

April 5, 2019

Feedback to CCOHR protocol

The Barbra Schlifer Commemorative Clinic is the only clinic of its kind in Canada, providing specialized services for women who have experienced violence including legal representation, counselling and language interpretation services in over 200 languages. We also engage in various educational initiatives, including public legal education, professional development for legal and non-legal professionals, and clinical education for law students. We work on law reform activities both within Canada and internationally, and consult broadly with all levels of government on policy or legislative initiatives that impact women survivors of violence.

Since its inception in 1985, we have assisted over 65,000 women who have experienced gender-based violence. In 2018, we assisted over 7,000 women.

We appreciate this opportunity to provide feedback on the draft Federal-Provincial/Territorial (FPT) Protocol for Follow-up to Recommendations from International Human Rights Bodies and Civil Society Engagement Strategy. We support the development of a protocol to ensure appropriate follow up to human rights recommendations. This brings us closer to realizing Canada's stated commitment to human rights. We also wish to take this opportunity to address some further areas for improvement.

Gaps in Legislation

At the Clinic, we often see women in precarious situations as a result of gaps in the existing legislation. For example, the intersection of Federal immigration laws and Provincial employment laws often forces non-status women to remain employed in unsafe conditions or become unemployed and unable to support themselves.

Further, we are still seeing human rights violations in the context of business activities, particularly related to indigenous rights. There are existing legislative protections and strategies, such as guaranteeing consultations when indigenous rights are at stake. In practice, these consultations are often insufficient.

Foundational Principles

We support the protocol's foundational principles and they are reflective of many of the Clinic's own core values. These principles will allow the protocol to evolve and stay relevant as improvements are made.

Civil Society Participation

We appreciate the protocol's inclusion of civil society participation. However, we are concerned that there may not be enough room for interested civil society representatives to be fully engaged in the consultation process. The protocol needs to include some mechanism to ensure and increase access for civil society representatives who wish to be involved.

Consideration and Collaboration

The draft protocol is unclear on the timing of consultations in the overall process. Particularly, if the FPT government has already identified priority recommendations and consultations are held at a later date, then it may be too late in the process for any meaningful engagement by civil society representatives. It is also important to consider that civil society representatives and indigenous groups may have differing priorities depending on their areas of expertise. We need to ensure that civil society engagement occurs at a meaningful time during the process.

Furthermore, we require some clarification as to whether FPT governments will be conducting their own civil society engagements, in addition to the engagement that is being facilitated by the CCOHR.

We also submit there should be guidance as to the criteria for prioritizing recommendations. It is essential that recommendations are being prioritized appropriately, such as according to need and urgency, not merely by ease of implementation. Clearly outlining the criteria for prioritization will ensure that the objectives of this protocol are met.

Monitoring and Accountability

In addition to ensuring that follow-up to recommendations is a standing agenda item at FPT meetings, an ongoing progress report on the implementation of recommendations should be developed. Many civil society representatives would be interested in following the government's progress towards achieving human rights goals. The report should contain information about ongoing projects, outstanding action items and what actions are currently being undertaken. This reporting mechanism would further promote transparency and accountability, per the protocol's foundational principles.

In conclusion, we support the development of the FPT protocol as a critical step towards achieving Canada's human rights goals. We look forward to our future participation as a civil society representative.

Barbra Schlifer Commemorative Clinic

Per:

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