

Human Rights Education for Social Justice

submitted for consideration at the 16th session of Universal Period Review Working Group (May/June 2013) related to Canada's fulfillment of human rights commitments

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A. Introduction

1. In the spring of 2011, the John Humphrey Centre for Peace and Human Rights was pleased to receive an invitation from the Department of Canadian Heritage to join a civil society consultation in preparation for Canada's second periodical review. The invitation was accompanied by the outcome documents from Canada's first review in 2009, in line with recommendation 35 from Canada's first review.¹
2. After attending this consultation, we had significant concerns about the depth of discussion that took place. The relatively small turnout in at the consultation in Edmonton was unable to offer constructive information on the human rights situation in Canada for two important reasons, both of which our Centre encounters consistently within our community: generally, there is a fundamental lack of understanding surrounding human rights even among community service providers and, more specifically, there is a high degree of unfamiliarity with the United Nations International Human Rights System. The consultation was overridden by questions about the system by the few participants there rather than a concrete conversation to provide feedback on Canada's report.
3. As a human rights education organization, the John Humphrey Centre recognizes the Universal Periodic Review, as well as other mechanisms of human rights monitoring, as valuable and critical opportunities for the community at large to engage with the understanding, promotion and protection of their human rights in tangible ways. Following the federal government's consultation, our Centre undertook a project to enhance civil society's understanding of and capacity for engagement in this international system.
4. Through funding from a private foundation², the Centre developed an adult education program entitled "Building Our Voice to Address Human Rights" and developed partnerships with four communities outside of Edmonton, Alberta and hosted between one and two days of training in each locale for community members and community workers. The goals of the training were to develop a basic understanding of human rights and their relationship with local community concerns, based on the Universal Declaration of Human Rights; to introduce participants to the international human rights system, specifically that of the United Nations and the Universal Periodic Review; to analyze Canada's first review from 2009 and its resulting recommendations; and finally, to equip the communities to engage with Canada's second review through a variety of methods – from the development of stakeholder reports to raising community awareness and understanding of the report and its recommendations when released. In developing the curriculum for these training sessions, we noted

¹ Recommendation 35: "Widely publish the outcome of this universal periodic review and to make regular and inclusive consultation with civil society an integral part of the follow-up to the universal periodic review and also of the preparation of the next national report to the universal periodic review."

² The Catherine Donnelly Foundation, <http://www.catherinedonnellyfoundation.org/>

the excellent resources available through the United Nations Office of the High Commissioner for Human Rights as well as through UPR Info.³

5. At the time of writing, training had been conducted in Calgary, Alberta; Brooks, Alberta; and, Yellowknife, Northwest Territories. Additional trainings are scheduled for Lethbridge, Alberta and Edmonton, Alberta and will be conducted prior to December 31, 2012. Each session drew out a main human rights concern of pertinence to the community where the training was being hosted. As only one training group committed to developing a stakeholder report, below follows a brief summary of the concerns, achievements and recommendations that were shared during the sessions.

B. Calgary, Alberta: Economic Rights and Economic Justice

6. Conversations between stakeholders in Calgary, Alberta began with the overarching sense in the NGO community of a “chill effect” being placed on oppositional voices by the federal government, specifically with regard to organizations with registered charitable status. More details on this can be found in their stakeholder submission “Towards Economic Justice for all Canadians.”

7. Despite a large number of recommendations accepted in 2009, as well as voluntary pledges the Canadian government made, over a day and a half, the group’s discussions brought out concerns over the growing disparity in Canada. Specifically, the exceptionally high numbers of children living in poverty; the racialized nature of poverty in Canada; the drastic marginalization of Aboriginal peoples, especially Aboriginal women; the struggle faced by children living in government care who “age out” of the supportive services at 18 years old and often have difficulty providing for themselves; food security concerns throughout the country, but specifically in Northern Canada, and the “food charity” approach to addressing the right to food; and last, but not least, the challenges faced by newcomers, immigrants and temporary foreign workers. Details of their concerns as well as a comprehensive list of recommendations can be found in the stakeholder report “Towards Economic Justice for all Canadians.”

8. The group commended the Government of Canada for withdrawing their objections to the *United Nations Declaration on the Rights of Indigenous Peoples*, but recommended that the government encourage that steps be taken to recognize the justiciability of social, economic and cultural rights through the system of national and provincial Human Rights Commissions.

C. Brooks, Alberta: Rights of Refugees, Newcomers, Immigrants and Temporary Foreign Workers and support for diversity within communities

9. In Brooks, Alberta, a city in Southern Alberta with a population of over 13,000, the largest employer is the XL Foods Lakeside Packers with over 2000 employees. Due to the high number of jobs available at Lakeside, the community has become a hub for refugees, immigrants and temporary foreign workers.

³ UPR Info is a non-profit and non-governmental organisation (NGO) based in Geneva, Switzerland, www.upr-info.org

10. Throughout a day long training session with community workers, conversations on Canada's human rights record were an even mix of praise and critique.

11. As we had heard in Calgary, the session participants in Brooks highlighted the unreal expectations of newcomers that are cultivated throughout the immigration process. The challenge of having foreign experience and education credentials recognized is not comprehensively explained and newcomers arrive with the expectation that they will be easily able to resume their professional careers in their new home.

12. A participant speaking from his experience as a refugee from Nigeria commented that the refugee settlement process in Canada does not allow newly arrived refugees the opportunities to begin establishing their lives as it can take years to formalize their residency status and therefore become eligible for financial supports, if for example, they wish to continue their education. Furthermore, in a rural community like Brooks, many newcomers have to repeatedly replace the legal counsel facilitating their residency applications due to distance from major urban centres, thereby increasing the cost, complication and time of formalizing their status in Canada.

13. Additional concerns prominent at the time were the newly announced changes to the Government of Canada's Interim Federal Health Program that were to limit refugee health services to only "urgent and essential care". While the government has since eased the announced service cuts, it has done so without the large public outreach that accompanied the initial announcement. On 27 September 2012, Canadian Doctors for Refugee Care released a report on the impact of the new policies and highlighted the confusion that now surrounds refugee health care and its corresponding impacts on the health of refugees living in Canada.

14. Contrary to universal human rights principles of non-discrimination, Canada's refugee and immigration eligibility requirements and policies are dependent on the applicant's country of origin. Furthermore, the Refugee Transportation Loan system burdens newly-arrived refugees with up to \$10,000 in loans repayable to the Canadian Government, with interest. This debt is a hindrance to resettlement and the establishment of a new life in Canada – often forcing teenagers who should be in school into the workforce in order to support their family.

15. The temporary foreign worker population is high in Brooks, and the participants questioned the Government of Canada's reticence to sign the *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*. It was reported during the session that due to pressure on the government to increase the transparency of the temporary foreign worker program, the Government of Canada has improved the quantity of information available to individuals and organizations wishing to take advantage of this program; however, the information does not take a rights-based approach, instead, it focuses on the minimum responsibilities of the employer, and the program continues to exploit workers. The group did commend the recent changes on regulations regarding "live-in caregivers."

16. During the training session, the participants had an opportunity to review an early draft of the Government's National Report for the Universal Periodic Review, and they were pleased to see various

anti-racism initiatives and the Albertan “Welcoming and Inclusive Communities” program listed as national achievements for human rights. Despite Brook’s relatively small size, due to the community’s diversity, there are a large number of initiatives operating and offered in Brooks – within schools, by community service organizations, even by City administration, where they have hired a full time “Welcoming and Inclusive Communities” staff person. Innovative programs especially within the health care field are also helping to provide essential care for newcomers’ whose medical history may include conditions regionally distinct from Canada. Unfortunately, many of these successful programs have seen their funding limited in recent years due, in part, to the economic recession.

D. Yellowknife, Northwest Territories: Housing and Food Security in Canada’s North

17. The sessions in Yellowknife took two forms: first, a training session on the Universal Periodic Review process similar to those conducted in Calgary and Brooks; second, a community consultation on the rights of indigenous peoples, specifically as declared in the United Nations Declaration on the Rights of Indigenous Peoples. Throughout the sessions, the distinct nature of life in Canada’s North was highlighted.

18. The participants gathered in Yellowknife had a distinct appreciation for the human rights protection and monitoring mechanisms that exist within the United Nations system as many of them knew Cecilia Kell personally. Ms. Kell won the first judgement against Canada through her claim to the Committee on the End of Discrimination against Women after the Canadian Government did not provide effective remedy when her rights of non-discrimination and equal rights to ownership of property were infringed. The group applauded this landmark decision in Canada’s history and recognized specifically that Ms. Kell’s case is indicative of a larger systemic problem of discrimination against Aboriginal women in Canada.

Access to Housing

19. While the Canadian Government’s National Report for the Universal Periodic Review in 2009 highlighted the individual organizations and agencies that work with federal and provincial governments to assure low to moderate income families have access to adequate and affordable housing, the experience of accessing housing support is still challenging. In order to qualify for housing assistance, individuals must divest their savings, thereby diminishing one’s opportunity to lift themselves out of dependence.

20. Discrimination within housing services exists based on family status and gender. Individuals applying for housing assistance are less likely to be accepted than families of two or more. Furthermore, policies assume that women living with an employed partner will have access to that income and therefore do not require income assistance. These assumptions are based on antiquated notions of gender roles and pay little heed to basic human dignity.

Food Security

21. In response to the Special Rapporteur on the Right to Food's visit to Canada in the summer of 2012, and the subsequent dismissal of his findings by the Canadian Government, a group of concerned individuals initiated an [interactive online space](#) where issues around food security could be discussed. Browsing through the posts, one finds documentation of both exorbitantly priced foodstuffs in Canada's northern communities as well as low quality and even spoiled food being sold due to high demand and limited supply. One post reads: "but you know how people down south get loans to purchase cars, trucks, homes, etc... big items. Up here in Northern Canada, people need to get a loan to purchase daily necessities [sic] such as pampers, staple foods, etc..."

Aboriginal Rights

22. Following an overview of the rights provided in the United Nations Declaration on the Rights of Indigenous Peoples, the group discussed many well-known and well-documented challenges in the relationship between Aboriginal peoples in Canada and the larger Canadian population: the history of unfulfilled treaty obligations; the legacy of colonialism and especially Indian Residential Schools; fundamental misunderstandings of Aboriginal worldview and the unsuccessful ways policies have tried to force that worldview to work within a colonial system; the continuing discrimination; and, lack of access to justice in Canada (exemplified by the Cecilia Kell case). The final question for the day was, in the face of this recognized but untreated trauma, the recognized but not actively addressed marginalization and discrimination, and the recognized but not legally enforced rights of Indigenous Peoples, where is the political will to make necessary changes?

E. Conclusion: Next Steps and Recommendations

23. In the coming weeks, the John Humphrey Centre for Peace and Human Rights will conduct two additional sessions within the province of Alberta – one focused on the rights of the Lesbian, Gay, Bi-sexual, Transgendered and Queer community and one on the rights of persons experiencing disability. We regret that the dialogue captured there will not be included in this report to the Universal Periodic Review Working Group.

24. Throughout the course of this project, the concerns and critiques of Canada's human rights record were well articulated in the different communities the John Humphrey Centre visited. The most notable observation throughout these dialogues and consultations were that these concerns and critiques are well known within community serving organizations, within federal and provincial governments and, as evidenced by the recommendations from Canada's first periodic review, within the international community. What remains to be seen is whether or not the political will can be created, not only at the government level, but also at the community level, to start shifting discourse and policies to address these concerns and uphold Canada's human rights commitments. At the John Humphrey Centre for Peace and Human Rights, we believe that this development will come through a better and more holistic understanding of human rights and their underlying principles. We recognize that, at its root, this is one of the fundamental purposes of the Universal Periodic Review process, and we applaud this initiative at the United Nations. We also applaud the Government of Canada for promoting the

inclusion of civil society's voice in this review process; we seek only to increase the effectiveness of such participation. As such, our fundamental recommendation, in line with any number of international human rights documents, but most recently the United Nations Declaration on Human Rights Education and Training, is that broad-based and far-reaching human rights education activities be prioritized by the Government of Canada.