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Chair: Mr. Fayçal El-Khoury

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• (1640)

[*Translation*]

The Chair (Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.)): I call this meeting to order.

Welcome to meeting number 60 of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today's meeting is taking place in a hybrid format. All witnesses have completed the required connection test in advance of the meeting.

[*English*]

I would like to ask.... I am not going to introduce every witness by name, in order to save some time due to the vote.

I would like to start inviting witnesses—

Hon. Mike Lake (Edmonton—Wetaskiwin, CPC): I have a point of order.

Can I just suggest that we forgo our committee business meeting today and make sure that we have...because we have such a limited amount of time. I don't know how many witnesses we have, but perhaps we could truncate slightly the opening statements as well so that we can get to some Q and A.

The Chair: Thank you. That's exactly what I had decided. Instead of five minutes, I'm giving three minutes. For the question period, instead of seven minutes, I'm giving five minutes.

Thank you, Mr. Lake.

Anita, go ahead.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Might I suggest that, to save time, we could do a little bit of back and forth informally on the list of the potential awardees and maybe see if we can come to a consensus just by talking in the chamber or something.

The Chair: Okay.

I would like to give the floor to the clerk, please.

Go ahead.

The Clerk of the Committee (Mr. Eric Glavin): Thank you, Mr. Chair.

I just wanted to inform members of upcoming logistical deadlines for the Human Rights Defender Awards. Currently, they're scheduled to be presented to the candidates selected by the subcommittee on December 10. Given the fact that date is approaching, it would be appreciated to have some clarity on not only the names of

the candidates but also the format in which the subcommittee would like to hold the event.

Last year, it was conducted quite similarly to a standard subcommittee meeting. The recipients appeared, gave statements and were congratulated much like in a similar meeting. Before the pandemic, additional commemorative measures were put in place.

Given that the date is approaching, some direction on the committee's decision as to how elaborate the event should be would be much appreciated.

The Chair: Thank you.

Anita, go ahead.

Ms. Anita Vandenberg: Might I suggest that, like we did the first couple of times, we approach the Speaker to see if the Speaker would be willing to host a reception afterwards—which he's done before—for the awardees? We would have our own meeting where they could speak, and then we would retire to the Speaker's chambers for a reception.

An hon. member: No.

The Chair: Okay. Thank you.

I like to invite Madame Charlotte-Anne Malischewski to take the floor for three minutes, please.

The floor is yours.

[*Translation*]

Ms. Charlotte-Anne Malischewski (Interim Chief Commissioner, Canadian Human Rights Commission): Good afternoon, hon. members of the committee. Thank you for inviting me to testify before you today.

I am speaking from Ottawa, the traditional territory of the Algonquin Anishinabe nation, whose culture and presence continue to feed this land. At the Canadian Human Rights Commission, we recognize that it is incumbent upon us to reflect on our colonial legacy and the systemic injustices still faced by indigenous peoples. We are committed to continuing the work of reconciliation with humility and openness.

The commission welcomes your study. First, we would like to express our support for the joint recommendation that will be presented by our fellow panellists. This recommendation calls for Canada to take the lead in working with provincial and territorial governments to develop and adopt a national framework for the implementation of human rights.

[English]

As Canada's national human rights institution, the commission plays a unique role in the UPR process. There are so many human rights issues in Canada requiring attention, so we have focused our advocacy, during this UPR cycle, on a crosscutting issue that affects some of the most vulnerable people in this country: the condition of people deprived of their liberty. This is not just about people detained inside our prison system. It's also about people who are deprived of their liberty outside of that system. It's about migrant detainees, Black and first nations children who are being removed from their homes and placed in care, elderly people confined to long-term care facilities and people with disabilities who are institutionalized in communities across the country.

While some oversight mechanisms do exist, there are overwhelming gaps. That's why we're calling for the immediate ratification of OPCAT, the United Nations optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ratifying OPCAT would provide a powerful framework for ensuring there is meaningful oversight in all places where people are deprived of their liberty.

We need only think back a couple of years to the pandemic to understand how important this is in places like long-term care homes. In prisons, ratifying OPCAT would pave the way for a more proactive approach to dealing with systemic human rights issues—issues like the overrepresentation of indigenous, Black and other racialized prisoners, especially indigenous women; the use of solitary confinement; the treatment of prisoners with mental health disabilities; the warehousing of older prisoners, where alternatives would be more appropriate; and the safety of 2SLGBTQIA+ prisoners facing sexual coercion and violence.

• (1645)

[Translation]

Eight years ago, the government committed to ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Since then, the Canadian Human Rights Commission has called on Canada to follow through on this commitment. A number of people here today echoed that call, as did the 25 member states during the Universal Periodic Review. For Canada, ratifying the protocol would be an important step toward meeting its human rights obligations and strengthening protections for all.

Thank you. I look forward to your questions.

The Chair: Thank you, Ms. Malischewski.

[English]

Now I would like to invite Ms. Michèle Biss, who is the director of the National Right to Housing Network.

You have the floor for three minutes.

Ms. Michèle Biss (National Director, National Right to Housing Network): Good afternoon, and thank you for the opportunity to address this committee.

My name is Michèle Biss. I'm the national director of the National Right to Housing Network, a broad-based civil society network

of organizations and individuals who work to ensure that the government's human rights commitments, made under the National Housing Strategy Act, are meaningfully realized.

The NRHN has engaged in United Nations reviews, including the 2022 review by the UN Committee on the Rights of the Child, the 2023 universal periodic review by the Human Rights Council and the most recent 2024 review by the UN Committee on the Elimination of Discrimination Against Women.

We have had the opportunity to engage with the team at Canadian Heritage and to attend meetings, like the continuing committee of officials on human rights and meetings of the federal, provincial and territorial ministers responsible for human rights. I have sat on the other side of Zoom calls and across in-person tables while government representatives read the same speaking notes that are conveyed in press releases instead of meaningfully engaging on human rights accountability with civil society representatives and rights holders. In this meeting, I would most like to convey the deep sense of frustration, across civil society organizations, that Canada is not taking its human rights accountability mechanisms seriously and that there has been no improvement since this committee wrote its 2010 report.

I want to acknowledge the efforts of staff teams at Canadian Heritage who have created processes, like the director general, rights group, and the June CCOHR presentation of a civil society engagement strategy. The challenge is that, despite what I believe are very good intentions on behalf of the staff at Canadian Heritage, they are under-resourced, and civil society has not been meaningfully integrated into these meetings.

I am increasingly hearing from civil society colleagues that human rights engagement meetings lack authentic human rights practices and feel like a waste of resources for organizations that already have limited capacity. I would like to amplify my colleagues' recommendations to call on federal, provincial and territorial governments to implement and adopt a national framework for international human rights implementation.

I also echo the call for further witnesses to be called, from government to rights holders with lived experience of human rights violations. As my colleagues will state, we cannot position ourselves as champions of human rights on the global stage if we do not lead by example at home.

I am coming to you also with deep knowledge of Canada's first domestic implementation mechanism of an economic and social right, through the National Housing Strategy Act, which has some strong—

The Chair: Can you wrap it up, please? Your time is up.

Ms. Michèle Biss: —proof points that I'm happy to share on how meaningful engagement with rights holders can create strong, rights-based policy and outcomes.

The Chair: Thank you, Ms. Biss.

[*Translation*]

I now invite Alex Neve, adjunct professor, international human rights law, University of Ottawa, to make his opening statement.

Professor Neve, you have the floor for three minutes.

Mr. Alex Neve (Adjunct Professor, International Human Rights Law, University of Ottawa, As an Individual): Thank you very much, Mr. Chair.

[*English*]

Good afternoon, subcommittee members. It is a pleasure to be here.

People are often surprised to learn that Canada's record of engagement with the international human rights system is problematic. Canada has ratified just over 70% of the main UN human rights instruments—at the University of Ottawa, where I teach, that would be a B minus—and none of the inter-American human rights treaties, which of course would be a failing grade. More critically, there are significant shortcomings when it comes to meeting those obligations. That is clear from recommendations from numerous UN human rights bodies, experts and processes—including the universal periodic review over the years—pressing Canada to more effectively implement the country's human rights obligations.

This is of concern on the home front, because failure to meet those obligations means failure to address serious domestic human rights challenges. It is also of concern internationally, because failing to comply with the obligations we impress upon other governments undermines vital diplomatic efforts.

The obstacles are many.

The first is the challenge of our federal system, with constitutional responsibility for particular human rights issues divided among federal, provincial and territorial governments.

The second is no clear political accountability for human rights. There is no minister of human rights at any level of government in Canada.

The third is reticence to recognize the equal legal standing of economic, social and cultural rights.

The fourth involves positions adopted in court by government lawyers that often downplay the applicability of international human rights law.

The fifth includes excessive secrecy, inadequate public reporting and poor engagement processes with indigenous organizations and civil society groups.

The sixth is the failure of Parliament and legislative assemblies to monitor international human rights compliance across the country.

The seventh is a failure to recognize the role of municipal governments and indigenous governments.

The eighth is insufficient resourcing for the processes and bodies integral to upholding international human rights.

In 2017, after decades of inaction, federal, provincial and territorial governments met to consider international human rights implementation. They established the Forum of Ministers on Human Rights, which met for the first time last year but which has yet to live up to its potential.

Speaking on behalf of all those appearing before you today, we recommend the federal government take the lead in working with provincial and territorial governments, indigenous peoples and civil society to develop a national framework for international human rights implementation as a priority for the next meeting of the Forum of Ministers on Human Rights. The framework should include clear public commitments to international human rights implementation from all federal, provincial and territorial governments; the adoption of federal, provincial and territorial laws—

• (1650)

The Chair: Can you wrap it up, please? Your time is up.

Mr. Alex Neve: —enshrining those obligations; improved consultation; an enhanced role for Parliament and the legislatures; and increased resourcing.

Thank you very much.

The Chair: Thank you, Professor Neve.

[*Translation*]

I now invite Meghan Doherty, co-director of Action Canada for Sexual Health and Rights, to make her opening statement.

[*English*]

You have the floor for three minutes.

Ms. Meghan Doherty (Co-Director, Policy and Advocacy, Action Canada for Sexual Health and Rights): Thank you.

I am here today on behalf of Action Canada for Sexual Health and Rights. We have participated in all of Canada's universal periodic reviews, and I have also worked with more than 100 civil society organizations in more than 50 countries to support their engagement in the UPR process.

I will focus my remarks today on the importance of civil society participation in these processes.

At the outset, I would like to emphasize that human rights are not just a set of ideals to which countries should aspire. Human rights are legal obligations of states that have ratified international human rights treaties. Compliance with these legal obligations is reviewed through a variety of mechanisms, including the UPR, which are essential for civil society to be able to elevate neglected and stigmatized issues of concern.

We participate in the UPR because it is an accessible and powerful mechanism for connecting the international human rights framework to the realities of people's lives. It is uniquely designed to be a collaborative and ongoing process that emphasizes building the capacity of rights holders to claim their rights and of duty bearers to meet their obligations.

In other countries, this looks like assigning a federal ministry to be accountable for follow-up and implementation of UN human rights recommendations, providing multiple entry points for civil society to engage directly with decision-makers throughout the process, and publishing mid-term reports on implementation progress among many other examples.

In Canada, the UPR does not look like this. Civil society and rights holders are treated as passive recipients of technocratic information that is devoid of actual dialogue on the issues being considered. While different government human rights tables have been established, their program of work and outcomes—if any—are not publicly available and there is no framework in which to operationalize the recommendations.

Civil society organizations are invited to attend portions of these meetings to give their opinions on which of the hundreds of recommendations should be implemented and how—often within 90 minutes or less—and then a box is ticked. This is not meaningful participation. It doesn't help the government in the task before it, and it certainly doesn't help the people who are directly impacted by human rights violations.

All of us are here today because we believe in human rights. We want Canada to be the champion of human rights that it purports to be on the global stage. We are ready to roll up our sleeves to do this important work. We are asking all levels of government to do the same.

We urgently need a national framework for human rights implementation that recognizes the critical role of civil society. There is no time to waste.

Thank you.

• (1655)

The Chair: That's perfect timing.

[*Translation*]

I now invite Shelagh Day, chair of the Human Rights Committee of the Feminist Alliance for International Action, to make her opening statement.

[*English*]

You have the floor for three minutes, please.

Ms. Shelagh Day (Chair, Human Rights Committee, Feminist Alliance for International Action): Thank you for the invitation to be here today.

It is not acceptable that, in 2024, Canada does not have a national mechanism to monitor compliance with its international human rights commitments and ensure implementation of treaty body and UPR recommendations. Canada needs a framework of law, policy and programs, as described by Alex Neve, to guide and ensure its compliance with international human rights law. Canada needs this urgently.

The Feminist Alliance for International Action, which I represent today, was formed in 1997 with the specific goal of ensuring that the rights of women set out in the international human rights treaties Canada ratified become real in the lives of women in Canada. We believe these rights matter. Fulfilling them matters to the lives of women and the health of the country.

We need international human rights treaties in addition to the charter and human rights codes, because international human rights law fills many gaps. It provides a full and comprehensive set of human rights protections that our domestic legislation does not, including commitments to an adequate standard of living and due diligence on the part of governments to protect women from male violence.

Since 1997, FAFIA has participated in almost every review of Canada by treaty bodies and in the four cycles of the universal periodic review. We have repeatedly urged our governments to develop mechanisms and procedures for implementing the recommendations that emerge from these reviews so that we can move forward, solve problems, improve lives and repair harms. However, we and our many human rights colleagues have not been successful in persuading Canada to create an effective domestic mechanism to support the implementation of recommendations and the fulfillment of rights.

The importance of what happens after reviews is freshly before us due to recommendations not just from the UPR but also from the UN Committee on the Elimination of Discrimination Against Women. A week ago, on October 29, CEDAW issued the concluding observations after its 10th review of Canada's compliance with the CEDAW convention. This was a review marked by the high attendance of indigenous, racialized and young women. There are many recommendations from CEDAW that, if implemented, would make a marked difference in their lives. They have hopes.

Prominent among its many strong recommendations—

The Chair: Would you please wrap it up? Your time is up.

Ms. Shelagh Day: I will.

Prominent among them is the repetition of a recommendation CEDAW made in 2012 and 2016: Create a national mechanism to report, follow up on and implement international recommendations. We need that recommendation implemented as a key element of Canada's response to UPR and CEDAW recommendations in 2024.

The Chair: Thank you, Ms. Day.

[*Translation*]

I now invite Alexi White, director of systems change at Maytree, to take the floor.

The floor is yours for three minutes, Mr. White.

• (1700)

[*English*]

Mr. Alexi White (Director, Systems Change, Maytree): Thank you to the subcommittee for beginning this important study.

I will focus my opening comments on how Canada's provinces and territories are effectively unaccountable for implementation of the UPR or their international human rights obligations, more broadly.

Here's a startling fact: All provinces and territories in Canada except one do not explicitly acknowledge the existence of their legal obligations under international human rights law.

As the subcommittee well knows, human rights obligations are binding on subnational governments in states with federal systems, yet as far as I can find, only Quebec is willing to publicly acknowledge this fact in its policy statements. Its international policy correctly states that, "As a party to these texts, Québec has a duty to enforce them within its borders and to report on compliance to the competent United Nations human rights bodies."

Meanwhile, Alberta's government contends, wrongly, that is not required to participate in the UPR or otherwise respect international human rights law. In a footnote to the FPT protocol for follow-up to recommendations from international human rights bodies, Alberta states that it is, "not bound to report on international instruments/mechanisms to which it is not a Party."

As you can see, Canada's governments do not even recognize their human rights obligations, let alone work together to effectively to implement them.

Implementing the UPR also requires provinces and territories to have strong internal processes, structures and mechanisms for human rights. Helpfully, the UN Office of the High Commissioner for Human Rights has studied countries around the world and documented several criteria for strong mechanisms. Here is how our provincial and territorial governments do against a few key criteria.

First, mechanisms should have a formal mandate and political ownership. Unfortunately, our provinces and territories do not publish information about their specific processes and structures, and there is no political ownership in the form of a minister with clear responsibility for human rights implementation.

Second, mechanisms should offer meaningful engagement with rights holders. Unfortunately, provinces and territories generally have no regular engagement processes of their own.

Third, mechanisms should demonstrate accountability for our country's human rights commitments. Alas, no province or territory in Canada publishes meaningful implementation plans responding to recommendations received from the UPR or other UN processes.

It is not hard to see why Canada received multiple UPR recommendations from other countries calling for improvements to our mechanisms for implementation.

Fourteen years ago, this subcommittee said Canadians should be able to "hold all orders of government accountable for their role in implementing Canada's international human rights obligations." Today, this most basic expectation remains unmet.

I urge you to invite witnesses representing provincial and territorial governments to better understand just how opaque and ineffective human rights mechanisms are across the country. I also urge you to write a report examining progress on the subcommittee's 2010 recommendations, many of which remain unmet. Finally, I echo my fellow witnesses in calling on federal, provincial and territorial governments to develop and adopt a national framework for international human rights implementation.

As your predecessor said in 2010, failure to act in our own backyard is a threat to Canada's aspirations as a global human rights champion, and the world is noticing.

The Chair: Thank you, sir.

[Translation]

I now give the floor to Anjum Sultana, director of youth leadership and political advocacy at Plan International Canada.

[English]

You have the floor for three minutes, please.

Ms. Anjum Sultana (Director of Youth Leadership and Policy Advocacy, Plan International Canada Inc.): Mr. Chair and esteemed members of the Subcommittee on International Human Rights, thank you for the invite to participate in your study on the implementation of Canada's universal periodic review.

My name is Anjum Sultana, and I'm the director of youth leadership and policy advocacy at Plan International Canada, an international development and humanitarian charity focused on advancing children's rights and equality for girls, globally. As a member of the Plan International federation, we're committed to ensuring the realization of children's rights, gender equality and inclusion through our participation in international human rights mechanisms such as the CRC, CEDAW and UPR. Furthermore, my testimony today is grounded in the work we do here in Canada to advance policy dialogue on girls' rights and youth leadership. Over the last four years, we've engaged over 300,000 young people in our programming and over 1.3 million people in Canada through our youth-focused public engagement initiatives.

Children, young people and future generations are vital to Canada's prosperity. They're not just the leaders of tomorrow; they're the leaders of today. Firstly, to ensure intergenerational fairness, Canada must take urgent action to enable the full realization of children's rights, equality for girls and inclusion. This includes health, education, safety, protection and adequate standards of living for all children, especially girls and young women, in all of their diversity.

As noted in the 2022 CRC review and 2023 UPR, this must include developing a comprehensive law on children's rights at the federal level in line with the principles of the convention and ensuring equal implementation across Canada. To that end, we're encouraged by the work of Senator Rosemary Moodie and several children's rights agencies in developing Bill S-282, a national strategy for children and youth. Furthermore, as noted in UPR 2023, we encourage Canada to meet the internationally agreed target of 0.7% of gross national income towards official development assistance and to increase prioritization of children's rights in its international cooperation agreements.

There are over eight million children in Canada who are counting on our collective leadership and investment in their futures. Let's do right by them. It will pay dividends not only in Canada, but around the world.

Secondly, as noted by my colleagues, the federal government must work in partnership with provincial and territorial governments to develop and adopt a national framework for international

human rights implementation. The framework must include several elements, such as the increased resourcing of, and improved consultation with, indigenous peoples' organizations and civil society organizations, including young people themselves and youth-led and youth-serving organizations. This echoes a key recommendation in Plan International Canada's CanYouth Pact calling for standardized processes to ensure meaningful youth engagement. Until we are all equal, Canada must be a vocal champion in advancing human rights internationally.

• (1705)

The Chair: Can you wrap it up, please? Time is up.

Ms. Anjum Sultana: From climate change to global health to inequality, our destinies are tied, locally and globally. For our diplomatic engagement to be meaningful and credible, it requires effective implementation of international human rights obligations here at home.

Thank you.

The Chair: I would like to invite Mr. Nishin Nathwani, head of strategy, Rainbow Railroad.

You have the floor for three minutes, please.

Mr. Nishin Nathwani (Head of Strategy, Rainbow Railroad): Thank you very much.

Thank you as well for the invitation to be here today.

My name is Dr. Nishin Nathwani, and I am the head of strategy at Rainbow Railroad, which is an international organization dedicated to supporting at-risk LGBTQI+ individuals to escape state-sponsored violence and to access pathways to safety.

I'd like to start by recognizing Canada's ongoing commitment to implementing the recommendations from its most recent universal periodic review, particularly those recommendations focused on protecting LGBTQI+ persons in forced displacement and supporting those who have been resettled to Canada.

I'd like to name a couple of these recommendations. Canada has supported, for instance, recommendation 37.315 from Iceland, which advises developing strategies to address homophobia, biphobia and transphobia and to counter the rise of anti-gender movements. We observe daily in our own work at Rainbow Railroad how the growing global anti-gender movement is fuelling new waves of LGBTQI+ forced displacement and how it is contributing to a worsening environment for LGBTQI+ refugees, even after resettlement.

I'd also like to mention Canada's support for recommendation 37.317 from the U.K., which underscores the importance of collaborating with partners at all levels, including civil society, to address the root causes of violence against LGBTQI+ communities. In this respect, I think Global Affairs Canada's partnership with Rainbow Railroad to establish an international network of governments, civil society organizations and refugees to advance protection and solutions for LGBTQI+ persons in forced displacement is a really positive step in the right direction.

While we recognize Canada's support for these recommendations, I'd also like to underscore that critical challenges remain. For instance, many LGBTQI+ asylum seekers face prolonged stays in transit countries where they frequently endure compounded persecution and marginalization from host governments, civil society, families and even other migrants and asylum seekers. We urge Canada to expand funding opportunities and partnerships with Canadian and international civil societies to reduce these risks in protracted displacement settings.

We are also deeply concerned by Canada's recent announcement of a reduction in refugee resettlement slots for 2025. We join the Canadian Council for Refugees in urging the government to recommit to resettlement as a vital protection mechanism for those facing severe human rights violations, including many LGBTQI+ asylum seekers.

On this point, I think it's essential to remember that the statistical majority of the world's asylum seekers are hosted in countries where LGBTQI+ identity, intimacy, association or expression is criminalized to some degree. For this reason, local integration is often not viable. Resettlement remains a lifeline for many LGBTQI+ people in forced displacement to achieve access to basic human rights.

The Chair: Can you wrap it up, please? The time is up.

Mr. Nishin Nathwani: Yes.

I also join fellow witnesses here today in urging Canada to adopt a comprehensive national framework for international human rights implementation.

Thank you for your time.

The Chair: Thank you.

Thank you to all of the witnesses.

I would like to open the floor for questions and answers. We will start with Ms. Pam Damoff.

You have the floor for five minutes, Ms. Damoff.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

Thank you to all the witnesses. It's a shame that we have so little time and so many people here.

Ms. Malischewski, I have met with the Association for the Prevention of Torture twice. One of the challenges with Canada signing this is that our whole system.... We have provinces and the federal government, and many of the places where people are detained are actually provincial in nature, like police stations. It doesn't mean we can't do it. There's Australia, Brazil and Austria, but the vast majority of countries that have ratified this don't have our system.

I know that you and Dr. Zinger wrote a letter. Thank you for that.

I have a couple of questions. What are your thoughts on Canada's signing the OPCAT and then figuring everything out and ratifying it later? We haven't even signed on to it yet. I think signing it would send a strong message. I'm speaking personally—not as the government right now.

Do you have any thoughts on how we would deal with this division of powers between the feds and the provinces, and quite frankly, how would we make sure that indigenous organizations are also involved?

• (1710)

Ms. Charlotte-Anne Malischewski: I'm really pleased to know that you're as abreast as you are of these issues and that you've been meeting with the APT.

National preventative mechanisms take different forms around the world. Many of them are multi-party structures that are designed to ensure that they address the unique challenges, including at the subnational level—so, for us, that's in provinces and territories or in spaces where there is indigenous governance.

From our perspective, the key is that we engage with the experts. That means both the Association for the Prevention of Torture—absolutely—and the subcommittee, which comprises experts. They're the ones who do the country visits, and they've made themselves available to Canada to provide guidance. I think that's really important, as is engaging with civil society organizations, many of which are with us today, and drawing inspiration from some of the proposals that they have recommended.

Federal states across the world have ratified the OPCAT and have successfully established NPMs. We're confident that, working together, we can find a made-in-Canada solution to this.

I want to echo and really emphasize this: Should Canada sign on? Yes, absolutely. Does that send the right message? Yes, absolutely. It's incredibly important that we do this without delay and that we continue to engage with provincial and territorial counterparts and with indigenous representatives to make sure that we do this in a way that will address the issues across the country.

Yes, that'll be complex. However, it needs to be done, and it should be done.

Thank you.

Ms. Pam Damoff: Thank you.

I'm going to cede the rest of my time to Ms. Vandenberg.

Ms. Anita Vandenberg: Thank you so much.

I know I'm short on time. I wish we had more time with all of you. I'd like to direct my question to Alex Neve.

It's nice to see you again.

In addition to the OPCAT—I think you were going to speak on that—you mentioned that Canada has signed only 70% of the human rights instruments. What are the low-hanging fruits? Are there particular instruments that you think Canada could actually sign soon, and which ones would they be?

Mr. Alex Neve: I want to add one further point on the OPCAT.

I very much appreciate Ms. Damoff's question, but unfortunately, as a matter of international law, it's not open to Canada anymore just to sign and ratify later because the OPCAT has already entered into force. The option of signing and ratifying later, as a matter of international law, is only a possibility before a treaty has entered into force.

With respect to other instruments to ratify, the other major ones—and they're all crucial—are the convention on the rights of migrant workers—obviously, a very pressing issue both domestically and globally—and the convention on enforced disappearances, which I would really highlight as something that we should be thinking about very closely. I'm sure that subcommittee members are aware of the fact that the interlocutor on residential schools recently issued her final report, drawing attention to the fact that the situation with residential schools constitutes an ongoing concern with respect to enforced disappearances, thus the need to ratify that convention.

The other two are both—

• (1715)

The Chair: Please wrap it up. The time is up.

Mr. Alex Neve: —I would say, very low-hanging fruit because they're simply procedural instruments under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, allowing individual complaints of rights violations to be brought to the UN.

The Chair: I would like to invite Mr. Lake for five minutes, please.

You have the floor.

Hon. Mike Lake: Thank you very much, Mr. Chair.

First of all, I want to thank everybody for taking the time to join us. Obviously, this is a group of people who care a lot about the rights of vulnerable people in Canada. I appreciate your taking the time.

One observation I would make is that we do have 25 to 30 standing committees in the House of Commons that deal domestically with the exact things that all of you are talking about. Hopefully you take the opportunity to reach out to members on those committees and weigh in on whatever topic they're discussing at any point in time. There will be an opportunity for a rights-based conversation to be part of that broader discussion.

Ms. Malischewski, I'm going to go to you first.

As some know—and maybe you don't—I have a son with autism, and I do a lot of work. He's 29 years old. We're looking at housing challenges around this, and we're having many conversations around housing. You brought up institutionalization. When we get into that conversation, it's very complicated. People have different ideas of what that looks like and different ideas of where we ought to go. In many cases, families are really looking for help. We've seen families who couldn't find resources anywhere or options anywhere other than dropping their loved one off at a hospital in some cases or at a seniors centre in some cases because there's nowhere else to turn.

Can you expand a little more on institutionalization, what your organization sees as wrong—for clarity—and what a good housing environment or option might look like for people with disabilities in Canada?

Ms. Charlotte-Anne Malischewski: Thank you so much for the question.

It's an area that has been of particular importance to the commission. We've done some work on the intersection between housing and disability. We recently launched—we'll have more of the data coming out on December 3—a framework for monitoring the rights of persons with disabilities in housing. We're specifically trying to look at what their experiences are.

Certainly, people being institutionalized is something that's been coming up. People are being put into places—as you mentioned, perhaps it's a hospital or a seniors home—that are providing services they need, but it is not actually the solution in the community that is best for their needs. The commission's position, as it relates to the optional protocol, is that, in some instances, people are ending up in facilities where there is no oversight mechanism. Unfortunately, when people have to make this difficult decision or are forced into some of these institutions, there are abuses. Those abuses are not always known at the time. What we really need is a preventative mechanism so we have a line of sight to ensure that, as a whole and across the country, we have our sight on that.

I'd be happy to share more with your office about our work on monitoring the right of housing for people with disabilities. Certainly, institutionalization is a big piece of it, but it goes beyond that. We're seeing very concerning intersections in terms of inadequate housing for people with disabilities across the country.

Hon. Mike Lake: Ms. Biss, you brought up housing, obviously, because you work on housing. However, when you brought up different conventions, I don't think I heard you mention CRPD.

Is this something your organization is focused on as well?

Ms. Michèle Biss: Yes, it absolutely is. Thank you for bringing up that intersection.

The only reason I didn't bring up CRPD is that we haven't had a review for the last couple of years under that. I think one is coming up in the near future, though, so you'll see some more work on this, certainly.

To amplify what Charlotte-Anne is saying, much of our work has to do with the human right to housing. The federal housing advocate was deeply involved in the work Charlotte-Anne was speaking about in terms of a mechanism around disability and the right to housing.

Hon. Mike Lake: I have a few seconds left. I'm going to use the opportunity to highlight an organization that I think is doing very important work in this area.

I had the chance to tour Community Living Toronto with Brad Saunders, as part of the Inclusion Canada network. I don't have time to ask you another question. However, if you get a chance, get him to give you a tour in Toronto.

It is a challenge to get this for everybody, but it's an environment where you have high-rise buildings with two or three people in one unit on one floor, and another three people in another unit on another floor, all with proper supports. They're living in the same building as Canadians of all stripes, backgrounds and experiences, sharing life together in an inclusive environment. I think that's probably what we're shooting for, target-wise. However, it's very tough to do when we're dealing with a housing crisis in Canada, as we are right now.

Thank you very much.

• (1720)

The Chair: Thank you, Mr. Lake. That's perfect timing.

[Translation]

I now invite Mr. Brunelle-Duceppe to take the floor for five minutes.

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Mr. Chair.

Five minutes is very little time. I'm going to ask Professor Neve a question right away.

Professor Neve, you are known as someone who said that, in your opinion, Canadian federalism “presents the most significant barrier to the effective implementation of [Canada's] international human rights obligations”.

How credible can Canada be if the majority of territorial governments, which manage health, education, housing and certain provincial corrections matters, are not accountable when it comes to human rights?

Mr. Alex Neve: Thank you for your question.

[English]

Highlighting that question of credibility is absolutely vital here, because when we highlight the failure, whether it's a failure due to the complexities—which are not insurmountable but are complexities posed by federalism—or whether it's more widely the fact that, unfortunately, governments across the country, especially when it comes to economic, social and cultural rights, still have a reticence to truly recognize and embrace them as legally enforceable rights, the credibility concern is that we're seeing, therefore, a failure to address vitally important human rights issues at ground level across Canada.

However, we're also seeing a weakening of Canada's voice on the world stage because our diplomats and our civil society representatives want to be pressing other governments to do much more to live up to their international human rights obligations, often in countries obviously with much more serious and pressing human rights concerns, but if we're not taking those obligations seriously and if we're not putting mechanisms in place to make sure that we get the work done, then what right do we have to be pointing the finger and offering advice to those other countries?

Yes, there is a credibility gap.

[Translation]

Mr. Alexis Brunelle-Duceppe: It's very interesting to talk about Canada's credibility, and I apologize to the other witnesses, but I only have five minutes, so I'm going to focus on that.

Professor Neve, this isn't the first time we've talked about this credibility issue. In 2010, this same subcommittee examined the issue and came to the conclusion that a mechanism had to be put in place to remedy the problem.

In 2017, the well-known committee of senior federal, provincial and territorial officials met, but the results were rather unsatisfactory, in my opinion.

Here we are in 2024, soon to be 2025, and we're still talking about this issue. Even though a mechanism was put in place in 2017, today we're still wondering why it isn't working.

What do you think the solution would be?

[English]

Mr. Alex Neve: It absolutely needs to be backed up with something that gives the force of law to these committees and these promises and aspirations to better coordinate.

You're quite right. This subcommittee highlighted this concern in 2010. It would be a long list to highlight all of the UN bodies that have stressed how much of a concern that is. The Standing Senate Committee on Human Rights has also highlighted this, as have, of course, civil society groups and indigenous peoples' organizations.

That's why you've heard the unified recommendation from all of us for the federal government to work with provincial and territorial governments, indigenous peoples' organizations and civil society groups to develop that national framework for international human rights implementation, backed up by law and well resourced and grounded in strong consultation and engagement processes. That's the way forward.

• (1725)

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you, Professor Neve.

I'll now turn to you, Ms. Malischewski.

It was said in some opening remarks that Quebec could serve as an example to the other provinces and territories. If they followed Quebec's lead, we would ensure better human rights outcomes.

Do you agree with that statement?

Ms. Charlotte-Anne Malischewski: Thank you for your question.

I think it's certainly very important to recognize the problem at the provincial level. It's a lesson and a model for the rest of the country.

I think one of the challenges at the federal level is the difference between provinces and territories. As Professor Neve mentioned, there are a lot of discussions, but they don't always lead to feasible or effective solutions. At the end of the day, we don't always come up with measures to make the progress we want. The solutions proposed are not always supported by the force of law.

You've heard today from other members of civil society about the importance of having a national mechanism for treaties and studies of all kinds that are done at the international level. We really need that in this country as well.

There are definitely lessons to be learned from Quebec's experience. I hope we can continue this discussion.

The Chair: Thank you, Mr. Brunelle-Duceppe.

Mr. Alexis Brunelle-Duceppe: I'd like to say one last thing. In fact, if Quebec were a country, we wouldn't be talking about it today. We would already be ahead of Canada. I'll leave it at that, Mr. Chair.

[*English*]

The Chair: I invite Mr. Johns to take the floor for five minutes, please.

Mr. Gord Johns (Courtenay—Alberni, NDP): I'll start with Mr. Neve.

Mr. Neve, you talked about a national framework for international human rights implementation. Can you talk about or elaborate on what that would entail and what components would be necessary to make such a framework successful?

Mr. Alex Neve: Thank you.

I very much appreciate the question, given that it's something I think we have all endorsed and see as the way forward. Certainly, it needs to be developed jointly with the federal, provincial and terri-

torial governments, but also with significant engagement with civil society groups, indigenous peoples' organizations and human rights commissions across the country.

First and foremost, we need to hear from all governments. Alexi White highlighted how we don't hear from the provincial and territorial governments clear recognition of and a commitment to their international human rights obligations.

Secondly, there are a number of existing bodies, strategies and policies that can be improved and strengthened. Some work needs to be done in that area.

Thirdly, we need law. This is clear after 20-plus years of working in this space. It's evident to many of us, and certainly to me, that simply relying on aspirations, promises and the development of committees will not take us where we need to be. At all levels of government, we need what you might call a human rights implementation act.

We need much improved consultation processes. We need recognition of the role that both municipal and indigenous governments can and should be playing in this space.

Lastly, we need much improved resourcing, including resourcing that will support the important work of civil society in this space.

Mr. Gord Johns: You also talked about our failure to live up to our obligations and fulfill the UN recommendations, which undermines our credibility in pushing other governments to do the same. Do you believe there are foreign policy implications arising from Canada's ineffective domestic approach to international human rights implementation?

Mr. Alex Neve: Absolutely, and I think that's why it's so important that this committee, in particular, is taking up this issue. Of course, this is a committee that's concerned about the state of international human rights around the world, which I think we would all agree is dismal and, in many respects, has been deteriorating and is in crisis in many corners of our world.

The UN struggles to play the role it is entrusted with of safeguarding and promoting human rights. It faces contempt and disregard from numerous governments all the time. Canada needs to be a champion in that space, pressing those governments to live up to their obligations and comply with the recommendations coming out of the UPR and other international reviews.

If we don't even have a decent process in place ourselves to do so, what is the force and what is the credibility of our voice in pressing those other governments to do so?

• (1730)

Mr. Gord Johns: Thank you for that.

Ms. Doherty, you mentioned that you've been involved in the universal periodic review process in 50 countries. I think that's what you said. Can you provide any examples of countries that are effectively engaging with civil society in this process? What are they doing right that Canada could implement?

Lastly, maybe you can identify some countries that have dedicated human rights ministers.

Ms. Meghan Doherty: Thank you very much for the question.

I just want to address very briefly Canada's foreign policy. Canada is running for a seat at the UN Human Rights Council in 2028. Canada's record in this area will come under intense scrutiny—just to put that on the table—and that is part of the reason why we feel there's such urgency to address these issues.

In terms of civil society participation in other countries, I can say from my experience.... My first UPR was in Ireland, where I was fortunate enough to work with a broad coalition of organizations for Ireland's first UPR. That process involved multiple engagements with the government over the whole cycle of the UPR. Well before the national report was written, there was clustered engagement around thematic issues. There was resourcing for civil society. There was not only a report back on what we heard, but actual engagement, dialogue and discussion about what the challenges were that the government was facing in implementation, and what the lived experience was of the people subject to human rights violations.

For some of the other examples from other countries, in Paraguay, they have this publicly available database of all the recommendations Paraguay has received, not only from the UPR but from different treaty bodies. There's a publicly available database in which you can see where different recommendations have been implemented, and civil society can also contribute to that.

In terms of—

The Chair: Can you wrap it up, please? The time is up.

Ms. Meghan Doherty: In terms of ministers for human rights, we see that in the U.K. there's the minister of state for human rights. In Brazil, there is a minister of human rights, and in Pakistan there is a Ministry of Human Rights. It's not an unusual facet of government to have a minister for human rights, and it's usually attached to a high level—either at the prime ministerial level or at a higher level attached to cabinet-level officials.

Thanks.

The Chair: Thank you very much.

I would like to thank all the witnesses for your presence here today. It is an important role that you enlighten this committee. Your testimony and your participation in this debate are extremely important. I'm sorry about the time. Time is running out. We would like to continue and to have more time with you, but unfortunately we can't.

I will suspend for a couple of seconds, please.

● (1730) _____ (Pause) _____

● (1735)

[*Translation*]

The Chair: We are resuming the meeting. Please take your seats.

[*English*]

No, we are not in camera.

Okay. We'll start our meeting.

[*Translation*]

Mr. Brunelle-Duceppe, you have the floor.

[*English*]

Ms. Anita Vandenberg: Mr. Chair, I have a point of order. I think that we generally don't do committee business in public. I think you'll find that there is a consensus in the room.

I would suggest that everybody, with a nod of heads, consent, and then we can adjourn.

The Chair: Okay. That is carried.

Thank you.

[*Translation*]

I'd like to thank everyone, as well as the interpreters and all staff.

The meeting is adjourned.

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