



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourth session

SUMMARY RECORD OF THE 48th MEETING

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on Tuesday, 22 January 1985 at 2.30 p.m.

Chairperson: Ms. BERNARD

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CONTRIBUTION OF THE COMMITTEE TO THE 1985 WORLD CONFERENCE TO REVIEW AND APPRAISE THE ACHIEVEMENTS OF THE UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued)

1. The CHAIRPERSON said it was proposed that the working group which the Committee had decided to establish at the preceding meeting would consist of Ms. Mukayiranga, Ms. Cortes, Ms. Gonzalez, Ms. Wadstein and Ms. Peytcheva, the Rapporteur being Ms. Oeser.
2. It was so agreed.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES

Initial report of Canada (CEDAW/C/5/Add.16)

3. Mr. SULLIVAN (Canada) explained that, under Canada's federal system of government, the domestic implementation of the Convention on the Elimination of All Forms of Discrimination against Women was the responsibility of both the Federal Government and the governments of the 10 provinces and two Territories comprising the Federation.
4. Canada's ratification of the Convention on 10 December 1981 continued a process which had begun over 10 years earlier with the establishment of a Royal Commission on the Status of Women in Canada. Its 1970 report had made 167 recommendations. Since that date, notable progress had been made in achieving the essential goals of the Convention, although much remained to be done.
5. Before ratifying the Convention, the Federal Government had obtained the agreement of all 10 provinces, and all governments had undertaken to give effect to it by reviewing their statutes and amending them where necessary.
6. The report he was presenting to the Committee (CEDAW/C/5/Add.16) had been submitted in May 1983, before its guidelines for reporting were adopted, and covered the legislation, programmes and practices in Canada up to December 1982. Progress since that date would be the subject of future reports.
7. The Canadian Constitution divided legislative authority between the Parliament of Canada and the legislatures of the provinces. Although the Federal Government had the sole competence to enter into international treaty obligations, only provincial legislatures could implement them. The ratification of a treaty did not automatically make its provisions part of Canadian statute law since treaties affecting the rights and obligations of private persons were implemented by domestic legislation. Consequently, Canadian women must invoke domestic legislation implementing their rights under the Convention, although Canadian courts were increasingly taking into account the specific provisions of treaties in order to interpret such legislation.
8. The government machinery on the status of women had several interrelated components and existed in similar forms at the federal, provincial and territorial levels. A system of liaison between governments had also been established. Three basic features were shared by most of the Canadian status of women administrative structures: first, a Minister Responsible for the Status of Women, providing direct access to the political decision-making process; secondly, a central government co-ordination agency to monitor activities in government departments and co-ordinate new initiatives; thirdly, a council of citizens appointed to advise

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the Government and inform the public. All the Ministers Responsible for the Status of Women met at least once a year to exchange information and discuss policy matters. That mechanism was reinforced through meetings of Ministers Responsible for Human Rights. Women's non-governmental organizations also played an important part in the system by bringing their concerns to the attention of governments. Their efforts had led to the enactment of the Canadian Charter of Rights and Freedoms as well as to the adoption of amendments to the Quebec Charter, on affirmative action programmes and harassment.

9. The Canadian Charter of Rights and Freedoms constituted part I of the Constitution Act which had entered into force on 17 April 1982. The Constitution was the supreme law of Canada and laws inconsistent with it had no force.

10. The most significant provision in the Charter from the point of view of the Convention was section 15 (1) on equality rights. That section would come into force on 17 April 1985. Its implementation had been delayed to give the federal and provincial governments time to review and amend their legislation on the basis of equality.

11. With regard to the practical application of the rights set out in section 15, section 32 of the Charter stated that it applied to federal and provincial governments, and jurisprudence since 1982 indicated that that section applied to federal and provincial legislation, as well as to regulations, internal policies and activities of governmental agencies, officials and employees, thus appearing to give effect to article 2 (d) of the Convention. Section 24 of the Charter enabled anyone whose rights had been infringed to apply to a court for an appropriate remedy, allowing considerable latitude as to the nature of the remedy. According to section 1 of the Charter, the rights were subject only to such reasonable limits prescribed by law as could be demonstrably justified in a free and democratic society. Section 33 of the Charter provided that Parliament, a provincial legislature or a territorial council might declare that any of its laws should apply for a period not exceeding five years. Although the government of the Province of Quebec had decided to relate that provision to all laws in Quebec, because it had been dissatisfied with the political process leading to the adoption of the Constitution Act, it had amended its provincial Charter of Rights and Freedoms to ensure that all persons enjoyed protection at least equivalent to that afforded by the Constitution of Canada. Section 28 guaranteed the rights and freedoms contained in the Charter equally to men and women.

12. It was reasonable to assume that section 15 would be interpreted in a manner consistent with the aspirations to equality expressed by women and minority groups, which might preclude unintentional discrimination against women. It was expected that the Convention, as well as other human rights instruments, would be important instruments in the interpretation of the Charter.

13. A Working Group comprising federal, provincial and territorial officials responsible for human rights was writing guidelines interpreting the provisions of the Convention. A discussion paper was also being prepared by the Federal Government on equality concerns and a similar paper had also recently been released by the province of Saskatchewan. It was hoped that those papers would play an important role in increasing public and governmental understanding of equality issues.

(Mr. Sullivan, Canada)

14. The Federal Government was very much aware of the discriminatory provisions contained in the Indian Act, section 12 (1) (b) of which deprived women, but not men, of Indian status upon marrying a non-Indian. The Government was committed to repealing that provision. A bill removing discrimination from that Act had been passed by the House of Commons at the last session of Parliament but there had not been time to obtain the approval of the Senate before Parliament had been dissolved. It was expected that legislation to remove those discriminatory clauses would be introduced in the near future.

15. With regard to the second key area of legislation relating to the Convention, namely human rights legislation, the federal and provincial Human Rights Acts represented a primary means of implementation. The federal and provincial governments had adopted legislation prohibiting discrimination on various grounds, including sex and marital status, in regard to employment and the provision of goods and services. Recent amendments to the Canadian Human Rights Act specifically proscribed discrimination on the basis of pregnancy or childbirth as well as sexual harassment. The latter had earlier been proscribed by the provinces of Ontario and Quebec.

16. Human rights legislation differed from the Charter in that it applied to discrimination by individuals in the private sector as well as by governments. The procedure for filing a complaint was also less formal than for the Charter.

17. With regard to the temporary special measures referred to in article 4.1 of the Convention, both subsection 15 (2) of the Charter and section 86 of the Quebec Charter permitted government laws, programmes or activities to improve the conditions of disadvantaged groups, including women. Other provinces also specifically provided for such measures in their human rights laws.

18. While most affirmative action programmes were entered into voluntarily by employers, mandatory programmes could be ordered in some jurisdictions by a human rights tribunal as part of the resolution of a complaint. Since the report had been prepared, the Federal Government had ordered all its departments to comply with a mandatory affirmative action programme in order to increase the participation of women in senior management categories. Many provinces had also instituted affirmative action programmes in the public service.

19. He would now outline in a general way the situation of Canadian women in the areas of life covered by the Convention.

20. With regard to social and cultural patterns, the women's movement in Canada had long been concerned about the impact of sex-role stereotyping. Debate on that subject had led to marked improvements in public attitudes towards women.

21. Governments in Canada, recognizing their responsibility, had undertaken initiatives including education and information programmes, media and communications guidelines, the monitoring of programmes, publications and advertisements for sexist content, and the training of women in non-traditional occupations.

22. Sexual harassment was prohibited in human rights and employment standards legislation. A federal government committee had recently considered the question of the sexual abuse of children, and another was studying the issues of pornography and prostitution.

(Mr. Sullivan, Canada)

23. Regarding women in public life, he reported that there had been progress in the number of women in public positions. The historical under-representation of women in public life in Canada was the result not of legislation, but of custom. Concerted efforts were required to seek out qualified women to serve in public bodies, and selection processes must be made more visible and open. Women were relatively under-represented in the provincial and federal legislatures; however, changes were taking place. In the recent federal election there had been a record number of women candidates, and 27 women had been elected, almost doubling the existing number. The new Cabinet contained a record six women, including some in key economic portfolios.

24. The three major political parties had made efforts to ensure that women had equal access to the political process. Each party had a special fund to help women candidates with child care and travel expenses; political organizational assistance was available and special seminars on political skills were arranged. In the most recent election a national televised debate involving the leaders of the three main political parties had focused attention on issues of importance to women.

25. The Governor-General of Canada was a woman, as were three of the ten provincial governors. Two years ago the first woman had been appointed to the Supreme Court of Canada. Many other highly visible public positions were now occupied by women.

26. With regard to education, women in positions of prominence provided positive role models for young women still at school. In Ontario, women in professional and non-traditional occupations visited schools to speak to young people about their careers. Adequate education for girls and women was recognized to be an essential step in breaking the cycle of low wages and economic dependence. Retraining and adult education were receiving increased attention. Post-secondary enrolment of women had risen from only 30 per cent in 1970-1971 to almost 50 per cent.

27. Discrimination against women in employment was prohibited under a variety of statutes. Complaints of discrimination were dealt with by human rights commissions and labour boards. The governments of Canada had established a number of bodies to review issues concerning women's employment.

28. In 1982, women had formed 41.1 per cent of the Canadian labour force. The rate had been much higher for women under 55. Most married women with children were in the work force, and the labour force participation rate of women with children under three had recently increased substantially. There was a growing tendency for women to remain at work after marrying.

29. The general economic downturn since the mid-1970s had increased unemployment among both women and men. Employment rates of men and women varied according to the economic health of industries traditionally dominated by one sex or the other. The detailed figures were provided in Canada's report. Governments of Canada were very concerned with the unemployment rate and the additional difficulties of women in seeking employment. A major concern was the high concentration of women in traditionally female-dominated occupations. Governments in Canada were encouraging women to train in non-traditional fields in order to combat the occupational segregation which was the main reason for the difference in earnings of men and women.

(Mr. Sullivan, Canada)

30. The statutory authority governing the right to equal remuneration was found in human rights codes and labour standards legislation for each level of government. Canada's position on equal pay for work of equal value was set out in a statement which had accompanied its ratification of the Convention; in that statement the Government of Canada had indicated that the competent legislative authorities within Canada would continue to implement the object and purpose of article 11.1 (d) of the Convention and to that end had developed and where appropriate would continue to develop legislative and other measures.

31. The Federal Government had pledged to increase its efforts to implement equal pay for work of equal value at the federal level, and provincial governments were also actively addressing that concern. Finally, the Federal Government was reviewing the recommendations in the recent report of a Commission of Inquiry on employment equity.

32. With regard to income assistance and social benefits, the rights guaranteed under Canada's social security system were generally applied equally to women and men. However, there was often cause for concern about the disparate impact of apparently neutral laws. For example, in the area of pension rights, the fact that the working lives of women were often interrupted meant that they often received minimal rights to pensions and other benefits. Two among a number of steps taken to improve the position of women in that regard could be mentioned. The Canada Pension Plan (CPP) and the Quebec Pension Plan had been amended to allow a working parent to exclude from the calculations of benefits the period of low earnings caused by leaving the work force to raise young children. Another amendment to the CPP allowed pension credits earned by both husband and wife during the course of a marriage to be divided equally on the request of either party in the event of divorce or annulment. Almost all jurisdictions provided some form of protection against dismissal on grounds of pregnancy. Ten of the thirteen jurisdictions provided for unpaid maternity leave with reinstatement to the same or a comparable job. Maternity benefits were paid to eligible workers under the federal Unemployment Insurance Act.

33. The issue of day care facilities and funding was the subject of a federal Task Force on Child Care which was expected to report in February 1985.

34. Health care in Canada was provided under universal state-sponsored health insurance programmes in which there was no discrimination on the basis of sex.

35. A number of cases of sex discrimination in sports and recreation programmes had been brought before human rights commissions. As a result, the organizers of those programmes, most of whom depended on public facilities and funds, could no longer sustain the argument that they had no obligation to provide equal opportunities for both sexes. A recent task force report in Ontario had recommended equal access for the sexes to athletic programmes in schools. More Canadian women were participating in sports than ever before.

36. With regard to marriage and family relations, marriage was now generally recognized as a partnership of equals. Men and women had the same rights to marry and seek divorce. A married woman could retain her maiden name after marriage.

(Mr. Sullivan, Canada)

37. Marriage breakdown had the greatest impact on women economically dependent on their husbands. Recognition of women's contribution in home-making and child rearing was reflected in legislation favouring a sharing of family property. At the same time, it was now generally accepted that marriage breakdown did not automatically create a right to maintenance, but that each spouse should try to become financially independent.

38. Both spouses were equally responsible for supporting their dependent children under the age of 18. Enforcement of maintenance orders for financial support and custody of children was often difficult, partly owing to varying systems from province to province. The Federal Government was considering ways of collaborating with the provinces to overcome difficulties in enforcing maintenance and custody orders. All levels of government in Canada were working very hard to redress the many interrelated problems in the area of wife battering, which affected Canadians at all socio-economic levels.

39. In conclusion, he said that Canada was committed to the reporting process set out in the Convention and in other United Nations human rights treaties to which it was a State party. The reports served a useful purpose within Canada, being published by the Government and widely distributed. They could be used by Canadians to measure the progress of each of their governments in implementing the rights which Canada had undertaken to uphold and promote. The Committee's review of Canada's record would assist each jurisdiction in Canada in continuing to take progressive measures to implement the Convention.

40. Ms. CORTES expressed appreciation of Canada's serious efforts to implement the Convention by adopting measures at federal and local levels, despite its complex political structure. The wide distribution of the report would make an important contribution to public awareness of the provisions of the Convention. She also appreciated the way in which the Convention had been related to other human rights regulations and instruments entered into by Canada and the provisions adopted with respect to them.

41. With regard to specific points, she would like to know why judges in particular were usually excluded from voting (CEDAW/C/5/Add.16, p. 70, last paragraph), whether the Indian Act had originally been adopted on the initiative of the Government or for other reasons, and what positive steps were being taken by the Government and the private sector to achieve greater participation by women in positions of responsibility.

42. Ms. MACEDO DE SHEPPARD commended the way the report had been set out, giving the text of each article of the Convention and the relevant information about the situation in Canada.

43. The efforts made by the Federal Government and local governments to prevent discrimination against women were particularly praiseworthy, especially with regard to the powers given to the Permanent Federal-Provincial Committee of Ministers Responsible for Human Rights and the local human rights commissions, particularly in the provinces of Alberta and Ontario in connection with article 5 of the Convention. It was to be hoped that the example would be followed by other legislatures.

(Ms. Macedo de Sheppard)

44. The Unemployment Insurance Act was of particular interest, as was the judgement given by the Supreme Court concerning discrimination on the basis of pregnancy. The principle that special treatment for pregnant women did not constitute sex discrimination should be adopted by all States parties and by Canadian legislatures.

45. The machinery established by the federal and provincial governments to deal with problems relating to the legal and social status of women could be applied in States at varying degrees of development, including her own country.

46. She would like to receive copies of the information brochure and film referred to in connection with the work of the Task Force on Sex-Role Stereotyping in the Broadcast Media (CEDAW/C/5/Add.16, p. 58).

47. Another important principle was that established in Manitoba's Family Maintenance Act concerning the equal value of the contributions made by the spouses when one worked inside and the other outside the home.

48. The amendments made in various laws prior to the entry into force of the Charter of Rights and Freedoms in April 1985 would help to remove discrimination in a number of areas indicated in the report. The equal splitting of pension credits earned by husband and wife during a marriage in the event of a divorce or annulment was a very positive development.

49. However, it was worrying that the two Canadian Territories did not possess legal regulations preventing discrimination against women based on maternity and that some provinces did not provide full protection in that regard.

50. On the other hand, the federal and provincial policy on day care services and the efforts made by the Federal Government to encourage participation of women in cultural life were praiseworthy. She would like to know if the Canadian Government had investigated the causes of the lack of participation in a sphere which was traditionally considered of especial interest to women.

51. Another matter for concern was discrimination against married women in some jurisdictions, especially with regard to their free choice of domicile, although the report stated that most provinces were taking steps to remove any inequities in that area. It was to be hoped that other cases of discrimination related to marriage would be eliminated through the implementation of section 15 of the Charter of Rights and Freedoms.

52. With regard to specific questions, she would first of all like to know what was meant by discrimination in housing. She would also like further details of the affirmative measures adopted by the Canadian Employment and Immigration Commission in order to eliminate discrimination and ensure proportional representation in employment. Also, how did the Federal Contracts Program promote the adoption of affirmative action for women by industries?

53. Although the information given in connection with article 6 conformed to the requirements of the Convention, it would be important to know what legal regulations and measures were applicable to the prostitutes themselves.

(Ms. Macedo de Sheppard)

54. She wondered what was the exact meaning of the word "proper" in the last line of the paragraph relating to article 7 (CEDAW/C/5/Add.16, p. 70). That attitude was unfortunately reflected in the small number of women represented on publicly elected bodies, and those holding public office. However, the achievements of the Equal Opportunities Program were appreciable and positive developments could be expected in the next Canadian report.

55. She would like to know if statistics were available concerning the impact on employment of the activities of the Federal and Provincial Women's Employment Committees.

56. Were the activities concerning the function of reproduction undertaken by the Canadian Centre for Occupational Health and Safety (page 203) connected solely with women, or did they also apply to men?

57. She would also like to know if the particular attention given by the New Brunswick Alcohol and Drug Dependency Commission to the problem of alcoholism and drug dependence in women (page 203) was related to the reproductive function and, if so, whether such dependence in men was not just as important from the point of view of heredity. If there were other similar organizations specifically concerned with men, she wondered why separate organizations were necessary.

58. Ms. WADSTEIN said that the report from Canada was thorough, comprehensive and very frank. Canada's experience could serve as a source of inspiration to other countries. The statistical data provided were particularly helpful.

59. The Canadian definition of discrimination seemed to correspond to article 1 of the Convention, it being recognized that identical treatment could lead to discriminatory results because of past patterns of prejudice and exclusion. In connection with article 2, Canada recognized that some conduct could have an adverse effect on women even if that was not its primary purpose. With regard to article 3, she noted that most of the measures taken were focused exclusively on women, and wondered to what extent men were also affected. Were any measures taken directly aiming at men with a view to ensuring the development and advancement of women, such as parental leave for fathers?

60. Referring to article 4, she noted that, except in Saskatchewan, the undertaking of special measures was a voluntary action unless ordered as part of a complaint settlement. Further information about the activities of the Affirmative Action Directorate and the experiences of the Federal Contracts Program would be helpful. What incentives were there for private employers to develop affirmative action programmes? What type of measures were normally included? Were any of the measures directed to men? Were special affirmative action programmes for women more common than for other national target groups? It would be interesting to hear about the experience and results of such programmes and to learn whether any particular measure had been more effective than others.

61. It was encouraging to hear under article 5 (a) that the issue of sexual harassment of women was taken very seriously and that legislative measures had been taken to combat it. In connection with article 7 she noted that women seemed to be very poorly represented in elected bodies and in public office. The number of women judges was also very small. She wondered whether age was an important factor

(Ms. Wadstein)

and whether there were barriers other than age to women receiving judicial appointments. In respect of article 11.1, she remarked that, as in most industrialized countries, women in Canada seemed increasingly to demand their share of the labour market in order to earn their own living instead of being dependent on others. Canada seemed to be aware of the problem of job segregation; more information on what was being done to change stereotyped patterns would be welcome. Behind the façade there appeared to be occupational segregation and part-time work, both of which hampered women in achieving financial independence. The pattern in most countries, if not in all, was that the more women there were in a certain occupation the lower the remuneration rate became. The right to equal pay for equal work meant very little in a job-segregated market. It was important to persuade more men to take so-called women's jobs and to help women to break into male-dominated professions. Canada's comments on that point would be of interest.

62. With regard to part-time work, it appeared from both the report and the presentation that women might be penalized in terms of their pension and benefit rights. Were there other forms of penalization, and what was the part-time workers' job security situation as compared to full-time workers? How many hours a week constituted full-time work? Was there any flexibility with regard to working hours? Was there any hidden unemployment among women, and if so how high was it estimated to be?

63. On the subject of protective legislation (article 11.3), she asked whether, apart from pregnancy and maternity leave, there were any special provisions for women in legislation or collective agreements related to employment, working environment or working hours. With particular reference to Ontario, she wondered whether there was any scientific justification for the fact that the permitted level of exposure to lead was lower for women than it was for men. Lastly, with regard to taxation (article 13), she asked whether income tax in Canada was proportional or progressive, and whether the husband's and wife's incomes were treated jointly or separately for taxation purposes.

64. Ms. MUKAYIRANGA said that the report demonstrated the seriousness with which the Canadian Government took its obligations under the Convention. She was impressed by the progress made in Canada in the field of legislation affecting women and by the complex and efficient machinery set up in that connection. She wondered, however, whether there might not be some duplication of activities between various bodies. Despite the existence of all the structures concerned, certain traditions, such as that of women leaving their occupation for family reasons, and certain preferences, such as that of women for some occupations rather than others, still seemed to persist. Women themselves were perhaps to some extent responsible for passing on such traditions.

65. Referring to table B on page xvii of the report showing the population of Canada by age group, she asked whether there was any explanation for the fact that Canadian women seemed to live longer than men. In her own country, the approximate life expectation was 45 years.

66. On a visit to Canada in 1981 she had learned that Canada's birthrate was very low, so that the population was barely being renewed. She wondered what explanation could be given for Canadian women's rejection of maternity. On the subject of education (article 10), she noted that the information provided in the report was not as detailed as in other fields. More quantitative data would be

(Ms. Mukayiranga)

welcome, particularly with regard to the educational options actually taken up by women. In conclusion, she asked to what extent Canadian women were affected by homosexuality and incest, alleged to be relatively widespread in that country.

67. Ms. PEYTCHEVA said that the Canadian report deserved particular praise for the candour with which it cited instances where discrimination against women still persisted, especially in connection with articles 9.2, 15.2, 16.1 (c) and 16.1 (h) of the Convention. She recognized, of course, that the report was applicable to the situation in Canada as of 1982 and that the Canadian Charter of Rights and Freedoms, which, in particular, was to guarantee protection against discrimination on the grounds of sex, would enter into force in April 1985.

68. The information provided in the report on the governmental machinery set up to deal with matters pertaining to the status of women was of great interest. The very existence of such a highly developed system of mechanisms attested to the Canadian Government's wish to overcome the obstacles still remaining on the path towards the attainment of genuine equality. However, analysis of the data supplied on a number of topics, such as vocational guidance for girls, the high unemployment rate among women, differences in the remuneration of men and women, and the small number of women in Parliament, government and managerial positions, indicated that Canadian society as a whole faced a serious task in ensuring genuine equality between men and women.

69. Referring to article 11.1 (a) of the Convention, she noted that the level of unemployment among women had almost doubled between 1970 and 1982. What measures was Canada taking to ensure full employment for women? Were there any special programmes for dealing with the particularly high unemployment rate among young women, considering not only the economic but also the social and psychological importance of the problem?

70. Under article 2 (b) the report stated that domestic workers, most of whom were women, were not protected by the human rights acts of eight Canadian jurisdictions. What was the number of women affected, and what was their percentage in the total number of women of working age?

71. Referring to the statistical digest provided in connection with article 11.1 (d), which indicated that women's average earnings corresponded to about 65 per cent of those of men, she asked for additional information concerning the measures taken in that area.

72. Lastly, referring to article 11.1 (e), she noted that, according to the report, women were affected by systemic discrimination in the area of pension rights because female-dominated occupations tended to be less unionized. Was any kind of educational work being done among women in that connection, and was there any interaction between trade unions and women's organizations in activities to protect the rights of working women?

73. Ms. BIRYUKOVA said that Indian women, one of the most disenfranchised groups of Canada's population, were still suffering from official discrimination under a law enacted more than a century previously. According to that law, an Indian woman marrying a man of non-Indian origin was automatically required to leave her home and the reservation. She was not allowed to return even if widowed or divorced and

(Ms. Biryukova)

had no right to own property in the reservation or to be buried there, and her children were deprived of Indian status. The fact that legalized discrimination and racism took place in a country as highly civilized as Canada could not but cause concern. What specific measures were being taken to eliminate the de facto discrimination against Indian women? Were there any special programmes aimed at raising the educational and cultural level of women of Indian origin and expanding their participation in the country's economic and political life?

74. Referring to the very low proportion of women in government employment, public office, the judiciary and industrial management, she said that the authors of the report ascribed such circumstances to traditional patterns but failed to mention such factors as women's lower educational levels, slower professional advancement, etc.

75. The report confirmed the existence of serious problems in Canada in the field of the enjoyment by women of the most important right of all, the right to work. Although the number of women in employment had risen considerably in the past years, it still remained considerably lower than that of gainfully employed men. The level of female unemployment and partial employment was also very high. The principle of equal pay for equal work was not respected in Canada either in the sphere of material production or in the legal, medical or teaching professions. She asked for specific examples of legal measures taken to prevent discrimination against women and whether any sanctions were applied to employers failing to give equal remuneration to men and women.

76. As a previous speaker had already pointed out, women's inequality on the labour market was reflected in their very low participation in trade unions. What was the reason for that phenomenon? Were the conditions for joining trade unions perhaps discriminatory against women?

77. Were laws prohibiting discrimination against women applicable to immigrant women? If so, were any steps being taken to bring the economic and social position of immigrant women into line with that of Canadian-born women?

78. Noting that by the end of the 1970s three out of five adult Canadians living below the official poverty level had been women, she asked what steps the Government was taking to change that situation. The authors of the report admitted that in the Yukon Territory and the Northwest Territories there was discrimination against pregnant women. Did the governments of those provinces intend to implement the provisions of the Convention in that respect, and if so when? Was the Federal Government giving any special assistance to single mothers to bring up their children, since it was known that alimony was rarely sufficient for that purpose?

79. In conclusion, she said that many of the Convention's provisions, and particularly those of articles 2, 3, 10, 11, 12, 13, 15 and 16, were not yet being implemented in Canada. 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.

80. Ms. OESER (Rapporteur) congratulated the Canadian Government 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.

81. The wealth of detailed information provided in the report occasionally clouded certain important issues. Only after intensive research work could the reader discover, for example, that women's salaries were, on average, one-third lower than men's. That imbalance had serious implications for other areas of social life in which the enjoyment of benefits depended on a woman's level of income, such as medical care and child care facilities.

82. There were four points in the report on which she requested further clarification. Firstly, how many people were actually involved in the impressive government machinery concerned with the status of women described on page 28 of the report? Secondly, what were the Canadian Government's priority areas for future action on the elimination of discrimination against women? Thirdly, she was surprised to learn that Canadian law assigned Canadian nationality to any child born in Canada. What were the implications of that principle for children born abroad to Canadian women? Finally, she requested further information on the cost of child day care in Canada.

83. Ms. LAIOU-ANTONIOU expressed her appreciation for the frank acknowledgement of the problems that still existed in Canada with regard to the elimination of discrimination against women. It was surprising, in particular, that a country which had established an elaborate institutional machinery for the protection of women's rights had nevertheless failed to eliminate the considerable differences between men's and women's wages. What measures was the Canadian Government contemplating to remedy that situation? She would also appreciate further information on the Government's position concerning part-time employment for women.

84. With regard to the tax deductibility of child care expenses mentioned on page 196 of the Canadian report, she wondered whether the provision of the Income Tax Act making the cost of child care deductible from the mother's income did not perpetuate the traditional notion of women as being primarily responsible for the upbringing of children. Surely that was an area in which the equal responsibility of both parents should be reflected.

85. Ms. REGENT-LECHOWICZ joined previous speakers in praising the frank presentation of the Canadian report which demonstrated the Canadian Government's commitment to the ideals of the Convention and earnest endeavour to co-operate with the Committee.

86. The legal and social position of women in Canada was complicated by the country's federal structure. It was therefore interesting and gratifying to note that the Federal Government was continuing to implement specific programmes for each province.

(Ms. Regent-Lechowicz)

87. The report mentioned the encouragement given to young women in Canada to take up professions traditionally dominated by men. It seemed to her, however, that those efforts must be seriously hampered by the high rate of unemployment of both men and women.

88. Turning to the subject of education, she requested further information on the provision of free school education by the State, the number of girls who did not attend school or dropped out early, and the availability of scholarships and government education grants.

89. With regard to the participation of women in political life in Canada, she noted that Canada had been one of the first countries in the world to grant women the right to vote. It would be interesting to learn, therefore, what factors had prevented women from gaining full and equal political representation in the ensuing six decades.

90. With regard to the legal aspects of discrimination, she requested clarification on the precise legal consequences of the "prohibition" of discrimination against women and on the legal status of engaged women in family and marriage law.

91. With reference to an Inter-Ministerial Committee study on wife battering and violence in the family mentioned in the report, she requested further information on the extent of the problem of family violence in Canada, on the results of the study and on the countermeasures contemplated by the responsible authorities.

92. Ms. SMITH asked for further information on the subject of day care centres. The percentage of coverage seemed low, but the impression emerging from the report was that the problem was not considered serious as most people were satisfied with existing arrangements. At the same time, it was known that responsibility for child care was, in some countries at least, the most important obstacle to women's equality on the labour market. In the same connection, she asked for additional information on tax relief for families with small children and on measures taken to encourage fathers to share responsibility for children. Was Canada contemplating shorter working hours for parents with small children?

93. On the subject of job segregation, she said that, while the Government could not, of course, directly influence the participation of women in economic activity or public life, it could surely encourage participation. Had the Canadian Government envisaged taking measures such as providing salary subsidies to firms employing women in heavily male-dominated fields? Was there any legislation ensuring the representation of both sexes on officially appointed boards and committees? Were there rules or directives in other fields similar to those described in connection with article 8 on page 94 of the report?

94. Did Canada have free legal aid for women in any form? It was hardly realistic to believe that, without such aid, a woman of limited resources who suffered discrimination would be in a position to submit a complaint either to the Human Rights Commission or to the Courts. Lastly, it appeared that the situation with regard to name laws was not entirely satisfactory in several provinces. Were any steps being taken to improve legislation in that field? Further information on the subject would be welcome.

95. Ms. EVATT said the report under discussion demonstrated the Canadian Government's strong commitment to the elimination of discrimination against women. At the same time, it acknowledged that a great deal remained to be achieved in changing traditional attitudes and sex stereotypes. The wealth of statistical material contained in the report could serve as a benchmark against which to assess future progress. The social and other problems outlined in the report were, incidentally, similar to those obtaining in her own country.

96. On pages 6 and 18 of the report, it was mentioned that the Canadian federal and provincial governments had undertaken to review all their legislation before the entry into effect of the Canadian Charter of Rights and Freedoms with a view to amending or repealing any provisions likely to conflict with the sections of the Charter enshrining the constitutional equality of men and women. She wondered whether that review had been completed and, if so, what its results had been. She also inquired whether the provision of the Charter pertaining to judicial enforcement of the principle of equality had ever been invoked and what decisions, if any, had been taken on that subject.

97. She regretted the summary treatment of the subject of education in the report. In many countries, discrimination against women was perpetuated by the educational system. Educational reform was an important instrument in establishing equality of the sexes. She wondered, therefore, whether the Canadian Government was providing broader educational and employment opportunities for girls and encouraging young women to extend their social and economic aspirations.

98. Finally, she noted that certain provisions of family law in Canada led to inequalities between men and women with regard to nationality, domicile, succession to property and the consequences of the dissolution of marriage by death or divorce. What measures, if any, were being taken to amend those provisions?

99. Ms. GUAN MINQIAN thanked the representative of Canada for his lucid introduction to the report and congratulated the Canadian Government on its impressive performance in eliminating many forms of discrimination against women. She requested further clarification on two points. Firstly, she was pleased to note that the proportion of young women enrolled at colleges and universities had been raised to approximately 50 per cent. The representative of Canada had also mentioned, however, that young women between the ages of 15 and 19 had a lower unemployment rate than young men of the same age. It occurred to her that the higher level of employment of young women might impair their education prospects. She would be interested to know whether that was indeed the case. She also requested figures on the average unemployment rate for women and on the average age of women's entry into employment. Furthermore, she inquired whether it was still current practice in Canada for women to assume their husband's surname upon marriage.

100. Ms. IDER said that the excellent report submitted by the Government of Canada and the introductory remarks by the representative of Canada showed a strong commitment on the part of the Canadian Government to the cause of the elimination of discrimination against women, although certain shortcomings remained.

101. She noted that the representation of women in political life in Canada was still far from commensurate with their important role in the working population and wondered whether that situation was due to any lack of confidence in women, the persistence of social prejudice or reluctance on the part of the political parties to lend their support to women candidates. In that connection, she requested

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further information on the role of women in the major political parties in Canada. On the related subject of women's contribution towards international efforts aimed at securing world peace, disarmament and a new international economic order, she requested further information on the attitude of the Canadian Government towards such activities.

102. She was concerned about the situation of Canada's indigenous Eskimo and Indian populations and of the large number of immigrants. Did immigrant women enjoy the same rights as other Canadian citizens, and what was being done to improve their social and economic conditions?

103. She had learned that the age of capacity to marry in certain Canadian provinces had been as low as 12 for girls and 14 for boys, and wondered whether that was still the case.

104. It appeared that in 1980 there had been some 109,000 places in child care facilities in Canada, which seemed rather a low figure for such a large country. She would be interested to learn the exact ratio of available places to the number of children in the relevant age bracket, and also the average cost of child care facilities.

105. It had been stated that women in rural areas were covered by the same social security schemes as urban women. She wondered, however, to what extent the unpaid house and farm work done by rural women was taken into account by the social security system. In that connection, she inquired whether women in part-time employment were entitled to the same pension and social security benefits as full-time women workers.

106. With regard to the number of claims for maternity benefits, the figure of 94,000 in 1980 seemed to her rather low. It occurred to her that not all women eligible for benefits were in fact claiming them. What, therefore, was the exact ratio of maternity benefit claims to the number of women eligible? Could it be, moreover, that women were discouraged from applying because of formal requirements and procedural difficulties?

107. In conclusion, she requested further information on the protection of pregnant women, legislation on abortion and the rights of children born out of wedlock.

108. Ms. de REGO da COSTA SALEMA echoed the sentiments expressed by previous speakers with regard to the quality of the report and the introduction by the representative of Canada.

109. She felt that legislation on abortion was an important indicator of the status of women in a society and requested further information on the situation in Canada in that regard.

110. She had been puzzled by the wording of section 15, subsection 2, of the Canadian Charter of Rights and Freedoms, in which women were included among the so-called disadvantaged groups, together with the mentally and physically handicapped.

111. Finally, she requested further information on opportunities existing in Canada for the participation of women in political life and, in particular, in the political parties.

112. Ms. GONZALEZ said it was only because the Canadian Government's report and the Canadian representative's introductory statement had been so richly informative that they had prompted so many questions from the Committee. Canada's achievements in implementing the Convention were highly praiseworthy, despite certain difficulties arising from Canada's federal political structure. She wondered, in that connection, what solution would be found to the problems that might arise from the right of the federal and provincial legislatures to overrule certain fundamental sections in the Canadian Charter of Rights and Freedoms.

113. One area in which further positive action would be necessary was the use of female stereotypes in the broadcasting media. Changes in the public image of women were a prerequisite for real improvements in their social and economic situation.

114. She requested further clarification on the precise extent to which Indian women, and indeed men, were treated differently from other Canadian citizens under Canadian law. For example, was the status of Indian incompatible with that of a Canadian citizen, and were there any special provisions relating to women in that regard?

The meeting rose at 5.40 p.m.