

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Canada

I. BACROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

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

II. Promotion and protection of human rights on the ground

1. Right to education¹

Normative Framework:

2. Constitutional framework: Canada has no written constitution in one single document, but a number of Constitution Acts from 1867 to 1982.

3. Canada is made up of ten provinces and three territories. There is no federal department of education and no integrated national system of education. Within the Federal system of shared powers, Canada's Constitution Act of 1867² provides in article 93 that "[I]n and for each province, the legislature may exclusively make Laws in relation to Education." In the 13 jurisdictions — 10 provinces and three territories — departments or ministries of education are responsible for the organization, delivery, and assessment of education at the elementary and secondary levels. The institutions in the postsecondary system have varying degrees of autonomy from provincial or territorial government control. In some jurisdictions, separate departments or ministries are responsible for elementary-secondary education and for postsecondary education and skills training.² The federal government of Canada provides financial support for postsecondary education and teaching of French and English, the two official languages. In addition, the federal government is responsible for the education of Registered Indian people on reserve, personnel in the armed forces and the coast guard, and inmates in federal correctional facilities.³

4. The Council of Ministers of Education, Canada (CMEC) was formed in 1967 by the provincial ministers responsible for education. CMEC provides a forum in which the provincial and territorial ministers can discuss matters of mutual interest, undertake educational initiative cooperatively, and represent the interests of the provinces and territories with national educational organizations. CMEC is the national voice for education in Canada and, through CMEC, the provinces and territories work collectively on common objectives in a broad range of activities at the elementary, secondary, and postsecondary levels.⁴

5. Legislative framework: The Canadian Charter of Rights and Freedoms (First Part of the Constitutional Act of 1982)⁵ provides the right to minority language education. According to Article 23, Canadian citizens in the French or English linguistic minority populations in each jurisdiction the right to have their children educated in their own language in elementary and secondary school, subject to specific requirements, and to have the education supported

¹ *Sources:*

² Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 5.

³ The Development of Education, Reports for Canada, 2008, p. 1, http://www.ibe.unesco.org/National_Reports/ICE_2008/canada_NR08_en.pdf (accessed 05/01/2012)

⁴ *Ibid.*, p. 10.

⁵ http://lois.justice.gc.ca/eng/const/Const_index.html

from public funds “where numbers warrant.” Article 29 refers to rights respecting certain schools preserved and states: “Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.” Moreover, Article 15 states that “every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.” It further ensures that this guarantee of rights is not in conflict with affirmative action programs, as it states that these rights do “not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.” Article 28 guarantees gender equality and Articles 25 and 35 the rights of the aboriginal people of Canada.

6. The Citizenship Act⁶ provides that all Canadians, whether by birth or by choice, are entitled to the same rights, powers, and privileges and are subject to the same obligations, duties, and liabilities.⁷

7. The Canadian Multiculturalism Act⁸ provides that the “Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada.”⁹

8. The Canadian Human Rights Act¹⁰ gives effect to the principle that all individuals should have equal opportunities, as it establishes that discrimination is prohibited on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, and conviction for which a pardon has been granted. In defining the discriminatory practices in the provision of goods, services, facilities, or accommodation, the Act states that it is illegal to deny access to education. Even though there is no federal educational system, this federal legal framework assure right to education without discrimination of any type.¹¹

⁶ <http://laws-lois.justice.gc.ca/eng/acts/c-29/> (accessed 05/01/2012)

⁷ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 7.

⁸ <http://laws-lois.justice.gc.ca/eng/acts/C-18.7/> (accessed 05/01/2012)

⁹ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 7.

¹⁰ <http://laws-lois.justice.gc.ca/eng/acts/H-6/index.html> (accessed 05/01/2012)

¹¹ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 7-8.

9. Provincial and Territorial Legislation: The education act or school act in each jurisdiction specifies who is entitled to attend school. Although each act differs in specifics, the overall principles are consistent throughout the country. The 2002 Education Act for Yukon¹² provides an example. It affirms that all are entitled to receive an elementary and secondary school education program free of charge that is appropriate to their needs in accordance with the provision of this act, provided they meet the age requirements of being between 5 years 8 months old and 18 years of age as of September 1 of a specific year and that they meet residency requirements.¹³ Every jurisdiction has a Human Rights Commission or Fair Practices Office, with its own legislation and procedures. For example, in Prince Edward Island Human Rights Act defines the grounds of discrimination as being age, colour, race, ethnic or national origin, criminal conviction, having laid a complaint or given evidence/assistance under the Human Rights Act, political belief, sexual orientation, association, creed or religion, family and marital status, physical and mental disability including addiction, sex including sexual harassment and pregnancy, and source of income. The protected areas include services and facilities available to the public, such as attending school.¹⁴

10. Quebec's *Charte des droits et libertés de la personne*¹⁵ (Charter of Human Rights and Freedoms) explicitly refers to the rights of children and adolescents, including the right to free public education (Article 40). The *Commission des droits de la personne et des droits de la jeunesse* (Commission for Human Rights and Youth Protection) is also responsible for the *Loi sur le système de justice pénale pour les adolescents* (Young Criminal Justice Act), which guarantees that youth who are accused of committing a crime are entitled to adequate educational, health, and social services.¹⁶

Policy measures:

11. In 2008, the Council of Ministers of Education released a new vision for learning in Canada, Learn Canada 2010, to address the educational needs and aspiration of Canadians. The vision of this framework is the provision of quality lifelong learning opportunities for all Canadians. Learn Canada 2010 recognized the direct links between a well-educated population and a vibrant knowledge-based economy in the 21st century, a socially progressive, sustainable society, and enhanced personal growth opportunities for all Canadians. It encompasses four pillars of lifelong learning from early childhood to adulthood and addresses the most pressing education and learning issues facing Canadian today.¹⁷

¹² <http://www.gov.yk.ca/legislation/acts/education.pdf> (accessed 05/01/2012)

¹³ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 9.

¹⁴ *Ibid.*, p. 8.

¹⁵ http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_12/C12_A.html (accessed 05/01/2012)

¹⁶ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 8.

¹⁷ The Development of Education, Reports for Canada, 2008, *op. cit.*, p. 10,

12. As education is the responsibility of the provinces and territories, the 13 education systems have a number of legal, policy, and priority similarities but each designs and delivers education that best responds to the needs of its populations.¹⁸

13. Public, Separate, and Private Education: In Canada, parents in different jurisdictions may have the choice of sending their children to a secular or non-denominational public school, a religion-based separate school, French - or an English-language school, or a private school that may or not receive public funding. Public and separate school systems that are publicly funded serve about 93 per cent of all students in Canada. The legislation and practices concerning the establishment of separate educational systems and private educational institutions vary from jurisdiction to jurisdiction. The great majority of public, separate, and private schools are equally accessible to boys and girls; only a very few private schools are restricted by sex.¹⁹

14. The range of choices available to parents and the amount of public funding related to that choice vary from jurisdiction to jurisdiction. Despite this, the principle of access remains paramount because each child is entitled to a free, public education. It is also consistent across the jurisdictions that no child is required to take part in any religious observance or instruction if the parent wants to have the child excused, or if the child asks to be excused.²⁰

15. Literacy: Literacy for All is a predominant educational and political priority in Canada. The ministers responsible for education in all 13 provincial and territorial jurisdictions have declared literacy to be one of their top priorities. The literacy needs of Canadians are addressed through various collaborative efforts between the provincial and territorial educational authorities, the federal government, and the vast non-governmental sector. In Canada, the 2003 International Adult Literacy and Skills Survey showed that 49 per cent of the adult population was enrolled in organized forms of adult education and training, including programs, courses, workshops, seminars, and other organized educational offerings at some time during the year of the study. In 2007, Canada created the Office of Literacy and Essential Skills (OLES) with the objective of becoming an acknowledged “centre of expertise” to improve literacy and essential skills of adult Canadians.²¹

16. Language of Education: Canada’s two official languages are English (the first language of approximately 59% of the population) and French, the first language of approximately 23%. The majority of Francophones live in Quebec, where they form 82% of the population, but there are also large numbers of Francophones in New Brunswick, Ontario and Manitoba. Education in Canada is offered in both official languages, but to varying

¹⁸ Ibid., p. 33.

¹⁹ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 12.

²⁰ Ibid., p. 30.

²¹ The state and development of adult learning and education in Europe, North America and Israel Regional synthesis report, 2009, Helen Keogh,

http://www.unesco.org/fileadmin/MULTIMEDIA/INSTITUTES/UII/confintea/pdf/GRALE/confinteavi_grale_paneurope_synthesis_en.pdf

degrees depending on the region. Under the Canadian Charter of Rights and Freedoms, education in the language of the minority is guaranteed at the elementary and secondary levels to members of the minority community everywhere in the country, wherever numbers warrant French and English are also taught as second languages.²²

17. In 2003, the Government of Canada issued *The Next Act: New Momentum for Canada's Linguistic Duality: The Action Plan for Official Languages*. The objective of the Action Plan was to bring the proportion of eligible students enrolled in French schools to 80 per cent within ten years. The federal plan provided an overview of the current situation and challenges of minority language education.²³

18. The Action Plan outlines concerns about educational quality. In some pan-Canadian measures of student achievement, students in French minority schools did not perform as well as their Anglophone counterparts. Adding to this challenge is the projected dearth of qualified teachers when a large number of teachers become eligible for retirement in the next 10 years. It is also recognized that parents with very young children need additional assistance as they are thinking about their educational choices and preparing their child for a French-language education. The federal government, the provinces and territories, and many nongovernmental and community organizations have been turning their attention to these challenges. Having developed this analysis of the current reality and issues in French language minority education and its goal to increase registration to 80 per cent of eligible students, the federal government has renewed its multi-year Protocol for Agreements for Minority-Language Education and Second-Language Instruction with the provinces and territories for the years 2005–06 until 2008–09. In line with the objectives set out in the Action Plan, the federal government encourages and assists the provincial and territorial governments to consolidate and improve the quality of existing programs in minority education and increase participation in these programs. In the Action Plan itself, new funding was announced for quality improvement in school programs, special support for at-risk students, a focus on retention especially as students move into secondary school, providing access to day care and kindergartens in community schools, and teacher recruitment, training, and development.²⁴

In Canada, the Language Instruction for Newcomers to Canada and the Enhanced Language Training programs provide French and English language instruction free of charge to eligible adult newcomers.²⁵

²² IBE, Profile of Education, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/NORTH_AMERICA/Canada/Canada.pdf (accessed 05/01/2012)

²³ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 55.

²⁴ *Ibid.*, p. 56

²⁵ The state and development of adult learning and education in Europe, North America and Israel Regional synthesis report, 2009, Helen Keogh,

http://www.unesco.org/fileadmin/MULTIMEDIA/INSTITUTES/UII/confintea/pdf/GRALE/confinteavi_grale_paneurope_synthesis_en.pdf

19. The Canadian Teachers' Federation (CTF) has expressed concern that inadequate minority French-language early childhood care and early education are major obstacles to the full and successful integration of eligible children into French-language schools. This lack of early education has a serious impact in the later recruitment and retention of students in French-language education and so undermines the vitality of francophone communities across the country.²⁶ The English-language minority system is dealing with its heterogeneous population. Both systems have the problem of small and scattered schools. With the aid of federal funding, all jurisdictions are dedicating funds and developing innovative responses to enhance the quality of minority-language education.²⁷

20. Inclusive education: In the Canadian context, the groups considered most vulnerable to exclusion are Aboriginal students, students with physical, emotional, mental and learning challenges, newly arrived immigrant students, visible minority students, and students from lower socio-economic groups. The majority of the educational reforms put in place in the jurisdictions towards these groups involve public consultation and/or the direct involvement of the communities directly affected and their results influence curriculum, delivery methods, management and educational leadership, issues of language and culture assessment and accountability, and policy.²⁸ In Canada, Aboriginal education has been established as a priority by the Council of Ministers of Education, Canada and every jurisdiction has policies and resources in place to foster academic achievement of Aboriginal students. But the other groups also benefit from special programs. Grants for schools and teachers encourage innovation in reaching vulnerable students and government programs provide financial support to postsecondary and adult learners, especially those from lower-income families.²⁹

21. Aboriginal Students: For historical reasons, Aboriginal students are not achieving educational success, as 48 per cent of the population over 15 years of age has not completed secondary school. Although they graduate from college at comparable levels to that of the total population, the number of Aboriginal university graduates is significantly lower. All jurisdictions are working to address this challenge, particularly through closer collaboration with the Aboriginal population in planning, delivering, and assessing the education. A new agreement in British Columbia has resulted in Aboriginal control of their own schools on reserves, which is considered a positive signpost. However, the low achievement of Aboriginal students is a serious challenge.³⁰

22. Students with Special Needs: Inclusion of special-needs students in regular classrooms is, to varying degrees, part of the educational policy in every jurisdiction in Canada, along with provision for support of their needs and capabilities.³¹

²⁶ Ibid., p. 57.

²⁷ Ibid., p. 59.

²⁸ The Development of Education, Reports for Canada, 2008, op. cit., p. 40,

²⁹ Ibid. p. 50.

³⁰ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 69.

³¹ Ibid., p. 48.

23. The challenges regarding this group remain significant. More students are being diagnosed as having special needs, and the calls for increased resources are escalating. The recruitment and retention of qualified staff present on-going problems, especially in rural and isolated schools. Teachers continue to struggle with the demands of inclusive classrooms and the extra demands this makes on their attention and time. Providing consistent programs and formats for tracking progress, focusing on the needs of students and their education rather than the disabilities, and responding to the expectations of parents and caregivers are major issues that the provinces and territories face in delivery of education for special-needs students.³²

24. Recently, some groups in Canada would rather support the creation of special schools for students with special needs, instead of integrating them within regular institutions. In this context, the Commission on Human Rights and Youth Rights is particularly worried as it might violate their fundamental rights. However, the Commission recognizes that in some schools there are not enough financial resources to integrate students with special needs.³³

25. Immigrant Children: Integrating immigrant children into the existing education systems of the provinces and territories involves establishing policies embodying the principles of diversity, equity, and multicultural education as part of the daily classroom and school environment, as well as adapting the curriculum and providing teacher supports that address students' real needs, especially for language learning.³⁴

26. Students from lower income families: For students from lower income families, access to postsecondary education can be limited for financial reasons. Every jurisdiction, in cooperation with the federal government, offers a combination of loans, bursaries, scholarships, grants and other assistance to students. In Many jurisdictions, university tuition has been frozen for a number of years.³⁵

27. Human Rights Education: Integration of human values education into schools is being addressed across Canada, accompanied by detailed curriculum documents and extensive resources. In the Foundation Document for the Development of the Common Curriculum Framework for Social Studies Kindergarten to Grade 12 completed by the Western Canadian Protocol for Collaboration in Basic Education in 2000, the role of social studies is defined in part as "to help students...to become active and responsible citizens, engaged in the practice of democratic ideals." Specific goals emphasize that students must understand their rights and responsibilities in order to participate fully in society, value the diversity, respect the dignity, and support the equality of all human beings, and develop a sense of social compassion, fairness, and justice. The principles and goals of the Framework were used as the basis of

³² The Development of Education, Reports for Canada, 2008, op. cit., p. 52.

³³ *Inquiétude pour les élèves en difficulté*, Le Journal de Montréal, April 2011

<http://fr.canoe.ca/infos/quebeccanada/archives/2011/04/20110414-051904.html>

(accessed

05/01/2012)

³⁴ Ibid., p. 53.

³⁵ Ibid., p. 55.

curriculum development, teacher training, and the provision of resources and tools specific to student needs at different levels in the Northwest Territories, Nunavut, British Columbia, Alberta, Saskatchewan, and Manitoba.

28. Because tolerance, democracy, and equality are part of all subjects/disciplines and are conveyed through behaviour, language, and personal values, teachers are given guidance and models to follow in their pre-service training. For example, York University's Faculty of Education states that the principles and themes that infuse its programs include equity, diversity, community, collaboration, interdisciplinary, environmental issues, and social justice, and that the Faculty seeks to address these themes in all of its programs.³⁶

29. Status and Training of Teachers: A 2005 pan-Canadian study by the Canadian Teachers' Federation (CTF) revealed that, compared to 2001, teachers were working longer hours and the conditions under which they worked were making it increasingly difficult to maintain high quality learning environments for students. In addition to longer hours and higher workloads, over half of the teachers reported that their class sizes had grown and that there had been an increase in the number of special-needs students in their classes in the past two years. The CTF expressed concern with the implications of these factors for the quality of children's learning conditions.³⁷

30. The pre-service training of teachers is available in every province and territory and is largely undertaken by universities. Provincial and territorial governments have implemented funding and program initiatives to address teachers' challenges, including the reduction of class sizes.³⁸

31. To better support inclusive education policies, the Ministry of Education has begun a pilot project in 30 schools throughout the province, which will expand to an additional 35 schools in the 2010-2011 school year. Teachers in these schools are receiving professional development on inclusion, including learning how to use different teaching methods based on students' needs, as well as how to share responsibilities in instruction delivery to meet the diverse needs of learners³⁹.

32. The Ontario College of Teachers has prepared Ethical Standards for the Teaching Profession as a vision of professional practice to inspire and guide teachers. The ethical standards include care, trust, integrity, and respect. Under the heading of "Respect," the Standards state that teachers honour human dignity, emotional wellness, and cognitive development. In their professional practice, they model respect for spiritual and cultural values, social justice, confidentiality, freedom, democracy, and the environment.⁴⁰ Moreover,

³⁶ Ibid., p. 53.

³⁷ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 33.

³⁸ The Development of Education, Reports for Canada, 2008, op. cit., p. 3,

³⁹ *Minister highlights commitment to inclusive education*, The Telegram, <http://www.thetelegram.com/index.cfm?sid=327273&sc=79> (accessed 05/01/2012)

⁴⁰ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 10.

Faculties of Education in Ontario are making tremendous efforts to improve the quality of teacher education provided to Aboriginal candidates through the development of new programs. The faculties are infusing Aboriginal context and issues into curriculum so that all teacher candidates are prepared to deal with Aboriginal students in their classrooms.⁴¹

33. Learning outcomes: Improvement of learning outcomes is a key educational priority in every jurisdiction as standardized achievement tests, improvement initiatives, and curriculum policy are all enacted to improve student achievement. The jurisdictions have implemented a variety of long-term plans, often based in extensive research and consultation, to address student achievement for all students and especially for those most in need of special supports. The strategies to improve learning outcomes are system wide, encompassing curriculum changes, teacher professional development, new measurement and testing standards, student support and resources, school leadership, accountability and autonomy measures, detailed data collection and analysis, comprehensive reporting to students, parents and the community, and enhanced programs for populations most at risk of failure.⁴²

34. Learning environment: A 2001 Positive Learning Environment Policy in New Brunswick also provides a framework for activities of the Department of Education, school districts, and schools to create positive learning and working environments in the public education system. The core of the Policy is that all are to be treated with respect and have the right to work and learn in safe, orderly, productive, respectful, and harassment-free environments. Each school community develops a School Positive Learning Environment Plan as a cooperative effort involving all the educators, as well as students, parents, school bus drivers, resource and support staff, and volunteers. The Plan must include strategies for intervention in cases of harassment, intimidation, or violence; of discrimination for any reason; or of the dissemination of hate propaganda.⁴³

35. The Council of Atlantic Ministers of Education and Training have stated that teachers have the responsibility to provide education to all students and the right to teach in a peaceful climate, conducive to learning all students. To facilitate this, the Council has published Meeting behavioural Challenges: Creating Safe and Caring Learning Environment: A Staff Professional Development resource. The document was developed to provide the theory and understanding around behavioural challenges and a workbook to facilitate the whole school planning required for the implementation of a school-wide positive behavioural interventions and supports.⁴⁴

Curriculum

36. Sexual Education: In Quebec, some representatives of education and health have asked the Ministry of Education of Quebec, Line Beauchamp, to reinstate sexual education into school curriculum. The increase of HIV and pregnancies among teenagers are important

⁴¹ The Development of Education, Reports for Canada, 2008, op. cit., p. 63.

⁴² Ibid., p. 3.

⁴³ Ibid., p. 10.

⁴⁴ Ibid., p. 63.

issues of public Health in Quebec and according to them, the removal of sexual education in 2001 is one of the reasons of this phenomenon.⁴⁵

37. Environmental Education: As schools begin to recognize the importance of teaching children about respect for the environment, several creative programs have been developed across the country. Each one attempts to integrate sustainability into school practices and provide students with the opportunity to practice what they learn and understand how their actions can affect their world. More and more schools are in the process to become Eco-Schools.⁴⁶

38. Education in conflict areas: Canada covered by the Human Rights Watch survey⁴⁷ is classified as a Country with Implicit Restrictions on the Use of Schools.

39. In response to the question whether Canada has regulations binding on the armed forces regarding occupation or use of school buildings, Rule 4 of the Canadian Forces' Code of Conduct, states that civilian property must be respected, and rule 9, states that, as a general rule, buildings and property dedicated to cultural or religious purposes may not be attacked. Furthermore, as outlined in Canada's law on armed conflict manual there is an obligation to protect civilians and civilian objects against the effects of attacks.⁴⁸

Cooperation:

40. Canada is not party to 1960 UNESCO's Convention against Discrimination in Education.

41. Canada is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

42. Canada reported to UNESCO in 2007, for the Seventh Consultation on the measures taken for the implementation of the Recommendation against Discrimination in Education (covering the period 2000-2005). In a recent consultation with the provinces and territories,

⁴⁵ Radio Canada, *Plaidoyer pour des cours d'éducation sexuelle*, September 2010, <http://www.radio-canada.ca/nouvelles/societe/2010/09/01/001-education-sexuelle-ecoles.shtml> (accessed 05/01/2012)

⁴⁶ Toronto Sun, *Teaching kids to be green*, August 2010, <http://www.torontosun.com/life/2010/08/12/15006421.html> (accessed 05/01/2012)

⁴⁷ Schools and Armed Conflict, Human Rights Watch, July 2011, p.57-58 :
<http://www.hrw.org/sites/default/files/reports/crd0711webwcover.pdf>

⁴⁸ Chief of Defence Staff, Canadian Force's Joint Doctrine Manual : Law of Armed Conflict at the Operational and Tactical Levels, B-GJ-005-104/FP-021, chapter 4, available at http://www.forces.gc.ca/jag/publications/Training-formation/LOAC-DDCA_2004-eng.pdf (accessed March 2011)

they re-affirmed their commitment to the Recommendation as best reflecting their priorities and responsibility for education in the Canadian federation.⁴⁹

43. Canada reported to UNESCO in 2009 within the framework of the fourth consultation of Member States on the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

2. Right to take part in cultural life

Achievements, challenges, best practices and constraints related to the implementation of the right to take part in cultural life⁵⁰

44. Normative Framework: constitutional and legislative frameworks: Canada is a federal state composed of ten provinces and three territories, each of which has its own government. Municipalities have local governments and some Aboriginal communities also have some form of self-government. Legislative responsibilities for nature conservation and cultural heritage are shared under the Canadian Constitution.

The Canadian system of federal, provincial or territorial, and municipal governments shapes the way that heritage is protected in Canada. There is no single entity responsible for the management of all World Heritage Sites in Canada. Federal legislation and policy are complemented by those of the provinces, territories and municipalities.

45. Canada, in several of its existing provincial programmes in cultural heritage, is already essentially satisfying the obligations that it would have as a State Party to the 2003 Intangible Cultural Heritage Convention, and its ratification should imply no significant new burdens for Canada but rather would open up an avenue of mutually beneficial cooperation between Canada and other countries. In October 2011, the Law no. 82 on the cultural heritage of Quebec was adopted marking a further step in recognizing all the dimensions of cultural heritage, tangible and intangible, by the Quebec government.

46. Institutional framework: The Canadian approach to conservation and protection of heritage resources is not centrally planned and encompasses a wide range of protected areas mechanisms and approaches. A variety of partners are engaged in protecting areas including all levels of government, and sometimes more than one department or ministry within the same government, non-governmental organizations, private citizens, and corporations. The overall lead for World Heritage lies with the Parks Canada Agency, which manages Canada's

⁴⁹ Report of Canada for UNESCO 7th Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, September 2007, p. 4. <http://lois.justice.gc.ca/eng/const/FullText.html> (accessed 05/01/2012)

⁵⁰ Sources used: Periodic Reporting North America: First Cycle (2001-2005) [Canada \(www.pc.gc.ca\)](http://www.pc.gc.ca) and "Working Together: Aboriginal Engagement at Parks Canada" initiative (www.parkscanada.gc.ca/aboriginal)

obligations under the World Heritage Convention. It is also responsible for the administration of a number of other heritage programs, and is working with provincial and territorial governments to create the Canadian Register of Historic Places and to establish national standards and guidelines. Two other federal agencies are directly involved in the protection of the natural environment: The Canadian Wildlife Service and Fisheries and Oceans Canada. All provinces and territories have departments or agencies which play a key role to establish and manage protected heritage areas within their jurisdictions. Provincial and territorial wildlife agencies are also responsible for all wildlife matters not under federal jurisdiction.

47. Policy measures: Given that responsibility for the management of natural and cultural heritage is split between levels of government and among governmental organizations, policy governing heritage is similarly multifarious. Launched by the Government of Canada in June 2001, the Historic Places Initiative (HPI) is a significant national initiative to engage Canadians in conserving the historic places. Parks Canada and the Department of Canadian Heritage have partnered with other levels of government to develop: the Canadian Register of Historic Places; Standards and Guidelines for the Conservation of Historic Places in Canada; and a certification program, linked to financial incentives. The tools initiative raise Canadians' awareness of historic places, and encourage and assist communities across Canada, including Aboriginal communities, to become more involved in conserving historic places important to them. Parks Canada supports and encourages other owners of national historic sites, including those owned privately, municipally, provincially, or by not-for-profit organizations through a variety of means. Similar policies exist for those sites designated provincially, territorially or municipally. Since sites with historic designations do not have to be owned by the government body which oversees the designation, these properties continue to play a variety of roles in the life of the community. Several provinces and territories also have programs to support Aboriginal communities to protect areas of heritage significance. As the largest property owner in Canada, the federal government plays a key role in ensuring the on-going protection of the country's built heritage. In recognition of this responsibility, the government applies the Federal Heritage Buildings Policy. Most areas protected for natural values are under governmental ownership.

48. Quebec and other Canadian provinces, such as Newfoundland and Saskatchewan, already provide in their cultural policies a broad understanding of culture that includes intangible heritage.

49. Work with civil society: Involvement in the life of the community is based on access for educational and recreational opportunities, and through public consultation relating to management planning and decision-making. These committees ensure that there is communication and understanding about the goals of both the community and the protected area. Local authorities and people have also played a significant role in the nomination process for nominations to the World Heritage List since 1990. Before 1990, the inscription process was viewed as the work of experts and it was considered sufficient to have the support of the relevant provincial government. Since 1990, nominations have engaged the public to a much greater extent. This is particularly true in those cases where the federal government is not the owner of the properties proposed for inscription. In all cases, support for the nomination from local communities and appropriate Aboriginal groups is required before a nomination is put forward. In recent times, UNESCO has received information concerning Parks Canada's efforts and accomplishments in ensuring the cultural values and knowledge of Aboriginal people are included in the stewardship of Canada's national historic sites. Public policy relating to heritage protection in Canada is strongly influenced by the

participation of non-governmental organizations, which represents an opportunity for Canadians to participate directly in debate about heritage issues.

3. Freedom of opinion and expression

Achievements, best practices, challenges and constraints

50. Legislative framework: The Canadian Charter of Rights and Freedoms (Constitution Act 1982⁵¹) guarantees freedom of expression and the press as a fundamental freedom: “*Everyone has the following fundamental freedoms...freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.*”

51. The Access to Information Act provides the right of access to information which is under the control of a government institution⁵². The law however has been subjected to criticism for high fees, delays, and refusals of requests⁵³.

52. Journalists’ protection of sources continues to be a relevant issue; a ruling in October 2010 by the Supreme Court was a positive step which requires a journalist to breach a confidentiality undertaking with a source only as a last resort. However, as the decision remains at the discretion of judges, the protection of sources from this ruling is not absolute.

53. Defamation remains criminalized under articles 296-300 of the Canadian Criminal Code. Article 300 of the Criminal 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.*”⁵⁴

54. Media self-regulation: Self-regulation of the media is well developed in the country. There are a variety of self-regulatory mechanisms that exist such as the Canadian Association of Journalists, and several press councils, organized around the territories⁵⁵ and provinces such as the British Columbia Press Council and the Ontario Press Council.

55. Safety of journalists: Journalists enjoy a high degree of freedom in the country and UNESCO recorded no killing of journalists and media workers in Canada between 2008 and 2011.

⁵¹ <http://laws-lois.justice.gc.ca/eng/Const/page-15.html?term=press>

⁵² <http://laws-lois.justice.gc.ca/eng/acts/A-1/>

⁵³ http://siteresources.worldbank.org/WBI/Resources/213798-1259011531325/6598384-1268250334206/Access_to_Info_Canada.pdf

⁵⁴ <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-145.html#h-90>

⁵⁵ http://www.bcprescouncil.org/other_councils.html

4. The right to enjoy the benefits of scientific progress and its applications (REBSP)

Achievements, best practices, challenges and constraints:

56. Canadian scientific communities co-operate actively with UNESCO in the framework of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) on issues of ethics of science and technology, with a particular focus on the requirements and special needs of scientific research to be carried by the developing countries and in particular those in Africa and scientific researchers who work there.

57. The expert from Canada is member of the International Bioethics Committee (IBC) of UNESCO, an advisory body concerning the follow-up to the Universal Declaration on Bioethics and Human Rights (2005), the International Declaration on Human Genetic Data (2003) and the Universal Declaration on the Human Genome and Human Rights (1997). Canada is member of the Intergovernmental Bioethics Committee (IGBC).

58. Canada submitted to UNESCO its national report on the application of the 1974 Recommendation on the Status of Scientific Researchers and took an active part in the consultations concerning the question of a possible revision of the 1974 to be discussed. As indicated in the national submission of Canada, the Canadian national law and institutional practices conform to the 1974 Recommendation.

59. Comme dans la plupart des pays de L'OCDE, investir dans la formation des chercheurs, la promotion de la science, et faciliter les transferts technologiques relève d'un choix stratégique vital pour le gouvernement du Québec. Pour relever le défi que les retombées de la recherche et de l'innovation puissent bénéficier à l'ensemble des citoyens, le gouvernement a adopté une série de mesures qui participent d'une stratégie de développement à la fois dynamique et interactive. Fondée sur un partenariat tripartite mettant en interaction le milieu de la recherche, celui des entreprises et les organismes publics chargés de la gouvernance de la recherche et de l'innovation, cette stratégie, à l'instar de nombreux pays, s'éloigne ainsi de la conception de l'innovation comme relevant d'un processus de décision individuelle, indépendant de l'environnement, au profit d'une approche concertée et plus à l'écoute des préoccupations socio-économiques tout en respectant l'autonomie et de la liberté des chercheurs..

III. RECOMMENDATIONS

Right to education

60. Canada should be encouraged to ratify the 1960 Convention against Discrimination in Education.

61. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. Canada has not yet reported to UNESCO on the Recommendation and is now strongly encouraged to submit a report.

62. Canada could be encouraged to enshrine the right to education at a constitutional and legislative level.

63. Canada could be encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education, protect minority groups (specifically regarding language rights), and promote gender equality.

Right to take part in cultural life

64. Canada should create mechanisms to improve communication and build a network among the World Heritage Sites in Canada and the World Heritage Sites in the United States.

65. Canada should better promote World Heritage. The Canadian sites are discussing a project to promote co-operatively the World Heritage Sites in this country. Elements of the strategy may include additional identifiers for sites, more co-operative promotional materials, and an enhanced web-presence.

66. Canada is invited to ratify the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage at its earliest opportunity so that it can bring its experience in safeguarding Intangible Cultural Heritage to the service of the international community. The perspectives of Canadian experts and institutions could substantially enrich the deliberations of the Convention's governing bodies, and they could play an important role in its implementation at the international level.

Freedom of opinion and expression

67. The Government is encouraged to review and update the *Access to Information Act* to make it easier for the public to access information.

68. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.

69. The Government is encouraged to continue the debate on strengthening the protection of sources.