

## **ADVANCE QUESTIONS TO CANADA**

### **AUSTRIA**

#### **Indigenous Rights:**

- We would be interested to learn more about how the Government of Canada intends to implement the recommendations made by the UN Committee on the Elimination of Racial Discrimination in its Concluding Observations of 25 May 2007 that new approaches taken by Canada to settle land claims with indigenous peoples should not unduly restrict the progressive development of indigenous rights?
- We would further be interested to learn from the Government of Canada about what could be done to ensure that consultation and consent duties are respected by all responsible government agencies at federal and provincial level with regard to commercial and resource exploitation affecting traditional aboriginal territories or disputed lands?

#### **Women's Rights:**

- CEDAW and CESCR are concerned that domestic violence is not a criminal offence in Canada. We would appreciate information on why there are no specific criminal provisions on the prohibition of domestic violence in Canada?

### **CZECH REPUBLIC**

- Does the government of Canada intend to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?
- What specific measures are available to protect the rights of children of detainees/prisoners and how is ensured that federal and national systems provide equal protection to them in practice?

### **LIECHTENSTEIN**

- In 2007 the United Nations Committee on the Elimination of Racial Discrimination expressed concern at allegations that in some of Canada's provinces stateless children and undocumented migrant children are not eligible for schooling. What measures have been taken to address this concern?
- In 2006 the United Nations Human Rights Committee noted with concern that the amendments to the Canada Evidence Act introduced by the Anti-Terrorism Act (sect. 38), relating to the non-disclosure of information in connection with or during the course of proceedings, including criminal proceedings, which could

cause injury to international relations, national defence or national security, do not fully abide by the requirements of article 14 of the Covenant. The Committee recommended that Canada review the Evidence Act to guarantee the right of all persons to a fair trial and to ensure, in compliance with article 14 of ICCPR, that individuals cannot be condemned on the basis of evidence to which they, or those representing them, do not have full access. How did Canada follow-up on this recommendation?

## **NETHERLANDS**

- Canada is a fervent opponent of the death penalty worldwide. However, since the conservative government of Prime Minister Harper came to power, in February 2006, Canada changed its many years' policy of requesting clemency with the authorities of third countries each time a Canadian citizen was sentenced to death in such a country. Nowadays this automatism has gone. Policy now is that each case will be taken into consideration as such, apparently also since the Canadian authorities are of the opinion that in countries, where the rule of law is observed, no such action is considered necessary.
- Could the government of Canada comment on this?
- Among Canada's multicultural and pluralistic population in particular the Aboriginals (3.8%) are considered as a vulnerable group. They meet with more social problems than other groups within Canada.
- What measures is the Canadian government taking to improve the social economic position of Aboriginals, specifically in the area of housing (especially in and around the reserves), the educational opportunities (especially after elementary school), employment (especially in the vicinity of reserves) and women and children's rights (especially with regard to domestic violence)?
- When will the Canadian government ratify the Optional Protocol to the CAT?
- Canada has a good track record with regard to the protection of LGBT.
- Could the Canadian government provide some examples of best practices in this area?

## **SWEDEN**

- Sweden welcomes Canada's efforts to address the issue of violence against women but would like to note the reports raised by NGO's and the UN system of increased level of violence against indigenous women. How is the government of Canada working to combat violence against women especially among indigenous and minority women?
- What measures will the government of Canada take to prohibit all forms of violence against children, including corporal punishment specifically regarding Section 43 of the Criminal Code?

- Several UN committees have expressed concerns regarding Canada's interpretation of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which prohibits state parties to deport persons to a country where they would face the risk of torture or degrading treatment. What is Canada's policy regarding CAT article 3?

## **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- Please would you elaborate further on the role which civil society in Canada played in the preparation of your national report for this process? For example, how are consultations with Aboriginal governments increasingly expanding in this area?
- Could you please provide further information on the provincial and demographic scope of anticipated regional engagement sessions with civil society and government officials?
- Could you provide more information about the measures Canada is taking to ensure that its international human rights obligations are implemented at all levels of government, and what consultative mechanisms are in place to ensure involvement by indigenous peoples and civil society?
- Could you please give more detail about the analysis which Canada is undertaking in respect of the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and All Forms of Cruel, Inhuman or Degrading Treatment or Punishment, and by when is this analysis likely to be complete?
- We would be grateful for information about what steps Canada is taking to ensure that vulnerable women are aware of their rights and the help available to them?
- Could you tell us what Canada is doing to help disabled adult women to find employment?
- What is Canada's position on seeking clemency for its nationals overseas subject to the death penalty?
- Could you tell us more about the role and existence of a National Human Rights Institution in Canada, and its conformity with the Paris Principles?