

CANADA

CEDAW A/40/45 (1985)

30. The Committee considered the initial report of Canada (CEDAW/C/5/Add.16) at its 48th and 54th meetings, on 22 and 25 January (CEDAW/C/SR.48, 54, 61 AND 62).

31. The representative of Canada stated that the report was prepared by the Federal Government of Canada; however domestic implementation of the Convention was the responsibility of both the federal Government and the governments of the provinces and territories. He drew the Committee's attention to the fact that the report had been prepared before the Committee's guidelines were adopted and covered the legislation and practices up to December 1982.

32. The representative of Canada informed the Committee that Canada had made notable progress towards achieving the essential goals set out in the Convention and that the ratification of the Convention on 10 December 1981 was the culmination of a continuous process that began 10 years earlier with the establishment of a Royal Commission on the Status of Women. He pointed out, inter alia, that there had been a change in attitudes. However, he was of the opinion that much remained to be done.

33. He explained that before ratifying the Convention the federal Government had to undergo a procedure to assure that all provinces agreed to review their status. Government machinery on the status of women had several interrelated components and existed in similar forms at the federal, provincial and territorial levels, with a liaison system between the levels.

34. The representative of Canada stressed the role of women's non-governmental organizations leading to the enactment of the Canadian Charter of Rights and Freedoms. The Charter constituted part I of the Constitution Act which entered into force in 1982. The provisions of section 15, paragraph 1, which would come into force on 17 April 1985, were significant since they provided for equality of rights and applied to federal and provincial laws, regulations, policies and government agencies. He also explained that implementation had been delayed to give the federal and provincial governments time to review and amend their legislation on the basis of equality. He explained how the provisions of the Act complied with the recommendations of the Convention.

35. The representative noted that the Government was aware that a problem remained, namely, the Indian Act. Section 12.1. (b) deprived women, but not men, of Indian status upon marrying a non-Indian. He said that the Government was committed to repealing that provision.

36. The representative stated that the federal and provincial governments had adopted legislation prohibiting discrimination on the grounds of sex or marital status with regard to employment and the provision of goods and services. Federal laws prohibited discrimination based on pregnancy or childbirth, and legislation on sexual harassment had been amended to comply with the provisions of the Convention related to human rights. Affirmative action programmes applied to federal and

to some provincial government departments and could by order be applied to private employees.

37. Referring to the situation of women in public life, the representative outlined the situation of women as covered by the Convention and explained that women had the same rights as men to vote, to be elected to public office and to assure equal access to the political process through special funds to help women candidates. An increasing number of women were occupying highly visible positions, including the office of Governor-General, and six women were appointed to the Cabinet, including some with key economic portfolios.

38. Turning to income assistance and social benefits, the rights guaranteed under the Canadian social security system were generally applied to women and men equally. He concluded by reaffirming the commitment of his Government to the reporting process set out in the Convention and said that the report had been widely distributed across the country.

39. Members of the Committee thanked the representative of the Government of Canada for his presentation and many praised the report for its frankness, clarity and commitment, which reflected the political will of Canada to implement the articles of the Convention improving the status of women. It was observed to be a major task for such a vast country but remarkable efforts had been made and could be seen. The detailed statistical information was considered to be of great value to the Committee,

40. Clarification was requested as to whether discrimination against women in Canada was considered to be a crime and if so, what were the sanctions applied.

41. Most members of the Committee were concerned about the Indian Act, in particular section 12(1)(b), and wanted to know what kind of concrete measures were taken in Canada for the elimination of discrimination against Indian women. A few experts said that Indian women, one of the most disenfranchised groups of Canada's population, were still suffering from official discrimination. Experts specifically asked what measures were being taken to eliminate the de facto discrimination against Indian women, whether there were any special social programmes aimed at equal education and cultural opportunities for Indian women and whether they were fully involved in the economic and political life of the country.

42. The representative of Canada was questioned about the applicability of laws to immigrants particularly as regards equal opportunities for immigrant women, Indians and Eskimos.

43. Members of the Committee were concerned about the protection of women in the field of human rights in Canada and wanted to know the number of women who did not benefit from that protection. One expert stressed that the report confirmed the existence of serious problems in Canada in the enjoyment of the most important right of all, the right to work.

44. Several experts requested information about the measures taken to eradicate traditions that disadvantaged women and to correct erroneous concepts about the superiority of one sex over the

other. It was thought to be encouraging that the issue of sexual harassment was taken very seriously and that legislative measures were taken to combat it.

45. In response to the statement of the representative of Canada, most members of the Committee noted that a very small percentage of women was involved in political life, and many experts asked about measures that had been taken to increase the participation of women in political and public life. One expert raised a specific question concerning the exclusion of judges from voting and requested clarification, while others inquired about low representation of women in elected bodies, public office, the judiciary system and industrial management. Further information on the role of women in the major political parties and in the international efforts aimed at securing world peace, disarmament and a new international economic order was also requested.

46. More detailed information was requested by one expert concerning the activities of women in trade unions with respect to working women and their participation in professional organizations.

47. Clarification was requested by some of the experts concerning the nationality law in regard to children born to Canadian mothers outside Canada.

48. It was observed by some members of the Committee that the proportion of young women enrolled in colleges and universities had been raised to approximately 50 per cent.

49. Various comments were made on article 11.1(a) of the Convention since the level of unemployment among women during the period 1970-1982 had nearly doubled; the experts asked what measures had been taken by Canada to ensure employment opportunities for women. It would also be interesting to have more details about the experience of temporary special measures that had been taken, such as affirmative action in the field of employment. It was asked what incentives were available for private employers to develop affirmative action programmes and, if measures were adopted, were any of them directed towards men. Were there any plans to introduce paternity leave? In respect of the labour market, women seemed increasingly to demand their share in order to earn their own living; more information was requested on what had been done to change stereotyped patterns. One expert mentioned that Canada, too, seemed to be aware of the problem connected with existing job segregation. This put less worth in practice to the principle of equal pay for equal work. It was therefore asked if equal pay for work of comparable worth was an issue in Canada and if men were being persuaded to take so-called women's jobs to help women break into male dominated professions.

50. It was noted with satisfaction that protective legislation had been revised in Canada.

51. Some experts noted that the principle of equal pay for equal work was not observed in Canada in the industrial and juridical sectors and in public health and education, which was borne out by the statistical data contained in the report of Canada. Female teachers earned 62.7 per cent of what male teachers with similar qualifications received and the average salary of women was 65 per cent that of men. They asked for specific examples of legislative and other measures that might have been taken

by the Canadian Government to ensure the observance of article 11.1(d) of the Convention and wondered whether any sanctions were taken against employers who violated the principle of equal pay for equal work.

52. More clarification was sought on the Income Tax Act, in which certain child-care costs were allowed as a deduction for tax purposes from the income of the working mother, and under certain circumstances from the income of the father. Questions on whether income tax was proportionate or progressive and whether the incomes of spouses were taxed jointly or separately were also raised. An expert was concerned about the low percentage of child-care facilities and sought information on the ratio of available places to the number of children in the relevant age bracket. A few experts inquired about the cost of child-care facilities.

53. Some experts were concerned about women in rural area, households and farming, in particular their coverage by social welfare services. Some experts requested information about maternity benefits, and whether all women received the same benefits. An expert sought information as to whether women in part-time employment were covered by the same pension and social security schemes as full-time workers.

54. As to provisions regarding the family, several experts requested more information on divorce, family planning programmes, pre-natal and post-natal counselling, maternity benefits and assistance to working mothers. In addition, some of the experts wanted to know whether legislation concerning abortion had been adopted.

55. Some experts were of the opinion that many of the Convention's provisions, and particularly those of articles 2, 3, 10, 11, 12, 12, 13, 15, and 16, were not being implemented in Canada and that the Canadian Government still had much to do in order to eliminate not only legal but also de facto discrimination against women in its country.

56. The Canadian Government was congratulated on the comprehensive report it had prepared for the Committee. The progress described in the report bore witness to Canada's commitment to the spirit of the Convention on the Elimination of All Forms of Discrimination against Women. It was noteworthy that the Canadian Government regarded the Convention as unique among human rights conventions in that it provided for the equality of women not only before the law but also in social and economic life. It was interesting to note, moreover, that the Canadian Government had emphasized the need for temporary special measures to accelerate de facto equality between men and women.

57. The representative of Canada explained that the Government of Canada was firmly committed to ensuring complete equality between women and men and was in the process of taking all necessary steps to ensure that there were no formal barriers to the elimination of sexual discrimination. He informed the Committee that a substantial amount of institutional machinery and personnel resources had also been assembled at various levels of government to ensure the implementation of relevant legislation and to encourage all concerned to take full advantage of their equal rights. The representatives of Canada stated that it would thus not be possible to state in any way that Canada

was in violation of the Convention, since facts as outlined indicated that everything possible was being done to ensure that the objectives of the Convention were being pursued in Canada. Governments at every level in Canada had taken or had committed themselves to take all necessary steps to ensure that there were no formal barriers to elimination of sexual discrimination. However, in a democracy like Canada, Governments could not impose views or attitudes on the people but could only create the right conditions and ensure that there were no structural barriers. Real equality could be achieved only when men and women themselves accepted the concept totally. He said that the Government of Canada had been very honest in its assessment and trusted that honesty had not been misunderstood or misplaced.

58. He stated that the replies were divided into the following categories: government machinery, criminal and family law, the Charter, human rights, social matters, employment and government priorities.

59. In answer to questions related to government machinery, the representative explained that there were 13 jurisdictions in Canada, namely the federal Government, and 10 provincial and 2 territorial governments, and machinery existed in each to address the status of women. Approximately 1,000 people were employed in the government machinery.

60. Referring to criminal and family law, he said that in Canada a person who profited from prostitution was charged under the criminal code with an indictable offence. In 1983, the federal Government appointed a special committee on pornography and prostitution to study the problems.

61. Incest was a crime under the criminal code of Canada. A recent study commissioned by the Committee on Sexual Offences against Children and Youth in Canada analysed the incidence of sexual offences against children and youth and made a number of recommendations, including the necessity of educating the public about sexual exploitation of children through prostitution and pornography and the seriousness of unacceptable sexual behavior regarding children.

62. In reply to the question on family violence, the representative pointed out that, because of the seriousness of the problem and the manner in which both levels of government were involved, a concerted response to the crime of wife assault had taken place. In 1983 an intergovernmental working group on wife battering was established to deal with that issue.

63. He stated that the law on abortion had been outlined in Canada's report, as had legislation on marriageable age. Except in the Province of New Brunswick where no minimum age was specified, the law covering the capacity to marry reverted to English common law (14 years for boys and 12 years for girls). Family law came primarily under the jurisdiction of provincial governments. Individuals who were engaged to be married were considered single people and were governed by the law of contract only until they were married.

64. The legal rights of women and children in common-law situations were affected mainly at the dissolution of a relationship. Some provinces, i.e. Ontario, had adopted legislation with respect to support obligations of the common-law spouse (male or female).

65. On the issue of women in the judiciary he stated that while provincial requirements for appointment to the judiciary varied somewhat from jurisdiction to jurisdiction, at the federal level a candidate had to be a member of the legal profession for at least 10 years.

66. Regarding the principle of equality between women and men, the representative stated that section 15(1) of the Canadian Charter of Rights and Freedoms contained a broad guarantee of equality.

67. Concerning the Indian Act, the representative explained that the historical reasons behind its adoption had never been fully documented but it appeared to be an attempt to assimilate Indians into the new Canadian society and culture, which policy was no longer supported by Canadian governments. However, amendments to remove existing discrimination had been introduced in the House of Commons at the most recent session of Parliament with the support of all political parties.

68. The representative noted that every province had some form of free legal aid, eligibility for which was usually based on financial need, and each case was evaluated on its own merits. Moreover, individuals asserting a right under any human rights legislation had at their disposal the services of the staff of the Human Rights Commission, investigators and, if necessary, a lawyer to represent their interests before the tribunal, without having to pay for any of the services.

69. Regarding the education, he said that all Canadians had a right to free primary and secondary public education; however, private schools could charge tuition fees. Medical care in Canada was provided free of charge under universal state-sponsored insurance, except for two provinces where a minimal user fee was charged for some services.

70. Immigrant women were affected by many of the same issues as other Canadian women. According to 1971 census, a higher proportion of women who emigrated to Canada after the Second World War completed secondary school or universities than Canadian-born women.

71. In response to questions in the employment sector, the representative stated that the affirmative action programmes and occupational and trade training plans that had been implemented had achieved a measure of success as the statistics contained in the report demonstrated. For example, between 1975 and 1982 the rate of participation by women in the labour force increased while that for men decreased, and the unemployment rate for women did not increase to the same extent as that for men. As indicated in the report, it was illegal under human rights legislation in all jurisdictions to select employees on the basis of sex.

72. The representative referred to article 11.1(d) of the Convention stating that the principle of equal pay for equal work or work of equal value was discussed in detail in the report. On the question of wage differentials, the representative said he was unaware of the source of the statement that a female teacher earned only 62.7 per cent as much as a male teacher would earn. In fact, the salaries of teachers were determined under pre-set wage scales according to seniority and qualifications without regard to sex.

73. The representative explained that the Government of Canada's Affirmative Action Directorate provided the services of technical consultants, developed training materials and conducted training programmes to assist employers who wished to initiate affirmative actions programmes. He further explained that by the end of March of 1984 those efforts had resulted in 66 affirmative action agreements between the Canadian Employment and Immigration Commission and private sector employers, 22 of which were under the Federal Contracts Program, which was focused particularly on women as the target group. Employers in provincial jurisdictions could obtain advice and assistance from the Human Rights Commissions in their provinces. In addition, several provinces had their own affirmative action programmes and mechanisms to encourage and implement their own provincial affirmative action programmes, i.e. Manitoba, New Brunswick, Newfoundland, Ontario, Quebec and Saskatchewan.

CEDAW A/45/38 (1990)

410. The Committee considered the second periodic report of Canada (CEDAW/C/13/Add.11, parts I and II) at its 167th meeting, on 1 February 1990 (CEDAW/C/SR.167).

411. The representative of Canada, in introducing the report, stated that the size of the delegation reflected the importance attached to the preparation and presentation of the report. He noted that Canada was a federal State with responsibilities for various subjects divided between federal and provincial levels and, in addition, there was a large number of non-governmental organizations involved with women's matters. Considerable progress had been recorded and the advancement of women continued to be a high priority of the Government.

412. The Charter of Rights and Freedoms, in section 15, guaranteed equality between women and men. Based on those provisions, 50 cases that cited gender as a ground of discrimination had been litigated over the past three years and the decisions on them had resulted in practical progress for women. The Supreme Court of Canada had ruled that international instruments had relevance for the interpretation of the Charter. A national court challenges programme had been established to provide funding for women seeking redress under the law so that they could take court to cases that would clarify and advance equality and language rights. However, the process of dismantling systematic discrimination was long and complex.

413. Anti-discrimination legislation was a key to implementing the Convention and the Supreme Court had adopted a broad interpretation of equality and the dignity of individuals, applying it to sexual harassment and discrimination on the basis of pregnancy. There were also amendments in order to eliminate discriminatory provisions in the Indian Act.

414. In terms of employment, women made up 44 per cent of the labour force, with 60 per cent working in some sectoral concentrations with wage disparities. There had been federal employment equity legislation requiring federally regulated employers and larger corporations to report on efforts to redress systematic discrimination against women, disabled persons, aboriginal minorities and members of visible minorities. The federal Government and seven provinces had taken initiatives to deal with the question of equal pay for work of equal value. There had been an increase in training and education to eradicate stereotypical attitudes about the woman's role in the workplace.

415. Concerning work and family responsibilities, in addition to the implementations of such measures as maternity and paternity leave benefits, legislation had been enacted promulgating the national strategy on child care, giving priority to the needs of special groups of children.

416. In relation to women in public life, 40 out of 295 members of the House of Commons were women, up from 16 in 1982; there were six women in the federal cabinet, one woman at the head of a major national political party and three women among the nine justices of the Supreme Court.

417. New legislation related to abortion had recently been tabled in Parliament. The proposed

legislation established that abortion was a medical decision to be made between a woman and her doctor base on broadly defined health grounds.

418. New measures had been adopted to address the problem of violence against women, emphasizing immediate needs and the federal Government had allocated \$Can. 40 million to prevention and protection; a national strategy was being elaborated and one province had allocated \$Can. 42 million to deal with the problem of spousal assault.

419. Responding to general questions posed by the Committee, the head of Canada's national machinery explained the work of provincial agencies, including the Office for the Prevention of Family Violence in Alberta, the Advisory Committee on Women's Issues in Education in New Brunswick, the Family Task Force in Nova Scotia and the Task Force on Day Care for Children in Quebec. She noted that more updated statistics were in the process of being prepared; the updated comprehensive analysis entitled "Women in Canada" would be issued in a few months and updated statistics would be included in the next periodic report in 1991. The structure of the next report would be considered in the light of the Committee's suggestion that information be presented under one head rather than under individual provinces. The governments in Canada maintained close contact with non-governmental organizations, which were integral parts of national machinery and their views were consequently always taken into consideration. There had been a number of efforts to publicize the Convention, including wide distribution of the text as well as Canada's report on the Convention and United Nations information material on it.

420. Concerning decisions of the Supreme Court relevant to discrimination and the Convention, in the light of article 2, it was noted that section 15 of the Charter had been cited in two cases, neither involving discrimination by sex, but which has interpreted the section as precluding systematic or indirect discrimination as well as direct discrimination. The interpretation also covered analogous grounds, such as personal characteristics that were associated with other disadvantages such as marital status. Section 7 on the right to life, liberty and security of the person had been interpreted so as to strike down the therapeutic abortion provisions of the Criminal Code, and the Court had ruled that international agreements to which Canada had become a party could be used in the interpretation of the Charter. The Charter applied to all citizens equally including to immigrant women and Inuit persons. Also in relation to article 2, the Government had introduced Bill C-5 to amend the Criminal Code and the Canada Evidence Act dealing with sexual abuse of children. The amendment had come into force on 1 January 1988 and a Special Advisor on Child Sexual Abuse had been given a mandate to co-ordinate federal action on that subject. To examine new legislation in the light of the Charter, the Federal Minister of Justice undertook reviews, including the question of consistency with international human rights obligations. It was noted that proposed new legislation on abortion did not constitute sexual discrimination contrary to article 2 (g).

421. In relation to article 3, with reference to special programmes aimed at equal educational and cultural opportunities for Indian women, it was noted that the Aboriginal Women's Programme, Native Citizens Directorate, Secretary of State had a mandate in the area and a number of activities were under way. Aboriginal women were not, however, fully involved in the economic and political life of the country, although that was gradually changing as aboriginal women became increasingly

active in their communities. With regard to guidelines for immigrant women who lost their sponsorship because of family violence, it was explained that, under the guidelines, the sponsored spouse was not required to meet immigration selection criteria because of the promise of 10-year sponsorship by the spouse, which many feared might lead to automatic deportation if the sponsored spouse left the home and sought assistance in cases of violence or marital breakdown. Under the Charter, leaving a spouse was never sufficient grounds for deportation and immigrants had the same protection as citizens.

422. On article 4, relating to affirmative action, the Employment Equity Act was intended to ensure that all federal contractors doing business with the Government achieved and maintained a fair and representative workplace. In addition, the Women's Career Counseling and Referral Bureau of the Public Service had had a positive impact on the mobility of women within the public service and its mandate had been extended for another five years.

423. On article 5, regarding obscenity legislation, it was stated that a bill had been introduced that would prohibit child pornography and pornography containing violent or degrading material. That would place tighter controls and add sex to the list of items against which hate propaganda was prohibited. The legislation was still pending. There were still many stereotyped attitudes and that constituted an obstacle to advancement.

424. Regarding article 6, it was confirmed that Bill C-15 dealing with juvenile prostitution had come into force on 1 January 1988.

425. On article 7, there had been a slow but steady increase in the percentage of women in Parliament, the Government, public office and the judicial system, as reflected in an increase from 5.7 per cent in 1982 to 13.2 per cent in 1990 in the House of Commons, from 6.9 per cent to 14.5 per cent in provincial legislatures, from 6.3 per cent to 8.5 per cent in federal appointments as well as from 2 to 13 percent in the number of women who held the highest diplomatic ranks. The political parties did not have quota systems but the main parties had taken steps to ensure female representation at party conferences and at the executive levels. Candidates were selected locally and women's political action was focused on that level. For minority women, the National Organization of Immigrant and Visible Minority Women had served as a catalyst in the interest of those groups and the new president of the Advisory Committee on Women was a member of the board of directors of that group. The political parties had instituted special programmes to attract and involve women in the political process.

426. In terms of article 8, there was a co-ordinated federal government approach to providing candidates for vacancies in international organizations. Women were actively sought for those vacancies and the Government had also been a persistent voice for the advancement of women in the United States system.

427. Programs were in place to encourage boys and girls to break away from stereotyped choices of education and training, in the context of article 10, mostly at the provincial level to which educational responsibility was delegated, including in particular information campaigns,

curriculum changes, monitoring of teaching material and scholarship programmes.

428. Regarding article 11, it was stated that the Pay Equity Acts of several provinces had been drafted in the light of the Convention and the general approach adopted by the Canadian Human Rights Commission had been to base evaluations on a composite of skill, effort, responsibility and working conditions. Regarding the problem that Canadian women on average earned only 65 per cent of men's earnings, steps taken included the application of pay equity provisions, provincial initiatives to ensure equal access to employment opportunities and affirmative action policies supported by the trade unions in the context of contract negotiations. Regarding child care, places were subsidized under the Canada Assistance Plan that cost-shared with provincial and territorial governments and that had led to an increase from 102,000 places in 1985 to 300,000 in 1989. There was an ongoing debate as to the State's role in that issue. Wages for child-care workers varied across the country but were generally low relative to the responsibilities involved and that was an area of concern that would be addressed in the next report. Although there would be a general review of labour standards, there was no change in the current policy of coverage of part-time workers, although some provincial jurisdictions had implemented legislative and regulative changes ensuring equal treatment of part-time and full-time workers. In relation to the pension system, a number of plans were intended to provide income security in old age, including the public pension plan and employer-sponsored and individual pension and retirement savings plans. For the public service in the federal sector, equal value was enforced through a complaint-based mechanism. A joint union-management mechanism had undertaken a study of jobs in the public service that had led to equal pay adjustments for several classes of public servants, mostly women.

429. In terms of article 12, the issue of abortion was being addressed through legislation being considered in the House of Commons that would establish abortion as a medical decision to be made between a woman and her doctor on health grounds, including physical, mental and psychological health. After the striking down of the Criminal Code provisions on abortion there had been no measured change in the number of abortions, but statistics had shown that many Canadian women had had abortions in the United States. Maternal mortality/morbidity rates were 5.35 in 1983, 3.18 in 1984, 4.02 in 1986 and 2.97 in 1987. Regarding the issue of women infected with HIV and AIDS, it was noted that as of 15 January 1990, 189 adult female AIDS cases had been reported, or 5.6 per cent of total adult cases and there had been a number of programmes to reach out to women with education and support, as well as a concern with human rights implications of AIDS testing and medical research.

430. On article 13, it was noted that a number of social services were provided for single mothers and the tax law had been revised to allow single mothers to be taxed at a similar rate to married mothers. There were efforts to train single women, including providing allowances for child and dependent care during training. To assist women in the enforcement of child-support decisions, there had been a \$1.2 million grant to assist in the development of automatic enforcement procedures.

431. Regarding article 16, it was noted that the procedure of garnishing wages for maintenance payments was applicable to all federal and provincially regulated businesses through normal

proceedings and the procedures now applicable to the public service would eliminate the previous protection of civil servants from such garnishment. A number of results had been obtained from the 1983 intergovernmental working group on wife-battering and were reflected in federal initiatives and the \$40 million family violence initiative noted previously. However, a study entitled "The City for Women: No Safe Place" had noted that 1 million Canadian women had been abused by husbands or live-in partners, more homicides involve husbands killing wives than the reverse and most Canadian women felt unsafe walking alone in their neighborhoods after dark. A study of Indian and Metis women also revealed extensive abuse.

432. Responding to a follow-up question, she notes that the success of Canada in achieving the advancement of women was, as suggested, due to both the strength of the feminist movement and the political will of the leaders of Canada, supported by the actions of individuals and organizations to achieve that objective. In addition, the existence of a well-defined national machinery with a Minister sitting in important cabinet committees and connections with a network of women's organizations was also important, as was the understanding by both business and governments of the demographics of women's involvement in the economy. The political commitment was reflected as well in the involvement of the country's permanent representative in the presentation of the report.

433. In response to other follow-up questions, she noted that there would be follow-up with non-governmental organizations in the light of comments on the report. The issue of violence against elderly women was receiving attention but there was a need to deal more broadly with the issue, although Canada had a Minister of State for senior citizens to organize responses to those issues. It was noted that progress was stalled temporarily in social services for the poor, as well as child care, owing to the economic conditions faced by the country and the lack of a consensus on the role of the State in child care, but the picture showed signs of improving. Regarding a question on the composition of the Royal Commission of Inquiry into New Reproductive Technologies, it was explained that the Commission was composed of six experts in law and genetics and was chaired by a woman. On support for and opposition to the draft abortion legislation, opinion on the specific bill was divided, although most people supported a pro-choice position in general. Concerning age of marriage, it was noted that the matter was provincial but there was a growing move towards a federal standard of 18 years for both sexes. Efforts were being made to support aboriginal women in their languages but the basic languages of the country for business purposes for all citizens would continue to be English and French. The role of the National Film Board of Canada in producing films on violence against women was acknowledged.

434. The operation of the Secretariat of Appointments in the Office of the Prime Minister was described and its effect on increasing the number of women appointees noted. The results of studies describing the division of labour in the home had shown that, where women worked full-time in the home, spouses contributed 10 hours a week to domestic work and where women worked full-time outside the home, spouses contributed only 11 hours.

435. She noted that there continued to be opposition to equality, rooted in unchanged attitudes

and slowly changing structures. That opposition was not increasing but had rather become better organized, and there was no opposition to affirmative action as that was guaranteed by the Charter.

436. The very comprehensive report of Canada indicated skill in fulfilling the reporting obligations, and it was suggested that Canada consider, in the context of its developments, assistance programmes to aid developing countries in their efforts to implement the Convention.

CEDAW A/52/38 (1997)

306. The Committee considered the third and fourth periodic reports of Canada (CEDAW/C/CAN/3 and 4) at its 329th and 330th meetings, on 28 January 1997 (see CEDAW/C/SR.329 and 330).

307. In introducing the reports, the representative placed the implementation of the Convention and the Platform for Action adopted at the Fourth World Conference on Women within the framework of the Canadian federal system. She noted that in Canada, the federal and provincial/territorial governments shared legislative authority. Responsibility for areas such as education, health and social services was largely devolved to the provincial/territorial level. Canada's national machinery for the advancement of women was well-established at the federal level, and women's bureaux or agencies existed at the level of all provincial/territorial governments.

308. Canada's approach to promoting gender equality was based on the recognition that gender factors influenced political, economic and social systems. As a consequence, all social policy must take into account the differential impact of policies on men and women. The national machinery provided gender analysis and policy advice to government entities to ensure that gender factors were incorporated into legislation, policies and programmes.

309. The representative stressed that her Government attached great importance to close cooperation with non-governmental organizations and civil society as a crucial aspect of the advancement of women. Various efforts were undertaken to reflect the views of civil society in policy-making processes. Extensive networks existed with non-governmental organizations, and the Government provided funding to many women's organizations.

310. Noting that Canada faced new domestic and global socio-economic challenges, the representative emphasized that Canada had taken decisive steps to provide women with an effective legal framework against discrimination. The Canadian Charter of Rights and Freedoms guaranteed equality before the law and under the law and the equal protection of the law to women and men. Individuals and groups could challenge legislation and practices of the federal or provincial/territorial governments if they perceived them to be discriminatory. The Charter provided protection against intentional discrimination as well as systemic discrimination and protected women against laws and practices that resulted inadvertently in unfair treatment of women. A special programme provided financial support for groups and individuals seeking the equality protection of the Charter. A recent amendment to the Canadian Human Rights Act granted protection against discrimination on the basis of sexual orientation.

311. The representative highlighted a number of recent efforts by her Government to advance women's equality in the economic and social fields. As women's employment and economic autonomy were considered to be key building blocks for women's equality, improvements were needed with regard to women's earnings and to deal with persistent occupational segregation. A number of recent legislative measures were intended to address those areas. Efforts were also ongoing to measure and value women's and men's unpaid work in the household and to take it into

account in policy.

312. The elimination of violence against women and children was another issue of high priority. Canada approached the problem in a comprehensive and holistic way, with particular attention to the underlying causes of such violence. In addition to recent amendments to strengthen the Criminal Code's response to violence, a number of legislative initiatives were pending.

313. The representative pointed out that special assistance was provided to women who were multiply disadvantaged, a third area of recent initiatives by the Government. Canada recognized that women were disadvantaged not only because of gender but also because of ethnicity, disability or income. The situation of aboriginal women required special attention, and recommendations contained in a recently completed study by the Royal Commission on Aboriginal People were expected to play an important role in future policy-making in that field.

314. A fourth area was to ensure women's equal access to health care. Given rising health care costs in Canada, major changes in the Canadian health care system were expected to be implemented over the next decade. The preservation of women's equal access to quality health care would be an essential concern in that process.

315. In conclusion, the representative recognized that despite the progress made in many areas, a lot remained to be done. She assured the Committee of her Government's willingness to develop innovative solutions to the remaining problems, working closely with all parts of Canadian society.

Concluding comments of the Committee

Introduction

316. The Committee commended the Canadian Government for its third and fourth periodic reports and for the excellent and comprehensive replies to the numerous written questions prepared by the experts.

317. The Committee also appreciated the high-level delegation, which included representatives from the provinces.

318. The Committee found the format of the written reports, broken down by provinces, difficult to analyze and evaluate. As a result, experts were unable to appreciate fully the gains and obstacles in implementing the Convention.

319. The Committee noted the leading role of Canada in promoting gender equality at the international level through its development cooperation programmes on gender mainstreaming and violence against women.

320. The Committee also noted that while in the report there was a comprehensive review of new legislation and jurisprudence on human rights affecting women, the information provided did not

adequately explain the impact on either women in general or on specific groups of women.

Factors and difficulties affecting the implementation of the Convention

321. The restructuring of the economy, a phenomenon occurring in Canada and other highly industrialized countries, appeared to have had a disproportionate impact on women. Although the Government had introduced many measures designed to improve the status of women, the restructuring was seriously threatening to erode the significant gains and advances made by Canadian women. Given the Government's proud record of leadership on women's issues globally, those developments would not only have an impact on Canadian women, but would also be felt by women in other countries.

Positive aspects

322. The Committee commended the high degree of importance attached to the promotion and implementation of human rights in Canada emphasized by its Charter of Rights and Freedoms as well as its ratification of international human rights instruments, including the Convention.

323. The Committee noted that Canada had, by its landmark decision-making gender-based violence a basis for granting asylum to women, once again led the way.

324. The Committee noted with appreciation the introduction of the Federal Plan for Gender Equality, which was Canada's framework and blueprint for implementing the Beijing Platform for Action.

325. The Committee welcomed Canada's emphasis on the participation of civil society in promoting gender equality and in providing mechanisms for cooperation and dialogue, in particular with non-governmental organizations. The annual consultation on violence against women conducted by the Minister of Justice in cooperation with the Council on the Status of Women was particularly commendable.

326. The Committee also noted with satisfaction that Canada continued to strengthen and refine its gender mainstreaming efforts at all levels.

Principal areas of concern

327. While many measures, including laws, were in place to address violence against women, the incidence of such violence was not diminishing, but had in fact increased in some areas.

328. The Committee was concerned about the rising teenage pregnancy rate, with its negative impact on health and education and the resulting increase in the poverty and dependency of young women.

329. The Committee expressed its concern about the trend towards the privatization of health care programmes, which could seriously affect the accessibility and quality of services available to Canadian women, especially the most vulnerable and disadvantaged.

330. The Committee was concerned that within the framework of economic and structural changes, including those arising from regional and international economic arrangements, insufficient attention had been paid to their impact on women in general and on disadvantaged women in particular.

331. The Committee was concerned about the deepening poverty among women, particularly among single mothers, aggravated by the withdrawal, modification or weakening of social assistance programmes.

332. The Committee was concerned that despite the steps taken to implement the Federal Employment Equity Act in the public sector, it was still too limited to have a real impact on women's economic position and suffered from weak enforcement.

333. The Committee was concerned that programmes directed at aboriginal women might have discriminatory effects.

334. The Committee also expressed its concern that current budget cutbacks were affecting the continuity of services in women's crisis centers.

Suggestions and recommendations

335. The level of violence against Canadian women in general and sexually exploited women and girls, prostitutes and women victims of trafficking in particular requires urgent action. Measures to combat violence against women need to be continuously monitored and evaluated for their impact on long-term behaviors and attitudes.

336. The Committee suggested that the Government address urgently the factors responsible for increasing poverty among women and especially women single parents and that it develop programmes and policies to combat such poverty.

337. Information on the valuation and qualification of women's unpaid work, including domestic work, should be provided in future reports.

338. The Committee suggested that in the next report the Government, within the possibilities of its legal framework, integrate the information from federal and provincial levels article by article. The Committee also recommended that the report include explicit information on the impact of legislation, policies and programmes on Canadian women in general and specific groups of women in particular.

339. Methodologies to assess progress made in closing the gap in pay between men and women and in ensuring equal pay for work of equal value should be developed.

340. The Federal Plan for Gender Equality should have a specific time-frame, benchmark and measurable goals to monitor implementation and the specific resource allocation required.

341. A comprehensive picture of the situation of aboriginal women should be provided, including their educational situation, their position in the labour force and a description and evaluation of past and present federal and provincial programmes for aboriginal women. Programmes directed at aboriginal women should be monitored for possible discriminatory effects. The plight of aboriginal women in prison is of urgent concern.

342. The Committee recommended that social assistance programmes directed at women be restored to an adequate level.

343. The Committee urged the wide dissemination of the present concluding comments in Canada to make Canadians aware of the steps that had been taken to ensure de facto equality for women and the further steps required in that regard.

CEDAW, A/58/38 part I (2003)

325. The Committee considered the fifth periodic report of Canada (CEDAW/C/CAN/5 and Add.1) at its 603rd and 604th meetings, on 23 January 2003 (see CEDAW/C/SR.603 and 604).

Introduction by the State party

326. In introducing her country's fifth periodic report, the representative of Canada highlighted the importance Canada placed on eliminating gender discrimination and reported that the overall economic situation of women in Canada had continued to improve steadily, with women's relative earnings increasing from 52 per cent of men's in 1986 to 63 per cent in 1997. Women had made tremendous strides in education, making inroads into traditionally male-dominated professions and the large majority of women of all ages considered themselves to be in good health.

327. The representative of Canada said that women over the past century had become increasingly involved in the full range of social and economic aspects of life, most notably becoming a major and integral part of the paid labour force. The majority of women continued to be employed in predominantly female occupations, but the number was slowly declining. Their overall economic situation continued to improve steadily and their total earnings as a percentage of men's had increased. There was still a distinct division of labour between the sexes, in particular women with young children were spending more of their time on unpaid work.

328. The representative of Canada indicated that factors such as age, race, ethnicity, immigrant status and aboriginal heritage had significant effects on women's economic status. Aboriginal women were concentrated disproportionately in lower-skill and lower-paying occupations, and had lower rates of employment in the wage economy than aboriginal men or non-aboriginal women. Poverty among some groups of women in Canada was far too high but poverty, in general, had been declining since 1997.

329. The representative explained that the Federal Plan for Gender Equality, with its key long-term goal of undertaking gender-based analysis of policies and programmes across Government, came into effect in 1995 at a time when the Budget Act focused on expenditure reductions to ensure fiscal responsibility. However, the economic situation had improved since then and the Government had endorsed a dual approach to gender equality that combined both the integration of a gender perspective in government processes and the development of policies and programmes that were gender-specific, thus also providing a more systematic approach to address gender discrimination. In 2000 the Government adopted a new Agenda for Gender Equality. The Agenda was a multi-year strategy, with new funding spread over a five-year period. It was designed to engender current and new policy and programme initiatives, accelerate the implementation of gender-based analysis, enhance voluntary sector capacity, engage Canadians in the policy process and meet Canada's international commitments.

330. The representative provided a few examples to demonstrate that progress had been made in the past few years in process and results. The new Immigration and Refugee Protection Act

promoted the mainstreaming of gender analysis through its requirements that gender impacts be reported annually in the federal immigration department's report to Parliament. As a part of the legislative process for the Immigration and Refugee Protection Act, a gender-based analysis of the potential impacts of the Act and its regulations had been prepared. Several sections of the Act highlighted where gender considerations had been taken into consideration. Thus, for example, the Act included the offences for human smuggling and trafficking in persons, carrying a maximum penalty of life imprisonment, a fine of up to Can\$ 1 million, or both. The legislation recognized the context of trafficked women's lives by allowing a court to take into account aggravating factors such as humiliating or degrading treatment, including sexual exploitation, when determining an appropriate penalty for the crime.

331. With regard to the situation of indigenous women, the representative explained that in 1998, in response to the Royal Commission on Aboriginal Peoples, the Government had adopted an action plan called "Gathering Strength", a strategy to improve the quality of life of aboriginal people and to promote self-sufficiency with funding of Can\$ 965 million over five years. The Government had also introduced legislation to modernize the governance components of the historic Indian Act, adding to the First Nations' governance tools, which aimed at improving women's quality of life in their communities by offering them increased participation in the governance of the communities, broadening their protection from discrimination and providing additional remedies.

332. Turning to unpaid work, the representative stated that in December 2002, parental benefits under the Employment Insurance scheme were increased from 10 weeks to 35 weeks and that a disincentive that affected fathers was removed, doubling the combined maternity/parental benefit period to one full year. The number of Canadians accessing parental benefits increased by 24.3 per cent in 2001. The Government had also introduced and enhanced in the recent past a Child Tax benefit and National Child Benefit System, which included a supplement for lower-income families. Those benefits were particularly important in fostering parental employment in low-income families, where earnings alone would not be sufficient to meet family needs. The new child benefits thus directly addressed some key factors contributing to poverty among women — their lower average wages and predominance as primary care providers for children.

333. Regarding women's health, the representative noted recent investments in the areas of disabilities and health research. The Institute for Gender and Health, established in 2000, offered an unprecedented opportunity to investigate the influence of gender and sex on health. The 1997 Guidelines on the Inclusion of Women in Clinical Trials were an important step forward in the light of women's greater reporting of chronic health conditions and greater use of medication than men. The Guidelines aimed to ensure that drug manufacturers seeking market approval for their products based their application on research representing the full range of patients likely to receive the drug and that women were enrolled in clinical trials at all stages of drug development. Such procedures helped to define the risks and benefits associated with drug therapy to women, including women with childbearing potential and post-menopausal women.

334. The representative stated that another major government priority was to eliminate systematic violence against women. In 2002, federal, provincial and territorial ministers released a document entitled "Assessing Violence Against Women: A Statistical Profile", which provided reasons to

believe that Canada's efforts to address violence against women might have had some positive effects. In 1993, some 12 per cent of women had indicated they had been assaulted by a marital or common-law partner in the preceding five years, whereas in 1999 the figure dropped to 8 per cent. The Government had initiated a number of criminal law reforms aimed at providing protection for victims of sexual assault and other violent offences. In addition, the Criminal Code and related legislation had been amended to facilitate the testimony of young victims of sexual or violent crime and to expand the role of victim impact statements.

335. Lastly, the representative of Canada said that Domestic Violence Courts had been created in many jurisdictions, with the aim of improving the justice system's response to domestic violence. They provided a range of specialized services, such as advocacy and support for women and children, expedited court processing, better victim cooperation and support, greater conviction rates and appropriate sentencing, including treatment for abusers.

Concluding comments of the Committee

Introduction

336. The Committee commends the State party for preparing and presenting its fifth periodic report, which contains input from the federal, provincial and territorial governments.¹ It also commends the State party for the written replies to the questions of the Committee's pre-session working group. However, it regrets that not all questions listed by the pre-session working group were answered by the State party.

337. The Committee congratulates the State party for the large delegation representing various governments headed by the Coordinator of Status of Women Canada. The Committee appreciates the open dialogue that took place between the delegation and the members of the Committee.

338. The Committee notes that the State party introduced gender-based impact analysis programmes and published Economic Gender Equality Indicators as a follow-up to the Fourth World Conference on Women.

Positive aspects

339. The Committee welcomes the accession, in October 2002, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance of the amendment to article 20, paragraph 1, in November 1997.

340. The Committee commends the State party's policy, at the international level, in setting women's human rights standards, providing financial and other assistance to women's rights projects in developing countries as well as mainstreaming gender in its development assistance programmes and projects.

341. The Committee commends the State party for ongoing efforts towards improving the legal and de facto situation of women in Canada; in particular, it notes that the Canadian Human Rights Act as well as provincial and territorial human rights legislation have been amended or

reinterpreted through court rulings and that additional laws have been formulated, all of which are directed towards the prohibition of all kinds of discrimination, including, inter alia, the practice of female genital mutilation.

342. The Committee notes with appreciation the recruitment and promotion measures taken to increase women's participation in the Foreign Service.

343. The Committee expresses satisfaction to the State party with the efforts undertaken in some provincial jurisdictions in order to increase the number of female students in the technical and scientific disciplines at the universities.

344. The Committee, through the State party, commends the province of Quebec for having made available full-time kindergarten to all children in the province since 1997 and for making early childhood services available at a nominal cost in general and free of charge for parents on social assistance.

345. The Committee welcomes the creation of domestic family violence courts in some jurisdictions as a way to improve the justice system's response to domestic violence.

346. The Committee commends the State party for the creation, in 2000, of the Institute of Gender and Health to contribute to the reduction of health disparities and the promotion of equity for vulnerable populations of women, including women with disabilities. The Committee notes with appreciation the adoption of the Guidelines on the Inclusion of Women in Clinical Trials to ensure that women are enrolled in such trials at all stages of drug development.

Principal areas of concern and recommendations

347. The Committee regrets that the report, covering the period 1994-1998, was submitted in 2002 and that it does not fully comply with the Committee's guidelines on the format of periodic reports. The report does not provide integrated information from federal to provincial and territorial levels, article by article, as recommended by the Committee in its previous concluding comments. Moreover, the report lacks integrated sex-disaggregated data from the federal, provincial and territorial levels, in particular detailed information on the scope of the programmes and the impact of the measures undertaken by the State party to eliminate discrimination against women.

348. The Committee recommends that, in preparing its next report, the State party take into account the Committee's new guidelines and its general recommendations. It recommends that the State party's next report contain more specific and analytical information on the situation of women by the federal, provincial and territorial governments and that it cover all jurisdictions in a consistent and integrated way. That information should be supported by nationwide sex-disaggregated data and should point to and describe the results intended and achieved by legal provisions, policies and programmes adopted by the federal, provincial and territorial governments directed towards the elimination of discrimination against women.

349. The Committee acknowledges the State party's complex federal, provincial and territorial political and legal structures. However, it underlines the federal Government's principal

responsibility in implementing the Convention. The Committee is concerned that the federal Government does not seem to have the power to ensure that governments establish legal and other measures in order to fully implement the Convention in a coherent and consistent manner.

350. The Committee recommends that the State party search for innovative ways to strengthen the currently existing consultative federal-provincial-territorial Continuing Committees of Officials for human rights as well as other mechanisms of partnership in order to ensure that coherent and consistent measures in line with the Convention are achieved. The Committee also recommends that the existing mechanisms be used to introduce best practices in order to achieve substantive equality of women with men in the enjoyment of their human rights under all governments.

351. The Committee is concerned that, within the framework of the 1995 Budget Implementation Act, the transfer of federal funds to the provincial and territorial levels is no longer tied to certain conditions which previously ensured nationwide consistent standards in the areas of health and social welfare. It is also concerned about the negative impact that the new policy has had on the situation of women in a number of jurisdictions.

352. The Committee recommends that the federal Government reconsider those changes in the fiscal arrangements between the federal Government and the provinces and territories so that national standards of a sufficient level are re-established and women will no longer be negatively affected in a disproportionate way in different parts of the State party's territory.

353. While noting recent efforts at gender-based impact analysis of legislation, programmes and other measures at the federal and some provincial levels, the Committee is concerned that such efforts are not mandatory for all levels and bodies of the various jurisdictions.

354. The Committee recommends that the State party consider making gender-based impact analysis mandatory for all legal and programme efforts at the federal level and, through its respective Consultative Continuing Committees of Officials, at the provincial and territorial levels.

355. While appreciating the fact that funds are available under the Court Challenges Programme for test cases under the equality guarantee in the Canadian Charter of Rights and Freedoms, the Committee is concerned that the Programme applies only to federal laws and programmes. The Committee is also concerned that federal legal aid funds in civil and family law and for legal matters related to poverty issues, in contrast to legal aid for criminal cases, are channelled to the provinces and territories at their discretion. That, in practice, turns out to have a disproportionately restrictive impact on women seeking legal redress as compared with men.

356. The Committee urges the State party to find ways for making funds available for equality test cases under all jurisdictions and for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.

357. While appreciating the federal Government's various anti-poverty measures, the Committee

is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of colour, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

358. The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.

359. The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular aboriginal women. Among these changes are: a cut in funds for legal aid and welfare assistance, including changes in eligibility rules; a cut in welfare assistance; the incorporation of the Ministry of Women's Equality under the Ministry of Community, Aboriginal and Women's Services; the abolition of the independent Human Rights Commission; the closing of a number of courthouses; and the proposed changes regarding the prosecution of domestic violence as well as a cut in support programmes for victims of domestic violence.

360. The Committee, through the State party, urges the government of British Columbia to analyse its recent legal and other measures as to their negative impact on women and to amend the measures, where necessary.

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence. The Committee is further concerned that the First Nations Governance Act currently under discussion does not address remaining discriminatory legal provisions under other Acts, including matrimonial property rights, status and band membership questions which are incompatible with the Convention.

362. The Committee urges the State party to accelerate its efforts to eliminate de jure and de facto discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and

substantive equality. It also requests the State party to provide comprehensive information on the situation of aboriginal women in its next report.

363. While appreciating the inclusion of trafficking in persons as constituting a criminal offence under the new Immigration and Refugee Protection Act, as well as other aspects protecting refugee and immigrant women, the Committee notes that other provisions and practices may still contribute to devaluing women's educational skills and previous economic contributions to their families' well-being.

364. The Committee requests the State party to implement fully the gender-based impact analysis and the reporting requirements provided in the new Act with a view to eliminating remaining provisions and practices which still discriminate against immigrants.

365. While noting the improvement regarding the de facto situation of live-in caregivers through formal employment contracts, the Committee is concerned that the caregivers are allowed into the country only as temporary residents, they do not receive adequate social security and having to live in the homes of their employers may subject them to exploitation and abuse.

366. The Committee urges the State party to take further measures to improve the current live-in caregiver programme by reconsidering the live-in requirement, ensuring adequate social security protection and accelerating the process by which such domestic workers may receive permanent residency.

367. The Committee recognizes the efforts made by the State party in addressing the issue of trafficking in women and girls, but notes with concern that the report does not provide sufficient information on the programmes to assist victims of trafficking.

368. The Committee encourages the State party to assist victims of trafficking through counselling and reintegration and to include detailed information on its victim assistance programmes in its next periodic report.

369. Despite the commendable measures taken by the State party to combat violence against women and girls, including criminal law reforms, the Committee notes with concern that violence against women and girls persists. The Committee is particularly concerned about the inadequate funding for women's crisis services and shelters.

370. The Committee urges the State party to step up its efforts to combat violence against women and girls and increase its funding for women's crisis centres and shelters in order to address the needs of women victims of violence under all governments.

371. While appreciating the progress made as regards increased women's political representation and the new legal provisions that benefit female candidates for political office in particular, the Committee is concerned that women are still underrepresented in all areas of political and public life.

372. The Committee urges the State party to take additional measures to increase the

representation of women in political and public life. It recommends the introduction of temporary special measures with numerical goals and timetables to increase the representation of women in decision-making positions at all levels.

373. The Committee notes with concern the lack of women's de facto equality in the labour market, including the fact that, owing to their unpaid tasks in the family, a large percentage of them work in part-time jobs, marginal jobs and self-employment arrangements, which often do not carry adequate social benefits.

374. The Committee recommends that the State party monitor closely the situation of women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.

375. While commending the State party's efforts directed towards the implementation of the principle of equal pay for work of equal value, the Committee notes with concern that the auditing process is too slow and that that principle is not implemented in practice by all provincial and territorial governments.

376. The Committee urges the State party to accelerate its implementation efforts as regards equal pay for work of equal value at the federal level and utilize the respective federal-provincial-territorial Continuing Committees of Officials to ensure that that principle is implemented under all governments.

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurs may not lead to aboriginal women's economic independence.

378. The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.

379. The Committee is concerned that, while the report cites laudable efforts at expanding and improving childcare under all governments, there is no information, except for Quebec, indicating whether the available childcare places meet the demand and are affordable.

380. The Committee recommends that the State party further expand affordable childcare facilities under all governments and that it report, with nationwide figures, on demand, availability and affordability of childcare in its next report.

381. While noting improvements in the Employment Insurance Act, the Committee is concerned that the number of women eligible for unemployment benefits is lower as compared with men. While appreciating the increase in the number of months of parental leave, the Committee is concerned that the low benefit level of the parental leave may not encourage great numbers of fathers to avail themselves of that leave.

382. The Committee recommends to the State party to reconsider the eligibility rules of that Act

based on a gender-based impact analysis in order to compensate for women's current inequalities in accessing those benefits owing to their non-standard employment patterns. It also encourages the State party to consider raising the benefit level for parental leave.

383. The Committee, although recognizing the efforts undertaken by the State party concerning the provision of social housing, is concerned that such efforts might be inadequate to address the needs of women with low incomes and those of female single parents.

384. The Committee recommends that the State party reconsider and, if necessary, redesign its efforts towards socially assisted housing after a gender-based impact analysis for vulnerable groups of women.

385. While recognizing the State party's close collaboration with non-governmental organizations in the work towards women's empowerment, the Committee notes with concern that non-governmental organizations were not invited to contribute to the preparation of the report.

386. The Committee recommends that women's non-governmental organizations representing different groups of women under all governments, and other relevant non-governmental organizations, be involved in a national discussion and the dissemination of the next report.

387. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

388. Taking into account the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

389. The Committee requests the wide dissemination in Canada of the present concluding comments in order to make the people of Canada, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".