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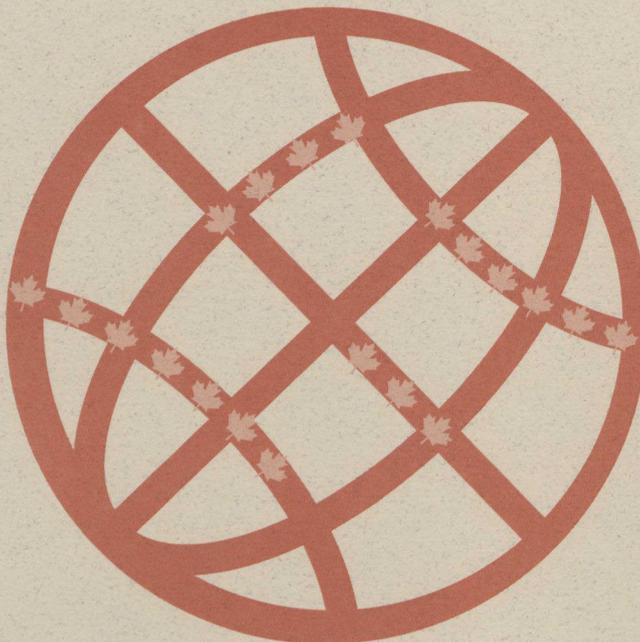


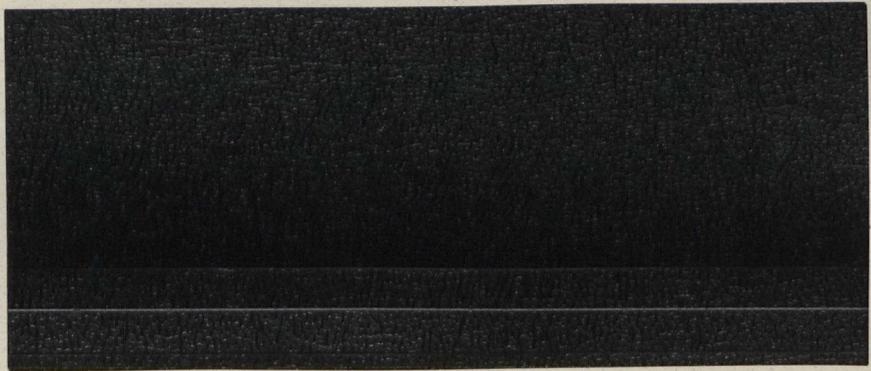
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**HUMAN RIGHTS LINKAGES INITIATIVE:  
FALL STRATEGIC CONSULTATION**

Policy Report Submitted to the CCFPD  
by  
Human Rights Internet

Ottawa, 1999





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HUMAN RIGHTS LINKAGES INITIATIVE: FALL  
STRATEGIC CONSULTATION

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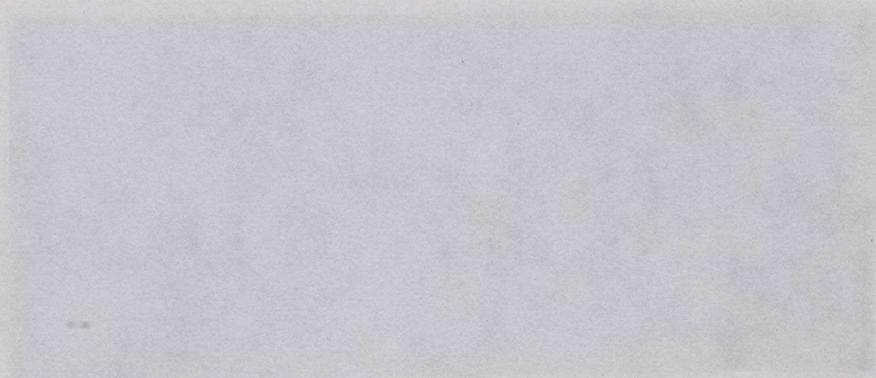
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## HUMAN RIGHTS LINKAGES INITIATIVE: FALL STRATEGIC CONSULTATION

Name of the Organization: Human Rights Internet  
Mailing Address: 8 York Street, Suite 302, Ottawa, Ontario K1N 5S6  
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Business Telephone Number: 789-3407  
Project title: Human Rights Linkage Initiative: Fall Strategic Consultation  
Project Commencement Date: November 26, 1999  
Project Termination Date: November 27, 1999  
Total Project Expenditures: \$23,909

### REPORT

## FINAL REPORT

### Purpose of the project

A group of NGO representatives and academics committed to the promotion of international human rights domestically initially came together to discuss the effective implementation of international human rights in Canada. They focused on the need to develop mechanisms that would permit better linkages amongst civil society groups, on the one hand, and between civil society and government on the other.

A number of recent domestic and international events and processes work this initiative

**presented to  
the Canadian Centre for Foreign Policy Development**

On April 8, 1999, Hon. Jeanne McLellan, Minister of Justice, announced the review of the Canadian Human Rights Act and of the powers and practices of the Canadian Human Rights Commission. The United Nations Committee on Economic, Social and Cultural Rights had recommended in its last two periodic reviews of Canada (1993 and 1998) that social and economic rights be included in the Canadian Human Rights Act.

There is a broad consensus among civil society groups in Canada that there is a pressing need to improve domestic mechanisms for the protection, enforcement and monitoring of international human rights law, particularly in the area of social and economic rights.

At the conclusion of the project, the following recommendations were made:

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# HUMAN RIGHTS LINKAGES INITIATIVE: FALL STRATEGIC CONSULTATION

## FINAL REPORT

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**Project title:** Human Rights Linkage Initiative: Fall Strategic Consultation

**Project Commencement Date:** November 26, 1999

**Project Termination Date:** November 27, 1999

**Total Project Expenditures:** \$22,000

### REPORT

#### Purpose of the project

A group of NGO representatives and academics committed to the promotion of international human rights domestically initially came together to discuss the effective implementation of international human rights in Canada. They focussed on the need to develop mechanisms that would permit better linkages amongst civil society groups, on the one hand, and between civil society and government on the other.

A number of recent domestic and international events and processes made this initiative timely.

- On April 8, 1999, Hon. Anne McLellan (Minister of Justice) announced the review of the *Canadian Human Rights Act* and of the policies and practices of the Canadian Human Rights Commission. The United Nations Committee on Economic, Social and Cultural Rights had recommended in its last two periodic reviews of Canada (1993 and 1998) that social and economic rights be included in the Canadian Human Rights Act.
- There is a broad consensus among civil society groups in Canada that there is a pressing need to improve domestic mechanisms for the protection, enforcement and monitoring of international human rights law, particularly in the area of social and economic rights.
- At the conclusions of the recent reviews of Canada's Reports on the *International Covenant on Civil and Political Rights* and on the *International Covenant on Economic, Social and Cultural Rights*, both UN Committees expressed concern at the Canadian federal government's inability to enforce implementation of international human rights instruments at the provincial and federal government levels.

- During the review of Canada's Report on the *International Covenant on Civil and Political Rights*, Hon. Hedy Fry committed to set up a Committee of Parliament to hear NGO concerns about future Reports by the government of Canada. She also said she would take back a recommendation that the Canadian Commission on Human Rights be able to examine and report on implementation of international treaty rights in Canada.
- United Nations officials, including Kofi Annan and Mary Robinson, have called for increased effort in the implementation of international human rights instruments.
- Canadian non-governmental organizations that use international human rights instruments for their work at the domestic and / or international level have expressed a need for better interaction, communication, and sharing of skills, resources and information.
- During the recent reviews of Canada's Reports on the *International Covenant on Civil and Political Rights* and on the *International Covenant on Economic, Social and Cultural Rights*, several Canadian civil society groups traveled to the United Nations to make presentations to the UN Committees. Numerous others expressed interest but could not find funding to go to New York or Geneva.
- During public consultations on the World Trade Organisation's agreement, civil society groups have called for increased citizens' participation and government accountability.
- Canada reports to six Treaty Bodies; of those 6 reports, 4 are presently due (according to the United Nations High Commissioner for Human Rights Treaty Bodies Database):
  - *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*: the 3<sup>rd</sup> Report was due 23/07/96;
  - *Convention on the Elimination of All Forms of Racial Discrimination*: the 13<sup>th</sup> Report was due 13/11/95, and the 14<sup>th</sup> Report was due 13/11/97;
  - *Convention on the Elimination of All Forms of Discrimination against Women*: the 5<sup>th</sup> Report was due 09/01/99; and
  - *Convention on the Rights of the Child*: the 2<sup>nd</sup> Report was due 11/01/99.
 The 5<sup>th</sup> Report of Canada on the *International Covenant on Civil and Political Rights* will be due 08/04/2000, and the 4<sup>th</sup> Report on the *International Covenant on Economic, Social and Cultural Rights* will be due on 30/06/2000.
- Ratification by Canada of a few important international human rights instruments is still pending, for instance ratification of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, the *American Convention on Human Rights*, the *Protocol of San Salvador on Economic, Social and Cultural Rights in the Americas* and the *Rome Statute for an International Criminal Court*.

## Objectives of the project

The goals, objectives and outputs of the project were:

### Goals:

- To propose monitoring and enforcement mechanisms that make international human rights provisions more effective and useful to affected constituencies in Canada.
- To develop and on-going plan to:
  - Provide civil society input into the review of the mandate of the Canadian Human Rights Commission and of the *Canadian Human Rights Act*.
  - Suggest means to facilitate civil society participation in the monitoring of and reporting on the implementation of internationally recognized human rights in Canada. Ways of working with the new Senate Committee on Human Rights will be explored as one mechanism for civil society participation.
  - Encourage greater federal-provincial collaboration in the ratification and implementation of international human rights instruments.

### Objectives:

- To advance the implementation of international human rights in Canada.
- To develop a greater understanding of Canada's human rights instruments internationally and domestically, and of their interdependence.
- To identify points of intersection between human rights constituencies in Canada and to encourage collaboration between them.
- To facilitate the sharing of information, policy advocacy skills and resources amongst civil society groups working to promote human rights in Canada and internationally.

### Outputs:

- Three discussion papers will be written and made available to the public after the Consultation.
- The Working Groups will draft Action Plans that will be voted upon in the final plenary session and then collated and made available.
- A Final Report will be produced and distributed.

## Methodology and Process

A national consultation on human rights was held November 26-27, 1999 in Ottawa. Three discussion papers were produced for the consultation, and sent ahead of time to participants:

- "The Protection of Social and Economic Rights under the *Canadian Human Rights Act*," by Martha Jackman and Bruce Porter;
- "Civil Society Participation in the Process of Reporting and Monitoring Implementation of International Human Rights: The Domestic Dimension," by Pierre Bosset; and

- "Implementing International Human Rights Commitments: The Difficulties of Divided Jurisdiction," by David Schneiderman.

The consultation was attended by invitation only. Participants were selected on the basis of their expertise in the field of human rights, and with a view to bringing together as inclusive and representative a group as possible. Among the constituencies represented were: aboriginal peoples, refugees, women, disabled people, religious communities, the poor and the homeless, prisoners, children, workers, visible minorities. Experts on development and trade issues were also present. A total of 42 participants, all noted activists and academics, attended the Consultation. The complete list of participants is annexed.

Participants had been provided with reading materials prior to the consultation: the 3 above discussion papers, 1 newspaper article by Jeffery Wilson on the Convention on the Rights of the Child, and 2 documents from the United Nations: the *Concluding observations of the Committee on Economic, Social and Cultural Rights: Canada* (E/C.12/1/Add.31, 10 Dec. 1998) and the *Concluding observations of the Human Rights Committee: Canada* (CCPR/C/79/Add.105, 7 April 1999).

DAY 1: Friday November 26, 1999, 9:30am – 9pm.

The methodology was to alternate plenary sessions and small working group sessions. The first morning was spent in plenary. The day started with opening remarks by the Hon. Lois M. Wilson, Senator. Tom Clark of the Inter-Church Committee for Refugees and a member of the Ad Hoc Organizing Committee for the Consultation followed, reviewing objectives and methodology. After self-introductions by all in attendance, there were panel presentations on the following topics:

1. Civil society and the review of the *Canadian Human Rights Act*
2. Civil society participation in the reporting and monitoring process
3. Ratification and implementation of international human rights instruments and the issue of federal-provincial jurisdictions.

In each case, the author of the relevant discussion paper presented a summary of the main points of the paper. This was followed by comments from a pre-assigned discussant, and clarification questions from the group.

For the afternoon sessions, participants chose to participate in one of three working groups, to discuss the above three topics. Each of the three working group included the author of the discussion paper, the discussant, one facilitator and one rapporteur. Each group was asked to make action recommendations.

In the evening, a panel on "the Role of Parliamentarians in Implementing Human Rights Domestically" was chaired by Senator Wilson. The other participants on the panel were Hon. Senator Raynell Andreychuk, Raymonde Folco, M.P., Dr. Carolyn Bennett, M.P., and Tom Clark, Co-ordinator, Inter-Church Committee for Refugees. Two

observers from federal government departments were also in attendance during the panel: Adèle Dion, Director, Human Rights Division, Department of Foreign Affairs and International Trade, and Bruno Scheire, Manager of the Human Rights Program, Department of Canadian Heritage. Following panel presentations the floor was opened for questions from participants. The panel presentation and subsequent discussions were filmed to be aired on the Cable Public Affairs Channel (CPAC).

DAY 2: Saturday November 27, 1999, 9:30am – 5pm.

At a plenary session during the 3 Rapporteurs presented the results of the discussions of the 3 working groups. This was followed by comments from the participants from the group, and then by general comments and questions by all in attendance.

During lunch, the 4 members of the Ad Hoc Organising Committee worked with the facilitators to produce a list of 10 areas for action emerging from the Working Groups' reports. This list was presented and discussed in plenary during the afternoon session. As a result of these discussions, the list was expanded to include 11 areas for action, and volunteers were found to act as lead actor and contact point for follow-up actions in each of these areas.

## **Results**

### Short-term/narrower results

Forty-two leading experts on human rights from across Canada representing various constituencies came together for a 2-day consultation. Linkages were created between organisations and individuals working on international issues and those working on domestic issues. Fruitful exchanges took place on issues of policy analysis and on the development of synergetic strategies to effect the implementation of human rights. Three discussion papers were produced. Participants had a chance to talk to parliamentarians during the Friday night panel.

### Long-term/broader results

The human rights agenda in Canada was advanced. This was the first consultation of its kind in the human rights field in Canada.

### Achievements of objectives

The objectives were not changed throughout the project cycle, except for the withdrawal of the objectives pertaining to the Senate Committee on Human Rights, since this committee had not yet been established at the time of the Consultation.

We believe that a large number of our objectives were achieved during the actual consultation, while others will be achieved through follow-up actions. In plenary at the

conclusion of the consultation, participants agreed upon an Action Plan covering 11 priority areas:

- a) review of the Canadian Human Rights Act (write letters);
- b) on-going communication amongst participants by electronic means (a list-server has been established);
- c) human rights implementation for Aboriginal People(s) (write a letter; an issues paper has been circulated through the list-server);
- d) parliamentary strategies (a follow-up committee has been established to develop strategies);
- e) Social Union Framework Agreement (prepare NGO input into the upcoming review of the Framework; write a strategy paper);
- f) Federal-Provincial-Territorial Continuing Committee of Officials on Human Rights (develop strategies to open this body to NGO participation; write a letter);
- g) education on human rights (survey resources; work with schools of journalism and of law);
- h) petitions to the Human Rights Committee (share information);
- i) Canadian Association of Statutory Human Rights Agencies (write a letter);
- j) treaty ratification (lobby); and
- k) trade and human rights (write a common platform; share resources and information).

For each of these areas, one or more participants volunteered to be the lead actor(s) and contact point(s).

### Women

Out of the 42 participants more than half (i.e., 24) were women. Women's rights were an important aspect of all discussions and are taken into account in all follow-up activities.

### **Evaluation methods**

Quantifiable results include: the number of participants (44), the 3 papers produced for the consultation, the number of final reports produced and distributed, the establishment of a list-server, and the writing of collective letters to various decision- and policy-making bodies.

The qualitative evaluation of the Consultation as being successful from the participants' point of view was assessed through participant observation by the Ad Hoc Organising Committee in all events and through informal discussions with participants.

The Consultation was considered successful by all in attendance. If we had the opportunity to repeat the project we would not significantly change the strategies nor the methodology used. The only disappointment was the relatively low participation of Parliamentarians at the Friday night panel, partly due to a factor outside of our control, namely that the members of the Liberal Party of Canada were required by their party to

attend a Quebec Liberal caucus that night. Moreover, Senators generally leave Ottawa on Thursdays, and numerous Senators sent regrets on that account.

## Follow-up activities

A Final Report was prepared and distributed to participants and to other interested parties. There is on-going communication amongst participants through the list-server and follow-up actions are being taken in the eleven areas mentioned above.

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