



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Human Rights: A Case for Engagement

Presentation for the Noon Hour Series on
Aboriginal Issues and Initiatives

May 26, 2014

Canada 

PRESENTATION OVERVIEW

- Overview of the Canadian Human Rights Commission (CHRC)
- Engagement
- Outcomes
- The Way Forward



CHRC - MANDATE AND AUTHORITY

- The CHRC administers the *Canadian Human Rights Act* (CHRA) and conducts audits under the *Employment Equity Act*.
- The CHRC is an independent agency that reports to Parliament through the Minister of Justice.
- The CHRC has a mandate to promote and protect human rights:

Human Rights Protection

- Intake;
- Investigations;
- Mediations;
- Legal advisory services and Litigation;
- Employment equity.

CHRC- MANDATE AND AUTHORITY (cont'd)

- Complaints are received in relation to **11 prohibited grounds of discrimination:**

Race	National or Ethnic Origin	Colour
Religion	Age	Sex
Sexual Orientation	Family Status	Marital Status
Pardoned Conviction and Records Suspension	Disability	

- Similar grounds are contained in provincial human rights legislation for provincial/territorial public and private sectors

MANDATE AND AUTHORITY (cont'd)

Can take complaints against federal and federally regulated public and private sector **employers** and **service providers** including:

- Federal government departments and agencies;
- Crown corporations;
- Canadian Forces and the national police force (RCMP); and
- Federally-regulated enterprises:
 - Interprovincial transportation companies
 - Chartered banks
 - Interprovincial telecommunications and broadcasting companies
 - First Nations governments



MANDATE AND AUTHORITY (cont'd)

Human Rights Promotion

- Research and statistical analysis;
- Policy;
- International;
- Prevention Initiatives and Liaison;
- National Aboriginal Initiative;
- Issues concerning human rights and freedoms
- CHRC as a 'bridge' between government and civil society



HUMAN RIGHTS OF ABORIGINAL PEOPLE under the CHRA

Overview

- From 1977 to 2008, **section 67** of the *Canadian Human Rights Act* (CHRA) prohibited filing of most human rights complaints on matters coming under the *Indian Act*. CHRC issued several Reports to Parliament urging repeal.
- In 2008, Bill C- 21 was passed and Parliament repealed s. 67 – immediately permitting complaints against the Government of Canada.
- For the first time since the CHRA was passed in 1977, human rights protections were extended to members of First Nations Communities.
- First Nations governments were given a three-year transition period that ended June 18, 2011.
- Bill C-21 also provided that in applying the CHRA, must give due regard to FN legal traditions and customary laws (balancing individual and collective rights) – to the extent consistent with gender equality

NATIONAL ABORIGINAL INITIATIVE

Key Activities

1. Ensure CHRC capacity - accessible and culturally sensitive to First Nations people and communities, and support Indigenous human rights
2. Engage Indigenous peoples and national, regional and local organizations - increase awareness and capacity to realize human rights and meet obligations under the CHRA
3. Advise Parliamentarians and other stakeholders on Indigenous human rights issues



www.doyouknowyourrights.ca/sites/nai-ina/index.html



CHRC SUPPORT

- Expert research projects
- Dialogue with the Indigenous Bar Association and with Aboriginal Elders
- CHRC employee training initiatives were undertaken
 - History of Aboriginal people in Canada
 - Impact of legislative change
- Legal expertise developed
- Support to triage and investigations



ENGAGEMENT: ENSURING ACCESS TO HUMAN RIGHTS JUSTICE

- Engagement early on with the AFN, NWAC, CAP, the IBA and First Nation communities
- Over 150 meetings, dialogues, training sessions, community gatherings, or presentations at conferences held since 2008
- A/Chief Commissioner meetings and speaking engagements
- Collaborative events and sessions with stakeholders
 - Webinar with AFN, Videoconference with AFNQL
 - Sessions at Indigenous Bar Association AGA, Aboriginal Financial Officers Association Conference, Federation of Saskatchewan Indian Nations' conference(s), Canadian Bar Association

ENGAGEMENT: ENSURING ACCESS TO HUMAN RIGHTS JUSTICE (cont'd)

- In response to, and in collaboration with Aboriginal stakeholders, educational tools were developed and launched, including:
 - Your Guide to Understanding the *Canadian Human Rights Act* (2010)
 - A Human Rights Handbook for First Nations (2011)
 - Toolkit for Community-based Dispute Resolution Processes in First Nations Communities (2013)
- Roundtable discussions with Aboriginal women representing a wide cross-section of on and off-reserve communities were held on access to human rights justice in Winnipeg, Halifax, Ottawa, Vancouver and Montreal. A final roundtable is planned for Iqaluit in fall 2014.



OUTCOME: AWARENESS

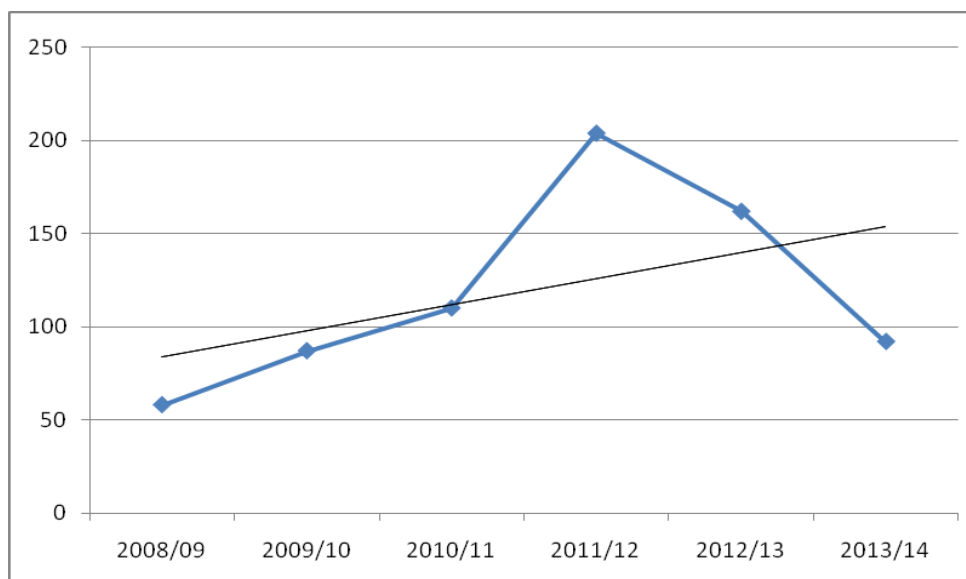
- An awareness survey was conducted in 2009 to benchmark levels of awareness of the CHRA and the recent legislative change among representative Aboriginal organizations.
- A follow-up survey was conducted in 2012 provides evidence that although progress has been made, there is still a high level of need for information, training, and educational or capacity building tools



OUTCOME: COMPLAINTS

- Since repeal, over 500 Aboriginal people or organizations have contacted the Commission to pursue discrimination complaints against the federal government or a First Nations government
- The volume of Aboriginal complaints overall peaked in 2011-12

Number of Aboriginal Complaints received from 1 April 2008 to March 31, 2014



Blue line: total number of repeal-related complaints, including service complaints against the federal government and all complaints against First Nations governments.

Black line: general trend of repeal-related complaints over time.



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OUTCOME: CHRC ADVISORY ROLE

- Initiation of an ambitious media strategy to mark full implementation of the repeal in June 2011
- Provision of guidance on community-based dispute resolution processes
- Establishment of a Canadian Association of Statutory Human Rights Agencies (CASHRA) Working Group on the UN *Declaration on the Rights of Indigenous Peoples*
- Induction of Acting Chief Commissioner David Langtry as a TRC Honorary Witness – concept of reconciliation
- Development of several international shadow reports and preparation of positions for appearances before parliamentary committees



THE WAY FORWARD

- Continue stakeholder engagement, knowledge development, access to justice, and alternative dispute resolution
- Incorporate the unique context of Indigenous peoples into human rights mechanisms, with specific regard for Aboriginal women in vulnerable circumstances (eg. Roundtable meetings on barriers in access to justice)
- Work with partners on the domestic implementation of the UN Declaration on the Rights of Indigenous Peoples
- Build understanding of the *interpretive provision*
- Canadian Association of Statutory Human Rights Agencies is hosting a “Fostering Reconciliation” Symposium on June 10, 2014 in Ottawa.

RPP#1: Advance human rights justice for people who are most vulnerable in Canada, in particular Aboriginal women

RPP#2: Strengthen key networks and partnerships to promote and protect human rights



Annex A

REPORT ON EQUALITY RIGHTS OF ABORIGINAL PEOPLES



- Results show that Aboriginal people still face significant challenges in terms of equality, when compared to non-Aboriginal people.
- Aboriginal people tend to fare worse in terms of educational attainment and labour force participation.
- Results also show that Aboriginal people are more likely to report being victims of domestic violence and crime than non-Aboriginal people. Aboriginal women are especially at risk.
- These inequalities may explain why Aboriginal people are more likely to experience poverty, to rely on government transfers as the major source of income and to live in households with core housing needs.

www.chrc-ccdp.gc.ca/eng/content/report-equality-rights-aboriginal-people

Annex B

SELECTED CHRC PUBLICATIONS ON INDIGENOUS PEOPLES' ISSUES

- [A Matter of Rights – Special Report of the Canadian Human Rights Commission on the Repeal of Section 67 of the *Canadian Human Rights Act* \(2005\)](#)
- [Still a Matter of Rights – A Special Report of the Canadian Human Rights Commission on the Repeal of Section 67 of the *Canadian Human Rights Act* \(2008\)](#)
- [Now a Matter of Rights – Extending Full Human Rights Protection to First Nations \(2011\)](#)
- [Your Guide to Understanding the *Canadian Human Rights Act* \(2010\)](#)
- [A Human Rights Handbook for First Nations \(2011\)](#)
- [Toolkit for Community-based Dispute Resolution Processes in First Nations Communities \(2013\)](#)
- Submission to the Special Rapporteur on the Rights of Indigenous Peoples (2013)
- The Promise of Rights: A Special Report on the Impacts of the Repeal of Section 67 of the *Canadian Human Rights Act* (coming soon)

