

2005 UN Commission on Human Rights: Recommendations to the government of Canada on the occasion of its election on the Bureau of the Commission on Human Rights

On the occasion of its election to the Bureau of the 61st session of the United Nations (UN) Commission on Human Rights (the Commission), Amnesty International calls on the government of Canada to seize this opportunity to demonstrate leadership in the promotion and protection of human rights.

Amnesty International believes that by taking concrete steps to advance the promotion and protection of human rights during its term on the Bureau of the Commission, the government of Canada will send a strong signal to the international community about the responsibilities that come with membership of the Commission and will encourage other states to take similar steps and contribute to the promotion and protection of human rights worldwide.

Amnesty International welcomes Canada's demonstrated commitment to human rights, including the fact that it has ratified most of the international human rights treaties, recognised the competence of most treaty monitoring bodies to consider individual communications and undertake inquiries into grave or systematic violations of human rights, and regularly cooperated with the Special Procedures of the Commission, including by extending a standing invitation.

Amnesty International encourages the government of Canada to take some or all of the following additional measures:

- Ratify without reservations:
 - The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty;
 - The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
 - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Withdraw its reservations to the Convention on the Rights of the Child and amend its declaration under article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to set a minimum age of 18 years for all forms of recruitment to its armed forces;

- Ensure full implementation of the human rights treaties to which Canada is party, including through specific legislation to implement treaty obligations domestically and by taking steps to ensure cohesive implementation by federal and provincial levels of government;
- Accept the right of individual petition under the Convention on the Elimination of Racial Discrimination;
- Cooperate with the human rights treaty monitoring bodies, including by:
 - Submitting full and timely reports and presenting any overdue reports, including to the Committee on the Elimination of All Forms of Discrimination against Women and the Committee on the Rights of the Child under the Optional Protocol on the involvement of children in armed conflict;
 - Implementing the concluding observations of all treaty bodies, as well as the requests for interim measures and the views of the Human Rights Committee and the Committee against Torture;¹
- Cooperate with the Special Procedures of the Commission, including by implementing their recommendations or providing a prompt and detailed explanation of any obstacles to their implementation. Amnesty International draws particular attention to those of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, such as his recommendation that Canada begin a process of consultation with indigenous peoples in Canada concerning ratification of International Labour Organization Convention 169;² and
- Act on the welcome statement made before the Third Committee of the UN General Assembly in November 2004, which acknowledged that action must be taken to better protect indigenous women in Canada from violence.³

Since its creation, the Commission has fulfilled a key role in promoting and protecting human rights worldwide. However, as the UN High-level Panel on Threats, Challenges and Change observed in its report, “[i]n recent years, the Commission’s capacity to perform [its] tasks has been undermined by eroding credibility and professionalism” and “[t]he Commission cannot be credible if it is seen to be maintaining double standards in addressing human rights concerns”.⁴ Amnesty International considers that it is essential to re-establish the authority of the Commission as the UN’s chief human rights body and to enable

¹ *Communication no. 1051/2002: Canada* (CCPR/C/80/D/1051/2002), 15 June 2004, in which the Committee found that Canada violated the International Covenant on Civil and Political Rights, in particular its article 7 on the prohibition of torture.

² E/CN.4/2005/88/Add.3 of 2 December 2004.

³ Ambassador Gilbert Laurin, Deputy Permanent Representative of Canada to the United Nations, Statement to the Third Committee of the 59th Session of the United Nations General Assembly, 1 November 2004.

⁴ “*A more secure world: Our shared responsibility*”, Report of the High-level Panel on Threats, Challenges and Change (A/59/565), para. 283.

it to address human rights issues in all countries at all times and respond effectively to crisis situations. Our organization believes that it is incumbent on each member of the Commission to take responsibility for this and looks to the members of the Bureau to lead by example.

Amnesty International encourages the government of Canada to take a leading role in efforts to:

- Ensure that effective promotion and protection of human rights in individual countries from all regions is a central function of the Commission;
- Establish objective and transparent criteria and procedures for the examination by the Commission of the human rights situation in individual countries; such criteria should draw on the experience of the UN High Commissioner for Human Rights and take into account the recommendations by the Special Procedures and the human rights treaty monitoring bodies, and reflect any country's failure to cooperate with the UN human rights mechanisms;
- Create effective procedures for monitoring and evaluating governments' implementation of the resolutions and decisions of the Commission and the recommendations of its Special Procedures in order to enhance governments' accountability for respect for human rights;
- Support adequate funding from the UN regular budget for the human rights programme.