

History of Human Rights in Canada

Facilitator: Lorne Gushue



2:15 p.m. - 4:30 p.m.

- Introduction
- True or False?
- Survey of Canada's HR history
- Case Studies
- Resources
- Conclusion
- Reminders

True or False?

Did that really happen?

Is it still happening?!



True or False?

- The federal government sold property owned by Canadian citizens who were being detained under the *War Measures Act* – without charges having been laid against them.

True or False?

- There was a campaign to identify and expel suspected homosexuals from government.

True or False?

- Canada granted women the right to vote and be members of government.

True or False?

- In the late 18th century, Aboriginal people were proclaimed to be self-governing, with their own political authority.

- What do you know about Canada's history of human rights?



Timeline...



- 1763 Indian nations declared self-governing by King George III
- 1793 Act to Prevent Further Introduction of Slaves and to Limit the Term of Forced Servitude

- 1832 Lower Canada Bill of Rights accorded rights and privileges to persons of the Jewish religion
- 1858 Anti-Slavery Society formed in Toronto. Mary Ann Shadd – first Black journalist in NA
- 1875 first woman in the British Empire graduated with university degree, Mt. Allison

➤ 1876 Indian Act passed by Parliament

- “wards of the Crown”
- “Looked after and Protected” by Crown

- 1883 Imperial Emancipation Act
- 1885 head tax imposed on immigrants from China
- 1894 Toronto's first Black city councilor
- 1897 Canada's first female lawyer

- 1902 Royal Commission on Chinese and Japanese Immigration
- 1914 recent immigrants, aboriginal people volunteered to fight in the war
- 1916 Women in Manitoba granted the right to vote and hold office

- 1919 Immigration policy differentiated between “preferred” and “non-preferred” countries of origin
- 1920 Female citizens over 21 can vote and hold office
- 1929 SCC decided women are not “persons”; no Senate appointments. Overturned by British Privy Council

- 1930 people of Chinese origin / ancestry allowed to buy property outside Chinatown, Vancouver
- 1933-49 Canada accepted fewer Jewish refugees than any other Western country (5000)
- 1936 Canadian and US Black runners won top medals at the Berlin Olympics

- 1938 Canada's first group libel law, MB
- 1939-45 Canadian minorities represented in armed forces
- 1940 SCC ruled business owners can discriminate
- 1942 War Measures Act used against Japanese Canadians in response to attacks on Pearl Harbour and Hong Kong

- 1944 Mackenzie King confirmed no acts of disloyalty committed by Japanese Canadians
- 1945 returning Aboriginal and Jewish vets experienced discrimination
- UN formed
- Chinese Immigration Act abolished
- 1946 nation-wide protest halted deportation of Japanese Canadians

- 1946 Black woman in NS wins case against discriminatory theatre
- NS enacts some protective legislation
- 1947 South Asian and Chinese Canadians given the vote
- 1948 UDHR adopted

UDHR

- Minimum standards for HR
- Universal rights declared:
 - Life, liberty, security of person
 - Prohibition of slavery and torture
 - Freedom of movement & residence within nation state
 - Right to marry and own property
 - Freedom of thought, conscience, religion, opinion and expression
 - Right to social security, work, fair play and a standard of living adequate for health and well being

Sources of protection

- United Nations
 - Universal Declaration of Human Rights
- Canada
 - Charter of Rights and Freedoms
 - Canadian human Rights Act
- Territories / Provinces
 - HR Acts / Codes

- 1949 Japanese Canadians freed, regain vote
- 1950s most provinces prohibit religious discrimination in employment, housing

- “human rights” in Canada means the right to be free from discrimination
- “Civil & political” vs. “social & economic”
- International Conventions govern nations in the UN

- 1952 Immigration Acts prohibits:
 - Subversive / immoral persons
 - Mentally ill, epileptics, disabled
 - Homosexuals
 - Chinese, East Indian, Black immigration

- 1960 Canadian Bill of Rights passed
- Aboriginal people on reserves can vote without losing status
- 1962 ON enacts comprehensive HR code and HR Commission

- 1963 adoption of non-white children from abroad allowed
- First Black provincial official elected
- 1966 White Paper eliminated race discrimination in immigration; 10 years more for legislation, though

- 1967 Royal Commission on Status of Women
- 1968 first Black MP; later Lt. Governor
- 1971 federal Multicultural Policy unveiled
- First Jewish leader of federal party

- 1972 first black woman in elected political office
- 1973 SCC recognized Aboriginal “title”
- 1977 first aboriginal woman in legal profession
- Canadian HR Act adopted

- 1981 man with cerebral palsy granted right to use thumbprint as signature in banking
- 1982 Canadian Charter of Rights and Freedoms enacted
- First woman appointed to SCC

- 1983 boy with disability given life-saving operation over parents' objection
- Person with cerebral palsy wins right to live free of institution
- 1985 Indian act section repealed; women retain status in marriage to non-aboriginal men

- 1986 Employment Equity Act passed, but not for federal public service
- 1987 SCC rules employers must provide harassment-free environment
- 1988 first Aboriginal woman MP (NWT)
- 1989 first woman to lead federal party

- 1990 SCC ruled freedom of expression has reasonable limits
- 1991 first RCMP officer with a turban
- 1992 sexual orientation “read in” to Canadian HR Act

- 1993 first female Prime Minister
- 1995 Employment Equity Act revised
- 1996 Can. HR Act includes sexual orientation
- 1997 SCC rules deaf patients have the rights to sign language interpretation

Case studies



Each small group will answer the questions for the assigned case study number. Designate a reporter to share your results with the larger group.

1. Is this a violation of human rights, and if so, why?
2. If the individual(s) filed a complaint, what do you think a Tribunal might decide?
3. Do you know when / where in Canada's history this occurred?
4. Other observations or reflections?

Case Study 1

- A woman working at a store was, on numerous occasions, addressed as and referred to as “*kemosabe*” by her boss, the part owner and general manager of the business, and his father. She asked her boss what the word meant. He replied that it meant “my friend”. She then advised her boss and his father that if they wished to call her “friend” they could use a word in the language of her first nation.

Case Study 1

- Tribunal found she was not discriminated against because she hadn't shown she was offended by the word, nor did she ask her boss to stop using it.
- Appeal court upheld
- SCC refused to hear appeal

- NS, 1999

Case Study 2

- “Angela” worked at a fast food restaurant for four years, eventually becoming a Shift Co-coordinator. “Michelle” worked at the same place for five years and became Manager. New owners fired the women. Other employees heard statements from the new owners that women are too emotional to be floor mangers, and at the age of 25 should be starting families anyway.

Case Study 2

- Tribunal found sex discrimination
- ordered compensation for lost wages & dignity
- BC, 2004
- Vol. 7, No. 6, p.4

Case Study 3

- Some workers on a farm were excluded from a “whites only” lunchroom, forced to use sub-standard sanitary facilities, and taunted with racist insults like “Here are our monkeys” and “Blacks are pigs.” They often worked 100 or more hours a week, 15 hours a day, no time-and-half, no pay on rainy days when they couldn’t work.

Case Study 3

- Total awarded to all Complainants was nearly \$65,000.
- farm appealed the ruling
- Court of Appeal denied the appeal
- 2005, Quebec

- Reference:

Case Study 4

- A woman volunteered at a rape relief centre. During a training session, a facilitator discerned that she was someone who had not always been a woman. The volunteer confirmed that she had not been a woman since birth, and had been a man for the first part of her life. The facilitator asked her to leave the training session.

Case Study 4

- Tribunal found for the Complainant
- On appeal, SC overturned
- 1995, BC

- Human Rights Digest, Vol.7, No. 1, p. 5

Case Study 5

- At an intersection of two major streets in Ottawa, steps were built leading to impressive views of the Rideau Locks toward the Ottawa River and of Parliament. People with disabilities or who are unable to use stairs can go to a site one block away for an elevator, which leads to a different part of the park.

Case Study 5

- Tribunal found lack of accommodation of people with disability.
- Part of duty to accommodate is duty to consult.
- Still in the works
- Vol. 7, No. 5, p. 1

True or False?

Did that really happen?

Is it still happening?!



True or False?

- The federal government sold property owned by Canadian citizens who were being detained under the *War Measures Act* – without charges having been laid against them.

True

- The federal government sold property owned by Japanese Canadian citizens who were being detailed under the *War Measures Act*.

True or False?

- There was a campaign to identify and expel suspected homosexuals from government.

True

- 1950s and 1960s campaign to eliminate homosexuals from civil service, RCMP, military
- “Fruit machine”
- substantial numbers lost their jobs, several suicides
- cut late 1960s, but investigations continued, RCMP collected files on over 9,000 suspected homosexuals

True or False?

- Canada granted women the right to vote and be members of government.

False

- Female citizens over 21 could vote and be elected to Parliament
- No Senate appointments
- A 1929 decision by the SCC said women were not “persons” and therefore ineligible
- The British Privy Council overturned the SCC decision

True or False?

- In the late 18th century, Aboriginal people were proclaimed to be self-governing, with their own political authority.

True

- In the late 18th century, Aboriginal people were proclaimed to be self-governing, with their own political authority.
- In 1876, the Indian Act altered this.

conclusion



reminders

- The banquet at the DND starts at 6:30 p.m., casual dress
- Participants can choose free time, or to take advantage of the tour of the Legislative Assembly scheduled from 5:00 - 6:00 p.m.
- Conference starts Tuesday morning at 8:30 a.m., with a continental breakfast served at 8:00 a.m.