



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-second session

20 October-7 November 2008

List of issues and questions with regard to the consideration of periodic reports

Canada*

The pre-session working group examined the combined sixth and seventh periodic report of Canada (CEDAW/C/CAN/7).

Constitutional, legislative and institutional framework

1. Please provide an update on any measures taken after the date of submission of the State party's report that may advance or affect any of the rights covered by the Convention.
2. The report provides detailed information on the funding of legal aid projects in the State party, but also identifies a number of challenges (para. 52). Please elaborate on plans or initiatives to address these challenges. This information should address all levels of the Canadian State.

Stereotypes and education

3. Please inform the Committee whether activities to promote aboriginal women which are funded by the Government, such as the activities of the Aboriginal Peoples' Program, include awareness-raising programmes aimed at sensitizing aboriginal communities about women's human rights and combating patriarchal attitudes, practices and stereotyping of roles. Additionally, in light of the fact that the wider non-aboriginal community has historically been exposed to racial and gender stereotypes of aboriginal people in general and aboriginal women in particular, what wider public education programmes are designed to change these stereotypes?

* Issued without formal editing.

4. The report (para. 164) refers to an initiative by the Government of New Foundland and Labrador, in collaboration with aboriginal groups, to eliminate stereotypes through the development of culturally appropriate learning resources. Are similar initiatives involving aboriginal communities being pursued by other provinces or territories?

Violence against women

5. Noting the efforts taken, through the Shelter Enhancement Program, to maintain and improve shelters and expand their number, but also noting the “continuing need for funding for shelter repairs and expansion of the capacity to meet demands”, please indicate whether existing funding arrangements among the federal, provincial and territorial governments can guarantee the sustainability of the SEP.

6. In addition to information provided on general housing assistance programmes, please inform the Committee whether any measures have been taken to ensure that women trying to leave abusive relationships can access housing options and appropriate support services in keeping with the right to an adequate standard of living. Are the band councils and other forms of indigenous governments ensuring that women have access to safe and affordable housing and shelters?

7. The report (para. 62) notes that amendments to the *Criminal Code and Canada Evidence Act*, which entered into force in January 2006, facilitate the receipt of testimony by victims and witnesses (including victims of sexual or spousal violence) and provide greater protection in the process of giving testimony. Please provide further details on these amendments and, if available, information on whether the application of the amended rules in the Courts has helped to protect victims better. Also, please provide information on initiatives to provide a culturally sensitive environment for indigenous and racial minority women who access such services.

8. Noting the commendable support provided by the State party for initiatives to address the particularly high rate of violence against aboriginal women and girls, such as the Sisters in Spirit Initiative, as well as recent efforts taken to share best practices, including through the Policy Forum on Aboriginal Women and Violence held in March 2006, the Committee would like to know whether measures have been taken to gather best practices and lessons learned in a systematic manner. Please also indicate whether violence against aboriginal women in the urban environment receive equal attention as that on reserves. Additionally the Committee would like to receive information on Afro-Canadian women in Nova Scotia in respect to violence.

9. Please inform the Committee of the Government’s views with regard to the recommendation by the Committee on Economic, Social and Cultural Rights, in its concluding observations to the State party adopted in May 2006, to include domestic violence as a specific offence in the Criminal Code.

Trafficking and exploitation of prostitution

10. The report (para. 82) notes that the Government’s response to trafficking was strengthened through *An Act to amend the Criminal Code (trafficking in persons)*, which came into force in November 2005 and created three new indictable offences. Please inform the Committee whether this Act has helped to deter the trafficking of

women into Canada, whether any prosecutions have been brought under the Act and whether there were any convictions.

11. Please indicate whether the guidelines for immigration officials released in May 2006, which aim to ensure that victims of trafficking receive consideration for immigration status and provide for the issuance of temporary residence permits, have helped victims to escape the influence of their traffickers and encouraged a larger number of victims to contact the authorities. Also, please indicate the countries from which women are trafficked to Canada. In addition to the protective provisions contained in the guidelines for immigration officials referred to in question 11 above, please indicate whether there are any programmes to help victims of trafficking to recover and reintegrate in society.

12. Please provide information, if available, on whether the amendments to the *Criminal Code and Canada Evidence Act*, which came into effect in January 2006 which facilitate the receipt of testimony from vulnerable victims (including victims of trafficking), have helped in prosecuting traffickers and in protecting victims' rights. Please provide information, if available, on court cases in which the amended rules may have helped to secure convictions and/or protect victims.

13. The report notes that in New Brunswick and Prince Edward Island, victims of trafficking are eligible for all support services available to victims of crime (paras. 213, 294). Do other provinces and territories pursue similar policies? Also please provide information on the outcome of the interdepartmental working committee established by the Government of Quebec to examine protective measures offered to migrant women victims of trafficking and to propose mechanisms to combat trafficking (para. 342).

Participation in public affairs

14. The report notes that the Government supports the non-governmental initiative "Getting to the Gate", an online campaign course that aims to increase the number of elected women at all levels of public office (para. 91). Please indicate whether any other measures have been taken to increase the representation of women in decision-making positions, including in the House of Commons, where women currently hold merely 20 per cent of the seats. In particular, please indicate whether political parties have adopted temporary special measures in line with article 4, paragraph 1, of the Convention.

15. Please indicate whether the Government's support provided to aboriginal women includes funding to enable them to participate in governance and legislative processes that address issues which impede their achievement of legal and substantive equality.

Employment

16. The report provides information on legislation and other measures adopted to ensure equal pay for work of equal value in a number of provinces and territories. Please indicate whether such measures have been taken at the federal level or whether the federal-provincial-territorial Continuing Committee of Officials has been utilized to ensure that the equal pay principle is implemented at the federal level and by all provincial governments.

17. Please provide information on efforts taken to review job classifications, as well as details on the status of the investigation conducted with regard to a job classification issue in nursing, following the receipt of a large number of complaints by the Canadian Human Rights Commission (para. 54 of the report).

18. The report notes that a number of employment measures introduced in 2006 aim at helping women as well as men to take advantage of employment opportunities better. However, please indicate to what extent these measures have in fact benefited women and whether any specific measures have been taken to increase the percentage of women in standard employment arrangements with adequate social benefits. Please provide data on the percentage of self-employed women as well as women in part-time or marginal employment.

19. The report notes that the Aboriginal Human Resources Development Strategy has helped large numbers of aboriginal women to find employment and return to school (paras. 98 and 99). Please indicate whether employment opportunities found with the help of this programme have provided a sustained and adequate income to aboriginal women, including all necessary social benefits. With regard to education, please provide data to indicate whether the programme has helped, or is likely to help, to increase the percentage of aboriginal women in secondary education. Please also inform the Committee whether the programme is likely to be extended beyond March 2009.

20. Please advise the Committee whether the measures taken to ensure adequate social security protection for caregivers employed under the Live-in-Caregiver Program are effective. Is there a database on this issue?

Health

21. Please inform the Committee of the main findings and recommendations of the recent workshop organized jointly by the Bureau of Women's Health and Gender Analysis and the Centres of Excellence for Women's Health Program, referred to in the State party's report, para. 110. Please also explain how the Women's Health Indicators initiative has helped to integrate a gender perspective in the broader development of health indicators and reporting systems, reduce health disparities and improve women's health.

Women in vulnerable situations; minority, immigrant and refugee women

22. In view of 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, please indicate whether an assessment of the gender impact of anti-poverty measures has been made and what measures have been taken to combat poverty among women in general, and vulnerable groups of women, in particular. Please provide sex-disaggregated data for each group.

23. With regard to the measures taken in the area of socially assisted housing, please inform the Committee whether a gender-based impact analysis for vulnerable groups of women, including homeless women and girls, has been carried out or whether any other measures, aimed at ensuring that vulnerable women have access to safe and affordable housing, have been taken, in line with the provisional

recommendations put forward by the Special Rapporteur on adequate housing following his visit to Canada in October 2007.

24. The concluding comments adopted by the Committee in 2003¹ as well as the report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people of 2 December 2004 draw attention to certain discriminatory effects of the Indian Act, including specific human rights issues pertaining to Indian status, such as the second and third generation loss of reserve membership if an Indian woman marries outside her community. The Special Rapporteur noted that the situation remained of great concern to many First Nations women in the country and deserved urgent attention. Please indicate what initiatives have been taken to resolve this issue and, more generally, to ensure that aboriginal women achieve equality at the negotiating table where their interests and rights are affected, as recommended by the Committee in its concluding comments of 2003. Also, please provide an update on the status of the Court Challenges Programme.

25. The State party's report (para. 57) notes that in June 2006, a Ministerial Representative was appointed to work with the Native Women's Association of Canada and the Assembly of First Nation in developing a plan on the issue of matrimonial real property rights, which had been denied under certain circumstances to Indian women living on reserves. Please indicate the status of these consultations and whether any legislative model has been proposed.

26. In light of recent concerns expressed by the Canadian Human Rights Commission at the situation of women prisoners, and in view of the pertinent recommendations made by the Human Rights Committee in its concluding observations adopted in October 2005, please indicate whether the decision to maintain the practice of employing male front-line staff in women's institutions has been reviewed. Also, please indicate whether provincial authorities ensure that women refugees in detention are not incarcerated with criminals.

27. In view of the high incidence of abuse of and violence against aboriginal women, as well as their overrepresentation in the prison system, please indicate whether measures have been taken to provide culturally sensitive training for law enforcement officers, taking into consideration the specific vulnerability of aboriginal women to gender-based violence. Have there been any initiatives to train and hire aboriginal women to work within penal institutions? If so, what is the status and outcome of such initiatives at the federal, provincial and territorial levels?

Marriage and family life

28. In addition to information on investments made and approaches taken to supporting childcare, provided in the report, please provide nationwide figures as well as data disaggregated by provinces and territories on demand, availability and affordability of childcare. Please indicate whether the Government has considered the possibility of further raising the benefit level for parental leave so as to encourage greater numbers of fathers to avail themselves of such leave. Please also inform the Committee whether any other measures have been taken to support families and ensure the compatibility of work and family life for both men and women.

¹ See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38), part I, paras. 361 and 362.

29. The Committee on Economic, Social and Cultural Rights, in its concluding observations of 22 May 2006 on the State party's combined fourth and fifth periodic report, noted with concern that single-mother-led families were overrepresented in families whose children were relinquished to foster care. The Committee was also concerned that women continued to be forced to relinquish their children into foster care because of inadequate housing. Please indicate what measures have been taken.
