

2018

**AMNESTY
INTERNATIONAL**



SHORING UP RIGHTS IN A TURBULENT TIME

AMNESTY INTERNATIONAL'S 2018 HUMAN RIGHTS REPORT CARD AND AGENDA FOR CANADA





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COVER PHOTO:

Amnesty International activists gather in Toronto to express solidarity for refugees, at a time when governments around the world increasingly fail to live up to their obligations to protect refugees.

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INTRODUCTION¹

By any measure, 2017 was a particularly tough year for human rights, marked by violent turmoil and hate-filled divisiveness around the world. Against that troubling backdrop Amnesty International's 2018 Human Rights Agenda for Canada assesses the federal government's domestic and global efforts to uphold and protect human rights over the past year; and lays out recommendations for law reform, policy initiatives and concrete action to protect human rights in 2018.

Amnesty International's previous Human Rights Agenda for Canada asserted that 2017 was "a year to get it right", noting a number of important human rights anniversaries, including 40 years for the Canadian Human Rights Act, 35 years for the Charter of Rights and Freedoms and 10 years for the United Nations Declaration on the Rights of Indigenous Peoples.

Looking ahead to 2018, there are again strong openings for Canadian human rights leadership, especially as Canada hosts the G7 Summit in May and the Global Conference on Inclusive Development and LGBTI



Activists delivered a canoe filled with petitions to the BC legislature and called on the government to respect Indigenous rights by halting construction of the Site C dam in northeast BC.

¹ An earlier version of this Introduction appeared in the *Toronto Star*, on 22 December, 2017 and *Le Devoir* on 3 January, 2018.

In 2018 Canada's domestic human rights record will be assessed by the UN Human Rights Council

Human Rights this summer, prepares for the 2019 Women Deliver conference, and continues its campaign for election to the UN Security Council in 2020. Additionally, all countries will mark the 70th anniversary of the Universal Declaration of Human Rights in 2018, an occasion that must give rise to renewed and strengthened commitment to international human rights.

In 2018 Canada's domestic human rights record will be assessed by the UN Human Rights Council through the Universal Periodic Review (UPR), the third such review since this process was adopted by the United Nations General Assembly in 2005.² It will be the first UPR examination for the Trudeau government, and offers a valuable opportunity to demonstrate leadership and commitment to upholding Canada's international human rights obligations.

As 2018 begins, the global context is deeply worrying. The number of countries devastated by conflict around the world is staggering. Entrenched crises continue in Syria, Iraq, South Sudan, the Central African Republic and Afghanistan. Widespread ethnic cleansing against the Rohingya people has erupted in Myanmar, with over 650,000 refugees forced to flee to neighbouring Bangladesh. The crisis in Yemen deepens; the grim civilian toll exacerbated by a Saudi-led blockade that impedes humanitarian relief. The Palestinian people have recently marked 50 years of human rights abuses under Israeli military occupation. The lawlessness that has ravaged Libya has finally captured international attention, with reports of harrowing abuses against refugees and migrants, including slavery.

Meanwhile, the "Northern Triangle" countries of Guatemala, El Salvador and Honduras are experiencing generalized violence and homicide rates four to eight times higher than what the World Health Organization considers epidemic levels, a motor driving as many as half a million people to cross Mexico's southern border irregularly each year in search of safe haven. And grave human rights crises continue elsewhere, including Burundi, Venezuela, Iran and numerous other countries.

All of these conflicts are marked by widespread sexual violence and other grave human rights violations against women, girls and gender non-confirming individuals. World leaders talk increasingly about gender equality, about empowering women and girls and ensuring they play a central role in peacebuilding and security, and about promoting LGBTI rights. But it is clear that talk rarely leads to concrete action, let alone to meaningful change.

As in years past, effective multilateral action to address these crises is consistently thwarted by geopolitics. Too many countries continue to spend more time and money on efforts to restrict and punish refugees, for instance, rather than truly working together to share the responsibility to uphold their rights. And it has proven entirely impossible to impose comprehensive arms embargoes against Syria, South Sudan, Yemen and Myanmar; all blocked by the threat of Russian or Chinese vetoes.

Particularly troubling this past year has been the rapid rise of the politics of hate. While it is by no means a new phenomenon, the extent to which undisguised racism and demonization has moved from the extreme fringes to become part of mainstream politics around the world has been both sinister and chilling. As always with toxic bigotry, those targeted are the most marginalized in society, including refugees and migrants, religious and ethnic minorities, and people persecuted for their real or perceived sexual orientation or gender identity. This goes well beyond Donald Trump's White House. Vilification has become official government policy in Hungary, Russia, Turkey and the Philippines, to name only a handful of countries; and surfaces every time a Western European country goes to the polls.

² Canada is scheduled to be examined on May 11, 2018, during the 30th Session of the Universal Periodic Review..

Amidst these waves of hate and demonization, advocating for universal human rights has become perilous worldwide. Human rights defenders are smeared, threatened, attacked, imprisoned and killed at an alarming rate. The Director and Chair of Amnesty International's Turkish Section were imprisoned in 2017, alongside other prominent human rights defenders. Our Director, Idil Eser, and the other defenders were released conditionally after three and a half months in detention. However their absurd trial on wholly unfounded terrorism-related charges proceeds and Amnesty International Turkey's Chair, Taner Kılıç, who was jailed in June 2017, remained behind bars nearly 8 months later, as this Human Rights Agenda was being finalized.

Amnesty International's 2018 Human Rights Agenda for Canada assesses progress and updates recommendations in seven major areas:

Rights of Indigenous peoples

Gender equality

Protecting refugees and migrants

Business, trade and human rights

National security

Upholding international obligations

Promoting human rights globally

This 2018 Human Rights Agenda is based on an evaluation of the 35 recommendations that were included in Amnesty International's 2017 Human Rights Agenda for Canada. That Report Card assigned four different grades:

HUMAN RIGHTS GRADING SYSTEM



GREEN Recommendation has been met.



AMBER Underway, but incomplete.



ORANGE In progress, but with uncertainty or concern



RED Serious concerns or no progress.

**Looking ahead,
this is not a time
for hesitation or
complacency.**

Amnesty International welcomes several developments in 2017 that have contributed to strengthened regard for human rights by the federal government, such as enshrining legal protections for transgender individuals in Canada, the adoption of a Feminist International Assistance Policy, long overdue compensation for Canadian citizens who suffered national security-related human rights violations and the announcement of a Canadian Ombudsperson for Responsible Enterprise.

Some areas remain hopeful but uncertain, such as the commitment to follow through on a legal framework for implementing the UN Declaration on the Rights of Indigenous Peoples and efforts to strengthen consular assistance to Canadians wrongfully imprisoned abroad.

And there have clearly been deep disappointments, including the decision to continue with construction of the Site C dam, despite First Nations opposition; ongoing government approval of the sale of \$15 billion worth of light armoured vehicles to Saudi Arabia, a country responsible for war crimes in Yemen; and government refusal to suspend the Canada/US Safe Third Country refugee agreement at a time when growing numbers of refugees in the United States are fearful of increasingly hostile, punitive and restrictive Executive Orders, tweets and various public pronouncements from Donald Trump.

Overall, the assessment of progress over the past year is mixed. Of the 35 recommendations from 2017, five have been fully implemented and another seven, while incomplete, are well underway. A further 18 are in progress but face uncertainty or a degree of concern. Finally, Amnesty International has identified five recommendations for which there are serious concerns or where there has been no progress.

Looking ahead, this is not a time for hesitation or complacency. Amnesty International’s 2018 Human Rights Agenda for Canada calls for bold initiatives and leadership to shore up human rights, at home and abroad.



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Rohingya refugees walked through a shallow canal after crossing the Naf River, fleeing ethnic cleansing by the Myanmar army in Rakhine State. Six hundred and fifty thousand refugees sought shelter in overcrowded camps in Bangladesh.



2017 REPORT CARD SUMMARY

Uphold the rights of Indigenous Peoples	GRADE
Halt construction of the Site C dam in northeast BC	RED
Reform resource project approval processes to respect Indigenous rights and comply with Canada's legal obligations	ORANGE
Incorporate the right to free, prior and informed consent in Canadian law	ORANGE
Announce plans for implementation of UN Declaration on the Rights of Indigenous Peoples	AMBER
Ensure all First Nations, Inuit, and Métis women and girls have access to emergency shelters and transition houses	ORANGE
Ensure police gather data regarding the First Nations, Inuit and Métis identity of victims of violent crime	ORANGE
Comply with Canadian Human Rights Tribunal rulings regarding discrimination against First Nations children	ORANGE

Take action on gender equality in Canada and abroad	GRADE
Fully implement Bill C-16 on gender identity or expression	GREEN
Develop a national action plan on gender-based violence in Canada	AMBER
Increase support for First Nations, Inuit and Métis women escaping violence	ORANGE
Put gender equality at the heart of Canadian diplomacy and development programming	AMBER
Implement recommendations from Canada's 2016 review by UN Committee on the Elimination of Discrimination against Women	ORANGE

Responding to a global refugee crisis	GRADE
Repeal discriminatory provisions in domestic refugee protection laws	ORANGE 
Extend essential healthcare to all individuals in Canada, regardless of immigration status	RED 
Reform inadmissibility provisions consistently to conform to principles in Supreme Court's Ezokola judgement	RED 
Ensure immigration detention is a last resort and never applied to children or people with mental illness	AMBER 
Institute independent oversight of the Canada Border Services Agency	ORANGE 
Lead effort to establish global mechanism to more equitably share responsibility for addressing the world's refugees crisis	GREEN 
Substantially increase Canada's refugee resettlement commitments for 2018	ORANGE 

Human rights and the economy	GRADE
Ensure Canada's current and future trade agreements are subject to human rights impact assessments	ORANGE 
Ensure Canadian companies can be held accountable for human rights violations related to their operations abroad, including by establishing an Extractive Sector Ombudsperson	GREEN 
Protect human rights defenders abroad who face risks for advocacy associated with operations of Canadian companies	ORANGE 

Getting national security right	GRADE
Ensure pending legal cases seeking redress for national security-related human rights violations are expeditiously resolved	GREEN 
Adopt a national security framework that recognizes regard for human rights as a foundational pillar, incorporates human rights safeguards and ensures full conformity with Canada's international human rights obligations	ORANGE 

International obligations: committing and implementing	GRADE
Hold a meeting of federal, provincial and territorial ministers to initiate reforms to process for implementing Canada's international human rights obligations	GREEN 
Work toward early ratification of Optional Protocol to the Convention against Torture, Arms Trade Treaty and Optional Protocol to the Convention on the Rights of Persons with Disabilities	ORANGE 
Initiate consultations regarding UN and OAS human rights treaties not yet ratified by Canada	ORANGE 
Implement outstanding human rights recommendations issued by UN committees	ORANGE 

International relations: put human rights at the heart of foreign policy	GRADE
Develop a whole-of-government action plan to advance human rights protection globally	AMBER 
Develop a human rights strategy for Canada-China relationship	ORANGE 
Strengthen consular practices for cases of Canadians and Canadian-connected individuals facing human rights violations overseas	AMBER 
Withdraw approval for the Saudi Arabian light armoured vehicles deal	RED 
Express public concern about human rights violations committed by the Israeli government	ORANGE 
Resolve longstanding cases of Canadians and Canadian-connected individuals wrongfully imprisoned abroad	AMBER 
Commit to greater transparency with respect to Canadian human rights diplomacy	RED 

Uphold the rights of Indigenous Peoples

While there continues to be a decidedly more positive tone in announcements made by the government with respect to the rights of Indigenous peoples — evidenced in 2017 by such initiatives as the apology to residential school survivors in Newfoundland and Labrador,³ the decision to support Bill C-262, private member's legislation to establish a legal framework for implementing the UN Declaration on the Rights of Indigenous Peoples,⁴ and the Prime Minister's speech to the UN General Assembly admitting the many ways that Canada has failed Indigenous peoples⁵ — tone is evidently not enough. Far too often there continues to be a marked gap between powerful gestures on the one hand and concrete, meaningful decisions and action on the other.

One stark example of the consequences of this gap is the fact that First Nations, Inuit, and Métis people are over-represented in the criminal justice system, but are all too often denied substantive equality in access to protection and justice.⁶ In many First Nations, Inuit communities, and Métis settlements, there is generally some combination of no full-time presence of law enforcement, policing agencies are under-funded, and/or police deployed to a community may lack experience in working with Indigenous peoples in communities with complex policing needs.⁷ The resulting denial of access to protection is amplified both by systemic bias in policing, and by the narrow scope of and significant barriers to accessing independent civilian oversight and accountability mechanisms.

³ Remarks by Prime Minister Justin Trudeau to apologize on behalf of the Government of Canada to former students of the Newfoundland and Labrador residential schools, 24 November, 2017. <https://pm.gc.ca/eng/news/2017/11/24/remarks-prime-minister-justin-trudeau-apologize-behalf-government-canada-former>.

⁴ John Paul Tasker, *Liberal government backs bill that demands full implementation of UN Indigenous rights declaration*, CBC News, November 21, 2017, <http://www.cbc.ca/news/politics/wilson-raybould-backs-undrip-bill-1.4412037>.

⁵ Michelle Zilio and Wendy Stueck, *Trudeau addresses Canada's relationship with Indigenous peoples in UN speech*, *Globe and Mail*, 20 September, 2017. <https://www.theglobeandmail.com/news/politics/trudeau-to-use-un-speech-to-recognize-canadas-relationship-with-indigenous-peoples/article36338926/>.

⁶ See Truth and Reconciliation Commission of Canada: Calls to Action, http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

⁷ See Amnesty International, *Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada*, November, 2016. https://www.amnesty.ca/sites/amnesty/files/Out%20of%20Sight%20Out%20of%20Mind%20EN%20FINAL_0.pdf



In 2017, the Indigenous rights movement in Canada received Amnesty International's highest global honour: the Ambassadors of Conscience Award. Pictured above are Delilah Saunders, Melanie Morrison, Melissa Mollen Dupuis and Widia Larivière at a ceremony in Montreal.

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2017 REPORT CARD

**Halt construction of the Site C dam in northeast British Columbia**

In July 2016, Prime Minister Trudeau's government issued two permits, from the Departments of Transport and Fisheries and Oceans, authorizing construction of the Site C dam to continue.⁸ In December 2017, the new British Columbia provincial government led by Premier John Horgan announced it would not intervene to halt construction of the dam, disappointing and betraying First Nations, landowners and environmentalists.⁹ As a result construction of the destructive mega-project continues, despite First Nations opposition, in violation of Treaty rights and the provisions of the UN Declaration on the Rights of Indigenous Peoples.

In August 2017, the UN Committee on the Elimination of Racial Discrimination called on the federal government to “immediately suspend all permits and approvals for the construction of the Site C dam” and to “conduct a full review in collaboration with indigenous peoples of the violations of the right to free, prior and informed consent, of treaty obligations and of international human rights law from the building of this dam and identify alternatives to irreversible destruction of indigenous lands and subsistence, which will be caused by this project.”¹⁰ The Committee considered this recommendation to be of such urgent importance that it was prioritized as one of only a few about which Canada must report back within one year.¹¹ The federal government has not yet commented on or responded to the recommendation, but continues to take no steps to halt construction.

**Reform resource development project approval processes to respect Indigenous rights and comply with Canada's legal obligations**

The federal government is reviewing the various laws that together determine when and how proposed resource development projects within federal jurisdiction are assessed and approved. A discussion paper released in June¹² proposes a more comprehensive assessment approach that would go beyond consideration only of environmental effects, but look also at social, health and economic aspects of a project and apply a gender-based assessment to identify differing impacts on people of all genders. The paper states that the government is considering ways that future assessment processes could be “responsive to Indigenous rights and jurisdiction and decision-making, with space created to enable increased Indigenous involvement, including Indigenous-led assessments.” To date, however, no concrete proposals have been tabled. Meanwhile, decisions such as the continued construction of the Site C dam continue to be made with little regard for Canada's legal obligations toward Indigenous peoples. There also continues to be a troubling lack of transparency or accountability over how Cabinet determines whether or not harmful impacts on Indigenous peoples are ‘justified.’

⁸ Betsy Trumpener, *Trudeau government signals support for Site C dam, grants two permits*, CBC News, July 29, 2016, <http://www.cbc.ca/news/canada/british-columbia/trudeau-government-issues-key-federal-permits-for-site-c-1.3700880>.

⁹ Justine Hunter, *B.C. Premier John Horgan faces ire of First Nations after Site C approval*, *Globe and Mail*, December 12, 2017, <https://www.theglobeandmail.com/news/british-columbia/bcs-john-horgan-faces-ire-of-first-nations-after-site-c-approval/article37310963/>.

¹⁰ UN Committee on the Elimination of Racial Discrimination, *Concluding observations: Canada*, 13 September, 2017, UN Doc. CERD/C/CAN/CO/21-23, para. 20(e).

¹¹ *Ibid.*, para. 40.

¹² Government of Canada, *Environmental and Regulatory Reviews: Discussion Paper*, June 2017. <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/share-your-views/proposed-approach/discussion-paper.html>.



Incorporate the right to free, prior and informed consent in Canadian law

While there are steps underway, including a Ministerial review of federal laws and policy, the reform of environmental assessments referred to above, and the current debate about Bill C-262 (see below) – all of which provide the potential for the right to free, prior and informed consent (FPIC) to be meaningfully incorporated in federal laws, policies and regulations – no such steps have been fully taken to date. Instead, decisions such as granting federal government permits related to the Site C dam (noted above) clearly contravene this important human rights principle, enshrined in international law. In July, 2017 the government released 10 Principles Governing the Government of Canada’s Relationship with Indigenous Peoples. The sixth principle “recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.”¹³ As written, the Principles fail to provide clear and explicit commitment that the government will not proceed with large-scale resource development projects that are rejected by Indigenous peoples as destructive and unwanted.



Announce plans for implementation of UN Declaration on the Rights of Indigenous Peoples

Prime Minister Trudeau, Minister of Indigenous Affairs (now Minister of Crown–Indigenous Relations) Carolyn Bennett and Minister of Justice Jody Wilson-Raybould have repeatedly expressed strong support for the UN Declaration on the Rights of Indigenous Peoples, contrary to the staunch opposition of the previous government. That support has been stated, unequivocally, at the United Nations, in the House of Commons and in various media interviews and public speeches. For two years, however, there has been little indication as to what measures would be taken to ensure that the easy rhetoric of embracing the Declaration will be backed up with a legislative framework to ensure its meaningful implementation. However, in November 2017 Minister Wilson-Raybould announced¹⁴ that the government would support Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, private members legislation tabled by NDP MP Romeo Saganash in April, 2016. The Bill would establish a legal framework for the federal government to work with Indigenous peoples on the implementation of the Declaration, as well as requirements for regular reporting to Parliament on the progress made. At the end of 2017 the Bill was at the stage of Second Reading in the House of Commons.¹⁵

¹³ *Principles Governing the Government of Canada’s Relationship with Indigenous Peoples*, 14 July, 2017, <http://www.justice.gc.ca/eng/csj-sjc/principles-eng.pdf>.

¹⁴ John Paul Tasker, *Liberal government backs bill that demands full implementation of UN Indigenous rights declaration*, *CBC News*, November 21, 2017, <http://www.cbc.ca/news/politics/wilson-raybould-backs-undrip-bill-1.4412037>.

¹⁵ <http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=8160636>.

II Ensure all First Nations, Inuit, and Métis women and girls have access to emergency shelters and transition houses

By any measure, First Nations, Inuit, and Métis gender-based violence survivors in Canada do not have access to a sufficient number of shelters, other housing, and culturally-relevant services. While the figures are contested, even the federal government's estimate that 41 shelters serve only 55% of First Nations communities in Canada, points to the insufficiency. Fifteen shelters serve 53 Inuit communities across the Arctic. The 2016 federal budget allocated funding for the construction of five new shelters in First Nations communities. There is still far to go.¹⁶

II Ensure police gather data regarding the First Nations, Inuit and Métis identity of victims of violent crime

For many years it has been clearly recognized that one significant impediment to fully understanding the causes, nature and extent of violence against Indigenous women, girls and two-spirit people in Canada has been the fact that police forces have rarely documented the First Nations, Inuit and Métis identity of victims of violent crime. Without that clear statistical base it has been left to Indigenous organizations, human rights groups, journalists and others to document the patterns of violence, which has left an incomplete and inconsistent picture of violence against Indigenous women, girls, and two-spirit people across the country.

International human rights bodies and experts have repeatedly called on Canada to provide disaggregated data on the victims of violent crime. In 2015, following a comprehensive inquiry into violence against Indigenous women and girls in Canada, the UN Committee on the Elimination of Discrimination against Women called on the federal government to “systematically collect data that is disaggregated by ethnicity of victims and offenders on all forms of violence against women, including on the number of aboriginal women engaged in prostitution and trafficked women, and on cases of missing and murdered women, and to make such data collection mandatory for all police detachments.”¹⁷ Similarly, in its major 2014 report looking at missing and murdered Indigenous women and girls in British Columbia, the Inter-American Commission on Human Rights recommended “the development of data collection systems that collect accurate statistics on missing and murdered indigenous women, by consistently capturing the race of the victim or missing person. Capturing accurate data is the basis for moving forward in any initiative.”¹⁸ To date, there is still no consistent policy or practice across the country that ensures that the Indigenous identity of victims of violent crime is reliably recorded.

¹⁶ See further discussion in subsequent chapter on Gender Equality, assessing progress with respect to recommendation to “increase support for First Nations, Inuit and Métis women escaping violence.”

¹⁷ Committee on the Elimination of Discrimination against Women, *Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc. CEDAW/C/OP.8/CAN/1, 30 March, 2015, para 217(g).

¹⁸ Inter-American Commission on Human Rights, *Missing and Murdered Indigenous Women in British Columbia, Canada*, 21 December 2014, OAS Doc. OEA/Ser.LV/II. Doc. 30/14, para. 310. <https://www.oas.org/en/iachr/reports/pdfs/indigenous-women-bc-canada-en-pdf>.



Comply with Canadian Human Rights Tribunal rulings regarding discrimination against First Nations children

The delays in resolving this pressing human rights concern have been nothing short of outrageous and now extend to well over a decade.¹⁹ It has been eleven years since the First Nations Child and Family Caring Society and the Assembly of First Nations filed a complaint with the Canadian Human Rights Commission, in February 2007, alleging that levels of funding for child protection services on First Nations reserves were discriminatory. The complaint was referred to the Canadian Human Rights Tribunal (CHRT) for a hearing in September 2008. The Harper government vigorously and ultimately unsuccessfully contested the jurisdiction of the Tribunal to hear the case over a 4 ½ year period before the CHRT, Federal Court and Federal Court of Appeal, through to March 2013. The CHRT began its hearing of the complaint in February 2013 and issued a landmark and comprehensive ruling concluding that the federal government had discriminated against First Nations Children, almost 3 years later, in January 2016. The Trudeau government announced that it would not appeal the CHRT ruling. However, two years later, the government has not yet acted to comply with the terms of the CHRT's ruling, leading the Tribunal to issue three further orders. In August 2017 the UN Committee on the Elimination of Racial Discrimination called on Canada to comply with the CHRT's January 2016 ruling and the three compliance orders.²⁰ While there have been renewed discussions between the government and the parties to the case, there have not yet been any unequivocal commitments from the government to comply with and implement the CHRT orders.

¹⁹ First Nations Child and Family Caring Society, *Child Welfare Funding Case: Timeline of Procedural Delays*, <https://fncaringsociety.com/sites/default/files/Procedural%20Diagram%202007-2016.pdf>.

²⁰ UN Committee on the Elimination of Racial Discrimination, *Concluding observations: Canada*, UN Doc., UN Doc. CERD/C/CAN/CO/21-23, 13 September, 2017, para. 28 (a): "Fully comply with and implement the January 2016 ruling (2016 CHRT 2) and subsequent non-compliance orders (2016 CHRT 10, 2016 CHRT 16 and 2017 CHRT 14) of the Canadian Human Rights Tribunal, and end the underfunding of First Nations, Inuit and Métis child and family services; ..."



2018 must be the year for Canada to deliver on the promise of a new relationship and full regard for the rights of Indigenous Peoples in Canada. Amnesty International calls on the federal government to:

RECOMMENDATIONS

UPHOLD THE RIGHTS OF INDIGENOUS PEOPLES

Suspend all construction on the Site C dam.

Adopt a legislative framework for implementation of the UN Declaration on the Rights Of Indigenous Peoples to guide and ensure collaboration with Indigenous peoples, reform law and policy, elaborate a national action plan, and bring about Parliamentary and public accountability.

Integrate provisions for the right of free, prior and informed consent, consistent with international human rights standards, into all decisions affecting the land rights of Indigenous peoples.

Ensure that the decision-making process around large-scale resource development projects includes meaningful gender-based analysis of possible impacts and necessary mitigation.

Ensure all First Nations, Métis and Inuit survivors of gender-based violence have access to emergency shelters and transition houses with culturally relevant programming.

Adopt policies and protocols surrounding officer recruitment, training and deployment to increase the numbers of experienced officers serving remote and northern First Nations, Métis and Inuit communities; require all officers to have appropriate training to ensure gender-sensitive, culturally-competent responses to community needs; and reduce the high turnover rates that create barriers to building trust and positive working relations with these communities.

Fully implement the Canadian Human Rights Tribunal ruling calling for the elimination of discrimination in provision of child and family services to First Nations.

Take action on gender equality in Canada and abroad

Canada is becoming well-known as a country with a feminist government headed by a feminist Prime Minister. Domestically, the government has taken a number of steps to promote gender equality such as increasing the number of women in senior positions in government and in the judiciary,²¹ developing a federal gender-based violence strategy, and championing legislation to protect the rights of transgender and gender non-conforming people. Internationally, Canada has provided funding for initiatives to promote sexual and reproductive health and rights to help make up for a global shortfall in such funding resulting from the US government 'Global Gag Rule',²² enacted a Feminist International Assistance Policy to help direct development assistance to initiatives promoting gender equality, created a new National Action Plan on Women, Peace, and Security, and assumed the role of Co-Chair of a key multilateral forum promoting LGBTI rights.²³

Despite these strong and laudable advances, much work remains to ensure the government's feminist agenda is truly transformative. To be transformative the government must address the structural power imbalances causing the systematic oppression of women and LGBTI people in Canada and around the world. Such changes must recognize the multiple and intersecting forms of discrimination that disproportionately impact Indigenous, minority, disabled, poor and rural women, and LGBTI people.

²¹ Jessica Murphy, Trudeau gives Canada first cabinet with equal number of men and women, *The Guardian*, 4 November, 2015. <https://www.theguardian.com/world/2015/nov/04/canada-cabinet-gender-diversity-justin-trudeau>; and Sean Fine, Liberals reshape judicial bench with appointments of women, *Globe and Mail*, 12 May, 2017. <https://www.theglobeandmail.com/news/national/more-than-half-of-liberals-appointed-judges-are-women/article34964546/>.

²² http://international.gc.ca/world-monde/issues_development-enjeux_developpement/global_health-sante_mondiale/reproductive_fa-reproductifs_faq.aspx?lang=eng.

²³ Government of Canada, *Canada welcomes global cooperation on LGBTQ2 rights*, 8 June, 2017. https://www.canada.ca/en/global-affairs/news/2017/06/canada_welcomes_globalcooperationonlgbtq2rights.html?wbdisable=true.



Amnesty members and supporters joined women's marches around the world as millions of people took to the streets to call for gender equality and human rights.

2017 REPORT CARD

**Fully implement Bill C-16 on gender identity or expression**

Bill C-16 passed into law in June,²⁴ extending vital and long overdue human rights protections in the Canadian Human Rights Act and Criminal Code to transgender and non-binary people in Canada. This achievement was the result of years of struggle, involving several private members Bills, and opposition from a number of Senators. C-16 was the first time official government legislation was brought forward. There is ongoing work ahead to ensure that the new law is fully implemented, and that work is done to assess whether any gaps remain in Canadian policy on LGBTI rights, such as intersex rights.²⁵

**Develop a national action plan on gender-based violence in Canada**

In June 2017, the federal government released a strategy on gender-based violence, a helpful first step in transforming Canada's approach to ending gender-based violence.²⁶ The strategy includes funding for many welcome initiatives including the creation of a "Knowledge Centre" within government to improve coordination across departments and jurisdictions. However, the strategy fails to address critical gaps such as the underfunding of shelters and culturally-relevant services for First Nations, Inuit and Métis gender-based violence survivors. The strategy, which primarily consolidates existing and recently announced federal programs and services, falls short of Canada's commitment under the UN Secretary-General's UNiTE initiative²⁷ to enact a truly national plan of action covering federal, provincial and territorial jurisdictions.²⁸

**Increase support for First Nations, Inuit and Métis women escaping violence**

The vast majority of First Nations reserves across Canada do not have shelters for survivors of gender-based violence. Approximately 15 shelters and transitional shelters, many only accessible by air, serve the 53 Inuit communities across the Arctic.²⁹ The federal government reports there are 41 federally funded shelters to serve the 634 recognized First Nations communities in Canada. Since some of these shelters serve multiple

²⁴ Trans Equality Canada Coalition, *Canada: Human rights protections extended to trans people*, 15 June, 2017, <http://www.amnesty.ca/news/canada-human-rights-protections-extended-trans-people>.

²⁵ Children born with sex characteristics that do not fit with female or male norms due to variations of sex characteristics such as chromosomes, genitals and reproductive organs. Amnesty International, *Denmark and Germany: Authorities failing to protect intersex children from invasive surgery*, 9 May, 2017. <https://www.amnesty.org/en/latest/news/2017/05/danish-and-german-intersex-children-scarred-by-invasive-surgery/>.

²⁶ Status of Women Canada, *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence*, 19 June, 2017, <http://www.swc-cfc.gc.ca/violence/strategy-strategie/index-en.html>.

²⁷ UNiTE, United Nations Secretary-General's Campaign to End Violence against Women, <http://endviolence.un.org/>.

²⁸ A blueprint for a National Action Plan has been developed by a coalition of twenty organizations working in the sector across Canada. *A Blueprint for Canada's National Action Plan (NAP) on Violence Against Women and Girls*, 18 February, 2015. <http://endvaw.ca/our-work/blueprint-for-canadas-national-action-plan-on-violence-against-women/>.

²⁹ Pauktuutit, Inuit Women of Canada, *Shelters*, <http://pauktuutit.ca/abuse-prevention/shelters/>: "More than 70 per cent of the 53 Inuit communities spread across four geographic regions of the Canadian Arctic do not have a safe shelter for women and children experiencing family violence."

First Nations, the federal government asserts that 55% of First Nations are served,³⁰ a claim contested by Indigenous women's organizations. While Indigenous women may also have access to shelters funded by the provincial and territorial governments, these shelters are often far from their home communities and many do not offer culturally-based programming for Indigenous women. The 2016 federal budget allocated \$10.4 million for renovation and construction of new shelters over three years, leading to a request for proposals for the construction of five new shelters.³¹



Put gender equality at the heart of Canadian diplomacy and development programming

Amnesty International welcomes three new federal government initiatives to promote gender equality internationally. In March, the government announced funding for initiatives promoting sexual and reproductive health and rights, helping to fill the global funding gap left by the US government's cancellation of such funding under its 'Global Gag Rule.' In June, the government launched a new Feminist International Assistance Policy (FIAP) including the flagship Women's Voices and Leadership Initiative to fund grassroots women's rights organizations,³² and in November, Canada's new National Action Plan on Women, Peace and Security was released. Regrettably, however, this new approach to international development assistance and the women, peace and security agenda was not matched by an increased development assistance budget. Canada's development budget sits stubbornly at 0.26% of Canada's income, falling far short of the OECD target of a minimum of 0.7% of national income.³³

To continue advancing its feminist agenda, the government needs to expand its mandate beyond development assistance funding. What is needed next is a clear, bold, transformative articulation of a new feminist foreign policy for Canada which includes promotion of the rights of women, girls, and LGBTI people. Such a policy must have far-reaching implications for how Canada conducts its bilateral and multilateral diplomacy in support of gender equality, and be carried out in close partnership with civil society, to be truly transformative and feminist.



Implement recommendations from Canada's 2016 review by UN Committee on the Elimination of Discrimination against Women

There were numerous recommendations made by the UN Committee on the Elimination of Discrimination against Women in the course of its October 2016 review of Canada's record.³⁴ Overall it is difficult to assess Canada's progress as there is no publicly accessible report that indicates which recommendations have been accepted, and what steps have been taken towards implementation. At best, the record to date, fifteen months after the review, is uneven. Sex-based discrimination has not yet been fully eliminated in the Indian

³⁰ Indigenous and Northern Affairs Canada, Family Violence Prevention Program, <http://www.aadnc-aandc.gc.ca/eng/1100100035253/1100100035254>: "Some 329 First Nations communities (55%) are served by the 41 INAC-funded shelters."

³¹ Government of Canada, *Growing the middle class: 2016 Federal Budget*, 22 March, 2016, pg. 140, <https://www.budget.gc.ca/2016/docs/plan/budget2016-en.pdf>.

³² Canada's Feminist International Assistance Policy, http://www.international.gc.ca/gac-amc/campaign-campagne/iap-pai/index.aspx?lang=eng&utm_campaign=iap-pai-2017&utm_source=media&utm_medium=media-en&_ga=2.177616421.1630108440.1515130048-1235296112.1513795721.

³³ In fact, Canada's US\$3.9 billion development assistance spending in 2016 was down 4.4% over the previous year. The rate of .26% of Canada's national income also falls well below the average of .32% for the 30 members, including Canada, of the OECD's Development Assistance Committee. Levon Sevunts, *Radio Canada International*, *Canada's foreign aid bucks global trend, drops under Trudeau: OECD report*, 11 April, 2017. <http://www.cbc.ca/news/politics/canadian-international-aid-drops-trudeau-1.4066640>.

³⁴ UN Committee on the Elimination of Discrimination against Women, *Concluding Observations: Canada*, UN Doc. CEDAW/C/CAN/CO/8-9, 25 November, 2016.

Act, legal aid has not been expanded, and there is no National Action Plan on gender-based violence. At the same time, the adoption of the National Action Plan on Women, Peace and Security³⁵ is an important development, and the announcement of a Philadelphia Model pilot project³⁶ may transform how sexual assault and domestic violence cases are handled by police.

**AMNESTY
INTERNATIONAL**



KEY RECOMMENDATIONS FOR 2018

2018 is the year to build on and deepen the encouraging progress to date over the previous year in strengthening Canada's domestic and international efforts to uphold gender equality. Amnesty International calls on the federal government to:

RECOMMENDATIONS

TAKE ACTION ON GENDER EQUALITY IN CANADA AND ABROAD

Develop and enact a National Action Plan on Gender-Based Violence, building on the federal strategy to address gender-based violence and applying to all federal, provincial and territorial jurisdictions, with an intersectional focus and special provisions addressing the disproportionate levels of violence experienced by Indigenous women, girls, and two-spirit people.

Develop and promote a clear, public articulation of Canada's intersectional feminist foreign policy which is centred on the most marginalized women, girls and LGBTI people; empowers, supports and protects women and LGBTI rights defenders; and transforms Canada's bilateral and multilateral engagement to uproot the power relationships and structures at the core of gender inequality.

Institute public service capacity-building to support implementation of Canada's feminist commitments.

Increase development assistance funding to 0.7% of gross national income.

Call for a Parliamentary Committee study on intersex rights to identify areas for law and policy reform.

³⁵ http://international.gc.ca/world-monde/issues_development-enjeux_developpement/gender_equality-egalite_sexes/national_action_plan_wps-plan_national_action_fps.aspx?lang=eng

³⁶ <http://www.cbc.ca/news/canada/ottawa/philadelphia-model-ontario-police-forces-review-1.4433473>

Protecting refugees and migrants

Throughout 2017 and looking ahead to 2018, the world faces a global refugee crisis unmatched since the Second World War. Approximately 65 million people have been forced to flee from their homes, over 22 million of whom have fled to other countries as refugees.³⁷ Ethnic cleansing and other widespread human rights violations forced 650,000 Rohingya refugees to flee from Myanmar to Bangladesh in the last four months of 2017. Neighbouring countries continued to provide refuge to massive numbers of Syrian and South Sudanese refugees. Many other governments, primarily in the Global North, continued to expend vast resources on intercepting, restricting and punishing refugees and did not take steps to ensure equitable sharing of the global responsibility to provide meaningful protection. Canada continued to champion refugee protection globally during 2017, but failed to back that up by suspending the Canada/US Safe Third Country Agreement and ensuring a rights-based response to refugee claimants forced to cross irregularly into the country from the United States in the face of President Donald Trump's increasingly punitive measures and attitudes regarding refugees and migrants.³⁸



Outside the US Embassy in Ottawa, Amnesty International activists protest Donald Trump's Muslim ban and proposed US/Mexico border wall.

³⁷ United Nations High Commissioner for Refugees, *Figures at a glance*, 19 June, 2017. <http://www.unhcr.org/figures-at-a-glance.html>.

³⁸ Amnesty International, Canadian Council for Refugees and Canadian Council of Churches, *Legal challenge of Safe Third Country Agreement launched*, 5 July, 2017. <http://www.amnesty.ca/news/legal-challenge-safe-third-country-agreement-launched>.

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Repeal discriminatory provisions in domestic refugee protection laws

Despite repeated indications from the government, including in meetings Amnesty International had with the Minister of Immigration, Refugees and Citizenship in 2016 and early 2017, that reforms would be forthcoming to repeal discriminatory provisions such as the designated country of origin list³⁹ and the designated foreign nationals⁴⁰ powers, that now appears to be largely abandoned.

Extend essential healthcare to all individuals in Canada, regardless of immigration status

Three United Nations human rights bodies⁴¹ have now called on Canada to ensure that there is access to essential healthcare for all individuals in Canada, regardless of immigration status. Individuals without lawful immigration status in the country, however, continue to be denied essential, including life-saving healthcare.

Reform inadmissibility provisions consistently to conform to principles in Supreme Court's *Ezokola* judgement

International human rights law requires states to take careful measures to ensure that decisions made about inadmissibility and ineligibility in a country's immigration and refugee systems do not result in individuals being deported to a situation where they face a serious risk of human rights violations. The Supreme Court of Canada's 2013 *Ezokola* ruling⁴² importantly established that someone should only be excluded from refugee protection in Canada on the basis of allegations of involvement in crimes under international law if he or she voluntarily and knowingly made a significant contribution to such crimes. The government has not taken steps to ensure that these important requirements of voluntary, knowing and significant contributions are added to all decisions about admissibility and ineligibility related to allegations of criminality or being a security threat.

³⁹ There are currently 42 states designated as countries "that do not normally produce refugees and respect human rights and offer state protection." The list includes countries such as Mexico, Israel and a number of Central European countries with significant Roma populations, where Amnesty International has documented serious human rights concerns. Refugee claimants from designated countries are to be treated differently than other claimants, though a provision denying them access to the Refugee Appeal Division was overturned by the Federal Court. <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply/designated-countries-policy.html>.

⁴⁰ If a group of foreign nationals who arrive "irregularly" in Canada is designated by the Minister, they are subject to mandatory detention, with restricted opportunities for detention reviews, and are treated differently in the refugee claims process, including with regard to accessing the Refugee Appeal Division.

⁴¹ Most recently the United Nations Committee on the Elimination of Racial Discrimination, in its regular review of Canada's record, conducted in August, 2017: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/21-23&Lang=En, para. 34(f).

⁴² *Ezokola v. Canada (Citizenship and Immigration)* 2013 SCC 40.



MUNIR UZ ZAMAN/AP/Getty Images

Rohingya refugees waited for food aid at a refugee camp in Bangladesh. Amnesty International called on Canada and the international community to pledge urgently-needed funds to alleviate desperate living conditions.



Ensure immigration detention is a last resort and never applied to children or people with mental illness

In November, the results of public consultations conducted by the government with respect to Canada’s National Immigration Detention Framework were released.⁴³ The consultations canvassed issues related to the detention of minors and family separation, alternatives to detention, setting a maximum period so as to avoid indefinite detention and detaining individuals with mental health problems. The government also released a new Ministerial Direction⁴⁴ significantly strengthening provisions dealing with immigration detention, minors and family separation, instructing the Canadian Border Services Agency to stop detaining minors and separating families “except in extremely limited circumstances.” The government has not yet announced reforms with respect to other areas of concern repeatedly highlighted by Amnesty International and other organizations, including detaining individuals with mental health problems, setting a maximum time for immigration detention and expanded use of alternatives to detention to ensure it does remain a measure of last resort.



Institute independent oversight of the Canada Border Services Agency

The Canadian Border Services Agency remains the most notable agency with law enforcement and detention powers in the country that is not subject to independent review and oversight. Bill C-59, proposed national security reforms, would establish a mechanism that reviews CBSA’s national security related powers; but there have been no moves to put in place an independent review body to review the entirety of the Agency’s activities. Concerns have grown over the years, particularly as the number of

⁴³ Consultation on CBSA’s National Immigration Detention Framework: Summary Report of Consultations with Canadians, <http://www.cbsa-asfc.gc.ca/agency-agence/consult/consultations/nidf-cnmdi/report-rapport-eng.html>.

⁴⁴ Minister of Public Safety, *Ministerial Direction to the Canada Border Services Agency: Minors in Canada’s Immigration Detention System*, November 6, 2017, <https://www.publicsafety.gc.ca/cnt/trnsprnc/ns-trnsprnc/mnstrl-drctn-cbsa-en.aspx>. See also, Canadian Border Services Agency, *National Directive for the Detention or Housing of Minors*, <http://www.cbsa-asfc.gc.ca/security-securete/detent/nddhm-dndhm-eng.html>.

individuals who have died while in CBSA immigration detention continues to mount.⁴⁵ In June, 2017, the government received a report from former Clerk of the Privy Council Mel Cappe, who was asked to make recommendations about the need for CBSA oversight. Six months later, through access to information, the Canadian Press obtained a copy of Mr. Cappe's report, which recommends a new watchdog with power to oversee the CBSA and the RCMP jointly. There has been no reaction from the government other than an indication they are "working on legislation to create an 'appropriate mechanism' to review CBSA officer conduct and handle complaints."⁴⁶



Lead effort to establish global mechanism to more equitably share responsibility for addressing the world's refugee crisis

The world continues to face a staggering global refugee crisis, which deepened in 2017 when more than 650,000 Rohingya refugees fled from Myanmar to Bangladesh over the course of four months. Amnesty International and other organizations have repeatedly decried the lack of an enforceable system for ensuring that the responsibility for protecting refugees is shared globally, in an equitable and rights-regarding manner. Negotiations at the UN General Assembly in 2016 to establish a global responsibility sharing framework through a new Global Refugee Compact were unsuccessful at the time, but have been extended through to September 2018. In its capacity as Chair of the UNHCR's Executive Committee up until October 2017, and as a strong supporter of the newly-established World Refugee Council⁴⁷ and through its submission to the Global Refugee Compact negotiations, Canada has championed greater responsibility sharing. The government has urged that there be a monitoring and reporting mechanism to increase accountability for the contributions states make towards responsibility and burden-sharing.⁴⁸



Substantially increase Canada's refugee resettlement commitments for 2018

After the remarkable effort to resettle 45,000 Syrian refugees to Canada over the course of 2016, with significantly increased government and private sponsorship, numbers generally returned to historical levels in 2017, notably with government sponsored numbers again set at 7,500. New levels for refugee resettlement, announced in November 2017 maintain that figure in 2018 and anticipate a modest increase to 10,000 by 2020.⁴⁹ Numbers for private sponsorship are double the figures for government sponsorship. Overall, the combined number of resettled refugees will grow from 27,000 in 2018 to 31,700 in 2020, an increase of less than 5,000 refugees over two years, or only 17.5%, at a time of such considerable and urgent international need.⁵⁰

⁴⁵ US citizen Michelle Gratton died on October 30, 2017, while held in immigration detention, the 8th individual to die in Canadian immigration custody since 2010. Brendan Kennedy, *Teresa Gratton's final days, in her own words*, December 16, 2017, <https://www.thestar.com/news/investigations/2017/12/16/teresa-grattons-final-days-in-her-own-words.html>.

⁴⁶ Jim Bronskill, The Canadian Press, *Federal report recommends new body to review Canada Border Services Agency*, 1 January, 2018, <https://www.theglobeandmail.com/news/national/federal-report-recommends-new-body-to-review-canada-border-services-agency/article37469223/>.

⁴⁷ www.worldrefugeecouncil.org

⁴⁸ *Canadian Non-Paper: Views on the development of the Global Compact on Refugees*, <http://www.unhcr.org/events/conferences/5a33d69c9/canadian-non-paper-views-development-global-compact-refugees.html>.

⁴⁹ Canadian Council for Refugees, *Multi-year immigration levels welcomed, but government commitment to refugees falls short*, November 2, 2017, <http://ccrweb.ca/en/release/multiyear-levels-welcomed-commitment-falls-short>.

⁵⁰ Immigration, Refugees and Citizenship Canada, *Notice – Supplementary Information 2018-2020 Immigration Levels Plan*, November 3, 2017, https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2018.html?_ga=2.139748403.1888473203.1513787858-1426325286.1483543886



With the UN General Assembly expected to debate and adopt a new Global Compact on Refugees in September, 2018 is a crucial year for ensuring gains and reversing the retrenchment in worldwide regard for the rights of refugees. Canada is well situated to play a lead role globally, and must back that up by upholding refugee rights domestically. Amnesty International calls on the federal government to:

RECOMMENDATIONS

PROTECTING REFUGEES AND MIGRANTS

Suspend the 2004 Canada/US Safe Third Country Agreement, so that refugee claimants are permitted to make claims at Canadian border posts and not forced to make potentially dangerous irregular border crossings from the United States into Canada.

Repeal discriminatory and punitive measures in the Immigration and Refugee Protection Act, including the Designated Country of Origin and Designated Foreign Nationals provisions.

Provide required resources to the Immigration and Refugee Board to ensure fair and expeditious processing of “legacy claims” referred for hearings before legislative reforms in December 2012; as well as the growing caseload related to increased number of claims from individuals crossing into Canada from the United States.

Work with provincial and territorial governments to guarantee adequate and sustained levels of legal aid funding to ensure access to counsel for refugees and vulnerable migrants in refugee and immigration proceedings.

Revise refugee resettlement levels with an aim to reaching 20,000 government-sponsored refugees on an annual basis by 2020.

Champion adoption of an effective Global Compact on Refugees including a credible and comprehensive responsibility sharing model for the financing, hosting and resettlement of the global refugee population.

Human Rights and the Economy

2017 was a year of considerable uncertainty for Canada when it comes to international trade and business. Negotiations to reform the North American Free Trade Agreement, initiated by the United States, have proven contentious and were stalled at the end of the year.⁵¹ Canada's place in a possible Trans-Pacific Partnership, now without the United States, is uncertain.⁵² Apparent federal government interest in moving to full-fledged free trade talks with China has met roadblocks.⁵³ Canadian appellate courts ruled that two human rights-related lawsuits can proceed in Canada against Canadian mining companies for alleged human rights harms associated with their overseas operations, meaning that an unprecedented five such cases are currently before the courts in three lawsuits in Ontario and British Columbia. At the same time, the government says it is actively pursuing a progressive trade agenda, but without clear indications as to what that entails. Still largely pushed to the sidelines, human rights need to be at the heart of Canada's global business dealings. There are concerns within Canada as well. Almost four years have passed since the tailings dam at the Mount Polley mine in British Columbia burst, yet communities have not received any remedy or reparation and a criminal investigation is ongoing.



Guatemalan human rights lawyer Rafael Maldonado, pictured here outside a BC Court of Appeal hearing, has faced reprisals for raising concerns about a Canadian mining company, Tahoe Resources.

⁵¹ Ana Swanson and Elisabeth Malkin, *Nafta Round Closes With Talks Bogged Down by Conflict*, *New York Times*, 21 November, 2017. <https://www.nytimes.com/2017/11/21/us/politics/nafta-talks.html>.

⁵² Marie-Danielle Smith, *In wake of Trudeau's summit no-show, Japan raises possibility of a Trans-Pacific Partnership without Canada*, *National Post*, 18 December, 2017. <http://nationalpost.com/news/politics/in-wake-of-trudeaus-summit-no-show-japan-raises-possibility-of-a-trans-pacific-partnership-without-canada>.

⁵³ Mike Blanchfield, *The Canadian Press*, *Trudeau departs China without securing start of free trade talks*, 6 December, 2017. <https://www.ctvnews.ca/politics/trudeau-departs-china-without-securing-start-of-free-trade-talks-1.3710741>.

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Ensure Canada's current and future trade agreements are subject to human rights impact assessments

The Canadian government talks increasingly of a “progressive trade” agenda⁵⁴ focused on gender equality, Indigenous rights, labour rights and environmental protection. There has been no commitment to conducting human rights impact assessments of trade agreements to ensure that any such provisions are meaningful. The Canada-Colombia Free Trade Agreement remains the only Canadian trade deal subject to a legislated requirement to report annually on its effects on human rights.⁵⁵ The methodology used for that assessment has been widely criticized by Amnesty International and other organizations as narrow and inadequate, and lacking both independence and credibility.⁵⁶ The North American Free Trade Agreement is presently being renegotiated. While Canada has proposed new provisions dealing with gender equality and Indigenous rights,⁵⁷ there is no indication that Canada is pressing for the inclusion of a human rights impact assessment requirement as part of any new deal. Similarly, exploratory talks are underway regarding a possible free trade deal between Canada and China, but the government has made no commitment to conducting a human rights impact assessment at this time.



Ensure Canadian companies can be held accountable for human rights violations related to their operations abroad, including by establishing an Extractive Sector Ombudsperson

On January 17, 2018 Minister of International Trade François-Philippe Champagne announced the establishment of a Canadian Ombudsperson for Responsible Enterprise (CORE), “mandated to investigate allegations of human rights abuses linked to Canadian corporate activity abroad” and “empowered to independently investigate, report, recommend remedy and monitor its implementation.” The Ombudsperson will be multi-sectoral, with an initial focus on the extractives sector and garment industry. At the same time a multi-stakeholder Advisory Body on Responsible Business Conduct has been established,” to advise the Government and the CORE on responsible business conduct abroad.⁵⁸ Amnesty International will be a member of the Advisory Body. As a member of the Canadian Network on Corporate Accountability, Amnesty International has been pressing for over ten years for an Extractive Sector Ombudsperson to be instituted to bring greater human rights accountability to the overseas operations of Canadian mining, oil and gas companies. The Network is greatly encouraged by this significant and long-awaited development.⁵⁹

⁵⁴ Global Affairs Canada, *International Trade Minister to promote Canada's progressive trade agenda at World Trade Organization meeting in Morocco*, October 6, 2017, https://www.canada.ca/en/global-affairs/news/2017/10/international_tradeministertopromotecanadasprogressivetradeagend.html.

⁵⁵ http://www.canadainternational.gc.ca/colombia-colombie/bilateral_relations_bilaterales/hrft-co_2012-dple.aspx?lang=eng.

⁵⁶ Amnesty International, *Misleading free trade report ignores emergency facing Indigenous peoples and other grave human rights concerns in Colombia*, May 20, 2014, <http://www.amnesty.ca/news/news-releases/misleading-free-trade-report-ignores-emergency-facing-indigenous-peoples-and>.

⁵⁷ Catherine Porter, *Canada Wants a New Nafta to Include Gender and Indigenous Rights*, *New York Times*, 14 August, 2017, <https://www.nytimes.com/2017/08/14/world/americas/canada-wants-a-new-nafta-to-include-gender-and-indigenous-rights.html>.

⁵⁸ Global Affairs Canada, *The Government of Canada brings leadership to responsible business conduct abroad*, 17 January, 2018 https://www.canada.ca/en/global-affairs/news/2018/01/the_government_ofcanadabringingleadershiptoresponsiblebusinesscond.html.

⁵⁹ Canadian Network on Corporate Accountability, *At Last, Communities Impacted by Canadian Corporations Overseas will be Heard: Government Creates Human Rights Watchdog*, 17 January, 2018.

Numerous UN human rights bodies have called on Canada to take this step;⁶⁰ a recommendation that has now become one of the most consistently repeated across a wide variety of UN human rights mandates.⁶¹ Meanwhile, in the absence of meaningful corporate accountability measures in Canada, three mining companies currently face lawsuits alleging human rights abuses associated with their operations at mines in Guatemala⁶² and Eritrea.⁶³



Protect human rights defenders abroad who face risks for advocacy associated with operations of Canadian companies

In a welcome development, in December 2016 the Canadian government launched *Voices at risk: Canada's guidelines on supporting human rights defenders*, joining a number of other states that have adopted similar guidelines to strengthen the support provided to human rights defenders around the world. The new guidelines specifically acknowledge that human rights defenders, particularly those advocating for rights related to the land or the environment, may face risks because they have spoken out about the operations of multinational corporations, including Canadian extractives and other companies.⁶⁴ The government has started to roll out the Guidelines across diplomatic missions and to consider training and other measures needed to ensure they are effectively implemented.

Given that Canadian mining companies continue to operate in situations where there are serious concerns about human rights abuses associated with their presence or operations, and that human rights defenders in many countries face risks when they pursue advocacy regarding those concerns, there is an urgent need in 2018 for concrete action to uphold this commitment. A timely opportunity would be to respond to the urgent plea made by numerous academics, bar associations and human rights groups for Canadian government action to provide protection to Guatemalan lawyer Rafael Maldonado, who has faced threats and attacks associated with his efforts to raise concerns about the environmental and human rights impact of a silver mine operated by the Canadian mining company, Tahoe Resources.⁶⁵

<http://www.amnesty.ca/news/last-communities-impacted-canadian-corporations-overseas-will-be-heard-government-creates-human>.

⁶⁰ *Statement at the end of visit to Canada by the United Nations Working Group on Business and Human Rights*, 1 June, 2017.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21680&LangID=E>

⁶¹ See, most recently: Committee on the Elimination of Racial Discrimination, *Concluding observations: Canada*, UN Doc. CERD/C/CAN/CO/21-23, 13 September, 2017, para. 22; Committee on the Elimination of Discrimination against Women, *Concluding observations: Canada*, UN Doc. CEDAW/C/CAN/CO/8-9, 25 November, 2016, para. 19; Committee on Economic, Social and Cultural Rights, *Concluding observations: Canada*, UN Doc. C/C.12/CAN/CO/6, 23 March, 2016, para. 16; Human Rights Committee, *Concluding observations: Canada*, UN Doc. CCPR/C/CAN/CO/6, 13 August, 2015, para. 6; and Committee on the Rights of the Child, *Concluding observations: Canada*, UN Doc. CRC/C/CAN/CO/3-4, 6 December, 2012, para. 29.

⁶² *Choc v. Hudbay Minerals Inc.*, 2013 ONSC 1414,

<http://www.chocversushudbay.com/>; *Tahoe Resources Inc. v. Adolfo Augustin Garcia, et al*, 2017 BCCA 39, <https://www.cij.ca/cases/tahoe/>.

⁶³ *Araya v. Nevsun Resources Ltd.*, 2017 BCCA 402, <https://www.cij.ca/cases/nevsun/>.

⁶⁴ http://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng, para 4.2: "Human rights defenders—including those advocating for rights related to land and the environment—often focus on the activities of multinational corporations, subsidiary companies and contracted organizations in supply chains. Support for these human rights defenders should be provided as outlined in these guidelines, regardless of the nationality of the company in question."

⁶⁵ Justice and Corporate Accountability Project, *Canadian lawyers rally to support Guatemalan colleague fighting world's second largest silver mine*, 3 January, 2018, <https://justice-project.org/wp-content/uploads/2018/01/press-release-fin-sent-rev2-footnoted.pdf>.



Canada, as the upcoming host, has set “investing in growth that works for everyone” as one of the key priorities for the May 2018 G7 Summit.⁶⁶ That important commitment to “everyone” necessitates a human rights-based approach to trade and business which Canada should champion in advance of, during and following the Summit. Amnesty International calls on the federal government to:

RECOMMENDATIONS

HUMAN RIGHTS AND THE ECONOMY

Move rapidly to appoint a well-resourced, independent Canadian Ombudsperson for Responsible Enterprise with a robust investigatory mandate to ensure human rights accountability for Canadian companies operating abroad, including powers to compel corporate disclosure, and remedy for those harmed.

Take concrete steps towards a progressive trade agenda that upholds Canada’s human rights obligations and duty to protect human rights from both state and non-state actors, consistently champions meaningful consultation with and the free, prior and informed consent of Indigenous Peoples, and includes strong corporate accountability measures as well as a commitment to carry out independent, impartial and comprehensive human rights impact assessments of trade deals using UN benchmarks.

Consistently implement the Voices at Risk guidelines for supporting human rights defenders facing threats and attacks, in accordance with their requests, including defenders who may be challenging human rights impacts they believe to be associated with the operations of Canadian extractive companies.

In keeping with concerns and recommendations expressed by the UN Working Group on Business and Human Rights and the UN Committee on the Elimination of Racial Discrimination, thoroughly investigate the Mount Polley Mine disaster in BC and ensure that communities harmed receive adequate remedy and reparations.

⁶⁶ Prime Minister unveils themes for Canada’s 2018 G7 Presidency, 14 December, 2017. <https://pm.gc.ca/eng/news/2017/12/14/prime-minister-unveils-themes-canadas-2018-g7-presidency>.

Getting national security right

Extensive public consultations on Canada's national security framework and possible reforms to the contentious Bill C-51 reforms pushed through by the Harper government in 2015 wrapped up in early 2017, followed by the tabling of proposed further legal reforms, Bill C-59, in June. The bottom line? Some improvements, some concerns left unaddressed, and new challenges to human rights emerging. A particularly notable development in 2017 has been long overdue redress and apologies to four Canadian citizens who experienced grave national security related human rights violations within the past fifteen years. Meanwhile, the global national security context remains volatile, with mounting terrorist attacks in Europe, particularly the emerging tactic of using vehicles to drive into crowded pedestrian zones,⁶⁷ heavy-handed counter-terrorism responses from European governments such as the continuing state of emergency in France,⁶⁸ and inflammatory rhetoric and support for security measures that would violate human rights by US President Donald Trump.⁶⁹



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Abdullah Almalki is one of four men who received redress and apologies from Canada in 2017. The actions of Canadian officials had contributed to violations of their human rights.

⁶⁷ *Timeline of vehicle rampage attacks in Europe*, The Telegraph, 1 November, 2017. <http://www.telegraph.co.uk/cars/news/timeline-vehicle-terror-attacks-europe/>.

⁶⁸ Amnesty International, *France: MPs must reject "permanent state of emergency"*, 25 September, 2017. <https://www.amnesty.org/en/latest/news/2017/09/france-mps-must-reject-permanent-state-of-emergency/>.

⁶⁹ Amnesty International, *New York suspect must not be sent to Guantánamo*, 1 November, 2017. <https://www.amnestyusa.org/press-releases/25018/>.

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**Ensure pending legal cases seeking redress for national security-related human rights violations are expeditiously resolved**

The green light here does not mean that this area of concern has been fully and finally resolved. However, the progress in 2017 after more than ten years of obstruction, was exceptional. In March, the federal government reached a settlement with Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin, providing an official government apology and compensation for the grave human rights violations they experienced in Syria and Egypt over the course of 2001–2004.⁷⁰ A 2008 judicial inquiry report had documented numerous ways that Canadian officials contributed to those violations, including torture.⁷¹

In July the federal government reached a settlement with Omar Khadr,⁷² again providing an apology and compensation for the numerous serious human rights violations he experienced while held in US custody for three months in Afghanistan and close to ten years at Guantánamo Bay. A 2010 Supreme Court of Canada ruling⁷³ concluded that Canadian officials had violated Omar Khadr's Charter rights through complicity in actions at Guantánamo Bay that breached international human rights laws. Other cases involving national security-related human rights violations remain unresolved, including Abousfian Abdelrazik.⁷⁴

**Adopt a national security framework that recognizes regard for human rights as a foundational pillar, incorporates human rights safeguards and ensures full conformity with Canada's international human rights obligations**

In June, following extensive public consultations, the government tabled long-awaited reforms to the country's national security laws, Bill C-59, the National Security Act 2017.⁷⁵ Bill C-59 does not take up Amnesty International's repeated recommendation that Canada's international human rights obligations be expressly incorporated into the country's national security laws. The Bill does propose a very welcome and long-overdue model of comprehensive review over the country's national security agencies and addresses a number of concerns stemming from Bill C-51.⁷⁶ This proposed review body would be additional to the newly

⁷⁰ Jim Bronskill, *The Canadian Press*, *Government compensates and apologizes to Canadians tortured in Syria*, 17 March, 2017. <https://www.ctvnews.ca/politics/government-compensates-and-apologizes-to-canadians-tortured-in-syria-1.3330021>.

⁷¹ The Honourable Frank Iacobucci, Q.C., Commissioner, *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin*, October, 2008. http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf.

⁷² Government of Canada, *Statement of apology to Mr. Omar Khadr*, 7 July, 2017. https://www.canada.ca/en/public-safety-canada/news/2017/07/statement_of_apologytomomarkhadr.html.

⁷³ *Canada (Prime Minister) v. Khadr*, 2010 SCC 3, [2010] 1 S.C.R. 44.

⁷⁴ *Abousfian Abdelrazik and Her Majesty the Queen in Right of Canada*, Federal Court of Canada, Docket No. T-1322-13.

⁷⁵ Bill C-59, *National Security Act, 2017*, <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-59/first-reading>.

⁷⁶ Bill C-51 was rushed through Parliament by the previous government in the first half of 2015. Bill C-59 addresses some of the concerns related to new powers granted to CSIS which had explicitly anticipated breaching the Charter and an overbroad new criminal offence of promoting terrorism "in general", which raised serious free expression concerns.

established National Security and Intelligence Committee of Parliamentarians,⁷⁷ which Amnesty International has welcomed, though with recommendations for its powers to be strengthened.⁷⁸

However several concerns from C-51 remain, including unfairness in the immigration security process, continuing problems with the administration of the ‘no fly list’ and wide-reaching information sharing provisions without adequate safeguards. Bill C-59 also fails to address longstanding human rights concerns in Canada’s national security laws, most notably the continuing failure to abide by the absolute prohibition in international law to return an individual to a country where they face a serious risk of torture.⁷⁹ Amnesty International has, for instance, called on the government not to deport Mohamed Harkat to Algeria, where he would be at risk of being detained in circumstances that make it very likely that he would be tortured.⁸⁰

**AMNESTY
INTERNATIONAL**



KEY RECOMMENDATIONS FOR 2018

National security in Canada in 2018 will likely be dominated by the continuing parliamentary debate about Bill C-59 as it works its way through the House of Commons and the Senate. The National Security and Intelligence Committee of Parliamentarians will also become active. Amnesty International calls on the federal government to:

RECOMMENDATIONS

GETTING NATIONAL SECURITY RIGHT

Address provisions in Bill C-59 which continue to give rise to human rights concerns, including repeal of the immigration security certificate process, amendments to the no-fly list appeal provisions and introduction of stronger safeguards with respect to information sharing.

Amend the Immigration and Refugee Protection Act to meet the international human rights obligation absolutely to prohibit the return of anyone to a country where they face a serious risk of torture.

⁷⁷ Prime Minister announces new National Security and Intelligence Committee of Parliamentarians, 6 November, 2017. <https://pm.gc.ca/eng/news/2017/11/06/prime-minister-announces-new-national-security-and-intelligence-committee>.

⁷⁸ Testimony of Alex Neve, Secretary General, Amnesty International Canada (English branch), House of Commons Standing Committee on Public Safety and National Security, 17 November, 2016. <https://www.ourcommons.ca/DocumentViewer/en/42-1/SECU/meeting-43/evidence>.

⁷⁹ Testimony of Alex Neve, Secretary General, Amnesty International Canada (English branch), House of Commons Standing Committee on Public Safety and National Security, 5 December, 2017. <http://www.ourcommons.ca/DocumentViewer/en/42-1/SECU/meeting-89/evidence>.

⁸⁰ Debra Black, *Mohamed Harkat girds himself for another fight to stay*, *Toronto Star*, 2 August, 2016. <https://www.thestar.com/news/immigration/2016/08/02/mohamed-harkat-girds-himself-for-another-fight-to-stay.html>.

International obligations: committing and implementing



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Federal, provincial and territorial ministers responsible for human rights met with Indigenous peoples and civil society organizations in December 2017, on the occasion of the first inter-ministerial human rights meeting in 29 years.

For many years Amnesty International has raised concern about the gap and disconnect between Canada's relatively active international human rights engagement by way of adhering to international treaties and taking part in United Nations reviews of Canada's record of compliance, on the one hand, and a failure to ensure consistent coordinated implementation of those international obligations by federal, provincial and territorial (FPT) governments, on the other. The first meeting in nearly 30 years of FPT ministers responsible for human rights, held in December 2017, may now provide an opening for new approaches and strengthened inter-governmental collaboration.

2017 REPORT CARD



Hold a meeting of federal, provincial and territorial ministers to initiate reforms to process for implementing Canada's international human rights obligations

In December 2017, for the first time in 29 years, federal, provincial and territorial ministers responsible for human rights met; something Amnesty International has called for since 2002. The meeting was largely focused on a range of matters concerning Canada's domestic adherence to, and implementation of, international human rights obligations, including the UN Declaration on the Rights of Indigenous Peoples; accession to additional UN human rights treaties; strengthened implementation of social and economic rights; and strengthened intergovernmental collaboration and public dialogue on human rights. In advance of the meeting, Amnesty International proposed ten principles to the 16 Ministers involved to guide the development of a new framework for effective international human rights implementation in Canada,⁸¹ and

⁸¹ Amnesty International, *From Promise to Reality: Amnesty International's recommendations for the 2017 federal/provincial/territorial human rights*

also joined with 26 Indigenous peoples' and civil society organizations at the meeting in presenting a vision for strengthened implementation.⁸² Towards the goal of improved collaboration, Ministers announced a commitment to hold future ministerial human rights meetings, establish a new senior level mechanism, reform an existing committee and develop both a protocol and stakeholder engagement strategy. There has not yet been any announcement as to when the next meeting will be held.⁸³



Work toward early ratification of Optional Protocol to the Convention against Torture, Arms Trade Treaty and Optional Protocol to the Convention on the Rights of Persons with Disabilities

The Optional Protocol to the Convention against Torture, adopted by the UN in 2002, seeks to prevent torture through national and international prison inspections intended to identify and eradicate the conditions that lead to torture. The Optional Protocol to the UN Convention on the Rights of Persons with Disabilities is an important procedural treaty that allows individuals to make complaints alleging violations of rights protected under the Convention. The federal government made commitments in 2016 to move towards ratifying both Optional Protocols and to hold consultations across the federal government and with provincial and territorial governments, which are, over eighteen months later, still underway.⁸⁴ The recent ministerial human rights meeting confirmed that those discussions continue but offered no timeline for their completion.

In June, 2017 the federal government tabled legislation⁸⁵ to pave the way for Canadian accession to the global Arms Trade Treaty, adopted by the UN in April, 2013. Amnesty International and other organizations have raised serious concerns about the proposed legislation, including that it would continue to exempt arms transfers to the United States, which account for more than half of all Canadian arms sales, from arms control scrutiny.⁸⁶



Initiate consultations regarding UN and OAS human rights treaties not yet ratified by Canada

In addition to the three treaties noted above, Canada has not ratified important UN Conventions dealing with enforced disappearances and migrant workers, and Optional Protocols dealing with economic, social and cultural rights and the rights of children. Additionally Canada has not ratified any of the major human

meeting, December 7, 2017, <http://www.amnesty.ca/sites/amnesty/files/From%20Promise%20to%20Reality%20-%20EN%20FINAL.PDF>.

⁸² *Moving Forward: A vision for strengthened international human rights implementation in Canada*, December 11, 2017, <http://www.amnesty.ca/sites/amnesty/files/Joint%20statement%20-%20A%20Vision%20For%20Strengthened%20International%20Human%20Rights%20Implementation%20in%20Canada%20-.pdf>

⁸³ Department of Justice, *Federal, Provincial and Territorial Ministers from across the country gather to discuss Human Rights*, December 12, 2017, https://www.canada.ca/en/departement-justice/news/2017/12/federal_provincialandterritorialministersfromacrossthecountrygat.html.

⁸⁴ Adrian Wyld, *Canada to join UN anti-torture protocol after more than a decade*, *Globe and Mail*, 2 May, 2016. <https://www.theglobeandmail.com/news/politics/canada-to-join-un-anti-torture-protocol-after-years-of-delay-foreign-affairs/article29827536/>.
Government of Canada, *Canada makes further commitment to support rights of persons with disabilities*, 1 December, 2016. <https://www.canada.ca/en/global-affairs/news/2016/12/canada-makes-further-commitment-support-rights-persons-disabilities.html>.

⁸⁵ Bill C-47, *An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments)*. <http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=8886296>.

⁸⁶ Amnesty International has noted particular concern about the exemption of arms transfers to the United States, given that the US government itself has made it clear that it has no intention of ratifying the ATT. *Bill C-47 and Canadian Accession to the Arms Trade Treaty: Civil Society Concerns and Recommendations*, October 16, 2017, <http://www.amnesty.ca/sites/amnesty/files/Civil%20society%20recommendations%20about%20Bill%20C-47.pdf>.

rights treaties within the Organization of American States' Inter-American human rights system, including the American Convention on Human Rights and additional treaties dealing with violence against women, torture, forced disappearances, persons with disabilities, economic, social and cultural rights, the death penalty, racism, discrimination and older persons. At the recent ministerial human rights meeting it was announced that Ministers agreed “to pursue discussions on the possibility of Canada becoming a party to the *International Convention for the Protection of All Persons from Enforced Disappearance*.”⁸⁷ There are no other discussions underway at this time about ratification or accession to any of the remaining human rights treaties.



Implement outstanding human rights recommendations issued by UN committees

The urgent need for this year’s long-overdue FPT Ministerial Human Rights Meeting, discussed above, reflects the longstanding concern that Canada’s mechanisms for ensuring effective implementation of UN human rights recommendations, coordinated between and across levels of government, are outdated and inadequate. As a result, recommendations are frequently not implemented and, furthermore, it is difficult to ascertain the intentions, let alone the plans that governments may or may not have with respect to any particular recommendation. Amnesty International joined with sixteen other Indigenous peoples and civil society organizations in a proposal to the Ministerial Meeting that the recommendations from the August 2017 review of Canada by the UN Committee on the Elimination of Racial Discrimination be taken up as an opportunity to develop a new approach to implementation.⁸⁸ There has not been a response to that proposal. In January 2017 the Feminist Alliance for International Action spearheaded a call, endorsed by 100 organizations including Amnesty International, calling on the federal government to implement the recommendations from the UN Committee on the Elimination of Discrimination against Women’s review of Canada’s record in 2016; and similarly there has been no discernible progress in doing so.⁸⁹

In the 2017 Human Rights Agenda for Canada Amnesty International noted an extensive range of UN recommendations not yet implemented by Canada, some of which go back many years and have been repeated many times. This includes recommendations regarding violence against Indigenous women, solitary confinement, deportations to a risk of torture, safe water for Indigenous communities, protecting domestic caregivers from abuse and exploitation, restrictions on advocacy activities by charitable organizations and removing bars on lawsuits against foreign governments regarding human rights violations in other countries. At best there have been tentative steps taken with respect to some of these recommendations but, as a whole, progress has been minimal and very difficult to track.

⁸⁷ *Supra*, footnote 84.

⁸⁸ For instance, in advance of the December 2017 FPT ministerial human rights meeting Amnesty International joined 16 other Indigenous peoples and civil society organizations in urging “federal, provincial and territorial Ministers who are responsible for human rights across Canada to embark on a new and more positive course of action by committing to undertake a formal review of the findings and recommendations of CERD’s August 2017 Concluding Observations on Canada and to do so in collaborative and transparent manner, working in partnership with Indigenous peoples, African Canadians and other communities of colour, and civil society, and making the outcomes available to the public and to CERD itself.” *Open Letter to the Participants in the Federal/Provincial/Territorial Ministerial Meeting on Human Rights*, 8 December, 2017. <http://www.amnesty.ca/news/open-letter-participants-federalprovincialterritorial-ministerial-meeting-human-rights>.

⁸⁹ *Open Letter to Prime Minister Trudeau and Ministers Freeland, Joly and Monsef*, 25 January, 2017. <http://fafai-afai.org/wp-content/uploads/2017/01/CEDAWletterENGFINAL.pdf>.



KEY RECOMMENDATIONS FOR 2018

After 29 years of inaction, the 2017 meeting of FPT ministers responsible for human rights last year and their commitment to initiate reforms to improve international human rights implementations gives rise to expectations of further, long-needed progress in 2018. Preparations for and follow up to the UN Human Rights Council's examination of Canada's human rights record through the Universal Periodic Review process provides a timely opportunity to demonstrate a new approach. Amnesty International calls on the federal government to:

RECOMMENDATIONS

INTERNATIONAL OBLIGATIONS: COMMITTING AND IMPLEMENTING

Work with Indigenous peoples organizations and civil society groups to move forward with the commitments made at the December 2017 ministerial human rights meeting to establish a new senior level mechanism, reform the existing Continuing Committee of Officials on Human Rights and develop both a protocol and stakeholder engagement strategy, all towards the goal of strengthened collaboration to implement Canada's international human rights obligations.

Pursue new approaches to ensuring effective international human rights implementation in conjunction with the 2018 Universal Periodic Review of Canada at the UN Human Rights Council and follow up to the 2016 and 2017 reviews of Canada's record by the UN Committees on the Elimination of Discrimination against Women, Rights of Persons with Disabilities and Elimination of Racial Discrimination.

Convene a follow up FPT ministerial human rights meeting in December, 2018.

Conclude FPT consultations with an eye to acceding to the Optional Protocol to the Convention against Torture and Optional Protocol to the UN Convention on the Rights of Persons with Disabilities before the end of 2018.

Address shortcomings in Bill C-47 so as to ensure that Canadian accession is in full conformity with the terms of the Arms Trade Treaty.

Initiate consultations with respect to UN and Inter-American human rights treaties not yet ratified by Canada.

International relations: put human rights at the heart of foreign policy

2017 was a troubling year for human rights around the world, well reflected in the title of the UN High Commissioner for Human Rights' opening speech to the September session of the UN Human Rights Council: darker and more dangerous.⁹⁰ In launching the organization's global Annual Report in February 2017 Amnesty International noted that, "politicians wielding a toxic, dehumanizing 'us vs them' rhetoric are creating a more divided and dangerous world."⁹¹

The international community's inability and unwillingness to address and resolve crises and mass atrocities in Syria, Myanmar, South Sudan, Yemen, Libya, Iraq and many other countries is of mounting concern. The growing number of politicians who espouse agendas of hate, bigotry and division – including but by no means limited to such notorious leaders as US President Donald Trump and Philippines President Rodrigo Duterte – has become a particularly worrying global human rights trend. Amongst the many troubling global human rights concerns, Amnesty International has highlighted the growing dangers faced by human rights defenders around the world.⁹²

⁹⁰ Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, *Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries*, 11 September, 2017. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041>.

⁹¹ Amnesty International, *'Politics of demonization' breeding division and fear*, 21 February, 2017. <http://www.amnesty.ca/news/%E2%80%98politics-demonization%E2%80%99-breeding-division-and-fear>.

⁹² Amnesty International, *States worldwide failing to prevent killings and disappearances of human rights defenders*, 4 December, 2017. <http://www.amnesty.ca/news/states-worldwide-failing-prevent-killings-and-disappearances-human-rights-defenders>.



A house in Sana'a, Yemen, destroyed in an air-strike by a Saudi-led coalition. Since 2015, conflict has engulfed all of Yemen. Horrific human rights abuses, as well as war crimes, have been committed.

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In this difficult global context many people around the world look to Canada for human rights leadership, noting Prime Minister Trudeau's many international speeches, initiatives and tweets promoting diversity, inclusion, feminism and refugee protection. The aspirational and inspirational rhetoric, however, has not always been backed up with concrete action and tough decisions.

2017 REPORT CARD



Develop a whole-of-government action plan to advance human rights protection globally

Canada has adopted numerous national strategies, action plans, guidelines and policies over the past fifteen months dealing with pressing international and national issues, including the Pan-Canadian Framework on Clean Growth and Climate Change,⁹³ Human Rights Defenders Guidelines,⁹⁴ Feminist International Assistance Policy,⁹⁵ National Housing Strategy,⁹⁶ National Action Plan on Women, Peace and Security,⁹⁷ Gender-Based Violence Strategy⁹⁸ and National Defence Policy.⁹⁹ Virtually all of these have some direct or indirect relevance to human rights and several specifically incorporate and refer to international human rights standards.

What is missing, however, is an overarching national action plan for advancing human rights protection globally, championed by the Department of Global Affairs but cutting across the whole of government. In an important foreign policy speech to the House of Commons in June, 2017 Minister of Foreign Affairs Chrystia Freeland described three main priorities – a rules-based international order, strengthening the military and advancing trade – with a variety of references to human rights as a core value, but without any particular plan or strategy for action to uphold human rights around the world.¹⁰⁰ Other countries have adopted national plans or strategies for advancing human rights globally, including Norway's White Paper on Human Rights,¹⁰¹ Switzerland's Human Rights Strategy,¹⁰² and a newly adopted strategy in Sweden.¹⁰³

⁹³ *Pan-Canadian Framework on Green Growth and Climate Change*, December 9, 2016, <https://www.canada.ca/content/dam/themes/environment/documents/weather1/20170125-en.pdf>

⁹⁴ *Voices at Risk: Canada's guidelines for supporting human rights defenders*, December 10, 2016, http://international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng.

⁹⁵ *Canada's Feminist International Assistance Policy*, June 9, 2017, http://international.gc.ca/world-monde/issues_developpement-enjeux_developpement/priorities-priorites/policy-politique.aspx?lang=eng&_ga=2.230096924.1888473203.1513787858-1426325286.1483543886.

⁹⁶ *A Place to Call Home: Canada's National Housing Strategy*, November 22, 2017, <https://www.placetocallhome.ca/pdfs/Canada-National-Housing-Strategy.pdf>.

⁹⁷ *Gender Equality: A foundation for Peace, Canada's National Plan for Women, Peace and Security*, November 1, 2017, <http://international.gc.ca/world-monde/assets/pdfs/cnap-eng.pdf>.

⁹⁸ *It's Time: Canada's strategy to prevent and address gender-based violence*, June 19, 2017, <http://www.swc-cfc.gc.ca/violence/strategy-strategie/fs-fi-en.html>.

⁹⁹ *Strong, Secure, Engaged: Canada's Defence Policy*, June 7, 2017, <http://dgpapp.forces.gc.ca/en/canada-defence-policy/docs/canada-defence-policy-report.pdf>.

¹⁰⁰ Minister of Foreign Affairs Chrystia Freeland, *Canada's foreign policy priorities*, June 6, 2017, https://www.canada.ca/en/global-affairs/news/2017/06/address_by_ministerfreelandoncanadasforeignpolicypriorities.html.

¹⁰¹ *Norway intensifies efforts to promote human rights*, December 12, 2014, https://www.regjeringen.no/en/aktuelt/pm_whitepaper/id2350967/.

¹⁰² Federal Department of Foreign Affairs Human Rights Strategy 2016-2019, February, 2016, https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Strategie-Menschenrechte-160224_EN.pdf.

¹⁰³ *A new strategy for human rights, democracy and the rule of law 2018–2022*, December 16, 2017, <http://www.government.se/press-releases/2017/12/a-new-strategy-for-human-rights-democracy-and-the-rule-of-law-20182022/>.

**Commit to greater transparency with respect to Canadian human rights diplomacy**

It continues to be difficult to access public information about human rights diplomacy by Canadian officials and assessments of human rights situations in countries around the world; well-evidenced by the difficulty Globe and Mail reporter Steven Chase faced in accessing the government's assessment of the human rights situation in Saudi Arabia in 2016.¹⁰⁴ The United Kingdom publishes a yearly Human Rights and Democracy Report, providing extensive information about the government's efforts to promote human rights internationally.¹⁰⁵ The European Union similarly produces an annual human rights report.¹⁰⁶ The US Department of State's Country Reports on Human Rights Practices assess the human rights situation in all countries that are members of the United Nations.¹⁰⁷ While Canada may not have the resources to produce something as comprehensive or as regularly as larger governments are able, the lack of publicly available information offering Canada's assessment of the state of human rights in the world is a notable shortcoming.

In 2016 the government announced that promoting "human rights, freedom and inclusion" would be among the "annual performance commitments" for Canadian ambassadors, high commissioners and consul generals around the world.¹⁰⁸ Publicly available information about Canada's assessments and activities with respect to human rights is integral to that commitment. This becomes of particular importance when controversial trade agreements, arms deals or other bilateral and multilateral initiatives arise which would benefit from a clear record showing Canada's position with respect to human rights in the country concerned. While there continues to be more frequent use of social media, notably Twitter, by Ministers, diplomats and government departments as a means of expressing concern about some human rights situations, it is not consistent and does not replace the need for more thorough analysis.

**Develop a human rights strategy for Canada-China relationship**

There has been considerable attention to the Canada-China relationship over the course of 2017, particularly as exploratory talks about a possible free trade agreement continue and speculation that full negotiations might have been announced at the time of Prime Minister Trudeau's visit to China (his second in eighteen months) in early December, 2017. At the same time, concerns about serious and extensive human rights violations in China deepen, including a continuing harsh crackdown against human rights defenders and lawyers in the country.¹⁰⁹

In December, the Canadian Coalition on Human Rights in China, of which Amnesty International is a member, released a list of sixteen individuals unjustly imprisoned in China who are either Canadian citizens or have other close Canadian connections. Two of those individuals, Huseyin Celil and Wang Bingzhang,

¹⁰⁴ Steven Chase, *Human rights report on Saudi Arabia to be 'sanitized'*, *Globe and Mail*, 23 March, 2016.

<https://www.theglobeandmail.com/news/politics/ottawas-human-rights-report-on-saudi-arabia-to-be-sanitized-for-public/article29489041/>.

¹⁰⁵ Foreign and Commonwealth Office, *Human Rights and Democracy: The 2016 Foreign and Commonwealth Office Report*, July 2017, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630623/Human_Rights_and_Democracy_Report_2016_accessible.pdf.

¹⁰⁶ European Union, *2016 Report on Human Rights and Democracy in the World*, October 2017, https://eeas.europa.eu/sites/eeas/files/annual_report_on_human_rights_and_democracy_in_the_world_2016_0.pdf.

¹⁰⁷ <https://www.state.gov/j/drl/rls/hrrpt/>.

¹⁰⁸ Global Affairs Canada, *Reinvigorating Canada's human rights agenda*, 17 May, 2016.

<https://www.canada.ca/en/global-affairs/news/2016/05/reinvigorating-canada-s-human-rights-agenda.html>.

¹⁰⁹ Amnesty International, *China: Authorities must end ruthless crackdown on human rights lawyers and activists*, 7 July, 2017. <http://www.amnesty.ca/news/china-authorities-must-end-ruthless-crackdown-human-rights-lawyers-and-activists>.

have been jailed for well over ten years.¹¹⁰ The Coalition engages regularly and constructively with the Canadian government about human rights concerns and it is clear that officials, including at senior levels, regularly raise prisoner cases and wider human rights issues with Chinese counterparts. There is very little public information, however, about the nature or success of those efforts and there is no publicly available plan or strategy for how human rights are to be addressed across the wide variety of government departments and agencies which have regular dealings with Chinese officials. With an expanding relationship and deepening human rights concerns, the need for a whole-of-government strategy is more pressing than ever.



Withdraw approval for the Saudi Arabian light armoured vehicles deal

The controversial approval of the sale of \$15 billion worth of light armoured vehicles, manufactured by General Dynamics in London, Ontario, to Saudi Arabia still stands. There has been no reconsideration of the approval even though concerns about war crimes committed by the Saudi-led coalition that has intervened in the devastating conflict in Yemen mounted during the year.¹¹¹ Similarly, there was no reconsideration following media reports in August that light armoured vehicles previously sold to Saudi Arabia by a different Canadian company, Terradyne Armoured Vehicles in Newmarket, Ontario, may have been used against civilians in eastern Saudi Arabia. Foreign Affairs Minister Chrystia Freeland instructed officials “urgently” to investigate those reports, but five months later there has been no further public information.¹¹²



Express public concern about human rights violations committed by the Israeli government

Amnesty International calls on governments to raise concerns and speak out about human rights violations, no matter the country in which they occur. Unfortunately, in a world of universal human rights protection, governments are selective and inconsistent in their human rights advocacy, often minimizing concerns in countries that are close allies, trading partners or strategically important.

One country that has been a measure of that selectivity over the years has been Israel. Many countries suggest that Israeli security forces are solely responsible for all human rights violations in Israel and the Occupied Palestinian Territories. Other countries, particularly the United States and, under the previous government, Canada, point only to the responsibility of Hamas and Palestinian armed groups. Amnesty International welcomed the Canadian government’s decision to restore funding to the UN agency that supports Palestinian refugees in 2016¹¹³ and, more recently, the decision not to follow US President Donald

¹¹⁰ Canadian Coalition on Human Rights in China, *Open Letter to Prime Minister Justin Trudeau*, November 30, 2017, <http://www.amnesty.ca/sites/amnesty/files/Canadian%20Coalition%20on%20Human%20Rights%20in%20China%20letter%20to%20PM%20Justin%20Trudeau%20-%20November%202017.pdf>.

¹¹¹ Recognizing the gravity of the situation in Yemen, the Canadian government co-sponsored a resolution at the UN Human Rights Council in September leading to the establishment of an independent, international investigation into all allegations of serious human rights violations and war crimes in the country. Stephanie Nebehay, *Yemen: UN agrees to investigate alleged war crimes amid conflict between Saudi Arabia-led coalition and rebels*, The Independent, September 29, 2017. <http://www.independent.co.uk/news/world/middle-east/yemen-saudi-arabia-war-crimes-un-investigation-houthi-rebels-latest-a7974541.html>.

¹¹² Canadian Press, *Freeland concerned Canadian-made armoured vehicles used against Saudi citizens*, August 8, 2017. <http://www.cbc.ca/news/politics/saudi-arabia-arms-freeland-1.4238419>. Steven Chase, *Court rejects Ottawa’s bid to halt Saudi arms deal lawsuit*, Globe and Mail, January 9, 2018. <https://www.theglobeandmail.com/news/politics/court-rejects-ottawas-bid-to-halt-saudi-arms-deal-lawsuit/article37550869/>.

¹¹³ *Minister Bibeau announces new funding to support the needs of vulnerable Palestinian refugees*, 16 November, 2016. <https://www.canada.ca/en/global-affairs/news/2016/11/minister-bibeau-announces-new-funding-support-needs-vulnerable-palestinian-refugees.html>.

Trump's lead in recognizing Jerusalem as the capital of Israel.¹¹⁴ However, the government's decision to abstain in the UN General Assembly vote condemning President Trump's Jerusalem announcement was deeply disappointing.¹¹⁵ That reflects a continuing tendency for Canada to take isolating positions with respect to UN resolutions on Israel, often siding only with Israel, the United States and a handful of small Pacific island nations.¹¹⁶

Similarly, the government has not raised public concerns about widespread and systematic human rights violations associated with Israel's occupation of Occupied Palestinian Territories (OPT), which marked its 50th anniversary in 2017. Amnesty International called on the federal government to ban goods from Israeli settlements in the OPT from entering Canadian markets, and stop companies based in Canada from operating in the Israeli settlements or trading in goods from those settlements.¹¹⁷ Amnesty International continues to urge the Trudeau government to bring greater balance and impartiality to Canada's approach to human rights violations in Israel, including by speaking out publicly about abuses committed by Israeli authorities.



Strengthen consular practices for cases of Canadians and Canadian-connected individuals facing human rights violations overseas

There have been various indications since the Trudeau government came to power of plans for a review of, and reforms to, Canadian consular practices with respect to prisoner cases. In January 2016 Amnesty International and the Fahmy Foundation released the Protection Charter,¹¹⁸ outlining twelve high-level recommendations for law, policy and operational reforms to better defend the rights of Canadians and individuals with close Canadian connections who are unjustly imprisoned abroad. There has been moderate progress with respect to some of the recommendations, including revising Canada's policy of seeking clemency in death penalty cases¹¹⁹ and the decision to initiate consultations towards acceding to the Optional Protocol to the UN Convention against Torture.¹²⁰ However, more recently discussions about review and reform of consular practices appear to be stalled. The House of Commons Standing Committee on Foreign Affairs has initiated a study in this area that will continue in 2018.¹²¹

¹¹⁴ Steven Chase, *Trudeau rejects Trump approach to Jerusalem, favours 'two-state solution'*, Globe and Mail, 7 December, 2017. <https://www.theglobeandmail.com/news/world/trudeau-rejects-trump-approach-to-jerusalem-favours-two-state-solution/article37233867/>.

¹¹⁵ Canada was one of 35 countries to abstain. Nine countries, including the United States and Israel, voted against the resolution. 121 countries voted for the resolution, including the overwhelming majority of like-minded countries and allies with whom Canada generally finds common cause on human rights matters. CBC News, *Canada abstains as UN General Assembly backs resolution to nullify U.S. move on Jerusalem*, 21 December, 2017, <http://www.cbc.ca/news/politics/canada-jerusalem-un-1.4460257>.

¹¹⁶ Evan Dyer, *While Western allies criticize Trump's Jerusalem move, Canada remains muted: Trudeau government continues pro-Israel policy of Harper government, but does so quietly*, CBC News, 6 December, 2017. <http://www.cbc.ca/news/politics/trudeau-trump-jerusalem-israel-1.4436251>. "Canada has voted against motions that align closely with its own official position, such as a motion to 'promote the realization of the inalienable rights of the Palestinian people, including their right to self-determination, to support the achievement without delay of an end to the Israeli occupation that began in 1967 and of the two-state solution on the basis of the pre-1967 border.'"

¹¹⁷ *Letter to Prime Minister Justin Trudeau from Amnesty International Canada*, 28 July, 2017. <https://www.amnesty.ca/sites/amnesty/files/Letter%20to%20PM%20Trudeau%20regarding%20Israeli%20settlement%20goods.pdf>.

¹¹⁸ Amnesty International and Fahmy Foundation, *Protection Charter: Principles to Guide Canadian Law and Policy Reform towards Stronger and More Effective Canadian Government Action to Defend the Rights of Canadian Citizens and Individuals with Close Canadian Connections*, January 26, 2016, <https://www.amnesty.ca/sites/amnesty/files/CanadaProtectionCharter26January16.pdf>.

¹¹⁹ Global Affairs Canada, *Canada reaffirms commitment to human rights*, 15 February, 2016. <https://www.canada.ca/en/global-affairs/news/2016/02/canada-reaffirms-commitment-to-human-rights.html?=&wbdisable=true>.

¹²⁰ *Amnesty International welcomes Canada's commitment to join torture prevention treaty*, May 3, 2016. <https://www.amnesty.ca/news/amnesty-international-welcomes-canada%E2%80%99s-commitment-join-torture-prevention-treaty>.

¹²¹ House of Commons Standing Committee on Foreign Affairs, *Provision of Assistance to Canadians in Difficulty Abroad (Consular Affairs)*, <http://www.ourcommons.ca/Committees/en/FAAE/StudyActivity?studyActivityId=9654094>.



Resolve longstanding cases of Canadians and Canadian-connected individuals wrongfully imprisoned abroad

Amnesty International welcomed the release, in July 2017, of Canadian citizen Lim Hyeon-soo from imprisonment in North Korea¹²² and, in January 2018, of Canadian citizen Hassan Diab from imprisonment in France.¹²³ However, numerous other cases, including three Canadian citizens and four other individuals with close Canadian connections who have all been imprisoned abroad for lengthy periods remain serious concerns: Wang Bingzhang, whose daughter and other close relatives are Canadian citizens, imprisoned in China since 2002; Canadian citizen Huseyin Celil, imprisoned in China since 2006; Canadian citizen Bashir Makhtal, imprisoned in Ethiopia since 2007; Canadian citizen Mohammed el-Attar, imprisoned in Egypt since 2007; Saeed Malekpour, a permanent resident of Canada, imprisoned in Iran since 2008; Raif Badawi, whose wife and three children are Canadian permanent residents, imprisoned in Saudi Arabia since 2012; and Li Xiaobo, whose son is a Canadian citizen, imprisoned in China since 2014 following an earlier eight year prison term between 2005 and 2013.

Despite advocacy, including from Prime Ministers, Ministers, Parliamentary Secretaries, Ambassadors and other officials, which has wavered and varied over the years, there are no promising signs of any of these cases being resolved in the near future. They all pose different challenges, including the more limited legal rights Canada has under international law with respect to individuals who are not citizens and the differing levels of influence and leverage open to Canada given the governments involved. However, these cases of unjust imprisonment for periods of between five and fifteen years, are in need of renewed efforts, including consideration of the appointment of special envoys, reaching out more actively to other governments for assistance, and creatively and deliberately pursuing all avenues of pressure open to Canada.

¹²² Amnesty International, *North Korea: Pastor Lim Hyeon-soo released after more than two years of imprisonment*, August 10, 2017. <http://www.amnesty.ca/news/north-korea-pastor-lim-hyeon-soo-released-after-more-two-years-imprisonment>.

¹²³ Amnesty International, *Hassan Diab's Release a Long Overdue Victory for Human Rights*, 12 January, 2018. <https://www.amnesty.ca/news/hassan-diab%E2%80%99s-release-long-overdue-victory-human-rights>.



2018 will wrap up with the 70th anniversary of the Universal Declaration of Human Rights on December 10th. It is a year in which states around the world must be pressed to end grave human rights violations and substantially improve efforts to uphold and respect international human rights principles. Canada has an important leadership role in 2018 as host and chair of the G7 and will participate in numerous other key international meetings, including the Summit of the Americas, Commonwealth Heads of Government Meeting and Sommet de la Francophonie; as well as regular annual sessions of the G20, Asia-Pacific Economic Cooperation Leaders' Summit, and numerous other international and regional fora. Canada has a wide range of multilateral openings which offer important opportunities to advance a strong global human rights agenda. Amnesty International calls on the federal government to:

RECOMMENDATIONS

INTERNATIONAL RELATIONS: PUT HUMAN RIGHTS AT THE HEART OF FOREIGN POLICY

Launch public consultations to develop a global human rights strategy or action plan, including an overarching feminist framework; commitments to consistent, universal advocacy; increased public information about Canada's assessment of human rights situations around the world; and priority initiatives where Canada can make concrete contributions.

Strengthen implementation of the 2016 Voices at Risk guidelines for human rights defenders, including identifying a high-level government champion; ensuring priority attention to land and environmental, women, LGBTI, Indigenous and other defenders who face heightened risks; providing increased resources; and delivering regular training in Canada and missions abroad.

Develop new and innovative strategies on behalf of Canadians and other individuals with close Canadian connections who have been imprisoned abroad unjustly for lengthy periods and continue to be at risk of serious human rights violations, including Huseyin Celil, Wang Bingzhang and Li Xiaobo in China, Bashir Makhtal in Ethiopia, Mohammed el-Attar in Egypt, Saeed Malekpour in Iran and Raif Badawi in Saudi Arabia.



SUMMARY OF 2018 RECOMMENDATIONS

Amnesty International's 33 human rights recommendations for the Canadian government in 2018

UPHOLD THE RIGHTS OF INDIGENOUS PEOPLES

Suspend all construction on the Site C dam.

Adopt a legislative framework for implementation of the UN Declaration on the Rights Of Indigenous Peoples to guide and ensure collaboration with Indigenous peoples, reform law and policy, elaborate a national action plan, and bring about Parliamentary and public accountability.

Integrate provisions for the right of free, prior and informed consent, consistent with international human rights standards, into all decisions affecting the land rights of Indigenous peoples.

Ensure that the decision-making process around large-scale resource development projects includes meaningful gender-based analysis of possible impacts and necessary mitigation.

Ensure all First Nations, Métis and Inuit survivors of gender-based violence have access to emergency shelters and transition houses with culturally relevant programming.

Adopt policies and protocols surrounding officer recruitment, training, and deployment to increase the numbers of experienced officers serving remote and northern First Nations, Métis, and Inuit communities; require all officers to have appropriate training to ensure gender-sensitive, culturally-competent response to community needs; and reduce the high turn-over rates that create barriers to building trust and positive working relations with these communities.

Fully implement the Canadian Human Rights Tribunal ruling calling for the elimination of discrimination in provision of child and family services to First Nations.

TAKE ACTION ON GENDER EQUALITY IN CANADA AND ABROAD

Develop and enact a National Action Plan on Gender-Based Violence, building on the federal strategy to address gender-based violence and applying to all federal, provincial and territorial jurisdictions, with an intersectional focus and special provisions addressing the disproportionate levels of violence experienced by Indigenous women, girls, and two-spirit people.

Develop and promote a clear, public articulation of Canada's intersectional feminist foreign policy which is centred on the most marginalized women, girls and LGBTI people; empowers, supports and protects women and LGBTI rights defenders; and transforms Canada's bilateral and multilateral engagement to uproot the power relationships and structures at the core of gender inequality.

Institute public service capacity-building to support implementation of Canada's feminist commitments.

Increase development assistance funding to a minimum of 0.7% of gross national income.

Call for a Parliamentary Committee study on intersex rights to identify areas for law and policy reform.

PROTECTING REFUGEES AND MIGRANTS

Suspend the 2004 Canada/US Safe Third Country Agreement, so that refugee claimants are permitted to make claims at Canadian border posts and not forced to make potentially dangerous irregular border crossings from the United States into Canada.

Repeal discriminatory and punitive measures in the Immigration and Refugee Protection Act, including the Designated Country of Origin and Designated Foreign Nationals provisions.

Provide required resources to the Immigration and Refugee Board to ensure fair and expeditious processing of "legacy claims" referred for hearings before legislative reforms in December 2012; as well as the growing caseload related to increased number of claims from individuals crossing into Canada from the United States.

Work with provincial and territorial governments to guarantee adequate and sustained levels of legal aid funding to ensure access to counsel for refugees and vulnerable migrants in refugee and immigration proceedings.

Revise refugee resettlement levels with an aim to reaching 20,000 government-sponsored refugees on an annual basis by 2020.

Champion adoption of an effective Global Compact on Refugees including a credible and comprehensive responsibility sharing model for the financing, hosting and resettlement of the global refugee population.



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A Secwepmec Nation member stands on a tailings-coated creek bed to collect water and tailings samples from the August 2014 Mount Polley copper mine disaster.

HUMAN RIGHTS AND THE ECONOMY

Move rapidly to appoint a well-resourced, independent Canadian Ombudsperson for Responsible Enterprise with a robust investigatory mandate to ensure human rights accountability for Canadian companies operating abroad, including powers to compel corporate disclosure, and remedy for those harmed.

Take concrete steps towards a progressive trade agenda that upholds Canada's human rights obligations and duty to protect human rights from both state and non-state actors, consistently champions meaningful consultation with and the free, prior and informed consent of Indigenous Peoples, and includes strong corporate accountability measures as well as a commitment to carry out independent, impartial and comprehensive human rights impact assessments of trade deals using UN benchmarks.

Consistently implement the Voices at Risk guidelines for supporting human rights defenders facing threats and attacks, in accordance with their requests, including defenders who may be challenging human rights impacts they believe to be associated with the operations of Canadian extractive companies.

In keeping with concerns and recommendations expressed by the UN Working Group on Business and Human Rights and the UN Committee on the Elimination of Racial Discrimination, thoroughly investigate the Mount Polley Mine disaster in BC and ensure that communities harmed receive adequate remedy and reparations.

GETTING NATIONAL SECURITY RIGHT

Address provisions in Bill C-59 which continue to give rise to human rights concerns, including repeal of the immigration security certificate process, amendments to the no-fly list appeal provisions and introduction of stronger safeguards with respect to information sharing.

Amend the Immigration and Refugee Protection Act to meet the international human rights obligation absolutely to prohibit the return of anyone to a country where they face a serious risk of torture.

INTERNATIONAL OBLIGATIONS: COMMITTING AND IMPLEMENTING

Work with Indigenous peoples organizations and civil society groups to move forward with the commitments made at the December 2017 ministerial human rights meeting to establish a new senior level mechanism, reform the existing Continuing Committee of Officials on Human Rights and develop both a protocol and stakeholder engagement strategy, all towards the goal of strengthened collaboration to implement Canada's international human rights obligations.

Pursue new approaches to ensuring effective international human rights implementation in conjunction with the 2018 Universal Periodic Review of Canada at the UN Human Rights Council and follow up to the 2016 and 2017 reviews of Canada's record by the UN Committees on the Elimination of Discrimination against Women, Rights of Persons with Disabilities and Elimination of Racial Discrimination.

Convene a follow up FPT ministerial human rights meeting in December, 2018.

Conclude FPT consultations with an eye to acceding to the Optional Protocol to the Convention against Torture and Optional Protocol to the UN Convention on the Rights of Persons with Disabilities before the end of 2018.

Address shortcomings in Bill C-47 so as to ensure that Canadian accession is in full conformity with the terms of the Arms Trade Treaty.

Initiate consultations with respect to UN and Inter-American human rights treaties not yet ratified by Canada.

INTERNATIONAL RELATIONS: PUT HUMAN RIGHTS AT THE HEART OF FOREIGN POLICY

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Toronto area Amnesty International youth leaders take action for South Sudanese refugees in Uganda, September, 2017 © Amnesty International Toronto

Amnesty International is a global movement of more than seven million supporters, members and activists in over 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for all people to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion, and are funded mainly by our membership.

Until everyone can enjoy all of their rights, we will

continue our efforts. We will not stop until everyone can live in dignity; until every person's voice can be heard; until no one is tortured or executed.

Our members are the cornerstone of these efforts. They take up human rights issues through letter-writing, online and off line campaigning, demonstrations, vigils and direct lobbying of those with power and influence.

Locally, nationally and globally, we join together to mobilize public pressure and show international solidarity.

Together, we make a difference.

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