SPEAKING NOTES
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AND INTEGRATION

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INTRODUCTION

It is a great honour to address you as you reflect together on the question of National Minorities and Integration of Foreigners during the 20 Years of Freedom in the Czech Republic.

People have moved across borders since the creation of the concept of borders. Throughout history, minority groups have had to wrestle with how they could maintain their distinctive cultures. Majority cultures have had to consider how to deal with minorities, to ask themselves whether several cultures can coexist peacefully or whether minorities need to adopt and conform to majority values and culture, particularly in the context of immigrants to their newly adopted country. These questions are still very much alive today, both in your country and in mine.

Canada is a relatively young country of immigrants. Our two founding peoples, the French and the English, were both immigrants to the land of Aboriginal nations which had inhabited the land for thousands of years. For the last 400 years, the Aboriginal people and the two founding nations have been joined by many waves of immigration.

A commitment to democratic pluralism has been with Canada from the beginning. Canada developed first as a colony of two empires, originally the French and later the British. It was established as a federation in 1867 to accommodate the needs of diverse communities scattered over vast geographic distances. The federating provinces wished to unite to protect themselves against American economic and military dominance and to strengthen trade and commerce across far-flung regions. At the same time, each of the provinces already had a rich history, with deep differences in economic interest, language, religion, law and education. The province of Quebec, for example, which was settled predominantly by French-speaking Roman Catholics,

wanted to retain autonomy over religion, culture, education and civil law. The solution was to create a federal nation, as a compromise between full integration and independent colonies.[1]

This culturally diverse federal nation grew in diversity with subsequent waves of immigration. As a result, what unites Canadians is not a single, common cultural identity but rather a collective civic identity based on shared democratic values. All Canadians benefit from an equal citizenship status, whether born in Canada or recent arrivals. There is a widespread recognition that Canada is strengthened by French- and English-language communities, Aboriginal communities, and its broader pluralistic communities.

Canada benefits from the talents, experience and energy of many immigrants, including skilled workers, business people, refugees, relatives of Canadian citizens and residents, foreign students, and temporary workers. Internationally, Canada currently ranks third behind Luxembourg and Israel in the proportion of immigrants in the population.

Approximately 20% of the population – 6.1 million people – were born outside of Canada. Another 4 million people are second generation Canadians – they were born in Canada but had at least one parent who was born outside Canada. Most immigrants settle in large urban areas. For example, almost half of the 5 million people who live in and around the city of Toronto were born outside the country.

People from more than 200 ethnic origins make Canada their home. The growth in immigration from non-European countries has resulted in a great increase in visible

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[1]   This paragraph is a direct citation from a speech by Senator Noël A. Kinsella for the Faculty of International Relations and St. Petersburg State University, Russia, *Federalism: the Canadian Experience 1867-2007*.

minority groups in Canada. About 16% of Canadians were classified as visible minorities in 2006.

These changing demographics reflect a significant recent growth in Canada's ethnic and religious diversity, a trend that will continue for the foreseeable future.

Finding ways for people of various cultural backgrounds to live together harmoniously is a challenge which most nations face today. We all benefit from events like this one today, when we can share our difficulties and successes.

While the challenges of migration and integration are common to most countries, there are many different ways to deal with these issues. Migration and integration raise big questions – questions such as identifying criteria for accessing permanent residence or citizenship; questions such as our notion of a national identity.

In my comments, I will describe the role of individuals, organizations, and the state in creating a society where several nationalities can come together to live in harmony.

MULTICULTURALISM IN CANADA

As a relatively new country with a diverse population, Canada has developed its own approach to negotiating a place for a diverse Aboriginal population, for accommodating two official language communities, and for constantly adapting to increased ethnic, racial, linguistic and religious diversity. This has not always been easy.

The origin of Canadian multiculturalism was unintended. When the government of Canada set up a Royal Commission on Bilingualism and Biculturalism in the 1960s, it was interested in looking at the French and English populations. The work of the Commission pointed out, however, that Canada was more than *bi*-cultural – it was

multi-cultural. At that time, 25% of the national population were identified as not being of either French or English ethnicity.

Since that time, Canada has developed a powerful legal and constitutional basis for multiculturalism. In 1971, Canada became the first country in the world to adopt a Multiculturalism Policy. In 1982, multiculturalism was written into the Constitution. The Constitution not only outlines Canada's system of government, laws, and civil rights – it also guarantees fundamental rights and freedoms of all Canadians through *the Charter of Rights and Freedoms*. This Charter has separate sections recognizing Aboriginal peoples and official language minorities, as well as sections that recognize religious freedom and acknowledge the multicultural heritage of Canadians.

Since the *Canadian Charter of Rights and Freedoms* came into force, Canada has had constitutional recognition of its multicultural heritage. Section 27 of the Charter instructs our courts to interpret the provisions of the Charter "in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." Together with the guarantees of freedom of conscience and religion in Section 2, the Charter provides not only that Canada will be a multi*cultural* society, but also a multi*faith* society. In Canada, we have chosen not to cleanse the town square of religious symbols, but to bring all religious communities into the town square in an inclusive manner, allowing everyone in our multicultural and multidenominational society the opportunity to get to know about one another, to celebrate shared beliefs and to freely discuss differences. All people are invited into the "town square" to participate as full and equal members of society.

The Charter ensures that all people on Canadian soil are guaranteed the right to equal protection and benefit of the law. Both levels of government, federal and provincial, must respect the Charter in enacting laws and making administrative decisions.

The 1988 *Canadian Multiculturalism Act* reaffirms multiculturalism as a fundamental value of Canadians. It commits the Government of Canada to support the full participation of all Canadians regardless of race, national or ethnic origin, colour or religion in all aspects of Canadian society. The 2002 *Immigration and Refugee Protection Act* details the importance of "the 'two-way street' approach to integrating immigrants and refugees in Canada. That is, while newcomers are expected to adapt to Canada and Canadian norms, Canadian society and its institutions are expected to adapt to a diversifying population."[2]

The Department of Citizenship and Immigration Canada, which oversees multicultural programs at the federal level, accurately describes the Canadian view of multiculturalism:[3]

> "Canadian multiculturalism is fundamental to our belief that all citizens are equal. Multiculturalism ensures that all citizens can keep their identities, can take pride in their ancestry and have a sense of belonging. Acceptance gives Canadians a feeling of security and self-confidence, making them more open to, and accepting of, diverse cultures. The Canadian experience has shown that multiculturalism encourages racial and ethnic harmony and cross-cultural understanding, and discourages ghettoization, hatred, discrimination and violence. Through multiculturalism, Canada recognizes the potential of all Canadians, encouraging them to integrate into their society and

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[2]   John Biles (Metropolis Project Team), Humera Ibrahim (Multiculturalism Program) and Erin Tolley (Metropolis Project Team), *Does Canada Have a Multicultural Future?*, http://canada.metropolis. net/pdfs/does_canada_have_multicultural_future_e.pdf.

[3]   Conclusion of David Ley, "Multiculturalism: A Canadian Defence," *Research on Immigration and Integration in the Metropolis Working Paper Series*, No. 07-04, March 2007.

take an active part in its social, cultural, economic and political affairs."[4]

Although there may be more harmony among cultures in Canada than in many other countries which have experienced high levels of immigration, there are many outstanding challenges in the Canadian multicultural experience. Aboriginal people, immigrants, and visible minorities continue to face discrimination. Even today, many Aboriginal people in Canada do not have access to basic necessities. The history of the interaction of the majority French and English cultures with our Aboriginal communities has been marred by efforts to impose a dominant culture. We continue to suffer the intergenerational impacts of these policies.

Recent immigrants to Canada are not doing as well economically as previous waves of immigrants, even though they are often better educated than their Canadian-born counterparts. In addition, there are occasional incidents which, magnified by the media, demonstrate that it is not always easy to work out ways to adapt to new cultures.

For example, in 2007, there arose within the province of Quebec a small number of highly publicized cases of conflicts between requests for accommodation by immigrant communities and the willingness of the majority French-speaking culture to grant these accommodations. A Commission[5] was set up chaired by two prominent Quebec thinkers – one a political philosopher and the other a sociologist. This Commission travelled across the province to meet with citizens on the question of how to accommodate cultural differences. The Commission noted that while it is important to have a legal framework to protect minority populations and to assess

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[4]   Citizenship and Immigration Canada, *About the Multiculturalism Program*, http://www.cic.gc.ca/english/multiculturalism/multi.asp.

[5]   Quebec, Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles, *Building the future: A Time for Reconciliation*, 2008, http://www.accommodements.qc.ca/documentation/rapports/rapport-final-integral-en.pdf.

requests for accommodation, it is equally important to ensure that citizens are helped to find their own solutions to accommodate differences.

Much of this accommodation in Canada is done on an informal basis – between private citizens, and between citizens and institutions. It is not uncommon for informal arrangements to be made between employees and their employers to ensure that work schedules are changed to accommodate religious holidays. This kind of flexibility and accommodation can be facilitated by education and information.

The work of welcoming diversity and making Canadians aware of human rights issues arising from diversity requires consistent and concerted efforts from a vast network – non-governmental organizations, advocacy groups, parliamentarians, labour unions, employers, legal bodies, academics, and members of the media.

Governments can play an important role in supporting organizations which provide this education and information. In Canada, the federal department of Citizenship and Immigration provides grants[6] to support initiatives and events that foster intercultural or interfaith understanding. The intention is to create concrete opportunities for interaction among cultural and faith communities and to build bridges to promote intercultural understanding.

There are many organizations at the national, provincial and local level which work to build these bridges. At the federal level, the Canadian Race Relations Foundation works to foster racial harmony and cross-cultural understanding and help to eliminate racism. Other organizations work to foster and maintain French-language minority communities throughout Canada, and to ensure that the health and education systems continue to provide services to these communities. Organizations such as the

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[6]   Citizenship and Immigration Canada, *Inter-Action: Canada's New Multiculturalism Grants and Contributions Program*, http://www.cic.gc.ca/english/multiculturalism/funding/index.asp#projects.

Assembly of First Nations represent First Nations people and ensure that their voices are heard in the decision-making process.

There are organizations which help new immigrants adapt to Canada in every province – some associated with schools, others with non-profit organizations or faith groups. Groups of private citizens are able to sponsor refugees – an undertaking which requires them to take an active role in helping new families settle into life in Canada. Throughout all of these activities, Canadians are urged to play an active role in building welcoming communities.

Another mechanism protecting people from discrimination is through the Canadian Human Rights Commission. The mandate of the Commission is to promote equality of opportunity and protect individuals from discrimination in employment and in the provision of services.

The Commission has noted that "most organizations recognize the importance of fostering a diverse and respectful workplace culture, yet they lack the knowledge or tools required to meet their objectives. In response, the Commission has moved beyond explaining why they should protect human rights and has turned its focus to showing them how with its new 'Human Rights Maturity Model.'[7]" The first of its kind in the world, "the goal of the Maturity Model is to help employers, service providers, bargaining agents and employees as they move to a self-sustaining human rights culture by fully integrating human rights in all policies, practices and processes – internally and for front-line service delivery."[8]

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[7] Canadian Human Rights Commission, *2009 Annual Report*, p. 9.

[8] Website of the Canadian Human Rights Commission, http://www.chrc-ccdp.ca/hrmm_mmdp/page1-en.asp.

HUMAN RIGHTS FRAMEWORK

While it is important to support individuals and organizations in their capacity to accommodate minority groups and to recognize their human rights, this has also been backed up by a strong human rights framework.

Prior to 1948, Canada's courts were reluctant to intervene in cases regarding discrimination against minorities. Although Canada operated under an implied bill of rights that stemmed from our Westminster constitutional history, this normally applied to criminal law and not to discrimination in areas such as employment, accommodation, and services. With the adoption of the United Nations Universal Declaration of Human Rights on 10 December 1948, our courts had something else to draw upon and those, including myself, tasked with creating human rights and anti-discrimination legislation had a source of inspiration.

The Universal Declaration of Human Rights was achieved despite the great divergences in ideologies and political systems of the United Nations' membership. It is important to underscore this point insofar as the universal human rights standard was proclaimed irrespective of the variety of approaches that one can take with regard to the philosophical basis of human rights. The *UDHR* provides a framework within which divergent philosophies, religions as well as economic, social and political theories can be entertained.[9]

When crafting the *New Brunswick Human Rights Act*, I discovered the author of the first secretariat draft of the Universal Declaration, John Peters Humphrey, was a Canadian from my own province of New Brunswick. I sought him out and he became one of my early mentors. It was his advice that led me to advance the cause of the ratification by Canada of the two International Covenants on Human Rights. It was the

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[9]   This paragraph is a direct citation from the website of the Honourable Noël Kinsella, http://sen.parl.gc.ca/nkinsella/English/HumanRights-e.htm.

International Covenant on Civil and Political Rights which has been extremely influential in reducing discrimination.

Not only did Canada ratify the international human rights instruments, but in the ensuing decades, human rights statutes were drafted in Canada at both the federal and provincial levels. Now every Canadian province has a human rights statute which provides a list of prohibited grounds of discrimination including age, disability, sexual orientation, political belief, race or skin colour and religion.

At the federal level, the Canadian Human Rights Commission administers the *Canadian Human Rights Act* and is responsible for ensuring compliance with the *Employment Equity Act*. These laws ensure that the principles of equal opportunity and non-discrimination are followed in all areas of federal jurisdiction. Citizens, permanent residents or persons legally present in Canada can file complaints under the *Canadian Human Rights Act* with the Canadian Human Rights Commission.

CONCLUDING COMMENTS

In 1999, your former president, Vaclav Havel, closed his address to the Senate and the House of Commons of the Parliament of Canada with the following words:[10]

> "Many times in the past, I have pondered on the question of
> why humanity has the prerogative to any rights at all.
> Inevitably, I have always come to the conclusion that human
> rights, human liberties and human dignity have their deepest
> roots outside of this earthly world. They become what they are
> only because, under certain circumstances, they can mean to
> humanity a value that people place – without being forced to –

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[10] Vaclav Havel, President of the Czech Republic, Address to the Senate and the House of Commons of the Parliament of Canada.

higher than even their own lives. Thus, these notions have meaning only against the background of the infinite and of eternity. It is my profound conviction that the true worth of all our actions – whether or not they are in harmony with our conscience, the ambassador of eternity in our soul – is finally tested somewhere beyond our sight. If we did not sense this, or subconsciously surmise it, certain things could never get done."

As we in the global village continue to strive to create societies in which all can live together in respect and harmony, may our efforts continue to be driven by his belief in the human rights, human liberties and human dignity of all.