



**International Human Rights  
Instruments**

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**Canada<sup>\*</sup>**

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited.

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\*\* Annexes can be consulted in the files of the Secretariat.

## **I Introduction**

1. This document has been prepared in reply to the request of the Secretary-General of the United Nations. It responds to the information requested in the harmonized guidelines on providing information. In accordance with the guidelines, the common core document is presented in three parts: General information about the reporting State; General framework for the protection and promotion of human rights; and Information on non-discrimination, equality and effective remedies.
2. The contents contained herein, including statistical data, are based on the most up-to-date information and figures as of November 2012.

## **II. General factual and statistical information**

3. Canada is a federation of ten provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador) and three territories (Yukon, Northwest Territories and Nunavut). Federalism developed in Canada over two centuries as a successful governance model, well suited to the diversity of its population and the size of its territory. Canadian society is characterized by a deep respect for shared values of freedom, democracy, human rights and the rule of law.
4. Canada occupies most of the northern part of North America. Extending from the Atlantic Ocean to the Pacific Ocean and northward into the Arctic Ocean, Canada is the world's second largest country by total area.
5. Size, geology and climate give Canada a huge natural resource base, which includes iron ore, nickel, zinc, copper, gold, lead, rare earth elements, potash, diamonds, silver, fish, timber, wildlife, coal, petroleum, natural gas and hydro power.
6. Canada's climate varies from temperate in the south to subarctic and arctic in the north. Most of the population is settled on about 10 percent of the country's territory on a permanent basis. The settled region is a relatively narrow belt stretching along Canada's entire southern edge.
7. All statistical data and figures shown here are based on the indicators outlined in the harmonized reporting guidelines. Only those indicators available and relevant in Canada are reported here.

## A. Demographic, economic, social and cultural characteristics

### General demographic information

Population size <sup>1</sup>	Canada's population was estimated at 34 880 491, on July 1, 2012.	
Population growth rate <sup>2</sup>	Between July 1, 2006 and July 1, 2012, Canada's population grew by nearly 2.3 million people.	
Population density <sup>3</sup>	Based on a land size of 9,984,670 square kilometres, of which 9,093,507 square kilometres is land, population density was 3.7 persons per square kilometre in 2009.	
Language - Official language <sup>4</sup>	Canada has two official languages – English and French. In 2006, English was the first official language of 75% of the Canadian population, while French was the first official language of 23.2% of Canadians. Fewer than 2% of Canadians spoke neither English nor French.	
	Population (first language)	% of Population
English	24.8 M	75%
French	7.7 M	23.2%
Neither English nor French	Nearly 600,000	1.8%
Language - Mother tongue <sup>5</sup>	More than 200 mother-tongue languages were reported in the 2011 Census. 80% of the population reported English (58%) or French (22%) as their mother tongue. The allophone population – individuals whose mother tongue is neither English nor French – totalled 6.8 million in 2011 (20.6%), an increase of 517,985 persons from 2006.	
Religion <sup>6</sup>	In 2001, Christians accounted for 77% of the population, while other religious groups represented 6% of the population. 17% of Canadians reported no religious affiliation.	
	Population	% of Population
Christian	22,851,825	77%
Catholic	12,936,905	44%
Protestant	8,654,850	29%

<sup>1</sup> Statistics Canada (2012), Quarterly Demographic Estimates, Vol. 25, No. 2 (91-002-XWF).

<sup>2</sup> Ibid.

<sup>3</sup> National Research Council (2011), Atlas of Canada.

<sup>4</sup> Statistics Canada, 2011 Census, *Linguistic Characteristics of Canadians*, Ottawa, Government of Canada, online: [www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011001-eng.cfm#a](http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011001-eng.cfm#a).

<sup>5</sup> Ibid.

<sup>6</sup> Statistics Canada, 2001 Census (data on religion only made available every 10 years). Statistics Canada, *2001 Census Analysis Series: Religion in Canada*, Ottawa, Government of Canada, online: [www12.statcan.gc.ca/english/census01/products/analytic/companion/rel/pdf/96F0030XIE2001015.pdf](http://www12.statcan.gc.ca/english/census01/products/analytic/companion/rel/pdf/96F0030XIE2001015.pdf) (PDF version, 197kb).

<i>Population size</i> <sup>1</sup>	<i>Canada's population was estimated at 34 880 491, on July 1, 2012.</i>	
Christian Orthodox	479,620	2%
Christian not included elsewhere	780,450	3%
Muslim	579,640	2%
Jewish	329,995	1%
Buddhist	300,345	1%
Hindu	297,200	1%
Sikh	278,410	1%
Eastern religions	37,550	0%
Other religions	63,975	0%
No religious affiliation	4,900,090	17%
Ethnicity <sup>7</sup>	More than 200 different ethnic origins were reported in the 2006 Census, and 11 ethnic origins surpassed the one-million population mark. The largest group enumerated by the census consisted of just over 10 million persons who reported "Canadian" as their ethnic ancestry, either alone (5.7 million) or with other origins (4.3 million). The other most frequently reported origins were English, French, Scottish, Irish, German, Italian, Chinese, North American Indian, Ukrainian and Dutch. These ancestries were either reported alone or in combination with other origins, reflecting the increasing diversity of the population.	
Aboriginal identity <sup>8</sup>	The 2006 Census counted 1,172,790 persons who reported Aboriginal identity - that is, North American Indian (or First Nations people), Métis or Inuit.	
Age composition <sup>9</sup>	As of July 1, 2012, the median age of the Canadian population was 40.0 years	
	Population	% of Population
Under 15 years	5,607,345	17%
15 to 24 years	4,365,585	13%
25 to 54 years	14,165,400	42%
55 to 64 years	4,393,300	13%
65 years and over	6,997,725	15%
Dependency ratio <sup>10</sup>	In 2011, the dependency ratio (percentage of the population under 15 years added to those 65 years and	

<sup>7</sup> Statistics Canada, 2006 Census.

<sup>8</sup> Ibid.

<sup>9</sup> Statistics Canada, *Canada's Population Estimates: Age and Sex*, July 1, 2012; *The Daily*, Thursday, September 27, 2012, online: [www.statcan.gc.ca/daily-quotidien/120927/dq120927b-eng.htm](http://www.statcan.gc.ca/daily-quotidien/120927/dq120927b-eng.htm).

<sup>10</sup> Ibid.

Population size <sup>1</sup>	Canada's population was estimated at 34 880 491, on July 1, 2012. over) was 32%.
Statistics on births <sup>11</sup>	In 2010–2011, 378,683 children were born in Canada, an increase of 4,988 persons from 2007–2008.
Statistics on deaths <sup>12</sup>	In 2010–2011, 247,608 persons died in Canada, an increase of 11,083 from 2007–2008, continuing a long-term upward trend resulting from a growing and aging population.
Life expectancy <sup>13</sup>	Life expectancy at birth reached 81.1 years for the 2007–2009 period, an increase from the average of 80.9 for 2006–2008, and 78.4 for the 1995–1997 period. Gains during the past decade were stronger among men, whose life expectancy was 79.0 in 2007–2009, while among women it was 83.0. The gap between the sexes has been closing for several years.
Fertility rate <sup>14</sup>	In 2008, the fertility rate was 1.68 children per woman on average, edging up 1.3% from 1.66 in 2007, the highest rate since 1992. The fertility rate, however, remained lower than the generational replacement level of 2.1 children per woman.
Average household size <sup>15</sup>	In 2011, the average household size was 2.5 persons.
Single-parent households <sup>16</sup>	Single-parent households represented 26% of families with children at home in 2006, 80% of whom were headed by women.
Rural/urban areas <sup>17</sup>	Canada is increasingly urban. In 2011, over 80% of the population lived in an urban area. The rural population refers to persons living outside centres with a population of 1,000 and outside areas with 400 persons per square kilometre.
Unemployment/participation rates <sup>18</sup> - General	In October 2012, the Canadian unemployment rate for those 15 years of age and over was 7.4%, while the participation rate stood at 66.8%.
Unemployment/participation rates <sup>19</sup> - By sex	In 2011, the annual unemployment rate for the core working-age population (25 to 54 years) was 6.4% for men and 6.0% for women, while the participation rate was 90.6% for men and 82.1% for women. Among those aged 15 to 24 years, young men (15.9%) had a higher unemployment rate than did young women (12.4%), but

<sup>11</sup> Statistics Canada, 2012 Vital Statistics – Birth Database.

<sup>12</sup> Statistics Canada, 2012 Vital Statistics – Death Database.

<sup>13</sup> Statistics Canada, Deaths 2009, *The Daily*, Thursday May 31, 2012, Government of Canada, online: [www.statcan.gc.ca/daily-quotidien/120531/dq120531e-eng.htm](http://www.statcan.gc.ca/daily-quotidien/120531/dq120531e-eng.htm).

<sup>14</sup> Statistics Canada, 2011 Vital Statistics – Birth Database.

<sup>15</sup> Statistics Canada, 2011 Census.

<sup>16</sup> Statistics Canada, 2006 Census.

<sup>17</sup> Statistics Canada, 2011 Census.

<sup>18</sup> Statistics Canada, Labour Force Survey, October 2012.

<sup>19</sup> Statistics Canada, Labour Force Survey, 2011 annual data.

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Population size <sup>1</sup>	Canada's population was estimated at 34 880 491, on July 1, 2012.
Unemployment/participation rates <sup>20</sup> - By age	the participation rates of both sexes was comparable (64.7% for young men and 64.4% for young women). In 2011, the unemployment rate for youth aged 15 to 24 years was 14.9%, compared to 6.2% for the core working-age population (25 to 54 years) and 6.8% for Canadians aged 55 to 64 years. 64.6% of youth aged 15 to 24 years participated in the labour force, as did 86.4% of those aged 25 to 54 years and 62% of those aged 55 to 64 years.
Per capita income (GDP per capita) <sup>21</sup>	In 2011, GDP per capita was US\$ 50,345, according to the World Bank.
Gross Domestic Product (GDP) <sup>22</sup>	In 2012 (2nd quarter), GDP at market prices was \$ 1,764.6 billion.
Gross National Income (GNI) <sup>23</sup>	In 2010, GNI was \$1,596,394.
Annual GDP growth rate <sup>24</sup>	Canada's real GDP growth rate at basic prices rebounded to 3.3% in 2010
Consumer Price Index <sup>25</sup>	From September 2011 to September 2012, consumer prices rose 1.2%.
Social expenditures <sup>26</sup>	In 2009, the value of consolidated government expenditures in Canada was \$631,251 million. Social services expenditures represented 30.1% of the total (\$190,276 million), health represented 19.3% (\$121,577 million), education represented 15.2% (\$95,732 million) and recreation and culture represented 2.6% (\$16,306 million).
External and domestic public debt <sup>27</sup>	The federal debt (the difference between total liabilities and total assets) stood at \$519.1 billion at March 1, 2010. According to the International Monetary Fund, Canada's total government net debt-to-GDP ratio stood at 28.6% in 2009. This was the lowest level amongst G-7 countries.

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<sup>20</sup> Ibid.

<sup>21</sup> World Bank, World Development Indicators (WDI).

<sup>22</sup> Statistics Canada, 2012 Economic indicators.

<sup>23</sup> Statistics Canada, *National Income and Expenditure Accounts: Data Tables*, catalogue No. 13-019-X.

<sup>24</sup> Statistics Canada, *2011 Canada Year Book*, Canada, Government of Canada, Statistics Canada, online: [www.statcan.gc.ca/pub/11-402-x/2011000/chap/econo/econo-eng.htm](http://www.statcan.gc.ca/pub/11-402-x/2011000/chap/econo/econo-eng.htm).

<sup>25</sup> Statistics Canada, Latest Release from the Consumer Price Index, *The Daily*, 2012.

<sup>26</sup> Statistics Canada, *2010 Canada Year Book*; Statistics Canada, CANSIM, Tables 385-001, online: [www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/govt48b-eng.htm](http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/govt48b-eng.htm).

<sup>27</sup> Finance Canada, *2010 Annual Financial Report of the Government of Canada*, Fiscal Year 2009–2010, online: [www.fin.gc.ca/afr-rfa/2010/report-rapport-eng.asp#a5](http://www.fin.gc.ca/afr-rfa/2010/report-rapport-eng.asp#a5).

## Economic and health indicators

### *Proportion of population below the national poverty line*

8. Canada uses a suite of low-income measures to provide information on the low-income population. Canada uses the Low Income Cut-offs (LICO) measure to assess low income in the country. Low income cut-offs (LICOs) are intended to convey the income level at which a family may be in straitened circumstances because it has to spend a greater portion of its income on the basics (food, clothing and shelter) than does the average family of similar size. Consequently, using the LICO, 9 percent of the population was living in low-income households in 2010.<sup>28</sup>

### *Gini coefficient (relating to distribution of income or household consumption expenditure)*

9. The 2009 after-tax Gini for all families, where each individual is represented by adjusted household income, was 0.320. The 2010 market-income Gini for all families, where each individual is represented by adjusted household income, was 0.445.<sup>29</sup>

### *Literacy rates*

10. The most recent direct skills assessment of Canadian adults was conducted in 2003. It assessed numeracy, problem-solving, prose, and document literacy, measuring competency on a scale of 1 to 5. A score of 3 is generally considered to be the minimum level of literacy required to function well at work and in daily living in a knowledge-based economy. Overall, it was found that younger Canadians have higher competencies than their older counterparts as demonstrated by the following findings:

- 66 percent of Canadians aged 26 to 35 met or exceeded the desired level of literacy;
- 58 percent of Canadians aged 16 to 65 met or exceeded the desired level of literacy;
- 52 percent of Canadians aged 16 and above met or exceeded the desired level of literacy.

The next assessment will take place in 2011–2012 and is expected to be completed in Fall 2013.

### *Labour force participation, by major sectors of economic activity<sup>30</sup>*

<i>Characteristics: Labour force</i>	<i>Age group: 15 years and over</i>		
Geography: Canada	Men	Women	Both sexes
<b>Total, all industries</b>	<b>9 963.2</b>	<b>8 932.3</b>	<b>18 895.5</b>
Goods-producing sector	3 225.9	909.2	4 135.0
Agriculture	232.4	98.9	331.3
Forestry, fishing, mining,	319.8	63.2	383.0

<sup>28</sup> Statistics Canada, CANSIM: Table 202-0802 and Catalogue No. 75-202-X.

<sup>29</sup> Statistics Canada, Income Statistics Division, Canada, Government of Canada, online: [www5.statcan.gc.ca/cansim/pick-choisir?lang=eng&p2=33&id=2020709](http://www5.statcan.gc.ca/cansim/pick-choisir?lang=eng&p2=33&id=2020709).

<sup>30</sup> Statistics Canada, CANSIM Table 282-0007. *Labour force survey estimates (LFS)*, by North American Industry Classification System (NAICS), sex and age group, unadjusted for seasonality (monthly (persons x 1000)). See: [www5.statcan.gc.ca/cansim/a26..](http://www5.statcan.gc.ca/cansim/a26..)

<i>Characteristics: Labour force</i>	<i>Age group: 15 years and over</i>		
quarrying, oil and gas			
Forestry and logging with support activities	50.3	7.5	57.9
Fishing, hunting and trapping	21.6	2.5	24.2
Mining, quarrying, oil and gas extraction	247.8	53.1	300.9
Utilities	105.8	38.9	144.7
Construction	1 212.6	178.2	1 390.8
Manufacturing	1 355.3	530.0	1 885.3
Durables	869.2	257.6	1,126.8
Non-durables	486.1	272.4	758.5
Services-producing sector	6 478.9	7 772.8	14 251.7
Trade	1 424.4	1 338.9	2 763.3
Wholesale trade	453.4	189.2	642.6
Retail trade	971.0	1 139.7	2 120.7
Transportation and warehousing	682.5	213.0	895.4
Finance, insurance, real estate and leasing	499.2	642.3	1 141.5
Professional, scientific and technical services	747.1	569.9	1 317.1
Business, building and other support services	446.3	311.6	757.9
Educational services	469.9	921.9	1 391.8
Health care and social assistance	388.2	1 805.0	2 193.3
Information, culture and recreation	475.4	359.3	834.7
Accommodation and food services	469.0	675.5	1 144.9
Other services	371.9	455.7	827.6
Public administration	505.1	479.2	984.3
Unclassified industries	258.4	250.3	508.7

### *Employment by major sectors of economic activity<sup>31</sup>*

<i>Characteristics: Employment</i>	<i>Age group: 15 years and over</i>		
Geography: Canada	Men	Women	Both sexes
<b>Total, all industries</b>	<b>9 266.0</b>	<b>8 361.6</b>	<b>17 627.6</b>
Goods-producing sector	3 072.5	858.5	3 931.1
Agriculture	221.3	94.1	315.4
Forestry, fishing, mining, quarrying, oil and gas	300.0	58.3	358.3
Forestry and logging with support activities	43.8	6.2	50.0
Fishing, hunting and trapping	16.7	n/a	18.0
Mining, quarrying, oil and gas			

<sup>31</sup> Statistics Canada, *Labour force survey estimates (LFS)*, by North American Industry Classification System (NAICS), employment by class of worker, sex and age group, unadjusted for seasonality. CANSIM Table 282-0007 as at October 2012, monthly (persons x 1,000).

<i>Characteristics: Employment</i>	<i>Age group: 15 years and over</i>		
extraction	239.5	50.7	290.2
Utilities	105.4	37.0	142.3
Construction	1 145.5	167.6	1 313.1
Manufacturing	1 300.5	501.6	1 802.1
Durables	838.3	248.7	1 087.0
Non-durables	462.2	252.9	715.1
Services-producing sector	6 193.4	7 503.1	13 696.5
Trade	1 363.7	1 284.0	2 647.7
Wholesale trade	439.2	181.6	620.8
Retail trade	1 102.4	924.5	2 027.0
Transportation and warehousing	655.5	206.8	862.3
Finance, insurance, real estate and leasing	487.8	626.6	1 114.4
Finance and insurance	307.6	487.7	795.3
Professional, scientific and technical services	726.7	556.4	1 283.1
Business, building and other support services	404.0	294.7	698.7
Educational services	456.7	902.0	1 358.7
Health care and social assistance	380.2	1 759.5	2 139.7
Information, culture and recreation	451.4	339.2	790.6
Accommodation and food services	426.6	632.5	1 059.1
Other services	353.7	436.4	790.1
Public administration	487.1	465.0	952.1
Unclassified industries	-	-	-

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#### *Education*

Net enrolment ratio in primary and secondary education <sup>32</sup>	The enrolment rate of youth aged 15 to 19 (as a percentage of the population of the same age group) in secondary school is 80.2%. Below age 15, the enrolment rate for Canadians is close to 100%, since school is mandatory for this age group.
Attendance and drop-out rates in primary and secondary education <sup>33</sup>	According to the 2009–2010 Labour Force Survey the drop-out rates for Canadian (men and women) were 8.5% for 2009–2010.
Teacher-student ratio in publicly funded schools <sup>34</sup>	In 2008–2009, the average student–educator ratio in public elementary and secondary schools was 14.0.

<sup>32</sup> Organisation for Economic Co-operation and Development (OECD) *Education at a Glance 2010*.

<sup>33</sup> Statistics Canada, *Labor Force Survey 2009-2010*, Canada, Government of Canada, online: [www.statcan.gc.ca/pub/11-402-x/2011000/chap/edu/tbl/tbl05-eng.htm](http://www.statcan.gc.ca/pub/11-402-x/2011000/chap/edu/tbl/tbl05-eng.htm).

<sup>34</sup> Statistics Canada, *2011 Canada Year Book*, Canada, Government of Canada, online: [www.statcan.gc.ca/pub/11-402-x/2011000/chap/edu/edu-eng.htm](http://www.statcan.gc.ca/pub/11-402-x/2011000/chap/edu/edu-eng.htm).

*Health*

Prevalence of underweight children under 5 <sup>35</sup>	For the period 2004–2008, the average rate of children born small for gestational age (SGA) among singleton live births was 8.0%.
Infant <sup>36</sup> and maternal <sup>37</sup> mortality rates	The infant mortality rate (for both sexes) in Canada declined from 5.5 per 1,000 live births in 1998 to 4.9 per 1,000 live births in 2009. The maternal mortality ratio is 7.2 deaths per 100,000 live births for the years 2005–2007.
Percentage of women of child-bearing age using contraception or whose partner is using contraception <sup>38</sup>	Contraceptive use among married women 18–44 years old, any method, is 74.0%.
Medical terminations of pregnancy as a proportion of live births <sup>39</sup>	In 2004, the induced abortion ratio was 31.7 per 100 live births in Canada (excluding Ontario).
National estimates of HIV prevalence and incidence in Canada <sup>40</sup>	It is estimated that 2,250 to 4,100 new infections occurred in 2011, an incidence rate of 9.3 per 100,000. It is estimated that at the end of 2011, 71,300 people were living with HIV (including AIDS), a prevalence rate of 208 per 100,000.

*Disability rates by age, 2006<sup>41</sup>*

11. In 2006, the disability rate in Canada was 14.3 percent, meaning that over 4.4 million Canadians, or about one in seven, had an activity limitation or participation restriction associated with a physical or mental condition or health problem. Out of the 14.3 percent disability rate, 8.6 percent of people experience mild to moderate disabilities, while 5.7 percent experience severe to very severe disabilities. The most common types of disabilities for adults are pain-related, mobility and agility disabilities.<sup>42</sup> In 2006, approximately 500,000 people 15 years of age or older reported disabilities of an emotional, psychological, or psychiatric nature (2.3 percent), memory problems or periods of confusion (2.0 percent), and learning disabilities (2.5 percent).<sup>43</sup> The disability rate among

<sup>35</sup> Statistics Canada, *Vital Statistics Data*. Note: The College of Physicians and Surgeons of Saskatchewan (CPSS) does not monitor childhood weight after birth.

<sup>36</sup> Statistics Canada, CANSIM Tables No. 102-0504, online: [www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/health21a-eng.htm](http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/health21a-eng.htm).

<sup>37</sup> Statistics Canada, *Vital Statistics Data*. Three-year groups are used because of small numbers.

<sup>38</sup> 2002 Canadian Contraception Study. Data accessed through: United Nations Statistics Division. Millennium Development Goals Indicators: [mdgs.un.org/unsd/mdg/Data.aspx](http://mdgs.un.org/unsd/mdg/Data.aspx).

<sup>39</sup> Public Health Agency of Canada. *Canadian Perinatal Health Report*, 2008 Edition. This figure includes only abortions performed in hospital and medical clinics, i.e., those performed in physician's offices are excluded, online: [www.phac-aspc.gc.ca/publicat/2008/cphr-rspsc/pdf/cphr-rspsc08-eng.pdf](http://www.phac-aspc.gc.ca/publicat/2008/cphr-rspsc/pdf/cphr-rspsc08-eng.pdf).

<sup>40</sup> Public Health Agency of Canada, Summary: Estimates of HIV Prevalence and Incidence in Canada 2011. Online: [www.phac-aspc.gc.ca/aids-sida/publication/survreport/estimat2011-eng.php#er](http://www.phac-aspc.gc.ca/aids-sida/publication/survreport/estimat2011-eng.php#er).

<sup>41</sup> Statistics Canada, *Participation and Activity Limitation Survey 2006*.

<sup>42</sup> Human Resources and Social Development Canada, *Disability in Canada: A 2006 Profile*, p. 5. Online: [www.hrsdc.gc.ca/eng/disability\\_issues/reports/disability\\_profile/2011/page02.shtml](http://www.hrsdc.gc.ca/eng/disability_issues/reports/disability_profile/2011/page02.shtml).

<sup>43</sup> Statistics Canada, *Participation and Activity Limitation Survey 2006: Analytical Report*, p. 32, online: [www.statcan.gc.ca/pub/89-628-x/89-628-x2007002-eng.pdf](http://www.statcan.gc.ca/pub/89-628-x/89-628-x2007002-eng.pdf).

seniors is much higher than among children—43.4 percent of seniors aged 65 and over compared to 3.7 percent of children aged 14 and under have a disability.<sup>44</sup>

Age	Population with Disabilities	Disability Rate
0 to 14	202 350	3.7%
15 to 64	2 457 940	11.5%
65 and over	1 757 590	43.4%
<b>Total</b>	<b>4 417 880</b>	<b>14.3%</b>

12. The Canada-wide disability rate is 17.7 percent for adult women and 15.4 percent for adult men. Among children aged 14 and under, 4.6 percent of boys have an activity limitation, compared to 2.7 percent of girls.<sup>45</sup>

*Prevalence of major communicable and non-communicable diseases*

Chronic Disease	Total Cases	Rate per 100 (unless otherwise noted)	Source
<b>Cancer</b> (invasive cancers and in situ bladder cancers (except for Ontario) but excluding non-melanoma skin cancer)			
Total, all primary sites of cancer (Incidence)	163,529	496.6 (per 100,000)	Canadian Cancer Registry 2007
Total, all primary sites of cancer (Prevalence) - Ten-Year Person Based	748,897	2.3	Canadian Cancer Registry - 2007
<b>Circulatory</b>			
Hypertension, age 20+	6, 031,200	23.0	Canadian Chronic Disease Surveillance System 2007-2008 (Diagnosed)
Heart Disease, age 12+	1, 374,100	4.8	Canadian Community Health Survey-S 2009/10 (Self-Reported, CCC_121)
Stroke, age 12+	310,300	1.1	Canadian Community Health Survey-S 2009-2010 (Self-Reported, CCC_151)
<b>Diabetes</b>			
Diabetes, age 1+	2, 220,000	6.5	Canadian Chronic Disease Surveillance System 2007-

<sup>44</sup> Human Resources and Skills Development Canada, *Disability in Canada: A 2006 Profile*, p. 5, online: [www.hrsdc.gc.ca/eng/disability\\_issues/reports/disability\\_profile/2011/disability\\_profile.pdf](http://www.hrsdc.gc.ca/eng/disability_issues/reports/disability_profile/2011/disability_profile.pdf).

<sup>45</sup> Human Resources and Skills Development Canada, *2009 Federal Disability Report: Advancing the Inclusion of People with Disabilities*, Ottawa, Government of Canada, p. 7, online: [www.hrsdc.gc.ca/eng/disability\\_issues/reports/fdr/2009/fdr\\_2009.pdf](http://www.hrsdc.gc.ca/eng/disability_issues/reports/fdr/2009/fdr_2009.pdf).

<i>Chronic Disease</i>	<i>Total Cases</i>	<i>Rate per 100 (unless otherwise noted)</i>	<i>Source</i>
2008 (Diagnosed)			
<b>Mental Health</b>			
Mood Disorder, age 12+ (Both sexes)	2, 041,587	7.0	Statistics Canada, CANSIM Table 105-0501, Catalogue No. 82-221-X, (2011 Data)
Anxiety Disorder, age 12+	1, 483,900	5.2	Canadian Community Health Survey-S 2009-2010 (Self-Reported, CCC_290)
<b>Musculoskeletal</b>			
Arthritis, age 15+ (Both sexes)	4,756,842	17.0	Statistics Canada, CANSIM, table 105-0501, Catalogue No. 82-221-X, (2011 Data)
Back Problems excluding fibromyalgia and arthritis, age 15+	5, 404,700	19.7	Canadian Community Health Survey-S 2009-2010 (Self-Reported, CCC_061)
<b>Respiratory</b>			
Asthma, age 12+ (Both sexes)	2, 511,890	8.6	Statistics Canada, CANSIM, tables 105-0501, Catalogue No. 82-221-X (2011 Data)
Chronic Obstructive Pulmonary Disease, age 35+ (Both sexes)	779,355	4.1	Statistics Canada, CANSIM, tables 105-0501, Catalogue No. 82-221-X (2011 Data)

*Ten major causes of death*<sup>46</sup>

	<i>Rank</i>	<i>Number</i>	<i>%</i>
All causes of death	...	238 418	100
Malignant neoplasms (cancer)	1	71 125	29.8
Diseases of heart (heart disease)	2	49 271	20.7
Cerebrovascular diseases (stroke)	3	14 105	5.9
Chronic lower respiratory diseases	4	10 859	4.6
Accidents (unintentional injuries)	5	10 250	4.3
Diabetes mellitus (diabetes)	6	6 923	2.9
Alzheimer's disease	7	6 281	2.6
Influenza and pneumonia	8	5 826	2.4

<sup>46</sup> Statistics Canada, 2009. online: [www.statcan.gc.ca/daily-quotidien/120725/t120725b001-eng.htm](http://www.statcan.gc.ca/daily-quotidien/120725/t120725b001-eng.htm).

	Rank	Number	%
Intentional self-harm (suicide)	9	3,890	1.6
Nephritis, nephrotic syndrome and nephrosis (kidney disease)	10	3 609	1.5
All other causes	...	54 369	23.6

*Proportion of population below the minimum level of dietary energy consumption*

13. The Canadian Community Health Survey (CCHS) is a national survey that measures household food insecurity, as there are no surveys that measure undernourishment.

14. Household food insecurity is the inability to acquire or consume an adequate diet quality or sufficient quantity of food in socially acceptable ways, or the uncertainty that one will be able to do so. It is often associated with the household's financial ability to access adequate food.

15. Since 2004, the Household Food Security Survey Module (HFSSM), a comprehensive and validated measurement tool of household food insecurity, has been included in cycles of the CCHS and the 2010 cycle of the Survey of Household Spending (SHS).

16. In 2007–2008, 961,000 of households (7.7 percent) were food insecure. These households were uncertain of having, or unable to acquire, enough food to meet the needs of all their members because they had insufficient money for food. In these households, adults or children (if present) or both adults and children experienced food insecurity. Depending on the extent of the experience, households were either moderately or severely food insecure. In 2007–2008, 5.1 percent (629,600 households) of households were moderately<sup>47</sup> food insecure. The percentage that was severely<sup>48</sup> food insecure was 2.7 percent (331,900 households). The prevalence of food insecurity varied according to selected socio-demographic characteristics.

17. While most Canadian households are considered to be food secure, the Government of Canada has taken concrete steps and initiatives to address the challenges faced by vulnerable populations in accessing safe and nutritious food.

18. Recognizing that comprehensive and consistent data is central to understanding food insecurity in Canada, and to the development of appropriate policies and programming, the Government of Canada invests in surveillance and monitoring of food insecurity through surveys such as the Canadian Community Health Survey, the Inuit Health Survey and the First Nations Food, Nutrition and Environment Study.

19. The Government of Canada has a wide array of programs and policies in place to address food security issues. These community-based programs include the Canada Prenatal Nutrition Program (including a First Nations and Inuit component); Aboriginal Head Start (includes on-reserve and urban and northern component); the Aboriginal Diabetes Initiative; and Nutrition North Canada, which among other objectives, promotes nutrition and improved access to healthy traditional/country food and store-bought food.

<sup>47</sup> These households had indications of compromise in quality and/or quantity of food consumed. Online: [www.statcan.gc.ca/pub/82-625-x/2010001/article/111162-eng.htm](http://www.statcan.gc.ca/pub/82-625-x/2010001/article/111162-eng.htm).

<sup>48</sup> These households had indications of reduced food intake and disrupted eating patterns. Online: [www.statcan.gc.ca/pub/82-625-x/2010001/article/111162-eng.htm](http://www.statcan.gc.ca/pub/82-625-x/2010001/article/111162-eng.htm).

*Number of recognized political parties at the national level*

20. The number of registered political parties at the last three federal general elections is as follows: 15 in 2006, 19 in 2008 and 18 in 2011.<sup>49</sup>

*Proportion of population eligible to vote*

21. In Canada, every citizen over the age of 18 has the right to vote. The proportion of the population eligible to vote in the last three federal general elections is as follows:

	<i>Population (millions)</i>	<i>Number of Electors Registered to Vote</i>	<i>Proportion of Electors Registered to Vote</i>
2011	34.5	25,337,128	73.4%
2008	33.1	24,609,262	74.3%
2006	31.6	23,736,543	75.1%

*Complaints on the conduct of elections*

22. Elections are conducted in Canada by agencies that are non-partisan and independent of government. There are various avenues for voters and candidates to challenge the fairness of elections. These include complaints to elections agencies, human rights commissions and tribunals, police authorities, and the courts.

*Distribution of legislative seats by party (Parliament)*

	<i>2011</i>	<i>2008</i>	<i>2006</i>
Conservative Party of Canada	166	143	124
New Democratic Party	103	37	29
Liberal Party of Canada	34	77	103
Bloc Québécois	4	49	51
Green Party	1	0	0
Independent	0	2	1
<b>Total</b>	<b>308</b>	<b>308</b>	<b>308</b>

<sup>49</sup> Elections Canada, *Registered Political Parties and Parties Eligible for Registration*, online: [www.elections.ca/content.aspx?section=pol&dir=par&document=index&lang=e#a1](http://www.elections.ca/content.aspx?section=pol&dir=par&document=index&lang=e#a1).

*Percentage of women in Parliament*<sup>50</sup>

Houses of Parliament	2006		2008		2011	
	House of Commons	Senate	House of Commons	Senate	House of Commons	Senate
Women (Percentage)	20.8%	34.3%	22.4%	40.0%	24.7%	36.2%
Women (Total)	64 (308)	36 (105)	69 (308)	40 (105)	76 (308)	38 (105)
Proportion of women in both Houses	24.0%		26.4%		27.6%	

*National and sub-national elections held within the schedule laid out by law*

23. Article 4 of the Canadian Charter of Rights and Freedoms states that no House of Commons and no legislative assembly of a province shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members. Exceptions are provided in time of real or apprehended war, invasion or insurrection if the continuation of the House or of an assembly, as the case may be, is not opposed by the votes of more than one-third of its members.

24. Since 2007, however, the Canada Elections Act provides for a general election to be held on the third Monday in October in the fourth calendar year following polling day for the previous general election, unless there is an earlier dissolution of Parliament.

25. Each province and territory is responsible for holding elections of members to their respective legislative assembly, which are all subject to the five-year maximum limit imposed by article 4 of the Charter. That said, the following provinces and territories have adopted legislation providing a fixed date for elections to be held every four years: British Columbia; Saskatchewan; Manitoba; Ontario; New-Brunswick; Prince Edward Island; Newfoundland and Labrador; and the Northwest Territories.

*Average voter turnouts in the national and sub-national elections by administrative unit (provinces and territories)*

26. For the past five national general elections (2000 to 2011), voter turnout has hovered between 58 and 64 percent. Voter turnout in the provinces and territories varied widely, anywhere from 40 to 78 percent.

**Indicators on crime and the administration of justice***Proportion of victims compensated after adjudication, by type of crime*

27. In Canada, the responsibility for responding to the needs and concerns of victims and witnesses of crime, including victims of violence, is shared by the federal and provincial/territorial governments. The Government of Canada's role focuses on the criminal law, which applies across Canada, as set out in the *Criminal Code* and other

<sup>50</sup> Parliament of Canada. Please consult the following address:  
[www.parl.gc.ca/About/Parliament/FederalRidingsHistory/hfer.asp?Language=E&Search=WomenElection](http://www.parl.gc.ca/About/Parliament/FederalRidingsHistory/hfer.asp?Language=E&Search=WomenElection).

statutes, while the provinces are primarily responsible for providing services and assistance to victims of crime, including compensation (financial assistance from the government to eligible victims of crime).

28. Further data on crime and the administration of justice can be found in Annex A.

## **B. Constitutional, political and legal structure**

### **Historical context**

29. Aboriginal peoples were the first inhabitants of what is now known as Canada.

30. France established permanent settlements in what is now Canada, starting in the early 17th century. By the Treaty of Paris of 1763, which concluded the Seven Years War, France ceded what was then Canada to Great Britain.

31. In 1867, three of the British North American colonies (Nova Scotia, New Brunswick and the Province of Canada, consisting of present-day Ontario and Quebec) were merged into a federal union, with a Constitutional division of powers between provincial legislatures and a federal Parliament. Additional provinces joined the federation over a number of years, with the last one being Newfoundland and Labrador in 1949.

32. In the early years, British colonies in Canada were governed by appointed British officials. The British model of parliamentary democracy and responsible government was introduced gradually, with powers being devolved to colonial legislatures. In 1931, the British Parliament gave up the right to pass laws for Canada, while maintaining the ability to amend the Constitution. In 1982, Canada gained the ability to amend its own Constitution and thus attained complete legislative independence from Britain.

### **Constitution**

33. The Constitution of Canada includes two main documents (the Constitution Acts of 1867 and 1982) and a set of unwritten principles and conventions. The focus of the main documents is the division of powers between the Parliament of Canada and the provincial legislatures, and the protection of individual rights and freedoms in the Canadian Charter of Rights and Freedoms, which is part of the Constitution Act, 1982. However, the Constitution is silent as to certain essential rules concerning the relationship among the organs of the State. This may be explained by the fact that the Constitution of Canada is based on the same principles as the Constitution of the United Kingdom, where the manner in which political institutions function is governed largely by domestic unwritten rules that are called "Constitutional conventions."

34. The oldest conventions relate to responsible government. These conventions ensure that the legal framework of the Constitution will be operated in accordance with the prevailing Constitutional values or principles of the period. They relate to ministerial responsibility, the selection of Ministers and Prime Minister, the dissolution of Parliament and the giving of royal assent to legislation adopted by Parliament.

35. In addition, the Constitution includes 30 Acts and orders, including those that created provinces or altered boundaries. Finally, the courts play an important role in applying the Constitution to new circumstances.

### **Political framework and type of government**

36. Generally speaking, the Canadian political system embodies the four following characteristics: it is a Constitutional monarchy; it is a federal system; it is a parliamentary system on the British model; and it is a representative democracy.

37. As a Constitutional monarchy, the head of State is a monarch, the Queen of Canada, who is also the Queen of the United Kingdom and fourteen other sovereign states. The Crown is represented in Canada by the Governor General—appointed by Her Majesty on the recommendation of the Prime Minister—who exercises powers on her behalf. Acting generally on the advice of the Prime Minister and Cabinet, the Governor General convenes, prorogues and dissolves Parliament, assents to federal legislation, and performs certain executive, ceremonial and military duties.

38. Canada has a federal system in which the Constitution confers legislative and executive powers on two levels of government, which are each sovereign in their respective spheres. There is a federal government for all Canada, and a provincial/territorial government for each province/territory. At the federal level, the executive power is exercised by a Governor General and, at the provincial and territorial level, by a Lieutenant Governor, both representing the Crown, and acting on the advice of the Prime Minister of Canada and provincial/territorial Premiers, respectively.

39. As in all federations, the division of legislative powers is a very important aspect of the system of government. As a general rule, the Constitution gives the Parliament of Canada jurisdiction over matters that are national in character, and gives the provincial and territorial legislatures jurisdiction in matters of a local nature. These different governments do not act in isolation, however. The Canadian federal system, including the laws, policies and programs of its various governments, is a complex yet co-ordinated whole.

40. Canada has a parliamentary system. The people of Canada elect their representatives at both levels of governments, federal and provincial/territorial. The political party that obtains the most seats is called upon to form the government. Proposed legislation cannot become law without the approval of Parliament or the provincial/territorial legislature and the assent of the Governor General or the Lieutenant Governor, as the case may be.

41. The executive branch is responsible to the people's representatives for all of its actions and decisions. The government may be defeated in the House of Commons or the legislative assembly by a vote of non-confidence, and, in that case, the Governor General or the Lieutenant Governor is required to appoint another leader who can maintain the confidence of the House or Assembly, or else dissolve the House or Assembly by issuing the writs for an election. The democratic character of the political system is also assured by the separation of the judicial branch and the executive branch. The independence of the courts is one of the fundamental guarantees of democracy.

*The legislative branches of the federal and provincial governments*

42. Federal legislative power resides in Parliament, which consists of the Crown (represented by the Governor General), the Senate and the House of Commons. They must all agree to the enactment of a statute, the Senate and the House of Commons by voting for the bill and the Governor General by giving royal assent in the Queen's name. By convention, the Governor General will always give royal assent to a bill enacted by the Senate and the House of Commons.

43. The composition of the House of Commons is based on the principle of representation by population: the people of each province elect a number of members of Parliament that is more or less proportional to the population of the province/territory. All members are chosen by being elected in single-member constituencies on the basis of receiving the largest number of votes among candidates for election in the constituency.

44. To be entitled to vote in a federal election, a person must be a Canadian citizen and have reached the age of 18. The total number of members and the distribution of seats among the provinces and territories are revised following every decennial Census.

45. At present, based on the 2001 Census, there are 308 members of the House of Commons, one representative for each electoral district. Ontario has 106, Quebec 75, British Columbia 36, Alberta 28, Saskatchewan 14, Manitoba 14, Nova Scotia 11, New Brunswick 10, Newfoundland and Labrador 7 and Prince Edward Island 4. The North west Territories, Nunavut and the Yukon have one each.

46. The Senate is a body whose members are appointed by the Governor General on the advice of the Prime Minister. The Senate has 105 members: 24 representatives from the Maritime Provinces (10 from Nova Scotia, 10 from New Brunswick and 4 from Prince Edward Island), 24 from Quebec, 24 from Ontario, 24 from the Western Provinces (6 each from Manitoba, Saskatchewan, Alberta and British Columbia), 6 from Newfoundland and Labrador, and one each from Yukon, the Northwest Territories and Nunavut. Senators hold office until they reach the age of 75.

47. The Houses of Parliament must sit at least once every 12 months. The term of a Parliament, which is a maximum of five years, may consist of several sessions. Each session begins with the Speech from the Throne, in which the government outlines its most important policies.

48. A member who intends to present legislation (a bill) for adoption by the House of Commons asks, by motion, that the bill be introduced, receive a first reading and be printed. Normally, the bill passes this stage automatically. At a later sitting, the bill's sponsor moves second reading, which leads to debate on the basic principles of the bill only. If the vote at the end of the debate is favourable, the bill is usually sent to a legislative committee of the House to be studied clause by clause. At that stage, experts and persons or groups with an interest in the bill may be invited to address the committee. Once the committee has completed its work, it reports to the House and submits the bill to it with the amendments passed, if any. At this stage, any member has the right to present further amendments, which are debated and put to a vote. The bill's sponsor then moves third reading and passage of the bill. If the vote is favourable, the bill is sent to the Senate, where it follows the same steps. Once it has been passed by both Houses, the bill is submitted to the Governor General for royal assent. Federal legislation comes into force at the time it receives royal assent, or later, at a date fixed in the statute or delegated by Parliament to be proclaimed by the government.

49. In the provinces, legislative power resides in a legislature composed of the Lieutenant Governor and the legislative assembly. There is no upper chamber. The legislative assembly bears a substantial resemblance to the House of Commons, and operates in a very similar manner. The members are elected in ridings that are delineated by the legislature more or less in proportion to the population. The candidate who receives the most votes is elected. All bills must go through the various stages of the process for passage by the legislative assembly and must receive royal assent from the Lieutenant Governor before they can become law.

50. The enactment of the Canadian Charter of Rights and Freedoms as part of the Constitution Act, 1982, placed additional limits on the sovereignty of Canada's legislatures. Federal and provincial statutes must comply with the Charter as interpreted and applied by the courts.

51. The Constitution Act, 1867, defines federal and provincial responsibilities. The present division of powers results, in part, from the application and the interpretation of the wording of this Act by the courts.

52. Parliament has the power to raise its revenues by both direct and indirect taxation, and the Government of Canada has the authority to allocate its financial resources as it deems appropriate. The Government of Canada can, for example, make grants to individuals with a view to promoting research and development. It may also use its

spending power to initiate shared-cost programs with the provinces and territories in areas under their jurisdiction, such as health, education and welfare. Finally, the Government of Canada initiated a program that provides equalization payments to provinces whose revenues are below the national average. These unconditional payments were designed to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

53. While monetary policy is a federal responsibility, the Bank of Canada, Canada's central bank, has been assigned by law its day-to-day administration. This includes responsibility for: issuing currency; the stability of the national economy; controlling inflation; the soundness of the banking system; and the regulation of interest rates. Monetary policy also includes responsibility for the value of Canadian currency on international markets.

54. Parliament has jurisdiction over international and interprovincial trade. It also has exclusive jurisdiction over customs duties, the standardization of products intended for international or interprovincial trade, export quotas and general foreign investment policy.

55. Parliament also has jurisdiction over national defence, relations with other states and the authority to enter into international treaties. However, either or both the federal Parliament and the provincial/territorial legislatures may have jurisdiction to implement treaties, depending on whether the subject matter of the treaty comes under federal or provincial/territorial responsibility as defined in the Constitution. This system operates through federal-provincial-territorial cooperation: before entering into a treaty relating to fields that do not fall solely within the jurisdiction of Parliament, the Government of Canada seeks the support and co-operation of the provinces and territories with respect to implementation.

56. Other matters within Parliament's jurisdiction include navigation and shipping, fisheries, bankruptcy regulations, Indians and lands reserved for Indians, as set out in the Constitution Act, 1867, naturalization, citizenship, criminal law, patents and copyrights, the postal service and employment insurance. Some matters such as interprovincial grain transportation and the uranium mining industry have been declared to be for the general benefit of Canada and are under federal jurisdiction.

57. Any matter that is not within the jurisdiction of the provincial/territorial legislatures is automatically assigned to Parliament. In interpreting federal and provincial/territorial powers, the courts have held that certain matters that were not originally provided for in the Constitution Act, 1867, such as air transportation, are under the jurisdiction of Parliament by virtue of its general power to make laws for the peace, order and good government of Canada in relation to all matters not assigned exclusively to the legislatures of the provinces. The courts view the general federal power as including a power to legislate in emergencies such as war or a natural disaster.

58. The provinces have extensive legislative powers, including authority over property and civil rights (primarily proprietary, contractual or tortious rights), natural resources, generally, and all works or undertakings that are local and/or private in nature. The courts have interpreted the provincial powers, especially the "property and civil rights" clause, as covering a very wide field. The Constitution does not mention labour relations specifically, but the courts have placed that subject under provincial jurisdiction, except for certain industries that are under federal jurisdiction for other purposes, such as navigation and shipping industries.

59. Services and institutions that fall within provincial jurisdiction include health and social services, municipal institutions and land development, the administration of justice, the development and organization of provincial courts of both civil and criminal jurisdiction, and education.

60. The provincial legislatures have the power to levy direct taxes (e.g. income taxes) within the province, to raise revenue for provincial purposes. In addition, the provinces are given the power to levy direct and indirect taxes in relation to natural resources. They also have the power to issue licences to raise revenue for provincial or municipal purposes.

61. The Constitution assigns concurrent jurisdiction over agriculture and immigration to the provincial legislatures and Parliament. Federal legislation will generally prevail in the event of inconsistencies with provincial legislation. The provinces also share jurisdiction with the Government of Canada in relation to old age pensions.

62. The powers of the provincial legislatures are limited to those given to them by the Constitution. This means that no provincial legislature can take over powers that belong exclusively to Parliament. Similarly, Parliament cannot take over powers that belong exclusively to the provinces. Although Parliament or a provincial legislature cannot abandon its legislative powers in a given field in favour of the other level of government, Parliament can delegate powers to a provincial executive and a provincial legislature can likewise delegate powers to the federal executive. Parliament or a provincial legislature can adopt as its own legislation of the other level of government, as long as they both act in their area of jurisdiction.

*The executive branches of the federal and provincial governments*

63. At the federal level, in principle, the executive power is exercised by the Governor General, representing the Crown and acting on the advice of the federal Cabinet.

64. By convention, the Governor General appoints as Prime Minister the leader of the party that has secured the support of a majority of the members of the House of Commons. If no party holds a majority of seats, the leader of the party with the largest number of seats in the house will normally be offered the first chance to secure the confidence of the House. The Prime Minister is nearly always a member of the House of Commons; otherwise, by convention, he or she must be elected to the House as soon as possible.

65. After being appointed, the Prime Minister normally chooses the other members of the Cabinet from among the members of the House of Commons. Ministers can also be chosen from the Senate. A Minister who is appointed to the Cabinet and who is not a Member of Parliament will seek to become a Member at the earliest opportunity, usually by getting elected to the House of Commons in a by-election. The federal Cabinet is composed of about thirty Ministers. Most Ministers are appointed to a "portfolio", that is, they are responsible for a specific government department such as Finance, Treasury Board, Health, Justice, National Defence, Environment, and so on.

66. The Cabinet is collectively responsible to the House of Commons for its policies. This means that it may continue to govern only so long as it enjoys the confidence of a majority of the members of the House. The consequence of this principle of collective responsibility is Cabinet solidarity: each member of Cabinet must support the decisions made by the Cabinet, even if he or she personally disapproves of them, or must resign. Each minister with a portfolio is also responsible, again to the House of Commons, for the operations of his or her department.

67. If the government is defeated in the House of Commons on a confidence motion, the Prime Minister, in most cases, will ask the Governor General to dissolve the House of Commons and thus trigger an election. However, if no political party holds an absolute majority of the seats in the House of Commons, the Governor General has the discretionary power to ask the leader of the party that appears to be able to govern with the support of a majority of the members of the House to form a minority government.

68. Executive power in the provinces is exercised by the Lieutenant Governor and Cabinet Ministers who govern as long as they have the confidence of a majority of the members of the legislative assembly. Within the provincial Cabinet, the Premier occupies the same predominant position as the federal Prime Minister. Cabinet is accountable for its policies to the legislative assembly, and, if it loses the support of a majority of the members, the Premier must ask the Lieutenant Governor to dissolve the assembly and call an election.

69. In Canada, following the British tradition, the executive branch is subject to the legislative and judicial branches. According to the principle of the rule of law, any action taken by the government and its administrative organs in relation to the individual must be authorized by law. The rule of law also means that the courts determine the legality of the actions of the administrative arm of the government.

#### *The judicial branch*

70. The basic role of courts in Canada is to help people resolve disputes fairly and with justice, whether the matter is between individuals or between individuals and the state. In the process, courts interpret, apply and develop laws. The courts also have an important role in interpreting and applying the Constitution.

71. The judicial system consists of superior courts and lower courts for the provinces and territories. Superior or “supreme” courts have general inherent jurisdiction, which means that they can adjudicate any matter that is not within the limited exclusive jurisdiction of a lower court; and, they have supervisory and reforming power over lower courts. Lower courts have only the jurisdiction expressly conferred on them by the competent legislative body. Both lower and superior courts have the power to rule on the constitutionality of legislation.

72. Each province has a superior trial court and a court of appeal. These superior courts are constituted by the provincial legislature, but their members are appointed and paid by the Government of Canada. Lower courts in each province—provincial or municipal courts—are also created by the provincial legislatures but the members are appointed and paid by the provincial governments.

73. The federal Parliament established the Federal Court, a national trial court, which hears and decides legal disputes arising in the federal domain, including claims against the Government of Canada, civil suits in federally-regulated areas and challenges to the decisions of federal boards, commissions and tribunals, including on immigration, national security, intellectual property and maritime law. In addition, there is the Federal Court of Appeal and the Tax Court of Canada.

74. Both federal and provincial legislation assign functions to administrative tribunals that are quasi-judicial. These specialized tribunals have decision-making responsibilities over specific areas such as immigration, international trade, competition, radio-television and telecommunications, securities, residential tenancies, etc.

75. The Supreme Court of Canada, which was established in 1875 by the federal Parliament, is the general appellate court of last resort for all legal jurisdictions in Canada. As the highest court, its decisions may determine the constitutionality of government legislation or action, including in terms of human rights and fundamental freedoms. Its jurisdiction embraces both the civil law of the province of Quebec and the common law of the other provinces and territories.

76. The provincial courts can determine matters of both federal and provincial law, and there is no distinction at the superior court level between Constitutional, administrative, criminal and civil jurisdiction. The integration is further reflected in the fact that all cases,

whether arising under federal or provincial law, are capable of ending up in the same final appeal court, the Supreme Court of Canada.

77. Judicial independence is a cornerstone of the Canadian judicial system and guarantees that judges will make decisions free of influence and based solely on fact and law. The courts operate independently of the federal and provincial legislative bodies and governments. The Constitution Act, 1867 adopted the judicial independence features that had been introduced in Canada in earlier decades. The Canadian Charter of Rights and Freedoms also protects judicial independence.

78. Financial security and security of tenure are crucial aspects of judicial independence. Judges' salaries are established by law and are not subject to arbitrary interference by the executive. According to the Constitution, judges of the superior courts have security of tenure until the age of 75 years. Retirement age for provincial court judges varies across the country. Administrative independence is the third component of judicial independence in Canada.

79. The Commissioner for Federal Judicial Affairs Canada (CFJA) has the overall responsibility for the administration of the appointments process on behalf of the Minister of Justice and Attorney General of Canada. The Commissioner is expected to carry out these responsibilities in such a way as to ensure that the system treats all candidates for judicial office fairly and equally. The CFJA has an appointments secretariat which administers 17 advisory committees across Canada, which are responsible for evaluating candidates for federal judicial appointments. There are similar committees established for provincial/territorial appointments.

80. Each jurisdiction in Canada has a judicial council which has general responsibility for promoting professional standards and conduct, investigating complaints against judges and courts received from the public, and may recommend that a judge be removed from the bench if necessary. At the federal level the recommendation is received by the Minister of Justice and Attorney General of Canada who then makes a recommendation to Cabinet. Cabinet then recommends to the House and the Senate, and from there, the recommendation goes to the Governor General. The only procedure for removing a superior court judge in Canada is on address to the Governor General by the Senate and House of Commons. No judge of any Canadian superior court has ever been so removed. Provincially appointed judges can, in most provinces, be removed by the relevant Cabinet following recommendations by the provincially created judicial council. This has only occurred a few times in the provinces.

81. The Canadian Judicial Council, which is responsible for federally appointed judges, consists of the chief justices of all of the federal courts and provincial/territorial superior courts. The Council has developed a set of Ethical Principles for Judges, designed to assist judges in maintaining their independence, integrity and impartiality.

#### *Territories*

82. The legislative, executive and judicial powers exercised in Canada's three territories are contained in the Yukon Act, the Northwest Territories Act and the Nunavut Act, which are federal statutes. The increasing devolution of powers from the federal government to the territorial governments is incrementally transforming their status within Confederation to one that approaches the status of the provinces.

#### *Municipalities*

83. Canada's approximately 5,000 municipal governments (cities, towns, villages and metropolitan regions) are created by the provincial or territorial legislatures and have such powers as the legislatures deem required for local governance. Mayors and municipal

councillors are elected in accordance with provincial or territorial electoral laws. Municipal governments are responsible for services such as water supply, sewage and garbage disposal, roads, sidewalks, street lighting, building codes, parks, playgrounds, libraries and so on. Public schools are administered by regional school boards whose officials are elected by universal suffrage, in accordance with provincial legislation. The vast majority of schools in Canada are public and are generally financed through property tax levies. Private schools, which are funded by private citizens but which may receive some public funding, must dispense a curriculum that conforms to provincial standards.

#### *Aboriginal governments*

84. Aboriginal governments in Canada include First Nations governments that operate pursuant to the Indian Act and related legislation as well as those that have self-governing authority as a result of a modern agreement. These governments exercise a range of powers as set out in the relevant legislation, historic treaty or modern agreement. The federal government, together with the relevant province or territory, is continuing to negotiate self-government arrangements with interested aboriginal groups.

### **III. General framework for the promotion and protection of human rights**

#### **A. Human rights norms**

85. Canada has ratified or acceded to seven United Nations treaties related to human rights and five Optional Protocols:

##### **Treaties**

1. International Covenant on Civil and Political Rights (ICCPR)
2. International Covenant on Economic, Social and Cultural Rights (ICESCR)
3. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
6. Convention on the Rights of the Child (CRC)
7. Convention on the Rights of Persons with Disabilities (CRPD)

##### **Optional Protocols**

1. Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR)
2. Optional Protocol on the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)
3. Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-SALE)

4. Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in armed Conflict (OP-AC)
  5. Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty
86. Details on these treaties are contained in Annex B.

## **B. Legal framework for protecting human rights at the domestic level**

87. The legislative, executive and judicial branches of government share responsibility for the protection of human rights. Relevant legislation is enacted by Parliament and the provincial and territorial legislatures. Numerous departments and agencies formulate policies and programs in accordance with their respective mandates.

### **Constitutional protection and protection in bills of rights**

#### *Bills of Rights*

88. In 1960, Parliament enacted the Canadian Bill of Rights. It applies to legislation and policies within federal jurisdiction, and guarantees rights and freedoms similar to those found in the Canadian Charter of Rights and Freedoms and the International Covenant on Civil and Political Rights. This includes some rights not explicitly found in the Charter, such as property rights and procedural fairness rights. Federal laws that infringe the Canadian Bill of Rights are to that extent inoperative, unless the law in question states that it operates notwithstanding the Canadian Bill of Rights. There are very few cases of laws having been declared inoperative because of inconsistency with the Canadian Bill of Rights, unlike the many successful actions brought on the basis of the Canadian Charter of Rights and Freedoms since its enactment in 1982.

89. There is also an Alberta Bill of Rights, enacted in 1972 to ensure that the rights and freedoms protected at the federal level in the Canadian Bill of Rights receive similar protection in matters within the province of Alberta's jurisdiction. The Alberta Bill of Rights guarantees due process rights, equality rights and the fundamental freedoms (religion, speech, assembly and association, and freedom of the press). In 1975, Quebec adopted a Charter of Human Rights and Freedoms to protect fundamental rights and freedoms within its jurisdiction.

#### *Canadian Charter of Rights and Freedoms*

90. The Canadian Charter of Rights and Freedoms, which forms Part I of the Constitution Act, 1982, guarantees the following rights and freedoms:

- fundamental freedoms of conscience and religion, of thought, belief, opinion and expression (including freedom of the press and other media), of peaceful assembly and of association (art. 2);
- democratic rights (right to vote and to qualify for election to the federal House of Commons or provincial legislative assembly; there must be elections to the House of Commons and provincial legislatures at least every five years, and Parliament and the legislatures must sit each year) (arts. 3-5);
- mobility rights (right to enter, remain in and leave Canada (article. 6(1)), and to take up residence and earn a living in any province (art. 6(2) and (3));
- right to life, liberty and security of the person, and the right not be deprived thereof except in accordance with the principles of fundamental justice (art. 7);

- various rights relating to the legal process, including the right to be secure against unreasonable search and seizure, rights on arrest or on being charged with an offence, the right not to be subjected to cruel and unusual treatment or punishment, the right against self-incrimination and the right to an interpreter (arts. 8-14);
- the right to equality before and under the law, and the right to the equal benefit and protection of the law without discrimination, and in particular without discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability (the courts have interpreted this article to include other analogous grounds) (art. 15);
- recognition of French and English as the two official languages of Canada (arts. 16-22); and minority-language educational rights (art. 23).

#### *Interpreting the Canadian Charter of Rights and Freedoms*

91. As well as setting individual human rights and freedoms, the Canadian Charter of Rights and Freedoms contains the following interpretive provisions:

- the guarantee of Charter rights and freedoms should not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms pertaining to the Aboriginal peoples of Canada (art. 25);
- the guarantee in the Charter of certain rights and freedoms shall not be construed as denying the existence of other rights and freedoms existing in Canada (art. 26);
- the Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians (art. 27);
- Charter rights and freedoms are guaranteed equally to male and female persons (art. 28); and
- the Charter does not abrogate or derogate from Constitutional rights or privileges pertaining to denominational, separate or dissentient schools (art. 29).

92. Furthermore, in its reasons for judgment in cases involving the Charter, the Supreme Court of Canada has developed rules of interpretation that have shaped the development of Charter jurisprudence. According to the purposive approach, the courts consider the purpose of guaranteeing a right or freedom in determining its ambit. According to the contextual approach, they consider the particular context in which a Charter question arises in deciding whether and how the Charter applies in those circumstances.

#### *Scope of the application of the Canadian Charter of Rights and Freedoms*

93. Some rights guaranteed in the Canadian Charter of Rights and Freedoms (electoral rights in article 3, mobility rights in article 6 (1) and minority-language educational rights in article 23) are guaranteed only to Canadian citizens. Mobility rights featured in article 6 (2) and (3) are also extended to permanent residents. For the most part, however, rights are guaranteed to "everyone", "every individual" or "anyone", so that they pertain to all persons within Canada.

94. As per article 32, the Canadian Charter of Rights and Freedoms applies to federal, provincial and territorial legislatures and governments ensuring the protection of individuals from violations of their human rights and fundamental freedoms by government. Article 32 has been interpreted by the courts to apply to the full range of governmental activities, including administrative practices of officials and the acts of the executive branch of government, as well as to enactments of Parliament or the legislatures. The Charter also applies to the exercise of delegated legislative authority (for example, by

municipalities) and to non-governmental actors where, in view of factors such as the degree of governmental control, they may be regarded as engaged in government action.

*Limitations on and derogations from rights*

95. Article 1 of the Canadian Charter of Rights and Freedoms defines the circumstances in which Charter rights and freedoms may be limited. It states that they are subject "...only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The Supreme Court of Canada has indicated that, for a limit to meet the requirements of article 1, it must serve an objective of sufficient importance and employ proportionate means to attain it. In particular, the means must be rationally connected with the objective, impair the Charter right or freedom as little as possible, and have an impact that is proportional to the objective in question. The Supreme Court has also stated that the onus is on the government defending a limit on Charter rights to establish compliance with article 1, after an applicant has established one or more rights or freedoms set out in the Charter have been infringed.

96. Some provisions of the Canadian Charter of Rights and Freedoms also contain their own express or implied limitations. For example, article 8 protects everyone from "unreasonable" search and seizure, and the guarantee of freedom of expression in article 2(b) has been interpreted as not to extend to violent expression. No one may be deprived of the rights to life, liberty and security of the person guaranteed by article 7.

97. Article 33 of the Canadian Charter of Rights and Freedoms permits Parliament or a provincial or territorial legislature to declare that a statute, or a provision of it, shall operate notwithstanding article 2 (fundamental freedoms), articles 7 to 14 (legal rights) or article 15 (equality rights) of the Charter. Such a declaration automatically ceases to have effect after five years, but it may be re-enacted. Article 33 has no application to the Charter's democratic rights, mobility rights, official-language rights and minority-language educational rights, but otherwise preserves the tradition and essential supremacy of Parliament.

98. The federal Emergencies Act, which enables the Governor-in-Council to adopt extraordinary measures in emergency situations, does not authorize derogations from rights set forth in the Canadian Charter of Rights and Freedoms. The Preamble to the Act states that, in adopting such measures, the Governor-in-Council is subject to the Charter and the Canadian Bill of Rights, and must have regard to the International Covenant on Civil and Political Rights, "particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency". Furthermore, article 4 (b) of the Act provides that it confers no authority on the Governor-in-Council to make orders or regulations for the detention, imprisonment or internment of Canadian citizens or permanent residents on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

**Protection in human rights codes**

*Human Rights Legislation and Human Rights Tribunals and Commissions of the federal, provincial and territorial governments*

<i>Jurisdiction</i>	<i>Human Rights Legislation</i>	<i>Human Rights Tribunals and Commissions</i>
Canada	Canadian Human Rights Act Canadian Bill of Rights	Canadian Human Rights Commission

<i>Jurisdiction</i>	<i>Human Rights Legislation</i>	<i>Human Rights Tribunals and Commissions</i>
British Columbia	Human Rights Code	B.C. Human Rights Tribunal B.C. Coalition for Human Rights
Alberta	Alberta Human Rights Act Alberta Bill of Rights	Alberta Human Rights Commission
Saskatchewan	The Saskatchewan Human Rights Code	Saskatchewan Human Rights Commission
Manitoba	The Human Rights Code	Manitoba Human Rights Commission
Ontario	Human Rights Code	Ontario Human Rights Commission
Quebec	Charte des droits et libertés de la personne	Commission des droits de la personne et des droits de la jeunesse
Nova Scotia	Human Rights Act	Nova Scotia Human Rights Commission
New Brunswick	Human Rights Act	New Brunswick Human Rights Commission
Prince Edward Island	Human Rights Act	Prince Edward Island Human Rights Commission
Newfoundland and Labrador	Human Rights Act, 2010	Newfoundland and Labrador Human Rights Commission
Yukon	Human Rights Act	Yukon Human Rights Commission
Northwest Territories	Human Rights Act	Northwest Territories Human Rights Commission
Nunavut	Human Rights Act	Nunavut Human Rights Tribunal

*Human rights codes and other legislation*

99. Many of the international human rights instruments that Canada has ratified are directed against discrimination, or, where they are more general in nature, require that the rights guaranteed in them be respected without discrimination. All governments in Canada—federal, provincial and territorial—have adopted legislation prohibiting discrimination on various grounds in regard to employment matters, the provision of goods, services and facilities customarily available to the public, and accommodation. This legislation differs in its application from the right to equality in article 15 of the Canadian Charter of Rights and Freedoms in that it provides protection against discrimination by individuals in the private sector, as well as by governments.

100. Generally, human rights codes prohibit discrimination on the following grounds: race or colour; religion or creed; age; sex; sexual orientation; family or marital status; physical or mental handicap or disability; national or ethnic origin and ancestry or place of origin. Some codes include other prohibited grounds of discrimination such as political belief, association, pardoned conviction, record of criminal conviction, source of income, and others.

101. The Supreme Court of Canada has stated that anti-discrimination legislation is to be interpreted by Canadian courts and tribunals in a manner that will advance its broad purpose of ensuring equality of opportunity for individuals.

102. Thus, the Supreme Court has indicated that human rights codes normally take precedence over other legislation. In other words, discriminatory practices may be subject to challenge under such codes, even if they are apparently authorized by other legislation. Furthermore, the Supreme Court has held that human rights legislation precludes adverse-effect discrimination, as well as direct discrimination. If policies or practices have an adverse impact on groups protected by human rights codes, they may be found to be discriminatory, even if they do not involve intentional discrimination, or expressly draw distinctions on the basis of prohibited grounds. In regard to adverse-effect discrimination, employers have a duty to make reasonable accommodation for the needs of those protected by the law. The duty of reasonable accommodation requires that employers make a genuine effort, except where it would cause undue hardship, to accommodate the special needs of members of protected groups, even if doing so may cause minor inconvenience to other employees.

103. Human rights codes permit distinctions on the basis of prohibited grounds of discrimination in the employment area, if they are based on bona fide and reasonable occupational qualifications or requirements, and in the provision of services, facilities and accommodation, if the distinctions have a bona fide and reasonable justification. For example, in employment matters, the Supreme Court of Canada has defined the bona fide occupational requirement as one imposed in good faith, and related in an objective sense to the performance of the work involved.

104. The Saskatchewan Human Rights Code guarantees the freedoms of conscience, expression and association, freedom from arbitrary imprisonment and the right to participate in elections. The Human Rights Act of the Yukon Territory guarantees freedoms of religion and conscience, expression, assembly and association, and the right to enjoyment and disposition of property, in accordance with the law. In Quebec, the Charter of Human Rights and Freedoms guarantees fundamental freedoms and rights such as freedom of religion, the right to life and the right to respect of one's privacy. It also recognizes the right to equality in the recognition and application of rights and freedoms, political, judicial, economic and social rights. Article 50.1 states that the rights and freedoms set out in the Charter are guaranteed equally to men and women. Article 9 (1) of the Quebec Charter states that, in exercising fundamental rights and freedoms, a person shall maintain a proper regard for democratic values, public order and the general well-being of the citizens of the province, and that in this respect, the scope of the rights and freedoms, and limits on their exercise, may be set by law.

105. Statutes on freedom of information and privacy exist at both the provincial and federal level. These help protect individuals' right to privacy (*vis-à-vis* both public- and private-sector entities), and promote the exercise of freedom of expression by providing access to government information.

106. Certain common law protections, such as procedural fairness and property rights, have a long history. Common-law actions such as libel can also be used to obtain redress for violations of one's rights by other individuals or by the government.

### **Constitutional and legal rights of Aboriginal peoples**

107. The indigenous peoples of Canada are the Aboriginal peoples of Canada. They include three groups—Indians (commonly referred to as First Nations), Inuit and Métis. According to the 2006 census, more than one million people in Canada identify themselves as an Aboriginal person, just over 3 percent of the population. While many First Nations people continue to reside on reserves located across Canada, a significant number now live in large urban centres. Most Inuit reside in northern Canada (Nunavut, Northwest Territories, Quebec, Newfoundland and Labrador). Métis reside throughout Canada. In

2006 a full 56 percent of Aboriginal people lived in urban areas, up from 50 percent in 1996.

108. As Canadians, Aboriginal peoples have the same rights as other Canadians. Some also have additional constitutional and legal rights.

#### *Constitutional rights*

109. Article 35 of the Constitution Act, 1982 recognizes and affirms, that is to say protects, two kinds of special rights. These rights, which are collective in nature, are called Aboriginal and treaty rights. All levels of government—federal, provincial, territorial, municipal and Aboriginal—are obliged to respect Aboriginal and treaty rights. Any of these levels of government can be held accountable by the courts for failures to respect these rights. Aboriginal and treaty rights are not universal rights. Rather, they are group and site specific. This means that different Aboriginal groups have different rights.

110. In Canadian society, rights are not absolute. The same is true for Aboriginal and treaty rights. In limited circumstances, governments can derogate from Aboriginal and treaty rights. Canadian courts and governments are consistently working to find the right balance between the rights of Aboriginal and non-Aboriginal Canadians and the interests of Canadian society as a whole.

#### *Aboriginal rights*

111. Some Aboriginal rights are territorial and cultural. They include activities like hunting, fishing and trapping. The courts have told us that for something to be considered an Aboriginal right, it must: be an element of a practice, custom or tradition integral to the distinctive culture of the Aboriginal group claiming the right; exhibit continuity with the practices, customs and traditions that existed prior to contact with European society; and be of central significance to the Aboriginal group in question. At present, there are some Aboriginal groups who have proven Aboriginal rights in court. There are other Aboriginal groups who have claimed but not yet proven Aboriginal rights in court.

#### *Aboriginal title*

112. Aboriginal title is a sub-category of Aboriginal rights that relates solely to a claim by an aboriginal group to the exclusive occupation and use of land. Aboriginal title is a right in the land itself—not just the right to carry out activities on it. However, there are a number of Aboriginal groups who have claimed but not yet proven Aboriginal title in court.

#### *Domestic treaty rights*

113. A domestic treaty right is the result of negotiation and agreement between the Crown (government) and an Aboriginal group. A treaty right may be found in a historic treaty or a modern treaty. Some but not all First Nations, Inuit and Métis groups are parties to treaties.

#### (i) Historic treaties

114. Between 1700 and 1923, over 70 historic treaties were concluded by the Crown with Aboriginal groups. These treaties cover approximately 40 percent of Canada. There are two main types of historic treaties: (1) peace and friendship treaties, and (2) land cession treaties. These treaties established peaceful relations between the Crown and Aboriginal groups, contributed to prosperous economic and commercial trade, and allowed for the organized expansion of Canada. The content of historic treaties varies and may include provisions relating to the creation of Indian reserves, educational assistance, payments of annuities and guarantees of rights to hunt, fish and trap.

## (ii) Modern treaties

115. The modern treaty making period began in the 1970s. Since then, Canada has negotiated and finalized 25 modern treaties. These treaties cover approximately 40 percent of Canada (mostly in northern Quebec, Labrador and the Territories). While the content of modern treaties varies, they usually address matters such as compensation, ownership of lands, fisheries and wildlife harvesting rights, participation in land and resource management, resource revenue sharing as well as measures to promote economic development and preserve Aboriginal culture. Many agreements also include provisions relating to Aboriginal self-government.

*Legal rights: The Indian Act and related legislation*

116. Article 91 (24) of the Constitution gives the federal Government legislative authority over "Indians, and lands reserved for the Indians." The federal government can therefore make laws in respect of Indians, and also make laws in respect of the lands reserved for Indians.

117. The Indian Act is the principal instrument through which federal jurisdiction in relation to First Nations has been exercised for well over 100 years. Canada is aware that the Indian Act has sometimes led to outcomes that are less than desirable. Canada decided some time ago to work with First Nations' leadership and communities to modernize the Indian Act and to provide options within the Indian Act, or outside of it, for change.

118. Modernization efforts include the 2011 repeal of article 67 of the Canadian Human Rights Act which had prevented persons, often Aboriginal women and persons living or working on Indian reserves, from making complaints of discrimination arising from actions taken or decisions made pursuant to the Indian Act. As well, in 2011, Canada introduced the Family Homes on Reserves and Matrimonial Interests or Rights Act, the goal of which is to ensure that people living on Indian reserve lands have similar rights and protections as other Canadians with regard to matrimonial property and interests. Similarly, in 2012, Canada announced the introduction of the Safe Drinking Water for First Nations Act aimed at helping to protect drinking water on Indian reserve lands.

119. Options for change have included The First Nations Oil and Gas and Moneys Management Act, a federal law enacted in 1996. The law enables First Nations to manage and regulate oil and gas activities on Indian reserves. It also enables First Nations to assume control of their capital and revenue trust moneys held by Canada. Another example is The First Nations Land Management Act, a federal law enacted in 1999. It provides signatory First Nations the authority to make laws in relation to their reserve lands, resources and the environment.

**The national legal system**

120. Like other States governed by the British model of parliamentary democracy, international conventions that Canada has ratified are not directly applicable in Canada and therefore, are not subject to direct enforcement in Canadian courts. Accordingly, those alleging violations rely on the various domestic remedial avenues available for breaches of relevant domestic law, including domestic human rights laws.

121. Prior to ratification of a human rights treaty, all jurisdictions in Canada review their legislation for consistency with the treaty. Where existing legislation and policies fulfill the obligations under the treaty, no new measures are required. On occasion, legislation may be amended or new laws enacted to ensure compliance with the treaty. After ratification, these issues are taken into account in drafting future legislation where relevant.

122. It is not the practice in Canada for one single piece of legislation to be enacted incorporating an entire convention on human rights into domestic law, primarily due to the division of jurisdiction between federal and provincial/territorial levels. Rather, many different federal, provincial and territorial laws and policies together serve to implement Canada's international human rights obligations.

*National co-ordinating mechanisms*

123. In 1975, the Continuing Committee of Officials on Human Rights (CCOHR) was established at a Federal-Provincial Ministerial Conference on Human Rights, which was held to create a process for the ratification and implementation of certain treaties. Subsequently, in 1976, Canada acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The CCOHR continues its work to this day as Canada's national co-ordinating mechanism for international human rights.

124. The CCOHR holds monthly teleconference calls and meets once a year. It serves several functions. It is a federal-provincial-territorial consultation mechanism on the ratification of certain treaties; it encourages information exchange among governments in Canada with respect to the interpretation and implementation of Canada's obligations and related matters; it facilitates the preparation of reports on treaties that have been ratified, as well as the reports under Universal Periodic Review and other reports on human rights requested by the United Nations or other organizations; it encourages information exchanges, research and training on human rights matters of common interest to all jurisdictions; it contributes to the development of Canada's positions on international human rights issues; it facilitates the flow of information on developments in international human rights, including concluding observations and views of treaty bodies, to other federal-provincial-territorial mechanisms working on substantive issues; it engages with civil society and Aboriginal groups in respect of its co-ordinating functions, and it is the focal point for the organization of ministerial conferences on these issues.

125. All governments in Canada share a high level of engagement and similar priorities in respect to the promotion and protection of human rights. The CCOHR is their forum for discussing the relationship between their various laws, policies and programs and the effective implementation of Canada's treaty obligations. The Canadian federalism model is well reflected in the work of the CCOHR.

126. Laws, policies and programs from each level of government in Canada have had and continue to have significant impacts on our country's implementation of human rights. Each government contributes its approaches and solutions to the human rights issues of the day. When a new program or policy of one government is seen to work well, other governments learn from and adapt the approach to their local conditions.

127. There are also many other federal-provincial-territorial committees and mechanisms with a mandate relating to matters that impact Canada's implementation of its treaty obligations, including:

The Canadian Association of Statutory Human Rights Agencies brings together human rights commissions and facilitates consultation and collaboration among them;

Ministers responsible for the Status of Women meet each year to discuss matters of common interest;

The Federal-Provincial-Territorial Senior Status of Women Officials Forum usually meets three times a year;

The Family Law Committee of federal-provincial-territorial officials meets regularly to develop and co-ordinate family law policy and advise deputy ministers; and

A number of federal-provincial-territorial committees also meet regularly to discuss criminal justice issues, such as the Coordinating Committee of Senior Officials, the Working Group on Aboriginal Justice, and the Working Group on Victims of Crime.

*Judicial consideration of Canada's international obligations*

128. International treaty documents that Canada has ratified can inform the interpretation of domestic law. This doctrine is of particular importance in the context of the Canadian Charter of Rights and Freedoms. Human rights treaties are relevant in determining the ambit of rights protected by the Charter.

129. Through their relevance to the interpretation of human rights protections in the Canadian Charter of Rights and Freedoms and under domestic law, these treaties are considered by the courts when the validity of legislation under the Constitution of Canada must be determined.

130. Canadian courts also refer to relevant provisions of treaties to which Canada has adhered to interpret ordinary (non-Constitutional) legislation, such as the Immigration and Refugee Protection Act or the Criminal Code, and administrative action. For example, courts will interpret ordinary legislation as though the legislature intended to comply with Canada's treaty obligations, absent a clear intention to the contrary.

*Remedial avenues for the redress for human rights violations*

131. In Canada, various modes of redress for human rights violations are available, depending on the nature of the right infringed and the form of remedy sought. Relevant authorities include the courts, statutory bodies created to administer particular legislation (variously known as commissions, boards, committees or tribunals) and ombudsmen.

132. The courts in Canada have jurisdiction to determine whether there have been violations of the Canadian Charter of Rights and Freedoms. Violations of the Charter are frequently brought to the attention of the courts in the course of criminal trials, where they may lead to a stay of the charges if established. Individuals may also make a civil claim alleging a Charter violation. Many statutes relevant to the implementation of human rights involve recourse to the courts, e.g. child-protection legislation, and, in Quebec, the Civil Code and the Quebec Charter of Human Rights and Freedoms. The courts also decide actions based on the common law and have an inherent jurisdiction over children and other persons unable to protect themselves, known as the *parens patriae* jurisdiction, which is of particular relevance in the context of the Convention on the Rights of the Child. Decisions of boards and tribunals are subject to judicial review.

133. The primary means of enforcing human rights codes (dealing mainly with discrimination) is through the human rights commissions or tribunals established under them. Individuals who allege violation of their human rights may file complaints with the appropriate commission. These complaints are investigated, and there may be a conciliation process. If necessary, a board of inquiry or human rights tribunal determines the legal merits of the complaint.

134. Other legislation, particularly in the social and economic areas, may establish statutory bodies to consider complaints relating to its administration. For example, at the federal level, the Veterans Review and Appeal Board hears complaints from veterans regarding determinations of entitlement to pensions, and, at the provincial level, in Manitoba, the Social Services Advisory Committee considers complaints regarding entitlement to social assistance under the Social Allowances Act.

135. In most provincial jurisdictions, police commissions or similar bodies have been established to review complaints against the police. Increasingly, these bodies operate

independently of the police. The independent Commission for Public Complaints Against the RCMP deals with complaints against the Royal Canadian Mounted Police (Canada's national police force) and the Office of the Correctional Investigator reviews complaints from detainees in federal penitentiaries.

136. Most provinces have created the position of Ombudsman. Although the duties of an ombudsman vary from one province to the next, generally the ombudsman has the duty and power to investigate complaints against departments or agencies of the provincial government. The decisions of the ombudsman are passed on to the government in the form of recommendations and are made public. Independence is an important attribute of this officer, who reports annually to the legislature.

137. The Government of Canada has established positions of a similar nature in certain areas within its jurisdiction. There is a Commissioner to review complaints under each of the following acts: the Official Languages Act, the Privacy Act, the Access to Information Act and the Public Servants Disclosure Protection Act. In Quebec, the Commission d'accès à l'information has a similar role in applying the Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information.

### **Remedies for violation of rights**

138. The following section outlines the nature of the remedies available, pursuant to the principal sources of legal protection of human rights in Canada: the Canadian Charter of Rights and Freedoms, human rights codes, penal and other legislation, the common law and, in Quebec, the Civil Code.

#### *Canadian Charter of Rights and Freedoms*

139. Article 52 of the Constitution Act, 1982, provides that the Constitution of Canada is the supreme law of Canada, and that any law inconsistent with it is of no force and effect, unless Parliament or the legislature of a province invokes the constitutional provision set out in article 33 of the Canadian Charter of Rights and Freedoms in accordance with the terms of that provision. Thus, if a challenge based on the Canadian Charter of Rights and Freedoms is successful, the courts may declare a law of no force and effect. The Supreme Court of Canada has stated that in certain circumstances, it may temporarily suspend a declaration of invalidity to permit the legislature to amend the law, or the court may reformulate the provision, so as to render it consistent with the Charter. Depending on the proper interpretation of their empowering statutes, administrative boards and tribunals may also have jurisdiction under article 52 to declare a law inoperative for purposes of the case at hand.

140. Article 24 of the Canadian Charter of Rights and Freedoms permits anyone whose Charter rights have been infringed or denied to apply to a court of competent jurisdiction for an appropriate and just remedy. This article has been interpreted liberally to include remedies for future Charter violations, such as injunctions, and further to include the range of remedies available in the court where the action is brought—for example, the granting of an order or declaration, damages (including compensation), costs, the quashing or staying of proceedings or the return of illegally seized goods. With respect to the question of whether administrative boards and tribunals, as well as the courts, have jurisdiction to grant Charter remedies, a Charter remedy will generally be available if the tribunal has jurisdiction over the parties, the subject matter of the dispute and the type of remedy sought.

*Anti-discrimination legislation (human rights codes and legislation)*

141. The process for making a complaint under a human rights code is informal and accessible—a simple form is filled out by a complainant who is usually assisted by a human rights commission official in initiating the process. With some variations, the general model for processing complaints is as follows: the human rights commission inquires into the complaint and tries to obtain a settlement between the parties; if a settlement cannot be reached, the commission may dismiss the complaint or refer it to a human rights tribunal or board of inquiry, which holds a public hearing. Human rights commissions carry the complaint before a tribunal or board of inquiry at no cost to the complainant. In some provinces, individuals may apply to a human rights tribunal or court directly, without the assistance of a commission.

142. If the tribunal or board of inquiry concludes that a person has engaged in a discriminatory practice, it may make an order, which is enforceable through the court. The person who has engaged in the discriminatory practice may be ordered to cease such practice, to take measures to reverse the effects of discrimination, such as rehiring the victim, to pay compensation and/or to adopt an affirmative action program. Decisions of boards of inquiry or tribunals are subject to judicial review.

*Remedies for victims of crime*

143. In the penal area, emphasis is increasingly being placed on the rights of victims, a feature of which are dispositions requiring the payment by offenders of reparation to victims of crime. Under the Criminal Code, a court sentencing an offender may order, at the request of the prosecutor or on its own motion that the offender pay restitution to the victim of the offence in addition to any other sentence imposed. Restitution orders have become more common in fraud cases, where the Criminal Code requires judges to consider imposing such an order, meaning someone who is found guilty of fraud would have to pay his or her victims back. Moreover, restitution and other forms of compensation to victims are often outcomes of adult alternative measures cases (that can be referred to under the Criminal Code) and youth extrajudicial sanction cases (that can be referred under the Youth Criminal Justice Act). The provinces and territories also provide services to victims of crime including, in some cases, financial compensation.

*Other remedies*

144. As indicated above, other legislation relevant to the implementation of international human rights instruments, including in the economic and social areas, may contain specific complaint mechanisms. Furthermore, some statutory bodies have been created that provide compensation, for example, for injuries in the workplace. On occasion, Parliament or the provincial and territorial legislatures enact legislation to provide financial or other assistance to specific individuals or groups who allege that they have been subject to a miscarriage of justice or other violations of human rights.

145. The common law also contains remedies for violations of some human rights - for example, damages (including compensation) may be sought for wrongful dismissal from employment, defamation of character or infringement of property rights. In the case of children and others unable to protect themselves, the *parens patriae* jurisdiction of the courts may be invoked to provide relief on such matters as custody, protection of property, health problems, and protection from harmful associations (in circumstances where there is no legislation in place governing these issues).

146. Non-litigious dispute resolution and restorative justice is rapidly evolving in Canada. Non-litigious dispute resolution involves both lawyers and non-lawyers practicing in a variety of subject areas. Processes such as negotiation, mediation and arbitration may

be used either independently of or as complements to litigation. The range of remedies is broad and diversified, including compensation (financial or other), apologies, reinstatement to the workplace and compliance agreements. The use of these methods varies from one province to another, and also within the federal sphere. There is a growing demand in Canada for these alternative approaches to conflict resolution, and governments increasingly rely upon them for the resolution of disputes.

147. Restorative justice is used in a wide range of situations where harm has been committed, including the criminal justice sector, schools, and neighbourhoods. Common restorative justice processes include victim-offender mediation, family group conferences/youth justice conferences and circles. Within the criminal justice sector, restorative justice can be used at all stages of the criminal justice process. Restorative programs that handle adult and youth criminal cases work within the framework of statutes and government policies, and referrals are usually made by the police, Crown prosecutors and judges. These processes often result in restitution, apologies and other forms of reparation to victims and communities. As with non-litigious dispute resolution, the use of restorative justice varies between jurisdictions.

#### *Rehabilitation for the victims of human rights violations*

148. Article 3 of the Canada Health Act, the national legislation that sets out the conditions that the provinces and territories must comply with to receive federal funding under the Canada Health Transfer, states that the primary objective of health care policy is to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers.

149. Provincial health care systems provide services and facilities that may be of assistance in restoring the physical and mental well-being of individuals whose human rights have been violated. For example, in Ontario, the Schedule of Benefits—Physician Services, under the Health Insurance Act, provides coverage for psychotherapy and counselling. There are also federal assistance measures for individuals within the jurisdiction of the Government of Canada, for example, members of the Armed Forces, veterans and Aboriginal peoples. Individuals whose human rights have been violated may avail themselves of these various services and facilities. In regard to the cost of rehabilitation measures not covered by the health care system, recovery may be sought as part of a compensation award in a civil action.

150. Federal, provincial and municipal governments have undertaken extensive and wide-ranging initiatives to assist victims of violence, particularly women and children, whether such violence is encountered in public venues, the workplace or the home. Initiatives include supporting social programs and services for women subjected to violence, such as counselling, providing non-profit housing and emergency shelters, and implementing criminal justice reform measures, so that police and other front-line workers can better protect and assist victims.

151. In the private sector, in some cases with funding from government, centres for the recovery and reintegration of victims of torture have been established. At the federal level, assistance is provided to survivors of torture from other countries who have immigrated to Canada.

#### *Legal aid*

152. Legal aid services, for criminal and civil matters, are funded through provincial and territorial governments, who determine which types of services are offered by their legal aid agencies. As part of its direct responsibilities in the area of criminal law, the Government of Canada provides financial assistance to the provinces and territories toward

the delivery of criminal legal aid services. The Supreme Court has interpreted article 10 (b) of the Canadian Charter of Rights and Freedoms as requiring that a detained individual be told of the availability of any legal aid plan which is in place. Regarding civil legal aid, under the Canada Social Transfer, the Government of Canada provides financial support to the provinces and territories for the delivery of social programs (including legal aid).

#### *Other mechanisms*

153. Parliament plays an important oversight role with respect to human rights. Several parliamentary committees exist that regularly consider domestic and international human rights issues. These committees may call witnesses, including officials and non-governmental organizations, and ministers sometimes appear before them.

154. Within each government, there are mechanisms in place to co-ordinate matters related to human rights. For example, at the federal level, there is an Interdepartmental Working Group on Children's Rights that provides a forum for dialogue between federal departments to ensure a whole of government approach to children's rights and to discuss linkages between priorities and policies affecting children and the Government of Canada's domestic and international human rights obligations.

155. Human rights commissions have a role to play in identifying human rights issues and concerns. Many of them have been given various degrees of responsibility for overseeing implementation of human rights, covered in their respective human rights acts. For example:

The Canadian Human Rights Commission may receive and consider recommendations regarding human rights and freedoms, and, where appropriate, include them in its Annual Report.

One of the functions of the human rights commissions in Newfoundland and Labrador and Nova Scotia is to advise and assist government departments and agencies in human rights matters, and to help co-ordinate their activities.

The Ontario Human Rights Commission may examine and review any statute, regulation, program or policy and make a recommendation regarding any measure that, in its opinion, is inconsistent with the intent of the Ontario Human Rights Code.

The Commission des droits de la personne et de la jeunesse may make an analysis of any provincial statute that may be inconsistent with the Quebec Charter of Human Rights and Freedoms and make appropriate recommendations to the government; it may also receive suggestions, recommendations and requests regarding human rights and freedoms, study them and make the appropriate recommendation to the government.

#### *Non-governmental organizations*

156. Non-governmental organizations play an important role in the protection and promotion of human rights in Canada. They monitor governmental activities, help individuals obtain redress in cases of violations of human rights and carry out educational programs. Non-governmental organizations operate freely in Canada and sometimes receive governmental financial support. The Government of Canada consults with non-governmental organizations in the course of ratifying international human rights conventions, in preparing reports on Canada's compliance with them, and before sessions of the United Nations Human Rights Council and Third Committee.

### **C. General framework for promoting human rights at the domestic level**

157. All governments in Canada carry out public education programs in the area of human rights through the provision of financial support to human rights organizations and other community groups and the publication of human rights material for free distribution to the public.

158. Governments also engage in promotional campaigns, such as awareness events, to promote noteworthy events such as Human Rights Day, the International Day for the Elimination of Racial Discrimination and International Women's Day.

159. Canadian human rights commissions develop and conduct information programs to foster public understanding of their respective human rights legislation and of the role and activities of the commissions, and to foster public recognition of the principle of equal opportunity set forth in legislation.

160. Non-governmental organizations are also involved in promoting awareness of human rights and international instruments.

161. All of Canada's reports to the UN are made widely available, free of charge, in both official languages to the public, libraries, educational institutions, and non-governmental organizations. The matters that are discussed in the reports are the subject of ongoing public debate.

### **D. Role of reporting on human rights at the domestic level**

162. Canada's reports to the United Nations under multilateral treaties are prepared by the Government of Canada in collaboration with the provincial and territorial governments. Under the federal-provincial agreement of 1975, the provincial and territorial governments are responsible for preparing reports on their own activities. Canada's reports therefore include information on activities undertaken by all orders of government that serve to implement the treaties.

163. The Government of Canada is also responsible for presenting Canada's reports to the United Nations. Delegations that attend the meetings at which the reports are reviewed include representatives from the federal departments with the main responsibility for the subject matters covered, as well as representatives from provincial and or territorial governments.

## **IV. Information on non-discrimination, equality and effective remedies**

### **Non-discrimination and equality**

#### *General*

164. As discussed above, article 15 of the Canadian Charter of Rights and Freedoms guarantees the right to equality before and under the law, and the right to the equal benefit and protection of the law without discrimination, and in particular without discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. The courts have chosen to extend this protection to other categories, including sexual orientation and marital status.

165. Article 15 (2) of the Charter specifies that the equality guarantee does not preclude any law, program or activity that has as its object the amelioration of conditions of

disadvantaged individuals or groups. This provision allows governments to enact special measures to help accelerate progress towards equality.

166. As also discussed above, provincial and territorial human rights legislation protect individuals against discrimination in the private sector. These human rights codes generally allow for employers to implement programs designed to improve the situation of specified groups, including through the policies that benefit them.

#### **Measures to combat promotion of hatred**

167. Governments in Canada have enacted legislative protections as well as policies against racism and the promotion of hatred. For example, under the Criminal Code, it is a crime to advocate or promote genocide, to incite hatred in a public place likely to lead to a breach of the peace, and to wilfully promote hatred when directed against groups distinguished by race, colour, religion, ethnic origin or sexual orientation. As well, hate motivation in the commission of any offence is an aggravating factor for sentencing purposes. Protection against hate speech is also dealt with in some human rights codes.

168. The 2001 Anti-terrorism Act contained additional provisions to protect against acts of hatred and discrimination. It amended the Criminal Code to authorize courts to order the deletion of publicly available on-line hate propaganda. A specific offence of public mischief in relation to places of religious worship located in or on the grounds of such a building or structure, including cemeteries, was created for acts motivated by hatred based on religion, race, colour, or national or ethnic origin.

#### **Measures adopted to reduce economic, social and geographical disparities**

##### *Regional equalization*

169. Part III of the Constitution Act, 1982, entitled Equalization and Regional Disparities, commits federal and provincial governments to promoting equal opportunities for the well-being of Canadians, furthering economic development to reduce disparity in opportunities and providing essential public services of reasonable quality to all Canadians. Furthermore, it commits the Government of Canada to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation. These provisions are particularly relevant in regard to Canada's international obligations for the protection of economic, social and cultural rights.

##### *Employment Equity*

170. The Employment Equity Act applies to certain federally-regulated employers with more than 100 employees. Employers covered by this Act must take certain steps with a view to correcting the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities and members of visible minorities. These steps include maintaining an employment equity plan, meeting reporting requirements with respect to the composition of their workforce, and being subject to compliance audits conducted by the Canadian Human Rights Commission. Under the Federal Contractors Program, certain employers must abide by employment equity policies in order to qualify for government contracts. Several provincial governments also apply employment equity policies to public sector employers. The Racism-free Workplace Strategy complements and increases the effectiveness of the Employment Equity Act by aiming to address employment-related discriminatory barriers and upward mobility of Canadians belonging to a visible minority group and Aboriginal peoples.

*Health care*

171. All Canadian residents have reasonable access to insured hospital and physician services on a prepaid basis, and on uniform terms and conditions. Provincial and territorial governments are responsible for the delivery of health care services to their residents. The Government of Canada assists in the financing of these services through fiscal transfers, primarily through the Canada Health Transfer. It also provides health care benefits and/or services to certain groups such as the First Nations and Inuit, veterans, Canadian Forces, incarcerated individuals in federal institutions, and refugees. The health care system in Canada is predominantly publicly financed with a mix of public and private delivery. It is composed of 13 interlocking provincial and territorial health insurance plans that share the principles of universality, accessibility, comprehensiveness, portability and public administration.

*Education*

172. Provincial and territorial governments are responsible for most areas of education, while the Government of Canada is responsible for the instruction of children living on First Nations (“Indian”) reserves or Crown lands. Education is generally governed by specific legislation and regulations in each province and territory, which establish the respective rights and responsibilities.

173. The Government of Canada provides funding to support training, job search and skills development for workers who become unemployed and are beneficiaries of Employment Insurance income support benefits. The responsibility for the delivery of employment benefits and support measures has been transferred to the provinces and territories by the Government of Canada through Labour Market Development Agreements (LMDAs). Labour Market Agreements provide funding for training (including literacy and essential skills support) to individuals not eligible for assistance under the Employment Insurance system; and targeted investments to help underrepresented individuals in the labour market, which can include Aboriginal Canadians, new immigrants, persons with disabilities and older workers, overcome barriers to participation in the labour market. Decisions on program and spending priorities rest with the provinces and territories under the Labour Market Agreements.

*Housing*

174. An extensive framework of legislation, policy and practice structures housing related activities in Canada. The National Housing Act (NHA) mandates the Canada Mortgage and Housing Corporation (CMHC) to promote housing affordability and choice, the availability of low-cost housing finance and the well-being of the housing sector. This is fulfilled by providing mortgage loan insurance to lenders across Canada (including on reserves and in the territories) and guaranteeing timely payment of interest and principal on Mortgage-Backed Securities and Canada Mortgage Bonds, thereby ensuring a steady source of funds for home buyers. For those whose needs cannot be met in the marketplace, the NHA authorizes CMHC to provide housing subsidies to support social housing for low-income Canadians as well to provide housing assistance for those with special/distinct needs under targeted initiatives. Under the NHA, CMHC also has the authority to support housing research to improve living conditions.

175. Federal, provincial and territorial governments work in collaboration to meet the housing needs of Canadians, with most administrative arrangements relating to housing programs and delivery governed by agreements. Provincial and territorial governments administer housing programs to give low- and moderate-income families access to adequate and affordable housing. These programs include, for example, subsidized rental housing, shelter allowances, home renovation assistance, support for programs to improve

accessibility for persons with disabilities and seniors, assistance for shelters for victims of family violence, supports to independent living, and homeownership options. Municipalities are also active in promoting social and affordable housing.

### **Labour market training and participation in the workforce**

176. The Government of Canada provides national, regional and sub-regional labour market information on occupations, industries, job vacancies and labour market events to assist employers, workers and communities manage labour market transitions. Support is provided to enhance labour market participation of under-represented groups (youth, persons belonging to official language minority communities, older workers, Aboriginal peoples, persons with disabilities and new immigrants) through various initiatives such as skills development and training, work experience and other active employment measures. Targeted measures are also provided to unemployed and low-skilled Canadians who are eligible recipients under Part II of the Employment Insurance Act.

177. The Government of Canada also supports initiatives in the provinces and territories that promote skills development, labour force participation and labour market efficiency through a variety of agreements, targeted programs and initiatives.

Labour Market Development Agreements (LMDAs) – Under the LMDAs, the responsibility for the delivery of employment benefits and support measures has been transferred to the provinces and territories by the Government of Canada. These annual transfers support the design, delivery and management of skills and employment programs for unemployed Canadians, particularly those who are eligible for Employment Insurance benefits. LMDAs include funding to support activities such as training, wage subsidies, self-employment assistance, work experience, job search assistance and employment counselling.

Labour Market Agreements (LMAs) – LMAs involve annual transfers to support provincial and territorial programs and services that focus on skills development to help unemployed Canadians – and vulnerable groups in particular – who cannot receive Employment Insurance benefits. LMAs include funding for literacy and essential skills development. Decisions on program and spending priorities rest with the provinces and territories under the Labour Market Agreements.

### *Social Benefits*

178. The federal, provincial and territorial governments recognize the importance of economic security and well-being for all Canadians, and have taken a number of joint and independent initiatives, including:

#### Income security

- In Quebec, the Government Action Plan for Solidarity and Social Inclusion is aimed at improving living conditions for low-income families and individuals, as well as acknowledging the value of work and fostering the self-sufficiency of individuals.

#### Family-related benefits

- Social assistance programs available across provinces and territories provide income assistance to individuals and families to help them meet their basic living costs. For Aboriginal persons living on reserve, the Government of Canada provides social assistance benefits.
- The Employment Insurance Family Supplement provides additional help to low-income families claiming benefits.

- The Canada Pension Plan provides basic income replacement to contributors and their families in the event of retirement, death or disability.
- The Working Income Tax Benefit is a refundable tax credit aimed at making work more rewarding for low- and modest-income Canadians. An important feature of this tax credit is that lone parents receive the same annual amount as couples; it also provides a supplement for persons with disabilities.

#### Seniors

- The Old Age Security program provides benefits to all persons age 65 and over who meet the residence requirement specified in the legislation. The benefits under the program include the basic pension, which is paid to virtually all seniors, the Guaranteed Income Supplement (GIS) for low-income seniors, and the Allowances for low-income Canadians aged 60 to 64 who are the spouses or common-law partners or survivors of GIS recipients. All benefits paid under the Old Age Security program are fully indexed to keep up with the cost of living.

#### Children

- The National Child Benefit (NCB) is an initiative of federal, provincial and territorial governments, with a First Nations component. The NCB includes both income and other forms of support (e.g. child/day care, early childhood services and children-at-risk services, supplementary health benefits, and youth initiatives).
- The federal contribution to the NCB initiative is the NCB Supplement, a monthly benefit paid to low-income families with children. The NCB supplement is part of the larger federal Canada Child Tax Benefit, which provides monthly benefits to low- and middle-income families to help with the costs of raising children.
- All families with children under the age of six receive the Universal Child Care Benefit, which may be used for childcare costs.
- In Quebec, the Child Assistance Payment is a refundable tax credit for all eligible families with children under 18 years of age. A Supplement for Handicapped Children is also provided, regardless of household income.

### **Specific Vulnerable Groups**

#### *Aboriginal Canadians*

179. Inequalities persist in contemporary Canadian society between Aboriginal individuals and other Canadians. These inequalities are reflected in the fact that Aboriginal Canadians are statistically more likely to be recipients of social assistance, to be unemployed, to be incarcerated, to live in poverty, to face increased health risks and to commit suicide. In partnership with Aboriginal peoples, the Government of Canada is committed to addressing these pressing issues and ensuring an improved quality of life for Aboriginal individuals and peoples through a policy agenda focused on five key areas: economic development; education; citizen empowerment and protection of the vulnerable; resolution of land claims; and reconciliation, governance and self-government.

180. Canada is committed to reconciliation and a renewed partnership with Aboriginal peoples. Indian Residential Schools, which operated for over a century, played a central role in efforts to assimilate Aboriginal peoples. On June 11, 2008, on behalf of the Government of Canada and all Canadians, the Prime Minister offered an historic formal apology to former students of Indian Residential Schools and sought forgiveness for the students' suffering and for the damaging impact the schools had on Aboriginal cultures and

communities. The apology is a positive step in forging a new relationship between Aboriginal peoples and other Canadians; a relationship based on knowledge of our shared history, a respect for each other and a desire to move forward together.

#### *Women*

181. Statistics show that women play a strong role in the workplace, have made remarkable strides in the proportion of persons with a university degree and have slightly higher literacy skills, on average, than men. However, statistics also indicate that the average earnings of employed women are substantially lower than those of men. Women make up a disproportionate share of the population with low incomes and are much more likely than men to work part time. Women are also more likely than men to experience more serious forms of violence. In Quebec, the implementation of the Government Action Plan on Domestic Violence and the Government Action Plan on Sexual Assault helps to protect women's fundamental rights. These plans focus in particular on at-risk women, including Aboriginal women, immigrants, lesbian women, women with disabilities and elderly women.

182. Specific measures taken to ensure the advancement of women include analytical tools used to assess how the impact of policies and programs on women might differ from their impact on men. The Government of Canada is committed to systematically integrating these in policy development, legislative reform and decision-making at the federal level.

183. Status of Women Canada is the federal government organization that promotes equality for women and their full participation in the country's economic, social and democratic life. Status of Women Canada works to advance equality for women by focusing its efforts in three priority areas: increasing women's economic security and prosperity, encouraging women's leadership and democratic participation, and ending violence against women.

#### *Homeless persons*

184. Although the very nature of homelessness makes it difficult to measure its extent, it is estimated that there might be 150,000 homeless people in Canada. Aboriginal people are overrepresented in the homeless population, especially in larger urban areas. In Canada, almost 400 emergency shelters offer more than 15,000 beds to the homeless.

185. The Government of Canada's Homelessness Partnering Strategy (HPS) aims to prevent and reduce homelessness. The HPS is a community-based model that develops partnerships with other levels of government and stakeholders and helps to develop sustainable supports to assist homeless individuals in achieving greater self-sufficiency and prevent those at risk from becoming homeless. In partnership with over 61 communities, including Aboriginal communities, the HPS supports longer-term housing solutions to address homelessness. It uses a housing-first approach and seeks to provide a continuum of supports by working with partners; emphasizes longer-term approaches such as transitional and supportive housing; supports community-based efforts by making strategic investments in priorities identified by local communities; and encourages co-operation between governments, agencies and community-based organizations to find local solutions to homelessness.

186. Provincial and territorial governments support a range of programs and services for homeless persons, including those geared towards funding emergency shelters where needed, as well as developing strategies and frameworks to help move people out of homelessness. Federal, provincial and territorial departments and agencies are increasing collaboration to coordinate efforts in preventing and reducing homelessness.

*Persons with disabilities*

187. In addition to the protection offered by the Canadian Constitution, and by federal and provincial human rights codes, governments have also implemented other legislation, policies and programs to ensure the full inclusion and equal participation of Canadians with disabilities in all aspects of society and community life, for example:

- The Government of Canada's Registered Disability Savings Plan is a long-term savings plan to help persons with disabilities and their families save for the future. The Government will also contribute up to \$70,000 in matching grants and \$20,000 in bonds into a Registered Disability Savings Plan, over the beneficiary's lifetime.
- The Enabling Accessibility Fund supports community-based projects across Canada that: improve the built environment through the construction of facilities that house services and programs for people with disabilities; renovate and retrofit existing buildings; modify vehicles for community use; and provide accessible information and communication technology.
- The Disability component of the Social Development Partnership Programs supports projects that are designed to improve the participation and integration of people with disabilities in all aspects of society.
- The Canada Pension Plan—Disability is the largest federal income security program for persons with disabilities. It provides partial earnings replacement for eligible contributors who cannot work due to a severe and prolonged disability.
- The Government of Canada's Opportunities Fund supports projects that help persons with disabilities who are not eligible for Employment Insurance benefits to prepare for and get jobs or to become self-employed.
- Through Labour Market Agreements for Persons with Disabilities, the Government of Canada also transfers funds to the provinces to support a broad range of programs and services that respond to the labour market participation needs of persons with disabilities.
- Provincial and territorial governments provide income support assistance to persons with disabilities, for example through the Poverty Reduction Strategy of the Government of Newfoundland and Labrador, the Assured Income for the Severely Handicapped program in Alberta and the Ontario Disability Support Program.
- In Quebec, the enactment of an Act to Secure Handicapped Persons in the Exercise of their Rights with a View to Achieving Social, School and Workplace Integration aims to promote the integration of persons with disabilities into society to the same extent as other citizens by providing for various measures pertaining to them as well as their families and their living environments, and by developing and organizing resources and services for them. The Act assigns responsibilities to the network of government departments, municipalities and various public agencies.
- In November 2009, New Brunswick adopted a poverty reduction strategy that had been developed through a year-long public engagement process, "Overcoming Poverty Together: The New Brunswick Economic and Social Inclusion Plan". In April 2010, new legislation established the Economic and Social Inclusion Corporation to oversee the implementation of the plan.