

Submission to the United Nations Human Rights Council for the
Universal Periodic Review – Canada

The Anglican Church of Canada
Christian Church (Disciples of Christ) in Canada
Evangelical Lutheran Church in Canada
The Presbyterian Church in Canada
The United Church of Canada
The World Council of Churches

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Introduction: Canadian Churches and Human Rights in Canada

This contribution to the Universal Periodic Review for Canada was prepared and written by Canadian churches who are members of the World Council of Churches. The churches who endorse this report are as follows:

- The Anglican Church of Canada
- Christian Church (Disciples of Christ) in Canada
- Evangelical Lutheran Church in Canada
- The Presbyterian Church in Canada
- The United Church of Canada

The report is supported by the World Council of Churches.

This report includes focusses on six areas:

- Human Rights of Indigenous Peoples
- Anti-Black Racism and People of African Descent in Canada
- Refugee rights – US – Canada Safe Third Country Agreement
- Immigration-Related Detentions
- Migrant Workers in Canada
- Freedom of Religion or Belief

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Human Rights of Indigenous Peoples

The review of Canada's human rights record is connected to the ongoing work of recognition and accountability for the residential school genocide and the treatment of Indigenous peoples.

As mainline Canadian churches, many of us ran residential institutions for Indigenous children on behalf of the Government of Canada for decades. The horrific events that took place in those now-closed institutions, and the ongoing trauma to Indigenous Peoples, is well documented. Some of our churches have since apologized for our role in operating residential institutions. Some of us are also deeply committed to following the Calls to Action from the Truth and Reconciliation Commission of Canada (TRC).

In recent years, news about unmarked graves at these residential institutions has been shared in mainstream media. While some people in Canada were shocked to hear about this, it was not new information for Indigenous communities; there are Indigenous people who have been naming this truth for quite some time.

As churches that have perpetuated oppression and ongoing colonialism, we take ownership of our role in these injustices. As partners in reconciliation, we defer to the leadership and respond to the wisdom from Indigenous groups and organizations, who offer detailed and expert-driven reports to the United Nations, and we remain committed to do our part to address Canada's human rights record.

Anti-Black Racism and People of African Descent in Canada

In December 2013, the United Nations General Assembly declared that there would be an International Decade for People of African Descent, running from 2015-2024. On July 1, 2020, several Canadian churches committed to recognizing and celebrating¹ this international decade, including responding to the urgency of our churches to do much more to address systemic anti-Black racism in Canada and globally. Subsequently, The Canadian Council of Churches committed to integrating the UN International Decade for People of African Descent into its program priority setting process for the 2021-2024 triennium.

As one component of this commitment, The Canadian Council of Churches created a cross-Canada bilingual public special event called “Recognition, Justice, and Development: Peoples of African Descent and Canadian Churches”, that focused on the realities of current systemic anti-Black racism in the Canadian context as well as ongoing challenges to Canadian churches. It also sparked further follow up anti-racism work regionally and locally. The Canadian Council of Churches also worked with churches and partners to host additional online events to reflect on, and further integrate, the goals of the UN International Decade into their life and work. The Commission on Justice and Peace is one of the committees of The Canadian Council of Churches, and it has been pursuing learning about systemic anti-racism—including anti-Black racism—on an ongoing basis.

Some mainline Canadian church denominations have also made commitments to engage with the UN Decade, and further the work of dismantling anti-Black racism. The Evangelical Lutheran Church in Canada as well as The United Church of Canada are among the denominations who declared that Black Lives Matter, and have been working on changing policies and practices to work towards systemic change. Many mainline churches continued to be guided by policy and action. For example, The United Church of Canada has developed a 3-year national Anti-Racism Action plan² with five theme areas, and which includes naming and challenging anti-Black racism as part of its ongoing work.

Canadian mainline churches, however, are far from triumphant about our work on anti-Black racism. Rather, we recognize that we have been complicit in systemic racism and colonial violence, and that we continue to perpetuate anti-Black racism even as we collectively endeavour to dismantle inequities. As noted in The United Church of Canada’s submission to the UN Universal Periodic Review report in 2018: “[t]he church is not exempt from racial injustice; rather, racism continues to find expression in both church and society”.

We therefore engage our anti-racism work in the broader context of a White supremacist system. In many ways, and in recognition of our historic and current complacency in racial

¹ The Canadian Council of Churches. Ecumenical Statement on the UN International Decade for People of African Descent. <https://www.councilofchurches.ca/wp-content/uploads/2022/06/2020-07-01-ecumenical-statement-UN-IDPAD-EN.pdf>

² The United Church of Canada. Anti-Racism Action Plan. <https://united-church.ca/social-action/justice-initiatives/anti-racism/anti-racism-action-plan>

injustices, we in Canadian churches are committed to addressing anti-Black racism, offering recommendations that further this anti-racism work, and learning from the UN Working Group of Experts on People of African Descent.

Motivated by our commitments to the UN Decade and anti-Black racism in recent years, some church leaders are reflecting anew on how churches have been a part of perpetuating injustice and violence, both directly and indirectly, to people of African descent. While many Canadian mainline denominations have membership that includes people of all racial identities, the majority of church leaders remain White. Some such leaders are bringing a deeper empathy to the witness and lived experiences of Black peoples. For example, the realities of racial profiling by police agencies, barriers to employment faced by Black and racialized peoples, and the overrepresentation of Black peoples in the criminal justice system³ are among the societal issues continuing to decry systemic anti-Black racism in the Canadian context, and to which Canadian churches and government are called to respond.

Developments since the last UPR of Canada in 2018

At the last UPR in 2018, the Government of Canada affirmed that “Canada recognized the importance of addressing racial and religious discrimination and crimes motivated by hate and the challenges that remained in those areas.”⁴ We recommend that further deepening the federal and provincial work in this area.

The Government stated that “The visit of the Working Group of Experts on People of African Descent in 2017 had highlighted many issues of discrimination against African Canadians. The Government was making significant new investments towards a new national anti-racism approach, including measures to address the challenges faced by Black Canadians. Action had also been taken at the provincial level, including in Ontario and Quebec.”⁵

We affirm the response by Ecuador⁶, that “welcomed the adoption of the National Housing Strategy and invited Canada to reconsider Sustainable Development Goal 11 in its implementation”.

Since the third Universal Periodic Review (UPR) of Canada in 2018, events in the United States (US) have impacted realities related to anti-Black racism in Canada and globally. These include the murder of Breonna Taylor and later George Floyd, in 2020.

³ Government of Canada. Overrepresentation of Black People in the Canadian Criminal Justice System <https://www.justice.gc.ca/eng/rp-pr/jr/obpccjs-spnsjpc/index.html>

⁴ Report of the Working Group on the Universal Periodic Review Canada, paragraph 16, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/82/PDF/G1821082.pdf?OpenElement>

⁵ Paragraph 17

⁶ Paragraph 31

Those two murders of Black peoples in the US by police were among the events that sparked world-wide protests and drew further attention to the movements of Black Lives Matter in Canada and elsewhere. The realities of anti-Black racism, and related work on anti-racism, were present long before these events—and systemic racism and rates of discrimination against Black peoples remain high. These horrific tragic deaths ignited and deepened conversations and action about anti-Black racism in the short-term; it still remains to be seen, however, whether these efforts will be sustained in the long term.

Another event which impacted anti-Black racism was the COVID-19 pandemic. This crisis further exacerbated racial inequities that were already present. Nationally, Black males experienced some of the highest mortality rates in the country.⁷ Anti-Black racism was one of the underlying conditions leading to inequalities in vaccine access and differential health outcomes. In Toronto, Ontario, Canada, for example, a Black Scientists Task Force on Vaccine Equity was created; it was designed to work to alleviating health disparities and inequities experienced by Black peoples—including raising awareness of the disproportionately high rates of COVID-19 infection rates and hospitalization that Black peoples experienced. Their final report⁸ is among the many that name that one social determinants of health is racism. Racism continues to have detrimental effects on the life and health of people who are Indigenous and racialized, including Black peoples.

Overall, though, we in Canadian churches lament that very little has changed in terms of systemic anti-Black racism since the last UPR of Canada in 2018. While some policies and strategies have been created, much more work needs to be done to dismantle systemic anti-Black racism.

As such, some of the current recommendations offered in this report remain very similar to The United Church of Canada's submission to the third UPR of Canada in 2018, and we reiterate them below.

Recommendations

At the last UPR of Canada in 2018, the following recommendations were made. We consider that these have not been implemented, and should again be addressed to the Government of Canada:

⁷ [Shikha Gupta](https://www150.statcan.gc.ca/n1/pub/45-28-0001/2022001/article/00010-eng.htm) and [Nicole Aitken](https://www150.statcan.gc.ca/n1/pub/45-28-0001/2022001/article/00010-eng.htm). COVID-19 mortality among racialized populations in Canada and its association with income. Statistics Canada. August 30, 2022.

<https://www150.statcan.gc.ca/n1/pub/45-28-0001/2022001/article/00010-eng.htm>

⁸ Black Scientists' Task Force on Vaccine Equity to deliver final report and recommendations to Board of Health today. City of Toronto, June 14, 2021. <https://www.toronto.ca/news/black-scientists-task-force-on-vaccine-equity-to-deliver-final-report-and-recommendations-to-board-of-health-today>.

- 142.33 Take all necessary measures to ensure that the recommendations made by the United Nations Committee on the Elimination of Racial Discrimination are fully implemented (Azerbaijan);
- 142.42 Redouble its efforts to raise awareness of xenophobic and race-based discrimination and ill-treatment, with a view to thoroughly ending such practices in society (Democratic People's Republic of Korea);
- 142.43 Strengthen measures adopted by the Government to combat racism and discrimination against Canadians of African descent and indigenous peoples in the criminal justice system (Belarus);
- 142.45 Put an end to the violation of the human rights of ethnic, minority and vulnerable groups, eradicating racist and discriminatory practices by public organizations and entities (Bolivarian Republic of Venezuela);
- 142.66 End anti-black and anti-Muslim discrimination and racism and implement an appropriate justice strategy within the criminal justice system in this regard (Islamic Republic of Iran);

In addition, we recommend a deepening of the federal and provincial work to address racial and religious discrimination.

In particular, we repeat our call upon the federal, provincial, and territorial governments, in consultation and collaboration with Black people, historians, and educators, to make anti-Black racism and Black history in Canada a mandatory education requirement for kindergarten to grade twelve students, including the history of enslavement, injustices, achievements, and Black peoples' historical and contemporary contributions to Canada.

We recommend that there continue to be action taken at developing a strategic approach to anti-racism, including at federal, provincial, and municipal levels.

We recommend that there be particular attention paid to racial inequities in housing.

We again encourage Canada to adopt the recommendations contained in the report of the UN Working Group on People of African Descent, from their mission to Canada⁹

⁹ Report of the Working Group of Experts on People of African Descent on its mission to Canada. United Nations Human Rights Council, Thirty-sixth session 11-29 September 2017.
<https://www.ohchr.org/en/documents/country-reports/ahrc3660add1-report-working-group-experts-people-african-descent-its> <https://www.ohchr.org/en/documents/country-reports/ahrc3660add1-report-working-group-experts-people-african-descent-its>

Black people must be recognised as a distinctive group, and the human rights of Black people in Canada must be protected.

We call on federal, provincial, and municipal levels of government to make anti-racism a priority by ensuring appropriate financial, human and educational resources are designated for this work across government programs.

In the context of naming systemic racism in the Canadian context, we call on the Government of Canada to ensure that federal, provincial and municipal government programs that address anti-racism include specific references to white privilege and a culture of whiteness in Canada.

We recommend that Canadian employers offer anti-racism trainings for their staff, and within this to name White supremacy and systemic racism.

Refugee Rights – US – Canada Safe Third Country Agreement

The US-Canada Safe Third Country Agreement (STCA) violates refugee rights, does not comply with the United Nations Refugee 1951 Refugee Convention and is in breach of Canada's Charter obligations.

The Canadian Council for Refugees, Amnesty International Canada, and The Canadian Council of Churches have twice challenged the legality of the US-Canada Safe Third Country Agreement, once in 2007 and again in 2017. In both cases, the challenges were successful at the Federal Court but were later overturned on technical grounds by the Federal Court of Appeal. In 2021 the Supreme Court announced it would weigh in on the constitutionality of the STCA – a significant breakthrough in the campaign for the just, compassionate, and orderly treatment of people seeking refuge in Canada.

On July 22, 2020, the Federal Court ruled that sending refugee claimants back to the US under the Safe Third Country Agreement violates their right to liberty and security protected by section 7 of the Canadian Charter of Rights and Freedoms. The Court therefore determined that the Canadian legislation designating the US as a safe third country is unconstitutional and therefore of no force or effect. The Court, however, ordered that its decision will only take effect after six months—in other words on January 22, 2021.

The Federal Court's decision was based on the extensive evidence presented of wide-ranging and very serious human rights violations associated with immigration detention in the United States, and in particular of the actual experiences of people returned by Canada to the USA under the Safe Third Country Agreement.

The Federal Court of Appeal overturned that decision in April 2021—not on substantive grounds, but on how the arguments were framed.

Under the Safe Third Country Agreement, refugees who present themselves at a Canada-US border post seeking to make a refugee claim in Canada are, with limited exceptions, denied access to the Canadian refugee system and immediately returned to the United States. Since the Agreement does not apply to people who cross into Canada other than at an official border post, people in need of safety in Canada have been crossing in increased numbers irregularly, sometimes at peril of their lives, particularly in winter.

The litigants have argued that sending refugee claimants back to the US violates the Canadian Charter of Rights and Freedoms and Canada's binding international human rights obligations. Because the US system fails in many ways to protect refugees, people turned back from Canada under the Safe Third Country Agreement are at risk of *refoulement*: of being sent in turn by the US to face persecution, torture and even death in their home countries. This is contrary to their Charter right to life, liberty and security of the person. More immediately, the right to liberty of many of those sent back to the US is violated when they are arbitrarily detained in immigration detention centres or county jails, often in atrocious conditions and in clear contravention of international standards.

The organizations also presented extensive evidence showing that the STCA has particularly negative impacts on women fleeing gender-based persecution and are disproportionately harmed by being sent back to the US in violation of their Section 15 Charter right to equal treatment under the law.

Withdrawing from the Agreement would not only be consistent with Canada's human rights commitments but would also allow people to present themselves in an orderly way at ports of entry, ending irregular crossings and dangerous journeys.

The evidence is overwhelming that the US is unsafe for many refugees, and that many people sent back to the US under the STCA suffer serious rights violations in detention. Because of this evidence, the organizations call on the government to suspend the Agreement. None of the previous court rulings—or the upcoming Supreme Court decision—prevent the government from taking action immediately to end this harmful Agreement.

Under the STCA, most refugee claimants who arrive at an official port of entry seeking protection in Canada are denied entry and turned back to the US. Because the agreement only applies at official border crossings, many refugees have been forced to cross the border in between ports of entry, sometimes in perilous conditions. Withdrawing from the Agreement would not only ensure that Canada meets its Charter and legal obligations but would also allow people to present themselves in an orderly way at ports of entry, ending the need for irregular crossings.

Three leading Canadian human rights organizations—the Canadian Council for Refugees, Amnesty International Canada, and The Canadian Council of Churches—together with eight individual applicants, appeared before the Supreme Court of Canada on October 6, 2022 to call

for an end to a policy that cruelly bars many people from seeking refugee protection in Canada.

Recommendations

We re-iterate recommendations that were noted in the UPR from 2018:

- 142.259 Consider taking further necessary measures to ensure adequate protection of the rights of migrants and refugees (Nigeria);
- 142.268 Ensure that all individuals who attempt to enter the country are provided with equal access to asylum proceedings (Mozambique);
- 142.271 Continue to improve the condition of refugees and asylum seekers in accordance with Canada’s international human rights obligations (Indonesia);
- 142.271 Continue to improve the condition of refugees and asylum seekers in accordance with Canada’s international human rights obligations (Indonesia);
- 142.272 Eliminate or improve the two exceptions in subsection 115.2 of the Law on Immigration and Protection of Refugees in order to safeguard the principle of non-refoulement, as provided for by international law (Ecuador)

Immigration-Related Detentions

Canada has a global reputation for welcoming refugees and other forcibly displaced persons. Since 1980, more than one million refugees have arrived in Canada.¹⁰ Canada was the largest receiver of resettled refugees in 2021, welcoming 20,400 forcibly displaced people.¹¹ Despite its global status as a refugee-welcoming country, Canada detains an average of about 7,000 people each year on immigration-related grounds.¹²

Canada Border Services Agency (CBSA) officers can arrest and detain individuals, including permanent residents and foreign nationals, if “the officer has reasonable grounds to believe the individual is inadmissible.”¹³ Many of these people, including asylum seekers and minors, are

¹⁰ UNHCR, “Refugees in Canada,” UNHCR Canada, accessed February 24, 2023, <https://www.unhcr.ca/in-canada/refugees-in-canada/>.

¹¹ UNHCR, “Global Trends Forced Displacement in 2021” (UNHCR, 2021), 34, [file:///C:/Users/ibayo/OneDrive/Desktop/CLWR_WORK%20RESOURCES/UNCHR%20GLOBAL%20TRENDS%20REPO RT.pdf](file:///C:/Users/ibayo/OneDrive/Desktop/CLWR_WORK%20RESOURCES/UNCHR%20GLOBAL%20TRENDS%20REPO%20RT.pdf).

¹² Canada Border Services Agency Government of Canada, “Annual Detention Statistics: 2012 to 2022,” December 9, 2021, <https://www.cbsa-asfc.gc.ca/security-securite/detent/stat-2012-2022-eng.html>.

¹³ Canada Border Services Agency Government of Canada, “Arrests, Detentions and Removals,” September 30, 2014, <https://www.cbsa-asfc.gc.ca/security-securite/arr-det-eng.html>.

detained at immigration holding centers (IHC) or provincial correctional facilities (PCF). There are many reports about the mistreatment and harsher living conditions of detainees that violates their fundamental human rights, especially those detained in PCFs.¹⁴ Some of these reported mistreatments and harsher conditions include:

- Co-mingling and sharing cells in PCFs between immigration detainees and people who are criminally accused or have criminal convictions. In such situations, immigration detainees are subjected to the same high-security and restrictive conditions as those held under the Criminal Code. These conditions include long hours of lockdowns with little time out of cells, rigid routines, constant surveillance, and limited or no ability to contact family and/or access legal aid.¹⁵
- Detention of people who experience mental health issues. Reports indicate that people with mental health issues are likely to be detained in PCFs, be kept in solitary confinement, and face “coercive treatment because of their mental health conditions,”¹⁶ which breach their fundamental rights and freedom from inhuman or degrading treatment.
- Risk of immigration detainees held indefinitely. Canada is one of the few liberal democracies in the Global North with no legal limit on how long people can spend in immigration detention. More than 300 immigration detainees have been held longer than one year since 2016.¹⁷ Arbitrary and indefinite detention is cruel, causes harm, and violates international norms such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Although in reducing numbers, the detention and separation of children, whether accompanied or unaccompanied, still occurs in Canada’s immigration detention system.
- Migrant workers and members of their families are subjected individually and/or collectively to arbitrary arrest or detention.

These mistreatments and harsher conditions of people detained on immigration-related issues also violate the fundamental tenets of the Global Compact, which Canada supports. The Global Compact is based on international human rights law that urges member countries to “ensure effective respect, protection, and fulfillment of the human rights of all migrants, regardless of

¹⁴ Human Rights Watch, “‘I Didn’t Feel Like a Human in There’ Immigration Detention in Canada and Its Impact on Mental Health” (Human Rights Watch, 2021), https://www.hrw.org/sites/default/files/media_2021/06/canada0621_web.pdf; “Canada Can Jail Asylum Seekers Indefinitely,” Global News, accessed February 24, 2023, <https://globalnews.ca/news/9196862/immigration-detention-canada-asylum-seekers-suicide/>; Canadian Red Cross Society, “Canadian Red Cross Immigration Detention Monitoring Program (IDMP): Annual Report 2021” (Canadian Red Cross Society, 2021), <https://www.cbsa-asfc.gc.ca/security-securite/detent/idmp-pscd-20-21-eng.pdf>.

¹⁵ Human Rights Watch, “‘I Didn’t Feel Like a Human in There’ Immigration Detention in Canada and Its Impact on Mental Health.”

¹⁶ Human Rights Watch, 33.

¹⁷ Human Rights Watch, 3.

their migration status, across all stages of the migration cycle.”¹⁸ We urge Canada to take the following steps to safeguard the fundamental human rights of immigration detainees.

Recommendations

- i. We urge Canada to implement appropriate measures to end the practice of co-mingling immigration detainees with people held under the Criminal Code. The practices of immigration detainees sharing cells with people held under the Criminal Code in PCFs have severe adverse mental health and psychological consequence for forcibly displaced people seeking protection.
- ii. We recommend that Canada adopt appropriate legislative measures to set a reasonable time limit on how long people can spend in immigration detention.
- iii. We urge Canada to implement effective measures to avoid delays in the judicial review of people in detention facilities, which can help reduce the length of time people are detained.
- iv. We encourage Canada to implement Alternative to Detention (ATD) measures and end the practice of detaining people experiencing mental health conditions in PCFs.
- v. Immigration detainees in PCFs have difficulty contacting their families outside Canada, and their ability to contact legal aid organizations is severely limited. These difficulties for detainees to contact their families outside Canada and access legal aid violate international norms. We recommend that Canada adopt measures to improve immigration detainees’ access to legal aid, improve contact visits in PCFs, and make facilities readily available to contact with family.
- vi. The Global Compact promotes international legal obligations regarding the rights of the child, including the principle of the best interests of the child. In line with these principles, we urge Canada to adopt effective ATD measures to end the practice of detaining children and separating them from their parents or guardians.

We also re-iterate these recommendations from the UPR in 2018:

- 142.266 Give attention to the issue of immigration detention for an indefinite period and seek to amend legislation to set a time limit for detention (Costa Rica);
- 142.267 Take steps to limit the use and prorogation of immigration detention (Mexico);

¹⁸ Global Compact for Migration, “Global Compact for Safe, Orderly and Regular Migration: Intergovernmental Negotiated and Agreed Outcome” (Global Compact for Migration, 2018), 4, https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf.

- 142.274 Put an end to the detention of refugee and asylum-seeking children, through alternatives that fully take into consideration the best interest of the child (Ecuador);
- 142.271 Continue to improve the condition of refugees and asylum seekers in accordance with Canada's international human rights obligations (Indonesia);

Migrant Workers in Canada

The term migrant worker in Canada includes workers who are admitted to Canada under the Temporary Foreign Workers Program (TFWP). They include mainly low-wage workers in agricultural stream, and Seasonal Agricultural Workers. The agricultural and seasonal workers who come under TFWP are vulnerable to abuse. The main reason for their vulnerability is rooted in their temporary immigration status which denies them the basic rights enshrined in the Convention on the Protection of the Rights of All Migrant Workers and their Families.

Many migrant workers, and a majority of those designated as low-skill/low-wage, have no access to permanent residence. Because most so-called "lower skilled" migrant workers are from the Global South and have few options other than to leave their homes to find work to feed their families, they are willing to accept working conditions that Canadians will not. By offering them access only to temporary migration, Canada marginalizes these mostly racialized workers. Canada is moving from being a country that considers immigration as a strategy for nation-building to a country that uses "low-skilled" temporary migrants as a source of cheap and disposable labour, rather than recognizing the contributions of all types of work to the Canadian economy and society.

Temporary migrant workers are denied access to federally funded settlement services. In addition, they often lack adequate access to health services and information about medical and community services they are entitled to, as well as important information on their legal rights. Migrant workers pay taxes and pay into social benefits programs that they will never be able to claim.

Labour exploitation and abuse of migrant workers in Canada is common. According to a report released by Human Resources Director- Canada, exploitation, abuse and discrimination of migrant workers are rampant in Canada. The report indicates these abuses and violations of rights of migrant workers by percentage as follows:

- low wages (51%)
- discrimination (48%)

- working without permit (35%)
- verbal abuse (35%)
- lack of healthcare (33%)
- long hours of work (30%)
- poor housing conditions (30%)
- lack of permanent residency status (30%)

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During the last UPR of Canada, several recommendations were made regarding the human rights of migrant workers particularly with the respect to the Convention on the Protection of the Rights of All Migrant workers and Members of their Families.²⁰ To date, Canada has neither signed nor ratified this Convention, and migrant workers who are subjected to exploitation and abuse have little or recourse for complaints and subsequent remedies.

Recommendations:

We therefore call on Canada to sign and ratify the Convention on the Protection of the Rights of All Migrant workers and Members of their Families. We also call for mandatory external monitoring of workplaces hiring “low-skill” and low-wage temporary migrant workers.

We call for the right of migrant workers from all skill categories to be able to apply for permanent residence, and for the federal government to revise the economic immigration program to include a low-skill stream.

We call for temporary migrant workers to be included in the eligibility for federally funded settlement services.

¹⁹ Jim Wilson, “Migrant exploitation rampant in Canada”, 16 February 2023

²⁰ International Covenant on Economic, Social and Cultural Rights Article 6 (right to work), Article 7 (right to favourable conditions of work), Article 8 (right to join Trade Unions), Article 9 (right to social security). International Covenant on Civil and Political Rights Article 8 (prohibition of slavery), Convention on the Rights of Persons with Disabilities Article 27 (Right to work and to employment).

We also re-iterate the following recommendations from the UPR in 2018:

- 142.260 Take legislative and administrative actions to reform current policies to ensure the protection of all migrants (Islamic Republic of Iran);
- 142.261 Improve the conditions of migrant workers (Iraq);
- 142.262 Continue to take steps to improve the conditions of migrant workers, including temporary and seasonal workers, and their welfare (Sri Lanka);
- 142.263 Enable migrant workers, especially those of African descent, to access basic health services (Senegal);
- 142.264 Ensure that temporary and migrant agricultural workers are covered under the protection of labour legislation and have access to health and employment benefits (Trinidad and Tobago);
- 142.265 Revise its national legislation with a view to guaranteeing respect for and protection of migrant workers, particularly as regards access to health care and social protection for seasonal workers and their protection against all types of exploitation or trafficking (Honduras);

Freedom of Religion or Belief: Bill 21 - An Act on the Laicity of the State in Québec

On 16 June 2019, *An Act respecting laicity of the State* (Act) came into force in Québec, Canada.

The purpose of the Act is to affirm the laicity of the State and to set out the requirements that follow from it. To that end, the bill provides that the laicity of the State is based on four principles: the separation of State and religions, the religious neutrality of the State, the equality of all citizens, and freedom of conscience and freedom of religion.

The bill prohibits certain persons from wearing religious symbols while exercising their functions. The prohibition does not apply to certain persons holding positions at the time the bill is introduced, subject to the conditions specified by the bill.

Under the bill, personnel members of a body defined by the Act must exercise their functions with their face uncovered, and persons who present themselves to receive a service from such a personnel member must have their face uncovered when doing so is necessary to allow their identity to be verified or for security reasons. Persons who fail to comply with that obligation may not receive the service. However, those obligations do not apply to persons whose face is covered for reasons of health or a handicap, or because of the requirements tied to their functions or to the performance of certain tasks.

In addition, the bill amends the Charter of human rights and freedoms to specify that persons must maintain proper regard for State laicity in exercising their fundamental freedoms and rights.

During the public debate leading up to the adoption of the Act, The Canadian Council of Churches adopted a statement of consensus challenging the violation of human rights and of the freedom of religion or belief contained in the Act:

For Christians, human rights are grounded in the dignity accorded each human being by virtue of having been made in the image and likeness of their Creator. The intrinsic dignity of every human being includes the divinely given gifts of reason and free will. In exercising this reason and free will, individuals are at liberty to choose or change their religion or belief, and to express it either alone or in community with others, publicly or privately, in teaching, practice, worship and observance.

The Canadian Charter of Rights and Freedoms names freedom of conscience and religion first among the “fundamental rights” of the people of this land. Even as the Charter describes Canada as a country “founded upon principles that recognize the supremacy of God,” we accept the secular nature of the state, and embrace Canada’s pluralistic nature.

In the Canadian context, to be secular means to remain pluralistic. Secularism includes freedom of belief, both in one’s private and public life. Thus, there should be no official religion in this country, but neither should there be any form of official atheism.

A healthy pluralism, one which genuinely respects differences and values them as such, does not entail privatizing religions in an attempt to reduce them to the quiet obscurity of the individual’s conscience or to relegate them to the enclosed precincts of places of worship.

For example, we understand that religious symbols and attire can be intrinsic to one’s religious faith. They cannot be removed at a whim, and the state should normally have no role in regulating their use. Religious extremism is a growing concern, internationally and here in Canada. Placing limits on the religious freedoms of faith communities—especially religious minorities—risks exacerbating feelings of marginalization and exclusion, and may cultivate the very religious extremism such limits seek to avoid. The state should demonstrate impartiality in the crafting and enforcement of the law.

As Christians, we consider as allies Canadians of different faiths—or no faith—who also sincerely seek truth, beauty, and goodness. We believe that these values find their complete expression in the God of Jesus Christ. As Christians, we do not seek religious freedom that is denied to others. Rather, we support a pluralistic society, open to all. We believe that freedom of religion serves both as a check against the potentially coercive power of the state, and as a means of promoting the common good and creating a truly just society.

The enforcement of the Act has led to widespread infringements of the right to freedom or belief as expressed in Article 18 of the Universal Declaration of Human Rights:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Likewise it has led to infringements of the right to freedom or belief under the Canadian Charter of Rights and Freedoms, Article 2:

Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

In the Canadian context, to be secular means to remain pluralistic. Secularism includes freedom of belief, both in one's private and public life.

Beside infringements on the right to freedom or belief, its implementation has also led to widespread discrimination as the impacts and requirements of the bill fall on specific groups, many of whom are already marginalized in Québec and Canadian society.

Sources:

Bill 21: *An Act respecting laicity of the State*, National Assembly of Québec, 1st Session, 42nd Legislature, 2019.

Statement on Religious Freedom, adopted by consensus September 2016 by The Canadian Council of Churches, Christian Interfaith Reference Group.