

**Caryn Duncan's Report to the BCHC Steering Committee &  
the Women's Working Group of the BCHC &  
the VWHC Steering Committee  
CEDAW-FAFIA Meeting in Ottawa  
June 15 & 16, 2003**

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Twenty-four women from across the country attended the two-day meeting organized by FAFIA (Feminist Alliance for International Action) to discuss the UN CEDAW report and strategize around further action relating to the report by the UN Committee/Convention to Eliminate Discrimination Against Women.

The BCHC/VWHC were the only health organizations represented at the meeting. Many of the women in attendance were lawyers or academics. BC was represented by Caryn Duncan, Suzanne Jay (Vancouver Rape Relief) and Jackie Ackerly (Together Against Poverty), Shelagh Day (FAFIA) and Sharon McIvor (Aboriginal lawyer and academic/activist).

Other organizations/representatives included: NAC (Ottawa); Native Women's Association (Ottawa); Political Science Professor, York University (Toronto); Sociology Professor, St. Mary's University (Halifax); National Association of Women and the Law (Ottawa); Lawyer (Toronto); Childcare Coalition (Toronto); Metro Toronto Chinese & Southeast Asian Legal Clinic; Antigonish Women's Resource Centre; Canadian Research Institute for the Advancement of Women (Saskatoon); DAWN Canada (Ottawa); International Women's Rights Project, York University (Toronto); African-Canadian Legal Clinic (Toronto); Quebec Network of Women's Shelters (Montreal); FAFIA Steering Committee member (Montreal); South Ottawa Community Legal Services; INTERCEDE; and Womenspace an Ottawa Internet Technology Organization.

Sunday, June 15, 2003

In the morning, we shared information regarding the work we are doing on women's issues particularly relating to government cuts to women's programming and services and the general state of affairs for women across the country.

- We reviewed the BC CEDAW report and FAFIA report as well as the work we are doing to raise the profile of the UN's CEDAW report in our regions.
- BC is way ahead of the other provinces in terms of breadth of involvement of community organizations, coalitions, and individuals, media work to date including press conferences and media interviews, campaigns i.e. letter writing to MLAs, BC Cabinet Ministers, MPs, Senators, etc. and meetings with politicians.

- FAFIA will be instrumental in ensuring that other provinces begin the work that we are doing in BC on the CEDAW report. FAFIA recently received Status of Women Canada funding and has hired a part-time staff person. This will enable FAFIA to do more work on CEDAW. Quebec is interested though there was some concern expressed as to how Quebec women will view the UN CEDAW report. Women from Toronto/Ontario expressed the need to get the ball rolling there.

In the afternoon, we discussed how we can get the Canadian government to move on the UN CEDAW recommendations. Historically, the Canadian government has ratified treaties but does not have a legislative structure in place to ensure compliance with the terms of the treaties. Unlike trade agreements where there is domestic legislation to enforce treaties as well as the WTO.

We discussed:

- executive federalism and federal-provincial relations i.e. obstacles to creating a political space for women's equality concerns, challenges for women seeking interaction with governments;
- models for federal government response to CEDAW recommendations i.e. cross departmental task force, royal commission, women's issues parliamentary committee; and
- models for federal/provincial/territorial response to CEDAW recommendations i.e. intergovernmental tables, ministerial council on social policy. (The federal government has the primary role in ensuring treaty compliance including provincial/territorial compliance. Quebec's distinct relationship and status in Canada was noted.)

We developed the following CEDAW follow-up process and presented this demand on June 16 to government representatives and the Secretary of State for the Status of Women.

**FAFIA-CEDAW Demands to ensure Canada's compliance with the CEDAW recommendations:**

- Establish a cabinet mandated process that is cross-departmental to develop an action plan to implement the recommendations of CEDAW and other UN reports.
- NGO participation must be ensured.

- Timelines - The process must be in place by January 1, 2004 (one-year anniversary of UN CEDAW report). The action plan to implement CEDAW recommendations must be completed and tabled in the House of Commons by January 1, 2005.
- Federal government funding - The federal government must allocate funding for CEDAW follow-up at both the national and provincial/territorial levels of government. Public education regarding CEDAW must start immediately. As well, NGOs must be assured of funding to ensure their participation in the process. NGOs also want funds to carry out research and consultations on compliance with CEDAW and the establishment of permanent mechanisms to ensure compliance i.e. parliamentary committee.
- A public forum on women's issues.

Monday, June 16, 2003

In the morning, we met with about 20-24 representatives from various government departments including Citizenship and Immigration Canada, Health Canada, Indian and Northern Affairs, Status of Women, Justice, Privy Council Office, Human Rights, Humanitarian Affairs and International Women's Equality Directorate, Human Resources Development Canada, and Heritage Canada. They shared the actions their departments are taking to address women's equality issues. For the most part this involves gender-based analysis, establishing indicators/measures, and measuring departmental performance. They were presented with the demand outlined above. Their role, as they stated it, was to listen and report to their superiors including Assistant Deputy Ministers. The session with civil servants was frustrating though informative. It appears the CEDAW report is not being acted on in any meaningful way by government ministries.

In the afternoon, we met with Jean Augustine the Secretary of State for the Status of Women (under Heritage Canada, Shelia Copps' Ministry). Jean Augustine was open to our demands: she committed to talking to federal Ministers about the CEDAW recommendations; she spoke in favour of regional consultations with women across the country; and she will investigate how to put CEDAW on the agenda for the upcoming fall national meeting of "ministers" responsible for the status of women in each province/territory in order to brief her counter-parts about the CEDAW recommendations

**FAFIA-CEDAW future course of action:**

- **Send a letter to Jean Augustine outlining our demands / her immediate commitments to us**
- **Send a letter to all the civil servants we met with outlining our demands**
- **Must meet with higher federal level civil servants – ADMs**
- **Meet with the Federal All-Party Women's Committee**
- **Get CEDAW on the NDP's agenda**
- **Develop an e-strategy to CEDAWify political departments**
- **Organize/mobilize women and women's organizations across the country to strategize/develop actions around the UN CEDAW report**
- **Focus on the upcoming federal election and leadership race**
- **Meet with leadership candidates (Sheila Copps is crucial as Heritage Minister (SWC) and leadership candidate who has expressed more progressive/liberal political views)**

July 16, 2003

The Honourable Jean Augustine  
Minister Responsible for the Status of Women

Dear Ms. Augustine,

Thank you for meeting with representatives of the Feminist Alliance for International Action and the participants in the CEDAW Follow-Up Meeting on June 16, 2003. We appreciate Status of Women Canada's providing funds to make the CEDAW Follow-up Meeting possible. The Meeting provided an important opportunity for representatives of major women's organizations, and experts on issues of concern to women, to meet and discuss Canada's compliance with its international human rights obligations to women. We are grateful for SWC's financial support. Most of all, we appreciate your personal interest and support for our efforts to ensure that the 2003 recommendations of the United Nations CEDAW Committee are implemented by the Government of Canada.

The participants at the CEDAW Follow-Up Meeting agreed on elements of a process to implement the CEDAW Committee recommendations. We outlined these elements for you at our meeting, but we also agreed to facilitate further discussion by putting our plan in writing. To effectively implement the CEDAW Committee recommendations, we believe the following process, with five elements, is required:

- 1) The establishment of a Cabinet-authorized cross-departmental process leading to an action plan for implementing the 2003 CEDAW Committee recommendations, (as well as the related recommendations of CESCR 1998, the Human Rights Committee 1999 and CERD 2002) with three components:

- a mandate to implement the recommendations that fall directly within federal jurisdiction;
- a mandate to assume the leadership role which the treaty bodies expect the federal government to play with the provinces and territories, and, to that end, to use all available levers including communication, promotion, training, monetary incentives, and the creation of new collaborative mechanisms, to ensure that provinces and territories comply with their international human rights commitments to women;
- a mandate to address intergovernmental agreements and fiscal arrangements which can determine whether CEDAW standards are met and to incorporate human rights standards into the design of these agreements and fiscal arrangements.

*Rationale:* The federal government has three key roles to play with respect to Canada's compliance with international treaty obligations: 1) using its direct authority within federal jurisdiction to ensure that policies and programs meet international rights standards; 2) taking political leadership with the provinces and territories to foster provincial and territorial compliance; and 3) using negotiating authority and the federal spending power at intergovernmental tables as a means of ensuring that there is Canada-wide compliance with international human rights commitments to women's equality.

Canada has procedures in place for dealing with ratification of treaties and for reporting to United Nations treaty bodies. However, procedures for responding to treaty body findings and recommendations remain undeveloped. The regular reviews by treaty bodies of Canada's compliance with its human rights obligations should provide an opportunity for an accountable and transparent review of Canada's performance and for necessary changes to be made. The cross-departmental process outlined here will permit this.

2) The use of an analytical framework for designing the appropriate means of implementing the 2003 CEDAW (and related) recommendations which takes into account the intersection of sex discrimination with discrimination

based on other grounds including race, language, ethnicity, culture, religion, disability, sexual orientation and socio-economic class.

*Rationale:* It is essential to be sure that measures taken to remedy discrimination or inequality will benefit all women, and take into account the ways in which different groups of women can be adversely affected by a policy or program because of their social location and the forms of discrimination that they encounter.

3) The inclusion of women's non-governmental organizations, and experts designated by these organizations, as partners in the development of the action plan to implement the 2003 CEDAW (and related) recommendations. FAFIA has agreed to take the lead in organizing this participation.

*Rationale:* There are two reasons for establishing this process as a government-NGO partnership: 1) women's non-governmental organizations have substantial expertise to offer; the action plan will be a more effective one, more accurately tailored to deal with the identified inequalities if they are involved; 2) women have a recognized right to participate in decision-making that affects them. This right was acknowledged by Canada when it agreed to the Beijing Platform for Action.

4) An established time frame for the process;

- The process, developed further through discussions between representatives of the Government of Canada and representatives of FAFIA, should be in place by **January 31, 2004** - one year from the date when the United Nations Committee on the Elimination of Discrimination against Women adopted its Concluding Comments;
- The action plan, developed through the joint process, should be completed and tabled in the House of Commons no later than **January 31, 2005** so that it can be reviewed by Parliament.

*Rationale:* An elaborated time frame is necessary to ensure that steps are taken, response is reviewed publicly, and progress is made before Canada provides its next report to the CEDAW Committee.

5) Adequate funding be provided to support the process and the implementation of the CEDAW 2003 (and related) recommendations. This funding should include:

- Funds set aside in the current federal budget and the next federal budget for the implementation of the CEDAW 2003 (and related) recommendations, such as the provision of adequate civil legal aid and anti-poverty strategies directed to women, including funds to be transferred to the provinces and territories and designated for this purpose;
- Funding to support the participation of women's non-governmental organization representatives and designated experts in the development of the process, the plan of action, and the monitoring of implementation;
- Funding (beginning immediately) to support research on the part of women's non-governmental organizations to identify permanent mechanisms (existing or new) for monitoring Canada's compliance with its international human rights commitment to women. Such permanent mechanisms may include: a Parliamentary Committee on Women's Issues; regular human rights audits by the Canadian Human Rights Commission; enactment of legislation to transform treaties into domestic law; federal/provincial/territorial agreements, such as the Social Union Framework Agreement;
- Funding (beginning immediately) for public education regarding Canada's international human rights treaty commitments, and dissemination of the CEDAW 2003 (and related) findings.

*Rationale:* While implementing some of the CEDAW 2003 (and related) recommendations will not have cost implications, others will.

Responsiveness to the Committee's findings requires appropriate financial allocations. Additionally, genuine participation by women's non-governmental organizations in the development of an immediate action plan and in the development of longer term, permanent mechanisms for ensuring and monitoring compliance with Canada's treaty obligations requires financial support for research, administration and organization, travel and other related costs. Finally, though Canada provides funds to other countries



for training and public education regarding CEDAW obligations, it has not provided funding for such initiatives at home, though they are clearly needed.

We were encouraged by your response at our June 16 meeting that this is a reasonable plan for implementation of the 2003 CEDAW recommendations. We look forward to further discussions with you and to working with you on an on-going basis to ensure that Canada complies with its human rights obligations to women.

We also asked on June 16 for your assistance in making it possible for us to brief the Ministers Responsible for the Status of Women regarding the CEDAW recommendations and our plan for working with governments to ensure that there is an appropriate response to them. We believe that this meeting falls in September, and would appreciate any advice you can offer about what further steps we should take to ensure that we can appear.

Again we thank you for your assistance and support.

Yours sincerely,

Shelagh Day  
for the Interim Steering Committee of FAFIA  
and the FAFIA Ad Hoc Working Group on CEDAW Follow-Up



IT'S OUR TIME TO SHINE

445680

JUN 30 2003

Ms. Faye Blaney and Co-signers  
 The British Columbia Convention on the  
 Elimination of All Forms of Discrimination  
 Against Women (BC CEDAW) Group  
 225-3495 Cambie St  
 Vancouver BC V5Z 4R3

Dear Ms. Blaney and Co-signers:

Thank you for your letter of April 9, 2003, regarding the United Nations Committee's Concluding Comments on Canada's Fifth Report to the United Nations on implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Our province remains committed to providing appropriate accessible health care to women in British Columbia (BC).

This commitment is embedded in the three goals of the Ministries of Health regarding health care in BC:

1. High Quality Patient-Centred Care;
2. Improved Health and Wellness for British Columbians; and,
3. A Sustainable, Affordable Public Health System.

In your letter you outline concerns regarding the impact of health care restructuring on women. I would like to take this opportunity to share with you the rationale behind some of these changes.

Medical Services Plan (MSP) premium increases and Fair PharmaCare were two initiatives that were implemented in order to ensure that the health care system is sustainable at the same time as ensuring that cost increases are fair to those with the least financial resources. The context for this decision is one of decreased financial resources and increased demand for health care, new technologies and prescription drugs. The new Fair PharmaCare program helps BC residents pay for their prescription drugs, based on their family's net income. Under the old approach, many British Columbians with lower incomes paid a higher portion of their prescription drug costs than those with higher incomes. Under Fair PharmaCare, British Columbians with the lowest incomes will receive immediate financial assistance, with no deductible. Similarly, the MSP payment for 230,000 British Columbians with the lowest incomes went down or was completely eliminated.

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Ministry of  
 Health Services

Office of the Minister

Mailing Address:  
 PO Box 9060 Stn Prov Govt  
 Victoria BC V8W 0E2

Location:  
 Parliament Buildings  
 Victoria

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The Ministry of Health Services is working with British Columbia's health authorities and BC Housing to address the ongoing care needs of seniors and people with disabilities. Historically, the public home and community care system has offered only home care or facility living. The new Home and Community Care plan focuses on expanding homecare, increasing the number of beds and providing a new option for care, *Assisted Living*. Assisted living bridges the gap between home care and facility care. The *Independent Living BC program*, a program facilitated by BC Housing, in partnership with the regional health authorities, Canada Mortgage and Housing Corporation, and the private and non profit sectors, is working to create 3,500 assisted living units in the province. Independent Living BC units will be subsidized and rent and support services will be based on tenants' annual income. Independent living is a new housing for health option that encompasses two types of housing: independent housing with some support services, and assisted living for those who requiring a greater level of care.

In terms of hospital closures, in the two communities in which this occurred, Kimberly and Enderby, maternity care was not disrupted. Regional health authorities are consolidating acute care services and creating inter-linked systems of small community hospitals or treatment centres for basic emergency services, larger community hospitals and regional referral centres. In some cases, small community health centres or diagnostic and treatment centres provide emergency services for all or part of each day. These changes have been made in order to ensure long-term sustainability of the health care system.

In 2002/03, the health care budget was increased by almost \$1.1 billion, and 64 percent of this was allocated to compensation increases. Health system redesign, including consolidation of administration and services, better management of chronic diseases, outsourcing, and partnering with the private sector are strategies that are being utilized in order to make the health care system sustainable and to continue delivering high quality care to patients.

Despite the significant changes in the BC health care system, women's health is and will continue to be recognized as an important issue. In this regard, my colleague, the Honourable Sindi Hawkins, Minister of Health Planning, is working with the Office of the Special Advisor, Women's and Seniors' Health (the Office), to protect and advance women's health care within the context of systemic change. The Office is in the process of developing a provincial women's health strategy in partnership with the BC Women's Hospital and Health Centre and the BC Centre of Excellence for Women's Health. These three partners are working to ensure that the health care system recognizes and responds to sex and gender differences. This strategy will be published in the summer of 2003.

Related to this initiative is a partnership project of the Office and the Vancouver Coastal Health Authority to increase the capacity of health authorities through the delivery of skills-based training in gender analysis. Training will be taking place later this fiscal year.

Finally, a women's health network comprised of health authority representatives is being formed to provide a conduit for women's voices into the health authorities. This network is still in the early formative stages.

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With respect to reproductive choice, the BC government has committed to "Protect current funding and existing levels of access to abortion services throughout the province, as a matter of confidence in government" (*BC Liberals: A New Era for British Columbia*). Funding to freestanding abortion clinics has been maintained. The established "bubble zones" around freestanding abortion clinics have also been maintained.

As with all government policies and programs, recent changes will be part of government's ongoing review and evaluation process to ensure we are meeting our goals and performance objectives.

I thank you for taking the time to share your concerns with me.

Sincerely,



Colin Hansen  
Minister

pc: Honourable Gordon Campbell  
Premier of British Columbia

The Honourable A. Anne McLellan  
Minister of Health

Honourable George Abbott  
Minister of Community, Aboriginal  
and Women's Services

Honourable Sindi Hawkins  
Minister of Health Planning

Honourable Geoff Plant  
Attorney General and  
Minister Responsible for Treaty Negotiations

Honourable Lynn Stephens  
Minister of State for Women's Equality

Ms. Tessa Graham  
Director and Special Advisor  
Office of the Special Advisor  
for Women's and Seniors' Health