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COMMITTEE ON ECONOMIC, SOCIAL
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Explanatory note: The list of issues below is complementary to the list of issues adopted in May 2005 (E/C.12/Q/CAN/2) relating to the fourth periodic report of Canada (E/C.12/4/Add.15). The Committee, having received the fifth periodic report of Canada (E/C.12/CAN/5) on 17 August 2005, decided to send to the State party an additional list of issues. On an exceptional basis, both periodic reports, as well as the State party's replies to the Committee's both list of issues, will be considered by the Committee at its 36th session in May 2006.

**List of issues to be taken up in connection with the consideration of
the fifth periodic report of CANADA concerning the rights referred to
in articles 1-15 of the International Covenant on Economic, Social and
Cultural Rights (E/C.12/CAN/5)**

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Canada has not ratified a number of relevant conventions of the International Labour Organization (ILO), including the Unemployment Convention, 1919 (No. 2), the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Minimum Age Convention, 1973 (No. 138), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). Please give reasons for not ratifying these conventions, and indicate whether the State party intends to ratify them in the near future.
2. Please provide information on the impact of the North American Free Trade Agreement (NAFTA) on the enjoyment of the rights recognized in the Covenant in the State party.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTS. 1-5)

Article 2 (2): Non-discrimination

3. Please provide information on the implementation of the new Immigration and Refugee Protection Act (IRPA), which entered into force on 28 June 2002. Can the State party indicate whether the new Act has had any positive impact in combating discrimination? (Para. 84 of the report.)
4. Please provide more detailed information on the Court Challenges Program (para. 86 of the report). In particular, has the State party extended the Court Challenges Program to include challenges to provincial legislation and policies, as previously recommended by the Committee?
5. Please indicate what measures the State party has taken at the federal, provincial and territorial levels, to ensure that victims of discrimination have adequate access to a competent tribunal and to an effective remedy for violations of their economic, social and cultural rights.

Article 3: Equality of men and women

6. Please provide information on the reports published by the Parliamentary Standing Committee on the Status of Women established in 2004, and indicate whether the recommendations contained therein have been implemented (para. 88 of the report).

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (ARTS. 6-15)

Article 6: The right to work

7. Please provide statistics on the impact of the Employment Insurance Act (para. 89 of the report) on assisting people return to work. What percentage of women, Aboriginal people, people with disabilities and members of so-called visible minorities have obtained employment owing to the adoption of employment benefits and support measures (EBSM)?

Article 8: Trade union rights

8. Please indicate the reasons for restricting the exercise of the right to strike by nurses and health professionals in British Columbia, as a result of legislation introduced in 2001.

Article 9: The right to social security

9. On 15 June 2005, the National Assembly of Quebec adopted the Individual and Family Assistance Act, which does not provide for the annual index-linking of assistance paid to all recipients. What measures does the State party intend to take to remedy the situation in order to enable the people of Quebec to enjoy their right to social security?

10. What measures have been adopted and implemented by the State party to ensure that cuts in social programmes do not have a detrimental impact, especially on women, children, older persons, persons with disabilities, and disadvantaged and marginalized individuals and groups?

Article 11: The right to an adequate standard of living

11. The low-income cut-off (LICO) is used as the official measure of poverty in the State party (para. 121). The report indicates that poverty is generally on the decrease. Please provide statistical data on any decrease of the poverty rate, especially among women, older persons, persons with disabilities, Aboriginal people, members of so-called visible minorities and disadvantaged and marginalized individuals and groups.

12. It is pointed out in paragraph 132 of the report that in 2001 there were 1.7 million households (about 16 per cent of the total) in core housing need. Given this figure, what proportion of the budget is devoted to housing in 2005-2006? What remedial measures have been adopted and implemented to provide social housing to the lower income groups and disadvantaged and marginalized individuals and groups, and with what results?

13. Paragraph 139 of the report indicates that there are long-term strategies in place for the National Homelessness Initiative (NHI). Please provide statistical data on the results achieved by these strategies, in particular with regard to Aboriginal people, especially women.

14. Please indicate what measures have been adopted and implemented by the State party to ensure that people who are forcibly evicted from their homes are provided with alternative accommodation or compensation, in line with the Committee's General Comment No. 7 (1997) on the right to adequate housing.

15. Can the State party provide information on the impact of trade agreements concerning the exploitation of the water in the Great Lakes on the effective enjoyment of the right to water of every Canadian? Please specify, in particular, if the lifting of the moratorium on bulk water exports would affect the right to water of, especially, disadvantaged and marginalized individuals or groups, as outlined in the Committee's General Comment No. 15 (2002) on the right to water.

Article 12: The right to physical and mental health

16. Please indicate what measures have been adopted by the State party to address the problem of alcohol abuse among Aboriginal people.

Articles 13 and 14: The right to education

17. In paragraph 153 of the report, the State party mentions the introduction of the "Canada Learning Bond" and enhancements to the Canada Education Savings Grant, with effect from 1 July 2005. Has this measure yielded any positive results?

18. Please provide information on the services provided to support pupils and students with special needs, on account of disability or through the use of English as a second language. Have these services been reduced and if so, for what reasons?

Article 15: Cultural rights

19. In paragraph 158 of the report, it is stated that the State party is considering the recommendations of the Task Force on Aboriginal Languages and Cultures. Can the State party indicate whether it intends to implement these recommendations?

20. Please indicate what measures, legislative or otherwise, in the area of intellectual property the State party has taken to protect and promote ancestral rights and traditional knowledge of Aboriginal peoples.
