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Caitlin Williams

INTRODUCTION

Since the creation of a treaty on the human rights of the child in 1989, the United Nations has sought to create a treaty on the human rights of women. Women globally have struggled to be treated equally both in de facto and de jure ways. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was created to help states reach gender equality in the economic, safety, workplace, social, and political spheres. The document was instituted on September 3, 1981 by the United Nations General Assembly (United Nations Human Rights Office of the High Commissioner). The document was a result of decades of work, the United Nations Commission on the Status of Women beginning research on women's rights as human rights in 1946 (ibid.). It has brought together rights established in the Convention on the Political Rights of Women in 1952 and in the Convention on the Nationality of Married Women in 1957 (ibid.). The document aimed to address women's rights in all spheres, specifically: civil rights issues; pregnancy and sexual rights; and cultural equality which includes removing stereotypes, customs, and norms that constrain the advancement of women.

CEDAW is made up of six parts, with thirty articles total, covering the de facto and de jure issues aforementioned (ibid.). The document has been ratified by all United Nations states except for Iran, Palau, Somalia, Sudan, Tonga, the United States, and the Holy See. States typically have to submit formal reports every four years to the CEDAW Committee on their progress in implementing CEDAW. Eight states are invited to deliver their reports to the Committee each session meeting and receive both oral and written responses to their reports from the Committee, and each state report filed receives a written response. The Committee is made up of twenty-three experts in women's issues, and elections for those twenty-three positions are held by secret ballots by ratifying states. When the Committee is replying to a report and determines that they need to add another issue to the original treaty, they can add a General Recommendation to a list at the end of the treaty, similar to amendments to a state constitution.

In 2000, the United Nations adopted an Optional Protocol Committee body to operate adjacent to the CEDAW Committee. The Optional Protocol Committee is a complaint and inquiry procedure where complainants, which can be NGOs, an individual, or a group who have exhausted all domestic remedies can bring a grievance to the Committee against a state in hopes that the Optional Protocol Committee makes recommendations to the state to give that complainant reparations and make policy changes. So far, there have been eleven complaints against seven states considered. The decisions made by the Optional Protocol Committee are not legally binding recommendations (United Nations Human Rights Office of the High Commissioner).

International treaties and agreements like CEDAW are the subject of a large body of scholarly research on the relevance of these conventions to the behavior of states. A subsection of that research focuses on the language of treaties and how they affect implementation of the goals within the treaties. This paper examines the language of CEDAW and assesses how its broadness has effected gender equality implementation in Canada since their ratification in 1981. The scholarly literature on the language of CEDAW is divided between scholars who argue the language is either too broad and leaves the document up to interpretation by the ratifying states or that the broad language understands intersectionality (the combination of oppressions- race, gender, income, education, disability etc.) and allows for the inclusion of all types of women. This study builds on the research into the language of CEDAW by analyzing cases of murder of aboriginal women, poverty of single mothers, and the general feminization of poverty in Canada and how CEDAW has impacted the way Canada has addressed these issues. This study finds that in all three cases the broad language of CEDAW has been inadequate to addressing women's needs in Canada. In fact, it has allowed the Canadian government to avoid its treaty obligations to women while claiming compliance without actually doing anything.

LITERATURE REVIEW

CEDAW is a major component of the human rights and women's movement. It seeks to educate countries about goals and resources to end gender discrimination, features a committee that provides recommendations to each of the signers, and provides legal outlets for individuals who want to file a discrimination case against their country. Scholars have long sought to explain the benefits and/or drawbacks of CEDAW on gender equality. Some submit the treaty is too broad to make much positive and substantial impact, while others argue the broadness is a strength of CEDAW and expands women's legal rights, protects women like never before in the private sphere, and extends rights to women in other areas.

LEFT TO INTERPRETATION: TOO BROAD GUIDELINES

The first examination of the effects of CEDAW shows its guidelines are too broad and left open to interpretation by each state ratifier. Bhattacharya analyzed each of the Optional Protocol Committee's decisions since the writing of his review in 2009 (p. 471). Ten cases have been brought by individual women against a state party with decisions outlining state obligations to women and if there were any violations of the treaty. Specifically, Bhattacharya analyzed the substance of their decisions in interpreting the healthcare provision in Article 12 of CEDAW. The first part of the provision includes formal equality that seeks to ensure men and women have the same health rights and care. The second provision directly pertains to women and pregnancy services as a right (*ibid.*, p. 472). In both provisions, Bhattacharya argues the wording is broad and allows for subjective interpretation by the legal committee. Some examples he gives include: socioeconomic status and ability to pay for services, needing spousal consent to seek health care; the right to see a female physician; if abortion is a service connected with pregnancy; and whether emergency contraception, like Plan B, is part of family planning (*ibid.*, p. 472).

Bhattacharya examines the Optional Protocol Committee divorce cases in his 2013 work. To use one case as an example, in *B.J. v Germany* the claimant asserted that the laws or

governmental consequences of getting a divorce, like equalizing pensions and spousal pay, were discriminating against women who worked in the home and were not in the paid workforce (p. 23). The Committee failed for two years to make any decision for the claimant and finally found that since her ex-husband refused to pay the spousal support payments of DM 973 per month, she would be awarded DM 280 per month. According to Bhattacharya, the CEDAW Committee failed to understand their decision and the lengthy process may have caused irreparable harm due to the fact she was a housewife for 33 years and out of her original profession of nursing for quite some time (ibid., pp. 23-24). It would be discriminatory to expect her to be able to find a reasonable source of income, and her work as a housewife was disregarded. Bhattacharya also found that in half of the ten cases the Committee did not review relevant facts to the case and interpreted CEDAW in favor of the state party because the claimant did not bring a claim that was specifically enumerated in the Articles of CEDAW, which he finds to be a major failure of CEDAW to improve gender disparities (ibid., p. 23).

Cusack and Pusey, employees of the Australian Human Rights Commission, argue similarly to Bhattacharya that the Optional Protocol Committee is too conservative in granting reparations to claimants due to the ability of state parties to interpret the guidelines broadly (and, therefore, be protected from legal ramifications) (2013, p. 56). They argue the Committee has improved gender equality by favoring claimants in reproductive health or violence cases but have been far too restrictive in non-discrimination and equality cases involving social, political, or economic issues (ibid., p. 56). In *LC v Peru*, the Committee found in favor for LC because therapeutic abortions are a right. LC was an 11-year-old who was raped by a man over a period of two years (ibid., p. 70). At 13, she became pregnant from the abuse and attempted suicide by jumping off of a rooftop, sustaining spinal injuries. At the hospital, doctors refused surgery upon learning of her pregnancy and would not perform an abortion, despite Peru's federal law allowing abortion at the risk of health or life of the mother. LC miscarried a few days later and had severe paralysis from the neck down (ibid. p. 70). This was an instance, like most health or violence cases they reviewed, that shows how the Optional Protocol Committee can hold a party accountable for actions violating CEDAW. Their decision ruled Peru must amend its laws to allow women to obtain an abortion in cases of rape or danger to the women's life (ibid., p. 70).

Cusack and Pusey find social, political, and economic grievances are rarely upheld by the Committee. They argue that:

The low success rate in communications concerning civil, political, or economic matters is due in part to the Committee's more conservative application of the rights to nondiscrimination and equality to women's individual situations and/or differences of opinion amongst its members about the proper application of those rights to the particular facts. (pp. 77-78)

Their article is compelling and persuasive in arguing that the Optional Protocol Committee has difficulty being consistent in their decisions of discrimination cases because they are given such latitude in making their decisions due to the vague language of

CEDAW. They go into very specific detail in each of their examples on how confusing and varying decision-making could be in the legal process.

Professor McQuigg from Queen's University at Belfast takes a different approach in explaining why CEDAW's broadness limits gender equality improvements. McQuigg studied the responses of 11 Western European states and how the broad comments of the Committee allow them to comply with only some of their recommendations on domestic violence (2007, p. 461). To explain, McQuigg is examining the Concluding Observations that the CEDAW Committee makes on reports made by states on their progress in gender policy and de facto gender issues and how states implement the recommendations made in the Concluding Observations. McQuigg looks at the implementation by Luxembourg, Sweden, the Netherlands, Denmark, Norway, Finland, Germany, Belgium, Spain, Ireland, and Italy (*ibid.*, p. 462). Luxembourg is a prime example of recommendations turning into actual progress. They found that Luxembourg, Sweden, and the Netherlands are also excellent examples of how states implement stringent policies after recommendations. Despite the positive examples, the other eight countries did not implement what was recommended by the Committee. For example, in 1997 and 2005, the Committee recommended, rather strongly, that Italy needed to raise awareness for domestic violence and "implement laws on domestic violence, provide shelters, protection and counselling services to victims, punish and rehabilitate offenders, and implement training and awareness-raising for public officials, the judiciary and members of the public" (*ibid.*, p. 472). McQuigg and the Committee found Italy actually worsened at handling domestic violence between 1997 and 2005 (*ibid.*, p. 472). McQuigg's examination of the broadness of observations and how states can avoid proper implementation shows a both positive and negative side. Positive changes were enacted after the Concluding Observations by most states, including 100 percent success by three of the states, and pick-and-choose implementation by seven of the states, which included some positive changes, some avoidance, and in the case of Italy, some negative changes to domestic violence.

STRENGTH OF BROAD GUIDELINES

Still other scholars find the broad guidelines are a strength of CEDAW, one intended to include all intersections of women. Dr. Baldez from Dartmouth College argues strict measurements of women's needs are not as inclusive and empowering as broad methods used by CEDAW (2011, p. 419). In her words, narrow conceptions of women's rights and needs "essentialize gender norms, exclude certain groups of women, or define women's interests too narrowly" (*ibid.*, p. 419). In contrast, she finds a broad measurement of gender equality is inclusive of all women and is flexible to make changes as society changes over time. Baldez states that codifying women's needs rests on the false assumptions that women have the same interests due to their shared gender and that women have different political interests than men (*ibid.*, p. 420). Baldez is arguing the "intersectionality" feminist viewpoint, that people are a combination of their identities, like race, gender, sex, socioeconomic status, country of origin, etc., and that codifying interests is lumping women into groups, instead of treating them as

individuals. In her opinion, an issue does not only have to take feminine or feminist interests, but issues to be framed to fit many sides. For example, child care can be seen as a gender norm need for women and as a feminist issue to challenge male-dominated authority (ibid., p. 421). Each state and woman has their own categorization and interpretation of gender issues, and CEDAW allows all women to be protected. Baldez argues the general goal of CEDAW to end gender discrimination allows women to explore any interests they desire, instead of being fit into a box of either feminine or feminist (ibid., pp. 422-423). Her argument is a theoretically strong piece that emphasizes how CEDAW is an inclusive treaty, but she fails to provide an empirical analysis that would support her theories.

In agreement with Baldez, Dr. Liebowitz and Dr. Zwingel believe the measurement approach to gender equality is not near as encompassing and successful at increasing equality as a broad review process like CEDAW (2014, p. 362). They argue that international law treaties set norms and agendas for states who ratify them (ibid., p. 362). Broad goals and comments on state reports allow for tailored improvements by states on gender equality, whereas measurement indices, like the Evidence and Data for Gender Equality Initiative under the UN Women and the United Nations Statistics Division with the World Bank and Organization for Economic Cooperation and Development, creates pressure to reach selected numerical goals without latitude that each country may have different needs and cultures (ibid., p. 363). Liebowitz and Zwingel find quantitative measures are based on assumptions that women are all the same and have the same goals. Once countries have completed the gender equality indices, they do not continue to make changes and do not receive tailored feedback and suggestions on how to improve. Furthermore, gender equality international legislation should be broad enough to be flexible and to fit the complexity and diversity of women's needs. CEDAW provides general goals and a practical framework to guide states, while having a monitoring process to assess countries' progress (ibid., p. 385). To Liebowitz and Zwingel, the broad scope of CEDAW is a better tool for addressing global gender issues than quantitative assessments.

Rayday, professor of law at the Hebrew University of Jerusalem, also provides commentary on the strength of inclusivity CEDAW possesses. She argues the language of CEDAW is at times broad to encompass all women but also outlines rights for specific subgroups of women to protect issues that generally arise in relation to that group (2012, p. 514). General Recommendation 26 outlines rights for migrant workers, 27 for older women, 28 factors that affect women such as race, ethnicity, religion, health, age, class or caste, minor status, sexual and gender orientation (ibid., p. 514). She makes sure to say that of course CEDAW is not inclusive to all cultures, for it makes strong condemnation to any cultural gender practices that infringe on basic human rights. She lists some cultural norms that are directly forbidden by CEDAW (or through its decisions in Committee):

Female infanticide, female genital mutilation, forced marriage and child brides, patriarchal marriage arrangements denying women rights to land, property, or freedom of movement, husband's right to obedience or commit acts of violence against his wife, including marital rape, family honor killings, witch-hunting,

compulsory restrictive dress codes, discriminatory division of food producing female malnutrition, and stereotypical restriction of women to the roles of housewives or mothers, without a balanced view of women as autonomous and productive members of civil society (*ibid.*, p. 518).

So CEDAW is not inclusive of all women, because some women do find the aforementioned practices to be important, but it is inclusive to women on an intersectional basis (race, gender, class, etc.) when it does not infringe on basic human rights. Rayday also argues it is a gender policy breakthrough that an international treaty would give women the absolute (not conditional or qualified) right to social and economic equality. Those rights are also *de facto* and *de jure* rights because the wording in the CEDAW Articles are flexible enough in their wording to protect women from all discrimination, including discrimination resulting from gender stereotyping and social rights both in society and at home (*ibid.*, 527). Overall, Rayday makes some great points about the inclusivity of CEDAW but skips around to many points in her paper, which can be disorienting. Her argument would have been strengthened with case studies or examples of complaints by citizens taken to the Committee and how they made their decisions.

METHODOLOGY

There has long been debate whether international treaties should have broad or specific guidelines. In the case of CEDAW, does its broad language leave too much up to interpretation to the states and the Optional Protocol Committee, or is it inclusive to all types of women with the broadness contributing to greater use of CEDAW by a state to address gender inequalities? I argue that the broadness of CEDAW's language is inadequate to addressing women's needs in Canada. Employing a case study analysis, I examine grievances brought by individuals and/or groups of women against Canada to the Optional Protocol Committee of CEDAW and reports made by the Canadian government between 2008 and 2016, with the Committee's recommendations of changes in order to see if the broad language of CEDAW leads to confusion and inadequate change for women in Canada. The analysis is made up of three central cases within a country that ratified CEDAW in 1981 and has ostensibly respected and applied its provisions ever since. If CEDAW's language were an impediment, or facilitator, in improving the lives of women, we should see evidence of that in these specific cases. This study not only helps us understand the relevance of CEDAW to Canadian politics, but also hopes to contribute to the larger question of whether international treaties should have broad or specific language in order to increase the amount and level of impact.

The CEDAW Committee has brought up concerns to Canada regarding their level of involvement to help stop the murder and kidnappings of aboriginal women in their 2015 CEDAW Report Recommendations (specifically: Brunn & Bailey). In addition, women in Canada have also had to deal with discrimination in their divorces. A case brought by Cecilia Kell in 2008 to the Optional Protocol Committee of CEDAW was declared inadmissible because Kell could not find specific evidence of being discriminated against. Related to the Kell case, single mothers in Canada are also fighting for their rights. The Single Women's Alliance NGO brought a case to CEDAW regarding the failure of the British Columbia province to treat

economic distresses, such as expensive child care and trouble finding skilled and high-paying work, that affected single mothers in 2016 (Single Mothers Alliance of B.C., 2016). The Single Mother's Alliance of BC is a non-profit group of single mothers who use grassroots lobbying for progressive social changes to help single mothers. Economic distresses for single mothers continues to be an ever-present issue for Canada.

RESULTS

The Rights of Aboriginal Women

According to the Committee, Canada has violated “the obligation to eliminate all forms of discrimination against women; the right to equal protection before the law and to an effective remedy and the obligation on States to combat and eliminate harmful stereotypes; and the right of Aboriginal women to enjoy adequate living conditions on and off the reserves” (ibid., n.p.). Canada has used the broad language of the articles to suggest they are trying everything they can to help the indigenous women without, according to the United Nations Human Rights Office of the High Commissioner and the CEDAW Committee, actually creating a national policy plan for violence against indigenous women in Canada (OHCHR, CEDAW Committee, 2016).

Many non-governmental organizations have brought to the attention of the United Nations, news media, and CEDAW specifically that there is an astounding and disturbing amount of violence acted upon indigenous women in Canada. In 2011, the Native Women's Association of Canada (NWAC) and the Canadian Feminist Alliance for International Action (FAFIA) requested the CEDAW Committee formally investigate the inaction of the Canadian government to address the large amounts of aboriginal women going missing or murdered each year in Canada (Native Women's Association of Canada, 2015). Canada has been accused of inaction previously by the Inter-American Commission of Human Rights and is now facing backlash by the United Nations under CEDAW.

The statistics on the homicide rates of Canadian aboriginal women are shocking and disturbing. Statistics Canada, the national statistical office of the Government of Canada, released data from 2014 that shows that while five percent of residents of Canada are aboriginal, they make up about twenty-three percent of homicide victims for that year (Fontaine, 2015). In addition, Statistics Canada researched crime data for aboriginal women and found that between 1980 and 2014 of 6,849 female homicides, 1,073 were aboriginal women (ibid., n.p.). The statistic shows a great overrepresentation of female aboriginals in homicide crimes. The article goes on to say homicide rates for non-aboriginal women have dropped since 1990, which means the representation, or proportion, of homicides of aboriginal women has increased from 14 percent of murders in 1990 to 21 percent in 2014 (ibid., n.p.).

The statistics on female aboriginal violence in Canada are particularly egregious when thinking of how Canada's ratification of CEDAW, under the 1992 General Recommendation 19, requires the state to

Take appropriate and effective measures to overcome all forms of gender-based violence, and encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;” “make

a report to identify the nature and extent of attitudes, customs and practices that perpetuate violence against women, and the kinds of violence that results. They should report the measures that they have undertaken to overcome violence, and the effects of those measures;" "should report on the risks to rural women;" and "should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence. (CEDAW Committee, 1992)

The broadness of General Recommendation 19 allows for the Canadian government to address only violence toward women in general, which as we saw before in the statistics, violence against non-aboriginal women is decreasing, and also for them to reject the CEDAW Committee's request for an inquiry on aboriginal missing and murdered women.

Many high ranking Canadian officials have dismissed the need to have a formal inquiry of the murder and kidnappings of aboriginal women, including the twenty-second Prime Minister (February 6, 2006 to November 4, 2015), Stephen Harper. According to the BBC news reporter, Joanna Jolly, Harper and his advisors and cabinet members are opposed to a formal inquiry and believe that the issue of the missing and murdered aboriginal women and girls is a criminal issue and not a sociological issue (Jolly, n.p.). Once the issue of the murder and kidnapping of indigenous women was brought to the CEDAW Committee, the CEDAW Committee made severe condemnations of Canada's failure to prevent and enact a national plan for the inquiry into the crimes against indigenous women. In part, the reason for this conflict between Canada, and its refusal to comply with CEDAW's condemnations, and the Committee is the vagueness of the violence against women General Recommendation 19 of CEDAW and the way it allowed Canada to fail to address a minority group's issues while they maintained violence against women in general was decreasing in Canada. Since CEDAW did not have any specifics concerning violence against indigenous women, Canada was able to argue it was following CEDAW by lowering the overall female homicide rates. Finally, in 2008, CEDAW forced Canada to respond to CEDAW's condemnations of the murder and kidnappings of indigenous women after sixteen years after Canada's ratification (CEDAW Committee, 2008). This means Canada avoided the issue for sixteen years while still meeting the General Recommendations of CEDAW.

After the CEDAW committee asked Canada to report on what they were doing to address the problem of violence aboriginal women were faced, Canada responded in a formal report, making only small changes to what they were already doing and formally "sassing" the Committee for calling into question their progress on helping indigenous women. In 2008, the CEDAW Committee wrote

Although the Committee notes that a working group has been established to review the situation relating to missing and murdered women in the State party and those at risk in that context, it remains concerned that hundreds of cases involving aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished. (CEDAW Committee, 2008, p. 7)

Canada responded to the Committee in 2015, taking an extremely long time to respond. In summary, they said the government has and continues to invest in community-based violence prevention initiatives, is expanding the amount of shelters, working on a public awareness campaign on the domestic sex trafficking of indigenous people, and reports that the police are still committed to solving cases of the murdered and missing indigenous women (Canada, 2015). However, the CEDAW Committee was not satisfied with Canada's response to the crisis even going so far as saying that the state of Canada has constituted a "grave violation" of the rights of aboriginal women and girls, and Committee members Niklas Brunn and Barbara Bailey said

Aboriginal women and girls are more likely to be victims of violence than men or non-Aboriginal women, and they are more likely to die as a result. Yet, despite the seriousness of the situation, the Canadian State has not sufficiently implemented measures to ensure that cases of missing and murdered Aboriginal women are effectively investigated and prosecuted (NWAC, 2015 and UN Human Rights Office of the High Commissioner, 2015).

So CEDAW finally asked Canada in specific terms what they needed to do to follow CEDAW to try and make some progress. The CEDAW Committee asked Canada to report on

Information on steps taken to implement the following recommendations: (a) take measures to establish a national public inquiry into cases of missing and murdered aboriginal women and girls that must be fully independent from the political process and transparent, with terms of reference to be developed and a commissioner to be selected based on the views of representatives of aboriginal communities in the provinces, territories and national aboriginal organizations; (b) ensure that all cases of missing and murdered women are duly investigated and prosecuted. (CEDAW Committee, 2016).

The good news is Prime Minister Harper has been replaced by feminist liberal party leader Justin Trudeau, who has now ordered an inquiry to investigate the missing and murdered aboriginal women, decades after Canada signed a treaty which essentially promised to work against violence toward women. It is unclear whether Trudeau's motivations for the inquiry were to follow CEDAW, since he has not made a statement connecting his opinion to CEDAW. On September 1, 2016, a formal inquiry by an independent commission made up of Chief commissioner Marion Buller, B.C.'s first female First Nations judge; Michele Audette, a former president of the Native Women's Association of Canada; Qajaq Robinson, an Ottawa-based, Nunavut-born lawyer who practices civil litigation with an emphasis on aboriginal law; Marilyn Poitras, a professor at the University of Saskatchewan professor with a focus on indigenous law; and Brian Eyolfson, a First Nations lawyer based in Ontario, will investigate the injustices over a period of least two years with a budget of at least \$53.8 million dollars (Kirkup, 2016). Who knows if many injustices could have been prevented if CEDAW had been more specific and confrontational in their Recommendation since the beginning.

Single Mothers and CEDAW

Many non-governmental organizations are asking, "Where are single women in CEDAW?" They rightfully question the broadness of protecting social services and wages for women because it does not include single women. For example, as was mentioned above in

reference to the Cecilia Kell case, the Optional Protocol Committee used the broad language of CEDAW to dismiss her case based on a lack of evidence of gender discrimination and that the event occurred before CEDAW was in effect. The Optional Protocol Committee saw she was abused and that a part of the abuse was the removal of her house ownership (2012, p. 10). The court could have taken her case as part of the indigenous women protection article of CEDAW, as well as the violence against women article, but interpreted CEDAW so broadly that Kell could not find a specific line in CEDAW to bring her case.

The Single Mothers Alliance of British Columbia has taken up single mothers' economic rights to the Optional Protocol Committee time after time, with their cases never being taken by the Optional Protocol Committee (Ball, 2016, n.p.). Part of the Alliance's grievances is the lack of a national plan to make childcare affordable so women can move out of poverty (ibid., n.p.). The founder of Single Mothers Alliance of B.C. is Viveca Ellis is fearful the broadness of CEDAW allows Canada to lump all women together: "One of our fears is the new government will attend the review and just say 'We're a new government, we're solving the problems'... But there's still a lot of room for improvement" (ibid., n.p.). Canada Without Poverty has also taken a stand against Canada's lack of aid for single mothers as a specific disadvantaged group (Canada Without Poverty, 2016). In the group's words

In 2008, this Committee was gravely concerned with "the fact that poverty is widespread among women, in particular aboriginal women, minority women and single mothers. In 2016, women continue to experience disparities in poverty, hunger, and homelessness – this is particularly true for women who experience intersectional disadvantage. (ibid., p. 2) Even more shocking is Canada Without Poverty found 21 percent of single mothers are low-income compared to 5.5 percent of married couples, making single female mothers the poorest household type in all of Canada (ibid., p. 3). Along with the Single Mothers Alliance of B.C., they argue Canada needs to have a national affordable and accessible childcare program to allow single mothers to work (ibid., p. 6). Furthermore, the group found social programs in Canada are so lacking for single mothers that only in Newfoundland and Labrador province can government assistance bring single parents above the poverty line (ibid., p. 8). Finally, in Canada single mothers can have their children taken from them due to the lack of assistance they receive.

For single women living in poverty, rates remain woefully inadequate. In some cases, the gap between welfare rates and the cost of living is so significant that women are forced into situations where children may be apprehended. For example, in Vancouver, British Columbia a single mother with two children receives \$1036 per month, which includes \$660 for housing and \$376 for basic needs. Meanwhile, the current average rent for a two-bedroom apartment in Canada's most expensive city is \$1345 per month, almost twice as much as what is provided by social assistance for housing. For many women, the gap between rental rates and income supports can lead to living rough or in an emergency shelter, leading to her children being seized from her care. (ibid., p. 8)

The CEDAW Committee barely addressed these issues, broadly stating in their 2008 Recommendations to Canada they were concerned with the social assistance cuts that adversely

affected single mothers and saw wages were low for single mothers, without giving any specific goals for Canada to work on (CEDAW, 2008, pp. 3, 8). In their 2016 Recommendations, the Committee did not once mention the economic status of single mothers (CEDAW, 2016). The broadness of CEDAW allows Canada to leave single mothers in poverty.

Also, non-governmental organizations in Canada united to report in a joint statement that Canada has a gender wage gap twice the global wage gap average, and that women, especially indigenous women, single mothers, and older women, are having trouble finding help with their financial troubles (“NGOs issue statement to coincide with Committee on the Elimination of Discrimination Against Women meeting,” 2016, n.p.). They go on to argue that the government avoids making federal policies for pay equity, affordable childcare, and representation in full-time work. By tracing how Canada addresses economic woes of women in their reports and responses to CEDAW recommendations, it is clear that CEDAW allows Canada to claim they are working on gender equality in poverty, simply by allowing women to take their discrimination grievances to court. Canada is able to argue they are addressing women’s needs in this limited way because CEDAW is not specific in their guidelines on how countries should address the feminization of poverty and the wage gap.

Clearly, the feminization of poverty in Canada is not being adequately addressed by CEDAW due to its broadness in asking Canada to enact measures to decrease gender gaps in income, and allowing the Canadian government to cite “legal methods” to decreasing poverty (CEDAW, 2016, p. 5). In Canada’s replies to the request of the Committee to report on the measures they were taking to address the gender-wage gap in Canada, the Canadian government replied with ways individuals could seek redress for their discrimination (Canada, 2016, pp. 15-16). The prevention method does not seek to change de facto wage discrimination or attack the issue before it occurs.

The wage gap is certainly large in Canada, and CEDAW is not pushing the government for extreme action, which means they are not doing enough to push for gender equality in Canada. A coalition of fourteen Canadian NGOs report the Canadian gender-wage gap is twice the global average, with women concentrated in part time work and low-skilled work (Canadian Civil Society Organizations, 2015, n.p.). This coalition argues that CEDAW needs to push for specific language, forcing Canada to pass national pay equity legislation, set up childcare programs, and formulate “aggressive strategies involving all levels of government to address structural inequalities and the wage gap” (ibid., n.p.). Currently, the Committee has just expressed concern at the gap, stating, “the Committee expresses its concern at the continuing employment rate gap between men and women” (CEDAW, 2008, p. 8). It is very broad language, which is concerning, considering the scope of the statistics showing the magnitude of the feminization of poverty in Canada.

DISCUSSION

In closing, three areas of gender inequality: murder of aboriginal women, economic hardships of single mothers, and the feminization of poverty, all illustrate the broad language of CEDAW is inadequate to address women’s needs in Canada. As research continued, other

problems CEDAW experienced in Canada were discussed, such as its inability to effect changes in policy in Canada in a short amount of time, as well as the leniency of the CEDAW Committee when making recommendations. Some limitations of this study include a focus on only three areas of gender issues and a limited analysis of cases, reports, and other materials used, as well as the lack of using another state as a comparison due to a time constraint. Further studies contributing to this research could examine the language of CEDAW and its effect on gender equality in less developed states, as well as compare CEDAW usage and gender equality progress in Canada to the gender equality progress in the United States (as a case of whether the U.S. should ratify CEDAW). Overall, this research contributes to the work on international treaties and liberalism by giving an example of how treaties can be limited in making change due to their language.

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