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The UPR of Canada is a missed opportunity to escalate human rights commitments

Human Rights Council adopts Universal Periodic Review outcome on Canada

Amnesty International is disappointed that Canada's response to its UPR, while containing welcome commitments, does not commit to substantial advances and primarily confirms initiatives already underway.

Canada reiterates that a protocol and stakeholder engagement strategy are being developed to coordinate implementation of international human rights obligations across federal, provincial and territorial jurisdictions, but offers no concrete plans or timeline to ensure these urgent reforms advance.¹

Treaty ratification commitments appear to have weakened from previous announcements about moving to accede to the Optional Protocols to the Convention against Torture and the Convention on the Rights of Persons with Disabilities. This response states there is no decision yet regarding accession.²

The government's assertion that it is working in partnership with Indigenous Peoples to operationalize free, prior, and informed consent flies in the face of continuing approvals of major resource projects without consent.³ Canada's claim that it will implement the recommendations of UNCERD through the measures it deems appropriate is concerning.⁴ In the case of the Site C dam, for example, the irreparable harm to the exercise of Indigenous rights and failure to obtain free, prior and informed consent means that halting construction is the only appropriate measure to uphold Canada's human rights obligations.

The existence of various measures to address violence against women does not reduce the need for a comprehensive national action plan.⁵ In respect to Indigenous women and girls, UNCEDAW recommended a national action plan because existing piecemeal initiatives are inadequate. For example, Indigenous women's organizations have long raised the need for accurate data about violent crimes against Indigenous women and girls. The government has

¹ A/HRC/39/11, recommendations 142.35 through 142.37 (Paraguay, Norway, France).

² With respect to OPCAT: A/HRC/39/11, recommendations 142.8 through 142.20 (Italy, Mongolia, Tunisia, Ghana, United Kingdom, Romania, Switzerland, Hungary, Czech Republic, Australia, Germany, Greece, New Zealand, Netherlands, Portugal, Chile, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Estonia, France, Kenya, Costa Rica, Panama, Spain, Zambia); with respect to OPCRPD: A/HRC/39/11, recommendations 142.21 through 142.23 (New Zealand, Greece, Croatia, Finland, Spain).

³ A/HRC/39/11, recommendations 142.251 (Slovenia), 142.254 (Holy See), 142.255 (Russian Federation), 142.257 (Ireland).

⁴ A/HRC/39/11, recommendation 142.32 (Azerbaijan).

⁵ A/HRC/39/11, recommendations 142.191 through 142.197 (Norway, Germany, Albania, Australia, Zambia, Denmark, Finland).

had ample time to establish protocols to ensure this information is collected and used appropriately. Continuing inaction is unacceptable.⁶

The acceptance of the recommendation about equal access to asylum proceedings for all individuals who attempt to enter Canada⁷ is inconsistent with the Safe Third Country Agreement which bars refugee claims at official Canada/US land border posts.

Canada has not yet established the Ombudsperson for Responsible Enterprise, announced in January 2018. The Ombudsperson, empowered to conduct independent investigations into allegations of human rights abuses involving Canadian companies and compel corporate disclosure, is necessary to ensure remedy for people harmed.⁸

Particularly disappointing is Canada's refusal to address concerns about inadequate protection of economic, social and cultural rights. Canada failed to affirm the interdependence of these rights with rights in the Canadian Charter⁹ and did not commit to recognizing the right to housing in upcoming legislation implementing a national housing strategy.¹⁰

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Canada on 21 September 2018 during its 39th session. Prior to the adoption of the report of the review Amnesty International delivered this oral statement.

Amnesty International also contributed to the information basis of the review through its submission on country: <https://www.amnesty.org/en/documents/amr20/7362/2017/en/>

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org

⁶ A/HRC/39/11, recommendation 142.205 (Australia).

⁷ A/HRC/39/11, recommendation 142.268 (Mozambique).

⁸ A/HRC/39/11, recommendations 142.91 through 142.95 and 142.97 (Thailand, Philippines, Brazil, Namibia, Azerbaijan, Syria).

⁹A/HRC/39/11, recommendation 142.151 (Uruguay).

¹⁰ A/HRC/39/11, recommendations 142.162 and 142.164 (Philippines, Portugal).