

**Universal Periodic Review
(44th working group session)
Contribution of UNESCO to Compilation of UN information**

Canada

I. RATIFICATION OF UNESCO CONVENTIONS

TITLE	Date of ratification, accession, acceptance or succession	Declarations/Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Not ratified			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance: 23/07/1976			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not ratified			The right freely to participate in the cultural life of the community
Convention on the Protection and Promotion of	Acceptance: 28/11/2005			The right freely to participate in the cultural life of the community

the Cultural Diversity of Cultural Expressions (2005)				
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II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. THE RIGHT TO EDUCATION

Legislative, regulatory and policy frameworks

1. Canada has no written constitution in one single document, but a number of Constitution Acts. No principle guaranteeing the right to education has been identified by UNESCO in one of these Acts.
2. Canada is a federal State and each province has its own legislation on education. All provinces guarantee compulsory primary and secondary education for at least nine years. Furthermore, all provinces guarantee free or tuition-free primary and secondary education for at least 12 years.
3. Regarding pre-primary education, not all provinces guarantee free and compulsory pre-primary education, such as Alberta (see Education Act¹, as of January 2023, article 21).

Inclusive education

4. In the course of the previous UPR cycle, several recommendations focused on measures to increase inclusion in education, including for indigenous peoples (142.172, 142.173, 142.174). The Council of Ministers of Education, Canada (CMEC) has identified Indigenous education as a priority and published an Indigenous Education Plan (IEP) 2019–22² with four, clear priority areas:
 - Supporting indigenous student success and well-being in education;
 - Mobilizing and disseminating provincial/territorial and international successful practices and proven actions to improve indigenous education;
 - Teaching excellence in indigenous education;
 - Revitalizing indigenous languages and strengthening indigenous culture and identity through education.

Legal age of marriage

¹ E.g. Education Act of Alberta¹, as of January 2023, article 21: https://kings-printer.alberta.ca/1266.cfm?page=E00P3.cfm&leg_type=Acts&isbncIn=9780779826063

²

<https://www.cmec.ca/docs/108CMEC%20B.2%20CMEC%20Indigenous%20Education%20Plan%202019-22%20APP1%20EN%20POSTED%202019.07.15.pdf>

³ <https://laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html>

5. At the Federal level, according to the Civil Marriage Act³, the legal age of marriage is 16 years (Article 2.2). According to the Joint CEDAW-CRC⁴ General Recommendation/Comment, a capable child below the age of 18 may be allowed to get married provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.

Corporal punishment

6. Corporal punishment is prohibited in schools in several provinces but not in all of them. For example, in the provinces of Alberta and Manitoba, no explicit prohibition of corporal punishment in schools has been identified in the legislation.

Enrolment rates

7. The gross enrolment rates (GER)⁵ in 2020 in Canada were:
 - In pre-primary education: 49% in total, for girls and for boys;
 - In primary education: 102% in total for girls and for boys;
 - No recent data is available for secondary education;
 - In tertiary education: 80% in total, 91% for girls and 69% for boys.

Government expenditure

8. In 2020, the percentage of GDP allocated to education was 5.2% and the percentage of total government expenditure allocated to education was 10%.⁶ The Incheon Declaration of 2015 recommends that national governments allocate at least 4%-6% of their gross domestic product (GDP) to education; and/or at least 15%-20% of public expenditure to education.

Digital education

9. Some provinces have adopted plans in this area. For example, Québec has adopted in 2018 a digital action plan for education and higher education⁷, the main orientations are to support the development of the digital skills of young people and adults; make us of digital technologies to enhance teaching and learning practices and create an environment conducive to the development of digital technologies in the education system. It has also published a digital competency framework in 2019⁸.

Discrimination in education (UNESCO consultations)

10. Canada submitted a report for the 9th Consultation on the implementation of the Convention and the Recommendation against Discrimination in Education (2016) but not for the 10th Consultation.

B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT TO INFORMATION

³ <https://laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html>

⁴ Convention on the Elimination of All Forms of Discrimination Against Women – Committee of the Rights of the Child

⁵ UNESCO UIS data

⁶ sdg4-data.uis.unesco.org

⁷ http://www.education.gouv.qc.ca/fileadmin/site_web/documents/ministere/PAN_Plan_action_VA.pdf

⁸ http://www.education.gouv.qc.ca/fileadmin/site_web/documents/ministere/Cadre-reference-competence-num-AN.pdf

Constitutional and legislative frameworks

11. The Canadian Charter of Rights and Freedoms⁹, which has constitutional range, guarantees under article 2 (b) “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”.
12. The 1985 Access to Information Act¹⁰ extends the provision of access to information under the control of the Government of Canada and provides for the proactive publication of certain information.
13. Defamation remains criminalized under sections 300 and 301 of the criminal code of Canada¹¹, with punishments for libel ranging up to 5 years imprisonment.
14. Canada’s House of Commons passed Bill C-11, the Online Streaming Act, in 2022, which is currently pending Senate approval.¹² Bill C-11 amends the 1991 Broadcasting Act,¹³ which grants the Canadian Radio-television and Telecommunications Commission (CRTC) regulatory powers over radio and television, by expanding its regulatory powers to also cover all audiovisual content on the Internet, including social media platforms and streaming services.¹⁴

Implementation of the law

15. The 1985 Canadian Radio-television and Telecommunications Commission Act¹⁵ establishes the Canadian Radio-television and Telecommunications Commission (CRTC) consisting of no more than 13 members to be appointed by the Governor in Council (art. 3).
16. Under the 1991 Broadcasting Act¹⁶, the CRTC regulates and supervises all aspects of the Canadian broadcasting system implementing the broadcasting policy, establishing and issuing licenses and more generally, overseeing the media companies’ activities (part II).

Safety of journalists

17. As of 31 January 2023, and since UNESCO began to systematically monitor killings of journalists in 2006, the Organization has recorded no killings of journalists and media

⁹ <https://www.canada.ca/content/dam/pch/documents/services/download-order-charter-bill/canadian-charter-rights-freedoms-eng.pdf>

¹⁰ <https://laws-lois.justice.gc.ca/eng/acts/a-1/FullText.html>

¹¹ <https://laws-lois.justice.gc.ca/eng/acts/C-46/FullText.html>

¹² <https://www.parl.ca/LegisInfo/en/bill/44-1/C-11>

¹³ <https://laws.justice.gc.ca/eng/acts/B-9.01/FullText.html>

¹⁴ <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-11/third-reading>

¹⁵ <https://laws.justice.gc.ca/eng/acts/C-22/FullText.html>

¹⁶ <https://laws.justice.gc.ca/eng/acts/B-9.01/FullText.html#h-34218>

workers in Canada.

III. RECOMMENDATIONS

A. THE RIGHT TO EDUCATION

18. Canada should be encouraged to:

- i. Ratify the Convention against Discrimination in Education;
- ii. Guarantee the right to education at Constitutional level;
- iii. Take steps to encourage provinces to guarantee at least one year of compulsory and free pre-primary education;
- iv. Continue its efforts to improve inclusive education particularly regarding indigenous peoples;
- v. Strengthen efforts to increase the percentage of boys in tertiary education;
- vi. Take steps to encourage provinces to explicitly prohibit the use of corporal punishment in schools;
- vii. Amend the legislation to have 18 years as the minimum age of marriage, or 16 in exceptional circumstances and with the validation of a judge;
- viii. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education;
- ix. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹⁷ and Her Atlas.¹⁸

B. FREEDOM OF OPINION AND EXPRESSION AND THE RIGHT TO INFORMATION

19. Canada is recommended to decriminalize defamation and incorporate it in the civil code, in line with international standards.

20. Canada is recommended to ensure that Bill C-11 is in accordance with international standards on freedom of expression, in particular by ensuring the independence of the regulatory powers and the limitation of their scope.

C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)

21. Canada is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Canada is encouraged

¹⁷ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁸ <https://en.unesco.org/education/girls-women-rights>

to facilitate the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

22. Canada did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. Therefore, Canada is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Canada is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Canada is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.