

Speaking Notes for

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**on the occasion of the review of Canada's 13th and 14th Reports under the
International Convention on the Elimination of All Forms of Racial Discrimination**

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CHECK AGAINST DELIVERY

This Committee plays a critical role in the ongoing fight against racism, and I would like to take this opportunity to express Canada's appreciation for the important contribution you are making towards the promotion and protection of human rights around the world.

We are pleased to be here to discuss Canada's 13th and 14th reports under the *International Convention on the Elimination of All Forms of Racial Discrimination*, as well as to update you on initiatives Canada has taken to combat racial discrimination since the period covered by those reports.

I would like to introduce the members of Canada's delegation who are with me to respond to your questions. They are Sylvie Groulx, Josee Bazinet and Calie McPhee from the Department of Canadian Heritage; William Lundy from the Department of Citizenship and Immigration; Adrian Norfolk from the Department of Foreign Affairs and International Trade; Sandra Ginnish from the Department of Indian and Northern Affairs; Johanne Levasseur and Florence Chumpka from the Department of Justice and from the Solicitor General of Canada, Ritu Banerjee.

The reports presently being reviewed by the Committee cover the period extending from June 1993 to May 1997. As a considerable amount of time has elapsed since then, we have provided you with a short paper presenting additional information on initiatives

undertaken since that time, and I will highlight a few of these for you today. Further details on these and other efforts relating to the provisions of the Convention will be provided in Canada's combined 15th and 16th Report, to be submitted in the coming months. Please note also that additional information on our human rights system is provided in Canada's Core Document, which is also available to the Committee.

The importance we place on eliminating racism is tied to the nature of Canada itself. Since the birth of our country, more than 14 million people have immigrated to Canada. We have become a truly multicultural, multiethnic and multiracial society. Our diversity is a social fact that flows from the country's history and development.

According to our national Census of 1996, Canadians of Aboriginal ancestry account for almost 4 per cent of the population, with over 50 distinct nations and languages. The percentage of the population with non-Aboriginal, non-European, ethno-cultural origins has doubled to over 11 per cent nationally. These segments of the population form a significant presence in our larger urban areas.

Moreover, since the Second World War and especially since the 1960s, Canada has attracted large numbers of immigrants of virtually every origin, colour, religious and cultural tradition. We have become a country that literally contains the world within our borders. The 1996 Census counted almost 5 million immigrants, of which just over 1 million had arrived within the last 5 years. Last year alone, Canada received 250,000 new immigrants, which represents a 10 per cent increase over the previous year.

In 1951, 92 per cent of Canada's population growth was a product of our natural birth rate. Today, immigration has outpaced the birth rate and accounts for 53 per cent of population growth. Within the next 30 years it is anticipated that Canada's population will grow solely through the arrival of newcomers. By 2011, it is expected that newcomers to the country will account for a large part of the growth within our labour force.

Newcomers, and longer-established groups, contribute to Canadian society in many ways. The rich mosaic of many different languages, religions, and cultural traditions truly makes Canada a microcosm of global society. Immigrants often act as windows on other ways of life, and inject fresh perspectives into our public discourse. They are active on local school boards, volunteer in community associations, write columns in local newspapers, are engaged in political causes, and support charities and the arts. The immigrant experience has inspired some of Canada's most internationally acclaimed writers and film-makers. In short, immigrants contribute to both the cultural pluralism of their local communities and to the ever-evolving sense of Canadian identity.

A concurrent evolution in Canada's social ethos has accompanied the changes in demographics. Canadians have developed a larger concept of shared citizenship. We have common values such as democracy, respect for human rights and diversity, peace and order; but we also encourage people to maintain their cultural heritage. No one is asked to abandon who or what they are. Shared citizenship means that everyone has an opportunity to contribute to the mosaic that makes up Canadian life.

As our Governor General recently put it:

Canada is by no means a "melting pot", and we have never thought of ourselves as such. Rather, we've thought of ourselves as being able to accept the differences of people. We have what one of our great writers said – that is, the ability to feel in our hearts "the reality of the other". And I think that this is one of the things that we in Canada can really show the world – that we understand the reality of the other.

Racism – or any form of discrimination against any group or individual within our society – undermines the very fabric of Canadian life, disrupts the social balance we seek to achieve, and is contrary to the core values Canadians uphold.

The Government of Canada has laid down a solid legal framework to ensure that Canadians are protected from racism and discrimination. Legislation such as the 1960

Canadian Bill of Rights, the 1977 *Canadian Human Rights Act* and provincial human rights codes, provide the foundation for the human rights system in Canada. The 1982 *Canadian Charter of Rights and Freedoms* is enshrined in our constitution and celebrated its 20th Anniversary this year. Subsequent laws such as the 1988 *Multiculturalism Act* and the 1995 *Employment Equity Act*, among other legislation, have taken us further towards the goal of achieving equality and inclusion for all people in Canada.

As you know, Canada is a federal state. Responsibility for implementing the articles of the *International Convention on the Elimination of All Forms of Racial Discrimination* is shared among federal, provincial and territorial governments. All Canadian jurisdictions are aware of their obligations under international instruments such as the Convention, and are further bound to respect the *Canadian Charter of Rights and Freedoms*, which contains provisions prohibiting discrimination. All jurisdictions take these responsibilities seriously. Jurisdictions regularly consult and exchange information and best practices regarding the implementation of international human rights instruments, including the *International Convention on the Elimination of All Forms of Racial Discrimination*, through a mechanism known as the Continuing Committee of Officials on Human Rights.

Canada's reports provide information on developments in the laws, programs and policies of all these jurisdictions. I would like to mention that we have noted the Committee's previously expressed concern regarding the format of our reports, which consist of separate sections for each jurisdiction; however, I would like to stress that all jurisdictions in Canada follow the content guidelines in the preparation of their respective sections and report on an article-by-article basis where they have updated information to provide. Canada's reports are posted on the Canadian Heritage website and, in order to allow users to get a more complete picture of activities undertaken within Canada, we have specifically formatted the reports with links under each article to the information under the same article of other jurisdictions.

Going back nearly half a century, Canadians have been guaranteed the right to equality without distinction as to race, religion, national or ethnic origin or colour. Among today's Canadians, and in particular among our youth, an inclusive society has become ingrained in our collective vision of the future. Indeed, other countries struggling with internal discord and dissention have looked for to Canadian society as a model of multiculturalism.

But our model is not complete and it is not perfect. We are still learning and seeking to achieve our vision of an inclusive society. Canada is not immune to racial prejudice or discrimination. Both endure in our society, and in spite of our efforts and the progress we have made, more must be done in order to eradicate them. This is one of the things we learned from our consultations with Canadians during our preparations for the World Conference Against Racism.

This was clearly evident in the days following September 11. Some groups and individuals were the target of racial and religious slurs, and even violent attacks. There were instances in our country of mosques being defaced and Muslim Canadians being harassed on our streets. These unacceptable acts of intolerance are significant for two reasons. First, they are significant because they occurred – in a society that has worked so hard for years to prevent such outbreaks of racial discrimination. Second, they are significant because of the overwhelming outpouring of public condemnation against them, from one end of the country to the other.

The Prime Minister went to the Ottawa Central Mosque to show solidarity with Canadian Muslims and condemn these acts of intolerance and hatred. He called on the police and courts to apply the full force of the law against the perpetrators, and stated that the Canadian *Criminal Code* had been recently amended to provide for tougher sentences for those convicted of hate crimes.

In the press and electronic media, in all legislatures across the country and in public fora from coast to coast, these acts of intolerance were massively condemned by Canadians.

Indeed, in a survey conducted after September 11, Canadians showed overwhelmingly their continuing strong support for diversity.

If there is one lesson the experience of September 11 has taught us in Canada, it is this: No matter how thorough our laws, no matter how elaborate our programs to combat racial prejudice, protect human rights and advance social justice – we must never become complacent.

I would like to note that we share the Committee's concern that measures taken in the struggle against terrorism not conflict with States' obligations to promote and protect human rights. The preamble to Canada's *Anti-terrorism Act* states explicitly that the Parliament of Canada "is committed to taking comprehensive measures to protect Canadians against terrorism activity while continuing to respect and promote the values reflected in, and the rights and freedoms guaranteed by, the *Canadian Charter of Rights and Freedoms*".

In order to send a strong message about the incidents following September 11, the Government of Canada added specific measures to the *Anti-Terrorism Act*. In addition to improving the protection provided to Canadians from acts of terrorism, the Act provides three measures of further protection against hatred.

The first is a *Criminal Code* amendment authorizing a court within its jurisdiction to order the deletion of publicly available on-line hate propaganda stored on a computer server.

The second creates a specific *Criminal Code* offence of public mischief in relation to places of religious worship, or objects associated with religious worship, if the act of mischief is motivated by hatred based on religion, race, colour, or national or ethnic origin.

The third measure is a specific amendment to the *Canadian Human Rights Act* clarifying that it is an act of discrimination subject to severe penalty to communicate by computer any hate message against a person or group of persons on the grounds, for example, of their race, ethnic origin, colour or religion.

The *Anti-Terrorism Act* became law in December 2001 and includes a provision for a comprehensive review of its provisions and operation within three years.

The amendment to the *Canadian Human Rights Act* included in Canada's anti-terrorism legislation is part of a larger effort to ensure that the *Human Rights Act* is as effective as possible in protecting the rights of Canadians.

To this end, in 1999, the Minister of Justice established an independent panel to conduct an in-depth review of the Act. The panel's report, *Promoting Equality, A New Vision*, contains 165 recommendations. Overall, the review panel proposed a number of mechanisms to promote equality and eliminate discrimination, which recognize developments in our understanding of discrimination over the years since the Act was passed. The panel also proposed making structural and process changes to the Canadian Human Rights Commission as well as to the Canadian Human Rights Tribunal to ensure a more efficient, transparent and accessible complaint system. The report represents the first comprehensive review of the *Canadian Human Rights Act* in over 20 years.

Although Canada has an extensive human rights system already in place, the government remains committed to the continued development and improvement of this system, and is currently engaged in reviewing the panel's recommendations.

Similarly, a comprehensive overhaul – the largest in 26 years – has recently been completed with respect to Canada's immigration and refugee system. Canada's new *Immigration and Refugee Protection Act* (IRPA) came into effect on June 28, after five years of extensive national consultation.

The legislation speeds up family reunification, maintains Canada's humanitarian tradition of providing safe haven to people in need of protection, and introduces severe penalties for people smugglers and traffickers.

The new *Immigration and Refugee Protection Act* reinforces our tradition of welcoming visitors and immigrants and protecting genuine refugees, allowing us to say "yes" more often to the people that Canada will need in the years to come. More generally, for the first time, Citizenship and Immigration will also be required to report on the gender impacts of operations under the new Act.

Canada believes that our responsibility goes beyond merely opening our door to those who wish to come to Canada, or to those who are fleeing persecution. We must do all we can to warmly welcome and accept people into our communities – find ways to welcome differences, while honouring our valued traditions. We encourage a process of mutual adjustment involving both the newly arrived and society itself. Rather than expecting people to abandon all of their cultural heritage, the emphasis is on finding ways to accommodate and integrate diversity within our democratic society.

Canada provides funding for settlement programs and services to assist immigrants and refugees in becoming participating members of society. The Government of Canada works in partnership with provincial governments, not-for-profit and private sector organizations to conduct these programs. They include reception, orientation, adult language instruction and various hosting programs. As well, the federal government has launched a nation-wide "Canada: We All Belong" campaign with supporting products. In addition to helping newcomers adapt to life in their new country, these settlement initiatives have also sensitized other Canadians to different cultures and the ways in which diversity strengthens community life.

Canada has been the primary sponsor of the Metropolis Project, which is an international forum for research and policy on migration and cities. The objective of the project is to develop interdisciplinary research into the effects of immigration on large urban centres,

providing a solid foundation for policy. Metropolis also aims to build an inventory of “best international practices” in migration issues to be shared by countries around the world.

Let me turn now to some of the specific measures implemented in Canada to combat racism. As noted in our Update paper, Canada’s approach to fighting racism is multifaceted, including legislation, but also public education, institutional change, community action and research.

Canada’s Multiculturalism Policy, now in its 30th year, is addressed to all citizens – not to ethno-cultural communities alone. Initially, multiculturalism programming focused on the needs of specific groups that were separate from the mainstream, enabling these groups to preserve and celebrate their cultural identities. Over the past three decades, however, Canada’s approach to multiculturalism has become more inclusive, focusing on the need for a shared sense of citizenship and cross-cultural dialogue and understanding across the full breadth of the population.

Today’s Multiculturalism Program works in partnership with various levels of government, regions, institutions, schools and community groups to combat racism and build capacity, enhance cross-cultural and interfaith understanding and strengthen the sense of citizenship among all Canadians. With support from the Multiculturalism Program, a number of community organizations from across Canada have developed and implemented positive strategies to counter racism. For example, in Saskatchewan, various youth oriented community groups were brought together to establish the Saskatchewan Youth Network Against Racism. The network is the foundation for training youth leaders on the principles of community development and for the introduction of a community economic development fund for youth. The network has begun connecting with youth across Canada, starting with Manitoba, the Northwest Territories and Alberta.

Programs such as the March 21 Campaign, the Mathieu Da Costa Awards Program, the Metropolis Project, and the Citizenship Education Research Network, mentioned in our 13th/14th Reports, continue to operate and serve as cornerstones of the Government of Canada's anti-racism initiatives.

Canada's 13th and 14th Reports also refer to the creation of the Canadian Race Relations Foundation. We are proud to report that this foundation has been successfully established, with an endowment of \$24 million. The Canadian Race Relations Foundation was officially launched in November, 1997. The Foundation was established to "foster racial harmony and cross-cultural understanding and help to eliminate racism."

As a national institution, the Canadian Race Relations Foundation works in partnership with provincial and territorial organizations. It speaks out against overt signs of discrimination and more hidden forms of systemic prejudice. By supporting research, the Foundation also sheds light on the causes and manifestations of discrimination. It provides independent and outspoken national leadership and acts as a resource and facilitator in the pursuit of equity, fairness and social justice.

Since the Multiculturalism Program and the Canadian Race Relations Foundation operate under similar mandates, it is only fitting that both organizations explore opportunities to develop a cooperative relationship that complements the overall objectives of both organizations. To this end, in March 2002, a steering committee composed of government officials and foundation staff embarked on a joint initiative to define the roles and responsibilities of each organization and to explore opportunities for future collaboration.

I would also like to note the efforts of the provincial and territorial governments to eliminate racism. Many of their initiatives are documented in our reports. I will mention only a few here. They include, among many others, the creation of an award winning Hate Crime Team in British Columbia; a human rights Internship Program in Alberta; an Aboriginal caucus directly advising the President of the University of Saskatchewan;

Manitoba's journalism awards for excellence in reporting human rights issues; Ontario's African-Canadian Legal Clinic; Quebec's local Aboriginal police forces; New Brunswick's Business Summit for Native Entrepreneurs; the James Robinson Johnston Chair in Black Canadian Studies at Dalhousie University in Nova Scotia; the establishment of a Diversity Education Committee in Prince Edward Island; Aboriginal peacekeepers made Peace Officers in Newfoundland and Labrador; and a host of innovative land claim settlements and youth initiatives in the Northwest Territories, Yukon and Nunavut.

As you know, the Government of Canada participated in the World Conference Against Racism. Canada maintains the strong reservations it expressed at Durban regarding the WCAR. Nevertheless, we recognize that the Programme of Action includes several progressive strategies for combating racism, including those related to indigenous peoples, education and in encouraging the roles of youth and civil society. In these and other areas addressed by the WCAR programme of action, Canada will continue to develop and implement strategies and activities aimed at eradicating racism and racial discrimination.

Canada hosted and contributed financially to the Durban Youth Summit, which provided youth from around the globe with an opportunity to develop strategies to counter racism. Canadian youth who participated in this meeting used the opportunity to develop global linkages with other young people dedicated to the eradication of racism. Empowerment of Canada's youth organizations and the involvement of young people in the campaign against racism are a priority for the Government of Canada.

Canada also involved many non-governmental organizations in its preparations and funded NGO participation at the World Conference. At the first meeting of the Preparatory Committee for the Conference, Canada was a leading advocate for extensive non-governmental participation. Sixty Canadian non-governmental organizations were sponsored to attend.

I understand you have met with NGOs earlier today to solicit their views on Canada's implementation of its obligations. I would like to commend the Committee for its open attitude towards non-governmental organizations during this review process. The Government of Canada is a strong advocate of civil society participation in international fora, which is why we have invited these NGOs to meet with us tomorrow to discuss these issues.

In some ways, this dialogue is a continuation of one which began during our domestic preparations for the World Conference Against Racism, when Canada facilitated comprehensive, nation-wide consultations with non-governmental organizations, women's organizations, aboriginal peoples, the private sector, other levels of government, youth and the media. In order to inform the process, youth, aboriginal and civil society advisory committees were created. During these consultations, people told us that they still experience racism and discrimination in Canada and that we must look at the causes of racism, discuss them openly, and build bridges between people, communities and countries.

The domestic consultation, research and special initiatives undertaken to prepare Canada for the World Conference has yielded many valuable ideas for consideration. The views, concerns and suggestions raised by individuals and organizations are contributing to policy development in a number of areas, and in particular in the future directions for implementing the Multiculturalism policy and Government of Canada anti-racism initiatives.

A key message drawn from the World Conference preparation process in Canada was the need for effective public education and outreach activities. To this end, the federal government has established an Interdepartmental Committee (IDC) on Public Education and Diversity, which will encourage and enrich interdepartmental partnerships in support of promoting shared citizenship, cross-cultural understanding, and the elimination of racism and discrimination, and facilitate the engagement of the public, youth and other levels of government in these areas.

Earlier I referred to the *Employment Equity Act* as one of the pieces of legislation that has moved us closer to our goal of achieving equality and inclusion for all Canadians. I would draw the attention of the Committee in particular to measures being adopted to ensure that Canada's federal public service reflects the diverse nature of the very people it seeks to serve.

In 1999, the Government of Canada established a *Task Force on the Participation of Visible Minorities* in the federal Public Service to formulate a government-wide action plan with benchmarks and follow-up mechanisms. Two years ago, the Government endorsed this action plan, entitled *Embracing Change in the Federal Public Service*. The goal is to transform the public service into an institution that better reflects the diversity of Canada's citizens and attracts them into its service. Financial support has been provided to departments and agencies in their efforts to implement Embracing Change.

A comprehensive review of the *Employment Equity Act* began in December 2001 and concluded recently, in June 2002, with the tabling of a report to Parliament. The committee conducting the review heard the views of almost 100 witnesses representing a wide spectrum of interests from across the country. The report does not call for a significant departure from the current Act, but includes recommendations for fine-tuning of the law. The government is currently examining the report and will table a response in November.

The Government of Canada acknowledges the concern previously expressed by the Committee with respect to Aboriginal Peoples and confirms that it is committed to strengthening its relationship with Aboriginal peoples. It is one of the harshest realities of our history that in today's Canada, in spite of years of concerted effort by governments, organizations and individuals, the standard of living and availability of opportunities for Aboriginal Canadians remains below the average for Canada's citizens.

Canada is working with Aboriginal Canadians to address these problems. In 1998, in response to a Royal Commission on Aboriginal Peoples, the Government adopted an

action plan called *Gathering Strength*, a government-wide strategy designed to improve the quality of life of Aboriginal people and to promote self-sufficiency. \$965 million was targeted over five years to address key challenges. A *Statement of Reconciliation* was offered acknowledging the government's historical role in the development and administration of residential schools. An Aboriginal Healing Foundation was formally launched and in June 2001 the Department of Indian Residential Schools Resolution of Canada was created.

The Government has recently introduced a *First Nations Governance Act* to modernize the governance components of the historic *Indian Act*, and to provide First Nations people with the governance tools needed to improve the quality of life in their own communities. In addition, the *First Nations Governance Act* also presented us with an ideal opportunity to repeal a provision of the *Canadian Human Rights Act* that excludes measures taken under the *Indian Act* from its protection. As a result, the government has introduced a consequential amendment to the *Canadian Human Rights Act* to repeal this exclusion.

Progress is also being made with respect to settling land claims. While information on this is included in the Update paper provided to the Committee, let me highlight a couple of significant examples.

The first is the creation of the new territory of Nunavut which transformed the map of Canada in 1999. Nunavut comprises one fifth of the country's land mass, formed from 2 million square kilometers carved from the eastern and central sections of the vast Northwest Territories. The population of the new territory is 85 percent Inuit.

The 1993 Nunavut Land Claim Agreement was a pivotal step in creating this new territory. The training of public servants began with the implementation of the Agreement, and these programs remain a driving force in Nunavut's self-sufficiency. Between 1995 and 1999, the Government of Canada committed approximately \$40 million for the recruitment and skills upgrading of Nunavut public service employees.

Inuktitut, along with French and English, is a working language of the Nunavut government. The Government of Nunavut is committed to hiring Inuit people and is working hard to increase Inuit representation in the government.

Second, in 2000, Royal Assent was given to the *Nisga'a Final Agreement*. This agreement sets aside 2,019 square kilometers of the Nass River Valley in British Columbia as Nisga'a Lands. It also establishes a Nisga'a Central Government with regulatory authority over Nisga'a institutions, lands and resources, and internal matters such as culture and language that are integral to Nisga'a welfare and development.

The Nisga'a own and have rights to natural resources, and will also receive \$253 million over 15 years. The land and resource components of the Agreement, combined with enhanced local decision-making powers, will enable the Nisga'a to be more self-reliant and to participate more fully in the economy.

While these two, precedent-setting land claims settlements are major steps forward, they represent only the beginning in achieving the self-government of Aboriginal peoples -- we are confident that more will be done.

Mr. Chairman and members of the Committee – I have reached the end of my remarks but would like to leave you with one clear message:

Canada is deeply committed to the eradication of racial discrimination, even as we acknowledge that it still exists. We have invested years of effort in the fight against racial discrimination and intolerance, domestically and internationally, and we will continue in our efforts to develop – and share - specific, tangible and innovative initiatives to combat racism in all its forms.

Mr. Chairman, and members of the Committee, I thank you for your courtesy in considering my remarks.