Canada

Unequal Rights: Ongoing concerns about Discrimination against Women in Canada

Submission to the United Nations Committee on the Elimination of Discrimination against Women on the occasion of the Review of the Sixth and Seventh Periodic Reports of Canada

In this submission, Amnesty International highlights a series of recommendations which the organization is of the view would address a number of critical women's human rights concerns in Canada.

Amnesty International recognizes that Canada has, in many respects, a commendable record when it comes to advancing women's equality, both in Canada and at a global level. Important legal protections exist within Canada, including at the level of a constitutionally-entrenched guarantee of equality, which offer women a strong framework for protecting their rights. Canada has long championed initiatives at the United Nations (UN) that aim to bolster the protection of women's human rights, including by regularly bringing forward a resolution on violence against women at the UN Human Rights Council (and previously the Commission on Human Rights).

The reality for far too many women across Canada, however, is one of violence, discrimination, and other human rights violations. This is particularly the case for women from marginalized communities.

This brief highlights three barriers to effective protection of women's human rights in Canada:

- An inadequate approach to implementation of UN human rights recommendations.
- A failure to reliably provide information about human rights protection that is disaggregated by gender and other identity.
- Inadequate funding of efforts to protect women's human rights.

The brief also draws attention to serious human rights violations experienced by three groups of women in Canada and lays out recommendations to address these concerns:

- Indigenous women.
- Refugee and migrant women.
- Women in federally-run prisons.

I. Implementation Gap (Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, articles 2(a), 2(f), 3)

In January 2003, when the Committee on the Elimination of Discrimination against Women (the Committee) carried out its last review of Canada's record of compliance with the CEDAW, concern was expressed about the fact that the "federal Government does not seem to have the power to ensure that governments establish legal and other measures in order to fully implement the Convention in a coherent and consistent manner."[1] The Committee urged Canada to:

> search for innovative ways to strengthen the currently existing consultative federal-provincial-territorial Continuing Committee of Officials for human rights as well as other mechanisms of partnership in order to ensure that coherent and consistent measures in line with the Convention are achieved.[2]

More than five years later, the concern about incoherent and inconsistent implementation of Canada's international human rights obligations continues to mount. Unfortunately, the government has not made any notable effort to strengthen the current system in "innovative ways." Concern about Canada's failure to fully implement human rights treaties and comply with UN-level human rights recommendations is widely shared by other UN human rights monitoring bodies.

- The Committee on Economic, Social and Cultural Rights, noting that most of its previous recommendations have not been implemented, has called on Canada "to establish transparent and effective mechanisms, involving all levels of government as well as civil society, including indigenous peoples, with the specific mandate to follow up on the Committee's concluding observations."[3]
- The Human Rights Committee has urged Canada to "establish procedures, by which oversight of implementation of the Covenant is ensured, with a view, in particular, to reporting publicly on any deficiencies. Such procedures should operate in a transparent and accountable manner and guarantee full

[1] *Report of the Committee on the Elimination of Discrimination against Women*, Twenty-eight session (13-31 January 2003), General Assembly Official Records, A/58/38, para. 349.
[2] *Ibid*., para. 350.
[3] *Concluding Observations of the Committee on Economic, Social and Cultural Rights*, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, 22 May 2006, para. 35.

participation of all levels of government and of civil society, including indigenous peoples."[4]

- The Committee on the Rights of the Child has encouraged Canada to "strengthen effective coordination and monitoring, in particular between the federal, provincial and territorial authorities, in the implementation of policies for the promotion and protection of the child, as it previously recommended, with a view to decreasing and eliminating any possibility of disparity or discrimination in the implementation of the Convention."[5]

The Standing Committee on Human Rights of the Senate of Canada has highlighted this shortcoming and urged the "federal government – with the provinces, territories, Parliamentarians and interested stakeholders - … to establish a more effective means of negotiating, incorporating and implementing its international human rights obligations."[6] Amnesty International has drawn frequent attention to this need for a substantially improved approach to overseeing implementation of Canada's international human rights obligations, including in a widely-endorsed submission to the Universal Periodic Review of Canada by the Human Rights Council, scheduled to take place in February 2009.[7]

Recommendation: The Canadian government should work closely with provincial and territorial governments, Indigenous organizations and civil society groups to develop a transparent, accountable and well-coordinated system for domestic implementation of international human rights obligations.

II. Disaggregated Data (CEDAW articles 2, 3)

This Committee[8] and other UN human rights treaty monitoring bodies have repeatedly called on Canada to provide data about human rights protection in Canada that is disaggregated by gender, Indigenous identity, ethnicity, age, citizenship and disability. Failure to consistently and systematically collect and disseminate such disaggregated

[4] *Concluding Observations of the Human Rights Committee*, CCPR/C/CAN/CO/5, 20 April 2006, para. 6.
[5] *Concluding Observations: Committee on the Rights of the Child*, CRC/C/15/Add.215, 27 October 2003, para. 11.
[6] Standing Senate Committee on Human Rights, *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, November 2005, pg. 82.
[7] *Promise and Reality: Canada's International Human Rights Implementation Gap,* Joint NGO Submission to the United Nations Human Rights Council in relation to the February 2009 Universal Periodic Review of Canada, September 8, 2008.
[8] Footnote 1, para. 348.

data can obscure critical human rights concerns for women and other vulnerable populations and prevent their needs from being appropriately addressed.

Gaps and inconsistencies in the collection and dissemination of data are particularly acute with respect to Indigenous peoples, especially Indigenous women. Amnesty International has repeatedly urged the federal government to routinely collect and disseminate information about the levels and nature of violence experienced by Indigenous women in Canada. In its most recent review of Canada's human rights record, in October 2005, the Human Rights Committee called on the federal government to "gather accurate statistical data throughout the country on violence against Aboriginal women."[9]

Recommendation: The Canadian government should work closely with provincial and territorial governments to put in place a consistent approach to providing data about human rights protection in Canada that is disaggregated by gender and other identities that have a heightened vulnerability to human rights violations. As a first step the federal government should prioritize developing a system that gathers accurate statistical data about violence against Indigenous women.

III. Funding the Protection of Women's Human Rights (CEDAW articles 2(e), 3)

Over the past two years the federal government has made a number of decisions about levels of, and eligibility for, funding that have had a direct impact on the protection of women's human rights in Canada. In 2006, the budget for Status of Women Canada, the government agency that has primary responsibility for advancing and promoting women's equality in the country, was cut by approximately 40%. This dramatic drop in funding led in turn to the closure of twelve of the agency's sixteen regional offices. This significantly limits the direct access that Canadian women can have to these offices.

At the same time, the government announced sweeping changes in the criteria used to determine the nature of activities that groups can carry out in order to be eligible for funding through Status of Women Canada. With the changes, activities that are considered to be advocacy or lobbying no longer qualify for funding. This has dramatically affected the work of organizations that press for improved protection of

[9] Footnote 4, para.23

women's human rights, many of which rely on government funding for a portion of their operating budgets.

The National Association of Women and the Law (NAWL), which has played an important role in advancing women's equality in Canada since it was established in 1974, was forced to close its office because of the new funding policy. Other organizations, such as the Child Care Advocacy Association of Canada (CCAAC), have experienced serious challenges in continuing their advocacy work. To date, CCAAC has been unable to access funding under the new criteria, which it was able to do for important advocacy activities in the past. The change in the terms of reference seriously limits its ability to carry out this very important work. It is clear that the changes in the terms and conditions for funding through the Status of Women Canada has had a substantial impact on the ability of organizations like NAWL and CCAAC to continue their efforts to advocate for strong protection of women's human rights.

Also in 2006 the government announced the end of the Court Challenges Program. This program, first established in 1978, to provide funding for court cases dealing with minority language rights was expanded in 1985 with the coming into force of the equality rights provision, including gender equality, enshrined in section 15 of the Canadian Charter of Rights and Freedoms. The program was cancelled in 1992 but reinstituted and revamped in 1994. Over the years, funding through the Court Challenges Program has supported a number of precedent-setting court cases dealing with a range of critical women's human rights issues, including sexual assault, pornography, the rights of Indigenous women and refugee women, and pension rights. In its 2003 review of Canada, this Committee acknowledged the valuable role played by the Court Challenges Program but noted that it only applies to court cases challenging federal laws and programs. The Committee urged that funding be made "available for equality test cases under all jurisdictions."[10]

Recommendation: **The federal government should launch a public review of levels of, and criteria for, funding of government agencies, nongovernmental organizations and legal test cases dealing with women's equality. The objective of the review should be to strengthen the protection of women's human rights across Canada. As an interim step, restrictions on lobbying and advocacy by organizations receiving funding from**

[10] Footnote 1, paras. 355-356.

Status of Women Canada should be lifted and the Court Challenges Program should be reinstated.

IV. Ensuring the Safety and Equality of Indigenous Women (CEDAW articles 2(c), 2(d), 2(e))

The deeply-entrenched discrimination and violence experienced by First Nations, Inuit and Métis women is by any measure one of Canada's most serious and pressing human rights problems. A 1996 report prepared by the Canadian government documented that Indigenous women between the ages of 25 and 44 with status under the Indian Act, are five times more likely than other women in Canada to die from violence.[11] In a 2004 survey, women who self-identified as Aboriginal reported rates of violence, including domestic violence and sexual assault, 3.5 times higher than non-Aboriginal women.[12] Critical factors contributing to this disproportionate threat of violence include the impacts of residential schools and other forced assimilation policies on Indigenous women's status in their own communities, the systemic impoverishment and marginalization of Indigenous women in Canadian society, and deep-rooted attitudes of racism and sexism.

Amnesty International's 2004 *Stolen Sisters* report [13]drew attention to one part of this pattern of violence: the role of racism and societal indifference in fueling acts of violence against Indigenous women in Canadian cities and denying justice to the victims and their families. The *Stolen Sisters* report built on a long history of investigations and reports on what the Native Women's Association of Canada has described as racialized, sexualized violence.

In 1991 the Aboriginal Justice Inquiry in Manitoba very powerfully highlighted the degree to which deeply entrenched racism contributed to both the 1971 sexual assault and murder of a young Indigenous woman, Helen Betty Osborne, and the long delay in bringing anyone to justice for this crime. The Inquiry concluded that "there is one fundamental fact: her murder was a racist and sexist act. Betty Osborne would be alive today had she not been an Aboriginal woman."[14]

[11] *Aboriginal Women: A Demographic, Social and Economic Profile*, Indian and Northern Affairs Canada, Summer 1996.
[12] Canadian Centre for Justice Statistics. 2001. Aboriginal Peoples in Canada.
[13] Amnesty International, *Canada: Stolen Sisters – A human rights response to violence and discrimination against Indigenous women*, AI Index AMR 20/003/2004, October 4, 2004.
[14] *Report of the Aboriginal Justice Inquiry of Manitoba: The Deaths of Helen Betty Osborne and John Joseph Harper*, Commissioners A.C. Hamilton and C.M. Sinclair, 1991.

The large numbers of Indigenous women known to have gone missing in cities such as Vancouver and Edmonton – some of whom have since been found to have been murdered – has focused greater media and public attention on the threats to the lives and safety of Indigenous women in Canada. This threat has been repeatedly acknowledged by Canadian officials and by United Nations treaty bodies. For example,

- In November 2004, Canada's Deputy Representative to the United Nations, speaking before the General Assembly's Social, Humanitarian and Cultural Committee, acknowledged the severity of the issues of violence and discrimination faced by Indigenous women in Canada.

- In 2005, the UN Human Rights Committee expressed its concern that "Aboriginal women are far more likely to experience a violent death than other Canadian women" and called on Canada to take a number of steps to address this violence.[15]

- A resolution passed at the 2006 annual meeting of the Canadian Association of Chiefs of Police acknowledged the high levels of violence experienced by Indigenous women and called on all police services across Canada to adopt missing persons policies that include specific measures to address the circumstances and needs of Indigenous people.[16]

- A 2007 joint committee of government, Indigenous peoples, police and community groups in Saskatchewan reported that 60 percent of the long-term cases of missing women in the province are Indigenous, although Indigenous women make up only six percent of the population.[17]

Despite the public acknowledgement of the threats faced by Indigenous women, there has been little concrete action by Canadian officials either to address the factors that put Indigenous women at risk or to ensure they receive adequate protection. Saskatchewan is the only jurisdiction to have compiled and published statistics on the numbers of missing Indigenous women. Municipal police forces and the provincial detachment of the Royal Canadian Mounted Police have also collaborated to create a website in which all known long-term missing persons cases are listed. However, a 2005 commitment by the province to establish consistent province-wide missing

[15] Footnote 4, para. 23.
[16] Canadian Association of Chiefs of Police, Resolution #07-2006: Missing Persons Investigations Policies.
[17] Provincial Partnership Committee on Missing Persons. Final Report. October 2007.

persons policies has not been implemented and the joint committee report notes ongoing inconsistencies in how information on missing persons cases is collected and made public.

In other jurisdictions, failure to collect and publicize data on the numbers of missing persons who are Indigenous women creates uncertainty as to the threat faced by Indigenous women and the appropriate response needed. Police handling of missing persons cases is inconsistent from one jurisdiction to the next and some police forces will not divulge their policies, reducing their accountability to affected families and the public as a whole. Amnesty International is also concerned that some police services do not take the established patterns of racist, sexualized violence into account in their investigations.

Amnesty International can only conclude that Canadian officials are not taking the threat to Indigenous women seriously. Given the scale and the national scope of violence against Indigenous women in Canada, a substantial, well-coordinated national response is needed to provide direction and leadership to police and community responses across Canada.

Recommendation: The federal government should lead a coordinated effort among all governments in the country to develop a comprehensive national strategy to address violence against Indigenous women in Canada.

V. Refugee and Migrant Women

This Committee has previously noted the particular vulnerability of immigrant women to violations of the Convention. The last review of Canada's record of compliance with the Convention highlighted concerns with respect to live-in caregivers and victims of human trafficking. Amnesty International has a number of concerns about the protection of the rights of refugee and migrant women in Canada.

i) Safe Third Country Agreement (CEDAW articles 2, 3)

In Amnesty International's submission to this Committee in 2003 the organization pointed to concerns that an expected "Safe Third Country" Agreement between the Canadian and US governments would operate to deny access to the Canadian refugee system for the majority of refugee claimants passing through the United States on

their way to Canada.[18] Instead, those individuals would be required to make claims under the US asylum system. Among Amnesty International's many concerns was that such an agreement would put refugee women at considerable risk because of the uneven record within the US asylum system of recognizing gender-based persecution as a valid basis for a grant of asylum.

The Safe Third Country Agreement entered into force in December 2004. In December 2005, Amnesty International joined with the Canadian Council for Refugees and the Canadian Council of Churches in launching a court challenge to the agreement. In November 2007 the agreement was struck down by a Federal Court judge, who concluded that the human rights concerns contravened the Canadian Charter of Rights.

Notably, the decision highlighted specific concerns about the impact of the agreement on women, particularly cases involving women who are fleeing from situations of domestic violence in their home country. Noting that the "role gender plays in claims of persecution in the U.S. is uncertain" the decision concludes that because of the "state of flux" in U.S. law and practice with respect to refugee claims based on domestic violence, "there is clearly a serious concern that women with these claims are not being sufficiently protected under American law." The decision draws specific attention to a recommendation made by a Canadian parliamentary committee, which urged that "women claiming protection from domestic violence be a blanket excluded category under the Safe Third Country Agreement."[19] This decision was overturned on appeal to the Federal Court of Appeal on legal grounds.[20] The appeal decision did not revisit or question the conclusions with respect to the impact of the agreement on the rights and safety of refugee women. An application for leave to appeal to the Supreme Court of Canada is pending.

Recommendation: The federal government should immediately exempt women fearing gender-based persecution from the scope of the Safe Third Country Agreement between Canada and the United States.

[18] *Equal Rights: A Brief to the U.N. Committee on the Elimination of Discrimination against Women on the Occasion of the Examination of the Fifth Periodic Report Submitted by Canada*, Amnesty International Canada (English-speaking), December 2002, pg. 4.
[19] *Canadian Council for Refugees, Canadian Council of Churches, Amnesty International and John Doe* and *Her Majesty the Queen*, 2007 FC 1262, paras. 198-206. The decision is accessible on the internet at: http://decisions.fct-cf.gc.ca/en/2007/2007fc1262/2007fc1262.html.
[20] *Her Majesty the Queen* and *Canadian Council for Refugees, Canadian Council of Churches, Amnesty International and John Doe*, 2008 FCA 229. Accessible on the internet at: http://decisions.fca-caf.gc.ca/en/2008/2008fca229/2008fca229.html.

ii) Live-in Caregivers (CEDAW article 11)

Amnesty International's previous submission to this Committee highlighted concerns about the vulnerability of women who are admitted into Canada under the Live-in Caregivers Program.[21] In order to qualify for admission to Canada under this program individuals providing live-in childcare or elder care, the vast majority of whom are women, must reside with their employer for at least 2 years out of a 3 year period. Amnesty International is concerned that the live-in requirement increases the risk of abuse and exploitation for caregivers. This Committee has called on Canada to "improve the current live-in caregiver programme by reconsidering the live-in requirement." The UN Special Rapporteur on the human rights of migrants also expressed concern about this requirement in a report following a September 2000 visit to Canada.[22]

Recommendation: The federal government should revise the Live-in Caregivers Program to incorporate stronger human rights protections, including the removal of the requirement that caregivers must live with their employer in order to obtain immigrant status.

iii) Victims of Trafficking (CEDAW article 6)

In 2003 this Committee welcomed the fact that trafficking in persons has been made a criminal offence under the Immigration and Refugee Protection Act but expressed concern that Canada had provided insufficient information about programs to assist victims of trafficking.[23] Amnesty International's submission to the Committee at that time highlighted concerns about the violence and abuse experienced by the substantial numbers of women who are trafficked into Canada every year.

Currently the only provisions in Canadian law relating to trafficking serve to criminalize trafficking and promote the detention of trafficked persons. There is nothing in Canadian law specifically to protect the human rights of trafficked persons,

[21] Footnote 18, pg. 5. For a comprehensive overview of the plight of women admitted to Canada under this program see *Nanny Abuse*, by Susan McCllelland, published in The Walrus Magazine, March 2005, available online at http://www.susanmcclelland.com/art_nanny.htm.
[22] *Report prepared by Ms. Gabriela Rodríguez Pizarro*, Special Rapporteur on the human rights of migrants, E/CN.4/2001/83/Add.1.
[23] Footnote 1, paras. 363, 367, 368.

the clear majority of whom are women. Guidelines that were adopted in May 2006 for the provision of a Temporary Resident Permit do little to protect the rights of trafficked persons. The guidelines impose an unreasonable burden of proof on the trafficked person, who must convince an immigration officer that she or he is a victim of trafficking, and fail to adequately assure victims of trafficking that they will not automatically face a criminal conviction or deportation.

Amnesty International has endorsed a proposal brought forward by the Canadian Council for Refugees for legislative changes that would better safeguard the human rights of trafficked persons. The changes deal with such issues as defining trafficking, special protection for trafficked children, restrictions on interviews of trafficked persons by law enforcement officers, clear guidelines for issuance of temporary protection permits and granting of permanent status, family reunification and restrictions regarding possible criminal prosecution and detention.[24]

Recommendation: The federal government should reform Canadian law to include a comprehensive framework for the protection of the rights of trafficked persons in line with the proposal developed by the Canadian Council for Refugees.

VI. Women Prisoners (CEDAW articles 2, 3)

Amnesty International raised concerns about protection of the human rights of federally-sentenced women prisoners in its 2002 submission to this Committee in advance of the 2003 review of Canada, and again in its 2005 submission to the UN Human Rights Committee.

The extent and serious nature of the human rights violations faced by federally-sentenced women prisoners has been well-documented by front-line organizations that work closely with women prisoners, such as the Elizabeth Fry Society.[25] Recommendations for reform have been made by a variety of official bodies, including a public inquiry conducted in 1996 by former UN High Commissioner for Human Rights Louise Arbour, who was a judge on the Ontario Court of Appeal at the time.[26] More recently a 2003 report by the Canadian Human Rights Commission

[24] http://www.ccrweb.ca/documents/traffickingproposal07.pdf
[25] http://www.elizabethfry.ca/caefs_e.htm
[26] *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*, 1996.

(CHRC), found that "women prisoners continue to face systemic human rights problems in the federal correctional system."[27]

Concerns documented by the CHRC include the fact that women prisoners are very often guarded by male guards. The CHRC did not document widespread harassment of women prisoners by male guards but found a number of individual incidents of concern, including an offer made to a woman prisoner by a guard of a leave pass in exchange for sex and a complaint of male guards observing a woman prisoner while she was showering. The UN Standard Minimum Rules for the Treatment of Prisoners very clearly establish that "women prisoners shall be attended and supervised only by women officers."[28] A number of issues related to segregation of women prisoners have also been highlighted by the CHRC, including the fact that Aboriginal women and women from racial minorities appear to be singled out for segregation more often than other women prisoners.[29]

The CHRC report laid out 19 recommendations that provide a comprehensive framework for addressing the range of human rights violations faced by women prisoners. The recommendations range from improvement to the systems for assessing both the needs of women prisoners and the risks they pose while in prison, a better response to the particular needs and rights of Indigenous women prisoners, the use of male guards, and the approach to involuntary segregation. The Commission concludes by recommending that the federal government take steps to significantly improve the oversight of conditions faced by women prisoners by establishing "an independent, external redress body for federally sentenced offenders." The Commission specifically recommends that there be "independent adjudication for decisions related to involuntary segregation."[30]

i) External oversight

In 2005 the UN Human Rights Committee expressed concerns about the situation of women prisoners, including the continuing practice of using male front-line staff in women's institutions. The Committee called on Canada to move forward with the "establishment of an independent external redress body for federally sentenced offenders and independent adjudication for decisions related to involuntary

[27] *Protecting their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, Canadian Human Rights Commission, December 2003, http://www.chrc-ccdp.ca/legislation_policies/consultation_report-en.asp
[28] United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 53(3).
[29] Footnote 27, sections 5.2.1 and 5.2.2.,
[30] *Ibid.*, recommendations 6 and 19.

segregation, or alternative models."[31] Reflecting the urgency of the concerns about this particular issue, the Committee called on Canada to make an interim progress report within one year.

Canada's further report to the Human Rights Committee,[32] in November 2006 rejected the recommendation to cease the practice of employing men as front-line staff in women's institutions. With respect to the issue of external redress the report references an April 2006 report by Correctional Service of Canada (CSC), which indicated that there were "no plans to introduce an external redress body at this time." The reason given is that CSC has not been able to identify a model of this type of oversight body in any other country and has therefore concluded that the most effective approach is to rely on the court system as the means of providing redress.[33]

Recommendation: **The federal government should move without further delay to establish an independent external redress body for federally sentenced women prisoners and independent adjudication for decisions related to involuntary segregation, as has been repeatedly recommended by national and international human rights bodies. The federal government should also cease the practice of employing male guards as front-line staff in women's institutions.**

ii) The rights of Indigenous women prisoners

While Indigenous men are disproportionately represented in the Canadian prison population, the disparity is even greater for Indigenous women. Thirty percent of women in federal prisons identify as Indigenous. The federal Correctional Investigator reports that while the overall numbers of people in federal prisons declined by 15.5 percent from 1996 to 2004, the number of incarcerated First Nations women increased by 74.2 percent over the same period.[34]

[31] Footnote 4, para. 18.
[32] International Covenant on Civil and Political Rights: Interim Report in follow-up to the review of Canada's Fifth Report, November 2006, pgs. 6-11.
[33] *Ten Year Status Report on Women's Corrections*, Correctional Service of Canada, April 2006, pg. 153.
[34] Office of the Correctional Investigator. Backgrounder: Aboriginal Inmates. http://www.oci-bec.gc.ca/newsroom/bk-AR0506_e.asp

In addition, there are long-standing concerns over the disproportionate number of Indigenous women in the highest security facilities. Aboriginal women make up 46 percent of the maximum-security prison population.[35] Being held under higher security conditions reduces access to programs intended to rehabilitate and prepare prisoners for eventual release, including programs specifically intended for Aboriginal women.

The assessment system that determines security restrictions on federally sentenced prisoners was designed for male prisoners. The Canadian Human Rights Commission (CHRC) has determined that the assessment system "was not designed to identify, reflect or accommodate the needs, capacities and circumstances of federally sentenced women or members of racialized groups, nor has it been adequately validated for these populations."[36] The CHRC recommended immediate development of a gender sensitive classification tool and reassessment of all Aboriginal women classified for maximum security detention. In 2007, the Office of the Correctional Investigator criticized the slow implementation of this recommendation "given the well documented evidence and research available on the topic."[37]

Recommendation: **The federal government should create a gender-sensitive security classification tool that ends the overclassification of Aboriginal women and should reassess the classification of all Aboriginal women currently classified at the level of maximum security.**

[35] *Ibid.*
[36] Footnote 27.
[37] Office of the Correctional Investigator. Annual Report 2006-2007. http://www.oci-bec.gc.ca/reports/pdf/AR200607_e.pdf