

Introduction

1. The Congregation of the Sisters of Saint Anne was founded at Vaudreuil (Canada) in 1850. The Sisters of St. Anne are actively striving for the promotion and defense of the fundamental rights of human beings, notably the right to education, affordable housing and health care. The Congregation is a member of two NGOs with special consultative status at the United Nations: UNANIMA International¹ and Partnership for Global Justice.² UNANIMA International is a non-governmental organization (NGO) advocating on behalf of women and children (particularly those living in poverty), immigrants and refugees, and the environment. On the ground, our unique membership consists of 20 congregations of Roman Catholic sisters whose 20,000 constituents work in over 80 countries. We bring their voices, concerns, and experiences as educators, health care providers, social workers, and development workers to the United Nations.

Civil society participation

2. Canada has made progress in the implementation of Recommendation 128.28 made at the Universal Periodic Review in 2013. Canada has been proactive in consulting experts, scientists, businesses, non-governmental organizations, First Nations, citizens and other stakeholders on various regulations and policies³ and using means to facilitate the participation of all. For several consultations, a summary of the comments was made public.

Recommendation

3. That Canada enhance transparency in the multi-stakeholder consultation process and develop a best practice guide to procedures.

Housing

4. At the Universal Periodic Review in 2013, Canada accepted recommendations (128.124, 128.126 and 128.127) for a national strategy to address poverty and homelessness. Canada does not collect official statistics on the number of homeless people. The phenomenon of Tent Cities has multiplied in recent years, especially in the province of British Columbia. In June 2017, Miloon Kothari, the former United Nations Special Rapporteur on the Right to Adequate Housing, visited Vancouver 10 years after his official visit as a rapporteur. "Vancouver's housing situation now amounts to a kind of "apartheid," Kothari said."⁴

¹ <http://www.unanima-international.org/>

² <http://www.partnershipforglobaljustice.com/>

³ Among the subjects of consultation are: reduction of poverty, housing, immigration in the context of detention,

⁴ See: <http://www.metronews.ca/news/vancouver/2017/06/05/vancouver-housing-crisis-a-form-of-apartheid.html>

5. In 2016, the Federation of Canadian Municipalities spoke of a disaster in the area of housing: "Over the next 20 years, Canada's seniors' population will double to more than 10 million. At the same time, federal support for social housing will all but disappear as federal contributions decline from \$1.6 billion today, to nearly zero."⁵
6. Several studies show that the people most affected by housing issues and living in poverty are: women, member of First Nations, visible minorities, immigrants or refugees, youths, seniors and the disabled.⁶
7. In November 2016, the Assembly of First Nations held a forum to clarify their vision for housing: "All First Nation members living on or away from their community have a right to shelter and they must be provided with an opportunity to access safe, secure, adequate and affordable housing."⁷
8. In 2017, Canada held public consultations on a national housing strategy. The officials said: "The Government of Canada believes that housing is an essential part of our approach to strengthen the middle class, fuel our economy and improve lives across the country."⁸ Canada has published the major thrusts that have reached consensus among participants in the consultation on housing, including the following: "a national housing strategy should support Canadians in greatest need, including low-income and homeless families and individuals" and "a parallel strategy is needed to address the unique housing challenges facing First Nations both on- and off-reserve, including the North, and to make sure their homes are on a par with the rest of Canada".

Recommendations

9. That Canada adopt a national housing policy to ensure the right to housing for all and, especially the most vulnerable.
10. That Canada continue to support the First Nations housing strategy in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and in Nation to Nation relationship.

⁵ See : <https://fcm.ca/home/media/news-and-commentary/2015/big-city-mayors-say-canada-is-facing-%E2%80%98perfect-storm%E2%80%99-on-housing.htm>

⁶ See; <http://www.cwhn.ca/en/node/43290>

⁷ See : <http://www.afn.ca/wp-content/uploads/2015/06/FINAL-National-Housing-and-Infrastructure-Forum-Final-Report.pdf>

⁸ See:<https://www.letstalkhousing.ca/learn-more/what-we-heard.cfm>

Water

11. In 2012, by amending the Navigable Waters Protection Act, one of the oldest Canadian laws, Canada has removed the protection of 99% of rivers and lakes and has placed emphasis on the protection of navigation, not on health of the water, as indicated by the change of name for the Protection of Navigation Act.
12. In 2016-2017, Canadians were able to express their views on this legislation through a consultation initiated by the federal government. In 2017, a parliamentary committee reviewed the amendments that came into effect in 2014 and submitted its report to the Ministry of Transport, Infrastructure and Communities.⁹ In this process, we welcome the commitment of the Government of Canada to "review the recent changes to the Navigable Waters Protection Act, restore lost protections and incorporate modern safeguards."¹⁰
13. Regarding water in Canada, responsibilities are shared between the federal government and the provinces.¹¹ According to Zubrycki, Roy, Venema and Brooks (2011) about adequate quantity and quality of water: "The appropriate policies are not entirely in place to safeguard citizens from these health, economic and environmental threats."¹²
14. Recognized as a human right, water must be protected from all threats. Without a national water policy and without water protection, Canada deprives itself of the essential tools to guarantee the human right to water, to achieve Goal 6 of the 2030 agenda and to respect the United Nations Declaration on the Rights of indigenous peoples. In 2000, the European Union adopted the *Framework for Community action in the field of water policy*¹³, which has several objectives: not only prevention and reduction of pollution of the environment, but also sustainable use of water to protect the environment, including aquatic ecosystems and taking into account droughts and floods.

⁹ See: <http://www.noscommunes.ca/Committees/fr/TRAN/StudyActivity?studyActivityId=9081071>

¹⁰ See: <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/navigation-protection.html>

¹¹ "Under the Constitution Act (1867), the provinces are "owners" of the water resources and have wide responsibilities in their day-to-day management. The federal government has certain specific responsibilities relating to water, such as fisheries and navigation, as well as exercising certain overall responsibilities such as the conduct of external affairs." See: <https://www.ec.gc.ca/eau-water/default.asp?lang=En&n=E05A7F81-1>

¹² Water Security in Canada: Responsibilities of the federal government (2011), http://www.iisd.org/pdf/2011/water_security_canada.pdf

¹³ See : <http://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:32000L0060>

15. The Voice of Canadian Business, the Canadian Chamber Commerce, notes that: "The past several years have provided us with numerous examples of the need for a Canada-wide National Water Strategy."¹⁴

16. Among the best practices, in 2000, the European Union adopted the *Framework for Community action in the field of water policy*¹⁵, which has several objectives: not only prevention and reduction of pollution of the environment, but also sustainable use of water to protect the environment, including aquatic ecosystems and taking into account droughts and floods.

Recommendations

17. That Canada adopt a national water policy that recognizes the human right to water.

18. That the federal government adopt legislative measures to protect waters including the precautionary principle and the principle of sustainable development.

Child Migrants in Detention

19. According to *La Presse* (June 13, 2017), because their migration status or that of their parents, "in the last three years, 595 minors have been detained in Canada".¹⁶

20. Specific articles from the United Nations Convention on the Rights of the Child can be applied to protect the rights of children on the move and address the practice of detention, including:

- Children should **not be detained unlawfully or arbitrarily** (Article 37)
- Children in detention have the **right to challenge the legality of their detention** before a court or another independent body (Article 37)
- Children in detention should be **treated with respect and humanity** and they have the right to healthy development and to be able to recover from past trauma (Article 37)
- Children separated from their parents have a **right to special assistance** (Article 20).

¹⁴ See : <http://www.chamber.ca/download.aspx?t=0&pid=e92cde9b-2688-e311-93a5-000c29c04ade>

¹⁵ <http://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:32000L0060>

¹⁶ <http://www.lapresse.ca/actualites/enquetes/201706/13/01-5106974-quand-le-canada-emprisonne-les-migrants-et-leurs-enfants.php> – (<http://www.cbc.ca/news/politics/canada-immigration-detention-children-1.3995461> (our translation))

Canada has ratified the Convention on the Rights of the Child.

21. Canada supported the Declaration on Refugees and Migrants at the United Nations Summit on September 19, 2016, by committing to ending detention because of their migratory status or that of their parents.¹⁷
22. In 2017, Canada made a public consultation on immigration detention with Canadians. We are pleased with this initiative and the objectives pursued by the responsible minister: "Canada must have a much improved immigration detention system - one which effectively limits the use of detention to those difficult cases where there are serious concerns about the individual being unidentified, a flight risk or a danger to the public. We need to minimize the use of provincial jails and try to avoid, as much as humanly possible, the holding of children in detention. Our consultations are focused on developing meaningful and workable alternatives, as well as upgraded facilities and services."¹⁸
23. In July 2017, the Government of Canada announced its intention to include certain measures in the *Immigration and Refugee Protection Regulations*. One measure presents a list of factors that decision-makers must consider when determining the best interests of the child. The other measure includes consideration of the best interests of the non-detained minor child in "any decision to detain or continue the detention of that child's parent or legal guardian."¹⁹ While Canada is taking steps in the right direction, alternatives to the detention of families, single minors and other vulnerable migrants are the best practices for ensuring respect for children's rights and human rights.
24. For several years, NGOs and some members of the Senate of Canada²⁰ have been calling for an end to the detention of minors due to their migratory status or that of their parents.
25. Some countries²¹ have put in place alternatives to migrant detention such as residences supervised by social workers.

¹⁷ http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1&referer=/english/&Lang=F, no 56

¹⁸ https://www.canada.ca/en/border-services-agency/news/2017/04/government_of_canadaseekpublicinputtotransformcanadasimmigratio.html

¹⁹ See: <http://www.cbsa-asfc.gc.ca/agency-agence/consult/consultations/2017-5-eng.html>

²⁰ See : <https://sencanada.ca/en/sencaplus/news/senators-call-for-end-to-detention-of-children-in-immigration-cases/>

²¹ Australian and Sweden for example.

Recommendations

26. That Canada end the detention of the most vulnerable migrants, families, unaccompanied minors, pregnant women, the elderly, people with mental and / or physical illnesses and be guided by the best practices in the respect of human rights.
27. That Canada put in place alternatives to migrant detention.

Corporate social responsibility

28. At the Universal Periodic Review in 2013, the following recommendation was accepted by Canada: "Continue efforts towards the establishment and implementation of an effective regulatory framework for holding companies registered in Canada for the human rights impact of their operations." (128. 151)
29. On 20 July 2015, the Human Rights Committee stated that it was "concerned about allegations of human rights abuses by Canadian companies operating abroad, in particular mining corporations, and about the inaccessibility to remedies by victims of such violations. The Committee regrets the absence of an effective independent mechanism with powers to investigate complaints alleging abuses by such corporations that adversely affect the enjoyment of the human rights of victims, and of a legal framework that would facilitate such complaints (art. 2)." (CCPR/C/CAN/CO/6)²²
30. In September 2016, Canada updated *The Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector Abroad*.²³ Despite appeals from civil society, attempts at legislative reform and recommendations by the Human Rights Committee, Canada still lacks an independent or legal mechanism for receiving and dealing with complaints of human rights violations caused by extractive Canadian companies abroad.

²² http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2FC%2FCAN%2FCO%2F6

²³ "The updated strategy redefined the counsellor's role, emphasizing informal co-operation with the mining sector and other stakeholders, and the importance of trying to head off potential conflicts before violence occurred. It also allowed the government to cut off support to mining companies in the form of letters of support, advocacy in foreign markets, and the provision of financing, if those companies didn't adhere to CSR principles or engage with the counsellor or another dispute-resolution outlet, the Canadian National Contact Point for the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises." See: <https://www.hilltimes.com/2016/11/09/feds-seriously-considering-mining-ombudsman-says-canadas-corporate-social-responsibility-envoy/86691>

31. The *Ad hoc* Coalition of Canadian and International NGO highlights that "Canada has the human and financial capital to heed the recommendations of the Committee, improve the implementation of its human rights commitments, and re-emerge as a global leader on human rights issues. The victims of human rights abuses cannot wait another ten years for a set of similar recommendations that Canada meets with inaction."²⁴

Recommendation

32. That Canada establish an independent mechanism to receive and investigate the social responsibility of Canadian extractive sector companies abroad and establish legal frameworks in the event of non-compliance in the field of human rights, under international law.

Temporary Migrant Workers

33. The situation of temporary migrant workers coming to Canada through the *Temporary Foreign Worker Program* has been the subject of several studies, research and recommendations to Canada for several years. There is a broad consensus on the shortcomings of this Program and the vulnerability of foreign workers, some victims of abuse, exploitation, and even human trafficking.

34. Issues highlighted include:

The work permit linked to a single employer, and the control exercised by the employer,

The four-year rule which Canada recognized "caused instability for both workers and employers"²⁵,

The abuse of certain recruitment agencies,

The lack of information provided to workers on their rights,

Working conditions, hours not paid,

Housing conditions,

Difficulties in accessing health care,

²⁴ <http://www.marketwired.com/press-release/-2041376.htm>

²⁵ <http://www.ourcommons.ca/DocumentViewer/en/42-1/HUMA/report-4/response-8512-421-86>

Isolation,

The almost impossible access to permanent residence,

The lack of investigation by the authorities into the workplace.

35. In 2016, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities²⁶ examined the *Temporary Foreign Worker Program*, seeking input from civil society through briefs and testimonies. In response to the recommendations made by this committee, we are pleased that the government of Canada announced four measures in December 2016 to improve the program, including : "eliminating the four-year cumulative duration rule" and "committing to further developing pathways to permanence for foreign workers".²⁷
36. The *Temporary Foreign Worker Program* must not only benefit employers and the Canadian economy. It must also strive to guarantee the respect for the human rights of foreign workers.

Recommendations

37. That Canada implement the necessary changes to the *Temporary Foreign Worker Program* to ensure respect for human rights.
38. That Canada sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

²⁶ <https://www.ourcommons.ca/DocumentViewer/en/42-1/HUMA/report-4>

²⁷ See: <https://www.ourcommons.ca/DocumentViewer/en/42-1/HUMA/report-4/response-8512-421-86>