

MOVING FORWARD:

A VISION FOR STRENGTHENED INTERNATIONAL HUMAN RIGHTS IMPLEMENTATION IN CANADA

Almost seven decades ago Canada joined other states¹ in adopting the Universal Declaration of Human Rights, agreeing that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The Declaration and other principles of international law, make it clear that these universal human rights principles are binding on all levels of government within a country. That is why this meeting of federal, provincial and territorial Ministers responsible for human rights in Canada is of such importance.

Despite obvious human rights advances in Canada over the 69 years since the Universal Declaration was adopted, there remain many significant and glaring gaps and failures. Those shortcomings have been repeatedly highlighted over the years in examinations of Canada’s human rights record carried out by treaty-monitoring committees, independent experts and other governments, through the many human rights review processes states have developed within the United Nations and Inter-American human rights systems. Important, constructive recommendations for reform have been made to Canada. But Canada’s record of taking up those recommendations and thus complying with the country’s international human rights obligations has been inconsistent at best and an abject failure at worst. International bodies have consistently called on Canada to develop a better approach.

Indigenous peoples organization and civil society groups have, on many occasions, called for a strengthened and improved system for ensuring effective international human rights implementation in Canada.² We have always stressed it is important to improve the protection of human rights domestically and also to demonstrate strong global leadership in a world desperately in need of countries prepared to meet their international obligations.

We have repeatedly urged that federal, provincial and territorial ministers responsible for human rights must meet, to commit to that goal and launch a reform process. We welcome this historic meeting as offering precisely that opportunity. Without action by you, the inter-governmental coordination needed to ensure that Canada’s international human rights obligations are meaningfully and consistently implemented will remain elusive.

On behalf of the organizations represented here today and acutely aware that there are countless other organizations that would have welcomed an invitation to participate in this long-awaited and overdue meeting, we offer the following recommendations as to key principles and concrete action we hope you will commit to in agreeing to close Canada’s international human rights implementation gap.

¹ The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on December 10, 1948.

² Empty Words and Double Standards: Canada’s Failure to Respect and Uphold International Human Rights, 2012, <http://www.amnesty.ca/get-involved/lead-in-your-community/empty-words-and-double-standards-canadas-failure-to-respect-and->; Promise and Reality: Canada’s International Human Rights Implementation Gap, 2008, http://socialrightscura.ca/documents/UPR/JS1_CAN_UPR_S4_2009_SocialRightsAdvocacyCentre_Etal_JOINT.pdf.

1. Recognize that you are Canada's international human rights implementation leadership team

- Take responsibility for ensuring a whole of government approach to international human rights implementation.
- Establish an inter-governmental working group at deputy ministerial level tasked with developing a new legal framework for international human rights implementation in Canada, in close consultation with Indigenous peoples organizations and civil society groups.
- Agree to meet again in December 2018 to mark the 70th anniversary of the Universal Declaration of Human Rights and report on progress towards a new model.
- Commit to meet regularly going forward.

2. Embrace the following six principles at the heart of a new human rights-based framework for international human rights implementation in Canada

- Recognize and respect the rights of Indigenous peoples, guided by the UN Declaration on the Rights of Indigenous Peoples.
- Adopt an intersectional feminist approach to upholding human rights
- Apply a racial equity impact lens and a disability-based inclusion lens to Canada's international human rights implementation framework
- Commit to substantive equality to address systemic discrimination and marginalization
- Address intersecting forms of sexism, racism, ableism and other forms of discrimination
- Acknowledge that the fulfillment of economic, social and cultural rights is a threshold requirement for the enjoyment of civil and political rights, particularly for those groups that are most disadvantaged, and that all human rights are universal and interdependent.

3. Provide a genuine and meaningful role for the following groups and institutions in implementing international human rights in Canada

- Indigenous peoples organizations, including Indigenous women's organizations
- Civil society groups, especially those working directly with marginalized and subordinated communities and groups
- Parliament and legislatures
- Federal, provincial and territorial human rights commissions and tribunals

4. Ensure that accountability and access to justice and effective remedies are the hallmarks of Canada's approach, at all levels of government, to international human rights implementation

- Canada must recognize that access to justice and effective remedies is critical for all human rights, including economic, social and cultural rights.

- In addition to ratifying the Optional Protocols to the Convention on the Rights of Persons with Disabilities and Convention against Torture, Canada should ratify the optional complaints procedures for the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination and the Convention on the Rights of the Child.
- Collect and publish data disaggregated with respect to sex and gender, Indigenous, racial and ethnic identity, disability and other characteristics relevant to identifying, understanding and addressing patterns of human rights abuse.
- Establish mechanisms for ongoing inter-governmental coordination at a level of authority that allows for accountable decision-making.
- Regularly report publicly on implementation, against timelines and benchmarks.
- Institute an independent oversight body to report on Canada's progress toward meeting its international human rights obligations.

Action Canada for Sexual Health and Rights
 African Canadian Legal Clinic
 Amnesty International Canada (English)
 Amnistie internationale Canada francophone
 British Columbia Aboriginal Network on Disability Society
 Canada without Poverty
 Canadian Association for Community Living
 Canadian Association of Black Lawyers
 Canadian Association of Refugee Lawyers
 Canadian Coalition for the Rights of Children
 Canadian Council for Refugees
 Centre for Israel and Jewish Affairs
 Chinese and Southeast Asian Legal Clinic
 Colour of Poverty - Colour of Change
 Congress of Aboriginal Peoples
 Council of Canadians with Disabilities
 DisAbled Women's Network of Canada
 Egale
 Feminist Alliance for International Action
 National Council of Canadian Muslims
 Ontario Council of Agencies Serving Immigrants
 Quebec Native Women
 Social Rights Advocacy Centre
 South Asian Legal Clinic of Ontario
 Women of the Métis Nation
 Women's Legal Education and Action Fund