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**EXAMEN PÉRIODIQUE UNIVERSEL**

**Rapport du Groupe de travail sur l'Examen périodique universel\***

**Canada**

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\* Seul le chapitre II (Conclusions et recommandations) du présent rapport est traduit. L'annexe est distribuée telle qu'elle a été reçue.

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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

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\*\* 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.

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 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;
- 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 CDESCR 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.

## **II. CONCLUSIONS ET/OU RECOMMANDATIONS**

86. Au cours du débat, les recommandations suivantes ont été adressées au Canada:

1. Ratifier le Protocole facultatif se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels (Mexique, Égypte);
2. Envisager de signer et de ratifier (Brésil, Chili) le Protocole facultatif se rapportant à la Convention contre la torture, d'y adhérer (Liechtenstein, République tchèque)/de le ratifier (Danemark, France, Chili, Azerbaïdjan), et mettre en place un mécanisme national de prévention efficace (Danemark, Liechtenstein, France, République tchèque) conformément au Protocole (Liechtenstein); adopter en outre des mesures complémentaires pour s'assurer que le principe de non-refoulement est pleinement mis en œuvre, sans aucune exception (République tchèque);

3. Envisager de ratifier (Jordanie)/ratifier dès que possible la Convention relative aux droits des personnes handicapées (Chili, Chine);
4. Ratifier (France) dès que possible (Chili)/envisager la possibilité de signer et de ratifier (Argentine) la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées, et accepter la compétence de son comité (Argentine);
5. Adhérer (Algérie) à la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille/la signer et la ratifier (Azerbaïdjan)/la signer (Chili, Égypte, République arabe syrienne, Mexique);
6. Envisager de ratifier (Norvège, Mexique)/ratifier et appliquer au plan national la Convention n° 169 de l'OIT (Bolivie);
7. Demander au HCDH l'appui nécessaire en vue de ratifier davantage d'instruments internationaux relatifs aux droits de l'homme (Bolivie);
8. Envisager de manière positive de ratifier (Mexique) la Convention américaine relative aux droits de l'homme (Mexique)/d'y adhérer (Mexique, Brésil);
9. Dans le contexte du paragraphe 1 a) de la résolution 9/12 du Conseil des droits de l'homme intitulée «Objectifs des droits de l'homme», retirer ses réserves à la Convention relative aux droits de l'enfant, en particulier en ce qui concerne l'obligation de détenir les enfants séparément d'avec les adultes (Brésil);
10. Reconnaître la justiciabilité des droits économiques, sociaux et culturels, conformément au Protocole facultatif se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels (Brésil); assurer l'application légale des droits économiques, sociaux et culturels par les juridictions internes (Pakistan); accorder la même importance aux droits civils, politiques, économiques, sociaux et culturels, et les traiter de manière égale, dans sa législation à tous les niveaux (Mexique);
11. Poursuivre sa politique volontariste aux niveaux fédéral, provincial et territorial, visant à promouvoir et à protéger tous les droits de l'homme (Maroc);
12. S'efforcer de démontrer que les difficultés soulevées par les relations entre les niveaux fédéral, provincial et territorial de gouvernement ne constituent pas des obstacles insurmontables à l'exécution des obligations conventionnelles (Royaume-Uni);
13. Rationnaliser sa législation interne afin de mettre en œuvre de façon harmonieuse et immédiate ses obligations internationales à tous les niveaux de gouvernement (Pakistan);
14. Créer un système transparent, efficace et responsable incluant tous les niveaux de gouvernement et des représentants de la société civile, notamment des populations autochtones, pour suivre la mise en œuvre des obligations qui incombent au Canada

en matière de droits de l'homme et en rendre compte publiquement et régulièrement ou renforcer un tel système (Portugal); créer un mécanisme qui se réunira régulièrement avec la participation effective d'organisations de la société civile et des populations autochtones, et qui aura une portée nationale pour mettre en œuvre toutes les obligations internationales du Canada et faciliter l'acceptation des engagements en instance (Mexique); envisager des mesures permettant de rendre le Comité permanent des fonctionnaires chargés des droits de la personne plus opérationnel et plus accessible à la société civile, afin de permettre un dialogue permanent sur les obligations internationales relatives aux droits de l'homme, notamment celles en rapport avec l'Examen périodique universel (Slovaquie);

15. Appliquer efficacement les recommandations des organes conventionnels de l'ONU (Azerbaïdjan) et, selon qu'il conviendra, celles relatives aux populations autochtones (Jordanie); intégrer dans les normes nationales les engagements pris lors de la ratification du Pacte international relatif aux droits économiques, sociaux et culturels et de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, en mettant en œuvre les recommandations émanant des comités concernés (Bolivie); analyser les recommandations des organes conventionnels de l'ONU en consultation avec des représentants de la société civile, notamment des populations autochtones, et les mettre en œuvre, ou bien rendre compte publiquement des raisons pour lesquelles le Canada considère qu'il est plus approprié de ne pas les appliquer (Portugal); assurer la participation de la société civile (dans les mécanismes et procédures en vigueur pour assurer le suivi au niveau national des recommandations des organes conventionnels) et publier les recommandations finales des organes conventionnels (République tchèque);
16. Surveiller de près la situation des autres groupes désavantagés, tels que les travailleuses migrantes, les prisonnières et les victimes de la traite (Turquie);
17. Mettre au point une stratégie nationale pour éliminer la pauvreté (Fédération de Russie);
18. Accepter la demande de visite du Rapporteur spécial sur les droits de l'homme des migrants, en suspens depuis 2006 (Pakistan);
19. Accorder la priorité la plus élevée à la lutte contre les inégalités fondamentales entre certains de ses citoyens, notamment en axant l'action des pouvoirs publics sur cinq domaines essentiels du développement économique, à savoir l'éducation, l'autonomisation des citoyens et la protection des groupes vulnérables, le règlement des conflits fonciers et la réconciliation, et la gouvernance et l'autonomie (Royaume-Uni);
20. Poursuivre les politiques et programmes visant à réduire les inégalités qui continuent d'exister entre les autochtones, les immigrants récents et les autres Canadiens (Viet Nam);

21. Reconsidérer son retrait du processus préparatoire de la Conférence d'examen de Durban, et contribuer de manière positive aux efforts mondiaux de lutte contre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée (Égypte); revoir sa décision de ne pas participer à la Conférence d'examen de Durban sur le racisme devant se dérouler en avril 2009 à Genève (Fédération de Russie);
22. Redoubler d'efforts pour combattre le racisme, la discrimination raciale et la xénophobie (Azerbaïdjan);
23. Appliquer les dispositions de sa législation sur les propos haineux de manière non sélective, afin de couvrir tous les actes et incidents susceptibles d'inciter à la haine raciale et religieuse et à la violence (Pakistan);
24. Envisager de prendre des mesures plus résolues pour prévenir les actes de violence à fondement racial contre des membres des communautés musulmane et arabe, les populations autochtones, les citoyens canadiens d'origine étrangère, les travailleurs étrangers, les réfugiés et les demandeurs d'asile, et punir les auteurs de tels actes (Malaisie);
25. Accorder l'attention voulue à la discrimination raciale contre les communautés arabe et musulmane au Canada, notamment le profilage racial et religieux, afin d'y mettre un terme (République arabe syrienne);
26. Réviser sa législation nationale discriminatoire sur la sécurité, et organiser des campagnes de sensibilisation afin de protéger les personnes contre le profilage et les préjugés raciaux fondés sur la nationalité, l'origine ethnique, l'ascendance et la race, en ce qui concerne le terrorisme, comme cela a été suggéré par le Comité pour l'élimination de la discrimination raciale (Indonésie);
27. Prendre des mesures complémentaires pour assurer la mise en œuvre efficace de la Convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes aux niveaux fédéral, provincial et territorial, en accordant une attention particulière aux femmes et aux filles autochtones (Turquie); poursuivre l'action visant à s'attaquer à la discrimination contre les femmes autochtones dans tous les secteurs de la société, notamment l'emploi, le logement, l'éducation et les soins de santé (Finlande); prendre des mesures pour lutter contre la discrimination socioéconomique, qui est cause de violence continue à l'encontre des femmes autochtones, et mieux informer celles-ci de leurs droits (Belgique); envisager de prendre des mesures supplémentaires pour s'attaquer à la discrimination contre les femmes adultes handicapées et les femmes autochtones (Royaume-Uni);
28. Prendre des mesures efficaces pour combattre la discrimination contre les populations autochtones et y mettre un terme, et élaborer et appliquer un plan d'action national pour traiter ce phénomène (Azerbaïdjan); s'attaquer aux causes fondamentales des discriminations, assurer un accès effectif à la justice, créer des voies de recours immédiates et protéger les droits des minorités ethniques, en particulier les autochtones (République islamique d'Iran);

29. Utiliser les Principes de Jogjakarta comme guide pour contribuer à développer davantage les politiques (Pays-Bas);
30. Abroger sa politique consistant à ne plus solliciter la clémence pour les Canadiens reconnus coupables et condamnés à la peine de mort dans des pays réputés respecter «la primauté du droit» (Danemark); envisager de réactiver la politique consistant à solliciter la clémence pour tous les citoyens canadiens condamnés à mort dans d'autres pays (Pays-Bas);
31. Reconsidérer l'approche sur la nature de l'interdiction de la torture et revoir les principes de non-refoulement dans sa législation interne (Brésil);
32. Soumettre à une étude détaillée la réglementation régissant l'emploi des armes Taser, afin d'adopter une législation qui les classerait expressément dans la catégorie des «armes», et instituer des procédures plus rigoureuses en ce qui concerne leur possession et leur utilisation (Italie);
33. Envisager d'adopter les recommandations du Comité pour l'élimination de la discrimination à l'égard des femmes (Malaisie) visant à criminaliser la violence familiale (Malaisie, Italie, Mexique), en assurant aux victimes un accès efficace aux moyens de protection immédiats et en renforçant les poursuites contre les auteurs de tels actes (Italie), ainsi qu'en procédant à des enquêtes adéquates et en sanctionnant les personnes responsables de la mort et de la disparition de femmes autochtones (Mexique); prendre des mesures pour faciliter l'accès effectif à la justice des victimes de violence familiale, et fournir des voies de recours et une protection immédiates (Autriche);
34. Transposer dans la législation nationale l'interdiction et la criminalisation de tous les types de violence contre les femmes et les enfants, en particulier les femmes et les enfants autochtones, conformément aux engagements prévus dans les conventions correspondantes (Bolivie);
35. Prendre les mesures nécessaires pour mettre un terme à la violence contre les femmes, notamment la violence familiale et la violence contre les femmes autochtones, et mettre en œuvre les recommandations du Comité pour l'élimination de la discrimination à l'égard des femmes et du Comité des droits de l'homme dans ce contexte (République arabe syrienne);
36. Adopter de nouvelles mesures pour assurer: la mise en œuvre de la responsabilité de la police pour ce qui concerne son comportement convenable, attentif et efficace dans les affaires de violence contre les femmes; une meilleure protection, en particulier des femmes autochtones, contre toutes les formes de violence, notamment en tenant compte de leur situation socioéconomique défavorisée et de la discrimination dont elles sont victimes; un meilleur accès des victimes de violence domestique à un logement de substitution/protégé (République tchèque);
37. Enquêter et rassembler des données sur la violence contre les femmes de manière systématique et diffuser ces renseignements (Belgique);

38. Mettre en place un compte rendu et une analyse d'ensemble statistique de la portée et de la nature de la violence à l'égard des femmes autochtones, de manière qu'une stratégie nationale puisse être engagée, en consultation avec les représentants des autochtones, pour répondre à la gravité des questions (Norvège); étudier les causes fondamentales de la violence familiale contre les femmes, en particulier les femmes autochtones, et y remédier (Autriche);
39. Effectuer une étude de l'efficacité de la législation pertinente en matière de traite des êtres humains, et mettre en œuvre les réformes nécessaires afin de renforcer la protection des droits des victimes de la traite (Slovaquie);
40. Renforcer la législation et les programmes visant à faire respecter l'interdiction de l'exploitation sexuelle des enfants à des fins commerciales (Philippines);
41. Faire en sorte que toute plainte pour violation des obligations internationales relatives aux droits de l'homme puisse être examinée par les juridictions canadiennes et que des recours utiles adéquats soient fournis aux victimes (Portugal);
42. Réaménager les établissements de détention et les établissements pénitentiaires et modifier les normes relatives au traitement des mineurs, de manière que les aspects liés au sexe soient pris en compte, et assurer effectivement la sécurité personnelle des détenus et des prisonniers (République tchèque);
43. Assurer l'application intégrale de la législation interdisant la discrimination dans l'emploi et toutes les pratiques discriminatoires sur le marché du travail, et prendre des mesures supplémentaires pour réduire le chômage parmi les groupes minoritaires (Égypte);
44. Dans le prolongement des recommandations du Comité pour l'élimination de la discrimination raciale et du Comité pour l'élimination de la discrimination à l'égard des femmes, appliquer intégralement la législation visant à lutter contre la discrimination sur le marché du travail, notamment en envisageant d'adopter des mesures spéciales temporaires (Slovaquie); prendre les mesures nécessaires pour mettre un terme à la discrimination à l'encontre des femmes sur le lieu de travail et appliquer les recommandations de l'OIT et du Comité des droits économiques, sociaux et culturels pour assurer l'égalité de rémunération pour un travail de valeur égale dans les secteurs public et privé (République arabe syrienne);
45. Intégrer les droits économiques, sociaux et culturels dans les stratégies de réduction de la pauvreté, de manière que celles-ci soient bénéfiques aux groupes les plus vulnérables de la société, en particulier les autochtones, les Afro-Canadiens, les migrants, les personnes handicapées, les jeunes, les femmes à faible revenu et les mères célibataires, et adopter toutes les mesures nécessaires, notamment la mise en œuvre intégrale de la Déclaration des Nations Unies sur les droits des peuples autochtones, pour assurer aux autochtones le plein exercice de leurs droits, notamment économiques, sociaux et culturels, afin que leur niveau de vie soit similaire à celui du reste de la population au Canada (Cuba);

46. Adopter des politiques visant à améliorer les soins de santé et le bien-être général des enfants autochtones (Indonésie);
47. Envisager de souscrire à la recommandation du Rapporteur spécial sur le logement convenable, spécialement en vue d'étendre et de renforcer le programme national pour les sans-abri et le Programme d'aide à la remise en état des logements (Malaisie);
48. Intensifier l'action déjà engagée pour mieux garantir le droit à un logement décent, en particulier pour les groupes vulnérables et les familles à faible revenu (Viet Nam);
49. Continuer de faire face aux disparités et inégalités socioéconomiques qui persistent à travers le pays (Turquie);
50. Intensifier ses efforts pour que l'éducation supérieure soit également accessible à tous, sur la base des capacités (Liechtenstein);
51. Mettre en œuvre tous les instruments internationaux relatifs aux droits de l'homme concernant les autochtones, les femmes, les Arabes, les musulmans et autres minorités religieuses, les migrants et les réfugiés, et renforcer et protéger leurs droits contre les violations (Arabie saoudite);
52. Revoir sa position (Danemark, Norvège) en ce qui concerne la Déclaration des Nations Unies sur les droits des peuples autochtones, approuver celle-ci (Norvège), l'appuyer et la mettre pleinement en œuvre (Pakistan) (Norvège, Danemark, Pakistan); poursuivre les consultations sur la question avec toutes les parties prenantes afin d'être en mesure d'appuyer la Déclaration à l'avenir (Autriche); tenir compte des dispositions de la Déclaration dans la législation nationale, dans la mesure où la Déclaration est un document de l'ONU et énonce des directives pour la conduite des États (Bolivie);
53. Renforcer les programmes spécifiques pour assurer la représentation appropriée des communautés minoritaires à tous les niveaux de gouvernement, ou en adopter selon que de besoin, et adopter des mesures vastes et efficaces pour mettre un terme aux modalités discriminatoires de l'application des lois, et fournir aux victimes des voies de droit et des recours efficaces (Égypte);
54. Renforcer et développer les programmes existants et prendre davantage de mesures spécifiques en faveur des autochtones, en particulier en ce qui concerne l'amélioration du logement, des possibilités éducatives, spécialement après l'enseignement élémentaire, et l'emploi, et veiller à ce que les droits des femmes et des enfants soient mieux protégés, en consultation avec la société civile (Pays-Bas);
55. Veiller à ce que toutes les obligations en matière de consultation et de consentement soient respectées par tous les organismes gouvernementaux responsables, aux niveaux fédéral et provincial, et s'assurer que les recommandations pertinentes des organes conventionnels de l'ONU sont pleinement prises en compte et que les

- procédures de réclamations spécifiques ne limitent pas le développement progressif des droits des autochtones dans le pays (Autriche);
56. Redoubler d'efforts pour régler les revendications territoriales et améliorer le mécanisme de règlement des conflits (Suisse);
  57. Accroître les efforts pour renforcer la protection des droits de l'homme des migrants et tenir des consultations ouvertes avec la société civile au sujet de la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille (Philippines);
  58. Lancer une étude complète aboutissant à des réformes sur le plan juridique et des politiques qui protègent les droits des réfugiés et des migrants, notamment le droit au regroupement familial, adopter une loi érigeant en infraction la violence raciale, et concevoir et mettre en œuvre des formations pour les juges et les procureurs portant sur la nature des crimes haineux fondés sur la race (Égypte);
  59. Poursuivre les efforts pour rendre son système de certificats de sécurité concernant l'immigration conforme aux normes internationales relatives aux droits de l'homme (Suisse);
  60. Rendre plus transparentes et objectives ses procédures d'immigration, et prendre des mesures concrètes pour éviter que les procédures ne soient abusivement utilisées à des fins de profilage sur la base de la race, de la religion et de l'origine (Pakistan);
  61. Entreprendre des campagnes de sensibilisation visant à protéger certaines personnes et certains groupes contre les préjugés qui les associent au terrorisme, et envisager de modifier la loi antiterroriste pour améliorer une disposition spécifique contre la discrimination, et réviser la législation pertinente ou adopter une loi visant à criminaliser les actes de violence raciste, conformément à l'article 4 de la Convention pour l'élimination de la discrimination raciale (Algérie);
  62. Diffuser largement les conclusions du présent Examen périodique universel, et faire en sorte que la tenue de consultations régulières et largement ouvertes avec la société civile fasse partie intégrante du suivi de l'Examen périodique universel ainsi que de l'établissement du prochain rapport national à cet égard (République tchèque);
  63. Mettre en place un processus efficace et ouvert à tous destiné à assurer le suivi des recommandations de l'Examen périodique universel (Norvège); faire en sorte que la société civile soit activement associée au prochain Examen périodique universel du Canada (Pays-Bas), de façon globale et régulière (Danemark), constructive et participative (Philippines), ainsi qu'à la mise en œuvre des conclusions de l'Examen (Royaume-Uni);
  64. Créer un système similaire (à celui des organes conventionnels) pour l'analyse et l'application des recommandations résultant de l'Examen périodique universel (Portugal);



65. S'associer au consensus sur le dispositif de renforcement des institutions visant à doter le Conseil des mécanismes et des règles nécessaires à son fonctionnement et à l'exécution de son mandat (Algérie);
  66. Respecter ses obligations et ses engagements en matière de droits de l'homme, sans exception ou considération ultérieure, et prendre des mesures pour lutter contre le traitement inégal et la politisation de ses politiques relatives aux droits de l'homme (République islamique d'Iran);
  67. Veiller à ce que son action à l'intérieur et en dehors du Conseil soit fondée sur les engagements qu'il a pris et sur les principes d'objectivité, d'impartialité et de non-sélectivité (Algérie);
  68. Mettre en œuvre les engagements volontaires qu'il a présentés lorsqu'il a posé sa candidature au Conseil des droits de l'homme, à savoir les principes d'universalité, d'objectivité et de non-sélectivité dans l'examen des questions relatives aux droits de l'homme, et éliminer le traitement inéquitable et la politisation dans l'examen des questions relatives aux droits de l'homme concernant les différentes communautés et populations, tant sur le plan interne qu'international (République arabe syrienne).
87. La réponse du Canada à ces recommandations figurera dans le document final adopté par le Conseil à sa onzième session.
88. Toutes les conclusions et/ou recommandations figurant dans le présent rapport reflètent la position de l'État ou des États les ayant formulées et/ou de l'État examiné à leur sujet. Elles ne sauraient être considérées comme ayant été approuvées par le Groupe de travail dans son ensemble.

**Annexe**

**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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