

JOHN HUMPHREY CENTRE
for PEACE and HUMAN RIGHTS

111, 4635 199 Street. Edmonton, AB. T6M 0V1

May 24, 2023

The Honourable Senator Salma Ataullahjan, Chair
Standing Senate Committee on Human Rights
The Senate of Canada
Ottawa, Ontario
Canada, K1A 0A4

Dear Honourable Senator Salma Ataullahjan,

Between June 2021 and October 2022, the John Humphrey Centre for Peace and Human Rights (JHC) conducted a research project to assess whether and how the human rights mechanisms available at the federal level in Canada meets the needs of the most vulnerable Canadians. The research examined complainants' experience with the Canadian Human Rights Commission ("the Commission") and Canadian Human Rights Tribunal ("the Tribunal"). We would be honoured to share with the Standing Senate Committee on Human Rights the results of our research including the attached report titled "[Responsibilities of the Canadian Human Rights Commission: Identifying Gaps and Building Solutions](#)" containing our findings and developed recommendations to address the barriers identified within the human rights mechanism to strengthen the Commission and Tribunal.

The goal of the research was to center on the analysis of the mechanisms from the most marginalized users' perspective to provide recommendations that could be effectively incorporated to improve access to justice and accessibility. The data collection tools and the framework of analysis of this effort aimed to concretely identify:

- 1. the barriers to access justice for those who engage with the human rights complaint mechanisms in Canada; and,**
- 2. key actions needed to reduce or dismantle those barriers and increase access to justice at the Commission and the Tribunal.**

The research identified key barriers that complainants face while moving through the federal human rights mechanism and that obstruct complainants' access to the offered remediation processes. Some of these include:

- disability-based complainants being forced to file complaints at the Canada Transportation Agency instead of the Commission creating a disparity in complaint resolution mechanisms and promoting ableism;

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- unique challenges facing incarcerated complainants to access remedy, including lack of access to the Commission and retaliation within institutions; and,
- lack of enforcement mechanism of decisions reached at conciliation, mediation, and possibly the Tribunal Hearing stage.

Some of the key recommendations from the research include:

- strengthen transparency through publishing disaggregated data on a quarterly basis. This publication should include complaints both rejected and accepted at the intake phase for further analysis;
- create an internal process adapted for disability-based discrimination complaints within the Commission so they do not have to experience a separate complaint system under the Canadian Transportation Agency;
- create an internal process specific to complaints from incarcerated complainants that address the multiple barriers they face and that are presented in this report, including an investigative or inquiry service; follow-up mechanisms; alternative dispute resolution in the place of mediation; physical accommodations for in-person hearings for incarcerated complainants; and, the integration of restorative justice practices;

The research confirms the vital importance and role that the Commission and Tribunal performs in upholding human rights. The Commission must be accessible to the most vulnerable and provide fair and equitable remedy to address discrimination. In order to achieve this, the Commission should model and support the modernization of the human rights legislation governing the Commission, as well as implement administrative changes to improve the complaints process for users.

If you have any questions or would like to discuss the research report further, please do not hesitate to reply and we would be happy to have a conversation with you.

Thank you for your time and consideration.

Best regards,

Renée Vaugeois
Executive Director
John Humphrey Centre for Peace and Human Rights