



THE POWER OF WOMEN WORKING TOGETHER
LA PUISSANCE AU FÉMININ: ENSEMBLE POUR RÉUSSIR.

Parallel Report submitted by the Canadian Federation of University Women to the Human Rights Committee on the occasion of Canada's Sixth Periodic Report

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Introduction

1. The Canadian Federation of University Women (CFUW) submits this parallel report to the United Nations (UN) Human Rights Committee (the Committee) in advance of Canada's sixth periodic report at the 114th session of the Committee from 29 June to 24 July 2015. The issues addressed in this report pertain to equality between women and men, particularly equal remuneration for work of equal value, employment equity, access to justice, and the human right to be protected from non-state actor torture.

2. CFUW is a non-partisan, voluntary, self-funded organization with over 100 CFUW Clubs, located in every province across Canada. Since its founding in 1919, CFUW has been working to improve the status of women, and to promote human rights, public education, social justice, and peace. CFUW is the largest affiliate of the International Federation of University Women (IFUW), the leading girls' and women's global organization run by and for women, advocating for women's rights, equality and empowerment through access to quality education and training up to the highest levels. CFUW/FCFDU was granted UN ECOSOC status in 1998.

Non-discrimination, equality between men and women (arts. 2, 3 and 26)

Equal Remuneration for Work of Equal Value

3. In the Committee's list of questions, the State party was asked to report on measures to address equal remuneration for work of equal value, however Canada's report does not provide information on this issue.

4. Equal remuneration for Work of Equal Value in Canada is far from being achieved; women working full time, full year still earn on average 20 percent less than men.¹ The wage gap also differs across the country – women working full-time, full-year in Alberta and Newfoundland and Labrador, for instance, earn 68% of what men earn.² Visible minority and first-generation immigrant women also experience more significant inequities, earning 17 percent less than non-visible minority women, and 15 percent less than non-immigrant women respectively.³ The gap is also more pronounced for Aboriginal women and women with disabilities.⁴

¹ Statistics Canada. (2013). Employment Income Statistics in 2010 (7), Sex (3), Work Activity in 2010 (3), Highest Certificate, Diploma or Degree (6) and Industry - North American Industry Classification System (NAICS) 2007 (104) for the Population Aged 15 Years and Over in Private Households of Canada, Provinces and Territories, 2011 National Household Survey.

² Parkland institute. (2012). Women's equality a Long Way Off in Alberta. Retrieved from: http://parklandinstitute.ca/research/summary/womens_equality_a_long_way_off_in_alberta2

³ Statistics Canada. (2013).

⁴ Government of Ontario. (2015). Ontario Takes Another Step to Close the Gender Wage Gap. *Ministry of Labour*. Retrieved from: <http://news.ontario.ca/mol/en/2015/04/ontario-takes-another-step-to-close-the-gender-wage-gap.html>

5. Canada's federal government has equal pay legislation found in section 11 of the Canadian Human Rights Act (CHRA). However, the CHRA relies on a complaint-based model of pay equity that only applies to public and private sectors under federal jurisdiction, which can lead to both lengthy and costly litigation.⁵

6. In 2009, the Government of Canada introduced new legislation, the Public Sector Equitable Compensation Act,⁶ which the Government of Canada states is intended "to set out a proactive approach to ensure that female-predominant job groups in the federal public sector receive equitable compensation when their wages are set rather than through a separate, complaint-driven pay equity process or through lengthy litigation".⁷ However, this process now denies public sector employees the right to file a human rights claim to the Canadian Human Rights Commission in order to obtain equal pay for equal value, if equal pay is not achieved in collective bargaining. Individual workers are permitted to file a complaint with the Public Service Labour Relations Board, but without their union's support. This law imposes fines on any union that encourages or assists their members in filing a pay equity complaint. It also makes it more difficult to establish that a job group is "female dominant". Previously the threshold for a female dominant group was defined as one with 55 per cent women workers; the new law increases the threshold to 70 per cent.⁸

7. In workplaces outside federal jurisdiction, most of the provinces and territories have developed laws to promote equal pay for work of equal value, but inequities remain across the country. In Ontario, Quebec, Manitoba, New Brunswick, Nova Scotia and Prince Edward Island for instance, there are pro-active pay equity laws, meaning that the legislation puts the onus on an employer to introduce a pay equity program rather than relying on an individual or union to bring cases forward. In Ontario and Quebec this applies to both public and private sector employers, while in the other provinces the legislation only applies to the public sectors. In British Columbia, Alberta, Newfoundland and Labrador, Nunavut and Saskatchewan, there are no pay equity laws.⁹

8. In 2012, an Ontario Divisional Court ruled on a pay equity case involving differential pay progression in comparable jobs for a predominately female clerical unit, versus a predominately male service unit. In this case the predominately female unit would reach the top of the pay scale in three years, whereas the predominately male unit in just one year. In its decision, the court found that the province's Pay Equity Act requires only equality in ultimate outcomes for wage advancements, not in the time it takes to achieve

⁵ Government of Canada (n.d.) Introduction to Pay Equity. Labour Program. Retrieved from:

http://www.labour.gc.ca/eng/standards_equity/eq/pay/intro.shtml

⁶ Government of Canada. (n.d.). Public Sector Equitable Compensation Act (S.C. 2009, c. 2, s. 394). Retrieved from

Justice Laws Website: <http://laws-lois.justice.gc.ca/eng/acts/P-31.65/>

⁷ Treasury Board of Canada. (n.d.). Equitable Compensation. Retrieved from: <http://www.tbs-sct.gc.ca/lrco-rtor/relations/equity-parite-eng.asp>

⁸ Public Service Alliance of Canada. (2013). Pay equity: new law compromises equal pay for women in the federal

public sector. Retrieved from: <http://psacunion.ca/pay-equity-new-law-compromises-equal-pay-women-federal-public-sector>

⁹ Kainer, J. and Warskett, R. (n.d.). Pay Equity Resource Guide: Bibliography with Selected Annotations. *Centre for Research on Work and Society*. Retrieved from: <http://www.yorku.ca/crws/payequity.htm>

them.¹⁰ Given the court's decision, this clearly points to a gap in Ontario's pay equity legislation, leading to sex discrimination.

9. The Government of Ontario is however in the process of developing a new strategy to address the gender pay gap in the province. A steering committee was announced in April 2015, which is expected to make recommendations for the province's new wage gap strategy in 2016.¹¹

10. The federal government also established a Pay Equity Task Force in 2000 to develop recommendations at the federal level. Following years of consultations, the Task Force released its report in 2004, which recommended stand-alone, pro-active pay equity legislation in line with existing laws in some provinces.¹² This recommendation has never been implemented.

Employment Equity

11. While the Canadian Human Rights Act prohibits discrimination on the basis of sex, race, sexual orientation, disability, and other grounds,¹³ and employment equity legislation exists to help achieve equity in the workplace, as mentioned in Canada's sixth report to the Committee (paragraphs 10 through 13), the Canadian labour force still suffers from significant gender occupational segregation, and women remain underrepresented in leadership position, and overly represented in part-time work.¹⁴ Canada's report does not address any of these ongoing issues.

12. For example, women remain underrepresented in occupations in the sciences, technology, engineering, and mathematics representing an average just 22% of professionals in these occupations.¹⁵ Women also remain significantly unrepresented in the skilled trades, accounting for just 14.6% of registrants in apprenticeship programs, and only 2.7% of completed apprenticeships in the five top skilled trades.¹⁶ Industry experts have noted that women in skilled trades and other under-represented industries

¹⁰ Lu, V. (2012). Pay Inequity OK if Top Rates Are Equal, Ontario Court Rules. *The Toronto Star*. Retrieved from: http://www.thestar.com/business/2012/06/12/pay_inequity_ok_if_top_rates_are_equal_ontario_court_rules.html

¹¹ Government of Ontario. (2015). Ontario Takes Another Step to Close the Gender Wage Gap. *Ministry of Labour*. Retrieved from: <http://news.ontario.ca/mol/en/2015/04/ontario-takes-another-step-to-close-the-gender-wage-gap.html>

¹² Pay Equity Task Force. (2004). Pay Equity: A New Approach to a Fundamental Right. *Department of Justice*.

¹³ Canadian Human Rights Act (R.S.C., 1985, c. H-6). Justice Canada. Retrieved from: <http://laws-lois.justice.gc.ca/eng/acts/H-6/>

¹⁴ Government of Canada. (2014). Canada's National Review –Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the Twenty Third Special Session of the General Assembly (2000) in the Context of the Twentieth Anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action. Retrieved from: http://www.unece.org/fileadmin/DAM/Gender/publication/Canada_National_Review_Beijing_20.pdf

¹⁵ McMullen, K., et al (2010). Women in Non-traditional Occupations and Fields of Study. *Statistics Canada*. Retrieved from: <http://www.statcan.gc.ca/pub/81-004-x/2010001/article/11151-eng.htm#note2>

¹⁶ Statistics Canada (2014). *Registered apprenticeship training, completions, by age groups, sex and major trade groups*. Registered Apprenticeship Information System (RAIS). Retrieved from: <http://www5.statcan.gc.ca/cansim/a05?searchTypeByValue=1&lang=eng&id=4770054&pattern=4770054>

do not find workplace cultures inclusive - cited as major barriers are work conditions filled with gender stereotypes, safety and harassment issues, discriminatory hiring practices, lack of opportunities for advancement and work-family balance.¹⁷

13. Women also remain overly represented in part-time jobs, accounting for approximately 70% of part-time workers in the country.¹⁸

14. According to Statistic Canada in 2009, only 31.6% of senior managerial positions across sectors were held by women.¹⁹ In terms of corporate leadership, only 6% of women head up Canada's largest 500 corporations and occupied 14% of board positions.²⁰ Studies have concluded that women often remain at their current level or move to another organization despite their confidence and desire to advance, because they feel that they lack role models, are excluded from informal networks, and do not have sponsors in upper management to create opportunities.²¹ This signifies that there are ongoing issues with Canadian employers' promotion practices.

15. Lack of access to affordable, quality child care and flexible work arrangements can also negatively affect women's employment equity and career progression. Women in Canada are still more likely than men to augment their work arrangements to care for children. For instance, women are almost 6 times more likely to be working part-time as a result of caring for children.²² Among industrialized countries, Canada has one of the lowest child care access rates and invests significantly less in child care. Enrolment of children under age six in childcare, at 40 per cent, also lags behind OECD standards.²³ While 67% of First Nations' communities have licensed early learning and care programs for children under the age of six, only 22% of First Nations children have access to early childhood programs. One-quarter of off-reserve First Nations and Métis women and 38% of Inuit women have also reported "pregnancy/childcare responsibilities" as a reason they did not complete high school.²⁴

¹⁷ McLean, D (2003). Workplaces that Work: Creating A Workplace Culture that Attracts, Retains and Promotes Women. Retrieved from: <http://www.socialservices.gov.sk.ca/workplaces-thatwork.pdf>; Canadian Women's Foundation. (2007). Environmental Scan: An overview of income, labour market, and demographic trends related to women's economic development. Retrieved from:

<http://www.canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20ED%20resource%20-%20EnvironmentalScan-2007.pdf>

¹⁸ Status of Women Canada. (2012). *Women in Canada. Chapter 5 Paid Work*; Statistics Canada, Full and Part Time Work by Age and Sex <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labor12-eng.htm>

¹⁹ Statistics Canada. (2009). Distribution of employment by occupations, 1987, 1999 and 2009. Retrieved from: <http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11387/tbl/tbl012-eng.htm>

²⁰ Catalyst. (2011). Canadian Women in Business Pyramids. Retrieved from:

<http://www.catalyst.org/publication/198/canadian-women-in-business>

²¹ McKinsey & Company. (2009). Women Leaders, a Competitive Edge in and After the Crisis. Retrieved from:

http://www.mckinsey.com/locations/paris/home/womenmatter/pdfs/Women_matter_dec2009_english.pdf

²² Statistics Canada (2014). Labour Force Estimates, part-time employment by reason for part-time work, sex and age group, Table 282-0014

²³ OECD. (n.d.). Better Life Index, Canada. Retrieved from: <http://www.oecdbetterlifeindex.org/countries/canada/>

²⁴ Assembly of First Nations. (2012). 2011 AFN School Survey Results. Retrieved from:

<http://www.afn.ca/uploads/files/events/afn-survey-results.pdf>

16. Much like Canada's pay equity laws, legislation addressing employment equity differs by federal and provincial/territorial jurisdiction and by public and private sectors, resulting in uneven coverage for women and other unrepresented groups.

17. The Canadian Employment Equity Act covers federally-regulated employers, which include: federal government departments, agencies and Crown corporations; chartered banks; airlines; television and radio stations; interprovincial communications and telephone companies; buses and railways that travel between provinces; First Nations; and other federally regulated industries, such as certain mining operations. Employers must submit annual reports about their workplaces, including occupational groups, salary ranges, hiring and terminations.²⁵ In addition, the Government of Canada manages the Federal Contractors Program (FCP), which requires non-federally regulated government contractors to achieve and maintain a workforce that is representative of the Canadian workforce. The program applies to those contractors that have a combined workforce in Canada of 100 or more permanent full-time, permanent part-time and/or temporary employees having worked 12 weeks or more; and received an initial federal government goods and services contract, a standing offer, or a supply arrangement valued at \$1 million or more. Compliance with the FCP is monitored by the Labour Program, and is required to maintain contracts with the government.²⁶ Overall, federal employment equity programs only cover 10% of the Canadian workforce.²⁷

18. All provinces and territories have human rights legislation that prohibit systemic discrimination against designated groups. Under this legislation individuals have the right to litigate cases of discrimination in the workplace. Provincial and territorial human rights legislation also provide for voluntary "special programs" (e.g. employment equity programs) to overcome historic systemic discrimination. However, employers are not required to develop and implement these special programs, but may do so if they wish.²⁸

19. Quebec is the only province with employment equity legislation that covers some of the provincially-regulated employers such as school boards, municipalities, transit authorities, universities and colleges, health and social services, and other "public bodies".²⁹ Québec also has an Affirmative Action Contract Compliance Program, which

²⁵ Government of Canada. (n.d.) Employment Equity. *Labour Program*. Retrieved from: http://www.labour.gc.ca/eng/standards_equality/eq/emp/index.shtml ; Public Service Alliance of Canada. (2013). What Laws Govern Employment Equity? Retrieved from: <http://psacunion.ca/what-laws-govern-employment-equity>

²⁶ Government of Canada. (n.d.) Federal Contractors Program. *Labour Program*. Retrieved from: http://www.labour.gc.ca/eng/standards_equality/eq/emp/fcp/index.shtml

²⁷ Employment and Social Development Canada. (2012). Employment Equity Act Review. Retrieved from: <http://www.esdc.gc.ca/eng/publications/evaluations/labour/2013/june.shtml>

²⁸ Ibid.

²⁹ Government of Quebec. (2015). An Act Respecting Equal Access to Employment in Public Bodies. Retrieved from: http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/A_2_01/A2_01_A.html

has stronger provisions than the FCP, but which has similar objectives.³⁰

20. Even with proactive measures to address employment equity in the private sector within the province of Quebec, the results have been disappointing, especially for racialized workers. Researchers have found ongoing prejudices in human resource management practices, as well as a lack of understanding and commitment to employment equity objectives from business leaders. Stagnated progress has in part been attributed to a lack of oversight and sanctions from government.³¹

21. Most of the other provinces and territories in Canada have employment equity policies that apply to government employment only. Ontario had a short lived Employment Equity Act, which was repealed in 1995. Only one territory, Nunavut, has legislation that governs employment equity through Article 23 of the Nunavut Land Claims Agreement, which requires the Government of Nunavut to increase the representation of Inuit people in government employment and to develop employment and training programs.³²

Access to Justice

22. With the exception of paragraph 107, which mentions the increase in funding for legal aid in Ontario, Canada's report does not address the issue of access to civil legal aid.

23. Access to civil legal aid is important for women who need support in order to deal with separation and divorce, division of assets, child custody, tenancy, social assistance, employment concerns, among other issues.

24. Publicly-funded legal aid programs started in Canada almost 40 years ago. Their purpose was to ensure that everyone, regardless of income level would have access to legal representation when necessary and access to effective remedies - provide the poorest residents with access to a lawyer and the justice system. It was generally recognized that Canada could not claim to be a fair and just society if some of its members were denied an opportunity to seek justice. Today however, the legal aid system in Canada is facing great challenges.

25. The federal government has retreated from being an initial strong supporter and founding partner of legal aid programs to a much more limited role. This retreat has had an immense impact on the availability of legal aid. The renewal of the federal role in funding legal aid and in establishing national legal aid policy is the sine qua non step to

³⁰ Public Service Alliance of Canada. (2013). What Laws Govern Employment Equity? Retrieved from: <http://psacunion.ca/what-laws-govern-employment-equity>

³¹ Chicha, M.T., and Charest, E. (2008). Equal Access Programs in Quebec's Private Sector: A Disappointing Status Quo. *Our Diverse Cities*. Retrieved from: http://www.chereum.umontreal.ca/activites_pdf/Session%201/Chicha_Charest_Equal%20Access%20Employment.pdf

³² Nunavut Tunngavik. (n.d.) Article 23 – Inuit Employment with in Government. Retrieved from: http://nlca.tunngavik.com/?page_id=2301&lang=en

ensure the viability and sustainability of this vital social program. Thirty years ago, legal aid in the province of Manitoba was shared 50-50 between the Provincial and Federal governments. In 2011, the Manitoba Government funded legal aid with a total of \$24,666,304 or 89% of the overall budget, while the Federal government's contribution was \$132,130 or barely .5%.³³

26. The Court Challenges Program, introduced in Canada in 1978 to support legal challenges related to language rights in Canada, was expanded in 1985 after the equality sections of the Canadian Charter of Rights and Freedoms became law. It was an important source of financial support for women and other groups facing discrimination seeking to challenge the Government of Canada if they felt their rights had been denied. In 2006 the Government of Canada announced that it would no longer provide financial support for Charter Challenges pertaining to equality rights.³⁴

Protection against Torture (Art. 7)

27. Canada's sixth report to the CCPR does not address the issue of torture in the private sphere by non-State actors.³⁵

28. The 1993 report of the Canadian Panel on Violence Against Women first established that women are being tortured in the private sphere by non-State actors.³⁶ The Canadian Centre for Child Protection also published a study revealing website images involving dehumanizing acts of (a) torture, bestiality and bondage, (b) necrophilia, degradation, children being urinated and defecated on, (c) weapons being used, and (d) children forced to inflict sexualized harms against each other. Most of the victimization images were of children under eight years of age; 83% of the images were of girls. Previously in 2006, an RCMP officer noted that approximately 20% of the pedophilic sexualized violent images involved torture and that there was a demand for pedophilic torture images in Canada.³⁷ And just in April of this year, the Canadian Centre for Child Protection in a media conversation stated of the 15,000 images of crime scene child pornography, newborns and children up to age eight accounted for

³³ Legal Aid Manitoba. (2012). Annual Report 2011-2012. Retrieved from:

http://www.legalaid.mb.ca/pdf/2012_annual_report.pdf

³⁴ Redford, V. (2011). The Precarious Future of Women's Equality in Canada: Access to Justice and the Court Challenges Program. *Journal of Public Policy, Administration and Law*, Vol. 2, retrieved from:

<http://jppal.journals.yorku.ca/index.php/jppal/article/viewFile/34374/31271>

³⁵ More detailed information on Canada's failure to fully implement human rights instruments related to non-State actor torture can be found in the Canadian Federation of University Women's parallel report to the United Nations Committee against Torture, on the occasion of Canada's sixth periodic report:

http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CAN/INT_CAT_NGO_CAN_48_8243_E.pdf

³⁶ Canadian Panel on Violence Against Women. (1993). *Changing the landscape: Ending violence ~ Achieving equality Executive summary/national action plan* (Cat. No. SW45-1/1993E) p. 5. Ottawa: Minister of Supply and Services Canada.

³⁷ Caswell, J., Keller, W., & Murphy, S. (Producers). (2006, July 26). Supervisor of RCMP child exploitation unit, Ottawa, Earla-Kim McColl speaking about child pornography [Television broadcast]. Atlantic Canada: CTV News.

half of images with 73 percent depicting sexualized “torture” and “bondage”. Family and friends were identified as the overwhelming perpetrators.³⁸

29. Protection from torture is considered a non-degradable human right of all human beings irrespective of who the torturer is/was, or where these acts are/were inflicted. The Concluding Observations of the 48th sessions of the Committee against Torture delivered to Canada acknowledged that torture inflicted against women and children by non-state actors is under the mandate of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

30. Even though the Government of Canada acknowledged the occurrence of non-state actor torture to the CEDAW Committee in 2008,³⁹ and was urged in the Concluding Observations of the 48th sessions of the Committee against Torture -to incorporate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment fully into Canadian national law, Canada has failed to take effective action to remedy this human rights violation, which amounts to acquiescence and a failure to meet its human rights obligations and commitments.

31. Furthermore, such a position ignores the Human Rights Council resolution 8/8 on the CAT which recalls that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances and calls for States parties and the Special Rapporteur to integrate a gender perspective into their work with attention given to violence against women that manifest as torture.⁴⁰

32. Recalling further that General Assembly resolution 65/205, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, called upon all States to adopt a gender-sensitive framework in relation to the Convention, that all acts of torture be specifically criminalized “under domestic law”, and encouraged the Special Rapporteur to include in reports information about children and gender-based manifestations of torture when recommending proposals on prevention and investigation.⁴¹

33. Referring also to the Agreed conclusions on the elimination of all forms of discrimination and violence against the girl child of the 51st Session of the Commission on the Status of Women that recognized and condemned torture of the girl child by non-State and State actors.⁴²

34. Noting that CFUW has had the support of other NGOs in its efforts to gain the human right equality of women and girls not to be subjected to torture by non-State

³⁸ Cribb, R. (2015, April 26). Inside Canada’s saddest room – working to curb the trade in child porn. <http://www.thestar.com/news/insight/2015/04/26/inside-canadas-saddest-room-working-to-curb-the-trade-in-child-porn.html>

³⁹ CEDAW/C/SR.855 (A), para. 46.

⁴⁰ A/HRC/8/52, pp. 32-36.

⁴¹ A/RES/65/205.

⁴² E/2007/27-E/CN.6/2007/9

actors in its oral statement to the 20th Session of the Human Rights Council,⁴³ and in its written statement to the Commission on the Status of Women emphasizing that naming, defining, and specifically criminalizing non-State torture alerts everyone—the criminal justice system and police, support and educational services, perpetrators, victims, and the public—of the specific gravity of non-State torture as a specific human right violation to women’s and girls’ equality.⁴⁴

35. Noting further that during the Geneva NGO Forum – Beijing+20 UN ECE Regional Review held in November, 2014, a Declaration and Recommendations report stated there was the necessity to “ensure national laws criminalize non-State torture perpetrated by non-State actors and hold perpetrators accountable for gender-based non-State torture crimes”.⁴⁵

36. Section 269.1 on torture in the *Criminal Code of Canada* remains discriminatory as it only permits persons who have endured torture inflicted by State actors to name the torture they suffered as a crime in Canadian courts. Therefore, persons—women and girls—who have endured the same or similar acts of torture in the private sphere cannot seek equal access to justice before the courts.

37. Since torture by non-state actors or private individuals is not criminalized as a specific offence, no reliable data on its occurrence exists in Canada. Statistics Canada has confirmed that data on non-state actor torture is not collected through any existing data collection tools, such as the Uniform Crime Reporting (UCR) Survey,⁴⁶ or the General Survey (GSS) on victimization. Without such data it creates the illusion that the violation of torture by non-State actors does not exist, which further nurtures serious and ongoing gaps within the judiciary, social services, and civil society. Invisibility also prohibits the development of informed educative, protective, investigative, legal, reparative, supportive, and rehabilitative interventions for victims of torture in the private sphere.

38. Canadian courts have jurisdiction to determine if laws and practices violate human rights. According to Gabriela Knaul, the Special Rapporteur on the independence of judges and lawyers, this is true; there is indeed judicial responsibility to point out legal inequalities and gaps.⁴⁷ Recently in the province of Nova Scotia, a judge stated that a youth victim had suffered acts of torture by non-state actors, acts that the judge differentiated from and identified were beyond the crimes of abuse or assault.⁴⁸ Although the judge’s statements identified a legal gap, it ultimately remains the

⁴³ This oral statement was delivered by the International Federation of University Women (IFUW) for CFUW <http://www.unmultimedia.org/tv/webcast/2012/06/ifuw-clustered-id-on-discrimination-and-migrants-contd-11th-meeting.html>

⁴⁴ E/CN.6/2013/NGO/10.

⁴⁵ <http://beijing20.ngocsw-geneva.ch/wordpress/wp-content/uploads/2015/03/Geneva-NGO-Forum-Beijing-20-Outcome-document.pdf> (p. 5).

⁴⁶ Since 1962, Statistics Canada has conducted the Uniform Crime Reporting (UCR) Survey, which collects data on all criminal incidents reported to, and substantiated by, Canadian police services.

⁴⁷ A/66/289.

⁴⁸ *R. v. C.S.*, 2012, p. 2

responsibility of the Government of Canada to amend the *Criminal Code of Canada* so that the perpetrators of non-state torture can be held criminally responsible for the acts of torture they inflict.

Recommended Concluding Observations

39. CFUW suggests that the Committee deliver to following recommendations in its Concluding Observations to Canada:

Strengthen measures to ensure equal pay for work of equal value, including through proactive pay equality legislation across jurisdictions and sectors that maintains workers' right to make file complaints with the Canadian Human Rights Commission;

Strengthen measures to ensure employment equity in hiring and promotion practices, including through proactive legislation across jurisdictions and sectors and provide for increased oversight;

Develop a strategy to recruit and retain more women in under-represented fields, by inter alia addressing the barriers they face, such as discrimination in the workplace, lack of flexible working arrangements, and sexual harassment;

Develop a national early learning and child care strategy;

Revitalize commitment to legal aid, recognizing that legal aid is an essential public service necessary to ensure access to justice for women and uphold their rights to equal benefit of the law;

Reinstitute the Court Challenges Program so that Canadians are not denied the ability, due to finances, to ensure their rights are being upheld under Canada's Charter of Rights and Freedoms; and

Abide by Article 7 of the Convention by amending the *Criminal Code of Canada* to include torture by non-state actors as a specific and distinct criminal offence.