



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-second session

Summary record of the 855th meeting (Chamber A)

Held at the Palais des Nations, Geneva, on Wednesday, 22 October 2008, at 3 p.m.

Chairperson: Ms. Šimonović (Croatia)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic report of Canada (continued) (CEDAW/C/CAN/7, CEDAW/C/CAN/Q/7 and Add.1)

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

Articles 1 to 5 (continued)

2. **Ms. Mailloux** (Canada) said that Quebec's public system of childcare at reduced fees (currently \$7 per child per day) represented a major step forward for women. More than 200,000 places were available and their number would increase in the next few years. Since the establishment of such subsidized services in 1997, the number of working women had grown significantly. A tax credit would be provided to parents who lacked access to childcare. With regard to aboriginal communities, the Quebec Government had raised capacity significantly at the earliest school levels and in nurseries and planned to introduce childcare centres. In 2006, subsequent to negotiations with the federal Government, Quebec had developed its own system of parental leave with more supple requirements and more extensive benefits. Fathers were entitled to a five-week parental leave designed to encourage couples to share household tasks.

3. **Ms. Eid** (Canada) said that aboriginal women were overrepresented in the federal penitentiary system. Measures developed by the Correctional Service of Canada (CSC) in favour of aboriginal women who had been incarcerated included the establishment of an aboriginal healing lodge in Saskatchewan, where they could practise a traditional way of life with counselling from aboriginal elders; and numerous social reintegration programmes. The national employment strategy for women offenders included many aboriginal-specific initiatives. Surveys conducted by the CSC had revealed no significant difference between the rates of aboriginal and non-aboriginal women reclassified to higher security levels in the course of their sentence; however, aboriginal women tended to give a higher initial security classification, probably because 80 per cent of convictions of aboriginal women were for violent acts.

Reclassification reviews were held systematically at intervals during a female inmate's sentence.

4. Cross-staffing had been implemented in women's detention facilities since 1994. Several independent reports carried out at the time had indicated that most female inmates favoured the employment of male personnel. Front-line staff were hired, without regard for their sex, on the basis of such qualities as awareness of women's issues and professionalism. Men working in detention facilities were subject to strict procedural requirements: body searches of female inmates were conducted only by female staff and long-term segregation could be used only in the event of exceptionally serious incidents. Male and female staff received considerable obligatory training. Administrative segregation was far less frequent than NGOs had reported and was used solely in relation to incidents involving serious harm or affecting the safety of the facility. Long-term segregation was applied rarely, under minimally restrictive conditions and according to a manual and was subject to periodic review by special advisory committees and oversight authorities.

Articles 6 to 8

5. **Ms. Chutikul**, before addressing issues under article 6, stressed that the Canadian Government should monitor the quality and affordability of childcare services in all provinces and provide details on that situation in its next periodic report.

6. She welcomed Canada's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) and noted that in human trafficking cases, the application of criteria for victim identification was crucial in assisting victims and prosecuting offenders. It would be useful to know whether Canada's Immigration and Refugee Protection Act provided a clear definition of trafficking that reflected the Palermo Protocol, whether Canadian legislation or guidelines for immigration officers provided for victim protection and support and whether social workers, service providers and non-governmental organizations (NGOs) were aware of any such measures. She would also like to know whether trafficking victims were accommodated in the same shelters as victims of domestic violence and, if so, how the specific needs of

the various types of victims were addressed. She requested information as to whether the Canadian authorities heeded the Recommended Guidelines on Human Rights and Human Trafficking, issued in 2002 by the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Canadian Council for Refugees (CCR) proposals for improving the protection of victims. Lastly, she would appreciate information on the achievements and future plans of the federal, and any provincial interdepartmental, working groups; any plans for a national anti-trafficking strategy; and Canada's bilateral and multilateral cooperation regarding trafficking, including joint prevention efforts with countries of origin.

7. **Mr. Flinterman** noted that women's representation in parliament and in the provincial assemblies amounted to only about 20 per cent. He wondered why, almost 30 years after Canada's ratification of the Convention, the federal Government had not adopted any temporary special measures to address that situation.

8. **Ms. Morency** (Canada) said that Canada's Immigration and Refugee Protection Act and, subsequent to amendments made in 2005, the Canadian Criminal Code reflected the Palermo Protocol. Front-line police and immigration officers received training in trafficking-related issues. Federal, provincial and territorial cooperation in that area, including at the level of justice ministers, focused on support for the victims and for vulnerable persons who could provide testimony. The federal authorities were primarily responsible for enacting relevant laws while the provincial and territorial authorities focused on the administration of justice and the provision of victim support services.

9. Victims were treated in shelters where deemed appropriate in light of a risk assessment. In cases involving organized crime, they were lodged separately through local organizations as part of the witness protection programme. The national strategy against trafficking, appropriately described as "the four Ps", focused on prevention, protection, prosecution and partnerships with local groups. The interdepartmental working group was instrumental in establishing best practices and facilitating collective responses; it comprised 17 departments with related responsibilities, which pooled their resources to identify trends and gaps.

10. The Government promoted numerous awareness-raising activities in cooperation with the federal police, immigration authorities, border services and provincial police; the Department of Justice Canada; and the Organizing Committee for the 2010 Olympic and Paralympic Winter Games. It also participated in multilateral and bilateral crime commissions with a view to developing international guidelines and model legislation. Bilateral collaboration included cross-border threat assessments with the United States of America and cooperation with countries of origin at the level of the appropriate departments, such as immigration, with a view to preventing potential victims from entering Canada.

11. **Ms. Mailloux** (Canada) said that in 2005, Quebec's inter-ministerial working group on trafficking had been mandated to implement measures for the protection of immigrant women who had been victims of trafficking and to negotiate an agreement with the federal Government to that effect. The measures comprised immediate housing, psychosocial assistance and regularization of status. Trafficking victims were accommodated in the same facilities as other women, unless that would create security problems. Victims could be instrumental in identifying offenders and dismantling networks. The report of the working group would serve as a basis for the development of tools designed to raise awareness among the general public and specific target groups.

12. **Ms. Tudakovic** (Canada) said that the CCR examined protection issues with the federal Government. Protection measures included the issuance of 180-day extendable residence permits with no requirement to testify and no fee, but with social benefits and work permits. Prevention measures included pre-departure programmes developed with countries of origin, particularly the Philippines; and fliers that briefed temporary foreign workers on employment standards and rights in Canada. A programme of pre-departure and post-arrival language and cultural orientation programmes, launched in Manitoba by federal and provincial authorities in cooperation with the International Organization for Migration (IOM), was likely to spread to the rest of the country.

13. **Ms. Beckton** (Canada) stated that women's representation in public life was a priority for the Canadian Government. Obstacles were studied and participation in decision-making was encouraged.

Status of Women Canada and its partners funded initiatives aimed at helping women to run for federal, provincial and municipal office, and ways of encouraging girls aged 12-18 to consider the democratic process as an option were under discussion. In the most recent federal elections, all of the political parties had tried to present as many women candidates as possible. It was too soon to say what measures the new federal Government would take. In Quebec, 50 per cent of cabinet members were women.

14. **The Chairperson**, speaking as a member of the Committee, asked how many women served as ambassadors or consuls general.

15. **Ms. Butchart** (Canada) replied that approximately 25 per cent of Canada's 137 heads of mission, including ambassadors and consuls general, were women; that number had increased by about 35 per cent since 2003.

Articles 9 to 13

16. **Ms. Arocha Dominguez**, referring to the measures taken as part of the Federal Initiative to Address HIV/AIDS in Canada, mentioned in paragraph 112 of the report (CEDAW/C/CAN/7), asked what the HIV/AIDS prevalence in these target groups — vulnerable persons and women at risk, especially in aboriginal communities — was as compared to Canadian women as a whole. Referring to the First Nations and Inuit Home and Community Care (FNIHCC) Program, described in paragraph 117 of the report, she enquired as to the human resources available for such a broadly based programme, the staff's preparedness and any related evaluation and supervision mechanisms.

17. In 2003, the Committee on the Rights of the Child had drawn attention to high child mortality rates among aboriginals; she asked whether those rates had been reduced. She would also welcome information on any specific prevention measures taken in view of the suicide and drug addiction rates among aboriginal youths, which, according to that Committee, had been high; and on measures taken to address the reported vulnerability of young aboriginal women, who accounted for 75 per cent of all victims of sexual offences and crimes in aboriginal communities and who often left home at an early age.

18. **Mr. Flinterman**, stressing that women's access to social assistance was an entitlement deeply rooted in

human rights and that the federal Government had a legal obligation under international law to ensure the availability of such assistance at all levels, said that he would welcome information on the Canadian Government's plans to do so, possibly by attaching conditions to federal funds transfers. He also enquired as to the Government's response to the finding of its own National Council of Welfare that the National Child Benefit Supplement was being called back from families in need of social assistance. Lastly, he asked how the Government planned to ensure that low-income women, particularly single mothers and aboriginal, Afro-Canadian and immigrant women, had access to affordable, adequate long-term accommodation.

19. **Ms. Arocha Dominguez** asked how many children had been placed in shelters because of poor housing conditions and inadequate resources. She would appreciate a detailed response to the observation that, as a result of inadequate social assistance, many people, including a high proportion of young people and, in particular, girls, used food banks. Lastly, she wondered whether the available social assistance benefits covered age-specific health problems faced by older persons, such as cardiovascular and eye ailments.

20. **Ms. Moriarty** (Canada) stated that eight vulnerable population groups had been identified: women, at-risk youth, aboriginal peoples, persons from countries where HIV was endemic, gay men, injection drug addicts, detainees and persons living with HIV/AIDS. In 2008 alone, the Government had invested \$6.3 million in projects for aboriginal peoples. Regarding the FNIHCC Program, the work provided amounted to 1,400 full-time equivalent staff across the country. Women accounted for 80 per cent of caregivers and 60 per cent of care receivers; in 2007, 2 million hours of care had been provided to 27,000 clients, particularly persons with disabilities, in the form of nursing, personal care and respite care (alleviating the load on care-giving family members).

21. Canada made significant investments in the area of maternal health, including prenatal nutrition and early childhood development, in aboriginal and non-aboriginal communities. One of the relevant projects was the "Closer to Home" birthing initiative, an active midwifery activity for First Nations. The Government also implemented a national anti-drug strategy, which included young aboriginals, and planned to increase its investment in and to expand the

existing addiction programmes. The Native Women's Association of Canada (NWAC) oversaw a suicide prevention initiative focusing on aboriginal girls.

22. **Ms. Beckton** (Canada) added that innovative suicide prevention measures were being implemented in the North, particularly in Inuit communities, by young people of both sexes.

23. **Ms. Moriarty** (Canada) said that in view of the prevalence of multiple chronic diseases, including mental disorders, among older persons, the Government cooperated with partners on home care initiatives for that population group.

24. **Ms. Beckton** (Canada) said that older women were covered by Canada's universal health-care plan and that some provinces offered drug plans for persons over 65.

25. **Mr. Mason** (Canada) said that in the area of affordable housing for aboriginal and single women, the federal Government collaborated closely with provincial, territorial and First Nations bodies, communities and non-profit and private sector entities. Women of all ages, particularly single parents, heads of household and persons living alone, accounted for a significant percentage of the beneficiaries of more than \$2.7 billion invested annually in housing. Since 2007, the Government's Homelessness Partnering Strategy (HPS) focused on transitional and supportive housing. Funding was provided directly to communities, and many provinces ran programmes targeting women and girls. In 2008, 799 projects, often combined with social support services, had been funded under the HPS. The Canadian Government provided \$1.7 billion annually in housing subsidies to 626,000 lower-income households; under the Affordable Housing Initiative (AHI), \$1 billion was being invested in projects designed by the provinces and territories and, as he had stated at the morning meeting, support for housing repair and renovation was provided, including for victims of violence.

26. **Ms. Paré** (Canada) said that under a housing assistance fund designed to facilitate access to property in aboriginal communities, 25,000 housing units would be built over the next two years. The Ministry for Indian and Northern Affairs, together with the Canada Mortgage and Housing Corporation (CMHC), funded construction and renovation and provided support for non-profit housing. The total number of houses on reserves had increased from 90,000 in 2002 to 100,000

in 2006. Efforts were under way to modernize housing management by adapting housing projects to demographic requirements (such as the number of single-parent or large families). As a result, the quality of housing was improving. First Nations communities, however, faced problems in terms of housing quality and because the increase in the number of households outpaced construction.

27. **Ms. Beckton** (Canada) said that in its policy of social transfers to the provinces, the Canadian Government had moved from conditionality to block funding and partnerships with local bodies. There was federal-provincial-territorial cooperation on specific criteria for determining adequate funding levels. Savings realized by calling back the National Child Benefit Supplement in some cases were being channelled to working families as an incentive to work and a means of encouraging families to move from assistance to the workplace. The Yukon considered housing an essential component of women's equality and promoted, for single-parent families and in consultation with the women concerned and women's groups, an innovative project combining affordability, safety and proximity to schools. The Yukon had recently raised social assistance benefits and a reform process had provided adequate wages and other incentives to enter the workforce.

28. **Ms. Tavares da Silva** enquired as to the existence of clear-cut accountability mechanisms and federal supervision to ensure that funds allocated under the new system of transfers reached the right beneficiaries and met the right needs. She also asked for comparative figures on the social assistance entitlement and monthly rent benefit applicable to a mother in need.

29. **Ms. Shin**, after reiterating the need to ensure that funds reached the women targeted and the need for data on the relationship between social assistance and rent, requested that information on women in the workplace should be provided in the next report. Despite increased rates of participation and a reduced pay gap, women still seemed to be victims of segregation in the workplace.

30. **Ms. Beckton** (Canada) said that in various areas, such as northern Canada and Newfoundland and Labrador, efforts were under way to shift women into non-traditional trades in order to help them take advantage of the local natural wealth. Women currently

constituted a majority among students attending universities, including medical and law schools.

31. While there was no authority supervising the use of transferred funds, provincial governments were accountable to their electorates. Although no conditionality applied with regard to priorities, federal, provincial and territorial ministers met in order to address commonalities regarding health and social issues. All programmes were evaluated through various procedures; Status of Women Canada used indicators in various areas, while other departments employed health-related, social and economic indicators. The Office of the Auditor General of Canada conducted regular and effective audits.

32. **Ms. McCarthy Mandville** (Canada), referring to housing rental costs, said that according to the self-reliance principle, which was central to Canada's poverty reduction strategy, efforts were made to ensure that housing costs were not barriers to employment and that rental subsidies were calculated on the basis of net pay rather than gross earnings. Under provincial programmes, rental rebates were granted to residents attending high school or post-secondary school and single persons were entitled to a job start benefit.

33. **Ms. Paré** (Canada) said that all programmes were evaluated on a five-year cycle and policies were improved accordingly.

34. **Ms. Beckton** (Canada) stressed that the Auditor General's regular inspections were carried out across all departments.

Articles 14 to 16

35. **Ms. Tan**, noting that Canada lacked a national housing strategy that met the specific needs of women, especially in rural areas and in the North, asked whether the Government intended to develop such a strategy. With the closure of courthouses (along with community legal aid and native law offices, women's centres and hospitals), women were obliged to travel farther to lodge complaints and to wait longer for a ruling. In British Columbia, one third of the courthouses had been closed since 2001; those courts had dealt with such issues as domestic violence, which was especially important to aboriginal women, and other urgent matters such as restraining orders and child-related questions. It would be interesting to know whether the Government had assessed the impact of those closures on rural and aboriginal women and

whether it would ensure the availability of essential judicial and other public services to women in rural and remote areas.

36. Moreover, some acts involving family violence constituted torture and it was appropriate to ask whether the Government, as part of its many family violence initiatives, had examined the issue of non-State-actor torture by family members.

37. **Ms. Halperin-Kaddari** enquired as to the number of women in the judiciary and requested an update regarding family property rights in relation to marriage dissolution and the future earning capacity of divorcing women. She also asked whether there had been an erosion of jurisprudence recognizing women's lost occupational opportunities.

38. Perhaps as a result of poor coordination between the family and criminal courts, the exercise of visitation rights often compelled women who had been victims of domestic violence to face their attackers; she wondered whether an amendment to domestic law was being contemplated with a view to correcting that situation. Lastly, she would like to know whether it was true that there was no redress available for alleged violations of women's rights in connection with the Child Aid Society in Ontario.

39. **Ms. Tan** asked whether there had been any assessment of the adverse effect of legal aid cuts on divorce-related rights (including the division of such family assets as the house, child custody, alimony and child support) and whether any study had shown that compulsory mediation (as in British Columbia) was an appropriate approach to domestic violence. Cuts had been made in the context of an economic downturn, but Canada was currently experiencing an economic upswing. It would also be interesting to know what the Government planned to do to protect women's rights to property on reserves, where provincial legislation providing for equal sharing of assets did not apply. Furthermore, the number of aboriginal children placed in foster care was disproportionately large and in order to recover them, their impoverished mothers were expected to prove that they could provide adequate housing and food and a violence-free environment. At the same time, the costs of foster care to the State were significant. Information on any systemic approach providing for the rehabilitation of those mothers so that they could take care of their children would be welcome.

40. **Ms. Beckton** (Canada) stated that four out of nine Supreme Court judges and about 31 per cent of federally appointed magistrates were women; the situation in the provinces was similar. In light of the number of women currently in law school, the number of women in the judiciary was expected to increase.

41. **Ms. Eid** (Canada) said that under the Canadian divorce act, in custody disputes, the child's best interests prevailed and the courts were required to take domestic violence into account. However, significant funding for legal aid was available.

42. **Ms. Mailloux** (Canada) said that in Quebec, legal aid benefits for low-income women had remained unchanged for many years until, pursuant to a recent decision, they had been readjusted and would continue to increase by regular amounts through 2010. Where a spouse had been accused of domestic violence, visitation took place in a social services establishment under surveillance.

43. **Ms. Paré** (Canada) said that in 2007, about 8,300 aboriginal children had been apprehended and placed under care; that number was increasing as a result of negligence, poor living conditions, drugs and exposure to violence. Initiatives in that area included education and assistance to families in order to address those root causes. Support was provided to 108 organizations that provided such services to some 161,000 children and adolescents in 446 communities. Funding for prevention activities was on the increase and the federal Government cooperated with the provinces and with indigenous people's organizations. Matrimonial real property issues had been dealt with by the federal authorities, but the Constitution and the laws on aboriginal peoples' affairs did not focus on such matters. After a decade of discussion and research, a draft law on households on reserves was currently before parliament.

44. **Ms. Otton** (Canada) said that the law provided for an equitable property settlement when a household broke up. There was a trend towards a simplified procedure before unified family courts that dealt with both divorce proceedings and asset issues.

45. **Ms. Eid** (Canada), referring to the lost occupational opportunities of women who had spent years raising children, said that the relevant jurisprudence still applied and the courts accorded generous support allowances to women in that category. There was, however, a trend for men to

assume household responsibilities and payment of such allowances by women should be expected in the future.

46. **Ms. Morency** (Canada) stated that Canada recognized torture as a State-actor offence and prohibited it categorically. What was sometimes referred to as torture by non-State actors was covered by criminal law as simple, aggravated or sexual assault, forcible confinement, kidnapping or trafficking in persons. The sentencing court could take aggravating circumstances into account and grant the victim compensation, such as reimbursement of medical expenses.

47. **Ms. Otton** (Canada) said that in the Child Aid Society case, application for a remedy could be made to an internal complaints process, the family services review board or the Office of the Ombudsman of Ontario.

48. **Ms. Moriarty** (Canada) said that aboriginal groups accounted for 3.8 per cent of the total population, 7.5 per cent of persons living with HIV/AIDS and 9 per cent of patients diagnosed with that disease in 2005. In 2006, aboriginal women had accounted for 50 per cent of women infected by the virus.

49. **Ms. Tavares da Silva** asked what action was taken in the event that a province refused to implement an international commitment, such as equal pay for work of equal value.

50. **Ms. Eid** (Canada) replied that the federal Government cooperated effectively with the provincial and territorial authorities, which were aware of the country's obligations and were accountable under the Constitution. The courts, which could strike down legislation or other action inconsistent with constitutional provisions as interpreted in the light of international commitments, often heard cases involving constitutionality in relation to provincial matters.

51. **Ms. Beckton** (Canada), summarizing her delegation's views, stressed the importance of the work of NGOs and the significance of the Government's commitment to equal opportunity as a human rights matter and as a key issue for women in Canadian society. Efforts to achieve economic, social and political equality would continue. Inequalities persisted, but there was a commitment to addressing challenges through cooperation between federal, provincial and territorial bodies and civil society.

52. **The Chairperson** said that the review had provided an opportunity to assess progress achieved under the Convention both in Canada as a whole and in the different provinces. As part of the ongoing improvement of the Committee's working methods, the concluding comments would be transmitted to the delegation and to the Canadian parliament, whose involvement in the implementation process would be encouraged. It was important to implement the Convention at all levels of government. Some issues of concern, including legislation related to the aboriginal peoples, required immediate action.

The meeting rose at 5.15 p.m.