

**AMNESTY INTERNATIONAL BRIEFING:  
HUMAN RIGHTS CONCERNS IN CANADA**

**February 2017**



Ahead of Canadian Prime Minister Justin Trudeau's state visit to India between 17-23 February 2018, Amnesty International is presenting this briefing to highlight human rights concerns and recommendations that the organization urges Prime Minister Modi and other Indian Government officials to raise in meetings and discussions.

Amnesty International has just released its annual Human Rights Agenda for Canada, including a report card review of progress last year and an updated series of 33 recommendations for strengthened regard for national and international human rights in 2018. The Human Rights Agenda, *Shoring up rights in a turbulent time*, is available at this [link](#) and is also attached to this briefing paper.

*Shoring up rights in a turbulent time* looks at serious needs and significant opportunities across seven pressing areas of human rights concern: Indigenous peoples, gender equality, refugee protection, national security, human rights and the economy, implementing international obligations and prioritizing human rights in Canadian foreign policy.

**Recommendations related to Canada's upcoming Universal Periodic Review**

Notably, Prime Minister Trudeau will be visiting India three months before Canada's human rights record is examined, for the third time, under the UN Human Rights Council's Universal Periodic Review process. Amnesty International has made a [submission](#) in advance of that review, scheduled for May 11, 2018.

India intervened and made submissions in the course of the earlier Universal Periodic Reviews of Canada in 2009 and 2013. Both times India highlighted concerns about the levels of violence and discrimination experienced by Indigenous women and girls.<sup>1</sup> In 2013 India made the following specific recommendations to Canada related to Indigenous women and children:<sup>2</sup>

129.87 All necessary measures be taken to address all forms of violence against Aboriginal women and girls (India);

129.120 ... address disparities in access to services by all children ... (India);

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<sup>1</sup> In 2013, India "noted concerns on violence affecting indigenous women"; and in 2009 India "noted comments by CERD on discrimination against First Nations women and children and by CEDAW and CESCR on the need for legislation on discriminatory effects of the Indian Act and CEDAW's concerns about protection and redress for Aboriginal and ethnic women."

<sup>2</sup> *Report of the Working Group on the Universal Periodic Review: Canada*, UN Doc. A/HRC/24/11, 28 June, 2013.

Additionally, in 2013 India called on Canada to address human rights concerns associated with the country's national security laws:

129.157. Take measures to address concerns of reports that certain communities feel targeted, profiled and harassed by Canada's national Security legislation and build confidence among such communities (India);

This visit offers the Indian Government a timely opportunity to build on those recommendations with respect to vital human rights challenges faced by Canada in 2013, which continue to be serious concerns in Canada in 2018.

**Amnesty International urges Prime Minister Modi to press Prime Minister to commit to the following important human rights reforms:**

- 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.<sup>3</sup>
- Ensure that the decision-making process around large-scale resource development projects includes meaningful gender-based analysis of possible impacts and necessary mitigation.<sup>4</sup>
- Ensure all First Nations, Métis, and Inuit people fleeing violence have access to culturally-relevant programming, emergency shelters, and transition houses.<sup>5</sup>
- 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; ensure all officers 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.<sup>6</sup>

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<sup>3</sup> Amnesty International, *Shoring up rights in a turbulent time*, pages 15 and 17.

<sup>4</sup> *Ibid.*, pages 9 and 13.

<sup>5</sup> *Ibid.*, pages 11, 13 and 15-16.

<sup>6</sup> *Ibid.*, pages 8 and 13.

- Fully implement the Canadian Human Rights Tribunal ruling calling for the elimination of discrimination in provision of child and family services to First Nations.<sup>7</sup>
- Address provisions in Bill C-59 (reforms to Canada's national security legislation) 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.<sup>8</sup>

### **Recommendations related to Rohingya Crisis**

Additionally, Amnesty International urges both Prime Minister Modi and Prime Minister Trudeau to discuss action to address the human rights and humanitarian crisis that has forced 688,000 Rohingya refugees to flee Myanmar to Bangladesh since August, 2017. The crisis is rooted in longstanding and deeply entrenched discrimination against and exclusion of the Rohingya population amounting to the crime against humanity of apartheid.<sup>9</sup>

#### **Amnesty International urges Prime Minister Modi to press Prime Minister Trudeau to join the Indian government in:**

- Working with the international community to strengthen protection of Rohingya refugees in Bangladesh, including opposing the repatriation of refugees to Myanmar at this time.
- Calling for a comprehensive arms embargo against Myanmar, imposed by the UN Security Council.
- Insisting that the Myanmar government allow unfettered humanitarian access to all parts of Rakhine State.
- Pressing the government of Myanmar to cooperate with the UN Human Rights Council in its ongoing efforts to address the country's human rights crisis, including by allowing full and unhindered access to all parts of Myanmar by the Council's Independent International Fact Finding Mission on Myanmar and the Special Rapporteur on the human rights situation in Myanmar.

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<sup>7</sup> *Ibid.*, pages 12 and 13.

<sup>8</sup> *Ibid.*, pages 27-29.

<sup>9</sup> Amnesty International, "*Caged without a roof*": *Apartheid in Myanmar's Rakhine State*, 21 November, 2017. <https://www.amnesty.org/en/documents/asa16/7484/2017/en/>.