing Child care space creation progress*, at 13, August 2025, online at: <https://www.policyalternatives.ca/news-research/cash-cow-assessing-child-care-space-creation-progress/>

with remaining provinces lagging behind.<sup>45</sup> Consequently, parents attempting to access childcare often face long waitlists.<sup>46</sup>

Large portions of the country also live in childcare deserts, areas where there are less than 3 spaces per 10 children.<sup>47</sup> For instance, 52% of children in Saskatchewan live in a childcare desert.<sup>48</sup> Even for provinces with lower percentages of childcare deserts, there is still an issue of inadequate childcare coverage. 16% of children in British Columbia live in a childcare desert, comparatively 63% of children in British Columbia live in areas with inadequate childcare coverage.<sup>49</sup>

Alongside the asymmetric availability of childcare spaces, there have been issues in training, recruitment, and retention of early childhood learning staff. Staff shortages and difficulties in retention can exacerbate waitlists as childcare centres are unable to operate at their fully licensed capacity.<sup>50</sup> This is not a new problem. Early childcare education staff have long referred to factors such as low pay, burn out, and lack of training as factors related to retention.<sup>51</sup> A recent report by Building Blocks for Child Care, reveals an exponential increase in the hiring of non-Registered Early Childhood Educators in Ontario child care centres as a stopgap for staff shortages and the simultaneous effort to expand childcare availability under the federal program.<sup>52</sup>

Notably, the early childcare education labour force is a gendered industry. In 2021, women made up 96% of early childcare education staff.<sup>53</sup> Low pay, demanding work conditions, and limited funding show that child care is a gendered and undervalued good.<sup>54</sup>

Affordable high-quality childcare is crucial for enhancing women's participation in the workforce and alleviating women in poverty. In 2023, an OECD Country Note revealed

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<sup>45</sup> *Ibid*, at 13 and 14.

<sup>46</sup> *Ibid*, at 7.

<sup>47</sup> *Ibid*, at 26.

<sup>48</sup> *Ibid*, at Figure 7.

<sup>49</sup> *Ibid*, at Figure 7.

<sup>50</sup> YMCA Ontario, *Workforce Solutions in Child Care A YMCA Ontario White Paper*, at 4, January 2023, online at: [https://www.ymcaneoc.ca/wp-content/uploads/2023/01/YMCA-Ontario-White-Paper\\_Child-Care-Workforce-Solutions-1.pdf](https://www.ymcaneoc.ca/wp-content/uploads/2023/01/YMCA-Ontario-White-Paper_Child-Care-Workforce-Solutions-1.pdf)

<sup>51</sup> *Ibid*, at 4; Atkinson Centre, *Canada's Children Need a Professional Early Childhood Education Workforce*, at 6, April 2022, online at: [https://ecereport.ca/media/uploads/wr-downloads/canadas\\_children\\_need\\_a\\_professional\\_early\\_childhood\\_education\\_workforce.pdf](https://ecereport.ca/media/uploads/wr-downloads/canadas_children_need_a_professional_early_childhood_education_workforce.pdf)

<sup>52</sup> Building Blocks for Child Care, *Analysis of Direct Approvals in Ontario's Licensed Child Care System (2021 to 2025) Based on FOI Data from the Ministry of Education*, at 6 and 12, December 2025, online at: <https://b2c2.ca/wp-content/uploads/2026/01/DirectorApprovalsReport.pdf>

<sup>53</sup> *Supra* note 49 at 2.

<sup>54</sup> *Supra* note 48 at 4.

24% of women in Canada work less than 30 hours per week due to high childcare costs.<sup>55</sup>

A program aiming to provide affordable childcare must holistically consider what supports and factors are needed to ensure childcare is actually accessible to women across Canada. It is doubtful that Canada will be able to deliver its promised childcare program in light of the Budget 2025 decision to freeze allocations.

Investing in Canada's social infrastructure is feasible and essential. The federal government could immediately improve the adequacy of social assistance in all jurisdictions by attaching conditions to the money it transfers to the provinces and territories for social programs and, as recommended by the CEDAW Committee in 2008, "establish minimum standards for "social assistance programs ...and a monitoring mechanism to ensure that [social assistance programs] meet the needs ...of women and do not result in discrimination...."<sup>56</sup> The CEDAW Committee made a similar recommendation in 2016, urging the Government of Canada to use its spending power to improve conditions for women living in poverty in all jurisdictions.<sup>57</sup> In the past, the Government of Canada has successfully used conditional transfers to the provinces and territories to establish threshold standards for social programs. In neo-liberal economic times, this practice was abandoned, to the detriment of women.

### • Violence Against Women

Despite recommendations by the CEDAW Committee in 2008 and 2016 regarding gender-based violence, it is an epidemic in Canada. According to Statistics Canada, women are five times more likely than men to be the victims of sexual assault, and sexual assault is the most under-reported crime. Victims are most often young women who are raped by someone they know.

Women are also the overwhelming majority of the victims of intimate partner violence, and they are more likely to experience severe forms of it – forced sex, choking, confinement. In Canada, one woman or girl is killed by a man about every 48 hours, and

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<sup>55</sup> OECD, *Joining Forces for Gender Equality What is Holding us Back? Country Note: Canada*, at 2, 2023, online at: [https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/07/joining-forces-for-gender-equality-country-notes\\_99310c20/canada\\_3a820d39/cc8a4737-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/07/joining-forces-for-gender-equality-country-notes_99310c20/canada_3a820d39/cc8a4737-en.pdf)

<sup>56</sup> Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women*, UN Doc CEDAW/C/CAN/CO/7, (7 November 2008) at para 22 [CEDAW 2008 Concluding Observations].

<sup>57</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the 8<sup>th</sup> and 9<sup>th</sup> periodic reports of Canada*, CEDAW/C/CAN/CO/8-9, 18 November 2016, at para. 47c), online at: <https://digitallibrary.un.org/record/3802136?ln=en>

the numbers are increasing. The Canadian Femicide Observatory for Justice and Accountability (CFOJA) reports a [24% increase in femicides](#) between 2019 and 2022.

The incidence of intimate partner violence and gender-based killings is highest in the territory of Nunavut and substantially [higher in rural areas than in cities](#). Between 2011 and 2021, [21% of the victims](#) of femicide were Indigenous women, even though they are only 5% of the female population.

This violence, and the threat of it, is woven into the lives of women and girls. Canada has developed a [Federal Gender Based Violence Strategy](#) and a [National Gender-Based Violence Action Plan](#). However, as [CFOJA states](#) about femicide: “little appears to have changed” when it comes to how violence against women occurs and why. “Progress on prevention and on accountability has been slow to evolve. We have not yet met the basic standard required to prevent the [violence] or to hold perpetrators accountable...”

Canada’s failure to fulfill the social and economic rights of women is deeply connected to the ways women experience violence and the consequences it has in their lives. As [Laurel McBride writes](#): “Poverty, and the threat of it, forces women to tolerate male violence.” Women’s economic inequality, and poverty and violence create a “[vicious circle](#)” of connected events that is hard to escape. [Brodsky et al described](#) these connected events this way: “male violence, lack of adequate housing, inadequate welfare, child apprehension, lack of legal aid, and depression/addiction. If a woman seeks to leave a violent relationship, often she needs social assistance so that she can support herself and her family independently from the violent partner. Once she is receiving social assistance, inadequate rates mean finding and maintaining adequate housing for herself and her children is difficult, if not impossible. Children may be apprehended because they have witnessed male violence, or because living conditions are considered poor enough to constitute “neglect”. Once children are apprehended, it is often hard for women to get them back. Shelter allowances are cut when children are not present, but a mother has to show that she has an adequate place for children to live before the children can be returned. Lack of legal aid to deal with separation-related issues, representation before children are taken away, welfare entitlements, and poor housing, makes it difficult to break out of the circle.”

For women, poverty and economic inequality have gendered, harmful consequences. Women living in poverty are less able to protect themselves from being treated as sexual commodities and nothing more. They lose sexual autonomy in relationships. Their vulnerability to rape and assault is magnified. Their ability to care for their children is compromised, and they are more likely to have their children removed in the name of “protection,” often because women lack adequate housing and cannot supply proper food or ensure safe conditions. Without adequate incomes, women cannot secure stable



housing and become homeless, increasing their exposure to violence. They have no political voice or influence. They are both over-policed and under-protected by police. Without access to adequate social programs, including adequate social assistance and social services, such as shelters and transitional housing, women are much less able to resist or escape subordination and violence. The interaction, interrelatedness, and indivisibility of civil, political, economic, social and cultural rights is manifest in the lives of women who live in poverty.

## **Recommendations**

- ***Revise the “Principles guiding the Attorney General of Canada in Charter Litigation”, in consultation with civil society organizations as recommended by the Committee on Economic, Social and Cultural Rights, in order to ensure that positions in litigation taken fully reflect Canada’s obligations to fulfill the rights set out in Article 2, 6, and 26 of the ICCPR.***
- ***Design a comprehensive national strategy, policy and action plan, informed by intersectional analysis, that will address the structural factors that cause the persistent inequalities of women and girls, and ensure that measures advance women’s equality, particularly the equality of the most marginalized and disadvantaged women and girls.***
- ***Implement recommendations of United Nations treaty bodies to raise social assistance rates in all jurisdictions, in light of Articles 6 and 26 of the Covenant, recognizing the constraint that poverty imposes on the enjoyment of every right.***
- ***Improve the Canada Disability Benefit so that it is sufficient to lift people with disabilities out of poverty and allow them to live with dignity, security and equality.***
- ***Take the cap off the Homecare Immigration Worker Program and permit women coming to Canada as domestic workers to have a pathway to permanent residence.***
- ***Design laws and programs and allocate resources to eliminate persistent inequalities in pay and conditions of work that are experienced by women workers in the care economy and the service sector in all jurisdictions, and in particular by Indigenous, Black and racialized women and women with disabilities.***



- *Take steps to increase unionization of women in the care economy and service sector, and to improve protections for women who are precarious and/or part-time workers.*
- *Establish a Gender-Based Violence Commissioner and a National Accountability Framework for Gender-Based Violence, as recommended by the Nova Scotia Mass Casualty Commission.*
- *Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and formally recognize economic, social and cultural rights by incorporating them into the law of Canada, and affirming that they are protected by the Canadian Charter of Rights and Freedoms.*

## **II. Articles 2, 6 and 26: Access to Justice, the Right to an Effective Remedy, and Equal Protection of the Law**

Canada provides various legal protections to women, as well as guarantees of equality and non-discrimination in statutory human rights laws in all jurisdictions and guarantees of equal protection and equal benefit of the law in its Constitution. However, women do not enjoy equal protection and equal benefit of the law. They face profound and persistent sexist and racist bias in policing and in the administration of justice, and encounter many obstacles to obtaining effective remedies for violations of their rights.

- **Legal Aid**

For decades, Canada's legal aid system has been chronically underfunded with a severe lack of attention given to civil legal aid, resulting in clear gendered impacts on women. The former Chief Justice of the Supreme Court of Canada, the Right Honourable Beverley McLachlin, stated more than a decade ago that "lack of access to civil justice represents the most significant challenge to our justice system".<sup>58</sup> The Canadian Bar Association (CBA) called it a "crisis" in 2015, noting that civil legal aid services are almost non-existent in some provinces.<sup>59</sup> Unfortunately, these statements are still descriptive of the current status of access to justice and legal aid today.

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<sup>58</sup> McLachlin, Beverley, "Foreword", in M. Trebilcock, A. Duggan, L. Sossin, eds. *Middle Income Access to Justice* (Toronto: University of Toronto Press, 2012).

<sup>59</sup> Canadian Bar Association, "Legal Aid in Canada", July 2015, online at: <<http://www.cba.org/Sections/Legal-Aid-Liaison/Resources/Resources/Legal-Aid-in-Canada>>.

Legal aid funding is not secure. In 2019, Ontario reduced legal aid funding by 30%.<sup>60</sup> In 2024, the Alberta Government threatened to terminate its contract with Legal Aid Alberta over disputes on cost, meaning Alberta would not have been able to provide any legal aid services.<sup>61</sup>

Income eligibility for legal aid across provinces has been set at either Canada's poverty threshold or only slightly above, excluding many people who are still unable to afford legal representation. In 2025, Ontario announced an increase to the income eligibility rate for duty counsel to \$45,440 for families of up to four.<sup>62</sup> This increase is only slightly above Canada's poverty threshold in 2023 for families of three living in areas of Ontario with a population smaller than 99,999.<sup>63</sup> The increase is below the threshold for areas in Ontario with a population above 100,000.<sup>64</sup> Provincial eligibility standards also disproportionately impact women. Researchers at the University of Calgary have revealed that single women's legal aid applications are more likely to be dismissed than single men's applications.<sup>65</sup>

There is a marked gender difference in legal aid usage: women are the primary users of civil law legal aid, especially for family law matters, while men are the primary users of criminal law legal aid. In the 1990s, funding for civil legal aid by the Government of Canada began to be delivered as a discretionary expenditure for provinces and territories from the Canada Social Transfer (CST), while funding for criminal law legal aid remains a designated transfer from the federal government to the provinces and territories. According to the Canadian Bar Association, some provinces at times have allocated no funding to civil legal aid given the other budgetary demands on the CST.<sup>66</sup> In fact, the Department of Justice has stated in its annual report that federal funding for

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<sup>60</sup> Maan Alhmidi, "Criminal Lawyers' Association calls on Ontario for more funding of legal aid", October 18 2022, online at: <https://www.cbc.ca/news/canada/toronto/ont-legal-aid-1.6620857>;

<sup>61</sup> Kylee Pedersen, "Legal Aid Alberta says province terminated its contract", July 2 2024, online at: <https://www.cbc.ca/news/canada/calgary/legal-aid-alberta-says-province-terminated-its-contract-1.7252708>

<sup>62</sup> Legal Aid Ontario, "Legal Aid Ontario raising financial eligibility for duty counsel and criminal certificate services", January 28 2025, online at: <https://www.legalaid.on.ca/news/legal-aid-ontario-raising-financial-eligibility-for-duty-counsel-and-criminal-certificate-services/>

<sup>63</sup> Statistics Canada, *Table 11-10-0104-01 Market Basket Measure thresholds by Market Basket Measure region and family size, in current dollars*, November 7 2025, online at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110010401>

<sup>64</sup> *Ibid.*

<sup>65</sup> Gillian Petit and Lindsay M. Tedds, *Systematic Barriers to Justice: Financial Eligibility for Legal Aid – A Gendered Analysis*, April 14 2023, online at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4419064](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4419064)

<sup>66</sup> Canadian Bar Association, "3. Providing Legal Services", online at: <https://cba.org/resources/reconciliation-equality-and-diversity/reaching-equal-justice-advocacy-guide/providing-legal-services/>

civil law legal aid cannot be calculated.<sup>67</sup>

Access to timely and affordable legal advice and representation is crucial for women in situations of family violence. Yet, underfunding in civil legal aid can mean there is insufficient coverage for certain family law issues and legal aid services may be unable to cover the longer litigation timelines involved in family law.<sup>68</sup> Recently, the legal community in British Columbia welcomed the news of funding for a family law clinic focused on supporting survivors of intimate partner violence following seven years of litigation led by the Single Mothers' Alliance who argued that the lack of civil legal aid coverage violated the *Charter*.<sup>69</sup> At the same time, the British Columbia Branch of the Canadian Bar Association pointed to longstanding gaps in the province's funding, requesting the expansion of coverage to general family law matters as the province's coverage is limited only to situations of intimate partner violence and the withholding of access to children by a spouse.<sup>70</sup>

The Canadian Bar Association has called on the Government of Canada to fund both criminal and civil legal aid through a direct, designated transfer (not the CST) and to establish a National Public Legal Assistance System that is sustainably-funded and that "provides comprehensive, people –centered legal services ...to meet essential legal needs and contribute to the health and well –being of disadvantaged and low-income Canadians."<sup>71</sup> A National Public Legal Assistance System is necessary to provide equal and non-discriminatory access to justice for women.

- **Justice for Sexual Assault Survivors**

The Canadian criminal justice system is failing survivors of sexual assault. Only 6% of all sexual assaults are reported to police.<sup>72</sup> Sexual assault cases experience attrition at all levels of the criminal justice system. Statistics Canada reported in 2024 that for the period 2015 to 2019, charges were laid in only 36% of sexual assault cases. Of the 36%

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<sup>67</sup> See footnote 3 of the report: Department of Justice Canada, *Legal Aid in Canada 2023-2024*, at 1, 2025, online at: [https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2024/docs/rsd\\_rr2025\\_legal-aid-in-canada-2023-24-eng.pdf](https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2024/docs/rsd_rr2025_legal-aid-in-canada-2023-24-eng.pdf)

<sup>68</sup> Canadian Bar Association, Alberta Branch, "CBAAB Responses to the Government of Alberta's Survey for Legal Aid in Alberta", November 15 2024, online at: <https://cba-alberta.org/our-impact/submissions/written-submission-responses-to-the-government-of-alberta-s-survey-for-legal-aid-in-alberta/>

<sup>69</sup> Aidan Macnab, "BC's new family law legal aid funding resolves long-standing Charter challenge", February 20 2024, online at: <https://www.cbabc.org/news/bc-s-new-family-law-legal-aid-funding-resolves-long-standing-charter-challenge/>

<sup>70</sup> Aidan Macnab, "CBA BC branch slams provincial budget for absence of new funding for family law legal aid", February 27 2024, online at: <https://www.canadianlawyermag.com/practice-areas/family/cba-bc-branch-slams-provincial-budget-for-absence-of-new-funding-for-family-law-legal-aid/384035>

<sup>71</sup> Supra note 62.

<sup>72</sup> Statistics Canada, Criminal justice outcomes of police-reported sexual assault in Canada, 2015 to 2019, online at: <https://www150.statcan.gc.ca/n1/daily-quotidien/241106/dq241106a-eng.htm>

of cases in which charges were laid, only 61% went to court; in only half of those cases was there a conviction and in only half of those were the convicted individuals sentenced to custody.<sup>73</sup>

Rates of reporting and conviction of perpetrators are lower for women with disabilities, racialized women, women with low incomes, Indigenous women, lesbians, and gender diverse women. These women experience higher rates of sexual violence and report greater challenges in navigating criminal justice systems.

Survivors of sexual assault encounter justice system bias when they report to police. Survivors are often confronted with deeply ingrained myths and stereotypes about sexual assault and “appropriate” responses to violation of their bodily integrity that undermine investigation into their complaints.

In a ground-breaking investigation conducted in 2017, the Globe and Mail reviewed over 870 police forces to reveal that they dismiss 1 in 5 sexual assault claims (or 19%) for being “unfounded” or baseless. In some regions, such as Saint John New Brunswick, the unfounded rate was over 50% of all sexual assault reports over a period of 5 years. This investigation revealed systemic failures in police investigations into sexual assault and led to some police departments agreeing to external sexual assault case reviews – whereby trained experts from sexual assault crisis centres independently review sexual assault reports that were deemed unfounded by police.

Despite some recent changes, survivors who choose to report their experiences of sexual violence to the police continue to report challenges. For example, although rates at which police departments nationally consider complaints unfounded are down from 19% in 2017 to 8% in 2022, the rates of sexual assault complaints translating into criminal charges is down from 46% to 36% in the same time period. Further, survivor advocates have expressed concerns that survivors who fit stereotypical assumptions of “perfect victims” are more likely to have their cases taken seriously and not dismissed. Despite some *Criminal Code* changes to ostensibly encourage more reporting,<sup>74</sup> sexual assault is still the most underreported crime.

- **Misogyny, Racism and Homophobia in the RCMP**

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<sup>73</sup> Ibid.

<sup>74</sup> In 2019 Canada enacted changes to the *Criminal Code* that are intended to reduce barriers to reporting for survivors of sexual assault. It is not clear, however, that they are having this effect. The changes allow survivors and their representatives to participate in records disclosure processes related to sexual history evidence (section 276 of the *Criminal Code*) or private records in possession of the accused (section 278). Despite these changes, governments, with a few exceptions, have not designated funding to cover legal representation for women who are survivors of sexual assault.

The Royal Canadian Mounted Police (RCMP) is Canada's national police force. It provides policing services in eight provinces (except Ontario and Québec) and three territories, as well as in approximately 200 municipalities and 600 Aboriginal communities.<sup>75</sup> The RCMP is the principal police service in most of rural and northern Canada.

Entrenched misogyny is a long-standing institutionalized problem within the RCMP and it impacts women in the populations that the RCMP is intended to serve as well as women working within the RCMP.<sup>76</sup> As of 2026, thousands of women have reported gender-based, sexuality-based, and/or race-based discrimination and harassment by male officers in the Royal Canadian Mounted Police (RCMP). Class action suits have been launched by women who are members of the RCMP and have been sexually harassed and discriminated against by their male colleagues.

Over more than a decade of extensive reporting has revealed a pattern and practice of racist and sexualized violence against Indigenous women and girls, including Inuit women and girls. Reports by organizations including Human Rights Watch, Legal Services Board Of Nunavut Pauktuutit Inuit Women of Canada, and the CEDAW Committee in its Inquiry report on Missing and Murdered Indigenous Women and Girls document sexual assault, rape, excessive use of force, unwarranted strip-searching, and sexualized verbal abuse by RCMP officers against Indigenous women and girls.<sup>77</sup> The RCMP has also consistently failed to protect Indigenous women and girls from violence

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<sup>75</sup> OSCEPOLIS, online at: <https://polis.osce.org/country-profiles/canada>

<sup>76</sup> Canadian Feminist Alliance for International Action, *The Toxic Culture of the RCMP: Misogyny, Racism and Homophobia in Canada's National Police Force*, May 2022, online at: [https://fafia-afai.org/wp-content/uploads/2024/11/RCMP\\_REPORT\\_FINAL\\_MAY03.pdf](https://fafia-afai.org/wp-content/uploads/2024/11/RCMP_REPORT_FINAL_MAY03.pdf)

<sup>77</sup> See: Human Rights Watch, *Those Who Take Us Away Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada*, February 13 2013, online at: <https://www.hrw.org/report/2013/02/13/those-who-take-us-away/abusive-policing-and-failures-protection-indigenous-women>; Legal Services Board of Nunavut Pauktuutit Inuit Women of Canada, *Request for Review of RCMP in Nunavut*, June 13 2019, online at: <https://embed.documentcloud.org/documents/6937877-ATIPP-LSB1-Compressed/>; Committee on the Elimination of Discrimination against Women, *Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc C/OP.8/CAN/1 (March 30, 2015); Inter-American Commission on Human Rights, *Missing and Murdered Indigenous Women in British Columbia, Canada*, December 21 2014, online at: <https://www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en.pdf>; The Opal Inquiry, *Forsaken The Report of the Missing Women Commission of Inquiry*, November 19 2012, online at: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/forsaken-es.pdf>; National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, 2019, online at: <https://www.mmiwg-ffada.ca/final-report/>

by men in their own communities – including from sexual assault, domestic violence, human trafficking, and murder.<sup>78</sup>

- **RCMP Sexual Harassment of Female Officers**

In 2020, the Honourable Michel Bastarache, former Justice of the Supreme Court of Canada, issued the *Final Report on the Implementation of Merlo-Davidson Settlement Agreement - Broken Lives, Broken Dreams: The Devastating Effects of Sexual Harassment On Women in the RCMP* (Bastarache report).<sup>79</sup> The report was prepared following a settlement agreement in a class action suit joined by 3,086 women RCMP Officers concerning sexual harassment within the RCMP. Justice Bastarache, following three years of investigation, found that the “culture of the RCMP is toxic and tolerates misogyny and homophobia at all ranks and in all provinces and territories”.<sup>80</sup>

Six years since the report, survey research amongst RCMP officers demonstrates little change within the institution. Research by Khoury et. al. demonstrates how an officer’s success within the RCMP is structured around misogynistic attitudes. Moreover, there is a continued institutional practice of imposing only light consequences in response to findings of sexual violence by RCMP officers.<sup>81</sup>

Justice Bastarache concluded that the RCMP is unable to change itself from within.<sup>82</sup> Consequently, the Bastarache report made a key recommendation for an external and independent review to address the misogyny, racism, and homophobia in the RCMP and to consider the future of the RCMP as a federal police organization.<sup>83</sup> Despite continued calls from civil society, this recommendation has still not been implemented.

- **RCMP Inadequate Response to Violence Against Women**

In April 2020, Gabriel Wortman posed as an RCMP Officer and killed twenty-two people after a violent assault by Wortman against his then common law wife in Portapique,

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<sup>78</sup> Amanda Follett Hosgood, “BC Police-Involved Deaths Have Risen 700% in the Last Decade”, February 15 2023, online at: [https://www.thetyee.ca/News/2023/02/15/Rising-Police-Involved-Deaths/?utm\\_source=twitter&utm\\_medium=social&utm\\_content=031723-1&utm\\_campaign=editorial](https://www.thetyee.ca/News/2023/02/15/Rising-Police-Involved-Deaths/?utm_source=twitter&utm_medium=social&utm_content=031723-1&utm_campaign=editorial)

<sup>79</sup> Royal Canadian Mounted Police Government of Canada, *Final Report on the Implementation of the Merlo Davidson Settlement Agreement*, 19 November 2020, online at: <https://rcmp.ca/en/bastarache-report/final-report-implementation-merlo-davidson-settlement-agreement>

<sup>80</sup> *Ibid*, Executive Summary.

<sup>81</sup> Juliana M. B. Khoury, Amber J. Fletcher, Jolan Nisbet and R. Nicholas Carleton, *Understanding and addressing sexual- and gender-based harassment and discrimination among Royal Canadian Mounted Police*, October 10 2024, online at: <https://doi.org/10.1080/15614263.2024.2414314>

<sup>82</sup> Supra note 72, Executive Summary.

<sup>83</sup> *Ibid*.



Nova Scotia. This mass shooting, the worst in Canadian history, highlighted connections between intimate partner violence and mass violence.

After intense lobbying from families and women's rights advocates,<sup>84</sup> a full public inquiry into the Nova Scotia mass shooting was been launched in October 2020.<sup>85</sup> The Final Report issued in 2023, connected failures in the RCMP's response to the mass homicide along with failures to address complaints from Wortman's common law partner about Wortman's violence and illegal gun ownership.<sup>86</sup> Amongst many important recommendations, the Commission reiterated the need for an external and independent review of the RCMP, the same recommendation made by Justice Bastarache in *Broken Dreams, Broken Lives*.<sup>87</sup>

- **Complaints against the RCMP: Ineffectiveness of the Civilian Review and Complaints Commission**

The Civilian Review and Complaints Commission (CRCC) is intended to act as a complaint and oversight mechanism for the RCMP. However, its authority is limited and its ineffectiveness has been widely acknowledged. Most complaints against the RCMP are investigated by the RCMP itself.<sup>88</sup>

A current example of the CRCC's ineffectiveness is that, although the Commission is mandated to use investigative powers, to date, it has released only one investigative report about the conduct of the Community-Industry Response Group (C-IRG), although 500 complaints have been received. C-IRG is tasked with responding to 'public order' incidents regarding large resource projects. The complaints concern the treatment by RCMP Officers of Indigenous land defenders, many of whom are women.<sup>89</sup> The CRCC has been without a chairperson since January 2025.<sup>90</sup> Consequently, the

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<sup>84</sup> Nicole Munro, Saltwire, "Hundreds join women's rights activists in rally for public inquiry into mass shooting", July 27 2020, online at: <https://www.saltwire.com/atlantic-canada/news/canada/hundreds-join-womens-rights-activists-in-rally-for-public-inquiry-into-mass-shooting-478065/>

<sup>85</sup> Rachel Aiello, CTV News, "Government now launching full public inquiry into N.S. mass shooting", online at: <https://www.ctvnews.ca/politics/government-now-launching-full-public-inquiry-into-n-s-mass-shooting-1.5041933>

<sup>86</sup> Mass Casualty Commission, *Turning the Tide Together Final Report of the Mass Casualty Commission*, March 30 2023, online at: <https://masscasualtycommission.ca/final-report/>

<sup>87</sup> Mass Casualty Commission, *Final Report of the Mass Casualty Commission*, at number 98, March 30 2023 online at: <https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-List-of-Recommendations.pdf>

<sup>88</sup> See Canadian Feminist Alliance for International Action, *The Toxic Culture of the RCMP: Misogyny, Racism and Homophobia in Canada's National Police Force*, May 2022, at p. 37, online at: [https://fafia-afai.org/wp-content/uploads/2024/11/RCMP\\_REPORT\\_FINAL\\_MAY03.pdf](https://fafia-afai.org/wp-content/uploads/2024/11/RCMP_REPORT_FINAL_MAY03.pdf)

<sup>89</sup> Brent Patterson, "PBI-Canada continues to monitor the Civilian Review and Complaints Commission systemic investigation of the RCMP C-IRG", January 23 2026, online at: <https://pbicanada.org/2026/01/23/pbi-canada-continues-to-monitor-the-civilian-review-and-complaints-commission-systemic-investigation-of-the-rcmp-c-irg/>

<sup>90</sup> *Ibid.*

review body of the CRCC is unable to make decisions due to the absence of a chairperson and other senior decision makers.<sup>91</sup>

An effective oversight mechanism is necessary given the RCMP's record of violence against women, failure to protect women from violence, and discriminatory treatment of Indigenous women and men. Canada must act to ensure women enjoy equal protection under the law and have access to effective remedies when that right is violated.

## **Recommendations**

- ***Establish a national public legal assistance system that can ensure comprehensive legal services, in all jurisdictions, that meet standards of adequacy and non-discrimination, and include adequate allocations for civil, refugee, immigration, prison, poverty, and family law.***
- ***Provide co-ordinated information to the public on an annual basis regarding the financial resources allocated by each government - federal, provincial and territorial - for criminal legal aid and civil legal aid.***
- ***Publish its plan for meeting Goal 16 of the 2030 UN Sustainable Development Goals (SDGs) which calls on governments to "provide access to justice for all and build effective, accountable and inclusive institutions at all levels"***
- ***Appoint an external, independent review of the RCMP, as called for by the Bastarache Report and the Mass Casualty Commission.***
- ***Replace the CRCC with a genuinely independent and adequately resourced oversight body that can investigate and report publicly on all complaints against the RCMP and hold the institution and individual RCMP Officers to account for individual and systemic failures, neglect, harassment, abuse, misconduct, assault, and violence against women.***
- ***Increase funding for external case review of sexual assault complaints and encourage all police forces, including the RCMP, to participate in these programs.***

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<sup>91</sup> *Ibid.*



- ***Implement the recommendations of the Mass Casualty Commission.***
- ***Establish an effective oversight mechanism for Canada's National Action Plan on Violence against Women, to ensure consistency of services and supports across provinces and territories, and accountability for results.***

### **III. Indian Act Sex Discrimination: Forced Assimilation**

*Indian Act* sex discrimination has been an issue of concern to United Nations treaty bodies for decades. Virtually every treaty body that reviews Canada has urged Canada to eliminate all the sex discrimination and its effect on matrilineal descendants from the *Indian Act*.<sup>92</sup> Unfortunately, this discrimination is not yet gone and its harms have not been repaired.

Since its inception, the *Indian Act* has privileged 'Indian' men<sup>93</sup> and their descendants over 'Indian' women and their descendants. For 150 years being entitled to Indian status required being related to a male Indian by blood or marriage. There was a one-parent rule for transmission of status, and the one parent was male. In addition, Indian women who married non-Indian men lost their status, while Indian men who married non-Indian women endowed their Indian status on their wives.

*Indian Act* sex discrimination has been identified as an element of the Canadian genocide against Indigenous peoples,<sup>94</sup> and it is a form of forced assimilation. It has had the effect of defining thousands of First Nations women and their descendants out of the pool of legally recognized 'Indians,' disentitling them to recognition, belonging in their communities, political voice, and the benefits of treaties and inherent rights, in violation of Article 8 of the *Universal Declaration on the Rights of Indigenous Peoples*, as well as Articles 26 and 27 of the ICCPR. The fact that independent demographers estimate the number of First Nations women and their descendants who have been

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<sup>92</sup> See Annex B here: <https://docs.google.com/document/d/1SE8qMDbMWb8MvVjHXdy5ZcwbpX7shU-5fEBJfw-7OLk/edit?tab=t.0>

<sup>93</sup> Note that we use the term 'Indian' in this particular context as this is the legal term in the *Indian Act*, while recognizing that it is an archaic, colonial term.

<sup>94</sup> National Inquiry on Missing and Murdered Indigenous Women and Girls, *A Legal Analysis of Genocide: Supplementary Report*, online at: [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report\\_Genocide.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf)

excluded because of sex discrimination at 270,000 to 450,000<sup>95</sup> highlights the effectiveness of *Indian Act* sex discrimination as a tool of assimilation.

The sex discrimination has had profoundly harmful effects on First Nations women, their descendants and their communities. It has been identified as a root cause of the violence against Indigenous women and girls by the UN CEDAW Committee, the Inter-American Commission on Human Rights, and the National Inquiry on Missing and Murdered Indigenous Women. The sex discrimination has defined First Nations women and their descendants as lesser Indians and lesser parents, and caused dislocation, banishment from community, loss of culture, language and identity, and social marginalization.

Further, stripping First Nations women of status if they married non-status men caused numerous forms of consequential discrimination. The women lost band membership, and access to services and privileges extended to status Indians and band members, including the ability to hold land on reserve, to be buried on reserve, to access housing provided or supported by the band, to have children attend reserve schools, to access support for higher education for oneself or one's children, to access health care provided on or through the reserve/band. The children also suffered from the consequential discrimination affecting their mothers, for they too were denied membership, services and benefits. In addition, since for decades Canadian policy was that only a 'status' Indian could benefit from a Treaty, women and their descendants lost Treaty rights and benefits.

The United Nations Human Rights Committee ruled on January 11, 2019, when it decided the petition of Sharon McIvor and her son Jacob Grismer, that the sex discrimination in the *Indian Act* violated the rights of First Nations women to equal protection of the law and to equal enjoyment of their Indigenous culture, guaranteed by the *International Covenant on Civil and Political Rights*. McIvor followed the 1981 decision, *Lovelace v. Canada*, the Human Rights Committee also found that the sex discrimination in the *Indian Act* violated the rights to culture.

On August 15, 2019, the Government of Canada brought into force amendments to the *Indian Act* in Bill S-3 that eliminated the core of the pre-1985 sex discrimination against First Nations women and their descendants. This reflected the findings of the Human Rights Committee in *McIvor v. Canada*.

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<sup>95</sup> Office of the Parliamentary Budget Officer, *Addressing sex-based inequities in Indian Registration*, 5 December 2017, online at: [https://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2017/Bill%20S-3/Bill%20S-3\\_EN.pdf](https://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2017/Bill%20S-3/Bill%20S-3_EN.pdf)

However, Bill S-3 did not eliminate *all* the sex discrimination, and, in particular, it did not eliminate the post-1985 sex discrimination that is embedded in the second generation cut-off, the 1985 cut-off, and the two parent rule.

The second generation cut-off perpetuates the sex discrimination of the past, but it is also a legal extinction plan. Because status cannot be transmitted to a child after two generations of out-parenting (i.e. with a non-status person), this rule will lead to the extinction of status Indians in Canada within a few generations. The Government of Canada, legal experts and demographers all agree that this will be the inevitable result of the second generation cut-off. 29% of status Indians in Canada already have only half status (6(2) status). Unless they parent with another status Indian, they cannot transmit status to a child.

As status is the Government's means of recognizing who has Aboriginal rights and title, the second generation cut-off has catastrophic consequences for First Nations individuals and communities in Canada. The Government of Canada recognizes that the second generation cut-off must be eliminated, but wishes to delay, claiming that more consultation is needed.

However, the Canadian Parliament has the opportunity to remove this discrimination now, as it is considering a new Bill (Bill S-2) to cure the discrimination identified in a successful court challenge called *Nicholas v. Canada*. Bill S-2 was introduced in the Senate and amended by the Senate of Canada in December 2025 to include a provision removing the second generation cut-off and instating a one parent rule for transmission of status. The Bill, as amended by the Senate, is now before the House of Commons, and the Government of Canada can support the Senate's amendments and eliminate this crucial piece of the remaining discrimination now.

The Indian Act Sex Discrimination Working Group has filed a submission with the Human Rights Committee explaining these developments in detail. FAFIA endorses the submission of the Working Group and its recommendations. FAFIA submits that removal of the second generation cut-off, the 1985 cut-off, and the instatement of a one parent rule for transmission of status are crucial measures to eliminate discrimination, stop forced assimilation, and ensure the well-being and future of Indigenous women, men and communities in Canada.

## **Recommendations**

- ***Support the Senate amendments to Bill S-2 that will remove the second generation cut-off and the 1985 cut-off, and instate a one-parent rule for transmission of status.***
- ***Implement the recommendations of the Standing Senate Committee on Indigenous Peoples set out in their 2022 report 'Make It Stop! Ending the Remaining Discrimination in Indian Registration.'*<sup>96</sup>**
- ***Fully implement the Human Rights Committee's remedy for the discrimination found in *Mclvor v. Canada*.***

#### **IV. The National Action Plan on Missing and Murdered Indigenous Women and Girls (CCPR/C/CAN/CO/6, para. 9)**

- **International Obligations to End the Crisis of Missing and Murdered Indigenous Women and Girls**

CEDAW conducted the first official inquiry into missing and murdered Indigenous women and girls in Canada. In 2011 FAFIA and the Native Women's Association of Canada requested that the CEDAW Committee launch an inquiry under Article 8 of the Optional Protocol to the Convention. In 2015, the [CEDAW Committee issued its Report](#), finding that Canada's actions, and failures to act to address the crisis of murders and disappearances, are a grave violation of the rights in *CEDAW*. The Committee made 38 recommendations. Canada has not taken co-ordinated, effective action to implement these recommendations. As [Canada's Follow-Up Report](#) to the Committee shows, there have been piecemeal initiatives, and only some of them are directed specifically at Indigenous women.

- **National Inquiry**

In 2016, the Government of Canada [established](#) a National Inquiry into Missing and Murdered Indigenous Women and Girls.<sup>97</sup> The [final National Inquiry Report](#), released in 2019, found that "the violence the National Inquiry heard amounts to a race-based genocide of Indigenous Peoples, including First Nations, Inuit and Metis, which especially targets women, girls, and 2SLGBTQQIA people". Prime Minister Justin Trudeau, in his response to the National Inquiry's report, in June 2019 agreed with the

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<sup>96</sup> Standing Senate Committee on Indigenous Peoples, *Make It Stop! Eliminating the Remaining Discrimination in Indian Registration*, June 2022, online at: [https://sencanada.ca/content/sen/committee/441/APPA/reports/2022-06-27\\_APPA\\_S-3\\_Report\\_e\\_FINAL.pdf](https://sencanada.ca/content/sen/committee/441/APPA/reports/2022-06-27_APPA_S-3_Report_e_FINAL.pdf)

<sup>97</sup> Five commissioners were appointed and Canada allocated \$53.8 million to fund the National Inquiry.

report's findings, including that the violence against Indigenous women and girls is part of a slow-moving genocide against Indigenous peoples.

The [National Inquiry Report called on](#) all governments to "implement all the recommendations of the 2015 CEDAW Inquiry Report and co-operate with the UN Committee on the Elimination of Discrimination against Women on all follow-up procedures" .

In June 2021, the Government of Canada issued a National Action Plan but, as with the implementation of the CEDAW recommendations, although federal, provincial and territorial governments have taken some steps towards addressing these recommendations, their efforts have been piecemeal, and have had little effect for Indigenous women and girls. Five years after they were issued, the [Assembly of First Nations reports](#), only 2 of the 231 Calls for Justice of the National Inquiry have been completed, and work on only [50% has been started](#). [Pauktuutit Inuit Women of Canada says](#) that "the promises made through the National Action Plan...have yet to fully materialize into tangible improvements." Former Commissioners of the National Inquiry say they are still waiting to see action on the Calls for Justice, and do not see "evidence of the political will needed to deliver the "paradigm shift in Canada's relationship with Indigenous women and girls" that they [called for in 2019](#).

So far there is no change in the situation of violence against Indigenous women and girls. While the crisis is better known and understood in Canada than it was a decade ago, Canada's actions do not match its official words of concern.

FAFIA supports and endorses the submissions of the National Family and Survivors Circle.

## **Recommendations**

- ***Review, improve and re-energize the MMIWG National Action Plan: Canada must review the 38 recommendations of the CEDAW Inquiry and the 231 Calls for Justice of the National Inquiry, and, in light of extensive critiques by civil society organizations, update and revise the MMIWG National Action Plan, with a focus on developing co-ordinated actions, detailed plans, clear timelines, and funding commitments.***
- ***Create an independent accountability mechanism as recommended by the National Inquiry, designed and supported by Indigenous women and girls, to monitor the implementation of the Plan and its effectiveness.***
- ***Review the Plan's adequacy in light of Canada's obligations under the Covenant on Civil and Political Rights, as well as CEDAW, CERD and CESC.***

## V. Conclusion

Fifty years after Canada ratified the *International Covenant on Civil and Political Rights*, it is time for Canada to engage, in a concerted and strategic way, with implementation of its human rights obligations to women. Articles 3 and 26 of the *Covenant* provide an overarching guarantee of equality to women. It is time, not for rhetoric, but for wrestling with the realities of inequality, and time for a serious conversation between Canadian governments and Canadian women about mechanisms and measures needed to bring women to equality. In one of the wealthiest countries in the world, in 2026, too many women are living with poverty, insecurity, and violence because Canada is not fulfilling its human rights obligations. There is much more work that Canada must do.