



Election Resources 2015

Canadians will go to the polls for a federal election in October. Canadian Friends hold a broad range of concerns - militarism in Canadian culture, climate change, civil liberties, criminal justice, Indigenous rights, corporate social responsibility...

We encourage you to ask informed questions of all candidates seeking election and to be aware of regulations governing registered charities if your Monthly Meeting is one (for a note about this see the Appendix).

Five national ecumenical bodies of which CFSC/Canadian Yearly Meeting are members (Canadian Council of Churches, KAIROS, Project Ploughshares, Church Council on Justice and Corrections, and The Women's Inter-Church Council of Canada) and others have jointly released this kit:

<http://bit.ly/1g7cgLA>

Questions are provided on:

- climate change,
- poverty,
- imprisonment,
- Indigenous rights,
- refugee rights,
- physician-assisted death,
- international aid,
- the Arms Trade Treaty,
- banning nuclear bombs,
- Canadian mining companies' respect for human rights, and
- Canada's military mission in Iraq and Syria.

The United Church of Canada with whom Canadian Friends have worked around many ecumenical tables, has also released a kit, much of which may be relevant to Friends: <http://bit.ly/1HKEC4v>

In addition to detailed instructions on how to set up a meeting of your local political candidates, write letters to the editor, and use social media, you will find questions on:

- Indigenous rights,
- climate change,
- criminal justice,
- Making Canada's tax system more just,

- Farmers rights with respect to genetically modified seeds,
- School feeding programs,
- Trans rights,
- Healthcare,
- International aid,
- Migrant workers' rights,
- Canadian mining companies' respect for human rights,
- Achieving peace in Israel/Palestine,
- Nonviolent roles for Canada in Iraq and Syria,
- child poverty in Canada,
- Canada's treatment of refugees, and
- Free Trade Agreements.

Additional questions on areas of concern to Friends

Criminal Justice

According to a 2013 report¹ by the Canadian Parliamentary Budget Officer, in 2011-2012, governments (federal, provincial and territorial) spent \$20.3 billion on criminal justice, which is comparable to what was spent on National Defence. Expenditure increased while Canada's crime rate declined 33.1% between 1998-2013. Spending on security, courts and corrections diverts funds from more effective, essential services that support healing and rehabilitation for offenders, victims, families and communities. Despite increased spending, most prisoners still return to their community with no increase in skills to integrate or to contend with the problems that led to incarceration (e.g. limited employment, illiteracy, breakdown of family relationships). As a result, their prison experiences can lead to increased risk of re-offending or escalation to more serious offences.

Questions:

Public Safety

1. Justice is often viewed through one of two lenses. One lens is retributive which sees crime as primarily against the state and seeks retribution through punishment. The other lens is restorative which sees crime as a broken relationship and seeks to repair that relationship through a variety of programs, initiatives and opportunities. How does your party feel about the current level of investment in these two approaches? What changes would signify progress?
2. Given that most prisoners will eventually be released to be our neighbours, what will your party do to improve the rehabilitation and reintegration supports that have been shown to be crucial to reducing recidivism?
3. Circles of Support and Accountability (CoSA) are community-based reintegration programs, grounded in restorative justice principles, that hold sex offenders accountable for the harm

¹ Office of the Parliamentary Budget Officer, Expenditures of Analysis of Criminal Justice in Canada, March 20, 2013, http://www.pbo-dpb.gc.ca/files/files/Crime_Cost_EN.pdf

they have caused, while assisting with their safe re-entry into communities at the end of their sentences. Funding was recently cut from CoSA in spite of the fact that a six million dollar study² found that the program was extremely successful in preventing recidivism, saved \$4.80 for every dollar spent and played an essential role in keeping communities safe. Will your party re-fund CoSA projects in the future?

4. The more retributive the approach to sentencing, the worse the impact on prison staff. Research indicates that correctional workers have the second highest mortality rate of any occupation (their average age is 58) and a 39% higher suicide rate than any other occupation.³ Given this reality, what does your party plan to do to mitigate the effect of this punitive approach on institutional staff?

Solitary Confinement (Segregation)

5. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stresses that solitary confinement is a harsh measure which may cause mental and physical harm.⁴ He finds solitary confinement to be contrary to one of the aims of the penitentiary system, which is to rehabilitate offenders and facilitate their reintegration into society. In Canada, the Office of the Correctional Investigator has raised concerns⁵ that segregation is significantly overused, is increasing, and is being applied disproportionately to certain groups (federally sentenced women with mental health issues, Aboriginal and Black prisoners). What will your party do to decrease the use of segregation in Canadian prisons?

Children and youth

6. Innocent victims of incarceration are the children who are separated from their parents and primary caregivers.⁶ These separations cause mental and physical problems that impact life outcomes. Given that all adults are duty bearers toward children, what will you and your party do to ensure that the best interests of the child are considered when corrections policies are reviewed, developed and implemented? What will you do to promote and support programs that provide alternative options to incarceration for parents and primary caregivers?
7. Gaps in protection and support are the reason why children and youth come into contact with the law. Children and youth in Canada need a National Advocate to help close the gaps. In a 2012 review of Canada, the UN's Committee on the Rights of the Child recommended that Canada take "measures to establish a federal Children's Ombudsman" and ensure that the Ombudsman is provided with the necessary resources and independence (*Concluding*

² Church Council on Justice and Corrections, Final Report: An Evaluation of the Circles of Support and Accountability Demonstration Project, February 2015, <http://ccjc.ca/evaluation-of-cosa-national-demonstration-project/>

³ Beating the Odds, 2012, <http://www.corrections.com/news/article/30096-beating-the-odds>

⁴ UN General Assembly, Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), 5 August 2011, <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>

⁵ Office of the Correctional Investigator, Administrative Segregation in Federal Corrections: 10 Year Trends, 28 May 2015, <http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20150528-eng.pdf>

⁶ For example see: Parental Incarceration and Child Wellbeing: An Annotated Bibliography at http://johnjayresearch.org/pri/files/2012/03/Annotated-bib-with-coverage_WEB-version.pdf; or Children of Prisoners Europe: Bibliography at <http://childrenofprisoners.eu/recommended-reading/>

Observations, paragraph 23).⁷ To ensure that Canada meets its obligations, will your party implement this recommendation?

Indigenous peoples' human rights

UN Declaration on the Rights of Indigenous Peoples

The Truth and Reconciliation Commission has recommended that federal, provincial, and territorial governments, and all parties to the Settlement Agreement, undertake to meet and explore the *United Nations Declaration on the Rights of Indigenous Peoples*⁸, as a framework for reconciliation in Canada. The *UN Declaration* provides the necessary principles, norms, and standards for reconciliation to flourish in twenty-first-century Canada.

A reconciliation framework is one in which Canada's political and legal systems, educational and religious institutions, the corporate sector and civil society function in ways that are consistent with the rights affirmed in the *UN Declaration*, which Canada endorsed in 2010. Together, Canadians must do more than just talk about reconciliation; we must learn how to practice reconciliation in our everyday lives—within ourselves, our families, and in our communities, governments, places of worship, schools, and workplaces. To do so constructively, Canadians must remain committed to the ongoing work of establishing and maintaining respectful relationships.

Questions:

1. Will you, in consultation and cooperation with Indigenous Peoples, introduce legislation to ensure the laws of Canada are consistent with the *UN Declaration on the Rights of Indigenous Peoples*?
2. Will you, in cooperation and consultation with Indigenous Peoples, develop a national action plan, strategies, and other concrete measures to ensure implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*?

Missing and murdered Indigenous women and girls

Article 22(2) of the *UN Declaration* declares "States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination." Indigenous peoples organizations are calling for an inquiry to look into the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls with a mandate that would include investigation into missing and murdered Indigenous women and girls, and links to the intergenerational legacy of residential schools.

Question:

⁷ Office of the UN High Commissioner for Human Rights, Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic report of Canada, adopted by the Committee at its sixty-first session (17 September –5 October 2012), CRC/C/CAN/CO/3-4, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-CAN-CO-3-4_en.pdf

⁸ <http://quakerservice.ca/our-work/indigenous-peoples-rights/un-declaration/>

1. Do you support, in consultation and cooperation with Indigenous organizations, a national action plan including a public inquiry?

Land and Treaty rights

Questions:

1. Do you commit to fair and satisfactory negotiations on Indigenous peoples' land rights, and to full compliance with Treaty rights and obligations?
2. Will you adopt the legal principles of:
 - a. Accepting Aboriginal title claims once the Aboriginal claimant has established occupation over a particular territory at a particular point in time; and
 - b. Once Aboriginal title has been established, shifting the burden of proving any limitation on any rights arising from the existence of that title to the party asserting such a limitation?

Truth and Reconciliation Commission Calls to Action

Questions:

1. Will you, in consultation and collaboration with Indigenous peoples, implement the 94 Calls to Action⁹ of the Truth and Reconciliation Commission of Canada?
2. Will you commit to legislation to establish a National Council for Reconciliation? This legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations. The Council would consist of Aboriginal and non-Aboriginal members with its role being to monitor, evaluate, and report annually on the reconciliation process.

Peace

Department of Peace

The Canadian Peace Initiative¹⁰, which Quakers have been actively involved with, seeks to establish a Cabinet-level Minister of Peace and Department of Peace within the Government of Canada. The department would develop a coordinated and coherent paradigm for a sustainable peace across all government departments. The Minister would advance an agenda for a new architecture of peace by supporting and establishing activities that promote a culture of peace and assertive nonviolence in Canada and the world. Example activities would include:

- Developing early detection and rapid response processes to deal with emerging conflicts
- Establish systemic responses to post-conflict demobilization, reconciliation and reconstruction including a cadre of trained peacebuilding professionals; and
- Addressing issues of violence in Canada by promoting nonviolent approaches that encourage community involvement and responsibility such as Restorative Justice, Nonviolent Communication (NVC) and Alternate Dispute Resolution (ADR).

Questions:

⁹ http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

¹⁰ <http://www.departmentofpeace.ca/>

1. Are Canada's current peacekeeping, peacebuilding, and military involvements on the world stage effective and appropriate to actual needs? What would you change?
2. What is your position on the establishment of a Department of Peace within the Government of Canada?
3. Are nonviolent strategies for dealing with conflict adequately emphasized and resourced within Canada? What would you change?

Conscientious objectors

The UN High Commission for Refugees' (UNHCR) Handbook, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the Canadian Charter of Rights and Freedoms, all protect the fundamental right to freedom of thought, conscience and religion. This fundamental right includes the right to conscientiously object to military service based on religious, moral, ethical, humanitarian, or similar motives.

Under international law, military personnel can desert and expect protection from foreign governments, particularly when they "can show that the performance of military service would have required his participation in military action contrary to his genuine political, religious or moral convictions, or to valid reasons of conscience."¹¹ (UNHCR Handbook, paragraph 170)

Many American conscientious objectors to the Iraq war have come to Canada seeking protection.

Questions:

1. Would your party honour the wishes of the majority of Canadians who support the Iraq war resisters, as well as the will of Parliament which twice voted on this issue, and finally let Iraq war resisters stay in Canada?

¹¹ http://www.ohchr.org/documents/publications/conscientiousobjection_en.pdf

Appendix: For Quaker Meetings that are registered charities

Charities engaging in banned partisan political activity risk being deregistered. In order to avoid this or other penalties, here is a helpful list of Do's and Don'ts from *Carter's Charity Law Bulletin #248*, March 30, 2011 <http://www.carters.ca/pub/bulletin/charity/2011/chylb248.pdf>

1. DON'TS

- Don't make a gift of a charity's funds to a political party that supports the charity's views.
- Don't make public statements endorsing or denouncing a candidate or political party.
- Don't invite candidates to speak at different events in a manner that favours a candidate or political party or host an all candidates meeting in a partisan manner.
- Don't publish voting records of only selected candidates or parties on an issue.
- Don't post signs in support of, or in opposition to a particular candidate or political party.
- Don't explicitly connect the charity's position on an issue to the position taken on the same issue by a candidate or political party. Simply having a position on a topic that is similar to the position of a political party is not partisan. Many charities, particularly religious organizations, have had positions on certain issues long before these issues became "politicized." The key is not to clearly link their position to that of the political party.

2. DO'S

- Do make it clear that you are assisting a candidate or party in your personal capacity if you are an employee, member or leader of a charity and refrain from partisan comments at charity functions.
- Do post information on candidates and political parties on the charity's website, provided that it is connected and subordinate to the charity's purpose, reflects the position taken with regard to all political parties and candidates, no political party or candidate is singled out favourably or unfavourably, and there is no explicit direction of how to vote.

Charging fair market value rent to a political party for occasional meetings in a charity's facilities is permitted so long as equal access and opportunity are given to all political parties. However, this is a grey area and prolonged association with one party may lead to the conclusion that the charity favours that party.