

Know your human rights

Complaints to the Canadian Human Rights Commission



Why file a Complaint with the Canadian Human Rights Commission (CHRC)?



Because you have a right to live with equality and dignity, and the right to live free from all forms of discrimination.



You have fundamental rights and freedoms that are protected by the *Canadian Charter of Rights and Freedoms*, the Nelson Mandela Rules regarding the treatment of prisoners, and the *Canadian Human Rights Act*.



You have a right to safety and to humane treatment, no matter what your culture, race, sexual orientation, national origin, gender, religion, age, marital or family status, or disability.



Because it is your right – and a right that is not exercised can be lost.

Definition:

CHRC Complaint

a written request for a redress to discrimination you have faced while in prison.

CSC is federally regulated and therefore the Canadian Human Rights Act applies to them. This makes it illegal for CSC staff or service providers to discriminate against you based on your religion, ethnic background, race, gender, disability, mental health, poverty, etc. They are not allowed to discriminate against you or your group in either a direct or an indirect way (as in systemic racism). You should not be threatened, harassed, or humiliated.

Complaints create a record of abuses and conditions. This can help build a legal case that you can use in court to defend your rights.

They also help ensure advocates outside prison to understand the issues you face and push for change.



“While we recognize how difficult it is to hold corrections to account, we encourage prisoners to use the grievance system to document their concerns. Even if they are not properly responded to by CSC, complaints and grievances help to create the record that courts might later rely on to remedy wrongs.”

– Kim Pate

“Not everything that is faced can be changed, but nothing can be changed until it is faced.”

– James Baldwin

Your rights

You cannot be denied goods, services, or access to facilities (e.g., denied food, denied mental health services, denied access to places of worship, denied access to harm reduction, denied access to education or to work) because of discrimination towards you or your group.

The below are a few examples of human rights complaints you might want to file:

- Being made to wait too long for access to opioid substitution therapy
- Being denied access to mental health services
- Being segregated or otherwise isolated or put under observation with disregard for mental health concerns, trauma, or disabilities
- Unfair treatment based on racial prejudice, especially historically rooted discrimination faced by Black or Indigenous Peoples including:
 - restrictions on your freedom of movement, association, and assembly
 - use of force or use of solitary confinement or segregation
 - being classified as higher risk, not getting released
 - being subjected to cruel, inhumane, degrading treatment, name calling, assault, or even torture (such as extended periods in SIUs or other forms of segregation)
- Being denied access to your baby or children, lack of adequate care during and after childbirth or other forms of discrimination based on your family status
- Being denied a right to your faith and equal access to worship according to your religious tradition, e.g. special fasting foods (Ramadan break-fasts), force-feeding against a wish to fast, Halal, Kosher or vegetarian/vegan food; religious clothing such as headscarves or turbans; beading, sacred bundles, or other traditional items of cultural and spiritual importance to you
- Lack of appropriate care and accommodations for prisoners who are elderly, or who have mental or physical disabilities or mobility issues
- Being subjected to discrimination or sexual violence because you are LGBTTIQQ2S, being denied access to appropriate healthcare needs, such as sex reassignment surgery, or not having your gender identity or expression and privacy respected

“All human beings are born free and equal in dignity and rights.”
Article 1, *Universal Declaration of Human Rights*





CSC Duty of Care

CSC has a duty of care for you.

The *Corrections and Conditional Release Act* at s. 4(g) requires that: “correctional policies, programs and practices respect gender, ethnic, cultural, religious and linguistic differences, sexual orientation and gender identity and expression, and are responsive to the special needs of women, Indigenous persons, visible minorities, persons requiring mental health care and other groups”

When this is not being upheld in practice, you have the right to challenge CSC. By filing a CHRC Complaint, you can hold the CSC to account. By defending your own human rights, you also help promote and protect human rights for all.

“When you deprive people of their right to live in dignity, to hope for a better future, to have control over their lives, when you deprive them of that choice, then you expect them to fight for these rights.”

**– Queen Rania Al Abdullah
of Jordan**

What are the steps?

STEP 1

If your complaint has to do with discrimination, you can start by filing a complaint with the Canadian Human Rights Commission. Ask for a CHRC form from CSC. You can ask someone else to help you fill it out, such as a lawyer if you have one, but you do not need a lawyer to fill it out. You can also call the Commission at the number below to get help filling out the form.

STEP 2

Send your complaint to:

**Address: Canadian Human Rights
Commission**

344 Slater St., 8th floor

Ottawa, ON

K1A 1E1

Email: info.com@chrc-ccdp.gc.ca

Toll-free: 1-888-214-1090;

TTY: 1-888-643-3304

FAX: 613-996-9661

STEP 3

You may also wish to file a complaint or grievance with the CSC internal grievance system. (See the grievance pamphlet for more on the



STEP 4

CHRC may recommend that you resolve your case through mediation. Mediation is voluntary and has no costs.

If you decide to try to solve the issue through mediation, then you have four months to try to reach an agreement. If the mediation doesn't work, then you will be notified in 5 working days by CHRC as to whether your complaint will be further assessed. You may need to provide them with more info. You will receive a written report from CHRC within 6 months and may be referred to conciliation or the Canadian Human Rights Tribunal.

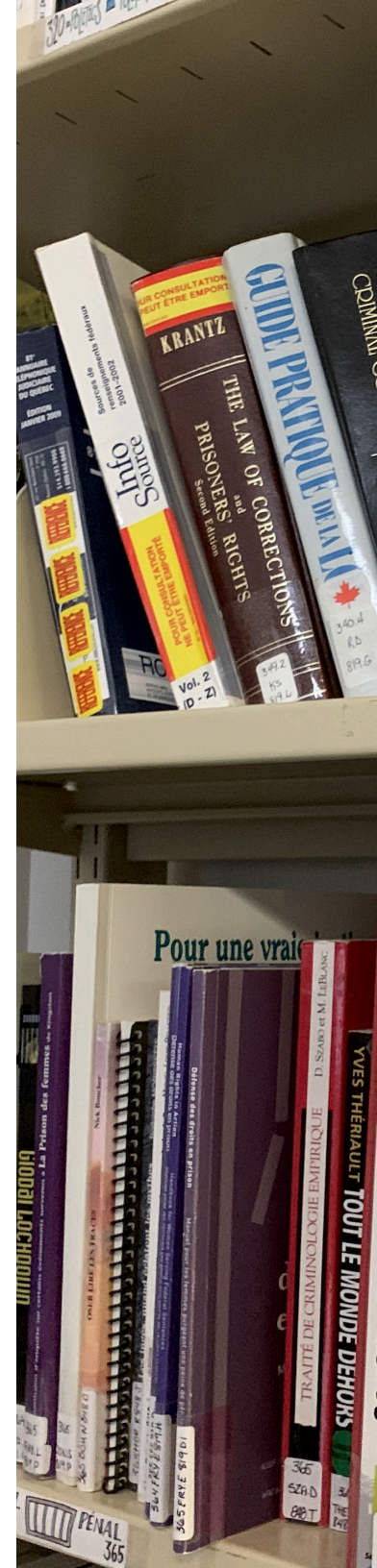
How to write a complaint

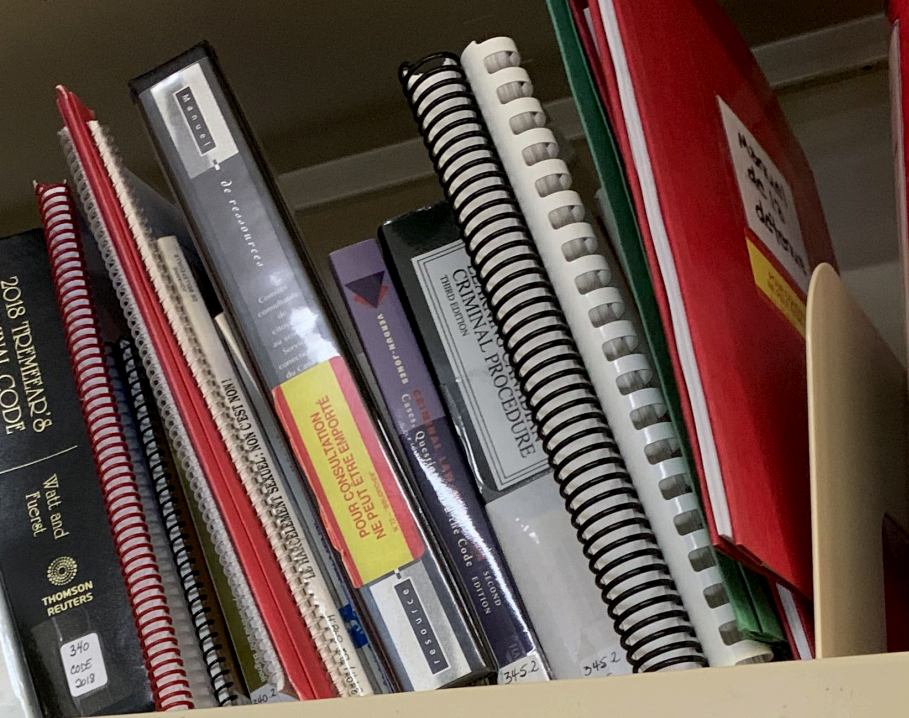
You can request a CHRC complaint form from staff.

If they refuse to give this to you, document this and notify the Office of the Correctional Investigator, the Elizabeth Fry Society, or the John Howard Society. (See final page for details)

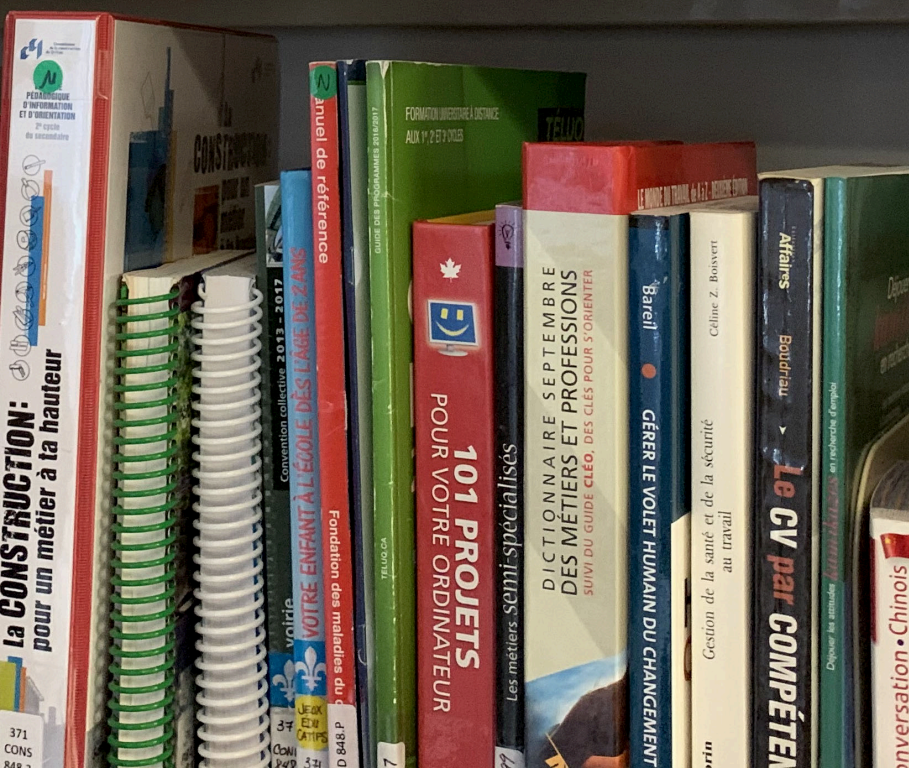
What should you include in your complaint?

- Explain the reasons *why* you are filing a complaint and *what* you would like the CHRC to do about it (e.g., a letter of apology, financial compensation, or some other way to fix the problem).
- Write about the discrimination you faced, what actions took place, and how it negatively affected you and/or others.
- Detail where you were, what time it was, who was there, what reasons, if any, were given for what occurred, and what you believe the reasons are for what took place.
- Keep your language as neutral and as factual as possible. Do not fill in the blanks, focus on the facts versus your emotions.
- Be vigilant. Collect evidence, including any information given to you in writing, to support your claim. Keep a journal. Record. Record. Record.
- Keep track of dates and names (Were there any witnesses? What words were said?)
- Note abusive words, particularly racial slurs or other denigrating or discriminatory words, etc.
- You or your lawyer can file an Access To Information and Privacy (ATIP) request to gain access to information you need may back up your complaint (such as audio or video recordings, paperwork).
- Keep copies of information secure.





Prohibited grounds of discrimination according to the *Canadian Human Rights Act* are: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.



Do I need to worry about **reprisal**?

Legally, you cannot be punished for filing a CHRC complaint. If you are, then document everything you can about the punishment, list any witnesses, and file another complaint about the punishment and why you believe it was done in retaliation for your initial complaint.

Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 8: Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 11: Indigenous peoples have the right to practise and revitalize their cultural traditions and customs.

Article 12: Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects...

Article 15.1: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

Article 22: Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

Article 24: Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

United Nations Declaration on the Rights of Indigenous Peoples

Deadlines:

You should file within 12 months of the act that you are complaining about.

Who can file?

You can file for yourself, or on behalf of someone else so long as you have obtained their consent in writing.

Is my complaint confidential?

Yes and no. It is kept as confidential as possible. However, if the Commission advances the complaint to the Canadian Human Rights Tribunal, it may become publicly available. For the Commission to begin its investigation you must first provide written consent that they do so and that they have permission to collect your personal information.

Mediation is a confidential process.



Do I have to mail in a written form?

No. There are many ways to file your complaint. If someone outside who you ask to assist has access to internet and a computer then they can file online. You can also file a complaint by phoning the National Call Centre at 1-888-214-1090.

When will I hear back?

You should hear back within two weeks whether CHRC will accept your complaint. If they do not, they will try to connect you to other community organizations that can lend you further assistance.

Where can I get additional help?

Office of the Correctional Investigator (OCI)

P. O. Box 3421, Station "D"
Ottawa, ON
K1P 6L4
Toll-free: 1-877-885-8848

Canadian Association of Elizabeth Fry Societies

190 Bronson Ave.
Ottawa, ON
K1R 6H4
T: 613-238-2422
Toll-free: 1-800-637-4606

John Howard Society of Canada

809 Blackburn Mews
Kingston, ON
K7P 2N6
T: 613-384-6272



Contact/copy your M.P. or Senator:

[Add your MP's name here]
House of Commons
Ottawa, ON
K1A 0A6

[Add Senator's name here]
Senate of Canada
Ottawa, ON
K1A 0A4