

# A Brief Guide to International

BY SUSAN BAZILLI

*Cet article a été écrit en vue de servir de guide de présentation aux défenseurs des droits humains internationaux afin de leur permettre de développer des stratégies pour contrer la violence faite aux femmes. Les auteure(s) croient que les militantes des droits des femmes ont intérêt à démystifier les instruments et les mécanismes disponibles dans le système international des droits humains et qu'elles seront en mesure de donner cette information en faisant un choix éclairé quand il s'agira d'incorporer les normes internationales dans leurs stratégies d'action.*

If one looks at the Women's Convention and other international documents of human rights, every title begins with the word 'States parties', and proceeds to unfold the obligations of the State. As states are the foundation of the international order, this is inescapable. However, if the state is entrusted with the responsibility of ensuring women's rights, if it is always viewed as active and paternalistic in a benign manner, then this does pose serious questions. Unless these human rights values take root in civil society, and unless civil institutions and NGO's take up the cause, then women's rights as rights will have no resonance. —Radhika Coomaraswamy, Special Rapporteur on Violence Against Women, Including its Causes and Consequences

## International Human Rights Law

**"Unless these human rights values take root in civil society, and unless civil institutions take up the cause, then women's rights as rights will have no resonance."**

The promotion and protection of human rights was a fundamental priority of the United Nations in 1945, when the UN's founding nations resolved that the atrocities of the Second World War should never be repeated. Three years later, the UN General Assembly adopted in the Universal Declaration of Human Rights, the principle that respect for human rights and human dignity "is the foundation of freedom, justice and peace in the world."

International human rights treaties tend to be viewed as needed in other countries, not at home in

Canada. As a signatory to all the major human rights treaties and conventions, the Canadian government has committed to respecting international human rights obligations. There are two kinds of obligations: negative ones that prohibit government action violating specified rights, and positive obligations that require governments to take proactive steps, exemplified by the Canadian Charter, to ensure and protect the enjoyment of human rights.

## Declarations, treaties, conventions and protocols

A treaty is a formal agreement between states that defines their mutual duties and obligations—it is used interchangeably with "convention" or "covenant." When the UN General Assembly adopts conventions, legally binding international obligations for signatory member States are created. When national governments ratify treaties, they become part of the nation's legal obligations as a member of the global community. Ratification means the formal procedure by which a State becomes bound to a treaty after signing it as acceptance. In order to have legal status, an international instrument must have been adopted by a majority vote of the UN General Assembly. It must also have been ratified by a certain number of states in order to be activated.

The main legal instruments are defined as:

- Declaration—passed by UN to affirm and recognize principles and rights, but declarations are not treaties; they are not ratified and do not have legal effect.

- Covenant or Convention—have an executive nature; they are treaties. By ratifying or acceding to these conventions, a State commits to adopting laws and measures to implement the rights that are stated in the convention. A UN committee is the treaty body mandated to monitor, receive and assess reports from States on their progress in implementing the treaty. Often, a protocol will be attached to a covenant or convention to provide for complaint procedures.

- Protocols—enable a State, a group or a person to file a complaint under the terms of the related treaty. Protocols constitute a means to exercise pressure internationally to oblige States to implement the rights specified in the treaties, covenants or conventions. When each State must individually show acceptance by signing the protocol, the term "optional protocol" is used.

# Human Rights Law for Canadian Advocates

## The enforcement of human rights standards

In many countries, international instruments are used as a means to exert pressure on the United Nations (UN) member States for the recognition of women's rights. Compared to most other countries, Canada's human rights laws are strongly worded. Yet anti-violence advocates know that much of our work is in trying to get the words in our criminal and civil laws—in Canada—enforced so that they protect women and children from violence. So where would one even begin with international law?

Monitoring the implementation of human rights treaties and exposing the violations is really an exercise in democracy. No one has any expectations that the UN is going to enforce Canadian women's constitutional rights. The political organizing task is to ensure that Canadian courts and systems uphold Canada's commitment to human rights. Country reports submitted to the UN, the assessments in comments made by the Committee members, and the subsequent use of any indictment of Canada's failure to take positive steps to end violence against women are practical tools to be used by advocates.

## A brief herstory: violence against women as an international human rights issue

The story (Kech and Sikkink) of the emergence of violence against women as an international issue is partly about the converging of the human rights and women's rights networks; but it is mostly a wonderful testimony to the capacity of women's autonomous movements, especially non-governmental organizations (NGOs), to be the initiators of public debate. The history of feminist activism at the international level can be seen in the chronology of the last decade of UN conferences, documents, declarations, etc. (see Cook and IWRP).

The UN Decade for Women (1975-85) comprised three World Conferences for Women—Mexico (1975), Copenhagen (1980), and Nairobi (1985). While the official conferences of government delegates took place, women from all over the world met at the "informal" NGO meetings. Over time, divisions between women from the North and the South began to recede and women began to converge around issues such as violence against women appreciating the linked concerns of women around the

world. Activists had found a common denominator (Kech and Sikkink) about the belief in the bodily integrity of women—a belief that was central to liberalism as well as core to the understanding of human dignity in other cultures. Notions of liberalism are essential to human rights—which has historically been a "discourse" about the rights of individuals.

When the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was drafted in the 1970s, there was nary a mention of violence against women—not a single reference to rape, domestic violence, sexual abuse, or female genital mutilation. In 1985 (at the Nairobi Women's Conference), after years of hard work, women placed violence on the UN agenda. Soon, there became another focus: violence against women in the private sphere. Up until then, international human rights had mostly been about state actions, like the acts of oppressive regimes. Violations of women's human rights had been ignored or marginalized within the human rights system. This case for changing the assumptions was effectively made by women's rights activists.<sup>1</sup> As a result, the 1993 World Conference on Human Rights held in Vienna explicitly recognized a range of gender-specific human rights violations, including violence against women, through the UN Declaration on the Elimination of Violence Against Women, known as DEVAW or the Vienna Declaration. States were charged with the duty to protect and promote women's rights as human rights. The definition in the Vienna Declaration was a real victory:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

The issue of violence against women was first discussed in terms of acts of overt physical and sexual violence, for example, female infanticide, female feticide, incest, wife beating, marital rape in the private

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sphere, and sexual harassment and rape in the public domain. In recent years, the definition has been expanded to include more structural forms of gender-based violence. Certain cultural practices, like son-preference, dowry customs and virginity tests, for example, are highlighted as denigrating or objectifying women. Increasingly, violence against women is also understood to encompass all forms of discrimination that create an environment in which such violence can be perpetrated with impunity and sometimes even with social sanction. In recent years, much of women's activism in this area has also been directed toward asserting women's agency in transforming the conditions that foster male violence.

More and more, feminists began to take on the international systems with strategic challenging of the neglect of women and our rights in all areas of life and argued that the improvement of women's status anywhere depends on advancing our rights everywhere. Our ability to participate in UN world conferences generated increasingly sophisticated strategic intervention, culminating in the last of the four world conferences on women held in Beijing in 1995, where the Beijing Declaration and its Platform for Action (PFA) presented the world with a comprehensive plan of action to enhance the social, economic and political empowerment of women. The 12 themes or critical areas of concern of the PFA included violence against women. In June of this year, the Beijing+5 UN General Assembly Special Session for the five-year review of progress from UN world conferences, the world's governments stopped short of allocating significant resources to actually addressing women's economic impoverishment and vulnerability to violence.<sup>2</sup>

The following section gives brief examples of relevant mechanisms such as monitoring procedures, Committees, Conventions, Declarations, UN agencies and other international organizations in the human rights system.

### **Example of a monitoring procedure: the Special Rapporteur on Violence Against Women**

There are various monitoring procedures at the UN. The most important one for our work is the *Special Rapporteur on Violence Against women, Including its Causes and Consequences*, Radhika Coomaraswamy, who was appointed by the UN Commission on Human Rights. We can see her appointment as a victory for the global women's movement.<sup>3</sup>

The mandate for the Special Rapporteur is

- To collect information on violence against women and its causes and consequences from sources such as governments, treaty bodies, specialized agencies, intergovernmental and NGO's, and to respond effectively to such information;

- To recommend measures for the national, regional and international levels to eliminate violence against women and its causes and to remedy its consequences

- To work closely with other special rapporteurs, special representatives, working groups, and independent experts of the Commission on Human Rights.

### **CEDAW: The Women's Convention and the Committee on the Elimination of Discrimination Against Women**

CEDAW, often called the Women's Convention, is the UN Convention on the Elimination of All Forms of Discrimination Against Women. This Convention is the only major UN human rights treaty devoted to the equality of women. It was adopted by the United Nations in 1981 and is monitored by the Committee on the Elimination of Discrimination Against Women, usually known as the CEDAW Committee. CEDAW is an important human rights tool in combating violence against women because it now defines such violence as a form of gender-based discrimination. In 1992, the Committee affirmed that both public and private forms of violence ("all forms of discrimination") against women are human rights violations in the CEDAW Committee's Recommendation 19, which establishes the links between violence and discrimination:

Violence against women is both a consequence of systematic discrimination against women in public and private life, and a means by which constraints on women's rights are reinforced. Women are vulnerable because of disabilities imposed on them in economic, social, cultural, civil and political life and violence impairs the extent to which they are able to exercise *de jure* rights.

### **CEDAW Optional Protocol**

CEDAW now has an Optional Protocol which is a mechanism that offers victims of rights violations the possibility of real remedy in two ways: through a complaints procedure (Art. 2) which allows individual women and women's groups to file a complaint of violation of her or their rights directly to the Committee; and, through an inquiry procedure (Art. 8), which enables the Committee to initiate direct inquiries and seek information to verify complaints of systematic violations of the Convention in a country that is a State party to the Convention and the Optional Protocol. It also establishes a follow-up procedure where governments may be required by the Committee to submit a progress report on remedial efforts taken regarding complaints (Art.9). However, women must show that they have exhausted their domestic remedies before they can submit a complaint to the Committee.

Canada has not yet ratified the CEDAW Optional Protocol, despite promises. In order for Canadian women to be able to use the CEDAW Optional Protocol, we need a campaign to ensure that Canada will ratify it, in effect, signing it into law.

## Convention on the Rights of the Child

This Convention promotes the right to a standard of living that is sufficient to ensure the development of the child; elimination of violence; and the elimination of the sexual and economic exploitation of children. This Convention is gender neutral, with no specific reference to girls. Somalia and the U.S.A. are the only two member-States of the UN that have not signed this Convention.

## International Criminal Court

The Statute of the International Criminal Court (ICC) was adopted by the Rome Convention in July 1998. The Court's jurisdiction is limited to crimes against humanity, war crimes and crimes of genocide. The ICC operates independently of all political powers, and its power to investigate is not subordinated to any agreement by any States. It will only intervene when national courts are unwilling or unable to prosecute their own citizens.

During the International Criminal Tribunal for the Former Yugoslavia [ICTY-1994], and Rwanda [ICTR-1995], investigators were specifically empowered to prosecute rape as a crime against humanity, thus breaking new ground in recognizing war crimes against women. The feminist advocacy around this tribunal was carried into the campaign for the ICC. The Women's Caucus for Gender ensured that the Rome Statute is an example where violations against women that have always been unrecognized are now codified in an international law, particularly where crimes of violence against women are recognized as crimes of war and crimes against humanity. In this perspective, the ICC will help acknowledge the violations of the fundamental rights of women so that the sexual assaults may be judged by a capable court.

Canadian advocates must remain aware, however, that using criminal law in the international arena should raise the same concerns as have been expressed nationally with regard to the law and order agenda. The international law and order agenda will not necessarily serve the interests of women but has the potential to be used against poor nations and disadvantaged people. This is a current topic of debate between activists and legal experts of the North and the South, particularly on issues of migration and the trafficking of women.

## Regional human rights systems—the inter-American human rights system

Canada is a member of the Organization of American States (the "OAS"), encompassing countries in North, South, Central, and Latin America. In 1995 the Inter American Convention on the Prevention, Punishment and Eradication of Violence Against Women went into effect, allowing women who had experienced violence in the Americas to have recourse to the existing regional

mechanisms in the America's system: the Inter-American Court, the Inter-American commission on Human Rights, as well as an Inter-American Commission for Women.

African countries, through the Organization of African States and European countries, through the Council of Europe and the European Union, have been developing regional instruments and mechanisms for the enforcement of women's human rights within their member countries and in support of other countries.

## Other international organizations in the UN System

Other organizations within the UN system have responded to women's advocacy with policy changes. For example the World Health Organization (WHO) now defines violence against women as a health issue. Such statements encourage States to develop policies and fiscal programs for cross-sectoral violence prevention strategies.

Other organizations that must be understood to play a pivotal role in all policies that affect our work in eliminating violence against women are the World Trade Organization (WTO), the International Monetary Fund (IMF), and the World Bank. Clearly their fiscal policies on globalization are having a devastating impact on women in Canada and globally.

## Examples of how Canadians have used UN treaties: Lovelace Complaint under the Optional Protocol to the International Covenant on Civil and Political Rights

Sandra Lovelace, a Maliseet woman, lost her *Indian Act* status and band membership when she married a non-Aboriginal male in 1970. After her divorce, she was forbidden to live again on her reserve, the Tobique reserve in New Brunswick. On December 29, 1977, she filed a complaint with the United Nations Committee on Human Rights under the Optional Protocol to the International Covenant on Civil and Political Rights. Going to the international level represented the only recourse for Native women at that time

On July 30, 1981, the UN Human Rights Committee found Canada in violation of Article 27 of the Covenant, because ss.12 (1)(b) of the *Indian Act* effectively denied Sandra Lovelace the right to live in her community. She was denied access to her culture, her religion, and her language contrary to Article 27. The Committee held that the denial to Sandra Lovelace of the right to reside on the reserve was neither reasonable nor necessary to preserve the identity of the tribe.

The *Lovelace* decision focused international attention on Canada. The Minister of Indian Affairs made it clear that the actions of Aboriginal women had played a key role in bringing the discriminatory impact of ss.12 (1)(b) of the *Indian Act* to the forefront. He also admitted that the enactment of the *Canadian Charter of Rights and Freedoms*

in 1982 left little room for further postponement. On June 28, 1985, after the general election had returned a new Government, *Bill C-31* was passed. The struggle against only one of the *Indian Act's* provisions, ss. 12(1)(b), has consumed over 30 years of litigation and political action, and is not yet over.

The Aboriginal Justice Inquiry of Manitoba identified domestic violence as one strong reason why women have been forced to leave reserves. Aboriginal women are subject to higher rates of domestic abuse than non-Aboriginal women—one in three, compared to one in ten.

The Native Women's Association of Canada launched an action against the Government of Canada in 1999, alleging that the failure of the government to provide for reserve residents an easily accessible way of resolving issues of occupation or possession of the matrimonial home, and related matters, in the event of family breakdown is a violation of the *Charter* (Eberts). Aboriginal women living on reserves are the only women in Canada who do not have available to them a legal process for handling these issues. Whether they can continue to occupy the matrimonial home in the event of violence or separation depends entirely on the discretionary action of the Band Council. This surely is another factor explaining the flight of women from their reserve communities.

Two of the strongest instruments available to Aboriginal women in their quest for equality have been the *Charter of Rights and Freedoms*, particularly section 15, and the *Constitution Act, 1982*, in particular section 35(4). Also, the government of Canada has been a signatory to numerous international conventions relating to human rights, which exist because they have garnered sufficient support in the extremely diverse world human community to achieve ratification in the United Nations. These conventions are not narrowly Eurocentric, but represent some broader consensus about what is necessary to protect human dignity and further human aspirations. The *Lovelace* case focussed international attention on Canada in 1981, and 20 years later, even a brief review of international principles shows that in its treatment of Aboriginal women, Canada falls far below the standards set by the international community, and adopted by Canada, for basic human rights protection.

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#### **OAITH submission to the Special Rapporteur on violence against women**

The Ontario Association of Interval and Transition Houses (OAITH) submitted a very detailed brief to the Special Rapporteur entitled "HOME Truth, Exposing

the False Face of Equality and Security Rights for Abused Women in Canada." The report focused on the impact of social program cuts in the province of Ontario on the lives of women abused by their intimate partners. The report reviewed the public commitments of the government of Canada to address violence against women and situated the impact on women of the Federal Government's elimination of national standards for social program delivery. The report outlined the cuts to services that have jeopardized women's freedom from violence. This report can be used as a model for other anti-violence advocates in other provinces. OAITH can update this report with more recent information from the last four years and submit another report to the Special Rapporteur. The OAITH report has also been cited now in many subsequent reports and briefs to various UN committees. This is very important as it places the issue of violence against women in the context of women's equality rights and the erosion of women's substantive equality in Canada.

#### **NAWL briefs to UN monitoring committees**

The National Association of Women and the Law (NAWL) has submitted two very important "shadow" briefs to Committees at the UN. "Canadian Women and the Social Deficit: A Presentation to the International Committee on Economic, Social and Cultural Rights" was submitted on the occasion of Canada's Third Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights—known as the ICESCR. This report brought to the attention of the Committee Canada's failure to realize the social and economic rights guaranteed by the Covenant, and that Canada is failing to take the necessary steps to realize these rights.

"The Civil and Political Rights of Canadian Women" was submitted by NAWL in March 1999, on the occasion of the consideration of Canada's Fourth Report on the Implementation of the International Covenant on Civil and Political Rights, known as the ICCPR. This report continues the analysis and documentation of the situation of women in Canada from the previous report. It makes specific reference to Canada's obligations under the ICCPR regarding violence against women. The main issues that the brief raises are about the cutbacks to shelters, transition houses and income assistance programs as failures of both the federal and provincial governments, as well as the very real systemic problem of the police attitudes towards women and sexual assault.

#### **The Ontario People's Reports by LIFT**

The "Ontario People's Report to the United Nations" was submitted by Low Income Families Together (LIFT) (Grey) to the UN Committee that monitors the International Covenant on Economic, Social and Cultural Rights documenting violations of the Covenant by the govern-

ment of Ontario. A wide coalition of civil society members contributed to the report. Particular references were made about the lack of child protection services, the increased poverty of families, and the need for women to escape domestic abuse, all issues relating to Article 10 of the Covenant. LIFT's second report, *Reality Check*, was submitted to the Committee that monitors the International Covenant on Civil and Political Rights. It focused on the indivisibility of rights, emphasizing that the "right to live" be interpreted in socioeconomic terms and raised the issue of workfare.

### **CEDAW Shadow Reports**

When a State party submits a report to the CEDAW Committee outlining all the wonderful things that their government has done for the women in their country in compliance with the CEDAW Convention, there is a parallel "truth-telling" process, generated by the tenacity of women's NGOs, known as submitting a Shadow Report. Shadow Reports provide the monitoring Committee with alternative facts and figures on the situation of women in the country. The last "Shadow Report on Canada" was submitted by NAC and METRAC.<sup>4</sup> States are scheduled to report to CEDAW every four years. Canada's next report to CEDAW is already overdue. The process for compiling the information for the Shadow Report is underway. It is being facilitated electronically by the International Women's Rights Project (IWRP)<sup>5</sup> which collaborates with FAFIA on work related to CEDAW. If your organization wants to send information documenting the conditions of women in your region for inclusion in the report, please contact us.

The most important part of the process is the "Concluding Comments" or "Concluding Observations" of the Committee. This is, in essence, the CEDAW Committee telling the Canadian government what their concerns are, what they recommend, and what they want the next State report to report on. After reviewing the last Shadow Report in 1997, the Committee addressed itself to the discrepancy between Canada's positive role at the international level in promoting human rights of women, and the domestic policies that reinforce the erosion of women's social and economic rights within Canada *and elsewhere*. The Committee

recommended that the Government address urgently the factors responsible for increasing poverty among women and especially women single parents and that it develop programs and policies to combat such poverty, and that social assistance programs directed at women be restored to an adequate level.<sup>6</sup>

### **Suggested action for advocates and activists:**

The consensus of over 20 Canadian women's equality seeking organizations, as set out in the Canadian CEDAW

Strategies Meeting summary<sup>7</sup> is to use CEDAW as:

- a political advocacy tool for changes to policy and practice
- an instrument for reviewing Canada's performance
- an aid to interpret the *Charter* and other Canadian guarantees of equality
- an international legal forum for appeal with the Optional Protocol.

We should concern ourselves with CEDAW where it can effectively assist in advancing the equality of women in Canada and globally. The CEDAW Optional Protocol must be made available to Canadian women. There are several suggestions for advocacy around the Optional Protocol at the national level:<sup>11</sup> signature and ratification; review national law and policy; promote public awareness; and most importantly, use the mechanism to bring cases of women's rights violations before the CEDAW Committee where women in Canada have exhausted domestic remedies. A strategy for activists in Canada would be to build a grassroots campaign to have Canada ratify the Optional Protocol. Once it comes into effect, a popular or public legal education campaign could be undertaken to assist women in filing complaints to the UN against Canada for non-compliance with equality rights provisions.

### **Moving governments to take action**

Advocates can use national and international human rights tools to give effect to expert recommendations commissioned by and then largely ignored by various governments. An audit of Canada's domestic human rights law as well as international law would illustrate Canada's non-compliance at all levels. Arguably, the most important function of international human rights law is to use it to make our governments live up to their legal obligations to create the conditions that will provide women with substantive equality rights and to focus on the integral link between the lack of social and economic rights and resultant violence against women.

One of the problems is that most lawyers and judges know little about international law, and it has not become part of the legal "culture" to make these arguments. We need to develop this training and expertise so that judges and lawyers in Canada understand that Canada has signed treaties and conventions that bind it to uphold international human rights

### **Conclusion**

Ultimately, the only way that equality-seeking organizations have won rights for women, and have had

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issues of violence against women addressed in law, policy, civil society and the courts, has been by combining political organizing strategies with legal and constitutional strategies. Indeed, international human rights standards have only been won through long and protracted political struggle. We must not let the appeal of distant international work turn us away from vigilance at home.

At the beginning of the twenty-first century, we are moving into another refinement of the rights' practice. It has been argued (Kech and Sikkink) that the rights framework in the past had privileged political and civil rights to the exclusion of economic, social, or cultural rights; that its excessive focus on individuals obscured structural inequalities among classes and countries. With the increasing sophistication of feminist activism and the development of an equality based inclusive analysis, we see that a rights-based approach now includes economic, social, and cultural rights. This critical evolution in feminist analysis and strategy will be echoed in the voices of the women's march, demanding an end to poverty and violence against women.

*This article was prepared by the author in consultation with with members of the International Women's Rights Project Reference Group*

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<sup>1</sup>Charlotte Bunch and the Centre for Women's Global Leadership at Rutgers University were instrumental in the "women's rights are human rights" leadership—the first article that was written in 1990 became a cornerstone of the movement, playing a catalytic role ("Women's Rights are Human Rights: Toward a Revision of Human Rights").  
<sup>2</sup>In Canada, organizing for the follow-up to Beijing led to the formation of FAFIA, the Feminist Alliance for International Action, which coordinated the Beijing +5 follow-up process. Activists can familiarize themselves with the Canadian government's performance by contacting FAFIA.  
<sup>3</sup>She has focused on areas of concern where women are particularly vulnerable: in the family (including domestic violence, traditional cultural and religious practices, infanticide); in the community (including rape, sexual assault, trafficking, labour exploitation, migrant work, etc.) and by the state (including violence against women in detention, refugee women and women in situations of armed conflict).

<sup>6</sup>Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women. Annex to the UN General Assembly Resolution, 15 October 1999. See <http://www.un.org/womenwatch/daw/cedaw/protocol>. This site also contains an overview of the protocol provisions and background on its adoption.

<sup>4</sup>Coordinated by Susan Bazilli, Shelagh Day, Gwen Brodsky, Lois Chiang, January 1997. See [www.yorku.ca/iwrp](http://www.yorku.ca/iwrp) for a copy.

<sup>5</sup>The IWRP is facilitating the electronic process, and is collaborating with FAFIA on the consultation process—contact [iwrp@yorku.ca](mailto:iwrp@yorku.ca).

<sup>6</sup>UN CEDAW Committee, Concluding Observations, 16<sup>th</sup> Session, 29 February 1997.

<sup>7</sup>International Women's Rights Project summary of the "Women Reframing Human Rights" roundtable conducted during the Canadian CEDAW Strategies Meeting, November 22-24, 1998, available through <http://www.yorku.ca/iwrp>

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**WE DEMAND THAT THE FEDERAL  
GOVERNMENT:**

25. Abolish the \$975 "head tax" for all immigrants as  
well as a \$500 processing fee for obtaining permanent  
residence .

26. Increase funding for immigrant and refugee  
settlement programs (in particular for language training  
programs and free quality child-care services) and en-  
sure effective monitoring of provincial implementation  
of these programs.

27. Recognize and support the specific needs of  
Francophone immigrant women living outside of  
Québec.

28. Include gender-based persecution as a ground for  
claiming refugee status in the Immigration Act.

29. Reform of the Immigration Act on the basis of a  
critical gender, race and class analysis and a human  
rights framework that takes into account Canada's con-  
stitutional and international human rights obligations.

30. Ratify the International Convention on the Pro-  
tection of all Migrant Workers and Members of their  
Families.

31. Treat domestic and caregiver workers who come  
to Canada as landed immi-grants, not as temporary  
workers.

32. Support the human rights of Aboriginal women  
in our overriding concerns for the well-being of our  
children, families, communities and nations, concerns  
that encompass housing, health, education, justice,  
lands and resources, governance and environment.

33. Make funds available to national and regional  
Aboriginal women's groups to ensure full participation  
in consultations, self-government talks and initiatives,  
and all other significant decisions.

**CAROL J. JENNINGS**

**Emily**

How do you feel  
about tourists traipsing  
through your house  
each hour of the afternoon,  
standing, silent, around your bed  
as though you linger here,

might impart one more  
metaphor or rhyme,  
a line or two on the after death,  
name someone you love, or  
tell if your view of God has changed.

Poems you left in a box,  
now laminated in plastic,  
pass from hand to hand.

Alive today, you would like  
the freedom of verse,  
but not the critics,  
rejection slips,  
writers conferences,  
casual sexual encounters.

Would you take a lover,  
swallow Prozac,  
watch television,  
give readings,  
enter therapy?

Or would you stay within yourself,  
in the house of your birth,  
ignore the phone,  
retreat to your room,  
hide poems under the bed,  
wait for life to close  
three times and then again.

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