

December 15, 2023

The Hon. Demetrios Nicolaidis,
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Hon. Minister Nicolaidis:

Re: Importance of the Grades K-6 social studies curriculum including meaningful components on substantive equality and other human rights, as protected in the *Canadian Charter of Rights and Freedoms* and in the *Alberta Human Rights Act*

The Women's Legal Education and Action Fund (LEAF) and its Edmonton branch appreciate the announcement that further consultation is being done in relation to the draft Grades K-6 social studies curriculum. LEAF submits that a new social studies curriculum for Grades K-6 should include meaningful, age-appropriate components on substantive equality and other human rights, as protected in the *Canadian Charter of Rights and Freedoms* (the "*Charter*")¹ and the *Alberta Human Rights Act* (the "*AHRA*").² The current Alberta social studies curriculum for those grades does contain some consideration of the values underlying the *Charter* and of the importance of the *Charter*, but significantly expanded consideration of these elements, throughout these grades, would enhance the education of young Albertans and would be an important step in supporting the fundamental principles and values of Albertans.

LEAF works to promote and advance substantive equality

LEAF is a national charity formed in 1985 as the equality rights section of the *Charter* came into effect. Since then, LEAF has worked to ensure the equality rights of women, girls, trans, and non-binary people. To this end, LEAF has been instrumental in landmark equality rights victories, using strategic litigation, law reform, and public legal education. Through that work, it has developed considerable expertise in articulating how laws and policies advance or undermine substantive equality for women and girls, especially those who confront discrimination on multiple and intersecting grounds like sex, gender, race, sexual orientation, disability, Indigenous ancestry, socio-economic status, and marital or family status.

Equality rights and protections against discrimination are guaranteed in the *Charter* and in the *Alberta Human Rights Act*

Section 15 of the *Charter* guarantees that every individual is equal before and under the law, and has the right to equal protection and benefit of the law, without discrimination. As noted by the Supreme Court of Canada, section 15 reflects a profound commitment to promote equality and prevent discrimination against disadvantaged groups [*Fraser v Canada (Attorney General)*].³ Our constitution expresses this fundamental value and commitment, which should be taught and celebrated in age-appropriate ways throughout students' educational experiences.

Similarly, the *AHRA* sets out the fundamental principles of the inherent dignity and the equal and inalienable rights of all persons. It provides for prohibitions against discrimination on a range of grounds and for education about these equality rights.

The fundamental human rights principles and values for Albertans are set out in the Preamble of the *AHRA*:

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world;

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;

WHEREAS multiculturalism describes the diverse racial and cultural composition of Alberta society and its importance is recognized in Alberta as a fundamental principle and a matter of public policy;

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all Albertans should share in an awareness and appreciation of the diverse racial and cultural composition of society and that the richness of life in Alberta is enhanced by sharing that diversity; and

WHEREAS it is fitting that these principles be affirmed by the Legislature of Alberta in an enactment whereby those equality rights and that diversity may be protected:

The importance of forwarding human rights awareness and understanding is set out in s. 16 of the *AHRA*, which addresses the role of the Alberta Human Rights Commission, including:

- forwarding the principle of equality rights,
- promoting awareness and appreciation of and respect for the multicultural heritage of Alberta society,
- promoting an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta,

- researching, developing, and conducting educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Each of these areas highlights the importance of the promotion of education about equality rights. The Alberta Human Rights Commission carries out a breadth of programs and initiatives to educate about human rights and protections offered by the *AHRA*.⁴

Similarly, the *Canadian Human Rights Act* (the “*CHRA*”),⁵ which applies to activities in the federal jurisdiction (such as employment in the federal public service or in sectors like banking or airlines), contains a statement of purpose of the statute (section 2) and sets out the role of the Canadian Human Rights Commission, which includes fostering public understanding of the principles and protections in the *CHRA* (section 27(1)).

The importance of human rights education

The importance of human rights education is set out in key human rights instruments and by key human rights organizations.

The United Nations Convention on the Rights of the Child⁶ provides in Article 29:

1. States Parties agree that the education of the child shall be directed to:

...

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

...

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

The United Nations Declaration on Human Rights Education and Training, adopted by the United Nations General Assembly in December 2011, affirms that States are duty-bound, as stipulated in various human rights instruments, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms.⁷ Key articles in the Declaration provide:

Article 1

1. Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.

2. Human rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, in accordance with the principles of the universality, indivisibility and interdependence of human rights.

3. The effective enjoyment of all human rights, in particular the right to education and access to information, enables access to human rights education and training.

...

Article 3

1. Human rights education and training is a lifelong process that concerns all ages.

2. Human rights education and training concerns all parts of society, at all levels, including preschool, primary, secondary and higher education, taking into account academic freedom where applicable, and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting. It includes, inter alia, vocational training, particularly the training of trainers, teachers and State officials, continuing education, popular education, and public information and awareness activities.

3. Human rights education and training should use languages and methods suited to target groups, taking into account their specific needs and conditions.⁸

The United Nations' World Programme for Human Rights Education was initiated in 2005 and is ongoing. The current phase (2020-2024) focuses on youth, including the objective of expanding human rights education for, with, and by youth, in formal and informal settings.⁹

The United Nations Office of the High Commissioner for Human Rights states:¹⁰

Human rights can only be achieved through an informed and continued demand by people for their protection. Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community.

Human rights education constitutes an essential contribution to the long-term prevention of human rights abuses and represents an important investment in the endeavour to achieve a just society in which all human rights of all persons are valued and respected.

As noted by the Canadian Teachers' Federation in its report on *Human Rights Education in Canada*, the United Nations placed a high priority on human rights education, including the UN Decade for Human Rights Education (1995-2004) and its World Programme for Human Rights Education.¹¹

The John Humphrey Centre for Peace and Human Rights ("JHC"), based in Edmonton, with programs extending throughout Alberta, nationally, and internationally, notes the importance of human rights education, which is a key component of its programs:

There are four areas of human rights action necessary for building a rights based community where all are valued, included and belong. These action areas are to educate, facilitate, document, and advocate on human rights. These four areas

intersect and are interdependent, and thus, JHC's action for change flows through these action areas.

1. To know one's human rights is fundamental in order to be able to claim rights and be able to stand up for what one needs in community. Thus educating on human rights for children, youth and adults is at the core of JHC's work. JHC provides education to policy makers, decision makers, organizations, businesses, children, youth and the larger community on human rights. We educate on the roles and responsibilities of all people living together in community, or at an organizational level, to cultivate a culture of peace, inclusion, respect, and reciprocity. JHC educates on human rights as values and tools.¹²

...

Of course, women's rights are human rights and so, learning about key human rights concepts like equality and our collective responsibility to respect the dignity of others, irrespective of their gender, is an important early intervention in preventing gender-based violence. According to the findings of a systemic review by several academic researchers, "schools are ideal settings for promoting gender-based violence and abuse prevention, providing knowledge for children to recognize and reduce risk behaviors."¹³ As written earlier this year by the Minister of Justice and Attorney General of Canada, Arif Virani, gender-based violence is an "epidemic" in this country.¹⁴ As such, our society needs to commit all available resources and tools to ending this epidemic—human rights education is one such tool.

Human rights education is crucial in school curriculum

That human rights education should be included in school curriculum is advocated by education-connected organizations.

As stated by the Canadian Teachers' Federation in its report on human rights education: As teachers prepare students for the challenges of an increasingly complex and diverse globalized world, we believe that education for and about human rights needs to be part of the important conversation about how we define the concept of 21st century learning.¹⁵

The Social Studies Council of The Alberta Teachers' Association included human rights education in its 2021 information series, posted on social media, on what good social studies should look like.¹⁶ In the project's first week, the posts presented good social studies as building community, including by promoting human rights and social justice. In the fourth week of the project, the posts described good social studies as promoting active citizenship, by (among other things) embracing the spirit of democracy, including rights, freedoms, and responsibilities.

The Alberta Civil Liberties Research Centre, based in Calgary, states:

This resource is designed to complement the Alberta K-6 Social Studies curriculum and suggests and discusses where human rights topics can be explored in the

classroom in conjunction with the curriculum. Learning about human rights will not only complement the information students will already be learning in the classroom but will also provide students with the insight and tools to understand their space within the world, our country and their communities. Understanding the importance of the rights and responsibilities we have as humans will equip children with the tools to stand up for themselves and others, promote respect and equality and become leaders in their schools and communities.¹⁷

In the United States, the National Council for the Social Studies (NCSS) issued a Position Statement, approved and published in 2021, including:

... In the 2014 Position Statement, "Human Rights Education: A Necessity for Social and Civic Learning," NCSS affirmed the importance of teaching and learning about human rights "from early childhood through advanced education and lifelong learning." Today, as the challenges to human rights and democracy have proliferated across the globe and domestically, we renew and expand that commitment, highlighting the need for education not only about human rights, but through human rights and for human rights. To equip ourselves and our students to meet our responsibilities and to fulfill the promise of human rights, the National Council for the Social Studies calls for a comprehensive commitment and a coordinated plan of action to (1) recognize the importance of human rights education; (2) integrate human rights education into social studies curricula, schoolwide policies, and classroom practices; (3) develop impactful human rights educators; (4) foster youth engagement and voice; and (5) infuse human rights education into local, state, and national policies.¹⁸

Alberta's existing social studies curriculum includes components on equality rights, but it should be expanded

The existing K-6 social studies curriculum includes components on the values underpinning equality rights (primarily in early years) and specific knowledge and appreciation of the *Charter* (particularly in Grades 5 and 6).¹⁹ Value-based components involving learning about appreciation and respect for self and others, appreciation of diversity, respect for their individual rights and the rights of others, and sense of belonging are included in the social studies curriculum for Kindergarten, Grade 1, Grade 2, and Grade 3.

The Grade 5 social studies curriculum now expressly includes:

- Canada: The Land, Histories and Stories
Grade 5 students ... reflect on the stories of diverse Aboriginal, French, British, and immigrant experiences in Canada over time.
- 5.3 Canada: Shaping an Identity
 - Knowledge and Understanding
 - 5.3.3 the Famous Five
 - 5.3.5 How is the *Canadian Charter of Rights and Freedoms* a symbol of Canada's emerging identity?
- Glossary of Terms and Concepts

- *Canadian Charter of Rights and Freedoms*: Document entrenched in the *Constitution Act, 1982* that lists and describes the fundamental rights and freedoms guaranteed to Canadians.

The Grade 6 social studies curriculum now expressly includes:

- Democracy: Action and Participation
- ...
- 6.1 Citizens Participating in Decision Making
 - 6.1.1 Students will
 - recognize and respect the democratic rights of all citizens in Canada
 - value the role of the *Canadian Charter of Rights and Freedoms* in protecting individual and collective rights and freedoms
 - 6.1.3 Students will analyze how the democratic ideals of equity and fairness have influenced legislation in Canada.
 - How does the *Canadian Charter of Rights and Freedoms* protect the individual rights and freedoms of all Canadians?
 - How does the *Canadian Charter of Rights and Freedoms* protect the collective rights in Canada?
 - Why is the *Canadian Charter of Rights and Freedoms* entrenched in the Canadian Constitution?
- Glossary of Terms and Concepts
 - *Canadian Charter of Rights and Freedoms*: Document entrenched in the *Constitution Act, 1982* that lists and describes the fundamental rights and freedoms guaranteed to Canadians.
 - Official language minorities – reference to s. 23 of the *Charter*.

These curriculum components certainly provide important information and perspective on rights and address important elements of diversity, respect, and rights and freedoms. However, a wider scope and increased depth would be more effective and more meaningful in forwarding Alberta’s fundamental principle and public policy that “all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation....”

Social studies curriculum in other provinces includes significant components relating to equality rights

Social studies curriculum from some other provinces shows how the values, principles, and constitutional and statutory protections relating to equality, dignity, respect, and non-discrimination can be presented at the K-6 grade levels.

Ontario

Examples from Ontario’s social studies curriculum, revised in 2023, include:

Grade 1

... Students will develop their appreciation of the need to treat all people, as well as the built and natural environment, responsibly and with respect.

Grade 2

Students will explore a variety of traditions within their families and their local communities, including those followed by First Nations, Métis, and/or Inuit, and other diverse groups within their communities, developing an understanding of how these traditions contribute to and enrich their own community and Canadian society.

Grade 5

... Students will also explore the responsibilities of Canadian citizens and levels of government. They will continue to develop their ability to examine current issues from various perspectives by investigating a Canadian social and/or environmental issue from the point of view of a variety of stakeholders ...

Specific expectation B3: Understanding Context: Roles and Responsibilities of Government and Citizens

B3.1 describe the major rights and responsibilities associated with citizenship in Canada (e.g., rights: equal protection under the law, freedom of speech, freedom of religion, the right to vote; responsibilities: to respect the rights of others, to participate in the electoral process and political decision making, to improve their communities)

...

Grade 6

... students will explore the experiences and perspectives of diverse communities in historical and contemporary Canada, including First Nations, Métis, Inuit, and settler/newcomer communities, such as the Jewish community. They will examine how these communities have contributed to the development of identities in Canada. In addition to developing their understanding of different communities in Canada, students will explore the global community and Canada's role in it.

Specific expectations

A1: Application: Diversity, Inclusiveness, and Canadian Identities

...

A1.4 explain how various groups and communities, including First Nations, Métis, and Inuit communities, have contributed to the goal of inclusiveness in Canada (e.g., with reference to the efforts of women's rights, civil rights, Indigenous, or labour organizations, or of advocacy organizations for immigrants, disabled people, or various religious or ethnic groups; the Métis idea of and belief in respectful blending), and assess the extent to which Canada has achieved the goal of being an inclusive society (e.g., with reference to the policy of multiculturalism, the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code, the Ontarians with Disabilities Act, freedom of religion, the recognition of gay marriage, the ratification of the United Nations Declaration on the Rights of Indigenous People).

Teacher supports:

Sample questions:

- What are some of the actions that have been taken by First Nations, Métis, or Inuit individuals or organizations to improve the status of Indigenous people in Canadian society?
- What was the role of women's groups in ensuring that gender was included in the Charter of Rights?
- What actions have been taken by individuals or by organizations such as L'Arche to improve the status and the quality of life of people with disabilities in Canadian society?
- Do you think that Canadian society allows for your community to make a meaningful contribution to identities in Canada? Why or why not? ²⁰

British Columbia

Examples from British Columbia's social studies curriculum, implemented for K-9 in 2016/17,²¹ include:

Grade 1: Local Communities

Big ideas:

- Our rights, roles, and responsibilities are important for building strong communities.
- Healthy communities recognize and respect the diversity of individuals and care for the local environment.

Content:

- diverse cultures, backgrounds, and perspectives within the local and other communities
- roles, rights, and responsibilities in the local community

Grade 2: Regional and Global Communities

Big ideas:

- Canada is made up of many diverse regions and communities.
- Individuals have rights and responsibilities as global citizens.

Content:

- diverse characteristics of communities and cultures in Canada and around the world, including at least one Canadian First Peoples community and culture

...

- rights and responsibilities of individuals regionally and globally
 - Sample topics:

...

- human rights

Grade 5: Canadian Issues and Governance

Big ideas:

...

- Canada's policies and treatment of minority peoples have negative and positive legacies.
- Immigration and multiculturalism continue to shape Canadian society and identity.

...

Content:

...

- past discriminatory government policies and actions, such as the Head Tax, the Komagata Maru incident, residential schools, and internments
- human rights and responses to discrimination in Canadian society
 - Sample topics:
 - Canadian Charter of Rights and Freedoms
 - LGBTQ rights and same-sex marriage
 - gender equity
 - racism
 - religious freedoms
 - freedom of speech
 - language rights
 - protest movements
 - examples of individuals who have fought for change and spoke out against injustice
 - key provisions of the Canadian Charter of Rights and Freedoms
 - the role of the Charter in establishing equality and fairness for all Canadians (e.g., addressing cases of discrimination)

Grade 6: Global Issues and Governance

Big ideas:

...

- Systems of government vary in their respect for human rights and freedoms.

...

Content:

...

- global poverty and inequality issues, including class structure and gender
 - Sample topics:
 - treatment of minority populations in Canada and in other cultures and societies ...
- ...
- women's rights
 - social justice
 - treatment of indigenous people

- Key questions:
 - How does discrimination and prejudice in modern Canadian society compare with that during other periods in Canada’s past or in other societies (e.g., systemic discrimination, overt racism)²²

Conclusion: the Alberta social studies curriculum for Grades K-6 should include greater knowledge of and appreciation for substantive equality and other human rights

For their own sense of identity and dignity, and for their own understanding of rights and responsibilities in relation to community – local, national, and international – young Albertans need to know and appreciate the fundamental principles of and values underpinning human rights. These principles have been inspiringly set out in the Preamble to the *AHRA*. As clearly articulated by a Grade 8 student themselves, human rights education “is important because it gives us an idea of the world’s problems and how young voices can be heard all around the world. It doesn’t matter what religion or race you are or what language you speak, everyone has a voice that should be heard.”²³ The current review of the K-6 social studies curriculum provides an important opportunity to introduce new components involving human rights education. We urge that this aspect of curriculum development be considered a priority.

Respectfully yours,

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¹ *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11

² *Alberta Human Rights Act*, RSA 2000, c A-25.5

³ 2020 SCC 28 (CanLII), Abella J. for the majority, para. 27

⁴<https://albertahumanrights.ab.ca/what-are-human-rights/education-and-engagement/#:~:text=The%20Alberta%20Human%20Rights%20Commission,our%20education%20progr,ams%20and%20initiatives>

⁵ RSC 1985, c H-6

⁶ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, Vol. 1577, page 3, available at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁷ UN General Assembly, *United Nations Declaration on Human Rights Education and Training*, Resolution 66/137, A/RES/66/137, 19 December 2011:

<https://www.ohchr.org/en/resources/educators/human-rights-education-training/11-united-nations-declaration-human-rights-education-and-training-2011>

⁸ *Ibid.*

⁹<https://www.ohchr.org/en/resources/educators/human-rights-education-training/world-programme-human-rights-education>

¹⁰ <https://www.ohchr.org/en/resources/educators/human-rights-education-training>

¹¹ Froese-Germain, B., R. Riel, and P. Theoret, Canadian Teachers' Federation, *Human Rights Education in Canada: Results from a CTF Teacher Survey*, 2013, page 1, <https://eric.ed.gov/?id=ED544250>

¹² <https://www.jhcentre.org/about-us>

¹³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9819047/#B17-healthcare-11-00142>

¹⁴ https://www.documentcloud.org/documents/23919401-ckw-justice_attorney-general-response

¹⁵ *Human Rights Education in Canada*, note 11, page 21

¹⁶ <https://linktr.ee/atassc>

¹⁷ <https://www.aclrc.com/hr-in-schools-intro>

¹⁸ <https://www.socialstudies.org/position-statements/human-rights-education>

¹⁹ <https://education.alberta.ca/social-studies-k-6/programs-of-study/>

²⁰ <https://www.dcp.edu.gov.on.ca/en/curriculum/elementary-sshg/grades-list>

²¹ https://www.cotronline.ca/pluginfile.php/495272/mod_resource/content/1/BC%20K-12%20Curriculum%20Timeline%20of%20Rollout.pdf

²² <https://curriculum.gov.bc.ca/curriculum/social-studies>

²³ <https://www.amnesty.org.uk/resources/download-words-burn-resources>