

domestic and international human rights protections, and the lack of domestic mechanisms for reviewing compliance with human rights treaty obligations, the head of the Canadian delegation, the Honourable Heddy Fry, referred to the upcoming review of the *CHRA*. Minister Fry stated that she would recommend, in the context of that review, that the mandate of the Canadian Human Rights Commission be expanded to include issues of compliance with international human rights treaties ratified by Canada.⁹

In the *List of Issues* it submitted to Canada prior to its 1998 review of Canada's compliance with the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*,¹⁰ the Committee on Economic, Social and Cultural Rights asked whether the Canadian government would be "acting on the recommendation of the Canadian Human Rights Commission that the ambit of human rights protections in Canada be expanded to include social and economic rights."¹¹ In answer, the government stated that: "the Government of Canada will consider this recommendation as part of its comprehensive review of the *Canadian Human Rights Act*, which is scheduled to commence shortly" and that it was "inappropriate to make any commitment to amend the legislation without such analysis as well as without consulting with other organizations and interested citizens."¹² During oral questioning, the Committee pressed the Canadian delegation to explain the federal government's continued failure to amend the *CHRA*, suggesting that the reference to the upcoming review of the *Act* did not explain why no action had been taken over the five years since the Committee's last review. The Canadian delegation again assured the Committee that the matter would be considered in the upcoming review of the *CHRA*.¹³

In its *Concluding Observations*, the Committee noted as a "positive measure" the "Canadian Human Rights Commission's statement about the inadequate protection and enjoyment of economic and social rights in Canada and its proposal for the inclusion of those rights in human rights legislation, as recommended by the Committee in 1993."¹⁴ In its list of recommendations, the

⁹Summary Records for the review of Canada are not yet available, but Minister Fry's verbal commitment was recorded by a number of the NGOs present at the meeting, including by one of the authors of the present paper.

¹⁰*International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 U.N.T.S. 3, Can. T.S. 1976 No. 46 (entered into force 3 January 1976, accession by Canada 19 August 1976) [hereinafter *ICESCR*].

¹¹Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, *List of issues to be taken up in connection with the consideration of the third periodic report of Canada concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights* (E/1994/104/Add.17) E/C.12/Q/CAN/1 (10 June 1998), paragraph 8, page 2 [hereinafter *List of Issues*].

¹²*Review of Canada's Third Report on The Implementation of The International Covenant on Economic, Social and Cultural Rights: Responses to the supplementary questions emitted by the United Nations Committee on Economic, Social and Cultural Rights (E/C.12/Q/CAN/1) on Canada's third report on the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.17)* [hereinafter *Responses to Supplementary Questions*].

¹³Nations Unies Conseil économique et social, Comité des Droits Économique, Sociaux et Culturels, *Compte Rendu analytique de la 48ème seance: Canada*, Geneve 27 novembre 1998, E/C.12/1998/SR.48 at paragraphs 12, 13, 15, 22 and 24.

¹⁴United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights (Canada)*, 10 December 1998, E/C.12/1/Add.31 at paragraph 9 [hereinafter *Concluding Observations, 1998*].