

**Visit of the Personal Representatives of the Chair-in-Office to Canada
Report**

15-16 October 2009, Ottawa and Toronto

I- Meetings with government officials

Interdepartmental Roundtable hosted by CIC Citizenship and Multiculturalism

The roundtable, hosted by Acting Director General Justine Akman, comprised a succession of presentations on different policies relevant to tolerance and non-discrimination. The presentations gave the Personal Representatives an opportunity to discuss concrete issues related to integration of immigrants, data collection on hate crimes, national action plans against racism, equality in employment. .

Multiculturalism and Canada's Action Plan Against Racism

The Director introduced the Roundtable by mentioning that the heart of Canadian diversity was informed by three pillars: the existence of the aboriginal heritage (population of 3,2%), the linguistic duality and an increasing religious and ethnic diversity. She illustrated the issue of increasing religious diversity by mentioning that between the 1991 and the 2001 census the number of Buddhists, Sikks, Hinduists, Muslims and Christians other than Protestants and Catholics had increased by between 80% and 120%. She also gave an overview of the evolution of the narratives of Canadian diversity – although in the Charter of Freedoms and Human Rights – had undergone important changes since their inception, moving from “celebrating differences” in the 1970’ to “inclusive citizenship” today. She concluded by saying, that although there have been concerns in many Western countries about the perceived failure of multiculturalism, it was seen as successful in Canada. A few indicators of this success were the higher level of acceptance of immigrants by Canadian society, the greater opportunities to participate in political processes through Canadian citizenship, the better educational results of children of immigrants in Canada compared to other countries, the lesser extent of anti-Muslim sentiments in Canada.

The legal framework of Multiculturalism in Canada

The presenters stressed that ensuring and promoting equality in Canada was grounded in the Charter of Freedoms and Human Rights, the Canadian Multiculturalism Act (which realization is assessed on annual basis in a public report).

The CIC Settlement Programmes

The presenter introduced the evolution of settlement programming from the late 19th century until today, outlining the important shift in the nature and the scope of

immigration to Canada. The settlement programme is based on the assumption that there is a continuum of integration of every newcomer, from overseas selection to multiculturalism, through arrival, settlement, citizenship.

Canada's Action Plan against Racism

The introducer stressed from the outset that over the last five years, Canada has undergone dramatic demographic changes, with more than 1.2 million immigrants settled permanently in Canada. This quantitative change was reinforced by qualitative change: 75% of new immigrants arriving between 2001 and 2006 belonged to a visible minority group. Surveys demonstrated that a substantial number of immigrants had experienced discrimination. Therefore, the need to set up specific policy measures in order to promote successful integration was recognized with the Immigration and Refugee Protection Act in 2002. Combating discrimination and intolerance was done in the framework of a National Action Plan designed after the Durban World Conference in 2001. The Action Plan was established in 2005 after extensive consultations, a broad scale survey on diversity and intolerance (2002), and an analysis of the gaps in federal institutions and programmes. The Action Plan was developed as an integrated approach of all federal institutions to combat racism that was granted substantial financial resources (\$11,5 million /year plus \$55 million over five years).

The Action Plan intended to address, in particular, hate crimes, law enforcement and race-based issues in the justice system.

In the area of law enforcement, the Action Plan included cross-cultural training for new police recruits, in the framework of the project Welcoming Communities Initiatives. It also included interfaith projects, such as the “Jewish-Somali Mentorship Project”, with a budget of almost one million dollars.

In the area of hate crimes, the Action Plan included the Nationally Standardized Data Collection Strategy on Hate-Motivated Initiative, in partnership with the Canadian Centre for Justice Statistics.

The presenter stressed that, although evaluation was built in the programmes, it had specific challenges, such as the evolving phenomenology of racism, the difficulty to measure change in behaviour or attitudes.

Muslim Communities Working Group

Department of Foreign Affairs and International Trade Canada

The presenter gave an overview of the background leading to the establishment of the Working Group, its mandate and a few examples of activities it carries out. The Working Group was established in 2005 within the Department of Foreign Affairs and International Trade with a view to co-ordinating activities with the countries of the

Muslim world. She contended that activities of the Working Group were based on a two pronged approach: collecting, analyzing and sharing information on Muslim communities abroad with the relevant authorities, developing and implementing projects aimed at promoting human rights and democratic governance in Muslim communities abroad. She mentioned a recent project that involved broadcasting in Afghanistan testimonies of Afghan women living in Canada.

The Personal Representatives were impressed by this initiative since it combined a broad policy approach and concrete tools and projects.

Public Safety Canada, Cross Cultural Roundtable on Security

The Director of the Roundtable gave a presentation on the origin, the aims and the modus operandi of the Roundtable on Security. Established in 2004 in order to give policy makers an insight into the impact of security policy on different communities, the roundtable is composed of 15 members of civil society, who have shown leadership in their communities. She further stressed that the members were consulted on a regular basis and following annual priorities, diverse security related policy issues, in a development stage, such as Financing Terrorism and Organized Crime or Border and Transportation Security (topics for 2009) [UNCLEAR; perhaps break into two sentences.]. The governmental authorities involved in the roundtable discussions were, under the leadership of Public Safety, primarily Justice Canada, as well as RCMP, CSIS, CBSA, Transport Canada, Citizenship and Immigration Canada, Foreign Affairs and International Trade, and Canadian Heritage.

The Personal Representatives expressed appreciation for establishing such a consultative mechanism and showed interest in the selection criteria for the members of the Roundtable. The representatives from Public Safety Canada stressed that the civil society appointed civil [AWKWARD] society leaders were identified because they excelled in a profession or a discipline, and not because they were representing the interests of a specific community. The organizers hoped to gain a better insight on the opinion and reactions of those living in the midst of the Canadian society.

Minister Jason Kenney

Minister of Citizenship, Immigration and Multiculturalism

Minister Kenney assured the Personal Representatives of his support for their important work. He mentioned, in particular, the engagement of the Canadian government to combat anti-Semitism, racism and xenophobia, as well as intolerance against Muslims. He expressed interest in being directly informed about the activities of the Personal Representatives and of ODIHR.

The possibility of organizing a High Level on Tolerance and Non-Discrimination in 2010 was discussed. Minister Kenney remarked that, in the case such a decision would be made by the organization, great care should be devoted to defining the objectives and the content of the Conference.

Mr Mauro mentioned the issue of teaching of 'Ethics and Religious Culture' in the province of Quebec. The program was mandated by the Quebec Ministry of Education for all children between grades 1 and 11 as of the 2008-2009 school year. Mr Mauro mentioned that a number of requests for exemptions have been submitted by parents to the Ministry, and that all have been refused. Minister Kenney acknowledged that this was a delicate issue, and that the province of Quebec had full autonomy to decide on these issues.

Justice Canada, Department of Justice Group on Hate Crime

The presentation started with an overview of the legal framework with regards to hate crimes. Hate crime is addressed through sections 318 and 319 of the Criminal Code as well as through the sentencing provisions of the Criminal Code found in section 718.2. Section 318 referred to the crime of advocating or promoting genocide against an "identifiable group"; section 319 referred to the crime of wilfully promoting hatred against an identifiable group. Both sections made use of the term "identifiable group" which is defined as "any section of the public distinguished by colour, race, religion, ethnic origin, or sexual orientation". Additionally, subsection 430.1 of the Criminal Code made a specific crime to vandalize religious property if the action was motivated by bias based on religion, race, colour or national or ethnic origin.

The sentencing provisions of the Criminal Code found in Section 718.2 provided that courts take into consideration aggravating factors, including evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor.

Two legal documents provided the framework to address hate speech: the article 13 of the Canadian Human Rights Act (introduced in 1985) and sections 319-320 of the Criminal Code of Canada. The presenter stressed that the legislator had set a very high threshold for a successful prosecution under article 13, since it required the consent of the Attorney General to justify a limitation to freedom of speech.

A discussion with Rabbi Baker on the effectiveness of prosecution of hate speech revealed that there had been little use of the hate speech provisions. However the representative of Justice Canada stressed that the legislation had also important social role, since it laid out basic principles on this issue.

The Department of Justice presented an initiative called Interventions for Victims and Perpetrators of Hate Crimes. The initiative included an analysis of the needs of victims of hate-motivated crimes. The initiative Countering Internet-Based Hate Crimes explored the development of tools for reporting on-line hate.

II- Meetings with civil society

Mr Mauro met with representatives of the National Anti-Racism Council of Canada. The discussion centered on the issue of hate crimes, racial profiling and, in general, of challenges met by civil society. The representative contended that victims of hate crimes who were not affiliated with Jewish or Muslim, and Arab communities had difficulties to find support within civil society. Therefore, the Council started an initiative aimed at monitoring and reporting hate crimes. The project had to be discontinued for lack of funding.

The issue of racial profiling, it increase after 9/11, was mentioned as well. Main victims of profiling were aboriginal peoples, black people and people of Arab origin. The organization provided advice and legal counseling for people targeted by acts of discrimination.

Rabbi Baker remained in Ottawa and met with Eric Vernon, Director of the office of the Canadian Jewish Congress in the federal capital. Mr. Vernon described the situation confronting the Canadian Jewish community, which had witnessed an unprecedented number of anti-Semitic incidents in recent years. At the same time he noted that the current Government was concerned and engaged with the community in attempting to find ways to confront the problem. Minister Jason Kenney, who had participated in a London Conference on Anti-Semitism organized and hosted by UK Members of Parliament in February 2009, had publicly proposed hosting a follow-up conference in Canada in 2010 as one way to highlight the problem.

Discussion also focused on Article 13 of the Human Rights Act (see above); the Canadian Parliament is currently debating whether to eliminate its hate speech provisions. Mr. Vernon explained that, while this has not been an effective enforcement tool in combating anti-Semitism, the Jewish community supports its retention as a public expression of Canadian values, particularly at a time of heightened intolerance.

While in Ottawa, Rabbi Baker also met with MP Scott Reid, Chair of the Canadian Parliamentary Coalition to Combat Anti-Semitism (CPCCA). Mr. Reid explained that the CPCCA is an ad hoc bi-partisan committee of MPs which was established to evaluate the problem of anti-Semitism in Canada and to hear from experts abroad as to how to better understand the phenomenon and develop ways to combat it. The Committee was in the process of scheduling weekly hearings in Ottawa throughout the fall session, with plans to issue its report and recommendation in 2010. Rabbi Baker was invited to return to Ottawa later in the fall and deliver testimony to the Parliamentary Coalition based on his

work as the OSCE Personal Representative on Combating Anti-Semitism. (A copy of this testimony is attached.)

Ambassador Akhmetov cancelled the meeting with a group of NGOs representing Muslim communities. However the Canadian Arab Federation submitted a written contribution, stressing the issue of racial profiling targeting individuals considered as Muslims or Arabs. The Federation also pointed at an apparent increase of racism and hate crimes directed at Canadians of Muslim or Arab origin. The Federation called for increased response of the government in terms of investigation and prosecution of hate motivated incidents, as well as for increased commitment to end racial profiling and institutional discrimination.

III- List of Annexes

Agenda of the visit

**Organisation for Security and Cooperation in Europe
Personal Representatives of the Chairman-in-Office to promote greater tolerance and combating racism,
xenophobia and discrimination**

**Rabbi Andrew Baker (USA)
Personal Representative on Combating Anti-Semitism**

**Ambassador Adil Akhmetov (Kazakhstan)
Personal Representative on Combating Intolerance and Discrimination against Muslims**

**Mr. Mario Mauro (Italy)
Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on
Intolerance and Discrimination against Christians and Members of Other Religions**

**Accompanied by: Ms. Floriane Hohenberg, OSCE Office for Democratic Institutions and Human Rights,
Tolerance and Non-Discrimination Department**

Working visit to Canada – October 15-16, 2009

Wednesday, October 14

Arrival to Ottawa:

Mr. Baker, Mr. Akhmetov, Mr. Mauro, Ms. Hohenberg
Washington – Ottawa, AC 7665, 20:10 – 21:37

*Transfer by the Greek Embassy - Michael Votsis (cell: 613-219-0047)

Accommodation:

Mr. Baker, Mr. Mauro, Ms. Hohenberg: Hotel Château Laurier, 1 Rideau St
Mr. Akhmetov: Radisson Hotel, Radisson Hotel Ottawa, 402 Queen St.

Thursday, October 15

*Transfer from Chateau Laurier and Radisson to Canadian Building by the Greek Embassy - Michael Votsis
(cell: 613-219-0047) (approx. 10 min)

10:00 -11:30 *Interdepartmental Roundtable*

Location: Canadian Building, 219 Laurier Ave. W, Metropolis Boardroom (A916)

Focus: Discussion of Government of Canada multiculturalism and anti-discrimination programs and policies,
and raising awareness of the mandate of the Personal Representatives.

Hosted by: *CIC Citizenship and Multiculturalism Acting Director General Justine Akman*

Contact: Andrew Roth (991-2087)

*Transfer from Canadian Building to Al's Steakhouse by the Greek Embassy - Michael Votsis (cell: 613-219-
0047) (approx. 10 minutes)

12:00-13:30 Lunch hosted by Ambassador Abildayev

Location: Al's Steakhouse & Seafood, 327 Elgin St, Ottawa, ON K2P 1M5, Canada

Restaurant contact: (613) 233-7111

Contact: Ruslan Ayabov (cell : 613-302-3890)

*Transfer from Al's Steakhouse to Public Safety Canada by the Greek Embassy - Michael Votsis (cell: 613-219-0047) (approx. 10 minutes)

14:00-15:30 Cross-Cultural Roundtable on Security

Location: Public Safety Canada, Room B2000, 17th floor, 269 Laurier Ave. West, Ottawa

Focus: The 3 Personal Representatives sharing their views/insights on promoting tolerance and combating discrimination in the OSCE region and familiarization with the work of the Roundtable.

Contact: Nathalie Fillion (993-5019)

Representatives will be greeted in lobby

*Transfer from Public Safety Canada to Justice by the Greek Embassy - Michael Votsis (cell: 613-219-0047) (approx. 10 minutes)

16:00 – 17:00 Meeting with Department of Justice Group on Hate Crime

Location: Justice Canada, Boardroom 6015, East Memorial Building, 284 Wellington Street, Ottawa

Focus: Overview of the laws protecting minorities; initiatives undertaken by the Department of Justice in the area of hate crimes through Canada's Action Plan against racism; Canada's hate crimes legislation.

Contact: Glenn Gilmour (948-7417)

*Transfer from Justice to Aroma Meze by the Greek Embassy - Michael Votsis (cell: 613-219-0047) (approx. 10 minutes)

18:00 Dinner hosted by Greek Embassy

Location: "Aroma Meze", 239 Nepean Street, reserved under the name of the Ambassador Nikolaos Matsis

*Transfer from Aroma Meze to hotels by the Greek Embassy - Michael Votsis (cell: 613-219-0047) (approx. 15 minutes)

Friday, October 16

6:45 Departure for Ottawa Airport