

Canada's Response to the Special Rapporteur on Minority Issues

December 2016

Introduction

1. The Government of Canada values the important work that the United Nations (UN) Special Rapporteur on minority issues has carried out in the undertaking of her mandate. The Government of Canada acknowledges that her report to the Human Rights Council relating to minority issues contains helpful elements to consider regarding the situation of persons belonging to national or ethnic, religious and linguistic minorities in Canada.
2. As a multicultural society, Canada views diversity as a strength and a source of national identity and pride. Canada recognizes that there is more work to be done to foster social inclusion for all members of Canadian society. Although minorities continue to face barriers to equality, Canada has a strong legal and policy framework to combat discrimination. This framework includes prohibitions on discrimination in the Canadian Constitution, federal, provincial and territorial human rights statutes, and other legislation, as well as policies, programs and services at the federal, provincial and territorial levels.
3. Canada is pleased to submit its response to the Special Rapporteur outlining key initiatives undertaken to improve the situation of minorities in Canada. The response focuses on selected issues where there have been significant new developments and where information has not already been provided in reports under the human rights treaties to which Canada is a party. Reference will be made where detailed information is available in other reports.

Implementation

4. Canada takes a cooperative approach to implementing its international human rights obligations. These obligations are shared across federal, provincial and territorial governments in Canada, which have established permanent mechanisms for ongoing consultation and cooperation.
5. Canada's international human rights obligations are implemented through a large body of laws, regulations, policies and programs at the federal, provincial and territorial levels of government. Governments take into account the particular conditions of their regions when determining appropriate modes of implementation.
6. The Continuing Committee of Officials on Human Rights (CCOHR) is a key consultation mechanism on Canada's international human rights obligations. Comprised of representatives from the federal, provincial and territorial governments, the CCOHR regularly discusses recommendations from UN treaty bodies.
7. Other federal, provincial and territorial committees deal with a variety of issues related to human rights, including justice, corrections, health, and status of women. Within governments, interdepartmental committees and working groups have been created to focus on specific UN human rights treaties and issues.

Data Collection

8. Canada understands the importance of gathering high-quality information to support policy and program development. Canada aims to collect coherent data using coordinated or integrated forms of data collection, including censuses, population-based surveys, health care administrative data, vital statistics and specialized subject-specific systems.

9. In 2016, the Government of Canada reinstated the Census of Population, underlining its commitment to making evidence-based decisions and programs and policies to provide better and timelier services to Canadians. Information collected in the Census is done in accordance with the *Employment Equity Act* and its Regulations and Guidelines. This information helps to support the development of policies and programs that promote equal opportunity in Canada.

10. Canada continues to use the term “visible minority” in the context of data collection on employment equity. Please refer to paragraphs 41-43 in the nineteenth and twentieth report of Canada on the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) for additional information.

Access to Justice

11. The Government of Canada has committed to reinstating and modernizing the Court Challenges Program (CCP). The new Program will increase access to justice and support Canadians of all backgrounds in asserting and safeguarding their constitutionally-protected rights.

12. As per federal Budget 2016, the Government of Canada proposes to provide new funding of \$12 million over five years to support the CCP. When combined with existing federal investments, total funding will be \$5 million annually. It is anticipated that the CCP will be operational in 2017.

Employment Measures

13. The federal government is responsible for the *Employment Equity Act*, which applies to federally-regulated employees. The purpose of the Act is to achieve equality so that no one is denied employment opportunities or benefits for reasons unrelated to ability and to correct conditions of disadvantage experienced by four designated groups, including members of visible minorities.

14. The Government of Canada offers labour market programming and information that promotes job creation, labour market inclusiveness and helps all Canadians develop the skills they need to succeed in the labour market and/or improve their employability. The Government of Canada works with provinces and territories by investing nearly \$3 billion annually in skills development and employment programming for all Canadians.

Integration

15. Canada takes an active role in improving the integration of newcomers into the Canadian labour market. The following highlights are examples of Canada's commitment to supporting positive settlement outcomes for newcomers to Canada:

- The Government of Canada is committed to supporting the full participation of newcomers in the economic, social and civic life of Canada through the Settlement Program. To help newcomer immigrants overcome integration barriers and participate fully in the Canadian labour market, Canada's Settlement Program, with an annual budget of almost \$600 million outside the province of Quebec¹, provides newcomers with settlement programming and services that include labour market information; employment and job-finding services, including Canadian workplace orientation; mentoring and work placements, job-search workshops on networking; resume and interview preparation; job-specific language training and essential skills development; and alternative career initiatives. These services are offered to newcomers pre- and post-arrival in Canada.
- Recognizing that settlement is a collaborative process that requires adjustment on the part of both newcomers and host communities, the Settlement Program also funds services that help foster social connections to communities and activities, including support for employers in attracting, hiring and retaining newcomers, such as diversity training, which are offered at no cost to newcomers.
- In 2010, the Government of Canada launched the Federal Internship for Newcomers (FIN) program to provide newcomers valuable Canadian work experience in federal, public and private organizations.
- Canada requires certain economic immigration program applicants to obtain an Educational Credential Assessment (ECA) of their foreign credentials. ECA supports the authentication of the foreign educational credentials of applicants and determines equivalency to completed Canadian credentials for immigration purposes. ECA also provides newcomers with a better sense of how their education fits into the Canadian labour market and allows them to make more informed choices about immigration and Canadian career paths.
- The Foreign Credential Recognition Program (FCRP), through the implementation of the *Pan Canadian Framework for the Assessment and Recognition of Foreign Qualifications*, provides funding and facilitates national coordination among provinces and territories and key stakeholders to help internationally-trained workers get their credentials

¹ The Government of Quebec is exclusively responsible for the reception and integration of immigrants in its jurisdiction. This responsibility, outlined in the Canada-Quebec Accord, is accompanied by financial compensation from the federal government. The amounts obtained must ensure that the services provided for immigrants who settle in Quebec are comparable to those offered elsewhere in Canada.

recognized in a fair, consistent, transparent and timely manner in 24 target occupations, including trades. These occupations represent 90% of the regulated occupations that internationally-trained newcomers enter in Canada. The Government of Canada invests \$21.4 million annually to streamline processes and enhance the capacity of licensure and regulatory bodies.

- Evaluation findings from 2014 suggest there has been good progress and systematic changes on many fronts, including improved access to timely information; development of Pan-Canadian assessment structures; and increased collaboration, information-sharing and adoption of best practices among all stakeholders. Canada's current priorities include working with stakeholders, including regulatory bodies and national associations, to better align immigration and licensure processes in the regulated occupations.

16. For more information on federal, provincial and territorial employment measures, please refer to paragraphs 30-39 on integration and 44-48 on employment equity in Canada's twenty-first to twenty-third report on the ICERD, paragraphs 11-24 in Canada's interim report on the ICERD (2014), as well as paragraphs 33-42 on the removal of barriers to employment in Canada's Response to the List of Issues in relation to the sixth report of Canada on the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

Education Measures

17. Canada recognizes that obtaining a good education is one of the cornerstones of ensuring the successful integration of all Canadians into the broader society. Within the federal system of shared powers, Canada's Constitution provides that education is the exclusive jurisdiction of the provincial and territorial governments. All provincial and territorial governments have departments or ministries of education that are responsible for the organization, delivery, and assessment of education at the elementary and secondary levels, for technical and vocational education, and for postsecondary education.

18. Schools are an important site for the successful integration of immigrant youth and their families. In partnership with boards of education and settlement agencies, Canada has been funding the Settlement Workers in Schools since 1999. Through this initiative, settlement workers support newcomer students with a broad range of supports, resources and connections to the broader community. These needs-based services are culturally-appropriate and may include: information and orientation, non-therapeutic counselling, linguistic interpretation, and conflict resolution. Employment and Social Development Canada also supports Pathways to Education, an organization that helps youth from disadvantaged communities in their educational experience and career development by providing academic, social and financial supports.

19. The educational outcomes of second generation Canadians and those who migrated to Canada before age 15 are, on average, equal or better than those of their Canadian-born counterparts. In 2011, 40% of immigrants aged 25-29 held university degrees, compared with 26% of third plus generation Canadians.² Furthermore, immigrant children have comparatively

² <http://www.statcan.gc.ca/daily-quotidien/151118/dq151118a-eng.htm>

lower high-school drop-out rates. In 2011, 93% of immigrants aged 20-24 had completed high school, compared to 87% of third- and higher-generation Canadians.³

20. Provincial and territorial governments are committed to promoting equity in their education systems. For example:

- Ontario's Equity and Inclusive Education Strategy aims to help the education community identify and remove discriminatory biases and systemic barriers in order to support student achievement and well-being. The Government of Ontario works with diverse equity, education and community partners to provide tools, resources and professional learning to help embed the principles of equity and inclusive education into schools and classroom practices and address discrimination and harassment in schools.
- In February 2016, the Government of New Brunswick received an international award for the development and implementation of Policy 322 – Inclusive Education. This policy reflects New Brunswick's long-standing commitment to public education, working to remove barriers to learning and ensure the full participation of all students, while setting out requirements, standards and guidelines for the delivery of inclusive education, including procedures for the development of personalized learning plans for students. Among the policy's principles is that public education must be respectful of student and staff diversity, including race, religion, and national origin and ancestry.
- The Government of Quebec supports schools in implementing initiatives that promote the success of students from immigrant backgrounds. These initiatives are targeted at students most at risk with regard to academic achievement, including students from racialized communities who are particularly subject to forms of discrimination. As part of its new Immigration, Participation, and Inclusion Action Strategy 2016–21, the Government of Quebec is committed to adopting and implementing a new action plan for intercultural education and integration of students from immigrant backgrounds, particularly aiming to support their academic success.
- The Government of Alberta's Inclusive Education Policy articulates that the province's education system is built on a values-based approach to accepting responsibility of all students. School authorities have a responsibility to ensure all students, regardless of factors including race, religious belief, and colour, have access to meaningful and relevant learning experiences that include the appropriate instructional supports. Additionally, in June 2015, *An Act to Amend the Alberta Bill of Rights to Protect our Children* came into effect and amended Alberta's *School Act* to include the students', parents' and school boards' responsibilities related to ensuring welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging.
- The Government of Saskatchewan's Ministry of Education is working with provincial school divisions to ensure that students from immigrant backgrounds are fully supported

³ Ibid.

with respect to language acquisition and social, emotional and physical adaptations. The Ministry of Education also committed additional funding to assist schools divisions in costs related to personnel, as well as non-salary costs, related to meeting the individual needs of each newcomer family.

21. For additional provincial and territorial measures on equality in education, please refer to paragraphs 24-29 in the twenty-first to twenty-third report of Canada on the ICERD, paragraphs 53-67 of Canada's interim report on the ICERD, as well as paragraphs 92-92 in Canada's Response to the List of Issues in relation to its sixth report on the ICESCR.

Poverty Reduction

22. Poverty reduction is a complex issue that requires the efforts of all levels of government as well as community and not-for-profit organizations to affect change. The Government of Canada recognizes that poverty's various dimensions cut across diverse groups of people and have differential impacts. However, addressing poverty means acknowledging and responding to poverty as an issue that disproportionately impacts minorities.

23. The Government of Canada's approach to reducing poverty emphasizes giving Canadians opportunities to achieve self-sufficiency, while offering targeted supports for those facing particular barriers. This approach has expanded opportunities for Canadians to succeed and enjoy a high quality of life.

24. The Government of Canada has committed to the development of a Canadian Poverty Reduction Strategy that would set targets to reduce poverty, and measure and publicly report on progress. This strategy will align with and support existing provincial, territorial and municipal poverty reduction strategies.

25. Public consultation has played an important role in the development of Canada's Poverty Reduction Strategy. Poverty's multidimensional nature necessitates responding to both its causes and its consequences by taking action to address the various deprivations that Canadians experience when living in poverty. To work together towards reducing poverty, the Government of Canada is reaching out to its provincial, territorial and municipal partners, Indigenous people, community organizations, poverty experts and academics, the business community, and, notably, those who have a lived experience of poverty.

26. In addition to these efforts by the federal government, every provincial and territorial government has taken measures to reduce poverty in their respective jurisdiction, and nearly all jurisdictions have a poverty reduction strategy in place or in development. Several municipalities, including Toronto and Saint John's, have also chosen to implement strategies. Some municipal strategies, including Edmonton, have prioritized the elimination of racism as an important step in addressing poverty. To support their efforts, the provinces and territories have adopted a series of targets and timelines to guide their poverty reduction efforts which are determined in the context of their own poverty reduction strategies.

27. According to Statistics Canada's after tax Low Income Cut-offs, the overall rate of low income has declined significantly in recent years, from 15.2% in 1996 to 8.8% in 2014. There has also been a marked decline in the rate of low income for recent immigrants to Canada (those who have been in Canada for 10 years or less). Between 2002 and 2014, the low-income rate declined from 26.9% to 20.3% for recent immigrants.

Political Participation

28. The Government of Canada is committed to enhancing the representation of minorities in the political sphere. Following the 2015 federal election, the Prime Minister appointed a Cabinet with gender parity for the first time in Canadian history, and selected almost 17% of his ministers from visible minority groups. It should be noted that there are currently 47 visible minority Members of Parliament and 10 Indigenous Members of Parliament, representing record high numbers for both groups.

29. The Government established a Cabinet Committee on Diversity and Inclusion with a mandate that reflects the Government of Canada's strong commitment to those values. The Committee considers issues concerning the social fabric of Canada and the promotion of Canadian pluralism. The Committee:

“Examines initiatives designed to strengthen the relationship with Indigenous Canadians, improve the economic performance of immigrants, and promote Canadian diversity, multiculturalism, and linguistic duality”.

30. The Government's commitment to diversity and inclusion is further reinforced in two elements in the shared mandate letter commitments for all ministers:

“Canadians expect us, in our work, to reflect the values we all embrace: inclusion, honesty, hard work, fiscal prudence, and generosity of spirit. We will be a government that governs for all Canadians, and I expect you, in your work, to bring Canadians together.”

“You are expected to do your part to fulfill our government's commitment to transparent, merit-based appointments, to help ensure gender parity and that indigenous Canadians and minority groups are better reflected in positions of leadership.”

31. The Prime Minister's Office is holding all ministers accountable to these commitments, among others, to ensure progress on the two objectives of recognition and equality.

32. The Government of Canada continues to support a diverse range of programs and activities to foster the full participation and integration of Canadians from ethnic, racial, and religious backgrounds into Canadian society, and to ensure that they all receive the protections of equality under the law that is their right under the Constitution and their patrimony as Canadians.

33. In Canada, minorities have access to the same programs and services as all Canadians. They are guaranteed both equality before and under the law, and equal benefit and protection of the law regardless of their origins. Canadian multiculturalism recognizes the potential of all Canadians, and encourages them to integrate into society and take an active part in its social, cultural, economic and political affairs.

Policing

34. Canada recognizes that policing is most effective when the public has confidence in its police. This is achieved by holding police officers accountable for their actions. In jurisdictions across Canada, mechanisms are in place to strengthen police accountability. A police officer's actions can be reviewed by: an internal professional standards units, an external complaints investigations body following a complaint, and/or a criminal investigation by a special investigations unit or separate police service.

35. Racial profiling is not condoned in Canada. The *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* prohibit discrimination of this nature in government activities and services. Public safety organizations are guided by clear principles that address the unacceptable nature of discrimination or profiling. These organizations offer ongoing training to their officials, perform community outreach, and are committed to investigating and responding to any concerns and complaints in relation to alleged racial profiling.

36. Training is an important component of how Canada operationalizes its human rights-based approach to public safety. Canada's officials receive training throughout their careers on the legal framework that governs their respective operations, including Canada's constitutional protections and the provisions of the relevant international human rights treaties. Canadian police, border, and intelligence officers also learn about cultural diversity and undertaking their duties free from bias. For example:

- The Royal Canadian Mounted Police's (RCMP) Cadet Training includes 18.5 hours of learning on diversity, prejudice, discrimination, ethics, human rights, and relevant legislation.
- The RCMP also has a Bias-Free Policing policy, to which all members of the police service must adhere. It requires equitable treatment of all persons by all RCMP employees in the performance of their duties regardless of an individual's race, national or ethnic origin, colour, religion or gender.

- Training on diversity and race relations are also compulsory for Borders Services Officers. Race, religion and ethnicity are not risk factors used in targeting travellers for in-depth questioning and examination. Rather, concrete and objective indicators, such as unusual or suspicious travel, are used.

37. At the provincial level, the Government of Ontario is building safer communities and protecting individual rights by banning the arbitrary and race-based collection of identifying information by police, referred to as carding or street checks. The regulation prohibiting carding sets out clear and consistent rules for a range of voluntary police-public interactions where police are seeking to collect identifying information. These rules will ensure that those interactions are conducted without bias or discrimination, and done in a manner that promotes public confidence. The changes are intended to help strengthen public accountability and foster increased public trust in police.

38. Canada has reported extensively on police training, bias-free policing and law enforcement accountability. Information can be found in paragraphs 108-112, 134-141 and 170-182 in the seventh report of Canada on the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). Additional information on bias-free policing and training can be found in paragraphs 170-175 and 187-193, respectively, in the twenty-first to twenty-third report of Canada on the ICERD.

National Security

39. Canada is committed to protecting the rights and freedoms of all individuals in its counter-terrorism efforts through respect for human rights, the rule of law, democracy, and good governance. Respecting and protecting human rights is an integral part of Canada's counter-terrorism strategy, conducting its activities in full compliance with its constitutional and international human rights obligations.

40. In June 2016, the Government of Canada introduced legislation to establish a National Security and Intelligence Committee of Parliamentarians. The legislation is premised on two critical goals: ensuring that Canada's security and intelligence agencies are effective in keeping Canadians safe, as well as safeguarding Canadians' values, rights and freedoms, and Canada's open, generous, inclusive character.

41. In September 2016, the Government of Canada extended an invitation to Canadians to participate in a constructive dialogue on Canada's national security framework. This public consultation is intended to help inform future changes to national security tools, including those introduced in the former Bill C-51. These changes will ensure Canada's national security framework is effective in keeping Canadians safe, and equally safeguarding Canadians' Charter rights in a free and democratic society.⁴

⁴ Our Security, Our Rights: National Security Green Paper, 2016: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-scrnt-grn-ppr-2016/ntnl-scrnt-grn-ppr-2016-en.pdf>.

42. For information on the assessment of Canada's national security measures, please refer to paragraphs 217-220 in the seventh report of Canada on the CAT.