

Exploring Human Rights in Atlantic Canada

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Most Atlantic Canadians do not know much about human rights beyond an ambiguous understanding of international treaties and rarely associate rights with local laws or challenges (Day, 2014; Eliadis, 2014; Hamill, 2016). The Canadian provincial human rights system of Codes and Commissions provides citizens with protection from discrimination in day to day life (Mumme, 2012). The roles and responsibilities of the Commissions are often misunderstood due to misleading language that relies on human rights discourse, which misconstrues the human rights systems as being interchangeable with the criminal justice system, and a lack of education concerning local human rights legislation (Eliadis, 2014; Hamill, 2016). Within the context of Atlantic Canada, it is understood that human rights are important, but there is a dearth of literature about how human rights education (HRE) is currently being implemented into schools (Hamill, 2016). In this article, I highlight some of the findings from my master's thesis that sought to describe some supports and challenges for incorporating HRE in Atlantic Canada based on the Foundation for the Atlantic Canada Social Studies Curriculum. In addition to this research, I have also produced a Human Rights Social Studies Companion Curriculum for the New Brunswick Department of Education which highlights how themes of human rights, primarily focused on the New Brunswick Human Rights Act and New Brunswick Human Rights Commission (NBHRC), can be incorporated in Social Studies curricula for grades K-9.

Context

Human rights are nothing more than ideas (Freeman, 2017). Human rights exist through discourses put forth by international bodies, such as the United Nations. However, human rights in practice fail to acknowledge varying social and political contexts (Beitz, 2011). In local contexts, rights are established through constructed laws and institutions to administer these laws (Eliadis, 2014). Because many citizens are unaware of their rights, directed HRE concerning local legislation should be implemented into the public school system. HRE can increase people's awareness of established laws and work towards the establishment of a culture of rights (Hamill, 2016).

All Canadians are protected by the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, and provincial human rights systems. The overall goal of the Canadian human rights system is not to punish those responsible for human rights violations, but rather to reduce discrimination and create a culture of rights (Eliadis, 2014). Discrimination is defined in Canada as treating someone differently based on characteristics that are protected by law (Auhters, 2016; Clements, 2016; Eliadis, 2014; Novac, Darden, Hulchanski, & Seguin, 2002).

The Canadian Human Rights Act (hereafter referred to as the Act) provides protection from discrimination but has a limited jurisdiction of federal services, and does not extend to provincial jurisdiction (Nierobisz, Searl, & Theroux, 2008). The Canadian Charter of Rights and Freedoms was intended to provide stronger protection than the Act and was passed as constitutional law on April 17, 1982. The Charter protects Canadians differently than provincial human rights codes because violations are not limited to discrimination (Hucker, 1997). The provincial human rights system in Canada worked to reduce discrimination long before the Charter was established. Pearl Eliadis (2014) argues that the Canadian

provincial human rights system played a key role in advancing social values and equality in everyday life. While the Charter is often considered to be the largest advancement of Canadian human rights (Clements, 2016; Eliadis; 2014; Hucker, 1997), the provincial human rights system is intended to protect Canadians against discrimination from the institutions and individuals they interact with on a daily basis, such as landlords or employers (Hucker, 1997).

The integration of human rights legislation at the provincial level can reduce social inequalities because it forces subsequent laws to be responsive to human rights (Jeffery, 2016). The Canadian human rights system can be successful in its role of administering the human rights codes; however, in Atlantic Canada, human rights commissions are unable to work outside of their mandated legislation (Clements, 2016; Eliadis, 2014). Despite being mandated to educate the public on the role and functions of their provincial Human Rights Acts, commissions have been unable to advocate for the implementation of HRE in the school system (Eliadis, 2014). Human rights commissions are regularly contested and criticized in Canada (Howe & Johnson, 2000; Nierobisz, Searl, & Theroux, 2008; Moon, 2010). Eliadis (2014) believes there is a general misunderstanding among Canadians that provincial human rights legislation is a part of the criminal justice system. This misunderstanding is largely a result of the language used to describe human rights violations, often describing human rights commissions as operating similarly to legal court (Eliadis, 2014). It is crucial for Canadians to gain knowledge of their local human rights laws and institutions so that they may speak up against discrimination towards themselves and others, therefore working towards the establishment of a culture of rights.

Conceptual Framework

In the context of Atlantic Canada and drawing on the work of Starkey (2016), I define HRE as education aimed to increase awareness of the rights that are protected by the provincial human rights acts in order to create of a culture of rights. Culture in this sense refers to a “means of organizing time, and subjectivity, it refers to forms of economic activity (say, sharing) and forms of political activity” (Kulchyski, 2013, p. 21). A culture of rights, therefore, refers to a culture in which the members are aware of local human rights institutions and resources (Hamill, 2016). Through such awareness, members may be more likely to identify discrimination that they are protected from and may also understand how human rights perpetuate systems of oppression (Ahmed, 2017; Hamill, 2016; Zembylas, 2018).

HRE in Atlantic Canada must not only instruct local human rights legislation, but should also be critical of the hegemonic and Eurocentric nature of rights (Hamill, 2016; Keet, 2016). Through instructing human rights in a critical manner, HRE has the potential to expose human rights violations and systematic oppression (Ahmed, 2017; Keet, 2016). Ahmed (2017) argues that HRE can be tool for disrupting state power if the content itself is critical of the assumed universality of rights and critically considers the neocolonial nature of rights. Drawing on the work of Zembylas (2018), I suggest that if human rights are not instructed in a critical manner, then the understanding of rights among learners will be narrow. HRE must focus on everyday human rights violations and oppression, rather than vague notions of rights as universal truths and intangible concepts (Ahmed, 2017; Coysh, 2014; Keet, 2016; Zembylas, 2018). Additionally, HRE, in order to be critical, must expose and honour various ways of knowing and being that have been buried by power structures (Coysh, 2014).

Human rights education, when implemented in a critical

manner, may increase citizens' ability to recognize when the provincial human rights acts are being violated and how to address these violations (Ahmed, 2017; Hamill, 2016). It may also go a step further to disrupt power by exposing systemic human rights violations in Atlantic Canada (Ahmed, 2017; Zembylas, 2018). Tibbits (2002) argues that no culture is immune to human rights violations, and such discrimination must be addressed. Canada is no exception (Clements, 2016; Eliadis, 2014; Kulchyski, 2013). The Canadian human rights system is strong in comparison to that of many countries because it attempts to alter or halt damaging social patterns by addressing daily discrimination (Clements, 2016; Eliadis, 2014; Reaume, 2012). However, the Canadian human rights system fails to uphold the rights of Indigenous peoples (Auther, 2016; Chartrand, 2017; Kulchyski, 2013). Aboriginal and treaty rights in Canada have been limited to section 35 (1) of the Constitution Act of 1982 (Gunn, 2019). Auther (2016) argues that the inclusion of Aboriginal rights within the constitution cannot be removed from the imperial project. Aboriginal rights are a tool to continue the assimilation and categorization of Indigenous peoples (Authers, 2016, Kulchyskym, 2013). Through the inclusion of Aboriginal rights in the Canadian constitution, it ensures that violations of such rights are only considered to be legitimate when deemed as such by the state (Gunn, 2019). Even if violations are deemed to have occurred, the remedies are prescribed by government institutions and are rarely sufficient (Gunn, 2019).

Human rights claims in Canada are limited to the human rights system, this limits Indigenous self-determination because it deems Aboriginal claims to the rights of self-government, education, welfare, etc., as illegitimate (Authers, 2016; Burrows, 2017; Kulchyskym, 2013). Because these claims are not rooted in a Eurocentric understanding of rights, they are not recognized or encompassed in the Canadian human rights system (Auther, 2016;

Burrows, 2017). Human rights in Canada have therefore become a tool to systematically oppress Aboriginal peoples (Auhers, 2016; Gunn, 2019). In order to disrupt these power relations (Ahmed, 2017), HRE must critically examine the human rights system and call into question assumptions about universality of human rights (Keet, 2016; Zembylas, 2018). This research aims to be applicable throughout Atlantic Canada because both the human rights system and the foundational Social Studies curriculum are the same from province to province (i.e., The New Brunswick Human Rights Act, the Nova Scotia Provincial Human Rights Act, the Prince Edward Island Human Rights Act, the Newfoundland and Labrador Human Rights Act, and the Foundation for the Atlantic Canada Social Studies Curriculum).

Methods

Research for this study was conducted through secondary data collection and analysis. Data was collected through both internet and library resources, including international human rights documents and educational curricula in Atlantic Canada. Library resources include journal articles, books, news articles, and government documents. While analyzing the educational curricula, I sought to identify where human rights are included and what elements are currently encompassed in the Foundation for Social Studies Curriculum and Social Studies curricula from grades K-9 in New Brunswick. In particular, I looked for inclusion of the provincial human rights codes and commissions, and explored the guidelines provided to teachers on how to instruct these rights.

Data Collection

HRE must be defined for the specific context in which it is being implemented. HRE is considered by Monisha Bajaj (2011) to be very effective for improving awareness of regional and local

human rights. The incorporation of HRE into the provincial human rights acts in Atlantic Canada would assist the Commissions in meeting their mandate to create a culture of rights. In 1997, HRE was incorporated into elementary schools throughout Cape Breton (Howe & Covell, 2005). The implementation of HRE was supported by Cape Breton's Children's Human Rights Centre, and the school board began by implementing HRE into the grade 6 health curriculum as a pilot project. The project ran during the 1997/1998 school year and taught 175 students (Howe, 2005). The HRE pilot project in Cape Breton was considered to be largely successful because evaluation of teachers indicated that students were both interested in the content and demonstrated a better understanding of their rights and responsibilities under the United Nation's Convention on the Rights of the Child.

Findings

HRE in Atlantic Canada is already found within the social studies curriculum; however, it focuses solely on the Universal Declaration of Human Rights and does not extend to the provincial human rights system, nor does it promote critical consideration of rights (Foundation for the Atlantic Canadian Social Studies Curriculum; Tibbitts, 2015). HRE could be originally implemented as a pilot project, and its success will hinge upon incorporation of three elements: teacher training, curriculum development, and evaluation (Hamill, 2016). Teachers must understand both the value of critically considering rights and of teaching rights through local legislation (Coysh, 2014; Hamill, 2016; Keet, 2016; Zembylas, 2018). The Foundation for the Atlantic Canada Social Studies Curriculum document (1998) provides a framework for Social Studies from Kindergarten to Grade 12 in all Atlantic Provinces and determines the learning outcomes for students in the public-school system. These are the knowledge and skills each student graduating

from the public-school system should possess. Students are expected to have the ability to understand the principles of human rights and to understand universal rights (Foundations of Social Sciences Curriculum, 1998).

When developing the HRE curriculum in the form of children's rights education in the 1990s, Cape Breton's Children's Rights Centre predicted potential obstacles they would need to overcome. They understood that the inclusion of HRE into the curriculum may appear as a burden to teachers and that there may be resistance from both parents and teachers to students learning about rights (Covell & Howe, 1999). In order to overcome these challenges, human rights education should be implemented into an existing curriculum (Covell & Howe, 1999). Because HRE previously exists, although ambiguously, within the Foundations for the Social Studies Curriculum in Atlantic Canada and Social Studies curricula for K-9 in New Brunswick, it seems logical to extend this to include a more detailed framework of local human rights within the existing curriculum (Hamill, 2016).

Teaching HRE will require new roles and responsibilities for educators, and professional learning workshops can help them prepare for teaching both human rights and the role of the provincial commissions that they have not previously taught (Covell, 2010; Hamill, 2016). Training will allow teachers to become comfortable with the learning material and gain a deeper understanding of the importance of instructing human rights in a critical way. Training can demonstrate to teachers the importance of children's voices in the classroom and the importance of non-traditional approaches for learning about human rights (Covell & Howe, 2007). HRE allows both teachers and participants to gain an understanding of rights from an intersectional lens, therefore approaching rights from a critical perspective (Zembylas, 2016). Teachers must not only understand the HRE material that they are instructing, they must

also understand the value of creating a culture of rights through HRE. Teachers must understand that their role is to encourage students to think critically about rights (Burrige & Chodkiewicz, 2017).

Evaluation is required for the success of future HRE projects. In the 1990s, HRE in Cape Breton was evaluated through interviews with students at the end of school year when teachers were available. An evaluation of the teachers' experiences was also conducted. Teachers in the program were interviewed over the phone to discuss their responses to the curriculum and submitted a survey at the end of the year (Covell & Howe, 1999). The Centre's website indicates that the HRE project was considered by the Nova Scotia Department of Education as being successful, and as a result, a commitment was made to incorporate children's rights into the social studies and health curriculums from grade 6 to grade 8 (Children's Rights Centre, 2007). The Centre published children's rights curriculum resources for grade 6, grade 8, grade 12, and an art curriculum. The curricula provide a variety of objectives and activities for teaching both through and for rights; however, there is no evidence to indicate that the human rights curricula were formally established by the Nova Scotia Department of Education. There is a dearth of information as to why HRE was not implemented into the curriculum in Nova Scotia in a concrete and long-lasting manner.

Conclusion

The New Brunswick provincial human rights system is an established source for the protection of rights in day to day life. In order for the provincial human rights system to be most effective, individuals must be aware of their local human rights legislation and the role of the New Brunswick Human Rights Commission. When Canadians gain knowledge of their provincial human rights act, they

will be able to recognize and speak out against discrimination. Throughout my MA thesis, I relied on secondary data analysis to determine how HRE can be most effective in raising awareness of local human rights legislation to create a culture of rights. Referring to a culture in which the members are not only aware of the discrimination they are protected against but are also aware of role they have in upholding the rights of others. Members of a culture of rights should critically consider the assumed universality of rights and how rights may reinforce systems of oppression. While education concerning the Universal Declaration of Human Rights is included in the Atlantic Canadian Foundations of Social Science curriculum, these rights are considered soft law and do not provide tangible protection from discrimination. The provincial human rights system provides protection from discrimination and an accessible resource to seek remedies should a violation occur but does not work to its full potential due to a general lack of awareness. Going forward, I am interested in learning how HRE might be applied in local contexts, and specifically, what might HRE look like in the context of New Brunswick middle and secondary school education.

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