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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 ***

Canada

The present report is a summary of 50 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations²

1. The National Union of Public and General Employees (NUPGE) asked the Government to ratify ILO Conventions No. 29, 98 and 138.³
2. Independent Living Canada (ILC) recommended Canada ratify the CPD and its Optional Protocol.⁴ La Ligue des droits et libertés (LDL) a recommandé que le Canada ratifie le OP-CAT.⁵ Action Canada for Population and Development (ACPD) recommended Canada ratify the ICRMW,⁶ and Amnesty International (AI) called for ratification of the abovementioned and the CED.⁷
3. The Assembly of First Nations (AFN) said the Government had stated its understanding that the Declaration on the Rights of Indigenous Peoples (the Declaration) has no legal effect in Canada, and its provisions do not represent customary international law.⁸ Joint Submission Four (JS4)⁹ expressed similar concerns, adding Canada sought to prevent the Organization of American States from using the Declaration as a minimum standard in negotiating the draft American Declaration on the Rights of Indigenous Peoples.¹⁰ The Canadian Human Rights Commission (CHRC) regretted Canada's decision to vote against the Declaration.¹¹ Franciscans International (FI), Joint Submission Five (JS5),¹² LDL and AI called for Canada to reverse its position.¹³
4. FI a recommandé au Canada de reconnaître officiellement le droit à l'eau tel que présenté dans le Commentaire General 15 du CESC.¹⁴

B. Constitutional and legislative framework

5. Joint Submission Two (JS2)¹⁵ recommended the Government utilize the provisions of the Declaration on Indigenous Peoples as principles and minimum standards in the implementation of treaties to ensure better relations.¹⁶
6. Le Mouvement d'éducation populaire et d'action communautaire du Québec (MEPACQ) a indiqué que le Canada refuse toujours de reconnaître la justiciabilité des droits économiques, sociaux et culturels.¹⁷
7. The Canadian HIV/AIDS Legal Network (AIDSLAW) said Canada's Access to Medicines Regime, to allow generic companies in Canada to legally produce and export lower-cost versions of patented medicines to developing countries, is unnecessarily complex and cumbersome.¹⁸
8. The Native Women's Association of Canada (NWAC) recommended Canada ensure full partnership of Aboriginal women in the joint implementation study by the Government and First Nations, required by Bill C-21, which removes exemption of the Indian Act from complaints of discrimination in the federal jurisdiction.¹⁹ CHRC said there was support for replacement of the Indian Act with more effective and modern legislation to enable and support First Nations' self-government.²⁰

C. Institutional and human rights infrastructure

9. Joint Submission Six (JS6)²¹ noted the federal Government claims that difficulties in federal/provincial/territorial relationships present obstacles in fulfilment of treaty obligations, but

remarked that when Canada signs an international human rights treaty, all levels of government are bound by it.²² Joint Submission One (JS1)²³ recommended development of a coordinated and accountable process for monitoring implementation, involving both levels of government, indigenous peoples and civil society.²⁴

10. Centre for Research-Action on Race Relations (CRARR) said victims of discrimination at the federal level rely exclusively on the CHRC to investigate their complaints and to decide whether to refer cases to the Canadian Human Rights Tribunal. When the Commission refers them to the Tribunal, victims must proceed at their own expense, either unrepresented or having to pay for their own lawyers.²⁵

11. International Center for Transitional Justice (ICTJ) said the Indian Residential Schools Settlement Agreement of September 2007, included provisions for financial compensation, a truth commission, and additional healing measures for survivors.²⁶ It recommended, inter alia, that the Government respect the full independence of the commission, and that the commission design appropriate mechanisms to ensure that information of potential interest to criminal justice is not lost and law enforcement is not hindered.²⁷

12. JS2 recommended the government establish House of Commons/Senate Committees in the Parliament of Canada on the International Affairs of Indigenous Peoples.²⁸

D. Policy measures

13. AI said Canada's failure to systematically provide disaggregated data can obscure critical human rights concerns for vulnerable populations, with gaps in data particularly acute with respect to indigenous peoples.²⁹

14. The Ecumenical Justice Initiatives (KAIROS) said Canada needs a national housing strategy, a national energy policy, and a poverty reduction/eradication strategy.³⁰

15. ILC said the document "From Vision to Action: Building an Inclusive and Accessible Canada" of 2007, signed by 99 disability organisations, contains a specific framework to address the rights of Canadians with disabilities.³¹ Disability Rights Promotion International-Canada (DRPI-Canada) said increased participation by people with disabilities should be built into every policy, program and legal initiative affecting them.³² Council of Canadians with Disabilities (CCD) made similar recommendations.³³

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

16. JS4 said that Canada erroneously concluded that it is inappropriate for the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous peoples to promote the implementation of the Declaration with respect to Canada, since Canada had voted against its adoption.³⁴

B. Implementation of international human rights obligations

1. Equality and non discrimination

17. AFN said First Nations citizens were disadvantaged in personal income, employment, education and health, and drastically overrepresented in incarceration rates, disabilities, poor

health indices, suicide and poverty.³⁵ CHRC said that according to Canada's Correctional Investigator, Aboriginal inmates often face systemic and institutional discrimination.³⁶ The Canadian Coalition for the Rights of Children (CCRC) said that in 2008, Canada's Auditor General confirmed research studies showing that funding for First Nations child and family services is inequitable to funding for non-Aboriginal children. It said children with disabilities, immigrant and refugee children, and children living in rural areas are also vulnerable to marginalization through inequitable treatment.³⁷

18. Feminist Alliance for International Action (FAFIA)³⁸ said aboriginal women are marginalized in the labour force, disproportionately working in lower paid and precarious jobs, with higher unemployment rates and lower incomes. They also do not have the same levels of education as non-Aboriginal women and their life expectancy is lower.³⁹

19. CCD said over 55 percent of working-age adults with disabilities are unemployed or out of the labour market. For women with disabilities, the rate is almost 75 percent.⁴⁰

20. NWAC said that in March 2008, the Government introduced a bill on the Family Homes on Reserve and Matrimonial Interests or Rights Act, but legal rights must be accessible and enforceable to be meaningful. NWAC urged concrete measures to ensure that non-legislative measures recommended by Aboriginal women are implemented. NWAC said it was clear that systemic issues of violence against women, limited access to justice, poverty, housing and the power of Indian Act Chiefs and Councils needed to be addressed alongside legislative amendments.⁴¹

21. Egale Canada said that some health and asylum policies continue to discriminate against LGBT (lesbian, gay, bisexual and transgender/transsexual) people.⁴²

2. Right to life, liberty and security of the person

22. FAFIA said violence against women remains a key problem, with Aboriginal women experiencing grave and systematic forms of violence. Yet, there is a noted lack of comprehensive reporting and statistical analysis by Government of its scale and character.⁴³ AI and NWAC expressed similar concerns.⁴⁴ AI said a 1996 figure revealed that indigenous women between the ages of 25 and 44 with status under the Indian Act are five times more likely than other women to die from violence. There has been widespread acknowledgement of the role of racism, discrimination and indifference in contributing to this violence. There have been initiatives in several jurisdictions to improve police response and increase access to culturally appropriate services for women escaping violence. However the federal government has yet to institute a national strategy consistent with the severity of threats facing indigenous women.⁴⁵

23. AI called on Canada to establish an independent oversight body for federally-sentenced women prisoners, including a process for independent adjudication of decisions related to involuntary segregation.⁴⁶ FAFIA said women are subject to more disadvantaged treatment and more restrictive conditions of confinement than men.⁴⁷

24. CCRC recommended Canada prohibit all forms of violence against children, including corporal punishment, by repealing Section 43 of the Criminal Code. It made recommendations on the federal Government's plans for a national strategy to prevent injury to children.⁴⁸

25. ACAT Canada and the International Federation of Action by Christians for the Abolition of Torture (FIACAT) highlighted the use of an electric stun gun called Taser on an increasingly regular basis by Canadian police, despite cases where instead of simply neutralising the suspect,

it has killed him.⁴⁹ LDL et AI l'ont recommandé un moratoire sur l'utilisation du Taser au Canada.⁵⁰

26. AI noted that provisions in Canadian law criminalize trafficking and provide for the possibility of immigration enforcement action against both traffickers and victims of trafficking. Guidelines adopted by the Government in May 2006 have proved inadequate.⁵¹

3. Administration of justice and the rule of law

27. ILC said cancellation of the Courts Challenges Program in 2006 was a barrier to access of equal rights, as the programme was directed at citizens seeking equality under the law who would otherwise not have the means to exercise their rights.⁵² International Presentation Association (IPA) and JS6 expressed similar concerns.⁵³ CRARR said the program has been restored but is restricted to cases relating to official language rights, with victims of discrimination having no such government-funded assistance.⁵⁴

28. AI said Canadian law allows for the criminal prosecution of individuals accused of committing crimes against humanity and war crimes abroad, but in the past eight years only one prosecution had been launched, as it is difficult to use Canadian courts to pursue civil suits against foreign governments accused of serious human rights violations due to the provisions of Canada's State Immunity Act.⁵⁵

4. Freedom of movement

29. MEPACQ a indiqué que la mise en place du programme des listes d'interdiction de vol qui sont fusionnées en une seule base de données couvrant l'ensemble de l'Amérique du Nord, constitue une violation de la liberté de circulation et d'établissement et de la protection des renseignements personnels du Canada.⁵⁶ ICLMG said the "no-fly list" programme allowed the Government to place names on a list preventing individuals from boarding flights, without any judicial process or authorization and without notice to the listed person. The individuals in question can apply to have their names removed from the list but have no access to the information forming the basis of the listing. Many listings appear to have been influenced by racial and religious profiling.⁵⁷

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

30. Reporters Without Borders (RSF) indicated an increase in incidents where courts override the confidentiality of sources. This follows a 2004 law forcing journalists to hand over files and reveal sources if police require them in criminal cases.⁵⁸ It recommended the Government introduce amendments to Bill C-10, which currently paves the way for censorship of film and video production.⁵⁹

31. PEN Canada (PEN) recommended Canada ensure there is no repetition of attempts to constrain freedom of expression through the guise of human rights legislation, and that hate propaganda cases are dealt with solely in the courts under the provisions of the Criminal Code. It urged the government to remove subsection 13(1) of the Canadian Human Rights Act⁶⁰ in this regard.

32. ICLMG said police, intelligence officers and other officials have carried out their duties with an approach of unwarranted suspicion and irresponsible labelling, including religious and racial profiling, especially against Arab and Muslim Canadians. Canada's Anti-Terrorism Act

has intimidated certain segments of the population with respect to their rights and has had a chilling effect on religious practice and on the funding and programs of civil society organizations dealing with international development and human rights advocacy.⁶¹

33. LDL a dit que les activités de la Gendarmerie royale du Canada, la Police provinciale de l'Ontario et la Sûreté du Québec lors du sommet du Partenariat pour la sécurité et la prospérité à Montebello en août 2007 ont perturbé les manifestations et restreint abusivement la capacité des manifestants d'exprimer leurs opinions politiques.⁶²

34. CRARR said Canada's "Embracing Change" programme, created to increase the representation of "visible minorities" in the federal public service, especially for management and executive positions, had failed to reach its goals.⁶³

6. Right to work and to just and favourable conditions of work

35. NUPGE said that restrictions had been placed on the right of unions to organise; collective agreements have been torn up; freely negotiated wages and benefits have been taken away; employers' proposals have been legislatively imposed on workers and the right to strike removed, both in the private and the public sector.⁶⁴ KAIROS said the right to unionize and the ability of unions to protect workers' interests has been undermined by measures introduced in 1995, many of which can be linked to the effect of the North American Free-Trade Agreement provisions allowing employers to relocate jobs and abandon workers more easily.⁶⁵

36. LDL a dit que le Canada n'a pas pris les mesures nécessaires pour éliminer l'exploitation et la violence subies par les travailleurs migrants comme le CDESC a recommandé.⁶⁶ AI said that the requirement that domestic caregivers live with their employers makes them vulnerable to abuse; as do a variety of restrictions on the labour rights of agricultural workers, including health and safety standards and working conditions.⁶⁷ KAIROS added migrant seasonal agricultural workers and live-in caregivers are tied to a specific employer, making them highly vulnerable to abuse and exploitation. Workers are being forced to work 12-14 hours without overtime pay, and if workers complain, try to organize or unionize, they are sent back.⁶⁸ AI said migrant workers who lack immigration status are at heightened risk of domestic violence and of having their rights violated by unscrupulous employers and landlords.⁶⁹

7. Right to social security and to an adequate standard of living

37. Citizens for Public Justice (CPJ) recommended the adoption of a federal poverty reduction strategy to tackle the persistent problem of poverty,⁷⁰ saying 10.5 percent of Canadians have incomes insufficient for meeting basic needs. CCRC said it joined a wide network of NGOs in Canada, under the umbrella of "Make Poverty History", in calling for Canada to develop such a strategy, including specific measures to address the various factors that contribute to child poverty and preventive strategies for homelessness and street children.⁷¹ Joint Submission Three (JS3)⁷² echoed the call for a national strategy, adding the need for special attention to difficulties faced by homeless girls.⁷³

38. FAFIA said the Government has reduced benefits, limited eligibility and increased punitive regulation of benefit recipients in the provision of social assistance, increasing the suffering of women, who are more dependent than men on it.⁷⁴ FAFIA said women in Canada are disproportionately poor, with lone mothers being the poorest family type.⁷⁵

39. The Wellesley Institute (WI) said its research confirms a rise in mass homelessness since Canada made cuts in housing spending and in legislation to provide security of tenure and other

basic protections. It also says a disproportionate burden of housing insecurity and poverty is born by Aboriginal people, women, immigrants, and people from a variety of ethno-social groups.⁷⁶ The Pivot Legal Society (PLS) said overall street homelessness has increased in the Vancouver area by at least 39 percent from 2005, low-income rental housing stock continues to deteriorate, inadequate protections against displacement by gentrification threaten long-time low-income resident populations, and criminalization of homelessness through policing and private security initiatives (originating from State and business interests in the area) threaten the health and safety of homeless populations.⁷⁷

40. CPJ also said not all workers receive a living wage for paid employment, and Aboriginal Canadians, newcomers and refugees experience higher than average rates of poverty, in addition to racism and discrimination.⁷⁸ AI added that a recent study of three provinces found that indigenous children were 15 times more likely to be removed from their families, in most cases, not because of abuse, but neglect, often due to poverty.

41. FI a recommandé d'assurer qu'un salaire minimum adéquat soit fixé et révisé annuellement sur le plan national, afin de permettre un niveau de vie digne. L'assistance sociale devrait être haussée et ajustée de la même manière, en vue de garantir le droit à un niveau de vie décent pour tous sans distinction.⁷⁹

42. MEPACQ a dit que jusqu'en 1990, près de 75 pour cent des travailleurs et travailleuses se retrouvant sans emploi touchaient l'assurance-chômage. Suite à la décision du gouvernement fédéral de se retirer du financement de la caisse d'assurance-emploi, et devant le manque à gagner, à peine 45 pour cent de ces travailleurs et travailleuses seraient couverts.⁸⁰

43. LDL a dit qu'aucune mesure n'a été mise en œuvre relative à la recommandation du CDESC que le Canada accorde pleine valeur juridique et examine sa position sur le droit à l'eau afin d'assurer un accès égal et approprié à l'eau à toute personne vivant sur son territoire.⁸¹

44. AIDSLAW said that in 2007, the Government had cut funding for HIV/AIDS programs by almost 15 percent, with further cuts in 2008.⁸² It also says the National Anti-Drug Strategy launched in 2007 eliminates needle exchanges, methadone clinics and supervised injection facilities, of particular importance in protecting the health of people who use illegal drugs.⁸³ HIV prevalence in prisons is at least 10 times, and Hepatitis C at least 20 times that reported in the population as a whole.⁸⁴ It said sex workers are vulnerable to violence and potential exposure to HIV because certain provisions of the Criminal Code make illegal virtually every activity related to prostitution.⁸⁵

45. FI dit que le Canada autorise les entreprises minières à déverser leurs déchets toxiques dans les lacs, vouant ces derniers à une contamination mortelle pour la faune et la flore.⁸⁶ RightOnCanada (ROC) also said increasingly, hazardous chemicals and pesticides are exported to developing countries, which lack resources and infrastructure to handle them safely.⁸⁷

46. Canadians for Choice (CFC) said that even though there are no legal restrictions to abortion in Canada, lack of accessibility is a barrier for women who choose to terminate their pregnancies. Only one in every six hospitals offers abortion services.⁸⁸

8. Right to education and to participate in the cultural life of the community

47. KAIROS said the cost of secondary education has been steadily rising for over a decade, leading to exclusion of many low-income youth.⁸⁹ FAFIA expressed similar concerns, saying it

has become financially prohibitive for many poor women and lone mothers to pursue higher education.⁹⁰

48. JS2 recommended the government introduce a curriculum of studies on indigenous Treaties and Agreements based on indigenous oral traditions and perspectives for all schools across Canada to promote human rights education.⁹¹

9. Minorities and indigenous peoples

49. AFN said the Government denies the rights of First Nations contained in Canada's Constitution and in other legal instruments by narrow and regressive interpretation of the rights, and the right to self-government is denied through the exercise of jurisdiction by the Government in application of the Constitution Act and the Indian Act.⁹²

50. KAIROS said the harm caused by Canada's active and vocal opposition to the Declaration on Indigenous Peoples is compounded by an extensive propaganda campaign fuelling discrimination by presenting the protection and promotion of indigenous rights as a threat to rights of non-indigenous peoples.⁹³

51. First Nations Summit (FNS) said Canada denies the title and rights of First Nations, forcing them into lengthy, expensive litigation to defend inherent rights.⁹⁴ Canada also continues to deny constitutionally-protected title and rights of First Nations in modern treaty negotiations, inter alia, by demanding the "modification" of indigenous rights in return for the rights granted by the treaty.⁹⁵ Similar concerns were expressed by KAIROS.⁹⁶ FNS recommended inter alia that Canada abandon this requirement and provide First Nations with access to financial assistance in the form of contributions – not loans – to participate effectively in treaty negotiations.⁹⁷

52. The Land Claims Agreements Coalition (LCAC) says the Government has failed universally to fully implement the spirit and intent and the broad socio-economic objectives of all modern land agreements, this failure being inconsistent with, inter-alia, the right of self-determination.⁹⁸ Similar concerns were expressed by JS2.⁹⁹ The Cape Mudge Band Council (also known as the We Wai Kai Nation or WWKN) said that Canada and the WWKN had been in Court for 18 years in a case involving the ownership of two Indian Reserves on Vancouver Island, with Canada rejecting appropriate reconciliation. The WWKN is seeking resolution to this conflict by traditional means, through a Big House ceremony and compensation by Canada for the costs of the protracted dispute.¹⁰⁰

53. The Lubicon Lake Indian Nation (LLIN), recalling several United Nations decisions regarding the abuse of its rights under the ICCPR and the ICESCR, said interim measures of protection had not been taken, despite Human Rights Council decisions instructing Canada to do so.¹⁰¹ LLIN says the Lubicon people have been forced to turn to welfare to survive, live in overcrowded housing conditions without basic services, suffering serious health problems related to resource exploitation, including reproductive problems which resulted in 19 stillbirths out of 21 pregnancies in an 18 month period.¹⁰²

54. AI said resource extraction on the traditional lands of indigenous people has grown dramatically. Legal duties of consultation and consent are routinely ignored, raising concerns that indigenous peoples' rights may be dramatically eroded before disputes over land rights are resolved.¹⁰³

55. Athabasca Chipewyan First Nation (ACFN) said their traditional territories at Fort Chipewyan, downstream from pulp mills, oilsands tailings ponds, oilsands mines, and other industrial developments located along the Athabasca River, have been affected,¹⁰⁴ resulting in a rare form of cancer in residents; contamination of water and destruction of fish habitat; and contaminants in the food supply.¹⁰⁵ ACFN said the Government has abdicated its responsibility to ensure community consultation with regard to the licences granted by the Alberta government to industry within its traditional territories.¹⁰⁶ It says its traditional way of life has disappeared.¹⁰⁷ JS5 expressed similar concerns adding that there are many similar examples of Canada's failure to obtain consent of indigenous peoples regarding mineral extraction on their homelands.¹⁰⁸ FIACAT said the government is unwilling to discuss the environmental consequences of hydroelectric or petroleum plants and forestry and mining concessions and still less the economic benefits that should also be shared out with indigenous Canadian communities.¹⁰⁹

56. L'Assemblée des Premières Nations du Québec et du Labrador (APNQL) indique que les Premières Nations sont victimes d'un sous-financement alarmant du système d'éducation et sont toujours assujetties aux normes rétrogrades et humiliantes édictées par la Loi sur les Indiens.¹¹⁰ Elle recommande un investissement massif et à long terme pour défendre le droit de toutes et de tous de recevoir une éducation publique de qualité, et de créer les conditions nécessaires permettant l'expression d'un tel droit pour l'ensemble des membres des Premières Nations; un investissement d'importance qui permettrait de mettre en branle un système autochtone de protection de la jeunesse et qui assurerait des ressources et un soutien comparable aux familles canadiennes; un investissement massif immédiat dans le logement social et initier des négociations fédéral-Premières Nations concernant la juridiction sur le logement; l'instauration d'un système de cogestion et l'élaboration des normes et des mesures d'exploitation du territoire sur une base d'égalité, dans un cadre de souveraineté partagée; et d'autant que la cogestion constitue un droit, et non une faveur soumise au bon désir des autorités gouvernantes.¹¹¹

57. The Indigenous Network on Economies and Trade (INET) said the Comprehensive Claims Policy (CCP) does not meet minimum standards for protection of indigenous land rights as set out in the Declaration,¹¹² recommending Canada abandon the "modified rights model and non-assertion model" which, de facto, amounts to an extinguishment and surrender approach.¹¹³

58. NWAC recommended that Parliament require regular reports from the Minister of Indian and Northern Development, and all other departments, on implementation of the Declaration.¹¹⁴ ANF recommended Canada use the Declaration as a yardstick to assess Canada's obligations to indigenous peoples.¹¹⁵

10. Migrants, refugees and asylum-seekers

59. The Canada Research Chair in International Migration Law (CRCIML) said the Canadian refugee determination system is often perceived as being too politicized to be independent, due to the political appointment of some members who lack experience and expertise. CRCIML said a Refugee Appeal Division was included in the 2002 Immigration Act, but never created.¹¹⁶ AI and FI expressed similar concerns.¹¹⁷

60. Conscience and Peace Tax International (CPTI) was concerned at the actual and threatened deportation of conscientious objectors to military service.¹¹⁸ The Canadian House of Commons passed a resolution to give permanent residence status to any conscientious objector to military action without the sanction of the United Nations, but the resolution was not binding on the Government and was followed by moves to deport those whom it would have protected.¹¹⁹

61. KAIROS said Canada places several barriers to refugee and migrant family reunification, with refugees sometimes forced to wait years to be reunited with spouses and children who often live in situations of danger and persecution.¹²⁰

11. Human rights and counter-terrorism

62. International Civil Liberties Monitoring Group (ICLMG) said the 2001 Anti-Terrorism Act contains provisions dealing with preventive detention, arbitrary arrest, investigative hearings, listing of alleged terrorist groups, delisting of charitable organizations, suspension of the right to remain silent and the principle of innocence until proven guilty, which contravene the ICCPR.¹²¹ ICLMG also expressed concerns over the Public Safety Act adopted in 2004 as a companion to the Anti-Terrorism Act.¹²²

63. FIACAT said the issue of deportation or extradition of individuals to countries where there are genuine grounds to fear that they will be tortured is very topical in Canada. It cited cases of Canadian citizens of Arab origin who are awaiting opening of a full enquiry.¹²³

64. ICLMG said there was no report on implementation of the recommendations made by Justice Dennis O'Connor following his inquiry of the *Arar* case. The recommendations were aimed at preventing: disregard of the rule of law; deficient investigative practices; irresponsible labelling and sharing; racial profiling; arbitrary arrest and detention; and torture.¹²⁴ AI and Commonwealth Human Rights Initiative (CHRI) expressed similar concerns.¹²⁵

65. The Canadian Coalition for Peace and Justice (CCPJ) said 18 alleged terrorists arrested in June 2006 were initially held in solitary confinement, with 11 spending fourteen months in solitary detention and three continuing to be held in this inhuman state, not having been convicted of any crime.¹²⁶ Disturbing allegations had surfaced with respect to their treatment.¹²⁷ The judicial process raised additional concerns about the media circus, the political climate, the lack of accurate information on Islam and Muslims, and unequal resources available to the accused.¹²⁸

66. RSF supported appeals brought before the Ontario court of appeal in March 2008 against reporting restrictions imposed by a Toronto judge concerning the ongoing bail hearings of 17 people who were arrested in 2006 on terrorism suspicions.¹²⁹

67. MEPACQ a indiqué que depuis le 11 septembre 2001, et les modifications apportées à la Loi sur l'immigration et la protection des réfugiés, l'État a émis plusieurs "certificats de sécurité", qui permettent la détention d'un résident permanent ou d'un étranger soupçonné de terrorisme, sans que celui-ci puisse prendre connaissance de la preuve qui pèse contre lui.¹³⁰ FIACAT said the practice of "security certificates" raises the problem in the first instance of sending an accused person back to his own country where there is risk of torture or even death.¹³¹ Justice for Mohamed Harkat Committee (JMHC) said security certificates are mostly applied to persons of Muslim faith or persons originating from countries in North Africa and the Middle East.¹³² Canadian Centre for Victims of Torture (CCVT) said their use against inadmissible non-citizens had led to appalling conditions of limbo in detention.¹³³ A Supreme Court ruling against this process led to legislation in February 2008 to alter the security certificate process to include Special Advocates, but these are very limited in their ability to conduct cross-examinations or to seek evidence independently, potentially negatively impacting the process by sanctioning and prolonging secret trials.¹³⁴ ICLMG, AI and CHRI expressed similar concerns.¹³⁵ LDL a recommandé que le Canada abroge les dispositions concernant les certificats de sécurité de la Loi sur l'immigration ainsi que la Loi antiterroriste.¹³⁶

68. FIACAT said the Government continues not to request the repatriation of Omar Khadr, a Canadian citizen awaiting trial before a military commission at Guantanamo. FIACAT believes Mr. Khadr is an example of a child soldier who under international law should be considered a victim, and needs medical and psychological treatment and full rehabilitation. It fears his trial will be no more than a formality leading to certain conviction and life imprisonment.¹³⁷ Similar concerns on this case were expressed by ROC, LDL, CHRI and AI.¹³⁸ Lawyers' Rights Watch Canada (LRWC) recommended Canada secure his release and his repatriation to Canada, and investigate violations of his rights.¹³⁹

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

69. CHRC said the Canadian Charter of Rights and Freedoms (the Charter) guarantees a number of human rights. All provincial and territorial legislative assemblies, and Parliament, have enacted specific statutes providing administrative and legal recourse mechanisms through commissions and/or tribunals dedicated to human rights.¹⁴⁰

70. FNS acknowledged Prime Minister Harper's 11 June 2008 apology for Canada's involvement in the Indian Residential Schools system, saying it was time to move from apology to action.¹⁴¹

71. AI said difficulties in ensuring Canadian corporations operating abroad comply with human rights standards had been examined, but the government had not acted on the majority of recommendations, which propose a national corporate social responsibility framework, including a new Ombudsman.¹⁴²

72. CHRC said Canada is a leader in legal recognition of the rights of gays and lesbians. The Supreme Court of Canada has ruled that the right to equality found in the Charter extends to sexual orientation.¹⁰ Canada was one of only six States to legally recognize same-sex marriages as of September 2008.¹⁴³

73. The Charter Committee on Poverty Issues (CCPI) said homelessness, hunger and poverty are matters of choice for Canada, rather than of scarcity of resources, as Canada has led the G8 in economic growth in recent years, while implementing dramatic cuts to social programs.¹⁴⁴

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

74. ACPD said Canada had, at the 1994 International Conference on Population and Development relating to Official Development Assistance (ODA) agreed to contribute toward attainment of certain goals with respect to population and development, based on a percentage of its Gross National Income (GNI), but this percentage contribution has dropped over the past three years.¹⁴⁵ It recommended Canada immediately implement the resolution adopted by the House of Commons in June 2005 calling on the federal Government to set a plan to reach 0.5 percent of GNI to ODA by 2010, and use its G8 presidency in 2010 to set out a plan to reach 0.7 percent GNI by 2015.¹⁴⁶

75. JS6 said that, as a candidate for election to the Human Rights Council, Canada pledged to have consultation mechanisms to ensure all levels of government are aware of and give serious consideration to treaty body recommendations and that such recommendations are available to Canadians, but no such mechanisms exist.¹⁴⁷

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The list of stakeholders is being organised and compiled. The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “A” status).

Civil society

ACFN	Athabasca Chipewyan First Nation, Fort Chipewyan, Canada
ACPD	Action Canada for Population and Development*, Ottawa, Canada
AFN	Assembly of First Nations*, Ottawa, Canada
AI	Amnesty International, London*, UK
AIDSLAW	Canadian HIV/AIDS Legal Network*, Toronto, Canada
APNQL	Assemblée des Premières Nations du Québec et du Labrador, Wendake, Canada
CCD	Council of Canadians with Disabilities, Winnipeg, Canada
CCPI	Charter Committee on Poverty Issues, Huntsville, Canada
CCPJ	Canadian Coalition for Peace and Justice, Toronto, Canada
CCRC	Canadian Coalition for the Rights of Children, Ottawa, Canada
CCVT	Canadian Centre for Victims of Torture, Toronto, Canada
CFC	Canadians for Choice, Ottawa, Canada
CHRI	Commonwealth Human Rights Initiative*, New Delhi, India
CPJ	Citizens for Public Justice, Ottawa, Canada
CPTI	Conscience and Peace Tax International*, Leuven, Belgium
CRARR	Centre for Research-Action on Race Relations, Montreal, Canada
CRCIML	Canada Research Chair in International Migration Law, Montreal, Canada
DRPI-Canada	Disability Rights Promotion International Canada, Toronto, Canada
Egale	Egale Canada, Canada
FAFIA	Feminist Alliance for International Action, Ottawa, Canada
FI	Franciscans International*, Geneva, Switzerland
FIACAT	ACAT Canada and the International Federation of Action by Christians for the Abolition of Torture*, Paris, France
FNS	The First Nations Summit, West Vancouver, Canada
ICLMG	International Civil Liberties Monitoring Group Coalition, Canada
ICTJ	International Center for Transitional Justice, New York, USA
ILC	Independent Living Canada, Ottawa, Canada
INET	Indigenous Network on Economics and Trade, Vancouver, Canada
IPA	International Presentation Association*, New York, USA
JMHC	Justice for Mohamed Harkat Committee, Gatineau, Canada
JS1	Joint submission presented by 24 organisations: Promise and Reality – Canada’s International Implementation Gap, Huntsville, Canada
JS2	Joint submission presented by the International Organization of Indigenous Resource Development*, Samson Cree Nation, Ermineskin Cree Nation, Louis Bull Tribe, and Montana Cree Nation, Hobbema, Canada
JS3	Joint submission by Women’s Housing Equality Network (WHEN-Canada) and the Centre for Equality Rights in Accommodation (CERA), Ontario, Canada
JS4	Joint submission presented by 23 organisations, Montreal, Canada
JS5	Joint submission presented by the International Indian Treaty Council* and the Confederacy of Treaty No. 6 First Nations representing 18 First Nations in Alberta Canada, Edmonton, Canada
JS6	Joint submission presented by 7 organisations: British Columbia Universal Periodic Review Coalition 2008, Canada
KAIROS	KAIROS: Canadian Ecumenical Justice Initiatives, Toronto, Canada

LCAC	Land Claims Agreements Coalition, Ottawa, Canada
LDL	Ligue des Droits et Libertés, Montreal, Canada
LLIN	Lubicon Lake Indian Nation, Alberta, Canada
LRWC	Lawyer's Rights Watch Canada*, Vancouver, Canada
MEPACQ	Mouvement d'éducation populaire et d'action communautaire du Québec, Montreal, Canada
NUPGE	National Union of Public and General Employees, Nepean, Canada
NWAC	Native Women's Association of Canada*, Ohsweken, Canada
PEN	PEN Canada, Toronto, Canada
PLS	Pivot Legal Society, Vancouver, Canada
ROC	RightOnCanada, Ottawa, Canada
RSF	Reporters Without Borders*, Paris, France
WI	The Wellesley Institute, Toronto, Canada
WWKN	The Cape Mudge Band Council, Quathiaski Cove, Canada

National human rights institution

CHRC	Canadian Human Rights Commission**, Ottawa, Canada
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² The following abbreviations have been used for this document:

CDESC	Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille
CED	International Convention for the Protection of All Persons from Enforced Disappearance
CPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
OP-CAT	Protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

³ NUPGE, p.3.

⁴ ILC, p.5.

⁵ LDL, p.1.

⁶ ACPD, p.5.

⁷ AI, p.3.

⁸ AFN, p.2.

⁹ JS4: Grand Council of the Crees (Eeyou Istchee); Inuit Tapiriit Kanatami; Inuit Circumpolar Council – Canada; Union of British Columbia Indian Chiefs; Chiefs of Ontario; Atlantic Policy Congress of First Nations Chiefs Secretariat Inc.; Québec Native Women Inc./Femmes Autochtones du Québec; Asia Indigenous Peoples Pact (AIPP); Indigenous Peoples of Africa Co-ordinating Committee (IPACC); Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education); Saami Council; Cordillera Peoples Alliance; Kus Kurá S.C. (Costa Rica); Programa Indígena del Centro de Asistencia Legal Popular (Cealp); Corporación de Abogados Indígenas de Panamá (CAIP); Centro de Apoyo a las tierras nativas; First Peoples Human Rights Coalition; International Indigenous Women's Forum/ Foro Internacional de Mujeres Indígenas - North America; Indigenous Peoples Rights Monitor - Philippines; Canadian Friends Service Committee (Quakers); KAIROS: Canadian Ecumenical Justice Initiatives; International Work Group for Indigenous Affairs (IWGIA); and Forest Peoples Programme.

¹⁰ JS4, p.3.

¹¹ CHRC, p.3.

¹² JS5: International Indian Treaty Council (IITC), and the Confederacy of Treaty No. 6 First Nations representing 18 First Nations in Alberta Canada.

¹³ FI, p.3; AI, p.3.

¹⁴ FI, p.4.

¹⁵ JS2: International Organization of Indigenous Resource Development; Samson Cree Nation; Ermineskin Cree Nation; Louis Bull Tribe; Montana Cree Nation.

¹⁶ JS2, p.3.

¹⁷ MEPACQ, p.1.

¹⁸ AIDSLAW, p.2.

¹⁹ NWAC, p.1,2.

²⁰ CHRC, p.3.

²¹ JS6: British Columbia Universal Periodic Review Coalition 2008 - The Poverty and Human Rights Centre; Aboriginal Women's Action Network (AWAN); Coalition of Child Care Advocates of BC; Hospital Employees Union; Justice for Girls; Vancouver Committee for Domestic Workers and Caregivers Rights; Vancouver Rape Relief and Shelter.

²² JS6, p.7.

²³ JS1: Action des Chrétiens pour l'Abolition de la Torture – Canada; L'Association québécoise des organismes de coopération internationale; Canadian Association of Elizabeth Fry Societies; Canadian Centre for International Justice; Canadian Council for International Cooperation; Canadian Council for Refugees; Canadian Federation of University Women; Canadian Journalists for Free Expression; Canadian Lawyers Association for International Human Rights; Canadian Paraplegic Association; Civil Liberties Association – National Capital Region; Communication, Energy and Paperworkers' Union; DisAbled Women's Network Canada; Entraide missionnaire; Group of 78; Human Rights Watch; Kashmiri-Canadian Council; Maritimes-Guatemala Breaking the Silence Network; Oxfam Canada; Parkdale Community Legal Services; Safe Drinking Water Foundation; Social Justice Committee of Montreal; Social Rights Advocacy Centre; World Federalist Movement – Canada.

²⁴ JS1, p.3.

²⁵ CRARR, p.1.

²⁶ ICTJ, p.1.

²⁷ ICTJ, p.5.

²⁸ JS2, p.3.

²⁹ AI, p.3.

³⁰ KAIROS, p.5.

³¹ ILC, p.2,3.

³² DRPI-Canada, p.4.

³³ CCD, p.3,4.

³⁴ JS4, p.2,3.

³⁵ AFN, p.4.

³⁶ CHRC, p.5.

³⁷ CCRC, p.4.

³⁸ FAFIA: A Commitment to Training and Employment for Women (ACTEW); Alliance des femmes de la francophonie canadienne (AFFC); Amelia Rising Sexual Assault Centre of Nipissing; Antigonish Women's Resource Centre; Association Feminine d'Education et d'Action Sociale (AFEAS); Assembly of First Nations; Atikokan Crisis Centre; Campaign 2000; Canadian Association of Elizabeth Fry Societies (CAEFS); Canadian Association of Sexual Assault Centres / Association Canadienne des Centres Contre les Agressions a Caractere Sexuel (CASAC); Canadian Council of Muslim Women / Conseil Canadien des Femmes Musulmanes; Canadian Federation of Students; Canadian Federation of Students Women's Caucus; Canadian Federation of University Women / Association des Femmes Diplomees des Universite (CFUW); Canadian Federation of University Women - Kanata; Canadian Federation of University Women / Federation Canadienne des Femmes Diplomees des Universites (CFUW/FCFUDU) - Human Rights Committee; Canadian Labour Congress - Women's Committee / Congres du Travail du Canada (CLC); Canadian Research Institute for the Advancement of Women - National / Institut Canadien de Recherches sur les Femmes - National (CRIAOW); Canadian Research Institute for the

Advancement of Women - Nova Scotia / Institut Canadien de Recherches sur les Femmes - Nouvelle Ecosse; Canadian Union of Postal Workers (CUPW); Canadian Union of Public Employees (CUPE); Canadian Union of Public Employees (CUPE) - Women's Committee; Canadian Union of Public Employees (CUPE), National Women's Task Force; Canadian Voice of Women for Peace / La Voix Canadiennes des Femmes pour la Paix; Canadian Women's Community Economic Development Council; Canadian Women's Foundation; Canadian Women's Health Network / Réseau Canadien pour la Santé des Femmes (CWHN/RCSF); Canadians for Choice; CARAL - 2; Centre for Equality Rights in Accommodation - Toronto (CERA); Child Care Advocacy Association of Canada / Association Canadienne pour la Promotion des Services de Garde à l'Enfance; Childcare Resource and Research Unit; Committee for Domestic Workers and Caregivers' Rights; Congress of Black Women; Disable Women's Network Quebec; Disabled Women's Network Canada / Réseau d'Action des Femmes Handicapées du Canada (DAWN); Federation des femmes du Québec (FFQ); Federation de ressources d'hébergement pour femmes violentées et en difficulté du Québec ; Feminists for Just and Equitable Public Policy (FemJEPP); Intercede; Intercede; International Women of Saskatoon; Kaushee's Place - Yukon Women's Transition Home; Les EssentiElles; Manitoba Women's Advisory Council; Match International ; Media Watch; Memorial Women's Studies Department; Metis National Council of Women / Conseil National des Femmes Métisses; Mother of the Red Nations (MORN); Mother's Are Women / Mères ET Femmes; National Action Committee on the Status of Women - British Columbia; National Action Committee on the Status of Women / Comité Canadien d'Action sur le Statut de la Femme (NAC); National Association of Women and the Law (NAWL); National Council of Women in Canada / Conseil National des Femmes du Canada (NCWC); National Organization of Immigrant and Visible Minority Women and Canada / Organisation Nationales des Femmes Immigrantes et des Femmes Appartenant une Minorité (NOIVMWC - National Office); Native Women's Association of Canada / Association des Femmes Autochtones du Canada (NWAC); Nobel Women's Initiative; Older Women's Network; Ontario Association of Interval and Transition Houses (OAITH); Power Camp National / Filles d'action; Provincial Advisory Council on the Status of Women; Quebec Native Women Association / Association des Femmes Autochtones du Québec (QNWA/AFAQ); "Regroupement provincial des maisons d'hébergement ; et de transition pour femmes victimes ; de violence conjugale"; Regroupement québécois des CALACS (Centres d'aide et de lutte contre les agressions à caractère sexuel); Relais-Femmes; Riverdale Immigrant Women's Centre (RIWC); The Convention on the Elimination of all forms of Discrimination Against Women - BC (CEDAW - BC); Toronto Women's City Alliance; United Nations Development Fund for Women, Winnipeg Chapter; United Nations Platform for Action Committee (UNPAC); Vancouver Rape Relief and Women's Shelter; Vancouver Status of Women; Vancouver Women's Health Collective; Victoria Faulkner Women's Centre; Toronto Women for a Just and Healthy Planet; Women's Habitat of Etobicoke; Women's Health in Women's Hands; Women in Resource Development Inc.; Women's Inter-Church Council of Canada; Womenspace; Womenspace National Office; Centre for Northern Families / Yellowknife Women's Society; Yukon Status of Women Council; YWCA Canada - National Office / YWCA Canada - Office Nationale; YWCA of Moncton; YWCA Yellowknife.

³⁹ FAFIA, p.2.

⁴⁰ CCD, p2.

⁴¹ NWAC, p.2,3.

⁴² Egale, p.3,4.

⁴³ FAFIA, p.5.

⁴⁴ AI, p.4; NWAC, p.1.

⁴⁵ AI, p.4.

⁴⁶ AI, p.7.

⁴⁷ FAFIA, p.6.

⁴⁸ CCRC, p.5.

⁴⁹ FIACAT, p.4.

⁵⁰ LDL, p.5; AI, p.6.

⁵¹ AI, p.5.

⁵² ILC, p.2.

⁵³ JS6, p.6,7 ; IPA, p.4,5.

⁵⁴ CRARR, p.1.

⁵⁵ AI, p.7.

⁵⁶ MEPACQ, p.5

⁵⁷ ICLMG, p.3.

⁵⁸ RSF, p1,2.

⁵⁹ RSF, p.1,2.

⁶⁰ PEN Canada, 6.

⁶¹ ICLMG, p.2.

⁶² LDL, p.5.

⁶³ CRARR, p.4.

⁶⁴ NUPGE, p.1.

⁶⁵ KAIROS, p.4.

⁶⁶ LDL, p.3.

⁶⁷ AI, p.5.

⁶⁸ KAIROS, p.3.

⁶⁹ AI, p.5.

⁷⁰ CPJ, p.6.

⁷¹ CCRC, p.5.

⁷² JS3: Women's Housing Equality Network (WHEN-Canada); CERA – Centre for Equality Rights in Accommodation.

⁷³ JS3, p.9.

⁷⁴ FAFIA, p.3.

⁷⁵ FAFIA, p.1,2.

⁷⁶ WI, p.1,2.

⁷⁷ PLS, p.1.

⁷⁸ CPJ, p.2.

⁷⁹ FI, p.3.

⁸⁰ MEPACQ, p.3.

⁸¹ LDL, p.3.

⁸² AIDSLAW, p.1.

⁸³ AIDSLAW, p.2.

⁸⁴ AIDSLAW, p.3.

⁸⁵ AIDSLAW, p.4.

⁸⁶ FI, p.4.

⁸⁷ ROC, p.1,2.

⁸⁸ CFC, p.1,3.

⁸⁹ KAIROS, p.5.

⁹⁰ FAFIA, p.6.

⁹¹ JS2, p.3.

⁹² AFN, p.3.

- ⁹³ KAIROS, p.1.
⁹⁴ FNS, p.3.
⁹⁵ FNS. P.4,5.
⁹⁶ KAIROS, p.2.
⁹⁷ FNS. P.4,5.
⁹⁸ LCAC, p.1.
⁹⁹ JS2, p.1,2.
¹⁰⁰ WWKN, p.1.
¹⁰¹ LLIN, p.5.
¹⁰² LLIN, p.3.
¹⁰³ AI, p. 4.
¹⁰⁴ ACFN, p.1.
¹⁰⁵ ACFN, p.3.
¹⁰⁶ ACFN, p.5.
¹⁰⁷ ACFN, p.3.
¹⁰⁸ JS5, p.1-3.
¹⁰⁹ FIACAT, p.4.
¹¹⁰ APNQL, p.1.
¹¹¹ APNQL annex, p.7.
¹¹² INET, p.3.
¹¹³ INET, p.5.
¹¹⁴ NWAC, p.1.
¹¹⁵ AFN, p.5.
¹¹⁶ CRCIML, p.2.
¹¹⁷ AI, p.5; FI, p.5.
¹¹⁸ CPTI, p.1.
¹¹⁹ CPTI, p.2.
¹²⁰ KAIROS, p.3.
¹²¹ ICLMG, p.2.
¹²² ICLMG, p.2,3.
¹²³ FIACAT, p.1,2.
¹²⁴ ICLMG, p.4.
¹²⁵ AI, p.6; CHRI, p.2.
¹²⁶ CCPJ, p.3.
¹²⁷ CCPJ, p.4.
¹²⁸ CCPJ, p.5.
¹²⁹ RSF, p.2.
¹³⁰ MEPACQ, p.5.
¹³¹ FIACAT, p.2.

¹³² JMHC, p. 1.

¹³³ CCVT, p. 3.

¹³⁴ JMHC, pp. 2-3.

¹³⁵ ICLMG, pp. 3-4; AI, p. 6; CHRI, p. 1.

¹³⁶ LDL, p. 3.

¹³⁷ FIACAT, pp.2-3.

¹³⁸ ROC, p.1, LDL, pp. 4-5; AI, p.6; CHRI, p.2.

¹³⁹ LRWC, p.1.

¹⁴⁰ CHRC, p.1.

¹⁴¹ FNS, p.5.

¹⁴² AI, p.3.

¹⁴³ CHRC, p.4.

¹⁴⁴ CCPI, pp.1-2.

¹⁴⁵ ACPD, p.1.

¹⁴⁶ ACPD, p.5.

¹⁴⁷ JS6, p.3, 4.
