

Parliamentary Engagement on Human Rights

Kim Pate
Independent Senator
Senate of Canada



Mandate

The Standing Senate Committee on Human Rights has a mandate to deal with such issues relating to human rights generally as may be referred to it by the Senate. Within this broad policy field, the committee focuses on examining, exploring and monitoring issues of human rights, including:

- Educating the public and ensuring the proper application of, and adherence to, international human rights principles and laws;
- Ensuring that federal legislation and policies are properly applied and adhere to the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act;
- Encouraging and managing the balance between security and other human rights concerns in the post-9/11 context;
- Providing a forum for dialogue on human rights issues in the federal and provincial spheres; and
- Monitoring and seeking to ensure the equal treatment of members of minority groups.

History

- On March 15, 2001, the Senate amended its rules to establish the Standing Senate Committee on Human Rights. Since that time, it has closely monitored the implementation of Canada's domestic and international human rights obligations and has provided through its reports, a series of recommendations for government departments and agencies. The committee has also been involved in monitoring the development of legislation and policy at the federal level with a human rights component.
- Over time, the committee has frequently returned to a few particular areas for re-examination and published updates to its findings. Internationally, it has closely monitored the outcomes at the United Nations Human Right Council (UNHRC), the Organization of American States (OAS) and the implementation of the UN Security Council's Resolution 1325 and its successor motions. The committee has also undertaken an ongoing a role in studying and highlighting issues surrounding the rights of children in Canada. It has often reviewed employment equity in the federal public service.

Legislation

- [Bill C-65](#), An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1
- [Bill C-309](#), An Act to establish Gender Equality Week
- [Bill S-240](#), An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs)
- [Bill C-66](#), An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts
- [Bill S-232](#), An Act respecting Canadian Jewish Heritage Month
- **Matrimonial Property on First Nation Reserves** - the committee conducted in-depth examinations of the division of matrimonial property on reserves in Canada and tabled two reports with recommendations for legislation. Following their publications, the government presented the Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves. The committee reviewed the legislation both times and recommended changes to the bill based on the findings of its studies.

Studies

- In 2004, the committee undertook a study into the impact of international children's rights instruments on Canadian law. The committee issued its final report on this issue in May 2006 entitled *Children: The Silenced Citizens*. Among these recommendations was the call for a permanent Children's Commission, the repeal section 43 of the criminal code (the use of reasonable force to discipline a child) and to allow children to have more of a participatory voice in policies affecting them.
- Since the creation of the United Nations Human Rights Council in 2006, the committee has conducted four separate reviews of the functioning of the council and the Universal Periodic Review process. Throughout all its reports, the committee expressed serious concerns about the workings of the international body and presented ideas for Canada to push for improvements in the processes and procedures of the council.
- In 2011, the committee embarked on a yearlong study looking at cyberbullying. The committee reported in 2012 and included versions of the report targeted to children as well as to parents. This report presented the committee's findings with respect to the nature of cyberbullying and its impacts, the roles that stakeholders can play in addressing it and the best practices that are emerging in dealing with it.



- In 2014, the committee began a study on the international mechanisms toward improving cooperation in the settlement of cross-border family disputes, including Canada's actions to encourage universal adherence to and compliance with the Hague Abductions Convention. In its report, the committee recommended the establishment of one or more task forces to improve coordination of programs and services for left-behind parents and to explore options for greater cooperation in areas such as education, data collection and information sharing on international child abduction cases.
- In May 2014, the committee began its study on the mandates of UNICEF and UNHCR and how they meet the needs of displaced children. At the end of the study, the committee tabled its report with 9 recommendations and highlighted the "No Lost Generation" (NLG) initiative, which uses education to bring together four important elements: learning, health care, psychosocial support and child protection.
- Government Response to the fifth report of the Standing Senate Committee on Human Rights, entitled "Finding Refuge in Canada: A Syrian Resettlement Story"
- Government response to the seventeenth report of the Standing Senate Committee on Human Rights, entitled "An Ocean of Misery: The Rohingya Refugee Crisis"

Study on the Human Rights of Federally-Sentenced Persons: The Most Basic Human Right is to be Treated as a Human Being

A journey
OF A THOUSAND MILES
begins with a
single step.

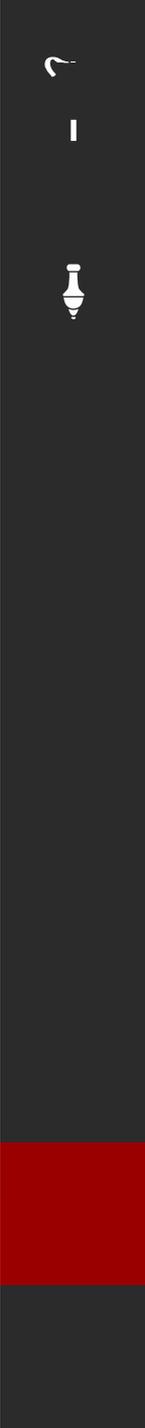












Indigenous women and girls are the fastest growing prison population

3/100



Although Indigenous women make up 3% of Canada's population...

40/100



They represent 40% of all federally sentenced women

75/100



And 75% of all women in provincial custody

90/100

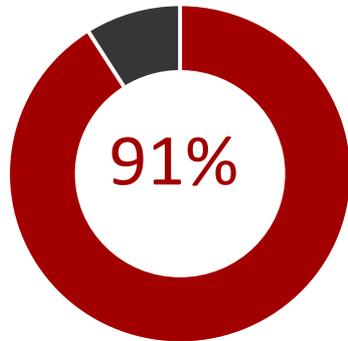


90-100% of all girls in youth custody are Indigenous

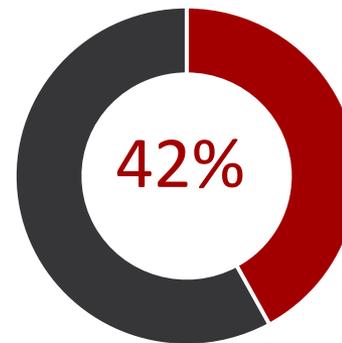
- Most are young and have minimal educational opportunities

Results of intersections of inequality on the basis of race, ability, class and gender

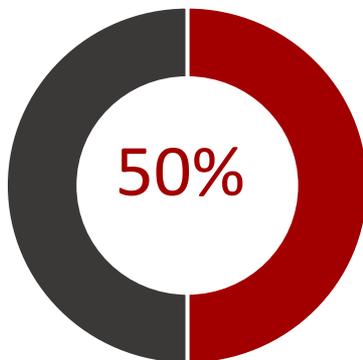
Histories of physical and/or sexual abuse



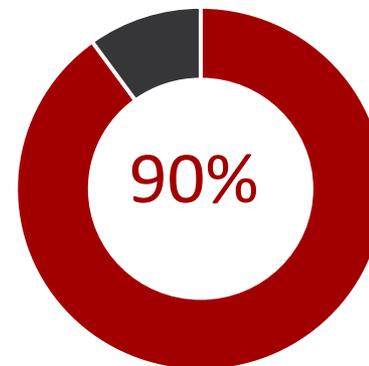
Women in maximum security



Placed in solitary confinement and segregation

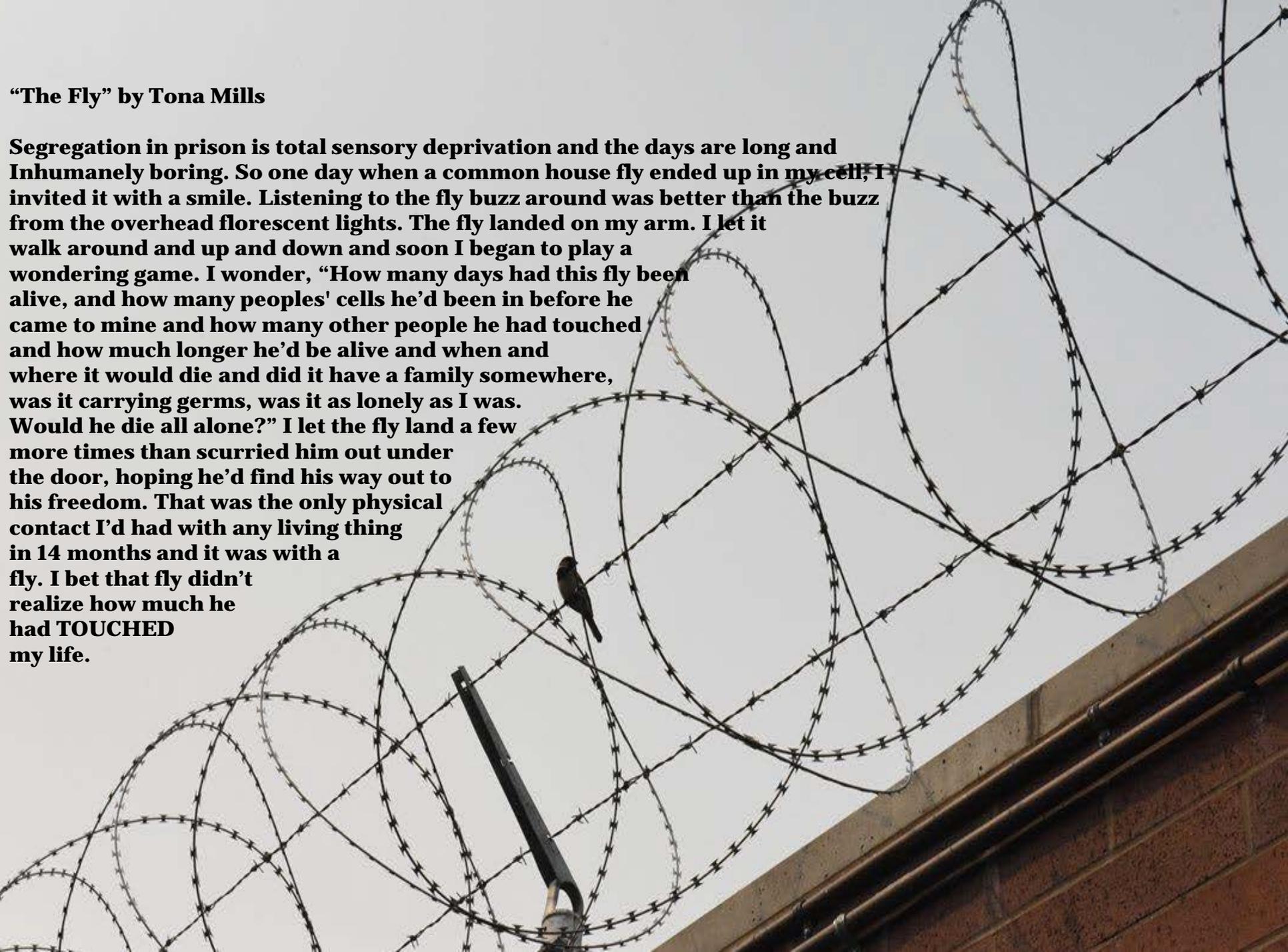


Up to 90% diagnosed with mental health issues



“The Fly” by Tona Mills

Segregation in prison is total sensory deprivation and the days are long and inhumanely boring. So one day when a common house fly ended up in my cell, I invited it with a smile. Listening to the fly buzz around was better than the buzz from the overhead florescent lights. The fly landed on my arm. I let it walk around and up and down and soon I began to play a wondering game. I wonder, “How many days had this fly been alive, and how many peoples' cells he'd been in before he came to mine and how many other people he had touched and how much longer he'd be alive and when and where it would die and did it have a family somewhere, was it carrying germs, was it as lonely as I was. Would he die all alone?” I let the fly land a few more times than scurried him out under the door, hoping he'd find his way out to his freedom. That was the only physical contact I'd had with any living thing in 14 months and it was with a fly. I bet that fly didn't realize how much he had TOUCHED my life.



Challenges

- Division of Legislative authority between Federal and Provincial & Territorial governments
- Development of Nation to Nation relationships with First Nation, Métis and Inuit
- Partisan positions with respect to human rights – easier to focus on international vs domestic human rights deficiencies
 - UNDRIP
 - CEDAW
 - Mandela & Bangkok Rules
 - Human trafficking
 - Violence against women
 - Migration policies and practices
 - Social, economic, cultural, civil and political rights
 - Criminal justice and prison: tension between punishment and rehabilitation

Miigwetch.
Merci.
Thank you.

