

Proposed Resolutions – AGM 2018

Table of Contents

Resolution 1: Fair and Non-Discriminatory Management of Refugees and Asylum Seekers.	1
Resolution 2: Ending Youth Homelessness.....	9
Resolution 3: Education to serve as a vehicle for social justice for vulnerable children living in closed religious communities.	12

Resolution 1: Fair and Non-Discriminatory Management of Refugees and Asylum Seekers.

Proposed by: The Canadian Federation of University Women Perth and District

Whereas, in accordance with the Universal Declaration of Human Rights, Article 14. Everyone has the right to seek and to enjoy in other countries asylum from persecution,

Whereas, the Canadian federal government adopted the 1951 Refugee Convention, and

Whereas, the current situation of refugees desperately seeking safe haven is critical and therefore be it,

RESOLVED, that the Canadian Federation of University Women urges the federal government of Canada to move expeditiously to protect the world's most vulnerable by reviewing and increasing the number of refugees accepted into the country in 2018 and onward;

RESOLVED, that the Canadian Federation of University Women urges the federal government to provide the resources and infrastructure to the impacted municipal, provincial, territorial, and federal entities involved in processing refugees so as to ensure an efficient and effective refugee claims system; and

RESOLVED, that the Canadian Federation of University Women urges the federal government to immediately repeal the Canada/US Safe Third Country Agreement.

1) Background

Emergency Resolution: This resolution was initially submitted as an emergency resolution at the 2017 AGM. Insufficient time for discussion and approval precipitated this resolution's resubmission in an increasingly dire refugee and asylum seeker situation.

International Refugee Convention: The 1951 Refugee Convention, ratified by 145 State Parties, is the key legal document defining and governing refugee rights as well as legal obligations of States to protect them. The Convention's cornerstone is the principle of *non-refoulement* (Article 33) which states that (with some exceptions) a refugee should not be returned to a country where s/he faces serious threats to her/his life or freedom. This is now considered a rule of customary international law.

Canada's Obligations, Policies and Laws: Canada signed the United Nations (UN) adopted Convention related to the Status of Refugees 18 years after its inception. According to Canadian Government sites outlining its obligations to refugees, "Our compassion and fairness are a source of great pride for Canadians. These values are at the core of our domestic refugee protection system and our Resettlement Assistance Program." Both

programs have long been praised by the UN Refugee Agency. “Refugees are people who have fled their countries because of a well-founded fear of persecution, and who are therefore unable to return home. Many refugees come from war-torn countries and have seen or experienced unthinkable horrors. A refugee is different from an immigrant, in that an immigrant is a person who chooses to settle permanently in another country. Refugees are forced to flee. Canada resettles refugees to save lives and to provide stability to those fleeing persecution who have no hope of relief. Canada’s resettlement programs are respected internationally because they provide permanent residence as a long term solution.”

Objectives of the Immigration and Refugee Protection Act (Canada, November 2001) were to recognize that the refugee program is about saving lives and offering protection to the displaced and persecuted; to fulfill Canada’s international legal obligations with respect to refugees and affirm Canada’s commitment to international efforts to provide assistance to those in need of resettlement; to grant, as a fundamental expression of Canada’s humanitarian ideals, fair consideration to those who come to Canada claiming persecution; to offer safe haven to persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, as well as those at risk of torture or cruel and unusual treatment or punishment; and to establish fair and efficient procedures that will maintain the integrity of the Canadian refugee protection system, while upholding Canada’s respect for the human rights and fundamental freedoms of all human beings. Protecting Canada’s Immigration System Act (2012) amended both the above named Act and the *Balanced Refugee Reform Act* to provide expeditious processing of refugee protection claims.

Canada-US Safe Third Country Agreement: The Safe Third Country Agreement between Canada and the US (effective December 29, 2004) is part of the US–Canada Smart Border Action Plan requiring claimants to request refugee protection in the first safe country they arrive in (some exceptions accepted).

To date, the US is the only country designated as a [safe third country](#) by Canada under the *Immigration and Refugee Protection Act* but requires that it meet four conditions. The US Presidential Executive Order (EO) 13769 (27 January 2017) voids Factor 3 of the Agreement (see below): The United States meets a high standard with respect to the protection of human rights. It is an open democracy with independent courts, separation of powers and constitutional guarantees of essential human rights and fundamental freedoms.

Mandate Letter of the Minister of Immigration, Refugees and Citizenship (Honourable Ahmed Hussen, Feb. 2017): states that his “overarching goal will be to continue welcoming those who want to contribute to our country’s success. Canadians are open, accepting, and generous – qualities that should be reflected in Canada’s immigration policies and in our approach to welcoming those seeking refuge from conflict and war. Our communities are strengthened when we come together to welcome newcomers who want to build a better Canada and to help those in need.”

US Executive Orders: The signing of EO 13769 denied US entry to citizens of seven Muslim-majority countries for 90 days, 120 days for refugees and indefinitely for Syrian refugees. The presidency of the US (and supporters) created a clear message that the US no longer wishes to build a nation dedicated to religious freedom, diversity, tolerance and acceptance. This action places those applying for refugee status in the US at further risk of persecution. Thus, the US has negated its position as a safe haven for refugees since the actions and attitudes of its highest office actively promote discrimination based on religion and country of origin.

Despite the US Federal courts declaring EO 13769 unconstitutional, another EO (March 2017) banned entry to the US for 90 days for six Muslim-majority countries. Although there were minor concessions, the new EO is still entitled 'Protecting The Nation From Foreign Terrorist Entry Into The United States'. It is clear that nothing has changed. The promises made during the election, executive orders already signed, extreme vetting of refugee and immigrant applications proposed and other planned human rights restrictions will create a toxic atmosphere. This is especially worrisome as most people negatively impacted are those fleeing from persecution under oppressive, and often war torn regimes, where humane law has been suspended.

A letter to the Canadian Prime Minister and Minister of Immigration, Refugees and Citizenship from 200 Canadian law professors dated 31 January 2017 also raises serious concerns about Executive Order 13769 and statements. "We condemn these actions and statements in the strongest possible terms. They reflect the very bigotry, xenophobia and nativist fear-mongering that the international refugee regime was designed to counteract. We also note that they are inconsistent with the 1951 Refugee Convention, the Convention Against Torture, the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights, and many other international human rights instruments."

US Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA) Implications: The US enacted TPS as a measure to assist those suffering from armed conflict in Central America (1980-1992), for natural disasters or other emergencies. DACA is a US immigration policy which applies to people who meet specific eligibility regulations (in school, high school graduate or military veteran and who entered the country as minors). The current US administration has adopted a stricter approach in continuing with TPS and DACA, reviewing those currently with the status and winding down the programs or determining a grace period. Thus, in addition to the current numbers of individuals seeking refugee status in Canada by irregular border crossings, more could attempt entry depending upon the outcome of these policies (a considerable spike was seen in the number of Haitians irregularly crossing the border after it was announced that their TPS would end). According to US Citizenship and Immigration Services, there are over 420,000 immigrants in the US with TPS. Up to 30,000 undocumented people a month covered by DACA would lose their protected status.

Seeking Refuge in Canada: Intake under one of Canada's two refugee systems does not impact on the other. The Refugee and Humanitarian Resettlement Program accepts

applicants from outside the country, i.e. people who are generally determined by the UN to be displaced. These people, such as Syrian refugees, cannot travel here on their own, rather they must be screened abroad, thus having refugee protection upon arrival. Border crossers, on the other hand, fall under the In-Canada Asylum Program. Predominantly individuals who are not part of a larger group, they still face dangers in their home country. Technically, they are not refugees until they are approved in an Immigration and Refugee Board hearing. In 2017, Canada was forecast to accept 25,000 in the Resettlement Program and up to 15,000 in the Asylum Program.

According to the Canada-US Safe Third Country Agreement, a refugee is to apply for refuge in the first country of arrival in North America. Accordingly, if a refugee arrives in the US and is denied refugee status, s/he cannot then apply for refugee status in Canada nor can s/he attempt to cross official border crossings between Canada and the US. However, a refugee may attempt to cross at an unstaffed border crossing. Although detained for a short period of time upon entry into Canada, these refugees are given assistance and may commence refugee status proceedings albeit without guarantee that they will be granted such status.

Canada has been experiencing backlogs in processing refugee claims. Additional resources and special measures were enacted in 2016 for an exceptional and time-limited situation which allowed higher numbers of refugees to be accepted. However, the 2017 Resettled Refugee targets were significantly reduced. And yet the refugee claims processing backlog remains.

Resettled Refugees	2016 Target (All)	2016 Actual (Syrian)	2017 Target (All)
Total	44,800	39,671	25,000

In the 2013-2014 fiscal year, 68 asylum seekers illegally crossed the US-Canada border near the small Manitoba community of Emerson to claim refugee status (Canada Border Services Agency figures). The most recent numbers for fiscal year 2016-2017 showed 410 asylum seekers made the journey between April and December 2016. Seven hundred twenty-eight (728) people crossed into Canada by foot at unstaffed border crossings during the period 01 January to 21 February 2016. This more than doubled (1698) during the same period in 2017. Warm weather results in even more irregular border crossings as confirmed by the figures shown below.

Irregular border crossers (Immigration and Refugee Board statistics)

National 2017	Referred	Finalized					
		Accepted	Rejected	Abandoned	Withdrawn & Other	Total Finalized	Pending
Feb/Mar*	439	0	0	0	0	0	439
April/May	1,405	73	11	6	4	94	1,750
June/July	1,635	314	66	2	13	395	2,990
Aug/Sept	7,753	305	141	38	94	578	10,165
Oct/Nov	5,290	513	377	163	78	1,131	14,324
Total	16,522	1,205	595	209	189	2,198	

*partial data for Feb/ Mar

Impact of the Canada-US Safe Third Country Agreement: Status quo regarding the Canada/US Safe Third Country Agreement results in a drain on monitoring resources, a safety and security issue for Canada and is a life and death issue for those who choose to enter at unofficial border crossings. To date, it has been reported that two men lost most of their fingers due to severe frostbite. A woman from Ghana lost her life. A Winnipeg immigration lawyer stated: “The Canada-US Safe Third Countries Agreement, which took effect Dec. 29, 2004 ... sealed her fate. I think Canadian law is to be held responsible ... for that innocent woman's death.”

The report *Bordering on Failure Canada – US Border Policy and the Politics of Refugee Exclusion* (Harvard Law Society, 2013) becomes even more pertinent to the current political and refugee situation. Its three conclusions were: 1) Canada is systematically closing its borders to asylum seekers and avoiding its refugee protection obligations under domestic and international law; 2) Through the Safe Third Country Agreement, Canada jeopardizes asylum seekers’ ability to obtain fundamental legal protections by returning them to the United States despite clear deficiencies in the U.S. asylum system; and 3) The Safe Third Country Agreement has prompted a rise in human smuggling across the Canada U.S. border, making the border more dangerous and disorderly, and raising security concerns for Canada and the United States.

The UN Committee on the Elimination of Racial Discrimination for Canada’s 21st and 22nd periodic reports (September 2017) advises: “Rescind or at least suspend the Safe Third Country Agreement with the United States of America to ensure that all individuals who attempt to enter the State party through a land border are provided with equal access to asylum proceedings”.

Canada has not always been accepting of refugees. From enacting the Chinese Head Tax, to the 1914 refusal to allow the 376 passengers of the *Komogata Maru* to disembark (for which an apology was recently made in the House of Commons), to the refusal to accept the over 900 primarily Jewish passengers of the SS St Louis to seek asylum in Canada, our government policy has not always been accepting of refugees. In the current international political climate of ultra nationalism, closing and reinforcing borders, it is even more important for Canada to take a more reasonable approach. Ultimately, Canada has the opportunity to be a role model for meeting our international responsibilities with respect to the acceptance of refugees and asylum seekers.

Notwithstanding, Canada must continue to review all refugee claims with the attention needed to ensure that our country is safe from terror, criminality or health risks. It is imperative that Canadian border and police authorities carefully record all details of those illegally crossing the border into Canada. Furthermore, all refugee claims must continue to be thoroughly scrutinized by the Immigration and Refugee Board of Canada. Most importantly, however, Canada must remove itself from any agreements, rhetoric or suppositions that suggests the US shares our values regarding refugee claims.

Conclusions

To have an open, compassionate, equal and inclusive country, we must continue to be a beacon for refugee resettlement. The Prime Minister's statements: "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength" and "In 2018, let's continue to celebrate the values that unite us: openness, compassion, equality and inclusion. Let's move forward together, put those values into practice, and work to build a better future for all of us" set the stage for Canada to be a beacon for refugee resettlement.

Malala Yousafzai, on being named an honorary Canadian and addressing the House of Commons (12 April 2017) said: "Welcome to Canada is more than a headline or a hashtag. It is the spirit of humanity that every single one of us would yearn for, if our family was in crisis. I pray that you continue to open your homes and your hearts to the world's most defenceless children and families. And I hope your neighbours will follow your example."

Having a fair and non-discriminatory refugee and asylum seeker system and repealing the Canada/US Safe Third Country Agreement is supported by the CFUW vision of furthering the advancement of the status of women, protecting human rights and promoting common good locally, nationally and internationally.

2) Implementation Strategy

CFUW members must write to their Members of Parliament requesting they promote and support increasing the targets for refugees, providing the necessary resources for expeditious refugee claim processing, and above all, repealing the Canada/US Safe Third Country Agreement.

REFERENCES

200 Canadian Law Professors call upon the Canadian government to immediately suspend directing back refugee claimants at the Canada-US border under the Safe Third Country Agreement. Retrieved from <http://www.cbc.ca/news/canada/manitoba/safe-third-country-pact-professors-1.3961684>

The Refugee Convention (1951). Retrieved from <http://www.unhcr.org/1951-refugee-convention.html>

Amnesty International Canada and Canadian Council for Refugees, Contesting the Designation of the US as a Safe Third Country, dated 19 May 2017. Retrieved from <http://ccrweb.ca/sites/ccrweb.ca/files/stca-submission-2017.pdf>

Arbel, E. and Brenner, A. (2013, November) Bordering on Failure Canada – US Border Policy and the Politics of Refugee Exclusion. Retrieved from <https://harvardimmigrationclinic.files.wordpress.com/2013/11/bordering-on-failure-harvard-immigration-and-refugee-law-clinical-program1.pdf>

Canada-US Safe Third Country Agreement. Retrieved from <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>

CFUW Perth and District letter Re: Repealing the Canada/United States (US) Safe Third Country Agreement to Scott Reid, MP Lanark-Frontenac-Kingston dated 17 February 2017. Retrieved from <https://cfuwperthanddistrict.files.wordpress.com/2017/05/scott-reid-mp-lanark-frontenac-and-kingston.pdf>

CFUW President letter Re: Repealing the Canada/United States (US) Safe Third Country Agreement to The Honourable Ahmed Hussen. Minister of Immigration, Refugees and Citizenship dated 23 February 2017. Retrieved from <https://cfuwperthanddistrict.files.wordpress.com/2017/05/letter-to-minister-hussen-feb-2017-3.pdf>

Deferred Action for Childhood Arrivals (DACA) description. Retrieved from <http://www.cnn.com/2017/09/09/politics/daca-phase-out-numbers/index.html>

Glowacki, L. (2017 June 01) Asylum agreement with U.S. to blame for woman's death near border, lawyer says. Retrieved from <http://www.cbc.ca/news/canada/manitoba/safe-third-countries-border-crosser-death-1.4140348>

Immigration and Refugee Protection Act. Retrieved from <http://laws.justice.gc.ca/eng/acts/i-2.5/FullText.html>

Mourad, L. (2017 January 31). Trudeau should repeal refugee agreement with U.S. <https://www.thestar.com/opinion/commentary/2017/01/31/trudeau-should-repeal-refugee-agreement-with-us.html>

Tang, J. (2018 January 1) Prime Minister Justin Trudeau's Goals for the New Year. THE CANADIAN PRESS. Retrieved from <https://www.thestar.com/news/world/2017/12/31/trudeau-trump-and-other-world-leaders-issue-new-years-eve-messages.html>

Protecting Canada's Immigration System Act of 2012. Retrieved from http://laws-lois.justice.gc.ca/eng/annualstatutes/2012_17/page-1.html

Tell Trudeau: Welcome Those Fleeing Violence and Deportation Under Trump. Retrieved from <https://you.leadnow.ca/petitions/tell-trudeau-welcome-those-fleeing-violence-and-deportation-under-trump?bucket=LN&source=facebook-share-button&time=1485453518>

Refugee System in Canada, The. Retrieved from <http://www.cic.gc.ca/english/refugees/canada.asp>

Temporary Protected Status (TPS) description. Retrieved from https://en.wikipedia.org/wiki/Temporary_protected_status#Countries_previously_under_TPS

UN Committee on the Elimination of Racial Discrimination for Canadas 21st and 22nd periodic reports. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en

Universal Declaration of Human Rights, The. Retrieved from <http://www.un.org/en/universal-declaration-human-rights/>

Volz, A., Mackenzie, N., Rennix, B., Macquarrie, I., and Egelman. Z., (2017, February) Harvard Law School Harvard Immigration And Refugee Clinical Program The Impact Of President Trump's Executive Orders On Asylum Seekers <https://today.law.harvard.edu/wp-content/uploads/2017/02/Report-Impact-of-Trump-Executive-Orders-on-Asylum-Seekers.pdf>

Yuhas, A. and Sidahmed, M. (2017, Jan 31), Is this a Muslim ban? Trump's executive order explained. Retrieved from <https://www.theguardian.com/us-news/2017/jan/28/trump-immigration-ban-syria-muslims-reaction-lawsuits>

Resolution 2: Ending Youth Homelessness.

Proposed by: CFUW BC Council, Ruth Mellor, President

Whereas: Homelessness is a major problem for youth especially those aging out of care, indigenous youth, youth with mental health issues and LGBTQ2S youth

Whereas: Youth homelessness can result in a number of long-term consequences including increased risk of exploitation, greater involvement with the police, disengagement from school, mental health problems and addictions, and difficulty exiting the streets.

RESOLVED, That Canadian Federation of University Women (CFUW) urges the Federal government to reinstate funding previously in place to combat youth homelessness specifically targeting those aging out of government care, indigenous youth, youth with mental health issues and LGBTQ youth.

RESOLVED, That CFUW urges the Federal government to work in cooperation with Provincial, Territorial, and Municipal governments to develop strategies and support programmes, both long and short term, to attack the root causes of youth homelessness.

1) Background

According to the Canadian definition of Youth Homelessness, “youth homelessness refers to the situation and experience of young people between the ages of 13 and 24 who are living independently of parents and/or caregivers but do not have the means or ability to acquire a stable, safe or consistent residence.” (Gaetz et al 2016)

A Way Home, the National Coalition dedicated to preventing and ending youth homelessness in Canada, states on their website, “All young people have the right, both fundamental and legal, to live free from homelessness and with access to safe, affordable, adequate housing. These rights are upheld by international human rights ratified by the Canadian government.”

A 2016 report, co-authored by Stephen Gaetz, director of the Canadian Observatory on Homelessness, “urges the federal government to focus on youth homelessness – particularly among indigenous youth – and provinces and territories to focus on “after care” meaning support beyond the age where government funding is now cut off usually age 19, leaving these youth with no housing, physical or mental support, or money to get on with their lives (Press 2017). It is suggested this would mean providing support as needed until age 25. “The study, based on a survey of 1,103 young people who were experiencing homelessness in 42 different communities in nine provinces and Nunavut, offers the first national portrait of Canada’s population of homeless youth.” This study has formed the basis for research and

priority papers focussing on various aspects of youth homelessness, particularly the mental health aspects.

Aged 13 to 24, homeless youth make up about one-fifth of Canada's homeless population. That means there are about 6,500 people in that age group experiencing homelessness on any given night (Press 2017).

The national Youth Homelessness Survey (Gaetz et al 2016) revealed that 85% of homeless youth were experiencing mental health crisis, 42% reported at least one suicide attempt, and 35% reported having at least one drug overdose requiring hospitalization. Not surprisingly, youth experiencing the most severe mental health challenges include LGBTQ2S youth, indigenous youth, but also young women.

Federal Investment in Canada: While the Homelessness Partnering Strategy currently provides program funding to communities to address youth homelessness, there is no targeted strategy or funding stream. During the first three years of the National Homelessness Initiative (1999-2003), the government allocated \$59 million targeted for youth homelessness or almost \$20 million annually. This component was delivered through the existing HRDC Youth Employment Strategy (YES) and was discontinued in 2003.

Fortunately, the 2017 federal budget included the expansion and extension of the Homelessness partnering Strategy (CHRA 2017). Canada now has a unique opportunity to make real progress on youth homelessness and address the mental health needs of young Canadians who are homeless. The federal government should use this opportunity to implement a youth homelessness strategy with a special focus on mental health and wellness. In partnership with the Government of Canada, provincial/territorial governments should implement targeted provincial/territorial strategies to prevent and end youth homelessness. Working in collaboration with all levels of government, there is a real opportunity for the Government of Canada to lead and make a difference.

Prevention and early intervention strategies that help young people avert or exit homelessness as quickly as possible are essential in avoiding lifelong consequences, including chronic adult homelessness (A Way Home). Up until recently, prevention has not really figured in how we respond to homelessness in Canada beyond words and rhetoric.

Raising the Roof organizations have developed several recommendations to end youth homelessness (Evenson and Barr 2009). They recommend that "each Province/Territory depending on the extent of the homelessness crisis in their area, develop 3, 5, or 10-year Plans to End Homelessness. While allowing for local variation, there should be some consistency in what these plans are required to include. Significantly, it is important that Provincial/Territorial Plans align with any federal strategies that are developed."

There are currently many programs or projects aimed at ending youth homelessness. It seems that a true solution to obtain this goal relies on federal targeted funding and leadership along with provincial/territorial funding and leadership to enable municipalities along with local

agencies to work on prevention programs. Several Provinces have begun this process. CFUW now has an opportunity to learn about the issues and encourage governments at all levels to look seriously at prevention of youth homelessness so that there will be less need for emergency services for youth.

2) Implementation Strategy

Clubs are urged to identify programs and projects that are in place in their communities to help youth avoid homelessness. The first step would be to identify the issues and services around youth homelessness in where they live. Using this information, clubs can determine the needs of the youth in the community and work with other organizations to encourage new strategies and policies. As well from a national and provincial perspective lobbying can be done to federal government and from provincial councils to urge governments to shift their focus from emergency services to preventative strategies and to fund them adequately.

REFERENCES

A Way Home. Ending Youth Homelessness. <http://awayhome.ca/youth-homelessness-in-canada/ending-youth-homelessness/>

CHRA (2017 March 22) Summary of measures contained in the 2017 federal budget. Canadian Housing and Renewal Association.

Evenson, J., Barr, C. (2009) Youth Homelessness in Canada: The Road to Solutions. Raising the Roof. <http://www.raisingtheroof.org/wp-content/uploads/2015/10/road2sols-FINAL.pdf>

Gaetz, S., O'Grady, B., Kidd, S. Schwan, K. (2016). Without a Home: The National Youth Homelessness Survey. Toronto: Canadian Observatory on Homelessness Press. Retrieved from: <http://homelesshub.ca/sites/default/files/WithoutAHome-final.pdf>

Press, J. (2017 August 9) Study urges federal, provincial governments to revamp foster care system to help address youth homelessness. The Canadian Press. Retrieved from: <https://www.thestar.com/news/canada/2017/08/09/groundbreaking-study-suggests-link-between-canadian-foster-care-system-and-youth-homelessness.html>

Press, J. (2017 August 9) Youth homelessness linked to foster care system in new study. The Canadian Press. <http://www.cbc.ca/news/health/homeless-youth-foster-care-1.4240121>

Resolution 3: Education to serve as a vehicle for social justice for vulnerable children living in closed religious communities.

Proposed by: CFUW Nelson & District

Whereas: The United Nation’s Committee on Economic, Social, and Cultural Rights (CESCR) recognized the role education can play in combating practices that are harmful to women and children, stating that “In order for education to challenge harmful stereotypes and practices, it is imperative that education be equally accessible to boy and girl children and not be used as a social instrument to reinforce traditional gender roles” (Article 13, 1999, para. 1.). As well, “The Women’s Convention calls for ‘the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education’” (Cook & Kelly, 2006, Citizenship para 4).

Whereas: The Council of Ministers of Education, Canada who are responsible for education in the provinces and territories come together to take action on matters that directly contribute to the fulfillment of Canada’s international treaty obligations with regard to equal access to education, and to discuss Canada’s priorities for elementary and secondary education with a view to ensuring that all children can access learning opportunities that are inclusive and provided with world class skills. Council of Ministers “recognizes the direct link between a well-educated population and (1) a vibrant knowledge-based economy in the 21st Century, (2) a socially progressive, sustainable society, and (3) enhanced personal growth opportunities for all Canadians” (Learn Canada, 2020, para 2).

Whereas: There are examples across Canada such as the polygamous community of Bountiful, B.C., Hasidic Jewish communities in Quebec, and “Twelve Tribes” communities of Manitoba, B.C. and Ontario where children, including those who are home schooled do not receive a basic education or learn about their basic human rights. In these vulnerable contexts social practices also reinforce prejudices and harmful gender stereotypes and this is in direct violation of International Human Rights Instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Universal Declaration of Human Rights (1949).

Whereas: Home schooling programs across Canada are inconsistent and the laws vary from province/territory to province/territory. Parents have a prior right to choose the kind of education that shall be given to their children (art. 26 (3), UDHR, 1949). However, Article 30 of the UDHR assumes that “nothing in this Declaration may be interpreted as implying for any State, group or person any rights to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms set forth herein.” Therefore, in closed religious communities such as Bountiful, B.C., Tash, Quebec, and those of the “Twelve Tribes”, their social customs and practices are subject to the unequal and discriminatory standards in education.

RESOLVED, That the Canadian Federation of University Women (CFUW) urge federal, provincial and territorial governments of Canada to collaborate and create consistent policies with effective oversight for education, including home schooling programs across Provincial Ministries of Education.

RESOLVED, That the Canadian Federation of University Women (CFUW) urge provincial ministries to work together through the Council of Ministers of Education, Canada to develop consistent policies and oversights to ensure that children who receive an education, including those who are home schooled, in vulnerable settings are provided gender rights, social justice, and basic education.

1) Background

The CFUW Nelson and District Club met with a group of survivors from a BC polygamous community called, "*SafetyNet in the Kootenays*" (SNK) and learned about the inequities regarding their lack of access to quality education. When our club met with members of SNK in October 2017, we asked them how we may help. They said "education is the key" for those children who are living in Bountiful and are home schooled. Within the context of the community, once married the women are limited to seek careers pertaining to nursing, midwifery and teaching, which creates a more insular community. Their educational pursuits are to follow traditional stereotypical gender roles. SNK members acknowledge the harms that are a result of a polygamous culture, and that social injustices toward the women and children have been profound. They earnestly believe that quality education (i.e., regulated and monitored) will allow the children of the community to have choice and freedoms to participate in a democratic society.

In her article, *B.C. teachers blame government for failing Bountiful's children*, Bramham (2011) reported on the closing arguments in the reference case to determine whether the current law prohibiting polygamy is valid. Bramham quoted Robin Trask, lawyer for B.C. Teachers Federation, who said that, "the government has failed in its duty to ensure that the children in the polygamous community of Bountiful are getting a proper education" (2011, para. 2). Likewise, following the court case, Cheryl Milne of the Canadian Coalition for the Rights of Children and the David Asper Centre for Constitutional Rights "accused the B.C. government of six decades of "acquiescence" when it comes to Bountiful. She said it has violated the UN Convention on the Rights of the Child by failing to protect them from sexual exploitation, abuse, trafficking and by failing to provide them with educational opportunities they are entitled to" (Bramham, 2011, para. 3 - 4).

In Manitoba, Ontario, and British Columbia there are closed religious communities called the Twelve Tribes. CBC journalist, Welch (2014) reported that, "these communities subscribe to a fatalistic view that the apocalyptic events of the Revelations and the book of Daniel will take place in the near future. According to prophecy, as they see it, the Tribes' children are

expected to do battle with the forces of the ‘Evil One’” (“Insular Community,” para. 6). A former leader interviewed by Carreiro (2015), commented, “. . . what people don’t understand is that this group does not properly educate their children and that’s a big deal. That’s a huge deal. That’s the main reason I left” (para. 12). He then made recommendations for the government: “As for authorities in Winnipeg still monitoring the community, the biggest favour they can do is to make sure the kids get access to education. ‘That’s one of the things the government should be investigating, is their education, because I looked at all my friends who had older children, who were so bitter at their parents for not providing them with an education,’ he said. ‘So here you got this burden on society because these kids are not educated’” (Carreiro, 2015, para. 20 - 22).

Currently, a former Hasidic man is taking the Quebec government to court for being deprived of a secular education (“Deprived of a secular education, former Hasidic man takes Quebec government to court”, Radio-Canada, 2017; Enright, 2017). When Yohanan Lowen finished school at the age of 18, he claimed he could barely read or write in English or French. He said “we never learned the rules of a language. We never had literature” (Enright, 2017, para. 4). He grew up in Tash, a secluded ultra-orthodox Hasidic community tucked away in Boisbriand, Quebec. He and his wife, Shifra, accused the province of ignoring its legal obligation to ensure all children receive a proper education. This case will be heard in the fall of 2018 and its outcome could have profound effect on schools run by religious communities in Quebec (Radio-Canada, 2017). Yohanan and Shifra Lowen are seeking a declaratory judgement which, if they win, would force the province to take steps to ensure children in religious communities be taught the provincial curricula (Radio-Canada, 2017). The Tash, Quebec case outlines another example where in a closed religious community no oversight of children’s education is provided.

Every parent in Canada has the option of (i) home-schooling their children, (ii) enrolling their children in a private school at their expense, or (iii) enrolling their children in publicly funded secular school system. Provincial Education Acts vary with regard to requirements and standards for home schooling (for example, British Columbia Ministry of Education, 1996; Manitoba Ministry of Education, n.d.; Ontario Ministry of Education, 2002); it is crucial for the Council of Ministers of Education to begin to discuss, collaborate, and develop policies to protect children who live in vulnerable situations where home schooling is the vehicle of parental choice to educate. Andrew Parkin, the former director general of the Council of Ministers of Education, Canada, commented that the federal government can play a role in education if it focuses on “the deepening of inequities across society and the federation” (Parkin, 2015, p. 6). It is the deepening of inequities that threatens to erode education within Canada.

“An estimated 100,000 Canadian children from 6 to 16 years of age are being educated outside of the system in a variety of home education settings” (Bennett, 2013, para. 4). The Nova Scotia Auditor General’s report in November 2012 proposed tighter regulation and more rigorous supervision of home schooling (Lapointe, 2012, Ch. 2). The Nova Scotia report is an

example of one province/territory that points to a need for federal framework for provincial oversight.

In these examples of closed religious communities, the harmful stereotypes are reinforced and practiced. It would be in violation of international treaties for the Ministers of Education to not research the need to provide more consistent and rigorous supervision for children living in vulnerable situations. Children living in closed religious communities who are home schooled lack learning opportunities related to gender and human rights education. The insular communities do not provide them with the skills to function in the mainstream society. “The major objections to homeschooling are that it aggravates social inequality, perpetuates counterculture movements, and can interfere with the well-being and interests of children”(Bosetti & Van Pelt, 2016, p. 45). It is noted that many home education supporters maintain that parents are in a better position to educate their children. However, in closed religious communities, it can be argued that a form of restriction and supervision is necessary to ensure the best interests of the children are being met.

As “education is the key” to empowerment, and CFUW’s vision is to improve the status of women and children, it is our moral obligation and responsibility to advocate on behalf of those children who live in vulnerable closed religious communities. CFUW seeks to strengthen equitable access to education, and we must advocate on behalf of those children who are living within vulnerable contexts. We have identified three cases; it is three cases too many. There is need for the federal government to collaborate with provinces and territories to ensure that every Canadian child acquires the basic skills and knowledge to make his or her own choices and to participate in a democratic society. In a socially just society, access to quality education is paramount.

Equity issues constitute a major challenge in education across Canada particularly for those children who are being educated in closed religious communities and home schooled. In 2011, the B.C. Supreme Court looked at how freedom of religion might be balanced against gender equality rights. Part 2 of the ruling stated, “Canadian jurisprudence has identified three possible bases for limiting the right to freely espouse and freely practice a religion: a) where the right otherwise conflicts with another right (i.e. equality), b) where a religious practice may harm an individual or pose a threat to public order, and c) where the state can demonstrate a significant societal interest in limiting the right” (Supreme Court of British Columbia, 2011). This ruling by Chief Justice Bauman basically stated that religious freedoms do not trump the basic human rights of women and children living in polygamous communities (McKay-Panos, 2012). It is a logical assumption that closed religious communities such as the Twelve Tribes and the Hasidic Jewish of Tash insulate children from their right to a basic education, which is then viewed as harmful and a violation of their rights to basic education. It is worth noting that there may be other sects within Canada that have not been reported to date. There is little to no research to substantiate whether schooling in closed religious communities follows provincial curricula.

As provinces and territories have jurisdiction over education, it is the federal states' purview to collaborate with the intergovernmental body of the Council of Ministers of Education Canada (n.d.) to discuss policy issues and to contribute to the fulfillment of Canada's international treaty obligations. "Education and social justice are interrelated in a number of important ways – in addition to being an expression of social justice, education can also lead to a better understanding of, and thus serve, social justice." (Froese-Germaine, B. 2014, para. 3).

2) Implementation Strategy

Clubs to write to provinces/territory Ministers of Education to collaborate within the Council to research best practices related to policies to administer home schooling programs that will ensure children who are home schooled are not subject to social injustices with regard to access to provincial curricula.

Clubs to lobby education ministries within provincial governments to adopt best practices for home schooling based on a review of current programs across Canada and other jurisdictions.

Clubs to urge respective educational institutions to begin a rigorous and systematic study of the outcomes for home schooled children.

REFERENCES

Bennett, P. W. (2013, May 14). Homeschooling keeps parents' options open.

The Chronicle Herald. Retrieved from <http://thechronicleherald.ca/opinion/1129451-bennett-homeschooling-keeps-parents-options-open>

Boscetti, L. & Van Pelt, D. (2016). Provisions for Homeschooling in Canada:

Parental Rights and the Role of the State. *ProPosicoes, Maio/Ago. 2017V. 28, N.2 (83). 39-56.* Retrieved from http://www.scielo.br/scielo.php?pid=S0103-73072017000200039&script=sci_arttext

Bramham, D. (2011, April 1). B.C. teachers blame government for failing

Bountiful's children. *Vancouver Sun*. Retrieved from <http://www.vancouver.com/opinion/teachers+blame+government+failing+bountiful+children/4545178/story.html>

[Bramham, D. \(2008\). Secret lives of saints: Child brides and lost boys in a polygamous Mormon sect. Toronto: Random House Canada.](#)

[British Columbia Ministry of Education. \(1996\). Division 4 Home Education. In](#)

[School Act: Revised Statutes of British Columbia \(pp. C-25 - C-27\). Retrieved from: https://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/revisedstatutescontents.pdf](https://www2.gov.bc.ca/assets/gov/education/administration/legislation-policy/legislation/schoollaw/revisedstatutescontents.pdf)

Carreiro, D. (2015, May 24). Ex-Twelve Tribes leader warns Winnipeg authorities about religious group. *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/manitoba/ex-twelve-tribes-leader-warns-winnipeg-authorities-about-religious-group-1.3007041>

Cook, R. J., & Kelly, L. M. (2006, September). *Polygyny and Canada's obligations under International Human Rights Law*. Position paper presented to Family, Children and Youth Section, Department of Justice Canada. Retrieved from <http://www.justice.gc.ca/eng/rp-pr/other-autre/poly/poly.pdf>

Council of Ministers of Education Canada. (n.d.). *What does CMEC do?* Retrieved from https://cmec.ca/11/About_Us.html

Enright, M. (Presenter). (2017, October 7). Deprived of a secular education, former Hasidic man takes the Quebec government to court [Audio podcast]. In CBC Radio (Producer), *The Sunday Edition*. Retrieved from <http://www.cbc.ca/radio/thesundayedition/the-sunday-edition-october-8-2017-1.4327802/deprived-of-a-secular-education-former-hasidic-man-takes-the-quebec-government-to-court-1.4339058>

[Froese-Germain. \(2014, October 27\). On Public Education and Social Justice. Perspectives. Issue #15. Retrieved from http://perspectives.ctf-fce.ca/en/article/3049/](http://perspectives.ctf-fce.ca/en/article/3049/)

Lapointe, J. R. (2012, November). Education: Home Schooling Ch. 2 . Performance Audit Report to the Nova Scotia House of Assembly (pp. 9 - 20). Halifax, NS: Office of the Auditor General of Nova Scotia. Retrieved from <https://oag-ns.ca>

Learn Canada (n.d.) Joint Declaration Provincial and Territorial Ministers of Education, Canada. Retrieved from: <http://cmec.ca/Publications/Lists/Publications/Attachments/187/CMEC-2020-DECLARATION.en.pdf>

Manitoba Ministry of Education. (n.d.). Home schooling: Educating your children *at home*. Retrieved from <http://www.edu.gov.mb.ca/k12/schools/ind/homeschool/docs/brochure.pdf>

McKay-Panos, L. (2012, February 15). British Columbia Supreme Court Releases Reference Decision on Polygamy – One Alberta Connection. *ABlawg*. Retrieved from <https://ablawg.ca/2012/02/15/british-columbia-supreme-court-releases-reference-decision-on-polygamy-%E2%80%93-one-alberta-connection/>

Ontario Ministry of Education. (2002). *Policy / Program Memorandum No 131*. Queen's Printer for Ontario, 2002. Retrieved from <http://www.edu.gov.on.ca/extra/eng/ppm/131.html>

Parkin, A. (2015). Defining an appropriate federal role in education. *Policy Options*. Retrieved from <http://policyoptions.irpp.org/magazines/building-a-brighter-future/parkin/>

Supreme Court of British Columbia. (2011, November 23). *Reference re: Section 293 Criminal Code of Canada, 2011 BCSC 1588*. Retrieved from www.courts.gov.bc.ca/jdb-txt/SC/11/15/2011BCSC1588.htm

United Nations. (1948). Universal Declaration of Human Rights. Retrieved from <http://www.un.org/en/universal-declaration-human-rights/>

Welch, M. (2014, October 22). My six weeks with Winnipeg's Twelve Tribes community. *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/manitoba/my-six-weeks-with-winnipeg-s-twelve-tribes-community-1.2809431>