

Human Rights Council
Adoption of the outcome of Canada's Second cycle Universal Periodic Review
Canada's statement

Introduction

Canada is here to present its response to the recommendations we received during our second Universal Periodic Review.

Canada believes that the UPR is an important and valuable process that provides all of us with an opportunity to reflect on our efforts to promote and protect human rights. We believe that all countries can profit from the experiences of others. The constructive dialogue with other countries on these fundamental questions is an integral part of our commitment to the enhancement of human rights globally.

Canada's UPR

As I said during our UPR presentation, Canada takes the protection and promotion of the basic rights of its population extremely seriously. The rights and freedoms of Canadians can be traced back almost 800 years and we are committed to safeguarding that tradition of ordered liberty for generations to come. Our laws reflect that tradition and guarantee a free and open society for all Canadians, and these laws and customs are in turn guaranteed by our Sovereign Lady, the Queen, in her Coronation Oath and Canadian law, including the Constitution Acts of 1867 and 1982.

Canada received 162 recommendations from other countries when we appeared before the UPR Working Group in April of this year.

These recommendations touched on numerous important issues, many of which are a shared responsibility between governments in Canada or which fall under federal or provincial and territorial jurisdiction. All levels of Government in Canada cooperate and collaborate to protect the ancient liberties that are our patrimony as Canadians. This co-operative federalism allows a variety of perspectives to be brought to bear on the protection of human rights in Canada.

Policies and programs developed in one jurisdiction are shared and discussed among various levels of government. While the initiatives of individual governments may vary across the country, all governments share common objectives and a strong commitment to ensuring fundamental human rights are protected for all Canadians – this is one of the strengths of Canadian federalism. This is important to note because all the UPR recommendations were shared and discussed both within and between governments and federal, provincial and territorial governments collaborated in the preparation of Canada’s response. It also explains why in many instances, as I will explain later, Canada did not accept recommendations calling for national action plans.

Civil society and Aboriginal organizations were also invited to provide their views on the recommendations Canada received, both in writing and at two meetings held with federal, provincial and territorial government officials, in order to also inform the preparation of Canada’s response.

I am here to report that, after careful consideration, Canada accepts 122 of the recommendations we received – either in full, in part or in principle.

Canada accepts in full or in part those recommendations that federal, provincial and territorial governments are already implementing through existing legislative or administrative measures and which we are committed to continuing to take steps to achieve.

The recommendations that Canada accepts in principle are those where governments are taking steps towards achieving the objectives and underlying principles of the recommendations, but we do not accept the specific proposed action.

Cooperation with UN mechanisms and follow-up to UN recommendations

Canada accepts most of the recommendations we received related to UN mechanisms and recommendations.

Canada has a history of cooperation with UN human rights mechanisms and procedures and of support for the development of UN processes that are consistent with Canadian values.

Despite being a model for the protection of fundamental rights, Canada invites examination of our human rights record as an example to others, so that they will be encouraged to do the same. And the recommendations received from international human rights treaty bodies, while not legally binding, are given serious consideration and are discussed both within and between governments, through various government committees.

We recognize that an important part of our governmental analysis and discussions of UN recommendations is ensuring that there are opportunities to hear from domestic civil society and Aboriginal groups. That is why we have established a process to seek their views on the draft outline of our reports to the international human rights treaty bodies and on the recommendations issued by these bodies. Federal, provincial and territorial officials hold an annual meeting with civil society groups and Aboriginal organizations. To ensure we reach a wider audience, we also seek views in writing from organizations across the country.

Aboriginal peoples

Canada received a number of recommendations last April related to the situation of Aboriginal peoples.

Canada, which in this context it is useful to remember is the short form reference to Her Majesty the Queen in Right of Canada, is committed to advancing a constructive relationship with First Nations, Métis and Inuit based on the core principles of mutual understanding, respect and accountability that can be traced at least as far back as the Royal Proclamation of 1763.

Canada accepts most of the recommendations related to Aboriginal peoples. Canada is already engaged in ongoing and significant measures to improve the social well-being and economic prosperity of Aboriginal peoples – through income, housing, employment and education supports, and various economic development initiatives. Examples include ongoing consultations on a proposed *First Nations Education Act* and new investments for improving job and skills training opportunities on-reserve.

Governments in Canada are working together and in partnership with Aboriginal communities and groups to ensure they have access to services aligned with those enjoyed by other Canadians. For example, in 2008, Canada passed amending legislation that allowed the *Canadian Human Rights Act* to apply on reserves. Canada also recently passed legislation that will help ensure First Nations have access to safe, clean and reliable drinking water and we continue to make progress in resolving land claims and concluding self-government agreements across the country. And, at the World Trade Organisation, we are defending the rights of all Canadians, including First Nations members, to achieve economic self-sufficiency through the commercial seal hunt.

Through the Urban Aboriginal Strategy, the Government of Canada partners with the Aboriginal community and local organizations, municipal and provincial governments and with the private sector to support community driven projects that respond to local priorities and advance the national priority areas of improving life skills, promoting job training, skills and entrepreneurship and supporting Aboriginal women, children and families.

The Government is committed to continuing its relationship with Métis organizations in a positive light. This was demonstrated on April 29, 2013, when Canada and the Métis Nation Council renewed the 2008 Métis Nation Protocol and signed a new Governance and Financial Accountability Accord.

Canada continues to support the Inuit population by providing programs and services to Inuit communities, such as economic development supports and post-secondary education as well as negotiating and implementing self-government and land claim agreements with Inuit

communities, including the claim that created the territory of Nunavut. The Prime Minister recently renewed his commitment to work in partnership with the Inuit when he met with Inuit leadership in Nunavut on August 22, 2013. The meeting focused on enhancing economic opportunities for the Inuit and it is the first time a meeting of this nature has taken place.

Canada does not accept calls to develop a national action plan for the implementation of the UN Declaration on the Rights of Indigenous Peoples. The Declaration is a non-legally binding, aspirational and forward-looking document that calls on States and Aboriginal peoples to work together to ensure a better future. The Government of Canada is working with Aboriginal peoples and in partnership with other levels of government on many of the issues addressed in the Declaration, as we outlined in our UPR report as well as during our appearance in April.

Many States also called on Canada to continue or to enhance efforts to address the very serious issue of violence against Aboriginal women and girls. Canada accepts the majority of these recommendations on the basis of ongoing efforts to address this problem.

As we noted during our UPR appearance, Governments in Canada are strongly committed to taking action with Aboriginal and non-Aboriginal partners to prevent and work towards addressing violence against Aboriginal women and girls. Canadian governments, at all levels, have undertaken many initiatives demonstrating this commitment, in partnership with Aboriginal and non-Aboriginal groups, communities and individuals.

There are many legislative and non-legislative measures in place to address this issue. Legislative measures include *Criminal Code* provisions and civil family violence prevention legislation in many provinces and territories. The *Family Homes on Reserve and Matrimonial Interests or Rights Act* aims to enhance the rights and protections offered to First Nations living on-reserve, particularly women and children in the event of a relationship breakdown, divorce or death. Until the passage of this legislation by the Government of Canada this past spring, , Canadians living on-reserve lacked those legal protections enjoyed by all other Canadians.

Non-legislative measures include the Government of Canada's seven-point strategy to improve prevention, law enforcement and justice system responses to missing and murdered Aboriginal women and girls. The Government of Canada is committed to making communities safer and continues to support the Family Violence Prevention Program, which funds shelter services and violence prevention programming for First Nations on reserve.

The Government of Canada is also working in partnership with the Aboriginal Communities and their organizations to develop a national awareness campaign targeting Aboriginal peoples, including Aboriginal women, children and youth, to raise awareness of domestic human trafficking for the purpose of sexual exploitation amongst Aboriginal peoples living on and off reserve, in urban, rural and northern communities.

Governments are also supporting initiatives to increase women and girls' economic security and prosperity, to encourage women and girls in leadership and decision-making roles, and to end violence against women and girls.

Governments also share information and best practices and work collaboratively on initiatives related to women's equality and empowerment. For example, the current priorities of the Federal-Provincial-Territorial Forum of Ministers Responsible for the Status of Women include promoting women's leadership and ending violence against women and girls; for both these priorities, there is a specific Aboriginal focus. Other examples of intergovernmental committees addressing violence against Aboriginal women and girls include the Missing Women's Working Group of the Coordinating Committee of Senior Officials, and the Working Group on Aboriginal Justice.

In addition to the strong framework of legislative and non-legislative measures already in place, numerous provincial and territorial governments – including British Columbia, Alberta, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia – have or are creating their own actions plans to address violence against women, including violence against Aboriginal women and girls. It is evident that community-based, locally-driven responses that reflect the

circumstances, needs, and priorities of those most affected by violence against Aboriginal women are key instruments in resolving this issue.

Discrimination and the situation of vulnerable groups

Canada also received recommendations from several countries related to racial and religious discrimination and the situation of vulnerable groups. With a few exceptions, Canada accepts these recommendations, in full, in part or in principle, as Canada already guarantees the right of equality under the law.

Pluralism is a defining characteristic of Canadian society, and indeed our national identity recognizes that persons are welcomed from all manner of backgrounds to Canada and offered the same opportunity to enjoy the fundamental rights and freedoms that belong to all Canadians. Governments in Canada are committed to ensuring that systemic racism and unjust discrimination do not become the problems in Canada that they are elsewhere. To this end, governments in Canada support intercultural and interfaith awareness and understanding. Governments also work hard to foster respect for core Canadian value of equality under the law and to guarantee our fundamental freedoms, which have been protected and refined over 800 years and which are freely offered to all who come to Canada and commit to accepting the duties and responsibilities that come with Canadian citizenship, regardless of race or creed.

The right to equality under the law is entrenched in the Canadian Constitution, and governments in all jurisdictions have enacted laws to prohibit racial discrimination. In addition, Canada's *Criminal Code* condemns and prohibits advocating or promoting genocide, public incitement of hatred that is likely to breach the Queen's Peace, or willfully promoting hatred against an identifiable group on identified grounds.

Canada does not agree with the assertion that it engages in targeting, racial or religious profiling and harassment. Canada's law enforcement and security intelligence officials investigate threats to national security and criminality without unnecessarily targeting any community, group or faith.

Canada does not accept recommendations that call for the enactment of a specific offence of racist violence because it is redundant. Canada's *Criminal Code* already criminalizes all acts of violence. If there is evidence that an offence was motivated by bias, prejudice or hate based on factors including race, religion, national or ethnic origin or colour, that will be taken into account at the time of sentencing.

Governments in Canada are also committed to guaranteeing the equality of the sexes under the law.

Canada has also long implemented prevention, intervention and support measures to protect children from violence and exploitation, including child sexual exploitation, economic exploitation, and exposure to hazardous work.

For example, Canada's *Criminal Code* provides comprehensive laws against all forms of sexual assault and exploitation of children, including pedophilia and child prostitution, and child sexual exploitation is a ground for provincial child welfare intervention. However, Canada rejects the inference that child prostitution has increased in Canada as there is no evidence to support that claim.

Canada does not accept recommendations calling for the establishment of a federal Children's Ombudsman, as the functions of a federal commissioner are already being performed through existing domestic implementation mechanisms and international reporting processes. The Government of Canada considers that federal funding would be better spent on direct programs and services for Canadian children and youth.

Poverty and homelessness

Canada accepts – in full, in part or in principle – the recommendations we received relating to poverty reduction and homelessness as all governments are continuing to address these issues through a myriad of programs and policies. The results of these programs is extremely encouraging, as only 1.5% of Canadians spent the period of 2005-2010 in poverty, and even that

is using a definition of poverty that would not be recognized as such in most of the world or, indeed, to many Canadians of only a century ago.

We would like to underline once again that most provincial and territorial governments have implemented or are developing such strategies and actions plans. These comprehensive strategies address many related factors and components, including measures aimed at income and family supports, housing, education, employment, and health care, and are better tailored to local community needs than any national plan could ever be.

These initiatives are supported by the numerous federal income, employment and housing supports which we outlined in detail during our appearance.

National security, public safety and policing

Canada accepts – in full or in principle - some of the recommendations we received regarding national security and policing in light of strong legal protections and oversight mechanisms already in place.

For example, Canada's counter-terrorism initiatives and its system of security certificates are in compliance with our international treaty obligations. The *Anti-terrorism Act* was designed to balance the need to protect the security of Canadians while at the same time protecting their rights and freedoms. Canada's counter-terrorism efforts are also regularly reviewed by Canadian courts and human rights commissions where complaints are made.

Likewise, there are external and independent mechanisms for reviewing complaints regarding the conduct of law enforcement and corrections personnel in all jurisdictions across Canada.

Further, it must be emphasized that the rights to peaceful assembly and freedom of expression are entrenched in Canada's Constitution and the actions of the police are subject to oversight and redress mechanisms. We therefore do not accept the assertion regarding violations of peaceful assembly and freedom of expression.

Finally, Canada does not use administrative detention lightly. In our Immigration and Refugee Protection Act administrative detention is used when there are issues related to identity flight risk or security. However, there are more robust detention rules for individuals who arrive as part of a designated human smuggling event. These rules are necessary to ensure government authorities have sufficient time to perform required identity and background checks, and to determine admissibility in order to protect national security and public safety. It is important to underscore though that detention and conditions of release are always subject to regular reviews by an administrative independent tribunal. For this reason Canada has not accepted the recommendation on its policy in this area.

Closing remarks

As noted in Canada's second UPR report, Canada has a strong framework for the promotion and protection of fundamental human rights, comprised of legislation, policies and programs adopted by each level of government.

Thank you.