

Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Canada

Second periodic report

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 the 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 systemic 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 systemic 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 implementation of such measures as maternity and parental 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 based 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 the 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 had interpreted the section as precluding systemic 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 Adviser 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 Program, 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 Counselling 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 prostitutes 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 per cent 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 Nations system.

427. Programmes 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 the 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 also 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 neighbourhoods after dark. A study of Indian and metis women also revealed extensive abuse.

432. Responding to a follow-up question, she noted 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 action 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.