



# Economic and Social Council

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

### Summary record of the 10th meeting

Held at the Palais Wilson, Geneva, on Friday, 5 May 2006, at 3 p.m.

*Chairperson:* Ms. Bonoan-Dandan

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### 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)*

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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 periodic report of Canada (continued) (E/C.12/4/Add.15; core document – HRI/CORE/1/Add.91, list of issues – E/C.12/Q/CAN/2, written replies of the Government of Canada to the list of issues – E/C.12/CAN/Q/4/Add.1)*

*Fifth periodic report of Canada (continued) (E/C.12/CAN/5; core document – HRI/CORE/1/Add.91, list of issues – E/C.12/CAN/Q/5, written replies of the Government of Canada to the list of issues – E/C.12/CAN/Q/5/Add.1)*

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

*Articles 1 to 5 of the Covenant (continued)*

2. **Mr. Sadi**, reverting to the issue of whether federal States should assemble a “federal” delegation, or a delegation made up of representatives of each of the component entities, said he would like to know why only some provinces were represented in the Canadian delegation.

3. He observed that if the State party did not wish to incorporate the Covenant into its domestic legal order, it could nonetheless give effect to it by bringing its national legislation into conformity with that instrument. He would also like to know the position of the Government of Canada with respect to the possible adoption of an optional protocol to the Covenant.

4. **Mr. Kessel** (Canada) said he wished to make it clear that Canada had no intention of hiding behind federalism in order to avoid answering certain questions. On the contrary, in a sense it submitted as many reports to the Committee as there existed provinces and territories in the country. Each entity took its role very seriously, attesting to the respect that each had for the work of the Committee. Moreover, committees established at the federal, provincial and territorial levels met on a standing basis to ensure that the Federation continued to function properly and that Canada respected its international obligations.

5. **Ms. Nassrallah** (Canada) said that, within the framework of the multicultural programme established by the Department of Canadian Heritage together with other federal ministries and public institutions, the Government of Canada sought to ensure that all citizens, including members of ethnocultural communities and persons of African descent, enjoyed their economic, social and cultural rights. Awareness campaigns and other initiatives were conducted to combat racism and discrimination, to bolster intercultural understanding and to promote respect for all communities. Funding was provided to make institutions reflect the diversity of Canadian society, and initiatives launched to ensure that policies and programmes met the needs of the diverse communities.

6. **Ms. McPhee** (Canada) said that the provinces and territories were systematically invited to take part in the dialogue with the United Nations treaty bodies, and that those which could not attend nevertheless participated by replying — before, during or after the consideration of periodic reports — to the questions raised by the Committee members, which were transmitted to them by the delegation. Moreover, it was only owing to lack of time that the delegation of Canada did not provide an exhaustive description of the situation in each of the provinces with regard to a given question, and limited itself to describing new

measures taken by the Canadian Government in the main areas of interest to the Committee.

7. The provinces and territories took many initiatives on behalf of Canadians of African descent, such as, for example, in the province of Alberta, the scholarships granted to the Alliance Jeunesse-Famille of the Alberta Society to assist francophone African-Canadian women in finding work; in the province of New Brunswick, which celebrated Black History Month yearly; and in Nova Scotia, which continued to provide financial support for the creation of companies headed by African-Canadians and for refresher programmes for students from various minorities.

8. **Ms. Desmarais** (Canada) said that in September 2005, a wide-ranging consultation had been held in Quebec on the full participation of the African-Canadian community in Quebec society, which had made it possible to identify the problems encountered by members of that minority and to propose solutions in the form of specific measures designed to improve their economic and social situation.

9. **Ms. Duff** (Canada) said that the Canadian Government had increased several social benefits, such as the Old Age Security pension for Canadians over the age of 65, and allowances for dependent children received by families with children under the age of 6. A full range of services were offered to low-income Canadians, such as the income supplement for elderly persons and the National Child Benefit Supplement. All Canadians who met the necessary criteria were eligible for those benefits, irrespective of their ethnocultural identity. There were also a number of programmes specifically targeting Aboriginal Canadians.

10. **Mr. Cooke** (Canada) noted that the history of Canada was closely linked to that of the Aboriginal peoples. The Federal Indian Act had been adopted in 1876, and since the 1970s such persons were spoken of as belonging to the First Nations, or referred to as Inuits or Métis. Nearly 360 federal programmes were mandated to respond to the needs and aspirations of the various Aboriginal groups. Lands were reserved for them under the Federal Indian Act, and the federal Government was obliged to ensure a certain number of services, including housing, education, road infrastructure, water supply, sewage disposal and social assistance. Anyone who had given proof of belonging to the reservation was considered to be “registered” and was eligible for, inter alia, post-secondary education and health care. Recently, 450 million Canadian dollars had been allocated to a housing programme on the reservations, with a water supply and education component, as well as programmes for Aboriginal women and children. At the same time, 300 million dollars had been invested to ensure that Aboriginals had affordable housing off the reservations in northern Canada.

11. The Constitution recognized and affirmed the existence of Aboriginal rights and titles, and the possibility for Aboriginals to obtain new rights and titles by concluding agreements on land claims. It granted Aboriginal peoples — which it recognized as the first inhabitants of Canada — distinct rights with respect to the preservation of their societies, customs and traditions, and the use of the land and its resources. The Supreme Court of Canada, for its part, had recognized the existence of collectively held Aboriginal land titles in 1973. In the areas where land claims had not resulted in a treaty or a legal agreement, a comprehensive land claim agreement process had been set in motion. Twenty new treaties had been negotiated since 1973. They mostly concerned Quebec and the territories, and affected more than 70,000 persons from 90 Aboriginal communities. About 60 more negotiation proceedings were under way throughout the country. A member of one of the First Nations sometimes presented an individual claim, arguing that a particular situation had been inadequately resolved. Since most pending cases involved that type of claim, consideration was being given to streamlining the land claim procedure.

12. For more information on the matter of self-determination, ancestral rights and Aboriginal titles, he invited the members of the Committee to refer to the written reply of the Canadian Government to question No. 6 in the list of issues regarding the State party's fourth periodic report.

13. He explained that the claim made by the Lubicon people was at a standstill, since they had rejected the proposal made by the Canadian Government. No negotiation proceeding was therefore under way.

14. Article 35 of the Constitution Act provided that the right to self-government was one of the existing Aboriginal rights. Seventy-three negotiation proceedings regarding matters of Aboriginal self-government were currently in progress, involving more than half the communities of the First Nations of Canada and of the Inuit communities. Owing to the specificity of the historical, cultural, political and economic situations of the various Aboriginal groups and communities and the multiplicity of their needs, different models of local governance would be created for the regions concerned. As matters currently stood, the parties had come to a definitive agreement in 22 cases, an agreement-in-principle in 16 cases, and a framework agreement in 8 cases. In addition to those negotiations, for 30 years the Department of Indian and Northern Affairs had been working on transferring to the First Nations the responsibility for providing services in their communities, so as to better fulfil their needs. That was the best means for those communities to have the experience of self-government.

15. **Mr. Hannaford** (Canada) said that he did not believe the draft declaration on the rights of indigenous peoples was directly linked to the implementation of the International Covenant on Economic, Social and Cultural Rights. However, the Canadian Government had played an active role in the preparation of the draft declaration, together with representatives of Aboriginal groups in Canada.

16. **Ms. Duff** (Canada) said the federal Government had allocated resources for employment-generation programmes during the previous two years. Those programmes had borne fruit, since the number of Canadians with low incomes had decreased during that period.

17. **Mr. Hannaford** (Canada) said he would address the matter of the mining activities carried out by Canada on lands disputed by the United States of America and the Western Shoshone nation. The Canadian Government had welcomed the report of the Parliamentary Sub-Committee on Human Rights and International Development, presented to the Standing Committee on Foreign Affairs and International Trade, and had taken the opportunity to draw attention to legislation regarding corporate social responsibility. The Canadian Government was currently organizing a series of round tables to consider the problems highlighted in that report and to reflect on means of bolstering corporate social responsibility. It had decided to encourage Canadian businesses to ensure that their foreign mining activities were sustainable, and was offering incentives for that purpose.

18. In Caledonia, a small town in southern Ontario near the Six Nations territory, some 14 land claims had been lodged by the members of the Confederation of the Six Nations with regard to several parcels of land. Although the procedure for validating those claims was under way, it was important to understand that those disputes had historical roots and that the file comprised some 70,000 pages. It was envisaged that each of the parties would name a representative to review the situation in detail.

19. **Mr. Lundy** (Canada), turning to the matter of immigration, said that Canada had always drawn a distinction between persons expressing a wish to live in the country on a permanent basis and those who wished to stay temporarily. After three years in the country, permanent residents could begin the process of acquiring nationality. That was an unusually short time frame in comparison with other countries of the world. Permanent residents had

the same rights as did Canadian citizens, except for the right to vote in federal elections and to enlist in the army. Regardless of their status, the fundamental rights of both were respected, in any event.

20. The reasons given in an application for a temporary work permit were many: carrying out an economic activity at any level of responsibility, professional practice of a sport (often ice hockey), part-time work for foreign students during their studies, one-time participation in a fair or exhibition, work contracts lasting several days for independent contractors. In the previous 10 years or so, an estimated 225,000 to 250,000 foreigners had entered Canada each year seeking permanent resident status, and 200,000 persons per year obtained a temporary work permit. It would be misleading to refer to all such persons as “foreign labourers” (“*main-d’oeuvre étrangère*”), which suggested they were blue-collar. Canada therefore preferred the term “foreign workers” (“*travailleurs étrangers*”).

21. Whatever the nature of the residency permit requested, the immigration and visa services charged administrative fees for processing applications. Persons seeking permanent resident status had to pay those fees as well as landing fees, which were meant to cover the costs associated with the settlement of newcomers and their integration into Canadian society. He was pleased to report that landing fees had been reduced by half a few days earlier, and that the competent services abroad had been immediately informed of that change. However, most immigrants into Canada and persons seeking a temporary resident permit were middle or upper middle class in their countries of origin and therefore not poor. If administrative fees and landing fees were abolished, they would be covered by Canadian taxpayers, who were mostly from the middle class or the lower middle class, which would mean laying the costs currently met by relatively well-to-do foreigners on less well-to-do Canadians. That could not be considered progress.

22. Canadian laws on family reunification were among the most generous in the world, even though Canada considered that to be a privilege rather than a right. Certain rules nevertheless had to be followed. A person seeking the reunification of his or her family was required to have mentioned the names of his dependants at the time of applying for permanent residency, if he wished to sponsor them later. Since it was the spouse and dependent children of the potential sponsor who were eligible for reunification, it could not be said that that condition was particularly difficult to meet. One exception to that rule was made: when the person requesting reunification indicated that he had fled from persecution in his or her country of origin and had not dared mention the names of his dependants in his application for permanent resident status for fear of prejudicing his case. The sole wish of the Canadian authorities was that persons taking those steps should tell the truth.

23. All immigration-related matters were under the jurisdiction of both the federal and provincial Governments. For generations, the provinces had been working hard to assimilate immigrants and to help them integrate into Canadian society. Under certain circumstances, a person requesting family reunification was refused the right to sponsor his dependants. That was the case, in particular, for recipients of social assistance who were not able to provide for the needs of the family members they wished to bring to Canada, or for persons who had received a refugee loan from the federal Government that had not been repaid. It was important to understand that that was a revolving loan fund meant to cover costs related to the asylum procedure, and that the loan reimbursement rate was near 90 per cent. Refugees were grateful for having been granted asylum in Canada and generally paid back their loans so that others might have the chance that they had had. Those who defaulted on their loans did so because they did not want to pay, not because they did not have the means.

24. **Ms. Levasseur** (Canada) said that each year the Canadian Government invested 60 million dollars in the legal assistance programme for civil cases, which benefited immigrants and refugees. Moreover, the Federal Ministry of Justice was funding pilot

research projects to identify other means of providing legal assistance in civil cases, in particular matters relating to the family, immigration and refugees. In the province of Newfoundland and Labrador, since 2001 the Ministry of Justice had been supporting a pilot project with a view to offering various legal services in the area of family law, including mediation and counselling in settling disputes regarding custody, visiting rights and alimony.

25. The reform of the Canadian Human Rights Act was described in detail in the written reply of the Government to question No. 4 of the list of issues concerning the fourth periodic report. The Canadian Government was determined to ensure the efficiency of the human rights protection system, and to that end was studying the 165 recommendations contained in the final report of the Canadian Human Rights Act Review Panel, published in June 2000. The Review Panel had proposed expanding the mandate of the Canadian Human Rights Commission to monitor Canada's compliance with international human rights commitments. In view of the broad scope of the proposed reform, in particular in structural terms, the Government intended to engage many partners and use a staged approach to the achievement of effective reform.

26. The Canadian Government was also determined to ensure respect for gender equality and, in particular, to ensure that men and women were accorded equal pay for equal work. For more extensive information on the recommendations of the Pay Equity Task Force, published in May 2004, the members of the Committee were invited to refer to the written reply of the Government to question No. 12 in the list of issues concerning the fourth periodic report of Canada.

27. She said that the concluding observations following the consideration of the third periodic report of Canada had been forwarded to the National Judicial Institute and the Canadian Judicial Council in September 1999. Since that time, the National Judicial Institute, an independent non-profit organization, had provided training to judges, including on international human rights norms.

28. It was not Canada's practice to adopt distinct laws incorporating international instruments into the domestic legal order. Nevertheless, numerous programmes, laws and policies were formulated and implemented by the federal, provincial and territorial Governments with a view to complying with their provisions and thereby honouring Canada's international commitments. Many laws had been adopted in the area of economic, social and cultural rights, on health, employment, social assistance and unemployment benefits.

29. Canada had participated with interest in the three meetings of the working group of experts and NGOs on the possible adoption of an optional protocol to the Covenant, but had not yet firmed up its position on that question.

30. **Ms. McPhee** (Canada) said that provisions on pay equity were contained in three types of laws: human rights legislation, labour legislation, and pay equity legislation. As yet, there was no federal law on that subject.

31. **Ms. Desmarais** (Canada) said that the Quebec legal aid system had been launched in 1972, through the adoption of the Legal Aid Act, which gave persons most in need free access to the assistance of lawyers and notaries in the areas of civil, penal and criminal law. The Government of Quebec had recently amended its eligibility criteria with respect to income level, which would enable 1.7 million persons to use that aid in the event of need. The readjustment of eligibility thresholds would be automatic in future.

32. **Mr. Hannaford** (Canada) informed the members of the Committee that Canada did not believe that its trade obligations prevented it from fulfilling its commitments under the Covenant; on the contrary, the prosperity brought by trade allowed Canada progressively to

implement the provisions of that instrument. Moreover, the dispute settlement mechanism described in Chapter 11 of the North American Free Trade Agreement (NAFTA) could not take on cases involving human rights violations or labour disputes. It could in no circumstances oblige the Canadian Government to change its laws, policies or regulations, including those related to rights covered by the Covenant. All investors in Canada were required to abide by Canadian laws and regulations, and to respect environmental and health protection standards established at all levels of government.

32. **Mr. Edwards** (Canada) said that Status of Women Canada was the federal Ministry responsible for promoting equality between the sexes and the full participation of women, on the same footing as men, in the economic, social, cultural and political life of the country. The purpose of that Ministry was to enhance the economic independence of women, to combat violence against them, and to promote their fundamental rights. With a view to formulating more equitable public policies, it had created a gender-based comparative analysis system, which all ministries at the federal, provincial and territorial levels were expected to employ. Evaluating the differing impact of policies on women and men had been shown to be the only way of avoiding the perpetuation of discriminatory practices and, where necessary, taking remedial measures. With a view to promoting equality between men and women, Status of Women Canada also worked with NGOs and private organizations, both national and international. At the level of the provinces and territories, ministries on the status of women worked together to advance the cause of women and to achieve equality. As leader in the area of women's rights, Status of Women Canada spared no effort to achieve equality between the sexes. It conducted training programmes, launched pilot projects, endeavoured to define tools and indicators, and gathered relevant statistics.

34. **Ms. Ghose** said that she was disappointed by the reply she had received on the subject of the Lubicon people, who seemed to be at an impasse. She would like to know whether the Canadian Government intended to ignore the situation, or would attempt to find a solution. She hoped that calm had been restored to the town of Caledonia and that the police would refrain from any further use of force when peaceful demonstrations were held.

35. She would also like to know whether the Canadian Government planned to act on the recommendations made by the Pay Equity Task Force in its 2004 report, which had already been awaiting consideration for two years, or whether that matter was no longer a priority.

36. **Ms. Barahona Riera** said that the inadequate funds allotted by the provinces for legal assistance in civil matters discriminated against women, who often needed that type of help in dealing with family law matters. She would also like to know why the family courts had been closed down in some provinces, and why the Ministry responsible for the Status of Women in British Columbia had been abolished. Would that suggest indifference with regard to parity issues? Lastly, she would like to know whether the decrease in social spending affected women in particular.

37. **Mr. Kolosov** said he would welcome more information on a third category of immigrants, domestic workers, who lived in the home of their employer and reportedly were sometimes subject to working conditions bordering on slavery.

38. **The Chairperson**, speaking as a member of the Committee, said that by referring to the provisions of NAFTA on privatization, she had not been implying that the State party was using that agreement in order to evade its international obligations, but would still like to know what would happen in case of a conflict between the provisions of Canadian law and those of NAFTA, which was inevitable.

39. **Mr. Lewis** (Canada) said that David Peterson, former Prime Minister of Ontario, had been appointed by the Government of Ontario to help resolve the dispute between the

Confederation of the Six Nations and Henco Industries in the town of Caledonia. Negotiations were in progress. The Government was convinced that, by working together, the parties would find a peaceful solution to that long-standing conflict which would take into consideration the interests of both the Six Nations and the non-Aboriginal community of Caledonia.

40. **Ms. McPhee** (Canada) said that women's issues were a priority for the Government of British Columbia, as attested by the appointment of a Minister responsible for the Status of Women in that province. The Government of British Columbia was continuing to carry out its main programmes and services for women, in particular those offering care to women victims of violence. The Canadian delegation would provide additional information to the Committee at a later stage on the reported closure of the Family Court in that province.

41. **Mr. Cooke** (Canada) recalled that in the 1990s, the Canadian Government had made an offer to the Lubicon Nation that took into account all the concerns expressed by the members of that community. However, they had rejected the offer and had refused to continue the discussions until such time as the negotiators were empowered to debate matters of self-government and financial compensation. Canada was determined to find a solution that would be fair to all parties, but could not force the Lubicon to resume the negotiations or to accept the offer that had been made to them. As matters stood, it had no other choice but to wait. He recalled that a funding agreement in the amount of 3 million Canadian dollars had been concluded on 1 April 2006 with the Lubicon for the supply of various services to that community, in the areas of housing, education and social assistance.

42. **Mr. Lundy** (Canada) said that the programme for the recruitment of domestic workers from abroad, in existence for 25 years, had been revised several times in response to problems brought to the attention of the authorities, either federal or provincial. The fact that the household employee was in the service of the employer for longer than the usual working hours justified his or her residence in the home of the employer but also posed problems. The changes made to that programme over time were meant to ensure, on the one hand, that the employers taking part in that programme were trustworthy, had a genuine need for home help and had never mistreated their domestic employees in the past, and on the other to ensure that more information was provided to those employees before their arrival in Canada. Since almost 90 per cent of those domestic workers were from the Philippines, the International Organization for Migration held orientation sessions to inform them of their rights and means of redress if problems arose. Among the recent changes was the obligation to provide the employee with a signed contract of employment, setting out in detail the obligations of each party to the contract.

43. In 1999, Status of Women Canada had endeavoured to create a programme offering community services to which household workers could turn if they were exploited, but it must be admitted that it had not been very effective.

44. **Ms. Levasseur** (Canada) said that the Canadian delegation would inform the Committee in writing at a later time of the approximate date on which the Government was expected to express its position on the recommendations of the Pay Equity Task Force.

*Articles 6 to 9 of the Covenant*

45. **Mr. Texier** said that Mr. Kessel was justified in welcoming the drop in the unemployment rate, currently 6.3 per cent nationwide. However, in that regard, he would like to know what measures had been taken at the federal level to try and resolve the marked disparities between the provinces. He asked what measures the State was taking to combat unemployment among young people aged 15 to 24, who, like immigrants, were more affected by that problem than the rest of the population. Noting the decrease in the

amount of the unemployment benefit, he wondered whether it was sufficient to live on. He would also like to know whether informal work existed and, if so, what social categories were most affected.

46. According to his sources, the minimum wage did not provide all workers with a decent living for themselves and their families, as article 7 of the Covenant required. He did not understand what prevented a country as rich as Canada from establishing a minimum wage at a level which met that need. In that regard, he wondered what would happen if a wage-earner or unemployed person complained to a court that his or her wages or unemployment benefit did not provide a decent living.

47. He said he would like to draw the delegation's attention to the importance of the International Labour Organization (ILO) Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98), and invited the State party seriously to consider its ratification, in particular since it seemed that agricultural and horticultural workers had limited access to collective bargaining.

48. It also appeared that the right to strike or to engage in a lockout were not guaranteed equally in all the provinces or as between private and public enterprises. It would be useful to know whether the State party was considering harmonizing its legislation so that all Canadian workers could enjoy that right in the same way.

49. **Ms. Bras Gomes** said she regretted that, despite sustained economic growth, many population groups, among them immigrants, visible minorities, disabled persons, single-parent families, and especially women from those groups, did not enjoy an adequate standard of living. She observed that there were many incentive programmes encouraging unemployed persons to return to the job market, but regretted that unemployment benefits did not provide for a decent living and that, in general, the benefit period was too short. In 2001, 39 per cent of unemployed persons had met the eligibility criteria for unemployment insurance, as against 74 per cent in 1990. Part-time workers in the informal sector contributed, but often had difficulties qualifying for benefits. In addition, immigrants — who, according to the delegation of Canada, had easier access to the job market two or three years after their arrival in that country — were especially vulnerable, even after that period had elapsed, and often depended on social assistance. It was also unfortunate, in her view, that more men than women were eligible for unemployment insurance, which meant that those women did not receive maternity benefits either. She invited the delegation to explain its position on that matter.

50. The establishment of eligibility criteria and the level of social assistance benefits was often a matter for the provinces, which could lead to inequalities. In that regard, she would like to understand the role of the federal Government, given that arrangements for funding the system were made by the Canada Health and Social Transfer. She would be glad if standards were defined and implemented in the same way throughout the country. According to statistics from the National Council of Welfare, the shelter allowance and the family support allowance did not guarantee their beneficiaries an adequate standard of living in all the provinces. Was that statement correct? The question led her to ask what criteria were used in calculating the amount of social assistance and to what extent the cost of living index was taken into consideration in determining it.

51. She also wondered whether the single system of income assistance employed in Manitoba might be recreated in other provinces. It combined all benefits into one package, which seemed to represent an improvement over the systems in place elsewhere.

52. Lastly, she noted that in some provinces, the first interview for evaluating social assistance eligibility criteria took place on the telephone. She wondered what happened in the case of persons who had no telephone or who could not, for the purposes of administrative proceedings, provide a fixed address.

53. **Mr. Riedel** said that the State party had ratified the ILO Convention concerning Safety in the Use of Asbestos (No. 162) and had amended its legislation and its Labour Code to give effect to the Convention at the national level, imposing sanctions on employers who did not take the required measures. He observed, in addition, that the ILO Committee of Experts on the Application of Conventions and Recommendations had noted in 2005 that provincial laws did not cover the matter of asbestos uniformly, which could lead to the application of different standards. It would be interesting to know whether consideration had been given to harmonizing the relevant legislation.

54. **Ms. Fortin** (Canada) said she understood that the members of the Committee would like all unemployed persons to receive income support, whatever their situation. However, she explained that the unemployment insurance programme had been created to compensate for loss of income among persons who had been contributors but had lost their jobs through no fault of their own. In 2004, more than 80 per cent of contributors who had been made redundant had received unemployment benefits.

55. In the case of independent contractors, it was difficult to determine at what moment they could be considered to have lost their jobs, which posed a problem in terms of entitlement to unemployment insurance. Some independent contractors had expressed interest in benefiting from such coverage, while others had been opposed. The Canadian Government was continuing to seek their views and to consider the question.

56. **Mr. Lescot** (Canada) said that in the past, benefits paid to employable persons had not been indexed. The Government Action Plan to Combat Poverty and Social Exclusion, adopted by Quebec in April 2004, provided for the adjustment of employment assistance benefits starting on 1 January 2005 for a period of five years. That index-linking guarantee was unusual. Since 2001, Quebec had increased the level of its social assistance benefits — in particular for those who were severely limited in their employability, such as disabled persons — which were now adjusted to an indexing rate the same as the one used to index personal income taxes. For employable persons, the annual indexing was equivalent to half the indexing rate of the taxation system. Moreover, a number of programmes had been created to assist employable persons in joining the job market. The adoption, in June 2005, of the Individual and Family Assistance Act enabled the Government of Quebec to implement other parts of the Action Plan, in particular the guarantee of a minimum benefit, effective since 1 October 2005. Moreover, benefits to employable persons could not be reduced in the event that they turned down a job or resigned.

57. **Ms. McPhee** (Canada) said that there were numerous programmes and other measures to encourage employment of young people in all the country's provinces, such as the Youth Works programme in British Columbia or the Youth Employment Strategy in Alberta. She also wished to mention the existence of many employment agencies in Manitoba and an array of training courses for young Aboriginals and blacks.

58. **Ms. Duff** (Canada) said that the Canada Health and Social Transfer was a comprehensive funding mechanism involving cash and tax transfers, which provided support for health care, post-secondary education and social services, including programmes for infant development and the creation of childcare facilities. To ensure that the transfers were equitable and that all Canadians — regardless of province or territory of origin — could benefit therefrom, the amount was established on a per capita basis. Provincial and territorial Governments were then free to divide the funds among the various social programmes, including social assistance, in accordance with their needs and priorities. The federal transfers could, however, be suspended if the province or territory required a minimum period of residency as a condition for social assistance.

59. The situation of women had improved considerably since 1995: the number of women with low income levels had dropped from 17.9 per cent in 1995 to 12.6 per cent in

2004 for minors under the age of 18, from 15.4 per cent in 1995 to 12.3 per cent in 2004 for women aged 18 to 64, and from 12.2 per cent in 1995 to 7.3 per cent in 2004 for women over 65. The income level of single-mother-led families was still low, but progress had been made there as well: 36 per cent had had a low income in 2004, as against 53 per cent in 1996. The situation of elderly persons had also improved.

60. **Mr. Cooke** (Canada) said that Canada had begun discussions with some First Nations and Inuit women's organizations on how to make such women independent and improve their living conditions, by eliminating barriers to the realization of their economic, social and cultural rights. The Canadian Government supported a number of programmes designed to help them acquire skills in business or financial management, for example. Those programmes also helped them develop their leadership abilities, to improve their self-esteem and to participate more fully in the economic life of the country.

61. **Ms. Fortin** (Canada) said that many areas of activity, including navigation, maritime transport, air transport and telecommunications, were governed by the Canada Labour Code, no provision of which prohibited employees from joining the union of their choice or taking part in its lawful activities. For other industries, provincial labour codes applied.

62. **Ms. Desmarais** (Canada) said that in Quebec, agricultural workers were covered by the Employment Standards Act. Some of its provisions set out specific arrangements for agricultural labour, in particular regarding overtime, annual leave indemnity and the minimum wage.

63. **Mr. Kolosov** said that the data provided by the delegation were convincing. However, the State party should demonstrate its willingness to ensure respect for the rights protected by the Covenant by making federal implementation legislation obligatory in the provinces and territories.

64. **Mr. Kessel** (Canada) said he did not understand that remark. Canada had shown proof, supported by figures, that it was acquitting itself of its obligations under the Covenant by improving the living standard of Canadians, in particular by implementing programmes at the federal as well as the provincial and territorial levels. There was therefore, in his view, no need to modify the federal structure for that purpose.

#### *Articles 10 to 12 of the Covenant*

65. **Mr. Atangana** said he regretted that 1.2 million children were still living in poverty in Canada, when the Canadian Parliament had committed itself in 1989 to doing everything in its power to end poverty. However, the Government of Canada had acknowledged, in its written reply to question No. 27 in the list of issues concerning the fourth periodic report, that it had no statistics on the number of low-income families, single-mother-led families and Aboriginal families as a proportion of all families whose children were relinquished to foster care. In his view, the State party could not effectively combat child poverty if it did not have such data.

66. He enquired what the specific consequences had been of the Alberta Protection against Family Violence Act of 1999, mentioned in paragraph 916 of the fourth periodic report of the State party, whether it was a criminal law — and, if so, at what level — who was responsible for issuing the Emergency Protection Order giving the victim exclusive occupation of the family residence, and whether the responsibility for expelling the violent person fell to the police or to a human rights supervision agency.

67. **Ms. Ghose** asked the Canadian delegation to confirm or deny reports that 37 women's centres had been shut in British Columbia because of social budget cuts. The delegation should also indicate whether it was true that other budget expenditures had been

trimmed, in particular appropriations for social assistance, and specify the amount allocated to housing, health and education programmes for Aboriginal peoples, which had reportedly dropped from 600 million to 150 million Canadian dollars. She wondered what would induce a country as prosperous as Canada, and as generous at the international level, to cut social assistance to those who most needed it, namely women and Aboriginals.

68. Observing that in that province, 39 per cent of Canadian women over 16 had at least once in their life experienced sexual abuse and that the number of Aboriginal women who were murdered was eight times greater than that of non-Aboriginal women, she said she regretted that affordable housing was not provided for women fleeing from family violence.

69. That problem, which was not unique to British Columbia, was exacerbated by another. Women who found the courage to flee from the family home and to report the matter to the police were exposed to another risk: the placement of their child in foster care by the social services, precisely because of the prevailing violence. She wondered whether the Canadian Government had considered taking steps to save women from being confronted with that dilemma.

70. **Mr. Kolosov** said he agreed that the ultimate objective for States parties was to ensure the full exercise of the rights set out in the Covenant, whatever the means they employed. However, he pointed out that article 2 of the Covenant provided for “the adoption of legislative measures”.

71. **Mr. Malinverni** said that he too was concerned by the scale of poverty, which had increased by 20 per cent since 1990. He pointed out that the poverty rate in the Aboriginal population was double that of the rest of the population, and that young Aboriginals were frequently victims of sexual violence. They had a school dropout rate higher than that of non-Indian schoolmates, and a suicide rate considerably higher than that of other minorities. Moreover, Aboriginal children, who made up 5 per cent of the general population, represented 33 per cent of the prison population. The delegation should describe the measures taken at the federal and provincial levels to improve the lot of young Aboriginals.

72. **Mr. Rzepliński** said, with reference to the written reply of the Government of Canada to question No. 28 in the list of issues concerning the fourth periodic report of the State party, that the use of the term “sponsorship” in the context of family reunification struck him as inappropriate, since it ignored the essential quality of family life, which was union. He found it shocking that parents should be asked to “sponsor” their children.

73. **Ms. Barahona Riera** asked whether violence against women was a criminal offence under the law and, if so, whether such legislation was applicable in all provinces and territories. Did the federal, provincial and territorial Governments coordinate their efforts to combat such violence?

74. She said the fact that 80 per cent of girls under the age of 18 were victims of sexual abuse demonstrated that prevention programmes were inadequate, and that acts of that nature were not punished severely enough. It was clear that adolescent girls received insufficient protection in numerous respects, since many were homeless.

75. The delegation should explain what was preventing Aboriginal women from owning property in the same way as other Canadian women, and why divorced women could not bequeath their property to their children and grandchildren, in contravention of the principle of equality and the provisions of family law.

76. She would like to know whether Muslim women — who had migrated to Canada in great numbers in recent years — took an active part in the cultural life of Canada and, more broadly, in all aspects of life in that country. Had programmes been created to promote their assimilation?

77. **Mr. Sadi** inquired whether Ontario, which had in the past contemplated employing sharia law for all matters related to Muslim families, had definitively abandoned that idea.

78. Observing that Canada was giving consideration to lowering the age of sexual consent to 16, he said he wondered if it seemed paradoxical to the delegation that children in that country could have sexual relations while they still lacked the right to drink and smoke. Surely adolescents should be protected, particularly from illnesses and unwanted pregnancies.

79. He would also like to know whether it was true that, in Canada, 50 per cent of food products were made of genetically modified organisms and that the relevant legislation was lenient.

80. It would also be useful to know whether the State party planned to ratify the ILO Convention concerning the Minimum Age for Admission to Employment (No. 138), in view of the fact that in some provinces there seemed to be no provisions prohibiting work by 13-year-old children, which could interfere with the realization of their right to education.

81. The delegation surely recognized that the State party was moving towards a two-tier health system. In view of the country's prosperity, he wondered if it would be so difficult to provide sufficient funding for the health insurance programme with a view to making it efficient again.

82. **Ms. Bras Gomes** noted that Canada had not established a poverty line. The State party's reply to question No. 17 in the list of issues concerning the fourth periodic report indicated that the Low-Income Cut-Offs (LICO) were not an official measure of poverty and that the Government did not take them into consideration when establishing rates for social assistance and other benefits. She would like to know on what basis it determined those rates, noting that in order to assess the impact in Quebec of the Act to Combat Poverty and Social Exclusion, for example, it was certainly necessary to have a poverty gauge or other relevant indicators.

83. It appeared that the allowance of 1,200 Canadian dollars for each dependent child was meant to replace the childcare programme for working mothers. She was sure that that amount would be insufficient to cover childcare costs and would therefore be disadvantageous for both mothers and children.

84. It also appeared that Canada had initiated a policy for the privatization of services, at the federal and provincial levels. The delegation should explain whether the provision of services had been transferred to the voluntary sector or to non-profit organizations. If the answer was non-profit organizations, it would be useful to know how Canada guaranteed equal access to such services by persons with low incomes.

85. Lastly, she asked why the National Child Benefit paid to families was partially reclaimed by taxes, which seemed illogical and unjust.

86. **Mr. Kerdoun** said he too had difficulty understanding why Canada could not establish an official definition of poverty, which was very pervasive among the most vulnerable groups, such as young people and Aboriginals. The question arose whether the existing action programmes were sufficient to reduce poverty or guarantee adequate food. Reductions by the federal Government in its allocations to provinces had had serious social consequences, in particular the scaling down of the Employment-Assistance programme and an increase in school fees.

87. **Mr. Tirado Mejía** said he would like to know whether Aboriginal youths suffered from substance abuse as well as alcoholism and, if so, whether prevention programmes were the responsibility of the federal, provincial or territorial Governments, and whether

such measures differed from province to province. Lastly, he inquired what the State party was doing to combat nicotine addiction.

*The meeting rose at 6 p.m.*