

# CALL TO ACTION:

## Alberta's opportunity to become a leader in addressing systemic human rights issues

September 2021

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The inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world.

– Alberta Human Rights Act, RSA, 2000, c A-25.5, p2

### THE ISSUE

Human rights are essential to freedom, justice, peace, and well-being. The Alberta Human Rights Commission (AHRC) was once a leader in **human rights protection** in Canada. This is no longer the case. Significant funding cuts, a low profile, and lack of political support has led to a case backlog, lengthy complaint process, and a diminished ability for the AHRC to advocate and educate for systems-level change. Along with individual-level complaint resolution, systems-level advocacy and community education is a responsibility of the AHRC. Yet, in October 2019 the provincial government cut the dedicated funding for this arm of the AHRC. As a result, **the AHRC can no longer sufficiently engage and educate at the community-level, provide resources to support local anti-discrimination efforts, or advocate to address systemic human rights issues.**

**Civil & political rights** which are concerned with giving individuals freedom of action, choice and to participate in political life.

**Economic, social and cultural rights** which protect peoples' physical, material, social, and economic well-being.

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## THE OPPORTUNITY

Global movements – Black Lives Matter, Me Too, and Stop Anti-Asian Hate, to name a few – have elevated public consciousness and demanded systemic change to address discrimination and inequities across the world. Closer to home, the rise of hate crimes<sup>1</sup> and continued injustices faced by Indigenous peoples<sup>2</sup> have amplified the need for local action on the structural, root causes of human rights violations. Individual, case-level reporting and resolution is insufficient to change the conditions within which people live their daily lives. There needs to be a shift in focus from the individual to the system that perpetuates injustice or protects human rights. Action must happen at the structural level. **Herein is a renewed opportunity for the AHRC to become a leader in human rights protection in Canada.**

## THE EVIDENCE

Over the years numerous reviews of the AHRC have recommended **several, often similar actions that have yet to be implemented.** Human Rights Commissions elsewhere in Canada and internationally have already acted to elevate their impact on the systemic roots of human rights injustices. These actions include dedicated funding for advocacy and education efforts, expanded legal powers of inquiry under the Human Rights Code, mandated focus on systemic change, and political independence. Human Rights Commissions in British Columbia and Ontario – each adopting a “three pillar model” – provide strong examples of how to make the shift in focus from the individual to the system (see Figure 1). Through this approach they have increased their capacity to understand and analyze trends and engage with diverse stakeholders, especially community members. As a result, they have expanded awareness about human rights issues and, most importantly, effected collective action. The Government of Alberta can learn from these examples and adapt them to fit the Alberta context.

### Previous Recommendations

- Shift the AHRC reporting relationship to the Legislative Assembly to create a truly independent commission.<sup>3</sup>
- Separate the complaints process from the education and advocacy work, so that adjudication is carried out by a body separate from the HRC which would solely focus on education and advocacy.<sup>4</sup>
- AHRC should be encouraged through renewed government endorsement of the commission and sustainable long-term budgetary allocations to do more on education of rights and responsibilities.<sup>5</sup>
- Need for more proactive and heightened level of service delivery to increase awareness and reduce barriers for the public.<sup>6</sup>

## THE CALL TO ACTION

To lead human rights protection in Canada, the AHRC requires the resources, power, and political support to effect systemic change. To succeed, we propose the following immediate actions:

1. **Expand AHRC’s mandate and funding structure** to explicitly include:
  - a. Education and advocacy for systemic change to foster equality and reduce discrimination.
  - b. The scope of human rights grounds as set out by the **United Nations Universal Declaration of Human Rights (UDHR)**.
  - c. The **power of inquiry**, which provides the legal powers to call large scale public inquiries.
2. **Increase the political independence of the AHRC.** Shift reporting from the Ministry of Justice and Solicitor General to the Legislative Assembly of Alberta.
3. **Revise the organizational model of the AHRC to reflect best practices** – i.e., formally separate education and advocacy from complaint resolution and tribunal to ensure dedicated resources for systemic change efforts (see three pillar model).

**The Universal Declaration of Human Rights (UDHR)** provides a common standard of achievement for all peoples and nations. It sets out a broader scope of fundamental human rights than the Alberta Human Rights Act. The UDHR includes political rights (e.g. life, liberty, free speech, and privacy) and economic, social, and cultural rights (e.g. social security, health, education). (United Nations, n.d.).

**The power of inquiry** can include the ability to gather and verify information, file complaints, create a record of events, recommend redress, hold perpetrators of violations to account, and provide the basis for future actions.



Figure 1: Three pillar model of a provincial human rights system

## THE IMPACT

Systemic change takes boldness and courage. It requires dedicated resources, political will, and the power to effect change. These are all within reach of the AHRC and now is the time to act. The AHRC has the potential to lead human rights protections in Canada and beyond. It can provide an exemplar for others to follow. Acting on the aforementioned calls is a necessary step to achieving this goal and, ultimately, addressing root causes of discrimination and inequity in Alberta. Prioritizing large scale systemic approaches to foster equality and address discrimination will have wide-scale, lasting impact and move us beyond relying on individual-level case resolution.

<sup>1</sup>Edmonton Journal. (2021). Alberta justice minister announces plan to create hate crimes unit. <https://edmontonjournal.com/news/local-news/alberta-justice-minister-announces-plan-to-create-hate-crimes-unit>

<sup>2</sup>Alberta Human Rights Commission. (2021). Indigenous Human Rights Strategy. [https://www.albertahumanrights.ab.ca/publications/Documents/AHRC%20Indigenous%20Human%20Rights%20Strategy\\_Jun2021.pdf](https://www.albertahumanrights.ab.ca/publications/Documents/AHRC%20Indigenous%20Human%20Rights%20Strategy_Jun2021.pdf)

<sup>3</sup>Sheldon Chumir Foundation. (2008). Toward Equal Opportunity for all Albertans: Recommendations for Improvement of the Alberta Human Rights Commission.

<sup>4</sup>Sheldon Chumir Foundation. (2008). Toward Equal Opportunity for all Albertans: Recommendations for Improvement of the Alberta Human Rights Commission.

<sup>5</sup>Alberta Civil Liberties Research Centre. (2007). Alberta's Human Rights Legislation and Human Rights Commission: Legal Issues.

<sup>6</sup>Alberta Human Rights Commission. (2017). Your Voice: Advancing Human Rights in Alberta A Conversation with the Chief of the Alberta Human Rights Commission A Summary Report

