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Committee on Economic, Social and Cultural Rights Thirty-sixth session

Summary record (partial)* of the 12th meeting

Held at the Palais Wilson, Geneva, on Monday, 8 May 2006, at 3 p.m.

Chairperson: Ms. Bonoan-Dandan

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fourth and fifth periodic reports of Canada (continued) (E/C.12/4/Add.15; E/C.12/CAN/5; E/C.12/Q/CAN/2; E/C.12/CAN/Q/4/Add.1; E/C.12/CAN/Q/5 and Add.1; HRI/CORE/1/Add.91)

1. *At the invitation of the Chairperson, the delegation of Canada took places at the Committee table.*

Articles 10–12 of the Covenant (continued)

2. **Mr. Kessel** (Canada) said that the fitness tax credit for children under 16 enrolled in an eligible programme of activities came to Can\$ 500 per year.

3. **Ms. Fortin** (Canada) said that, according to a report of the Canada Employment Insurance Commission, unemployment benefits were sufficient for the great majority of beneficiaries. The entitlement period ranged from 14 to 45 weeks, and benefits were paid out for 19.3 weeks on average. It was fairly easy to be eligible to collect employment insurance in Canada: a person must have worked a minimum of 420 hours, or 12 weeks, to qualify.

4. With respect to the prevention of occupational accidents and illness, she noted that section 217.1 had been added to the Criminal Code in March 2004, providing that: “Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person.”

5. Canada had ratified the International Labour Organization (ILO) Convention concerning Safety in the Use of Asbestos (No. 162) and reported regularly to ILO on its status of implementation. The Government had been making sure that laws and regulations in that area were adopted at the federal, provincial and territorial levels in order to ensure compliance with the obligations under that instrument.

6. Turning to the minimum age for employment, she said that every jurisdiction in Canada had comprehensive legislation covering children’s work. Various laws in force made education mandatory up to age 16 (18 in New Brunswick), prohibited the employment of children during school hours, for more than 15 hours per week and at night and strictly regulated the work that could be assigned to them, forbidding, in particular, work that might jeopardize their morals or health, endanger their life or harm their normal development. Employers must obtain prior authorization from the parents if they wished to hire a minor. Special conditions applied to child artists. Canadians generally believed that so long as the work that children performed did not adversely affect their health or their right to education, the fact of working enabled them to gain invaluable experience. That being said, Canada strongly supported efforts to eliminate the exploitation of children at the national and international level.

7. Her delegation did not have precise figures on informal labour, but could say that such labour was much less widespread than in other countries, where it constituted a significant economic activity and was related to immigration. Persons who worked in the informal sector in Canada generally wished to evade taxation.

8. **Ms. McPhee** (Canada) said that certain categories of workers were not allowed to exercise the right to strike in Canada, specifically workers deemed to provide essential

services or whose occupation was related to the preservation of public safety. However, the notion of essential services varied from province to province, depending on the particular demographic and geographical conditions in each of them. It was natural, therefore, that the provinces should determine what services they deemed essential in their own context.

9. Workers not allowed to exercise the right to strike nevertheless had access to alternative dispute mechanisms or binding arbitration to resolve labour issues. In Alberta, State officials, public and private school teachers and college and university professors did not have the right to strike owing to the importance duly attached to higher education and the level of school fees. The law had provided for a dispute mechanism and struck a fair balance between the right to collective bargaining and the right of students to higher education. Given the great variety of crucial services performed by the civil service in the province of Alberta and the disruptions that would result from strikes and lockouts within the service, the Government of Alberta preferred that civil servants should not be able to engage in job actions. Similarly, in the province of British Columbia, which did not expressly prohibit the right to strike, public services could not be interrupted if that might endanger the health and well-being of the population.

10. **Mr. Lewis** (Canada) said that on 14 February 2006 Ontario had adopted an act under which all arbitration of family law must be based entirely on Ontario and Canadian law, to the exclusion of any decision based on other laws or principles, including religious principles.

11. **Ms. Nassrallah** (Canada) said that Statistics Canada collected data on religious affiliation during its decennial census. According to the 2001 census, there were 276,000 Muslim women in the country, or 1.8 per cent of the female population, and 580,000 Muslims, or 2 per cent of the total population. The average age of Canadian Muslim women was 27 years, compared with 37 years for all women in the country.

12. The Canadian Government attached the highest importance to the issue of integrating all ethnic and cultural communities. One objective of the Department of Canadian Heritage multiculturalism programme was to ensure that members of various ethnic groups, including Muslim women, participated fully in the economic, social and political life of the country. Under that programme, the Canadian Council of Muslim Women had received funding to implement a project intended to increase the level of participation of Muslim women in municipal elections, to conduct a survey to assess their presence on the political scene and in the business world and to begin an intercultural dialogue to combat prejudice against them. Status of Women Canada had also allocated funds to the Canadian Council of Muslim Women to implement a campaign to educate women about their rights under the sharia. The multiculturalism programme had also sought to mitigate the effects of international conflicts on members of the Arab communities of Canada and on relations between communities themselves and to study the extent to which media coverage of international conflicts involving Arab countries had repercussions on the persons from those communities in Canada.

13. **Mr. Hannaford** (Canada) said that various biotechnologies derived from genetic engineering had made it possible to reduce the incidence of certain illnesses, to prevent crops from being lost because of drought or frost and to obtain higher yields and improve the use of resources. Canada had put in place one of the world's safest and most efficient regulatory systems for biotechnology products based on rigorous standards for everything connected with human and animal health. Genetically engineered products underwent safety tests before being put on the market.

14. Chapter 11 of the North American Free Trade Agreement (NAFTA) was not the only international instrument on arbitration in force; there were some 2,400 international investment protection agreements. They were well-known instruments of public

international law for the promotion and protection of foreign investments, which thus contributed to the economic growth of all and the promotion and realization of economic, social and cultural rights in Canada. The fact that Canada had encouraged foreign investment did not compromise the exercise of those rights in any way, nor did it prevent the Canadian Government from adopting public acts on environmental health or laws on cultural and societal matters. Foreign investors in Canada were bound by the same environmental protection rules and regulations and were required to enforce the same occupational health and safety standards as Canadian investors. Chapter 11 of NAFTA did not allow foreign investors to request the cancellation of a measure taken by the Canadian Government; the provisions of that chapter, therefore, did not take precedence over the Covenant.

15. Canada had legislation on the labelling of tobacco products, which had never been challenged under chapter 11 of NAFTA. For further information on the cases in which arbitration proceedings had been instituted under chapter 11 of NAFTA, he invited Committee members to consult the relevant archival documents which could be found on the website of the Department of Foreign Affairs and International Trade. However, he was not convinced that those cases were relevant to the implementation of the International Covenant on Economic, Social and Cultural Rights.

16. **Mr. Kessel** (Canada) said his delegation questioned whether it was appropriate to discuss arbitration procedures under chapter 11 of NAFTA, which it did not consider to fall within the Committee's mandate.

17. **Mr. Tremblay** (Canada) said he was surprised to hear the inaccurate claim that, despite its economic growth, Canada was not investing enough in its health and social programmes. In 2003, it had been decided at the First Ministers' conference that the Canadian Government would spend Can\$ 36.8 billion over five years to fund the Canada Health Transfer, which targeted primary health care, home care, coverage of high-cost drugs and medical and diagnostic equipment. There were also plans to fund health programmes for First Nations members and Inuits. In 2004, the First Ministers had approved the establishment of a 10-year health plan, with a budget of Can\$ 41 billion. The amount of federal transfers to the provinces had therefore grown considerably, and members of the Committee would agree that there was no decline.

18. The waiting period for receiving health care was a real concern and had become a priority for the Canadian Government. In December 2005, the provincial and territorial Governments had announced common health-care and screening objectives and common reference points, particularly concerning radiotherapy, heart surgery, cancer screening and cataract surgery. The next stage would be to establish a system that would enable patients to know the maximum waiting time and the procedures to follow if that time limit was exceeded. The Government continued to benefit from the experience gained by other countries in that area.

19. The federal Government had also made transfer payments to the provinces to cover the cost of drugs administered in hospitals. The objective of the national pharmaceuticals strategy was to ensure that Canadians had access to safe and effective drugs and that resources were allocated for health care in a fair and ethical manner. Several priority areas had been defined, including access to high-cost drugs, the establishment of a national drug formulary, an assessment of the difficulties related to treating rare diseases, the determination of drug costs and the development of drug-purchasing strategies.

20. He recognized that progress made in regard to the health of indigenous persons remained insufficient and the gap between indigenous and non-indigenous persons was still pronounced. It was therefore necessary to invest in the health system, to extend and improve programmes aimed specifically at indigenous persons and to collaborate further in

that respect with the provinces and territories and with all indigenous groups to improve the situation. The federal Government was nevertheless providing primary health-care services to all the country's isolated indigenous communities through health centres and nursing centres established for that purpose. Prevention programmes had also been implemented for members of all the indigenous groups in the country, First Nations, Inuits, Métis and non-status Indians.

21. In 2002, an investment of Can\$ 1.3 billion in the health-care system of the First Nations and the Inuits had been made over five years to ensure its sustainability and to establish new programmes, including a programme to combat foetal alcohol syndrome and a vaccination programme on reserves. In 2004, following the First Ministers conference and a special meeting organized with five indigenous organizations, including the Native Women's Association, the federal Government had announced that it would allocate Can\$ 700 million over five years to improving the health of indigenous persons. A first initiative, with a budget of Can\$ 200 million, had consisted in consolidating the federal and provincial programmes implemented on the reserves and transferring funds to the provinces and territories to enable them to adapt their health system to the needs of the various indigenous populations.

22. A second initiative, the initiative related to human resources in the health sector, with a budget of Can\$ 100 million over five years, had sought to increase the number of indigenous people covered by the health-care system and the number making a career in the health-care sector. The Government had also allocated Can\$ 400 million to programmes to promote maternal and infant health on reserves and programmes to prevent foetal alcohol syndrome and suicide on and off reserves.

23. A third initiative had consisted in intensifying collaboration between various partners. The First Ministers, indigenous leaders and indigenous organization officials had participated in numerous meetings and round tables throughout the country to discuss issues related to the health and housing, education and economic development of indigenous communities.

24. The Government invested Can\$ 59 million each year in the national native alcohol and drug abuse programme, which included some 550 prevention programmes established at the local level by staff from some 50 treatment centres throughout the country and managed by members of the First Nations themselves.

25. Given that the suicide rate of young indigenous persons was very high — six times higher than the rate among the non-indigenous population of the same age group — a national strategy for the prevention of suicide by young indigenous persons had been developed in 2005 in collaboration with indigenous groups and provided with a budget of Can\$ 65 million over five years. That strategy was complemented by a mental health programme.

26. In sum, health and social programmes had benefited from huge investments in recent years, which accounted for the improvement in the health of Canadians. Adolescent smoking had decreased: 20.9 per cent of adolescents had declared themselves to be regular smokers in 2004–2005, compared with 40.8 per cent in 2003.

27. **Ms. McPhee** (Canada) said that suicide prevention strategies for indigenous persons had been implemented in several provinces and territories, including Saskatchewan, and that the strategy launched by Quebec in 1998 had succeeded in stabilizing the suicide rate. The suicide rate of members of the Cree community was the same as the national rate. Given the critical situation from that point of view in the Nunavut region, the Quebec Ministry of Health and Social Services had set up a network of 14 youth centres to combat despair and suicide among young Inuits. In British Columbia, the Ministry of Children and Family Development had funded several small projects between 1999 and 2001 to prevent

suicide at the local level, including several established in First Nations communities. The communities had been able to adapt those projects to their own cultural setting and develop strategies based on strengthening relations between generations and passing down healing methods.

28. Manitoba had established a committee responsible for preventing suicide in indigenous communities and developed a strategy to combat foetal alcohol syndrome, which proposed remedial courses for students affected by the syndrome, screening services and care for pregnant women alcoholics or drug addicts and provided for awareness campaigns on the issue. Joint initiatives had also been taken by the Governments of Manitoba, Alberta, Saskatchewan, British Columbia, the Northwest Territories and Yukon to prevent foetal alcohol syndrome and raise awareness about the issue.

29. **Ms. McCarthy** (Canada) said the Government of Newfoundland and Labrador had announced that it would fund a suicide prevention initiative together with research and training programmes to assist indigenous communities experiencing a high rate of suicide. New programmes to combat foetal alcohol syndrome and treat sex offenders and perpetrators of domestic violence would also be implemented in indigenous communities of Labrador.

30. **Ms. Lodge** (Canada) said that the Government of Nunavut had allocated Can\$ 175,000 in 2006 to combat suicide among the Inuits and established a special suicide prevention team for that purpose. Nunavut had also set up a special volunteer suicide prevention hotline operating daily from 9 p.m. to midnight. A special line operating from 5 p.m. to 7 p.m. had also been established to answer questions about HIV/AIDS.

31. **Ms. Desmarais** (Canada) said that the Ministry of Health and Social Services had invested an extra Can\$ 4.2 billion over the previous four years to shorten the waiting time for health care in Quebec, which brought the relevant total budget allocation to Can\$ 22 billion. The public health system was being closely monitored to ensure access to services within medically acceptable time limits, but the system was under great pressure. The demand for treatment was increasing proportionately with the aging of the population, and Quebec was affected by a shortage of health-care professionals. To redress the situation, training programme entry conditions would be redefined, the number of students admitted to medical or nursing school would be increased and workers would be recruited from abroad.

32. To facilitate access to and improve the quality of care, new working arrangements would be established, which would introduce more flexibility in human resource management and allow for managing the supply of services at the regional level.

33. Quebec had recently publicized a plan of action to combat drug addiction and alcoholism among young persons, which targeted young pregnant women, the homeless and members of indigenous communities in particular. The plan was aimed at providing treatment for the persons affected and helping them to reintegrate into society.

34. **Mr. Tremblay** (Canada) said that his Government wanted the health system to be publicly funded. The fact that certain health-care services were provided by the private sector did not necessarily mean that those services were not free. Canada had developed a federal tobacco control strategy for 2001–2011, which was complemented by strategies carried out in that area by the provinces. Committee members could find additional information about that issue on the Health Canada website.

35. **Ms. Desmarais** (Canada) recalled the Chaoulli case, in which the Supreme Court of Canada, in a decision on 9 June 2005, had quashed Quebec legislation prohibiting Quebec residents from taking out insurance to obtain services from the private sector covered under the Quebec public health-care system, thus reversing the unanimous opinion of the Quebec

Court of Appeal, which had rejected the appeal. Quebec had obtained a stay of judgement for a period of 12 months to allow enough time to analyse the implications of the decision and consider ways of following up on it. On 16 February 2006, the Ministry of Health and Social Services had published its response in a consultation paper entitled, "Guaranteeing Access: Meeting the Challenges of Equity, Efficiency and Quality", available on the Ministry website.

36. Almost all Quebec doctors practised exclusively in public health facilities and less than 1 per cent in the private sector. In order to follow up on the decision of the Supreme Court and preserve the public health-care system, the Quebec Government had proposed establishing a mechanism to guarantee access to health-care services within a period of six to nine months for the entire treatment. To do so, the Government had aimed to improve the system's performance, including by making better use of available technological, human and financial resources. It had also proposed to open the health-care system to the private sector while seeking to maintain as much as possible a watertight seal between public and private financing, in the hope of thus mitigating the adverse effects of such a measure on the most vulnerable patients. Patients who so wished could turn to the private sector for elective surgery, including elective hip, knee and cataract surgery, for which the waiting list in the public sector was particularly long. The Quebec Government would make a final proposal to follow up on the Chaoulli decision.

37. **Mr. Hannaford** (Canada) said that, in Canada's view, there was no real international consensus on the existence of a right to water as a basic right. The Government nevertheless acknowledged its responsibility for guaranteeing nationwide access to drinking water, which it was doing by adopting laws and developing programmes and policies at the federal, provincial and territorial level.

38. **Mr. Lewis** (Canada) said that the Tenant Protection Act of Ontario did not provide tenants with any guarantee against eviction. In general, the law in force attempted to protect both tenants and landlords. A new act under review in that area, the Residential Tenancies Act, enabled tenants to contest decisions by their landlords, including decisions on eviction, and provided for remedies.

39. Regarding housing allowances, the Government of Ontario had made it a priority to promote low-cost housing not only for persons with low incomes but also middle-class persons. A parent eligible for social welfare raising children on his or her own received Can\$ 570 per month. In Ontario, subsidized housing units managed by municipalities and non-profit organizations were made available to persons with low incomes. Other housing was proposed to victims of violence on an emergency basis. Under the social housing reform of Ontario, 15,000 housing units costing Can\$ 734 million were to be constructed shortly, with priority being given to people fleeing a violent partner.

40. **Ms. Barahona Riera** enquired whether the State party was considering making domestic violence a criminal offence.

41. She noted that, under article 10 of the Covenant, States parties must recognize that the widest possible protection and assistance should be accorded to the family. Contrary to what the delegation seemed to believe, such protection and assistance was an obligation. She could understand that, given the choice, a poor Canadian woman raising her children alone might prefer to live in Ontario rather than another province considering the social assistance and legal aid services that she could enjoy there.

42. **Ms. Bras Gomes** said that, contrary to the delegation's assertion, the National Council of Welfare did not consider that the State party had made progress on poverty reduction or that, in general, minimum incomes were sufficient.

43. **Mr. Sadi** asked the delegation to confirm that the sharia was applied only insofar as it did not conflict with federal or provincial law. He feared that the programmes put in place to integrate Muslim women in society might prove to be a source of dissension in a society that was already divided along religious lines.

44. Creating smoking sections in public spaces was an ineffective tobacco control measure, as the smoke permeated the entire public space and passive smoking was as bad as tobacco consumption itself.

45. **The Chairperson** said that, although the Committee did not have a mandate to examine the provisions of NAFTA, the effects of that international agreement on economic, social and cultural rights clearly fell within its purview.

Articles 13–15 of the Covenant

46. **Mr. Sadi** regretted that tuition costs in higher education were increasing and that in setting tuition fees the State party made a distinction not only between Canadians and foreign nationals but also between residents and non-residents, which was arbitrary and also at odds with article 13 (c) of the Covenant. He had been informed that foreign students who had obtained a degree at a Canadian university were encouraged to stay in Canada and to apply for Canadian nationality. He queried whether that would not foster brain drain.

47. **Mr. Malinverni** asked if targeted measures were taken by the State party to combat school failure among students of African descent, who dropped out of school before completing their compulsory education in far greater numbers than the rest of the population.

48. Referring to jurisprudence in the Gosselin case, he had the impression that federal and provincial laws could not be contested before the courts on the grounds that they contravened the Canadian Charter of Rights and Freedoms or international human rights instruments. It would seem, therefore, that there were no checks on the constitutionality or international legality of federal and provincial legislation and therefore no possible remedies, which would be inconsistent with the principle of *ubi jus ibi remedium*. If that were true, it would be a serious gap in the State party's system of protection of fundamental rights.

49. **Ms. Ghose** said she would appreciate further information on the measures taken by the State party to close the education gap between First Nations children living on reserves and other Canadian children.

50. Paragraph 157 of the State party's fifth periodic report stated that the aboriginal languages initiative had been extended until 2006. She would like to know what the State party was planning to do once the initiative had ended and when it intended to reach a decision on the recommendations of the task force on aboriginal languages and cultures set up to develop a strategy to preserve, revitalize and promote those languages and cultures. It would be interesting to learn more about the content of those recommendations. Lastly, the delegation might indicate whether the studies of non-indigenous Canadians included courses on indigenous cultures and indigenous peoples, as equal Canadian citizens.

51. **Mr. Marchán Romero** noted with satisfaction the information provided by the State party on the consultations with civil society and international organizations on the issue of recognizing the intellectual property rights and traditional knowledge and cultural expressions of indigenous peoples. Paragraph 33 of general comment No. 17, entitled "The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author (article 15, paragraph 1 (c), of the Covenant)", stated that: "States parties in which ethnic, religious or linguistic minorities exist are under an obligation to protect the moral and material

interests of authors belonging to these minorities through special measures to preserve the distinctive character of minority cultures.” He wished to know how the State party was protecting the biodiversity of the ancestral environment of the indigenous communities as cultural property. He recalled the Human Rights Committee’s very broad interpretation of the notion of culture, which it had extended, in the case of indigenous peoples, to the way of life associated with the use of land resources. He enquired whether the delegation had a comment to make on the issue.

52. He would also appreciate knowing if indigenous people in Canada were able to use their mother tongue in administrative procedures and judicial proceedings, particularly whether they had the benefit of interpretation services.

53. **Mr. Tirado Mejía** asked what measures the federal and provincial Governments had taken to reduce the illiteracy rate, which was close to 20 per cent of the adult population.

54. **Ms. Bras Gomes** noted that the 2004 decision of the Supreme Court of Canada, which prohibited teachers from using corporal punishment, had not been taken up in the relevant legislation of all provinces and territories. The delegation might give its views on the subject and indicate if it was true that parents were generally inclined to favour corporal punishment.

55. **Mr. Kolosov** noted with regret the steady rise in tuition fees for higher education, including undergraduate courses. He wished to know if the State party intended to develop a plan of action to reduce those fees and cover the costs for vulnerable groups such as indigenous, disabled and needy persons. By doing so, the State party, a wealthy country, could become a model for the rest of the world by making higher education equally accessible to all on the basis of individual ability, by every appropriate means, and in particular by the progressive introduction of free education, in accordance with article 13, paragraph 2 (c) of the Covenant.

56. **Mr. Kessel** (Canada) noted that free compulsory education applied only to primary and secondary education under the Covenant and did not concern university education. Education was a provincial responsibility and, therefore, it was not within the purview of the Canadian Government to set tuition fees in higher education. He could not, therefore, assure Mr. Sadi that the residency criterion would soon be abolished.

57. **Mr. Lundy** (Canada) said it was true that foreign students with a degree from a Canadian university now had the right to work in Canada during the two years following completion of their studies. That change had occurred in response to numerous requests from foreign students who had asserted that professional experience in Canada would enable them later to find employment more easily in their country of origin. To his knowledge, no foreign country had complained about that new measure; quite the reverse. Under immigration law, any person over 18 years had the right to apply for a work permit in Canada. To impose restrictions and forbid persons from filing such an application would go against the Canadian Charter of Rights and Freedoms, which prohibited discrimination based on national, racial or ethnic origin.

58. **Ms. Levasseur** (Canada) said that there were indeed constitutional checks in Canada and, therefore, any law that violated the Canadian Charter of Rights and Freedoms — which was itself an integral part of the Constitution — was declared null and void. Moreover, the framers of that Charter had drawn extensively on international instruments and the content of the obligations undertaken by Canada, and it could be considered that, by definition, the law made sure that no provisions were adopted that ran counter to the international obligations entered into by the Government of Canada.

59. **Mr. Cooke** (Canada) said that more than Can\$ 1 billion had been allocated for 2005/06 to primary and secondary education programmes benefiting nearly 120,000 indigenous students in order to bridge the unacceptable gap that existed in the education level of indigenous and non-indigenous persons and consequently to improve the quality of life and economic and social status of First Nations, Inuit and Métis peoples. The funds had covered the tuition costs of students enrolled in indigenous schools, students living on reserves and enrolled in provincial schools and indigenous students enrolled in federal schools. Private and provincial schools in which indigenous children were enrolled received public funding from the federal Government to match their tuition costs. Meetings of First Ministers had given top priority at round tables in the previous two years to indigenous education. An action plan had therefore been worked out, which focused on the respective responsibilities of the federal Government and organizations specializing in First Nations education, the importance of parental and community involvement, the recruitment of teachers and the setting of primary and secondary school curricula.

60. Indigenous history was taught to non-indigenous children and First Nations students alike. Lastly, some 10,000 indigenous students had already taken advantage of remedial or special education programmes.

61. **Ms. Nassrallah** (Canada) said that the task force on aboriginal languages and cultures had submitted its report in 2005. Canada was continuing to work with indigenous people to finalize a long-term strategy in support of the preservation, use and promotion of indigenous languages and cultures. At the same time, Canada continued to implement the aboriginal languages initiative in Yukon, the Northwest Territories and Nunavut with the aim of strengthening indigenous cultural identity.

62. Traditional knowledge was important for the survival of First Nations, Inuit and Métis communities and particularly required the adoption of laws concerning intellectual property. The Government was currently amending Canadian copyright law from that perspective.

63. The Government provided financial support for indigenous women's organizations to help indigenous women to be integrated into society and the country's cultural and economic life by giving them the resources to acquire knowledge and skills and to exercise leadership. Furthermore, more and more women were now leaders of their community. Their numbers had risen from 58 in 2003 to a current figure of more than 100.

64. **Ms. Fortin** (Canada) said that concerted efforts were being made in Newfoundland and Labrador to preserve indigenous languages and that Inuit dictionaries had even been published. The school curriculum included initiating students into the history of the provinces of which autonomous peoples' history was a part.

65. **Ms. Levasseur** (Canada) said that the Government was carrying out literacy programmes for indigenous communities and recent immigrants in the provinces and the territories. The Department of Human Resources and Social Development was working with employers in the provinces and territories and other partners to improve the basic skills of Canadians seeking to join the labour market. The tools, applications and methods that allowed for the acquisition of such knowledge at the workplace were being developed. The Government had urged its partners to help to develop a national literacy and skills acquisition strategy on which it had consulted businessmen, industrialists and community officials in autumn 2005.

66. The Supreme Court had decided on 30 January 2004 that article 43 of the Criminal Code was constitutional, that it struck a fair balance between the interests of the child, parents and society and that it was compatible with the Convention on the Rights of the Child. Even if the federal Government did not approve of corporal punishment of children, it did not consider it to be in the best interests of the child or of Canadian society to

prosecute parents or teachers who punished their children or students in a reasonable manner. The Supreme Court decision was accompanied by guidelines to facilitate the interpretation and application of article 43 in accordance with the Canadian Charter of Rights and Freedoms, which specified that the protection provided by article 43 did not apply when the corporal punishment involved children under 2 years old or adolescents over 12 or when it was inflicted with the use of objects or caused injury.

67. **Mr. Cooke** (Canada) said that the public education system attached importance to indigenous language instruction and that new programmes built on activities that met the cultural needs of students had been put in place in First Nations schools on the reserves.

68. **Ms. Lodge** (Canada) said that Inuktitut continued to be taught from an early age in Nunavut and that use of the language was encouraged in order to perpetuate indigenous culture. Furthermore, Inuktitut was used at public meetings and in the courts, which offered citizens interpretation services. Young persons also learned about indigenous traditions, language and culture from contact with the elders.

69. **Mr. Kessel** (Canada) welcomed the interesting exchange of views during the consideration of Canada's fourth and fifth periodic reports and assured members that all due consideration would be given to the concerns expressed during the two-day dialogue, which had inevitably focused on areas that could be further improved. Canada did not intend to take refuge behind federalism to escape its obligations under the Covenant. Canada did not, and would not, allow slavery-like conditions to be imposed by immigration law. The country was a flourishing democracy and, as such, attracted numerous immigrants. It was determined to spare no effort to improve the living conditions of Canadian citizens and residents alike.

70. In accordance with the Covenant, the Government was taking what it considered to be the best possible measures to ensure the progressive realization of the rights enshrined in the Covenant. The Government could not accept being accused of having regressed in the area of respect for human rights, as some Committee members had asserted. On the contrary, because it enjoyed prosperity, Canada had been able to implement a broad array of initiatives that had enhanced the realization of those rights.

71. He proposed that, in future, consideration of the periodic reports of Canada should be an opportunity for the delegation to present to the Committee the best practices adopted at the federal, provincial and territorial level and to highlight the remaining challenges before it at all levels.

72. **The Chairperson** welcomed that innovative and forward-looking proposal. Whenever their reports were considered, it would be very useful for States parties to present a detailed account of their best practices, together with indicators and benchmarks. She was of the view that countries like Canada should serve as a model for other States parties. Lastly, she regretted that, according to information reaching the Committee, poverty seemed to have increased during the period under review, despite the economic prosperity enjoyed by the State party. It was the Committee's duty to enquire about the reasons for such a situation.

73. She thanked the delegation and announced that the Committee had completed its consideration of the fourth and fifth periodic reports of the State party.

74. *The delegation of Canada withdrew.*

The discussion covered in the summary record ended at 5.35 p.m.