

HUMAN RIGHTS AND IMMIGRATION

Socials 11
Exam Review:
Presentation 7

HUMAN RIGHTS IN CANADA

- Human Rights haven't always been acknowledged in Canada
- Canada did not formally list rights of citizens until the Charter of Rights and Freedoms in 1982
- The Charter of Rights and Freedoms was developed when Canada decided to have their own constitution, separate from England's
- This was called "Repatriation." Before then Canada was a dominion of Britain. With repatriation Canada become a country in it's own right—not ruled by Britain.
- The Constitution defines the powers of the government in Canada
- At this time the Charter of Rights and Freedoms was added.

REPATRIATION



THE CHARTER OF RIGHTS AND FREEDOMS

- Created in 1982 when Constitution was repatriated
- Lays out basic civil rights. Limits the power of governments.
- **Note: The Charter is about preventing governments from violating rights. It does not apply to individuals, businesses or organizations.**
- **Fundamental Freedoms:**
 - Freedom of conscience, religion, speech, expression, belief
 - Freedom of peaceful assembly
- **Democratic Rights:**
 - Right to vote

- **Mobility Rights:** Freedom to move around Canada and go outside of Canada

- **Legal Rights:**
 - Right to life, liberty and security of person
 - Freedom from unreasonable search and seizure
 - Innocent until proven guilty
 - Freedom from illegal imprisonment, cruel and unusual punishment

- **Equality Rights**
 - Equal treatment under the law (no discrimination)

■ Language Rights:

- French and English are official languages
- Right for minority English or French language communities to be educated in their own language

Aboriginal Rights (in Constitution)

- 35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

**WHAT ARE EXAMPLES OF HUMAN RIGHTS
ISSUES IN CANADA?**

**BEFORE THE
CHARTER**

INDIAN ACT (1867-TODAY)

- First Nations people not allowed to leave reserve without permission
- Not allowed to vote (until 1960)
- Not allowed to attend University
- Not allowed to do potlatch or dances (culture banned)
- Mandatory residential schools = cultural genocide

DOMINION ELECTIONS ACT

- Minorities not allowed to vote in Canadian elections (1900)
- Asians (Japanese, Chinese, Indian)
- First Nations
- Women

1942: JAPANESE INTERNMENT

- Japanese-Canadians sent to internment camps during WW2 because of fear they might be spies.
- Were kept there against their will, lost all their land and property
- After war were forced to go to eastern Canada or back to Japan, even if they'd been living in Canada for generations.



PERSONS CASE

- Supreme Court rules that women not considered “persons” under the law (1928)



FIVE ALBERTA WOMEN

Through whose efforts women's right to be appointed to the Senate has been determined. Left to right: Mrs. R. W. McClung, Mrs. L. C. McKinney, Mrs. O. C. Edwards (portrait by W. H. Best), Magistrate Emily Murphy, and the Honourable Irene Parlby.

Now That We Are Persons

By Nellie L. McClung

ON THE morning of October 18th, 1929, the women of Canada received a shock when they read their papers at breakfast. They read on the first page in bold black type that the Lords of the Privy Council had declared them to be Persons. That was not the shock. The shock came in the

away like morning mists at sunrise. Prejudice dies hard, as well we know, and when belief runs back to antiquity, a ruling of even the Privy Council cannot dislodge it.

Women have been creatures of relationships, sex-relationships. She was someone's daughter, wife or

lay dead, the Senior Wrangler among the wives called out her full Executive with the words:

*"See now that we die as our mothers died
In the bridal bed by our Master's side.
Out, women—to the fire!"*

COMMUNIST PARTY IS OUTLAWED UNDER THE WAR MEASURES ACT (1940)



—Collins. In The Montreal Gazette.

Nothing Should Matter Now -- But Victory

The Montreal Gazette, 24 October 1942

ALBERTA GOVERNMENT PASSES A LAW ORDERING STERILIZATION OF PATIENTS IN PSYCHIATRIC HOSPITALS (1928-1972)

Maclean's Magazine, February 15, 1946

Sterilize THE UNFIT

By CLARENCE M. HINCKS, M.D.
General Director, The National Committee for Mental Hygiene (Canada)

SUBNORMALITY and mental unfitness seem to be on the increase in Canada. There is evidence that at the present time about 10% of our population vary in mental health from profound mental disability to a state that might be called marginal disability.

What's more, we can expect the percentage to mount unless we act soon to improve the mental quality of our stock. For the mentally unfit are apparently breeding faster than the fit, and will continue to do so until we prevent them with undesirable hereditary traits from passing their disabilities on to their children.

While stronger mental health and welfare programs are necessary for the prevention and treatment of mental diseases, these measures alone will only partially stem the rising tide of mental disabilities. Common sense and scientific judgment dictate a combined attack on mental health problems aimed at both constitutional and hereditary factors and environment. And this means, among other things, selective surgical sterilization.

Selective sterilization has the backing of psychiatrists and other technical personnel. But no genuine progress can be made until the general public sees eye to eye with the scientist and is ready to grant approval.

Sterilization does not involve the removal of organs and it produces no physical changes in the body. It does not in any degree impair the individual, except in making parenthood impossible. Those who have been operated upon expect no change in their mental relations.

Whom Should Be Sterilized?

STERILIZATION should be restricted to individuals who have disabilities of a hereditary nature wherein a predisposition to mental ill health may be passed on to succeeding generations. Such disabilities include mental deficiency or stunted mental development; certain psychoses or so-called insanity; certain forms of epilepsy; and certain pronounced cases of senescence.

Mental defectives are individuals who always retain the minds of children. They constitute two per cent of our total population. Regardless of how well they are trained they cannot get along without supervision and guidance. In the absence of supervision they con-

be born with inherent mental defects and that the remainder of their children might just as well be deficient, because they will be warped by uninspiring and unintelligent upbringing. In other words, mental defectives are quite unsuitable for parenthood.

Psychotic (insane) individuals differ from mental defectives. It has been well said by Dr. A. F. Tinsdale of England that while mental defectives never possessed an adequate mental bank account, psychotics once had a mental bank account but subsequently lost it, or at least part of it. One and one half per cent of the Canadian adult population is afflicted with psychoses, and half of this percentage requires hospitalization.

One form of psychosis, dementia praecox, is responsible for more chronic invalidism than tuberculosis or cancer, and requires more hospital beds for its treatment than any other form of human illness. Approximately one quarter of all hospital beds in Canada are occupied by cases of this disease. Genetic research carried out on the families of dementia praecox patients forces even the most cautious to admit that this disease occurs in certain families at a rate that can be explained only on a hereditary basis.

Another prevalent form of mental illness is manic-depressive psychosis, wherein the factor of inheritance is most important. One third of the offspring of a manic-depressive parent will show the same disorder whereas in the average population, the frequency is only 4 in 1,000. Another one sixth of the children will show mild mood disorders. If both parents have manic-depressive illness, two thirds of the children will be manic depressive and the remainder will show mild disturbances.

There are other forms of psychosis that owe their origin in considerable degree to inheritance, and it is a generally accepted dictum among psychiatrists that psychotic individuals should not have children even after apparent recovery.

Convulsive disorders or epilepsy are as prevalent as diabetes. One in 200 of the population is afflicted. Where epilepsy is not caused by brain injury, it has been found that when one parent is affected the condition is transmitted to 10% of the offspring. Aside from the hereditary factor, parenthood is unwise for epileptics because the added burden of bringing



**WHAT ARE EXAMPLES OF HUMAN RIGHTS
ISSUES IN CANADA?**

**AFTER THE
CHARTER**

VOTING RIGHTS

Voting Should Be Easy for Everyone

Every voter in Canada has a right to access their polling station. But until recently, not every polling station was accessible to people with disabilities.

James Hughes had to use a wheelchair and walker to get around. When he went to vote in the 2008 elections, a long flight of stairs blocked his way down to the voting booths. He looked for a ramp, but found only a locked door. Determined to vote, and with no other alternative, Mr. Hughes went down the stairs on the seat of his pants. He sent a letter to Elections Canada describing his difficult experience, but nothing was done.

After facing the same challenges at the same polling station during a second election, Mr. Hughes filed a complaint under the *Canadian Human Rights Act*. He argued that by failing to accommodate people with physical disabilities, Elections Canada was discriminating against them.

In **2010**, the case went to the Canadian Human Rights Tribunal. Elections Canada agreed to make changes to its procedures and policies to ensure that everyone in Canada could access local polling stations and cast their vote.



MOTHER'S RIGHTS

The Rights of the Working Mother



When a Canadian woman chooses to have a child, she should be confident she will be supported by her employer. But this is not always the reality at every workplace in Canada, as Hayley Cole discovered.

In 2001, Hayley Cole returned to her job at Bell Canada after maternity leave. She asked that she be able to take regular unpaid breaks so that she could go home and breastfeed her son. Bell Canada accommodated her request for one year, but not beyond that.

Ms. Cole believed that she was being forced to choose between being a mom and working at Bell

Canada. She filed a complaint under the *Canadian Human Rights Act*, arguing she was being discriminated against because of her sex and family status.

In **2007**, the Canadian Human Rights Tribunal ruled in favour of Ms. Cole and ordered Bell Canada to do a better job of accommodating working mothers. This ruling applies to all employers that are under federal authority.

GAY RIGHTS

Gay Rights Written into Canadian Law

Everyone in Canada has the right to be treated equally. But there was a time in Canada when there was nothing a person could do if they were discriminated against because of their sexual orientation.

Joshua Birch experienced this first hand. He was serving as a captain in the Canadian Air Force when, in 1989, senior officers learned that he was gay. From that point on, he was denied promotions, postings or further military training.

Mr. Birch believed that his rights were being violated, but the *Canadian Human Rights Act* offered no protection. So he and his friend Graham Haig asked the courts to look at the Act and see if it should be changed.

Their efforts paid off.

In 1992, the Ontario Court of Appeal ordered that failure to include sexual orientation in the *Canadian Human Rights Act* was discriminatory. The Court recommended that the Act be interpreted as if sexual orientation was one of the grounds of discrimination.

It was not until **1996** that Parliament added sexual orientation to the *Canadian Human Rights Act*, making it an eleventh ground of discrimination that is not allowed in Canada.



RIGHT TO RELIGIOUS EXPRESSION

Following Religious Practices While Enforcing the Law

Today, when Sikh Canadians join the Royal Canadian Mounted Police they don't have to choose between wearing the RCMP uniform and following their religious practices. They can do both. But things were once very different.

When Baltej Singh Dhillon applied to be an RCMP officer in 1988, he was told that the RCMP's uniform policy did not allow him to wear his turban. For Staff Sergeant Dhillon, this meant that if he wanted to join the force, he would have to compromise his religious beliefs.

Staff Sergeant Dhillon's efforts to change the rules sparked a heated debate across Canada. Some felt that Canada's history and traditions were threatened by the country's growing cultural diversity.

In **1990**, after seeking guidance from the Canadian Charter of Rights and Freedoms and the *Canadian Human Rights Act*, Solicitor General Pierre Cadieux ruled that turbans could be worn by uniformed RCMP officers. He said the decision was "not only the correct one in law but also the right decision."

When the ruling was challenged three years later, the Canadian Human Rights Commission was there to help defend the RCMP's decision to allow turbans. In the end, the 1990 ruling was upheld, and today, officers can choose to wear their Sikh turban while also proudly wearing their RCMP uniform.



CAPTION: Staff Sergeant
Baltej Singh Dhillon, RCMP
CREDIT: Darpan Magazine

MEN AND WOMEN IN THE ARMY

Equal Rights for Men and Women in Combat

Canada is one of only a few countries in the world that allow women to serve on the front lines in combat. But it was not always so. While women have served in Canada's military since 1885, they were prevented from performing combat roles for over one hundred years.

Four members of the Canadian Forces set out to change this. They believed it was wrong that women were prevented from having roles in combat positions or combat-related jobs, just because they were women.

Isabelle Gauthier, Marie-Claude Gauthier, Georgina Anne Brown and Joseph Houlden, all members of the Canadian Forces, filed a complaint under the *Canadian Human Rights Act* claiming discrimination based on sex. In **1989**, following a Canadian Human Rights Tribunal ruling, the Canadian Forces opened all occupations, including combat roles, to women.

In 1989, Private Heather R. Erxleben became Canada's first female Regular Force infantry soldier. Since then, hundreds of Canadian women have served in combat roles, and all women have the opportunity to pursue any position in the Canadian Forces.



CAPTION: Since Private Heather R. Erxleben became the first woman to serve in a combat role in 1989, other women like Corporal Venessa Larter (seen here) have gone on to do the same.

CREDIT: Sergeant Carole Morissette, forces.gc.ca

MULTICULTURALISM

- In 1971, Prime Minister Trudeau introduced an official policy of multiculturalism.
- He said that “the various cultures and ethnic groups” in Canada “will be encouraged to share their cultural expressions and values with other Canadians and so contribute to a richer life for all.”
- Canada sees itself as a “cultural mosaic” (where cultures come together but maintain their own distinct identity) rather than a “melting pot” (where diverse cultures all blend into one culture)

IMMIGRATION

- In the past immigration was very restrictive
- National Policy (late 1800s-mid1900s) had a theory of ethnic hierarchy based on each groups “physical and cultural distance from London and the degree of Anglo-Saxon whiteness”
 - “Chosen Races:” British, Scandinavian, Germans, Dutch (northern and western Europe)
 - 2nd: Central and eastern Europe
 - 3rd—Jews and southern Europeans

NATIONAL POLICY, CONT'D

- 4th African and Asian—believed to be inassimilable. Race riots in China town—“Asiatic Exclusion League” marched through Chinatown Vancouver in 1907, 10,000 people damaging buildings and assaulting residents.
- Discrimination: White Americans welcomed, African Americans not. Canadian agents told whites that climate of northwest was mild and healthy, told blacks it was severe.
- 5th—First Nations people—considered wards of the state, removed to reserves to allow for settlement. In 1911 Indian act—companies and municipalities could expropriate reserve lands if needed, could relocate reserves near towns of over 8000.”

CANADA IS YOUR LAND
FOR THE ASKING

HEALTH **WEALTH**

ENQUIRE
AT ANY CANADIAN GOVERNMENT AGENCY
OR OF
ANY LICENSED BOOKING AGENT.

MR. J. OBED SMITH, ASSISTANT SUPERINTENDENT OF EMIGRATION,
11 & 12, CHARING CROSS, LONDON, S.W.

Canadian Government Agencies in the Provinces:

- | | | |
|-----------------------------------|----------------------------------|------------------------------|
| 48, Lord Street, Liverpool. | "Adrian Court," Uxk, Mon. | 44, Dawson Street, Dublin. |
| 139, Corporation St., Birmingham. | 107, Hope Street, Glasgow. | 54, Castle Street, Carlisle, |
| 81, Queen Street, Exeter. | 116, Union Street, Aberdeen. | and |
| 16, Parliament Street, York. | 17-19, Victoria Street, Belfast. | Market Place, Peterborough. |

CANADA WEST

DO NOT LEARN

Illustrated by the direction of
HON. JAMES ALEXANDER ROSS
EMIGRANT AND SETTLEMENT
OFFICE
OTTAWA, CANADA, 1925

CANADA - THE NEW HOMELAND

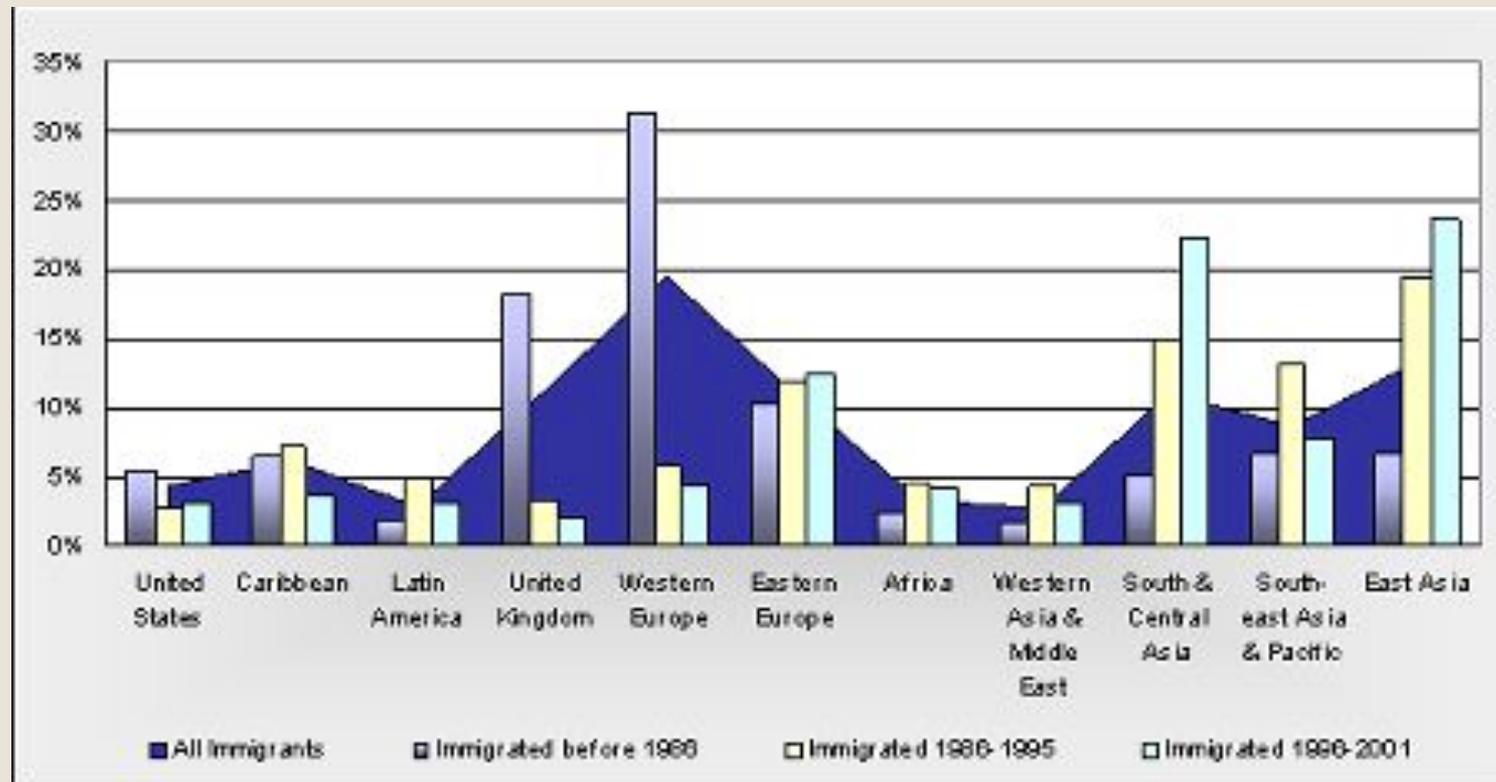
CHINESE HEAD TAX

- In 1885, Canada wanted to discourage Chinese immigration
- Every Chinese person immigration to Canada had to pay a tax (started as \$50, increased to \$500)
- No other immigrants had to do this
- 1923: Chinese Exclusion Act: tried to stop Chinese immigration all together
- Not repealed until 1947



IMMIGRATION TODAY

- 1967: Canada's immigration policy made officially "color-blind"
- National and racial origins no longer factors (directly)



HOW TO IMMIGRATE TODAY

- **Points system—people are scored on the following factors:**
 - your skills in English and/or French (Canada's two official languages),
 - your education,
 - your work experience,
 - your age,
 - whether you have a valid job offer, and
 - your adaptability (how well you are likely to settle here).

- **Is this still discriminatory??**

OTHER WAYS TO IMMIGRATE

- **Family sponsorship:** Canadian citizens or permanent residents can sponsor children, spouses, parents, grandparents
- Can take a very long time

- **Refugees**

- **Special programs:** Temporary-foreign workers, Live-in caregivers (for elderly or children)—basically jobs that most Canadians don't want to do
- **OR highly skilled jobs/desired like artists, athletes, running a farm**

MAPPING THE CHANGE

- Make a graph or chart to show the change

⊕ Immigrants to Canada 2006-2011

Asia/Middle East	56.9%
Europe	13.7%
Africa	12.5%
Caribbean, Central and South America	12.3%
Unites States	3.9%

Immigrants to Canada prior to 1970

Asia/Middle East	8.5%
Europe	78.3%
Africa	1.9%
Caribbean, Central and South America	5.4%
Other	6%