



General Assembly

Distr.: General
7 February 2013

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Sixteenth session
Geneva, 22 April–3 May 2013

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 5 of the annex to Human Rights Council
resolution 16/21**

Canada

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, the Office of the High Commissioner for Human Rights (OHCHR), and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1970)	CRPD (2010)	OP-CAT
	ICESCR (1976)		ICRMW
	ICCPR (1976)		CPED
	ICCPR-OP 2 (2005)		
	CEDAW (1981)		
	CAT (1987)		
	CRC (1991)		
	OP-CRC-AC (2000)		
	OP-CRC-SC (2005)		
<i>Reservations, declarations and/or understandings</i>	CEDAW (Withdrawal of declaration, art. 11 (1)(d), 1992)	CRPD (Declarations, arts. 12 and 33.2 / Reservations, arts. 12 and 12.4, 2010)	
	CRC Reservations, arts. 21 and 37.c / Declaration, art. 30, 1991)		
<i>Complaint procedures, inquiry and urgent action³</i>	ICCPR, art. 41 (1949)		ICERD, art.14
	ICCPR-OP 1, (1976)		OP-ICESCR
	OP-CEDAW, art. 8 (2002)		OP- CRC-IC
	CAT, art. 20, 21 and 22 (1987/1989)		ICRMW
			OP-CRPD
		CPED	

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	ILO No. 29 concerning Forced or Compulsory Labour (2011)	1954 Convention relating to the Status of Stateless Persons
	Rome Statute of the International Criminal Court		ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively;
	Conventions on refugees and stateless persons ⁴		ILO Convention No. 138 concerning the minimum age for admission to employment
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵		ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries
	Palermo Protocol ⁶		ILO Convention No. 189 on decent work for domestic workers
	ILO fundamental conventions ⁷		UNESCO Convention against Discrimination in Education

1. In 2012, the Committee on the Rights of the Child (CRC) reiterated its recommendation to Canada to withdraw its reservations to article 37 (c) of the Convention⁸ and urged Canada to ratify CRC-OP-IC, ILO Convention No. 138 and Convention No. 189.⁹

2. In 2012, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Canada to ratify ILO Convention No. 169¹⁰ and to make the declaration provided for in article 14 of ICERD¹¹

3. In 2012, the Committee against Torture (CAT) urged Canada to ratify OP-CAT¹² and CPED.¹³ CAT¹⁴ and CERD¹⁵ urged Canada to ratify ICRMW.

4. CRC¹⁶ and CERD¹⁷ urged Canada to ratify the 1954 Convention relating to the Status of Stateless Persons.

5. UNESCO indicated that Canada should be encouraged to ratify the 1960 Convention against Discrimination in Education and to report to the 8th Consultation on measures taken for the implementation of the Convention for the period covering 2006-2011.¹⁸

6. UNESCO invited Canada to ratify the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, in order to bring its experience to the service of the international community.¹⁹

7. CERD appreciated the endorsement by Canada of the United Nations Declaration on the Rights of Indigenous Peoples.²⁰

B. Constitutional and legislative framework

8. CAT urged Canada to incorporate the Convention into its legislation to allow persons to invoke it directly in courts and to give prominence to the Convention.²¹

9. CRC recommended that a constitutional path be found that would allow Canada to have, throughout its whole territory, a comprehensive legal framework which fully incorporates CRC and its Optional Protocols.²²

10. CAT urged Canada to incorporate all provisions of the Convention in domestic law and ensure that provisions that give rise to extraterritorial jurisdiction can be directly applied before domestic courts.²³

11. UNESCO indicated that Canada could be encouraged to adopt measures (e.g. special laws) aiming at combating discrimination in education, protecting minority groups (specifically regarding language rights), and promoting gender equality.²⁴

12. The Special Rapporteur on the right to adequate housing recommended that the right to housing be recognized in federal and provincial legislations as an inherent part of the Canadian legal system.²⁵

13. In 2012, Special Rapporteur on the right to food noted that Canada did not afford constitutional or legal protection to the right to food domestically. The 1982 Canadian Charter of Rights and Freedoms protects a number of civil and political rights but contains no substantive provisions protecting social and economic rights broadly, and the right to food more specifically.²⁶

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²⁷

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle²⁸</i>
Canadian Human Rights Commission	A (October 2006)	A (May 2011)

14. CRC reiterated its recommendation to Canada that it establish a coordinating body for the implementation of the Convention.²⁹ CRC urged Canada to consider strengthening the Interdepartmental Working Group on Children's Rights³⁰ and to establish a federal Children's Ombudsman and raise awareness concerning the existing children's Ombudsman in the provinces and territories.³¹ CRC urged Canada to adopt a national strategy for the overall realization of the Convention which will enable the provinces and territories to adopt strategies; to establish a coordinated monitoring mechanism,³² and to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to child rights.³³

15. CERD urged Canada to strengthen the coordination of federal and provincial mechanisms in order to remove disparities in the implementation of anti-racism legislation, policies, programmes and best practices; and ensure the enjoyment on an equal footing within all provinces and territories of the rights set forth in ICERD, including by adopting new federal laws.³⁴

16. The Special Rapporteur on the right to food stated that Canada was in need of a national right-to-food strategy, centred on nutrition and food security. With regard to indigenous peoples, while welcoming the Nutrition North Canada programme, the Special Rapporteur expressed concerns about its implementation, including that in the absence of adequate monitoring the programme is not achieving its desired outcome.³⁵

17. CERD urged Canada to adopt a comprehensive strategy on the situation of Aboriginal people at the federal level.³⁶

18. CERD urged Canada, in consultation with indigenous peoples, to consider adopting a national plan of action in order to implement the United Nations Declaration on the rights of indigenous peoples.³⁷

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³⁸

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2007	2011	March 2012	Twenty-first to twenty-third reports due in 2015
CESCR	May 2006	2012	–	Sixth report pending consideration
HR Committee	October 2005	–	–	Sixth report overdue since 2010
CEDAW	November 2008	–	–	Eighth and ninth reports due in 2014
CAT	May 1992	–	–	Seventh report due in 2016
CRC	January 2003	2007	June 2009	Fifth and sixth reports due in 2018/Initial OP-CRC-SC report submitted in 2009 and concluding observations adopted in 2012
CRPD	–	–	–	Initial report overdue since 2012

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2008	Racial profiling; Aboriginal peoples' rights; and access to justice to minority groups ³⁹ .	2009 ⁴⁴ . Dialogue ongoing ⁴⁵ .
	2013	Racial discrimination; rights of minorities; and access to justice of minorities ⁴⁰ .	—
HR Committee	2006	Definition of terrorism; right to a fair trial; conditions of detention; situation of women prisoners ⁴¹ .	—
CEDAW	2009	Social assistance programmes to women; investigation of cases of murder of Aboriginal women ⁴² .	2010 ⁴⁶ . Dialogue ongoing ⁴⁷ . Dialogue ongoing regarding previous concluding observations ⁴⁸ .
CAT			—
	2013	Legal safeguards for detainees; prompt, impartial and effective investigations; sanctioning perpetrators of torture or ill-treatment ⁴³ .	

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
HR Committee	6 ⁴⁹	Follow-up dialogue ongoing ⁵²
CEDAW	1 ⁵⁰	Follow-up dialogue ongoing ⁵³
CAT	2 ⁵¹	Follow-up dialogue ongoing ⁵⁴

19. CAT regretted Canada's failure to comply with its requests for interim measures of protection, particularly in cases involving deportation and extradition.⁵⁵

B. Cooperation with special procedures⁵⁶

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	<p>Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (9-22 October 2007); Working Group on Arbitrary Detention (1-15 June 2005);</p> <p>Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (21 May to 4 June 2004);</p> <p>Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (15 to 26 September 2003).</p>	Special Rapporteur on the right to food (6 - 16 May 2012)
<i>Visits agreed to in principle</i>	Special Rapporteur on racism in 2007.	<p>Special Rapporteur on racism Working Group on People of African Descent (21 May – 1 June 2013)</p> <p>Working Group on transnational corporations and business enterprises (late 2013 or 2014)</p> <p>Special Rapporteur on extreme poverty and human rights (dates to be agreed)</p>
<i>Visits requested</i>	Special Rapporteur on the human rights of migrants, requested in 2006.	<p>Special Rapporteur on extrajudicial, summary or arbitrary executions (request in 2010)</p> <p>Special Rapporteur on sale of children, child prostitution and child pornography (request in 2010)</p> <p>Special Rapporteur on Indigenous Peoples (requested February 2012, reminder May 2012)</p>
<i>Responses to letters of allegations and urgent</i>	During the period under review 11 communications were sent. The Government replied to 10 of these communications.	

appeals

C. Cooperation with the Office of the High Commissioner for Human Rights

20. In 2009, staff from the Canadian Human Rights Commission participated in training on the universal periodic review mechanism provided by OHCHR in cooperation with UNDP, the Network of National Human Rights Institutions of the Americas and Rights and Democracy.⁵⁷

21. Canada has financially contributed to OHCHR on an annual basis,⁵⁸ including annually to the United Nations Voluntary Fund for Victims of Torture, since 2009.⁵⁹

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

22. CERD remained concerned at the refusal of Canada to introduce into its legislation a specific offence criminalizing and punishing acts of racist violence.⁶⁰

23. CRC was concerned about segregated schools primarily for minorities, which leads to discrimination.⁶¹ CRC urged that disparities in access to services by all children be addressed.⁶²

24. In 2012, the Independent Expert on minority issues stated that Canada had an impressive constitutional and legislative framework at the federal, provincial and territorial levels that required adherence to the core principles of equality and non-discrimination for all.⁶³ The Independent Expert observed however, that individuals and communities belonging to certain minorities faced persistent problems and that the Government had not adequately implement the impressive existing legislative policy that exists.⁶⁴ She noted, inter alia, that unemployment rates generally were significantly higher for certain minorities, income levels were lower, and minorities were living disproportionately in the poorest neighbourhoods and in social housing with relatively poor access to services.⁶⁵

25. CERD reiterated its recommendation that Canada review the implications of the use of the term “visible minorities” in referring to “persons, other than Aboriginal peoples, who were non-Caucasian in race and non-white in colour” (Employment Equity Act, 1995).⁶⁶

26. With regard to discrimination on the grounds of political opinion and social origin, in 2011, the ILO Committee of Experts reiterated its call to Canada to amend the Canadian Human Rights Act (CHRA) and the legislation of relevant provinces and territories to include social origin or “social condition” and political opinion as prohibited grounds of discrimination in employment and occupation, and to provide information on the concrete steps taken in this regard.⁶⁷

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

27. CAT urged Canada to consider discontinuing the use of conducted-energy weapons.⁶⁸ CRC recommended the abolition of the use of Tasers.⁶⁹

28. CAT urged Canada to investigate all allegations of ill-treatment and excessive use of force by the police and to prosecute perpetrators⁷⁰ and to intervene to stop and punish acts of torture or ill-treatment committed by non-State or private actors.⁷¹
29. CAT urged that the exercise of the universal jurisdiction over persons responsible for acts of torture, including foreign perpetrators who are temporarily present in Canada, be ensured.⁷²
30. CAT remained concerned that Canadian law, including subsection 115(2) of the Immigration and Refugee Protection Act, continued to provide legislative exceptions to the principle of non-refoulement.⁷³
31. CAT urged Canada to reconsider its policy of using administrative detention and immigration legislation to detain and remove non-citizens on the ground of national security, inter alia, by reviewing the use of the security certificates and ensuring the prohibition of the use of information obtained by torture, in line with relevant domestic and international law.⁷⁴
32. CAT urged Canada to prohibit transfers of prisoners to other countries when there were substantial grounds for believing that they would be in danger of being subjected to torture and recognize that diplomatic assurances and monitoring arrangements would not be relied upon to justify transfers when substantial risk of torture exists.⁷⁵
33. CAT urged Canada to limit the use of solitary confinement as a measure of last resort for as a short time as possible under strict supervision and with a possibility of judicial review⁷⁶
34. In 2011, the Special Rapporteur on the right of indigenous peoples sent a communication to Canada regarding information about an alarming pattern of violence afflicting indigenous women throughout the country and allegations of an inadequate response by authorities.⁷⁷ The Special Rapporteur noted the Government's response and urged Canada to address the root causes of violence against indigenous women.⁷⁸ CAT urged Canada to end all forms of violence against Aboriginal women and girls.⁷⁹ CERD⁸⁰ and CRC⁸¹ issued similar recommendation.
35. CRC was concerned about the lack of prevention of child sexual exploitation⁸² and recommended ensuring criminalization of relevant offences.⁸³
36. CRC urged Canada to repeal section 43 of the Criminal Code to remove authorization of the use of "reasonable force" in disciplining children and prohibit all forms of violence against all age groups of children within family, in schools and in other institutions where children may be placed.⁸⁴
37. CRC urged Canada to consider raising the age of voluntary military recruitment to 18.⁸⁵
38. CRC urged Canada to establish mechanisms and procedures to protect the rights of child victims of trafficking⁸⁶ and provide training to law-enforcement officials and prosecutors in this regard.⁸⁷

C. Administration of justice, including impunity, and the rule of law

39. With regard to individuals subject to security certificates under the Immigration and Refugee Protection Act, CAT remained concerned that Special Advocates had very limited ability to conduct cross-examinations or to seek evidence independently, and that they could not properly provide full defence, which is in violation of the fundamental principles of justice and due process.⁸⁸

40. CAT urged Canada to consider amending the State Immunity Act to remove obstacles to redress for all victims of torture.⁸⁹

41. CRC urged Canada to ensure that children under 18 cannot be tried as adults.⁹⁰ CRC was concerned about the increased use of detention reduced protection of privacy, and reduction in the use of extrajudicial measures, such as diversion.⁹¹

42. CERD reiterated its recommendation that Canada facilitate access to justice by persons belonging to minority groups.⁹²

43. CERD was concerned at the high rates of incarceration of Aboriginal people.⁹³ CRC raised similar concerns regarding Aboriginal and African-Canadian children.⁹⁴

D. Right to privacy, marriage and family life

44. CRC urged Canada to review the provisions of the amendment to the Citizenship Act to remove restrictions on acquiring Canadian citizenship for children born abroad to Canadian parents.⁹⁵

45. CRC was seriously concerned that some children had been deprived of their identity due to the illegal removal by Government authorities of their father's name on their original birth certificates, especially in cases of unwed parents,⁹⁶ and urged Canada to review legislation and practices in the provinces and territories where birth registrations had been illegally altered or the names of parents been removed, and ensure that the names on such birth certificates are restored.⁹⁷

46. CRC urged Canada to protect all children from underage forced marriages and to enforce the legal prohibition against polygamy.⁹⁸

47. CRC urged Canada to adopt legislation in compliance with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption, and to amend legislation to ensure that information about the date and place of birth of adopted children and their biological parents was preserved.⁹⁹

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

48. UNESCO encouraged Canada to review and update the Access to Information Act to facilitate access to information by the public; to decriminalize defamation and incorporate it in the civil code; and to continue the debate on strengthening the protection of sources.¹⁰⁰

49. En 2012, les Rapporteurs spéciaux sur la promotion et la protection du droit à la liberté d'opinion et d'expression, sur le droit de réunion et d'association pacifiques et sur la situation des défenseurs des droits de l'homme ont envoyé une communication sur des allégations de restrictions arbitraires au droit de réunion pacifique et de l'usage disproportionné de la force contre des manifestants dans le contexte de mobilisations d'étudiants à Montréal.¹⁰¹

50. The Independent Expert on minority issues indicated that minorities were poorly represented in political structures and institutions at all levels of Government.¹⁰² She stated that attention must be given by all political actors, including political parties, to improve the representation of minorities and urged the implementation of the recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation (A/HRC/13/25).¹⁰³

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

51. CRC urged Canada to establish a national minimum age of 16 for employment and to harmonize provincial and territorial legislation to ensure protection for children under the age of 18 from hazardous and unsafe working environments.¹⁰⁴

52. Regarding the Employment Policy Convention, 1964 (No. 122), in 2011, the ILO Committee of Experts invited Canada to continue to provide information in its next report on employment measures adopted and their outcomes with the objective of maintaining full employment.¹⁰⁵ The Committee asked Canada to continue to provide information on measures in the area of education and training and on labour market measures regarding young persons, Aboriginal people, workers with disabilities, older workers, immigrants, and other categories of vulnerable workers.¹⁰⁶

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

53. CRC was concerned about inadequacies of and abuses committed within the alternative care system.¹⁰⁷

54. In 2012, the Special Rapporteur on the right to food noted that the gaps between those living in poverty and the middle- and high-income segments of the population are widening. Fifty-five per cent of households in which the main source of income was social assistance are food insecure, as a result of a huge discrepancy between social assistance levels and the rising costs of living. He noted that as social protection schemes and minimum wages fail to meet people's basic daily needs, an increasing number are turning to food banks. The Special Rapporteur recalled that the minimum wage set in legislation should be, at least, a "living wage" that "provides an income allowing workers to support themselves and their families", as required under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.¹⁰⁸

55. The Independent Expert on minority issues noted that federal, provincial and territorial governments acknowledge that poverty is a problem disproportionately faced by people of colour, including African-Canadian and specific Asian-Canadian communities. Income levels generally are significantly lower for minorities, unemployment rates are higher and minorities are predominantly living in the poorest neighbourhoods and in social housing with relatively poor access to services. Consequently, poverty alleviation programmes must be targeted towards affected communities.¹⁰⁹

56. The Special Rapporteur on the right to food was concerned by the deep and severe food insecurity faced by Aboriginal Peoples across Canada living both on- and off-reserve in remote and urban areas. The Special Rapporteur observed that in many parts of Canada access to country foods requires access to land. As such, ongoing land claims across the country have implications for the right to food among Aboriginal Canadians.¹¹⁰

57. A 2010 WHO report stated that "approximately one third of Aboriginal children live in low-income families and food-security is a serious concern." The Special Rapporteur on indigenous peoples noted that Aboriginal communities face vastly higher poverty rates, and poorer health, education, employment as compared to non-Aboriginal people.¹¹¹

58. A 2010 WHO report indicated that in Nunavut nearly 70 per cent of Inuit pre-school children live in households which are food-insecure, meaning they do not have enough food and have to skip meals or eat only small portions or poor quality food some of the time.¹¹²

59. In 2009, the Special Rapporteur on the right to adequate housing indicated that the definition of "core housing need" should be revised to include all the elements of the right to adequate housing, and Canada should adopt a national strategy on affordable housing

that engages all levels of government, including Aboriginal governments, Aboriginal people, civil society and the private sector.¹¹³ He urged the federal authorities to adopt an official definition of homelessness and to gather reliable statistics to develop a coherent and concerted approach to this issue.¹¹⁴

60. The Special Rapporteur on indigenous peoples sent communications in 2011¹¹⁵ and 2012¹¹⁶ regarding the dire housing situation of the Attawapiskat First Nation, which allegedly exemplified the generally poor living conditions of First Nation communities in Canada. The Government replied to both communications. A press release was also issued.¹¹⁷ In his follow-up communication of 2012, the Special Rapporteur noted the steps taken to address the social and economic conditions of the Attawapiskat First Nation and other First Nations and pointed out the need for further consultations to develop solutions to the housing and other social and economic conditions of that First Nation, and emphasized that any such measures should be designed to enhance the First Nation's self-determination and decision-making authority.¹¹⁸

H. Right to health

61. A 2009 UNICEF report on the health of Aboriginal children stated that across Canadian First Nation reserve communities, infant mortality rates were three to seven times the national average.¹¹⁹ The same report highlights that "on-reserve First Nations child immunization rates are 20 per cent lower than in the general population".¹²⁰

62. A 2010 WHO report states that "First Nations experience disproportionately high rates of tuberculosis, diabetes, injuries, suicide and cardiovascular disease".¹²¹ The difference in life expectancy between Inuit residents and Canadians is about 13 years, and the Inuit suicide rate is more than 11 times greater than the overall Canadian rate.¹²²

63. CRC was concerned about the high rate of suicide deaths among young people, in particular among those belonging to the Aboriginal community.¹²³

64. A 2010 WHO report noted that, in terms of access to health services, Inuit "rarely receive Inuit-specific services, face language and cultural barriers in mainstream services, and face inequities in benefits as beneficiaries living outside of their land claims".¹²⁴

65. The 2010 WHO report also noted the state of access to health services of the Métis communities. Only 32 per cent indicated that traditional medicines, healing or wellness practices were available in their city, town or community.¹²⁵

I. Right to education

66. CRC was concerned about the need for user fees at the compulsory education level for required materials and activities that are part of the basic public school services for children, inappropriate and excessive use of disciplinary measures applied to Aboriginal and African-Canadian children in school; and widespread bullying in schools.¹²⁶

67. CRC was concerned at the high cost of child care, lack of available places for children in such care, absence of uniform training requirements for all child-care staff and of standard of quality care.¹²⁷

68. CERD urged Canada to increase the level of educational attainment of African Canadian children, in particular by preventing their marginalization and reducing their drop-out rates.¹²⁸ CRC made a similar recommendation.¹²⁹

69. The Independent Expert on minority issues noted that African Canadians and some Asian-Canadian communities were concerned that their children were having negative

experiences in public schools. Parents and community leaders described approaches to education that did not take different cultures of learning into account, as well as curricula and textbooks that ignored their histories and contributions to Canadian society. There was a gross underrepresentation of minorities in teaching and school administrative staff.¹³⁰

J. Persons with disabilities

70. CRC urged Canada to ensure that children with disabilities had access to inclusive education.¹³¹

K. Minorities

71. CERD urged Canada to recognize the achievements and the contributions of the African Canadian community to Canada.¹³²

72. CRC urged Canada to ensure that Aboriginal children in the child welfare system are able to preserve their identity, claim their rights, including in respect of names, culture and language of children belonging indigenous populations; and revise the legislation to ensure that women and men are equally legally entitled to pass their Aboriginal status to their grandchildren.¹³³

73. CERD urged Canada to implement the right of Aboriginal people to consultation and to free, prior and informed consent and to seek agreements and find means and ways to establish titles over their lands.¹³⁴

74. In the framework of follow-up, in 2008, CERD was concerned about the unresolved dispute concerning the North Central Corridor Pipeline (TransCanada Corporation) between the Lubicon Lake Indian Nation and the federal and provincial governments.¹³⁵

75. In 2009, in the framework of its early-warning and urgent-action procedure, in 2009, CERD raised concerns regarding the increased development in indigenous territories in British Columbia without the informed consent of indigenous people; and the privatization of traditional lands for the benefit of mining and energy companies without informed consent of the citizens of Kitchenuhmanykoosib Inninuwig.¹³⁶

76. CERD urged Canada to realize the economic, social and cultural rights of Aboriginal people.¹³⁷

L. Migrants, refugees and asylum seekers

77. CAT was concerned about Bill C-31 (Protecting Canada's Immigration System Act) introducing mandatory detention for individuals who enter the territory irregularly and excluding "irregular arrivals" and individuals who are nationals of designated "safe" countries from an appeal hearing of a rejected refugee claim, and urged the modification of Bill C-31.¹³⁸

78. CERD was concerned that Bill C-11 (Balanced Refugee Act) does not provide all required legal procedural guarantees and the protection of the non-refoulement principle.¹³⁹

79. CERD was concerned that, under Bill C-4, any migrant and asylum seeker designated as an "irregular arrival" would be subject to mandatory detention for a minimum of one year or until the asylum-seeker's status was established. It urged Canada to review Bill C-4 in order to repeal the provision on the mandatory detention.¹⁴⁰

80. CRC was concerned that the frequent detention of asylum-seeking children is carried out without consideration of the best interests of the child; and about deportation of Roma and other migrant children who, often wait for prolonged periods of time, even years, for such decisions.¹⁴¹

M. Right to development and environmental issues

81. The Special Rapporteur on the right to food indicated that in recent years, Canada had substantially exceeded its minimum food aid commitments under the Food Aid Convention, in the negotiation of which during 2010-2012 Canada played a major role. Canada has led by example in this area by ruling out monetization and untying of its food aid.¹⁴²

N. Human rights and counter-terrorism

82. CAT urged Canada to implement the recommendation of the Working Group on Arbitrary Detention that the detention of terrorism suspects be imposed in the framework of criminal procedure and in accordance with the corresponding safeguards of international law.¹⁴³

83. CAT was concerned about the Ministerial Direction to the Canadian Security Intelligence Service (CSIS) that allows intelligence information that may have been gained through mistreatment of sources by foreign States to be used within Canada, and which allows CSIS to share information with foreign agencies even when doing so poses a serious risk of torture, in exceptional cases involving threats to public safety.¹⁴⁴

84. CAT was concerned at Canada's reluctance to protect rights of all Canadians detained in other countries and the refusal to offer an official apology and compensation to three Canadians, and officials' complicity in the human rights violation of one individual while detained at Guantánamo Bay and the delay in approving his request to be transferred to serve the balance of his sentence in Canada.¹⁴⁵

85. The Independent Expert on minority issues indicated that members of Muslim and Arab communities commonly reported that Government policies after 11 September 2001 have made them feel targeted, profiled and harassed. She stated that steps must be taken to address concerns, answer allegations, and to build positive relations and confidence among communities that feel targeted by national security legislation.¹⁴⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Canada from the previous cycle (A/HRC/WG.6/4/CAN/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ A table in the previous UPR compilation contained the following information under Recognition of specific competences of treaty bodies: Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art.33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art.30.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷ Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ CRC/C/CAN/CO/3-4, para. 9.

⁹ Ibid., para. 87.

¹⁰ CERD/C/CAN/CO/19-20, para. 23.

¹¹ Ibid., para. 24.

¹² CAT/C/CAN/CO/6, para. 25.

¹³ Ibid., para. 26.

¹⁴ Ibid., para. 26.

¹⁵ CERD/C/CAN/CO/19-20, para. 23.

¹⁶ CRC/C/CAN/CO/3-4, para. 41.

- ¹⁷ CERD/C/CAN/CO/19-20, para. 23.
- ¹⁸ UNESCO submission, p.15, paras. 60-61.
- ¹⁹ Ibid., p. 16, para. 66.
- ²⁰ CERD/C/CAN/CO/19-20, para. 5.
- ²¹ CAT/C/CAN/CO/6, para. 8.
- ²² CRC/C/CAN/CO/3-4, para. 11; CRC/C/OPSC/CAN/CO/1, , para. 9.
- ²³ CAT/C/CAN/CO/6, para. 8.
- ²⁴ UNESCO submission, p. 16, paras. 62-63.
- ²⁵ A/HRC/10/7/Add.3, para. 88.
- ²⁶ Special Rapporteur on the right to food, Olivier De Schutter: visit to Canada from 6 to 16 May 2012, see end-of-mission statement at:
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12159&LangID=E.
- ²⁷ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- ²⁸ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- ²⁹ CRC/C/CAN/CO/3-4, para. 15.
- ³⁰ Ibid., para. 15.
- ³¹ Ibid., para. 23.
- ³² Ibid., para. 13.
- ³³ Ibid., para. 29.
- ³⁴ CERD/C/CAN/CO/19-20, para. 9.
- ³⁵ Special Rapporteur on the right to food, Olivier De Schutter: visit to Canada from 6 to 16 May 2012, end-of-mission statement at:
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12159&LangID=E.
- ³⁶ CERD/C/CAN/CO/19-20, para. 10.
- ³⁷ Ibid., para. 19.
- ³⁸ The following abbreviations have been used for this document:
- | | |
|--------------|---|
| CERD | Committee on the Elimination of Racial Discrimination; |
| CESCR | Committee on Economic, Social and Cultural Rights; |
| HR Committee | Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CAT | Committee against Torture; |
| CRC | Committee on the Rights of the Child; |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ³⁹ CERD/C/CAN/CO/18, para. 32.
- ⁴⁰ CERD/C/CAN/CO/19-20, para. 29.
- ⁴¹ CCPR/C/CAN/CO/5, para. 26.
- ⁴² CEDAW/C/CAN/CO/7, para.53.
- ⁴³ CAT/C/CAN/CO/6, para. 29.
- ⁴⁴ CERD/C/CAN/CO/18/Add.1.
- ⁴⁵ Letter dated 15 August 2008 from CERD to the Permanent Mission of Canada, available at http://www2.ohchr.org/english/bodies/cerd/docs/Canada_letter150808.pdf; and letter dated 12 March 2010 from CERD to the Permanent Mission of Canada, available at http://www2.ohchr.org/english/bodies/cerd/docs/followup/Canada_12032010.pdf.
- ⁴⁶ CEDAW/C/CAN/CO/7/Add.1, 11 February 2010; CEDAW/C/CAN/CO/7/Add.1/Corr.1, 18 March 2010; and CEDAW/C/CAN/CO/7/Add.2, 8 December 2010.
- ⁴⁷ Letter dated 25 August 2010 from CEDAW to the Permanent Mission of Canada, available at <http://www2.ohchr.org/english/bodies/cedaw/docs/followup/Canada.pdf>; and letter dated 10 February 2011 from CEDAW to the Permanent Mission of Canada, available at <http://www2.ohchr.org/english/bodies/cedaw/docs/followup/Canada10022011.pdf>.

- ⁴⁸ Letter dated 29 April 2009 from CAT to the Permanent Mission of Canada, available at, http://www2.ohchr.org/english/bodies/cat/docs/followup/FollowupLetter29042009_Canada.pdf.
- ⁴⁹ A/64/40 vol. II (2009), Annex VII.SS, page 427; CCPR/C/98/D/1467/2006; CCPR/C/98/D/1544/2007; CCPR/C/98/D/1465/2006; CCPR/C/101/D/1763/2008; CCPR/C/102/D/1959/2010. See also CCPR/C/98/3, 21 May 2010, p. 5.
- ⁵⁰ CEDAW/C/51/D/19/2008.
- ⁵¹ CAT/C/46/D/319/2007, CAT/C/47/D/327/2007.
- ⁵² A/64/40 vol. II (2009), Annex VII.SS, page 427; CCPR/C/98/D/1467/2006; CCPR/C/98/D/1544/2007; CCPR/C/98/D/1465/2006; CCPR/C/101/D/1763/2008; CCPR/C/102/D/1959/2010.
- ⁵³ CEDAW/C/51/D/19/2008.
- ⁵⁴ CAT/C/46/D/319/2007, CAT/C/47/D/327/2007.
- ⁵⁵ CAT/C/CAN/CO/6, para. 10.
- ⁵⁶ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ⁵⁷ OHCHR 2009 report, p. 170.
- ⁵⁸ OHCHR report 2011, p. 165.
- ⁵⁹ OHCHR Management Plan 2012-2013, p.160.
- ⁶⁰ CERD/C/CAN/CO/19-20, para. 13.
- ⁶¹ CRC/C/CAN/CO/3-4, 5 October 2012, para. 69.
- ⁶² *Ibid.*, para. 33.
- ⁶³ A/HRC/13/23/Add.2, para. 84 and p. 1.
- ⁶⁴ *Ibid.*, para. 85.
- ⁶⁵ *Ibid.*, p. 2.
- ⁶⁶ CERD/C/CAN/CO/19-20, para. 8.
- ⁶⁷ ILO Committee of Experts, Observation (CEACR) - adopted 2011, published 101st ILC session (2012); available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:2699356:NO.
- ⁶⁸ CAT/C/CAN/CO/6, para. 21.
- ⁶⁹ CRC/C/CAN/CO/3-4, para. 86.
- ⁷⁰ CAT/C/CAN/CO/6, para. 22.
- ⁷¹ *Ibid.*, para. 20.
- ⁷² *Ibid.*, para. 14.
- ⁷³ *Ibid.*, para. 9.
- ⁷⁴ *Ibid.*, para. 12.
- ⁷⁵ *Ibid.*, para. 11.
- ⁷⁶ *Ibid.*, para. 19.
- ⁷⁷ A/HRC/19/44, p. 89.
- ⁷⁸ A/HRC/21/47/Add.3, paras. 22-24.
- ⁷⁹ CAT/C/CAN/CO/6, para. 20.
- ⁸⁰ CERD/C/CAN/CO/19-20, para. 17.
- ⁸¹ CRC/C/CAN/CO/3-4, para. 47.
- ⁸² *Ibid.*, para. 48.
- ⁸³ CRC/OPSC/CAN/CO/1, para. 25.
- ⁸⁴ CRC/C/CAN/CO/3-4, para. 45.
- ⁸⁵ *Ibid.*, para. 76.
- ⁸⁶ CRC/OPSC/CAN/CO/1, para. 33.
- ⁸⁷ CRC/C/CAN/CO/3-4, para. 82.
- ⁸⁸ CAT/C/CAN/CO/6, para. 12.
- ⁸⁹ *Ibid.*, para. 15.
- ⁹⁰ CRC/C/CAN/CO/3-4, para. 31.
- ⁹¹ *Ibid.*, para. 85.
- ⁹² CERD/C/CAN/CO/19-20, , para. 21.
- ⁹³ *Ibid.*, para. 12.
- ⁹⁴ CRC/C/CAN/CO/3-4, para. 32.

- ⁹⁵ Ibid., para. 41.
- ⁹⁶ Ibid., para 38.
- ⁹⁷ Ibid., para. 39.
- ⁹⁸ Ibid., para. 50.
- ⁹⁹ CRC/C/CAN/CO/3-4, para. 58.
- ¹⁰⁰ UNESCO submission, p. 16, paras. 67-69.
- ¹⁰¹ A/HRC/21/49, p. 48.
- ¹⁰² A/HRC/13/23/Add.2, p.2.
- ¹⁰³ Ibid., para. 99.
- ¹⁰⁴ CRC/C/CAN/CO/3-4, para. 80.
- ¹⁰⁵ ILO Committee of Experts. Observation (CEACR), adopted 2011, published 101st ILC session (2012). Employment Policy Convention, 1964 (No. 122) available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:2699675:NO.
- ¹⁰⁶ ILO Committee of Experts. Observation (CEACR), adopted 2011, published 101st ILC session (2012). Employment Policy Convention, 1964 (No. 122) available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO:13100:P13100_COMMENT_ID:2699675:NO.
- ¹⁰⁷ CRC/C/CAN/CO/3-4, para. 55.
- ¹⁰⁸ Special Rapporteur on the right to food, Olivier De Schutter, visit to Canada from 6 to 16 May 2012, end-of-mission statement at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12159&LangID=E>.
- ¹⁰⁹ A/HRC/13/23/Add.2, para.96 .
- ¹¹⁰ Special Rapporteur on the right to food, Olivier De Schutter, visit to Canada from 6 to 16 May 2012, end-of-mission statement available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12159&LangID=E>.
- ¹¹¹ A/HRC/21/49, p. 62. Also Canada / Attawapiskat First Nation: statement by the UN Special Rapporteur on indigenous peoples, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11743&LangID=E>.
- ¹¹² WHO, 2010. *Indigenous Health – Australia, Canada, Aotearoa New Zealand and the United States – Laying Claim to a Future That Embraces Health for us All*, World Health Report, Background Paper No 33. Available at: <<http://www.who.int/healthsystems/topics/financing/healthreport/IHNo33.pdf>> [Accessed 1 October 2012], p. 48.
- ¹¹³ A/HRC/10/7/Add.3, paras. 94 and 96.
- ¹¹⁴ Ibid., para. 100.
- ¹¹⁵ A/HRC/20/30, p. 21. Also see A/HRC/21/49, p. 62.
- ¹¹⁶ A/HRC/21/49, p. 38.
- ¹¹⁷ Canada / Attawapiskat First Nation: statement by the UN Special Rapporteur on indigenous peoples, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11743&LangID=E>
- ¹¹⁸ A/HRC/21/49, p.38, and A/HRC/21/47/Add.3, paras. 25-27.
- ¹¹⁹ UNICEF, 2009. *Canadian Supplement to The State of the World's Children 2009, Aboriginal Children's Health: Leaving No Child Behind*. Available at: <http://www.unicef.ca/sites/default/files/imce_uploads/DISCOVER/OUR%20WORK/ADVOCACY/DOMESTIC/POLICY%20ADVOCACY/DOCS/Leaving%20no%20child%20behind%2009.pdf> [Accessed 27 September 2012], Page iii.
- ¹²⁰ Ibid., p. 3.
- ¹²¹ WHO, 2010. *Indigenous Health – Australia, Canada, Aotearoa New Zealand and the United States – Laying Claim to a Future That Embraces Health for us All*, World Health Report, Background Paper No 33. Available at: www.who.int/healthsystems/topics/financing/healthreport/IHNo33.pdf, p. 46.
- ¹²² Ibid., p. 48.
- ¹²³ CRC/C/CAN/CO/3-4, 5 October 2012, para. 65 (unedited version).
- ¹²⁴ WHO, 2010. *Indigenous Health – Australia, Canada, Aotearoa New Zealand and the United States – Laying Claim to a Future That Embraces Health for us All*, World Health Report, Background Paper No 33. Available at: www.who.int/healthsystems/topics/financing/healthreport/IHNo33.pdf, p. 49.
- ¹²⁵ Ibid., p. 51.

- ¹²⁶ CRC/C/CAN/CO/3-4, para. 69.
¹²⁷ Ibid., para. 71.
¹²⁸ CERD/C/CAN/CO/19-20, para. 16.
¹²⁹ CRC/C/CAN/CO/3-4, para. 70).
¹³⁰ A/HRC/13/23/Add.2, p. 2.
¹³¹ CRC/C/CAN/CO/3-4, para. 60.
¹³² CERD/C/CAN/CO/19-20, para. 22.
¹³³ CRC/C/CAN/CO/3-4, para. 43.
¹³⁴ CERD/C/CAN/CO/19-20, para. 20.
¹³⁵ Letter dated 15 August 2008 from the CERD to the Permanent Mission of Canada, available at: http://www2.ohchr.org/english/bodies/cerd/docs/Canada_letter150808.pdf, p. 1.
¹³⁶ Letter dated 13 March 2009 from the CERD to the Permanent Mission of Canada, available at, http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Canada130309.pdf, p. 2.
¹³⁷ CERD/C/CAN/CO/19-20, para. 19.
¹³⁸ CAT/C/CAN/CO/6, para. 13.
¹³⁹ CERD/C/CAN/CO/19-20, para. 15.
¹⁴⁰ Ibid., para. 15.
¹⁴¹ CRC/C/CAN/CO/3-4, para. 73.
¹⁴² Special Rapporteur on the right to food, Olivier De Schutter, sit to Canada from 6 to 16 May 2012, end-of-mission statement available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12159&LangID=E>.
¹⁴³ CAT/C/CAN/CO/6, para. 12.
¹⁴⁴ Ibid., para. 17.
¹⁴⁵ CAT/C/CAN/CO/6, para. 16.
¹⁴⁶ A/HRC/13/23/Add.2, para. 104.
-