



**Amnesty
International**

IT IS TIME TO COMPLY:

Canada's Record of Unimplemented UN Human Rights Recommendations

An Update to
Amnesty International's Human Rights Agenda for Canada

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The Committee notes with concern that many of the recommendations it addressed to [Canada] in 1999 remain unimplemented.¹

Remain unimplemented: that is how the United Nations Human Rights Committee has recently described Canada's record of compliance with the International Covenant on Civil and Political Rights, one of the most important and wide-ranging international human rights treaties. Canada signed on to the Covenant in 1976.

2005 was a significant year of UN-level assessment of Canada's human rights record, including a review conducted in May by the UN Committee against Torture as to how well Canada has lived up to its obligations under the Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment;² a mission to Canada in June by the UN's Working Group on Arbitrary Detention;³ and the November report from the Human Rights Committee.

Many of the concerns identified and recommendations proposed by these expert UN bodies have been made before – in some cases several times – and in some instances going back many years. But they *remain unimplemented*; as do recommendations made by other UN human rights bodies and experts in recent years.⁴

Beginning in 2000, Amnesty International has issued a series of reports outlining a Human Rights Agenda for Canada.⁵ This Update underscores recommendations that the UN has directed at Canada during 2005 that are in keeping with a number of issues highlighted in that Agenda and urges the Canadian government to act quickly to comply.

Canada has asserted admirable leadership in the effort currently underway to strengthen the UN human rights system. Canada has been an ardent champion of the decision taken at the UN's World Summit in September 2005 to replace the increasingly discredited Commission for Human Rights with a more effective and powerful Human Rights Council. Critical negotiations regarding that decision continue at the UN General Assembly to ensure the Council emerges with the mandate, powers and composition it requires.

¹ Human Rights Committee, Concluding observations: Canada, CCPR/C/CAN/CO/5, 2 November 2005, para. 6.

² Committee against Torture, Concluding Observations: Canada, CAT/C/CR/34/CAN, 7 July 2005.

³ Working Group on Arbitrary Detention Ends Visit to Canada, UN Press Release, 16 June 2005.

⁴ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mission to Canada, E/CN.4/2005/Add.3, 2 December 2004; Committee on the Rights of the Child, Concluding Observations: Canada, CRC/C/15/Add.215, 27 October 2003; Committee on the Elimination of Discrimination against Women, Concluding Observations: Canada, A/58/38, January 2003; Committee on the Elimination of Racial Discrimination, Concluding Observations: Canada, A/57/18, paras. 315-343, 1 November 2002; Report prepared by the Special Rapporteur on the human rights of migrants, Visit to Canada, E/CN.4/2001/83/Add.1, 21 December 2000; Committee on Economic, Social and Cultural Rights, Concluding Observations: Canada, E/C.12/1/Add.31, 10 December 1998.

⁵ New Millennium, Third Term: A Human Rights Agenda for the Canadian Government, December 10, 2000; Real Security: A Human Rights Agenda for Canada, May 7, 2002; At Home and Abroad: Amnesty International's human rights agenda for Canada, October 2003; Above all Else: A Human Rights Agenda for Canada, December 2004.

Amnesty International commends Canada's international efforts. But it is vital that those global initiatives be matched by strong domestic action that demonstrates that Canada is prepared to comply fully with its international human rights obligations and implement the recommendations made to it by UN level bodies. Only then can Canada credibly demand the same of other governments.

WELCOME ADVANCES

There have been laudable developments over the past year, demonstrating progress in areas highlighted previously by Amnesty International.

- **Against the Death Penalty:
Canada accedes to the Second Optional Protocol
to the International Covenant on Civil and Political Rights.**

This important international treaty obliges states to abolish the death penalty. Canada has been abolitionist for many years, but has been reluctant to sign on to the Second Optional Protocol and make a global pledge to never reinstate the death penalty. Amnesty International has urged Canada to do so for several years so as to strengthen Canada's own commitment to abolition and to serve as a model for other countries. Canada acceded to the Second Optional Protocol on November 25, 2005.

- **Tackling Impunity:
Canada launches its first "modern era" war crimes prosecution**

Amnesty International has long been concerned about the failure to ensure that individuals present in Canada, suspected of having committed war crimes or crimes against humanity abroad, are brought to justice. Canadian practice has been to prefer deportation, which generally means the individual concerned will not face justice or may experience serious human rights abuses. In either case, justice is not served. Instead, impunity is reinforced, encouraging further human rights violations. The Committee against Torture has called on Canada to change its approach and actively prosecute individuals present in Canada who are alleged to have committed torture abroad.⁶

Canada's poor domestic record stands in sharp contrast to the country's global leadership in establishing the International Criminal Court. Amnesty International welcomed, therefore, the announcement in October that Rwandan national Desire Munyaneza had been charged under the Crimes against Humanity and War Crimes Act.

⁶ Committee against Torture, footnote 2, para. 4(e)

- **Protecting Children:
Canada ratifies the Optional Protocol to the
Convention on the Rights of the Child**

In September, Canada ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This important treaty, which the UN had adopted in May 2000, strengthens international standards for protecting children from serious human rights abuses such as trafficking, sexual exploitation and sex tourism. Canadian ratification was long overdue and very welcome.

UN RECOMMENDATIONS: IT IS TIME TO COMPLY

Over many years now, UN bodies have made a range of important recommendations about necessary Canadian human rights reforms. Amnesty International has welcomed many of those recommendations and has pressed Canada to comply. This Update does not review all such recommendations, but focuses on several that were proposed by the UN during the course of 2005, dealing with issues that had been highlighted in Amnesty International's Human Rights Agenda. Recommendations made by the UN in 2005 and in previous years, but which are not canvassed in this Update, are of no lesser importance. Amnesty International has previously called on Canada to comply with other UN recommendations and will continue to do so.⁷

1. TRANSPARENT AND ACCOUNTABLE IMPLEMENTATION

A fundamental concern that has emerged for UN human rights bodies is Canada's approach to ensuring that the human rights obligations it assumes on the world stage are effectively and reliably translated into Canadian laws and practice on the homefront. Too often governments make empty human rights promises which never become reality. Canada is no exception.

There is a strong public interest in following any government's implementation of its international human rights obligations. Canadians certainly have the right and the need to be able to do so, with respect to the full range of the country's human rights commitments. Public oversight is an important means of holding the government accountable for its record. It necessitates a transparent process of coordinating and reporting on implementation and compliance. This is particularly important given that a number of human rights issues implicate various departments across government, at federal, provincial and territorial level.

⁷ For instance, Amnesty International has pressed Canada to comply with recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people following his 2004 visit to Canada; the Committee on the Rights of the Child's 2003 call for repeal of provisions allowing corporal punishment against children; and the Committee against Torture's 2000 recommendation to establish a body to investigate complaints of torture and ill-treatment.

Amnesty International has been increasingly concerned about the lack of a publicly accessible, inter-governmental approach to ensuring well-coordinated implementation of Canada's human rights obligations. The limited processes that exist are secretive and do not report publicly. All the while, many important recommendations remain unimplemented and there is no easy means of determining who within government bears responsibility. Federal officials claim powerlessness in the face of provincial disinterest. Provincial authorities insist that international treaties are a matter for federal government concern. At ministerial level there has been no meeting among federal, provincial and territorial governments to discuss human rights issues since 1988. Ministers of Justice have, however, recently agreed that there should be such a meeting held in 2006.

These significant shortcomings are well illustrated in the recent experience of Canadian women's equality-seeking organizations. Since early 2003 groups have made repeated approaches to the federal and provincial governments urging implementation of the recommendations made by the Committee on the Elimination of Discrimination against Women in January of that year.⁸ Those efforts have revealed that there is no coordinated means for implementing the CEDAW recommendations and have more generally made it clear that recommendations from UN bodies fall into an institutional vacuum.

The UN Human Rights Committee hears Canada's excuses for noncompliance every time it reviews Canada's record, and has clearly had enough. In 1999 the Committee optimistically welcomed Canada's commitment to "develop and improve mechanisms for ongoing review of compliance" including a promise to ensure that a parliamentary committee would hold "hearings of issues arising from the Committee's observations."⁹ None of that happened.

This year the Committee called on Canada to "establish procedures, by which oversight of the implementation of the Covenant is ensured, with a view, in particular to reporting publicly on any deficiencies." The Committee states that these procedures should be "transparent and accountable, and guarantee the full participation of all levels of government and civil society, including Indigenous peoples."¹⁰

Other UN Committees have made similar recommendations over the years.¹¹ The Canadian Senate has also expressed serious concern about Canada's scattered and opaque approach to implementation. In a recent report dealing with children's rights, for instance, the Senate's Standing Committee on Human Rights recommended that:

The federal government – with the provinces, territories, Parliamentarians and interested stakeholders – shall establish a more effective means of

⁸ See, for example: Feminist Alliance for International Action (FAFIA), Open Letter to the Honourable Paul Martin, August 3, 2004. Amnesty International is an associate member of FAFIA.

⁹ Human Rights Committee, Concluding Observations: Canada, CCPR/C/79/Add.105, 7 April 1999, para. 3.

¹⁰ Human Rights Committee, footnote 1, para. 6.

¹¹ Committee on the Elimination of Racial Discrimination, footnote 4, para. 326; Committee on the Elimination of Discrimination against Women, paras. 349, 350, footnote 4; Committee on the Rights of the Child, footnote 4, paras. 10, 11.

negotiating, incorporating and implementing its international human rights obligations.¹²

It is time for a new approach to implementing human rights treaties in Canada. In 2006, federal, provincial and territorial Ministers responsible for human rights will meet for the first time in eighteen years. Amnesty International urges Ministers to ensure that meeting adopts a new coordinated, inter-governmental and publicly accountable approach to overseeing implementation of and compliance with Canada's international human rights obligations.

2. THE RIGHTS OF INDIGENOUS PEOPLES

Sadly and invariably whenever UN human rights bodies review Canada's record of compliance with its international obligations, safeguarding the rights of Indigenous peoples readily emerges as a very serious area of concern. Amnesty International's Human Rights Agenda has consistently stressed that improving the protection of Indigenous peoples' rights is one of the most pressing human rights challenges that Canada faces.

In 2005, the Human Rights Committee laid out seven recommendations regarding the rights of Indigenous peoples in Canada, including two areas highlighted in Amnesty International's Human Rights Agenda: violence against Indigenous women, and the plight of the Lubicon Cree.¹³

i) Violence against Indigenous Women

Amnesty International's October 2004 report, *Stolen Sisters*, outlined alarmingly high levels of violence and discrimination faced by Indigenous women in Canada.¹⁴ Indigenous women's groups across Canada have been pressing the government to recognize and respond to this serious human rights concern for many years, such as through the Native Women Association of Canada's Sisters in Spirit Campaign. Over the past year a number of important initiatives have been announced by both federal and provincial government departments, including substantial funding for NWAC. Indigenous women's organizations have a central role to play in stopping violence against Indigenous women and need adequate, sustained funding to do so. But other institutions, including the police, also have a crucial role to play.

¹² Standing Senate Committee on Human Rights, *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, Interim Report, November 2005, pg. 82.

¹³ Other concerns of the Human Rights Committee: extinguishment of inherent aboriginal rights in modern treaties, preserving Aboriginal languages and cultures, the plight of Aboriginal women prisoners, amending the Canadian Human Rights Act to include review of provisions under the Indian Act, and ongoing discrimination against Aboriginal women with respect to band membership and matrimonial real property.

¹⁴ *Stolen Sisters: A Human Rights Response to Discrimination and Violence against Indigenous Women in Canada*, AMR 20/003/2004, October 2004.

The Human Rights Committee notes that Aboriginal women are far more likely to experience a violent death than other Canadian women and calls on Canada to:

... gather accurate statistical data throughout the country on violence against Aboriginal women, fully address the root causes of this phenomenon, including the economic and social marginalization of Aboriginal women, and ensure their effective access to the justice system. [Canada] should also ensure that prompt and adequate response is provided by the police in such cases, through training and regulations.¹⁵

It is time to ensure safety for all Indigenous women in Canada. The government should act immediately to put in place consistent approaches to gathering and analyzing statistics about the level and nature of violence experienced by Indigenous women in Canada. The government should also ensure that effective action protocols are adopted by police forces across the country, so that all police recognize the heightened vulnerability of Indigenous women to violence and take appropriate steps to respond to that violence.

ii) **Lubicon Cree**

One of the most glaring failures to implement UN level human rights recommendations is the situation of the Lubicon Cree in Alberta. In 1990, the Human Rights Committee issued a detailed report documenting serious violations of the rights of the Lubicon, stemming from a decades-old failure to enter into an agreement with the Lubicon regarding their land rights. The Committee called on the government to ensure a prompt and just settlement of the dispute.¹⁶ Fifteen years later the dispute remains unresolved, the ability of the Lubicon to provide for themselves remains under threat, and there have been no negotiations between the government and the Lubicon for over two years.

Fifteen years on, the Human Rights Committee has called on Canada to:

... make every effort to resume negotiations with the Lubicon Lake Band, with a view to finding a solution which respects the rights of the Band under the Covenant, as already found by the Committee. It should consult with the Band before granting licenses for economic exploitation of the disputed land, and ensure that in no case such exploitation jeopardizes the rights recognized under the Covenant.¹⁷

It is time, far past time, for a just resolution of the land rights dispute with the Lubicon Cree. Canada must make negotiation of a just settlement a high priority, and ensure that its negotiators are given a clear mandate to reach a settlement that ensures full

¹⁵ Human Rights Committee, footnote, 1, para. 23.

¹⁶ Views of the Human Rights Committee, Communication No. 167/1984: Canada, Submitted by Chief Bernard Ominayak and the Lubicon Lake Band, CCPR/C/38/D/167/1984, 10 May 1990.

¹⁷ Human Rights Committee, footnote 1, para. 9.

respect and protection of the rights of the Lubicon Cree under national and international law.

3. SECURITY THROUGH HUMAN RIGHTS

Amnesty International's Human Rights Agenda has highlighted the importance of ensuring that Canada's approach to counter-terrorism is consistent with Canada's international human rights obligations. UN bodies too have pressed Canada to bring those laws and practices into line with international law. Security that is not firmly grounded in respect for human rights is ultimately a source of greater injustice and increased insecurity.

i) Deportation to Torture

International law is unequivocal: no person shall ever be subjected to torture and no person shall ever be deported to a country where he or she faces a serious risk of being tortured. Canadian law and practice, however, continues to allow individuals who are alleged to pose security threats to be deported to countries where they are likely to be tortured. Amnesty International has pressed Canada to amend immigration laws to conform to this crucial international obligation. In 2005, the Human Rights Committee and the Committee against Torture each also called on Canada to do so.

No person, without any exception, even those suspected of presenting a danger to national security or the safety of any person, and even during a state of emergency, may be deported to a country where he/she runs the risk of being subjected to torture or cruel, inhuman or degrading treatment. [Canada] should clearly enact this principle into law.¹⁸

The Committee recommends that [Canada] unconditionally undertake to respect the absolute nature of article 3 in all circumstances and fully to incorporate the provision of article 3 into [Canada's] domestic law.¹⁹

Both of these Committees have previously, in 1999 and 2000, pressed for this change to Canadian law.²⁰ In 2005, the UN Commission on Human Rights' Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment also expressed concern about Canadian law and reiterated that there are no exceptions to the prohibition on deporting individuals to torture.²¹

The Committee against Torture has expressed further concern about Canada's willingness to seek diplomatic assurances from countries to which it intends to deport individuals -

¹⁸ Human Rights Committee, footnote 1, para. 15.

¹⁹ Committee against Torture, footnote 2, para. 5(a). Article 3 of the Convention against Torture expressly prohibits *refoulement* to torture.

²⁰ Human Rights Committee, footnote 9, para. 13; Committee against Torture, Concluding Observations: Canada, A/56/44, 22 November 2000, para. 59.

²¹ *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, A/60/316, 30 August 2005, paras. 33, 52.

assurances that they will not subject those individuals to torture. The Committee has asked Canada to provide details as to the number of cases in which extradition or removal has gone ahead with such assurances.²² Amnesty International has pressed governments, including Canada, to end the practice of seeking diplomatic assurances in transfers of individuals to countries where they would be at risk of torture.²³

At a time when the widespread use of torture continues to be a serious human rights challenge around the world, and many governments have sought to take advantage of the post-September 11th global security environment to excuse torture, it is vitally important that Canadian law and practice conform to the international prohibition on torture.

It is time for Canada to enact legislation to ensure that no one will ever be deported, extradited or otherwise removed from Canada to a country where he or she faces a serious risk of being tortured, and refrain from seeking diplomatic assurances in transfers to countries where individuals are at risk of torture and other ill-treatment..

ii) Security Certificates

For many years, Amnesty International has called on Canada to abandon the immigration security certificate process, which provides for the arrest and detention, pending deportation, of individuals alleged to pose security threats to Canada. The process fails to live up to international fair trial standards in many critical respects. Detainees are unable to mount a meaningful defence, in that they are denied access to the bulk of the evidence against them and the opportunity to question key witnesses. Security certificates are reviewed by the Federal Court but only to determine whether the decision to issue the certificate was “reasonable.”

Over the past year, the Human Rights Committee and the UN Working Group on Arbitrary Detention each pressed Canada to reform the security certificate process.

[Canada] should ensure that administrative detention under security certificates is subject to a judicial review that is in accordance with the requirements of article 9 of the Covenant, and legally determine a maximum length of such detention. [Canada] should also review its practice with a view to ensuring that persons suspected of terrorism or any other criminal offences are detained pursuant to criminal proceedings in compliance with the Covenant. It should also ensure that detention is never mandatory but decided on a case-by-case basis.²⁴

... the Working Group is gravely concerned about the following elements, which undermine the security certificate detainees’ rights to a fair hearing,

²² Committee against Torture, footnote 2, para. 5(e).

²³ *Reject rather than regulate: Call on Council of Europe member states not to establish minimum standards for the use of diplomatic assurances in transfers to risk of torture and other ill-treatment*, IOR 61/025/2005, 2 December 2005.

²⁴ Human Rights Committee, footnote 1, para. 14.

to challenge the evidence used against them, not to incriminate themselves, and to judicial review of detention ...²⁵

It is time for Canada to bring the immigration security certificate process into line with international law. Any individual who is accused of involvement in or support for terrorist activities should be treated in full conformity to international fair trial standards.

iii) Extraordinary rendition?

Over the past two years, a growing number of Canadian citizens – Maher Arar, Abdullah Almalki, Ahmad El Maati, Muayyed Nureddin – have been arrested, imprisoned and tortured abroad, amidst troubling allegations that Canadian law enforcement or security agencies may have played a role in what happened to them. Did Canadian officials directly or indirectly allow these men, who were of varying degrees of interest in the course of domestic national security investigations, to be dealt with in ways that contravened numerous international human rights obligations? While a public inquiry is underway examining the role of Canadian officials in the case of Maher Arar, there has been no probe launched for the other men. Amnesty International has called for a fair, independent and public review of all of these cases.

The Committee against Torture has expressed its concern about “the alleged roles of [Canadian] authorities” in Maher Arar’s case and has made recommendations regarding Canadian consular practice.²⁶ By the time of the Human Rights Committee’s review of Canada’s record later in the year, details of the other cases had come to light and the Committee pressed for independent review for all of these individuals.

[Canada] should ensure that a public and independent inquiry review all cases of Canadian citizens who are suspected terrorists or suspected to be in possession of information in relation to terrorism, and who have been detained in countries where it is feared that they have undergone or may undergo torture and ill-treatment. Such inquiry should determine whether Canadian officials have directly or indirectly facilitated or tolerated their arrest and imprisonment.²⁷

It is time for Canada to ensure that there is full accounting of all cases of Canadian citizens, of interest in national security investigations, who have been detained and tortured abroad. The Canadian government should launch a fair, independent, comprehensive and public review of all such cases.

²⁵ Working Group on Arbitrary Detention, footnote 3.

²⁶ Committee against Torture, footnote 2, paras. 4(b), 5(d). The Committee calls on Canada to insist on unrestricted consular access to Canadian nationals detained abroad.

²⁷ Human Rights Committee, footnote 1, para. 16.

4. JUSTICE AND OVERSIGHT

A number of recommendations from UN human rights bodies to Canada involve issues around adequate oversight and remedies within the Canadian justice system to ensure that basic human rights are protected.

i) Redress for torture survivors

Amnesty International's Human Rights Agenda urges Canada to amend domestic law to allow survivors of torture to sue foreign governments for compensation for torture and other serious human rights violations suffered abroad. Houshang Bouzari, a Canadian citizen, had sought unsuccessfully to sue the government of Iran for redress for severe torture he experienced in Iran, before he became a Canadian national. His case was dismissed by an Ontario judge who concluded that Canada's State Immunity Act shielded Iran from the lawsuit. The Ontario Court of Appeal upheld that decision and the Supreme Court of Canada declined to hear a further appeal.

The Committee against Torture has called on Canada to amend its laws to open up the opportunity for torture survivors to pursue compensation:

[Canada] should review its position under article 14 of the Convention to ensure the provision of compensation through its civil jurisdiction to all victims of torture.²⁸

It is time for Canada to ensure that its court system is accessible to individuals to pursue redress for torture and other serious human rights violations suffered abroad. The State Immunity Act should be amended to specify that it does not apply to such lawsuits.

ii) A Full Appeal for Refugees

For years, a significant flaw in Canada's refugee determination system has been that refugee claimants who are refused status in Canada have no right to an independent appeal on the full merits of that decision. Instead, limited judicial review by Federal Court judges and restricted reviews by immigration officials have been the only means of ensuring no mistakes are made in what is one of the most important decisions made within the Canadian legal system.

Amnesty International and other organizations concerned about refugee protection in Canada have repeatedly called for this flaw to be remedied. In 2002 the new Immigration and Refugee Protection Act did, finally, include provisions establishing a new Refugee Appeal Division within Canada's Immigration and Refugee Board. The government has, however, failed to enact those provisions and has recently indicated that it will simply leave that section of the Act unimplemented.

²⁸ Committee against Torture, footnote 2, para. 5(f).

The Committee against Torture, focusing on cases where an individual may face deportation to torture, has called on Canada to provide a full review on the merits.

[Canada] should provide for judicial review of the merits, rather than merely of the reasonableness, of decisions to expel an individual where there are substantial grounds for believing that the person faces a risk of torture.²⁹

It is time for Canada to live up to the requirements of the Immigration and Refugee Protection Act and establish the Refugee Appeal Division.

iii) Independent Oversight for Women Prisoners

Amnesty International's Human Rights Agenda for Canada has noted concerns about violations of the fundamental rights of federally-sentenced women prisoners. We have called on the government to establish an independent oversight body that would be responsible for ongoing monitoring of policies and practices with respect to the treatment of federally-sentenced women prisoners.

The Human Rights Committee has highlighted the situation of women prisoners as well, particularly Aboriginal women, women belonging to ethnic minorities and women with disabilities. The Committee draws attention to the Canadian Human Rights Commission's report, *Protecting their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, and also stresses the importance of oversight.

[Canada] should provide substantial information on the implementation of the recommendations of the Canadian Human Rights Commission as well as on concrete results achieved, in particular regarding the establishment of an independent external redress body for federally sentenced offenders and independent adjudication for decisions related to involuntary segregation, or alternative models.³⁰

It is time for Canada to implement the recommendations of the Arbour Commission and the Canadian Human Rights Commission regarding the treatment of federally-sentenced women prisoners. An independent oversight body for federally-sentenced women should be established.

iv) Eradicating torture: The Optional Protocol to the Convention against Torture

In 2002, after many difficult years of debate, the UN General Assembly adopted a new international treaty which stands to make a significant contribution to preventing torture worldwide. The Optional Protocol to the Convention against Torture and other forms of

²⁹ Committee against Torture, footnote 2, paras. 4(c) and 5(c).

³⁰ Human Rights Committee, footnote 1, para. 18.

Cruel, Inhuman or Degrading Treatment or Punishment establishes national and international level processes for inspecting detention centres with an eye to identifying conditions that are conducive to torture.

Three years later, Canada has not yet signed on. Doing so would substantially strengthen the national and international oversight that is sorely needed to prevent torture and ill-treatment. Much of the difficulty appears to be federal and provincial wrangling. Some detention centres are federally run, others are under provincial control. The Committee against Torture has called on Canada to adhere to the Optional Protocol:

[Canada] should consider becoming party to the Optional Protocol to the Convention.³¹

It is time for Canada to formalize its commitment to eradicating torture and ill-treatment, in Canada and around the world. Canada should adhere to the Optional Protocol to the Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment without further delay.

³¹ Committee against Torture, footnote 2, para. 5(j).

SUMMARY OF RECOMMENDATIONS

Throughout 2005, the United Nations has pressed Canada to adopt a number of important human rights reforms. It is time to comply. Canada must:

TRANSPARENT AND ACCOUNTABLE IMPLEMENTATION

- Adopt a new approach to implementing human rights treaties. In 2006, federal, provincial and territorial Ministers responsible for human rights will meet for the first time in eighteen years. Ministers must ensure that meeting adopts a new coordinated, inter-governmental and publicly accountable approach to overseeing implementation of and compliance with Canada's international human rights obligations.

THE RIGHTS OF INDIGENOUS PEOPLES

- Ensure safety for all Indigenous women in Canada. The federal government should act immediately to put in place consistent approaches to gathering and analyzing statistics about the level and nature of violence experienced by Indigenous women in Canada. The government should also ensure that effective action protocols are adopted by police forces across the country, so that all police recognize the heightened vulnerability of Indigenous women to violence and take appropriate steps to respond to that violence.
- Work actively towards a just resolution of the land rights dispute with the Lubicon Cree. The government must make negotiation of a just settlement a high priority, and ensure that its negotiators are given a clear mandate to reach a settlement that ensures full respect and protection of the rights of the Lubicon Cree under national and international law.

SECURITY AND HUMAN RIGHTS

- Enact legislation to ensure that no one will ever be deported, extradited or otherwise removed from Canada to a country where he or she faces a serious risk of being tortured, and refrain from seeking diplomatic assurances in transfers to countries where individuals are at risk of torture and other ill-treatment.
- Bring the immigration security certificate process into line with international law. Any individual who is accused of involvement in or support for terrorist activities should be treated in full conformity to international fair trial standards.
- Ensure that there is full accounting of all cases of Canadian citizens, of interest in national security investigations, who have been detained and tortured abroad. The Canadian government should launch a fair, independent, comprehensive and public review of all such cases.

JUSTICE AND OVERSIGHT

- Ensure that its court system is accessible to individuals to pursue redress for torture and other serious human rights violations suffered abroad. The State Immunity Act should be amended to specify that it does not apply to such lawsuits.
- Live up to the requirements of the Immigration and Refugee Protection Act and establish the Refugee Appeal Division.
- Implement the recommendations of the Arbour Commission and the Canadian Human Rights Commission regarding the treatment of federally-sentenced women prisoners. An independent oversight body for federally-sentenced women should be established.
- Formalize its commitment to eradicating torture and ill-treatment, in Canada and around the world. Canada should adhere to the Optional Protocol to the Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment without further delay.