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الاستعراض الدوري الشامل

تقرير الفريق العامل المعني بالاستعراض الدوري الشامل**

كندا

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** لم يترجم إلا الفصل الثاني من هذا التقرير. أما مرفق التقرير فيعمم بالصيغة التي ورد بها.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Canada was held at the 3rd meeting on 3 February 2009. The delegation of Canada was headed by Mr. John Sims, Deputy Minister of Justice. At its meeting held on 7 February 2009, the Working Group adopted the present report.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of United Kingdom of Great Britain and Northern Ireland, Azerbaijan and Bangladesh.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Canada:

(a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/CAN/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CAN/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CAN/3).

4. A list of questions prepared in advance by Austria, Czech Republic, Liechtenstein, the Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland and Denmark was transmitted to Canada through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 3rd meeting, on 3 February 2009, Deputy Minister of Justice, Mr. John Sims, introducing the national report, said Canada has a long tradition of promotion and protection of freedom, democracy, human rights, and the rule of law, in Canada and abroad. Canada recognizes that no country, including itself, has a perfect human rights record, which emphasized the importance of every country opening its human rights records to scrutiny, domestically and internationally.

6. He said Canada has a written constitution based on the rule of law, a division of law-making authority between levels of government and an entrenched bill of rights, the *Canadian Charter of Rights and Freedoms*. Canada is a bilingual, bi-juridical and federal State. Responsibility for social policy, broadly defined to include health, income support, and housing, is shared among federal, provincial and territorial governments. The advancement of economic, social and cultural rights is mostly achieved through policies, programmes and incentives, rather than legislation. This path yields slightly different processes, but the end results and goals remain the same.

7. Canada is a multicultural and multi-ethnic society shaped over time by different waves of immigrants and their descendants. Aboriginal peoples are a defining aspect of Canada and of Canadian identity.

8. In Canada, there is ongoing public discussion of human rights, within government, in the courts and administrative tribunals and in public commissions of inquiry. Canadians from all sectors of society are actively engaged and help shape approaches to the advancement of human rights.
9. Canada views the participation of civil society as an important aspect of the UPR process, and acknowledged the dissatisfaction expressed by civil-society representatives regarding the timing and nature of its UPR consultations. Canada is committed to engaging with civil society and intends to hold further consultations in follow-up to the UPR.
10. Reconciliation work between Aboriginals and the rest of Canadian society is ongoing. Canada acknowledged the particular challenges faced by Aboriginal peoples and welcomed the opportunity to highlight progress and the need for improvement. Reconciliation and a renewed partnership with Aboriginal people are key pillars in Canada's Aboriginal Agenda. In June 2008, the Government offered a historic formal apology to former students of Indian Residential Schools. The Indian Residential Schools Settlement Agreement includes compensation to former students and the creation of a Truth and Reconciliation Commission. Closing a long-standing legislative gap the *Canadian Human Rights Act* was amended in 2008 to allow addressing of issues of discrimination arising under the *Indian Act*.
11. Violence against Aboriginal women is of significant concern. Canada is working with Aboriginal women and organizations on family violence prevention programmes and services on reserves. The Government supports the Sisters in Spirit initiative undertaken by the Native Women's Association of Canada to better understand and define the problem of missing and murdered Aboriginal women.
12. Canada seeks to reconcile the rights of Aboriginal peoples over traditional lands with the sovereignty of the Government, including the recognition of existing treaties, and the negotiation of new land and self-government agreements. The Government seeks to balance the rights and interests of Aboriginal and non-Aboriginal Canadians in a manner consistent with the Constitution. Canada recognizes the collective nature of Aboriginal peoples' interest in lands and resources and that the nature of this collective interest may vary.
13. While unable to support the United Nations Declaration on the Rights of Indigenous Peoples because the text failed to address Canada's key concerns and lacks clear guidance for States in several areas, including lands and resources, the concept of free, prior and informed consent and self-government, Canada remains committed to fulfilling its existing human rights obligations and commitments to Aboriginal peoples in Canada and is active internationally in working to improve the situation of indigenous peoples.
14. Regarding the issue of homelessness and its many causes. Canada's Homelessness Partnering Strategy to prevent and reduce homelessness invests in community priorities and encourages collaboration among federal, provincial or territorial and municipal governments. Other substantial investments in housing include the federal-provincial-territorial Affordable Housing Initiative, and low-income housing programmes.
15. Regarding counter-terrorism, Canada is committed to preventing and combating terrorism in a manner that fulfills its international obligations, including its human rights obligations. Canada's counter-terrorism laws include safeguards for the protection of human rights. Any Government actions under them are subject to review by Canada's system of independent courts.
16. Canada has adopted new procedures in cases where the need to protect secret information must be balanced against an individual's right to due process. Special advocates are now appointed to act independently of the government on behalf of persons who are not permitted access to secret information

in immigration cases. These advocates see all the evidence the judge sees and may challenge its sufficiency, weight and relevance. The courts will have an opportunity to rule on whether the balance that has been struck with the special advocate programme sufficiently protects individual rights.

17. Canada is committed to addressing its human rights challenges in an open, transparent and collaborative fashion. It expressed appreciation for the many advance questions received.

B. Interactive dialogue and responses by the State under review

18. During the interactive dialogue, statements were made by 45 delegations. Additional statements by 24 delegations which could not be delivered during the dialogue due to time constraints are posted on the UPR extranet when available.** A number of delegations congratulated the Government on the quality of its presentation and report. Some also recognised its cooperation with treaty bodies.

19. Switzerland highlighted Canada's role in implementing international human rights standards, recommending that Canada a) continue its efforts to bring its system of security certificates concerning immigration into compliance with international human rights standards. Recognizing efforts to accept indigenous rights regarding traditional territories, it noted NGO reports that Canada limits the scope of certain rights, while renegotiating treaties, thus forcing indigenous peoples into long and costly appeals. It recommended b) reinforcing efforts to settle territorial claims and improve the mechanism of conflict resolution. While welcoming efforts to combat poverty, Switzerland expressed concern that poverty affects 11.2 per cent of the population, particularly indigenous people, Afro-Canadians, immigrants, persons with disabilities, single mothers and women with low salaries. It asked about improvement measures.

20. Austria noted the Government's efforts to work with Aboriginal peoples at settling land claims, particularly through the specific claims process, and asked about its acceleration. It recommended (a) ensuring that all consultation and consent duties are respected by all responsible government agencies at federal and provincial levels and ensuring that the relevant treaty body recommendations are fully taken into account and these processes do not restrict the progressive development of Aboriginal rights in the country; (b) continuing consultations on the issue with all stakeholders with a view to being able to support the Declaration on the rights of indigenous peoples in the future; (c) studying and address the root causes of domestic violence against women, in particular Aboriginal women; and (d) taking measures to facilitate effective access to justice for victims of domestic violence and provide immediate means of redress and protection.

21. Italy asked about and recommended (a) considering specific legislation on domestic violence, making it a criminal offence, ensuring to victims effective access to immediate means of protection and reinforcing prosecution of perpetrators. Italy asked if Canada is considering ratification of ILO Conventions Nos. 29, 98 and 138. It noted reports that, since 2003, over 20 people have died in Canada after being shot by police with a Taser. It recommended (b) submitting to scrutiny the regulations governing the use of Taser weapons with a view to adopting legislation that would explicitly place them in the category of "weapons" and prescribe more rigorous procedures for their possession and use.

22. Chile, highlighting the diversity in Canada and welcoming measures to integrate immigrants, recommended ratifying as soon as possible the Convention on the Rights of Persons with Disabilities (ICPRD), the Convention of Enforced Disappearances (CED), the International Convention on the

** Colombia, Sweden, Slovenia, Uzbekistan, Estonia, Ghana, Ireland, Greece, Germany, Sudan, Senegal, South Africa, New Zealand, Hungary, Ecuador, Botswana, Haiti, Guatemala, Djibouti, Lesotho, Palestine, Zambia, Uruguay and the Democratic People's Republic of Korea.

Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Optional Protocol to the Convention Against Torture (OP-CAT). Regarding indigenous peoples, it noted improvement but that extreme poverty, family violence and low levels of education persist. It also noted violence against women and domestic violence, particularly against indigenous and minority women, and racism and discrimination against minorities. Chile asked about Canada's implementation of CERD and HR Committee recommendations. It welcomed Canada's constructive attitude in the Council.

23. Cuba said it hoped that Canada would, at the end of its time as a Council member, reflect deeply on its previous role as an advocate for the third world. It noted that Aboriginals are disadvantaged in terms of self-generated income, education and health, with the highest ranks in suicide and poverty indexes, asking about measures to repair this historic injustice, in line with the Declaration on the rights of indigenous peoples. Noting that approximately 125 Canadian NGOs expressed concerns at the lack of appropriate and transparent procedures on implementation of treaty body recommendations, it asked about reform, especially regarding recommendations made during the UPR. It asked why funding of HIV/AIDS programmes was cut. Consistent with CESCR's comments, it recommended that Canada (a) integrate these rights in its poverty reduction strategies in a way that can benefit the most vulnerable groups in society, especially the Aboriginals, Afro-Canadians, migrants, persons with disabilities, youth, women with low incomes, and single mothers, and (b) adopt all necessary measures, including the full implementation of the Declaration on the Rights of Indigenous Peoples, to guarantee Aboriginals full enjoyment of their rights, including economic, social and cultural rights, so that their standard of living was similar to that of the rest of the citizens in Canada.

24. Norway appreciated Canada's active role in the human rights machinery and commended civil society and indigenous representatives for contributions to this process. It recommended that Canada (a) establish an effective and inclusive process to follow up on UPR recommendations; (b) reconsider its position and endorse the Declaration on the Rights of Indigenous Peoples and consider ratifying ILO Convention 169; and (c) institute comprehensive reporting and statistical analysis of the scale and character of violence against indigenous women, so that a national strategy can be initiated, in consultation with indigenous representatives, to respond to the severity of the issues.

25. Australia noted Canada's multiethnic nature. It understood that harassment of indigenous peoples and religious minorities has occurred, including isolated anti-Semitic acts. It asked about steps to address violence against women and trafficking of persons. Australia requested information on the review of the apparent excessive use of Tasers. Welcoming efforts on disability rights, it asked if areas requiring further effort were identified.

26. The United Kingdom welcomed Canada's emphasis on human rights and its contribution to the Council and other human rights mechanisms. It recommended (a) continuing engagement with civil-society groups in their follow-up and implementation of the review; (b) seeking to demonstrate that challenges presented by relationships between its federal, provincial and territorial governments do not present unnecessary obstacles to the fulfilment of treaty obligations. Referring to Canada's leadership in legally recognising the rights of gay, lesbian, bisexual and transgender/transsexual people, it noted suggestions that some health policies remain discriminatory. It noted inequalities between Aboriginals and other Canadians, recommending that Canada (c) give the highest priority to addressing these fundamental inequalities between some of its citizens including through its policy agenda focused on five key areas: economic development, education, citizen empowerment and protection of the vulnerable, resolution of land claims and reconciliation, governance and self-government. It welcomed steps to promote inclusion of traditionally vulnerable groups, but noted that disabled adult women and Aboriginal women are marginalised in the labour force, with lower incomes and limited employment opportunities. It recommended that Canada (d) consider taking additional steps to address discrimination in this area.

27. Algeria associated itself with the hope expressed by Cuba for Canada to return to its traditional role as a promoter of dialogue. As a founding Council member, Canada had undertaken to cooperate with all United Nations member States in promoting the new Council. Algeria recommended that (a) Canada associate itself with the consensus on the institution-building package, whose objective is to equip the Council with the mechanisms and rules necessary for its operation and implementation of its mandate. It noted that Canada refuses systematically to denounce violations committed by an occupying power in a specific area of the world. It recommended that Canada (b) should see to it that its action within and outside the Council was based on the commitments it has undertaken and on principles of objectivity, impartiality and non-selectivity. It supported CERD recommendations to (c) start awareness campaigns aimed at protecting certain persons and certain groups against stereotyping that associates them with terrorism and to envisage an amendment to the anti-terrorism law to improve a specific clause against discrimination, and to amend relevant legislation or to adopt legislation to criminalise acts of racist violence, consistent with article 4 of the Convention. It also recommended that as Canada has prospered due to the contributions of foreign labour, it should (d) accede to the ICRMW.

28. Morocco noted Canada's anti-discrimination legislation, and its monitoring and integration of international commitments into legislation, policies and programmes. It welcomed efforts to integrate immigrants, including foreign workers, and guarantee their access to protection and services. It encouraged Canada to continue its committed policy, federally, provincially and territorially, to promote and protect all human rights.

29. Mexico acknowledged Canada's contribution to human rights multilaterally, noting its constructive spirit during institution-building of the Council. It expressed confidence that Canada would consult civil society in UPR follow-up and implementation. It commended progress made regarding the rights to health, education, housing, social security, the administration of justice, and indigenous issues, noting the Prime Minister's recent apology. It noted the Canadian House of Commons chamber motion, appealing for endorsement of the Declaration on the Rights of Indigenous Peoples. It recommended that Canada: a) grant the same importance to and treat equally civil, political, economic, social and cultural rights in its legislation at all levels; b) establish a mechanism that will meet regularly with the effective participation of civil society organizations and indigenous peoples and have national reach to implement all Canada's international obligations and facilitate the acceptance of pending commitments; c) consider positively the ratification of the American Convention on Human Rights, the ICRMW, ILO Convention 169, and the Optional Protocol to the International Covenant on Economic Social and Cultural Rights (OP-ICESCR); (d) criminalize domestic violence and adequately investigate and sanction those responsible for the death and disappearance of indigenous women.

30. Pakistan said Canada has developed constitutional and legislative safeguards for human rights and Canadians have been in the forefront of human rights promotion and protection. Yet Canadian policy in the Council often contradicts these high values and requires review. Pakistan recommended that Canada: a) make its immigration procedures more transparent and objective and take concrete measures to avoid the misuse of procedures to profile on the basis of race, religion and origin; b) apply provisions of its hate speech law in a non-selective manner to cover all acts and incidents that may lead to incitement to racial and religious hatred and violence; c) ensure legal enforcement of economic, social and cultural rights in domestic courts; d) streamline its domestic legislation for the smooth and immediate implementation of its international obligations by all levels of government; e) support and fully implement the Declaration on the Rights of Indigenous Peoples; and f) accede to the request to visit from the Special Rapporteur on the human rights of migrants, which is pending since 2006.

31. Liechtenstein highlighted Canada's openness and cooperation in the UPR process, the treaty body system and special procedures. It noted CESCR concerns on Afro-Canadian access to education and high drop-out rates, recommending that Canada a) intensify its efforts to ensure that higher education is

equally accessible to all, on the basis of capacity; and b) accede to OP-CAT and establish the National Preventive Mechanism as required under OP-CAT.

32. Romania commended Canada on its commitment to human rights, and on adapting its national framework to take into account relevant international instruments. It requested information on implementing the action plan against racism and on measures to counter trafficking in persons.

33. The Netherlands commended Canada for its commitment to human rights, its active role in the Council as Vice-President and the constructive dialogue in the UPR process. It asked about OP-CAT ratification. It recommended: a) that civil society be actively involved in the further UPR process of Canada; b) reinstating the policy of seeking clemency for all Canadian citizens sentenced to death in other countries; and c) strengthening and enlarging existing programmes and taking more and specific measures towards Aboriginals, particularly with regard to the improvement of housing, educational opportunities, especially after elementary school, employment, and that women's and children's rights are better safeguarded, in consultation with civil society. It welcomed the extension of equal rights to same-sex couples and protection from hate crimes on grounds including sexual orientation, recommending d) that the Yogyakarta principles be applied as a guide to assist in further policy development.

34. In its responses, Canada said the use of Tasers is being widely studied and is subject to a public enquiry. A number of police forces and governments are examining the policies applying to Tasers' safe use.

35. Canada said it would find an effective way to engage civil society in the follow-up to its review.

36. The Government is taking a range of measures to address the troubling issue of violence against women. "Domestic violence" is not a separate offence in the Criminal Code, but is covered under existing criminal offences. Some provinces have instituted domestic violence courts which have greatly reduced the rate of recidivism. The Government remains committed to reducing violence against Aboriginal women. There is ongoing research and data collection on this issue.

37. Despite a period of nearly unprecedented economic growth, some Canadians have not fully benefited. The Government has been investing to support vulnerable Canadians through broad-based tax relief and other measures. Due largely to Canada's retirement income system, the rate of poverty among seniors was now one of the lowest in the world (5.4%),

38. Poverty among women has fallen to levels almost equivalent to the overall low income rate in Canada, even for lone mothers and unattached senior women. The gender employment gap is among the smallest in the OECD and women are significantly represented in a wide range of professional fields. This is largely the result of dramatically increased educational attainment levels, and of equity programmes.

39. The Government targets investments for segments of the population which remain vulnerable: Aboriginal Canadians, disabled people, single older adults, new immigrants and lone parents. In its recent federal budget, it proposed further changes to the Employment Insurance programme; training for youth, older workers, and Aboriginal Canadians; the National Child Benefit supplement; the Canada Child Tax Benefit; and the Working Income Tax Benefit. The Federal Government partners with private and not-for-profit sectors, and provincial and territorial governments.

40. Brazil noted Canada's long tradition of participation in the United Nations human rights system and its standing invitation to special rapporteurs, but that international human rights instruments are not self-executing. It suggested criminalising domestic violence. Brazil hoped Canada would reconsider its

withdrawal from the Durban process. Brazil recommended: a) within the context of paragraph 1 a) of Council resolution 9/12, entitled “Human Rights Goals”, withdrawing Canadian reservations to the Convention on the Rights of the Child, particularly regarding the duty to detain children separately from adults; b) adhering to the American Convention on Human Rights; c) recognizing the justiciability of social, economic and cultural rights, in accordance with OP-ICESCR; d) considering signing and ratifying OP-CAT; and e) reconsidering the approach on the nature of prohibition of torture and reviewing the non-refoulement principles in Canadian domestic legislation.

41. Chad noted that Canada welcomes immigrants and integrates them into society. It highlighted its cooperation with Canada in a number of areas, welcoming the results brought to the Working Group’s attention.

42. Indonesia commended Canada for its efforts to harmonize legal norms with international commitments, but observed indigenous communities’ concerns at the lack of norms adequately protecting their rights. It recommended a) establishing policies to improve healthcare and general welfare of indigenous children; and b) as suggested by CERD, reviewing discriminatory national laws on security and adopt sensitization campaigns to protect against racial profiling and stereotyping on the grounds of nationality, ethnicity, descent and race, with regards to terrorism.

43. Azerbaijan recommended that Canada a) effectively implement treaty body recommendations. Azerbaijan raised issues relating to violence against women, access to justice and cases of missing and murdered indigenous women. It recommended that Canada b) take effective measures to combat and end discrimination against indigenous population; and c) elaborate and implement a National Action Plan to deal with this phenomenon. It asked about steps taken on the Special Rapporteur on racism’s concerns about anti-Semitism and Islamophobia. Azerbaijan recommended d) intensifying efforts to combat racism, racial discrimination and xenophobia; and e) signing and ratifying the ICRMW and ratifying OP-CAT. Azerbaijan called for more resources to eradicate poverty and homelessness and welcomed Canada’s contributions to international human rights and humanitarian-related organizations.

44. India noted that Canada is known for its commitment to upholding human rights. It noted comments by CERD on discrimination against First Nations women and children and by CEDAW and CESCR on the need for legislation on discriminatory effects of the Indian Act and CEDAW’s concerns about protection and redress for Aboriginal and ethnic women. It sought Canada’s response on those matters.

45. Malaysia commended Canada’s commitment to upholding international human rights at all levels. It recommended that Canada: a) consider taking on board CEDAW recommendations to criminalise domestic violence; b) consider taking more resolute action to prevent and punish perpetrators of racially motivated acts of violence against members of the Muslim and Arab communities, the indigenous population, Canadian citizens of foreign origin, foreign workers, refugees and asylum-seekers; and c) consider taking on board the recommendation of the Special Rapporteur on adequate housing, specifically to extend and enhance the national homelessness programme and the Residential Rehabilitation Assistance Programme.

46. The Philippines asked if the Government planned to review its federal Live-in Caregiver Program and address possible protection gaps. It recommended that Canada a) increase efforts to enhance protection of the human rights of migrants; b) hold open consultations with civil society on the ICRMW. It asked about plans for a national action plan to combat violence against women. It hoped human trafficking would be addressed through a human rights-based approach. It recommended c) strengthening enforcement legislation and programmes regarding prohibition of commercial sexual exploitation of children. It asked whether there is specific legislation covering conflicts between private mining

corporations and indigenous peoples. It recommended d) involving civil society, in a meaningful and participatory manner, in the follow-up to the UPR.

47. Turkey referred to Canada's active policy on women's rights and commended the constitutionally-entrenched legal protection for women. It asked about criminalizing domestic violence. It recommended: a) taking further measures to ensure effective implementation of CEDAW at the federal, provincial and territorial levels, giving particular attention to Aboriginal women and girls, and; b) closely monitoring the situation of other disadvantaged groups such as women migrant workers, women prisoners and victims of trafficking. It noted treaty body observations of poverty among vulnerable groups, cited the Special Rapporteur on adequate housing's concerns about homelessness and families living without access to drinking water and sanitation, and CESCR concerns that low-income Aboriginal and Afro-Canadian families had to relinquish children into foster care due to inadequate housing. Encouraged by Canada's commitment to address these socio-economic disparities, it recommended Canada c) continue to work towards that end.

48. Finland noted Canada's acknowledgement of persisting inequalities faced by Aboriginals. It was unfortunate that Canada was unable to support the Declaration on the Rights of Indigenous Peoples. Finland sought more information on the Sisters in Spirit initiative regarding, in particular the partnership between Government and civil society, or on other best practices. It recommended that Canada continue its efforts to tackle discrimination against Aboriginal women in all sectors of society, including employment, housing, education and health care.

49. The Czech Republic recommended adopting further measures to ensure: a) accountability of the police for their proper, sensitive and effective conduct in cases of violence against women; and b) better protection of in particular Aboriginal women against all violence, including through addressing their low socio-economic status and discrimination against them; c) better accessibility of alternative/protected housing for victims of domestic violence. Following one of its advanced questions, the Czech Republic asked about measures to protect the rights of children of prisoners or detainees. It further recommended; d) the alteration of detention and prison facilities and standards of treatment for juveniles so that they are gender-sensitive and ensure effective protection of detainees' and prisoners' personal safety; e) accession to OP-CAT and establishment of the national preventive mechanism and adoption of additional measures to ensure full implementation without any exceptions of the principle of non-refoulement. It asked for elaboration on the mechanisms for the national follow-up to treaty body recommendations and recommended that they include f) participation of civil society and publication of the concluding recommendations of treaty bodies; and g) wide publication of the UPR outcome and establishment of regular and inclusive consultation with civil society as an integral part of the follow up to the UPR and also of the preparation of the next national report to the UPR.

50. Bolivia noted that the indigenous population in Canada live in conditions of inequality, and poverty and are more likely to commit suicide. Despite a number of programmes, the problem persisted. It recommended that Canada a) request from OHCHR the necessary support for the process of ratification of a greater number of international human rights instruments; b) implement in national norms the commitments made when ratifying the ICESCR and the CERD through the implementation of the recommendations which have come out of their respective Committees; c) take the provisions of the Declaration on the Rights of Indigenous Peoples into account in national legislation, because the Declaration is a United Nations document and represents guidelines for the conduct of States; d) implement in national legislation the prohibition and criminalization of all types of violence against women and children, specially indigenous women and children, in accordance with the commitments acquired in the corresponding Conventions; e) ratify and implement in national norms ILO Convention 169.

51. Burkina Faso expressed interest in the effectiveness of group rights, particularly of women and those who were originally immigrants. It was interested in collaborating and sharing experiences with Canada on institutional and legislative strategies to achieve gender equality, in conformity with international conventions.

52. Ukraine noted the promotion of gender equality, broad-based policies tackling cultural and linguistic barriers of immigrants and refugees, and efforts to eliminate discrimination and racism. It asked about mechanisms ensuring the implementation of treaties and treaty-body recommendations. Welcoming Government efforts to ensure economic security and well-being, it asked about their impact in ensuring equal opportunities and on elimination of poverty.

53. Jordan expressed appreciation for Canada's active participation in the Council and its contributions to OHCHR, hoping this would continue. It was encouraged that Canada was keen to develop a legislative and institutional framework, including early establishment of the Canadian Human Rights Commission. It asked about the Action Plan against Racism. It recommended that Canada consider (a) ratifying the ICRPD, and (b) implementing, as appropriate, the recommendations of human rights treaty bodies on indigenous peoples.

54. The Islamic Republic of Iran noted that the OHCHR reports made reference to the growing discriminatory treatment against indigenous people, aboriginal women, migrants, Muslims, Arabs and Afro-Canadians, and CERD, HRC and CEDAW concerns about serious acts of violence against Aboriginal women. It noted that Canada places several barriers to refugee and migrant family reunification. It recommended that Canada: a) address root causes of discrimination, b) ensure effective access to justice, and c) establish immediate means of redress and protection of rights of ethno-minorities, in particular, Aboriginals. It noted that Canada was the only country to vote against the Council's resolution on Gaza. It recommended that Canada d) respect its human rights obligations and commitment without exception or ulterior consideration and take steps to address double standard and politicization in its human rights policies.

55. Belgium commended Canada's commitment to the rights of indigenous people and gender equality, but cited CERD, HR Committee, CEDAW and NGO concerns about violence and discrimination against indigenous and ethnic minority women. Belgium recommended a) systematic investigation and collection of data on violence against women and dissemination of this information; b) taking measures to combat socio-economic discrimination, which is a cause of continuous violence against Aborigine women and to inform them better of their rights.

56. Canada said it was committed to taking decisive steps to eliminate racism and address discrimination, which is fundamentally repugnant to Canadian values. It cited initiatives such as Canada's Action Plan Against Racism, education, promotion of diversity in schools, assistance to victims, networks of cooperation, and attempts to strengthen the role of civil society. A robust constitutional and legal framework provides victims with several avenues of redress for complaints of racism and discrimination.

57. On LGBT rights, some best practices have evolved, such as workplaces adopting diverse and inclusive policies. The Canadian Charter guarantees equality of all persons, regardless of sexual orientation.

58. Canada does not use or condone racial profiling, which is contrary to constitutional protections. Preventative measures include police training and bias-free recruitment. Independent review organizations oversee police conduct.

59. Canada understands its obligations in international law to protect people who are at risk of persecution, torture and cruel and inhuman treatment. It also has a duty to protect the safety and security of Canadians. Immigration law generally prohibits the removal of persons who face a real risk of persecution or torture. While the Canadian Supreme Court has ruled that there may be exceptional circumstances where an inadmissible person could be removed if the risks to that person would be outweighed by the risks to Canada, no person has been removed to torture.

60. Having joined consensus on the adoption of the OP-ICESCR, Canada will watch the development of a complaints mechanism with interest. It participated in the negotiations of the ICRPD, joined consensus on its adoption and is currently giving priority consideration to its ratification. On OP-CAT, it is engaged in examining domestic mechanisms for monitoring places of detention.

61. The delegation said Canada takes its international obligations very seriously. International treaties are not self-executing, but are used by courts in interpreting domestic law that provides remedies for human rights violations. Canada undertakes extensive consultations with all jurisdictions prior to ratification, to ensure compliance with ensuing obligations.

62. Regarding mechanisms to ensure implementation of international treaty obligations, the Continuing Committee of Officials on Human Rights is the principal consultation mechanism among federal, provincial and territorial governments. Concluding observations of treaty bodies are provided to a Deputy Ministers Committee to ensure there is senior level attention. Parliamentary committees also regularly hear witnesses from Government and civil society on human rights issues.

63. Saudi Arabia cited CAT, CERD, the HR Committee and the Working Group on Arbitrary Detention concerns on the use of security testimonies which allowed prolonged detention of non-Canadian terrorism suspects without indictment or prosecution and without criminal procedure safeguards. It cited the Special Rapporteur on Racism's report noting the re-emergence of Anti-Semitism and Islamophobia. It referred to CEDAW concerns on domestic violence, and CESCR on gender and employment. It cited the Special Rapporteur on the right to adequate housing, it said statistics on poverty and homelessness are striking, and CERD's concerns over the lack of equality in living standards of Aboriginals. It recommended Canada implement all international human rights instruments related to these groups and enhance and protect their rights against violations.

64. Egypt said Canada boasts of sophisticated human rights architecture and is a multicultural melting pot, but asked why Canada refused to receive the Working Group on people of African Descent, and about allegations by some NGOs about the systematic exclusion of Arab and African civil society from anti-racism consultations. It asked about measures to ensure that Canadian combat forces serving in Afghanistan comply with Canada's human rights obligations in the context of the armed conflict. Egypt recommended that Canada: (a) reconsider its withdrawal from the preparatory process of the Durban Review Conference and positively contribute to the global efforts to combat racism, racial discrimination, xenophobia and related intolerance; (b) ratify the ICRMW and the OP-ICESCR; (c) ensure the full implementation of legislation prohibiting discrimination in employment and all discriminatory practices in the labour market and that further measures be taken to reduce unemployment among minority groups; (d) strengthen or adopt, as necessary, specific programmes to ensure appropriate representation of minority communities at all levels of government, and adopt broad and effective national measures to end discriminatory approaches to law enforcement and provide victims with effective recourse and remedies; and (e) launch a comprehensive review leading to legal and policy reforms which protect the rights of refugees and migrants, including rights to family reunification and enact legislation creating an offence for racial violence, and design and implement training for judges and prosecutors on the nature of hate crimes on the basis of race.

65. Argentina noted Canada's multicultural nature and the long tradition of democracy and human rights. It asked about concrete measures to improve indigenous rights, particularly their land claims. Argentina recommended that Canada consider the possibility of signing and ratifying CED and accepting the competence of its Committee. Argentina inquired about the rights of migrants in irregular conditions, access to health services and education; and on the procedure and treatment of asylum/refugee seekers in an illegal situation

66. China noted that Canada provides medical services; primary and secondary education free of charge; promotes social welfare programmes, and has achieved progress in the rights of women, children, the elderly, and persons with disabilities. It noted efforts to protect Aboriginal rights, migrant rights, and combating racism. It noted inequalities between Aboriginals and other Canadians persist and sought clarification on specific measures to improve the situation. It recommended Canada ratify the ICRPD as soon as possible.

67. Japan commended Canada's leading role in human rights, appreciating efforts to ensure women's rights. It noted incidents of violence against women, including domestic violence. It asked about preventive measures against and aid for victims of sexual harassment in the workplace; and about measures to address problems of poverty and access to education among Afro-Canadians.

68. Portugal recognized Canada's accomplishments in economic, social and cultural rights, but noted concerns on poverty and homelessness. Portugal asked about the internal coordination system to ensure the full implementation at all levels of ICESCR. Portugal recommended to the Government (a) to create or reinforce a transparent, effective and accountable system that includes all levels of the government and representative of the civil society, including indigenous people, to monitor and publicly and regularly report on the implementation of Canada's human rights obligations; (b) to ensure any complaint of violations of international human rights obligations can be examined in Canadian courts and effective adequate remedies will be provided to victims; (c) to analyze treaty body recommendations in consultation with representatives of the civil society, including indigenous people, and to implement them or publicly report on the reasons why it considers no implementation is more appropriate; and (d) that a similar system be created for the analysis and implementation of the recommendations resulting from the UPR exercise.

69. Bosnia and Herzegovina noted Canada's active role in the Council's work, and its support to OHCHR and humanitarian funds. It asked about ratification of OP-CAT, ICRMW and UNESCO Convention Against Discrimination in Education, and about follow-up on urgent appeals by CERD, CESCR, and the Special Rapporteur on the Rights of Indigenous Peoples to find legislative solutions addressing the discriminatory effects of the Indian Act.

70. The Russian Federation noted that civil society consultations were carried out after the national report had been presented to OHCHR. It recommended (a) developing a national strategy to eliminate poverty. Noting that no state is free of racism, racial discrimination and intolerance, it said these problems need to be addressed by joint efforts and effective instruments such as the Durban Declaration and Programme of Action. It recommended that the Canadian government (b) revise its decision not to participate in the review conference on racism due to take place in April this year in Geneva.

71. France acknowledged the impact of the distribution of power and authority between federal and provincial levels of government on treaty ratification, asking about incorporation of the commitments under the ICCPR into its domestic legislation, and whether Canada intends to adopt specific legislation on domestic violence. France recommended ratifying (a) OP-CAT and setting up a domestic torture prevention mechanism; (b) the Protocol on prevention and punishing of trafficking in human beings in

particular women and children because this adds to the United Nations Convention against transnational organized crimes, and the 182 ILO Convention prohibiting the worst forms of child labour; and (c) CED.

72. Vietnam appreciated Canada's success in combating poverty-related problems, health, education, training, housing and social security. It asked about the system of sharing competencies between federal and provincial governments regarding human rights. It recommended that Canada (a) intensify efforts already undertaken to better ensure the right to adequate housing, especially for vulnerable groups and low income families, and; (b) continue policies and programmes aimed at reducing inequalities that still exist between the Aboriginal, recent immigrants and other Canadians.

73. The Republic of Korea welcomed the human rights values enshrined in the Constitution, the Charter and Canada's democratic institutions. It noted civil society and treaty body concerns relating to counter-terrorism and the lack of protection of indigenous peoples, refugees, asylum seekers and migrants. It asked to what extent civil society feedback was reflected in the national report and about civil society involvement in UPR follow-up.

74. The Syrian Arab Republic recommended that Canada: (a) implement the voluntary pledges it presented as it applied to the Council, namely, the principles of universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization in addressing Human Rights issues of different communities and peoples domestically and internationally; (b) give appropriate attention to end racial discrimination against the Arab and Muslim communities in Canada including racial and religious profiling; (c) take the necessary measures to end discrimination against women in workplaces and implement ILO and CESCR recommendations to ensure equal remuneration for work of equal value in public and private sectors; (d) take the necessary measures to end violence against women including domestic violence and against aboriginal women, and implement CEDAW and HR Committee recommendations in this context; (e) ratify the ICRMW.

75. Slovakia said several NGOs have criticised the Continuing Committee of Officials on Human Rights for lack of transparency and insufficient decision-making powers. It recommended Canada (a) consider measures to make the Committee more operational, ensure its better accessibility for the civil society enabling thus a permanent dialogue process on international human rights obligations including those from the UPR; (b) conduct a review of the effectiveness of its legislation relevant to trafficking in human beings and implement reforms where necessary to strengthen the protection of the rights of victims of trafficking; (c) in line with the CERD and CEDAW recommendations to implement fully the antidiscrimination legislation in the labour market including considering the adoption of temporary special measures.

76. Denmark recommended that Canada, (a) in its follow-up to the UPR, engage with civil society in a thorough and timely manner. Denmark asked how the Government views the open letter from legal scholars arguing for endorsement of the Declaration on the rights of indigenous peoples and the House of Commons Motion calling for its endorsement. It recommended that Canada (b) reconsider its stance vis-à-vis the Declaration; (c) ratify OP-CAT and that an effective National Preventive Mechanism is established; and (d) denounce its policy of no longer seeking clemency for Canadians convicted and given the death penalty in countries deemed to have "the rule of law".

77. On Aboriginal issues, Canada acknowledged that there have been wrongs in the past. The Government is working with aboriginal communities to establish priorities, and while the challenges are significant, there is progress on many fronts, including education, entrepreneurship, economic development, land claims and safe drinking water.

78. The 2009 federal budget invests \$1.4 billion for the following priority issues for Aboriginal peoples: training and skills development, housing, urgent needs such as improved access to drinking water, health programmes for the Inuit and First Nations, child services, and creation of economic opportunities.

79. Negotiated treaties, both historic and modern, address land claims covering the majority of Canada's territory. Treaty negotiation processes are long and complex, but are the best tool for striking a balance between the interests of Aboriginal peoples and other Canadians. The Territory of Nunavut, covering one-fifth of Canada's landmass, was created in April 1999 as a result of a negotiated Inuit land claims agreement. The first modern treaty signed in an urban context will come into force in April 2009, signed with a nation in British Columbia.

80. On collective rights, Canada has developed, through negotiations with partners, a number of approaches that do not require extinguishment of Aboriginal rights. Progress has been made with regards to specific claims and a new independent body with the power to make decisions on the validity of a claim and compensation to be paid has been established. Whereas the court offers a new option to settle claims, the Federal Government maintains its commitment to settle claims through negotiation. The law setting up the new tribunal was drawn up with the Assembly of First Nations.

81. Aboriginal women constitute a substantial proportion of the population of Saskatchewan. The philosophy in that province for addressing violence against women is to work in partnership and be proactive by creating key programmes such as pro-charging and prosecution policies; domestic violence courts that use a therapeutic model; shelters and sexual assault centres; legislation allowing women to apply for emergency intervention to deal with abusive spouses; programmes dealing with Aboriginal family violence.

82. To address the sensitive issue of missing Aboriginal women, Saskatchewan has created a provincial partnership committee, including representatives from the Aboriginal community, the Royal Canadian Mounted Police, local police and many other groups. This taskforce is used to support families, to examine underlying reasons behind missing persons, to help women and children enhance their safety and to develop information sharing and data collection networks. There is similar important work at national, federal and provincial levels, involving collaboration between community and Government, and comprehensive victims' service programmes.

83. The delegation highlighted, as a best practice, that 50 per cent of cabinet members in the provincial Government of Quebec are women.

84. In 2002, the Government of Quebec adopted a law to combat poverty and social exclusion. In 2004, Quebec instituted a five-year, \$3 billion global strategy to combat poverty. An evaluation of results showed significant improvements in living conditions. By 2010, 24,000 new affordable dwellings will have been built and \$12 million will have been invested to renovate social housing for Aboriginal people in Quebec.

85. The delegation noted that the review was an opportunity for Canada to examine its own record and benefit from the views of many states. Canada perceives its diversity as among its greatest strengths, as well as its democratic system, the strength and independence of its judicial institutions, commitment to the public education of children and the national pre-disposition to dialogue as the best means to resolve differences of opinion. The importance placed on freedom of opinion and expression is crucial for the protection of all human rights. It said a defining aspect of Canada's approach to human rights is its open society, including its openness to international scrutiny.

ثانياً - الاستنتاجات و/أو التوصيات

٨٦- أثناء النقاش، قُدمت التوصيات التالية إلى كندا:

- ١- أن تصدّق على البروتوكول الاختياري للعهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية (المكسيك؛ مصر)؛
- ٢- أن تنظر في التوقيع والتصديق على (البرازيل، شيلي)/الانضمام إلى (ليختنشتاين؛ الجمهورية التشيكية)/التصديق على (الدانمرك؛ فرنسا؛ شيلي؛ أذربيجان) البروتوكول الاختياري لاتفاقية مناهضة التعذيب، وأن تنشئ آلية منع وطنية فعالة (الدانمرك؛ ليختنشتاين؛ فرنسا؛ الجمهورية التشيكية) على النحو الذي يقتضيه البروتوكول (ليختنشتاين) وأن تعتمد كذلك تدابير إضافية لضمان التنفيذ الكامل بدون أي استثناءات لمبدأ عدم الإعادة القسرية (الجمهورية التشيكية)؛
- ٣- أن تنظر في التصديق على (الأردن)/أن تصدّق في أسرع وقت ممكن على اتفاقية حقوق الأشخاص ذوي الإعاقة (شيلي، الصين)؛
- ٤- أن تصدّق (فرنسا) في أسرع وقت ممكن (شيلي)/أن تنظر في إمكانية التوقيع والتصديق على (الأرجنتين) الاتفاقية الدولية لحماية جميع الأشخاص من الاختفاء القسري، فضلاً عن القبول باختصاص اللجنة المعنية بالاتفاقية (الأرجنتين)؛
- ٥- أن تنضم إلى (الجزائر)/توقع وتصدّق على (أذربيجان)/توقع على الاتفاقية الدولية لحماية حقوق جميع العمال المهاجرين وأفراد أسرهم (شيلي، مصر، الجمهورية العربية السورية، المكسيك)؛
- ٦- أن تنظر في التصديق على (النرويج، المكسيك)/أن تصدّق على اتفاقية منظمة العمل الدولية رقم ١٦٩ وأن تنفذها في معاييرها الوطنية (بوليفيا)؛
- ٧- أن تطلب من المفوضية السامية لحقوق الإنسان الدعم اللازم لعملية التصديق على عدد أكبر من الصكوك الدولية لحقوق الإنسان (بوليفيا)؛
- ٨- أن تنظر على نحو إيجابي في التصديق على (المكسيك)/الانضمام إلى الاتفاقية الأمريكية لحقوق الإنسان (المكسيك، البرازيل)؛
- ٩- أن تسحب، في سياق الفقرة ١ (أ) من قرار مجلس حقوق الإنسان ١٢/٩ المعنون "أهداف حقوق الإنسان"، التحفظات الكندية على اتفاقية حقوق الطفل؛ وبخاصة فيما يتعلق بواجب احتجاز الأطفال في مكان منفصل عن البالغين (البرازيل)؛
- ١٠- أن تعترف بإمكانية التفاوض في سياق الحقوق الاجتماعية والاقتصادية والثقافية، وفقاً للبروتوكول الاختياري للعهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية (البرازيل)؛ وأن تضمن

الإفناذ القانوني للحقوق الاقتصادية والاجتماعية والثقافية في المحاكم المحلية (باكستان)؛ وأن تولي الأهمية ذاتها إلى كل من الحقوق المدنية والسياسية والحقوق الاقتصادية والاجتماعية والثقافية وتعاملها على قدم المساواة في تشريعاتها على جميع المستويات (المكسيك)؛

١١- أن تواصل سياساتها المتزمنة، على مستوى الاتحاد والمقاطعات والأقاليم، لتعزيز جميع حقوق الإنسان وحمايتها (المغرب)؛

١٢- أن تسعى إلى إثبات أن التحديات التي تثيرها العلاقات بين حكومة الاتحاد وحكومات المقاطعات والأقاليم لا تشكل عراقيل لا داعي لها تحول دون الوفاء بالالتزامات التعاهدية (المملكة المتحدة)؛

١٣- أن تعزز تشريعاتها المحلية لضمان التنفيذ السلس والفوري لالتزاماتها الدولية على جميع مستويات الحكومة (باكستان)؛

١٤- أن تنشئ أو ترسخ نظاماً شفافاً وفعالاً وقابلاً للمساءلة يشمل جميع مستويات الحكومة ويمثل المجتمع المدني، بما في ذلك الشعوب الأصلية، لرصد تنفيذ كندا التزاماتها في مجال حقوق الإنسان وتقديم تقارير عامة ومنتظمة بهذا الشأن (البرتغال)؛ وأن تنشئ آلية تلتزم بصورة منتظمة وبمشاركة فعالة من منظمات المجتمع المدني والشعوب الأصلية وتحظى بتغطية شاملة على الصعيد الوطني، كي تنفذ جميع الالتزامات الدولية لكندا وتيسر قبول الالتزامات المعلقة (المكسيك)؛ وأن تنظر في اتخاذ تدابير لزيادة فعالية اللجنة الدائمة للمسؤولين المعنيين بحقوق الإنسان، وأن تضمن تحسين وصولها إلى المجتمع المدني لتمكّن بذلك من قيام عملية حوار دائم بشأن الالتزامات الدولية في مجال حقوق الإنسان، بما فيها الالتزامات المرتبطة بالاستعراض الدوري الشامل (سلوفاكيا)؛

١٥- أن تنفذ تنفيذاً فعالاً التوصيات الصادرة عن هيئات معاهدات الأمم المتحدة (أذربيجان) والتوصيات المتعلقة بالشعوب الأصلية، حسب الاقتضاء (الأردن)؛ وأن تنفذ في المعايير الوطنية للالتزامات التي تعهدت بها عندما صدقت على العهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية والاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري وذلك عن طريق تنفيذ التوصيات الصادرة عن اللجنتين المعنيتين بهذين الصكين (بوليفيا)؛ وأن تحلل التوصيات الصادرة عن هيئات معاهدات الأمم المتحدة بالتشاور مع ممثلي المجتمع المدني، بمن فيهم ممثلو الشعوب الأصلية، وتنفذ تلك التوصيات أو تقدم تقارير عامة عن الأسباب التي تجعلها ترى من الأنسب عدم تنفيذها (البرتغال)؛ وأن تُشرك المجتمع المدني (في الآليات والإجراءات القائمة لمتابعة توصيات هيئات المعاهدات على الصعيد الوطني) وتعمم التوصيات الختامية لهيئات المعاهدات (الجمهورية التشيكية)؛

١٦- أن ترصد عن كثب حالة الفئات الأخرى المحرومة، كالمهاجرات العاملات والسجينات وضحايا الاتجار (تركيا)؛

١٧- أن تضع استراتيجية وطنية للقضاء على الفقر (الاتحاد الروسي)؛

- ١٨- أن توافق على طلب الزيارة الموجه من المقرر الخاص المعني بحقوق الإنسان للمهاجرين، وهو طلب لم يزل معلقاً منذ عام ٢٠٠٦ (باكستان)؛
- ١٩- أن تعطي الأولوية القصوى لمعالجة أوجه عدم المساواة الجوهرية بين مواطنيها، بوسائل تشمل جدول أعمالها السياسي الذي يركز على خمس مجالات رئيسية للتنمية الاقتصادية هي: التعليم؛ وتمكين المواطن وحماية الضعفاء؛ وتسوية المطالبات بالأراضي والمصالحة؛ والإدارة الرشيدة والحكم الذاتي (المملكة المتحدة)؛
- ٢٠- أن تواصل السياسات والبرامج الهادفة إلى الحد من أوجه عدم المساواة التي لا تزال قائمة في أوساط السكان الأصليين والمهاجرين حديثاً وغيرهم من الكنديين (فييت نام)؛
- ٢١- أن تعيد النظر في انسحابها من العملية التحضيرية لمؤتمر استعراض نتائج ديربان وأن تساهم بشكل إيجابي في الجهود العالمية لمكافحة العنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب (مصر)؛ وأن تعدل عن قرارها عدم المشاركة في مؤتمر استعراض نتائج ديربان المعني بمكافحة العنصرية والذي يُزمع عقده في نيسان/أبريل من العام الجاري في جنيف (الاتحاد الروسي)؛
- ٢٢- أن تعزز جهودها لمكافحة العنصرية والتمييز العنصري وكره الأجانب (أذربيجان)؛
- ٢٣- أن تطبق أحكام قانونها المتعلق بخطابات التحريض على الكراهية على نحو خال من الانتقائية بحيث يغطي جميع الأفعال والحوادث التي قد تؤدي إلى التحريض على الكراهية والعنف بدوافع عنصرية أو دينية (باكستان)؛
- ٢٤- أن تنظر في اتخاذ إجراءات أكثر حزمًا لمنع ومعاينة مرتكبي أفعال عنف عنصرية الدافع ضد أفراد المجتمعات المحلية المسلمة والعربية والسكان الأصليين والمواطنين الكنديين من أصل أجنبي والعمال الأجانب واللاجئين وطالبي اللجوء (ماليزيا)؛
- ٢٥- أن تولي الاهتمام اللائق لوضع حد للتمييز العنصري ضد المجتمعات المحلية العربية والمسلمة في كندا، بما في ذلك التمييز العنصري والديني (الجمهورية العربية السورية)؛
- ٢٦- أن تراجع قوانينها الوطنية التمييزية المتعلقة بالأمن وتنظم حملات توعية للحماية من التمييز العنصري والقبول على أساس الجنسية أو الإثنية أو المنشأ أو العرق فيما يتعلق بالإرهاب، وفقاً لما تنصّ عليه الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري (إندونيسيا)؛
- ٢٧- أن تتخذ تدابير إضافية لضمان التنفيذ الفعال لاتفاقية القضاء على جميع أشكال التمييز ضد المرأة على صعيد الاتحاد والمقاطعات والأقاليم، موليّة اهتماماً خاصاً لنساء وفتيات السكان الأصليين (تركيا)؛ وأن تواصل جهودها للتصدي للتمييز ضد نساء السكان الأصليين في جميع قطاعات المجتمع، بما في ذلك في مجالات العمل والسكن والتعليم والرعاية الصحية (فنلندا)؛ وأن تتخذ تدابير لمكافحة التمييز

الاجتماعي الاقتصادي الذي يسبب أفعال عنفٍ مستمرة ضد نساء السكان الأصليين، ولتحسين توعية هؤلاء النساء بحقوقهن (بلجيكا)؛ وأن تنظر في القيام بخطوات إضافية لمعالجة التمييز ضد ذوات الإعاقات من النساء البالغات ونساء السكان الأصليين (المملكة المتحدة)؛

٢٨- أن تتخذ تدابير فعالة لمكافحة التمييز ضد السكان الأصليين ووضع حدٍ له، وأن تضع وتنفذ خطة عمل وطنية للتصدي لهذه الظاهرة (أذربيجان)؛ وأن تعالج الأسباب الجذرية لأشكال التمييز وتضمن وصولاً فعالاً إلى القضاء وتبني وسائل فورية لإنصاف الأقليات الإثنية، وبخاصة السكان الأصليين، وحماية حقوقها (جمهورية إيران الإسلامية)؛

٢٩- أن تطبق مبادئ يوغياكارتا باعتبارها دليلاً تسترشد به لمساعدتها على المضي في تطوير سياساتها (هولندا)؛

٣٠- أن تتخلى عن سياستها التي تقضي بالتوقف عن طلب الرأفة بالرعايا الكنديين المدانين والمحكوم عليهم بالإعدام في بلدان يُعتبر أنها تخضع لـ "سيادة القانون" (الدانرك)؛ وأن تنظر في إعادة العمل بسياسة طلب الرأفة لجميع الرعايا الكنديين المحكوم عليهم بالإعدام في بلدان أخرى (هولندا)؛

٣١- أن تعيد النظر في النهج الذي تعتمده بشأن طبيعة حظر التعذيب وتراجع مبادئ عدم الإعادة القسرية في تشريعاتها الداخلية (البرازيل)؛

٣٢- أن تُخضع للتمحيص اللوائح التي تنظم استخدام أسلحة "تيزر" الصاعقة بغية اعتماد تشريع يدرجها صراحةً في فئة "الأسلحة" وينصّ على إجراءات أكثر صرامة فيما يتعلق بجيازتها واستخدامها (إيطاليا)؛

٣٣- أن تنظر في اعتماد توصيات لجنة القضاء على التمييز ضد المرأة (ماليزيا) بشأن تجريم العنف المتزلي (ماليزيا؛ إيطاليا؛ المكسيك)، وأن تضمن للضحايا وصولاً فعالاً إلى سبل حماية فورية وأن تعزز إجراءات ملاحقة الجناة (إيطاليا) وأن تحقق تحقيقاً كافياً في قضايا مقتل واختفاء نساء السكان الأصليين وتعاقب مرتكبيها (المكسيك)؛ وأن تتخذ تدابير لمساعدة ضحايا العنف المتزلي على الوصول الفعال إلى القضاء وتوفير لهم سبلَ حبر وحماية فورية (النمسا)؛

٣٤- أن تنفذ في التشريعات الوطنية حظر وتجريم جميع أشكال العنف ضد المرأة والطفل، وتحديدًا ضد نساء وأطفال السكان الأصليين، وفقاً للالتزامات التي تفتضيها الاتفاقيات ذات الصلة (بوليفيا)؛

٣٥- أن تتخذ التدابير اللازمة لإنهاء ممارسة العنف ضد المرأة، بما في ذلك العنف المتزلي، وضد نساء السكان الأصليين، وأن تنفذ توصيات لجنة القضاء على التمييز ضد المرأة واللجنة المعنية بحقوق الإنسان في هذا السياق (الجمهورية العربية السورية)؛

٣٦- أن تعتمد تدابير إضافية لضمان ما يلي: مساءلة الشرطة عن اتباع سلوكٍ لائق ومراعٍ وفعال في حالات العنف ضد المرأة؛ وتحسين حماية نساء السكان الأصليين تحديداً، من جميع أشكال العنف،

- بوسائل تشمل معالجة وضعهن الاجتماعي الاقتصادي المتدني والتصدي لما يتعرضن له من تمييز؛ وتحسين وصول ضحايا العنف المترلي إلى خدمات السكن البديل/المحمي (الجمهورية التشيكية)؛
- ٣٧- أن تحقق وتجمع بيانات عن العنف الممارس ضد المرأة بصورة منهجية وأن تنشر هذه المعلومات (بلجيكا)؛
- ٣٨- أن تنشئ عملية إبلاغ وتحليل إحصائي شاملة لنطاق وطابع العنف الممارس ضد نساء السكان الأصليين، بحيث يتسنى وضع استراتيجية وطنية، بالتشاور مع ممثلي السكان الأصليين، للتصدي لهذه القضايا حسب شدتها (النرويج)؛ وأن تدرس وتعالج الأسباب الجذرية للعنف المترلي ضد المرأة، وبخاصة نساء السكان الأصليين (النمسا)؛
- ٣٩- أن تجري استعراضاً لفعالية تشريعاتها المتعلقة بالاتجار بالبشر وتنفذ إصلاحات حيثما لزم لتوطيد حماية حقوق ضحايا الاتجار (سلوفاكيا)؛
- ٤٠- أن تعزز إنفاذ التشريعات والبرامج المتعلقة بحظر استغلال الأطفال جنسياً لأغراض تجارية (الفلبين)؛
- ٤١- أن تضمن إمكانية نظر المحاكم الكندية في أي شكوى تتعلق بانتهاكات الالتزامات الدولية في مجال حقوق الإنسان وتوفير سبل انتصاف فعالة وكافية للضحايا (البرتغال)؛
- ٤٢- أن تعدّل مرافق الاحتجاز والسجن وتحسّن معايير معاملة الأحداث، بحيث تراعي المنظور الجنساني وتضمن توفير حماية فعالة لسلامة المحتجزين والسجناء الشخصية (الجمهورية التشيكية)؛
- ٤٣- أن تضمن التنفيذ الكامل لتشريعات حظر التمييز في ميدان العمالة وحظر جميع الممارسات التمييزية في سوق العمل، وأن تتخذ تدابير إضافية لحفض البطالة في أوساط فئات الأقليات (مصر)؛
- ٤٤- أن تنفذ بالكامل تشريعات مكافحة التمييز في سوق العمل، بما في ذلك النظر في اعتماد تدابير خاصة مؤقتة، تماشياً مع توصيات لجنة القضاء على التمييز العنصري ولجنة القضاء على التمييز ضد المرأة (سلوفاكيا)؛ وأن تتخذ التدابير اللازمة لوضع حدٍ للتمييز ضد المرأة في أماكن العمل وتنفيذ توصيات منظمة العمل الدولية واللجنة المعنية بالحقوق الاقتصادية والاجتماعية والثقافية لضمان تساوي الأجر عن العمل ذي القيمة المتساوية في القطاعين العام والخاص (الجمهورية العربية السورية)؛
- ٤٥- أن تدمج الحقوق الاقتصادية والاجتماعية والثقافية في استراتيجياتها للحد من الفقر على نحو يمكن أن يصب في صالح أضعف فئات المجتمع، وبخاصة السكان الأصليين، والكنديين من أصل أفريقي، والمهاجرين، وذوي الإعاقة، والشباب، والنساء ذوات الدخل المنخفض، والأمهات العازبات، وأن تعتمد التدابير اللازمة كافة، بما فيها التنفيذ الكامل لإعلان الأمم المتحدة بشأن حقوق الشعوب الأصلية، وذلك لضمان تمتع السكان الأصليين الكامل بحقوقهم، بما فيها الحقوق الاقتصادية والاجتماعية والثقافية، بحيث يتساوى مستوى معيشتهم مع بقية مواطني كندا (كوبا)؛

- ٤٦- أن تضع سياسات لتحسين الرعاية الصحية والرفاه العام لأطفال السكان الأصليين (إندونيسيا)؛
- ٤٧- أن تنظر في اعتماد توصية المقرر الخاص المعني بالسكن اللائق، وتحديدًا فيما يتعلق بتوسيع نطاق البرنامج الوطني بشأن التشرد وبرنامج المساعدة في إصلاح المساكن وتعزيزهما (ماليزيا)؛
- ٤٨- أن تعزز الجهود التي تضطلع بها أصلاً لتحسين ضمان الحق في السكن اللائق، وبخاصة للفئات الضعيفة والأسر ذات الدخل المنخفض (فييت نام)؛
- ٤٩- أن تواصل التصدي لأوجه التفاوت وعدم المساواة الاجتماعية الاقتصادية المستمرة في جميع أنحاء البلد (تركيا)؛
- ٥٠- أن تعزز جهودها لضمان توفر التعليم العالي للجميع على قدم المساواة استناداً إلى القدرات (ليختنشتاين)؛
- ٥١- أن تنفذ جميع الصكوك الدولية لحقوق الإنسان المتعلقة بالسكان الأصليين والنساء والعرب والمسلمين وغيرهم من الأقليات الدينية والمهاجرين واللاجئين، وأن تعزز حقوقهم وتحميها من الانتهاكات (المملكة العربية السعودية)؛
- ٥٢- أن تعيد النظر في موقفها (الدانمرك؛ النرويج)، وأن تقرّ (النرويج)، وأن تدعم وتنفذ بالكامل (باكستان) إعلان الأمم المتحدة بشأن حقوق الشعوب الأصلية (النرويج، الدانمرك، باكستان)؛ وأن تواصل المشاورات بهذا الشأن مع جميع أصحاب المصلحة بغية التمكن من دعم الإعلان في المستقبل (النمسا)؛ وأن تراعي أحكام الإعلان في تشريعاتها الوطنية، كونه صكاً من صكوك الأمم المتحدة ويمثل مبادئ توجيهية لسلوك الدول (بوليفيا)؛
- ٥٣- أن تعزز أو تعتمد، حسب الاقتضاء، برامج خاصة لضمان التمثيل المناسب لمجتمعات الأقليات على جميع مستويات الحكومة، وأن تعتمد تدابير وطنية فعالة وواسعة النطاق لوضع حدٍ للنهج التمييزية في إنفاذ القانون وتوفير سبل تظلم وانتصاف فعالة للضحايا (مصر)؛
- ٥٤- أن تعزز وتوسّع برامجها القائمة وتتخذ المزيد من التدابير الخاصة بالسكان الأصليين، ولا سيما فيما يتعلق بتحسين السكن والفرص التعليمية، وبخاصة بعد مرحلة التعليم الابتدائي، وفرص العمل، وتحسين حماية حقوق النساء والأطفال، وذلك بالتشاور مع المجتمع المدني (هولندا)؛
- ٥٥- أن تضمن تقييد جميع الوكالات الحكومية المسؤولة، على مستوى الاتحاد والمقاطعات، بواجب التشاور والتراضي، وأن تضمن كذلك مراعاة التوصيات ذات الصلة لهيئات معاهدات الأمم المتحدة على أكمل وجه وإجراء عمليات المطالبات المحددة على نحو لا يقيد النهوض التدريجي بحقوق السكان الأصليين في البلد (النمسا)؛

- ٥٦- أن تعزز الجهود الرامية إلى تسوية المطالبات بالأراضي وتحسّن آلية تسوية المنازعات (سويسرا)؛
- ٥٧- أن تزيد جهودها لتحسين حماية حقوق الإنسان للمهاجرين وأن تجري مشاورات مفتوحة مع المجتمع المدني بشأن الاتفاقية الدولية لحماية حقوق جميع العمال المهاجرين وأفراد أسرهم (الفلبين)؛
- ٥٨- أن تباشر عملية مراجعة شاملة تؤدي إلى إصلاحات قانونية وسياساتية تحمي حقوق اللاجئين والمهاجرين، بما فيها الحق في لم شمل الأسرة، وأن تسنّ تشريعاً يجرّم العنف العنصري، وأن تصمم وتنفذ برامج تدريبية للقضاة والمدّعين العامين بشأن طابع جرائم الكراهية ذات الدافع العنصري (مصر)؛
- ٥٩- أن تواصل جهودها لجعل نظامها الخاص بالشهادات الأمنية المتعلقة بالهجرة متوافقاً مع المعايير الدولية لحقوق الإنسان (سويسرا)؛
- ٦٠- أن تجعل إجراءات الهجرة أكثر شفافية وموضوعية، وأن تتخذ تدابير عملية لتفادي إساءة استخدام هذه الإجراءات للتنميط على أساس العرق أو الديانة أو المنشأ (باكستان)؛
- ٦١- أن تباشر حملات توعية تهدف إلى حماية أشخاص معينين وفئات معينة من التنميط الذي يربطهم بالإرهاب، وأن تنظر في تعديل قانونها لمكافحة الإرهاب لتحسين بند معين يناهض التمييز، وأن تعدّل التشريعات ذات الصلة أو تعتمد تشريعات تجرّم أفعال العنف العنصري، على نحو يتماشى مع الفقرة ٤ من الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري (الجزائر)؛
- ٦٢- أن تعمم على نطاق واسع نتائج هذا الاستعراض الدوري الشامل وأن تجعل التشاور المنتظم والشامل مع المجتمع المدني جزءاً لا يتجزأ من متابعة الاستعراض الدوري الشامل ومن إعداد التقرير الوطني القادم لعملية الاستعراض الدوري الشامل (الجمهورية التشيكية)؛
- ٦٣- أن تنشئ عملية فعالة وشاملة لمتابعة توصيات الاستعراض الدوري الشامل (النرويج)؛ وأن تُشرك المجتمع المدني بنشاط في عمليات الاستعراض الدوري الشامل القادمة في كندا (هولندا)، وذلك على نحو شامل وفي التوقيت المناسب (الدانمرك)، وبصورة مجدية وقائمة على المشاركة (الفلبين)، وأن تُشرك المجتمع المدني كذلك في تنفيذ الاستعراض (المملكة المتحدة)؛
- ٦٤- أن تنشئ نظاماً مماثلاً (على غرار النظام القائم في سياق هيئات المعاهدات) لتحليل وتنفيذ التوصيات التي تتمخض عنها عملية الاستعراض الدوري الشامل (البرتغال)؛
- ٦٥- أن تشترك في توافق الآراء بشأن حزمة بناء المؤسسات، الذي يهدف إلى تزويد المجلس بالآليات والقواعد اللازمة لعمله وتنفيذ ولايته (الجزائر)؛
- ٦٦- أن تتقيد بالتزاماتها وتعهداتها في مجال حقوق الإنسان بدون قيد أو شرط وأن تتخذ خطوات لمعالجة ما تنطوي عليه سياساتها في مجال حقوق الإنسان من معايير مزدوجة وتسييس (جمهورية إيران الإسلامية)؛

- ٦٧- أن تحرص على استناد عملها داخل المجلس وخارجه إلى الالتزامات التي تعهدت بها وإلى مبادئ الموضوعية والحياد واللاانتقائية (الجزائر)؛
- ٦٨- أن تنفذ التعهدات الطوعية التي أبدتها لدى تقديم طلب انضمامها إلى مجلس حقوق الإنسان؛ ولا سيما تطبيق مبادئ الشمول والموضوعية واللاانتقائية لدى النظر في قضايا حقوق الإنسان، وأن تتخلص من المعايير المزدوجة والتسييس في تناول قضايا حقوق الإنسان لمختلف المجتمعات والشعوب على الصعيدين الداخلي والدولي (الجمهورية العربية السورية).
- ٨٧- وسيدر ج رد كندا على هذه التوصيات في تقرير النتائج الذي سيعتمده مجلس حقوق الإنسان أثناء دورته الحادية عشرة.
- ٨٨- وتعكس جميع الاستنتاجات و/أو التوصيات الواردة في هذا التقرير موقف الدولة/الدول المقدمة لها و/أو الدولة موضوع هذا الاستعراض. ويجب ألا يعتبر أنها تحظى بتأييد الفريق العامل ككل.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Canada was headed by Mr. John SIMS, Deputy Minister, Department of Justice, Canada, and composed of 20 members:

H.E. M. Marius GRINIUS, Ambassador and Permanent Representative of Canada to the UNOG, Alternate Head of Delegation;

Mr. Doug MOEN, Deputy Minister of Justice and Deputy Attorney General, Province of Saskatchewan;

Mr. Michel ROY, Senior Assistant Deputy Minister, Indian and Northern Affairs Canada

Mr. Éric THÉROUX, Directeur Général, Ministère des Relations Internationales, Province du Québec;

Ms. Line PARÉ, Director General, Department of Indian and Northern Affairs Canada;

Mr. Shawn TUPPER, Director General, Department of Human Resources and Skills Development Canada;

Mr. Terry CORMIER, Deputy Permanent Representative of Canada to the UNOG;

Ms. Jane ARBOUR, General Counsel, Department of Justice Canada;

Ms. Gwyn KUTZ, Director, Department of Foreign Affairs Canada;

Ms. Liane VENASSE, Director, Department of Canadian Heritage;

Ms. Marie Josée DESMARAIS, Conseillère en relations internationales, Ministère des Relations Internationales, province du Québec;

Mr. John VON KAUFMANN, Counsellor, Permanent Mission of Canada;

Ms. Emina TUDAKOVIC, First Secretary, Permanent Mission of Canada;

Mr. Jeffrey HEATON, Second Secretary, Permanent Mission of Canada;

Ms. Stacey AULT, Policy and Program Officer, Department of Canadian Heritage;

Mr. Daniel ULMER, Policy Officer, Department of Foreign Affairs Canada;

Mr. Sebastien Malo, Junior Policy Officer, Permanent Mission of Canada;

Mr. Alexander BESANT, Junior Policy Officer, Permanent Mission of Canada.

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