

October 30, 2020

## **AMNESTY INTERNATIONAL SUBMISSION TO HOUSE OF COMMONS STANDING COMMITTEE ON THE STATUS OF WOMEN ON GENDER AND HUMAN RIGHTS DURING COVID-19**

### **Introduction**

The COVID-19 pandemic is exacerbating existing gender inequalities. Public health guidelines, while necessary to control the spread of the virus, have led to elevated levels of gender-based violence, increased unpaid care work, and decreased access to services and supports for those who most need them.

Not all women and gender diverse people are impacted by the pandemic in the same way. Black, Indigenous, and other women and gender diverse people of colour; women and gender diverse people with disabilities; LGBTI people; sex workers; women and gender diverse refugees and migrants; and women and gender diverse people living in poverty already face heightened risks of discrimination and violence, which are further compounded by institutional and systemic racism, and heightened by the pandemic.

Women and gender diverse people have the right to equality, non-discrimination, physical integrity, health, privacy, information, family and security.<sup>1</sup> They have the right to be free from violence, torture and inhuman or degrading treatment.<sup>2</sup> Urgent action is needed to engage women and gender diverse people as meaningful partners in the federal government's COVID-19 response, as part of a human rights oversight mechanism, to help shape rights-based, gender-responsive solutions to the pandemic.<sup>3</sup>

### **The Rights of Sex Workers**

Sex workers are one of the most marginalized groups in Canada. Since the start of the pandemic, many sex workers stopped direct-contact sex work to comply with social distancing guidelines. Others have been out of work with the closure of strip clubs and

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<sup>1</sup> Convention in the Elimination of all forms of Discrimination Against Women, General Recommendation 24, Article 12, CEDAW/AUS/CO/7; Universal Declaration of Human Rights, Article 7; International Covenant on Economic Social and Cultural Rights, Articles 12.1 and 16.1; International Convention on the Elimination of all forms of Racial Discrimination, Article 5; and the UN Declaration on the Rights of Indigenous Peoples, Article 2.

<sup>2</sup> UN, Universal Declaration of Human Rights, Article 5, UN, International Covenant on Civil and Political Rights, Article 7; and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>3</sup> Amnesty International, "Canada: 301 organizations, academics and others urge governments to adopt human rights oversight of COVID-19 responses," 15 April 2020, [www.amnesty.ca/news/canada-301-organizations-academics-and-others-urge-governments-adopt-human-rights-oversight](https://www.amnesty.ca/news/canada-301-organizations-academics-and-others-urge-governments-adopt-human-rights-oversight).

massage parlours. Some sex workers—including those most marginalized—have not been able to stop working and face an increased risk of surveillance. Most sex workers abruptly lost all their income, but because of the precarious and criminalized nature of their work, many sex workers do not qualify for CERB, EI, or other emergency income supports.<sup>4</sup> Throughout the Americas, 98% of sex workers are the sole wage earner in their household.<sup>5</sup>

Amnesty International has advocated, alongside other organizations, for emergency income supports to sex workers during the pandemic. In the course of these advocacy efforts has become clear that the criminalization of sex work in Canada is a barrier to sex workers having the same access to income supports as other people in Canada who have lost their income.<sup>6</sup>

Furthermore, Canada has failed to stop enforcing Canada's sex work laws during the pandemic. This has placed sex workers in an impossible situation where they can work and face criminalization or stop work but be unable to access income supports. To address this situation, in July, Amnesty International Canada joined other organizations in calling on Justice Minister David Lametti to place an immediate moratorium on the enforcement of Canada's sex work laws.<sup>7</sup> To date, there is no such moratorium in place.

An April statement by the Global Network of Sex Work Projects (NSWP) and UNAIDS recognized that “the criminalization of various aspects of sex work in the majority of countries serves to magnify the already precarious situation of sex workers in the informal economy. As sex workers and their clients self-isolate, sex workers are left unprotected, increasingly vulnerable and unable to provide for themselves and their families.”<sup>8</sup> The

<sup>4</sup> Amnesty International, “Joint letter to government,” 22 May 2020, [www.amnesty.ca/news/canada-must-protect-rights-sex-workers-during-covid-19-ensuring-access-emergency-income](http://www.amnesty.ca/news/canada-must-protect-rights-sex-workers-during-covid-19-ensuring-access-emergency-income); Julia Peterson, “For Canadian sex workers, CERB was a lifeline-if they could get it,” CBC, 25 October 2020, [www.cbc.ca/news/canada/saskatchewan/cerb-sex-worker-access-1.5769650](http://www.cbc.ca/news/canada/saskatchewan/cerb-sex-worker-access-1.5769650); and Cecelia Benoit, “Despite the assurance that no one will be left behind in Trudeau's pandemic plan, sex workers have not received the same benefits as other Canadians,” Policy Options, 16 October 2020, [policyoptions.irpp.org/magazines/october-2020/covid-19-benefits-exclude-sex-workers-in-canada/](http://policyoptions.irpp.org/magazines/october-2020/covid-19-benefits-exclude-sex-workers-in-canada/).

<sup>5</sup> Amnesty International, “Americas: Authorities must protect women who engage in sex work from the impact of COVID-19,” 2 June 2020, [www.amnesty.ca/news/americas-authorities-must-protect-women-who-engage-sex-work-impact-covid-19](http://www.amnesty.ca/news/americas-authorities-must-protect-women-who-engage-sex-work-impact-covid-19).

<sup>6</sup> Amnesty International, “Canada's exclusion of sex workers from COVID-19 income supports is shameful and violates human rights,” 25 June 2020, [www.amnesty.ca/news/canada%E2%80%99s-exclusion-sex-workers-covid-19-emergency-income-supports-shameful-and-violates-human](http://www.amnesty.ca/news/canada%E2%80%99s-exclusion-sex-workers-covid-19-emergency-income-supports-shameful-and-violates-human); and Cecelia Benoit, “Despite the assurance that no one will be left behind in Trudeau's pandemic plan, sex workers have not received the same benefits as other Canadians,” Policy Options, 16 October 2020, [policyoptions.irpp.org/magazines/october-2020/covid-19-benefits-exclude-sex-workers-in-canada/](http://policyoptions.irpp.org/magazines/october-2020/covid-19-benefits-exclude-sex-workers-in-canada/).

<sup>7</sup> Canadian HIV/AIDS Legal Network, “Open letter to Minister of Justice: Stop enforcing sex work laws immediately,” 23 July 2020, [www.hivlegalnetwork.ca/site/open-letter-to-minister-of-justice-stop-enforcing-sex-work-laws-immediately/?lang=en](http://www.hivlegalnetwork.ca/site/open-letter-to-minister-of-justice-stop-enforcing-sex-work-laws-immediately/?lang=en).

<sup>8</sup> Global Network of Sex Work Projects (NSWP) and UNAIDS, “Sex workers must not be left behind in the response to COVID-19,” Press Statement, 8 April 2020, [www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408\\_sex](http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408_sex)

**National Office:**

312 Laurier Avenue East, Ottawa, ON K1N 1H9  
Tel: (613) 744-7667 Fax: (613) 746-2411  
info@amnesty.ca

**Toronto Office:**

1992 Yonge Street, 3rd floor, Toronto ON M4S 1Z7  
Tel: (416) 363-9933 Fax: (416) 363-3103  
toronto@amnesty.ca

**Vancouver Office:**

Suite 430, 319 West Pender, Vancouver, BC V6B 1T3  
Tel: (604) 294-5160 Fax: (604) 294-5130  
vancouver@amnesty.ca

statement called on all countries to ensure “access to national social protection schemes for sex workers, including income support schemes.”<sup>9</sup>

Eight months into the pandemic, Canada has failed to provide access to social protection schemes for sex workers, including income supports, and Canada has failed to address the harmful impacts of the criminalization of sex work on sex workers.

### **Gender-Based Violence**

The pandemic has led to increased rates of gender-based violence. Public health restrictions, mental health concerns, and the mounting pressures of unemployment, school and daycare closures or restricted hours, home schooling, and other pandemic stressors continue to fuel the violence. All women and gender diverse people have the right to live free from violence,<sup>10</sup> and violations of this right in the context of the pandemic must be urgently addressed.<sup>11</sup>

The government of Canada held discussions with provincial and territorial governments and civil society organizations and determined there has been a 20-30% increase in gender-based violence and domestic violence in parts of Canada during the pandemic.<sup>12</sup> The Canadian Women’s Foundation reports that women, girls, transgender, and non-binary people face an increased risk of violence due to COVID-19 isolation measures.<sup>13</sup> In a one month period covering April and May, there were nine confirmed cases of domestic homicide in Canada. On April 18-19 a mass shooting in Nova Scotia, which reports say was fuelled by misogyny, killed 22 people.<sup>14</sup> In May, an Indigenous woman died in what police believe was the second case of an Indigenous woman being murdered by an intimate partner in Winnipeg, Manitoba during the pandemic.<sup>15</sup>

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<sup>9</sup> Ibid.

<sup>10</sup> UN, Universal Declaration of Human Rights, Article 5.

<sup>11</sup> Amnesty International, “Canada: Submission to the UN Special Rapporteur on Violence Against Women on COVID-19 and the increase of domestic violence against women,” June 2020, [www.amnesty.org/download/Documents/AMR2026062020ENGLISH.pdf](http://www.amnesty.org/download/Documents/AMR2026062020ENGLISH.pdf).

<sup>12</sup> Raisa Patel, “Minister says COVID-19 is empowering domestic violence rates in certain regions,” CBC, 27 April 2020, [www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851](http://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851).

<sup>13</sup> Andrea Gunraj & Jessica Howard, “Why is the COVID-19 Pandemic linked to more gender-based violence,” Canadian Women’s Foundation, 9 April 2020, [canadianwomen.org/blog/covid-19-pandemic-gender-based-violence/](http://canadianwomen.org/blog/covid-19-pandemic-gender-based-violence/).

<sup>14</sup> BWSS, “Ten cases of men killing women in Canada in the last 36 days,” BWSS, 6 May 2020, [www.bwss.org/nine-cases-of-gender-based-violence-resulted-in-deaths-in-past-36-days-in-canada/](http://www.bwss.org/nine-cases-of-gender-based-violence-resulted-in-deaths-in-past-36-days-in-canada/); and Heidi Petracek and Melanie Price, “Focus on femicide: the Nova Scotia shootings’ connection to domestic violence,” CTV, 28 April 2020, [atlantic.ctvnews.ca/focus-on-femicide-the-nova-scotia-shootings-connection-to-domestic-violence-1.4915852](http://atlantic.ctvnews.ca/focus-on-femicide-the-nova-scotia-shootings-connection-to-domestic-violence-1.4915852).

<sup>15</sup> Dana Hatherly, “Domestic violence ‘an epidemic’ advocate says after 2 Indigenous women killed in Winnipeg during pandemic,” CBC,

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**National Office:**

312 Laurier Avenue East, Ottawa, ON K1N 1H9  
Tel: (613) 744-7667 Fax: (613) 746-2411  
info@amnesty.ca

**Toronto Office:**

1992 Yonge Street, 3rd floor, Toronto ON M4S 1Z7  
Tel: (416) 363-9933 Fax: (416) 363-3103  
toronto@amnesty.ca

**Vancouver Office:**

Suite 430, 319 West Pender, Vancouver, BC V6B 1T3  
Tel: (604) 294-5160 Fax: (604) 294-5130  
vancouver@amnesty.ca

Canada lacks comprehensive government data collection on femicide, and the actual number of femicides is likely higher than figures reported by the media and police. Police reports do not accurately capture the scope of domestic violence since many women, transgender, and non-binary people do not report domestic violence to police.<sup>16</sup> The 2014 General Social Survey on Canadians' Safety reported that about 70% of individuals who experienced spousal violence did not report this violence to the police.<sup>17</sup>

Statistics Canada reports that one in 10 women was concerned about an increase in domestic violence during the pandemic.<sup>18</sup> The Native Women's Association of Canada surveyed 250 Indigenous women and found that one in five reported experiencing physical or psychological violence over a three-month period; most of the violence was committed by an intimate partner.<sup>19</sup>

Across the country some police services have reported increases in domestic violence, while others report no changes or even decreases.<sup>20</sup> Lockdown measures where women are self-isolating with their abusers may mean women are increasingly under surveillance and are less able to call for help, which may explain decreases in call volume especially in rural communities.<sup>21</sup>

Since the pandemic began, the Royal Canadian Mounted Police (RCMP) in Airdrie, Alberta reported decreases in domestic violence calls, though Airdrie P.O.W.E.R., an organization

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27 May 2020, [www.cbc.ca/news/canada/manitoba/indigenous-victims-domestic-violence-homicides-1.5574176](http://www.cbc.ca/news/canada/manitoba/indigenous-victims-domestic-violence-homicides-1.5574176).

<sup>16</sup> Wendy Gillis, "Forced to stay home with their abusers, Canadian victims of domestic violence must "choose between two pandemics'," *The Star*, 20 April 2020, [www.thestar.com/news/canada/2020/04/20/forced-to-stay-home-with-their-abusers-canadian-victims-of-domestic-violence-must-choose-between-two-pandemics.html](http://www.thestar.com/news/canada/2020/04/20/forced-to-stay-home-with-their-abusers-canadian-victims-of-domestic-violence-must-choose-between-two-pandemics.html).

<sup>17</sup> Marta Burczycka, "Section 3: Police-reported intimate partner violence," Statistics Canada 17 January 2018, [www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54893/03-eng.htm](http://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54893/03-eng.htm).

<sup>18</sup> Statistics Canada, "Canadian Perspective Survey Series 1: Impacts of COVID-19," 8 April 2020, [www150.statcan.gc.ca/n1/daily-quotidien/200408/dq200408c-eng.htm](http://www150.statcan.gc.ca/n1/daily-quotidien/200408/dq200408c-eng.htm).

<sup>19</sup> Teresa Wright, "Violence against Indigenous women during COVID-19 sparks calls for MMIWG plan," CP24, 10 May 2020, [www.cp24.com/news/violence-against-indigenous-women-during-covid-19-sparks-calls-for-mmiwg-plan-1.4932824](http://www.cp24.com/news/violence-against-indigenous-women-during-covid-19-sparks-calls-for-mmiwg-plan-1.4932824).

<sup>20</sup> Wendy Gillis, "Forced to stay home with their abusers, Canadian victims of domestic violence must "choose between two pandemics'," *The Star*, 20 April 2020, [www.thestar.com/news/canada/2020/04/20/forced-to-stay-home-with-their-abusers-canadian-victims-of-domestic-violence-must-choose-between-two-pandemics.html](http://www.thestar.com/news/canada/2020/04/20/forced-to-stay-home-with-their-abusers-canadian-victims-of-domestic-violence-must-choose-between-two-pandemics.html).

<sup>21</sup> Raisa Patel, "Minister says COVID-19 is empowering domestic violence abusers as rates rise in parts of Canada," CBC, 27 April 2020, [www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851](http://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851).

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Tel: (613) 744-7667 Fax: (613) 746-2411  
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1992 Yonge Street, 3rd floor, Toronto ON M4S 1Z7  
Tel: (416) 363-9933 Fax: (416) 363-3103  
toronto@amnesty.ca

**Vancouver Office:**

Suite 430, 319 West Pender, Vancouver, BC V6B 1T3  
Tel: (604) 294-5160 Fax: (604) 294-5130  
vancouver@amnesty.ca

working with women experiencing violence, was overwhelmed with increased calls.<sup>22</sup> In Ontario, the York Regional Police reported a 22% increase in domestic incidents since 17 March when stay-at-home measures were introduced.<sup>23</sup> In Saskatchewan, the Saskatoon Police Service reported a 10% increase in domestic violence calls since social distancing measures were introduced.<sup>24</sup> The Peel Region in Ontario<sup>25</sup>, the Winnipeg Police in Manitoba<sup>26</sup> and the Victoria Police in British Columbia reported no significant increases in reported domestic violence since the pandemic began.<sup>27</sup> Disparities in the increase in domestic violence calls reported by different police forces do not necessarily point to trends in domestic violence across the country because the time period covered is not long enough to provide accurate statistical trending data, and because victims may not be able to reach out for support while in lockdown with an abuser.<sup>28</sup>

Although matters are being heard in the courts on an urgent basis for protection orders, they are being conducted primarily by conference call and access to legal representation regarding these matters during the pandemic, is lacking.<sup>29</sup> Women who cannot wait for a protection order and must leave home immediately are facing not only closed shelter doors but also a lack of housing options.<sup>30</sup>

The federal government, in the Speech from the Throne, re-committed itself to “accelerate investments in shelters and transition housing, and continue to advance with a National

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<sup>22</sup> Leanne Allison, “Airdrie P.O.W.E.R. says RCMP domestic violence stats just one piece of the puzzle,” Discover Airdrie, 5 June 2020, [www.discoverairdrie.com/local/airdrie-power-says-rcmp-domestic-violence-stats-just-one-piece-of-the-puzzle](http://www.discoverairdrie.com/local/airdrie-power-says-rcmp-domestic-violence-stats-just-one-piece-of-the-puzzle).

<sup>23</sup> Raisa Patel, “Minister says COVID-19 is empowering domestic violence abusers as rates rise in parts of Canada,” CBC, 27 April 2020, [www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851](http://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851).

<sup>24</sup> David Shield, “Saskatoon police continue to see rise in domestic violence calls, post COVID-19,” CBC, 21 May 2020, [www.cbc.ca/news/canada/saskatoon/saskatoon-police-continue-to-see-rise-in-domestic-violence-calls-post-covid-19-1.5578323](http://www.cbc.ca/news/canada/saskatoon/saskatoon-police-continue-to-see-rise-in-domestic-violence-calls-post-covid-19-1.5578323).

<sup>25</sup> Faiza Amin, “Domestic violence calls surge during coronavirus pandemic,” CityNews, 8 April 2020, [toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/](http://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/).

<sup>26</sup> Adrian Humphreys, “Crime in a time of COVID-19: How the pandemic is changing criminality in our neighbourhoods,” National Post, 3 April 2020, [nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods](http://nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods).

<sup>27</sup> Brishti Basu, “No spike in domestic abuse police reports in Victoria during lockdown, but experts concerned,” Victoria Buzz, 8 April 2020, [www.victoriabuzz.com/2020/04/no-spike-in-domestic-violence-police-reports-in-victoria-during-pandemic-but-experts-concerned/](http://www.victoriabuzz.com/2020/04/no-spike-in-domestic-violence-police-reports-in-victoria-during-pandemic-but-experts-concerned/).

<sup>28</sup> Adrian Humphreys, “Crime in a time of COVID-19: How the pandemic is changing criminality in our neighbourhoods,” National Post, 3 April 2020, [nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods](http://nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods).

<sup>29</sup> Ibid, at 8-9.

<sup>30</sup> Ibid at 7-8.

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**National Office:**

312 Laurier Avenue East, Ottawa, ON K1N 1H9  
Tel: (613) 744-7667 Fax: (613) 746-2411  
info@amnesty.ca

**Toronto Office:**

1992 Yonge Street, 3rd floor, Toronto ON M4S 1Z7  
Tel: (416) 363-9933 Fax: (416) 363-3103  
toronto@amnesty.ca

**Vancouver Office:**

Suite 430, 319 West Pender, Vancouver, BC V6B 1T3  
Tel: (604) 294-5160 Fax: (604) 294-5130  
vancouver@amnesty.ca

Action Plan on Gender-Based Violence.”<sup>31</sup> Now, because of the pandemic-related rise in gender-based violence, is the time to urgently accelerate this work in partnership with civil society.

### **Unpaid care work and lack of access to childcare**

As the COVID-19 pandemic has shown, without access to childcare, women either take on a disproportionate share of unpaid care work in the home, balancing paid work with child care, house work, and in some cases home schooling—or they reduce their work hours, take leaves of absence from work, or leave their jobs entirely. In August, Statistics Canada reported that mothers whose youngest child was 6-17 years old were the furthest from returning to pre-pandemic employment levels.<sup>32</sup>

If unpaid care work was equally distributed between people of all genders, access to childcare might not be so central to ensuring that the rights of women are respected, protected, and upheld. However, ongoing gender discrimination leads to women carrying out the bulk of unpaid care work, including childcare.

Without childcare women may not be able to work. Without paid work, women may not have income security and may live in poverty, a risk factor for gender-based violence. Without paid work, women may be dependent on a partner, which can lead to power imbalances in the home, a risk factor for gender-based violence.

Black, Indigenous, and other families of colour and people living in poverty have long been denied access to childcare because it has been unaffordable and often non-inclusive. Access to childcare is insufficient in many parts of Canada, and especially in rural and remote areas and for women who do not work weekday office hours.

Childcare in Canada is not consistently regulated, there are not enough spaces, and it is often unaffordable. Economic security for women is a precursor to gender equality, and economic security for women is impossible to achieve without a national childcare strategy.

The Speech from the Throne recognized the need for “more accessible, affordable, inclusive, and high quality childcare,” and called for “a significant, long-term, sustained investment to create a Canada-wide early learning and childcare system” to “ensure that

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<sup>31</sup> Government of Canada, “A Strong and More Resilient Canada: Speech from the Throne to Open the Second Session of the Forty-Third Parliament of Canada,” 23 September 2020, [www.canada.ca/en/privy-council/campaigns/speech-throne/2020/stronger-resilient-canada.html](http://www.canada.ca/en/privy-council/campaigns/speech-throne/2020/stronger-resilient-canada.html).

<sup>32</sup> Statistics Canada, “Labour Force Survey: July 2020,” 7 August 2020, [www150.statcan.gc.ca/n1/daily-quotidien/200807/dq200807a-eng.htm](http://www150.statcan.gc.ca/n1/daily-quotidien/200807/dq200807a-eng.htm)

---

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Tel: (416) 363-9933 Fax: (416) 363-3103  
toronto@amnesty.ca

**Vancouver Office:**

Suite 430, 319 West Pender, Vancouver, BC V6B 1T3  
Tel: (604) 294-5160 Fax: (604) 294-5130  
vancouver@amnesty.ca

high-quality care is accessible to all.”<sup>33</sup> Amnesty International welcomes this commitment, and urges the federal government to move forward quickly to create a national childcare strategy for children ages 0-12.

### **Calls for Action**

Violations of the rights of women and gender diverse people are on the rise because of the pandemic. These rights violations must be urgently addressed by government, in partnership with civil society.

As critical next steps, Amnesty International is calling on the federal government to:

### **Coordination and Oversight**

1. Include intersectional gender experts at decision-making tables to help shape rights-based, gender-responsive solutions to the pandemic.

### **The Rights of Sex Workers**

2. Provide accessible emergency income supports or cash equivalents to sex workers through the community organizations that serve them.
3. Place an immediate moratorium on the enforcement of the Protection of Communities and Exploited Persons Act (PCEPA).
4. Initiate a five-year review of the PCEPA, as mandated in the Act.
5. Decriminalize sex work and reform laws that criminalize sex work.

### **Gender-Based Violence**

6. Develop the National Action Plan to Prevent and Address Gender-Based Violence, in partnership with civil society and using the Blueprint for Canada’s National Action Plan created by Women’s Shelters Canada.
7. Harmonize this National Action Plan with the National Action Plan to implement the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.
8. Allocate significant new, multi-year funding to implement the National Action Plan, including substantial new funding to frontline service providers.

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<sup>33</sup> Government of Canada, “A Strong and More Resilient Canada: Speech from the Throne to Open the Second Session of the Forty-Third Parliament of Canada,” 23 September 2020, [www.canada.ca/en/privy-council/campaigns/speech-throne/2020/stronger-resilient-canada.html](http://www.canada.ca/en/privy-council/campaigns/speech-throne/2020/stronger-resilient-canada.html).

**Childcare**

9. Immediately establish a federal secretariat on childcare to create a national childcare system centered on the rights and wellbeing of parents, children, and staff.
10. Establish a national childcare system to provide high quality, accessible, affordable, inclusive childcare for every family in Canada.
11. Fully implement the Indigenous early learning and childcare framework agreement.
12. Make funding a national childcare strategy a priority in the forthcoming federal budget.

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**National Office:**

312 Laurier Avenue East, Ottawa, ON K1N 1H9  
Tel: (613) 744-7667 Fax: (613) 746-2411  
[info@amnesty.ca](mailto:info@amnesty.ca)

**Toronto Office:**

1992 Yonge Street, 3rd floor, Toronto ON M4S 1Z7  
Tel: (416) 363-9933 Fax: (416) 363-3103  
[toronto@amnesty.ca](mailto:toronto@amnesty.ca)

**Vancouver Office:**

Suite 430, 319 West Pender, Vancouver, BC V6B 1T3  
Tel: (604) 294-5160 Fax: (604) 294-5130  
[vancouver@amnesty.ca](mailto:vancouver@amnesty.ca)