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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Canada**

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## **I. Introduction**

1. Canadian society is characterized by values such as freedom, democracy, human rights and the rule of law. These values are the strengths of our country.
2. Canadian federalism includes collaborative and complementary laws, policies and programs of federal, provincial and territorial (F-P/T) governments that protect the rights and freedoms of people in Canada. While governments work to find innovative and practical solutions to challenges and to adopt policies and programs tailored to local needs and circumstances, they also share common objectives and a strong commitment to building our society.
3. Governments work in partnership with communities, civil society, Aboriginal peoples and the private sector to improve the well-being of communities.
4. Canada has a strong framework for the protection and promotion of human rights, from our Constitution to the many laws, programs, policies and institutions in place across the country. While challenges remain, progress is being made. There may be differences in the measures adopted by federal, provincial and territorial governments, but Canadian federalism fosters a multi-partner approach to the realization of rights, which reflects Canada's diversity and values.

## **II. Methodology and consultation process**

5. This report was prepared in collaboration with federal, provincial and territorial governments. The report outlines key measures in eight thematic areas that address issues raised in most of the 54 recommendations accepted and the nine voluntary commitments made during Canada's last review in 2009.
6. Over 200 civil society and Aboriginal organizations were consulted on a draft overview of Canada's report. Organizations had an opportunity to provide additional views in a meeting with F-P/T government officials in November 2012.

## **III. Achievements, best practices, challenges and constraints**

### **Enhancing awareness of human rights and implementation mechanisms (voluntary commitments 1-4; recommendations 11-12, 14-15, 62-64)**

7. Canada's first UPR had the effect of increasing awareness and discussion of human rights not only within and across F-P/T departments, but also with civil society and Aboriginal organizations. During its first review, Canada committed to enhance existing mechanisms and procedures related to the implementation of its treaty obligations and has made considerable progress on this commitment.
8. Governments have focussed significant efforts on deepening knowledge of Canada's commitments among public servants and strengthening their capacity to consider these issues in their work. The Government of Canada has developed general training for federal public servants on these issues, as well as training tailored to specific departments. These new training modules have been shared with provincial and territorial governments. Government of Canada conferences have been held on the *Convention on the Rights of the Child* and its Optional Protocols, the *Convention on the Elimination of All Forms of Discrimination against Women* and the *Convention on the Rights of Persons with Disabilities*, reaching hundreds of participants.

9. Governments have also taken action to enhance communication within and between governments on recommendations that Canada receives from the UN in relation to human rights. These recommendations are routinely discussed at the monthly meetings of the F-P/T Continuing Committee of Officials on Human Rights (CCOHR), the primary body for consultation and information sharing on these issues. A large network of intergovernmental committees also discusses issues related to human rights, for example, committees responsible for health, justice, public safety, and economic and social policies. The CCOHR shares UN recommendations with these other committees as appropriate. Similarly, recommendations are shared and discussed through standing interdepartmental committees that meet regularly, such as a federal interdepartmental committee focussed on UPR and committees on children's rights and on disabilities issues.

10. Measures have been adopted to enhance engagement with civil society and Aboriginal organizations, including meetings with the CCOHR, consultations on draft outlines of Canada's reports to UN treaty bodies and on the treaty body and UPR recommendations. These opportunities for dialogue are in addition to the many public consultations undertaken by governments in the course of policy development. Further, the Government of Canada is sharing information about its treaty adherence process.<sup>1</sup>

11. Canada's Parliament is also actively engaged in Canada's UPR. The outcome of Canada's first UPR was tabled in Parliament in May 2010. Two Parliamentary committees have examined follow-up to Canada's first UPR, hearing from civil society organizations and government officials in the process.

### **Aboriginal peoples (recommendations 19–20, 45–46, 51, 54–56)**

12. The Canadian Constitution recognizes Aboriginal people: Indians (commonly referred to as First Nations), Métis and Inuit. Aboriginal communities are located in urban, rural and remote locations across Canada.

13. Governments are working in partnership with key stakeholders, including First Nations communities and organizations and other Aboriginal groups, to enhance the capacity of Aboriginal people and communities, and support their efforts to be healthy, vibrant and self-reliant.

14. As Canadians, Aboriginal people enjoy all rights and protections afforded to all Canadians. Some Aboriginal peoples also have Aboriginal and/or treaty rights, both of which are recognized and affirmed pursuant to section 35 of the *Constitution Act, 1982*. Governments have adopted a multifaceted approach to achieving better outcomes for Aboriginal communities, through many laws, policies and programs, with a mutually reinforcing focus on: reconciliation, governance and self-government; resolving and implementing land claims; education; economic development; empowerment and protecting the vulnerable; and health and well-being.

#### **Reconciliation, governance and self-government**

15. Governments continue to strengthen their relationships with Aboriginal peoples. With respect to First Nations, this was demonstrated through the Government of Canada's commitment to a Joint Action Plan with the Assembly of First Nations, announced in June 2011. In addition, the Crown-First Nations Gathering, held in January 2012, was an historic opportunity for the Government of Canada and First Nations to strengthen their relationship and discuss key determinants of economic success and prosperity.

16. Other milestones since Canada's first UPR include:

- Canada's statement of support for the United Nations Declaration on the Rights of Indigenous Peoples in November 2010;
- Canada's 2010 apology on behalf of all Canadians for the suffering caused by the relocation of Inuit families to the High Arctic communities of Resolute Bay and Grise Fiord in the 1950s;
- Canada's honouring of Métis veterans at Juno Beach, a World War II battle in France;
- Canada's honouring of First Nations and Métis participation in the War of 1812;
- Manitoba's 2010 Métis Policy recognizes Métis contributions and creates the tools for Métis people to participate fully and benefit equally from all that society has to offer; Manitoba's 2012 agreement with the Manitoba Métis Federation recognizes Métis rights to harvest natural resources for food and domestic use and the Métis peoples' commitment to conserve and respect the resources that sustain those rights;
- Ontario's 2012 Wabigoon Lake Ojibway First Nation Settlement Agreement and Apology for the harm caused to the Wabigoon Lake Ojibway Nation provides for the payment of compensation for past and ongoing flooding caused by a provincially approved dam; and
- Northwest Territories' 2012 approach to engaging with Aboriginal governments recognizes the existing and treaty rights of Aboriginal peoples and provides for an open, flexible, and responsive working relationship with regional Aboriginal governments and communities. A document outlining these principles was tabled in the Northwest Territories Legislative Assembly.

17. Through the negotiation and implementation of self-government agreements, Canada supports Aboriginal communities in the establishment of strong, effective and sustainable governments. Self-government agreements enable Aboriginal groups to govern their internal affairs, including law-making powers, and to assume greater responsibility and control over the decision making that affects their communities.

#### **Resolving and implementing land claims**

18. The Government of Canada is committed to addressing outstanding land claim and treaty issues, and in 2012, announced a new results-based approach to treaty and self-government negotiations. Canada is working closely with its Aboriginal partners to achieve more treaties in less time so that Aboriginal communities can begin to unlock economic opportunities.

19. Since Canada's last review, the Government of Canada has made significant progress in comprehensive land claim/self-government agreements, including:

- Tsawwassen (April 2009);
- Yale (final agreement initialled February 2010);
- Maa-Nulth (2011);
- Teslin Tlingit Council Administration of Justice Agreement (June 2011);
- Innu of Labrador Agreement-in-Principle (initialled June 2011);
- Sliammon (community ratification, July 2012);
- Mi'kmaw Kina'matnewey Education Financial Agreement (October 2011);
- Akwesasne Agreements-in-Principle (initialled May 2012);

- Sioux Valley (community ratification, October 2012).

20. Since 2008, when the *Specific Claims Tribunal Act* came into force, the Government of Canada has cleared up a backlog of 541 claims that were bottlenecked at the assessment stage. Specific Claims are grievances of First Nations related to Canada's obligations under historic treaties or the way it managed First Nation lands and finances.

### **Education**

21. The quality of education for First Nations students is improving. Since 2009-2010, the graduation rates for First Nation students ordinarily resident on reserve has increased by 2 percent. Canada recognizes that more is needed to ensure that First Nations students receive the education they need to pursue the same opportunities available to all Canadian students.

22. In 2012, the Government of Canada committed to:

- work with willing partners to introduce a First Nation Education Act and have it in place for September 2014;
- explore new mechanisms to ensure stable, predictable and sustainable funding for First Nation elementary and secondary education;
- invest in the expansion of adult basic education through the new Northern Adult Basic Education Program to increase education and employment and address the unique challenges faced by Northerners, especially in remote communities;
- support, through Canada's new *Strong Schools, Successful Students Initiative*, organizational capacity development, early literacy programming, services and partnerships with provincial school systems; and
- invest in the building and renovation of First Nations schools.

23. Since 2008, the Government of Canada has signed six new tripartite education agreements with First Nation organizations and provinces (New Brunswick, Manitoba, Alberta, Prince Edward Island, and with the Saskatoon Tribal Council, and the First Nations Education Council of Québec), joining pre-existing arrangements in Nova Scotia and British Columbia.

24. In 2009, the Government of Canada signed the Inuit Education Accord committing governments to developing a strategy for moving forward on educational outcomes for Inuit students, which led to the establishment of the National Committee on Inuit Education (NCIE). The NCIE is comprised of 14 stakeholders, including the Governments of Nunavut, Québec, Northwest Territories and Newfoundland and Labrador, Inuit organizations and the Government of Canada. In June 2011, the NCIE released its National Strategy on Inuit Education, which places strong emphasis on developing education systems based on Inuit worldview and culture, and on the importance of a bilingual education (Inuktitut and either English or French). It included recommendations intended to improve outcomes and access for Inuit learners along the life-long learning continuum and facilitate their readiness to enter the workforce.

25. Examples of provincial and territorial initiatives include:

- In October 2010, a Memorandum of Understanding (MOU) was signed between the Saskatoon Tribal Council, the Government of Saskatchewan and the Government of Canada. The MOU's primary objectives are to enhance educational outcomes for First Nations students attending either band operated schools or provincial schools and to provide non First Nations students with a greater understanding of First Nations communities. In addition, the First Nations and Métis Education

Achievement Fund helps school divisions achieve equitable outcomes for First Nations and Métis learners in the areas of literacy and numeracy, engagement, graduation rates, and transitions to post-secondary education and employment.

- The 2010 *Memorandum of Understanding for First Nations Education in Alberta*, signed by the Government of Alberta, the Government of Canada and the Assembly of Treaty Chiefs in Alberta, provides a framework for the development of a long-term strategic plan to improve education outcomes and address a range of issues for First Nation students residing on-reserve, attending both provincial and band-operated schools.
- In 2011, the Government of Québec, in partnership with the First Nations Education Council, opened in Odanak, the first post-secondary institution in Québec, “Kiuna,” that is specifically tailored to the Aboriginal reality and that leads to a Diploma of College Studies.

### **Economic development**

26. Governments in Canada continue to work with Aboriginal peoples and willing partners to ensure that they enjoy the same opportunities for employment and are participants in a strong Canadian economy.

27. In 2009, the Government of Canada introduced the new Federal Framework for Aboriginal Economic Development, as well as key investments to support its implementation, to increase the participation of Aboriginal peoples in the Canadian economy and improve their economic outcomes.

28. The Government of Canada supports the strengthening of the relationship between Canada, Aboriginal peoples and the private sector through responsible resource development. Many of the major economic projects identified across Canada are on or near Aboriginal lands. The Government’s support for consultations with Aboriginal peoples will help these communities benefit from projects and ensure their rights and interests are respected.

29. Governments are also investing in Aboriginal skills development and training through various programs. Two initiatives were introduced by the Government of Canada in 2010–2011: the Aboriginal Skills and Employment Training Strategy and the Skills and Partnership Fund. Combined, these initiatives are expected to result in new employment for approximately 15,500 to 18,500 Aboriginal individuals per year.

30. Furthermore, the Government of Canada extended the Urban Aboriginal Strategy and aligned it with three other key urban programs to better support Aboriginal people living in urban centres to increase their participation in the Canadian economy.

31. In November 2012, the Government of Québec announced the creation of the Secrétariat au développement nordique, whose mandate will be to coordinate government activities in order to meet the needs of Northern communities, including Aboriginal communities, and to consistently ensure the sustainable development of the North.

32. Ontario’s 2011 Growth Plan for Northern Ontario outlines government priorities for this region over 25 years. The Plan focuses on economic development, sustainable development of natural resources and increased educational and employment opportunities and supporting strong, vibrant communities.

33. The Government of Canada continues to work with First Nation communities to open the door to economic development on reserve. Under the First Nations Land Management (FNLM) Regime, a First Nation community gains greater control over their reserve lands and resources by opting out of the 34 sections of the *Indian Act* related to land

management and developing their own laws to manage their reserve lands. In 2012, the Government announced 18 new entrants to the FNLM regime. These communities will soon join 36<sup>2</sup> First Nations across Canada in managing their land and resources to unlock their economic potential.

### **Empowerment and protecting the vulnerable**

34. The Income Assistance program provides funding to assist individuals and families who are ordinarily resident on-reserve, with basic and special needs services that are aligned with those provided to other residents of the reference province or territory. The program funds the delivery of pre-employment measures designed to increase self-reliance, improve life skills and promote greater attachment to the work force. In general, funding is provided to First Nations who, in turn, deliver Income Assistance programs and services to community members.

35. Considerable progress has been made in implementing an enhanced prevention focused approach to funding First Nations child and family services on a province by province basis. Canada has tripartite frameworks with provinces and First Nations in Alberta, Saskatchewan, Nova Scotia, Québec, Prince Edward Island and Manitoba. Providers have the funding flexibility they require to ensure services are available to at-risk children and families before a situation escalates into one that requires protection. The goal is to move all provinces and Yukon Territory to the approach over time.

36. Provincial and territorial governments are also undertaking additional measures to enhance child and family services. For example, in 2011, the Government of Saskatchewan launched the Child Welfare Transformation Strategy to reshape its approach to child welfare. The strategy is focused on three key themes: working differently with First Nations and Métis partners; prevention support for families; and renewal of the child welfare system.

37. The Government of Canada also supports First Nations governments in the delivery of clean drinking water and affordable and adequate housing, through significant investments in First Nations water and wastewater infrastructure and on-reserve housing. Bill S-8, Safe Drinking Water for First Nations Act, was introduced in the Senate in February 2012. The enabling bill would allow the Government to work with First Nations to develop federal regulations for access to safe drinking water, and ensure the effective treatment of wastewater and the protection of sources of drinking water on First Nation lands. The Government provides an annual allocation to First Nations for housing, which supports the construction of new homes and renovations to existing units. Over 2009–2010 and 2010–2011, an additional \$400 million was provided for on-reserve housing to help address issues of overcrowding and disrepair.

38. In January 2011, the *Gender Equity in Indian Registration Act* came into force, ensuring that eligible grandchildren of women who lost their status under the *Indian Act* as a result of marrying non-status men are now entitled to registration. It is estimated that some 45,000 individuals are entitled to registration through this legislation, and will be eligible for the programs and services available to all registered Indians. To date, over 23,600 individuals have been registered as Indians as a result of this legislation. Finally, the Government of Canada has introduced a bill that protects vulnerable men and women on reserves. Bill S-2 seeks to provide basic rights and protections to individuals on reserves regarding the family home and other matrimonial interests or rights. Bill S-2 would also help address incidents of family violence against Aboriginal women and their children on reserves by providing for emergency protection orders that grant temporary exclusive occupation of the home.

### **Crime prevention and criminal justice system**

39. The Government of Canada has provided ongoing funding to support the National Crime Prevention Strategy, which identifies crime prevention among Aboriginal youth as one of its key priorities. The Northern and Aboriginal Crime Prevention Fund provides support for Aboriginal communities to develop effective, culturally sensitive crime prevention approaches and build knowledge and capacity in crime prevention.

40. The First Nations Policing Program has made a significant contribution to improving public safety in First Nation and Inuit communities. The Program is currently funding 163 policing agreements in First Nation and Inuit communities, serving a total population of over 338,000.

41. The Aboriginal Justice Strategy and Aboriginal Courtwork Program, supported by governments and operating in communities across Canada, are examples of successful initiatives to increase access to justice for Aboriginal peoples and help ensure their fair, equitable and culturally-sensitive treatment by the criminal justice system. A 2011 study pointed to decreasing rates of recidivism among participants in Aboriginal Justice Strategy-funded programs.

### **Health and well-being**

42. In recent years, there have been improvements in First Nation and Inuit health. For example, since 1980, life expectancy has risen almost 10 years for status Indian men and eight years for status Indian women.

43. Governments across Canada are taking action to support better health outcomes and improved access to programs and services targeting Aboriginal health. For example:

- The Government of Canada works closely with Aboriginal organizations and communities to support culturally relevant, community-based, health promotion/disease prevention programs, services, initiatives and strategies.
- The Government of Canada, through the Canadian Institutes of Health Research, supports Aboriginal health research and announced a further investment in June 2012 to launch the *Pathways to Health Equity for Aboriginal Peoples*, which focuses on finding ways to increase and adapt existing health research to the diverse needs of Aboriginal communities.
- In October 2011, the Government of Canada signed the Tripartite Framework Agreement on First Nation Health Governance with British Columbia First Nations and the province of British Columbia. This agreement will transfer the federal government's role in the planning, design, management and delivery of First Nations health services and programs to the new First Nations Health Authority, while promoting and encouraging coordination and integration with the provincial health care system.
- A Trilateral First Nations Health Senior Officials Committee has been established to strengthen existing government-to-government relationships regarding First Nations health in Ontario. The Government of Canada, the province of Ontario and the Chiefs of Ontario have agreed to work collaboratively in identifying and implementing practical measures in specific areas over the short term to address the health program and service gaps that exist.
- In Newfoundland and Labrador, the Aboriginal Health Liaison Division created in 2010 partners with Aboriginal governments and organizations, Regional Health Authorities and other partners on initiatives and policies to address Aboriginal health inequities.



- In 2011, the Government of Canada launched Nutrition North Canada to help improve access to perishable, healthy foods in isolated, northern communities – a majority of which are Aboriginal. During its first year of operation, the program’s retail subsidy helped lower the cost of a healthy diet in the North by 8 percent and funded more than 300 nutrition education initiatives that were developed by and delivered in Aboriginal communities.
- Manitoba’s Northern Healthy Foods Initiative focuses on food self-sufficiency activities in Northern Manitoba, assisting Northern Manitobans, the majority of whom are Aboriginal people, to make healthier food choices and improving food accessibility. Integral to the success of the initiative are partnerships and linkages made with non-governmental organizations.

44. F-P/T governments share responsibility for funding health and social services for First Nations. Jordan’s Principle is a child-first approach designed to make sure that First Nations children on reserve, with multiple disabilities requiring services from multiple providers, receive the care they need, even where there is a dispute between federal and provincial governments concerning the responsibility for payment of services. To date, all potential cases brought forward have been addressed through existing mechanisms and local processes, and none have progressed into a jurisdictional dispute.

### **Protecting women and children from violence (voluntary commitment 9; recommendations 16, 27, 34–40)**

45. Canada is committed to combatting all forms of violence against women and girls. Despite efforts on the part of all governments and a range of other key stakeholders to address this issue, Canada acknowledges that much remains to be done.

46. All governments work to address violence against women and children. Other key players include municipal governments and non-governmental organizations, including shelter associations and community-based organizations that support victims.

47. It is within that framework that Canada adopts a multi-disciplinary and multi-sectoral approach, in keeping with the complex nature of the issue. Governments use a combination of legislative and non-legislative responses to monitor and reduce the prevalence of violence, including:

- measures to assist victims, for example through shelters for victims of family violence, increased access to health, social and other services;
- measures to hold the perpetrators accountable; and
- initiatives to prevent violence, such as highlighting effective interventions and best practices, promoting positive relationships and mental health, strengthening educational outreach activities and engaging men and boys in ending violence against women and girls.

#### **Legislative measures**

48. Recent criminal law reform initiatives include amendments to the *Criminal Code* to:

- better protect children and youth from sexual predators;
- end house arrest and eliminate pardons for serious crimes;
- increase offender accountability and support victims of crime;
- protect vulnerable foreign nationals against abuse and exploitation; and

- enhance Canada’s capacity to protect children against sexual exploitation by making it mandatory for those who supply an Internet service to report on-line child pornography.

49. Additional measures include:

- Nine provinces and territories have civil family violence legislation that provide various orders, including emergency protection orders granting the victim temporary exclusive occupation of the home.
- Eight provinces and territories have specialized domestic violence courts.
- All jurisdictions have legislation for victims of crime and have established different models for the delivery of victim services, including police-based, court-based, system-based and non-governmental community-based services.
- All provinces and territories have child protection laws that provide for state intervention where parents or legal guardians are unable or unwilling to meet the child’s needs.

#### **Non-legislative measures**

50. Other initiatives focus on improving coordination and collaboration as well as responding to new and emerging issues. For example, a federal Interdepartmental Working Group on Forced Marriage and “Honour” Based Violence, created in 2011, acts as a focal point for collaborative efforts to support intervention and prevention efforts.

51. Many provinces and territories have developed action plans and prevention campaigns to address particular forms of violence against women and children. For example:

- Ontario’s “Changing Attitudes, Changing Lives, Ontario’s Sexual Violence Action Plan” includes programs designed to prevent sexual violence through increased public education; expanded and improved access to a wide range of services for survivors of sexual violence, and plans to strengthen the criminal justice system’s response toward sexual violence.
- The Yukon’s social marketing campaign “Am I the Solution?”, which is part of its Victims of Crime Strategy, increases public awareness of the effects of violence against women and girls.
- Newfoundland and Labrador’s Respect Women Campaign encourages men to take responsibility for preventing violence against women, while the OutrageNL campaign encourages youth to take action against violence, and to make adults aware of the different kinds of violence that are facing youth today.
- The Violence Prevention Program in British Columbia helps offenders distinguish between anger and violence, analyze sources of anger, and identify non-violent ways of expressing or resolving anger. A 2012 evaluation of the program revealed that clients had comparatively reduced violent recidivism rates at three months by 52 percent and 12 months by 44 percent.

52. Action plans that specifically focus on addressing domestic violence include:

- British Columbia’s “Domestic Violence Action Plan 2010” focuses on enhancing and integrating the response to domestic violence by justice and child welfare system partners, and a Provincial Office of Domestic Violence established in 2012 supports coordination and collaboration of domestic violence programs and services throughout government.

- Manitoba's Multi-Year Domestic Violence Prevention Strategy, launched in 2012, has three themes: supports for victims and families, interventions for people with abusive behaviours, and prevention, awareness and training. It was launched along with a new public awareness campaign encouraging men to speak out against domestic violence.
- Québec's second Action Plan 2012–2017 on Domestic Violence will focus on two main objectives: promoting the safety of victims and children exposed to violence and improving assistance and monitoring for spouses with violent behaviours. Two groups will be specifically targeted: First Nations and Inuit and individuals who are at risk for domestic violence, for example women with disabilities and elderly women.

### **Measures specific to human trafficking**

53. The Government of Canada's 2012 National Action Plan to Combat Human Trafficking guides the Government's actions and introduces significant new measures, including: establishing Canada's first integrated law enforcement team dedicated to combating human trafficking; increasing front-line training to identify and respond to human trafficking and enhance prevention in vulnerable communities; providing more support for victims of this crime; and strengthening coordination with domestic and international partners who contribute to Canada's efforts to combat human trafficking.

54. The National Crime Prevention Centre has developed a variety of resources for use by communities, including a diagnostic tool to assess the extent of the issue of trafficking in persons and other related crimes, bring the necessary partners together, and develop an action plan to prevent this violence in Canada's urban centres. Women and children in Canada that are most at risk of being trafficked or exploited sexually or through forced labour are a strong focus of this tool.

55. Manitoba's strategy to address sexual exploitation and human trafficking, Tracia's Trust, was expanded in 2011 to increase offender accountability and provide more protection and services for victims. The 2012 *The Child Sexual Exploitation and Human Trafficking Act* allows for protection orders to keep abusers away from victims of human trafficking and sexually exploited children, and allows victims to sue their abusers for compensation.

### **Protecting Aboriginal women and girls from violence**

56. Canada continues to take action in a number of core areas to address violence in Aboriginal communities, and to improve individual and community well-being. There is an ongoing commitment to support better outcomes through programs and services and address issues such as: family violence prevention; child and family services; on-reserve housing; economic security and prosperity; education; health; policing; and urban living.

57. Examples of prevention initiatives include:

- Ontario's funding of the *Kizhaay Anishnaabe Niin: I am a Kind Man* initiative is inspiring Aboriginal men and boys to help stop all forms of abuse toward Aboriginal women and girls, and to treat them with equality.
- The Yukon's Prevention of Violence Against Aboriginal Women Fund was established to help address the disproportionate levels of violence experienced by Aboriginal women and supports projects designed and delivered by and for Aboriginal women to prevent violence in their communities.

58. Canada is working to address the specific issue of missing and murdered Aboriginal women. Since 2010, the independent Missing Women Commission of Inquiry in British

Columbia has been examining the police investigation and circumstances surrounding the disappearance of women, many of whom are Aboriginal, from Vancouver's Downtown Eastside between 1997 and 2002. The Commission's findings and recommendations were publicly released on December 17, 2012, and are being carefully reviewed. Saskatchewan has implemented a Provincial Partnership Committee on Missing Persons, which was formed to support families and communities in responding to missing persons cases and examine the underlying circumstances that may lead to a person going missing as well as to raise awareness and provide education on the steps women and children can take to enhance personal safety.

59. The Government of Canada is taking concrete steps to improve the response of law enforcement and the justice system to cases of missing or murdered Aboriginal women and girls. This includes:

- establishing a new National Centre for Missing Persons and Unidentified Remains;
- enhancing the Canadian Police Information Centre database and creating a national Web site to help match older missing persons cases and unidentified human remains;
- working with Aboriginal communities to develop community safety plans;
- supporting the development and adaptation of culturally appropriate victim services for Aboriginal people and specific services for the families of missing and murdered women and girls;
- supporting the development of school and community pilot projects aimed at reducing vulnerability to violence among young Aboriginal women and girls;
- supporting the development of public awareness materials to help decrease violence affecting Aboriginal people; and
- developing a compendium of promising practices to help Aboriginal communities, law enforcement, and justice partners in improving the safety of Aboriginal women across the country.

60. The Government of Canada supports First Nations communities in providing access to family violence shelter services and prevention activities to women, children and families ordinarily resident on reserve. There are two components the program: operational funding for shelters; and proposal-based prevention projects.

### **Poverty and homelessness (voluntary commitments 6 and 7; recommendations 20, 27, 33, 36, 43, 45, 47–49)**

61. Canada recognizes that poverty requires long-term and sustainable solutions. F-P/T governments are committed to enhancing the income security of Canadians through programs that reduce poverty. Such programs are delivered both by individual governments and through collaborative initiatives, involving F-P/T and local governments, third parties, and non-profit organizations.

#### **Poverty reduction**

62. The Government of Canada's approach to reducing poverty emphasizes providing Canadians with opportunities to develop the skills necessary to become self-sufficient through employment, while ensuring that vulnerable groups receive adequate income, housing, and other social security supports.

63. The Government of Canada's continued investments in poverty reduction have had a strong, positive impact on Canadians and their families. Between 2006 and 2010, the

national low-income rate fell from 10.3 percent to 9 percent; the low-income rate for children fell from 11.1 percent to 8.2 percent, and the rate of seniors living in low income remained stable at 5.3 percent in 2010.<sup>3</sup> Between 2006 and 2009, the low-income rate among persons with disabilities fell from 13.9 percent to 13.5 percent and low-income among Aboriginal people living off-reserve fell from 17 percent to 15.1 percent. In contrast, low income among recent immigrants increased from 17.3 percent in 2006 to 18.4 percent in 2009. However, since 2009, Canada has made changes to its immigration system to improve integration of recent immigrants to ensure they are able to participate to their full potential, economically and socially.

64. The declining incidence of low-income can also be attributed to collaborative efforts of all levels of government. Many P/Ts have set poverty reduction targets, poverty reduction strategies enshrined in legislation, or focused policy priorities to reduce poverty. Alberta for instance, is committed to eradicating child poverty and Ontario, according to its *Poverty Reduction Act*, to reducing child poverty by 25 percent within five years. In addition, 11 out of 13 P/Ts have committed to or have already developed multifaceted and comprehensive poverty reduction strategies that address health, child development, education, housing, income security, and employment supports.

65. To support collaborative and evidence-based policy making, Canada has multiple common measures of poverty (i.e. the Low Income Cut-off, the Low Income Measure, and the Market Basket Measure). These measures enable governments to evaluate their efforts and promote accountability and transparency. P/Ts may choose to develop additional indicators to measure the progress of their strategies. The Government of Canada regularly collects national statistics for the purposes of international analysis and reporting, which can also be analyzed at the provincial and territorial level.

#### **Employment and income supports for vulnerable groups**

66. F-P/T governments work together to strengthen the income security of Canadian individuals and families and to encourage labour market participation through the Employment Insurance (EI) program. The EI program provides temporary income and employment supports to those who lose their job, become ill, pregnant, are caring for a newborn, have adopted a child or are looking after a seriously ill family member. EI policies evolve with labour market changes to ensure that Canadians remain in the labour market or looking for work. For example, during the recent economic downturn, enhancement to the Work-Sharing Program and extended benefits provided additional benefits to regular recipients and long-tenured workers.

67. EI also provides skills development opportunities to those that need them to return to work. F-P/T Labour Market Development Agreements (LMDAs) fund skills development training, job creation partnerships, self-employment and targeted wage subsidies, employment assistance services, labour market partnerships, and research and innovation. For people who are not eligible for LMDA employment supports, the Government of Canada transfers funds to P/Ts through Labour Market Agreements (LMAs) that target people who are unattached to the labour market. Since 2008–2009, an annual national investment of \$500 million has reached almost 975,000 clients.

#### **Supports for older workers and seniors**

68. The Government of Canada has also taken steps to address the income security of older workers and seniors. The Pooled Registered Pension Plans (PRPPs) offer a large-scale and low-cost privately administered pension option for employers, employees and the self-employed. It is expected that provinces and territories will develop their own PRPP legislation. In addition, the Targeted Initiative for Older Workers was extended in 2011 to help unemployed older workers living in vulnerable communities affected by industry

closures to reintegrate into employment. Through this cost-shared program, P/Ts are able to identify priority projects that are delivered by community-based organizations.

69. Canada has recently repealed all mandatory retirement laws. In 2010, the majority of Canadian seniors received Old Age Security (OAS) benefits, which include OAS pension, the Guaranteed Income Supplement (GIS) for low-income seniors, and allowances for low-income seniors. A 2011 top-up to the GIS targeted Canada's most vulnerable seniors. This top-up represents an investment of more than \$300 million per year. P/Ts also provide enhanced senior benefits, especially in the areas of health and housing, such as the Northwest Territories' Senior Home Heating Subsidy or Saskatchewan's Seniors Income Plan and the seniors Personal Care Home Benefit, which helps low-income seniors afford personal care homes.

#### **Supports for persons with disabilities**

70. Governments are working together and with the non-profit sector to reduce the incidence of low income faced by persons with disabilities by ensuring that they have access to education and the labour market. Both the Opportunities Fund for Persons with Disabilities and Labour Market Agreements for Persons with Disabilities (LMAPDs) help them prepare for and get jobs or become self-employed. In 2010–2011, approximately 300,000 interventions were made to help persons with disabilities under LMAPDs.

71. In 2012, the Government of Canada announced the creation of a Panel on Labour Market Opportunities for Persons with Disabilities to identify private sector best practices in the recruitment and support of employees with disabilities, as well as barriers and disincentives to their employment.

72. These federal initiatives complement provincial programs, such as the Saskatchewan Assured Income for Disability (SAID) program, which was introduced in 2009, as a result of a unique collaboration between the Saskatchewan government and the disability community. SAID initiatives include the development of a disability impact assessment process, increased benefits, and increased earnings and asset exemptions.

#### **Supports for vulnerable families and children**

73. Canadian income security supports are designed to meet the needs of the most vulnerable families and children. P/T governments have a range of income security programs and tax measures to reduce poverty, in addition to their poverty reduction strategies, which provide for and mitigate the cost of living. For example, Saskatchewan's Child Nutrition and Development Program supports local initiatives that address child and family hunger needs by providing funding to school divisions and community-based organizations.

74. Canada's income security supports also evolve to respond to the realities facing Canadian families. For instance, in 2010, the Universal Child Care Benefit (UCCB), which assists Canadian families with the cost of child care, was improved to ensure that single-parent families receive comparable tax treatment to two-parent families, and to allow parents with joint custody to split child benefits equally. In 2009-2010, approximately 3.3 million families (5.8 million children) received the Canada Child Tax Benefit (CCTB), including over 1.5 million families (2.7 million children) who received the National Child Benefit (NCB) Supplement. Additionally in 2009, the Government of Canada enhanced the CCTB and the NCB Supplement to allow low-income families to earn additional income and still qualify for benefits. Furthermore, the federal government is working to improve the self-reliance of families through the Working Income Tax Benefit (WITB), which was doubled in 2009, to supplement the earnings of low-income working families and to help

families on social assistance to be financially better off as a result of working. In 2011, approximately 1.5 million working Canadian families benefited from the WITB.

### **Housing supports**

75. Governments in Canada continue to make significant investments to help improve the housing situation of vulnerable Canadians, including families with children, and to address specific housing needs of Aboriginal people on- and off-reserve. Overall, almost 605,000 households across Canada have benefited from these investments. The majority of the off-reserve social housing portfolio is administered by provinces and territories under various long-term agreements. The Government of Canada also continues to support new construction and renovation of housing on-reserve.

76. The Government of Canada provided additional funding in 2009–2010 and 2010–2011 for the construction of affordable housing and the renovation and retrofit of existing social housing. As a result, more than 16,500 construction and renovation projects were undertaken to improve social housing and First Nations housing across the country. In addition, in 2011, Federal-Provincial/Territorial Ministers responsible for housing announced a combined investment of \$1.4 billion towards reducing the number of Canadian households in need under the Investment in Affordable Housing 2011–2014 Framework. The federal funding for the Framework relates to the last three years of a five-year investment in housing and homelessness to address the needs of low-income Canadians, those at risk of homelessness, and the homeless. Under the bilateral arrangements, provinces and territories cost-match the federal funding to deliver a range of housing programs and initiatives to address local housing needs, including support for seniors and persons with disabilities, and accommodations for women and children who are victims of family violence.

77. Investments in affordable housing are an integral part of the provincial and territorial poverty reduction strategies, policies and programs, for example, the Newfoundland and Labrador Homelessness Fund and the Supportive Living Community Partnership Program. In Alberta, the 2011-2012 Housing Capital Initiative supported the development of housing units, with 63 percent of units dedicated to low-income individuals and 20 percent to seniors.

78. Under Canada's Homelessness Partnering Strategy, governments, communities, and the private and voluntary sectors work together to strengthen capacity and to prevent and reduce homelessness. The Strategy gives communities the flexibility and tools to address their local priorities and ensures that those who are homeless or at risk of homelessness continue to receive assistance. Many projects target young people, women fleeing violence, seniors, persons with disabilities, recent immigrants, and off-reserve Aboriginal people in need of support.

79. Between 2007 and 2011, Strategy funding was invested in 317 projects that directly focused on youth and young adults between 15 and 30 years of age. Other achievements include: creating more than 4,500 new permanent shelter beds to address immediate needs; placing over 38,000 people in more stable housing; helping almost 10,800 Canadians pursue education or training opportunities; assisting more than 7,000 people to find part-time work and another 7,500 to find a full-time job and, successfully leveraging investments by external partners

### **Freedom of expression and freedom of peaceful assembly**

80. Canada is an open society that values and safeguards freedom of expression and freedom of peaceful assembly, which are constitutionally protected and longstanding

fundamental rights. Political parties, the media, civil society organizations and individual Canadians engage in lively public debate on pressing issues of the day, and peaceful protests occur across Canada on a myriad of social, political, economic and other issues as a matter of course.

81. Governments work together to protect the right to peaceful assembly. Canada's police services receive training on human rights and work to ensure that lawful and peaceful protests can occur safely and securely. All police activity and conduct are subject to the Constitution.

82. Canada recognizes the importance of respecting the rights to freedom of expression and peaceful assembly, and strives to high standards of professionalism and service to the public while enforcing applicable laws.

83. In addition, various domestic mechanisms are in place to ensure accountability of government and police services. These include, above all, an independent and impartial judiciary overseeing a robust system for the administration of justice (both criminal and civil) and empowered to grant meaningful remedies, as well as various non-judicial mechanisms, such as Parliamentary oversight committees, statutory bodies created to administer particular legislation, public inquiries, independent civilian police review mechanisms at all levels of government, and ombudspersons' offices. Democratic accountability and responsible government, civil liberties organizations and a free press guarantee the transparency and accountability of these mechanisms for redress of grievances.

### **Access to justice (recommendations 28, 33 and 53)**

84. Governments facilitate access to justice through a comprehensive range of initiatives, programs and special measures, including criminal and civil legal aid, access to administrative tribunals and ombudspersons for violations of other rights, special programs for Aboriginal people, government-funded legal counsel, public interest funding, and public legal education and information.

85. Canada acknowledges the need to improve efficiencies and increase access to the justice system. Recent initiatives include:

- In 2008, Canada's Chief Justice launched the National Action Committee on Access to Justice in Civil and Family Matters, a forum for government decision-makers, leaders in the legal community and members of the public to discuss ideas for improving access to justice and to foster collaboration, cooperation and coordination of these efforts. Reports containing numerous recommendations are in the process of being completed, and there is current activity to promote engagement and uptake.
- In 2012, the Government of British Columbia launched the BC Justice Reform Initiative, and the Government of Québec introduced its Plan Accès Justice, both having the goal of making their justice systems more accessible, effective, timely and less costly.

86. Government, working with non-government organizations, have put in place initiatives that benefit victims of crime, including the Federal Victim Strategy, which gives victims a stronger voice in the criminal justice system, and provincial and territorial victims services.

87. As well, victims of crime in Canada, including victims of domestic violence, may apply for compensation under provincial compensation programs as long as the act is considered a crime under the *Criminal Code*. Nine provinces offer some form of victim compensation or benefit program. Eligibility requirements and compensable amounts vary,



but a conviction is generally not required in order for a victim to apply for benefits. In addition to compensation, which is paid by the government to the victim, victims of domestic violence may also seek restitution orders, which are payable by the offender.

### **Promoting social inclusion and equality (recommendations 3, 22, 24–29, 43–44, 50–51, 53, 58, 60–61)**

88. As a multicultural society, Canada views diversity as a strength and source of national identity and pride. No society is free from discrimination, and Canada acknowledges that there is more work to be done to foster social inclusion for all Canadians.

89. Canada has an array of programs aimed at promoting multiculturalism and supporting the integration of newcomers, and fostering social cohesion and more welcoming communities. The overarching goal is to promote intercultural and interfaith understanding, acceptance of shared values, the promotion of enhanced civic knowledge and pride, and provide institutional responsiveness to the needs of a free and open society.

90. Protection of the right to equality under the law and against discrimination begins with a strong legal framework, which includes the Constitution and a wide range of rights-protecting legislation in force across all jurisdictions in Canada. Such legislation provides anti-discrimination protection on numerous grounds including race, colour, national, ethnic or place of origin, religion, sex, sexual orientation, age and disability, and applies to public and private entities in the context of employment, housing and in the delivery of goods, services and facilities. These laws also enable governments to take positive, proactive measures to improve the conditions of disadvantaged groups.

91. Important amendments to human rights legislation have been made in various provinces. These include amendments made in 2010 by the Government of Newfoundland and Labrador which clarified that prohibited discrimination may be intentional or unintentional, deleted the age restriction of 19 years, and added a new definition of “disability”, and expanded prohibited grounds to include source of income, disfigurement, association with a person or persons identified by a prohibited ground of discrimination, and a criminal conviction “unrelated to the employment.”

### **Combating racism and xenophobia**

92. Governments continue to combat racial discrimination through a combination of legislative, policy and education and awareness measures, including:

- Initiatives sponsored by the Government of Canada, including through the Canadian Race Relations Foundation, which engages in public education on racism and promotion of pan-Canadian interfaith and intercultural dialogue;
- Projects supported by Newfoundland and Labrador’s Policy on Multiculturalism that include civic participation and ethno-cultural educational programs for youth to combat racism and discrimination and promote respect, collaboration and integration; and
- British Columbia’s EmbraceBC, which promotes multiculturalism and building anti-racism knowledge and capacity in communities through six program elements: Arts Engagement; Community Engagement and Dialogue; Interfaith Bridging; Inclusive Leadership; Organizing Against Racism & Hate; and Public Education.

93. Human rights commissions across Canada also engage in advocacy, education and community outreach on issues including systemic and institutional racism. For example, the

Alberta Human Rights Commission has championed the Coalition of Municipalities Against Racism and Discrimination across Alberta. Thirteen municipalities have signed on to the coalition, which calls on communities to make common commitments and pursue action plans to advance their efforts in combating racism and discrimination.

94. Initiatives aimed at reducing and eliminating any incidents of racial profiling include the training of law enforcement, security intelligence and border agencies specifically on cultural sensitivity, active recruitment from various communities, and conducting community outreach initiatives to build trust and increase mutual understanding of different cultural norms and behaviours of the various communities in Canada. For example:

- Under the Bias-Free Policing Policy of the Royal Canadian Mounted Police (RCMP), which prohibits racial profiling, race data is not collected or shared for purposes outside the legitimate police mandate. Data is collected for the purpose of establishing the identity of a suspect or victim only.
- Canada Border Services Agency officers are guided by procedures that clearly establish that targeting and lookouts are to be based on objective risk assessment formulae.
- The Cross-Cultural Roundtable on Security (CCRS) engages members, who are from many different ethnic, racial, cultural and religious backgrounds, and the Government of Canada in an ongoing dialogue on how national security programs and policies may impact Canada's diverse communities. It promotes the protection of civil order, mutual respect and common understanding, and facilitates a broad exchange of information on the impact of national security issues consistent with Canadian rights and responsibilities.

95. Canada condemns racially and religiously motivated crimes and acts of violence. Canada criminalizes all violence, whether racially-motivated or not. Canadian authorities collect data on hate-motivated crime that is disaggregated by race, ethnicity, religion, as well as other factors. The annual reports discussing trends in this data enhance Canada's ongoing efforts to effectively and specifically target the small subset of crime that is motivated by hate. To address hate-motivated crimes, the Communities at Risk: Security Infrastructure Program provides funding to communities with a history of hate-motivated crimes to enhance security measures at their places of worship, community centres and provincially recognized educational institutions.

### **Gender**

96. Governments in Canada continue to work to advance equality for women and to promote their full participation in the economic, social and democratic life of Canada through various policies and initiatives.

97. One of the ways Canada works to advance equality between men and women is through mainstreaming the issue in policy and program development. For example, the Government of Canada has made extensive progress on the application of analysis affecting equality between men and women across government, including through the enhancement of these tools, the development of online training, and the implementation of a multi-year Action Plan. Provincial and territorial governments also use this type of analysis in developing legislation, policy and programs.

98. Another example is the Government of Québec's Equal Access to Decision Making program, which funded 20 projects between 2008 and 2012 to increase the number of immigrant women and women from different cultural communities in decision-making positions in governing bodies across Québec, and to reduce the barriers that prevent women

from participating fully in the exercise of power by, among other things, promoting egalitarian models and behaviour.

### **Older persons**

99. In anticipation of emerging demographic pressures, Canada has put in place a range of legislative, policy, and program measures to promote the contributions of older persons and enhance their access to services and support. For example, the Government of Canada works with provinces and territories to advance the Age-Friendly Communities initiative, which now sees over 850 communities within eight provinces taking steps to make their community age-friendly. Canada is also addressing the particular challenges of older persons through specific measures such as the removal of legal barriers to employment and the making of targeted investments to encourage the labour market participation of older persons.

100. Governments address elder abuse through various initiatives including awareness campaigns that help Canadians recognize the signs of elder abuse and give them information on available resources and supports. For example, the Government of Canada supports projects that focus on developing or identifying tools, resources and promising practices that can be adapted and shared across communities, regions or Canada to address elder abuse.

### **Persons with disabilities**

101. Persons with disabilities are highly valued members of Canadian communities and workplaces and make a positive contribution to Canadian society. However, persons with disabilities face a range of challenges that affect their ability to participate fully in society, including barriers to accommodation, language and communication, learning and training, and safety and security.

102. Canada's ratification of the *Convention on the Rights of Persons with Disabilities* (CRPD) on March 11, 2010, further underlines Canada's commitment to the rights of persons with disabilities. The Convention is helping to guide the development of measures to continue to uphold and safeguard these rights.

103. All levels of government have a broad range of legislation, policies, programs and services in place to help support persons with disabilities and ensure their full participation in society.

104. Recent developments include:

- In 2011, the Government of the Northwest Territories implemented two new policies related to employees with disabilities: the Duty to Accommodate Injury and Disability Policy ensures that Government employees are provided with the disability-related accommodations they need in a timely and reasonable fashion; the Harassment Free and Respectful Workplace Policy supports all employees in maintaining a positive work environment, including employees with disabilities.
- In 2012, the Government of Canada released the Disability Reference Guide, a tool for identifying, clarifying and promoting policies to address issues that affect persons with disabilities.
- The policy, *À part entière: pour un véritable exercice du droit à l'égalité*, adopted by the Government of Québec in 2009, aims to increase, within 10 years, the social participation of persons with disabilities. The intervention priorities of the policy include developing accessible environments, adapting the legal system to the needs of persons with disabilities, preventing all forms of exploitation, violence and

maltreatment, making child care services accessible to children with disabilities, supporting academic success and supporting integration into the labour market.

- Newfoundland and Labrador's *Access. Inclusion. Equality.* strategy for the inclusion of persons with disabilities is based on a social model of disabilities that reflects human rights, respect and fairness. Aligned with the CRPD and domestic human rights legislation, it seeks to ensure Newfoundlanders and Labradorians with disabilities have the same opportunities and choices on an equal basis with other citizens.

### **Persons living with mental illness**

105. The Government of Canada has committed to a record investment in health care that will see an increase in health transfers to the provinces. The Government of Canada invests in programs that help Canadians maintain or improve their mental health by increasing awareness, strengthening protective factors, and building resilience. Examples of initiatives that directly and indirectly promote positive mental health include research on suicide prevention and the National Aboriginal Youth Suicide Prevention Strategy and support for community-based programs to promote mental health and/or reduce the risk factors for mental health problems affecting children and their parents.

106. In 2010, Canada's F-P/T Ministers of Health endorsed the Declaration on Prevention and Promotion, which recognizes sound mental health as a foundation for optimal overall health and well-being. In addition, a number of provincial and territorial governments have or are in the process of developing mental health and suicide prevention strategies.

107. In May 2012, the Government of Canada welcomed the release of the Mental Health Commission's first national strategy to improve the mental health of all Canadians, *Changing Directions, Changing Lives: The Mental Health Strategy for Canada*. The Strategy focuses on improving mental health and well-being for all people living in Canada and on creating a mental health system that meets the needs of all people of all ages living with mental health problems and illnesses and their families.

108. Other initiatives include the Yukon's Mental Health Framework, which engages a wide range of partners involved with mental health, to improve mental health and wellness for all Yukoners; foster resilient and inclusive communities; and provide quality mental health care and support. The Rural Yukon Mental Health Program provides mental health services to people living with serious mental health problems and illnesses in 14 small rural communities.

109. Since Canada's first UPR, Mental Health Courts have become operational in Nova Scotia (2009) and Manitoba (2012). These courts work with accused whose mental-health issues are the likely cause of their criminal behaviour. Such courts are also in place in Newfoundland and Labrador, New Brunswick, Québec and Ontario.

### **Non-discrimination in higher education**

110. Canada continues to promote equal access to post-secondary education. Admissions to post-secondary institutions in Canada are governed by criteria set by them, which are for the most part based on achievement, potential and student involvement in the community. Admissions criteria must comply with provincial and territorial anti-discrimination legislation.

111. Governments are taking action to lessen financial barriers to access, including through targeted loans and measures to assist those having difficulty in repayment, and through grants, scholarships, tax credits and registered savings plans. For example:

- Through the Canada Student Grants Program (CSGP), launched in August 2009, the Government of Canada provides non-repayable assistance in the form of grants to students from low- and middle-income families, students with dependants and students with permanent disabilities.
- The Government of Canada supports a variety of charitable organizations involved in addressing the education and learning needs of children and youth. For example, Pathways to Education Canada, an organization dedicated to reducing the high school drop-out rate among at-risk youth and increasing the rate at which they go on to college or university, is working with community partners in 11 communities across Canada and has yielded impressive results by offering a comprehensive suite of supports for young people, including tutoring, career counselling, mentoring and bursaries.

### **Immigrants, refugees and temporary foreign workers (recommendations 31, 57–59)**

112. Immigration has helped make Canada a culturally rich and prosperous nation. Canada has a robust immigration system with among the highest per capita levels in the developed world, a generous refugee system that offers safe haven to people who need protection, and a network of taxpayer-funded and private charitable and religious organizations that help newcomers settle and integrate into Canadian society. While Canada benefits enormously from the skills and experience of newcomers, the immigration system will need to continue to change to keep pace with the shifting social and economic needs of Canadians.

#### **Enhancing Canada's immigration system**

113. Canada has one of the most generous and fair immigration systems in the world. New measures that have been adopted to improve the speed, effectiveness and integrity of the system include: numerous changes to improve the quality of selection of economic immigrants; reforms to streamline the processing of asylum claims, especially those from generally safe countries, bringing Canada in line with the practice in most European countries; measures to stop the dangerous and exploitative crime of human smuggling; and the introduction of a new requirement for biometric data from visitor, study, and work visa applicants from certain countries and territories.

114. A former UNHCR representative to Canada has described Canada's refugee process as "a model asylum system." Recent changes to Canada's asylum system will further improve the efficiency of the system, while ensuring that eligible refugee claimant have access to a fair asylum determination procedure, and receive an assessment of the risk they face if sent back to their country of origin. All other procedures instituted by recent amendments, including the option of immigration detention for designated irregular arrivals, incorporate appropriate legal safeguards. The reforms will keep Canada's asylum system more generous than the practices in most other developed countries and are consistent with Canada's domestic and treaty obligations, including the principle of *non-refoulement*.

#### **Security certificates**

115. Section 77 of the *Immigration and Refugee Protection Act (IRPA)* allows the Government of Canada to issue a certificate stating that a permanent resident or foreign national is inadmissible to Canada on the grounds of security, violating human or international rights, serious criminality or organized criminality. Once signed, security

certificates are referred to the Federal Court of Canada for a determination of reasonableness. This process allows for the use of classified information in closed proceedings where the Court is satisfied that disclosure of the information would be injurious to national security or endangers the safety of persons.

116. The IRPA security certificate provisions were amended significantly following a 2007 decision of the Supreme Court of Canada. With the introduction of special advocates, Canada considers that procedural aspects of its system of security certificates in immigration are consistent with its treaty obligations.

117. Special advocates are authorized to participate and cross-examine witnesses and make oral and written submissions to the Court during closed hearings, in which the named person does not participate. They may challenge the relevance, reliability and sufficiency of any information that the court determines must remain confidential because disclosure would be injurious to national security or the safety of persons. With the judge's authorization, they can exercise any other powers that are necessary to protect the interests of the individual named in the certificate.

#### **Foreign credential recognition**

118. Canada has taken measures to improve the participation of newcomers in the Canadian labour market aimed at reducing barriers in the foreign credential recognition process, so that internationally-trained individuals can put their education and experience to use in relevant and satisfying employment soon after arrival.

119. A 2009 Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications articulates a joint vision for governments to take concerted action to improve the integration of internationally-trained individuals into the Canadian labour market and into jobs that match their skills and experience. Given the broad scope of the work, F-P/T governments agreed to target 14 regulated occupations over three years. A key goal of the Framework is that within one year, an individual will know whether their qualifications will be recognized, or be informed of the additional requirements necessary for registration, or be directed toward related occupations commensurate with their skills and experience.

#### **Protection of temporary foreign workers (TFWs)**

120. Canada condemns all acts of labour exploitation. Provinces and territories have primary responsibility for the enforcement of labour standards, occupational health and safety, and labour relations for most occupations in Canada. All labour laws apply equally to both foreign workers and Canadian workers. In addition to the requirements of the Temporary Foreign Worker Program, employers must abide by all relevant F-P/T employment legislation and regulations.

121. To reduce the potential for TFW exploitation by employers and third parties, the Government of Canada implements regulatory and non-regulatory measures, including more rigorous employer accountability mechanisms. Recent measures include new factors to determine the genuineness of a job offer and a mandatory employer compliance review framework to assess a returning employer's compliance with previous job offers to TFWs.

## **IV. Conclusion**

122. Canada has a strong legal and policy framework for the promotion and protection of human rights, overseen by an independent courts system. This includes protections in Canada's Constitution, including the *Canadian Charter of Rights and Freedoms*, the

*Canadian Bill of Rights* and anti-discrimination legislation. Federal, provincial and territorial governments are committed to continuing to build on this framework.

123. Canada has and continues to support the work of the United Nations human rights system, including the UPR process. Canada is committed to giving careful consideration to the recommendations made during its review and to engaging with civil society and Aboriginal organizations to inform Canada's response and follow-up to the accepted recommendations.

*Notes*

<sup>1</sup> Available at <http://canada.justice.gc.ca/eng/pi/icg-gci/ihrl-didp/index.html>.

<sup>2</sup> This figure includes the 34 First Nations presently operational, as well as Campbell River and Musqueam. The operational status of Campbell River and Musqueam remains unofficial until the Minister of Aboriginal Affairs and Northern Development signs the Individual Agreement.

<sup>3</sup> All low-income rates in this paragraph are based on the low-income after-tax cut-off, 1992 base.

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