

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Organization: Lawyers' Rights Watch Canada
Item: Item 6: Universal Periodic Review Outcomes - Canada
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Speaker: Paul Scambler

Oral Statement to the 39th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Mr. President,

The Report of the Working Group on the third UPR of Canada¹ indicates concern by many States with Canada's failure to adequately address three important human rights issues:

- inequality and discrimination suffered by Indigenous peoples in Canada;²
- the need to implement the UN Declaration on the Rights of Indigenous Peoples, including indigenous peoples' right to free, prior and informed consent to activities in their traditional territories;³ and,
- the need for effective measures to prevent rights abuses by Canadian corporations operating abroad and to ensure the right of foreign victims to seek remedies in Canada.⁴

Also repeated was the recommendation that Canada ratify the American Convention on Human Rights.⁵

During the second UPR, Canada accepted recommendations to improve the situation of Indigenous peoples in areas of education, economic development, sanitation, food security, and violence against women. Canada rejected suggestions to adopt a national action plan or implement the UNDRIP. Canada has since announced full, unqualified

¹ The Report of the Working Group on the Third Universal Periodic Review of Canada, A/HRC/39/11, 11 July 2018.

² *Ibid* at paras. 142.43, 142.44, 142.46, 142.47, 142.57, 142.74 to 142.80.

³ *Ibid* at paras. 142.51 to 142.55

⁴ *Ibid* at paras. 142.89 to 142.101.

⁵ *Supra* para. 142.31.

support for UNDRIP and its intention to implement it in accordance with Canada's Constitution.⁶

LRWC calls on Canada without further delay to:

1. Ensure equality and non-discrimination for indigenous people;
2. Establish measures to ensure investigation and remediation of human rights abuses committed abroad by Canadian corporations, including the right of victims to seek remedies in Canada;
3. Make support of Canadian corporations conditional on their adherence to international human rights and environmental standards, including the right to free, prior, and informed consent;
4. Fully implement the UNDRIP;
5. Ratify the American Convention on Human Rights.

Thank you.

⁶ See Tim Fontaine, "Canada officially adopts UN declaration on rights of Indigenous Peoples" *CBC News* (10 May 2016), <http://www.cbc.ca/news/indigenous/canada-adopting-implementing-un-rights-declaration-1.3575272>. See also *Supra* note 1 at para. 9. Canada's Truth and Reconciliation Commission⁶ (TRC), which examined the history and legacy of the Indian residential school system, released in 2015 recommends full implementation of UNDRIP. Truth and Reconciliation Commission of Canada: Calls to Action, July 2015, http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf.