

List of issues to be taken up in connection with the consideration of the fourth 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.12/4/Add.15)

CANADA'S RESPONSES

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. In light of the continuing economic growth and development of Canada, please identify what factors and difficulties remain if any, that impede the State party's capability of implementing its obligations under the Covenant.

Canada's Fourth and Fifth Reports on the International Covenant on Economic, Social and Cultural Rights outline measures taken by the federal, provincial and territorial (FPT) governments to address financial imperatives while ensuring the long-term sustainability of social programs. Governments continue to strive to ensure that balance, recognizing that as the social development needs of individual Canadians evolve, so do government priorities and that their programs must be adjusted to align them with the needs of Canadians.

2. In relation to paragraph 20 of the report, please provide detailed information regarding how the FPT Continuing Committee of Officials on Human Rights, the FPT committees of Ministers for Social Services, Ministers of Health, Ministers of Justice and Ministers responsible for the Status of Women, deal with issues relating to the implementation of the Covenant and the Committee's concluding observations. In this regard, to what extent is it possible for NGOs to contribute to the work of these committees?

As outlined in *Canada's Fourth and Fifth Reports on the International Covenant on Economic, Social and Cultural Rights*, federal, provincial and territorial governments collaborate through various FPT fora on policies and programs that serve to implement the provisions of the ICESCR. Some of these discuss general issues, while others focus on specific issues that can be found in the ICESCR and the concluding observations of the Committee on Economic, Social and Cultural Rights, for example, health or social services.

Given that these FPT committees are mechanisms for open and frank discussions between governments, non-governmental organizations are generally not directly involved in their deliberations. Some committees do, however, seek the views of non-governmental organizations in specific circumstances (see below). More commonly, federal, provincial and territorial governments often consult with members of civil society as part of departmental policy development processes.

Continuing Committee of Officials on Human Rights

Through the Continuing Committee of Officials on Human Rights (CCOHR), federal, provincial and territorial governments consult and share information on international human rights treaties, to enhance implementation of Canada's international human rights obligations. All the

international human rights treaties to which Canada is a party, including the ICESCR, are standing items on the agenda of the CCOHR. By facilitating sharing of information and best practices, the CCOHR ensures awareness of treaty obligations, including the views of treaty bodies, which can influence policy and program development, and in turn contribute to the implementation of the treaties. The CCOHR also facilitates the preparation of Canada's reports to the UN on its implementation of human rights treaties and discussion of the concluding observations.

Non-governmental organizations do not formally contribute to the work of the CCOHR. However, the Human Rights Program of the Department of Canadian Heritage, which serves as Secretariat to the CCOHR, invites the views of NGOs on issues to be covered in Canada's reports to the UN. The Secretariat is also able to receive information and views from civil society for further distribution to representatives on the CCOHR and to federal departments.

Social Services

Federal, provincial and territorial Ministers responsible for Social Services discuss and consider many strategic policy issues related to the rights found in the ICESCR. The forum oversees several important federal-provincial/territorial initiatives that are described in the Introduction to Canada's Fifth Report on the ICESCR: the National Child Benefit, the Early Childhood Development Agreement, the Multilateral Early Learning and Child Care Agreement, and the Multilateral Framework for Labour Market Agreements for Persons with Disabilities.

While there is no formal mechanism in the forum for direct public and NGO consultations, it has sought and received such input. For example, *In Unison*, a national approach to disability issues, was developed through extensive consultations with the disability community, and the National Child Benefit progress reports allow the public and NGOs to monitor developments and results of the initiative.

Health

Federal, provincial and territorial Ministers and Deputy Ministers of Health work in partnership on the implementation of relevant provisions of the ICESCR; they meet regularly to discuss approaches for strengthening health care, health human resources and other prevention, health promotion and public health initiatives. FPT Ministers of Health also work in partnership and consultation with arms-length organizations, key stakeholders, advisory committees and non-government organizations on various health issues.

Justice

Federal, provincial and territorial Ministers and Deputy Ministers of Justice discuss access to justice, including legal aid, aspects of the criminal justice system, and the protection of vulnerable persons, such as those affected by child pornography, trafficking in persons, and spousal abuse.

Status of Women

Federal, provincial and territorial Ministers and Senior Officials responsible for the Status of Women examine ways to advance equality for women and exchange information on important issues affecting women in Canada, specifically health, economic security, violence and human rights. For example, to improve the situation of Aboriginal women, Ministers have agreed to focus priority attention on violence against Aboriginal women and to take joint and/or individual government action in four areas: access to programs and services; public education and awareness; capacity-building; and policy enhancement according to their respective priorities and needs.

Status of Women Canada consults with non-governmental organizations as part of the work it does with the FPT forum. For example, it hosted a meeting with Aboriginal women's organizations in planning a Policy Forum on Aboriginal women and violence, which will showcase best practices and build on the collective capacity to further address violence against Aboriginal women.

3. In its previous concluding observations, the Committee was concerned that, in some cases, Provincial governments had urged upon their courts an interpretation of the Canadian Charter of Rights and Freedoms denying any protection of Covenant rights, and that Provincial courts had opted for an interpretation of the Charter which excluded protection of Covenant rights. What measures have been adopted by the Federal as well as the Provincial governments to overcome this situation? (Concluding observations, paras. 5, 14 and 15).

Separation of the executive and the judiciary is recognized and scrupulously observed in Canada. The courts have all the requisite independence to be shielded from any political or other pressure. It is to preserve that independence that Canadian judges enjoy a high degree of financial security with respect to salary, pension and other benefits, and hold office during good behaviour until the age of retirement, thus ensuring security of tenure. Care has also been taken to preserve independence with respect to matters of administration bearing directly on judicial functions.

The Supreme Court of Canada has indicated that the principles of constitutional interpretation acknowledge that international obligations are a relevant and persuasive factor in Charter interpretation. The Supreme Court has expressly left open the possibility that section 7 of the *Canadian Charter of Rights and Freedoms* (right not to be deprived of life, liberty and security except in accordance with the principles of fundamental justice) guarantees that people are not to be deprived of basic necessities (see decisions of *Irwin Toy v. A.G. Québec* [1989] 1 S.C.R. 927, and *Gosselin c. Québec (Procureur général)*, [2002] 4 R.C.S. 429).

A certain number of cases before Canadian courts dealing with social and economic rights are treated under the equality of access to these rights. The Charter guarantees, as a stand-alone right, substantive equality to all individuals. This equality guarantee applies to economic and social rights. In developing positions before the courts, the government must abide by these principles and interpretation of the Charter.

There is nothing to suggest that governments in Canada have ever urged or encouraged the courts to adopt a position of the nature described in the question. There are in fact a number of judgments by Canadian courts, which cite the ICESCR in their decisions.

4. During the previous dialogue held with the Committee, the State party indicated that it would consider, as part of a comprehensive review of the Canadian Human Rights Act, the Canadian Human Rights Commission's recommendations that the ambit of human rights protection in Canada be expanded to include economic, social and cultural rights. Please provide updated information on this issue.

The Government of Canada is continuing the process of reform of the *Canadian Human Rights Act*, in part by closely considering the recommendations of the Canadian Human Rights Act Review Panel (see paragraph 83 of Canada's Fifth Report on the ICESCR). The Panel report provided an overall guide on issues needing reform rather than a detailed plan of action. As the Government reviewed the recommendations, it became increasingly evident that they required greater research, detailed analysis and testing, especially in view of their complexity. This is also important since most of these recommendations would radically alter the federal human rights system and affect many federal government departments and federally-regulated organizations. The Government believes that engaging many of these partners is indispensable if it is to achieve credible and effective reform. Consequently, the Government of Canada must take the time required to attain these objectives and is moving forward cautiously and taking a staged approach.

While the Review Panel did not support the Canadian Human Rights Commission's recommendation to expand human rights protections to include economic, social and cultural rights, it did recommend expanding the mandate of the Canadian Human Rights Commission to monitor Canada's compliance with international human rights commitments. As well, the Review Panel recommended broadening the scope of the *Canadian Human Rights Act* to prevent discrimination on the basis of social condition. The recommendations of the Review Panel and the Canadian Human Rights Commission are under consideration within the overall context of the Government's review of the *Canadian Human Rights Act*.

5. Please provide detailed information on the recommendations of the Commission des droits de la personne et des droits de la jeunesse du Québec, contained in its 2004 Bilan (Evaluation) regarding the 25 years of existence of the Quebec Charter of Human Rights and Freedoms. What steps has the Québec Government undertaken regarding these recommendations?

At the conclusion of a wide-ranging consultation conducted on the occasion of the 25th anniversary of the Québec *Charter of Human Rights and Freedoms*, the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) proposed a series of legislative amendments designed to strengthen the status and scope of the Charter and the role of the institutions associated with it.

Titled *Après 25 ans : la Charte québécoise des droits et libertés*, the document released in 2003 contains 25 recommendations for enhancing the content of the Charter, improving the remedies

available to citizens, strengthening the autonomy of the Commission and constitutionalizing the Charter itself.

In this review, the CDPDJ proposes in particular to:

- significantly reinforce the economic and social rights now covered by the Québec Charter, for example by adding rights to housing, health care, employment and education, and by granting all such rights precedence over all other Québec legislation;
- expand the scope of the right to equality by including persons with disabilities as a target group of affirmative action programs, by extending the prohibition of discrimination based on judicial record to sectors other than employment, and by prohibiting the incitement to discrimination;
- include the right to information and to freedom of association in fundamental rights;
- explicitly set forth the rights of Aboriginal peoples in the Charter;
- facilitate citizens' recourse to the Québec human rights commission and Human Rights Tribunal;
- make the Commission subject to the National Assembly of Québec as regards all aspects of its management, including financial aspects;
- and finally, make the Charter a true fundamental law of a constitutional nature for Québec.

The Commission des droits de la personne et des droits de la jeunesse also stressed the importance of launching an in-depth debate in Québec on the questions raised by its recommendations. The Commission cited the actual scope of the rights and freedoms guaranteed by the Québec Charter, a scope which, by comparison, is broader than that of the *Canadian Charter of Rights and Freedoms*.

It also laid particular emphasis on the fact that its recommendations were primarily intended as a starting point for a dialogue that should be pursued. On this subject, the Commission has indicated that there may be other perspectives and approaches than those it is proposing, and that these must also be discussed.

The Government of Québec has begun its consideration of the various questions raised by the Commission and has taken action on some of the questions.

In December 2004, the *Act respecting equal access to employment in public bodies* was amended to include persons with disabilities among the target groups that are able to benefit from affirmative action programs in the field of employment.

With respect to the Commission's recommendation to make the public education system non-confessional, section 41 of the *Charter of Human Rights and Freedoms* was amended, with the passage, on June 17, 2005, of the *Act to amend various legislative provisions of a confessional nature in the education field*. While ensuring respect for religious convictions in the education of children, this amendment removes all reference to the education system. To complete the deconfessionalization of the public education system, the Government of Québec intends, as of July 1, 2008, to replace Catholic and Protestant religious instruction with education that is neutral in terms of religious culture and ethics.

Finally, although the question was not the subject of a Commission recommendation, it should be mentioned that, in June 2005, the Government of Québec tabled a draft *Sustainable Development Act* which would amend the Québec *Charter of Human Rights and Freedoms* by introducing section 46.1, stating that: “Every person has a right to live in a healthful environment in which biodiversity is preserved, to the extent and according to the standards provided by law.”

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (Articles 1 to 5)

Article 1: Self-determination

6. The State party indicates that, since 1998, it has withdrawn the requirement for an express reference to extinguishment of Aboriginal rights and title either in a comprehensive claim agreement or in the settlement legislation ratifying the agreement. According to the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, however, the inclusion of clauses in land claims agreements requiring Aboriginal peoples to “release” certain rights, leads to deep concerns that this may be another semantic term for the older “extinguishment” policy. Please comment. (Periodic report, para. 108; Concluding observations, para. 18)

When the Comprehensive land claims policy was introduced in 1973, its primary purpose was to address the ambiguity associated with Aboriginal rights and title so that governments, Aboriginal people and third parties would know, with a high degree of certainty, how land and resource rights were held and by whom. This was achieved by extinguishing or exchanging all the undefined Aboriginal rights of the particular Aboriginal group and replacing them with rights clearly set out in a treaty. This is often referred to as the “release, and surrender” certainty technique.

In 1986, the requirement for blanket extinguishment was withdrawn. The revised Policy provided for two certainty techniques: 1) cede, release and surrender of Aboriginal rights to land and natural resources in the settlement area; and, 2) cede, release and surrender of Aboriginal rights to land and natural resources, except on specified lands retained by the Aboriginal groups.

Since 1986, Canada has undertaken to develop alternatives to surrender approaches while still providing certainty to all parties regarding their rights and use, management and ownership of lands and resources. Policy changes have occurred incrementally and are reflected in particular agreements. Responding to circumstances at the negotiation table, parties to the Nisga’a treaty, for example, developed the modified rights model for achieving certainty. Under this approach, Aboriginal rights and title are continued and modified to become the rights and title as set out in the final treaty, which exhaustively enumerates the section 35 (*Constitutional Act, 1982*) rights of the Aboriginal group. In other words, certainty is achieved by modifying the Aboriginal rights to be the rights set out in the treaty, rather than by surrendering the rights. The Nisga’a treaty does include a fallback release of rights, but the release only becomes operative if the courts find that a release is necessary to

give effect to a particular provision of the treaty. The technique applies to land, resources and self-government alike.

Within the context of the Tlicho negotiations, the non-assertion certainty technique was developed. With this technique, the Tlicho nation does not surrender Aboriginal rights, rather they agree not to exercise or assert any land or natural resource rights other than those set out in the agreement. With respect to Aboriginal rights other than land rights, the Tlicho agreement provides an orderly process for bringing additional rights into the treaty by agreement or as a result of a court decision. As in the Nisga'a agreement, there is a fallback release that becomes operative only if the courts find that a release is necessary to give effect to provisions of the treaty.

Under both the Nisga'a and Tlicho agreements, Aboriginal rights are not extinguished; they continue to exist after the treaty. Certainty is achieved through agreement of the parties to modify rights, or not to assert certain rights, rather than through the surrender of Aboriginal rights. In both cases, there is a fallback release mechanism, which becomes operative only if a court determines that a release is necessary to give effect to particular provisions of the treaty agreement between the parties. This is very different from previous certainty models which were based on the full surrender of Aboriginal rights in exchange for treaty rights.

Some Aboriginal groups still criticize the backup release of rights mechanism as a residual type of extinguishment. In recent negotiations with First Nations, additional options are being considered that do not have a backup release. Additional approaches to certainty are under study by the Government of Canada, including approaches based on the recognition and coexistence of rights.

7. Please describe the measures undertaken by the Government of British Columbia to ensure that Aboriginal economic land and resource base rights in the province are protected in a way that will adequately sustain Aboriginal economies and cultures. What consultation process is in place to negotiate with Aboriginal peoples when mining or logging or other industrial use of unceded lands is planned? (Concluding observations, para. 43)

Information on the treaty negotiation process and on the *Provincial Policy for Consultation with First Nations* is available in British Columbia's section of *Canada's Fifth Report on the International Covenant on Civil and Political Rights* (paragraphs 687 to 693).

In addition, the Province of British Columbia has initiated a New Relationship Process with all First Nations. The New Relationship looks at the joint exploration and development of new ways to address First Nations interests in resource management, benefit sharing and capacity building.

An Action Plan has been developed that includes:

- Joint work under way on key subjects;
- Social issues will be introduced;
- Broad agenda that will take time to complete;
- Changes will be incremental;

- Business interests and others will need to be involved; and
- Policy work over next 12 months.

Also, a \$100 million New Relationship fund was announced in the September 2005 budget. This is a one-time allocation of funding to assist in establishing a fund that will allow some of the New Relationship work to proceed. It can be used to train Aboriginal experts in forestry, mining, land use planning and other areas so First Nations people can participate at the bargaining table, rather than relying on outside consultants. The fund will be used to build appropriate capacity to provide effective input and participate in the management of lands, resources and social programs.

Article 2(2): Non-Discrimination

8. To what extent are social services, social benefits, education and health care services available to persons without permanent status, undocumented migrants, asylum seekers and their families in the State party?

Comment on terminology

“Undocumented migrants” is a term not normally used by Citizenship and Immigration Canada and could include many persons at a variety of stages of the immigration process. It could also include persons in the country irregularly, such as those without temporary or permanent resident status, or who no longer have regular status.

Social assistance

Jurisdiction for providing income support falls under provincial/territorial jurisdiction and requirements differ across Canada.

For example, persons who are legally residing in Canada and are living in Alberta are entitled to income support and supplementary health assistance, including refugees and immigrants. If the sponsor of an immigrant is unable to fulfill his/her commitment or the sponsorship agreement has broken down due to abuse or the sponsor’s financial situation, the sponsored immigrant is entitled to assistance with income support and supplementary health supports. Persons who are not legal residents in Canada are not entitled to income support or supplementary health benefits under Income Support Program, Alberta Adult Health Benefit Program, or Alberta Child Health Benefit Program, including persons without permanent resident status and asylum seekers.

In British Columbia, to be eligible for regular income assistance, applicants must meet Canadian citizenship or permanent residency requirements. Applicants who do not meet these but do meet all other eligibility requirements may be considered for hardship assistance. This includes persons who are in Canada on a Temporary Resident Permit, a refugee claimant, or subject to a removal order by the Canada Border Services Agency (CBSA) when the order cannot or is not being executed.

Hardship assistance is provided on a temporary basis to meet essential needs and the maximum rate is equivalent to the maximum monthly income assistance rate. Eligibility for assistance must be re-established each month. A family unit is ineligible for hardship assistance when all adults in a family unit are: visitors, foreign students, and temporary workers who do not have a Temporary Resident Permit; persons in Canada irregularly; or persons whose immigration status has not been confirmed by Citizenship and Immigration Canada. Clients with a spouse who meets the citizenship requirements may be eligible for income assistance.

In New Brunswick, a person who is not legally allowed to reside in Canada is not eligible for financial assistance under the *Family Income Security Act*. This criterion does not apply to Protection Services under the *Family Services Act*.

In Newfoundland and Labrador, refugee claimants are eligible for Income Support, delivered through the Association of New Canadians. However, landed immigrants and those without permanent status are not eligible for Income Support.

Under Ontario Works, financial assistance and benefits are provided to residents who meet the eligibility requirements set out under the *Ontario Works Act*. Ontario Works Administrators determine the eligibility for applicants or participants who are sponsored immigrants, refugees or deportees. An applicant who is not a resident of Ontario may be eligible for social assistance under Ontario Works if the Administrator is satisfied that the individual:

- for reasons wholly beyond his or her control, is unable to leave the country;
- has made an application for status as a permanent resident on the basis of humanitarian or compassionate considerations, as referred to in subsection 114 (2) of the *Immigration Act* (Canada) or subsection 25 (1) of the *Immigration and Refugee Protection Act* (Canada); or
- is a refugee claimant waiting for the Immigration and Refugee Board (IRB) to determine whether Convention status is going to be granted;
- an unsuccessful claimant who is granted permission to stay in Canada for humanitarian, compassionate or other reasons, under the authority of the *Immigration and Refugee Protection Act*, may be eligible for financial assistance.

The Government of Québec provides the core support services for refugee claimants while their claim is being reviewed and covers the costs of those services. Once persons have obtained refugee status, they have access to the same government services as persons with permanent resident status.

The summary table below, presents the rules of access to government services for the following permanent non-residents: temporary workers, foreign students, refugee claimants and rejected claimants, persons unlawfully present and persons who have been granted refugee status.

Comparative table of government services available to certain permanent non-residents in Québec

Government services	Temporary worker ¹	Foreign student ²	Refugee claimant or rejected claimant ³	Person unlawfully present ⁴	Person who has been granted status ⁵	Comments
Family allowance	Yes, after 18 consecutive months in the province	Yes, after 18 consecutive months in the province	No	No	Yes	
Reduced-rate child care placement	Yes	No, except for school child care services	No, except for school child care services	No	Yes	
Legal aid	Yes	Yes	Yes	Yes	Yes	
Québec health insurance	Yes, including their spouse and dependent children	No, unless the person is covered by a social security agreement on health	No (see comments)	No (see comments)	Yes	The Interim Federal Health (IFH) Program covers essential health services (hospitalization, doctor, dentist and medications) for foreign nationals in need of assistance who are claiming or have been denied refugee status and for persons unlawfully in Canada who are under the control of the Canada Border Services Agency (CBSA).
Québec prescription drug insurance	No	No, except for students of French nationality	No, but covered by the IFH Program	No, but covered by the IFH Program if under CBSA control.	Yes	
Social services	Yes, including their spouse and dependent children	Yes, including their spouse and dependent children	Yes, including their spouse and dependent children	Yes	Yes	Refugee claimants and persons unlawfully in Canada may consult the social workers of the <i>Service d'aide aux réfugiés et aux immigrants du Montréal métropolitain</i> (SARIMM).
Last-resort financial assistance	No	No	Yes (see comments)	No	Yes	Rejected refugee claimants remain eligible as long as they are under the control of the CBSA. Financial adjustments are offered for dependent children whose parents are refugee claimants and so do not have access to family allowances. Persons cease to be eligible if they leave Québec or if their presence becomes unlawful: for example, if they fail to report for an interview to arrange for their departure and a warrant of arrest is issued against them.

1. A temporary worker is someone for whom the main purpose of the stay is to work for a specified employer, who is authorized to do so for a limited period, and who will leave the country on the expiry of his or her status, unless that status is extended or the person acquires another status.
2. A foreign student is someone for whom the main purpose of the stay is to study, who is authorized to do so for a limited period, and who will leave the country on expiry of his or her status, unless that status is extended or the person acquires another status.

3. A refugee claimant is someone who is awaiting a decision on his or her claim for refugee protection. A rejected claimant is someone whose refugee claim has been denied and who has exhausted his or her recourse and is awaiting removal.
4. A person unlawfully present is someone who entered the country irregularly or did not leave the country on expiry of his or her status, or someone without status who did not leave the country on expiry of the period set by Citizenship and Immigration Canada (CIC).
5. A person to whom refugee status has been granted is a Convention refugee, a person in need of protection under the Convention against Torture or at risk of cruel or unusual treatment or punishment, or a person protected as the result of a pre-removal risk assessment by CIC.

Immigrants in Saskatchewan who have no federal or private sponsorship may be eligible for provincial financial assistance provided they meet the program-specific criteria. Immigrant- and refugee-serving child care is available in Saskatchewan. Immigrants with federal support are eligible for the child day care subsidy. Immigrants can access the services provided through Saskatchewan's Career and Employment Service Offices. Some of these have consultants who work directly with settlement agencies providing employment services to immigrants. The Government of Saskatchewan contracts with community-based organizations to provide direct services to immigrants and refugees. Activities under these contracts include literacy programs, basic computer training, career planning and development, job search strategies, including resume and interview preparation and worker rights, job shadowing, mentoring, and work placements, including post placement monitoring.

An individual who is not a landed immigrant but is in Saskatchewan under a Student Authorization, an Employment Authorization or a Minister's Permit issued by Citizenship and Immigration Canada, may be eligible for provincial coverage for the period of the individual's residency in the province.

Education

Education in Canada falls under the purview of the provinces and territories. Persons seeking post-secondary education in one of the provinces or territories are required to pay regular tuition fees in addition to a foreign student fee until they achieve "protected person" status. However, free access to primary and secondary school is generally available for minors who are without permanent residence status such as refugee claimants or asylum seekers; an exception would be a minor on a study permit. Under the *Immigration and Refugee Protection Act (IRPA)*, "every minor child in Canada other than a child of a temporary resident not authorized to work or study, is authorized to study at the pre-school, primary or secondary level." This would include all children except those of short-term visitors.

For example, in Alberta, the *School Act* extends the right of access to education to "a child of an individual who is lawfully admitted to Canada for permanent or temporary residence." "Temporary resident" is defined for the purpose of determining whether a child should be assessed international student fees and includes children of international students registered in a full-time provincially recognized diploma or degree program that is a minimum of two years in duration; temporary foreign workers; refugees; or persons with diplomatic status in Canada. Individual school jurisdictions determine international student fees for the children of those not recognized as "temporary residents". Minor children from outside Canada, and who are not Canadian citizens or permanent residents, must apply for a study permit if they are coming to Canada to study.

Under the *Funding for Temporary Residents Policy* of Manitoba's Department of Education, Citizenship and Youth, school divisions (schools) may enroll age of majority individuals or dependants of parents in Canada with temporary resident status as defined by the *Immigration and Refugee Protection Act*. Persons in Canada under the authority of the Refugee Determination Process are considered to be temporary residents, and as such are eligible for school enrolment.

In New Brunswick, under the *Education Act*, free school privileges are provided for every person who is of school age and who has not graduated from high school, and is a resident of the province. Further, Regulation 97-150 under the *Education Act* extends these privileges to any person of school age who is a child of a person who is lawfully admitted to Canada on a visa with Student Authorization or on a visa with Employment Authorization in New Brunswick, is claiming refugee status, or is a child of a person claiming refugee status.

The Yukon Government provides financial assistance to refugee claimants. Access to education services is provided to school age children of persons without permanent status and asylum seekers as per Yukon's *Education Act*.

Health

Provincial and territorial governments are responsible for the provision of health services in Canada. Essential medical services are available to any person in Canada. In a health emergency, anyone can go to a hospital emergency room, or a community clinic, for treatment. However, there are generally restrictions on the availability of government health insurance to cover these and other medical expenses. It should be noted that, with respect to residency requirements, there are interprovincial and reciprocal agreements between the provinces and territories for care delivered to residents of other provinces/territories. Canadians who move and have not resided in their new province or territory for three months would be covered through their health insurance in their previous province/territory of residence.

For example, in Alberta, medically required health care services are available to any individual, regardless of residency status. Non-residents may be required to pay because health care services are only insured and paid for by the Alberta Health Care Insurance Plan if residency requirements are met. Under the *Alberta Health Care Insurance Act*, a "resident of Alberta" is defined as a person lawfully entitled to be or to remain in Canada, who makes his or her home in Alberta, and who is ordinarily present in the province. The definition does not include a tourist, transient or visitor to Alberta. Temporary residents such as international students or temporary workers may also be eligible for coverage, provided they intend to reside in Alberta for at least 12 months and have the appropriate Canada entry documents.

With respect to health services in Manitoba, *The Health Services Insurance Act* entitles an "insured person" to receive benefits. A "resident" is defined as a person who is legally entitled to be in Canada, makes his or her home in Manitoba, and is physically present in Manitoba for at least six months in a calendar year, and includes any other person classified as a resident in the regulation. A person who holds a temporary resident permit under the *Immigration and Refugee Protection Act*, is not eligible for benefits unless the minister determines otherwise.

Insured health services are provided to residents of New Brunswick, regardless of citizenship status. Insured services typically will be provided following residency of three months plus one day, although residency requirements may be waived at the discretion of the Minister. Individuals who do not meet residency requirements may access services sooner, on a fee-for-service basis.

As defined in Regulation 552 of the *Health Insurance Act*, to be eligible for Ontario health coverage, a person must be a Canadian Citizen or possess one of the eligible immigration statuses listed in the regulation, make Ontario his or her permanent and principal home, and be physically present in the province for 153 days in any 12-month period. Only a resident of Ontario is eligible for Ontario health insurance coverage. Visitors, tourists and transients are not eligible for health coverage.

Those refugee claimants who are eventually determined to be Convention Refugees or Protected Persons by the Immigration and Refugee Board of Canada, or the Minister of Citizenship and Immigration, are eligible for Ontario health coverage from the point they obtain Convention Refugee/Protected Person status and are exempt from Ontario's three-month waiting period.

People who are not eligible for insured health services may seek care at one of the province's Community Health Centres (CHCs). CHCs are non-profit, community-governed organizations that provide primary health care, health promotion and community development services, using multi-disciplinary teams of health providers. These teams often include physicians, nurse practitioners, dietitians, health promoters, counsellors and others. CHCs provide a variety of health promotion and illness prevention services that focus on addressing and raising awareness of the broader determinants of health such as employment, education, environment, isolation and poverty.

See table above for relevant information on health coverage offered in the province of Québec.

While there can be restrictions on eligibility for insured health services within provinces, refugee claimants do have access to health care benefits through the Interim Federal Health (IFH) program administered by Citizenship and Immigration Canada. The IFH covers essential expenses for clients of Canada's refugee protection program who are ineligible for public or private health insurance and who are unable to cover their own health care expenses. Benefits are limited to essential health services for the treatment and prevention of serious medical/dental conditions (including immunizations and other vital preventative medical care); essential prescription medications and non-prescription, life-saving medications; and contraception, prenatal or obstetrical care. IFH-eligible claimants are also covered for costs associated with their immigration medical examination.

9. In relation to paragraph 854 of the report, please clarify which “immigrant categories” are not eligible for the Supports for Independence Program in Alberta. Please indicate what the respective responsibilities of the federal government and the provincial government are in providing access to minimum social services to such “immigrant categories”.

The goal of Alberta Works is to help unemployed people find and keep jobs in their communities, help low-income Albertans cover their basic costs of living, and help employers

meet their need for skilled workers. The Alberta Works Income Support program (Income Support replaced Supports for Independence in April 2004) brings together in an integrated program the Supports for Independence, the Widows' Pension and the Skills Development Program.

Refugee claimants or permanent residents who do not have the resources to meet their basic needs may qualify for Income Support. Tourists, students, temporary workers, persons in Canada irregularly, persons on a Minister's Permit or those who have been denied refugee status are not eligible. In the case of sponsored immigrants, sponsors agree to provide support for a period of time after arrival in Canada. Sponsored immigrants may be eligible for Income Support if the sponsor has lost a job, did not fulfill his or her responsibilities, or if the immigrant needs to leave an abusive situation or has been abandoned.

Please consult Question 8 for information on access to social services.

10. What measures does the State party envisage to adopt in order to remedy effects of the Federal Indian Act that are discriminatory against Aboriginal women and their children, and in particular to address the issue of second and third generation loss of reserve membership if an Aboriginal woman marries outside her reserve community.

While there has been progress in this regard, the membership sections of the *Indian Act* remain unchanged since the period covered by the Fourth Report.

The *Indian Act* creates a system of registration of Indians for the purposes of determining who may be eligible for certain federal government programs and benefits. The amendments to the Act in 1985 repealed provisions under which women lost their Indian status if they married a non-Indian, which precluded offspring of that marriage from having Indian status, and reinstated those women and their children who had lost Indian status prior to the amendments. They also created rules for registration providing that after two successive generations of parenting between a registered Indian and a non-Indian, eligibility for registration does not continue for future generations. This is commonly referred to as the "second generation cut-off." It affects male and female persons equally. The reference in the question to "third generation" is unclear.

The 1985 amendments to the Act also created a separate system in which Indian bands can, to a certain extent, define their own membership apart from the registration system. Bands can and do choose to define their membership on the basis of a cultural connection to their community rather than solely on the basis of registration as an Indian. Programs and benefits that are delivered to band members may be different from those delivered to registered Indians.

The split between registration and membership was designed to provide autonomy to bands in a move towards eventual self-government where First Nations can define their own citizens. Under the *Indian Act*, bands may choose to create their own membership rules. In addition, Canada continues to negotiate self-government agreements with First Nations wherein they can define their own citizenship.

Relevant information on the April 2004 Canada-Aboriginal Peoples Roundtable can be found in paragraphs 65 and 66 of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*.

Article 3: Equal rights of men and women

11. Please explain the positions of provincial governments before the Supreme Court of Canada in Newfoundland (Treasury Board) v. N.A.P.E [2004] 3 S.C.R. 381, with respect to fiscal justifications for over-riding the right to equal pay for work of equal value.

Please consult paragraph 538 of the Newfoundland and Labrador section of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* and the appended Review of Jurisprudence for information on *Newfoundland (Treasury Board) v. N.A.P.E*. The decision of the Supreme Court of Canada is available at: http://www.lexum.umontreal.ca/csc-scc/en/pub/2004/vol3/html/2004scr3_0381.html.

The Government of British Columbia intervened in the case in question. The Constitutional questions before the Court were:

1. Does section 9 of the *Public Sector Restraint Act*, S.N. 1991, c. 3, infringe section 15(1) of the *Canadian Charter of Rights and Freedoms*?
2. If so, is the infringement a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society under section 1 of the *Canadian Charter of Rights and Freedoms*?

The position of the Attorney General of British Columbia was that question 1 should be answered in the negative and question 2 in the affirmative. As to question 1, the Attorney General advanced the following propositions:

- (a) Executive action cannot bind future Parliaments or Legislatures;
- (b) It is imperative in section 15 cases to carefully analyze the purpose of the legislation;
- (c) Courts cannot spend public money; and
- (d) Strong policy reasons support incorporation of these principles in section 15.

The Government of Québec also intervened in this case primarily to support the argument that the courts cannot and should not administer the State's budgets.

The position defended before the Supreme Court of Canada by the Attorney General of Québec also emphasized the absence of discrimination. According to Québec, the cancellation by Newfoundland and Labrador of the retroactive salary compensation did not constitute discrimination given that the government had to cancel a number of salary and financial commitments to resolve a budgetary crisis, particularly since the province did not have a constitutional obligation to retroactively establish pay equity.

Furthermore, the brief did not provide proof that the budgetary cuts were driven by or carried out in a manner that discriminated against a particular group of salaried employees given that other groups were also affected. The government had in fact continued to reinstate pay equity. Subsidiarily, the budgetary crisis according to Québec could only be managed by the legislature by virtue of the separation of powers. An encroachment by the courts on the prerogatives of legislative jurisdiction could have the effect of undermining public confidence in institutions and weakening democracy.

In its decision, the Court accepted the arguments related to the overall budgetary context and did not decide on the absence of discrimination as it was invited to by the Attorney General of Québec.

12. Please provide information on the results of the comprehensive review of section 11 of the Canadian Human Rights Act and of the Equal Wages Guidelines. In addition, please indicate specific legislation in all Provinces and Territories requiring employers to implement equal pay for work of equal value (Periodic report, para. 189; concluding observations, para. 16 and 53)

On May 5, 2004, the Pay Equity Task Force released its Final Report and Recommendations, entitled *Pay Equity: A New Approach to a Fundamental Right*. The Task Force made 113 recommendations aimed at strengthening Canada's commitment to pay equity and equality, improving access to pay equity, reducing the costs of litigation and uncertainty, and improving workplace relationships. The Task Force identified the main shortcomings of the current pay equity legislative scheme to be:

- a lack of clarity in defining key concepts, standards and methodologies;
- frequent challenges to job evaluation and wage adjustment methodologies;
- delays in correcting wage inequities resulting from protracted and costly litigation; and
- concerns about lack of accessibility by individual and non-unionized employees.

The keystone of the Task Force's recommendations is the proposal to develop new stand-alone pay equity legislation, characterized as human rights legislation that would provide for a proactive model and an independent Pay Equity Commission and Tribunal. Other key recommendations include that:

- pay equity should be affirmed as a human right;
- there should be a move away from a purely complaint-based system to replace obligations on employers to take positive steps to implement and maintain pay equity through the development of pay equity plans, with strict timeframes for each step of the process;
- coverage should be expanded to include federal contractors, part-time, casual, temporary, and seasonal workers;
- standards, criteria, definitional concepts and methodologies be clarified;
- there should be provisions for all employees, unionized and non-unionized, to be involved in the pay equity process;

- the responsibilities of employers and employee representatives should be clarified and that both should be involved in the development, implementation and maintenance of pay equity;
- the independent oversight agencies (Canadian Pay Equity Commission and the Canadian Pay Equity Hearings Tribunal) be provided with sufficient expertise, adequate remedial and enforcement powers, and the necessary resources to administer and interpret the new legislation and provide effective training, public education, advocacy services and adjudication services;
- there be provision for alternative dispute resolution mechanisms; and
- there be some flexibility for smaller employers, for example exempting them from the requirement of developing a pay equity plan.

Information on the review, including the final report, is available at:
<http://www.payequityreview.gc.ca>.

The Government of Canada is committed to making pay equity a reality, supported by effective mechanisms and clearly stated obligations. The Report and recommendations of the Task Force will be helpful in moving closer to achieving this goal. The Government will continue to consult stakeholders in moving forward on developing options for reform.

Federal, provincial and territorial legislation

In Canada, provisions for equal pay are found in three types of laws: human rights legislation, employment standards legislation and equal pay legislation. The table below lists the legislation, by jurisdiction, that relates to pay equity. Additional information can be found in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* for the following provinces and territories: British Columbia (paragraph 162); Saskatchewan (paragraph 254); Ontario (paragraphs 320-322); Québec (paragraphs 379-383); New Brunswick (paragraphs 440-441); Prince Edward Island (paragraph 507); Newfoundland and Labrador (paragraphs 538-539); Northwest Territories (paragraph 598).

Jurisdiction	Legislation
Government of Canada	<i>Canadian Human Rights Act</i> <i>Equal Wages Guidelines, 1986</i>
British Columbia	<i>Human Rights Code</i>
Alberta	<i>Human Rights, Citizenship and Multiculturalism Act</i>
Saskatchewan	<i>The Saskatchewan Human Rights Code</i> <i>The Labour Standards Act</i>
Manitoba	<i>The Employment Standards Code</i> <i>The Manitoba Human Rights Code</i> <i>The Pay Equity Act</i>
Ontario	<i>Employment Standards Act</i> <i>Human Rights Code</i> <i>Pay Equity Act</i>
Québec	<i>Loi sur l'équité salariale</i> <i>Charte des droits et libertés de la personne</i>

New Brunswick	<i>Human Rights Act</i> <i>Employment Standards Act</i> <i>Pay Equity Act</i>
Nova Scotia	<i>Labour Standards Code</i> <i>Human Rights Act</i> <i>Pay Equity Act</i>
Prince Edward Island	<i>Human Rights Act</i> <i>Pay Equity Act</i>
Newfoundland and Labrador	<i>Human Rights Code</i>
Yukon	<i>Employment Standards Act</i> <i>Human Rights Act</i>
Northwest Territories	<i>Fair Practices Act</i> <i>Public Service Act</i>

13. Please indicate the response of the Quebec government to the 2004 Superior Court of Quebec decision, declaring that the State, as an employer, is not exempt from implementing the Pay Equity Act. In this regard, please indicate the percentage of female employees who have received the appropriate retroactive salary adjustments.

Information on the Superior Court decision is provided in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*, in the Québec section (paragraph 383) and in the Review of Jurisprudence appended to the report.

In response to the Superior Court judgment invalidating Chapter IX of the *Pay Equity Act*, the Government of Québec amended the Act in December 2004, to facilitate its implementation, particularly in large companies. Previously, the Act obliged an employer, at the request of a certified association, to establish one or more separate pay equity programs for the employees represented by that association. However, the Act did not provide for such separate pay equity programs to encompass a number of certified union associations. The legislative amendment now permits an employer to conclude one agreement with a number of certified union associations.

Discussions on the implementation of these new provisions of the Act are continuing between the Government of Québec and its employees. The outcomes of the application of these pay equity programs for public employees, that is, the percentage of employees who have benefited retroactively from salary adjustments, are not yet known. They will be known once discussions have been completed.

14. To what extent do Aboriginal women participate on an equal basis with Aboriginal men, in the negotiations of self-government agreements, treaties and intergovernmental agreements dealing in particular with employment, health, education, child welfare and other social services for Aboriginal people, as well as in the on-going consideration of the Federal Indian Act?

The Government of Canada is taking steps to promote the equal participation of Aboriginal women in the negotiation of self-government and land claim (modern treaty) negotiations.

Following the federal government's 1995 Federal Plan for Gender Equality, the Department of Indian and Northern Affairs began, in 1998, to integrate Gender Equality Analysis (GEA) into programs, policies, legislation and negotiation activities. The Department's gender equality policy promotes social cohesion and capacity building in communities. In 2003, the Women's Issues and Gender Equality Directorate (WIGE) led a strategy to strengthen the Indian and Northern Affairs Canada commitment to Gender Equality Analysis, which became a departmental priority.

The rights of women are protected under self-government agreements, and as well as laws passed by an Aboriginal group under such agreements, because both must comply with the *Canadian Charter of Rights and Freedoms*.

The Department of Canadian Heritage Aboriginal Peoples' Program (APP) provides funding support to independent Aboriginal women's groups/organizations to carry out activities that: promote the development of Aboriginal women's positions, strategies and research with respect to Aboriginal self-government, including partnering with Aboriginal governments on self-government initiatives; support the full participation of Aboriginal women within their communities and Canadian society; and assist Aboriginal women in reclaiming and using their unique Aboriginal identity and cultures. This includes funding to national Aboriginal women's organizations that bring a national focus to Aboriginal women's issues.

Aboriginal women's organizations participated in the development of a new policy framework for the APP, which was approved in April 2005. It is underpinned by guiding principles that include consideration of gender implications, the development of Aboriginal women's perspectives and Aboriginal women's participation in decision-making.

Provincial and territorial governments also support and promote the participation of Aboriginal women in governance activities and other government initiatives.

The province of Alberta acknowledges the right of Aboriginal women to be involved in the negotiations of self-government, including First Nation women on the general treaty-status list without band membership, and women with treaty and band membership rights, this including women living on or off reserve.

Recognizing that women's participation is an issue for Aboriginal women as it is for all women, the Province of British Columbia supports the capacity of Aboriginal women to participate in governance activities including in a variety of policy forums/consultations. For example,

governance capacity is supported through Memoranda of Understanding held between the Government of Canada, British Columbia and, respectively, the Métis Provincial Council of British Columbia and the United Native Nations Society. Both these memoranda are designed to help bring the perspectives of Aboriginal families (women and youth) to the attention of the province (and Canada) as part of these tripartite fora dealing with self-governance. The province is also co-funding (with the Office of the Federal Interlocutor) the Métis Provincial Council of British Columbia to support Métis Women's Secretariat Governance Capacity. The contract is intended to provide funding assistance to ensure adequate representation of the Métis women (from their regions) in the form of the Métis Women's Secretariat of British Columbia.

The Province of Manitoba provides funding to Aboriginal women's groups such as the Mothers of the Red Nation, so they can represent the interests of Aboriginal women and advocate on their behalf, and participate in consultations respecting Aboriginal women issues.

The Government of New Brunswick is working to make sure that Aboriginal women are represented equally in any treaty/rights discussions with the First Nations in its territory. More female chiefs are being elected as representative of Aboriginal peoples (three in New Brunswick) in the province and national Aboriginal women's organizations have been present during these discussions.

In Newfoundland and Labrador, the representation of Aboriginal women on negotiating teams varies by Aboriginal group. For example, the negotiating team of the Miawpukek First Nation Self-government agreement is primarily Mi'kmaq women; the Labrador Inuit Association land claims negotiation team had a slim majority of male negotiators; and there are no Innu women on the Innu Nation land claims negotiating team. A small minority of Innu women are on Innu negotiating teams regarding the devolution of Child, Youth and Family Services; Income Support; and Education.

The Ontario Ministry of Health and Long-Term Care engages the Ontario Native Women Association (ONWA) in the design, development and delivery of a number of Aboriginal health programs and initiatives.

In Saskatchewan, women's voices and participation in self-government negotiations are increasing. Both the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation – Saskatchewan (MNS) have women's organizations that were created to provide input into processes such as self-government negotiations, and negotiations and agreements related to employment, health, education and child and family services. The Meadow Lake Tribal Council (MLTC) has a Tribal Chief who is a woman and a First Nation woman is leading negotiations on behalf of the First Nations at the Federal/Provincial/Meadow Lake First Nations governance table.

Through the First Nations and Métis Women's Initiative of the Department of First Nations and Métis Relations, funding is provided to provincial representative Aboriginal women's organizations to assist with capacity development, including developing the capacity to respond to governance discussions and negotiations conducted by the FSIN, MLTC or MNS. In addition, funding is provided to another organization representing off-reserve First Nations and Métis

women, the Saskatchewan Aboriginal Women’s Circle Corporation, which is recognized by the Native Women’s Association of Canada and provides input on various provincial and national initiatives. Although the representation of women in executive positions at the FSIN and MNS is low, there are approximately 15 women chiefs representing First Nations and one Tribal Council in Saskatchewan – more than at any other time in the past. It is hoped the growing number of women chiefs will lead to more equitable representation at negotiating tables and discussions on agreements for service delivery. This trend has been noted in local level Métis political organizations as well.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (Articles 6 to 15)

Article 6: The right to work

15. Please indicate how the reduction of unemployment rates and creation of new jobs described in paragraph 151 of the report have also benefited visible minorities, indigenous people and the youth in particular. In this regard, please provide comparative disaggregated statistics, in each Province and Territory, since the last periodic report.

Unemployment rates by province

Annual unemployment rate¹, both sexes, 15 years and older						
Geography	2000	2001	2002	2003	2004	2005
Canada	6.8	7.2	7.7	7.6	7.2	6.8
Newfoundland and Labrador	16.7	16.1	16.7	16.5	15.7	15.2
Prince Edward Island	12.1	11.9	12.0	11.0	11.3	10.8
Nova Scotia	9.1	9.7	9.6	9.1	8.8	8.4
New Brunswick	10.0	11.1	10.2	10.3	9.8	9.7
Québec	8.5	8.8	8.6	9.1	8.5	8.3
Ontario	5.8	6.3	7.1	6.9	6.8	6.6
Manitoba	5.0	5.1	5.1	5.0	5.3	4.8
Saskatchewan	5.1	5.8	5.7	5.6	5.3	5.1
Alberta	5.0	4.6	5.3	5.1	4.6	3.9
British Columbia	7.1	7.7	8.5	8.0	7.2	5.9

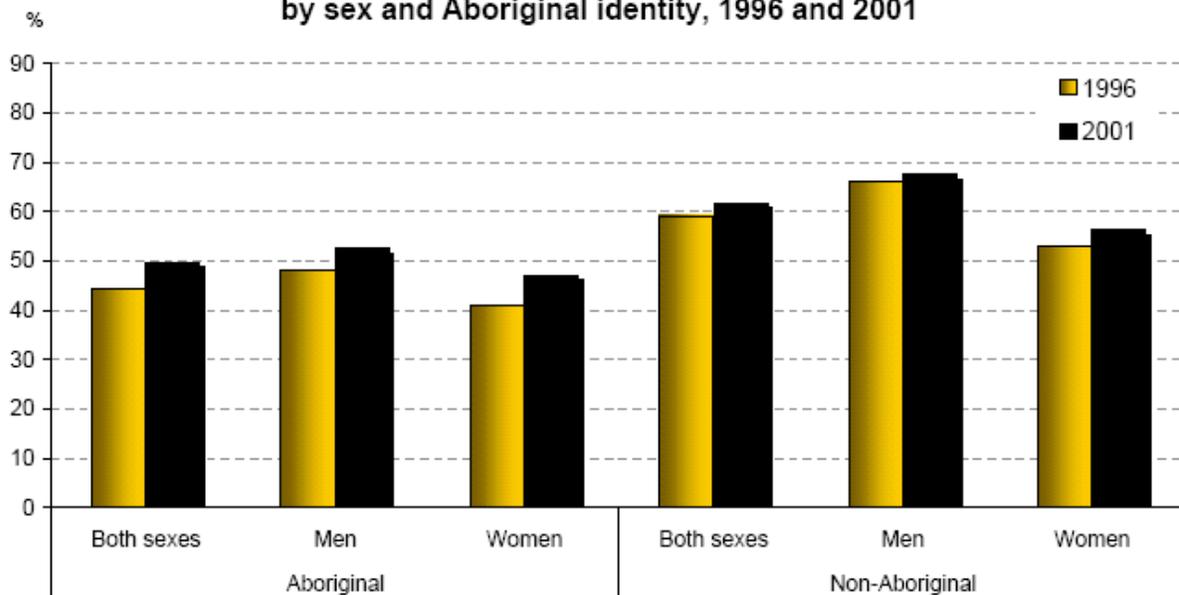
Source: Statistics Canada, Labour Force Survey, CANSIM table 282-0002.

1. The unemployment rate is the number of unemployed persons expressed as a percentage of the labour force. The unemployment rate for a particular group (age, sex, marital status) is the number unemployed in that group expressed as a percentage of the labour force for that group. Estimates are percentages, rounded to the nearest tenth.

The following information on the employment/unemployment rates for Aboriginal people, for immigrants and for youth is taken primarily from *Canadian Labour Market at a Glance, 2003*, Statistics Canada.

Aboriginal peoples

Chart 79: Employment rates of people aged 15 and over, by sex and Aboriginal identity, 1996 and 2001



Sources: Statistics Canada, 1996 and 2001 Censuses of Population.

While the employment rate for Aboriginal people is relatively low, it has improved at a faster pace than the non-Aboriginal rate. Employment rates among Aboriginal people aged 15 years and over increased 5.3 percentage points between the last two censuses, reaching 49.7 percent in 2001. This jump was more than twice the 2.6-point gain for non-Aboriginal people of the same age, whose employment rate was 61.8 percent in 2001. The differences in employment rates among Aboriginal and non-Aboriginal people were less pronounced among women and people aged 55 and over.

Similarly, the unemployment rate among Aboriginal people aged 15 years and over is high (almost three times higher than the non-Aboriginal rate), but dropped more than the rate for non-Aboriginal people. The Aboriginal unemployment rate fell from 24.0 percent in 1996 to 19.1 percent in 2001; this decline of 4.9 percentage points was much larger than the drop of 2.7 percentage points for the non-Aboriginal population, whose rate was 7.1 percent in 2001.

Among Aboriginal groups, the Métis had the highest employment rate (59.4 percent) in 2001, compared with 48.6 percent for the Inuit and 44.6 percent for the North American Indians. A higher proportion of Métis than of the other two Aboriginal groups had graduated from high school or completed postsecondary studies.

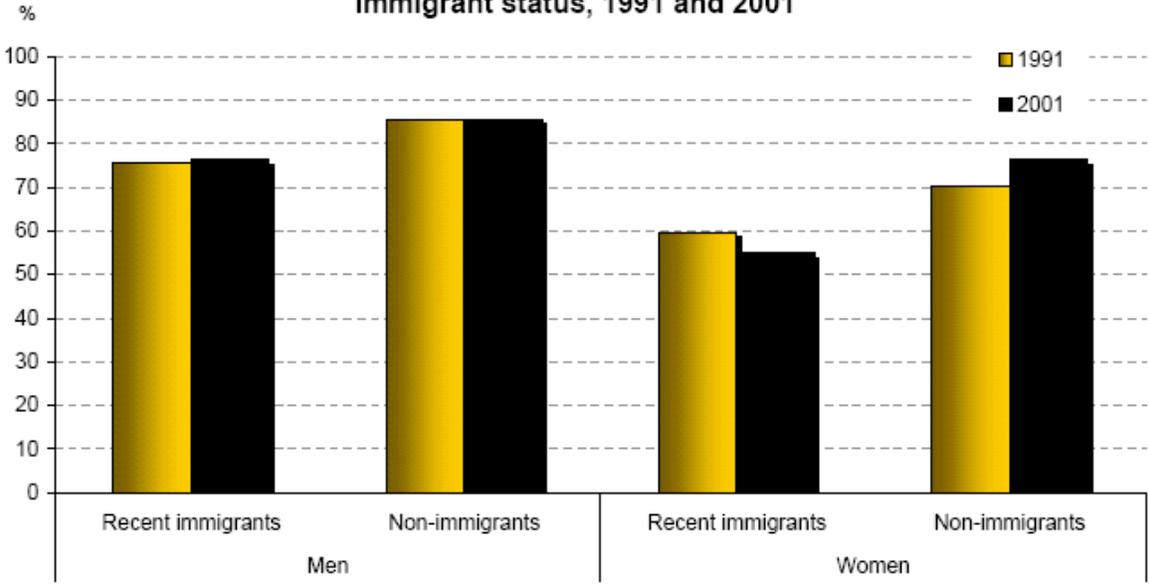
During the 12 months ended March 2005, the employment rate of off-reserve Aboriginal people in the four western provinces (Manitoba, Saskatchewan, Alberta and British Columbia) was 57.2 percent, compared to the 54.2 percent registered by the 2001 Census. The employment rate among non-Aboriginal people was 65.2 percent in the 2004-2005 period.

This improvement in the employment prospects of off-reserve Aboriginal people in the western provinces led to a decrease in their unemployment rate, which fell to 13.6 percent in 2004-2005 from the 16.7 percent registered in 2001. The unemployment rate for non-Aboriginal people in the western four provinces was 5.3 percent in 2005.

Aboriginal youths who lived off-reserve had an employment rate of 43.6 percent in 2004-2005, versus 61.7 percent for non-Aboriginal youths. The unemployment rates for the two groups were 20.8 percent and 10.0 percent respectively.

Immigrants

Chart 75: Employment rates of 25- to 54-year-olds, by sex and immigrant status, 1991 and 2001



Sources: Statistics Canada, 1991 and 2001 Censuses of Population.

The 2001 employment rate of immigrants aged 25 to 54 years who had arrived in Canada during the previous five years continued to lag behind that of native-born Canadians of the same age (65.2 percent versus 80.9 percent).

The employment rate gap between recent immigrants and native-born Canadians aged 25 to 54 has changed considerably over the years. In 1981, new immigrants were more likely to be employed (74.2 percent, compared with 73.1 percent for non-immigrants). By 1986, the situation was reversed, since the rate for recent immigrants was falling while that of native-born Canadians was rising. The gap continued to widen, increasing to 18 percentage points in 1996 but then narrowing slightly, to 16 points, in 2001.

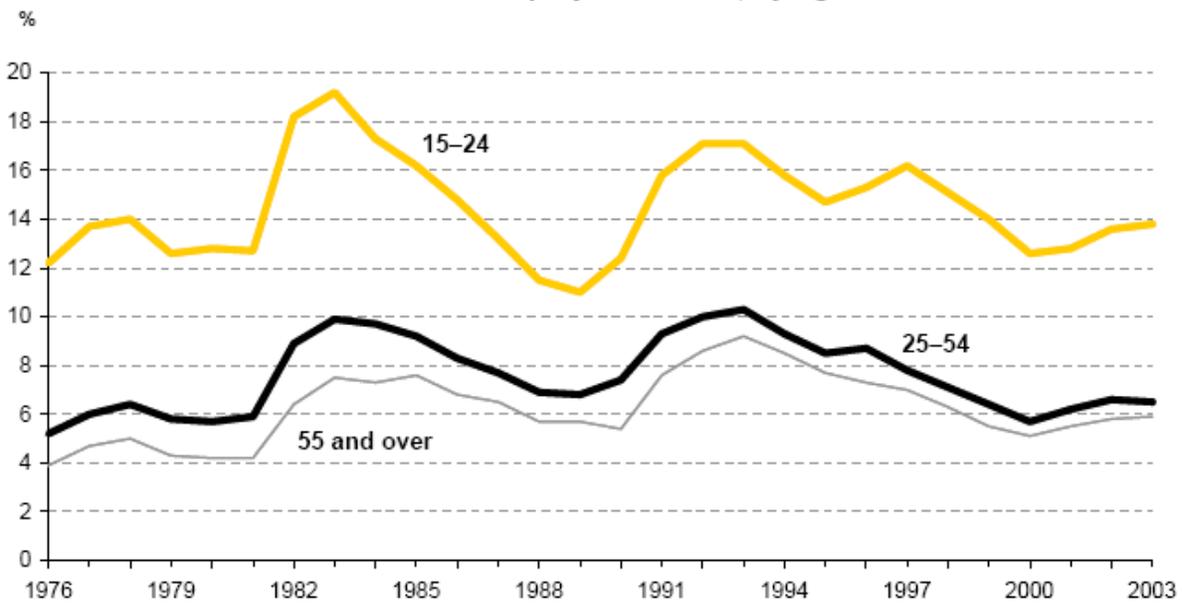
Labour market problems faced by recent immigrants tend to be similar to those encountered by young people, since both are often new entrants to the Canadian labour market. Common challenges for both groups could be their lack of Canadian work experience and of a well-established network of contacts.

However, the employment rates of immigrants are known to rise with the number of years they have resided in Canada. For example, 78.6 percent of immigrants aged 25 to 54 who had been in the country for 11 to 15 years were employed in 2001, compared with 65.2 percent of recent immigrants of the same age. Those who had been in Canada for 16 years or more had a slightly better chance than native-born Canadians to be employed in 2001 (81.9 percent versus 80.9 percent).

Recent literature has highlighted two features of immigrants' labour market experience in Canada. First, the OECD's *Trends in International Migration 2005* shows that the immigrant share of the Canada's labour force (19.9 percent) was higher during 2001 than any other G7 country and virtually any other country in the world – the share in the U.S. was 13.4 percent. This development came as proportionally more recent immigrants came from regions where people are less likely to fit rapidly into the Canadian labour market. Other research emphasizes that the poorer labour market fit has resulted in lower relative income for recent immigrants than for previous waves of immigrants. Despite this decrease, the OECD migration reports show that the unemployment rate of immigrants in Canada is low relative to most other G7 members. Their rate of labour market participation and relative incomes also are high in comparison with most G7 members.

Youth

Chart 9: Unemployment rates, by age



Source: Statistics Canada, Labour Force Survey, CANSIM table 282-0002.

During 2004, the unemployment rate for youths aged 15-24 was 13.4 percent, more than a full percentage point below the 14.5 percent average over the 1976-2004 period. The rates for older workers also have been lower than their long-run averages. In 2004, the rate for prime-age adults (25-54) was 6.0 percent and that of people over 55 was 5.6 percent. All three rates fell in 2004.

The gap between the adult and youth rates is partly due to the fact that youths enter or re-enter the labour force during breaks from their studies, and are unemployed for short periods until they can find a job.

As a result, a little more than half of all unemployed youths were teenagers (15-19), and their unemployment rate was 18.1 percent in 2004. In contrast, older, and more experienced youths (20-24) had much less difficulty in finding work, and their unemployment rate was 10.3 percent.

Although young people have always had higher unemployment rates than adults, they now account for a smaller proportion of unemployed people than they did three decades ago. The aging of the population in recent decades has altered the face of unemployment. Almost half of all unemployed people were 15 to 24 years old in 1976, compared with nearly a third in 2004.

16. Please provide more detailed information on the content of the Québec Act respecting income support, employment assistance and social solidarity, including the terms and conditions by which participants in employment programmes may qualify for social assistance benefits. (Concluding observations, para. 30, periodic report, para. 1654)

The Employment-Assistance (or social assistance) program is designed to provide last-resort financial assistance to persons who are capable of work, to encourage them to undertake a job entry process and support them during that process. It also allows for financial assistance to persons with certain employment limitations or constraints. The *Act respecting income support, employment assistance and social solidarity*, in addition to providing last-resort financial assistance to all households in need, assigns Emploi Québec responsibility for paying additional incentive financial assistance to persons who undertake the process to enter the labour market.

Emploi Québec is an agency of the Government of Québec whose mission is to contribute, in association with labour market partners, to developing employment and the labour force and to combatting unemployment. To those ends, it offers services aimed at social integration and job entry, job retention, job stabilization and job creation. In addition, it promotes the growth of continuous work force training that is transferable and leads to qualifications.

As part of its income support policy, Emploi Québec can grant an employment-assistance allowance, reimburse additional expenses for persons participating in an active measure¹ and, under certain conditions, provide additional assistance to persons involved in a job entry initiative who are not registered for an active measure. This financial assistance varies depending on the person's status with respect to participation in the public income support system and on the activities pursued as part of his or her job entry process.

Under the *Act respecting income support, employment assistance and social solidarity*, the financial assistance provided to employment-assistance recipients who have no employment

1. An active measure is a structured intervention designed to help persons in their efforts to find or retain employment. Active measures are supported by certain services such as labour market information and on-line placement.

limitations² carries an obligation to take appropriate steps to find suitable employment and to comply with the instructions that the Minister may give to that end. Furthermore, whether there are employment limitations or not, a participant must not refuse, abandon or lose suitable employment by his or her own fault without good cause.

Until just recently, if these obligations were not respected, a reduction was imposed on the basic benefit varying from \$50 to \$150 per breach, and from \$100 to \$300.

Since October 1, 2005, however, the provisions of the Act pertaining to these reductions have been repealed.

Article 7: The right to just and favourable conditions of work

17. Please provide detailed comparative data covering the period between 1998 and 2004, indicating how the minimum wage in each Province and Territory compares with the Low-Income-Cut-Offs (LICO).

Minimum wages vary across Canada and are set in each jurisdiction by the respective provincial and territorial governments (see the chart below for minimum wages across Canada).

In terms of the Low Income Cut-Offs (LICO), Canada has no official measure of poverty, but typically uses Statistic Canada’s LICO as a proxy. The LICO is an income threshold below which families are expected to spend 20 percentage points more than the average family on food, shelter, and clothing in a particular community.

Given that minimum wages relate to individual earnings, whereas LICOs are based on family income, a comparison of minimum wages to the LICO requires making certain assumptions about family size (and geographic location). A family with one or more minimum wage earners can have an income above or below the LICO depending on family composition and place of residence. For example, a couple with two minimum wage earners living in rural British Columbia would have a yearly income of about \$52,000, which is above the LICO (\$13,130). However, a two-parent family with two children and one minimum wage earner living in Toronto would have an income of about \$15,500, well below the LICO (\$31,277).

Jurisdiction	Minimum wage				
	1998	2000	2002	2004	2005
British Columbia	\$7.15	\$7.60	\$8.00	\$8.00	\$8.00
Alberta	\$5.40	\$5.90	\$5.90	\$5.90	\$7.00
Saskatchewan	\$5.60	\$6.00	\$6.65	\$6.65	\$7.05
Manitoba	\$5.40	\$6.00	\$6.50	\$7.00	\$7.25
Ontario	\$6.85	\$6.85	\$6.85	\$7.15	\$7.45

2. Persons are considered to have no employment limitations when they present no temporary constraints (e.g. health, maternity, children under age 5, are 55 years of age or over) or no severe constraints (mental or physical condition significantly affected permanently or indefinitely).

Québec	\$6.90	\$6.90	\$7.20	\$7.45	\$7.60
New Brunswick	\$5.50	\$5.75	\$6.00	\$6.20	\$6.30
Nova Scotia	\$5.50	\$5.70	\$6.00	\$6.50	\$6.80
Prince Edward Island	\$5.40	\$5.60	\$6.00	\$6.50	\$6.80
Newfoundland and Labrador	\$5.25	\$5.50	\$6.00	\$6.00	\$6.25
Yukon	\$7.20	\$7.20	\$7.20	\$7.20	\$7.20
Northwest Territories	\$7.00	\$7.00	\$7.00	\$8.25	\$8.25
Nunavut	N/A	\$6.50	\$6.50	\$8.50	\$8.50

Low income cut-offs (1992 base) after tax

Size of family unit	Rural areas	Urban areas			
		Less than 30,000	30,000 to 99,999	100,000 to 499,999	500,000 and over
2003					
1 person	10,821	12,384	13,815	13,990	16,542
2 persons	13,170	15,073	16,815	17,027	20,133
3 persons	16,400	18,768	20,938	21,202	25,070
4 persons	20,460	23,416	26,122	26,451	31,277
5 persons	23,298	26,664	29,746	30,120	35,615
6 persons	25,838	29,571	32,989	33,404	39,498
7 persons or more	28,378	32,478	36,231	36,688	43,381
2002					
1 person	10,529	12,050	13,442	13,612	16,096
2 persons	12,815	14,667	16,361	16,567	19,590
3 persons	15,958	18,262	20,373	20,630	24,394
4 persons	19,908	22,784	25,417	25,737	30,433
5 persons	22,670	25,944	28,943	29,307	34,654
6 persons	25,141	28,773	32,099	32,502	38,432
7 persons or more	27,613	31,602	35,254	35,698	42,210
2001					
1 person	10,299	11,787	13,149	13,315	15,744
2 persons	12,535	14,346	16,004	16,205	19,162
3 persons	15,609	17,863	19,928	20,179	23,861
4 persons	19,473	22,286	24,862	25,175	29,768
5 persons	22,174	25,378	28,311	28,667	33,897
6 persons	24,592	28,144	31,398	31,792	37,593
7 persons or more	27,009	30,911	34,484	34,918	41,288
2000					
1 person	10,042	11,493	12,821	12,983	15,352
2 persons	12,223	13,989	15,605	15,801	18,684
3 persons	15,220	17,418	19,431	19,676	23,266
4 persons	18,987	21,731	24,242	24,548	29,026
5 persons	21,622	24,745	27,605	27,953	33,052
6 persons	23,979	27,443	30,615	31,000	36,656
7 persons or more	26,337	30,141	33,624	34,048	40,260
1999					
1 person	9,777	11,189	12,482	12,640	14,946
2 persons	11,900	13,619	15,193	15,384	18,191

Low income cut-offs (1992 base) after tax

Size of family unit	Rural areas	Urban areas			
		Less than 30,000	30,000 to 99,999	100,000 to 499,999	500,000 and over
3 persons	14,818	16,957	18,918	19,156	22,651
4 persons	18,486	21,156	23,602	23,899	28,259
5 persons	21,050	24,091	26,876	27,214	32,179
6 persons	23,345	26,718	29,806	30,181	35,687
7 persons or more	25,640	29,344	32,736	33,148	39,195
1998					
1 person	9,609	10,997	12,267	12,423	14,689
2 persons	11,695	13,385	14,931	15,119	17,878
3 persons	14,563	16,666	18,592	18,827	22,262
4 persons	18,168	20,793	23,196	23,488	27,773
5 persons	20,688	23,677	26,414	26,746	31,625
6 persons	22,944	26,258	29,294	29,662	35,073
7 persons or more	25,200	28,840	32,173	32,578	38,522

18. According to information received by the Committee, agricultural workers are excluded from rules governing hours of work, overtime, and statutory holiday pay in British Columbia. Please indicate what rules apply to agricultural workers, the racial, ethnic, and gender composition of this group of workers, and whether the situation is the same in other Provinces and Territories.

The situation with respect to agriculture workers varies across the country.

In British Columbia, farm workers are defined narrowly in the *Employment Standards Act* regulation to include only those who have direct involvement in the propagation to harvest stages of agricultural products. Employment standards for these workers exclude them from hours of work, except from the prohibition against requiring work hours excessive to a worker's health, and from overtime and statutory holiday pay. Data on the composition of the narrowly defined group of workers, "farm worker", is not available. However, data on the broader category of agriculture worker from 2001 indicates that 23.7 percent of the total labour force are visible minorities. Of that number, 53.8 percent are women.

In Québec, agricultural workers are covered by the *Act respecting labour standards* (R.S.Q. c. N-1.1). However there are certain distinctions specific to these workers. For example, subsections 54(5) and (7) on overtime, section 75 on the annual leave indemnity, and section 78 on the weekly rest period set forth specific arrangements for this class of workers. The *Regulation respecting labour standards* (R.R.Q., c. N-1.1, r.3) also lays down rules to ensure that certain classes of agricultural workers are paid the minimum wage (s. 4.1).

In Newfoundland and Labrador, agricultural workers are covered by all protections under the province's *Labour Standards Act* (LSA) except one. Under *Labour Standards Regulation* 9(6) (a) (b), Article 25 of the LSA, which addresses overtime, does not apply to agricultural workers. A review of Labour Standards case files shows that only eleven cases involved agricultural workers, all of whom were male. The majority of these cases were resolved through early resolution.

In Ontario, a distinction is made between farm workers and harvesters. The following minimum standards of the *Employment Standards Act* (ESA) do not apply to farm workers (persons employed on a farm whose work is directly related to primary production): hours of work and eating periods; minimum wage; overtime pay; public holidays; and vacation with pay. Farm workers are covered in the following areas: emergency leave (applies only to employees in businesses or organizations that regularly employ at least 50 employees); family medical leave; equal pay for equal work; parental and pregnancy leave; regular payment of wages; severance pay; and termination notice and pay.

While harvesters (employed to harvest/bring in crops of fruit, vegetables, tobacco for marketing or storage) are not covered under ESA regarding hours of work, eating periods and overtime pay, they are covered by the following minimum standards: equal pay for equal work; emergency leave (applies only to employees in companies that regularly employ at least 50 employees); family medical leave; minimum wage; parental and pregnancy leave; public holidays; regular payment of wages; severance pay; termination notice and pay; and vacation with pay.

Sometimes, workers do both harvesting and primary production farm work. How most of the time is spent in any specific work week determines which rules apply. For example, if the majority of the work done during a week involves harvesting, the rules for harvesters will apply (i.e., the employee will be entitled to minimum wage, and may qualify for public holiday entitlements and vacation with pay).

In Alberta, the following employment standards apply to farm workers in Alberta: the standards relating to payment of earnings, the duty of an employer to maintain employment records, maternity and parental leave, and the standards relating to termination of employment.

In Manitoba, other than for equal wages and wage recovery, *The Manitoba Employment Standards Code* does not apply to an employee who is employed in agriculture, fishing, fur farming or dairy farming; or in growing horticultural or market garden products for sale.

Certain agricultural workers in New Brunswick are excluded from the protection of the *Employment Standards Act*. Section 5 of the Act states that, with exemption of the employment of persons under the age of 16 years, the Act does not apply to employment contracts for the provision of agricultural services between employees and employers who employ three or fewer employees over a substantial period of the year, exclusive of employees who are in a close family relationship with the employer. "Close family relationship" is defined as between persons who are married to one another, between parents and their children, between siblings and between grandparents and their grandchildren, and includes a relationship between persons who, though not married to one another and whether or not a blood relationship exists, demonstrate an intention to extend to one another the mutual affection and support normally associated with those relationships first mentioned.

In Nova Scotia, the *Minimum Wage Order* does not apply to persons under the age of 16 years engaged in work on a farm whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, Christmas trees and wreaths, maple products, honey,

tobacco, pigs, cattle, sheep, poultry, or animal furs. Subsection 2(3) of the *General Labour Standards Code Regulations* provides that persons engaged in work on a farm whose employment is directly related to the primary production of eggs, milk, grains, seeds, fruit, vegetables, Christmas trees and wreaths, maple products, honey, tobacco, pigs, cattle, sheep, poultry or animal furs, are exempted from application of the sections of the *Labour Standards Code* relating to holidays with pay and hours of labour.

In Saskatchewan, section 4(3) of *The Labour Standards Act* exempts, from the provisions of the Act, an employee employed primarily in farming, ranching or market gardening. The Act applies to workers employed in egg hatcheries, greenhouses and nurseries, bush clearing operations, and commercial hog operations.

Criteria have been developed based on the legal interpretation of the Act by the courts and adjudicators to determine if an agricultural employee is exempt from the Act. A worker is subject to *The Labour Standards Act* unless all of the following four conditions are met:

1. The worker performs “farm” type activities;
2. The worker is employed by a farmer or a farming operation;
3. The work is done for the farmer or the farming operation and only that farmer or farming operation; and
4. The worker is not engaged in processing a product.

Whether the exemption applies is determined after careful consideration of the particular circumstances of each case.

With respect to the gender composition of this group, for 2004, the overall agricultural labour force in Saskatchewan totaled 47,700 and the overall employed agricultural labour force totaled 46,700. The female agricultural labour force totaled 10,800 and 10,500 were employed.

19. Please explain how the State party ensures that its obligations under the Covenant take primary consideration in the adjudication of North American Free Trade Agreement (NAFTA) disputes. In particular, please clarify how the side agreement on workers’ rights (North American Agreement on Labour Co-operation) affects the implementation of rights enshrined in articles 7 and 8 of the Covenant.

In the international trade regime, labour rights are guaranteed pursuant to separate labour cooperation agreements. Canada’s labour cooperation side agreements encompass the North American Agreement on Labour Cooperation and the Canada-Chile and Canada-Costa Rica Agreements on Labour Cooperation. These agreements commit the Parties to respect and promote the labour principles and rights recognized in the ILO Declaration on Fundamental Principles and Rights at Work. These include freedom of association and right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour and elimination of discrimination at work. Additionally, the Parties are committed to promoting guiding principles and rights covering minimum employment standards, occupational injuries and illnesses and compensation for injuries and illnesses. Dispute settlement and adjudication mechanisms are central to these agreements.

Specifically, the *North American Agreement on Labour Cooperation* (NAALC, with USA and Mexico, 1994) comprises obligations as follows:

- “promote, to the maximum extent possible, the following principles: Freedom of association and protection of the right to organize; the right to bargain collectively; the right to strike; prohibition of forced labor; labor protections for children and young persons; minimum employment standards; elimination of employment discrimination; equal pay for women and men; prevention of occupational injuries and illnesses; compensation in cases of occupational injuries and illnesses; and protection of migrant workers.”
- ensure “labour laws and regulations provide for high labour standards...and...continue to strive to improve those standards in that light” (Art. 2)
- “effectively enforce...labour law through appropriate government action”, including “appointing and training inspectors”, “monitoring compliance”, and seeking “appropriate sanctions or remedies for violations” (Art. 3.1)
- ensure persons with a “legally-recognized interest...in a particular matter have appropriate access to [the various] tribunals” that enforce labour law (Art. 4.1)
- ensure these tribunals are “fair, equitable, and transparent”, “impartial and independent”, follow due process without “unnecessary” complications or “unreasonable charges” or delays, are “open to the public except where the administration of justice otherwise requires”, provide final decisions “on the merits of the case” and in writing, and that the parties to their proceedings may support their positions, present evidence, seek “review and, where warranted, correction of final decisions”, and seek “remedies to ensure...enforcement of their labour rights” (Art. 5.1-5.5)
- ensure “laws, regulations, procedures and...rulings...respecting any matter covered by [the] Agreement are promptly published” (Art. 6)
- promote “public awareness” of labour law including by “ensuring that public information related to [the] law and enforcement and compliance procedures” is available (Art. 7)

Under the NAALC, a party that fails to effectively enforce certain domestic labour laws is vulnerable to dispute resolution procedures. The labour laws in question are those pertaining to occupational safety and health, child labour, and minimum wage; and persistent failure to enforce these laws can even result in the imposition of fines (up to .007 percent of the total trade in goods between the disputing parties under the NAALC, although no fines have ever been imposed to date).

One party to NAALC can, of its own volition, launch dispute resolution procedures against another party, but usually it does so at the behest of a member of the public (including civil society organizations) who brings forward a complaint, called a “public communication”. Any party that receives a public communication must accept it for review if it finds, after examining it, that it meets the submission requirements. If, after reviewing the submission, the party finds that the submission charges are valid, and that they cannot be resolved at the officials’ level, the party may move forward with the dispute as outlined below.

Under the NAALC, the first step is to request ministerial consultations with the party that is the subject of the public communication. If these consultations are not sufficient to resolve the issue,

different subsequent processes can be launched. An Evaluation Committee of Experts (ECE) could be convened to analyze the enforcement practices of the parties to the dispute and to report any conclusions and recommendations. If this also failed to resolve the issue, the Ministers of Labour of the party countries could request an Arbitral Panel to hold a hearing or hearings into the matter and make its own findings and recommendations. After this, if the offending NAALC party were *still* failing to enforce its laws, it would be subject to sanctions or, as mentioned, fines.

Article 8: Trade union rights

20. The Public Service Act of Québec provides that the Syndicat des fonctionnaires provinciaux represents all public servants who are employees under the Labour Code (Periodic report, para. 1644-1645). It is reported that other laws, such as Education Acts in Ontario and Nova Scotia, and the Civil Service Act in Prince Edwards Island, also establish trade union monopolies by naming a bargaining agent. Please explain how such restrictions reconcile with the provisions of article 8(1)(a) of the Covenant.

The provisions of section 64 of the *Public Service Act* (PSA) of Québec must be interpreted in relation to the provisions of section 65. There has been no change to the essence of these sections since the Act was passed in 1965. They read as follows:

“64. The Syndicat de la fonction publique du Québec inc. is recognized as the representative of all public servants who are employees within the meaning of the Labour Code (chapter C-27), except

1. employees who are teachers;
2. employees who are members of the professional orders of advocates, notaries, physicians, dentists, pharmacists, optometrists, veterinary surgeons, agronomists, architects, engineers, land-surveyors, forest engineers, chemists or chartered accountants, and persons admitted to the study of these professions;
3. employees who are university graduates, economists, geographers, geologists, biologists, town-planners, accountants, auditors, psychologists, social workers, guidance counsellors and other professionals;
4. employees who are peace officers belonging to any of the following groups:
 - (a) wildlife protection officers;
 - (b) fisheries officers;
 - (c) constables at the Youth Division of the Court of Québec;
 - (d) security officers;
 - (e) transportation officers;
 - (f) instructors, guards and nursing attendants in houses of detention;
 - (g) any other group performing duties of a peace officer.”

“65. Section 64 has the same effect as a certification granted by the Commission des relations du travail under the Labour Code (chapter C-27) for two separate employee groups, namely:

- (1) public servants other than workmen;
- (2) workmen.

The Commission des relations du travail decides all disputes respecting the effective exclusion or inclusion of a public servant or a class of public servants from or in either of such groups, and has the power to cancel the certification and grant another upon the conditions prescribed by the Labour Code.”

Section 65 of the PSA indicates that after granting certification to the Syndicat des fonctionnaires provinciaux, the general provisions of the *Labour Code* (R.S.Q. c. C-27) apply. Another association could therefore seek certification to represent the public servants and workmen of the Government of Québec, in compliance with the provisions set forth in section 111.3 of the *Labour Code*.

It is therefore incorrect to say that the *Public Service Act* grants the Syndicat des fonctionnaires provinciaux inc. the status of sole and irremovable representative of certain categories of public servants.

Article 8(1)(a) of the *International Covenant on Economic, Social and Cultural Rights* states that the right to choose a trade union is subject to the rules of the organization concerned and that no restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or the protection of the rights and freedoms of others. As described below, in some provinces, trade unions are designated for particular groups of employees. In each case, the requirements are consistent with the Covenant as they are prescribed by law, are in the interest of public order and do not constitute unlawful interference with freedom of association.

In Alberta and Manitoba, legislation establishes trade union monopolies in the provincial public service, i.e. the *Alberta Public Service Employee Relations Act* and *The Civil Service Act* of Manitoba. For example, subsection 1(1) of the *The Civil Service Act* defines the Manitoba Government and General Employees’ Union as the association that represents the majority of civil services in negotiations for a collective agreement with the Manitoba government.

In New Brunswick, a number of health professions require that practitioners be members of a specific professional association, to practice on a full-time basis. In some cases, this would be an association, which exercises collective bargaining rights. New Brunswick is of the opinion that under the *Teachers’ Collective Bargaining Act*, all teachers must belong to the New Brunswick Teachers’ Association. Similarly, in Ontario, the teachers’ unions were identified in the original education legislation, the *School Boards and Teachers’ Collective Negotiations Act* (SBTCNA), established in 1975, which was replaced by the *Education Act* in 1998. The legislation of 1975 simply reflected existing practices at the time and had the support of school boards and unions. Teacher and school board preference for legislated teacher bargaining agents was confirmed when the SBTCNA was reviewed in 1996.

In Saskatchewan, *The Education Act*, *The Health Labour Relations Reorganization Act* and *The Construction Industry Labour Relations Act* name bargaining agents to represent employees in their respective industries. Unlike the situation in education, where the Saskatchewan Teachers Federation represents all teachers, the labour laws identify bargaining agents.

In the construction industry, the Act establishes a framework for bargaining along trade division lines. In other words, the carpenters union is designated to bargain on behalf of all union carpenters. The legislation also establishes a representative employers organization (REO) to bargain on behalf of all unionized contractors who bargain with the building trades. Other trade divisions are established for other construction activities, e.g., pipeline construction and powerline construction. Certain unions are designated to bargain for employees and employers are required to belong to an REO. The primary reason for the legislation is to ensure orderly bargaining in the construction industry where there are a large number of employers, some very large ones that dominate the industry and some that are very small, and a large number of employees in a wide variety of trades. In the past, this environment has resulted in very difficult and drawn-out bargaining that undermined the principle of collective bargaining.

The situation is similar in the health sector. Prior to the legislation, there were 538 different bargaining units that bargained with 32 employers who were represented by an REO. It was very difficult to achieve collective agreements in a timely manner and, consequently, the health sector unions approached the Government to appoint a commissioner to reorganize collective bargaining by amalgamating bargaining units. The amalgamated bargaining units represented employees in three different areas of health care – nurses, health service providers and health support practitioners – in each of the health districts. Employees who wish to be represented by a different union may apply to the Labour Relations Board for a determination of the issue. It is important to note that because collective bargaining was not working well for them, the unions asked the Government to reorganize the bargaining units.

21. According to information received, agricultural workers in Ontario are not authorized to unionize. Please comment. Please also indicate whether Ontario plans to amend its legislation in order to recognize the right of workfare participants to join a trade union, to bargain collectively and to strike. (Concluding observations, para. 31)

In December 2001, the Supreme Court of Canada declared in *Dunmore v. Ontario (Attorney General) (2001)*, 207 D.L.R. (4th) 193 (S.C.C.) the exclusion of agricultural workers from the *Labour Relations Act, 1995* (LRA) to be unconstitutional in the absence of any other statutory protection of their freedom to associate. A summary of the case is included in the review of jurisprudence of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*.

The *Agricultural Employees Protection Act, 2002* (AEPA), the Ontario government's response to the Supreme Court's decision, was proclaimed in force in June 2003. The AEPA gives agricultural workers the right to form or join an employees' association but does not provide a right to a statutory collective bargaining regime. It also maintains the exclusion of agricultural employees from the LRA.

In April 2004, the United Food and Commercial Workers filed an application in the court challenging the constitutionality of the exclusion of agricultural workers from the LRA and the restriction of bargaining rights in the AEPA. The case was heard in September 2004 at the Ontario Superior Court. Pending judicial determination, the Government of Ontario has nothing to add to the comments in *Canada's Fourth Report on the International Covenant on Economic, Social and Cultural Rights* (paras. 400 and 401) regarding whether Ontario will introduce a statutory collective bargaining regime for agricultural workers.

Concerning the rights of workfare recipients to join a union and to have a statutory collective bargaining regime, the Government of Ontario has no plans to change the *Ontario Works Act, 1997* and has nothing substantive to add to what is reported in the Fourth ICESCR report (para. 403). The Government, however, reiterates the point it has made to the ILO since 1998, that “community activity participants” (i.e. workfare participants) are not employees.

22. Please provide a list of categories of workers that are not allowed to exercise their right to strike, at the federal, provincial, and territorial levels, and explain the reasons for such restrictions. In particular, please explain why provincial government employees and employees in public post-secondary educational institutions do not have the right to strike in Alberta. (Periodic report, para. 847)

In general, certain categories of workers are excluded from the right to strike in Canada because they are deemed to provide essential services or for the preservation of public safety. In most cases, these workers have access to alternative dispute mechanisms or binding arbitration to resolve labour issues.

Collective Bargaining Dispute Resolution Process in the Public and Parapublic Sectors in Canada

	Public Servants	Hospital Employees	Public School Teachers/College and University Professors	Police Officers	Municipal Fire Fighters	Employees of Crown Corporations
Federal	Union choice of arbitration or strike ¹	Union choice of arbitration or strike ¹ Strike/lockout ¹ in Yukon.	Strike/lockout for some schools in the N.W.T., and schools run by band councils on Indian reserves	R.C.M.P. officers are not covered by a collective bargaining statute ²	Strike/lockout ¹ for firefighters at airports and for municipal firefighters in N.W.T., Nunavut and Yukon	Strike/lockout ¹ for most Crown corporations
Alberta	Strike/lockout ban; arbitration at the request of either or both parties ³	Strike/lockout ban; arbitration at the request of either or both parties, or the Minister ³	P&S ^{4,5} - Strike/lockout C - Binding arbitration U ⁶ - Negotiating procedures agreed to by the parties	Strike/lockout ban; arbitration at the request of either or both parties ³	Strike/lockout ban; arbitration at the request of either or both parties or on Minister's own initiative ³	Same as for public servants

British Columbia	Strike/lockout ¹	Strike/lockout ¹	P&S ^{1,5} - Provincial level (incl. “cost provisions”): strike/lockout; local level: either party may refer dispute to provincial bargaining C and U - Strike/lockout	At the request of either party, Minister may order arbitration if certain conditions are met ¹	At the request of either party, Minister may order arbitration if certain conditions are met ¹	Strike/lockout ¹
Manitoba	Arbitration at the request of either party; strike/lockout limited for essential services	Strike/lockout ¹ City of Winnipeg paramedics: same as for municipal fire fighters	P&S ⁵ - Strike/ Lockout ban; arbitration proceedings may be initiated by either party U - Strike/ lockout	M.P. ⁷ Strike/ lockout. Strike/lockout ban in Winnipeg, arbitration at the request of either or both parties	Strike/lockout ban; arbitration at the request of either or both parties	Strike/lockout
New Brunswick	Strike/ lockout ^{1,3}	Strike/ lockout ^{1,3}	P&S ⁵ - Strike/ lockout ³ U - Strike/ Lockout	Strike/lockout ban; arbitration at the request of either party	Strike/lockout ban; arbitration at the request of either party	Strike/lockout ⁸
Newfoundland and Labrador	Strike/ lockout ^{1,9}	Strike/ lockout ^{1,9}	P&S ⁵ - Strike/ lockout U - Strike/ lockout	M.P. ⁷ - Strike/ lockout R.N.C. - Strike ban; arbitration at the request of either party ³ (final offer selection for wages, if they are in dispute)	Strike/lockout. St. John's Fire Dpt. - strike ban; arbitration at the request of either party	Strike/ lockout ¹⁰
Northwest Territories and Nunavut	Strike ¹	Strike ¹	P&S ⁵ - Strike	See Federal	See Federal	Strike ¹ (including the NWT Power Corporation)
Nova Scotia	Strike/lockout ban; arbitration at the request of either or both parties	Strike/lockout	P&S ⁵ - Provincial level (including salaries): strike/lockout; local level: strike/lockout ban; arbitration at the request of either party. U – Strike	Arbitration at the request of either party	Strike/lockout	Strike/lockout
Ontario	Strike/lockout ¹	Strike/lockout ban; arbitration after parties	P&S ⁵ - Strike/ lockout C - Strike/ lockout	M.P. ⁷ and O.P.P. - ban on withholding of services; after	Strike/lockout ban; arbitration after parties	Strike/lockout. Some designated Crown

		are notified that conciliation was unsuccessful ³ . Land ambulance workers employed by municipalities: strike/lockout ¹	U - Strike/ Lockout	conciliation, arbitration at the request of either party ³	are notified that conciliation was unsuccessful ³	corporations are covered by the collective bargaining legislation applying to public servants
Prince Edward Island	Arbitration at the request of either party or on Minister's own initiative ³	Strike ban; after conciliation, mandatory arbitration	P&S ⁵ - Arbitration at the request of either party or on Minister's own initiative ³ U - Strike/ Lockout	Strike ban; after conciliation, mandatory arbitration	Strike ban; after conciliation, mandatory arbitration	Same as for public servants
Québec	Strike/lockout ¹ , except peace officers ¹¹ . In the latter case, a union/ employer committee makes recommendations to the government for approval by decree.	Strike/lockout ^{1,12}	P&S ⁵ - Strike/lockout ¹² C - Strike/lockout ¹² U - Strike/ Lockout	M.P. ^{3,7} and S.Q. ^{7,13} - strike/lockout ban; M.P. - same as for fire fighters. S.Q. - Recommendations of a union-employer committee or of an arbitrator to the government for approval	Strike/lockout ban; arbitration after receipt of a report of unsuccessful mediation or at the request of either party ³	Strike/lockout ^{13,14}
Saskatchewan	Strike/lockout	Strike/lockout	P&S ⁵ - Union choice of arbitration at the request of either party or strike U - Strike/ Lockout	Strike/lockout	Strike/lockout; arbitration requested by either party is binding only if the constitution of the local union prohibits strikes	Strike/lockout
Yukon	Union choice of arbitration at the request of either party or strike ¹	See Federal	P&S ⁵ - Union choice of arbitration at the request of either party or strike	See Federal	See Federal	

Labour Law Analysis; International and Intergovernmental Labour Affairs, Labour Branch; Human Resources and Skills Development Canada, April 1, 2005

Notes:

1. Employees are prohibited from participating in a strike when they are required to provide essential services under the applicable labour relations legislation.

2. Royal Canadian Mounted Police officers are not covered by the *Canada Labour Code* or the *Public Service Staff Relations Act*.
3. In interest arbitration cases, an arbitrator, an arbitration body, or a selector (in final offer selection cases) must take into account specific criteria when making an award, including economic factors.
4. The government may order emergency procedures and impose binding arbitration in circumstances involving unreasonable hardship to persons who are not parties to the dispute.
5. P&S public primary and secondary schools; C public colleges; U - universities.
6. Compulsory binding arbitration to settle any collective bargaining dispute with a graduate students association, or with an academic staff association at a university established after March 18, 2004.
7. M.P - municipal police; R.N.C. - Royal Newfoundland Constabulary; O.P.P. - Ontario Provincial Police; S.Q. - Sûreté du Québec (Québec s Provincial Police).
8. Notes 1 and 3 above apply to the New Brunswick Power Corporation and note 3 applies to the New Brunswick Liquor Corporation.
9. Arbitration may be imposed if there is a state of emergency and a resolution of the House of Assembly forbids a strike. If the number of essential employees exceeds 50%, the union may opt for binding arbitration. Hospital employees may not engage in a rotating strike.
10. The *Public Service Collective Bargaining Act* applies to Crown corporations that may be designated by the government; Newfoundland and Labrador Hydro is covered by the *Labour Relations Act*, and the *Electrical Power Control Act, 1994* provides for the designation of essential employees.
11. The employees of the general directorate responsible for civic protection are also forbidden to strike.
12. Strikes and lockouts are prohibited in respect of matters defined as pertaining to clauses negotiated at the local or regional level or subject to local arrangements.
13. The Québec legislation specifies that certain government agencies policy on remuneration and conditions of employment must be approved by the Treasury Board (this applies for example to Hydro Québec, the Sûreté Québec (Québec's Provincial Police) and Crown corporations responsible for lotteries and the sale of liquor).
14. The government of Québec may order the parties to maintain essential services in a variety of "public services".

Article 9: The right to social security

23. Please inform the Committee about the final decision adopted by the Supreme Court of Canada in the case Gosselin v. Quebec. Please explain the position of the Federal and Provincial Governments involved in this case. (Periodic report, para. 80)

The decision of the Supreme Court of Canada in *Gosselin v. Québec* (Attorney General), [2002] 4 S.C.R. 429, was rendered on December 19, 2002. The Internet reference is: http://www.lexum.umontreal.ca/csc-scc/en/pub/2002/vol4/html/2002scr4_0429.html. Information on the decision is available in the *Fifth Report of Canada on the International Covenant on Economic, Social and Cultural Rights*, under the Review of Jurisprudence.

In *Gosselin*, the appellant was contesting the validity of regulatory provisions in effect from 1985 to 1989 which served to establish the amount of the benefit for persons under 30 years of age, on the grounds that they infringed the equality right guaranteed by subsection 15(1) of the *Canadian Charter of Rights and Freedoms* and the right to security of the person guaranteed by section 7 of the same Charter and by section 45 of the Québec *Charter of Human Rights and Freedoms*, which provides that “Every person in need has a right, for himself and his family, to measures of financial assistance and to social measures provided for by law, susceptible of ensuring such person an acceptable standard of living.” In his factum to the Supreme Court of Canada in this case, the Attorney General of Québec essentially argued the following points:

1. The measure at issue was designed to remedy the critical situation of unemployed youth by granting them assistance to facilitate their eventual integration in the labour market and prevent their dependence on public financial assistance.
2. To that end, the measure at issue was intended to provide, over and above financial assistance, training programs that could help persons under 30 years of age re-enter the labour market and break the social isolation they were suffering.
3. Far from infringing the right to equality guaranteed by section 15 of the Canadian Charter, the measure at issue was designed to provide persons under 30 years of age with assistance that met their needs.
4. The appellant had not discharged her burden of proof in demonstrating that the Government had violated her right to security of the person guaranteed by section 7 of the Canadian Charter.
5. Section 7 of the Canadian Charter does not oblige the Government to guarantee security of the person, but rather not to deprive persons of that right.
6. Section 7 does not guarantee economic rights or the right to require the Government to provide a specific level of assistance.
7. The level of assistance that the Government decides to grant is not a constitutional issue but a political issue that falls within the purview of elected officials.
8. Section 45 of the Québec Charter is not overriding in this case, and by its very terms sanctions parliamentary sovereignty over financial and social assistance measures offered by the Government from the public purse.

Four provincial governments intervened in the *Gosselin* case: Alberta, British Columbia, New Brunswick and Ontario.

British Columbia's position in *Gosselin* was limited to a response to the alleged violations of the *Canadian Charter of Rights and Freedoms*. The position of the Government of British Columbia was that the rights protected by the Charter were not infringed by Québec's legislation, a position upheld by a majority of the Supreme Court.

The position of the Attorney General of Ontario is that the *Canadian Charter of Rights and Freedoms* does not include a justiciable guarantee of a minimum standard of living or minimum level of income, and in particular that the right to security of the person in section 7 does not include a right to social assistance. Determining the definition of poverty and the amount of assistance required to meet basic needs is inherently a policy – political matter for determination by legislatures. Courts in Ontario and throughout Canada have consistently rejected claims for a right to social assistance on the basis that it is an economic right and that section 7 does not impose positive obligations on governments.

24. Please provide updated information on the actual proportion of unemployed persons receiving Employment Insurance benefits (B/U ratio), on the results of the analyses and assessments undertaken regarding Insurance Employment benefits, as well as on the percentage of unemployed women, young people, immigrants, visible minorities, seasonal, part-time and contract workers, who receive Employment Insurance benefits.

The ratio of EI beneficiaries to the number of unemployed (the B/U ratio) was 38.5 percent for 2004. There are caveats associated with this measure, since it includes individuals not covered by the Employment Insurance (EI) program (such as the self-employed and others who do not pay into the system).

Statistics Canada's Employment Insurance Coverage Survey indicates that, among unemployed individuals previously in paid employment who had a recent job separation that qualified under the EI program, 80.4 percent were eligible to receive EI benefits in 2004. There are variations in accessibility across demographic groups and employment status. The level of access for unemployed adult men (89.6 percent) was higher than for adult women (82.3 percent), while access was 87.6 percent for individuals who had previously worked full-time compared to only 42.8 percent for those who had worked part-time during the year prior to their job separation. Lower access to EI among women reflects their different patterns, because women are more likely than men to work part-time. Access for youth is also lower, because they are more likely to be new entrants to the work force, and thus face higher entrance requirements and are also more likely to work part-time hours. In December 2002, 36.9 percent of youth who were new entrants or re-entrants would have had sufficient insurable hours to collect EI benefits (that is, they had more than 910 insurable hours) versus 83.4 percent of the youth who were not new entrants or re-entrants.

A study of unemployed older workers (aged 55 and over) found there was no difference between the percentage of older workers and workers aged 25 to 54 qualifying for or collecting EI between October 2000 and September 2002. In 2004, older workers tended to remain unemployed longer – 25.4 weeks compared to 19.5 weeks for workers aged 25 to 54.

Among unemployed individuals previously in paid employment who had a recent job separation that qualified under the EI program, immigrants were less likely in 2003 (75.0 percent) to be eligible for EI than Canadian-born workers (82.5 percent). Analysis based on Statistics Canada's Longitudinal Immigration Database for the tax year 2003 indicates that few recent immigrants access the EI program. However, access among immigrants tends to increase within two or three years of landing. Overall, a slightly higher share of immigrant tax-filers report EI earnings (11.3 percent in 2003), compared to all tax-filers (10.4 percent).

25. What follow-up has been given to the recommendation that a national programme be reestablished with specific cash transfers for social assistance and social services that includes universal entitlements and national standards and lays down a legally enforceable right to adequate assistance for all persons in need, a right to freely chosen work, a right to appeal and a right to move freely from one job to another? To what extent were these recommendations taken into account when the Canada Social Transfer replaced the Canada Health and Social Transfer in 2004? (Concluding observations, paras. 19 and 40; periodic report, para. 35)

Information on the current federal transfers to provinces and territories is included in the introduction of *Canada's Fifth Report to the International Covenant on Economic, Social and Cultural Rights*. It should be noted that the former CHST was restructured into separate block transfers (the Canada Health Transfer and the Canada Social Transfer) to improve the transparency and accountability of federal cash and tax transfer support for health, while preserving the flexibility inherent in block transfers to allow provinces and territories to allocate federal support according to their respective priorities in health and other social programs, which are primarily provincial responsibilities, and areas where priorities can vary considerably.

Article 10: Protection of the family, mothers and children

26. The Committee has received information that, in British Columbia, 37 women's centers, providing services to 16% of women and girls in the Province, lost their core funding as of April 2004, causing many to close down. Please explain the reasons for this situation. In addition, please comment on the allegations that in British Columbia, children whose parents receive social assistance can be required to seek employment as soon as they reach age 16, and that this requirement can be made a condition of their family's receipt of social assistance.

Programs and services for women are an integral part of government in British Columbia. Women are a priority for the British Columbia government and this is demonstrated through the appointment of a full Cabinet Minister for Community Services with a key responsibility for Women's Issues as well. The British Columbia government has maintained essential programs and services for women, which include violence-related services, policy work and women's access to information and resources. Further information will be provided in Canada's next report under the *Convention on the Elimination of all Forms of Discrimination against Women*.

With respect to employment, this issue is addressed in Section 30 of the Employment and Assistance Regulation and Section 26 of the Employment and Assistance for Persons with Disabilities Regulation, which read:

For the purposes of section 9 (5) [employment plan] of the Act, if a dependent youth fails to enter into or comply with the conditions in an employment plan when required to do so by the minister, the disability assistance or hardship assistance provided for each calendar month to the dependent youth's family unit may be reduced by \$100 until the dependent youth enters into, or complies with the conditions in, an employment plan.

It is important to note that this regulation has never been put into effect and there are no plans to implement it in the future.

This regulation was intended to apply to situations where a dependent youth aged 16 or older was not attending school full time. It was intended both to provide an incentive for dependent children to remain in school and ensure that those who chose not to attend school full time directed their time to seeking employment and independence from income assistance. The family's income assistance would be reduced by \$100 for each calendar month that the

dependent youth failed to enter into or comply with an employment plan. Furthermore, the condition would no longer apply if the dependent youth chose once again to attend school full time.

27. Please provide information about the number of low-income families, single-mother-led families and Aboriginal families, in Provinces and Territories, as a proportion of all families whose children are relinquished to foster care. What measures have been undertaken by federal and provincial/territorial governments to ensure that affected families have adequate income, housing, and other social supports to enable them to keep their children?

The following information provides examples of support measures of the federal, provincial and territorial governments. Data on the number of children in care in provinces and territories is provided where available; however, unless otherwise indicated, statistics on the proportion of low-income families, single-mother families and Aboriginal families as a proportion of all families whose children are relinquished to foster care are not available.

At the federal level, the Government of Canada is pursuing a broad policy approach to support families with children. This approach includes:

- income support, as well as benefits and services, for low-income families with children, in partnership with provincial and territorial governments, through the National Child Benefit (see the Introduction and paragraphs 108 to 110 of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* for information on the National Child Benefit initiative);
- investments to help meet the housing needs of Canadians, such as the Affordable Housing Initiative and the National Homelessness Initiative. See the Introduction and Article 11 of the Government of Canada section of *Canada's Fifth Report* for additional information.
- labour market participation support, including \$125 million for a Workplace Skills Strategy and \$30 million for workplace learning through the National Literacy Secretariat.
- investments to support Aboriginal families with children and to help strengthen Aboriginal communities, including enhanced funding for federal programs that support the early childhood development of Aboriginal children and \$125 million in support of First Nations Child and Family Services agencies.

Federal, provincial and territorial governments also worked together to implement Child Support Guidelines in 1997, which consist of a set of rules and tables to apply in determining child support. According to a 2002 Report to Parliament, these guidelines have led to fair, predictable and consistent child support amounts, for the benefit of children. The Guidelines have reduced conflict and tension between parents, by making the calculation of child support more objective. They have also improved the efficiency of the legal process to such an extent that most parents are now setting child support amounts without going to court.

As well, the federal *Divorce Act* and provincial family laws provide that support may be paid from one spouse to another spouse depending on means and needs.

In Alberta, the average monthly caseload of children in foster care in 2003-2004 was 5,645. Information on support measures is available in the Alberta section of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*.

In British Columbia, there were 9,115 children in care as of December 31, 2004. Of those, 4,375 or 48 percent were Aboriginal and 3,740 or 41 percent were from families known to be in receipt of income assistance as of the same date. In the 2004-2005 fiscal year, on average 35.5 percent of the monthly admissions were Aboriginal children and 64.5 percent were non-Aboriginal children. During this same period, 34.5 percent of the monthly admissions were children whose families were in receipt of income assistance at the point of admission. This does not include families receiving income benefits through any federal programs such as Aboriginal families on reserve receiving federally funded income supplements.

The Government of British Columbia provides direct funds for shelter and/or as income as well as a number of social supports directed at enabling families to keep their children. These include the following:

- Implementation of Family Group Conferencing to bring families together to plan for children who may be at risk
- Implementation of mediation to resolve disputes with families where matters are before the court
- Introduction of Family Development Response as an alternative to investigation where a report is received indicating that a child may be in need of protection. This differential response involves working collaboratively with families and community services to ensure that the family has access to the community supports required to effectively address issues
- Use of kith and kin agreements and out of care placements to enable children who may otherwise have been in care to reside with members of their extended family or community.
- Provision of child welfare services to Aboriginal children and families through Delegated Aboriginal Agencies
- Provision of child and youth mental health services.

A number of contracted services are also funded, such as drug and alcohol counselling, parent-teen mediation, parenting education, parent support groups, early childhood development initiatives, and a variety of other counselling and support services. In some communities, contracted services are available specifically for Aboriginal children and families.

In addition, the Ministry for Children and Family Development is working with the Ministry of Employment and Income Assistance to develop an agreement to provide extended shelter allowance to families in receipt of income assistance where a child or children are residing outside of the family as a result of involvement with the Ministry for Children and Family Development. The intention of this agreement is to ensure that parents are able to remain in housing sufficient for their entire family.

In Manitoba, October 2005 marked the completion of an historic milestone in the restructuring of Manitoba's child welfare system, with cases being transferred to the most culturally appropriate authority and their respective agencies. Based on the principle that Aboriginal people are entitled

to child and family services in a way that respects their unique status, culture and heritage, the four new child and family services authorities (two Aboriginal, one Métis and one General) now work to ensure children are protected and that children and families receive services in a timely and efficient way.

The Government of Manitoba also has a number of measures to ensure families have adequate income, housing and other social supports to enable them to keep their children, including the following improvements to the Employment and Income Assistance (EIA) Program. Additional measures are described under Article 9 of the Manitoba section of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*.

- Exemption of certain assets including Registered Education Savings Plans, Canada Learning Bonds and some individual accounts to allow people to save for their children's education or a home without their EIA benefits being affected;
- Exemption for residential school compensation payments of participants in the EIA program;
- Further increases in EIA board and room rates for participants requiring care and supervision or residential care and mileage rates paid for EIA participants who are required to use a vehicle to attend medical appointments;
- Increase in the EIA northern allowance for participants in northern and remote communities to help offset the high cost of healthy foods for northern residents;
- Adoption of a single system of income assistance, eliminating duplication in administration and allowing income assistance benefits, and training and employment supports to be delivered in a consistent and efficient manner;
- Increase in the school supplies allowance for children and extension of the allowance to children attending nursery school in publicly-funded schools;
- Improved work incentives, such as past increases to the earnings exemption for participants who work to provide a higher overall disposable income before it affects their EIA benefits, and the provision of other tools including child care for job seekers.

In New Brunswick, the monthly average of children in care in 2004 was 520 children in temporary care and 853 children in permanent care in the province's 893 foster homes and 29 group homes. The Government offers After Hours Emergency Social Services, Family Violence Support, Social Assistance, Day Care Assistance, Family Support Order Services, Housing and Parenting Support, in order to enable families to meet their needs.

In January 2000, the Government of Newfoundland and Labrador proclaimed the *Child, Youth and Family Services Act*. The Family Services Program was developed following proclamation of the Act. This voluntary program was designed to assist children, youth and their families through the provision of services aimed at prevention and early intervention. Services available vary from very informal social supports to professional assessment and therapy, where required. Coordination and linking of services is a critical component of this program to help families access appropriate services in their communities. These services are provided through a written agreement between the families and the agency/agencies identified.

The following data provides the number of children in care for the entire province of Newfoundland and Labrador. Each total represents the number of children in care, as of the end of March 2001, 2002, 2003 and 2004.

Children In Care				
In Care / Custody	Mar 31/2001	Mar 31/2002	Mar 31/2003	Mar 31/2004
Provincial Total	492	459	453	502

The primary aim of the Province's Protective Intervention Program is to assess the risk to the child identified as in need of protective care and provide assessment and intervention to his/her family to support the child(ren) remaining safely in their home. Supportive services may include referral to required services, i.e. mental health or addiction services, provision of purchased services i.e. counseling, respite or parenting program and connection of the family to community agencies for support.

In Ontario, approximately 3,200 families are receiving temporary care assistance for about 4,360 children in temporary care. The Ontario Works program provides employment assistance and financial assistance to eligible persons in temporary financial need. The Ontario Disability Support Program provides income support, including health and other benefits, for people with disabilities in financial need. Information on both programs can be found in Canada's Fourth and Fifth Reports on the ICESCR. In addition to the measures described on those reports, Ontario Works recognizes informal child care costs as allowable deductions to support working parents whose child care needs cannot be met within the standard operating hours of the formal childcare system and the maintenance of eligibility for a child under the age of 16 who is taken into the temporary care of the Children's Aid Society, where there is a return to home plan in place and financial support from the parent(s) is ongoing.

In Québec, the number of children in care placed in a family setting in 2004-2005 was 16,000. Sécurité du revenu is a government agency responsible for administering the income support system, in accordance with the provisions of the *Act respecting income support, employment assistance and social solidarity* (described under Article 9 of the Québec section of *Canada's Fourth Report on the International Covenant on Economic, Social and Cultural Rights*). Its mission is to allocate financial assistance to persons and families who cannot meet their needs on their own and, as an active partner, to help prevent and resolve problem situations so as to promote the economic and social autonomy of such persons.

Information on the Québec Action Plan to Combat Poverty and Social Exclusion and adoption of the *Act to combat poverty and social exclusion* can be found in paragraph 414 of Canada's Fifth Report on the ICESCR. The Action Plan includes the following measures aimed at improving the living conditions of low-income families:

- Child Assistance, a non-taxable refundable tax credit introduced on January 1, 2005, to cover the needs of children under 18 years of age which substantially increases the level of financial assistance to families. This measure represents clear progress for Québec in terms of financial assistance paid to single-parent families who have a child under five years of age. The amount of \$1.1 billion over five years will be allocated between 2004

and 2009, reaching 536,000 low- and middle-income households, including 200,000 families with children.

- An increase in the minimum wage from \$7.30 to \$7.45 an hour in May 2004 and to \$7.60 on May 1, 2005, affecting 132,000 persons in the month of October 2004, most of them women (62 percent) and youth (55 percent).
- Measures to facilitate access to appropriate affordable housing, particularly by increasing the number of social housing units and developing community-housing initiatives. The amount of \$329 million will be allocated over five years, from 2004 to 2009.
- Measures to continue support for the implementation of food supply projects in local disadvantaged communities or specific measures in favour of children.
- Continued development of reduced-rate child care services, particularly to encourage access to them for underprivileged families.
- Increased efforts to develop and consolidate the offer of integrated perinatal and early childhood services for vulnerable families. Since September 2002, over 4,000 young mothers have received services under the Program of Support to Young Parents.
- A partnership with a non-profit agency, which has produced an initial project called *Autonomie jeunes familles* (AJF) in order to intervene quickly with pregnant young women and families expecting their first child who are from a disadvantaged environment. Two other projects will be in development in 2005-2006: *Jeunes parents autochtones* and *Jeunes parents immigrants*.
- Consolidation of various programs designed to support families and schools in disadvantaged areas: the *Programme d'aide à l'éveil à lecture et à l'écriture*, the *Programme Famille, école et communauté, réussir ensemble*, which is testing an educational community model to promote the academic success of elementary students from underprivileged neighbourhoods, and the *Programme Aide aux devoirs*, which targets elementary students. In addition, since 2005 school boards have been able to rely on an additional budget for hiring professional resources to support students experiencing difficulties at school.
- A new deduction for workers, to recognize that a portion of their employment income has to go toward paying for work-related expenses.
- Implementation, starting in January 2006, of the Québec Parental Insurance Plan, which will reach more low-income families.
- Indexing of benefits paid under the Employment-Assistance (social assistance) program in January 2005.

There are approximately 2,700 children in care in Saskatchewan. This includes children, 18 and under, living in foster homes, group homes, institutions, and extended family placements. Of this number: approximately 63 percent are from families where there is involvement in some form of income assistance program; approximately 73 percent are from families with a single parent; and 68 percent are Aboriginal children.

In the Yukon, there were 161 children (104 status Indian and 57 other) in foster care in March 2005. The Yukon Government has a variety of supports designed to enable children to stay with their families in a safe environment. Families with low incomes are eligible for income support (social assistance), child care subsidies, respite and subsidized housing. The Government also offers family support to families with protection concerns – staff work with families to teach

parenting skills, etc – as well as the Healthy Family program to high-risk families with young children, child abuse treatment services and counseling to families.

28. Please provide detailed information on Regulation 117(9)(d) of the 2002 Immigration and Refugee Protection Act and its impact on family reunification. Please also provide data on the number of families who have not qualified under the new Act for reunification because they are recipients of social assistance.

Under Regulation 117(9)(d) of the *Immigration and Refugee Protection Act* (IRPA), if an applicant does not disclose and make available for examination his family members at the time he applies for permanent residence, he is unable to sponsor those family members to join him in Canada. The purpose of the regulation is to encourage truthfulness and to discourage concealment of family members who are potentially inadmissible to Canada.

The regulation was amended in 2004 to provide for exceptions. For example, if a family member was not examined because they were not required to be examined for regulatory, administrative or policy reasons, they are not covered by the exclusion and can be sponsored at a later date.

Due to the nature of the refugee dilemma and the resulting family divisions and separations, visa officers have the authority to waive the requirement to examine non-accompanying family members. Therefore, if the family member later becomes available for examination, a family class sponsorship would be possible if the family member was declared at the time of the original application.

The Government of Canada does not keep specific figures on the number of clients affected by this regulation but the number of clients affected by this regulation is estimated to be less than 1 percent of family class sponsorships. If exceptional circumstances exist to explain the non-examination or non-disclosure of a family member, the IRPA also contains provisions that allow Regulation 117(9)(d) to be waived for humanitarian and compassionate reasons.

The IRPA implemented a sponsorship bar which disallows persons in receipt of social assistance, unless for reasons of disability, from sponsoring. Application kits containing self-assessment questionnaires indicate to clients that persons in receipt of social assistance are ineligible, thereby likely leading to clients self-screening, and subsequently making it difficult to assess the number of persons actually barred from sponsoring as a result of this new regulation.

Family class sponsorship applications have two general parts leading to a final decision on the permanent residence application of the family class applicant: 1) the eligibility assessment of the sponsor, and 2) the processing of the family class member's permanent residence application (including the final decision on the case).

The sponsor's status with respect to social assistance is reviewed as part of the sponsor's eligibility assessment, and may not necessarily lead to a refusal of the overall family class permanent residence case. Hence, it is not possible to provide accurate numbers where family class permanent residence cases have been refused due to receipt of social assistance on the part of the sponsor.

However, the number of sponsors who received a negative eligibility assessment (which may or may not have led to a refusal on the overall family class permanent residence case) due to receipt of social assistance (other than for reasons of disability) was substantially less than 1,000 cases between the implementation of IRPA and the first quarter of 2005.

It must also be noted that verifications of receipt of social assistance in the context of sponsorship assessments are only possible where Citizenship and Immigration Canada (CIC) and the applicable provincial/territorial authority have an information-sharing Memorandum of Understanding (MOU) that provides for this verification. Currently, CIC has such MOUs with Ontario, British Columbia, Alberta and the Yukon.

Article 11: The right to an adequate standard of living

29. Please explain why the State party has not adopted a poverty line, and why, in spite of a strong economic growth since 1998, poverty has reportedly worsened in the country. Please indicate the extent of poverty in all Provinces and Territories. In addition, please provide detailed information on the provisions of the Québec Anti-Poverty Act 2003. (Concluding observations, para. 13)

As indicated in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*, Canada has no official measure of poverty. However, Statistic Canada's low-income cut-offs are generally used as a proxy. Please consult response to question 17 for low income cut-offs (1992 base) before tax.

Overall, Canada has seen its low-income rates decreasing, from 13.7 percent in 1998 to 11.5 percent in 2003, which represents a decline of approximately 470,000 Canadians living in low income over this period.

The low-income trend among children is encouraging. The incidence of low incomes among individuals under 18 has fallen from 18.6 percent in 1996 to 12.4 percent in 2003 (see below).

The tables below show the percentage of persons in low-income after tax (1992 LICOs base) for 1998 and 2003, for Canada and for each province and territory.

1998: Prevalence of low income after tax (1992 LICOs base), by province (%)											
	CA	BC	AB	SK	MB	ON	QC	NB	NS	PEI	NL
All persons	13.7	14.5	13.3	11.1	14.0	11.7	16.9	11.4	14.1	8.5	13.8
Under 18 years	15.5	13.5	14.0	11.1	17.4	14.9	18.6	14.0	16.6	7.4	18.9
18 to 64 years	13.9	16.1	14.3	12.8	13.3	11.6	16.7	12.0	15.0	9.0	13.9
65 years and over	8.6	8.0	5.3	3.7	10.5	6.3	15.4	3.3	5.0	8.1	2.7
Males	12.8	13.5	13.2	10.0	12.5	11.0	15.9	11.3	11.4	8.1	14.1
Under 18 years	16.0	15.4	14.5	9.9	17.9	15.3	18.8	15.4	15.6	9.0	21.5
18 to 64 years	12.9	14.4	14.0	11.8	11.4	10.6	15.7	11.6	11.2	8.4	13.4
65 years and over	5.4	4.9	3.6	2.0	5.7	3.9	10.3	0.5	3.4	4.6	1.4
Females	14.5	15.5	13.4	12.1	15.4	12.4	18.0	11.5	16.6	8.8	13.6
Under 18 years	14.9	11.5	13.4	12.4	16.9	14.5	18.3	12.6	17.7	5.8	16.4
18 to 64 years	15.0	17.8	14.5	13.8	15.2	12.5	17.6	12.5	18.6	9.6	14.3

65 years and over	11.1	10.6	6.8	5.1	14.1	8.2	19.2	5.3	6.2	10.8	3.7
Economic family persons	10.4	10.5	9.9	7.8	10.8	9.2	12.6	9.1	11.4	6.0	11.7
Males	9.6	9.9	9.8	6.6	9.8	8.5	11.6	8.4	9.5	5.6	11.9
Females	11.1	10.9	10.1	8.9	11.8	10.0	13.5	9.7	13.2	6.4	11.4
Elderly persons	3.3	3.4	2.5	1.7	3.6	2.4	5.7	0.7	2.4	5.7	0.9
Elderly males	2.7	2.6	1.4	1.0	2.3	1.6	5.7	0.6	2.8	F	1.2
Elderly females	3.9	4.3	3.6	2.5	5.0	3.2	5.7	0.8	2.0	F	0.5
Persons under 18 years of age	15.5	13.5	14.0	11.1	17.4	14.9	18.6	14.0	16.6	7.4	18.9
In to-parent families	9.8	7.4	9.7	9.4	11.8	9.0	12.9	6.6	6.2	3.5	13.9
In female lone-parent families	46.1	46.2	37.2	18.8	48.4	48.9	45.7	52.2	68.6	36.3	57.5
In all other economic families	22.2	9.3	30.0	8.2	37.8	17.0	33.9	21.1	26.9	F	F
Persons 18 to 64 years of age	9.2	10.3	8.9	7.2	8.8	7.8	11.1	8.4	10.7	5.4	10.4
Males	7.8	8.8	8.4	6.0	6.9	6.5	9.4	6.7	7.9	4.6	9.8
Females	10.6	11.7	9.4	8.3	10.5	9.1	12.8	9.9	13.3	6.1	11.0
Unattached individuals	35.1	36.5	35.7	31.7	33.8	30.0	41.9	29.2	32.9	28.5	38.3
Males	33.8	31.7	33.8	32.0	30.5	30.2	41.0	34.9	25.9	28.5	41.3
Females	36.4	42.0	38.0	31.4	36.8	29.9	42.8	24.1	38.5	28.5	35.9
Elderly persons	20.8	18.9	13.0	7.8	22.0	16.0	35.6	9.2	11.2	13.9	8.5
Elderly males	17.5	15.7	13.3	F	16.9	15.0	29.4	F	F	F	F
Elderly females	22.0	20.1	12.9	8.6	23.8	16.4	37.7	11.4	13.2	12.4	10.4
Persons under 65 years of age	40.4	42.0	41.1	44.0	40.7	35.7	44.1	38.7	42.6	35.5	52.2
Males, under 65 years	36.5	33.9	36.2	39.0	34.1	32.9	42.7	40.3	30.6	30.3	49.2
Females, under 65 years	45.8	54.6	48.9	50.9	49.9	39.4	45.8	36.3	55.8	44.0	55.9

2003: Prevalence of low income after tax (1992 LICO base), by province (%)											
	CA	BC	AB	SK	MB	ON	QC	NB	NS	PEI	NL
All persons	11.5	15.1	11.0	9.5	12.4	10.3	12.2	9.4	10.7	6.7	11.9
Under 18 years	12.4	18.5	11.2	12.5	16.7	11.3	10.8	10.7	13.9	4.9 ^E	15.5
18 to 64 years	12.1	15.0	12.1	10.1	11.8	10.9	13.0	10.3	10.9	7.9	12.6
65 years and over	6.8	10.3	3.5 ^E	1.7 ^E	8.0	4.9	10.3	2.9 ^E	5.0 ^E	4.5 ^E	2.1 ^E
Males	10.9	14.7	10.7	9.3	12.0	9.8	11.1	9.5	10.1	6.8^E	11.1
Under 18 years	12.6	20.2	11.4	11.1	18.2	11.3	10.9	12.0 ^E	13.1 ^E	5.2 ^E	11.7 ^E
18 to 64 years	11.4	14.1	11.5	10.2	10.9	10.3	12.2	9.8	10.1	7.9	12.3
65 years and over	4.4	8.8 ^E	2.4 ^E	1.3 ^E	4.9 ^E	3.7 ^E	4.3 ^E	2.5 ^E	4.4 ^E	3.7 ^E	2.8 ^E
Females	12.1	15.5	11.4	9.6	12.9	10.7	13.3	9.4	11.3	6.7	12.7
Under 18 years	12.1	16.8	11.0 ^E	14.0	15.0 ^E	11.2	10.6	9.2 ^E	14.7	4.5 ^E	19.4 ^E
18 to 64 years	12.7	15.9	12.7	10.0	12.7	11.5	13.7	10.8	11.6	7.8	12.8
65 years and over	8.7	11.6	4.3 ^E	2.0 ^E	10.4	5.9	14.9	3.2 ^E	5.5 ^E	5.1 ^E	1.5 ^E
Economic family persons	8.5	12.1	7.6	7.1	9.7	7.8	8.4	7.5	8.2	3.8^E	9.1
Males	8.0	11.8	7.1	5.9	9.7	7.3	7.7	7.2	7.4	3.7 ^E	7.7
Females	9.1	12.3	8.0	8.3	9.8	8.3	9.1	7.7	8.9	3.9 ^E	10.4
Elderly persons	2.2	4.4^E	2.0^E	0.4^E	2.8^E	1.6^E	2.2^E	1.5^E	1.4^E	2.7^E	F
Elderly males	2.0 ^E	5.0 ^E	2.7 ^E	0.2 ^E	2.6 ^E	1.5 ^E	1.4 ^E	0.9 ^E	1.4 ^E	3.7 ^E	F
Elderly females	2.3 ^E	3.8 ^E	1.2 ^E	0.5 ^E	3.1 ^E	1.8 ^E	3.1 ^E	2.1 ^E	1.4 ^E	F	F
Persons under 18 years of age	12.4	18.5	11.2	12.5	16.7	11.3	10.8	10.7	13.9	4.9^E	15.5
In to-parent families	7.7	10.9 ^E	8.0 ^E	6.2 ^E	13.0 ^E	7.2	6.6 ^E	5.0 ^E	8.0 ^E	4.8 ^E	8.1 ^E
In female lone-parent families	40.9	56.0	40.7	40.1	43.7 ^E	39.9	33.3	44.1	38.5 ^E	F	50.2
In all other economic	13.8 ^E	30.1	F	23.2 ^E	F	9.4 ^E	14.2 ^E	F	23.9 ^E	F	F

families												
Persons 18 to 64 years of age	8.0	10.9	6.7	5.9	7.8	7.4	8.5	7.2	7.2	3.5^E	8.3	
Males	7.1	9.7	5.8	4.6	6.9 ^E	6.6	7.5	6.3	6.0	2.9 ^E	7.5 ^E	
Females	8.9	11.9	7.6	7.0	8.7	8.2	9.4	8.1	8.2	4.0 ^E	9.0	
Unattached individuals	29.4	31.2	31.6	23.0	28.3	27.7	31.2	23.2	26.1	29.5	38.4	
Males	28.4	29.1	30.5	27.5	26.1	27.8	28.1	25.7	26.7	33.2	41.9	
Females	30.5	33.6	32.8	18.1	30.3	27.6	34.3	20.9	25.5	26.5 ^E	34.9	
Elderly persons	17.7	24.2	7.1^E	4.4^E	18.9	13.7	26.9	5.7^E	13.1^E	8.5^E	8.6^E	
Elderly males	14.7	24.8 ^E	F	F	14.8 ^E	14.3 ^E	15.5 ^E	7.8 ^E	15.2 ^E	F	F	
Elderly females	18.9	23.9	9.3 ^E	3.9 ^E	20.3 ^E	13.5	31.0	4.8 ^E	12.2 ^E	10.1 ^E	F	
Persons under 65 years of age	33.6	33.5	37.5	32.4	32.2	32.8	32.7	32.9	31.6	40.8	51.6	
Males, under 65 years	30.7	29.7	33.5	31.9	28.2	30.3	30.1	30.5	29.2	40.1	49.4	
Females, under 65 years	37.5	39.2	43.4	33.3	37.8	36.0	36.1	36.4	34.7	41.7 ^E	54.5	

E = use with caution

F= too unreliable to be published

Source: Statistics Canada, *Income in Canada*, 2003.

Some additional province-specific information is provided below.

In British Columbia, two major influences have had an impact on low income rates:

- The economic cycle - Following a period of relatively slower growth than the rest of Canada in the 1990s, British Columbia experienced a sharper slowdown in growth in 2001 and relatively slower growth in employment in 2001 and 2002. This relatively sharp downturn can be attributed largely to the weakness in US export demand for lumber and minerals and the imposition of the softwood lumber countervailing duties in 2001.
- Immigration – British Columbia's share of new immigrants has increased relative to other provinces since the mid-1990s. Statistics Canada studies have shown that a high proportion of immigrants who have been landed for less than ten years have experienced high rates of unemployment and low-income over this period. This may be related to the relatively slow job growth in the late 1990s and early part of this decade and to greater labour market barriers associated with having English as a second language and being from non-traditional immigrant source countries.

It is expected that British Columbia's low-income rates for 2004 and 2005 will show considerable improvement. British Columbia's employment growth has been strong, with continuing strong economic growth led by resource exports. In addition, evidence on new immigrants from Statistics Canada indicates that newer arrivals in the past five years have been doing much better in the job market and that the average incomes of immigrant cohorts who have arrived within the past ten years are returning to their previous strong growth trend.

In Newfoundland and Labrador, the prevalence of low income declined from 13.8 percent in 1998 to 11.9 percent in 2003. The Government of Newfoundland and Labrador recognizes that poverty is a complex problem with many causes. Reducing low-income rates requires a long-term integrated approach, a mix of policy options and cooperation between all levels of government, as well as between government and community stakeholders, including community-based groups, business and labour. The Government has made a commitment to reduce the

number of individuals falling below the LICO and is developing a comprehensive, government-wide poverty reduction strategy to do so.

In Québec, the low-income rate fell from 16.9 percent in 1998 to 12.2 percent in 2003. Furthermore, the number of welfare recipients and the social assistance rate (the ratio of the number of welfare recipients to the population aged 65 and under) have been in constant decline since 1996. From 1996 to 2004, the number of recipients fell from 813,200 to 532,200, and the social assistance rate from 12.7 percent to 8.2 percent.

The *Act to combat poverty and social exclusion*, which came into force on March 5, 2003, is intended to guide the government and Québec society as a whole in planning and implementing actions to combat poverty, prevent its causes, reduce its effects on individuals and families, counter social exclusion and strive towards a poverty-free Québec. The Act aims to “progressively make Québec, by 2013, one of the industrialized nations having the least number of persons living in poverty.”

The Act establishes a strategy to combat poverty and social exclusion, articulated around the following goals: promote respect for and the dignity of persons, improve their economic and social situation, reduce inequalities, encourage people to participate in community life, and develop and reinforce the sense of solidarity.

The Act also provides for a government action plan, adopted in 2004, which proposes certain amendments to the Employment-Assistance Program instituted by the *Act respecting income support, employment assistance and social solidarity*, such as elimination of the benefit reductions related to shared housing, introduction of the minimum benefit principle for the payment of employment assistance, permission for adults and families to own property and liquid assets of a value greater than previously permitted in order to encourage self-sufficiency or take temporary economic difficulties into account, and partial exemption of child support income for any family with a dependent child. Under this action plan, the government has to set targets for improving the income of employment-assistance recipients and persons working full-time or on a sustained basis who are living in poverty. The shared-housing reductions have already been abolished, and the minimum benefit has been in effect since October 1, 2005. Most of the other amendments are also expected to come into effect shortly.

30. Please indicate whether current provincial and territorial social assistance rates allow recipients to live above the LICO line, and provide a comparison of the level of such rates between 1994, when the Canadian Assistance Plan was in place, and 2004. Please disaggregate these data by sex, visible minorities, indigenous people, and immigrant status.

The low income cutoffs should not be regarded as an official measure of poverty, nor are they used by governments in establishing social assistance rates or other benefits. LICOs are based on the proportion of income average Canadian families spend on food, shelter, clothing and footwear. They can facilitate comparisons on how persons are doing in relation to the average, but do not necessarily imply poverty or reflect the costs of necessities facing individuals and families who find themselves in need of social assistance.

Likewise, the figures included below in the *Welfare Incomes* table should be interpreted with caution because they are estimates. Government assistance rates vary by family size and circumstance and may be supplemented by special benefits. As a result, certain persons may have an income level higher than the after-tax LICOs, depending on their family situation, employability or region of residence.

The following data on low income cutoffs for 1994 and 2003 (the latest year for which data is available) is taken from Statistics Canada's publication *Income in Canada 2003*, available online at <http://www.statcan.ca/english/freepub/75-202-XIE/75-202XIE2003000.pdf>. The disaggregated data requested is not available.

Low income cutoffs (1992) 1994 and 2003 AFTER TAX					
	Community size				
Size of family unit	Rural areas	Urban areas			
		Less than 30,000*	30,000 to 99,999	100,000 to 499,999	500,000 and over
1994					
1 person	9,025	10,329	11,522	11,668	13,797
2 persons	10,984	12,572	14,024	14,200	16,791
3 persons	13,678	15,653	17,462	17,683	20,909
4 persons	17,064	19,529	21,786	22,061	26,085
5 persons	19,431	22,238	24,808	25,121	29,703
6 persons	21,550	24,663	27,513	27,859	32,942
7 or more persons	23,668	27,087	30,218	30,598	36,180
2003					
1 person	10,821	12,384	13,815	13,990	16,542
2 persons	13,170	15,073	16,815	17,027	20,133
3 persons	16,400	18,768	20,938	21,202	25,070
4 persons	20,460	23,416	26,122	26,451	31,277
5 persons	23,298	26,664	29,746	30,120	35,615
6 persons	25,838	29,571	32,989	32,404	39,498
7 or more persons	28,378	32,478	36,231	36,688	43,381
* Includes cities with a population between 15,000 and 30,000 and small urban areas (under 15,000).					

The National Council of Welfare (NCW), a citizens' advisory body to the Minister of Social Development Canada, regularly publishes reports on poverty and social policy issues. The Council's report on *Welfare Incomes 2004* includes information on estimated annual welfare income for each province and territory by type of household. The report is available at http://www.newcnbes.net/htmldocument/principales/onlinepub_e.htm. The following data is compiled from the NCW report; data is included for 1994 and 2003.

Welfare incomes, by province and territory (2004 dollars)			
		1994	2003
Newfoundland and Labrador			
Single parent, one child	Provincial	13,762	11,969
	Federal	2,115	3,373
	Total	15,877	15,342
Couple, two children	Provincial	14,891	12,878
	Federal	3,236	5,628
	Total	18,127	18,507
Prince Edward Island			
Single parent, one child	Provincial	13,271	10,210
	Federal	2,109	3,373
	Total	15,380	13,583
Couple, two children	Provincial	19,776	15,315
	Federal	3,236	5,628
	Total	23,011	20,944
Nova Scotia			
Single parent, one child	Provincial	12,871	9,380
	Federal	2,094	3,373
	Total	14,965	12,753
Couple, two children	Provincial	15,241	13,002
	Federal	3,236	5,628
	Total	18,477	18,631
New Brunswick			
Single parent, one child	Provincial	10,807	10,111
	Federal	2,046	3,373
	Total	12,853	13,483
Couple, two children	Provincial	12,068	11,543
	Federal	3,236	5,628
	Total	15,304	17,172
Québec			
Single parent, one child	Provincial	14,087	10,965
	Federal	1,917	3,373
	Total	16,004	14,338
Couple, two children	Provincial	16,526	12,778
	Federal	3,153	5,628
	Total	19,679	18,407
Ontario			
Single parent, one child	Provincial	18,450	10,809
	Federal	2,122	3,373
	Total	20,572	14,182
Couple, two children	Provincial	23,905	13,194
	Federal	3,235	5,628
	Total	27,140	18,822

Manitoba			
Single parent, one child	Provincial	11,775	9,819
	Federal	2,078	3,373
	Total	13,853	13,192
Couple, two children	Provincial	20,510	13,637
	Federal	3,236	5,628
	Total	23,746	19,266
Saskatchewan			
Single parent, one child	Provincial	12,686	9,297
	Federal	2,093	3,373
	Total	14,779	12,670
Couple, two children	Provincial	18,086	13,215
	Federal	3,236	5,628
	Total	21,321	18,843
Alberta			
Single parent, one child	Provincial	11,233	8,849
	Federal	1,978	3,274
	Total	13,211	12,123
Couple, two children	Provincial	17,685	13,421
	Federal	3,352	5,714
	Total	21,037	19,135
British Columbia			
Single parent, one child	Provincial	14,574	10,560
	Federal	2,120	3,373
	Total	16,694	13,933
Couple, two children	Provincial	18,584	12,801
	Federal	3,236	5,628
	Total	21,820	18,430
Yukon			
Single parent, one child	Territorial	16,023	16,875
	Federal	2,121	3,373
	Total	18,144	20,248
Couple, two children	Territorial	24,153	23,120
	Federal	3,236	5,628
	Total	27,389	28,749
Northwest Territories			
Single parent, one child	Territorial	23,418	18,685
	Federal	2,121	3,373
	Total	25,540	22,058

Couple, two children	Territorial	27,759	24,132
	Federal	3,236	5,628
	Total	30,995	29,761
Nunavut**			
Single parent, one child	Territorial	29,002	18,787
	Federal	2,742	2,958
	Total	31,744	21,745
Couple, two children	Territorial	34,298	31,815
	Federal	4,329	3,604
	Total	38,627	35,419
* Due to the effects of rounding, totals may not always add up.			
** The territory of Nunavut was created in 1999; data is provided for 1999.			

Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights contains additional information on provincial and territorial social assistance rates under article 9.

31. According to information received by the Committee, the percentage of working age adults with disabilities living below the LICO line is much higher than the rest of the population. Please provide relevant data, including comparative statistics, and describe measures adopted to address these disparities.

According to Survey of Labour and Income Dynamics (SLID), the percentage of adults with disabilities (aged 16 to 64) with household after-tax incomes below the LICO decreased by 2.5 percent between 1999 and 2002. Yet people with disabilities are still more likely to live in households with incomes below the LICO than their peers without disabilities. In 2002, 19.7 percent of adults with disabilities lived in low-income households, more than double the number of their peers without disabilities (8.9 percent).

The percentage of seniors with disabilities living in low-income households also decreased slightly, by 1.6 percent, between 1999 and 2002. In 2002, seniors with disabilities were more likely to live in low-income households than seniors without disabilities (8.2 percent versus 6.2 percent). Overall, seniors live in low-income households less often than the working-age population.

Information on measures taken by governments in Canada to improve the situation of persons with disabilities can be found in the following sections of *Canada's Fifth Report on the International Covenant on Economic Social and Cultural Rights*: Introduction (paragraphs 62 – 64), Government of Canada (paragraphs 81 – 82, 101, 122, and 151), British Columbia (paragraphs 166, 170 – 172), Alberta (paragraph 210), Saskatchewan (paragraph 261), Manitoba (paragraphs 298 and 315), Ontario (paragraphs 318 – 319), Québec (paragraphs 395 and 429), Nova Scotia (paragraph 469 and 473), Prince Edward Island (paragraphs 515), Newfoundland and Labrador (paragraph 547), and Northwest Territories (paragraph 596).

Additional measures adopted by the Government of Québec include:

- Employment-Assistance (social assistance) program recipients can receive an allowance for severe employment limitations (\$256 per month for a single person, \$353 per month for a couple), free prescription drugs and various special benefits for health care needs.
- Various tax measures in the form of deductions and tax credits, including an amount for serious and prolonged mental or physical impairment, a tax credit for medical expenses, a tax credit for accommodation of a parent and a deduction for products and services to support a person with an impairment.
- A direct allowance program for domestic help services, for personal home care, for civic support and for support in the family.
- Adapted employment measures offering specialized assessment and guidance, funding of accommodations to access *Emploi Québec* services and pre-employability measures.
- Measures for work accommodation provided for in the *Contrat d'intégration au travail* program, which allows for compensation via a salary grant to the employer for the impact that the limitations of the person with a disability has on the performance expected by the employer in the workstation. This program also permits funding for adapting the workstation, site accessibility, purchase of equipment, coaching, interpretation, or any other accommodation required for the participation of the person with the disability.
- Protected jobs: a network of 44 adapted companies offers persons with disabilities jobs that are adapted to their functional limitations. Eligible persons are those who, while they may be productive, have major functional limitations that prevent them from being competitive in company.

32. Please provide detailed information on specific strategies undertaken to address the poverty of single mothers, Aboriginal women, visible minority women, women who are recent immigrants, women with disabilities and older single women.

Federal, provincial and territorial governments have implemented initiatives to address the issues of women living in poverty. These cover a broad range of areas, such as income support and employment, health, education and training, housing, etc. For details on these initiatives, please consult *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* (under article 11), and Canada's most recent reports on the *Convention on the Elimination of All Forms of Discrimination against Women*, and Canada's response to the questionnaire on the implementation of the Beijing Platform for Action, submitted in June 2004 (http://www.swc-cfc.gc.ca/pubs/unquestionnaire04/index_e.html).

Additional initiatives are described below.

Federal, provincial and territorial initiatives include implementing mechanisms that facilitate compliance with family support obligations to families, including single mothers and children.

The Child Support Web site includes information and links on family support enforcement in Canada and can be accessed online at <http://www.justice.gc.ca/en/ps/sup/enforcement>.

The following programs of the Government of Alberta are not aimed specifically at women but have a direct impact in addressing the poverty of women with disabilities or older single women:

- Alberta Seniors and Community Supports provide income assistance to seniors and persons with disabilities.
- The Alberta Senior Benefit program is an income-based program that provides cash benefits for eligible seniors.
- The Assured Income for the Severely Handicapped program provides financial and health benefits for adult Albertans with permanent disabilities that severely impairs their ability to earn a living.

In Manitoba, one of the priorities of the Women's Directorate is to enhance the capacity of women to attain economic self-sufficiency and/or economic security. The Women's Directorate offers three initiatives that, although not specifically focused on addressing poverty, provide training to encourage women's participation in employment and provides low-income women with the education and training necessary to access higher paying jobs and a better standard of living:

- *Trade Up to Your Future* is an education and training program for women of all ages that can enable women to enter non-traditional career areas such as machining, welding and electronics.
- *Power Up* was created to address the low levels of computer literacy among mature women to increase the number with basic computer skills, the number able to access employment opportunities requiring computer literacy, and the level of confidence with computers and to encourage them to seek advanced training on their own.
- The *Training for Tomorrow Scholarship Awards Program* offers awards to encourage women to enter high skills training in two-year diploma programs in maths, sciences, and technology courses that lead to employment in high demand occupations that will give them economic self-sufficiency.

Additional government measures and programs include:

- A further two-stage increase to Manitoba's minimum wage (see paragraph 293 of Canada's Fifth Report on the ICESCR): an increase to \$7.60 an hour on April 1, 2006, and to \$8.00 an hour on April 1, 2007.
- Settlement and adult language training support for immigrants to Manitoba include community based adult English as an additional language programs that are tailored to the needs of immigrant women who may be isolated at home with children. The programs offer child minding and transportation supports and are located in neighbourhoods. There are also two classes for higher language learners to develop communication skills and make transition plans for further education or to enter the workforce.

In 2005, the Government of Newfoundland and Labrador announced an integrated approach to poverty that will engage partners. The Government will invest \$200,000 towards the

development of a poverty reduction strategy. This is being done in conjunction with other significant initiatives to address barriers for those most often affected by poverty, including children, single parents, women and persons with disabilities. The Government is pursuing a comprehensive, integrated approach that will make the connections between poverty and gender, education, housing, employment, health, social and financial supports, and tax measures and the link between women's poverty and their increased vulnerability to violence. It will also consider how different policies may relate to each other and impact the person they are designed to assist.

The strategy will include a profile of those living in poverty in the province, and will incorporate initiatives to reduce the depth and level of poverty, alleviate its negative effects and help break the cycle of inter-generational dependence over the mid- and long-term. Given the gap in the data available to build accurate profiles of poverty in the province, the development of the plan will include research to further understand the dynamics of those living in poverty, including geography, gender, duration, family type, and attachment to the labour market. After tax incomes and comparisons of the cost of living throughout the province will be considered as part of this analysis. The strategy to reduce poverty in the longer term will look at the roles of various stakeholders and such programs and areas as income support rates, the tax system, child benefits, access to prescription drugs, education and training supports, housing supports, initiatives to enhance economic development in the province and incentives to improve compliance with support enforcement orders.

In addition to the *Women in Skilled Trades and Information Training Technology for Women* programs described in paragraphs 325 and 326 of Canada's Fifth Report on the ICESCR, the Government of Ontario works to prevent violence against women and to promote women's economic independence. Ontario Women's Directorate programs aimed at increasing women's economic independence include:

- *Partners for Change* provides funding for partnership initiatives aimed at providing young women with information on career opportunities, including non-traditional occupations and those requiring a foundation in math, science and technology; promoting recruitment and retention of women in growth industries; and promoting women's entrepreneurial success.
- *Investing in Women's Futures* provides funding to women's centres for employment and pre-employment supports and training and women's safety counselling. Focus is on low-income women and/or target populations (immigrant, Aboriginal, Francophone).
- *Domestic Violence Employment Training Pilot Program* provides funding to programs aimed at helping women who have experienced, or who are at risk of experiencing domestic violence to achieve sustainable economic security.

The Government of Québec offers a number of government measures to combat poverty, in addition to those indicated in questions 29 and 30, that concern women in particular. For example:

- Employment assistance (social assistance) recipients who have a dependent child under five years receive a monthly supplement of \$114 as an allowance for temporary employment limitations. Also entitled to this allowance are women who are at least 20

weeks pregnant, until the fifth week after delivery. A monthly supplement of \$108 is also granted to single-parent families. Although these measures are not specifically targeted to women, nearly 90 percent of the adults who take advantage of them are women. Various other special benefits are specifically designed to meet the particular needs of women (pregnancy, nursing and infant formula, shelter in the event of conjugal violence, contraception).

- *Ma place au soleil* is a multidisciplinary initiative that provides access to reduced-rate child care spaces for young parents on employment assistance who are acquiring vocational qualifications. Its priority is single-parent families with infants under 18 months old.
- Until January 1, 2006, the Maternity Allowance Program provided financial assistance to salaried female employees on leave due to pregnancy to cover the loss incurred by the waiting period imposed by the *Employment Insurance Act* for parental benefits. Since then, the new Québec Parental Insurance Plan covers all of the clientele concerned.
- Underage pregnant girls in a precarious situation who participate in the Program of Support to Young Parents of the Ministère de la Santé et des Services sociaux benefit from a specific financial support measure.
- An intervention strategy for women workers recognizes and takes into account the issues faced by women in the labour market and organizes employment services to meet their needs.
- A government approach facilitates the labour market integration of immigrants and visible minorities, especially immigrant women.

Social assistance programs in Yukon are provided by Yukon, First Nations and the federal Department of Indian and Northern Affairs. Single mothers can receive social assistance without having to look for work until their child is 6 years old. The Territorial Supplementary Allowance for people with disabilities on social assistance was increased from \$125 to \$250 a month. Earnings exceptions have also been increased. Other services offered are child care subsidies (income tested), shelters for abused women, help in getting and finding a job, training allowances, shelter for the homeless (e.g. counseling, support groups, etc.). There is also a rural pregnant mother program that provides low-cost accommodation to pregnant women awaiting birth in the capital, Whitehorse. As well, a number of programs, including the Yukon Child Benefit, Kids Recreation Fund and services for children with disabilities, and subsidized housing, assist low-income families. The Women's Directorate provides funding to the Women's Centre for a women's advocate position. For seniors, there is the Pioneer Utility Grant (to offset the cost of utilities), a Pharmacare Program (prescription drugs) and Extended Health Benefits. These are free to seniors who do not have private insurance.

33. Please provide more detailed information, including statistical data, about groups facing food insecurity in the State party and describe the main features and results of the 1998 Canada's Action Plan for Food Security. (Periodic report, para. 293 and following). Please

explain why the use of food banks in Canada has reportedly gone up by 26.6 % since 1998 and that many food banks have difficulties in responding to the demand. Please provide detailed information on the extent to which Provinces and Territories are reliant on food banks.

Canada ranks high among nations in levels of disposable income and per capita food supplies, and among the lowest in the real cost of food and the share of incomes spent on food. As such, the vast majority of Canadians are food secure; however, some groups may be more at risk of food insecurity than others, as shown in a number of studies. According to Statistics Canada, an estimated 2.3 million people, or approximately 7.4 percent, were considered to be living in what is known as a food-insecure household in 2004, with less than 2.5 percent of the population reporting moderate or severe hunger.

Level of household food insecurity, by sex, household population, Canada and provinces

	Total	Food secure		Food insecure						Food insecurity, not stated	
				Without hunger		With moderate hunger		With sever hunger			
	Number	Number	%	Number	%	Number	%	Number	%	Number	%
2004											
Canada	31,030,722	28,706,473	92.5	1,411,416	4.5	586,147	1.9	129,469	0.4	197,217	0.6
Males	15,330,664	14,215,104	92.7	637,246	4.2	303,693	2.0	51,639^E	0.3^E	122,981^E	0.8^E
Females	15,700,058	14,491,369	92.3	774,170	4.9	282,453	1.8	77,830^E	0.5^E	74,236^E	0.5^E
Newfoundland and Labrador	512,487	465,500	90.8	27,714	5.4	7,655^E	1.5^E	F	F	F	F
Males	253,221	231,442	91.4	12,491 ^E	4.9 ^E	1,978 ^E	0.8 ^E	F	F	F	F
Females	259,266	234,059	90.3	15,223 ^E	5.9 ^E	5,677 ^E	2.2 ^E	F	F	F	F
Prince Edward Island	135,973	125,998	92.7	6,792	5.0	1,838^E	1.4^E	F	F	F	F
Males	66,961	62,708	93.6	2,952 ^E	4.4 ^E	F	F	F	F	F	F
Females	69,012	63,291	91.7	3,840 ^E	5.6 ^E	F	F	F	F	F	F
Nova Scotia	909,560	802,418	88.2	58,213	6.4	38,831^E	4.3^E	F	F	F	F
Males	438,689	392,969	89.6	23,414 ^E	5.3 ^E	F	F	F	F	F	F
Females	470,871	409,449	87.0	34,800 ^E	7.4 ^E	21,142 ^E	4.5 ^E	F	F	F	F
New Brunswick	729,794	661,956	90.7	41,202^E	5.6^E	13,896^E	1.9^E	F	F	F	F
Males	357,297	319,319	89.4	18,209 ^E	5.1 ^E	F	F	F	F	F	F
Females	372,497	342,638	92.0	22,993 ^E	6.2 ^E	5,478 ^E	1.5 ^E	F	F	F	F
Québec	7,369,295	6,929,133	94.0	308,011	4.2	92,521^E	1.3^E	F	F	F	F
Males	3,618,276	3,376,468	93.3	191,396 ^E	5.3 ^E	41,429 ^E	1.1 ^E	F	F	F	F
Females	3,751,019	3,552,664	94.7	116,616 ^E	3.1 ^E	51,092 ^E	1.4 ^E	F	F	F	F
Ontario	12,176,330	11,343,292	93.2	480,553	3.9	216,900	1.8	50,830^E	0.4^E	84,756^E	0.7^E
Males	6,018,581	5,636,061	93.6	193,854	3.2	113,450 ^E	1.9 ^E	F	F	F	F
Females	6,157,749	5,707,231	92.7	286,699	4.7	103,450 ^E	1.7 ^E	30,472 ^E	0.5 ^E	29,897 ^E	0.5 ^E
Manitoba	1,093,465	998,795	91.3	55,838	5.1	22,797^E	2.1^E	3,833^E	0.4^E	F	F
Males	546,114	501,478	91.8	24,426 ^E	4.5 ^E	7,500 ^E	1.4 ^E	F	F	F	F
Females	547,351	497,317	90.9	31,412	5.7	15,298 ^E	2.8 ^E	F	F	F	F
Saskatchewan	925,094	854,031	92.3	38,272	4.1	15,378^E	1.7^E	F	F	F	F
Males	457,811	421,941	92.2	13,990 ^E	3.1 ^E	F	F	F	F	F	F
Females	467,283	432,090	92.5	24,281 ^E	5.2 ^E	5,795 ^E	1.2 ^E	F	F	F	F
Alberta	3,107,881	2,822,803	90.8	173,616	5.6	74,849^E	2.4^E	11,778^E	0.4^E	24,834^E	0.8^E
Males	1,568,880	1,453,284	92.6	59,904 ^E	3.8 ^E	35,037 ^E	2.2 ^E	F	F	F	F

Females	1,539,001	1,369,519	89.0	113,712 ^E	7.4 ^E	39,812 ^E	2.6 ^E	F	F	9,008	0.6E
British Columbia	4,070,843	3,702,547	91.0	221,205	5.4	101,481	2.5	F	F	F	F
Males	2,004,833	1,819,434	90.8	96,611 ^E	4.8 ^E	68,128 ^E	3.4 ^E	F	F	F	F
Females	2,066,010	1,883,112	91.1	124,594 ^E	6.0 ^E	33,353 ^E	1.6 ^E	F	F	F	F

Source: Statistics Canada, *Canadian Community Health Survey, Nutrition, 2004*, CANSIM table 105-2004

1. The model for household food security status levels is adopted from the United States model of food security status levels published by the United States Department of Agriculture in 2000. Food insecurity is based on a set of 18 questions and indicates whether households both with and without children were able to afford the food they needed in the previous 12 months. Questions related to food security focussed on all members of the household and not just the main respondent to the survey. Thus a respondent is classified based on the level of food insecurity present in the household which may not be necessarily that felt by the respondent.
2. The index places respondents into four categories based on the degree of food insecurity in the household. In the food secure households, all members show no or minimal evidence of food insecurity. In food insecure households without hunger, all members feel anxious about running out of food or compromise on the quality of foods they eat by choosing less expensive option, little or no reduction in the household members' food intake is reported. In food insecure households with moderate hunger, food intake for adults in the household has been reduced to an extent that implies that adults have repeatedly experienced the physical sensation of hunger. In most (but not all) food insecure households with children, such reductions are not observed at this stage for children. In food insecure households with severe hunger at this level, all households with children have reduced the children's food intake to an extent indicating that the children have experienced hunger, adults in households with or without children have repeatedly experienced more extensive reductions in food intake.
3. Bootstrapping techniques were used to produce the coefficient of variation (CV) and 95% confidence intervals (CIs).
4. Data with a coefficient of variation (CV) from 16.6% to 33.3% are identified by an (E) and should be interpreted with caution.
5. Data with a coefficient of variation (CV) greater than 33.3% were suppressed (F) due to extreme sampling variability.

Despite long-term efforts to address the problem, food insecurity remains a matter of concern in Canada. Vulnerability to food insecurity in Canada is generally attributed to people on social welfare, with low-income jobs or unemployed who cannot meet their food requirements without compromising other basic needs. Women, children and Aboriginal peoples are generally disproportionately represented in poverty rates and in the use of food banks. People with physical and mental disabilities, and those with acute or chronic illness, are also considered vulnerable to food insecurity. Statistics Canada also found that geography plays an important role in food insecurity. Canada continues to work to encourage and support its citizens who struggle with food insecurity.

Canada has reported on its support of food security, including the implementation of the Action Plan on Food Security, in progress reports submitted to the FAO in 1999, 2002 and 2004. A fourth progress report will be submitted to the FAO in the spring 2006. In addition, Canada will provide a separate report in 2006 on results of the 1998 Action Plan.

Each year, the Canadian Association of Food Banks (CAFB), a national umbrella organization representing voluntary food charities, conducts a national survey of food bank use in Canada. According to the CAFB's most recent report, *HungerCount 2005*, there are an estimated 650 food banks in Canada.

Province/Territory	Total # of Food Banks (excluding agencies)
British Columbia	97
Alberta	81
Saskatchewan	21
Manitoba	46
Ontario	288
Québec	17
New Brunswick	56
Nova Scotia	1
Prince Edward Island	6
Newfoundland & Labrador	30
Yukon	2
Northwest Territories	3
Nunavut	2
Canada Total	650
Source: <i>HungerCount 2005</i> , Canadian Association of Food Banks, p. 10.	

Based on data from food banks across the country that participated in the NAFB survey, in 2005, 823,856 people used a food bank in a typical month, a drop of less than 1 percent nationally, compared to 824,612 in 2004. That same period saw a drop in food bank use in five provinces: Newfoundland and Labrador, New Brunswick and Québec reported small declines; British Columbia and Alberta saw more significant declines (by 10.5 percent and 16.6 percent overall). There were slight increases in visits to food banks in Saskatchewan, Prince Edward Island, Nova Scotia, Manitoba and Ontario.

	ALL FOOD BANKS			FOOD BANKS REPORTING BY AGE			
	Total Assisted	Share (%)	Total Households ¹	Adults	Children	Total Assisted	Total Respondents
British Columbia	75,413	9.2	29,288	41,476	24,216	65,692	93
Alberta	45,481	5.5	11,475	24,573	18,610	43,183	74
Saskatchewan	24,600	3.0	9,388	13,189	11,411	24,600	20
Manitoba	46,161	5.6	16,256	24,612	21,245	45,857	36
Ontario	338,563	41.1	127,137	194,329	144,234	338,563	279
Québec	215,256	26.2	82,515	128,856	78,180	207,036	16
New Brunswick	19,441	2.4	8,195	12,590	6,851	19,441	52
Nova Scotia	25,453	3.1	8,467	14,612	8,361	22,973	82 ²
Prince Edward Island	3,208	.4	1,253	2,070	1,138	3,208	6
Newfoundland & Labrador	28,384	3.4	8,140	17,524	10,598	28,122	28
Yukon	739	<.1	417	497	242	739	2
Northwest Territories	663	<.1	92	151	137	288	2
Nunavut	494	<.1	129	327	167	494	1
Canada	823,856	100.0	302,752	474,806	325,390 ³	800,196	691
Source: <i>HungerCount 2005</i> , Canadian Association of Food Banks, p. 11.							

¹ Not all respondents were able to provide household statistics

² Nova Scotia's adult and children figures are based on 82 agencies.

³ This figure underestimates the actual number of children assisted by food banks as not all food banks were able to provide a breakdown of adults and children.

According to the CAFB survey, 40.7 percent of food bank users were children under 18. Families with children made up more than half of food bank users: 29.5 percent were sole-parent families and 23.5 percent were two-parent families. Single people represented 36 percent of users and 11 percent were couples with no children.

Results also indicated that the majority, at 51.6 percent, of food bank users received social assistance.

Primary Income Source of Food Recipients	
Social Assistance	51.6%
Employment	13.1%
Disability	12.6%
No income	6.7%
Pension	5.2%
Employment Insurance	4.5%
Student Loan	2.1%
Other	4.2%
Source: <i>HungerCount 2005</i> , Canadian Association of Food Banks, p. 11	

Detailed information on the use of food banks within provinces and territories is available in *HungerCount 2005*, which is available on the Web site of the CAFB, at <http://www.cafb-acba.ca/english/EducationandResearch-ResearchStudies.html>.

Governments in Canada offer financial assistance and a variety programs to address the issue of food insecurity and foster healthy food consumption. For example, as detailed in Canada's Fourth Report under the ICESCR, Canada's Food Mail Program recognizes that many First Nations and Inuit Communities can't be reached year-round, by road, rail or marine service. That can make it difficult for residents to buy affordable healthy food like fruits, vegetables, bread, milk and eggs. As a result, the Government of Canada pays part of the cost of shipping such items by air to isolated northern communities.

People receiving income support in Alberta may be provided with limited funds if an emergency condition with respect to food occurs that is beyond the control of the recipient.

In British Columbia, the BUYBC program promotes the purchase of local and seasonal foods in support of healthy economical eating habits and to assist local agriculture producers. The British Columbia Sharing Program assists community based food banks and farmers markets; it was designed to increase nutritional quality of food bank provisions and facilitate donations from British Columbian consumers to the Canadian Association of Food Banks – British Columbia Branch with British Columbian products. Both programs promote sustainable agriculture while encouraging healthy eating choices.

The key initiatives of the Government of Manitoba aimed at food security include:

- The Northern Healthy Food Initiative addresses four priority areas: community gardens and local foods; greenhouse pilot projects; food focused business; and nutrition awareness.
- The Employment and Income Assistance Northern Allowance, increased in 2005 by 20 percent for families with low incomes in northern and remote communities, offsets the high cost of healthy foods for northern residents.
- Healthy Baby is a two-part program of financial benefits and community supports for pregnant women and new families: the Manitoba prenatal benefit is a monthly financial benefit available to lower-income pregnant women to help them meet their extra nutritional needs during pregnancy; Healthy Baby Community Support Programs, available throughout the province, are friendly, informal places where pregnant women and new families can learn more about nutrition, child development and general health and wellness.
- In Winnipeg (the capital), community agencies seeking to address food security came together with the goal of building upon existing work and resources and building partnerships and facilitating collaboration among community residents, organizations and other stakeholders in a coordinated, comprehensive and inclusive manner. The result has been the development of *Inviting Everyone to the Table: Towards Food Security in Winnipeg*. The intent is to work with communities in building the capacity to respond to strategic food security issues in Winnipeg and contribute to improving the health of their communities. Additional information is available on the Social Planning Council Web site at <http://www.spcw.mb.ca/uploaded/healthy%20kids%20healthy%20futures%20spcw.pdf>.

The approach of the Government of New Brunswick includes general, specialized and multidisciplinary assessments of individuals and families, crisis response counseling, provision or arrangement of emergency social services and referrals to services and community resources. Social assistance dollars are given to people who have no other income to meet their basic needs of food, clothing and shelter.

The Government of Newfoundland and Labrador provides operating grants, ranging from \$250,000 to \$1 million, to the Kids Eat Smart Foundation. The Kids Eat Smart Foundation supports child nutrition programs province-wide, with volunteers in more than 150 communities operating Kids Eat Smart Clubs on school days for 16,000 kids. Kids Eat Smart Clubs exist in the school setting, to provide nourishing food to help children learn and be their best.

In Québec, the Government Action Plan to Combat Poverty and Social Exclusion, adopted in April 2004, has made food security a priority. Food security projects in every region of Québec enable underprivileged individuals not only to have access to wholesome food, but to improve their food preparation and budgeting skills. Since 2002-2003, nearly 250 projects have been implemented throughout the province. A budget of \$3.3 million was allocated in 2004-2005 for this purpose.

Two assistance measures have been implemented since January 2005 under the Government Action Plan to Combat Poverty and Social Exclusion: *Child Assistance* and the *Work Premium*. Some time will be needed before the results of these initiatives can be measured, but they are expected to have an impact on food insecurity in the medium term.

As a result the *Club des petits déjeuners*, breakfast is served daily in more than 165 elementary schools in disadvantaged neighbourhoods of Québec. More than 10,000 schoolchildren. In 2004-2005, the *Club des petits déjeuners* received \$2 million in government support.

The Government of Saskatchewan provides support for food security by funding community organizations that provide school and community nutrition programs and nutrition education programs, food security initiatives and self-sufficiency projects. It also funds community-based organizations providing food security projects to deliver career and employment services targeting low-income citizens.

Government, industry and community stakeholders are working toward the development of an integrated provincial food security strategy focusing on identifying existing and potential food security activities in the province.

Recognizing that employment provides the means by which citizens have physical, economic, dignified and continued access to enough nutritious and affordable food, in 1997, the Government introduced the Building Independence strategy, which represents a fundamental shift away from a welfare model of income support, towards a model that encourages self-reliance through greater participation in the labour market. The Building Independence strategy makes available an envelope of flexible supports, which include income, employment, childcare, and health to assist low-income people in achieving greater self-sufficiency.

Saskatchewan's population health promotion strategy includes accessible nutritious food as a key priority. A goal of the strategy is to increase opportunities for people to enjoy more nutritious food, reduce economic, geographic, social and cultural barriers that limit healthy eating habits, and advocate for food policies that promote and protect the health of Saskatchewan residents.

In the Yukon, the Food for Learning program offers meals to students at school in Whitehorse and in all of the outlying communities. Yukon also provides money for food as a part of basic Social Assistance. Yukon food banks are operated through NGOs with financial support from the government.

34. Please provide relevant statistics on homelessness in the State party and detailed information about the situation in the ten cities having an absolute homelessness problem (Halifax, Québec City, Montreal, Ottawa, Toronto, Hamilton, Winnipeg, Calgary, Edmonton and Vancouver). What specific measures have these cities adopted in this regard, and what results have been obtained? What timeframe and benchmarks have been set up for monitoring progress? (Periodic report, para. 336 ff., previous report, para. 24).

To date, no reliable method of counting the number of people who are homeless in Canada has been identified and therefore Canada does not have accurate national statistics. Indeed, the very nature of homelessness adds to the difficulty of measuring its extent.

Information on the National Homelessness Initiative (NHI) is available in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* (paragraph 138-139). During the first years of the Initiative (1999-2003), communities focused on the most pressing and urgent needs of their homeless populations. They invested primarily in emergency shelters, established new ones, renovated and upgraded others while enhancing support services and facilities like food and furniture banks. Based on the successes and the lessons learned, consultations with stakeholders, federal, provincial and territorial representatives, together with the continuing need to support homeless people, the Government of Canada extended the Initiative for an additional three years (2003-2006). The continuation of the Initiative will help communities continue their efforts to reduce and alleviate homelessness and thus allow them to increase support for homeless people and to focus on longer term solutions such as transitional and supportive housing. It will further support the efforts of communities to help more homeless individuals and families to move into more stable living environments and increase their access to the support and intervention they need to achieve greater self-sufficiency and reduce their dependence on emergency shelters.

Additional information on measures to address homelessness may be found on the NHI Web site at <http://homelessness.gc.ca>.

The Fifth Report also includes information on provincial and territorial initiatives: British Columbia (paragraphs 186 – 190), Alberta (paragraphs 239 – 242), Saskatchewan (paragraphs 278 – 281), Manitoba (paragraph 311 – Winnipeg Housing and Homelessness Initiative), Ontario (paragraph 351 – 354), Québec (paragraph 416 – 417), Nova Scotia (paragraphs 488 – 493), Prince Edward Island (paragraphs 526 – 528), Newfoundland and Labrador (paragraph 569) and Yukon (paragraph 589). Information can also be found in *Canada's Fifth Report on the International Covenant on Civil and Political Rights*, including for Nunavut (paragraphs 702 – 704).

Some additional information follows.

In Alberta, the Biennial Count of Homeless Persons in Calgary found 2,597 homeless persons (source: <http://www.calgary.ca>) as of May 2004. As of October 2004, the Biennial Count of Homeless Persons in Edmonton found 2,192 homeless persons (source: <http://www.moresafehomes.net/>).

Since 2000, Alberta Seniors and Community Supports has provided \$3 million annually through the Provincial Homeless Initiative to address homelessness in Alberta's seven major urban centres, including Edmonton and Calgary. Community Based Organizations (CBOs) have been established in all seven major centres to identify needs and administer the homelessness funding provided by the federal, provincial and, in some cases, municipal governments.

In partnership with the Government of Canada, municipal governments, the non-profit housing sector and the private sector, the funding has created 3,168 emergency, transitional and long-term supportive housing units in Alberta since 2000. Of these, 1,306 were in Edmonton and 1,436 were in Calgary.

All CBOs, including Edmonton and Calgary, developed Community Plans with priorities, housing and service targets and measures. These plans were developed with extensive local community collaboration. The community plans serve as the base for provincial and federal homelessness funding and addressing homelessness needs, including shelters, transitional and supportive housing and supportive services. Both Calgary and Edmonton have updated their community plans after three years. All CBOs provided annual reports to show their initiatives and progress in addressing their homelessness issues.

The community plans and annual reports for Calgary and Edmonton are available at the following Web sites: <http://www.calgaryhomeless.com/>, <http://www.moresafehomes.net/> and <http://ehtf.ca/>.

In British Columbia, information about homelessness in the City of Vancouver, including results from a 2005 community count on homelessness, and the City of Vancouver Homelessness Action Plan can be found at <http://vancouver.ca/commsvcs/housing/homelessness.htm>.

Manitoba continues to work with the community to increase the supply of affordable housing and improve neighbourhoods. Through the Affordable Housing Initiative (AHI), Manitoba continued to work with other levels of government to develop safe and affordable housing for families with low and moderate incomes. The AHI is a five-year, \$50 million federal/provincial government venture that will create approximately 2,500 affordable new homes and rental units and address Manitoba's greatest areas of housing need through four balanced program components: new rental supply; new homeownership supply; repair/conversion and homebuyer down payment assistance. Funding is also dedicated to housing in remote areas. In 2004-2005, the long-standing need for affordable housing in Winnipeg and the delivery of the AHI continued to be greatly enhanced. This is as a result of the Multi-Year Memorandum of Understanding (MOU) to create more affordable housing, signed between the Manitoba government and the City of Winnipeg. The MOU, signed in April 2003, will see the City contribute more than \$17 million in support of affordable housing in Winnipeg over five years.

Manitoba continues to fund a range of programs delivered by the Winnipeg Housing and Homelessness Initiative (WHHI), a partnership between the three levels of government to address declining housing stock, homelessness and the revitalization of Winnipeg's older neighbourhoods. The initiative was formally announced in May 2000, with each level of government committing funding over four years. In November 2003, the initiative was extended

for an additional five years. As of March 31, 2005, the WHHI had committed just under \$33 million to support the repair, rehabilitation and construction of more than 2,200 units of housing and 137 rooms or beds, and to provide assistance to homeless individuals and families, or those at-risk of becoming homeless. The Winnipeg Housing and Homelessness Initiative is discussed at paragraph 311 of Canada's Fifth Report under the ICESCR. More information about the Initiative can be found at <http://www.gov.mb.ca/fs/housing/whhi.html>.

In Nova Scotia, information about homelessness in Halifax can be found at www.halifax.ca/planning/Portrait_2005_Final.

In Ontario, homeless people fall into three clear categories: absolute homelessness (homeless persons are defined as those sleeping rough or using public or private shelters), concealed homelessness (people who are houseless but temporarily housed with family or friends), at risk of homelessness (people who are at imminent risk of losing their housing). Provincially-funded homelessness prevention programs assist those who are homeless or who are at high risk of becoming homeless (including those who are chronically hard to house). The programs include the Provincial Homelessness Initiatives Fund, Supports to Daily Living, and the Community Partners Program (all of which are 100 percent provincially funded); and Emergency Hostel Redirection, and Off the Street, into Shelter (which are cost-shared at 80 percent with municipalities). Initiatives within these programs address one or more of the following three goals:

- To move people from the street into emergency shelters;
- To move people from emergency shelters into permanent housing; and
- To help people retain permanent housing.

Consolidated Municipal Service Managers/District Social Services Administration Boards (CMSMs/DSSABs) are the service system managers for homelessness prevention programs. CMSMs/DSSABs either deliver homelessness prevention services directly or contract with local organizations to provide services. All 47 CMSMs/DSSABs currently deliver one or more of the provincial homelessness prevention programs.

In addition to funding from the Ministry of Community and Social Services, CMSMs/DSSABs may receive funding from other sources to provide homelessness prevention programs. For example, municipalities may receive multi-year funding from the federal government through the National Homelessness Initiative, from the Ministry of Municipal Affairs and Housing Ontario (e.g. Provincial Rent Bank and rent subsidy programs), and/or may commit their own funds direct to homelessness prevention services in their communities.

In 2004-2005, the provincial expenditure on homelessness prevention programs was \$32.4 million and these programs served 225,248 individuals.

The 2004 Provincial Budget announced:

- \$2 million (annualized) to streamline and enhance funding for provincial homelessness prevention programs; and

- A three percent increase for social service organizations that had not received funding increases for several years.

Effective January 1, 2005, the five provincial homelessness prevention programs were rolled into one consolidated homelessness prevention program (CHPP) to provide CMSMs/DSSABs with greater flexibility to address local needs and priorities.

In December 2004, the Provincial Municipal Social Services Consultation Group was formed to identify new performance measures and develop tools to support outcome-based evaluation for the CHPP. As part of its review, the working group developed an evaluation framework and logic model that focuses on outcomes for households served. The working group also developed new performance measures related to three key (desired) outcomes for the CHPP:

- Households at imminent risk of homelessness remain housed;
- Households at risk of homelessness are stabilized; and
- Households experiencing homelessness obtain accommodation.

The Ministry of Community and Social Services has announced the following new performance measures for the CHPP, effective January 1, 2006:

- Percent of households at imminent risk of homelessness served that remain housed (through the crisis);
- Percent of households at risk of homelessness served that have been provided personal support services;
- Number of households experiencing homelessness served;
- Percent of households served that moved from the street to temporary accommodation;
- Percent of households served that moved from the street to permanent housing; and
- Percent of households living in temporary accommodation served that moved to permanent housing.

The Cities of Toronto (2000, 2003) and Ottawa (2005) have published Report Cards on Homelessness that seek to measure and report indicators of homelessness and housing security, and track government housing and homelessness initiatives in those municipalities.

The most recent data on homelessness in Québec dates from 1998. This was a census of persons who frequented homeless shelters, drop-in centres and soup kitchens in Montréal and Québec City over part of 1996 and 1997. At that time, there were 28,214 persons using homelessness resources in Montréal, 12,666 being of no fixed address. The number for the Québec City region was 11,295, of whom 3,589 had no fixed address.

In Montréal there are 43 assistance centres, including 24 shelters meeting the needs of the homeless and disadvantaged. In Québec City there are 18 assistance centres, including nine shelters. The persons making use of the shelters are considered homeless in the strict sense of the term. The soup kitchen and drop-in centre clientele may include persons who have homes, but whose socio-economic situation is highly unstable.

Other measures adopted by the municipalities of Montréal and Québec City to curb homelessness in their regions include numerous projects supported by funding from the Supporting Communities Partnership Initiative (SCPI) to assist the homeless in Canada. Thanks to funding obtained through the SCPI until 2006, Québec City, Montréal, and a number of other cities in the province, adopted a community action plan in which they identify their local priorities for assisting the homeless. From 2000 to 2003, the City of Montréal received \$26.6 million to carry out 73 projects and Québec City received \$7.6 million to deliver 35 projects.

35. Please provide detailed information on the issue of homelessness and inadequate housing of discharged psychiatric patients. What specific measures have been adopted to address this issue? (Concluding observations, para. 36)

Federal, provincial and territorial governments have a number of initiatives that address homelessness in Canada. Information on these, including the National Homelessness Initiative, the Supporting Community Partnership Initiative and federal-provincial Affordable Housing Agreements, can be found under article 11 of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* and under article 6 of *Canada's Fifth Report on the International Covenant on Civil and Political Rights*.

Groups with homelessness problems often fall into the following categories: youth and women in difficulty (runaways, drop-outs, victims of family violence, sex workers), persons who have been discharged from an institution (rehabilitation centre, foster family, psychiatric ward, detention centre, etc.), and disadvantaged persons with unstable living conditions (premises unhealthy or unsafe, living with friends).

While the programs described in previous reports and many of those described below may not be geared towards discharged psychiatric patients, these persons would benefit from the larger initiatives, which in some cases do include specific measures for homeless persons with mental health issues.

For example, in Alberta, there are no specific initiatives designed for the discharge planning of psychiatric patients to appropriate housing accommodation in the community. However, over 10 percent of the additional shelter/transitional spaces created through the homelessness initiatives are developed for homeless persons with mental health issues. There are also outreach services and projects geared to homeless persons with dual diagnosis or multiple needs. Examples of units/projects developed for homeless individuals with mental health issues include Horizon Housing Society and Order of Good Cheer in Calgary, and Willow Place in Grande Prairie.

In British Columbia, as elsewhere in the country, there is a significant rate of mental disorders and substance use among homeless persons, although not all homeless persons experience these problems. There is a general agreement among service providers that between one-third and one-half of homeless persons suffer from a serious mental illness such as schizophrenia and bipolar disease.

Between 2002 and 2005, new housing units providing residential and mental health supports for homeless individuals, including those with mental illnesses and/or addictions, were opened in every region of British Columbia. The estimated numbers and types of new units are summarized below:

Task Force/Health Authority	Population Served	Number of New Units
Premier's Task Force on Homelessness, Mental Illness and Addictions (2004 – 2005)	Homeless population including residents with mental disorders and/or addictions	- 533 housing or shelter units - 376 additional shelter beds
Regional Health Authorities (BC) (2002 – 2005)	Youth and adults with addictions and mental illnesses and concurrent disorders	165
Estimated Total	Youth and adults with mental disorders and/or addictions, including homeless individuals	1,074

The Premier's Task Force on Homelessness, Mental Health and Addictions (see paragraph 188 of Canada's Fifth Report on the ICESCR) is an integral part of the provincial government's multi-level plan to tackle the challenges of mental health, homelessness and addictions. The Task Force works to provide better co-ordination of the resources in communities and to develop innovative strategies to help people with addictions and mental illness move from temporary shelters or public facilities to long-term, stable housing where their needs can be better met.

In October 2004, the Premier asked mayors to identify local priorities with respect to short-term and longer-term needs. Initial funding was provided to add 168 emergency shelter beds and 208 additional cold wet weather beds for a total of 376 shelter beds. In December 2004, the federal and provincial governments announced funding for four projects through Phase 2 of the Canada-BC Affordable Housing Agreement. Under this agreement, the federal and provincial governments are each allocating \$41.7 million (total nearly \$84 million) for developments that will provide a continuum of affordable housing with support services to those who are homeless or at risk of homelessness, people with mental illnesses, those with drug and alcohol addictions, Aboriginal peoples, youth, and women with children fleeing abusive relationships. In March 2005, funding was announced for new projects in six communities, bringing the total number of new units and shelter beds allocated under the second phase of the agreement to 533, based on 12 projects in nine cities.

Manitoba Family Services and Housing provides community living support for persons with mental disabilities under its Supported Living program. Since 1999-2000, the program's budget has increased by 132 percent from \$60 to \$140 million. While the program provides a lot of support, it does have limited funds and waitlists do exist. The policy is to try to support the most critical needs individuals. Community capacity is also a consideration in providing residential services for persons with a mental disability. It can take months to place an individual, due to the need to find the right environment, and given the current housing market, houses may be taken before agencies can act, resulting in longer waiting times. With respect to persons in an

institutional setting, there are about 400 at the Manitoba Developmental Centre (MDC). While about seven residents a year move into the community, these are not the ones with critical needs.

Discharged psychiatric patients access long term care in New Brunswick, which provides a range of supported living options from homes for special care, home support, to 24/7 shift model residential supports. A shortage of options exists in the provision of high-level care in residential settings, which can result in some citizens remaining in hospital beds when they could otherwise stay in less restrictive and intensive settings.

The Government of Newfoundland and Labrador is working in partnership with the Government of Canada through the National Homelessness Initiative, to address the homelessness and housing of discharged psychiatric patients. Directed through the Supporting Community Initiative Partnership (SCIP), enhancements to the alternatives available for any person who is homeless have been achieved, for example, redevelopment of the Wiseman Centre, Caregivers Lodge, Emmanuel House, two shelters for women and families who are experiencing violence and the establishment of the Choices for Youth Shelter for young males. Many of the individuals who access these services have experienced mental illness or mental health problems and these improvements have reduced the number of people who have lost their housing and become homeless or underhoused. Provincial funding has been provided to Stella Burry Community Services (SBCS) to provide housing, case management and other supports to individuals who suffer from psychiatric illness and have been in conflict with the law. An intensive residential treatment component is offered, as well as short and longer-term housing alternatives, which include employment and training support to assist with reintegration into the community. An evaluation of this project has demonstrated a decrease in the number of days in hospital and correctional institutions. A provincial framework for long-term care and supportive services is also being developed and will assist the housing needs of people with mental illness, addictions and mental health problems.

The Government of Ontario's Mental Health Homelessness Initiative has created 3,600 units of supportive housing for persons with a mental illness who were homeless or at risk of homelessness (see paragraphs 378 to 383 of Canada's Fifth Report on the ICCPR for additional details). On January 12, 2005, the Ministry of Health and Long-Term Care announced 500 supportive housing units under service enhancements to keep persons with mental illness out of the criminal justice correctional system.

To better understand the homelessness issue in Québec, a health and social survey was done in 1998-1999 by the *Institut de la statistique du Québec*. It indicates great health needs: more than 7 homeless persons in 10 report at least one chronic physical health problem, close to 6 in 10 report an acute problem, and 13 percent say they have an infectious disease such as hepatitis, tuberculosis or HIV/AIDS. With respect to mental health, 7 persons in 10 have a measured mental disorder, and 43 percent meet the criteria for mental disorders such as schizophrenia, major depression, bipolar disorder or pathological gambling.

The Government of Québec favours a cross-disciplinary approach to the problem of homelessness, and the majority of funding on the issue is channelled through various programs concerned with youth, mental health, and substance abuse and dependence. The government

provides financial support to community organizations under the *Programme de soutien aux organismes communautaires*. With respect to the deinstitutionalization of psychiatric patients, on June 15, 2005, the Government of Québec released the *Plan d'action en santé mentale 2005-2010, La force des liens*, which identifies three types of services as priorities that are particularly likely to reach persons with serious mental disorders who are homeless or in private shelters: assertive treatment, variable-intensity support, and housing support. Assertive treatment services are addressed to persons with a serious mental disorder whose condition is unstable and fragile or who are dealing with substance abuse problems. They are offered by interdisciplinary teams that include the participation of a physician. Variable-intensity support is also addressed to persons with serious mental disorders, but with less severe functional problems. Practitioners have to establish a relationship based on trust and respect; they coordinate the services and ensure a presence, even if they may not personally offer all the services. Housing support is addressed to persons with serious mental disorders and is available on a continuous basis.

Under the Saskatchewan housing strategy, the need for supportive housing is identified. Staff from Corrections and Public Safety and the Regional Health Authorities identified the problem of meeting the residential needs of persons with psychiatric problems being released from correctional institutions. Community groups and government are considering ways to address this problem. Specifically, consideration is being given to the needs of those with Fetal Alcohol Spectrum Disorder (FASD). A number of initiatives are under way, including specialized training for housing and housing support staff across Saskatchewan and the preparation of a supported housing model for those with FASD.

Housing for discharged psychiatric patients is not a prominent issue in Yukon. However, there are a number of programs and services available that address homelessness in general, including subsidized social housing, shelters for abused women, and emergency accommodation. For people with disabilities living independently in the community, Yukon provides Supported Independent Living workers and outreach nurses with specialized training in mental health. The Government of Yukon also provides funding to the Second Opinion Society to provide a drop-in center for resources, information, advocacy and support for people with mental illnesses.

36. According to 1996 data, 1.8 million households were in core housing need, representing about 18 percent of all households in the State party. Please provide updated information on this issue, including estimated budget expenditures for housing allocated by the Federal, Provincial and Territorial governments for 2005-2006. In addition please provide comparative statistics on the number of subsidized housing units on an annual basis since the last periodic report. (Periodic report, para. 333)

Since the submission of Canada's Fourth and Fifth Reports on the ICESCR, revised data based on census information indicate that, in 1996, there were 1.6 million households in core housing need. This represented approximately 15.6 percent of all households in Canada, with more than seven in 10 of these being renter households. In 2001, approximately 1.5 million or 13.7 percent of all households were in core housing need, representing a decrease of 1.9 percent.

Information on housing initiatives can be found in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*, in the following sections: Introduction

(paragraphs 53 – 61), Government of Canada (paragraphs 123 – 137), Manitoba (paragraphs 309 – 310), Québec (paragraph 415), and in *Canada's Fifth Report on the International Covenant on Civil and Political Rights* for Prince Edward Island (paragraphs 240 – 241) and Nunavut (paragraphs 702 – 704).

Additional information on expenditures and housing units follows.

In 2004, Government of Canada expenditures on housing totaled \$2 billion and the portfolio of federally assisted housing units totaled 633,000 units.

That same year, expenditures for the Government of Alberta totaled \$133,449,000, allocated towards 55,700 housing units. In British Columbia, government expenditures of \$133,449,000 were allocated towards 40,912 units, while in Manitoba, housing expenditures totaled \$76,160,148 (the provincial share of expenditures was \$19,564,719) with 25,533 units. Similarly, expenditures in the Yukon totaled \$7,488,495, allocated to 508 housing units.

In 2003-2004, in New Brunswick, the Public Housing program provided 4,258 rental units with expenditures of \$30.9 million. The Rural & Native housing program provided 913 units with expenditures of \$3.1 million. The non-profit housing initiative provided 5,292 units with expenditures of \$15.2 million and the rent supplement private market housing initiative provided 1,708 units with expenditures of \$6.4 million.

The expenditures in Newfoundland and Labrador for this same period were \$64,848,820 (the provincial share totalling \$10,028,089) and the number of housing units totalled 12,600.

The following table provides data on expenditures and units subsidized in Ontario:

	1999-2000		2004-2005		2005-2006	
	Units	Expenditures	Units	Expenditures	Units (forecast)	Estimates
Social Housing	231,000 ⁽¹⁾		271,000	\$649,223,047 (\$640,523,047 op. \$8,700,000 cap.)	271,600 ⁽²⁾	\$801,300,000 (\$675,000,000 op. \$126,300,000 cap.)
Affordable Housing Program – units			1,414	\$7,031,178(3)	Pending	
Total	268,000	\$1,124,900	272,414	\$655,254,225		

1. 1999-2000 unit count does not reflect federal units transferred to the province under the Social Housing Agreement.
2. Social housing units and cost numbers for 2005-2006 have been revised from the previous numbers (Sept. 2005) to reflect all subsidized units, not just RGI units. All three columns are based on the same assumptions.
3. AHP expenditures in 2004-2005 do not include \$51,243,522 municipal and other contributions to the housing units identified, under the cost sharing arrangements for the Affordable Housing Program.

Statistics indicate that housing conditions in Québec improved between 1996 and 2001. According to the 1996 and 2001 census data, the proportion of households in core housing need fell from 18.2 percent to 14.0 percent. In 2001, there were 393,080 households (100,870 owner-occupants and 292,220 renters) unable to obtain acceptable housing without allocating more than

30 percent of their income to it. In 81 percent of the cases (74.9 percent for owner-occupants, 83.2 percent for renters in urgent need), the reason for this was the financial capacity of the household.

**Projected housing expenditures of the Government of Québec (2005-2006)
in \$M**

Projected expenditures for assistance programs of the <i>Société d'habitation du Québec</i>		
Program families	2004-2005	2005-2006
Social, community and affordable housing	541.3	555.5
Adaptation and renovation	43.0	72.0
Intervention in Nunavik	0.3	0.4
Assistance to community organizations	1.1	1.1
Support to the housing industry	0.7	0.7
Total	586.3	629.7

Changes in number of subsidized housing units in Québec

Interventions in Québec households by the <i>Société d'habitation du Québec</i> 2000 to 2004					
Fields of intervention	2000	2001	2002	2003	2004
Assistance with social, community and affordable housing	236,228	242,933	230,027	231,022	228,449
Housing renovation and adaptation	22,036	12,874	16,078	15,299	20,501
Nunavik home ownership	22	27	-	-	-
Total	258,286	255,834	246,105	246,321	248,950

The following tables indicate expenditures and units subsidized in Saskatchewan.

1999		2004	
Units	Expenditures	Units	Expenditures
32,110	\$164M	29,965	\$171M

	Total Households	Total in Core Need	% in Need
1996	314,430	39,700	12.6%
2001	323,065	37,200	11.5%
Change	2.7%	2,500	-6.3%

37. Please provide more detailed information about the 1999 First Nations Land Management Act regarding matrimonial real property, as well as on the rules adopted by the 14 signatory First Nations in this regard. To what extent have such arrangements been extended to other First Nations, and in particular what measures have been undertaken to ensure that Aboriginal women belonging to these communities are not denied matrimonial real property rights? (Periodic report, paras. 359-360; concluding observations, para. 29)

In the transition process of coming under the First Nations Land Management Initiative, a participating First Nation will develop a land code setting out the basic rules for the new land regime. A participating First Nation can address matrimonial real property in its community in a way that does not discriminate on the basis of gender. Participating First Nations must establish a community process to develop rules and procedures to deal with matrimonial property within 12 months from the date the land code takes effect. Under the Initiative, First Nations develop laws that are applicable on the breakdown of a marriage with respect to the use, occupancy and possession of First Nation land, and the division of interests in that land.

The Government of Canada is committed to ensuring that Aboriginal women who live on reserves are treated fairly and equitably in regard to the division of matrimonial property on the break-up of their relationship.

The Standing Senate Committee on Human Rights undertook a study of on-reserve matrimonial real property in 2003 and made a number of interim recommendations ranging from amendments to the *Indian Act* to carrying out consultations to determine a long-term solution. As well, the Standing Committee on Aboriginal Affairs and Northern Development worked on this issue, consulted with some key stakeholders, and in June 2005 tabled a report entitled *Walking Arm-in-Arm to Resolve the Issue of On-Reserve Matrimonial Real Property*. The report recommends short-term interim legislation, long-term substantive legislation; a review of section 67 of the *Canadian Human Rights Act*. The Government Response to the Standing Committee report was tabled in the House of Commons on October 6, 2005. It indicates that the Government of Canada is continuing a collaborative process with the Native Women's Association of Canada and the Assembly of First Nations as it moves towards a legislative solution.

Article 12: The right to physical and mental health

38. Please provide information about the positions taken by the intervening governments in the case of *Chaoulli v. Quebec (Attorney-General)*, on the obligation to protect the right to health under section 7 of the Canadian Charter.

The decision of the Supreme Court of Canada in *Chaoulli v. Québec (Attorney General)*, 2005 SCC 35, was rendered on June 9, 2005, and is available at the following address: <http://www.lexum.umontreal.ca/csc-scc/en/rec/html/2005scc035.wpd.html>. A summary of the Supreme Court decision is included in the Review of Jurisprudence in the *Fifth Report of Canada on the International Covenant on Economic, Social and Cultural Rights*.

It should be noted that, by its very terms, section 7 of the *Canadian Charter of Rights and Freedoms* does not provide for “the obligation to protect the right to health” as stated by the

Committee. Rather it provides that a person cannot be deprived of the right to life, liberty and security of the person in accordance with the principles of natural justice. Its specific wording is:

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

It should also be noted that in this case the appellants were contesting the validity of legislative measures that prohibited a person from entering into an insurance contract for the purpose of obtaining, should the need arise, benefits that would cover the expenses incurred by obtaining in the private sector medical services already offered in the public sector.

In the factum to the Supreme Court of Canada, the Attorney General of Québec argued that:

1. The legislative measures at issue are designed to protect the public system from the harmful consequences of privatization of the health care system.
2. The adoption and maintenance of these legislative measures are based on the reports of various commissions and committees, all of which rejected recourse to privatization of the health care system.
3. The factual context of this case was not appropriate for deciding on the constitutional issue, since there was no evidence in this case that the appellants' state of health required that they have access to medically necessary health care, and no evidence that they would have encountered difficulties in accessing a medical or hospital service that might be necessitated by their state of health. Therefore, the appellants' challenge was based on a hypothetical incapacity of the Québec health care system to meet a possible health care need.
4. Section 7 of the Charter does not apply, since the question to be resolved, namely whether there is reason to permit the privatization of the health care system, is a political question that is not the responsibility of the courts but rather of elected officials, who are required to make choices based on the public interest.
5. The field of application of section 7 only concerns the interaction of the individual rights to life, liberty or security of the person with the judicial system or the administration of justice, something not at issue in the case in question.
6. The constitutional question raised by the appellants does not raise any principle of fundamental justice of a legal nature referred to by section 7 of the Charter.
7. The appellants have not discharged their burden of proving the existence of a violation of the right to life, security or liberty.

8. Subsidiarily, the appellants have not demonstrated that the impugned legislative measures were arbitrary, irrational or exaggeratedly disproportionate to the point of constituting a breach of the principles of fundamental justice covered by section 7 of the Charter.
9. On the contrary, those legislative measures make it possible to achieve the objectives of which they are a part, namely, on the one hand, to respect the values of equality and social solidarity which the legislature aims to promote in the health sector, and on the other, to shield the public system from the harmful effects of privatization of the health care system.

The Government of Canada accepts that when a government puts in place a scheme to provide health care, that scheme must comply with the *Canadian Charter of Rights and Freedoms*. The Government argued in *Chaoulli* that the legislation in question (the Québec *Health Insurance Act* and *Hospital Insurance Act*) did not breach the Charter and that it was intended to safeguard the publicly funded health care system. Specifically, the Canadian Government alleged that the impugned provisions of the Québec legislation were not in violation of the Charter in this case and that the impugned prohibitions were aimed at discouraging the emergence of a parallel private health care system with a view to protecting the viability and integrity of the public system. The Government also argued that the emergence of a parallel private system would drain resources from the public system, diminishing its capacity to provide services and thereby threatening one of its fundamental, underlying principles – i.e. the notion that all citizens should have equal access to health care services on the basis of need and not ability to pay. Finally, in response to the appellants’ arguments, the Government of Canada argued that the values reflected in the *International Covenant on Economic, Social and Cultural Rights* (such as accessibility to health care on the basis of need, not ability to pay, and the protection of vulnerable groups) were also at the centre of the Canadian health care system.

The position of the Government of Ontario was that this case was essentially about the assertion of a right to liberty. The Government argued that the appellants did not require medical treatment and that it was entirely speculative to conclude that they would not receive adequate and timely medical treatment from the publicly funded health care system. Further, the appellants did not demonstrate that they had actually suffered a deprivation of life, liberty or the security of person since they had not been denied any necessary medical treatments. The freedom to purchase private health care has more to do with economic freedom than bodily integrity and fundamental autonomy. The evidence is compelling that if a two-tier system is established, the quality of health care for those in the public health care system would deteriorate, threatening vulnerable and less advantaged individuals. The appellant’s claim would create a “two-tiered” healthcare system that will ultimately harm the public system and the general welfare of others in the community, at the sacrifice of shared values and to the detriment of the common good.

The Government argued that the appellants had not advanced any position that a deprivation, if one existed, would violate the principles of fundamental justice:

- Appellants did not advance a legal principle. In the case at bar, no legal principle was advanced by the appellants; their criticism of the lack of choice in meeting their health care needs is a matter of policy. Section 7 of the Charter does not authorize the courts to review the wisdom of legislative policy.

- No consensus exists about whether private healthcare should be available.
- No justiciable standard exists for healthcare.

The impugned provisions are neither grossly disproportionate to the state interest in protecting the public healthcare system nor arbitrary. The fact that other countries have adopted other models of healthcare does not mean that Québec's system is arbitrary. An ideal model of healthcare is not a principle of fundamental justice because it is not a legal principle; it is a quintessential policy issue on which there is no consensus except on the highest level of abstraction. As such, it is too imprecise to provide any measure of guidance to the judicial system in assessing the competing claims in the health care system. Consequently, even if there were a deprivation of life, liberty or security of the person, it was not been shown that such deprivation is not in accordance with the principles of fundamental justice.

39. According to information received by the Committee, a number of Provinces in particular Alberta, British Columbia and Quebec, have expanded the role of private companies in the health system. Please provide detailed information — for each Province and Territory — regarding the impact of this growth in private healthcare on the timeliness and quality of care available in the public system, particularly for the disadvantaged and marginalized groups.

The Government of Alberta introduced the *Health Care Protection Act* in September 2000 to regulate private non-hospital surgical facilities. The Act prohibits the operation of private hospitals, queue jumping and extra billing. All private non-hospital surgical facilities must have accreditation from the Alberta College of Physicians and Surgeons. As of August 2005, there were 53 private non-hospital surgical facilities in Alberta. The Government's regional health authorities have contracts with 27 of these facilities for insured surgical services. Private delivery of these services with public funds is helping to shorten wait times for those suffering and in need of necessary health services, while taking pressure off the public system.

Health care services in British Columbia have long been provided through a mix of public, non-profit and private sector providers. Longstanding private sector providers include private practice physicians, privately owned long-term care facilities and community pharmacies. The British Columbia government supports further public-private partnerships where they can enhance patient care, deliver sound value for money and service the public interest in a manner consistent with the *Canada Health Act*. The following are some examples of benefits to patients that British Columbia has achieved through partnerships and outsourcing with the private sector:

- Since 2002, local Health Authorities have been allowed to purchase outpatient clinical services from private diagnostic and medical/surgical clinics as long as quality, cost-effectiveness, and accountability requirements are met. This has helped reduce surgical backlogs and waiting times.
- The Community Dental Partners Program is a public/private partner program operated by the BC Children's Hospital on behalf of the Ministry of Health and the (former) Ministry of Human Resources. It pays for facility fees in private clinics throughout the province for Ministry of Human Resources clients (children from low income families and persons with disabilities) who require a general anesthetic to be able to manage their restorative dental needs. The program has increased cost-effective access to these services.

- Outsourcing of non-patient care services such as housekeeping and laundry by Health Authorities has achieved efficiencies and re-directed savings into direct patient care areas.
- A new health care facility, the Abbotsford Regional Hospital and Cancer Centre, is being designed, built, financed and will also be maintained by the private partner. It will be a state-of-the-art replacement for an aging acute care hospital, and will provide several enhanced programs, including improved screening and treatment for cancer.

Québec has not expanded the role of private companies in supplying its health services. On the contrary, Québec is attempting to prevent the growth of delivery by the private sector of insured services based on ability to pay and insurability. Insured services are those that are medically required and rendered by general practitioners and specialists in private offices, at the patient's home and in facilities. It is in fact Québec's desire that access to the health system be based on need rather than on ability to pay or social status. To that end, Québec has adopted the *Health Insurance Act* and the *Act respecting prescription drug insurance*, whose general objective is to promote health care of the best possible quality for all Québeckers, regardless of ability to pay.

In certain specific, ad hoc and limited circumstances, Québec has purchased services in the private sector with public funding to reduce wait time, for example in cases of cataract surgery or equipment breakdown, or to resolve temporary difficulties.

The Manitoba government has not expanded the role of private companies in the health system – rather, the focus is on improving the public health system in Manitoba.

There has been no change in New Brunswick's approach regarding the role of private companies in the health system. As in previous reporting periods, many health care providers (e.g. physicians, pharmacists, occupational therapists, physiotherapists etc.) work in private practice and their private status has no impact on the timeliness or quality of care. Also, a range of services are offered by private practitioners, which are not insured under the *Canada Health Act*.

Newfoundland and Labrador believes strongly in the publicly funded health care system, and has made a conscious decision to strengthen it. Budget 2005-2006 included an additional \$113 million to improve access to health care services for all its residents bringing total government expenditures in Health and Community Services to \$1.75 billion, a 7 percent increase over 2004-2005. Newfoundland and Labrador has limited exposure to private clinics and treatments.

While there has always been an element of private sector involvement in Ontario's health care system, the Government strives to ensure that access to medical services and procedures is determined by a person's need, not financial resources. The *Commitment to the Future of Medicare Act, 2004*, which received Royal Assent on June 17, 2004, enshrines in law the commitment to a public, single tier health care system. The Act closed various loopholes that could result in extra billing and user fees, effectively precluding the possibility of two-tier care in the province.

The Government is implementing an aggressive strategy to enhance access to medically necessary procedures in the public medicare system. For example, the Ministry of Health and Long Term Care has been working with experts to establish clear wait time targets, starting with the critical areas of cardiac, cancer, hip and knee replacement, cataract and MRI/CT. These targets will be in place by December 2005. The Ontario Wait Times Strategy is collecting and will publish wait time data, provide public access to electronic wait lists and is funding hundreds of thousand of new procedures in areas associated with a high degree of disease and disability.

Saskatchewan continues to support the basic fundamentals of a public health insurance system, based on need rather than ability to pay. The public health insurance system has two advantages over a private one: it generally does a better job of controlling costs, and it ensures more equitable access to services. The health care system continues to provide timely and quality care for the disadvantaged and marginalized.

Growth of private health care does not yet impact the timeliness and quality of care available in the public system in the Yukon.

40. Please provide information on public expenditures on long-term care facilities and whether such expenditure is growing in proportion to the growth in the elderly population. According to some information, the situation in long-term care facilities in Ontario and Québec is unsatisfactory. Please comment and describe the measures taken in this regard.

In Canada, national data are unavailable for public expenditure on long-term care facilities. However, the Canadian Institute for Health Information (CIHI) publishes health expenditure data annually containing a category “Other Institutions” which includes long-term health facilities and nursing homes and residential care facilities. The most recent data available, which is not forecasted, is 2002. At that time, public expenditure for “Other Institutions” was \$7,311.1 billion, representing a public share of the total at 72.3 percent. From 2000 to 2002, public expenditures in this category increased by 15 percent but the lack of specificity in the data prevents any conclusions concerning similar increases in national expenditures on long-term care facilities.³

While national comparative data is not available, there is evidence, as demonstrated below, that expenditures on long-term facility care are increasing in proportion to, and in some cases exceeding, the growth in the elderly population.

Alberta funds health services, including long-term care health services, through Regional Health Authorities, which allocate resources to support long-term care health service delivery. Regional funding is based on a population-based model that specifically includes provisions for growth, aging and related long-term care needs. Regional health care funding, and subsequent allocation for long-term care, has consistently increased in proportion to population health needs. Alberta increased spending on facility-based long-term care health services from \$546 million in 2003-2004 to \$578 million in 2004-2005. Also, a shift is occurring in long-term care facilities towards

3. Canadian Institute for Health Information: Public Sector Health Expenditure, by Use of Funds, Canada, 1975 to 2004 Current Dollars.

serving people with more complex health care needs. It is projected that the number of long-term care facilities will remain stable over the next 15 years or so, while significant growth will occur in home care funding and supportive living developments, to allow people to age in the community.

The British Columbia government is building 5,000 new residential and assisted living beds by 2008, upgrading 40 percent of existing care facility beds to better accommodate clients with complex needs and replacing 10 percent of residential care beds with new and more appropriate accommodation. According to preliminary Canadian Institute for Health Information (CIHI) data for 2004, health care expenditures from both public and private sources flowing to nursing homes and residential care facilities totaled \$1.9 billion in British Columbia, equal to 15.7 percent of the public and private expenditure on health care. Of the \$1.9 billion spent, \$1.7 billion (85.9 percent) was from provincial government sources.

British Columbia anticipates that, by 2006, annual spending for residential care will be increased by about \$100 million over 2001 levels. An additional one-time \$150 million will be spent over two years, to strengthen and modernize the full range of services for seniors to support a smooth transition as new beds become available.

The British Columbia *Community Care and Assisted Living Act* (CCLA) was proclaimed in May 2004, replacing the *Community Care Facility Act*. The new act streamlines and modernizes the regulation of residential care, is outcome-based, and allows more flexibility for decision-making at the regional level.

As outlined in the following table, expenditures in long-term care in Manitoba increased by \$23 million between 2002-2003 and 2004-2005, while the population aged 65 and over grew by 2,651.

Manitoba Public Expenditures in Long Term Care (LTC) relative to Growth in Elderly Population			
	Population aged 65+ as of June 1*	Population aged 75+ as of June 1*	Manitoba Health LTC funding to Regional Health Authorities**
2002-03	157,489	79,094	\$405,021,400
2003-04	158,122	80,020	\$413,661,000
2004-05	158,676	80,558	\$428,148,900

* from Manitoba Health Population Report

** from Manitoba Health Estimates of Expenditure; includes funding for 30 palliative care beds at Riverview Health Centre

In Newfoundland and Labrador, expenditures for Nursing Home facilities increased by 10 percent from 2001-2002 to 2002-2003 and 4.35 percent from 2002-2003 to 2003-2004. These figures exclude facilities in Labrador and long term care beds in acute care facilities, personal care facilities and community care centres. Note as well, the percentage growth from year to year may not be an accurate reflection of growth due to items such as wage increases, wage freezes and union contracts.

According to Statistics Canada, there was an 18 percent increase in the number of people aged 65 and over in Ontario between 1996 and 2004. Ontario's budget for Long-Term Care (LTC) homes increased by more than 140 percent from 1996 to 2005. (LTC Budget was \$1.137 billion in 1996-1997 and is \$2.75 billion in 2005-2006). The increase in funding for LTC homes since 1996 has exceeded the population growth rate of those 65+ by a substantial margin.

For Québec, the data in the following table present all the expenditures of the *Perte d'autonomie liée au vieillissement* (age-related loss of independence) program, and show that their average annual growth, on a comparable basis and in constant dollars, has been 0.5 percent higher than that of the population 65 and over. It should be noted that, in public expenditures allocated to long-term care facilities, it is important to consider all services, including home support, and not institutional accommodation only.

Perte d'autonomie liée au vieillissement program

	1997-1998 (real)	2003-2004 (real)	2004-2005 (probable)	Average annual change (from 1997- 1998 to 2004-2005)
Spending in billion current \$	2.319	3.059	3.183	4.6%
Spending in billion constant 2004-2005 \$	2.685	3.116	3.183	2.5%
Number of persons 65 and over	890,276	1,000,688	1,021,777	2.0%

It should also be noted that these figures do not take account of improvements in programs for seniors offered by other departments, such as the tax credit for home support.

In November 2005, a 2005-2010 action plan for services to seniors with diminishing abilities was made public. This action plan requires that the organization of social and health services be adapted by means of improved home support and that accommodation formulas be diversified so that, even when they are becoming frail and dependent, seniors can remain in their homes or in their community. Institutional accommodation will therefore be progressively reserved solely for persons with complex clinical problems.

In the six-year period 2000-2005, the population of seniors in the Yukon 65 or older increased by 27 percent. In the same period, expenditures on long-term care facilities increased by 80 percent.

41. Please provide information on the health of the homeless population, and indicate what programmes have been adopted specifically targeted to improve homeless persons' access to health care.

Information related to federal, provincial and territorial initiatives on homelessness can found under article 11 in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* and under article 6 in *Canada's Fifth Report on the International Covenant on Civil and Political Rights*.

Methodological challenges associated with the transient nature of homelessness have hindered research efforts to quantify the health status of homeless people in Canada. Canadian research undertaken in large urban centres revealed higher rates of mortality; higher rates of both acute

and chronic conditions (such as tuberculosis, hepatitis and untreated diabetes) and higher risk of exposure to violence and injuries than the general population (Hwang 2001). Homeless people in Canada also suffer disproportionately from alcohol use, mental health problems and challenges accessing health services (Frankish, 2003).

The National Homelessness Initiative (described in Canada's Fifth Report on the ICESCR) has funded a number of health related projects:

- Portland Hotel Society developed a series of introductory film and video workshops for homeless or at risk of becoming homeless youth and they administer health care programs and other day-to-day support for their residents and the community at large.
- The Salvation Army provides Primary Health Care Services, including preventative health care services.
- Kelowna Gospel Mission Society was given funding to renovate a part of their facility into a clinic space for dental treatment, to cover the wages of a project coordinator, and the cost of dental equipment and supplies.
- Wabano Centre for Aboriginal Health was given funding to hire a qualified outreach worker to provide addictions intervention, addictions case management, cultural information and support, and access to primary health care.
- *Centre de Santé Communautaire* – the Corner Clinic offers accessible and appropriate health care and social services for the hard to reach population of the City of Greater Sudbury. The clinic works with the hard to reach and homeless population in partnership with community agencies to offer primary care services through health promotion and prevention initiatives.
- There are four broad components to the Inner City Health Project in Ottawa: case coordination and ambulatory care, palliative care, special care and case management of alcohol program.
- Street Health Community Nursing Foundation assists clients in obtaining or replacing health cards and other identification and offers a safe place to store their identification.

In addition, the Public Health Agency of Canada provides funds to several programs that support community-specific, needs-based responses to issues such as HIV (AIDS Community Action Program), Hepatitis C (Hepatitis C Prevention, Support and Research Program), healthy pregnancy and breast-feeding (Canada Prenatal Nutrition Program), and early child development (Community Action Program for Children and Aboriginal Head Start). These programs provide health promotion and preventative services, and facilitate access to health and social services for people living in conditions of risk, including those street involved or at risk for homelessness.

In Alberta, regional health care funding, and subsequent allocation for community-based services that address the needs of the homeless population, has consistently increased in proportion to population health needs. Alberta increased spending for all continuing, community and home care health services from \$754 million in 1999-2000 to over \$1 billion in 2004-2005. Alberta demonstrated health system-level improvements during 2000 to 2004 in a series of community-based health innovation pilot projects to increase access to mental health services among specific, targeted populations – including homeless persons in Calgary. Evidence indicates that functioning of poor and homeless clients improves when psychiatric services were provided at community health centres.

The following programs are offered in British Columbia:

- The British Columbia Centre for Disease Control provides the STD/AIDS Prevention Street Nurse Program, which offers disease prevention, education, testing, diagnosis and disease management out of local clinics and agencies to at-risk populations, including homeless persons.
- Mobile mental health and addictions emergency response services are available through health authorities for homeless persons in major urban areas.
- Public health services provide liaison and support through a number of non-profit agencies that serve homeless persons.
- Specialty clinics provide street-oriented primary health care in a variety of locations. There is also a Supervised Injection Site in Vancouver.
- Other health service initiatives particularly relevant to the homeless population include needle exchange programs and co-funding of emergency shelters with BC Housing.

In 2003-2004, Manitoba Health provided funding to regional health authorities in the amount of \$400,000 for supported housing staff positions to develop and implement housing programs to meet the needs of individuals with mental illness. This funding reflected the vision of Mental Health Renewal which prioritized the housing needs of persons with a mental health disorder.

Housing and Community Support Programs are provided by all regional health authorities across Manitoba and are available to persons who may experience difficulties living independently because of mental health difficulties. Supported housing (non-facility based) assists people to choose, obtain, and keep housing in the community. Other housing service options vary from residential care facilities (which provide a full range of services including meal preparation, medication administration, laundry, and assistance with daily living skills) to supportive housing options (which focus on rehabilitation and the development of independent community living skills).

Other resources available that address the residential and mental health needs of people with mental illness include Crisis Stabilization Units and Safe Houses. Crisis Stabilization Units are short-term community-based settings that provide mental health intervention to persons who require specialized mental health supports but not hospitalization. Crisis stabilization units usually have a nurse on shift to assist with medication management and other medical and psychiatric issues. Individual stays in crisis stabilization units vary considerably, but usually do not exceed two weeks. Safe Houses are short-term residential settings for individuals who require a caring, supportive environment to help them manage an emotional or mental health crisis. Safe houses are often staffed by consumers, and usually do not have the nursing expertise to manage acute psychiatric crises.

In addition to the programs identified above, Manitoba provides a full continuum of community mental health services, which are delivered primarily through regional health authorities. These include case management services such as Community Mental Health, Intensive Case Management, and Program for Assertive Community Treatment (Winnipeg). These, in addition to proctor services, support people with severe and persistent mental illness in achieving their personal

goals towards recovery, which includes addressing needs to find and/or keep appropriate housing.

The Government of New Brunswick offers a number of programs intended to enhance access to health care. Community Health Centres and Collaborative Practices provide services to persons who do not have a family doctor. Some have been designed to provide services in particular to persons in lower-income areas. Access is also provided through Emergency Rooms, and walk-in clinics.

All residents of Newfoundland and Labrador (NL) have equal access to health care. No specific programs are in place to target the homeless population; however, through the federal government's Homeless Initiative Program (SCPI), funding was provided to construct a homeless shelter for males between the ages of 16-29 in St. John's. Key community youth-serving agencies subsequently partnered to develop a Youth Services Site in the downtown area. This site is attached to the shelter. The development of the Youth Services Site and the community partnerships that have emerged as a result, have had a positive impact on the health of homeless youth. A nurse is located at the site on a half-time basis who can provide referral and follow-up with regard to common health issues facing this population (i.e. STDs, birth control, pregnancy testing, healthy baby club for pregnant youth and post-natal support group). The shelter provides homeless young men with information and referrals to health services they may require, and advocates on their behalf to ensure that they have access to a variety of health services. (ie: drug card, medical transportation). A street outreach program has been developed by one of the youth-serving partners (Community Youth Network) at the site which, in turn, all partner agencies support through an advisory committee and sharing of resources. This program provides street outreach targeting (but not limited to) youth who are homeless or are street workers/street involved. Information and referrals are provided as well as coffee, snacks, and condoms. Connected to its service, the AIDS committee of NL has expanded its free clinic hours so Street Reach can make immediate referrals for everything from needle exchanges, to testing for HIV or STDs, to treatment of injection sites, morning after pills and pregnancy testing. There are also a variety of life skills groups and staff from numerous agencies available at the site to meet with individual youth to provide information or referral regarding health issues they may have.

In Québec, the health insurance card permits free access to health professionals in the public system. Therefore, the homeless can consult doctors, nurses, social workers, pharmacists and other practitioners free of charge. And as the following data illustrate, they do so relatively more often:

Types of professionals consulted over a two-week period

Professionals	General population %	Study population (homeless) - %
General practitioner	11.6	22.2
Specialist physician	6.7	17.6
Nurse	1.6	15.1
Social worker or equivalent counsellor	0.8	15.0

Pharmacist	4.3	13.2
Psychologist	1.2	6.4
Physiotherapist or occupational therapist	0.9	1.8

For the homeless clientele of Montréal, the health care network has for many years had an outpatient team of nurses and social workers, and an outpatient team of homelessness workers. A supervised antiretroviral therapy program to combat AIDS among the homeless is also offered. These services are in addition to those offered by 43 Montréal resources, 24 of which offer shelters for the homeless.

For the homeless of Québec City, a team that specializes in homelessness offers biological, psychological and social support for the homeless. The many community organizations are supported by the health care network in their interventions with the homeless. There are a number of associations to better serve this population, including the *Réseau d'échange et d'informations sur les gangs de rue*, the *Table de concertation en itinérance* and the *Regroupement pour l'aide aux itinérants et itinérantes de Québec*. These initiatives are in addition to the services provided by the 18 assistance centres, nine of which offer shelter services.

In both Québec City and Montréal, health services are available in the homeless shelters. The very important work being done by street workers should also be noted.

Yukon funds a wide variety of programs to improve access to health and social services for homeless people, including outreach workers at Yukon Family Services Association and Communicable Disease Centre, funding to Salvation Army shelter, Healthy Families Program, and Public Health nursing outreach.

42. What steps has the Federal government adopted to follow up on the recommendation of the Special Rapporteur on indigenous people that emergency measures be taken to address the critical issue of high rates of diabetes, tuberculosis and HIV/AIDS among Aboriginal people, and that suicide among Aboriginal people be addressed as a priority social issue?

Information on Government of Canada initiatives aimed to improve the health of Aboriginal peoples can be found in paragraphs 148-150 of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*.

In February 2005, the Government of Canada confirmed new investments of \$700 million over five years for Aboriginal health initiatives, including \$190 million to build and enhance the Aboriginal Diabetes Initiative, increasing funding for prevention, promotion, screening and care, capacity building, research and surveillance about diabetes and its complications, and \$65 million for an Aboriginal Youth Suicide Prevention Strategy, increasing resilience and reducing risks of Aboriginal youth suicide by undertaking activities such as prevention, early intervention, and crisis response.

As part of the Federal Initiative to Address HIV/AIDS in Canada, in 2004-2005, \$242,000 was directed to the regions to support community work in prevention, education and awareness, and

to strengthen community care, and support networks for on-reserve First Nation peoples living with HIV. In 2005-2006, each region received dedicated HIV/AIDS salary dollars to support First Nation communities to strengthen their HIV/AIDS programs.

As well, Health Canada funds the Canadian Aboriginal AIDS Network each year to develop and implement a national Aboriginal AIDS awareness campaign for World AIDS Day. The materials for these campaigns are printed in English, French and Inuktituk. Health Canada also funds, on a project-by-project basis, the national Inuit women's association to undertake prevention education, and all their materials are printed in Inuktituk.

Because the rate of tuberculosis is considerably higher among First Nations people than non-Aboriginal Canadians, Health Canada has implemented a Tuberculosis Elimination Strategy, with a goal of bringing down these rates to the national average. The strategy supports ongoing surveillance, centralized case management, directly observed therapy for disease cases, a tuberculosis registry and a controlled system of drug supply.

Provincial and territorial governments also have a number of initiatives to address diabetes, tuberculosis and HIV/Aids among Aboriginal people. Relevant information can be found in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*: British Columbia (paragraph 203), Saskatchewan (paragraph 286–289), Manitoba (paragraph 312), Ontario (paragraph 363), Québec (paragraphs 425–428), Nova Scotia (paragraphs 498–499) and Prince Edward Island (paragraph 532).

Provincial initiatives to prevent suicide among Aboriginal peoples are reported in *Canada's Fifth Report on the International Covenant on Civil and Political Rights*: Québec (paragraph 313), Ontario (paragraphs 389–390), Manitoba (paragraph 448), Saskatchewan (paragraph 513), Alberta (paragraph 568), and British Columbia (paragraphs 647–648).

Additional information follows.

The Government of Alberta established a cross-ministry Aboriginal Youth Suicide Prevention Strategy under the Alberta Children and Youth Initiative to provide support to Aboriginal communities in addressing suicide among Aboriginal youth in Alberta. The fundamental approach of the strategy is the recognition that the approaches used must be community-driven and address the complex issues relevant to the communities involved. The objectives of the strategy are as follows:

- Support Aboriginal communities to identify strengths and build upon their capacity to address youth suicide prevention.
- Support a province-wide education and training implementation plan that promotes suicide prevention, relationship building and community mobilization.
- Develop an awareness and education strategy, in partnership with communities, to broaden awareness and stimulate action in the prevention of Aboriginal youth suicide.
- Establish partnerships to support research and program evaluation initiatives to inform future planning.

In 2005-2006, three pilot sites were supported in the creation of action plans that considered individual community strengths, focussed on prevention and a recognition of community based resources. Each of the pilot sites has begun implementing its action plans. Preliminary feedback is positive and momentum is being built to continue to support children and youth, and in turn build community capacity. It is anticipated that promising practices will emerge and be shared more broadly around the prevention of Aboriginal youth suicide. In 2006-2007, up to three additional Aboriginal communities will receive financial support over a three-year period.

With the funding and support of Alberta Health and Wellness, the Canadian Diabetes Association is implementing a three-year comprehensive diabetes prevention campaign. The campaign includes a broad-based media campaign to raise awareness of diabetes risk factors among Albertans. This campaign is being delivered across Alberta to raise awareness about Type 2 diabetes. The media campaign targets the general population and Aboriginal families and youth.

The Alberta Community HIV Fund is a joint community/provincial/federal fund disbursement model developed through consultation with representatives from Alberta community-based HIV organizations, persons living with HIV/AIDS, the regional health authorities, and provincial and federal health departments. The Fund is administered by the Alberta Community Council on HIV (ACCH), a partnership of 15 non-profit, community-based HIV organizations who come together to present a unified provincial voice on common HIV issues, provide training opportunities, and participate in community and organizational development.

Further to information provided in Canada's Fifth Report on the ICESCR regarding the incidence and prevalence of diabetes in Manitoba (paragraph 313), the Government is moving forward with a Diabetes and Chronic Disease Risk Factor assessment, which includes assessing those at risk of, and living with, diabetes.

New Brunswick offers various programs to all New Brunswickers (including Aboriginal people) which are intended to address the health conditions discussed above.

In Newfoundland and Labrador, the Labrador Innu Comprehensive Healing Strategy, funded by the Government of Canada, was put in place in November 2000, to address the health and socio-economic conditions of the Innu. The five areas addressed were community health, Mushuau Reserve relocation, registration and reserve creation, programs and services, and community policing. Discussions are ongoing for Phase II of the strategy. In addition, in Budget 2004, the province provided an annual funding increase of \$500,000 to Health Labrador Corporation to enhance social work services in Aboriginal communities.

The province, Health Canada and the Aboriginal communities have been cooperating to provide suicide awareness training in Aboriginal communities. In cooperation with the Whitestone Program, 37 Innu and Inuit youth and service providers were trained in November and December 2003. Whitestone trainers have also been working with service providers and the Aboriginal communities to establish a Labrador strategy for suicide prevention. The program teaches young adults and community caregivers about suicide prevention and trains them to present suicide prevention education sessions to other youth in their home community.

The Province has been working with the Government of Canada and the Innu and Inuit of Labrador to address many risk factors associated with suicide:

- The Mushuau Innu from Davis Inlet were relocated to Natuashish in December 2002, to address housing and water quality.
- The Government spent \$21 million to improve the housing stock and other infrastructure in the Inuit communities.
- The Mushuau Innu First Nation and the Sheshatshiu Innu First Nation were registered as bands under the *Indian Act* in 2002 and reserve creation for Natuashish (December 2003) and Sheshatshiu (ongoing).
- The Province has been working cooperatively with the federal government, Innu Nation and the Innu band councils to assist with the development of long-term healing strategies.
- The Province has been working with the Innu Bands and the federal government to devolve programs and services when the Innu have developed the capacity to deliver those programs.
- The Province has supported the construction of community recreation facilities in the Innu communities and has been working with the Inuit communities on recreation initiatives.
- The Province required the negotiation of Impacts and Benefits Agreements with the Innu and Inuit prior to the development of the Voisey's Bay Project - these provide cash compensation, significant employment and business opportunities, training and development opportunities and other benefits for the Innu and Inuit.
- The Province has completed negotiating a land claims/self-government agreement with the Labrador Inuit and continues to negotiate a similar agreement with the Labrador Innu. These agreements include economic benefits, self-government and provisions to protect and promote Aboriginal culture.

In Saskatchewan, all citizens with a valid health card have a right to access mental health and emergency services, which assess risk of suicide and provide stabilization and treatment. On-reserve services provided through the Federal Non-Insured benefits program allow for funding for crisis intervention and stabilization.

Regina Qu'Appelle Health Region ASAP (The Alliance for Suicide Awareness and Prevention Program) Suicide Prevention trainers provide ongoing training in suicide prevention to a wide range of individuals that provide services to Aboriginal people.

Articles 13 and 14: The right to education

43. Please provide comparative statistics since 1998 on tuition fees and the average student debt at the federal, provincial and territorial levels (periodic report, paras. 474, 2153). In addition, please comment on the report that, during the school year 2004-2005, the Québec government cut 103 million dollars in loans / bursaries thus increasing the debt burden of the poorest students in post-secondary level in Québec.

Tuition fees

Average university undergraduate tuition fees by province			
	2000/01	2004/05	2005/06
	Current \$		
Canada	3,447	4,140	4,214
Newfoundland and Labrador	3,737	2,606	2,606
Prince Edward Island	3,499	4,374	4,645
Nova Scotia	4,631	6,003	6,281
New Brunswick	3,585	4,719	5,037
Québec	1,819	1,888	1,900
Ontario	4,256	4,831	4,881
Manitoba	3,219	3,236	3,272
Saskatchewan	3,668	5,062	5,062
Alberta	3,907	4,940	5,125
British Columbia	2,592	4,735	4,874

Source: Statistics Canada. *The Daily*, 01 September 2005, p.4.

Average college tuition fees by province			
	2000/01	2004/05	2005/06
Canada	1,935	2,355	2,395
Newfoundland and Labrador	1,452	1,452	1,452
Prince Edward Island	3,250	3,250	3,250
Nova Scotia	1,625	2,400	2,500
New Brunswick	2,400	2,500	2,600
Québec*	-	-	-
Ontario	1,718	1,820	1,820
Manitoba	1,292	1,292	1,292
Saskatchewan	1,860	2,640	2,772
Alberta	2,383	3,199	3,199
British Columbia	1,433	2,638	2,674

Source: British Columbia's Ministry of Advanced Education, Interprovincial Comparison Survey.

* There are no tuition fees at the college level in Québec.

Student debt

Average Undergraduate debt at Consolidation⁴ (1998/99 - 2003/04)						
	Loan Year ⁵					
	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004 ⁶
Canada⁷	16,468	16,460	17,837	16,771	18,936	20,358
Newfoundland	22,164	20,291	22,380	19,114	21,348	22,255
PEI	17,376	15,732	18,661	16,292	19,803	22,368
Nova Scotia	15,044	17,388	20,447	20,033	21,555	22,617
New Brunswick	19,450	19,533	20,559	19,345	21,070	21,900
Québec	10,010	9,897	9,346	8,465	8,194	8,093
Ontario	17,586	18,006	20,050	19,218	19,406	19,464
Manitoba	13,906	13,335	13,729	12,809	14,867	15,883
Saskatchewan	17,100	16,624	17,429	16,826	19,095	20,638
Alberta	15,045	14,853	16,564	16,771	18,539	19,673
British Columbia	16,403	16,392	17,041	16,574	19,105	20,624
Yukon	10,608	12,441	11,509	10,723	14,568	18,158
NWT						

Average Graduate Debt at Consolidation⁸ (1998/99 - 2003/04)						
	Loan Year ⁹					
	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004 ¹⁰
Canada¹¹	20,341	21,198	22,734	21,518	27,052	27,457
Newfoundland	22,992	22,280	23,071	21,324	28,971	29,794
PEI	21,765	22,294	23,097	23,442	28,177	27,170
Nova Scotia	19,444	21,371	23,379	24,930	28,598	26,247
New Brunswick	25,498	24,180	27,376	21,086	27,338	29,362
Québec ¹²	10,010	9,897	9,346	8,465	8,194	8,093
Ontario	20,165	21,944	23,127	21,582	26,238	25,579
Manitoba	20,697	19,308	17,355	20,374	22,279	24,289
Saskatchewan	25,876	23,462	23,055	23,305	30,168	34,206

4. Average indebtedness at consolidation by loan year as of December 22 2004.

5. A loan year covers a time period from August 1 to July 31 of the following year.

6. 2003-2004 numbers are preliminary

7. Total average debt includes both federal and provincial portions based on 66/34 federal/provincial split in all provinces and territories except for Québec and the Northwest Territories where only a single provincial/territorial program exists.

8. Average indebtedness at consolidation by loan year as of December 22, 2004.

9. A loan year covers a time period from August 1 to July 31 of the following year.

10. 2003-2004 numbers are preliminary.

11. Total average debt includes both federal and provincial portions based on a 66/34 federal/provincial split in all provinces and territories except Québec and the Northwest Territories where only a single provincial/territorial program exists.

12. Québec's undergraduate and graduate debt are the same because the source does not distinguish between the two.

Alberta	19,747	20,086	20,406	21,506	25,662	26,397
BC	20,638	22,515	23,742	23,023	26,677	27,782
Yukon	6,589	14,542	N/A	14,603	26,411	23,747
NWT						

With respect to government loans and bursaries in Québec, in the 2004-2005 budget year, the Government of Québec reorganized its budget so as to convert bursaries into loans, in the amount of \$103 million. This cannot be called a cut as there has been no change to the overall amount of financial assistance to education (loans and bursaries), which rose from \$670 million in 2003-2004 to \$684 million in 2004-2005. It should also be noted that there have been no increases to Québec tuition fees for many years.

This budget reorganization does not affect the accessibility of secondary and post-secondary education, since the total amount of student assistance remains unchanged. All the same, the reorganization could have an upward impact on student debt. Following negotiations with the student associations, however, the Government of Québec agreed to return the loans and bursaries for 2005-2006 and 2006-2007 to the status in place in 2003-2004.

44. It is reported that a significant education gap continues to exist between First Nations in reserves and Canadians as a whole. Please provide detailed information on this issue, and indicate the measures taken to address this gap, taking into consideration the projected increased demographics in First Nations communities.

Although the gap in educational attainment between First Nations youth and other Canadian youth remains, there has been significant improvement. In 1991, the high school completion rate for First Nations' students on reserve was 31.4 percent. This increased to 41.4 percent in 2001 – an increase of a full 10 percent. In comparison, the Canadian population high school completion rate increased 6.9 percent over the same period (from 61.8 percent to 68.7 percent). Although the First Nation high school completion rate is well below the Canadian rate, it is good news that it has been increasing over time and is growing fast. The First Nations population (on- and off-reserve) with a post-secondary certificate, diploma or degree increased from 20 to 23 percent from 1996 to 2001. For all Canadians, it increased from 35 to 38 percent

In 2004-2005, the Post-Secondary Education Program is expected to support approximately 26,000 First Nations and Inuit students with planned spending of \$305 million. Almost all post-secondary funding is administered by First Nations and Inuit organizations.

The Government of Québec has taken certain measures to address the education gap between First Nations and the rest of the population:

- The *Programme de soutien aux membres des communautés autochtones* grants financial assistance to certain universities that wish either to offer academic programs adapted to Aboriginal students enrolled in their institution or to offer their expertise in fields or sectors well targeted by certain Aboriginal communities. The Ministère de l'Éducation allocates \$400,000 to the program every year.

- The *Programme d'accueil et d'intégration des Autochtones au collégial* supports the CEGEPs' efforts in implementing measures to facilitate access to college education for Aboriginal persons in their first year of college studies.

In addition to these programs, the Government of Québec assumes 25 percent of the operating and capital costs of the Cree School Board and the Naskapi school, and 75 percent of the costs of the Kativik School Board. The Government of Canada provides the remaining.

Information on the Manitoba Aboriginal Education Action Plan can be found in paragraph 316 of *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights*.

Article 15: Cultural Rights

45. What measures have been adopted to address the concern expressed by the Special Rapporteur of the Commission on Human Rights on Racism, Racial Discrimination, Xenophobia and Related Intolerance regarding the discriminatory effect of the Official Languages Act against non-European French speakers in Canada? (Periodic report, para. 487 ff.)

Section 20 of the Charter and Part IV of the *Official Languages Act* clearly provide that any member of the public in Canada has the right to communicate with federal institutions, and to receive available services from any other office of any such institution. Everyone, without any distinction based in particular on citizenship, race, national or ethnic origin, colour or first language, is entitled to this right without discrimination.

The statistical measure referred to in the Special Rapporteur's report is not used to identify individuals with the language rights in question. Moreover, it is used only to identify the federal offices that are required to offer services to and communicate with the public in both official languages of Canada. The constitutional, legislative and regulatory application of official languages in Canada does not place any limit or condition on application on anyone who would like to benefit from the right to services and communications at issue.

46. Please provide more detailed information about programs adopted in order to preserve Aboriginal languages in Canada. To what extent are Aboriginal and minority cultures represented in educational resources and the curriculum? (Periodic report, para. 494)

Information on the Government of Canada's Aboriginal Languages Initiative, which supports the revitalization and maintenance of Aboriginal languages, can be found in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* (paragraphs 155-158).

Provincial and territorial governments have many initiatives aimed at the preservation of Aboriginal culture and languages and ensuring that Aboriginal and minority cultures are represented in educational resources and the school curriculum. Examples of such initiatives are described below.

Alberta Education commits to proactive collaboration and consultation with First Nations, Métis and Inuit parents and communities and other key education, government and community stakeholders to implement learner-focussed strategies that will:

- increase and strengthen knowledge and understanding among all Albertans of First Nations, Métis and Inuit governance, history and treaty and Aboriginal rights, lands, cultures and languages;
- provide First Nations, Métis and Inuit learners with access to culturally relevant learning opportunities and high quality support services;
- develop ministry capacity to address First Nations, Métis and Inuit learner needs effectively; and
- report progress on the achievement of expected long-term outcomes for First Nations, Métis and Inuit people and other Albertans.

Initiatives related to the preservation of Aboriginal languages include:

- four provincial Cree Language and Culture courses: a Cree Language and Culture Twelve Year Program of Study and new draft provincial Cree Language and Culture Nine Year, Six Year and Three Year Programs of Study, which are being field tested;
- a new Blackfoot Language and Culture program of studies developed by the Kainai Board of Education;
- junior high learning resources for Blackfoot and Plains Cree in cooperation with First Nation Education Authorities (i.e. the Kainai Board from Blood reserve and Treaty 6 Tribal Ventures);
- development of Stoney/Nakoda language courses;
- development of a plan for the implementation of Aboriginal Languages by Alberta Education as part of the Languages Initiative.

The first provincial program in Aboriginal Studies has been developed in partnership with elders, educators and Alberta Education staff. Three student basic resources for Aboriginal Studies 10, 20 and 30 are available to teachers. The course content for Aboriginal Studies 10-20-30 deals with First Nations, Métis and Inuit history and contemporary issues in Alberta from a diverse Aboriginal perspective. *Aboriginal Perspectives – Aboriginal Studies 10* received an award from the Book Publishers of Alberta Association in June 2005.

Additionally, First Nations, Métis and Inuit governance, history, treaty and Aboriginal rights, lands, cultures and language perspectives are being infused into the revised Social Studies Program. Planning for infusion into other subject areas (including physical education, health, career and life management, mathematics, science and English and French language arts) is ongoing.

Alberta Education's Special Programs Branch and Aboriginal Services Branch have completed the development of a new resource *Our Words, Our Ways: Teaching First Nations, Métis and Inuit Learners*. This resource will be instrumental in assisting teachers to deliver Aboriginal perspectives in core curriculum.

To help sustain First Nations and minority languages in British Columbia, the Ministry of Education created the Languages Template Development Package in 1997 to facilitate Aboriginal and minority cultures to develop a language curriculum document for their particular language. In addition to the curriculum template, the document includes a lengthy section on how to create learning outcomes, instructional and assessment strategies and sample units.

Seven First Nations language curricula and minority language curricula for Arabic, Italian and Korean have been approved. There are four First Nations language curricula and one minority language curriculum that are in various stages of the development process.

The Ministry of Education addresses the representation of First Nations and minority cultures in both the curriculum development and the learning resource evaluation and selection processes. Wherever possible, there is First Nations/minority representation on curriculum development/revision teams in all subject areas. There is a Social Studies course, B.C. First Nations Studies 12, translated into French as *Études des Premières Nations de la C.B. 12*. In addition, all curriculum documents are reviewed at various stages of development by the Aboriginal Education Enhancements Branch of the Ministry.

Learning resource criteria that specifically refer to Aboriginal and minority cultures are used for the evaluation of every resource reviewed by the learning resource evaluators or by developers developing learning resources specifically for British Columbia. Resources that have substantial First Nations or minority content are further reviewed by the Aboriginal Education Enhancements Branch or by experts from specific minority cultures.

Manitoba's Department of Education, Citizenship and Youth has taken significant steps to support Aboriginal languages and ensure that Aboriginal perspectives are reflected in educational resources and curricula. The following outlines steps taken (see also paragraph 316 of Canada's Fifth Report on the ICESCR):

- Funding through the Aboriginal Academic Achievement Grant is used by some of Manitoba's school divisions to support Aboriginal language programs in schools.
- The Building Student Success with Aboriginal Parents fund supports a number of Manitoba schools actively seeking increased involvement of parents and families of Aboriginal students in education with a focus on culturally appropriate involvement approaches.
- A guide is under development entitled *Helping Your Child Succeed in School: A Guide for Parents and Families of Aboriginal Students* that includes practical ideas for parents to be involved in their child's education and school success in partnership with school staff. Integration of Aboriginal languages and cultures in all aspects of education are strongly supported in the guide.
- *Integrating Aboriginal Perspectives into Curricula: A Resource for Curriculum Developers, Teachers, and Administrators* was produced in 2003 to assist with the integration of Aboriginal perspectives into Kindergarten to Senior 4 courses.
- Manitoba Student Aid's budget contains 73.5 thousand dollars for grant funding to Aboriginal Languages of Manitoba Incorporated – a non-profit organization that promotes the retention and preservation of Manitoba's seven Native languages in schools, public post-secondary institutions and communities.

- The University College of the North (UCN) has identified in its development plan a Centre for Indigenous Languages.
- Students in UCN's Bachelor of Education Program will receive instruction in Cree language as part of the curriculum.
- Manitoba Education, Citizenship and Youth is part of the Western and Northern Canadian Protocol process that has developed the Common Curriculum Framework for Aboriginal Language and Culture Programs and is developing Manitoba-specific Aboriginal languages curricula.
- The Social Studies curriculum has distinctive outcomes regarding Aboriginal perspectives.
- A resource package entitled *Incorporating Aboriginal Perspectives: A Theme-Based Curricular Approach* has been developed and provided for use by classroom teachers in selected grades.
- In 2004, the Aboriginal Education Action Plan was initiated. Implementation of this is ongoing.
- In 2003, An Action Plan for Ethnocultural Equity was released.

In addition, the following programs have been established by Manitoba Culture, Heritage and Tourism:

- the Aboriginal Cultural Initiatives Program (in 2004-2005), which supports Aboriginal arts and cultural activities; and
- the Aboriginal Arts Education Initiative, which supports arts education, training and skills development initiatives, delivered individually by or through partnerships with community arts organizations, community service organizations, schools, training centres and professional arts organizations. Program guidelines will be developed in consultation with the Minister's Advisory Councils (see paragraph 317 of Canada's Fifth Report on the ICESCR for information about these).

In New Brunswick, the Department of Education has a variety of initiatives related to the education of First Nations students attending public school. As part of the Quality Learning Agenda, a particular focus is placed on boys and First Nations students. The Department is developing literacy strategies and targets specifically to address the achievement of the First Nation student population.

The Department is allocating increased funding for partnering with Mi'kmaq and Maliseet communities on educational initiatives for First Nations children. Focus groups, with Department of Education, school district and First Nation representatives, were organized in 2003-2004 to address issues related to the achievement of students from First Nation communities. Quality Schools, High Results makes a commitment to improving the graduation rate of First Nation students; the focus group provides a forum by which initiatives can be discussed.

The Department works collaboratively with First Nation communities to improve the learning outcomes of First Nation students in the public education system and those enrolled in schools in their community. The Department will continue to ensure that public school programming is culturally sensitive and that specific curricula and services are supported, such as language

courses and awareness events. An action plan is being developed to help facilitate the transition for First Nation students into the public system.

The New Brunswick Education Initiative is another example of the Department of Education's efforts through the Quality Learning Agenda to ensure that students achieve at the highest standards of excellence. The New Brunswick Education Initiative represents an alliance of fourteen First Nations in New Brunswick who have joined to address issues such as tuition agreements, access to special education services and the relationships between First Nations and the Department of Education and local school districts. Representation on the committee also includes Indian and Northern Affairs Canada, the Aboriginal Affairs Secretariat of New Brunswick, and the Department of Education. The federal government will contribute \$400,000 to the New Brunswick Education Initiative, while the provincial contribution includes a Learning Specialist in Aboriginal Education, shared expertise and professional development.

In Newfoundland and Labrador, a concerted effort is being made to preserve Aboriginal language — including through a Memorial University initiative that will soon see the publication of the first-ever Innu Eimun dictionary.

Instruction in both English and Innu Eimun is offered in the province's two Innu schools: Peenamin McKenzie School in Sheshatshui and Mushuau Innu Natuashish School in Natuashish. Levels of Innu Eimun language support offered to children vary between the two schools. At Peenamin McKenzie School in Sheshatshui, intensive instruction is offered in both Innu Eimun and English in the primary grades. Students in elementary grades receive 30 minutes of Innu Eimun instruction daily while intermediate students receive about three hours of instruction in Innu Eimun per week. At Mushuau Innu Natuashish School, there are six teacher aides who work with the teaching staff at the primary and elementary levels. The aides interpret English for the students, where necessary, and are encouraged to teach Innu Eimun to them.

At Jens Haven Memorial in Nain, there are also high school level courses in Inuktitut offered for Inuit students.

The new Atlantic provinces social studies curriculum includes specific outcomes that focus attention on Aboriginal peoples. In addition, the curriculum provides many opportunities to infuse content related to Aboriginal peoples. The Department of Education in Newfoundland and Labrador plans to implement, over time, all the Atlantic curricula with the exception of Grades 5 and 8. At these grade levels, the focus will be on the social studies and history of the province — including the history of Aboriginal peoples.

The current social studies program reflects a strong emphasis on promoting understanding and appreciation of the role of Aboriginal/First Nations/minority groups and their contributions in Canada and in the province of Newfoundland and Labrador. For example, the primary and elementary social studies school curriculum promotes specific knowledge and understanding of how people of Aboriginal/First Nations/minority cultures (in the past and present) have contributed to the development of their community, province and country. The recently implemented primary social studies curriculum and the existing elementary curriculum for Grade 3 (A Journey of Discovery: Living in Newfoundland and Labrador), Grade 4

(Communities Around our World, and Grade 5 (The Atlantic Edge: Living in Newfoundland and Labrador) specifically focus on the study of Aboriginal/First Nations/minority groups in Newfoundland and Labrador.

These topics and concepts are refined at the Intermediate level. Students focus on the study of Newfoundland and Labrador at the Grade 8 (History of Newfoundland and Labrador) and Grade 9 (Atlantic Canada in the Global Community) levels, and at the high school level in the Canadian History course. Furthermore, teachers are provided with a myriad of resources and opportunities to infuse content related to Aboriginal peoples into the Language Arts, Religion and Fine Arts curricula. For example, the Department of Education is working with the museum, art gallery and the provincial archives divisions of The Rooms to develop digitized teaching modules that profile Aboriginal groups. A profile of Innu peoples in Labrador and Québec has recently been completed.

The Government is also working with the Conne River Native Band Council to develop a local course on Mi'kmaq Studies for their high school students to highlight for students the pride and importance of their cultural heritage, and the need to preserve their language and traditions.

Finally, it should be noted there is a program specialist working at the Labrador School Board who is responsible solely for Aboriginal Education and the Department of Education has hired an Aboriginal Education consultant to develop more culturally-relevant curricula for Aboriginal students.

Information on the *Official Languages Act* of the Northwest Territories can be found in *Canada's Fifth Report on the International Covenant on Economic, Social and Cultural Rights* (paragraph 610).

Ontario has had a Native Languages policy and program in place since September 1987. The policy of the teaching of Native languages in Ontario schools was the Government's response to the concern raised by a number of First Nation communities that their languages and culture were being lost. The Government felt that schools had a role in helping reclaim and revitalize Native languages.

The Native language program is comprised of a curriculum for Grades 1-12. The program may be offered in any of the following languages: Cayuga, Cree, Delaware, Mohawk, Ojibwe, Oji-Cree, and Oneida. All Native language programs are to be offered during the regular school day, as opposed to Heritage language programs, which are taught after regular school hours or on weekends.

Native language teacher qualification programs have been established to provide qualified teachers in support of the Native languages program.

With respect to the representation of Aboriginal cultures in the curriculum, there is an increased focus on Aboriginal perspectives in the review and revision process of Ontario curricula currently under way, beginning with the revised Grades 1-8 Social Studies, History and Geography curricula and in the History, Geography, Economics, Law and Politics courses in

Grades 9-12. With the new curriculum, because textbooks must support at least 85 percent of the curriculum expectations, textbook developers can include Aboriginal-focused content in support of specific expectations.

In Québec, the signing of the James Bay and Northern Québec Agreement in 1975 led to the creation of the Cree School Board for the Cree and the Kativik School Board for the Inuit. Three years later, the Naskapi school was created for the Naskapi after the Northeastern Québec Agreement was signed. These organizations enjoy specific powers, notably the possibility of concluding agreements on post-secondary education and of developing courses, manuals, teaching materials and teacher training programs to preserve and perpetuate the Aboriginal language and culture. Also, in 2000, the Government of Québec and the Council of the Huron-Wendat Nation signed an agreement whereby the Education minister established an adult education centre that was entrusted to the Huron-Wendat Nation.

With each of these organizations, a discussion framework has been set up with the Québec Ministère de l'Éducation, du Loisir et du Sport concerning the academic success of Aboriginal students. These talks have led to the identification of measures to be implemented to improve in particular the training of Aboriginal teachers, Aboriginal-language curricula and absenteeism. This initiative also requires each school to prepare a plan for success that is updated annually.

Some 1,000 Aboriginal students also attend schools within Québec school boards. In the 2004-2005 school year, the Ministère de l'Éducation, du Loisir et du Sport introduced a program to promote the success of these students by means of various activities.

In Saskatchewan, Saskatchewan Learning published *Indian Languages: A Curriculum Guide for Kindergarten to Grade 12* in 1994 and *Indian Languages Policy and Planning in Saskatchewan: Research Report* in 1997. Both documents guide the process of developing Aboriginal languages curricula.

The Saskatchewan government's support of Aboriginal languages preservation is consistent with the framework provided by the Western and Northern Canadian Protocol. The Common Curriculum Framework for Aboriginal Language and Culture Program Kindergarten to Grade 12 was published in 2000 and continues to provide guidance to the development of Aboriginal language and culture programs. Saskatchewan Learning continues to develop an Aboriginal languages Web site in collaboration with the Western and Northern Canadian Protocol.

In response to the needs of some school divisions, the Department is undertaking development of Core Cree 10, 20 and 30 curricula. Piloting of Core Cree 10, 20 and 30 began in February 2005 and will be implemented in the fall of 2006. Core Cree 10, 20 and 30 will be seen as a prototype for the development of other Aboriginal languages curricula.

The Department provides financial support to the Prince Albert Grand Council (PAGC) in its Gift of Language and Learning project targeting immersion in K-9 and instruction at the secondary level. Added to this is a Dené Language component through the Meadow Lake Tribal Council to be on-stream for spring 2006. Other support goes to select school divisions to assist

their efforts to develop Nakawé language curricula at the 10, 20 and 30 level. These school divisions will eventually apply to the Department to have the curricula gain provincial status.

Two community education initiatives administered by the Department of Learning were created to support the cultural and socio-economic life experiences of Aboriginal learners. The Indian and Métis Education Development Program provides grants to encourage school divisions to provide innovative, responsive and culturally-affirming support to help Aboriginal students succeed in school. The Aboriginal Elder/Outreach Program provides grants to encourage relationship-building between school divisions and the Aboriginal community, and enable school divisions to bring Aboriginal resource people, such as Elders and cultural advisors, to the school.

In the Yukon, the *Education Act* mandates an emphasis on First Nations' language and culture, not only for Yukon First Nations' students, but for all Yukon students. The Yukon First Nation population represents 23 percent of the territory's population. The Department of Education employs about 30 full-time equivalent native language instructors who teach First Nations languages in 19 of 28 Yukon schools, including all rural schools.

Yukon First Nations materials and resources under development include a grade 5 Land Claims unit, a Yukon First Nations History 12 textbook and an early reader series of booklets focusing on Yukon First Nations culture and language. All of these materials will be piloted in 2005-2006.

As a way to include First Nation culture in the curriculum, the Government of Yukon provides funding to schools to enhance their First Nations cultural programming, which includes First Nation cultural activities such as bison hunts, moccasin making, beading and carving.

The Yukon Native Language Centre (YNLC) is a training and research facility that provides a range of linguistic and educational services, including teaching, documenting, and promoting Yukon Native languages to Yukon First Nations and the general public. The Centre is administered by the Council of Yukon First Nations with funds provided by the Government of Yukon. YNLC offers training and certification for Yukon Aboriginal Teachers. YNLC staff and Elders have developed and now teach the Certificate (3-year) and follow-up Diploma (2-year) Courses for Native Language Instructors at Yukon College. YNLC develops teaching and learning materials for all the Yukon Aboriginal languages. These include a curriculum guide, language lesson booklets and tapes, dictionaries and reference materials, and most recently a range of interactive computer materials such as Talking Books and a CD ROM devoted to Southern Tutchone place names and geography.

First Voices is a Web-based language archive program. Yukon Government Aboriginal Language Services has an agreement to provide FirstVoices technologies to the Tagish, Southern Tutchone and Han language communities for a one-year pilot project. In addition to the development of FirstVoices language archives, teams of Elders and young people in each of the participating communities are using new Unicode-based font and keyboarding technologies developed by FirstVoices to document accurately their languages and create their own language resources. Once a sufficient body of work has been created and checked by community-based elders, the three language teams will make their work publicly accessible.