

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

[Canada](#)

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	23/07/1976 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	N/A			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	28/11/2005 Acceptance			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. Canada's **Constitution Act of 1867**¹ provides for the regulation of education on the provincial level. The 13 jurisdictions are responsible for providing education at the elementary, secondary and post-secondary levels, as well as for technical and vocational education. Although education or school acts in each Province differ in specific, they contain overall consistent principles. These include the right to attend a

¹ Accessible on UNESCO's Global Database on the Right to Education:
www.unesco.org/education/edurights/media/docs/a256e547ccc1e99d82fe5a7e2bab7717372b1aba.pdf

public school for all children if they meet the age and residency requirements. The **Canadian Charter of Rights and Freedoms** spells out the right to minority language education for French or English minority populations.

2. In terms of reporting to UNESCO, Canada has submitted a report within the framework of the **9th (2016-2017) Consultation of Member States** on the measures taken to implement the UNESCO Convention against Discrimination in Education as well as within the framework of the **8th (2011-2013) Consultation**. Canada also reported on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **6th (2016-2017) Consultations of Member States**. Nevertheless, it did not submit a report within the framework of the **5th (2012-2013) Consultation of Member States**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The 1982 Constitution Act of Canada guarantees “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.”²
4. The Access to Information Act provides the right of access to information in records under the control of a Government institution.³
5. Defamation remains criminalized under the Criminal Code. Art. 300 of the Code states that “Everyone who publishes a defamatory libel that he knows is false is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.”⁴
6. In April 2017, the Senate of Canada unanimously passed Bill S-231⁵ named Journalistic Sources Protection Act. It will have to pass the final scrutiny of the House of Commons before becoming a law.⁶ It will allow journalists to refuse disclosure for information or documents that identify or are likely to identify a journalistic source. This condition will apply in all cases unless the information or document cannot be obtained by any other reasonable means and the public interest (for example, an exigent security situation) outweighs the public interest in preserving the confidentiality of the journalistic source.

➤ Implementation of legislation

7. The Canadian Radio-television and Telecommunications Commission Act establishes the Canadian Radio-television and Telecommunications Commission (CRTC)⁷

² <http://laws-lois.justice.gc.ca/eng/Const/page-15.html?term=press>

³ <http://laws-lois.justice.gc.ca/eng/acts/A-1/>

⁴ <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-145.html#h-90>

⁵ <http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8616168&Language=E&Mode=1>

⁶ <http://www.canadalandshow.com/canada-press-shield-law-s231/>

⁷ <http://laws.justice.gc.ca/eng/acts/C-22/page-1.html>

consisting, under Art. 3, of no more than thirteen members to be appointed by the Governor in Council.

8. Under the *Broadcasting Act*,⁸ the CRTC regulates and supervises all aspects of the Canadian broadcasting system implementing the broadcasting policy, establishing and issuing licenses and more generally, overseeing the media companies' activities.

➤ Safety of Journalists

9. UNESCO has recorded no killing of journalists and media workers in Canada since 2008.

III. Recommendations

10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (June 2013):⁹

128.47. *Step up the implementation of the recommendations of the Committee against Torture, the Committee on the CRC and the Committee on the Elimination of Racial Discrimination and, in particular, continue its efforts against all forms of discrimination against minorities in education.*

128.72. *Step up its efforts in order to raise the level of employment and education of indigenous peoples and to react to the difficulties facing people living in isolated communities.*

128.75. *Continue to promote the empowerment of Aboriginal peoples, primarily through the protection of their lands, their education and their health.*

128.135. *Take measures to integrate minority children in the school system with a view to preventing segregation and discrimination.*

128.136. *Take further effective measures to ensure access to education for all Aboriginal girls and women as an essential part of the full realization of their human rights.*

128.137. *Make every effort to ensure that the graduation rate from the First Nations' students reaches the level of other Canadian students.*

128.138. *Continue to strengthen and promote human rights education, including through joint educational programmes with national minorities.*

128.139. *Continue to implement concrete measures to facilitate and favour access to education and employment for indigenous peoples.*

128.140. *Redouble its efforts to promote access to higher education on conditions of equality and to reduce financial barriers that prevent access to that level of education.*

128.143. *Encourage the inclusion of boys and girls with disabilities in the general education system.*

128.144. *Ensure that children with disabilities have access to inclusive education.*

128.149. *Take appropriate measures to address problems faced by immigrant skilled workers in relation to gaining employment on par with their education, experience and skill.*

Review and specific recommendations

11. An important number of recommendations made during the last UPR cycle in the field of education concerned Aboriginal, First Nations and other indigenous communities,

⁸ <http://laws.justice.gc.ca/eng/acts/B-9.01/>

⁹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/152/42/PDF/G1315242.pdf?OpenElement>

notably in terms of access, empowerment, non-discrimination and inclusion. Since education is regulated at the provincial and territorial levels, most measures have been introduced at these levels; with the exception of a few nation-wide measures.

12. Regarding the educational rights of indigenous peoples, positive measures have been introduced on the national level and should be particularly welcome. Currently, education ministers are implementing the CMEC (Council of Ministers of Education Canada) Indigenous Education Plan 2015-2017, intending to improve educational outcomes for indigenous persons.¹⁰ It works to support indigenous students interest in a teaching career, develops curricula for bachelor students or teacher education programs focusing on Canadian history and Indian Residential schools, shares resources and best practices in Aboriginal education and promotes to address the legacy of Indian residential school in the education systems.¹¹ The plan is currently being reviewed to include recent developments.
13. Progress has been achieved and should be pursued in order to make educational systems and curricula culturally acceptable to Indigenous peoples.
14. Regarding primary and secondary education, positive action has also been undertaken by the country. For instance, the First Nation Student Success Program supports educators on reserve to improve student and school results in literacy, numeracy and student retention.¹² In 2011-2012, 35 First Nation organizations participated with 472 First Nation schools. As a part of this program, since 2015, the Strong Schools, Successful Students Initiative supports First Nation students to attain progress in education through building partnerships between provincial schools and First Nations.¹³ Furthermore, in February 2016, the government announced the First Nation-led school facility projects to fund nine projects that will provide 20 First Nations with new school facilities. Through innovative approaches to build school facilities, the projects aim to provide new or renovated schools to more First Nation students.¹⁴ Additionally, the Canadian government has invested nearly \$1.9B between 2010 and 2015 in the Aboriginal Skills and Employment Training Strategy. The aim is

¹⁰ CMEC, Aboriginal Education, Overview. <http://www.cmec.ca/53/Programs-and-Initiatives/Aboriginal-Education/Overview/index.html> (accessed 15 June 2017)

¹¹ CMEC, CMEC Aboriginal Education Plan 2015-2017. <http://www.cmec.ca/532/Programs-and-Initiatives/Aboriginal-Education/CMEC-Aboriginal-Education-Plan-2015-2017/index.html> (accessed 07 June 2017)

¹² Indigenous and Northern Affairs Canada, 2017, First Nation Student Success Program – National Program Guidelines 2016-2017. <https://www.aadnc-aandc.gc.ca/eng/1321986321129/1321986390052> (accessed 07 June 2017)

¹³ Indigenous and Northern Affairs Canada, 2015, Call for Proposals : Strong Schools, Successful Students Initiative 2015-2016. <https://www.aadnc-aandc.gc.ca/eng/1436373753273/1436373834067> (accessed 08 June 2017)

¹⁴ Government of Canada, 2016, Government of Canada Announces Support for Nine Innovative Projects to Build First Nation Schools. <https://www.canada.ca/en/indigenous-northern-affairs/news/2016/02/government-of-canada-announces-support-for-nine-innovative-projects-to-build-first-nation-schools.html> (accessed 08 June 2017)

to provide trainings and skills upgrading to indigenous persons to facilitate their inclusion in the job market.¹⁵

15. These measures can contribute to reducing educational disparities and to promoting inclusion in education and are particularly welcome in the context of SDG4 and, especially target 4.5 calling upon States to ‘eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including [...] indigenous peoples [...]’ by 2030. Yet, more needs to be done to reduce further the disadvantage these groups are experiencing and to improve their learning outcomes, which remain lower than for students who do not belong to an indigenous population. Therefore, Canada should be particularly encouraged to continue adopting, implementing and financing targeted strategies to overcome marginalization, discrimination and exclusion in education.
16. Other recommendations that were made during the previous UPR cycle concerned the non-discrimination and inclusion of minorities. The CMEC Early Learning and Development Framework aims to support the diversity of children and families as an integral part to equity and inclusion and encourages programs to promote children’s pride in their linguistic and cultural heritage.¹⁶ In this regard, Canada could be encouraged to place further emphasis on the fundamental principles of non-discrimination and inclusion in education for minority groups.
17. Regarding skills development, the government of Canada funds skills and credentials recognition programs, so that immigrant skilled workers can find a job in relation to their education and experience.¹⁷ Nevertheless, no specific information could be identified on programs set up for these recognitions. The government of Canada should therefore be encouraged to further promote credentials recognition of migrant workers.
18. Access to inclusive education has also been an area of recommendation during the last UPR cycle. Although inclusion of students with special needs exists to varying degrees in all provinces and territories, no federal legislation protects explicitly children’s with disabilities rights to inclusive education. The provincial policies vary widely in their definitions of inclusion as well as in their implementation of inclusive education. A landmark decision of the Supreme Court of Canada, *Moore v British Columbia*,¹⁸ has been handed down in 2012. Following *Moore v British Columbia*,

¹⁵ Government of Canada, 2016, Aboriginal Skills and Employment Training Strategy: <https://www.canada.ca/en/employment-social-development/services/indigenous/asets.html> (accessed 08 June 2017)

¹⁶ CMEC, 2014, CMEC Early Learning and Development Framework: <http://www.cmec.ca/Publications/Lists/Publications/Attachments/327/2014-07-Early-Learning-Framework-EN.pdf> (accessed 08 June 2017), p 10

¹⁷ Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention, Eighth and ninth periodic reports of States parties due in 2014, Canada, CEDAW/C/CAN/8-9, 28 April 2015, p 11

¹⁸ Frederick Moore on behalf of Jeffrey P. Moore v. Her Majesty the Queen in Right of the Province of British Columbia as represented by the Ministry of Education, et al., case number 34041, 2012. <http://www.scc->

education providers have to ensure that education is made accessible to persons with disabilities and that identified barriers have to be overcome.

19. Nevertheless, following the variation in inclusive education policies, students might be treated differently across the country and receive different amounts of support with the same type of disability. Therefore, Canada should be encouraged to ensure consistency in its inclusive education policies and practices across the provinces and territories. This is especially important since a large part of special education policies in Canada is more than ten years old and does not fully align with current standards on inclusive education, notably Article 24 of the UN Convention on the Rights of Persons with Disabilities, ratified by the country in 2010. In this regard, Canada should be encouraged to review its legal and policy framework to further ensure inclusive education.

➤ **Specific recommendations:**

1. Canada should be encouraged to ratify the UNESCO Convention against Discrimination in Education.
2. Canada should be recommended to take further measures to make education equally accessible for Aboriginal students, to pursue financial support for their education and to ensure education is culturally acceptable to them.
3. Canada could be recommended to place more emphasis on the fundamental principles of non-discrimination and inclusion in education, especially for minority groups and persons with disabilities, and to review its legal and policy framework accordingly.
4. Canada should be encouraged to continue to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
5. Canada should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹⁹

Freedom of opinion and expression

20. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.
21. The Government is encouraged to finalize the approval of the Journalistic Source Protection Act, and may wish to utilise the 11 point assessment framework developed in the recent UNESCO report on protection of confidential sources in the digital age.

[csc.ca/case-dossier/info/dock-regi-eng.aspx?cas=34041](http://www.scc-csc.ca/case-dossier/info/dock-regi-eng.aspx?cas=34041) and case summary (for information): <http://www.scc-csc.ca/case-dossier/info/sum-som-eng.aspx?cas=34041>

¹⁹<http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

Cultural Rights

22. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁰ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005),²¹ Canada is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Canada is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
23. Canada is also encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

24. **Canada** submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Canada reported that action had been taken in the country to promote the guiding principles of the 1974 Recommendation among multiple stakeholders, including the principles of respect for autonomy, freedom of research, non-discrimination and respect for the human rights of researchers.

²⁰ Periodic Report available at: <http://whc.unesco.org/document/136521>

²¹ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports-5>