



**Child Care Advocacy  
Association of Canada**

**L'Association canadienne  
pour la promotion des services de garde à l'enfance**



## What does CEDAW mean for child care in Canada?

This document was written by the Child Care Advocacy Association of Canada with the dual aims of:

- demystifying the UN Convention to Eliminate all forms of Discrimination against Women or CEDAW and
- describing the CEDAW Committee's recommendations to Canada,<sup>1</sup> which oblige governments to take steps to provide sufficient, affordable child care as a women's human rights issue.

### Who is the Child Care Advocacy Association of Canada?

The Child Care Advocacy Association of Canada (CCAAC)<sup>2</sup> promotes a publicly funded, inclusive, high-quality, affordable, public or community-owned and operated child care system. Our organization is non-profit, membership-based and regionally representative. For more than 25 years the CCAAC has specifically worked to advance child care as a cornerstone of progressive family policies that respects the right of all children – young and school age - to access a range of child care services in their communities. The CCAAC has contributed to a large body of evidence demonstrating that the objectives of quality, universal child care are best met through accountable public planning, funding and reporting mechanisms that include well-defined targets and timelines.

### What is CEDAW?

The Convention to Eliminate all forms of Discrimination Against Women or CEDAW was established in 1979 by the United Nations (UN). Often referred to as an international "Bill of Rights" for women, it is one of seven UN human rights treaties. Countries signing on to this treaty agree to take all necessary measures to ensure that women are able to enjoy their human rights and fundamental freedoms. As legally binding international law for those State parties that have ratified it, CEDAW is a mechanism to ensure women's equal access to, and equal opportunities in, political and public life, as well as education, reproductive health, employment, family law, social security and child care.

<sup>1</sup> This document will focus specifically on the CEDAW committee recommendations from November 2008.

<sup>2</sup> For more information about the Child Care Advocacy Association of Canada including our vision for child care in Canada and recent research projects see our website – [www.ccaac.ca](http://www.ccaac.ca).

## Canada and CEDAW – A Brief History

As of February 2009, 185 countries – over 90% of UN members – have signed and ratified CEDAW. Canada joined CEDAW as a signatory in 1980 and ratified it in 1981. Countries that have signed on to CEDAW are required to provide periodic progress reports to the UN. In ratifying the treaty Canada agreed to ensure the rights outlined in CEDAW for women at both the national and provincial/territorial levels. The reports submitted to the UN touch on issues that fall in both areas of jurisdiction, and imply a federal responsibility to monitor and uphold compliance of the Convention in the provinces and territories.

In addition, in 2002 Canada joined 52 countries in opting to adopt the CEDAW Optional Protocol. This protocol provides two additional procedures to ensure CEDAW compliance by member countries; first it allows individuals and groups to submit formal complaints to the UN about possible CEDAW violations in their member country, and second it creates an inquiry procedure whereby the UN committee can request explanation and clarification about any areas where there are suspected grave and/or systemic violations of CEDAW.

## Canada and CEDAW – Recent Developments

All State parties are required to report to the United Nations on measures they have taken to fulfill the obligations outlined by CEDAW. In April 2002, Canada submitted its fifth period report covering the years of 1994 – 1998 and in 2003 the CEDAW Committee reviewed that report and raised a variety of areas of concern as well as subsequent recommendations for action. At that time, it was noted that the federal government needed to take significant action to remedy the unequal status of women that persists in Canada, particularly among certain segments of the population.

Canada's Sixth and Seventh reports on CEDAW were then combined into one document written to cover the period of April 1999 to March 2006. This report explored the measures that were taken during that time, both on the federal and provincial/ territorial levels. In November 2008, the CEDAW Committee released the document *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada* after reviewing the 6<sup>th</sup>/7<sup>th</sup> joint report and found that many of the same concerns and recommendations still stood from the review of the 5<sup>th</sup> report six years earlier. In addition, several key policy changes including the cancellation of the Court Challenges Program and the newly instated ineligibility of advocacy groups for national funding consideration had taken a toll on the ability of women's civil society groups to participate easily with governments at all levels.

The remainder of this brief draws on specific sections of CEDAW's Nov 8 2008 document *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*,<sup>3</sup> highlighting in particular those sections with direct or indirect relevance for child care.

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<sup>3</sup> To see the full document *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada* see [http://www.nwac-hq.org/en/documents/SIS\\_Research/CEDAW-C-CAN-CO-7.pdf](http://www.nwac-hq.org/en/documents/SIS_Research/CEDAW-C-CAN-CO-7.pdf)

## CEDAW and Child Care

CEDAW clearly states that sufficient, affordable child care is an important component of the achievement of women's full equality. Despite Canada's attempt to portray progress on child care, Section 40 from the CEDAW Committee's 2008 report states the following:

*40. The Committee urges the State party to step up its efforts to provide a sufficient number of affordable childcare spaces and affordable and adequate housing options, including in aboriginal communities, with priority being given to low-income women, who are particularly disadvantaged in those areas. The Committee also recommends that the State party carry out a cost-benefit analysis to assess the impact of current living standards, housing and childcare situations on the economic empowerment of women and present the findings in its next report to the Committee. Such an analysis should have a special focus on low-income women, taking into account the amount of social assistance they receive from the State compared with the actual cost of living, including housing and childcare.*

Working in collaboration with the Canadian Feminist Alliance for International Action (FAFIA), in 2008 the CCAAC and other NGO's advised the CEDAW committee that the lack of affordable, accessible child care spaces in Canada continues to be a barrier to women's equality, limiting women's options to work and /or study. Women continue to be substantially overrepresented in part-time work, often due to a parallel balancing of care-giving roles for children as well as the elderly. Women also continue to dominate in lower paying jobs, and face a continued pay gap as compared to men.

We noted that in recent years the federal government has approached the problem of a lack of affordable accessible child care through tax measures and \$100 taxable monthly income supplements per child for parents of children aged six and under. This approach has been off attributed by the federal government as resulting from the jurisdictional roles of the federal level versus that of provincial / territorial governments. The CCAAC and its partner organizations have clearly demonstrated that tax measures and payments to parents have not resulted in either level of government creating adequate affordable child care spaces which would be of great benefit to women as well as families overall.

## CEDAW and Federal Leadership

The Child Care Advocacy Association of Canada and other groups have long held the opinion that, in spite of the fact that child care falls within provincial jurisdiction, the federal government has an important fiduciary role in providing leadership and funding for a program that provides high quality child care services in every province and territory. The United Nations agrees. In CEDAW's Nov 8 2008 document *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada* the committee noted the following recommendation:

*12. The Committee, taking into account the legal responsibility and leadership role of the federal Government in the implementation of the Convention, reiterates its previous recommendation of 2003 that the State throughout its party use its leadership and funding power to set standards and establish an effective mechanism aimed at ensuring accountability and the transparent, coherent and consistent implementation of the Convention territory in which all levels of government can participate.*

The CCAAC notes that, given the failure of Canadian provinces outside of Quebec to build adequate child care services, it is clear that federal leadership and spending power is an essential ingredient, just as it is in post-secondary education and health care.

In the past, some funds have been transferred to the provinces / territories for the purposes of improving access to quality, affordable child care services, but there has been no legally binding requirement for provinces to spend these funds on child care services and account for and publicly report on them accordingly. This raises concern about accountability for public funds and about the effectiveness of public reporting in Canada.

### **CEDAW and Public Reporting**

Child care has long been seen by the CCAAC as a noteworthy case for monitoring the overall effectiveness of demonstrating accountability through public reporting by the Child Care Advocacy Association of Canada. The CCAAC's project report on public reporting in Canada entitled *Making the Connections*<sup>4</sup> affirmed that public reporting often provides at best incomplete and at worst misleading information on public spending, accountability and key indicators of progress. Recommendation 12 (see above) already noted the need for transparent implementation on issues within Convention territory. In addition, CEDAW's perspective on the need for adequate public reporting is summarized in the following:

*14. The Committee calls upon the State party to establish minimum standards for the provision of funding to social assistance programmes, applicable at the federal, provincial and territorial levels, and a monitoring mechanism to ensure the accountability of provincial and territorial governments for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women. The Committee also calls upon the State party to carry out an impact assessment of social programmes related to women's rights.*

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<sup>4</sup> To see the full document *Making the Connections: Using Public Reporting to Track the Progress on Child Care Services in Canada* see <http://www.ccaac.ca/mtc/en/finalReport.html>.

## CEDAW and Women's Advocacy

The above issues that have been raised – child care as an essential component of women's equality, federal versus provincial / territorial areas of jurisdiction and the need for accountability and adequate public reporting to track monies transferred for social services of importance to women and families – are all part of a greater advocacy agenda required for the advancement of women's equality in Canada. Unfortunately, in the last several years the funding options for women's NGOs and non-profit organizations has been significantly undermined by changes to federal funding guidelines. The November 08 CEDAW recommendations note the following:

*28. Noting the great importance of NGO advocacy, lobbying and research activities for the implementation of the Convention and its Optional Protocol, the committee strongly urges the State party to consider revising guidelines for funding so that NGOs that carry out such advocacy, lobbying and research work are once again able to receive funding from the Women's Programme. The Committee also encourages the State party to establish an ongoing process of regular consultation and collaboration with NGOs on matters relating to the implementation of the Convention.*

On a similar note, the Committee expressed concern that the opportunities for NGO participation in CEDAW review of State parties was not being widely disseminated in Canada, and specifically the use of the Optional Protocol.

*16. The Committee calls upon the State party to take further measures to ensure the dissemination of and awareness-raising on the Convention and its Optional Protocol at all levels — federal, provincial and territorial, with a special emphasis on the judiciary and the legal profession, political parties and Government officials, including law enforcement officials, as well as to the general public, in particular women and women's non-governmental organizations (NGOs), in order to strengthen the use of the Convention and its Optional Protocol in the development and implementation of all legislation, policies and programmes aimed at the practical realization of the principle of equality between women and men. The Committee encourages the State party to promote knowledge and understanding of the Convention and gender equality systematically through all of its training programmes. It further requests that the State party ensure that the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and enquiries, are made an integral part of educational curricula, including legal education and training of the judiciary.*

## CEDAW and Canada – Moving Forward

Clearly, Canada has failed to meet its CEDAW obligations relating to child care services as well as other women's equality related issues. The continued involvement of women's civil

society voices will be essential in moving forward, as we uphold our democratic right to hold our governments to task on issues that are binding in the eyes of international law.

The CEDAW Committee requested that Canada provide another written report with information on the steps undertaken to implement the recommendations contained in paragraphs 14 (see above) and 32<sup>5</sup> within one year. Canada's next full report, which is required to respond to the concerns expressed in the Nov 08 concluding observations (as per article 18 of the Convention), will be due in December of 2014 as a combined eighth and ninth periodic report.

Despite the lack of federal support to do so, the CCAAC has been the lead contributor on child care to the NGO commentary in Canada through a submission by the Canadian Feminist Alliance for International Action (FAFIA).<sup>6</sup> Through that process we have recommended the following:

*The government of Canada should ensure that all children, women and families have equitable access to quality, affordable child care services. This requires:*

- *adequate and sustained transfers to provinces and territories;*
- *accountability mechanisms requiring provinces and territories to develop plans with timelines and targets for lowering parent fees and adding public or community-owned spaces. In addition, federal transfers should raise wages for trained staff, alleviating the current recruitment and retention crisis in Canada and raising service quality accordingly;*
- *clear and timely public reporting on actual results achieved.*<sup>7</sup>

To conclude, we would like to acknowledge the inspiring efforts of FAFIA and other women's groups in Canada who, despite incredible and increasing obstacles, continue to compile women's stories, share women's lived experiences and collect the data and evidence that represents us so well at the United Nations.

**The CEDAW Convention states that "...the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields."<sup>8</sup> The CCAAC will continue our advocacy work alongside our partner organizations until women's full and equal participation in the social, political and economic fabric of Canada is achieved.**

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<sup>5</sup> Paragraph 32 recommends that Canada rectify the errors in the system which allowed the murders of Aboriginal women to go uninvestigated, and to carry out those investigations as well as determine if there is a racialized pattern to those disappearances.

<sup>6</sup> Canadian Feminist Alliance for International Action, Women's Equality in Canada, [http://www.fafia-afai.org/files/FAFIA\\_Canada\\_CEDAW\\_2008.pdf](http://www.fafia-afai.org/files/FAFIA_Canada_CEDAW_2008.pdf), pages 73 – 81. (accessed Feb 23 2009).

<sup>7</sup> Canadian Feminist Alliance for International Action, Women's Equality in Canada, [http://www.fafia-afai.org/files/FAFIA\\_Canada\\_CEDAW\\_2008.pdf](http://www.fafia-afai.org/files/FAFIA_Canada_CEDAW_2008.pdf), page 81. (accessed Feb 23 2009).

<sup>8</sup> Convention on the Elimination of All Forms of Discrimination Against Women, United Nations. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro> (accessed Feb 23 2009).