



December 21, 2012

Via email: NichoR@parl.gc.ca

The Honourable Robert Nicholson, Q.C., P.C., M.P.,
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Minister Nicholson:

I am writing on behalf of the Canadian Bar Association about the April 26, 2012 decision of the Committee on the Elimination of Discrimination Against Women (CEDAW) in the case of Cecilia Kell of the Northwest Territories. The Committee found that Canada failed to comply with its obligations under the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) and its *Optional Protocol* and made recommendations to address that failure. I urge you to act quickly to ensure that Canada lives up to its commitments under the Convention and Protocol. I also offer the CBA's support to address Committee recommendation #11(b)(ii), to review Canada's legal aid system to ensure that victims of domestic violence have access to justice.

Cecilia Kell is an Aboriginal woman who left a violent relationship with her male partner, and in the process, lost her housing through the NWT Housing Corporation. The Committee found that she was discriminated against because of her aboriginality and her sex. It found that the Housing Corporation was responsible for Ms. Kell losing her house, and that Canada had failed to take the necessary steps to protect Aboriginal women facing violence, including failing to provide adequate legal aid when she sought a remedy. In addition to remedies specific to Ms. Kell, the Committee recommended that Canada generally:

- (i) Recruit and train more aboriginal women to provide legal aid to women from their communities, including on domestic violence and property rights;
- (ii) Review its legal aid system to ensure that aboriginal women who are victims of domestic violence have effective access to justice.

Unfortunately, this is not the first time a United Nations body has highlighted Canada's failures to meet its commitments under international treaties aimed at race and sex based discrimination.

The CBA has expressed concerns about serious shortfalls in federal government funding of, and leadership on civil legal aid for decades. These shortfalls impact women, especially Aboriginal women, particularly hard. Women are more often poor, more often custodial parents, and more often have family law problems than men. Declining federal involvement and financial support for civil legal aid, accompanied by increased pressures on criminal legal aid, has made the situation

increasingly dire across Canada in both areas. Canada is too affluent and fair-minded a country to abandon its people when they confront serious legal issues and need legal help. Again, I offer the CBA's full cooperation and collaboration in anticipation of your review of Canada's legal aid system to ensure that aboriginal women who are victims of domestic violence have effective access to justice.

Canada has been proud to speak out in support of the rights of women internationally. I urge you to show the same determination to address injustices against women within our borders. A full and timely response to the CEDAW recommendations would demonstrate Canada's commitment to act in accordance with its public statements on the equality of women.

Yours truly,

(original signed by Robert C. Brun)

Robert C. Brun, Q.C.

cc. The Honourable Robert McLeod
Premier and Minister Responsible for the Status of Women
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