

Global Alliance of National Human Rights Institutions
Sub-Committee on Accreditation
Palais des Nations
CH-1211 Geneva 10
Switzerland

February 26, 2024

Complaint Regarding the Canadian Human Rights Commission's Non-Compliance with the Paris Principles

We, the undersigned Canadian organizations, submit this formal complaint against the Canadian Human Rights Commission (CHRC) and request a comprehensive review of its accreditation status in light of its failure to comply with the Paris Principles and violations of international human rights law.

This review is being sought in accordance with the Special Review article of the GANHRI Statute, which allows for the re-examination of national human rights institutions' compliance with the Paris Principles in special circumstances.

Our goal is to ensure that the CHRC can effectively fulfill its critical role in our country – that of ensuring individuals are protected from discrimination, irrespective of who they are, the colour of their skin, the language they speak, who they love, their abilities or where they live. Today more than ever, we need the CHRC to be an unwavering champion of the fundamental rights that must be at the heart of a strong democracy. The Commission has fallen well short of this vital responsibility, but we remain hopeful that with your help in examining its accreditation, finally, a constructive path forward can be forged.

Recent findings by the Senate of Canada Human Rights Committee and the Treasury Board Secretariat of Canada have highlighted systemic racial discrimination within the CHRC.

Senate Human Rights Committee Investigation (December 11, 2023): The Senate Committee, after its investigation commenced in May 2023, found extensive evidence of anti-Black racism and systemic discrimination within the CHRC. The investigation revealed higher dismissal rates of race-based complaints and exclusion of Black and racialized employees from promotions, leading to descriptions of the CHRC as a "national scandal" and "broken beyond repair."

Treasury Board Secretariat Decision (March 6, 2023): The Treasury Board Secretariat, the employer for the Federal Public Service of Canada, concluded that the CHRC had breached the "No Discrimination" clause of three (3) collective agreements in the public service, particularly Article 36, which mandates a workplace free from discrimination. This legal finding confirms the CHRC's failure to maintain a non-discriminatory and inclusive workplace environment.

Such practices contravene core international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The CHRC is tasked with receiving and addressing complaints from employees within the federal public service, federally regulated workplaces and the Canadian public that has a discrimination complaint against of these organizations. As mandated under the Employment Equity Act, it is responsible for conducting employment equity audits, a critical function that underscores its role in promoting fair and inclusive work environments. Essentially, the CHRC is the federal watchdog against discrimination in Canada, making it instrumental in the ongoing effort to combat discriminatory practices. Its failure to fulfill this mandate not only undermines the integrity of the Commission but also significantly impedes the entire public service's capacity to effectively fight discrimination.

Moreover, these actions are in direct violation of the Paris Principles, which stipulate the requirements for the non-discrimination and effectiveness of national human rights institutions. The Paris Principles emphasize the need for a pluralistic representation of the social forces (of societal groups), and mandate these institutions to, inter alia, promote and protect human rights without discrimination of any kind. The CHRC's failure to uphold these principles, especially in terms of non-discrimination and ensuring equality, questions its effectiveness as a national human rights institution.

In light of these severe breaches, we request the Global Alliance of National Human Rights Institutions to:

1. Thoroughly review the CHRC's adherence to the Paris Principles, particularly focusing on its compliance with the requirements for non-discrimination and effectiveness.

2. Reassess the CHRC's 'A' status accreditation in light of the Senate Committee on Human Rights and the Treasury Board Secretariat's findings of discrimination at the CHRC.

The situation calls for urgent action to ensure that the CHRC fulfills its mandate to protect and promote human rights in Canada in accordance with international standards.

Enclosed with this complaint are critical documents that substantiate the issues we have raised regarding the Canadian Human Rights Commission's non-compliance with the Paris Principles: The Senate Human Rights Committee Report, Treasury Board Secretariat policy grievance response, employees of the Commission complaining about discriminatory practices, and their union's submission to the challenging the discrimination.

This complaint is supported by the following organizations, who have jointly endorsed the contents herein.

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