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## **Standing Committee on the Status of Women**

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**EVIDENCE**

**Tuesday, June 9, 2009**

**Chair**

**The Honourable Hedy Fry**

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## Standing Committee on the Status of Women

Tuesday, June 9, 2009

• (1135)

[English]

**The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)):** I would now like to call the meeting to order and report to the committee that we did have a press conference to table our report on EI. I tabled it in the House today and we had a press conference on it. I just thought you should know that we just came from there.

We are currently discussing an amendment made by Anita Neville to the motion by Candice Hooppner. I will reread the amendment for you. It says:

That the Standing Committee on the Status of Women calls on the government to support First Nations women living on reserve, as stipulated in the "Declaration of the United Nations on the Rights of Indigenous People", by conducting consultations as per its legal duty to consult with those affected by marital breakdown. This should include First Nations women and families, First Nations communities, Regional Aboriginal Associations and National Aboriginal Organizations. The consultations should ensure that an appropriate resolution to the issue of matrimonial real property is found that meets the needs of all those who are affected.

Shall I read it in French?

All right.

[Translation]

That the Standing Committee on the Status of Women calls on the government to support First Nations women living on reserve, as stipulated in the Declaration of the United Nations on the Rights of Indigenous Peoples, by conducting consultations as per its legal duty to consult with those affected by marital breakdown. This should include First Nations women and families, First Nations communities, Regional Aboriginal Associations and National Aboriginal Organizations. The consultations should ensure that an appropriate resolution to the issue of matrimonial real property is found that meets the needs of all those who are affected.

[English]

I shall open up the discussion.

Ms. Hooppner.

**Ms. Candice Hooppner (Portage—Lisgar, CPC):** Thank you very much, Madam Chair.

The current motion as amended is entirely different from my original motion and I therefore cannot support it.

First of all, my original motion calls on all of Parliament to work together for this common goal. The reason I purposely put all of Parliament is that I believe we, as elected officials, have an obligation to work together to ensure that all Canadians are treated equally under the law.

Secondly, and just as important, my original motion calls for immediate action, not more consultations, as Ms. Neville's amendment does. Aboriginal groups have been consulted by this government. One hundred and three consultation sessions in 76 sites occurred in Canada. In fact, over \$8 million was provided to the Native Women's Association of Canada and the Assembly of First Nations to carry out consultations.

I believe that over the years many of my colleagues, even on this committee, who have been members of Parliament for much longer than I have, talked about and discussed this issue with aboriginal people and with aboriginal women. I believe the time for talk is over. We need to act, and we need to act immediately, to ensure that aboriginal women have the same rights that all Canadians do. I will not support this motion.

Thank you.

• (1140)

**The Chair:** Ms. Zarac.

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** On Ms. Hooppner's motion, she calls on Parliament to support it. I think Parliament already voiced itself against it, so I cannot support something that Parliament has voted against already.

**Ms. Candice Hooppner:** [Inaudible—Editor]

**The Chair:** Sorry, Candice.

Is there anybody else?

We're not going to debate back and forth. I'll come back to you if you want to speak.

Is there any further debate on the amendment?

Anita.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** I spoke to it at length before, Madam Chair. I'm repeating myself. I believe the issue of matrimonial real property is an important issue.

I agree with Ms. Hooppner that a consultation did take place under the leadership of Wendy Grant-John. At that time, Ms. Grant-John felt that it could have been a more extensive consultation. While they met with some members of the community, they might have met with others. But I guess the most important aspect of it is that what Ms. Hooppner is recommending in her motion is the antithesis of what Ms. Grant-John recommended in her very substantial, very thoughtful report as it relates to matrimonial real property for first nations women on reserve.

I believe it's time to move forward with this issue, but I believe it's time to move forward with this issue and do it right. To do it right is not to impose what we think is best for aboriginal women, but what they think is best. Quite clearly, we've heard that what the government is proposing is not what they think is best.

I'll leave it at that.

**The Chair:** Thank you.

Patricia.

**Mrs. Patricia Davidson (Sarnia—Lambton, CPC):** I just want to reiterate what my colleague has said. I also cannot support this motion.

Those who have been sitting around this table—

**The Chair:** Do you mean the motion as amended?

**Mrs. Patricia Davidson:** The amendment.

There has been discussion. There has been consultation. There are issues. And the issue is an extremely important one: there is absolutely no reason why aboriginal women should not have the same rights as other women in Canada. To think there are people sitting in this Parliament who don't support that is an abhorrent thought to me.

I absolutely will not be supporting it. There has been consultation not only by this government but by previous governments. There has been consultation for years on this issue.

The time to act is now. The time for talk is over. We need to do something.

I will not be supporting the amendment.

**The Chair:** Ms. Mathysen.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Madam Chair, I did want to point out that there are 640 first nations communities across the country and they have a variety of needs. You cannot homogenize the needs of the first nation community in Nova Scotia with that in Victoria. They have different needs.

I recall very vividly that when we were looking at matrimonial real property rights, those who came from the first nations leadership said they did not want to have something imposed. They did not want provincial law to be imposed on them.

This talk about being treated equally under the law, it doesn't work. We talk about equality but we don't talk about equity. Equity is making sure that you have given and considered the differences in community needs in order to make sure that you're being fair. Despite that, the legislation that is currently before the House imposes provincial law.

So I think very clearly we need to stand up in this committee for those women and first nations leaders who were very clear, unequivocally clear, about the process. Three months was not nearly enough and they needed far more time than they got. The amendment that we see before us I think addresses that. I will be supporting it.

• (1145)

**The Chair:** Thank you.

Ms. Demers.

[Translation]

**Ms. Nicole Demers (Laval, BQ):** Madam Chair, I will agree that consultations were held with First Nations. Meetings were held with First Nations representatives and they were consulted.

However, their responses were not taken into consideration. The responses given by First Nations women, the concerns they expressed and the recommendations they made were not taken into account in the process of drafting this legislation.

Consequently, I will not be able to support this motion unless it includes the amendment put forward by Ms. Neville. This amendment will ensure that not only are full, in-depth consultations held, but also that the findings will be taken into consideration in the drafting of a bill that reflects the needs of First Nations women, not the needs we think should be met because that would be the best approach to take.

[English]

**The Chair:** Thank you.

Madam McLeod.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Madam Chair.

We are talking about consultation, but I think what we have forgotten about, and this bill has not met, are the visions and goals of individual communities. I think it's really important to remember that the bill was designed to give immediate protection and then enable all the communities to move forward with their own plan. I could support an amendment that would say, let's support the individual communities in moving forward with developing their plan under this legislation. I think that would be much more appropriate. But as the Government of Canada and as parliamentarians, to walk away from a basic human right knowing that communities have opportunities, I just find it quite stunning, actually.

**An hon. member:** Hear, hear!

**The Chair:** Madam Boucher.

[Translation]

**Mrs. Sylvie Boucher (Beauport—Limoilou, CPC):** I will not be supporting the amendment, simply because in my opinion First Nations women have the same rights as all other Canadians, and I have visited several reserves in my capacity of parliamentary secretary. For no other reason than that, I will be voting against the motion. I think we are spinning our wheels. These women have the same rights as all other Canadians.

[English]

**The Chair:** Ms. O'Neill-Gordon.

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** I won't be supporting the motion as amended. I reiterate my colleagues' words, that it's time to move and do something.

I have three reserves in my riding, and just last week I met with a table of women who are looking for action and not just consultation all the time. So for that reason I won't be supporting it.

**The Chair:** Ms. Neville.

**Hon. Anita Neville:** Should this motion pass, I hope the government will take note that the committee is calling on the government to take action to support moving forward on matrimonial real property, but to support it in a way that aboriginal women want it supported. We've heard many times, through Wendy Grant-John's report and several other forums, that they want it moved forward, but aboriginal women want it done in cooperation and in consultation with their views.

What I'm extraordinarily struck by in this discussion is the fact that we have heard from aboriginal women, in a whole variety of forums, on what they need and what they want for their communities. They want schools for their children. They want adequate housing. I'm thinking of what's going on in St. Theresa Point in the province of Manitoba right now, which is very much an outcome of crowded housing and inadequate water. They want opportunities for their children. They want opportunities for themselves.

Aboriginal women know what they want, yet we're hearing that we know better. We'll tell them what's better for them and we'll do it.

That's not the way to go. Nobody wants to have something imposed upon them as a priority when they know what their needs and priorities are.

I hope the government will take action. I hope the government will move forward on this issue. I hope they will do it right. I hope they will do it by listening to and consulting with the communities, but not telling them what's best for them.

• (1150)

**The Chair:** Ms. Hoepfner.

**Ms. Candice Hoepfner:** I will be very brief.

I will just say that this is an attempt—it will be a failed attempt—to try to change the issue. This is about a basic human right. We talk about pay equity being a basic human right that you believe cannot be bartered away. This is a basic human right to have access to your property that you bought and paid for. If you're an aboriginal woman in this country, you don't have it.

No, this isn't about consultation. This is about acting.

Anyway, that's all I'll say.

Thank you.

**The Chair:** Sylvie.

[Translation]

**Mrs. Sylvie Boucher:** Earlier, I heard Ms. Neville say that First Nations needed schools and housing. That's very true. I myself have gone to reserves to provide money for shelters. These women need to have the same rights as other Canadian women. That is a fundamental consideration and a matter of respecting aboriginal communities. I will not be supporting this motion.

[English]

**The Chair:** Madam Demers, did you wish to speak?

[Translation]

**Ms. Nicole Demers:** Thank you, Madam Chair.

I understand and hear very well what Ms. Hoepfner is saying. However, when we speak to leaders of First Nations, they tell us that they are especially concerned about this part of the legislation. Living in an First Nations community—and not on a reserve, because this isn't Africa where animals are kept on reserves—is a totally different experience. These women do not want to have to deal with the problems that arise when their husbands leave, assets are divided and they keep the home. That isn't how things work. The reality in a closed community is very different from the reality in a city. If my husband and I were to separate and divide our assets, he could move 100 miles away and it would not make any difference. I would not have to face him and his family every day. In an aboriginal community, which is a closed community, the reality is quite different. Women want rights, but they want these rights to correspond to their needs, not to what we imagine their needs to be. That's the reality.

[English]

**The Chair:** Thank you, Madam Demers.

After Ms. Boucher, I will allow the mover of the amendment to close if she wishes. Then I will limit debate to these two speakers.

Sylvie.

[Translation]

**Mrs. Sylvie Boucher:** I'd like to respond to Ms. Demers. I too understand very well what you're saying. I've met with many aboriginal women and with their leaders, and spoken to other women as well, women like you and me. They may not be playing a leading role, but they do exist. They asked us to take action. I've met with several such women, I've been around and I can tell you that women who are not leaders, but who live on reserves, have asked us to take some action. I will not be voting...

[English]

**The Chair:** Thank you....

No debate across the floor, people. It will....

Ms. Neville.

**Hon. Anita Neville:** I wasn't going to get into it again, Madam Chair. I guess what I'm saying...and I'm listening to Ms. Boucher saying that she knows better than the leadership that the aboriginal women have designated to speak for them on this issue.

I am just overwhelmed with...or stunned, really—I think somebody else used that word—with the idea that we can impose it on a group of people whose leadership have said, "Listen to us, hear us, hear our concerns".

I spoke to the fact earlier that aboriginal women have identified their needs. They were very much part of the discussions of the Kelowna Accord. I've been at the native women's summits and I've heard their issues. Women from across the country, grassroots women along with leadership women, have attended these summits. Quite clearly, this is not their priority.

I think it's important that we listen to them, and that the government moves forward on this issue but moves forward on the issue according to the needs, desires, or whatever of aboriginal women across the country.

I'm not going to belabour it any more.

• (1155)

**The Chair:** Thank you.

I'll call the question now....

No, I think we've belaboured this long enough. Let's call the question.

**Mrs. Sylvie Boucher:** Madam Chair, it's not—

**The Chair:** I did say, Sylvie, that it would be you and then we would close with the mover of the amendment, and that would be closing the debate.

If we were to do a debate across the floor on every point, we'd never get to the end of this.

[Translation]

**Mrs. Sylvie Boucher:** No, I simply want to...

[English]

**The Chair:** No, as chair, I'm sorry, I'm calling the question.

(Amendment agreed to [See *Minutes of Proceedings*])

(Motion as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** We have another motion to deal with.

I would like to apologize to the group waiting to present to us. We need to get this business done. I'm sorry. We did a press conference this morning that set us back a bit.

The motion is by Mr. Desnoyers. It says:

Pursuant to Standing Order 108(1)(a), the Standing Committee on the Status of Women requests that the Treasury Board Secretariat and the Privy Council produce all documents and analyses that the Auditor General of Canada used or may have been used in the preparation of its study on "Gender- Based Analysis".

Is there any discussion on the motion?

[Translation]

**Ms. Nicole Demers:** Madam Chair, I'd like to make a small correction to the translation. The last sentence of the English version says this:

[English]

"analyses that the Auditor General of Canada used or may have been used". I would say "could have used", because

[Translation]

the French version reads "qui auraient pu être utilisés".

[English]

**The Chair:** Or "may have used", yes.

**Ms. Nicole Demers:** Not "may" but "could".

**The Chair:** Oh, "could have been used"?

**Ms. Nicole Demers:** No, just "could have used".

There are some documents that were denied her.

**The Chair:** All right. So the English will read, "or could have used".

Now, is there any discussion? It's pretty simple.

Mrs. Davidson.

**Mrs. Patricia Davidson:** Thank you, Madam Chair.

The motion sounds fairly innocuous on first reading. If you stop and take a look at it, the Auditor General is an independent officer of Parliament. She does have access to confidential information, which we do not. She saw confidential information from these bodies when she was doing her report, and I don't think, even if this motion were to pass, that people would be able to comply with it because of the confidentiality that is involved in those departments. This government did increase the Auditor General's access to confidential information, but that's her access; that's not the committee's access.

I'm going to have to vote against the motion because I do not feel that it's even possible to do.

• (1200)

**The Chair:** Monsieur Desnoyers.

[Translation]

**Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ):** Thank you, Madam Chair.

When she tabled her report and held discussions with us, the Auditor General clearly stated that she had not had access to all of the documents to which she should have had access. She was limited to exchanges with officials from TBS and PCO. These are the documents that we would like to have. The committee has asked to see them. We want to be sure that things were done correctly. I think that the committee has a legitimate right to see these documents. As MPs, we are entitled to see any and all information that helps us to make enlightened decisions.

[English]

**The Chair:** I shall call the question, since no one has any further discussion.

Is there a discussion there? Do you have anything further to say?

You want to go to a vote. Good.

Those in favour of the motion as it stands? Those opposed?

I'm going to have to break the tie again.

I would actually vote against the motion. I think the point is taken that by using the word "all" documents...there are documents that are not available, that are very secret and personal and private. The government cannot refuse...so if people wanted this to pass, you should have changed the word "all" to reflect the fact that you cannot ask a department to do what it cannot do.

The Auditor General should have had access to all of those documents, but this committee may not have access to some documents. So by using the word "all" and not clarifying it, you made this a very difficult motion to pass, because it is going to be unimplementable.

On that basis, I will vote against the motion.

(Motion negated)

**The Chair:** Now, if someone wants to come back with something that is reflective of what could happen, we will look at that motion down the road if you wanted to bring it in, or if you want to amend it now.

Yes.

[Translation]

**Ms. Nicole Demers:** Madam Chair, I would ask you to reconsider your position. The Library of Parliament sent us a list of all of the documents to which we are entitled. I'll ask someone to fetch it right away. The committee is entitled to view confidential departmental documents. We can ask to see them and opt to discuss them in camera, but regardless, we are entitled to see them. I'm sending someone right away to get this document so that you can see for yourself, Madam Chair, what the situation is.

[English]

**Mrs. Patricia Davidson:** On a point of order, Madam Chair, the motion was debated. Everybody was given an opportunity. The motion was defeated. We cannot continue to debate the same motion.

**The Chair:** No, I agree. We will not. But I think—

[Translation]

**Ms. Nicole Demers:** This has nothing to do with the motion. It is about the chair's ruling.

[English]

**The Chair:** Excuse me, please.

My reason for voting against the motion was that it said a blanket “all” documents. There are documents that committees can have access to, but not all. The word “all” is what has gotten this motion off the track. You know, it's all that are available to this committee or that should be available to this committee; other than that, you cannot implement this. This is not implementable, because there are very secret documents in cabinet that are not available to committee, and we know that. There are some that are. There's a list of ones that are, but not every single one is.

So by using the word “all”, you meant every single document. Now, we've already finished and we can't discuss this any further.

If you wish to bring something further, Monsieur Desnoyers, you can bring it in at the next meeting. That would be fine.

Okay, now—

[Translation]

**Mr. Luc Desnoyers:** Madam Chair, we will rephrase and resubmit the motion, because it is important for the committee to have access to these documents. We will show you the documents that prove MPs are entitled to see the documents, whatever they may be, that are held back by departments. That way, you will be able to make relevant decisions.

[English]

**The Chair:** I will entertain that when you bring it back, Mr. Desnoyers.

Another motion, by Madam Demers, says:

That the Standing Committee on the Status of Women attend the roundtable, to be held at 11:45 a.m. on June 11, 2009, in Room 256-S Centre Block, with

Canadian-Congolese women, to hear about the disastrous effects of the war in the DRC on their daily lives.

● (1205)

[Translation]

Mrs. Boucher.

**Mrs. Sylvie Boucher:** I am not opposed to an all-party roundtable, but I would like the wording to be amended slightly to make participation optional. Everyone has a very busy schedule. Not everyone will be able to free up some time on Thursday.

[English]

**The Chair:** Are you proposing an amendment?

[Translation]

**Mrs. Sylvie Boucher:** Yes.

[English]

**The Chair:** Would you like to propose the amendment, then?

In the meantime, does anyone want to discuss this while we're waiting for the amendment?

Anita.

**Hon. Anita Neville:** I just wanted to note, Madam Chair, that the round table is in fact during the course of this committee, so I don't see that as an issue.

My only concern, Madam Chair, is that I am anxious that we hear from the departments, and if possible the ministers, on their response to the 2010 Olympics and the matter of human trafficking.

When will that be?

**The Chair:** I have not heard from the ministers. It has now been a month since we wrote to the ministers. We wrote to the ministers, and we have not had a response from the ministers per se, and it is now a month.

This committee can demand that department officials attend the committee, but when we have not even had an acknowledgement from the ministers of the letter, and it has now been four weeks....

I re-sent a letter at your request two meetings ago. If you wish, I will also word that strongly. It may very well be that if you're going to have to discuss this issue, you will need to have ministers attend. I can't tell you when or if they are or whatever.

**Hon. Anita Neville:** What I'm hearing is that nothing is scheduled right now on the issue of trafficking.

**The Clerk of the Committee (Ms. Danielle Bélisle):** No, we have five witnesses—

**The Chair:** Yes, but they're not with regard to the ministers, per se.

**The Clerk:** We rewrote to the ministers, and in our letters we said either ministers or officials. So now what we have is five officials who are confirmed to come Thursday morning to discuss the 2010 Olympic Games, as per the notice that has been sent.

**The Chair:** Yes, but Madam Neville spoke to ministers per se.

**Hon. Anita Neville:** Well, it was both, actually, but we do have—

**The Chair:** Officials will come, but the ministers—

**Hon. Anita Neville:** When will the officials be coming?

**The Chair:** I don't have a date.

**The Clerk:** It will be this Thursday, June 11.

**Hon. Anita Neville:** Then there is a conflict.

**The Chair:** There is a conflict.

Madam Demers, there is a conflict with your motion, because we will be having officials appearing on that same day and at that same time on the trafficking issue. Would you like to remove your motion?

[Translation]

**Ms. Nicole Demers:** Madam Chair, even though I'm not very happy about this, I will defer to the committee's wishes.

Perhaps we could request a copy of the report of the roundtable of Canadian-Congolese women. We could submit the request to Senator Mobina Jaffer, who is hosting this event. These women suffered atrocities and continue to be victimized even today. We need to be aware of what is happening in that country.

[English]

**The Chair:** All right. Is this because the motion has been removed?

Yes.

**Ms. Candice Hoepfner:** I have a suggestion. I think it would be very beneficial to attend that round table. I would be very interested, but I also want to hear from these officials. Could we see if the officials could come the following week? And then we could do both. And if they couldn't, obviously we can't stand up the witnesses, but could we see if they could come and you could let us know?

We could just make an agreement, as a committee. If the officials can come the following week, then let's, as a committee, go to the round table. That would be my suggestion.

**The Chair:** Well, I'll have to get the sense of the committee on that.

Madam Mathyssen.

**Ms. Irene Mathyssen:** Madam Chair, I would like to ask about when we will be looking at a report in regard to the testimony we've heard on pay equity. I know there's interest in moving our schedule around, but I don't want us to be at a point at the end of June or whenever that we can't get to this report.

• (1210)

**The Chair:** All right. That's an important point.

Does anybody else need to comment?

What is the sense of this committee? Do we continue with the schedule, as scheduled, with the officials coming on June 11, and ask Senator Jaffer to give us a written report on what she heard at that round table with regard to the Congolese women?

Yes?

**Some hon. members:** Agreed.

**The Chair:** All right.

Then I think—

**Mrs. Patricia Davidson:** Can we check and see if the officials can come Tuesday?

**The Chair:** No, I think Ms. Mathyssen's point is that—

**Mrs. Patricia Davidson:** She asked the question on the schedule and I haven't heard it.

**The Chair:** No, she wants to make sure we don't run out of time to finish the report. If we postpone this, we will eventually be running out of time for us to discuss the report before we rise for the summer.

**Mrs. Patricia Davidson:** I thought she asked what the schedule was for the upcoming weeks, and I haven't heard that.

**The Chair:** We know what the upcoming weeks are going to be. We already know how many weeks we have left.

Madam McLeod.

**Mrs. Cathy McLeod:** Madam Chair, with the bells going off any minute now, as we look at our work plan, we are also going to have to—

**The Chair:** What time are the bells due?

**The Clerk:** Any minute.

**The Chair:** Unfortunately, we have to humbly apologize to the officials. There is a vote, and the bells will be going off any minute now. We won't have time to listen to you. I will have to request that you return. We can work on that afterwards and discuss when that would be.

So there you are. We have another piece to fit into the short period of time we have.

With everyone's permission, then, I think Ms. Demers gave us a sensible option. I think we should just go with that.

The meeting is adjourned.









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