

THE UNITED NATIONS AND CANADA

WHAT CANADA COULD AND SHOULD DO AT THE UNITED NATIONS 2018: A QUESTION OF LEADERSHIP

Securing Human Rights

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Canada's spat with Saudi Arabia over tweets by Foreign Affairs Minister Chrystia Freeland calling for the release of detained Saudi women's rights activists is illustrative of a greater challenge we face in our efforts to be a human rights leader globally: our intentions may be noble, but we simply aren't getting the desired results.

Since taking office in November 2015, the Liberals have done much in the way of high-minded declarations and grand promises around human rights, gender equality, climate change and Indigenous reconciliation. Critics are quick to trivialize these statements. But such virtue-signalling to the international community does matter – especially now, as we witness a lack of leadership from states that have traditionally played this role at the global level.

Still, symbolic gestures, in and of themselves, are not enough, and unlikely to lead to tangible results in terms of human rights protection.

What if Canada were to devote energy and resources towards strengthening international capacity to deal with both current and future human rights violations around the world? Working in support of international norms could enable us to help pave the way for more robust human rights protection globally, without exposing ourselves to potential backlash – which, as we have seen with Saudi Arabia's retaliation, can be costly.

Various ideas have been put forth over the years by scholars, practitioners and experts aimed at bolstering the institutional architecture around human rights. Some explore the potential for a new institution, as is the case with the proposal for a World Court of Human Rights which would fill a gap in the judicial system by covering many violations of international human rights law raised by individuals (rather than states) that are outside the jurisdiction of existing forums. Others focus on improving existing United Nations human rights machinery, in particular the Human Rights Council.

The UN Human Rights Council is a notoriously challenged institution. Its political nature is largely to blame for its failures to protect human rights. Selectivity, bias and national interests consistently triumph over principled action. This need not be the case.

Proposals have been developed to make the body more fair, impartial and effective. For example, changing the representation to ensure that human rights experts are present; putting prevention at the forefront of the Council's agenda; formalizing its relationship to non-governmental organizations; and potentially changing the Council's status to become a principle UN organ. The need for reforms is widely acknowledged, and several countries appear prepared to form a multi-stakeholder coalition to turn existing ideas into reality. This is Canada's opportunity to show leadership.

Canada can't fix the world's human rights abuses on its own – neither through tweets nor through diplomatic pressure, which it has been applying with limited success. But it can help strengthen global institutions so we are collectively better equipped to deal with violations. That would be a legacy consistent with Canada's past human rights legacies, such as our role in helping draft the Universal Declaration of Human Rights in 1948, our key contribution to creating the International Criminal Court, and our leadership in establishing the Responsibility to Protect principle.

Finally, being a human rights leader globally also means being a human rights leader locally. Canada still has much work to do in this respect, particularly when it comes to protecting the rights of Indigenous peoples in Canada. The government has committed to protect the rights of Indigenous Peoples in Canada but has failed to do so in many cases, most notably around rights to land and resources. Canada finally adopted the Universal Declaration on the Rights of Indigenous Peoples in 2016 (removing the objector status it had for the prior decade), and now must ensure these commitments are respected. Meanwhile, in 2015, the Truth and Reconciliation Commission outlined 76 calls to action that fall under federal jurisdiction. Despite promising to implement all of these, the government said earlier this year that only a handful had been fully met, with the vast majority (51 calls) stuck in the early stages of planning and implementation.

Canada needs to revisit its approach to human rights and complement its vocal and visible declarations with some concrete actions – both within and beyond our borders.