

People First

The Canadian Human Rights Commission's
2016 Annual Report to Parliament



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

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Chief Commissioner's message

It is with great pride that I present my second Annual Report to Parliament as Chief Commissioner of the Canadian Human Rights Commission.

As I reflected upon this message, I could not ignore the events of the past year. We have read hate-filled words directed towards various communities; we have learned of threats aimed at religious and ethnic groups; we have been exposed to political messaging that capitalizes on exclusion and discrimination; and we have seen misogyny aimed at women who dare to speak out against the status quo—all of which were eclipsed by the horror of witnessing a violent shooting in a mosque.

It would be easy to assume that these events happened elsewhere, not here in Canada—a country nonetheless

known for its diversity, respect and openness. I am, with countless Canadians, profoundly saddened and shocked that all this happened right in our own backyard—in Toronto, in Edmonton, in Quebec City. An attack against one of our communities is an attack against us all; and since we are all affected by the aftermath, we must all work towards solutions.

While these forms of hate and intolerance are taking center stage, this year was also marked by human rights violations that may be far less worthy of headlines, but that have no less of a devastating impact—people living on reserves who don't have clean water or safe homes; children who are held in detention because of the ambiguous immigration status of their families; children who choose to take their own lives because they can't get the support they need in their communities.

In the face of so much change, so much uncertainty, so much conflict, more than ever we must choose to anchor ourselves in the core values of empathy and respect. We must choose to be a country that continues to value human rights.

“Ensuring that children are given equal opportunities to thrive, regardless of their individual challenges, is the best way of ensuring human rights for all.”

To do this, we must make choices and show that the importance we place on human rights in Canada is more than theoretical or academic. It must be real, tangible and concrete. It must reflect the binding sentiment that was at the heart of our country’s creation 150 years ago: Canada is stronger because of, not despite, its diversity. Canada’s diversity is its strength, not its weakness. Our country has been built on the common values, hard work and dedication of people from throughout the world—from Indigenous peoples, to the waves of immigrants that created the foundations of our provinces and cities, to the refugees who found safe harbour after fleeing conflict. Canadians have great pride in our reputation as a beacon for human rights, yet we must lead by example:

- We must stop ignoring the extreme distress of Indigenous people on reserves, and stop normalizing situations of great neglect that would be unacceptable elsewhere in Canada;
- We must reaffirm our respect of international human rights agreements by investing in our domestic human rights institutions; and
- We must re-examine our human rights laws to ensure that they reflect Canadians’ expectations.

What better time to start than the year we celebrate the 40th anniversary of the Canadian Human Rights Act, the 35th anniversary of the Canadian Charter of Rights and Freedoms, and the 150th anniversary of our country. Let us, this year, work towards a country that is even stronger, and even more dedicated to its human rights values.

It is with this forward-looking perspective that we endeavoured, in this Annual Report, to examine human rights in Canada through the eyes of children—children taken from their parents, children who want to express their gender identity, children of migrants who were incarcerated like criminals, and children who faced daily challenges and bullying because of their disabilities.

Ensuring that children are given equal opportunities to thrive, regardless of their individual challenges, is the best way of ensuring human rights for all. How they are treated today, will determine, in large measure, how they will treat others tomorrow.

With all the uncertainty and intolerance that we are witnessing here and across the world, it can be easy to lose sight of our objectives as a country. The solution to this is simple: Let's bring it back to the children. As Nelson Mandela said: "There can be no keener revelation of a society's soul than the way in which it treats its children."

Let us reaffirm together our desire for a country whose soul is anchored in human rights for all.

Which is why this report is all the more important to me. The lived stories shared in this annual report are both heartbreaking and uplifting. They recount moments of despair and exclusion of some of our most vulnerable children. Yet in sharing their stories, these young Canadians become a source of hope, courage and strength. If we are to give our children a world that is open, respectful and empathetic, then it will require a tremendous amount of hope, courage and strength. Let us turn to these children to see how it can be done.



Marie-Claude Landry, Ad. E.
Chief Commissioner

Leading.
Speaking.
Meeting.

Putting people first — What we're doing

Last year, we went out to hear from as many human rights advocates and experts as we could about what they expect from Canada's national human rights watchdog. Time and again, we heard the same message: that the Commission must put people first, that we must be an independent and outspoken national voice, and that we must make it easier for everyone in Canada to access human rights justice.

We heard you, and here is just a snapshot of what we're doing so far.

“Too many children living in First Nations communities are being taken from their families and placed in care.”



Canadian
human rights
commission

My Canada
includes
everyone.

Statement

Speak out against hate, urges Canada's Human Rights Watchdog

November 15, 2016 – Ottawa, Ontario – Canadian Human Rights Commission

Following two incidents in Ontario, Marie-Claude Landry, Chief Commissioner of the Canadian Human Rights Commission, issues the following statement:

Today we woke to news of a Swastika and an anti-Semitic slur spray painted on the door of an Ottawa rabbi's home. Yesterday, posters promoting white supremacy were found in a Toronto park.

Although these are the actions a few misguided individuals, they cannot be ignored. Indifference is the lifeblood of hatred, racism and injustice. We must shine a bright light on these dark events. No one should live in fear because of who they are.

I encourage everyone in Canada to speak out against hateful acts that threaten our families, our friends, our neighbours and our way of life. Speak loudly so that both the victims and the perpetrators hear you when you say: My Canada includes everyone.

Stay Connected

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Watch us on YouTube



Ten years is long enough, says the CHRC.

Time to fix child welfare on reserves once and for all.

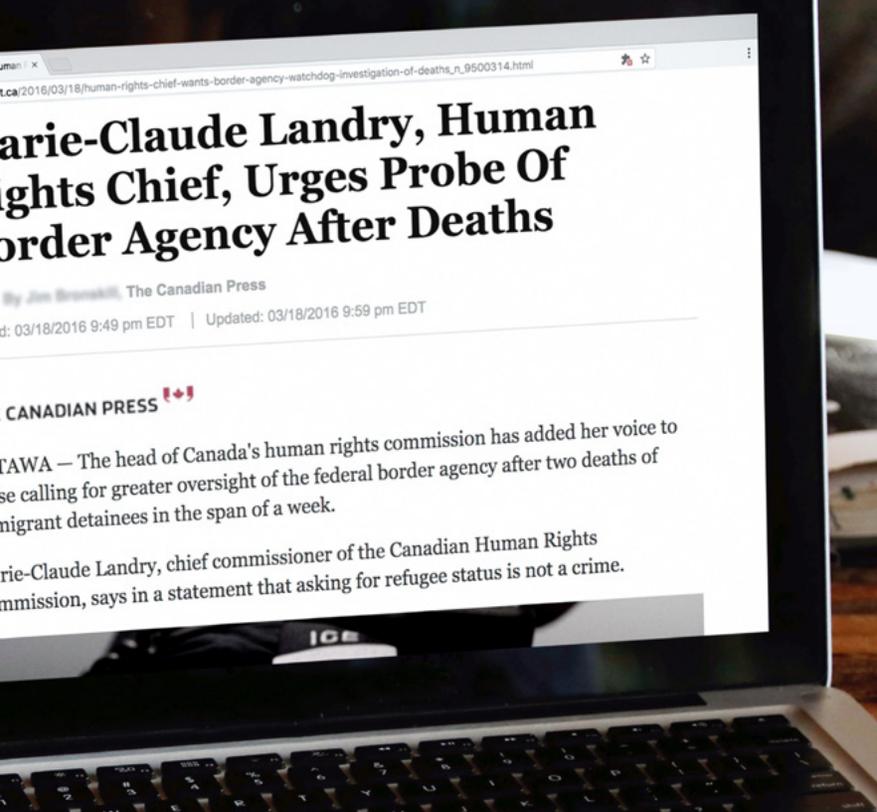
OTTAWA, Feb. 23, 2017 /CNW/ - The Chief Commissioner of Canadian Human Rights Commission, Marie-Claude Landry, issues the following statement:

“Ten years ago today, a journey began to address an issue that had been ignored for far too long. The First Nations Child and Family Caring Society of Canada, along with the Assembly of First Nations, filed a complaint on behalf of Indigenous children who were taken into the child welfare system and away from their families. Most of the Indigenous

“The Canadian is calling for a constructive resolution. Even litigation. Ever resolution imp

“As Canada's institution, it to the deplora stances facing every aspect of child taken fr who takes the child who feel with their wel

“The litigation month, and the full submission litigation has action to ensu these children sufficient fun their lives tod



Marie-Claude Landry, Human Rights Chief, Urges Probe Of Border Agency After Deaths

By Jim Brownhill, The Canadian Press

Published: 03/18/2016 9:49 pm EDT | Updated: 03/18/2016 9:59 pm EDT

CANADIAN PRESS 

OTTAWA — The head of Canada's human rights commission has added her voice to those calling for greater oversight of the federal border agency after two deaths of migrant detainees in the span of a week.

Marie-Claude Landry, chief commissioner of the Canadian Human Rights Commission, says in a statement that asking for refugee status is not a crime.

“We must shine a bright light on these dark events. No one should live in fear because of who they are.”

“...in a free and democratic society, the human rights of every person on Canadian soil must be respected.”

Leading

From denouncing hate and intolerance, to calling for a moratorium on solitary confinement, to bringing parties to the table to find meaningful resolution to human rights conflicts, the Commission took the lead on pressing human rights issues—both publicly and behind the scenes. Through mediation and litigation, the Commission works to find consensus and clarify complex legal issues. This year, after a decade of legal wrangling, the Canadian Human Rights Tribunal ruled that child welfare services on First Nations reserves are discriminatory. The Commission served as a bridge to bring the parties back together so that they could find reasonable and meaningful ways to implement this historic decision.



Human Rights Canada @CdnHumanRights • Dec 12

Inmates with serious #MentalHealth issues should be treated in hospitals, not in #SolitaryConfinement



Human Rights Canada @CdnHumanRights • Dec 12

Bill #S201 is being debated in the #Senate today. This is an important step in protecting our #HumanRights. #CdnPoli #GeneticDiscrimination



Human Rights Canada
@CdnHumanRights • Nov 15

“I encourage everyone in #Canada to speak out against hateful acts that threaten our families, friends, neighbours & way of life.”- @mcl1700

We are **stronger**
and **richer** for
our **differences.**



Canadian Multiculturalism Day - June 27

Human Rights Canada
@CdnHumanRights • Nov 30

#Indigenouswomen
are 3 times more likely
to experience violence
than non-Indigenous
women [http://ow.ly/
BI3q306Gh2m](http://ow.ly/BI3q306Gh2m)

Thousands of
undocumented
people are being
arbitrarily detained
because they
requested asylum in
Canada.



Human Rights Canada @CdnHumanRights • Nov 30

“ #Canada ’s #military has a mission to defend and protect Canadians. It must apply the same standards within its own ranks,” says @mcl1700

Human Rights Canada @CdnHumanRights • Dec 12

Now’s the time to work on an #AccessibleCanada
#IDPD #BreakingBarriers #Accessibility #Canada
#CdnPoli #GeneticDiscrimination

Over the next 20 years, it is estimated that 1 in 5 Cds will have a disability.



“As human rights defenders, there has never been a more important time for us to speak out, challenge our reality, to ensure that discrimination or intolerance are never normalized.”

Speaking

From appearing before Parliamentary Committees, to participating in expert panel discussions, to promoting acceptance and inclusion in schools, the Commission raised awareness and sparked discussion on some of Canada’s most pressing human rights issues.



“Taking a genetic test that could help save one’s life shouldn’t be a calculated risk.”



“I don’t know if you know this, but people in Canada have so much hope and optimism about all of you—and every other person who is your age in Canada. Your generation is already living the ideals and freedoms that so many people who came before you worked so hard to achieve.”

“But the truth is: momentum alone is not enough. If we want to advance legal and social justice for Indigenous peoples in Canada, we need to inspire action not just from governments, but from citizens.”

“I believe that now more than ever, it is important to shine a light on stories and experiences that sometimes contradict deeply held Canadian values. I say “now more than ever” because I believe that there is an opportunity to bring about meaningful change.”







Meeting

The Commission continued its conversations with Parliamentarians, human rights advocates, First Nations organizations, employers, other human rights commissions, and community organizations that work directly with people living in vulnerable circumstances. These conversations helped the Commission share and gather information on Canada's human rights issues—from hearing about the injustice faced by a single mother in a remote community, to understanding the implications of new federal legislation, to consulting on Canada's international human rights obligations.



Through the eyes of children

When it comes to shining a light on human rights issues in Canada, the facts and figures can only go so far. It is through the power of storytelling and the sharing of personal experiences that the complexities or misconceptions surrounding human rights issues can be replaced with deeper levels of understanding and empathy.

These are the stories of five young Canadians and their families, and their individual experiences with discrimination, adversity and ultimately—justice and hope.

Cheryl Bruce:

No support



“Too many families are losing hope. It’s time to help young parents by offering support and opportunities, not by creating barriers.”

Although she was only four years old at the time, Cheryl Bruce can still vividly recall the day she was removed from her family home on the Poplar River Reserve in Manitoba. A snowstorm was whirling outside and in the kitchen, her parents and their friends, well into the barrel of home brew, were yelling and fighting.

“Those people in brown uniform came,” she says, referring to the RCMP, “and started taking everyone out.” Cheryl, now 24, hid in a bedroom with her baby sister, who she had been taking care of, but the officers found them, put them in separate cars and began driving, 400 km south to Winnipeg. There Cheryl was placed in foster care – the first of 20 living arrangements she would go through before herself becoming a mother at the age of 18.

Cheryl’s tale is far from unique. According to Statistics Canada, almost half (48.1%) of children in foster care in Canada are Indigenous, while Indigenous children only account for 7% of Canadian children. These figures reflect a grim reality: while the rates of addiction, teen pregnancy and suicide on reserves soar well above Canadian averages, the provision of child welfare services fall well below. Where support is most needed, it is most lacking.

“Those people in brown uniform came, and started taking everyone out.”

The lack of funding for basic needs and for support services such as addiction counseling, and parenting and special needs programs has made it more difficult for Indigenous children to stay with their own families. This has had the perverse effect of driving a disproportionate number of Indigenous children into foster care.

In 2007, Cindy Blackstock, executive director of the First Nations and Family Caring Society, together with the Assembly of First Nations, filed a complaint with the Canadian Human Rights Commission. In January 2016, following a nine-year legal battle, the Canadian Human Rights Tribunal ruled in Blackstock’s favour. The Tribunal ruled that the lack of child welfare services and support available to families on reserves amounted to discrimination. The Tribunal ordered the federal government, which has jurisdiction over First Nations reserves,

to rectify the situation by providing children living on reserves the same level of services provided by provincial governments to children living off reserve.

Were this the case, Cheryl’s crises may have been averted. In Winnipeg, Cheryl fell through the sieve of support. Sexually abused by her first foster father, she migrated from home to shelter to home, while becoming estranged from her own family, which was continuously on the move “to avoid CFS” (Child and Family Services) because her mother feared they would take away her other children.

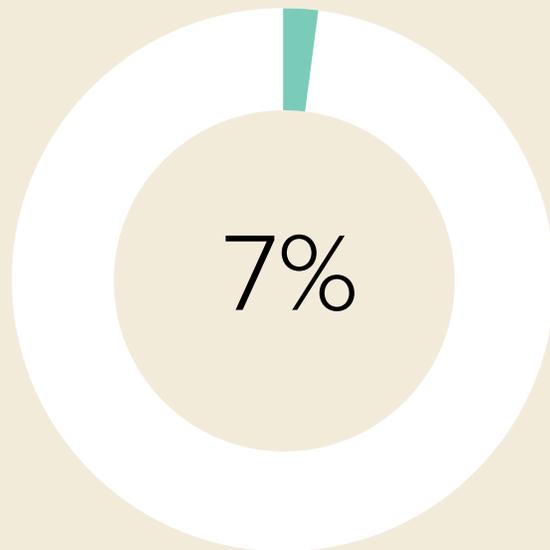
The removal of Indigenous children from their families is the latest chapter in a long and dark history. Residential schools, the last of which closed in 1996, systematically separated Indigenous children from their families and culture, often subjecting them to abuse on top of privation. While breaking these children’s spirits, this system also deprived them of the experience of family and parenting role models, meaning they had little to fall back on when they had their own children.

The first call to action by the Truth and Reconciliation Commission, which wound up its work of addressing the legacy of the residential school system in 2015, is to reduce the number of Indigenous children in care. Otherwise, the tragically vicious cycle will continue.

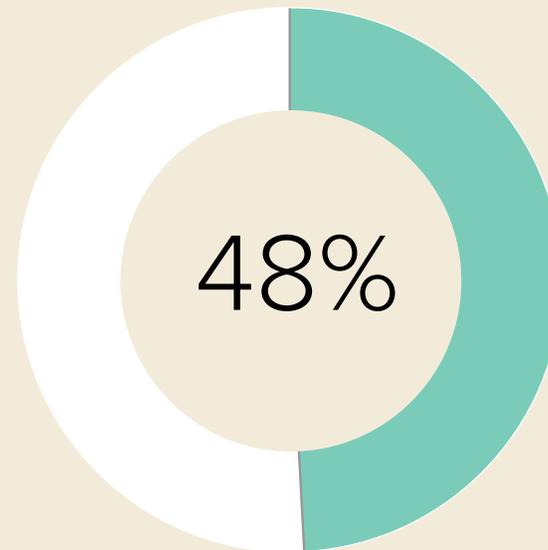
Vastly disproportionate numbers

In 2011, there were more than 14,000 Indigenous children aged 14 and under in foster care. Indigenous children accounted for 7% of all children in Canada but for almost one-half (48%) of all foster children.

Indigenous children aged 14 and under



Of all children in Canada



Of all foster children in Canada



“We are all good parents, who make mistakes, who deserve the opportunity to keep our families together.”

Such is the case with Cheryl Bruce. When her first son was born, she held him briefly before he was taken away. “They told me and my partner that we got the red flag, a birth alert. When I was discharged from hospital, I wasn’t allowed to take my baby home.” Her son, now six, has been in foster care ever since.

Cheryl’s daughter, born four years later, was also removed after it was discovered that Cheryl had been self-medicating her post-partum depression with marijuana and alcohol. And although she got treatment and felt she had conquered her addiction, Cheryl recently lost her third baby as well, for reasons she doesn’t really understand.

“They were all apprehended because of my history,” says Cheryl, who is determined to get her children back. She’s seeing a therapist and attending AA meetings, writing a book and working on her goal of becoming a social worker.

Cheryl has no faith in the system that claims to be protecting her children; after all, it’s the same system that accounts for much of her troubled “history.” She intends to fight it all the way. As she writes in an excerpt from her book, “We are all good parents, who make mistakes, who deserve the opportunity to keep our families together. Too many families are losing hope. It’s time to help young parents by offering support and opportunities, not by creating barriers.”

In January 2016, the Canadian Human Rights Tribunal made its historic ruling in what is known as the First Nations child welfare care. The Tribunal ruled that the lack of child welfare services and support available to families on reserves amounted to discrimination. The Canadian Human Rights Commission had participated in the case on behalf of the public interest. Throughout 2016, the Commission served as a bridge between parties and encouraged all involved to work together so that the Tribunal ruling can be implemented in a realistic and meaningful way.

Jake Ellis & Charlie Lowthian-Rickert:

Nobody's business



“Girlish boy, boyish girl
– why does it matter at
all?”

Jake Ellis doesn't attach much importance to where he was born. When asked, the 16-year-old resident of Barrie, Ontario says, “Some place in China that I can't really pronounce. It starts with Z.”

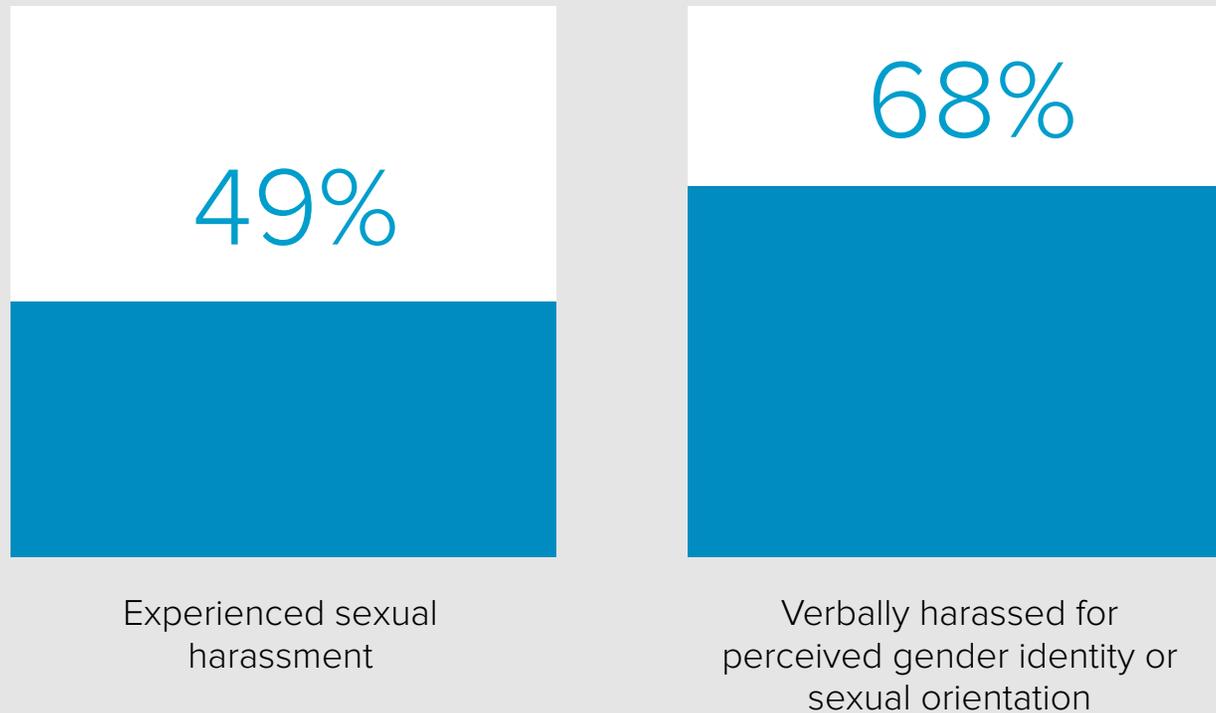
Jake's identity is not rooted in the usual givens; his life has been one of transformation. When he was adopted as a toddler from China, Jake was Jaden, a little girl. But at the age of twelve, when his adoptive mother died of lung cancer and he went to live with family friends in another city, he decided to act on a deep-seated yearning, and begin a gender transition as well.

In doing so, Jake joins the hundreds of thousands of Canadians who identify as transgender. Statistics in this area are hard to come by. Statistics Canada limits its questions to homosexual (1.7% of Canadians in 2014) and bisexual (1.3%). But extrapolating from U.S. data, Greta Bauer, an epidemiologist at the University of Western Ontario who studies LGBTQ health, estimates that 0.6% of the Canadian population identifies as trans.

Harassment and trans youth

In 2011, 49% of trans students in Ontario had experienced sexual harassment in school in the past 12 months, and 68% reported being verbally harassed about their perceived gender identity or sexual orientation.

Trans youth in Ontario



Data source: <http://egale.ca/wp-content/uploads/2011/05/EgaleFinalReport-web.pdf>

Regardless of the figure, there is no question that trans people have become more visible in recent years, some would say edging towards the mainstream. Susan Goldberg, the editor in chief of *National Geographic* magazine, defended her decision to put a nine-year-old trans girl on the cover of the January 2017 issue with the unapologetic assertion that “beliefs about gender are rapidly shifting.”

And with shifting beliefs, come shifts in policy and legislation. Last spring, the federal government introduced Bill C-16, which would make it illegal to discriminate, spread propaganda or commit hate crimes against a person on the basis of “gender identity or expression.”

It’s part of a logical progression. The Canadian Human Rights Act, passed in 1977, enshrined Canadians’ human rights based on grounds such as race, religion and sex. In 1996, “sexual orientation” was added to the Act, as a prohibited ground of discrimination. If Bill C-16 is passed into law, “gender identity or expression” will become the twelfth ground on which a discrimination complaint can be made.

It’s not a seismic shift; most provinces and territories already include gender identity and expression in their own human rights laws.

“Personally I think the bill is a little late in coming,” Jake says. His transition has gone very well, partly because it coincided with other changes – moving to a new city and school – and more importantly because his family, school and doctors have all been very supportive. At school, a few kids picked on him “but the guidance counsellor took care of that,” he says. Jake is allowed to use both the male and the gender-neutral staff bathrooms.

“I’m definitely happier now,” he says.

But it’s not always smooth sailing. Charlie Lowthian-Rickert was three years old when she told her parents that she was in fact a girl. They had no problem with Charlie wearing the high heels and fairy wings that she so loved.

But neighbours in their rural community didn't like it and nor did the local school, where Charlie attended Kindergarten. "The teachers said bad things," she says. "They made me eat alone at lunch and stand at the back of the line."

Charlie's family decided to move to the larger community, where Charlie entered a gifted program at school. "Things have been pretty good since then," she says, now ten years old. At school she has friends who stand up for her, and she uses the girl's bathroom. Asked about activities beyond school, she says she loves dance class but she does NOT love shopping.

Having connected with the LGBTQ community, Charlie has heard many tales of bullying, teasing and hardship from peers too intimidated to speak out. Charlie is not shy. She has expressed her support of Bill C-16 in several media appearances and stood alongside other activists and Justice Minister Jody Wilson-Raybould to address reporters on Parliament Hill. "I want to be protected from assault and propaganda," she says emphatically. "It's not safe for me."

Charlie is right. While national data on violence against trans people is not available, a 2014 research study in Ontario found that 20% of trans people had been physically or sexually assaulted for being trans, and another 34% had been verbally threatened or harassed. The same report found that 57% of trans people living in Ontario had avoided public washrooms out of fear for their safety.

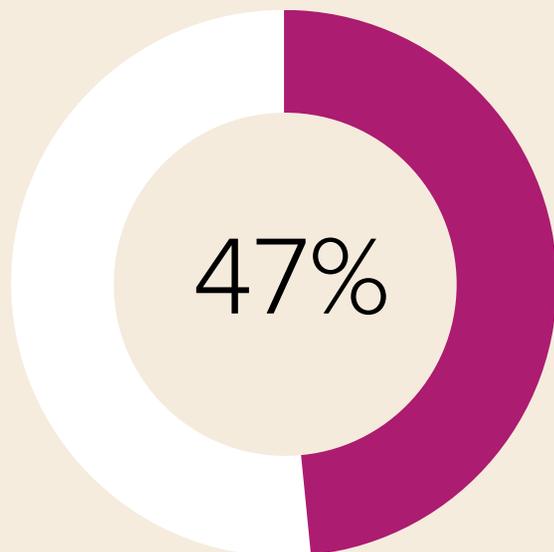
What Charlie and Jake want, no different from the rest of us, is to be accepted for who they are, to live their lives, to strive for their goals. Charlie is considering going into politics; Jake wants to be a paramedic.

"Girlish boy, boyish girl," says Charlie with exasperation, quoting people who try to categorise her. "Why does it matter at all?"

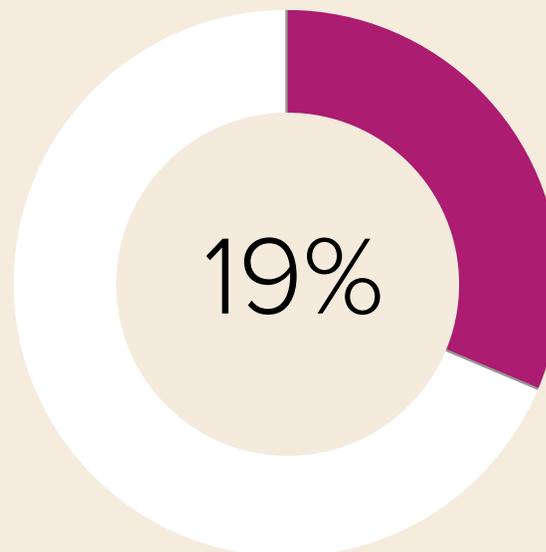
Suicide among trans youth

In 2010, 47% of trans youth in Ontario had reported thinking about suicide and 19% had reported attempting suicide in the past twelve months.

Trans youth in Ontario



Thought about suicide



Attempted suicide

Data source: <http://transpulseproject.ca/research/ontarios-trans-communities-and-suicide/>

In May 2016, the government tabled Bill C-16, which would add “gender identity or expression” as a new ground in the Canadian Human Rights Act. The Commission applauded the Bill, and worked throughout 2016 to champion the rights of trans Canadians.



“I want to be protected from assault and propaganda. It’s not safe for me.”



Jenna Aitken:

Left behind



“There was so little local support for kids like us.”

Jenna Aitken was five years old when her family moved from their home in Lloydminster, Alberta, a thousand kilometers north to Hay River, a town on the southern shore of Great Slave Lake in Canada’s Northwest Territory. Jenna’s father Chris was looking for “a change of scenery” and he found it. The winters were bracing, the landscape stark and the community small.

But as the years passed, the family came to realize that Hay River’s size and isolation had a significant downside. Jenna, who struggled at school from the outset, was ultimately diagnosed with autism, a condition that the Centre for Disease Control estimates affects one in 68 children. In the community of Hay River, population three and a half thousand, medical support for Jenna was hard to come by and the local school had virtually no structures in place to accommodate her.

It took a long time for the Aitkens to put a name on what set Jenna apart from her peers. In her first two years at elementary school, Jenna's teachers simply characterised her as "slow." She was made to repeat Grade One. When Chris, a school teacher himself, and his wife, an educational assistant, expressed concerns that something more serious might be afoot, school administrators branded them over-protective parents.

In Grade Two, Jenna was referred to an educational psychologist, who diagnosed her with attention deficit hyperactivity disorder (ADHD). While the school was unable to provide Jenna with any additional support, a generous community member came into the classroom to help Jenna and another boy who was having trouble.

In Grade Five, Jenna's teacher suggested she be tested for autism which, in the Northwest Territories, is not as easy as it may sound. With no public facilities in the territory offering the test, Jenna, like thousands of others, was put on a waitlist for the Glenrose Rehabilitation Hospital in Edmonton. In Grade Seven, Jenna's parents received confirmation of what they had suspected; Jenna was high-functioning autistic. And while the diagnosis was a relief of sorts, it didn't trigger an improvement in Jenna's school experience. To the contrary.

When Jenna started high school, her parents were told that no extra resources were available; there was no replacement for Marnie, the woman who had volunteered in her elementary and middle schools, and only one overextended staff member had training in special education. Rumours reached Jenna's parents that an administrator had said it wasn't worth providing Jenna with additional support because "she won't graduate anyway."

In fact, Jenna did graduate and with honours. But while she shone academically, her social experience of high school was devastating. She went from having a few friends to none. A natural athlete, she dropped all team sports. Her peers turned against her and it seemed some teachers did too.

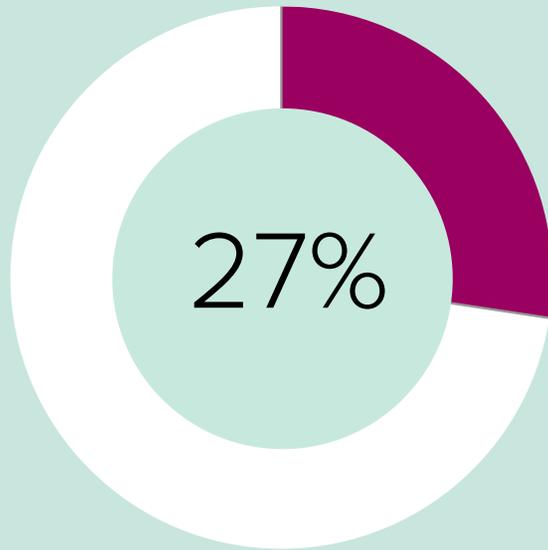
"In high school, things got very competitive," says Jenna, today an assertive and articulate 21-year-old. "It was all about who's the best? Who's the prettiest? Certain kids were privileged by the teachers, others were bullied." Every time the class was asked to form groups or teams, Jenna was left to the end. "The teachers never looked at the kid who was quiet or passive or at the bottom."

Jenna began to fly into uncontrolled rages. "It's like a rubber band – there's only so much it can take before it snaps," she says.

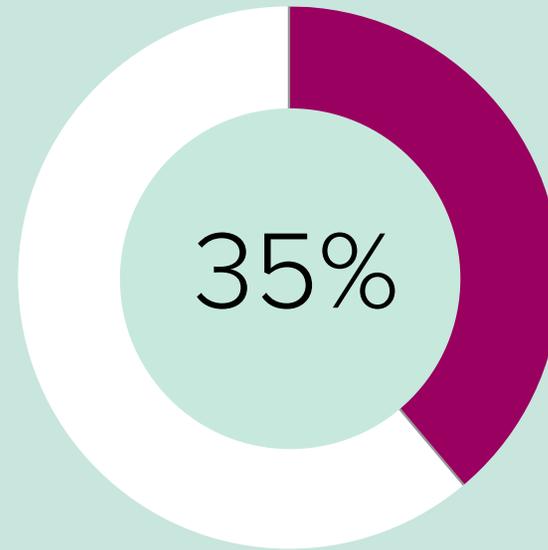
Disability and bullying

27% of persons with disabilities in Canada are being bullied at school because of their disability, and 35% report being avoided or excluded at school because of their disability.

Persons with disabilities



Bullied



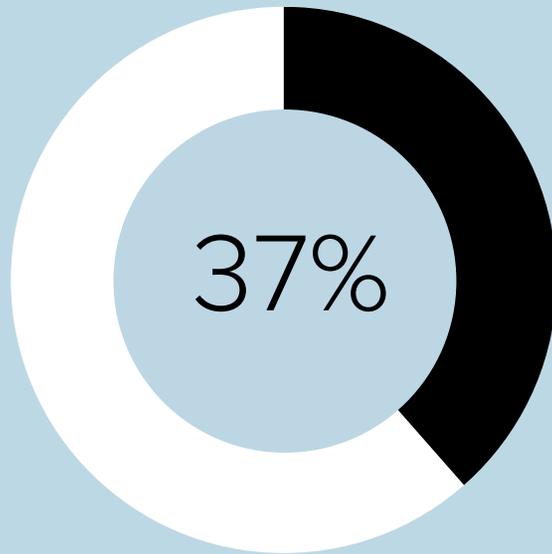
Avoided or excluded

Data Source: Canadian Human Rights Commission 2017

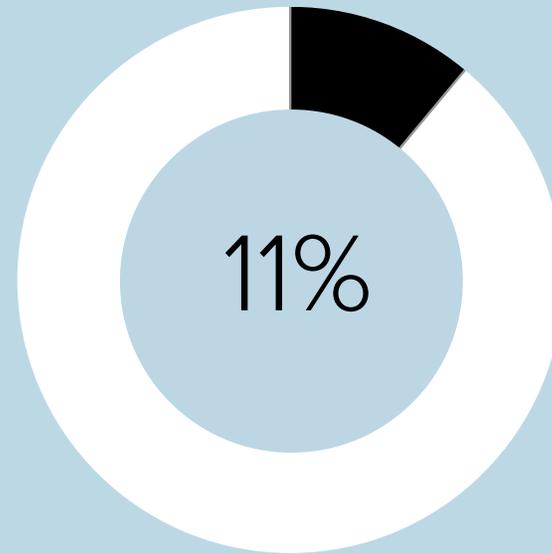
Incomplete education

37% of persons with disabilities in Canada are taking fewer courses because of their disability, and 11% are choosing to end their education early because of their disability.

Persons with disabilities



Taking fewer courses because of their disability



Choose to end their education early because of their disability

Data Source: Canadian Human Rights Commission 2017

“She cried every day after school,” says her father, who taught at the same high school and observed the goings-on from within. In Grade Twelve, Jenna was put on suicide watch.

With exceptional family support, Jenna did get through high school. She is now attending community college in Alberta, studying to be an educational assistant. One day, she wants to be able to offer kids the kind of support she so desperately needed in high school. But despite the painful memories, Jenna reflects on her experience with equanimity.

“The teachers were stretched to the limit,” she says. “It wasn’t just me. There were a lot of kids that needed help – with fetal alcohol syndrome, Asperger’s, autism. Some didn’t get diagnosed, their parents were just terrified. There was so little local support for kids like us.”

Her father agrees. “The high school probably believes it did the best with the resources it had,” he says, adding that he and his wife, with their education, income, and insights into the school system, were at a huge advantage compared to many. “Most people wouldn’t dare speak up.”

He’s delighted to see Jenna thriving – enjoying her studies, making friends and going out on the weekends. She has started afresh in Alberta. He has great hopes, but the fears linger. “She hates coming back here,” he says.

In 2016, the Commission conducted a study on education and persons with disabilities, as part of efforts to monitor Canada’s implementation of the UN Convention on the Rights of Persons with Disabilities. The study found that students with disabilities encounter barriers to full participation, and are excluded and even bullied because of their disability.

Kobina:

Locked up



“Migration is not a crime.”

Kobina* was in the computer lab of her elementary school in Toronto when the principal came to tell her that her mother was picking her up early. The eight-year-old grabbed her coat and bag, excited at the prospect of a free afternoon. But when she saw her mother sitting in the backseat of a police car, everything changed.

“My mum was crying,” she remembers, two years later. “I hugged her. And then I started crying.”

The police car drove Kobina and her mother, Jane*, to a low-lying building sandwiched between a Jiffy Lube and a used car dealership in the city’s west end. Security guards patted them down and removed any objects that could be construed as dangerous, including Kobina’s school agenda, with its ring binding. It was the first of 385 days that the mother and daughter would spend in Toronto’s Immigration Holding Centre.

*The family’s names have been changed to protect privacy.

Every year, thousands of migrants land in detention in Canada (in 2013, it was 7,300). A third of them are put in provincial jails, alongside inmates facing criminal charges or serving sentences. The remaining are distributed between Canada's three Immigration Holding Centers in Montreal, Toronto and Vancouver, run by Canada Border Services Agency. The grounds for their detention are administrative. For example, a migrant with no documents may be detained while immigration authorities are trying to establish their identity. A migrant may also be detained if they are considered a danger to the public, are under a deportation order, or are considered "unlikely to appear" at immigration hearings. The latter was the case with Jane, who, after being denied asylum on the basis of gender-based persecution in Ghana, had been living "underground" in Toronto for several years prior to being apprehended.

When migrants with children are put in detention, they are offered the choice of leaving their children with extended family, or with Children's Services, or taking them along. For Jane, who has no family in Canada, she could not bear being separated from her daughter: "Kobina is my two eyes," she says, "without her I cannot see."

Kobina knew that her mother had fled to Canada from Ghana years before Kobina was born and that her mother had an outstanding issue with Canada's immigration authorities. But Kobina, Toronto-born and a Canadian citizen, had no way of knowing that she and her mother could possibly land in the equivalent of a medium security prison for over a year.

The University of Toronto's International Human Rights Program estimates that between 2010 and 2014, an average of 242 children in Canada were detained annually for immigration reasons. This estimate falls well beneath the actual number, as it does not account for children like Kobina, who are themselves not under formal detention orders but are accompanying parents who are.

Canada's detention of migrant children has drawn widespread criticism both within Canada – immigration lawyers, medical associations and community advocates have been lobbying the federal government for years to end the practice – and beyond. The United Nations' Committee on the Rights of the Child has repeatedly chastised Canada; in a 2012 report, it claimed to be "deeply concerned that the frequent detention of asylum-seeking children is being done without consideration for the best interests of the child" and urged Canada to use detention only as a measure of last resort.

Migrant children detained

The University of Toronto's International Human Rights Program estimates that between 2010 and 2014, an average of 242 children in Canada were detained annually for immigration reasons. This estimate falls well beneath the actual number, as it does not account for children who are themselves not under formal detention orders but are accompanying parents who are.

242 +

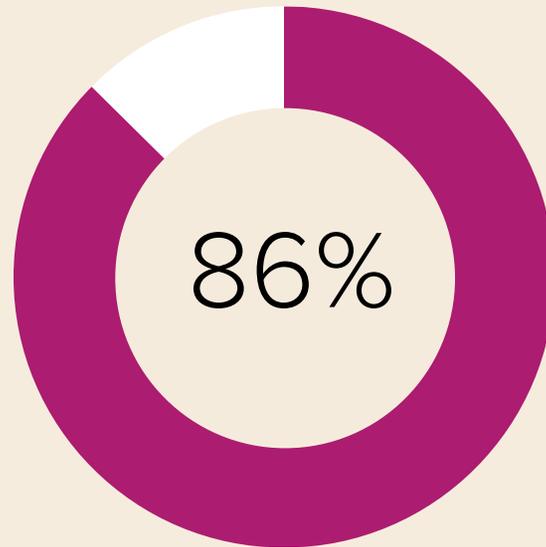
Migrant children detained annually

Data Source: http://ihrp.law.utoronto.ca/utf1_file/count/PUBLICATIONS/Report-NoLifeForAChild.pdf

Flight risk?

On average, 86% of children detained under a formal detention order are held because they are believed to constitute a flight risk.

Migrant children detained



Believed to constitute flight risk

Data Source: http://ihrp.law.utoronto.ca/utfl_file/count/PUBLICATIONS/Report-NoLifeForAChild.pdf

Lawyers at Legal Aid Ontario's Refugee Law Office were alerted to Jane and Kobina's situation by an NGO that operates within the detention centre. They were so appalled that they contacted Immigration Minister John McCallum, who intervened personally, granting Jane temporary residence status. They were released the next day.

"Migration is not a crime," says Dr Michaela Beder, a Toronto-based psychiatrist who has assessed many migrants in detention. "Many are already suffering from trauma or mental illness from their migration." Beder has found that the jail-like conditions of detention invariably exacerbate existent problems while contributing to depression, anxiety, regression and suicidal thoughts.

Kobina describes her days in the detention centre as profoundly boring. Woken by an alarm, she gathered with all the others for meals but she often didn't eat, describing the food as "oil clogged." If there was dessert at all, it was "cookies from Dollarama" and only at her mother's insistence did they get fresh vegetables in the form of salad.

While there were sometimes other children in the center, most were younger than Kobina and she didn't really make friends. The detainees were allowed to go outside into the yard once a day in the winter, twice a day in the summer. Kobina says the children were given deflated soccer balls to play with.

Kobina spent most of her time reading. When legal aid lawyers and staff got involved in her case, they became a conduit for her favourite books, including mythology and the Geronimo Stilton series. A French Immersion student, Kobina is fluent in both English and French. Three and sometimes four times a week, a tutor came to work with her for two hours. This was always the highlight of her day.

But the little acts of random cruelty remain deeply etched in her memory – like when the long-awaited container of Vaseline® arrived in the mail, to help with dry lips and skin, and the security officers confiscated it "because it is petroleum jelly." Or Christmas day, when the center manager told Jane he was going to call Children's Aid to have Kobina taken away. Or the time Kobina had to be taken to hospital emergency for a nose bleed that wouldn't end and the guards only allowed her mother to accompany her if she wore handcuffs.

“I was light-headed and dizzy,” says Kobina, describing the scene in Emergency. “And there was my mother in handcuffs. I had nightmares for a long time after that.”

Jane, now working as a parking attendant in Toronto, awaits permanent residency. It is expected to come soon but until she holds it in her hand, she feels vulnerable – which is why she did not want to be identified in this article. Her lawyer Andrew Brouwer points out that she has been perfectly compliant with authorities since her release.

Kobina is ecstatic to be back at school. “I was so relieved to find that I was up to speed with everyone else,” she says. Last spring, the Ontario Council for Exceptional Children, a provincial not-for-profit, presented her with an aptly named “Yes I Can” prize.

In 2016, the Commission called for independent monitoring and oversight of the Canada Border Services Agency in relation to migrants and other foreign nationals in detention.

Currently, many migrants held in detention have no access to human rights protection. This is in part because the Canadian Human Rights Act protections only apply to people who are legally present in Canada. The Commission has argued that by preventing someone from leaving Canada, they can no longer be considered “not lawfully present”, and therefore should be able to access Canada’s human rights protections.





By the numbers

In any given year, the Canadian Human Rights Commission helps thousands of people determine whether they have a valid human rights complaint. In many cases, the Commission helps people resolve their issues quickly and informally, or find the appropriate process to resolve their concerns.

Only a fraction of the people who contact the Commission file a formal discrimination complaint.

The statistics below report on formal written complaints handled by the Commission in 2016.

By law, the Commission must consider every discrimination complaint it receives. The Commission can decide not to deal with the complaint or refer it to an alternative dispute resolution mechanism. When possible, the Commission encourages people to try to resolve their disputes informally and at the earliest opportunity. In the event no agreement is reached, the Commission may conduct an investigation. When warranted, the Commission can refer the case to the Canadian Human Rights Tribunal for a hearing.

Complaints filed with the Commission in 2016

1,488

complaints received¹

816

complaints
accepted²

358

complaints referred
to another redress
process³

268

complaints settled

164

complaints
dismissed

41

complaints referred to
the Canadian Human
Rights Tribunal

100

complaints not dealt
with⁴

¹A received complaint, also known as a potential complaint, is a contact that falls within the mandate of the Commission, and that may lead to an accepted complaint after analysis and review.

²An accepted complaint is a document, in a form acceptable to the Commission, that is filed by an individual or group of individuals having reasonable grounds for believing that a person or organization is engaging or has engaged in a discriminatory practice.

³The number of complaints referred to another redress process includes those that were referred to the Public Service Labour Relations Board or the Public Service Staffing Tribunal before they became accepted complaints.

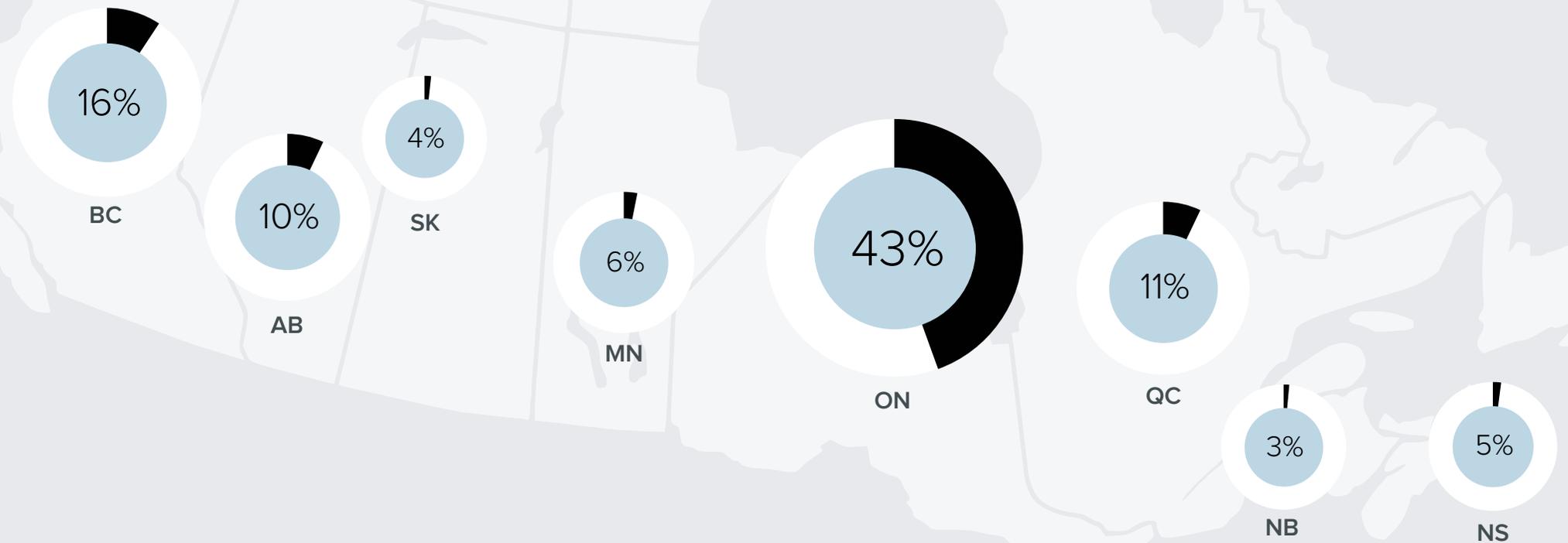
⁴The Commission can decide not to deal with complaints for any of the reasons listed under section 41 of the Canadian Human Rights Act (e.g. the complaint fell outside of the Commission's jurisdiction, the complaint was frivolous, vexatious or made in bad faith, etc.)

Complaints data

FIGURE 1

2016

Complaints received
by province or territory



Provinces or territory data suppressed when one or more values cannot be published for confidentiality reasons

FIGURE 2

Complaints received by province or territory

Province / Territory	2014		2015		2016	
Newfoundland and Labrador	--	--	--	--	--	--
Prince Edward Island	--	--	--	--	--	--
Nova Scotia	44	3%	36	3%	68	5%
New Brunswick	34	2%	38	3%	51	3%
Quebec	147	11%	160	13%	162	11%
Ontario	653	48%	583	48%	636	43%
Manitoba	60	4%	52	4%	94	6%
Saskatchewan	28	2%	28	2%	58	4%
Alberta	161	12%	126	10%	148	10%
British Columbia	199	15%	167	14%	234	16%
Yukon, Northwest Territories, Nunavut and Outside of Canada	--	--	--	--	--	--
Total	1,364	100%	1,207	100%	1,488	100%

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

FIGURE 3

Complaints received by type of respondents

	2014		2015		2016	
Private Sector	585	43%	492	41%	641	43%
Federal Government*	616	45%	588	49%	702	47%
Reserves, Bands and Councils	91	7%	81	7%	84	6%
Unions	44	3%	24	2%	28	2%
Individuals	28	2%	22	2%	33	2%
Total	1,364	100%	1,207	100%	1,488	100%

*Includes employers in the core public administration, separate federal government organizations or agencies and Crown corporations.
The percentages may not add up to 100% due to rounding.

FIGURE 4

Complaints received by type of allegation cited

	2014		2015		2016	
Employment-related (sections 7,8,10,11)	1,347	70%	1,145	65%	1,394	64%
Services-related (sections 5,6)	376	19%	391	22%	553	25%
Harassment - employment (section 14)	138	7%	155	9%	158	7%
Union membership (section 9)	--	--	--	--	--	--
Retaliation (section 14.1)	23	1%	25	1%	37	2%
Harassment - services (section 14)	12	1%	23	1%	31	1%
Notices, signs, symbols (section 12)	--	--	--	--	--	--
Intimidation (section 59)	0	0%	0	0%	0	0%
Total	1,937	100%	1,759	100%	2,185	100%

Total number of allegations cited exceeds the total number of received complaints because some complaints dealt with more than one allegation.

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

FIGURE 5

Complaints accepted by province or territory

Province / Territory	2014		2015		2016	
Newfoundland and Labrador	--	--	--	--	--	--
Prince Edward Island	--	--	--	--	--	--
Nova Scotia	18	3%	15	2%	33	4%
New Brunswick	16	2%	15	2%	25	3%
Quebec	86	12%	75	12%	79	10%
Ontario	343	48%	305	48%	367	45%
Manitoba	29	4%	31	5%	46	6%
Saskatchewan	13	2%	13	2%	29	4%
Alberta	77	11%	64	10%	78	10%
British Columbia	116	16%	103	16%	142	17%
Yukon, Northwest Territories, Nunavut and Outside of Canada	--	--	--	--	--	--
Total	720	100%	630	100%	816	100%

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

FIGURE 6

Complaints accepted by type of respondents

	2014		2015		2016	
Private Sector	407	57%	341	54%	428	52%
Federal Government*	216	30%	206	33%	308	38%
Reserves, Bands and Councils	53	7%	57	9%	50	6%
Unions	--	--	--	--	--	--
Individuals	--	--	--	--	--	--
Total	720	100%	630	100%	816	100%

*Includes employers in the core public administration, separate federal government organizations or agencies and Crown corporations.

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

FIGURE 7

Complaints accepted by type of allegation cited

	2014		2015		2016	
Employment-related (sections 7,8,10,11)	812	68%	692	64%	884	64%
Services-related (sections 5,6)	210	18%	250	23%	323	23%
Harassment - employment (section 14)	109	9%	99	9%	118	8%
Union membership (section 9)	--	--	--	--	--	--
Retaliation (section 14.1)	25	2%	19	2%	28	2%
Harassment - services (section 14)	--	--	--	--	--	--
Notices, signs, symbols (section 12)	--	--	--	--	--	--
Intimidation (section 59)	0	0%	0	0%	0	0%
Total	1,194	100%	1,089	100%	1,389	100%

The percentages may not add up to 100% due to rounding.

-- Rows suppressed when one or more values cannot be published for confidentiality reasons

Total number of allegations cited exceeds the total number of accepted complaints because some complaints dealt with more than one allegation.

FIGURE 8

Final decisions by type

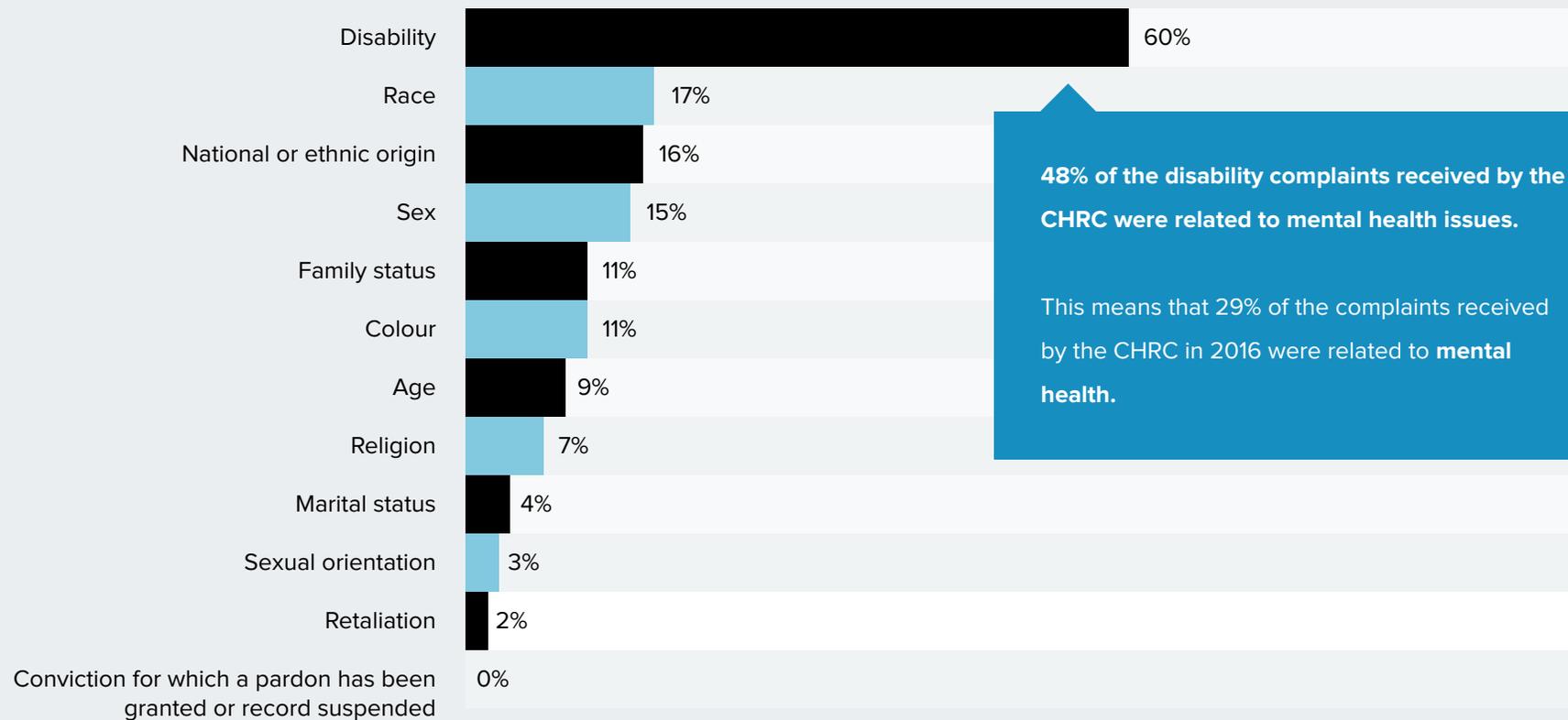
	2014	2015	2016
Section 40/41 Analysis*	283	260	234
Dismissed	217	155	164
Settled**	293	226	268
Referred to Tribunal	70	46	41
Total	863	687	707

*Under section 40/41 of the Act, the Commission may decide not to deal with a complaint because the complainant ought to pursue another redress mechanism, the incident occurred too long ago, or because the complaint is out of jurisdiction, or considered trivial, frivolous or vexatious.

**Total number of settlements includes all settlements reached between parties, with or without help from the Commission.

FIGURE 9

Proportion of complaints received in 2016 by ground of discrimination



NOTE: In this graph, the total exceeds 100% because some complaints cite more than one ground.

Employment Equity

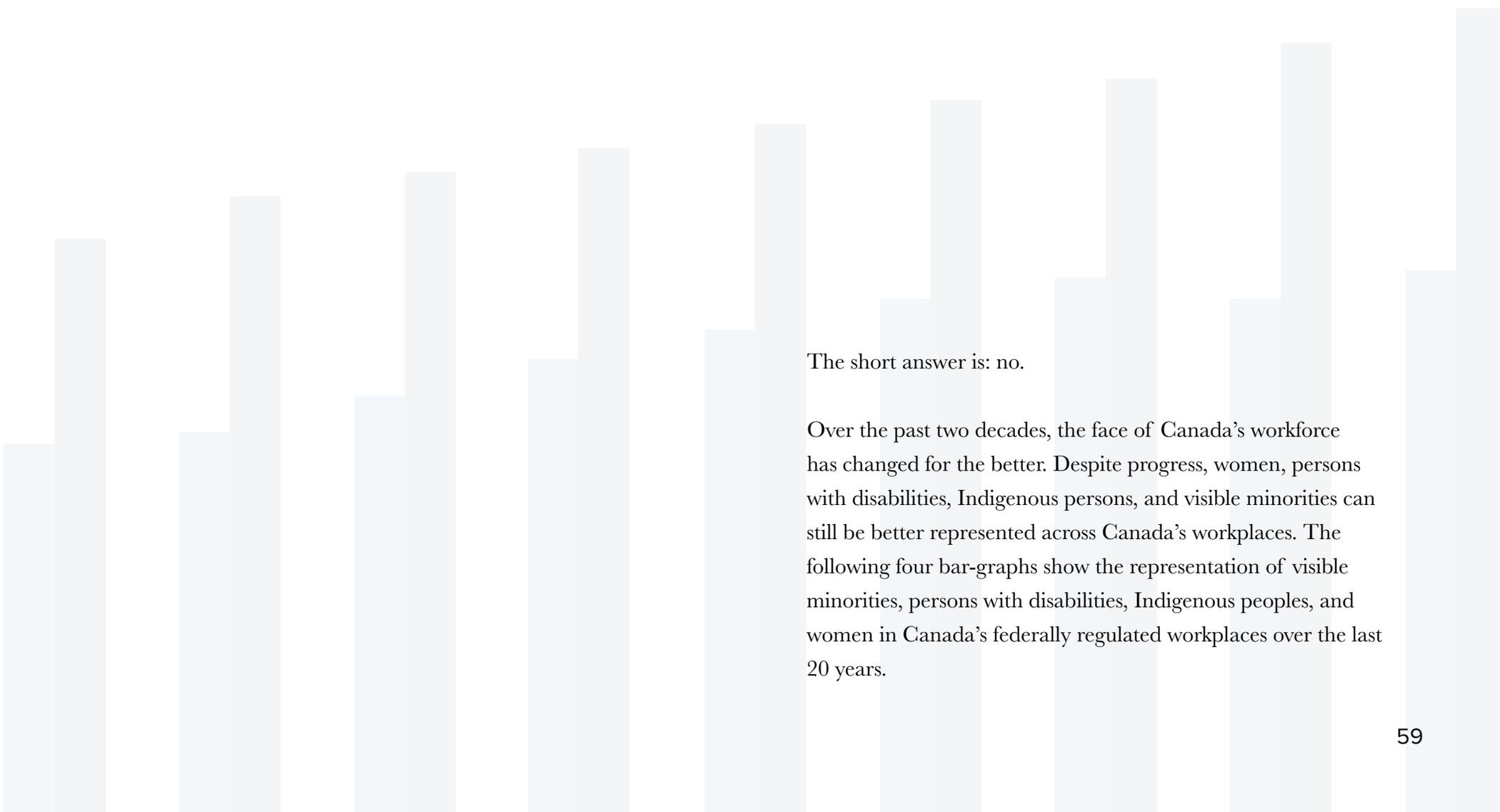
Commission's employment equity activities in 2016

In 2016, the Commission negotiated agreements with **30** employers that were not in compliance with the Employment Equity Act. Each agreement outlined actions that the employer would take to improve their EE performance.

The Commission produced **42** audit reports for federally regulated employers. These reports acknowledged the actions these employers have taken to fulfill their employment equity obligations.

The Commission issued **30** status reports for employers that achieved good employment equity results in their industry sectors. The status reports also flag outstanding challenges facing these employers.

Twenty years of Canada's Employment Equity Act: **Are we there yet?**

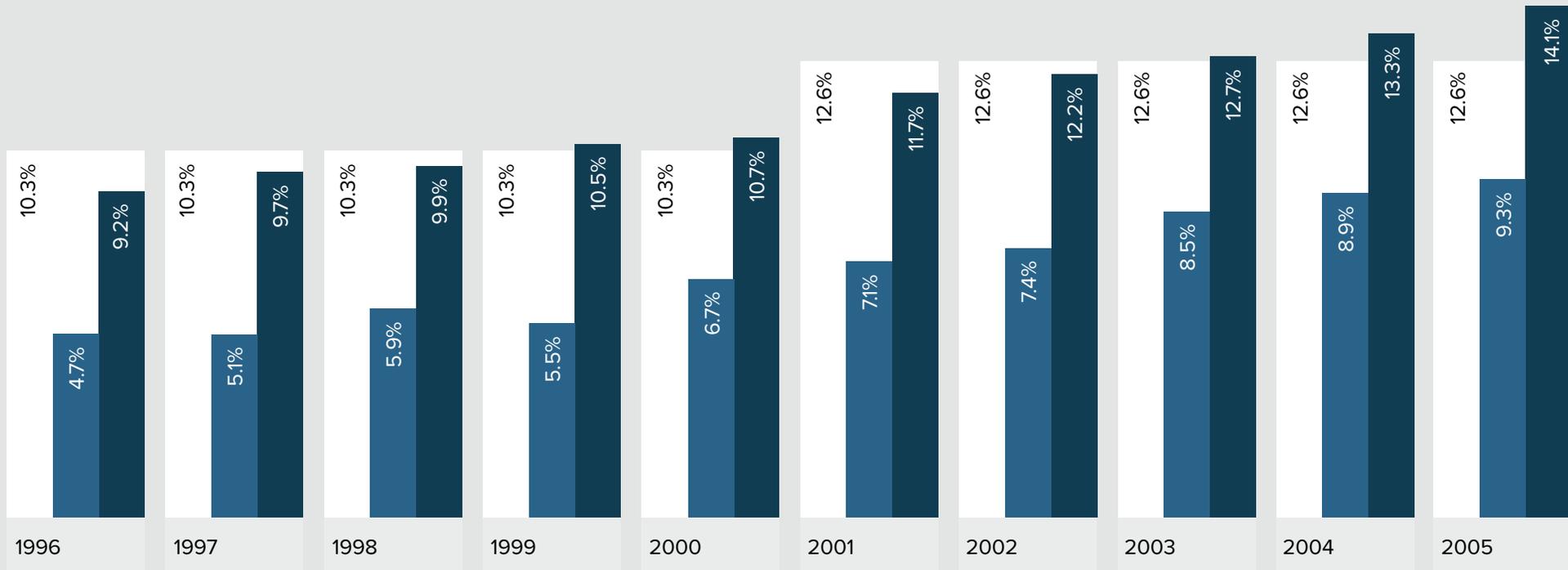


The short answer is: no.

Over the past two decades, the face of Canada's workforce has changed for the better. Despite progress, women, persons with disabilities, Indigenous persons, and visible minorities can still be better represented across Canada's workplaces. The following four bar-graphs show the representation of visible minorities, persons with disabilities, Indigenous peoples, and women in Canada's federally regulated workplaces over the last 20 years.

FIGURE 10

Representation of visible minorities in the public and private sectors



Public Sector Private Sector Availability

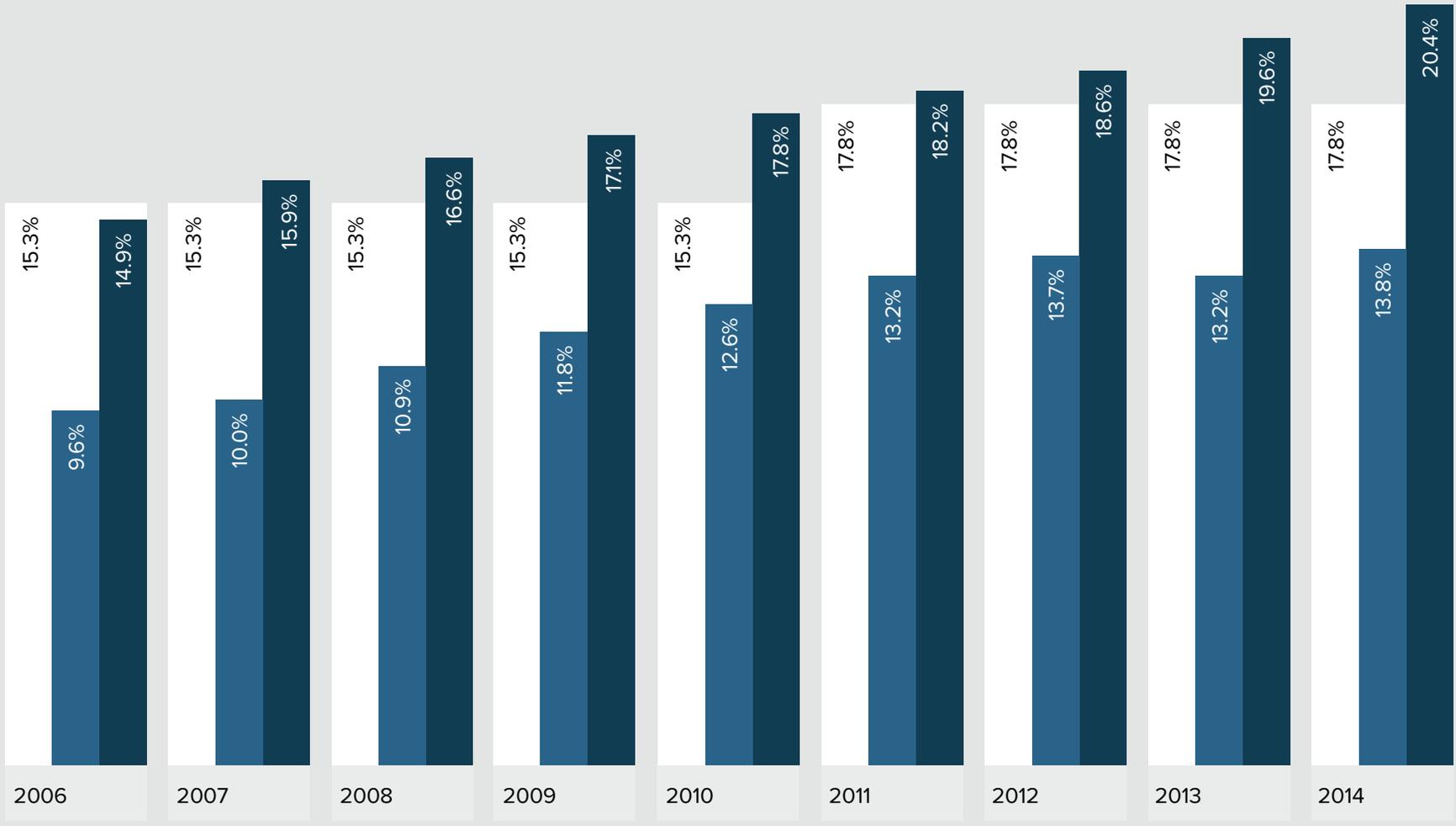
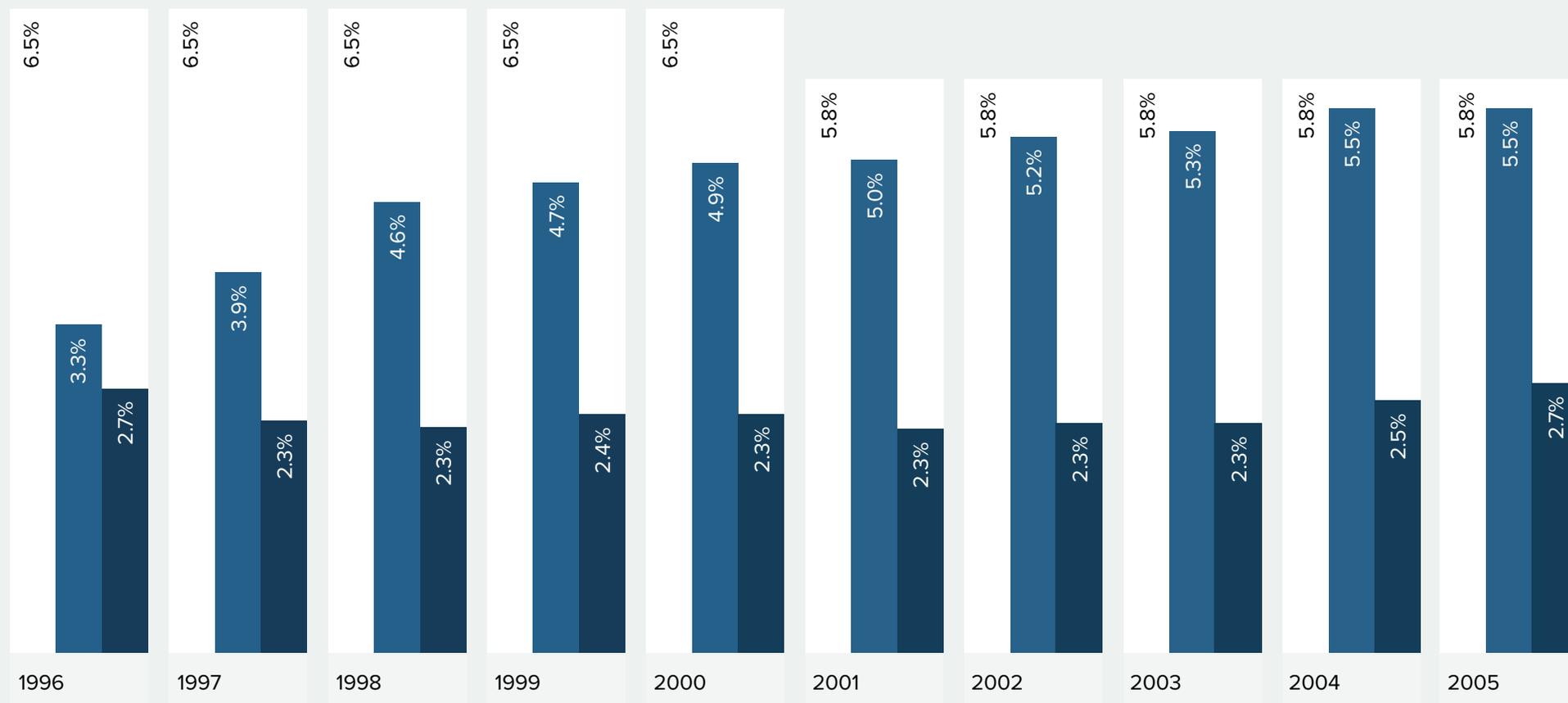


FIGURE 11

Representation of persons with disabilities in the public and private sectors



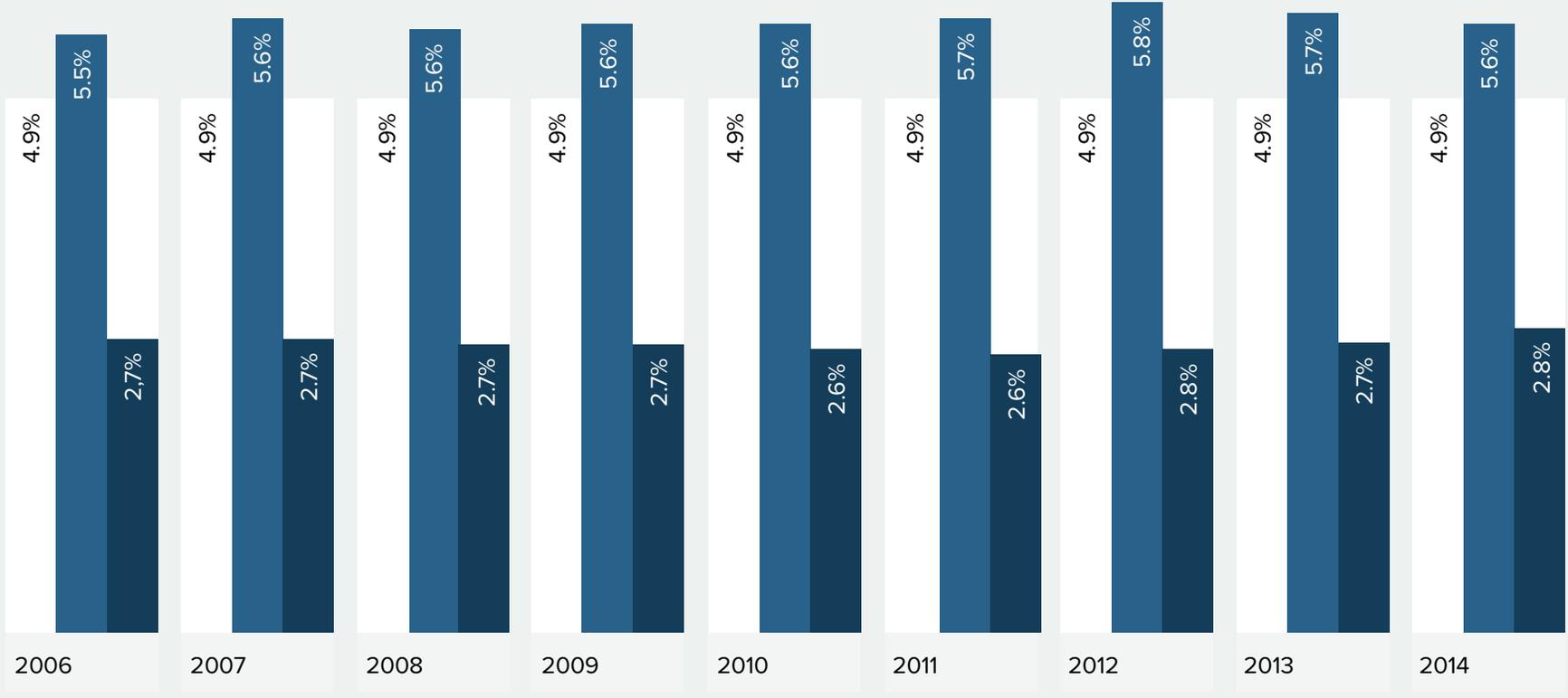
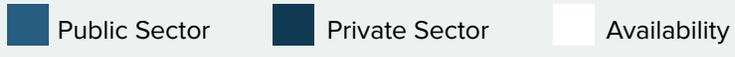
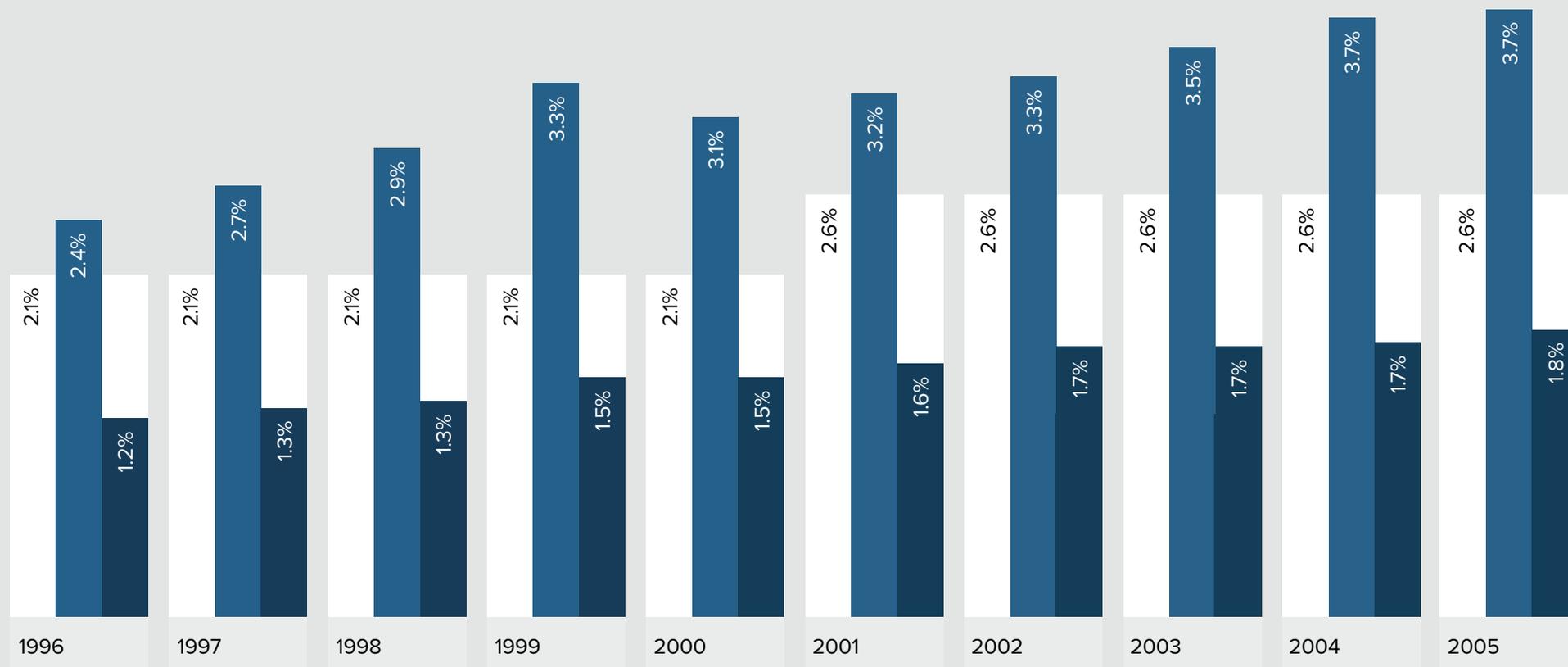


FIGURE 12

Representation of Indigenous people in the public and private sectors



Public Sector Private Sector Availability

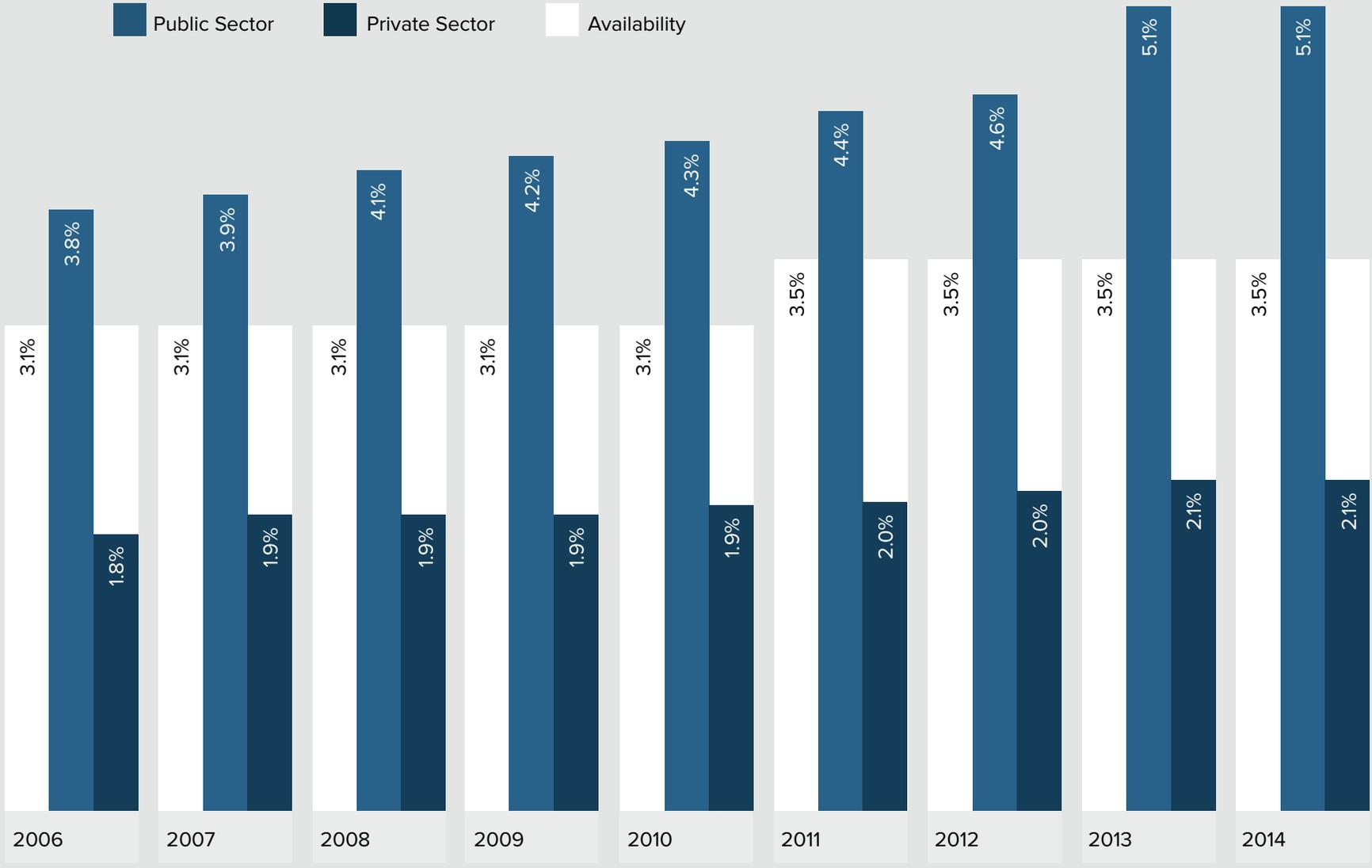
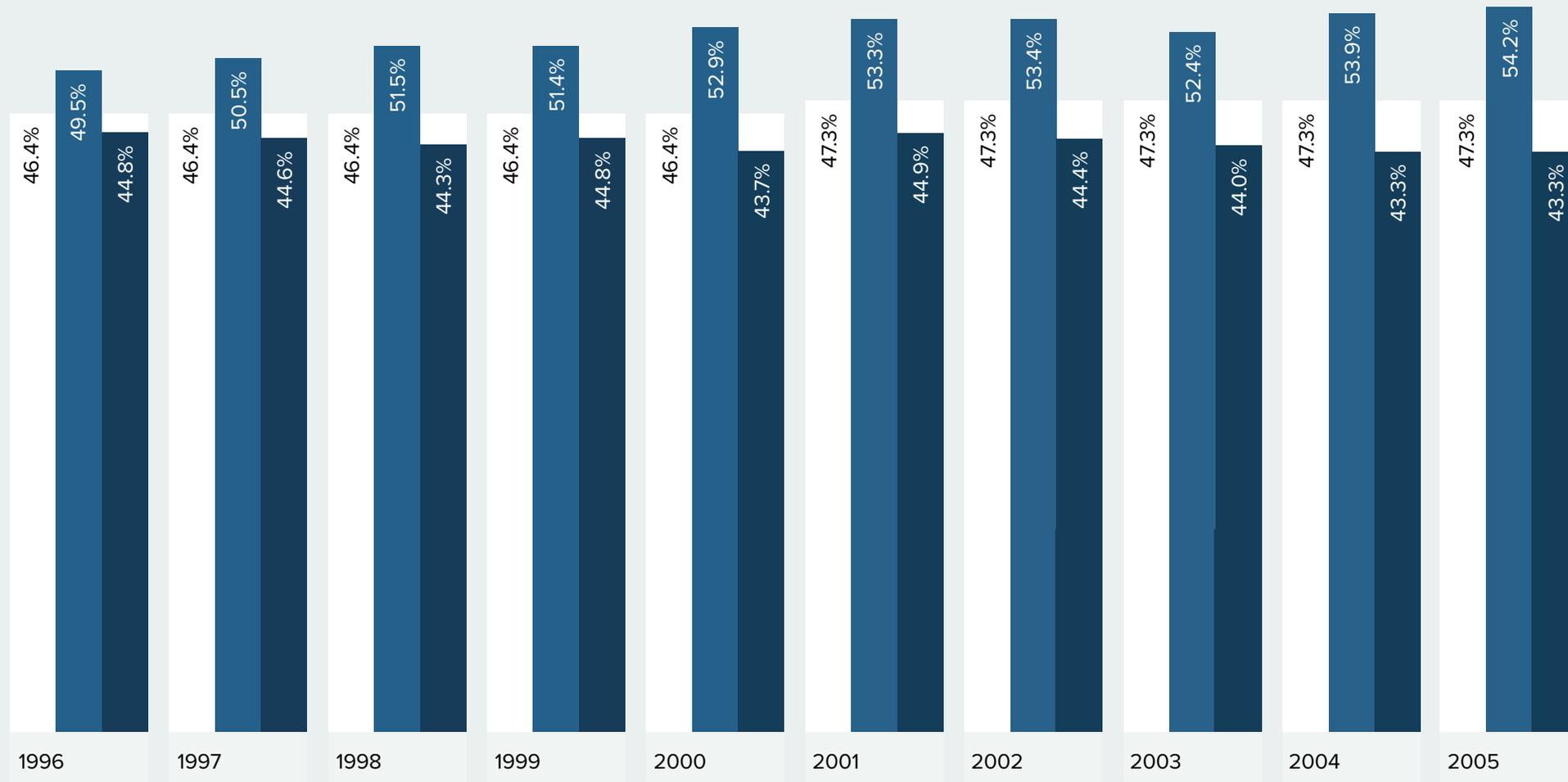
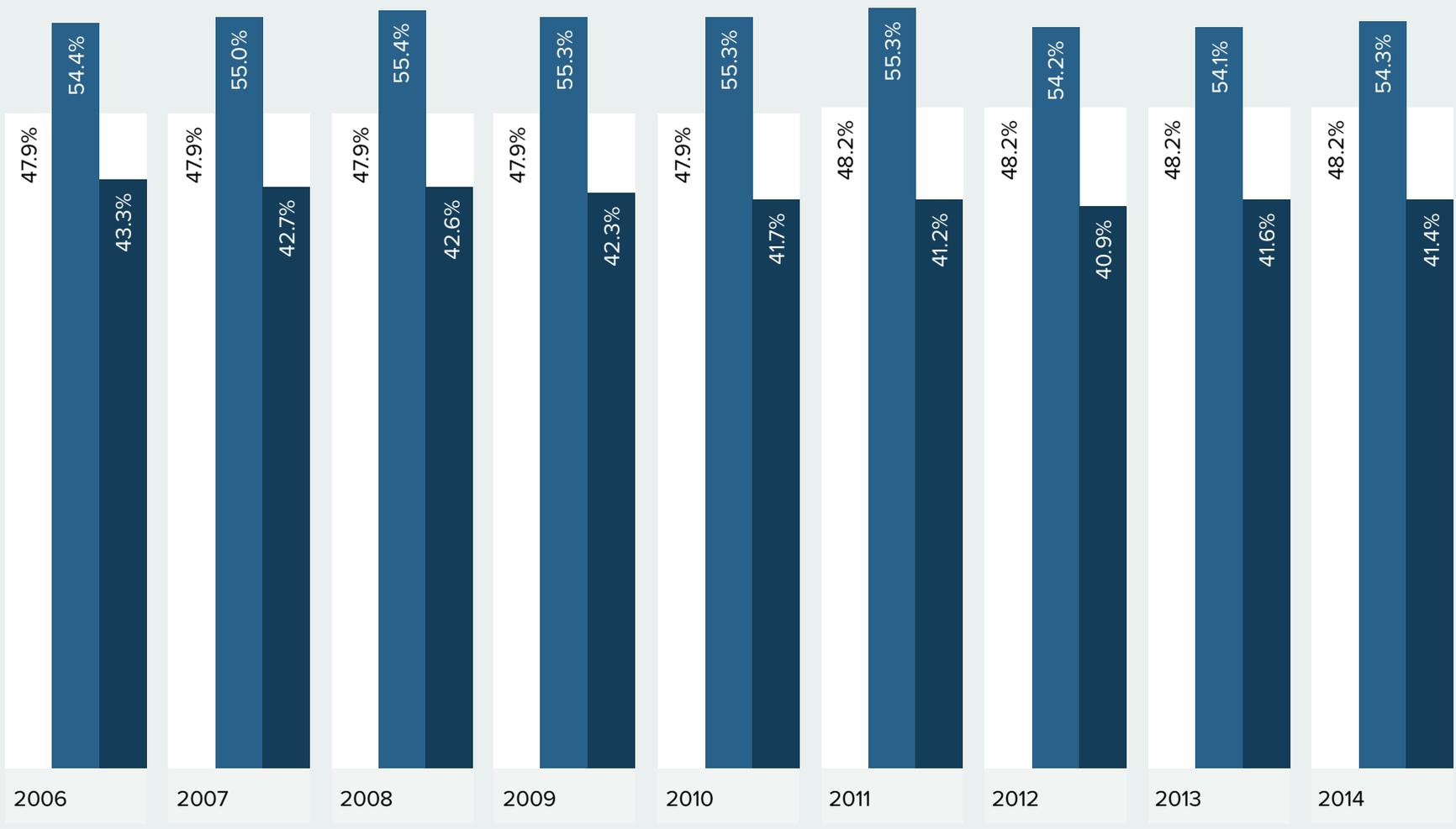


FIGURE 13

Representation of women in the public and private sectors



Public Sector Private Sector Availability





CIBC

BIENVENUE
AUX PERSONNALITÉS
PUBLIQUES

About the Commission

Our work

The Canadian Human Rights Commission is akin to an Agent of Parliament. It operates independently from government. As Canada's human rights watchdog, the Commission is responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights.

The Canadian Human Rights Act gives the Commission the authority to research, raise awareness, and speak out on any matter related to human rights in Canada.

The Commission is responsible for administering the law, which protects people in Canada from discrimination when based on any of the 11 grounds such as race, sex and disability.

The Commission receives discrimination complaints and works with both the complainant and respondent to resolve the issues through mediation. When a complaint cannot be settled, or when the Commission determines that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal.

The Commission also works with federally regulated employers to ensure compliance with the Employment Equity Act. This contributes to the elimination of employment barriers in various workplaces for women, Indigenous peoples, persons with disabilities and visible minorities.

Our people



The Commission operates across Canada with a team of approximately 185 people and is led by Chief Commissioner, Marie-Claude Landry.

Commissioners



David Langtry



Tara Erskine



Sheila M. MacPherson



Judy C. Mintz



Kelly J. Serbu, Q.C.



Peggy Warolin

The Commission's executive team also includes Deputy Commissioner, David Langtry, and five part-time Commissioners: Tara Erskine, Sheila M. MacPherson, Judy C. Mintz, Kelly J. Serbu, Q.C. and Peggy Warolin.



Canadian
human rights
commission

Commission
canadienne des
droits de la personne