

## Universal Periodic Review Concerning Canada

1. This submission is made by Action Canada for Population and Development (ACPD) in regard to the Human Rights Council's Universal period Review (UPR) of Canada, which is scheduled to take place in February 2009.

2. This submission focuses on Canada's voluntary pledges and commitments made at the 1994 International Conference on Population and Development (ICPD) relating to Official Development Assistance, and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and access to abortion services in Canada and reaffirmed by Canada and the other participating countries at the 1995 Fourth World Conference on Women in Beijing, as well as the 5<sup>th</sup> and 10<sup>th</sup> review processes.

3. At the ICPD, Canada, along with the rest of the international community, agreed to work toward the attainment of certain goals with respect to population and development. For instance, 179 countries called for the reduction of maternal mortality rates by three-quarters between 1990 and 2015. They also called for universal access to reproductive health care services, including safe and reliable family planning methods, by no later than 2015.

4. Countries did more than just agree to support progressive policies on reproductive and sexual health and rights, and migration. They agreed to contribute, based on each country's Gross National Income (GNI), a percentage of the estimated cost needed to ensure universal access to reproductive health care by 2015. The cost was estimated to be US \$ 18.5 billion by 2005.<sup>i</sup>

5. On June 13, 2005, the Canadian Parliament unanimously adopted a motion calling on the government to honor its commitments to the UN MDGs, and by 2015, to increase Canada's international aid to 0.7 % of GNI. This should be done through a solid plan that would see Canada's aid level at 0.5% of GNI by 2010. With a real gross domestic product increase of 2.7% in 2006 (DAC Report), continued budget surpluses and strong public support of development aid, the conditions seem right for Canada to draw up a timetable for meeting the UN target.

6. During the 2006 federal elections, the Conservative party pledged, "to move towards the average level among Organizations for Economic Cooperation and Development (OECD) [donors]" by 2010 [Conservative Party Platform 2005], which at the time of the promise was 0.42% of GNI. The latest DAC ODA figures for 2006 puts the average performance at 0.46%.

7. On February 26<sup>th</sup>, 2008 the Conservative government released its third budget, which held on to previous governments long-standing promise to double aid by 2010 by increasing the International Assistance Envelope (IAE), devoted to aid, but made no new commitments for that year. The budget also did not layout any timetable for the IAE beyond 2008-2009 and thus gave no confirmation that aid would in fact double by 2010, as promised.

8. Canada's ODA as a percentage of GNI has actually dropped over the past three years. In

2005, Canada ODA/GNI % was 0.34, in 2006 it dropped to 0.29 and the latest figures show that we are at 0.28 % ODA/GNI.<sup>ii</sup> Canada is now 16<sup>th</sup> out of 22 donors in terms of aid as a share of national income<sup>iii</sup>. Seven years before the target year of 2015, five donors have already exceeded the 0.7 % mark with Norway topping the chart at 0.95% of ODA/GNI.

9. Foreign aid saves lives and dramatically improves the quality and productivity of people's lives, thereby improving communities and benefiting both present and future generations. For example, providing basic maternal and newborn health services in developing countries costs an average of US\$3 per capita per year. The total cost of saving a mother's or infant's life when complications arise is about US\$230.<sup>iv</sup> As a UN official recently stated, the [Canadian] government's determination to improve on aid effectiveness must be matched with a concerted effort to increase ODA to 0.7 % of our GNI to ODA if it wants to live up to its MDGs commitments. It is not a choice between aid effectiveness and more resources. One needs both.<sup>v</sup>

10. Lack of access to comprehensive sexual and reproductive health information, education and services means that millions of men and women lack the means to make key decisions about their lives – such as whether to have children, when, and how often to do so. Being able to make such decisions is essential to poverty eradication efforts. It can have a substantial impact on family income and, in some cases it can make the difference between a household being above or below poverty line. Sexual and reproductive illnesses and deaths – due to inadequate access to family planning, care in pregnancy and childbirth, and lack of access to the information, education and services needed to prevent HIV/AIDS and other sexually transmitted infections – affect women and men in their most productive years, undermining the economic future of nations and their families.

11. The UN *Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* (MWC), adopted in 1990, came into force 13 years later, on July 1st, 2003, after having been ratified by 20 signatory countries. As was the case with women and children, the adoption of this specific Convention by the international community targeted the human rights protection of a particularly vulnerable group: non-citizens (workers and members of their families). Since coming into force in 2003, 14 other signatories have ratified the Convention (bringing the number of states that have ratified it to 36 as of 2008) and campaigns geared towards its ratification are underway in several countries. Despite Canada's official recognition of the importance of respecting human rights and despite the fact that the Convention<sup>vi</sup> is a tool to critically evaluate its policies, Canada has still not ratified it.

12. A study commissioned by UNESCO and undertaken by ACPD in 2006 identifies four broad reasons for the federal government's objection to ratifying the MWC: (1) Migration management (including the rights accorded to migrant workers) lies within the national sovereignty of each nation state and should consequently not be subjected to multilateral institutions. (2) The spirit of the Convention is historically far removed from Canadian philosophy in terms of the selection of foreign workers, which favours access to Canadian citizenship. (3) Fundamental rights of all persons, irrespective of their legal status, are already guaranteed in Canada. (4) Signing and ratifying the Convention would force Canada to review its temporary migrants programmes in order to make them more respectful of the Convention.<sup>vii</sup>

13. For example, the Canadian government officials told ACPD that it is unnecessary to sign the Convention since fundamental rights of all, irrespective of their legal status, are already guaranteed under the Canadian Charter of Rights and Freedom. The protection of the rights of migrant workers/temporary residents is guaranteed by provincial legislation under health and work safety standards and by municipal housing by-laws, as well.

14. ACPD's position is that it is important for Canada to ratify the Migrant Workers' Convention because (1) it would help in minimizing the risks of favouring a framework conducive to abuse and violations of fundamental social rights of workers in Canada, (2) would allow for supplementary rights and would put within the reach of workers a tool specific to the protection of their rights, (3) different fundamental rights and governmental obligations towards foreign workers – though considered « non-negotiable » in the Migrants Workers Convention – are not recognised by the government in the general framework of foreign workers programme nor in the framework of its three sub-programmes geared towards « low-skilled » foreign workers. On the contrary, international standards with respect to the protection of foreign workers and implicit or explicit standards established by the Canadian government clash in a number of ways.

15. The right for all foreign workers to join a workers union is clearly recognised by the Convention (article 40), as well as the right of any migrant authorized to work in the province to create one (article 26). The lack of recognition to the right to unionize by agricultural workers in the province of Ontario and Alberta is a contradiction of the spirit of the Convention.

16. According to the Convention, the existence of an independent body (article 22) having the role to examine the legitimacy of the decision to expel a migrant worker (article 20) is absolutely necessary in order to avoid deportation of workers who exercise of their rights recognised in Canada (article 56) such as access to health care, financial compensation as a result of a work-place accident, the pursuing of a legal process, or the reporting of abuse cases (article 13).

17. The Temporary Foreign Workers Programme in Canada is lacking in several ways especially with respect to the rights covered in the Convention. The main rights that are not respected, or for which monitoring mechanisms are insufficient, include:

- the right to full and complete information;
- the right for the government to frame the recruitment practices as well as working and housing conditions;
- the right for temporary workers to be consulted during re-evaluations of contracts;
- the right to unionize;
- the right to equal treatment with local workers;
- the right to re-evaluation of expulsion reasons or exclusion from the programme by an impartial, independent body;
- the right to family reunification;
- and finally, the right for undocumented migrant workers to receive the wages for work done prior to deportation or expulsion

18. In 1988, *Criminal Code* provisions concerning were abortion were struck down by the

Supreme Court of Canada on the basis that the restrictions infringed on women's rights to security of the person in contravention of section 7 of the *Canadian Charter of Rights and Freedoms*. Article 63(iii) of the *Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development* states "...in circumstances where abortion is not against the law, health systems should train and equip health-service providers and should take other measures to ensure that abortion is safe and accessible." The international community, including Canada approved this outcome document by consensus, committing itself voluntarily to its implementation. Thus Canada's implementation of the ICPD +5 outcome is an appropriate matter for consideration during the Universal Periodic Review as a document to which Canada has made a voluntary commitment, pursuant to HRC Resolution 5/1, Annex Para. 1(d).

19. Canada's implementation of its commitments remains unfulfilled as abortion services remain inaccessible in many parts of the country, contrary to Paragraph 63(iii) of *Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development* and contrary to domestic law. There are no abortion clinics in the province of Prince Edward Island. No hospital in Prince Edward Island provides abortion services. Women are forced to travel to another province to obtain abortions. Whereas Prince Edward Island funds out of province abortion services in publicly funded hospitals, it does not fund abortion services provided in clinics. Similarly in the province of New Brunswick, the provincial government refuses to fund abortions provided in clinic settings. In New Brunswick, the abortion clinic is located in Fredericton where abortion is otherwise unavailable and thus makes abortion services geographically but not financially accessible. Two hospitals in New Brunswick provide publicly funded abortions but only when two doctors agree that the procedure is necessary and only when an obstetrician-gynecologist carries out the abortion, which is not the case in other parts of Canada. This is a further unnecessary barrier restricting the exercise of women's reproductive rights in New Brunswick.

20. The lack of funding of private clinics providing abortion also contravenes Canadian domestic law. According to section 3 of the *Canada Health Act* the primary objective of Canadian health care policy is to "protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers". The criteria include public administration, comprehensiveness, universality, portability, and accessibility often referred to as the five principles of Medicare.<sup>viii</sup> Comprehensiveness means that the province must fund all insured health services provided by hospitals and medical practitioners. This includes abortion services. Under section 12 of the Act, accessibility requires provinces to provide for insured health services on uniform terms and conditions and on a basis that does not impede or preclude, either directly or indirectly whether by charges made to insured persons or otherwise, reasonable access to those services by insured persons. Failure to fund clinic abortion services means that women must pay fees in contravention of this provision. Canadian provinces and territories must comply with the criteria and conditions of the *Canada Health Act* in order to receive the full amount of the Canada Health Transfer (CHT) cash contribution.<sup>ix</sup> The cash contribution can be reduced or withheld if the province does not or has ceased to satisfy any one of the five principles of Medicare set out in section 13 of the Act or if the province allows extra billing by medical practitioners or permits user charges for insured health services.

21. In January 1995, then federal health Minister Diane Marleau expressed concerns to her provincial and territorial colleagues concerning the practice of private clinics charging facility fees for medically necessary services. In 2001, then Federal Health Minister Alan Rock warned four provinces, Quebec, Manitoba, New Brunswick and Prince Edward Island, that their failure to cover fees charges at private abortion clinics constituted violation of the *Canada Health Act*.<sup>x</sup> In 2005, then federal Health Minister Ujjal Dosanjh commenced proceedings using a dispute avoidance and resolution process to urge New Brunswick to comply with the *Canada Health Act* by funding abortions carried out in private clinics. In August 2006, the court ordered Quebec to refund fees paid by women for abortions in private clinics between 1999 and 2006. It is clear that the Canadian government acknowledges that abortion services are medically necessary services.

22. Deductions have been made from cash contributions to Newfoundland and Labrador in 1998 and to Nova Scotia in 2003 based on charges made to patients for facility fees at private abortion clinics. The conclusion is inescapable that abortion is therefore considered by the federal government to be an insured service under the *Canada Health Act*. As noted above, insured services must be fully provided in accordance with the *Canada Health Act*.

23. The Canadian government has the necessary power and authority to ensure that abortion services are provided without financial or other barriers in conformance with the *Canada Health Act* but it lacks the political will to enforce its domestic legislation and honor internal commitments.

**In regard to Canada's commitments to the ICPD Programme of Action, we respectfully submit the following recommendations to the Human Rights Council.**

That the Canadian government:

1. Immediately implement the resolution unanimously adopted by the House of Commons in June 2005 calling on the federal government to set a plan to reach 0.5 % of GNI to ODA by 2010.
2. Use its G8 presidency in 2010 to set out a plan to reach 0.7% GNI by 2015.
3. Immediately ratify the UN *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*
4. Immediately make public the legal brief commissioned by the Department of Citizenship and Immigration to the judicial services of the Department of Justice, which identifies the legal obstacles to ratifying the Convention.
5. Use its power and authority to ensure that abortion services are provided without financial or other barriers in conformance with the *Canada Health Act* and that the principles of comprehensiveness and accessibility are respected by taking whatever means it has to ensure that where abortion services are provided, they are provided without fees, and where unavailable, that reasonable measures be taken to ensure that women do not have to face barriers, including out of province travel, or travel of long distances within provinces, in order to obtain abortion service.

## **Annex 1**

### **Identification of the Obstacles to the Ratification of the *United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*: The Canadian Case**

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## Introduction

The *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* (MWC), adopted by the United Nations (UN) in 1990, came into force 13 years later, on July 1st, 2003, after having been ratified by 20 signatory countries. As was the case with women and children, the adoption of this specific Convention by the international community targeted the human rights protection of a particularly vulnerable group: non-citizens (workers and members of their families). Since coming into force in 2003, 14 other signatories have ratified the Convention (bringing the number of states that have ratified it to 34 as of 2006) and campaigns geared towards its ratification are underway in several countries.

Canada has a history based on immigration and systematic colonisation of its territory by recent arrivals, a national culture developed by waves of consecutive immigration and an economy that depends greatly on continued immigration policy. Furthermore, thousands of foreign workers are brought into Canada every year of which an increasing number are deemed not to have any “specific skills” or are “unskilled.”

Despite Canada’s official recognition of the importance of respecting human rights at different levels, and despite the fact that the Convention<sup>2</sup> is a tool that allows the orientation and critical evaluation of its policies, Canada has still not ratified it. This report on Canada comes as a result of a UNESCO commissioned initiative to identify the obstacles to the ratification of the UN *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*. (MWC<sup>3</sup>).

**There are several actors that play or could play a significant role in the promotion and protection of the rights of migrant workers in Canada: (1) the Federal government, (2) elected provincial and federal members of parliament, (3) Human Rights Commissions, (4) Provincial governments, (5) employers unions, (6) workers unions, (7) migrant workers associations, (8) non-governmental organisations (NGOs), and community-based organisations devoted to the respect and promotion of migrants rights.**

Given the means at our disposal, this report will focus primarily on the federal government’s point of view that has the mandate to sign international conventions. However, this point of view will be challenged in phase two by Canadian civil society groups.

In summary, four broad reasons to the federal government’s objection to the Convention were identified and could be stated as follows: (1) Migration management (including the rights accorded to migrant workers) lies within the national sovereignty of each nation state and should consequently not be subjected to multilateral institutions. (2) The spirit of the Convention is historically far removed from Canadian philosophy in terms of the selection of

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<sup>2</sup> In this document, the term « Convention » and « Migrant Workers’ Convention » refers to the *United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*.”

<sup>3</sup> Pécoud, Antoine and Guchteneire, Paul (2004), **Migration and Human Rights and the United Nations: An Investigation of the Obstacles to the UN Convention on Migrant Workers’ Rights**, Paris, UNESCO and Global Commission on International Migration.

foreign workers which favours access to Canadian citizenship. (3) Fundamental rights of all persons, irrespective of their legal status, are already guaranteed in Canada. (4) Signing and ratifying the Convention would force Canada to review its temporary migrants programmes in order to make them more respectful of the Convention.<sup>4</sup>

## I. The Canadian Context of the Migrant Workers Programme<sup>5</sup>

Canada's Immigration and Refugee Protection Act (IRPA) of 2002 establishes two types of migrant workers: (1) immigrants admitted under the « independent category »<sup>6</sup> to whom granted permanent residency and (2) those admitted into Canada temporarily upon obtaining a working visa. Finally, in the sections regarding expulsion procedures of foreigners from the country, the law also makes implicit reference to a third type of migrant notably, “undocumented” foreign workers. Table no. 1 gives a run down of statistics of different forms of labour migration in Canada for 1980 and 2004.<sup>7</sup> One of the first obvious things is that temporary workers constitute an important part of economic migration in Canada. In 1980, the number of temporary workers exceeded the number who obtained permanent residency. However, given the rise of economic migrants in the course of the 1990s in Canada - a jump from 35% to 57% - we notice that in 2004 about 133,700 “independent”<sup>8</sup> immigrants were admitted permanently into Canada and 90,600 migrant workers were admitted temporarily: the “temporary” migrant worker category is far from being negligible. Furthermore, we notice an important increase in the « seasonal » (mainly agricultural) category of temporary workers: an increase from 5% in 1980 to 17% in 2004. Finally, amongst migrant seasonal workers, men outnumber women despite the fact that women's numbers have increased from 23% in 1980 to 33% in 2004.

Table 1: Some indicators of permanent and temporary economic migration in Canada, 1980 and 2004

| Categories                  | 1980    | 2004    |
|-----------------------------|---------|---------|
| (1) Temporary entry (total) | 172,771 | 245,731 |
| Males                       | 111,406 | 143,324 |
| Females                     | 61,218  | 102,401 |
| <i>% of women</i>           | 35.5    | 4.7     |
| Foreign workers (total)     | 58,728  | 90,668  |
| Males                       | 44,918  | 60,613  |
| Females                     | 13,760  | 30,155  |
| <i>% of women</i>           | 23.5    | 33.3    |
| <i>% of temporary*</i>      | 34.0    | 36.9    |
| <i>% of seasonal</i>        | 4.8     | 17.5    |
| <i>% of seasonal males</i>  | 99.1    | 97.8    |

<sup>4</sup> At the time of writing this report, we had not been able to obtain the legal brief commissioned by the Department of Citizenship and Immigration to the judicial services of the Department of Justice which identifies the legal obstacles to ratifying the convention.

<sup>5</sup> For a historic analysis of Canada's Immigration policy, refer to Piche, Victor (2003), « Un siècle d'immigration au Québec : de la peur à l'ouverture », dans Piché, Victor et LeBourdais, Céline (eds), **La démographie québécoise – enjeux du XXI<sup>e</sup> siècle**, Montréal, Presses de l'Université de Montréal, p. 225-263.

<sup>6</sup> The two categories of immigrants admitted following certain family re-unification or humanitarian criteria are potential workers but are not admitted into Canada to fulfill this economic requirement.

<sup>7</sup> These two years represent the first and last years for which this type of statistics is available.

<sup>8</sup> As opposed to “sponsored” immigrants by a family member in Canada, or by the Canadian government as in the case of asylum seekers.



|                                 |         |         |
|---------------------------------|---------|---------|
| (2) Permanent residents (total) | 143,145 | 235,824 |
| Males                           | 71,950  | 114,155 |
| Females                         | 71,192  | 121,668 |
| % <i>females</i>                | 49.7    | 51.6    |
| “economic” category (total)     | 49,894  | 133,746 |
| Males                           | 26,539  | 70,073  |
| Females                         | 23,355  | 63,673  |
| % <i>females</i>                | 46.8    | 47.6    |
| % of total permanent            | 34.9    | 56.7    |

\* Other categories include: foreign students (20,652 in 1980 and 56,536 in 2004), asylum seekers and other humanitarian cases (93,391 in 1980 and 98,527 in 2004).

**Source:** Citizenship and Immigration Canada, Facts and Figures. A look at Immigration: permanent and temporary workers, 2004, P. 8 and 62 (C&I-743-08-05F).

In terms of rights, the two categories of migrant workers have a clear distinction. Immigrants with permanent residence status are protected under civil and socio-economic laws by the Canadian constitution and applicable federal and provincial laws (with the exception of the right to vote or to be elected) which give them the right to an education in the official language of their choice and the unconditional right to live in Canada.<sup>9</sup>

The situation of temporary workers, and in particular of « low skilled » temporary workers, is very different. Their precarious legal and working conditions make us believe that they are part and parcel of migrant workers who are specifically targeted by the Convention. Due to the fact that there exists very little information on the situation of undocumented migrant workers, we will consequently concentrate on analysing « low skilled » temporary foreign workers programmes and on examining to what extent the existence and expansion of these temporary programmes constitute an obstacle to Canada ratifying the Convention in this study.

Given the current high levels of education and per capita income, as well as the ageing of the population and an immigration policy that is favourable to business and highly qualified immigrants, the pool of workers ready to accept people with low skills in difficult physical and/or psychological and /or difficult working conditions is seeing a downward trend amongst the active Canadian population. Consequently, the Canadian Government recognises that an increasing number of Canadian employers are facing a critical shortage of « unskilled » labour. This explains the systematic increase in the number of « unskilled » temporary foreign workers and the introduction of the Foreign Workers Programme (FWP) since 2002 to assist with the recruitment of this group of people in other sectors apart from agriculture and domestic services.

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<sup>9</sup> On this last point, it should be noted that permanent residents, as well as new citizens to Canada, can lose their status and be deported if they are suspected of criminal activities that could jeopardize national security. So even if Canada ratifies pertinent international conventions (such as the protection of refugees, protection against torture, etc) and if the Charter of Rights and Freedom (including the section on legal guarantees) is applied without discrimination to all residing in Canada, it is important to note that detention procedures and relevant deportations related to immigration laws are not subjected to the same procedures since in criminal matters any foreigner who is a suspect in Canada regardless of his/her legal status can be detained and deported by Canadian authorities in a relatively arbitrary fashion. See Cr peau, F. and Nakache, D. (2006), «Controlling Irregular Migration in Canada: Reconciling Security Concerns with Human Rights Protection», **Choices**, Vol. 12, no 1, p. 1-39.

### **The Foreign Worker Programme: (FWP)**

The temporary foreign worker visa programme was started in 1973 and was eventually part of the Immigration law adopted in 1976 (which came into force in 1978). The FWP was formalised in its current structure as a result of the Immigration Law of 2002. This federal programme of issuing temporary work visas permits Canadian employers to quickly<sup>10</sup> recruit foreigners to fill the shortage of manual labour jobs. Upon convincing the authorities that all attempts made to fill the position(s) by permanent residents or Canadian citizens were unsuccessful, any Canadian employer can obtain permission to recruit a foreign worker through the Department of Human Resources and Skills Development Canada (HSRDC) in their respective region.

### **The Live-in Caregivers Program (LCP)**

This program is geared towards the recruitment of foreign domestic workers to carry out domestic work while living in the home of their employer. After having worked for at least 24 out of 36 months from their initial entry into Canada, the domestic workers – regardless of their level of qualification – can obtain permanent residence status. During their temporary stay, domestic workers also have the opportunity to make a new request for a temporary work permit for specific jobs and to be hired by another employer to do the same thing.

### **The Seasonal Agricultural Worker Programme (SAWP)**

Several bilateral agreements<sup>11</sup>, re-evaluated annually, specifying recruitment terms have targeted citizens from Latin America and the Caribbean who are temporarily employed as agricultural workers in Canada. One of the peculiarities of this programme is the formal involvement of the federal government, consular, and in Ontario and in Quebec regional Federations of Agricultural Producers representatives in the recruitment process. Some constraints to the foreign worker are directly integrated in the typical labour contract, specifically applicable to the agricultural sector. In particular, no foreigner associated with this sub-programme can work for any other employer in Canada except the one they were assigned to, unless the employer eventually authorises a move to a second Canadian employer. Also, after a trial period, which varies between 7 and 14 days, any agricultural producer can terminate his/her employment thereby setting the ball rolling for their repatriation to their country of origin. Finally, the agricultural worker is obliged to live in the place chosen by the employer.

### **Hiring of « low-skilled » worker pilot project<sup>12</sup>**

It was not until the coming into force of the new immigration law (2002) that clear directives were given on the recruitment of « low-skilled » foreign workers in economic sectors other than agricultural and domestic work. Only then did the situation regarding the recruitment process of this type of foreign worker by Canadian employers get normalized. If this new recruitment method simplifies the admission of a « low-skilled » foreign worker, we will also see further on that it also significantly reduces the chances of such residents of integration at the community level in Canada. If these foreign workers – as opposed to the « skilled » or the

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<sup>10</sup> Delays are between 4 and 8 weeks.

<sup>11</sup> For example, between 1966 and 2005, several agreements were signed between Canada and Mexico, British Columbia and Mexico and Canada and Caribbean countries that are members of the Commonwealth.

<sup>12</sup> During the writing of this study, the external evaluation report on the pilot project requested by Department of Human Resources and Skills Development wasn't available; however, there is no indication that this pilot project will eventually be transformed into a permanent sub-programme of the Foreign Worker Programme (co-sponsored by HSRDC and CIC)

“highly-skilled” temporary workers - are authorized to work for only one employer, their socio-economic integration (and consequently their mobility) is greatly legally jeopardised: this group has to return to their country of origin for at least four months after every contract of a maximum of one year before they can officially re-submit an application for a temporary work visa in Canada. So, contrary to the situation of other foreign workers<sup>13</sup>, the federal government has not put into place any options to facilitate obtaining permanent residence status by « low-skilled » foreign workers.<sup>14</sup>

### **Undocumented foreign workers in Canada**

Given the geographical and geopolitical situation of Canada, very few foreigners succeed to cross the borders clandestinely or buy falsified Canadian passports on the black market. As a result, it is believed that the majority of « undocumented » workers in Canada came in legally and are working clandestinely since the expiration of their temporary visas.

The number of undocumented workers in Canada cited by politicians, by groups defending the rights of undocumented and non-status people and Canadian media in 2006 varies between 200,000 and 500,000, even if in the current context, a scientific evaluation of the number of “undocumented” in Canada seems impossible. The apparent significant contribution by this group to the Canadian workforce has become apparent in the past few months on the economy as a result of accelerated deportation measures<sup>15</sup>.

In the following section, we discuss the methodology used and the basic results of the study regarding the obstacles to Canada’s ratification of the migrant workers convention.

## **II- Methodology**

During the first phase of the project (September – December 2005), we identified the departments most involved in the protection of the rights of migrant workers from the federal government’s organisation chart, that is, departments that deal with human rights related issues, migration management and the application of labour standards. Five federal departments and one agency were targeted for this study:

- Canadian International Development Agency (CIDA)
- Citizenship and Immigration Canada (CIC)
- Foreign Affairs Canada (FAC)
- Heritage Canada (HC)
- Human Resources and Skills Development Canada (HRSDC)
- Justice Canada (JC)
- Public Works and Government Services Canada (PWGSC)

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<sup>13</sup> In the case of « highly skilled » foreign workers (or people who have already worked in Canada as domestic workers living with their employers) for example, the fact that they were « sponsored » by an employer maximises the chances of obtaining their permanent residence status.

<sup>14</sup> That said, all Canadian provinces are encouraged by the Department of Citizenship and Immigration to support corporate investors and skilled foreign workers in their provinces. A future fundamental change to the selection process in Quebec could mean that « low-skilled » foreign workers would be allowed to apply for permanent residence without a job offer. Similarly, some provinces notably the governments of Manitoba and Saskatchewan, have profited from this new scheme created by the federal government, to support the corporate sponsorship of « low-skilled » foreign workers.

<sup>15</sup> For example, the important financial contribution of undocumented workers was brought to light thanks to media coverage regarding the deportation of a dozen Portuguese employees who worked in the construction business in the Toronto metropolitan area.

Semi-structured interviews (generally done in person, and in rare cases, by phone or internet) were conducted with senior bureaucrats in all key departments in charge of migrant workers or human rights related issues. The interviews were conducted in a manner that allowed them to express not only their views regarding past and present obstacles to the ratification of the Migrant Workers' Convention but also to express their views regarding the future promotion and protection of the rights of migrants in Canada and at the international level. In all, over twenty civil servants in charge of pertinent programmes were interviewed. We attempted to diversify our sample by interviewing several civil servants from different divisions, sections and branches in the same department.

The second phase of our study (April – August 2006) involved the views of elected officials in the current federal parliament. To do this and given the resources at our disposal for this project, we targeted members of the House of Commons Standing Committee on Citizenship and Immigration. In Canada, there are four main federal political parties: the Conservative Party of Canada (the present minority government), the Liberal Party of Canada (the official opposition party), the Bloc Québécois (opposition party) and the New Democratic Party of Canada (opposition party). The federal parliament's House of Commons has a Standing Committee on Citizenship and Immigration made up of 12 members.

**Of the fifteen requests for an interview, nine Members of Parliament (MPs) agreed to meet with us:**

- Four MPs from the Liberal Party (Albina Guanieri, Andrew Telegdi, Blair Wilson and Raymonde Folco);
- Two MPs from the Conservative Party (Barry Devolin and Ed Komarnicki; the former is also the Parliamentary Secretary to the Minister of Citizenship and Immigration Canada);
- Two MPs from the Bloc Québécois (Meili Faille and Johanne Deschamps)
- One MP from the New Democratic Party (Bill Siksay).

Throughout the two phases of this study, a number of Canadian civil society actors who are involved in the rights of migrant workers in Canada were contacted. Given their small numbers, a majority of them have been directly or indirectly contacted during the course of this study. Interviews conducted with representatives of non-governmental organisations were mainly carried out as round table discussions during members meetings and in individual telephone interviews «see Appendix 1 for list of groups contacted).

**III- Obstacles to ratification: the perspective from Canada's federal government**

An analysis of interviews conducted with civil servants in charge of human rights related issues enabled us to identify four obstacles to the ratification of the Convention: (1) the management of migration has to remain a national prerogative; (2) the philosophy of the convention is not in line with the Canadian tradition and situation; in particular (3) the convention grants social rights to migrant workers that Canada does not consider as being fundamental and which they prefer limiting to permanent residents; (4) existing legal Canadian laws and international treaties and protocols are sufficient to protect the human rights of migrant workers.

**Obstacle 1 : Migration and national sovereignty**

**« Migration policies are exclusively national sovereignty issues and should not be determined by Conventions at multilateral or international levels. »**

Even if Canada encourages the expansion of bilateral and multilateral dialogue on international migration issues (for example in the context of the Commission on Labour Cooperation<sup>16</sup>), their view is that migration policies should be decided exclusively at a national level. The opposition to a formal international framework dealing with migrant workers is directly linked to the necessity of reaffirming the rights of states to act contrary to human rights rules in certain cases (for example the right not to be deported to a country where there is the risk of being tortured or executed) under the guise of fighting terrorism. Consequently, Canada does not see the legitimacy of setting up migrant rights in an international convention that will impact freedom of countries in terms of their migration policies, rights which are said to be already enshrined in the Convention on the protection of the rights of refugees and the Convention against torture.)

### **Obstacle 2: Immigration philosophy**

**« The spirit of the Convention in terms of migration management is historically removed from Canadian culture and tradition. »**

The initiative behind the Migrant Workers Convention was started during the 1970s in an international context that was characterized by an increase in the guest workers programme, which was geared towards addressing labour shortages in Europe, a concept that was very remote in a Canadian context.<sup>17</sup> Canada was not part of the mobilization around the Convention, but just shortly before the UN adopted it in 1990, last minutes efforts by Canada to change the general philosophy of the Convention towards a less rigorous approach that would have been more acceptable were in vain.

In the past, the number of temporary workers in Canada was « negligible » in comparison to the selection of a substantial and ever increasing number of foreign workers with the goal of permanent attraction and complete socio-economic integration (by having relatively easy access to citizenship). Unlike many European countries, access to citizenship is viewed as a means of integration rather than a reward for those who will have “well” integrated. Basically, Canada does not see why it should sign a Convention that has very little in common with the realities of Canada.

### **Obstacle 3: Temporary workers**

**« Given the nature of the type of contract work that low or unskilled migrants have, by ratifying the Convention, Canada will be forced to restructure its programmes and grant certain rights considered fundamental in the Convention. »**

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<sup>16</sup> Tri national consultative body (Canada, United States and Mexico) that was created in 1993 as a result of the North American Agreement on Labour Cooperation (NAALC).

<sup>17</sup> Though a comparison with the levels of the Europeans cannot be compared, during this era Canada also signed bilateral agreements with several countries to initially frame the migration of guest workers to Canada: Jamaica (1966), Barbados (1967), Trinidad & Tobago (1967), Mexico (1974), « Organization of Eastern Caribbean States » (1976). However, as noticed above, since coming into force of the new immigration and refugee protection law in 2002, these bilateral programmes have been transformed into simple contractual agreements between coalitions of Canadian employers and foreign governments representatives (except in the case of Mexico, where the Canadian government remains involved in theory, in the annual re-evaluation of programmes carried out by agriculture industry representatives and Mexican consulates).

Given the tightening of human capital entry criteria into Canada, only a highly skilled worker can be selected under the current immigration policy. Under pressure by employers to quickly address the problems of low-skilled labour shortages, Canada is systematically increasingly granting permits to employers to recruit foreign workers as deemed necessary<sup>18</sup>. However, the federal government does not exercise any implicit or explicit monitoring rights in regards to the contractual revoking of various fundamental rights by migrant workers who are in totally asymmetrical situation towards employers. When it comes to the extension of work contract as well as control of work-place health and security standards, which fall under provincial jurisdictions, the federal government does not have the powers to act.

In other words, no government body in Canada seems to use its powers to limit the revoking of fundamental rights involved in labour contracts and which are spelled out in the Migrant Workers Convention. In this context, the federal government is not interested to commit itself, through the ratification of the Convention, to have rights enshrined in a formal international framework.

#### **Obstacle 4: Respect of fundamental rights**

**« It is unnecessary to sign the Convention since fundamental rights of all, irrespective of their legal status, are already guaranteed. »**

**A forth justification to the non-ratification, concerns the effective domestic and international application of legal instruments guaranteeing the respect of human and workers rights. Canada is already a signatory of two international agreements (Civil and political rights treatise and the Economic, social and cultural rights treatise), which encompass respect of human rights. If in addition the Convention against torture, the Convention against racial discrimination, the Convention against gender discrimination and the Convention on the rights of the child are included, Canada considers that the Migrant Rights' Convention is unnecessary. In other words, migrant workers and members of their families do not constitute a group that requires particular protection mechanisms as are for example, women, children, refugees and ethnic minorities. UN Conventions dealing with universal human rights protection are sufficient to guarantee the protection of the rights of migrants.**

The Canadian Charter of Rights and Freedom covers the respect of fundamental rights in Canadian law at the constitutional level. The protection of the rights of migrant workers/temporary residents is guaranteed by provincial legislation under health and work safety standards and by municipal housing by-laws, as well.

Following this argument, the ratification of the Migrant Workers Convention for the protection of the rights of migrant workers in Canada is not necessary.

#### **IV- Obstacles to ratification: the Parliamentarians point of view**

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<sup>18</sup> However, Canadian employers are not required to obtain a government permit for different types of highly skilled professions as well as specific employment within multilateral agreements such as the Free Trade Agreement (FTA) or General Agreement on Tariffs and Trades (mode 4) administered by the WTO.

Interviews with nine members of the Standing Committee on Citizenship and Immigration made us realise that the Migrant Workers Convention is largely unknown. According to elected officials, this is the most important obstacle. Note should be taken that two political parties, the Bloc Québécois and the New Democratic Party, are in favour of Canada ratifying the Convention.<sup>19</sup> Furthermore, the official critique of the Liberal Party has also given support for its ratification.

The ratification of the Convention does not feature on the list of priorities of the Committee. On the list of 17 priorities identified by members of the Committee, none explicitly addresses migrants' rights. However, one of the priorities concern working conditions of vulnerable workers, in particular foreign temporary workers. At the time of writing this report, it was not possible to know if this priority had finally been included amongst the priorities of the Committee.

During his first speech before the Committee, it should be mentioned that the Immigration Minister talked about his own priorities and the issue of migrant rights was not mentioned. He however mentioned the importance of temporary workers and affirmed that their Canadian experience will enable them to improve their linguistic competency and their knowledge of « Canadian life », something that can increase their chances of satisfying the criteria to obtain permanent residency.<sup>20</sup>

## **V. Obstacles to the ratification: NGOs points of view**

Our interviews and meetings with more than twenty representatives of Canadian Civil Society Organisations and groups (who work significantly with migrant workers and/or on related issues) made us realise that mobilization for the ratification of the Convention at the non-governmental level is still weak but growing.

Even though we are witnessing the emergence of coordinated efforts between different provincial and national actors representing civil society (human rights associations and NGOs) who are currently interested in migrant workers rights, the majority of these efforts are concentrated on the “field” and focuses on everyday support granted to migrant workers in cases of violation of their fundamental rights and on issues around the legality, in the context of the Canadian Charter of Rights and Freedom, of domestic policies that determine the living and working conditions of migrant workers in Canada . With some important exceptions, Canadian civil society does not seem to play a pro-active role as regards migrant rights at the international level nor do they promote international standards such as the Migrant Workers Convention.

For these groups, the official reasons given to the unwillingness to ratify the Migrants Workers Convention are unfounded. Here are briefly presented the criticisms of the government's position made by civil society representatives mentioned that were interviewed.

### **(1) Human rights and the limits of national sovereignty**

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<sup>19</sup> A New Democratic Party member of parliament has recently written to the Minister of Citizenship and Immigration requesting that Canada ratify the Migrants Rights Convention (letter dated June 13, 2006). The Minister's response presented the same objections developed during the previous administration and presented in the present study.

<sup>20</sup> See Canada, Standing Committee on Citizenship and Immigration, evidence of Committee no. 03, May 10, 2006.

From an economic globalization and social networks framework, the management of migration flows exclusively at the national level is limited in several ways by, firstly, the medium and long term sustainability of a purely nationalist management of migration that ignores the socio-economic interests of the countries of origin, secondly, the pertinence of limiting fundamental social rights of temporary residents to guarantee national security and, thirdly, the capacity of governments to effectively control cross-boarder movements of human beings.

According to this first criticism, the phenomenon of migration of workers in the world is determined by economic, political, demographic, cultural, community and individual forces that operate domestically, regionally and globally. States have to recognise the limits of absolute national sovereignty in the management of international migration in order to maximize socio-economic benefits of migration and prevent the development of social tensions fed by social exclusion, especially in the case of migrant workers.

According to this approach, the ratification of the Migrant Workers' Convention would not prevent Canada to continue its unilateral approach to its migration policies, but it would help in minimizing the risks of favouring a framework conducive to abuse and violations of fundamental social rights of workers in Canada.

## **(2) Permanent immigration vs temporary migration ?**

If Canada can be proud of its migration philosophy with a focus on permanent immigration, this does not eliminate the fact that programmes for temporary workers exist and are becoming more and more key for hiring unskilled or low-skilled workers to fill jobs that are difficult or impossible to fill with nationals.

Thus, the rights of these persons constitute a real issue. Furthermore, the fact that immigration is geared towards permanent residence in Canada, there is no official body for the management and coordination of the Temporary Workers Programme. Employers initiate projects for foreign workers offering a limited contractual social integration; the federal government does not have jurisdictions over working conditions but it nevertheless allows recruitment of temporary workers despite the absence of control and monitoring mechanisms and agreements with the provinces.

If Canada was to ratify the Convention in the current state of affairs, it would be forced to rethink its legislative and institutional framework related to the recruitment and use of low-skilled foreign workers. Several people have suggested that given the Canadian immigration philosophy, the temporary workers programme should be abolished and replaced by a recruitment system using selection criteria for permanent residency. If the need for low-skilled workers is real, the selection process should be modified to favour this type of economic immigrants. This will eliminate the current double standards in terms of migrant workers rights, which is one of the major obstacles to ratifying the Convention.

## **(3) The usefulness of a Canadian endorsement of the Convention**



The argument that migrant workers are covered under other United Nations<sup>21</sup> conventions implies that temporary workers are not in any specific vulnerable situation, although there exists cases of exploitation and non-respect of certain rights involving this category of workers in Canada. The ratification of the Convention would allow for supplementary rights and would put within the reach of workers a tool specific to the protection of their rights.

#### **(4) The protection of foreign workers' rights in Canada**

In Canada, different fundamental rights and governmental obligations towards foreign workers – though considered « non-negotiable » in the Migrants Workers Convention – are not recognised by the government in the general framework of foreign workers programme nor in the framework of its three sub-programmes geared towards « low-skilled » foreign workers. On the contrary, international standards with respect to the protection of foreign workers and implicit or explicit standards established by the Canadian government clash in a number of ways. Here are some examples.

##### **The systematic information of foreign workers of their rights**

According to article 33 of the Convention, the Canadian government would be held accountable to ensure that employers, governmental organisations, Canadian workers union, community-based groups and/or foreign consulates systematically inform each and every foreigner of their principal rights as a temporary resident in Canada prior or upon arrival.

If, on the one side, work contracts associated with low-skilled foreign workers include the responsibility of every Canadian employer to inform the foreign worker of their responsibilities and obligations in Canada, as well as any other specific rules to follow in their work place or place of residence, on the other hand, nowhere is mentioned the legal responsibility of employers to inform migrant workers of their rights. In the instruction sheet that accompanies the employment contract associated with the new « low-skilled » workers pilot-project, the Canadian government not only explicitly distances itself from all responsibilities in terms of information on migrant workers rights, but he also avoids recognising the importance and/or the necessity of systematic interventions in this matter by provincial agencies, non-governmental groups or unions.

Despite the number of individual cases that highlight the risks associated with the lack of knowledge by foreign workers of their fundamental rights in Canada (in particular those related to health and safety standards and the procedures to follow in case of work-place injuries) and brought to the attention of the Canadian public by the United Food and Commercial Workers union in Canada (UFCW) and other human-rights based community-based groups or organisations, the management of the Temporary Workers Programme have until now refused to develop a proactive approach. In the meantime, the federal government appears to limit itself to meeting some representatives from the Departments of Public Works and Government Services from different provinces in order to secure their future implication in certain aspects of the management of programmes to recruit foreign workers that touch

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<sup>21</sup> Canada's performance, even at the level of fundamental rights, is increasingly criticized in Canada as well as at the UN. For example, during Canada's appearance before a committee of UN experts to report on the state of economic, social and cultural rights in May 2006, a Quebec coalition of social and community representatives noted that « on the ground, the government's choices in the last few years translated into violations of citizens rights and a deterioration of living and working conditions» (See "Rapport social de la Ligue des Droits et Libertés," March 2006). The UN committee also heavily criticized Canada on the subject (as reported by Lisa Schlein in Le journal La Presse of May 9, 2006, p. A14).

upon their relevant jurisdictions, such as the management of work relations and eventually the training of foreign workers on the subject of fundamental rights.

### **The hiring and employment of foreign workers managed by the government**

The Migrant Workers Convention also mentions in explicit terms, the necessity for the State not only to oversee the management of foreign workers programmes by systematically maintaining an active dialogue process with foreign governments of countries from which foreign workers are recruited, but also to offer minimum direct services to foreign workers admitted in their countries (articles 64 and 65).

If the Canadian government was historically implicated in the management of foreign workers in Canada, its theoretically proactive<sup>22</sup> role appears to have been reduced significantly in recent years to the advantage of well-organized agricultural production corporations<sup>23</sup>. The tendency to “privatize” the management of the recruitment of migrant workers is not limited to the agricultural sector. The framework, put into place in 2002 by the Department of Human Resources to make it easier for all other Canadian industries to hire « low-skilled » foreign workers, no longer offers systematic interventions by the Canadian government nor by representatives of countries where foreign workers come from, the only exception being the initial authorization of employment. Thus, there is no involvement in contract negotiations nor in the supervision of the smooth running of these programmes.

There emerges, from the right of foreign workers to be informed of their rights in the province of employment, and their right to be publicly supported in the event of abuse, another responsibility for the Canadian government (article 37): that of insuring that every foreign worker upon arrival in Canada is given the contact information of all provincial, federal and non-governmental institutions that are competent in the areas related to health, housing and working conditions and that can be reached by the foreign worker in the event where the employer’s and consular support was lacking in case of illness, accident or abuse during their period of residency in Canada. In reality, the respective responsibilities of several government agencies in providing services in the areas of health, working condition, housing, working relations, protection of individuals, etc. have not yet been defined. At the level of several governmental agencies, such as the federal Department of Citizenship and Immigration, provincial departments of Immigration and Labour as well as municipal administration, the reason given for the absence of any services adapted for foreign workers is that only the federal department of Human Resources is legally mandated (according to the Immigration law) to intervene in the recruitment of foreign workers programmes by Canadian employers. However, officials in Ottawa as well as regional directors of the Department of Human Resources working on the temporary workers programmes deny having any jurisdictions in the area of foreign workers services, thereby limiting their work to servicing Canadian employers and foreign government representatives involved in the sector.

### **The right of migrant workers to be consulted**

Even though the need to systematically consult with representatives of foreign workers during re-negotiations and the re-evaluation of contract-type work is clearly mentioned in the Convention (article 64), and despite the demands of foreign consulates at least in the agricultural sector, the Department Human Resources has not yet decided to force, or

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<sup>22</sup> For example, the Canadian government is officially part of the annual renegotiations of contract-type work between the Canadian Federation of Agriculture and the Mexican government. .

<sup>23</sup> In particular, F.A.R.M.S (Ontario) and F.E.R.M.E. (Québec) with time have become the main groups in charge of the day-to-day orientation and management of the Seasonal Agricultural Workers programme.

guarantee at least the creation of migrant workers' associations that will be able to democratically identify a number of representatives capable of adequately formulating their different concerns and where possible to make proposals for improving the employment process based on their own interests.

The desire of the UFCW to be seen as a body in Canada that represents the interests of migrant and agricultural workers during annual negotiations of minimal working conditions has systematically been ignored by the Canadian government with its policy of excluding all union representations or foreign workers official representatives.<sup>24</sup>

### **The right for foreign workers to unionize**

The right for all foreign workers to join a workers union is clearly recognised by the Convention (article 40), as well as the right of any migrant authorized to work in the province to create one (article 26). The lack of recognition to the right to unionize by agricultural workers in Ontario and Alberta is a contradiction of the spirit of the Convention.

### **Equal treatment for foreign workers**

One of the fundamental principles brought forward by the Convention remains the equal treatment between local and foreign workers hired in the same country (article 25). The Canadian government does not seem to pay much attention to this fundamental principle in its current programming. Thus, in the absence of official competition between employers, this places foreign workers in a relatively disadvantaged position compared to local workers. Furthermore, being forced to work with only one employer and to accept their living arrangements gives rise to a disparity between local and foreign workers as far as guaranteeing the rights that are granted to them by law in the event of any violations.

### **Possibility of an impartial reconsideration of the reasons that led to an expulsion or exclusion from a programme**

According to the Convention, the existence of an independent body (article 22) having the role to examine the legitimacy of the decision to expel a migrant worker (article 20) is absolutely necessary in order to avoid that the deportation of workers become an impediment to the exercise of their rights recognised in Canada (article 56) such as access to health care, financial compensation as a result of a work-place accident, the pursuing of a legal process, or the reporting of cases of abuse (article 13)..

For the moment however, by attaching the validity a foreign worker's visa to a specific employer, the Canadian government implicitly realises the right of all employers to deport any migrant worker at will or prevent them from being re-hired by another Canadian employer. In the event that the employer sends the worker back to their country of origin, the reconsideration of the cancellation of the residence permit and/or the expulsion of the worker is actually at the discretion of the consular representative from the worker's country of origin.

In terms of expulsion, note should be taken that the Convention also stipulates the obligation of all states to take into consideration humanitarian considerations before authorizing the expulsion of a migrant worker (article 56). The Canadian government has never recognised, at least not officially, the value of such an interpretation to consular representatives who have

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<sup>24</sup> UFCW Canada (the United Food and Commercial Workers Union in Canada) 2005 annual report on the status of migrant workers.

the final say for the expulsion, sometimes called « voluntary return », of its citizens sent back by their employers.

### **The respect of the fundamental principle of family re-unification of all residents**

The Convention recognises that legal migrant workers have the right to return to members of their family without detriment (article 38): all efforts have to be made to authorize migrant workers and members of their family to be temporarily absent without this affecting residency or work permit, depending on the case. This being said, receiving countries are aware of the obligations and particular needs of migrant workers and members of their family, especially in their country of origin. Workers have the right to be informed of these possibilities. In fact, this article implies the right to vacation without pay for family reasons, accompanied by a right to multiple entries into Canada. If in the case of seasonal agricultural workers, the right to leave Canada quickly is generally guaranteed by their consular representatives when necessary, workers lose their right to return to Canada to pursue their work and will often not be called back the following season to take part in the Seasonal Agricultural Workers Programme (SAWP). Prejudices associated with the return to the family in the country of origin for temporary workers in Canada exist thereby affecting the right to family reunification.

### **Minimizing the possibility of undocumented migrant workers being exploited**

The Convention recognises that all migrant workers, irrespective of their legal status in the country where they are employed, have the right to ask the employer for any unpaid wages before being sent back to their country of origin by government authorities (article 25). Up until now, no protection mechanism for this fundamental right has been put in place by the Canadian government, which can indirectly constitute an incentive for exploitation of this category of migrant workers in Canada.

## **Conclusion**

This study suggests six major conclusions on the obstacles to ratification by Canada of the *UN International Convention on the Protection of the Rights of Migrant Workers and Members of their Families*. The first two conclusions concern the views of elected members of the Canadian parliament belonging to the four political parties and which are members of the Standing Committee on Citizenship and Immigration. First, the lack of knowledge of the existence of the Convention by the majority of elected officials is a significant obstacle. Second, only two opposition parties have already expressed their support to Canada ratifying the Convention (the Bloc Québécois and the New Democratic Party)<sup>25</sup>.

With regard to federal senior bureaucrats working on files on the protection of human rights, four obstacles were identified. First, migration policies are sovereign rights of countries and should consequently not be determined by Conventions at multilateral or international levels. Second, the spirit of the Convention is contrary to the Canadian culture and tradition of management of migration which focuses on the granting of permanent residency. Third, given the current state of contract-type work that regulates the stay of skilled or low-skilled migrant workers, by ratifying the Convention Canada will be forced to re-evaluate its programmes and grant certain rights that are considered fundamental in the Convention. Forth, it is unnecessary to sign the Convention given that fundamental rights of all in Canada are legally guaranteed irrespective of their legal status.

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<sup>25</sup> The official opposition critique on immigration for the Liberal Party has also given her support.

The point of view of NGOs who work on issues related to migrant workers rights puts into question the validity of the government argument. To begin, the principle of national sovereignty is not absolute and the current context of globalization supports the management of migration policies at the global level. Furthermore, the growing importance of temporary work constitutes a flagrant contradiction with the Canadian philosophy and tradition in terms of immigration. Third, the number of violation of fundamental rights enshrined in international conventions is testimony to the fact that the signing of these conventions by Canada is no guarantee that the rights of migrant workers, especially the most vulnerable, are protected. Finally, the Temporary Foreign Workers Programme in Canada is lacking in several ways especially with respect to the rights covered in the Convention. The main rights that are not respected, or for which monitoring mechanisms are insufficient, include:

- the right to full and complete information;
- the right for the government to frame the recruitment practices as well as working and housing conditions;
- the right for temporary workers to be consulted during re-evaluations of contracts;
- the right to unionize;
- the right to equal treatment with local workers;
- the right to re-evaluation of expulsion reasons or exclusion from the programme by an impartial, independent body;
- the right to family reunification;
- and finally, the right for undocumented migrant workers to receive the wages for work done prior to deportation or expulsion

If we listen to the current group of people working on strategic priorities in the different federal departments approached for this study, the Convention will never be a major interest to Canada. However, the emergence of a national coalition of community groups and NGOs in the defence of migrant workers rights represents a first important step in the mobilization of resources and of forces favourable to the ratification of the Convention in Canada.

## **List of Key NGOs and Groups Contacted**

- Amnesty International, francophone section (Montreal)
- Association des aides familiales du Québec (Montréal)
- Centre des Travailleurs Immigrants (Montréal)
- Centre Justice et foi (Montréal)
- Coalition d'Appui aux Travailleurs et Travailleuses Agricoles (Montréal)
- Committee for Domestic Workers' and Caregivers' Rights (Toronto)
- Canadian Council for Refugees (Montréal)
- Equitas
- Migrant Justice Network (Toronto)
- Kairos (Toronto)
- Ligue des Droits et Libertés (Montréal)
- National Alliance of Philippine Women in Canada (Vancouver)
- PINAY (Montréal)
- Table de concertation des organismes au service des réfugiés et des immigrants (Montréal)
- Toronto Organization for Domestic Workers' Rights (Toronto)
- Travailleurs Unis de l'Alimentation et du Commerce –Québec
- Travailleurs Unis de l'Alimentation et du Commerce – Canada
- United Food and Commerce Workers
- West Coast Domestic Workers Association (Vancouver)

## Annex 2

### **International Conference on Population and Development (ICPD) Summary Programme of Action**

#### Introduction

The International Conference on Population and Development (ICPD) was held in Cairo, Egypt, from 5 to 13 September 1994. Delegations from 179 States took part in negotiations to finalize a Programme of Action on population and development for the next 20 years.

The 115-page document, adopted by acclamation on 13 September, endorses a new strategy which emphasizes the numerous linkages between population and development and focuses on meeting the needs of individual women and men rather than on achieving demographic targets.

Key to this new approach is empowering women and providing them with more choices through expanded access to education and health services and promoting skill development and employment. The Programme advocates making family planning universally available by 2015, or sooner, as part of a broadened approach to reproductive health and rights, provides estimates of the levels of national resources and international assistance that will be required, and calls on Governments to make these resources available.

The Programme of Action includes goals in regard to education, especially for girls, and for the further reduction of infant, child and maternal mortality levels. It also addresses issues relating to population, the environment and consumption patterns; the family; internal and international migration; prevention and control of the HIV/AIDS pandemic; information, education and communication; and technology, research and development.

After a week of intense negotiations, the Conference reached general agreement on the Programme of Action. During the two final plenary meetings in which this agreement was reached, 13 countries (Afghanistan, Brunei Darussalam, El Salvador, Honduras, Jordan, Kuwait, Libyan Arab Jamahiriya, Nicaragua, Paraguay, the Philippines, Syrian Arab Republic, United Arab Emirates and Yemen) made statements expressing reservations or comments on specific chapters, paragraphs or phrases in the Programme which they requested to be recorded in the final report of the Conference (A/CONF.171/13). Ten States (Argentina, Djibouti, the Dominican Republic, Ecuador, Egypt, Guatemala, the Holy See, Iran, Malta and Peru) submitted written statements for inclusion in the report.

The ICPD was a United Nations conference, organized principally by the United Nations Population Fund (UNFPA) and the Population Division of the UN Department for Economic and Social Information and Policy Analysis.

The UN Economic and Social Council in 1991 explicitly linked population and development when it decided on the name of the ICPD. The same year, as preparations for the 1992 UN Conference on Environment and Development (UNCED) focused attention on how to

achieve sustainable development, the first session of the ICPD Preparatory Committee resolved that population, sustained economic growth and sustainable development would be the themes of the Cairo Conference.

The ICPD draft Programme of Action builds upon the World Population Plan of Action adopted at the 1974 World Population Conference in Bucharest, and the 88 recommendations for its further implementation approved at the International Conference on Population in Mexico City in 1984.

It also builds on UNCED's outcomes, Agenda 21 and the Rio Declaration, as well as on the agreement reached at the 1990 World Summit for Children and the 1993 World Conference on Human Rights. In turn, the ICPD's emphasis on meeting people's needs and empowering women is influencing preparations for the World Summit for Social Development, the Fourth World Conference on Women and the celebration of the 50th anniversary of the United Nations, all scheduled to take place in 1995.

Of key importance in helping to shape the Programme of Action were the recommendations made at five regional population conferences (for Asia and the Pacific, Africa, Europe and North America, Latin America and the Caribbean, and the Arab States) in 1992 and 1993, and a number of subregional preparatory meetings; expert group meetings on six issues identified by ECOSOC as requiring the greatest attention; and a series of ad hoc round tables on other important Conference themes. Important input also came from the second meeting of the Preparatory Committee, from discussion in the UN General Assembly in 1993 and from national population reports prepared in more than 140 countries.

At its forty-eighth session in 1993, the General Assembly (in resolution 48/186) strongly endorsed the ICPD by deciding to make the Preparatory Committee a subsidiary body of the Assembly, giving the ICPD a status comparable to that of UNCED. Debate in the General Assembly's Second Committee on a proposed annotated outline of the Programme of Action further guided the Secretariat in preparing the draft final document for negotiation at the Preparatory Committee's third session (PrepCom III) in April 1994.

Delegations from 170 States took part in PrepCom III, held at UN Headquarters in New York. Negotiation of the draft Programme of Action to be finalized in Cairo was the central activity.

The Conference itself had 10,757 registered participants--from Governments, intergovernmental organizations, UN programmes and specialized agencies, non-governmental organizations (NGOs) and the news media--and received an unprecedented level of press coverage. Dr. Nafis Sadik, Executive Director of the UNFPA, was Secretary-General of the ICPD. Egyptian President Mohamed Hosni Mubarak was President of the Conference; Dr. Maher Mahran, Minister of Population and Family Welfare of Egypt, was ex officio Vice-Chairman. Dr. Fred Sai of Ghana was Chairman of the Main Committee, which negotiated the final Programme of Action.

Some 249 speakers addressed the week long plenary, including: UN Secretary-General



Boutros Boutros-Ghali; Prime Minister Benazir Bhutto of Pakistan; Prime Minister Gro Harlem Brundtland of Norway; Prime Minister Tamirat Layne of Ethiopia; Prime Minister George Cosmas Adyebo of Uganda; Prime Minister Francisque Ravony of Madagascar; Prince Mbilini, the Prime Minister of Swaziland; and Vice President Al Gore of the United States.

In addition, more than 4,200 representatives of over 1,500 non-governmental organizations from 133 countries attended the NGO Forum '94, an independent gathering held alongside the Conference.

Other parallel activities were: the International Youth NGO Consultation on Population and Development, held from 31 August to 4 September and organized by nine youth and youth-related NGOs; the International Conference of Parliamentarians on Population and Development, held on 3 and 4 September and organized by five international organizations of parliamentarians; and the 1994 Parliamentarians' Day assembly organized by the Inter-Parliamentary Union.

In addition, the Population Division's Population Information Network provided an electronic communication and reference centre at the Conference site. Four independent daily newspapers on the ICPD were produced in Cairo for distribution at the Conference. In addition, the UN Department of Public Information and the UNFPA co-sponsored a 3-4 September Encounter for Journalists on ICPD issues.

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#### Chapter 1, Preamble

The Preamble provides an overview of the main issues covered in the ICPD Programme of Action and sets the context for action in the field of population and development. It stresses that the ICPD is not an isolated event and that its Programme of Action builds on the considerable international consensus that has developed since the World Population Conference in Bucharest in 1974 and the International Conference on Population in Mexico City in 1984.

The 1994 Conference was explicitly given a broader mandate on development issues than previous population conferences, reflecting the growing awareness that population, poverty, patterns of production and consumption and the environment are so closely interconnected that none of them can be considered in isolation.

The Preamble points out that the ICPD follows and builds on other important recent international activities, and that its recommendations should be supportive of, consistent with and based on agreements reached at a series of earlier conferences. It further notes that the Conference outcomes are closely related to and will make significant contributions to other major conferences in 1995 and 1996, such as the World Summit for Social Development, the Fourth World Conference on Women, the Second United Nations Conference on Human Settlements (Habitat II), the elaboration of the Agenda for Development, and the 50th

anniversary of the United Nations.

The Preamble points out that the objectives and recommended actions of the Programme of Action collectively address the critical challenges and interrelationships between population and sustained economic growth in the context of sustainable development. In order to carry them out, adequate mobilization of resources at the national level will be required, as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources. Financial resources are also required to strengthen the capacity of international institutions to implement the Programme of Action.

The Programme of Action recommends to the international community a set of important population and development objectives, including both qualitative and quantitative goals that are mutually supportive and are of critical importance to these objectives. Among these objectives and goals are: sustained economic growth in the context of sustainable development; education, especially for girls; gender equity and equality; infant, child and maternal mortality reduction; and the provision of universal access to reproductive health services, including family planning and sexual health.

The Programme of Action recognizes that over the next 20 years Governments are not expected to meet the goals and objectives of the ICPD singlehandedly. All members of and groups in society have the right, and indeed the responsibility, to play an active part in efforts to reach those goals.

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## Chapter 2, Principles

The set of fifteen principles contained in this chapter provides a careful balance between the recognition of individual human rights and the right to development of nations. The wording of most principles is directly derived from agreed international language from relevant international declarations, conventions and covenants.

In the chapeau of this chapter, clear recognition is given to the fact that the implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with its national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights. International cooperation and universal solidarity, guided by the principles of the Charter of the United Nations, and in a spirit of partnership, are regarded as crucial in order to improve the quality of life of all people.

The principles touch upon the main issues in the field of population and development, such as: gender equality and equity and the empowerment of women; the integration of population into sustainable development policies and programmes; poverty eradication; access to reproductive health care and family planning; the role of the family; the right to education;

the situation of children; the rights of migrants and refugees; and the population and development needs of indigenous people.

The principles reaffirm that human beings are at the centre of concerns for sustainable development, since people are the most important and valuable resource of any nation. Consequently, the right to development must be fulfilled so as to meet equitably the population, development and environment needs of present and future generations. In addition, to achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate policies, including population-related policies.

According to the principles, advancing gender equality and equity and the empowerment of women, the elimination of all kinds of violence against women and ensuring women's ability to control their own fertility are cornerstones of population and development-related programmes. In addition, States should take all appropriate measures to ensure, on a basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health. The principles reaffirm the basic right of all couples and individuals to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so.

The chapter emphasizes that the family is the basic unit of society and as such should be strengthened. It also acknowledges that there are various forms of the family in different cultural, political and social systems.

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### Chapter 3, Interrelationships between Population, Sustained Economic Growth and Sustainable Development

A. Integrating population and development strategies. There is general agreement that persistent widespread poverty and serious social and gender inequities have significant influences on, and are in turn influenced by, demographic factors such as population growth, structure and distribution. There is also general agreement that unsustainable consumption and production patterns are contributing to the unsustainable use of natural resources and to environmental degradation. Section A seeks to integrate population concerns fully into development strategies and into all aspects of development planning at all levels. The sustained economic growth that results will help meet the needs and improve the quality of life of present and future generations. It will also promote social justice and help eradicate poverty.

Governments should seek to strengthen political commitment to such integration in three ways: (a) by undertaking public education and information programmes; (b) by increasing resource allocations, in cooperation with NGOs and the private sector; and (c) by improving the knowledge base through research and national and local capacity-building. They should also reduce and eliminate unsustainable patterns of consumption and production and promote appropriate demographic policies.

B. Population, sustained economic growth and poverty. Efforts to slow population growth, reduce poverty, achieve economic progress, improve environmental protection and reduce unsustainable consumption and production patterns are mutually reinforcing. Sustained economic growth within the context of sustainable development is essential to eradicate poverty. Eradicating poverty will contribute to slowing population growth and to achieving early population stabilization. Women are generally the poorest of the poor. They are also key actors in the development process. Eliminating all forms of discrimination against women is thus a prerequisite for eradicating poverty, promoting sustained economic growth, ensuring quality family planning and reproductive health services, and achieving balance between population and available resources.

The aim of section B is to raise the quality of life for all people through population and development policies and programmes that seek to eradicate poverty, sustain economic growth in the context of sustainable development, achieve sustainable patterns of consumption and production, develop human resources and guarantee all human rights, including the right to development.

Governments must give priority to investment in human resource development in their population and development strategies and budgets. Programmes should seek to increase people's access to information, education, skill development, employment opportunities and high-quality general and reproductive health services, including family planning. Existing inequities and barriers to women in the workforce should be eliminated, and women's participation in all policy-making and policy implementation should be promoted and strengthened. So should their access to productive resources, their ability to own land and their right to inherit property.

Governments should invest in, promote, monitor and evaluate the education and skill development of women and girls and the legal and economic rights of women. They should do the same with all aspects of reproductive health, including family planning. The international community should continue to promote a supportive economic environment, particularly for developing countries and countries with economies in transition in their attempt to eradicate poverty and achieve sustained economic growth within the context of sustainable development.

C. Population and environment. Meeting the basic needs of growing populations is dependent on a healthy environment. Such needs must be addressed when developing comprehensive policies for sustainable development. The aim of section C is twofold: (a) to ensure that population, environmental and poverty-eradication factors are integrated into sustainable development policies, plans and programmes; and (b) to reduce both unsustainable consumption and production patterns as well as negative impacts of demographic factors. Governments should formulate and implement population policies to support the objectives and actions agreed upon in Agenda 21, in the outcomes of other conferences and in other international environmental agreements.

Specifically, Governments should: (a) integrate demographic factors into environmental

impact assessments and other planning and decision-making processes aimed at achieving sustainable development; (b) take measures aimed at eradicating poverty, giving special attention to income-generation and employment strategies directed at the rural poor and those living within or on the edge of fragile ecosystems; (c) use demographic data to promote sustainable resource management, especially of ecologically fragile systems; (d) modify unsustainable consumption and production patterns through economic, legislative and administrative measures aimed at fostering sustainable resource use and preventing environmental degradation; and (e) implement policies to address the ecological implications of inevitable future increases in population numbers and changes in population concentration and distribution, particularly in ecologically vulnerable areas and urban agglomerations.

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#### Chapter IV, Gender Equality, Equity and Empowerment of Women

A. Empowerment and status of women. The empowerment of women and improvement of their status are important ends in themselves and are essential for the achievement of sustainable development. The objectives are: to achieve equality and equity between men and women and enable women to realize their full potential; to involve women fully in policy and decision-making processes and in all aspects of economic, political and cultural life as active decision-makers, participants and beneficiaries; and to ensure that all women, as well as men, receive the education required to meet their basic human needs and to exercise their human rights. Recommended actions include, among others, establishing mechanisms for women's equal participation and equitable representation at all levels of the political process and public life; promoting women's education, skill development and employment; and eliminating all practices that discriminate against women, including those in the workplace and those affecting access to credit, control over property and social security. Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and girls. In addition, development interventions should take better account of the multiple demands on women's time, with greater investments made in measures to lessen the burden of domestic responsibilities, and with attention to laws, programmes and policies which will enable employees of both sexes to harmonize their family and work responsibilities.

B. The girl child. The objectives are to eliminate all forms of discrimination against the girl child, to eliminate the root causes of son preference, to increase public awareness of the value of the girl child and to strengthen her self-esteem. To these ends, leaders at all levels of society should speak out and act forcefully against gender discrimination within the family based on preference for sons. There should be special education and public information efforts to promote equal treatment of girls and boys with respect to nutrition, health care, education and social, economic and political activity, as well as equitable inheritance. Governments should develop an integrated approach to the special health, education and social needs of girls and young women, and should strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses. Governments are urged to prohibit female genital mutilation and to prevent infanticide, prenatal sex selection, trafficking of girl children and use of girls in prostitution and pornography.

C. Male responsibilities and participation. Men play a key role in bringing about gender equality since, in most societies, they exercise preponderant power in nearly every sphere of life. The objective is to promote gender equality and to encourage and enable men to take responsibility for their sexual and reproductive behaviour and their social and family roles. Governments should promote equal participation of women and men in all areas of family and household responsibilities, including, among others, responsible parenthood, sexual and reproductive behaviour, prevention of sexually transmitted diseases, and shared control in and contribution to family income and children's welfare. Governments should take steps to ensure that children receive appropriate financial support from their parents and should consider changes in law and policy to ensure men's support for their children and families. Parents and schools should ensure that attitudes that are respectful of women and girls as equals are instilled in boys from the earliest possible age.

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#### Chapter V, The Family, Its Roles, Rights, Composition and Structure

The family is the basic unit of society. The process of rapid demographic and socio-economic change has influenced patterns of family formation and family life and has generated considerable change in the composition and structure of families. Traditional notions of parental and domestic functions do not reflect current realities and aspirations, as more and more women in all parts of the world take up paid employment outside the home. At the same time, various causes of displacement have placed greater strain on the family, as have social and economic changes.

The objectives are, inter alia : (a) to develop policies and laws that better support the family, contribute to its stability and take into account its plurality of forms, particularly the growing number of single-parent families; (b) to promote equality of opportunity for family members, especially the rights of women and children in the family; and (c) to ensure that all social and development policies provide support and protection for families and are fully responsive to the diverse and changing needs of families.

A. Diversity of family structure and composition. Governments are called upon to cooperate with employers to provide and promote means to make participation in the labour force more compatible with parental responsibilities, especially for single-parent households with young children. Governments should take effective action to eliminate all forms of coercion and discrimination in policies and practices.

B. Socio-economic support to the family. It is recommended that Governments should formulate policies that are sensitive and supportive of the family and should develop, along with NGOs and concerned community organizations, innovative ways to provide more effective assistance to families and individuals within them who may be affected by such problems as extreme poverty, chronic unemployment, and domestic and sexual violence, among others.

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## Chapter VI, Population Growth and Structure

A. Fertility, mortality and population growth rates. The objective is to facilitate the demographic transition as soon as possible in countries where there is an imbalance between demographic rates and social, economic and environmental goals. This process will contribute to the stabilization of the world population. Governments are urged to give greater attention to the importance of population trends for development. In attempting to address concerns with population growth, countries should recognize the interrelationships between fertility and mortality levels and aim to reduce high levels of infant, child and maternal mortality.

B. Children and youth. Attention is drawn to the major challenges created by the very large proportions of children and young people in the populations of a large number of developing countries. The aims are to promote the health, well-being and potential of all children, adolescents and youth; to meet their special needs, including social, family and community support, as well as access to education, employment, health, counselling and high-quality reproductive health services; and to encourage them to continue their education. Countries are urged to give high priority to the protection, survival and development of children and youth, and to make every effort to eliminate the adverse effects of poverty on children and youth. Countries are further called upon to enact and strictly enforce laws against economic exploitation and the physical and mental abuse or neglect of children. Countries are urged to create a socio-economic environment conducive to the elimination of all child marriages and should also discourage early marriage.

C. Elderly people. Governments are called upon to develop social security systems that ensure greater equity and solidarity between and within generations and that provide support to elderly people through encouragement of multigenerational families. Governments should also seek to enhance the self-reliance of elderly people so that they can lead healthy and productive lives and can benefit society by making full use of the skills and abilities they have acquired in their lives. Governments should strengthen formal and informal support systems and safety nets for elderly people and eliminate all forms of violence and discrimination against them.

D. Indigenous people. Indigenous people have a distinct and important perspective on population and development relationships, frequently quite different from those of the populations with whom they interrelate within national borders. The specific needs of indigenous people, including primary health care and reproductive health services, should be recognized. In full collaboration with indigenous people, data on their demographic characteristics should be compiled and integrated into the national data-collection system. The cultures of indigenous people need to be respected. Indigenous people should be able to manage their lands, and the natural resources and ecosystems upon which they depend should be protected and restored.

E. Persons with disabilities. Although awareness has been raised about disability issues, there remains a pressing need for continued action to promote effective measures for prevention and rehabilitation of disabilities. Governments are called upon to develop the infrastructure

to address the needs of persons with disabilities, in particular with regard to their education, training and rehabilitation; to recognize their needs concerning, inter alia, reproductive health, including family planning and HIV/AIDS; and to eliminate specific forms of discrimination that persons with disabilities may face with regard to reproductive rights, household and family formation, and international migration.

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## Chapter VII, Reproductive Rights and Reproductive Health

A. Reproductive rights and reproductive health. Reproductive health is a state of complete physical, mental and social well-being in all matters relating to the reproductive system and to its functions and processes. It implies that people have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this is the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility, which are not against the law, and the right of access to health-care services that will enable women to go safely through pregnancy and childbirth. Reproductive health care also includes sexual health, the purpose of which is the enhancement of life and personal relations.

Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other relevant UN consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence. Full attention should be given to promoting mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality.

All countries are called upon to strive to make reproductive health accessible through the primary health-care system to all individuals of appropriate age as soon as possible and no later than 2105. Such care should include, inter alia: family planning counselling, information, education, communication and services; education and services for prenatal care, safe delivery and post-natal care, especially breast-feeding and infant and women's health care; prevention and treatment of infertility; abortion as specified in paragraph 8.25; treatment of reproductive tract infections, sexually transmitted diseases (STDs) and other reproductive health conditions; and information, education and counselling on human sexuality, reproductive health and responsible parenthood.

Reproductive health-care programmes should be designed to serve the needs of women, including adolescents, and must involve women in the leadership, planning, decision-making, management, implementation, organization and evaluation of services. Innovative programmes must be developed to make information, counselling and services for



reproductive health accessible to adolescents and adult men. Such programmes must both educate and enable men to share more equally in family planning, domestic and child-rearing responsibilities and to accept major responsibility for the prevention of STDs.

B. Family planning. Actions are recommended to help couples and individuals meet their reproductive goals; to prevent unwanted pregnancies and reduce the incidence of high-risk pregnancies and morbidity and mortality; to make quality services affordable, acceptable and accessible to all who need and want them; to improve the quality of advice, information, education, communication, counselling and services; to increase the participation and sharing of responsibility of men in the actual practice of family planning; and to promote breastfeeding to enhance birth spacing. The text emphasizes that Governments and the international community should use the full means at their disposal to support the principle of voluntary choice in family planning. As part of the effort to meet unmet needs, all countries are asked to identify and remove all major remaining barriers to the use of family planning services. Governments are urged to provide a climate that is favourable to good-quality public and private family planning and reproductive health information and services through all possible channels. The international community is urged to move, on an immediate basis, to establish an efficient coordination system and global, regional and subregional facilities for the procurement of contraceptives and other commodities essential to reproductive health programmes of developing countries and countries with economies in transition.

C. STDs and HIV prevention. Section C recommends actions designed to prevent, reduce the incidence of and provide treatment for STDs, including HIV/AIDS, and the complications of STDs such as infertility. Such actions include: increasing efforts in reproductive health programmes to prevent, detect and treat STDs and other reproductive tract infections; providing specialized training to all health-care providers in the prevention and detection of, and counselling on, STDs, especially infections in women and youth; making information, counselling for responsible sexual behaviour and effective prevention of STDs and HIV integral components of all reproductive and sexual health services; and promoting and distributing high-quality condoms as integral components of all reproductive health-care services.

D. Human sexuality and gender relations. The objective is twofold: to promote the adequate development of responsible sexuality that permits relations of equity and mutual respect between the genders; and to ensure that women and men have access to information, education and services needed to achieve good sexual health and exercise their reproductive rights and responsibilities. Recommended actions include giving support to integral sexual education and services for young people, with the support and guidance of their parents and in line with the Convention on the Rights of the Child, that stress male responsibility for their own sexual health and fertility and that help them exercise those responsibilities. Educational efforts should begin within the family unit, but must also reach adults, in particular men, through non-formal education and a variety of community-based activities. Educational programmes should also encourage and support active and open discussion of the need to protect women, youth and children from abuse, including sexual abuse, exploitation, trafficking and violence. Governments and communities are advised to take steps urgently to stop the practice of female genital mutilation and protect women and girls from all similar

unnecessary and dangerous practices.

E. Adolescents. Adolescent sexual and reproductive health issues, including unwanted pregnancy, unsafe abortion (as defined by the World Health Organization), and STDs and HIV/AIDS, are addressed through the promotion of responsible and healthy reproductive and sexual behaviour, including voluntary abstinence, and the provision of appropriate services and counselling specifically suitable for that age group. A substantial reduction in all adolescent pregnancies is also sought. The text stresses that countries must ensure that programmes and attitudes of health-care providers do not restrict adolescents' access to the services and information they need. These services must safeguard the right of adolescents to privacy, confidentiality, respect and informed consent, while respecting cultural values and religious beliefs as well as the rights, duties and responsibilities of parents. Countries, with the support of the international community, should protect and promote the rights of adolescents to reproductive health education, information and care, and greatly reduce the number of adolescent pregnancies. Governments are urged, in collaboration with NGOs, to establish appropriate mechanisms to respond to the special needs of adolescents.

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## Chapter VIII, Health, Morbidity and Mortality

A. Primary health care and the health-care sector. The increases in life expectancy recorded in most regions of the world in the past half century reflect significant gains in public health and in access to primary health-care services. Notable achievements include the vaccination of children and widespread use of low-cost treatments, such as oral rehydration therapy. Yet these achievements have not been realized in all countries, and preventable or treatable illnesses are still the leading killers of young children. Moreover, large segments of many populations remain at risk of infectious, parasitic and water-borne diseases. Section A recommends actions to increase the accessibility, availability, acceptability and affordability of health-care services and facilities, and to increase the healthy life-span and improve the quality of life of all people, as well as to reduce the disparities in life expectancy between and within countries.

Section A stresses that all countries should make access to basic health care and health promotion the central strategies for reducing mortality and morbidity. Sufficient resources should be assigned so that primary health services cover the entire population. All countries should reduce mortality and morbidity and seek to make primary health care, including reproductive health care, universally available by the end of the current decade. Countries should aim to achieve by 2005 a life expectancy at birth greater than 70 years and by 2015 a life expectancy at birth greater than 75 years. Countries with the highest levels of mortality should aim to achieve by 2005 a life expectancy at birth greater than 65 years and by 2015 a life expectancy at birth greater than 70 years. Governments should ensure community participation in the planning of health policies, especially with respect to the long-term care of the elderly, those with disabilities and those infected with HIV and other endemic diseases. Access to health-care services for all people and especially for the most underserved and vulnerable groups must be ensured. Governments should seek to make basic health-care services more sustainable financially, while ensuring equitable access.

B. Child survival and health. Important progress has been made in reducing infant and child mortality everywhere. However, the mortality of children under age 5 varies significantly between and within countries and regions. Poverty, malnutrition, a decline in breast-feeding, and inadequacy or lack of sanitation and health facilities are all associated with high infant and child mortality. Child survival is closely linked to the timing, spacing and number of births and to the reproductive health of mothers. Early, late, numerous and closely spaced pregnancies are major contributors to high infant and child mortality and morbidity, especially where health-care facilities are scarce. Section B thus recommends actions to reduce the disparities in mortality rates between and within developed and developing countries, with particular attention to eliminating the pattern of excess and preventable mortality among girl infants and children. Also recommended are actions to improve the health and nutritional status of infants and children and to promote breast-feeding as a child survival strategy.

Section B contains the following specific targets: Countries should strive to reduce their infant and under-5 mortality rates by one third, or to 50 to 70 per 1,000 live births, respectively, whichever is less, by the year 2000. By 2005, countries with intermediate levels should aim to achieve an infant mortality rate below 50 deaths per 1,000 and an under-5 mortality rate below 60 deaths per 1,000 births. By 2015, all countries should aim to achieve an infant mortality rate below 35 per 1,000 live births and an under-5 mortality rate below 45 per 1,000. Countries with indigenous people should achieve infant and under-5 mortality rates among their indigenous people that are the same as those of the general population.

Section B calls on all Governments to assess the underlying causes of high child mortality and to extend, within the framework of primary health care, integrated reproductive health-care and child-health services, including safe motherhood (defined in a footnote), child-survival programmes and family planning services, to all the population and particularly to the most vulnerable and underserved groups. All countries should give high priority to efforts to reduce the major childhood diseases, particularly infectious and parasitic diseases, and to prevent malnutrition among children, especially the girl child.

C. Women's health and safe motherhood. Complications related to pregnancy and childbirth are among the leading causes of mortality for women of reproductive age in many parts of the developing world, resulting in the death of about half a million women each year, 99 per cent of them in developing countries. The age at which women begin or stop child-bearing, the interval between each birth, the total number of lifetime pregnancies and the sociocultural and economic circumstances in which women live all influence maternal morbidity and mortality. Although approximately 90 per cent of the countries of the world have policies that permit abortion under varying legal conditions to save the life of the mother, a significant proportion of the abortions carried out are self-induced or otherwise unsafe, leading to a large fraction of maternal deaths or to permanent injury to the women involved.

The objectives are: to promote women's health and safe motherhood; to achieve a rapid and substantial reduction in maternal morbidity and mortality and to reduce the difference

between and within developed and developing countries; and, on the basis of a commitment to women's health and well-being, to reduce greatly the number of deaths and morbidity from unsafe abortion. Actions that improve the health and nutritional status of women, especially of pregnant and nursing women, are also recommended.

The document calls for a reduction in maternal mortality by one half of the 1990 levels by the year 2000 and a further half by 2015. Countries with intermediate levels of mortality should aim to achieve by the year 2005 a maternal mortality rate below 100 per 100,000 live births and by 2015 a rate below 60 per 100,000. Countries with the highest levels of mortality should aim to achieve by 2005 a maternal mortality rate below 125 per 100,000 live births and by 2015 a rate of below 75 per 100,000. All countries should reduce maternal morbidity and mortality to levels where they no longer constitute a public health problem. All countries are called upon, with the support of the international community, to expand the provision of maternal-health services in the context of primary health care. All countries should also aim to further reduce maternal mortality through measures to prevent, detect and manage high-risk pregnancies and births, particularly those of adolescents and late-parity women. Programmes and education to engage men's support for maternal-health and safe motherhood should be developed; all countries are urged to seek changes in high-risk sexual behaviour and to devise strategies to ensure that men share responsibility for sexual and reproductive health.

The full text of paragraph 8.25, dealing with abortion, reads as follows: "In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion (defined in a footnote) as a major public health concern and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given the highest priority and all attempts should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances in which abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counselling, education and family planning services should be offered promptly, which will also help to avoid repeat abortions."

D. HIV/AIDS. The AIDS pandemic is a major concern in both developed and developing countries. As of mid-1993, about four-fifths of all persons ever infected with HIV lived in developing countries where the infection was being transmitted mainly through heterosexual intercourse and the number of cases was rising most rapidly among women. The main objectives in section D are to prevent, reduce the spread of and minimize the impact of HIV infection, and to ensure that HIV-infected individuals have adequate medical care and are not discriminated against. A third objective is to intensify research on methods to control the HIV/AIDS pandemic and to find an effective treatment for the disease.

Section D calls on Governments to mobilize all segments of society to control the AIDS pandemic and to give high priority to IEC campaigns in programmes to reduce the spread of HIV infection. Sex education and information should be provided to both those infected and those not infected, and especially to adolescents. Responsible sexual behaviour, including voluntary sexual abstinence, should be promoted and included in education and information programmes. Among the aims are to raise awareness and to emphasize behavioural change. The international community is called upon to mobilize the human and financial resources required to reduce the rate of transmission of HIV infection.

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#### Chapter IX, Population Distribution, Urbanization and Internal Migration

A. Population distribution and sustainable development. The process of urbanization is intrinsic to economic and social development and, in consequence, both developed and developing countries are in the process of shifting from predominantly rural to predominantly urban societies. The objective is to foster a more balanced distribution of population by promoting sustainable development in both major sending and receiving areas. Such development should be ecologically sound and promote economic, social and gender equity. A related aim is to reduce the various factors that push people to migrate. These include, among others, the inequitable allocation of development resources, the use of inappropriate technologies, and the lack of access to available land. Countries should adopt strategies that encourage the growth of small or medium-sized urban centres and seek to develop rural areas. In order to develop rural areas, Governments should actively support access to landownership and to water resources, especially for family units and should also make or encourage investments for increased rural productivity.

B. Large urban agglomerations. In many countries, a single city dominates the urban system. This poses specific economic, social and environmental challenges. But large urban agglomerations often also represent the most dynamic centres of economic and cultural activity. The objective is to help countries better manage these large urban agglomerations in order to improve the security and quality of life of both the rural and urban poor. The text calls on Governments to increase the capacity and competence of city and municipal authorities to manage urban development and to respond to the needs of all citizens. It also urges them to give migrants, especially females, greater access to work, credit, basic education, health services, child-care centres and vocational training. In order to finance the needed infrastructure and services in a balanced manner, it is recommended that government agencies, bearing in mind the interests of the poor segments of society, consider introducing equitable cost-recovery schemes and other measures to increase revenues.

C. Internally displaced persons. The objective is to offer adequate protection and assistance to persons displaced within their own countries, particularly women, children and the elderly, and to find solutions to the root causes of their displacement, with a view to preventing it in the future, and to facilitate their return or resettlement. The document further seeks to put an end to all forms of forced migration, including "ethnic cleansing". Countries are called upon to address the causes of internal displacement, including environmental degradation, natural disasters, armed conflict and forced resettlement, and to establish the necessary mechanisms

to protect and assist displaced persons. It further calls for measures to ensure that internally displaced persons receive basic education, employment opportunities, vocational training and basic health-care services, including reproductive health services and family planning. Measures should also be taken, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced persons, including their right to voluntary and safe return to the home of origin.

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## Chapter X, International Migration

International economic, political and cultural interrelations play an important role in determining the flow of people between countries. In its diverse types, international migration is linked to such interrelations and both affects and is affected by the development process. Poverty and environmental degradation, combined with the absence of peace and security, and human rights violations are all factors affecting international migration.

A. International migration and development. Orderly international migration can have positive effects on both communities of origin and those of destination. Governments are urged to address the root causes of migration, to make remaining in one's country a viable option for all people. Inflows of remittances should be fostered by sound economic policies and adequate banking facilities. Countries of destination should consider the use of temporary migration, while countries of origin should collaborate in promoting voluntary return. The exchange of information on migration policies and the monitoring of stocks and flows of migrants through adequate data gathering should be supported.

B. Documented migrants. Governments of receiving countries are urged to consider extending to documented migrants who meet appropriate length-of-stay requirements, and to members of their families, regular treatment equal to that accorded their own nationals with regard to basic human rights. Women and children who migrate as family members should be protected from abuse or denial of their human rights. All Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its integration into their national legislation in order to protect the unity of the families of documented migrants in a manner consistent with the universally recognized human rights instruments.

C. Undocumented migrants. The document recalls the right of every nation State to decide who can enter and stay in its territory and under what conditions, and urges Governments to exercise such right taking care to avoid racist or xenophobic actions and policies. Section C recommends actions to reduce the number of undocumented migrants; prevent their exploitation and protect their basic human rights; prevent international trafficking in migrants; and protect them against racism, ethnocentrism and xenophobia. These actions include identifying the causes of undocumented migration and its economic, social and demographic impact; adopting effective sanctions against those who organize, exploit or traffic in undocumented migration; deterring undocumented migration by making potential

migrants aware of the legal conditions for entry, stay and employment in host countries; and trying to find solutions to the problems of undocumented migrants through bilateral or multilateral negotiations on, inter alia, readmission agreements that protect the basic human rights of persons involved in accordance with relevant international instruments.

D. Refugees, asylum-seekers and displaced persons. Governments are urged to address the root causes of movements of refugees and displaced persons by taking appropriate measures with respect to the resolution of conflict, the promotion of peace and reconciliation, respect for human rights, and respect for independence, territorial integrity and the sovereignty of States. Governments should also address the factors that contribute to forced displacement and strengthen their support for international activities to protect and assist refugees and displaced persons. Adequate international support should be extended to countries of asylum to meet the basic needs of refugees and to assist in the search for durable solutions. Refugees should be provided with access to adequate accommodation; education; health services, including family planning; and other necessary social services.

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## Chapter XI, Population, Development and Education

A. Education, population and sustainable development. Education is a key factor in sustainable development. It is a component of well-being and a means to enable the individual to gain access to knowledge. It also helps reduce fertility, morbidity and mortality rates; empower women; improve the quality of the working population; and promote genuine democracy. The increase in the education of women and girls contributes to women's empowerment, to postponement of marriage and to reductions in family size. When mothers are better educated, their children's survival rate tends to increase.

Section A has four main objectives, each of which is also a recommended action: (a) to achieve universal access to quality education, in particular to primary and technical education and job training; (b) to combat illiteracy (the eradication of which is one of the prerequisites of human development) and to eliminate gender disparities in educational opportunities and support; (c) to promote non-formal education for young people; and (d) to introduce and improve the content of the curriculum so as to promote greater responsibility towards, and awareness of, the interrelationships between population and sustainable development; health issues, including reproductive health; and gender equity.

Section A stresses that investments in education and job training should be given high priority in development budgets and take into account the range and level of future workforce skill requirements. It also emphasizes that education about population issues must begin in primary school and continue through all levels of formal and non-formal education, taking into account the rights and responsibilities of parents and the needs of children and adolescents.

B. Population information, education and communication. Greater public knowledge, understanding and commitment at all levels, from the individual to the international, are vital to the achievement of the goals and objectives of the Programme of Action. A primary aim,

therefore, is to increase such knowledge, understanding and commitment. Other aims are: (a) to encourage attitudes in favour of responsible behaviour in such areas as the environment, family, sexuality, reproduction, gender and racial sensitivity; (b) to ensure Governments' commitment to promote private- and public-sector participation in the design, implementation and monitoring of population and development policies and programmes; and (c) to enhance the ability of couples and individuals to exercise their basic right to decide freely and responsibly the number and spacing of their children, and to have the information, education and means to do so.

Countries should seek to raise awareness on priority issues through public education campaigns. The media should be a major instrument in such efforts. It is especially important that IEC strategies are linked to, and complement, national population and development policies and strategies, as well as a full range of services in reproductive health, including family planning and sexual health, in order to enhance the use of such services and improve the quality of counselling and care. Governments, NGOs and the private sector should make greater and effective use of the entertainment media, including radio and television, folk theatre and other traditional media.

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## Chapter XII, Technology, Research and Development

This chapter stresses the importance of valid, reliable, timely, culturally relevant and internationally comparable population data for policy and programme development, implementation, monitoring and evaluation. It also emphasizes that research, in particular biomedical research, has been instrumental in giving more and more people access to a greater range of safe and effective modern methods for regulation of fertility. The chapter further stresses that social and economic research is also needed to enable programmes to take into account the views of their intended beneficiaries, especially women, adolescents and other less empowered groups.

A. Basic data collection, analysis and dissemination. Governments should strengthen their national capacity to carry out sustained and comprehensive programmes to collect, analyse, disseminate and utilize population and development data. Particular attention should be given to the monitoring of population trends and the preparation of demographic projections. Governments should also monitor progress towards the attainment of the goals and objectives set forth in the Programme of Action. The data collected should be disaggregated by gender in order to provide a more accurate picture of women's current and potential contribution to economic development.

B. Reproductive health research. Governments, assisted by the international community and others, including NGOs and the private sector, are called upon to increase support for basic and applied biomedical, technological, clinical, epidemiological and social-science research in order to strengthen reproductive health services. The aim is to improve existing and develop new methods for regulation of fertility that meet users' needs and are acceptable, easy to use, safe, free of side-effects, effective and affordable. Testing and introduction of all new technologies should be continually monitored to avoid potential abuse. High priority



should be given to the development of new methods for regulation of fertility for men, as well as to research on sexually transmitted diseases, including HIV/AIDS, and on infertility. The document calls for the promotion of research on the determinants of induced abortion, on the treatment of complications of abortions and post-abortion care and on the consequences of induced abortion, including its effects on subsequent fertility, reproductive mental health and contraceptive practice.

C. Social and economic research. Governments, funding agencies and research organizations are called upon to encourage and promote sociocultural and economic research on relevant population and development policies and programmes. Policy-oriented research, at the national and international levels, should be undertaken on areas beset by population problems, poverty, patterns of over-consumption, and environmental degradation, giving particular attention to the interactions between those factors. The document urges Governments, concerned intergovernmental and non-governmental organizations and others to give priority to research on the linkages between women's roles and status and demographic and development processes. Women should be involved at all stages in the planning of research on gender issues, and efforts should be made to recruit and train more female researchers.

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### Chapter XIII, National Action

A. National policies and plans of action. Where leadership is strongly committed to economic growth, human resource development, gender equality and equity and meeting the health and in particular the reproductive health needs of the population, countries have been able to mobilize sustained national commitment to make population and development programmes successful. Population and development are intrinsically interrelated and progress in any area can catalyse improvement in others. Recognition is given to the need to involve intended beneficiaries in the design and subsequent implementation of population-related policies, plans, programmes and projects. Non-governmental organizations and the private sector are acknowledged as partners in national policies and programmes. Members of national legislatures can have a major role to play, especially in enacting domestic legislation for implementing the Programme of Action, allocating appropriate financial resources, ensuring accountability of expenditure and raising public awareness of population issues. The main objectives are to foster active involvement of elected representatives of people, particularly parliamentarians and concerned groups and individuals, especially at the grass-roots level, and to build up the capacity and self-reliance to undertake concerted national actions.

B. Programme management and human resource development. The document encourages Governments to increase the skill level and accountability of managers and others involved in the implementation, monitoring and evaluation of national population and development strategies, policies, plans and programmes. The trend to decentralization of authority in national population and development programmes is appreciated to require new skills, better information and communication systems, and strategies to increase and retain the numbers of trained staff, particularly women. Governments are called upon to give special attention to

client-centred management information systems for population and development, particularly for reproductive health programmes, covering both governmental and non-governmental activities and providing updated data on clientele, expenditures, infrastructure, service accessibility and output and quality of services.

C. Resource mobilization and allocation. The document includes estimates of the funding levels required to meet developing countries' needs and the needs of countries with economies in transition in the period 2000-2015 for basic reproductive health services, including family planning; prevention of sexually transmitted diseases, including HIV/AIDS; and population data collection, analysis and dissemination, policy formulation and research. On the basis of past experience, experts have estimated that the implementation of programmes in these areas will cost \$17.0 billion in 2000, \$18.5 billion in 2005, \$20.5 billion in 2010 and \$21.7 billion in 2015. It is tentatively estimated that up to two thirds of the costs will continue to be met by the countries themselves and in the order of one third from external sources, with considerable variations between and within regions. In order to meet and reinforce social development goals and satisfy previously undertaken intergovernmental commitments, Governments are urged to devote an increased proportion of their public-sector expenditures to the social sectors, stressing in particular poverty eradication in the context of sustainable development.

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#### Chapter XIV, International Cooperation

This chapter recommends actions to clarify the reciprocal responsibilities among development partners and to increase the commitment to, and stability of, international financial assistance in the field of population and development. It seeks to ensure that international cooperation in the area of population and development is consistent with national population and development priorities. National capacity-building and the transfer of technology and know-how are held as the core objectives of international cooperation at the programme level.

The international community should strive for the fulfilment of the agreed target of 0.7 per cent of GNP for overall official development assistance (ODA) and endeavour to increase the share of funding for population and development programmes commensurate with the scope and scale of activities required to achieve the objectives and goals of the Programme of Action. A crucially urgent challenge to the international donor community is therefore the translation of their commitment to the objectives and quantitative goals of the Programme of Action into commensurate financial contributions to population programmes in developing countries and countries with economies in transition. Given the magnitude of the financial resource needs for national population and development programmes, and assuming that recipient countries will be able to generate sufficient increases in domestically generated resources, the need for complementary resource flows from donor countries would be (in 1993 US dollars): in the order of \$5.7 billion in 2000; \$6.1 billion in 2005; \$6.8 billion in 2010; and \$7.2 billion in 2015. These figures include the needs of the countries with economies in transition, which should receive temporary assistance for population and development activities in light of the difficult economic and social problems that they face at

present. The international community should urge donor agencies to facilitate and give higher priority to supporting direct South-South collaborative arrangements. Recipient countries should ensure that international assistance for population and development activities is used effectively to meet population and development objectives so as to assist donors to secure commitment to further resources for programmes.

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#### Chapter XV, Partnership with the Non-Governmental Sector

The primary objective of this chapter is to promote an effective partnership between Governments, non-governmental organizations, local community groups and the private sector in the discussion and decisions on the design, implementation, coordination, monitoring and evaluation of programmes relating to population, development and environment. Governments and intergovernmental organizations should integrate NGOs and local community groups into their decision-making and facilitate the contribution that NGOs can make towards finding solutions to population and development concerns and, in particular, to ensure the implementation of the Programme of Action.

Governments should ensure the essential roles and participation of women's organizations in the design and implementation of population and development programmes. Involving women at all levels, especially the managerial level, is critical to meeting the objectives and implementing the Programme of Action. Governments and donor countries should ensure that NGOs and their networks are able to maintain their autonomy and strengthen their capacity through regular dialogue and consultations, appropriate training and outreach activities, and thus play a greater role in the partnership.

The private, profit-oriented sector, which is discussed in section B, plays an important role in social and economic development, including production and delivery of reproductive health-care services and commodities, including appropriate education and information relevant to population and development programmes. The aim is to strengthen the partnership between Governments, international organizations and the private sector in identifying new areas of cooperation and to promote the role of the private sector in service delivery and in the production and distribution of high-quality reproductive health and family planning commodities and contraceptives. The profit-oriented sector should consider how it might better assist non-profit NGOs in playing a wider role in society by enhancing or creating mechanisms to channel financial and other support to NGOs and their associations.

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#### Chapter XVI, Follow-up to the Conference

A. National-level activities. The willingness of Governments, local communities, the non-governmental sector, the international community and others to integrate population concerns into all aspects of economic and social activity will greatly assist in improving the quality of life for all individuals and future generations.

Extensive international, regional, subregional, national and local preparatory processes have strongly contributed to the formulation of the Programme of Action. Considerable institutional development has taken place in many countries in order to steer the national preparatory process; public information and education campaigns have fostered greater awareness of population issues, and comprehensive national reports have been prepared for the Conference.

Conference follow-up should include policy guidance, including building political support for population and development; resource mobilization; coordination and mutual accountability of implementation efforts; problem solving and sharing of experience within and between countries; and monitoring and reporting of progress in implementation.

Implementation of the Programme of Action must be part of an integrated follow-up effort to major international conferences, including the ICPD, the World Conference on Health for All, the World Conference on Education for All, the World Summit for Children, the Conference on Least Developed Countries, the United Nations Conference on Environment and Development, the International Conference on Nutrition, the World Conference on Human Rights, the Global Conference on the Sustainable Development of Small Island Developing States, the World Summit for Social Development, the Fourth World Conference on Women, and the Second United Nations Conference on Human Settlements (Habitat II).

Governments, UN system organizations and NGOs are urged to disseminate the Programme of Action widely and seek public support for its goals, objectives and actions. All countries should consider making additional contributions for implementation of the Programme of Action, taking into account the provisions of chapters XIII and XIV and the economic constraints faced by developing countries.

All countries are urged to establish appropriate national follow-up, accountability and monitoring mechanisms, in partnership with NGOs, organizations, community groups, the media and the academic community, and with the support of parliamentarians. The international community should assist Governments in organizing national-level follow-up, including capacity-building for project formulation and programme management, and in strengthening coordination and evaluation mechanisms.

Governments are urged to set up or enhance national data bases to provide baseline data and information that can be used to measure or assess progress towards the achievement of the goals and objectives of the ICPD. All countries are urged to regularly assess and periodically report their progress, outlining successes, problems and obstacles.

B. Subregional and regional activities. Implementation must address specific subregional and regional strategies and needs. Regional commissions, UN system organizations at the regional level and other relevant subregional and regional organizations should be active in coordinated implementation. Governments and relevant organizations are urged to reinforce existing follow-up mechanisms. Multidisciplinary expertise should be utilized in implementation and follow-up. Cooperation in capacity-building, the sharing and exchange of information and experiences, know-how and technical expertise should be strengthened

with the assistance of the international community and in partnership with NGOs. Governments are urged to strengthen training and research in population and development issues, and widely disseminate research findings.

C. Activities at the international level. While some of the resources required for implementation could come from reordering priorities, developing countries, particularly the least developed, will require new and additional financial resources from the public and private sectors, NGOs and the international community, including on concessional and grant terms, according to sound and equitable indicators, provided through bilateral and multilateral channels and NGOs. There should be a coordinated approach and a clearer division of labour in population-relevant policy and operational aspects of development cooperation, and enhanced coordination and planning in resource mobilization.

The General Assembly should organize a regular review of implementation of the Programme of Action. The Economic and Social Council (ECOSOC) should promote an integrated approach and provide system-wide coordination and guidance in monitoring implementation, and should review the UN reporting system.

The Assembly during its forty-ninth session and ECOSOC in 1995 should review the roles, responsibilities, mandates and comparative advantages of intergovernmental bodies and UN system organs addressing population and development, in order to: ensure effective implementation, monitoring and evaluation of activities based on the Programme of Action; improve the effectiveness of implementation and monitoring activities; and ensure recognition of the interrelationships between policy guidance, research, standard-setting and operations.

ECOSOC should, in the context of Assembly resolution 48/162, consider the respective roles of the UN organs dealing with population and development, including the United Nations Population Fund (UNFPA) and the Population Division. The General Assembly at its forty-ninth session, in accordance with its resolution 48/162, should consider establishing a separate Executive Board of UNFPA, bearing in mind the administrative, budgetary and programme implications.

The UN Secretary-General is urged to promote an exchange of information among the various UN bodies, international financial institutions and bilateral aid organizations and agencies, on international assistance required for regularly reviewing countries' population and development needs, including emergency and temporary needs, and maximizing the availability and effective utilization of resources.

UN specialized agencies and related organizations should strengthen and adjust their activities, programmes and medium-term strategies as follow-up to the Conference; governing bodies should review their policies, programmes, budgets and activities in this regard.



## ENDNOTES

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<sup>i</sup> Countdown 2015: Sexual and Reproductive Health and Rights for All p. 40

<sup>ii</sup> Source: OECD, April 4, 2008

<sup>iii</sup> Source: OECD, April 4, 2008

<sup>iv</sup> Ibid

<sup>v</sup> “Canada Big on Support, Low on Substance for MDGs.” Embassy Magazine. August 8<sup>th</sup>, 2007

<sup>vi</sup> In this document, the term « Convention » and « Migrant Workers’ Convention» refers to the *United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.*”

<sup>vii</sup> At the time of writing this report, we had not been able to obtain the legal brief commissioned by the Department of Citizenship and Immigration to the judicial services of the Department of Justice, which identifies the legal obstacles to ratifying the convention.

<sup>viii</sup> s. 7 Canada Health Act.

<sup>ix</sup> Canada Health Act Annual Report 2006-2007, online [http://www.hc-sc.gc.ca/hcs-sss/pubs/cha-lcs/2006-cha-lcs-ar-ra/chap\\_2-eng.php](http://www.hc-sc.gc.ca/hcs-sss/pubs/cha-lcs/2006-cha-lcs-ar-ra/chap_2-eng.php), last visited September 5, 2008.

<sup>x</sup> Kondro, W., “Medically necessary” abortions in Canada to be covered by insurance, *The Lancet*, 2001 Ja. 20; 357(9251):208.