

June 14, 2023

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Dear Ministers:

**Re: Upcoming Meeting of Forum of Ministers on Human Rights**

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We are writing to you today about the upcoming meeting of the Forum of Ministers on Human Rights, to be held on June 20, 2023 in Halifax, Nova Scotia. Our organizations work and advocate on behalf of diverse communities and to advance human rights protection across Canada. We have long advocated for Canada to strengthen its record of complying with the country's international human rights obligations. Some of us have been invited to take part, in person or virtually, in the advance meeting you will be having with civil society on June 19.

First of all, we are very pleased to note that this is the inaugural meeting of the Forum of Ministers on Human Rights, which you initiated and formalized at your 2020 meeting. We greet this step forward with hope, and the expectation that we can now move forward to a new level of dialogue and action on the implementation of human rights in Canada.

In 2017, after a 29 year gap, FPT ministers responsible for human rights met, along with Indigenous Peoples' organizations and CSOs. That meeting focused on the crucial need for federal, provincial and territorial governments to work together in a consistent, transparent, accountable, coordinated and effective manner so as to ensure full compliance with our international human rights obligations. In particular, Ministers:

- reaffirmed their commitment to the progressive realization of economic, social and cultural rights, and highlighted the importance of these rights, and
- agreed to ongoing intergovernmental discussions about the implementation in Canada of the UN Declaration on the Rights of Indigenous Peoples.

Ministers also made key commitments at the 2017 meeting to establish a Protocol for implementing, monitoring and reporting on the implementation of human rights in Canada, and to develop an Engagement Strategy that will foster the participation of Indigenous peoples, and CSOs in this process. In 2020, a Protocol and Engagement Strategy were formalized.

However, in 2023, the upcoming Ministers' meeting comes at a moment when, despite the now adopted Protocol and Engagement Strategy, many CSOs have, one more time, expressed deep concerns to the Senior Officials Committee on Human Rights that Canada still lacks a transparent and accountable legal framework for implementation of international human rights obligations, and a regularized, coherent and effective engagement process..

In broad terms, we can describe the process of implementing international human rights in Canada as having three stages.

- **Stage One:** identification of issues, violations, and failures to comply with obligations
- **Stage Two:** discussion and design of steps that need to be taken to address violations and failures; designation of responsibilities to appropriate governments, agencies, and ministries; and definition of roles CSOs will play in the process of moving forward on implementation

- **Stage Three:** monitoring of progress and the effectiveness of implementation measures

To date, governments' engagements with CSOs about implementation of international human rights obligations have only been at Stage One, that is, the identification of where human rights violations and failures to comply are occurring. Officials take notes and CSO observations are recorded and, presumably, disseminated, although the process for that dissemination is not transparent. We have not yet engaged in discussions regarding Stage Two, or Stage Three.

CSOs find the current situation to be frustrating because we have been stuck at Stage One for the past twenty years. Despite CSO urging, repetitive treaty body and UPR recommendations, and recommendations from Senate and House of Commons Committees, Canadian governments have not yet taken steps to create a transparent and accountable system for implementation of human rights, and for reporting and follow-up to UN and Inter-American recommendations, decisions, and reports regarding Canada's human rights compliance.

We would like to move to Stage Two, and to discuss the initiation of a process for engaging about the steps that can be taken to address identified areas of inadequate human rights implementation.

This first meeting of the Forum of Ministers presents a timely and significant opportunity to address the need to move to Stage Two dialogue and action, and we are hoping that discussion of the necessary procedures, framework and resources for doing so will be at the top of the agenda. To make implementation a reality, all three "stages" should be happening simultaneously, and on a regular, institutionalized basis. As the fourth cycle of the Universal Periodic Review for Canada is approaching, and the lack of domestic procedures and mechanisms for implementing Canada's rights obligations has elicited critical commentary in every cycle so far, this is a key moment for demonstrating that genuine change and improvement is on Canada's agenda. We wish to engage with you in a positive and fruitful dialogue about enhancing and regularizing the process for addressing implementation.

We note that there are sources of guidance that can be helpful in consideration of next steps. These include: the Office of the High Commissioner's 2016 Guide for creating a national mechanism for reporting on international human rights compliance and for follow-up to recommendations from UN and regional bodies, Universal Periodic Review and special procedures (<http://bitly.ws/HqxC>); developments in Australia, which has a Human Rights Framework, adopted in 2010, and a National Human Rights Action Plan, which are now being evaluated through a Parliamentary Committee inquiry (<http://bitly.ws/HqAA>); and a new report authored by Alex Neve on closing the international human rights implementation gap in Canada (<http://bitly.ws/HqBq>).

However, we are concerned that our ability to participate in a full and explorative discussion of the needed procedures, mechanisms and resources, is hampered by the fact that our meeting with Ministers is "on the margins", will be very short, and discussion of this subject will be squeezed in with other crucial agenda items on anti-racism and children's rights.

For these reasons, we request that you making the following commitments at the upcoming meeting:

- 1) Direct the Senior Officials Committee on Human Rights to develop a new legal framework for international human rights implementation in Canada, and a 10-year human rights action plan, and to consult with Indigenous Peoples' organizations, civil society groups, and experts, about effective procedures and mechanisms for implementation, monitoring and reporting.
- 2) Immediately initiate an engagement and consultation process for Canada's 4<sup>th</sup> Universal Periodic Review, to take place both before and after the review, and allow for both fulsome identification of issues, and examination of how they will be addressed.
- 3) Provide a genuine and meaningful role for the following groups and institutions in implementing international human rights in Canada: i) Indigenous Peoples' organizations, including Indigenous women's organizations, ii) Civil society groups, especially those working directly with marginalized and subordinated communities and groups, iii) Parliament and legislatures, iv) municipal governments, and v) Federal, provincial and territorial human rights commissions and tribunals.

- 4) Ensure that accountability and access to justice and effective remedies are the hallmarks of Canada's approach, at all levels of government, to international human rights implementation. Access to justice and effective remedies is critical for all human rights, including economic, social and cultural rights.

Thank you for your consideration of these requests. We look forward to engaging further with Ministers about these requests during and following the upcoming meeting of the Forum.

Sincerely,

Canadian Feminist Alliance for International Action

Colour of Poverty/Colour of Change

Social Rights Advocacy Centre

Amnesty International Canada English Section

Amnistie internationale Canada Francophone

OCASI-Ontario Council of Agencies Serving Immigrants

DAWN (DisAbled Women's Network) Canada

Disability Rights Coalition of Nova Scotia

The Canadian Centre for Victims of Torture

The Shift

The Canadian Association of Elizabeth Fry Societies (CAEFS)

The Women's National Housing & Homelessness Network

Bruce Porter, Executive Director at Social Rights Advocacy Centre

Alex Neve, Senior Fellow, Graduate School of Public and International Affairs, University of Ottawa

Kathy Vandergrift, past Chairperson of the Canadian Coalition for the Rights of Children (CCRC)

Working for Change

Advocacy Centre for Tenants Ontario ( ACTO)

National Association of Women and the Law (NAWL)

Black Legal Action Centre (Ontario)

National Right to Housing Network

Inclusion Canada

Canadian Drug Policy Coalition (CDPC)

Chercheure principale de la Communauté de recherche-action sur les droits économiques et sociaux (COMRADES)

Madhu Verma at Migrant Justice Centre in New Brunswick

The Canadian Research Institute for the Advancement of Women/ L'Institut canadien de recherches sur les femmes (CRIA-W-ICREF)

Council of Canadians with Disabilities (CCD)

Pivot Legal Society

Professor Martha Jackman, LL.M., LL.M., FRSC, Faculty of Law, University of Ottawa

Susan B. Boyd, Professor Emerita at Allard School of Law

Kathleen Lahey, Patricia Monture Distinguished University Professor, Queen's National Scholar, and Professor, Faculty of Law, cross-appointed to Gender Studies, affiliated faculty, Cultural Studies, and co-founder, Feminist Legal Studies Queen's, Queen's University

Lucinda A. Vandervort, Professor of Law at University of Saskatchewan

Dr. Kjell Anderson, Assistant Professor of Law at University of Manitoba

Leila Sarangi, National Director, Campaign 2000: End Child and Family Poverty

Vrinda Narain, Associate Professor at the Faculty of Law McGill University

Christine Vézina Professor at faculté de droit, UL Co-responsable du Centre d'étude en droit administratif et constitutionnel (CEDAC) et du Groupe d'étude en droits et libertés (GEDEL)

Margot Young, Professor, Allard School of Law, UBC