

A HUMAN RIGHTS AGENDA FOR CANADA

Jobs, Security...and Human Rights for All

2015

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INTRODUCTION AND OVERVIEW

The world that Canada strives for is the world that the founders of the United Nations wanted from the beginning, as boldly articulated in their declaration of 1942: a world where life, liberty, independence and religious freedom are defended, where human rights and justice are preserved, and where all join in a common struggle against savage and brutal forces seeking to subjugate the world. In such a world, there can be prosperity for the impoverished, justice for the weak, and, for the desperate, that most precious of all things, hope.¹

- Prime Minister Stephen Harper, UN General Assembly, September 2014

In his speech to the United Nations General Assembly - his first in four years - Prime Minister Harper lays out a compelling vision of universal human rights protection which offers the prospect of prosperity, justice and hope. Amnesty International's 2015 Human Rights Agenda for Canada outlines serious concerns that Canadian government action, at home and abroad, has often failed to live up to that vision; and lays out key recommendations for improvement.

This edition of the Human Rights Agenda is being published in the lead up to a federal election which will take place sometime before October 2015. It reviews a number of areas that have been priority themes for law reform, policy development, funding decisions and program delivery in Canada in recent years and examines the human rights consequences of both government action and inaction.

- **Creating jobs and growing the economy** has been a top priority for the government for many years, generally advanced through Canada's Economic Action Plan. The government notes that the Economic Action Plan "is helping fuel job creation, grow our economy and increase Canada's long-term prosperity."² However, crucial human rights obligations related to business and the economy are being ignored or watered down, including respect for the land and resource rights of Indigenous peoples, the need to strengthen corporate human rights accountability, and the importance of grounding trade policy and agreements in human rights principles.
- **Law and order** continues to be a defining value for the government. On many fronts, however, the government has failed to take steps that would tackle particularly egregious crimes. And far too often, approaches to policing and surveillance imperil rather than protect freedoms of expression, association and assembly. Treaties to prevent torture and to bring human rights rules to the deadly global arms trade remain unsigned. Canadian complicity in the torture of numerous Canadian citizens in other countries has not been addressed. Canada's *State Immunity Act* makes it impossible for Canadians to sue foreign governments in Canadian courts for some of the worst crimes imaginable. And law reform to protect transgender individuals from hate crimes and discrimination is supported by police forces across Canada but opposed by the government.
- **Families and communities** are featured prominently in virtually all government announcements of new programs or plans for law reform.³ But too many families and communities are left behind; particularly those living in poverty or who face entrenched discrimination and marginalization. It is distressingly clear in government insistence that crucial economic, social and cultural rights such as housing, poverty and health do not merit the same protection as other rights. It is evident in the government's refusal to launch a public inquiry and develop a

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comprehensive national action plan to deal with violence and discrimination against Indigenous women. And it is apparent in the objections advanced by the government in court to discrimination claims brought on behalf of Indigenous children living on reserves.

- **Protecting national security and defending Canada's borders** have been mainstay concerns for the government. The government talks frequently of the need to tackle abuse of the country's refugee determination system, referring often to so-called 'bogus' refugees.⁴ And national security reforms are being proposed due to concerns about terrorism in the aftermath of the October 2014 attacks against Canadian soldiers in St-Jean-Sur-Richelieu and Ottawa.⁵ Enhanced powers for security and law enforcement agencies have not been matched by long-needed adoption of an integrated oversight system to guard against abuses. Punitive and restrictive reforms have put refugees at risk of arbitrary detention, *refoulement* and denial of health care.
- **Saving every woman, every child** has become a signature priority of the government's foreign policy and international development. It was the major theme of the G8 Summit hosted in Canada in 2010 and the follow-up *Saving Every Woman Every Child: Within Arm's Reach Summit* in Toronto in May 2014.⁶ It has been matched by a determined effort to stop child early and forced marriage around the world.⁷ Canada's important efforts to address these vital human rights concerns have, however, been repeatedly undermined by refusal to ground these programs in full respect for the sexual and reproductive rights of women and girls; as well as a failure consistently to address ongoing concerns about women's equality domestically.
- **Promoting freedom, democracy and human rights** have long been rallying cries in Canadian foreign policy, including recently. Canada speaks out forcefully for rights and democracy in many countries. However, concerns deepen about glaring inconsistencies, including with respect to Israel, important trading partners, and Africa. Similarly, Canadians imprisoned abroad often find that the government's enthusiasm to defend their rights varies considerably. Troubling domestic actions have belied Canada's commitment to freedom and human rights on the world stage. The government's engagement with UN human rights reviews of Canada's record is increasingly disappointing. Concerns also mount about government measures that have undermined advocacy and freedom of expression in Canada, contrary to the values the government promotes in its foreign policy.

The Human Rights Agenda highlights both domestic and global human rights challenges, noting the deep connection between the two. Paying close attention to universal human rights strengthens human rights protection in Canada. Improved human rights protection within Canada allows the government – and all Canadians – to press other governments to follow suit. In a world that becomes more closely inter-connected every year, the interplay between national and international human rights issues comes down to the simple reality that actions and decisions within Canada can and do have human rights consequences in other countries. Equally, human rights violations elsewhere may have a very direct impact on Canada and Canadians.

The Human Rights Agenda also emphasizes the important relationship among protecting human rights, social development and economic growth. For example, poverty and a lack of education restrict freedom and limit economic potential. Respect for the human rights at

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stake provides a platform for sustainable economic growth. Seeking growth through strategies that uphold human rights and that are agreed by people and communities affected can only lead to long-lasting economic progress.

The themes canvassed in this Human Rights Agenda – creating jobs and growing the economy; law and order; families and communities; protecting national security and defending Canada's borders; saving every woman, every child; and promoting freedom, democracy, and human rights abroad will all likely receive attention from all political parties in the 2015 federal election. The Human Rights Agenda also highlights a range of concerns and recommendations with respect to torture, as part of Amnesty International's current global Stop Torture campaign. In the lead up to that election Amnesty International urges the parties to clearly and concretely commit to:

- **endorse the recommendations outlined in this Human Rights Agenda;**
- **ratify the *Optional Protocol to the Convention against Torture* without any further delay; and**
- **pursue law reform, adopt policy positions and launch initiatives that fully conform to the unequivocal international ban on torture.**

I CREATING JOBS AND GROWING THE ECONOMY

Economic growth, including job creation and boosting trade and investment opportunities, are traditionally among the top priorities of any Canadian government. That has certainly been the case in recent years in Canada, particularly in the aftermath of the 2008 global financial crisis. Policy development and political debate about the economy and employment usually focus on job figures, skills-training, taxes, investment, interest rates, trade balances, and exchange rates. There are, however, fundamentally important human rights issues that must be considered as well. These issues merit careful attention not only because of the essential principles and binding legal obligations at stake, but because they ultimately point the way towards sound and sustainable economic policy as well.

a) Respecting and protecting the land and resource rights of Indigenous peoples

The federal government predicts that more than 600 major resource development projects will get underway across Canada in the next decade.⁸ Many of these projects have the potential to significantly threaten lands and waters that are vital to the cultures and economies of First Nations, Inuit and Métis peoples. Important human rights are at stake. As noted by the UN Human Rights Committee in its review of Canada's human rights record in 1999, "the right to self-determination requires, *inter alia*, that all peoples must be able to freely dispose of their natural wealth and resources and that they may not be deprived of their own means of subsistence."⁹ The failure to uphold Indigenous land and resource rights also has particular impacts on the rights of Indigenous women and girls.

The federal government has not established adequate formal mechanisms to ensure that Indigenous Peoples are able to participate in decisions and that their rights will be appropriately protected when such projects affect their traditional territories, sacred sites, traditions and culture, livelihoods, and means of subsistence. The government points to environmental impact assessments as a key means for Indigenous Peoples' voices to be heard when projects are considered, even as new legislation has reduced the likelihood of projects being subject to such reviews.¹⁰

On 17 June 2014, the federal government conditionally approved the construction of the Northern Gateway Pipeline in British Columbia without the consent of affected First Nations.¹¹ If the project goes ahead, it would lead to pipeline construction across roughly 1000 rivers and streams in the traditional territories of Indigenous peoples in Alberta and British Columbia.

While concerns about disregard for the land rights of Indigenous peoples are widespread, there were two notable instances in 2014 in which the rights of Indigenous peoples took precedence over resource development. First, the federal government rejected plans to open the New Prosperity Mine in British Columbia, recognizing the severe and irreversible impacts that the project would have on the culture and traditional practices of the Tsilhqot'in people.¹² Second, the Supreme Court of Canada released a landmark decision recognizing the right of the Tsilhqot'in people to own, control, and enjoy the benefits of approximately 2,000 km² of land at the heart of their traditional territory in central British Columbia.¹³ The Court's judgement should now consistently inform government policies and positions in respect to Indigenous title.

The internationally established standard of free, prior and informed consent is intended as a heightened safeguard in situations where there is a risk of serious violations of Indigenous peoples' human rights, such as in the context of large-scale resource development projects.

Free, prior and informed consent is a key provision in the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN in 2007.¹⁴ Canada remained opposed to the Declaration until November 2010, when the government announced Canada's support for this important UN human rights instrument.¹⁵

Nevertheless, as recently as September 2014 Canada used the occasion of the UN's World Conference on Indigenous Peoples to once again put on record its objections to the standard of free, prior and informed consent contained in the Declaration.¹⁶

The government should take steps to ensure that the rights of Indigenous Peoples in Canada, including land and resource rights, are fully protected by:

- **Recognizing the internationally-established right of free, prior and informed consent (FPIC) and fully incorporating this right in all laws, policies and practices related to extractive industries at home and abroad.**

b) Holding corporations accountable for human rights

There has been growing recognition over the past decade, both nationally and internationally, that the domestic and foreign operations of corporations have considerable impact on human rights protection. There have therefore been an increasing number of initiatives launched to lay out the human rights responsibilities of companies and establish frameworks for holding companies accountable for any failure to meet those responsibilities. In Canada that has included the 2006/2007 National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries;¹⁷ the narrow defeat of Bill C-300, *An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries*;¹⁸ the federal government's 2009 corporate social responsibility strategy for the international extractive sector, *Building the Canadian Advantage*;¹⁹ and most recently, enhancements announced in November 2014 to the 2009 strategy, *Doing Business the Canadian Way*.²⁰

The inadequacy of existing standards and mechanisms is reflected by a growing number of lawsuits against Canadian mining companies regarding alleged human rights abuses associated with their overseas operations. The lawsuits are costly for both companies and plaintiffs. They are complex and time-consuming; thus well beyond the reach of most individuals and communities. Companies generally argue that the cases should not go ahead for such reasons as *forum non conveniens*²¹ and duty of care.²² At least three such suits are currently underway in Canada, in early stages.²³ Clearer standards and more meaningful enforcement in Canada would likely reduce the need to turn to the courts.

The United Nations Committee on the Elimination of Racial Discrimination has twice recommended that the Government of Canada take appropriate legislative or administrative measures "to prevent transnational corporations in Canada carrying out acts which negatively impact on the enjoyment of rights of indigenous peoples in territories outside Canada" and to hold corporations accountable for such violations.²⁴ Instead, Canada continues to allow companies to rely almost exclusively on the national laws and regulations of the countries where they operate.

After many years of relying on voluntary approaches to encouraging companies to respect human rights, the government increasingly admits that it must play a role in setting and enforcing human rights responsibilities. In announcing recent changes to the government's CSR Strategy, Minister of International Trade Ed Fast stated that, "[o]ur message is clear: If you don't play ball by doing business the Canadian way, then we won't go to bat for you."²⁵

For the first time, therefore, the ability of companies to access assistance through what the government terms “economic diplomacy” will be conditioned on complying with CSR best practices and willingness to participate in the CSR strategy’s dispute resolution processes. “Economic diplomacy” includes receiving support from the Trade Commissioner Service, government letters of support, participation in government trade missions and support from Export Development Canada.²⁶ The details and modalities remain somewhat vague and uncertain, but it appears to be a long overdue small step forward.

Amnesty International and other organizations across Canada concerned about these issues have joined together in the Canadian Network on Corporate Accountability and have called on the Canadian government to build on this small but important first step by:

- **Establishing an Extractive Sector Ombudsperson and legislating access to Canadian courts for people who have been seriously harmed by the international operations of Canadian companies.**

c) Putting human rights at the heart of trade

The government has prioritized the negotiation of bilateral and multilateral free trade agreements as a cornerstone to its economic policy. At the current time there are eleven free trade agreements in force, one signed, one concluded, nine new ones being negotiated, two existing ones being updated and three being explored.²⁷ Some involve dozens of countries. Canadian policy does not require free trade agreements to include provisions that will ensure compliance with international human rights standards. The government’s overarching strategy with respect to trade policy, the Global Markets Action Plan, does not refer to human rights.²⁸

Several existing free trade agreements involve countries where there have been mounting concerns about human rights abuses associated with economic activities, including increased mining, oil and gas operations. That includes Peru, Colombia and Honduras. The Canada-Colombia Free Trade Agreement includes a requirement for the two governments to each prepare annual reports assessing the human rights impact of the agreement. It is the only free trade agreement to include such a provision. But its implementation has been deeply disappointing and problematic. For instance, the three such reports prepared by Canada in 2012,²⁹ 2013³⁰ and 2014³¹ have all failed to mention, let alone assess, one of the most significant trade-related human rights concerns in Colombia, the rapidly increasing presence of extractive companies in and around the territories of Indigenous peoples at a time when one-third of Indigenous nations in Colombia are at the brink of physical or cultural extermination.³²

It is time to ground Canadian trade policy in human rights by:

- **Committing to subject all free trade agreements to rigorous and independent human rights impact assessments before they are concluded and at regular intervals thereafter; and requiring that concerns arising through such assessments will be addressed.**

TAKING A STAND AGAINST TORTURE

Torture continues to be a staggering global human rights crisis. It is time for a determined global effort to end torture worldwide, an effort that Amnesty International urges Canada to take on. In launching a major two-year global campaign to Stop Torture in May 2014, Amnesty International noted that torture had been documented in 141 countries around the world over the past five years. Yet in recent years Canada's stance against torture has become ambivalent and uncertain.

Torture in many countries, including Iran,³³ Syria,³⁴ Sri Lanka,³⁵ and Ukraine³⁶ has been forcefully condemned by Canada. But many countries where torture is of concern escape Canadian government criticism. Mexico, where torture has increased 600% over the past decade, remains a designated safe country of origin under Canada's refugee system. Torture is widespread throughout China, and Chinese companies regularly export the tools and implements of torture to other countries, but that has not been censured by Canada. And the Canadian government steadfastly refuses to criticize the Israeli government for torture, ill-treatment, and other human rights violations against Palestinians. Speaking against torture, wherever it occurs, must become a hallmark of Canadian foreign policy.

Torture is by no means rampant within Canada. However, solitary confinement, which the UN's highest expert on torture has concluded very often amounts to torture,³⁷ is used excessively and for extended periods of time within Canadian prisons.³⁸ The UN Committee against Torture has called on Canada to bring solitary confinement under control.³⁹ There has been no progress in that direction. As highlighted elsewhere in this Human Rights Agenda it is also vital to amend Canada's *State Immunity Act*, to allow lawsuits against foreign governments to go ahead in claims involving torture outside Canada.

While torture itself is not rampant, there are concerns about Canadian complicity in torture abroad.

- Canadian complicity in the torture of numerous Canadian citizens in other countries has been confirmed in Supreme Court and Federal Court rulings and judicial inquiries⁴⁰ but remains unaddressed.

- Ministerial Directions authorize the Canadian Security Intelligence Service, the Royal Canadian Mounted Police (RCMP), the Communications Security Establishment, the Canada Border Services Agency, and the military, in exceptional circumstances, to receive and share intelligence information with foreign governments even when there are serious concerns about torture.⁴¹ The UN Committee against Torture has asked Canada to change this policy but Canada has refused.⁴²
- Canadian law allows individuals to be deported to face a serious risk of torture in other countries.⁴³ The possibility is limited to exceptional circumstances; but international law does not allow torture or deportations to torture in any circumstances, no matter how exceptional.
- Concerns about Canada's complicity in torture in Afghanistan through the transfer of battlefield prisoners from Canadian soldiers to Afghan officials in the face of a clearly documented serious risk of torture in Afghan jails, remains unaddressed and may well arise again when Canadian troops are deployed in a country where torture is widespread.⁴⁴
- In 2002 the United Nations adopted an important new treaty focused on preventing torture, the *Optional Protocol to the UN Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol)*. The *Optional Protocol* establishes a system of national and international inspections of detention centres designed to identify and expose conditions that allow torture to take place. Twelve years later, Canada has not signed on, despite making promises at the UN in 2006 and 2009 to "consider ratifying" the *Optional Protocol*. Most recently the Canadian government disappointed the international community by indicating that "it has no current plan" to ratify.⁴⁵
- Many of Canada's closest allies have ratified the *Optional Protocol*⁴⁶ but a long list of countries in which torture is deeply entrenched and where there are few if any national oversight or complaint possibilities have not. The global campaign to Stop Torture would benefit tremendously from a concerted effort by Canada to persuade countries where torture is a crisis to become part of the *Optional Protocol's* inspection regime. Canada cannot do so without ratifying the *Optional Protocol* itself.

II LAW AND ORDER

The government has pursued a range of law and policy reforms in the area of criminal justice, stating that they have “worked to re-establish Canada as a country where those who break the law are punished for their actions; where penalties match the severity of crimes committed; where the rights of victims come before the rights of criminals.”⁴⁷ Despite the many initiatives that have been launched, there are a number of areas in which the government has failed to take action or has opposed law reform that would significantly strengthen criminal justice, both nationally and internationally.

a) Addressing complicity in torture

Worldwide, torture is widely recognized to be a crime under both national and international laws. Despite the clear legal prohibitions, torturers are rarely criminally charged and brought to justice and the victims and survivors of torture face tremendous obstacles to obtaining redress. In recent years there have been a number of high-profile cases of Canadian citizens who have been tortured in other countries amidst allegations and, in several cases, judicial rulings confirming that Canadian officials have been complicit. Only Maher Arar has received an apology and compensation for the responsibility of Canadian officials for the torture and other human rights violations he experienced in Syria.

The Supreme Court of Canada has ruled that Canadian officials were complicit in the sleep deprivation (a form of torture), that Omar Khadr experienced at Guantánamo Bay.⁴⁸ Former Supreme Court of Canada Justice Frank Iacobucci confirmed that Canadian officials were complicit in the torture and other human rights violations suffered by Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin in Syria and, in Mr. Abou-Elmaati's case, Egypt.⁴⁹ There have been similar court rulings and credible allegations in other cases, including Abdoufian Abdelrazik⁵⁰ in Sudan, and Benamar Benatta⁵¹ in the United States. Rather than ensure redress and accountability in these cases, the Canadian government has forced the individuals concerned into protracted court proceedings.

Canadian complicity in torture abroad must be addressed by:

- **Committing to an impartial and independent process that will establish fair redress in cases where Canadian officials directly or indirectly contributed to torture and other human rights violations abroad.**

b) Ensuring justice for victims and survivors of international crimes

Individuals in Canada have on occasion turned to Canadian courts to launch lawsuits against foreign government officials allegedly responsible for torture and other serious international crimes they experienced abroad. They have turned to the Canadian courts because there is no prospect of criminal or civil proceedings before the courts in the country where the violations occurred. In some instances the individuals were Canadian citizens when the crimes took place; or have since become Canadian citizens. In other cases the individuals may be permanent residents, Convention refugees, or have some other status. None of these cases have succeeded. All have been dismissed because of provisions in the *State Immunity Act* which only allow civil suits in Canadian courts against foreign officials in certain cases, notably involving commercial matters. Redress for human rights violations is not a specified exception in the *Act*. The Supreme Court of Canada has recently upheld the provisions in the *State Immunity Act*, ruling that an exception for torture and other crimes under international law would require law reform.⁵² The UN Committee against Torture has called on Canada to

"consider amending the State Immunity Act to remove obstacles to redress for all victims of torture."⁵³

The government should strengthen justice and accountability for torture and other serious human rights violations by:

- **Amending the *State Immunity Act* to allow civil lawsuits for damages resulting from torture and other human rights violations that are crimes under international law to be brought in Canadian courts against foreign officials.**

c) Preventing international crimes by restricting global arms transfers

In April 2013 the international community adopted an important new treaty that aims to prevent the commission of international crimes such as genocide, crimes against humanity and war crimes. The *Arms Trade Treaty*⁵⁴ prohibits the transfer of arms when they are likely to be used for the commission of such crimes in another country. The treaty has garnered wide international support in less than two years. 123 states have signed the treaty, 54 of whom have gone further and ratified. Having reached the required threshold of 50 ratifications, the treaty will enter into force on 24 December 2014.

Canada has not signed or ratified the *Arms Trade Treaty*. The government has indicated it intends to consult widely before doing so to ensure that ratifying the treaty will not "affect lawful and responsible firearms owners nor discourage the transfer of firearms for recreational uses such as sport shooting and hunting."⁵⁵ However, more than eighteen months since the treaty was adopted, there has been no sign of public consultation and no evident steps towards ratification.

Canada should help ensure that global arms transfers do not contribute to the commission of international crimes by:

- **Acceding to the *Arms Trade Treaty* before the treaty marks its second anniversary on 2 April 2015.**

d) Protecting transgender individuals from crime and discrimination

In Canada and worldwide, transgender individuals face a heightened risk of murder, assault and other crimes and human rights violations.⁵⁶ They also experience widespread discrimination with respect to employment, housing and other essential rights. The impact is devastating. Transgender individuals face some of the highest levels of depression and suicide of any sector in society.⁵⁷ Law reform is one of the many measures needed to better protect the rights of transgender individuals.

Over the past decade there have been four attempts to strengthen Canadian legal protections for transgender individuals through private members legislation. The most recent effort, Bill C-279, *An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity)*, has passed the House of Commons but has been stalled in the Senate since 21 March 2013, where it faces opposition from a number of government-appointed Senators.⁵⁸ The Bill would add gender identity to the prohibited grounds of discrimination under the Canadian Human Rights Act as well as the hate crime provisions in the Criminal Code. Bill C-279 has been endorsed by the police, who indicate it would significantly improve their ability to investigate and punish crimes committed against transgender individuals.⁵⁹

The government should strengthen human rights protection for transgender individuals in Canada by:

- **Ensuring speedy passage of Bill C-279, in its current form, by the Senate.**

III FAMILIES AND COMMUNITIES

All political parties stress that their policies are focused on families and communities, referring frequently to middle-class families in particular. Supporting families and communities has been a consistent theme for law reform, policy development and program delivery. Supporting families and strengthening communities featured prominently in the most recent Speech from the Throne:

Families are the cornerstone of our society. Families raise our children and build our communities. As our families succeed, Canada succeeds. Our Government understands the daily pressures ordinary Canadian families face. And it is working to strengthen families, not replace them.⁶⁰

Of concern, however, is that too many families and communities are left behind; particularly those living in poverty or who face entrenched discrimination and marginalization. Human rights violations that lie at the heart of poverty, racism and sexism must be addressed so that the focus on families and communities is inclusive and free from discrimination.

a) Safety: Violence against Indigenous women and girls

Across Canada families of Indigenous women who have been murdered or who have gone missing continue to call for action from the federal government. They have pressed the government to convene a public inquiry leading to a comprehensive national action plan that will finally address what is undeniably one of the most serious human rights problems in the country.

Indigenous women are far more likely than non-Indigenous women to experience violence and the violence they experience is more severe. The first national police statistics on missing and murdered Indigenous women, released in May by the RCMP, identify that 1017 Indigenous women and girls were murdered between 1980 and 2012 and at least 105 remain missing under suspicious or unknown circumstances.⁶¹ This is a homicide rate more than four times higher than for all other women, but due to gaps in police information, the real numbers may be even higher.

The high rates of violence threaten the lives of Indigenous women and girls from all walks of life, in every region of the country, on reserve, and in major Canadian cities. The perpetrators include Indigenous and non-Indigenous men alike. Some patterns of violence facing Indigenous women and girls are different from those facing non-Indigenous women. For example, according to the RCMP report Indigenous women are seven times more likely than non-Indigenous women to be murdered by “acquaintances” – friends, colleagues, neighbours and other men who are not intimate partners or spouses.⁶²

There is remarkable agreement that what is needed is a public inquiry and national action plan, including from families of murdered and missing women,⁶³ all of Canada's premiers⁶⁴ and human rights commissions,⁶⁵ Indigenous women's organizations,⁶⁶ Indigenous people's organizations,⁶⁷ many of Canada's close allies,⁶⁸ a range of UN human rights experts⁶⁹ and bodies,⁷⁰ the three federal opposition parties,⁷¹ civil society groups across the country,⁷² and a range of media editorials and commentators.⁷³

The urgent need for action has been tragically highlighted by two high-profile cases in Winnipeg in 2014, the murder of 15 year-old Tina Fontaine in August and the vicious attack against 16 year-old Rinelle Harper in November. Despite the fact that Indigenous women and girls continue to experience alarming levels of violence and despite overwhelming agreement

that addressing the crisis requires a public inquiry and national action plan, the federal government continues to assert that there is no such need. In response to the outcry about Tina Fontaine's murder, Prime Minister Harper stated that "we should not view [her murder] as a sociological phenomenon. We should view it as crime."⁷⁴

The federal government must act urgently to uphold the essential human rights of Indigenous women and girls to safety and equality by:

- **Creating a comprehensive, coordinated, and well-resourced National Action Plan to address violence against women and girls, in collaboration with Indigenous women and girls. The National Action Plan should include a national public inquiry focused on exposing the nature of violence against Indigenous women and girls, and on ensuring government and police accountability for an effective and coordinated response.**

b) Equality: Discrimination in the protection of essential rights on reserves

For more than seven years an important human rights complaint highlighting the federal government's underfunding of services for First Nations children living on reserves has been before the Canadian Human Rights Commission, the Canadian Human Rights Tribunal, the Federal Court and the Federal Court of Appeal. The claim argues that the fact that federal government funding for children's services in First Nations communities is at least 22 percent less per child than what provincial governments dedicate for child welfare services in other communities amounts to discrimination. This is despite often greater needs and the higher costs of delivering services in small and remote First Nations communities. As a result, the removal of children from their families – which should be a last resort – has become commonplace for underfunded child welfare services that lack the resources to intervene in other ways.

The federal government sought to have the complaint dismissed without proceeding to a full hearing. That was resoundingly rejected by the Federal Court⁷⁵ and Federal Court of Appeal.⁷⁶ The hearing before the Canadian Human Rights Tribunal wrapped up with final submissions in October 2014. The decision is currently reserved.

The underfunding of child welfare services is just one example of the ways First Nations children and adults living on reserves are frequently denied fair and non-discriminatory protection of such crucial human rights as education, adequate housing, and clean water, which are very often more robustly and effectively protected in other Canadian communities.

The federal government must act to uphold the equality rights of Indigenous peoples by:

- **Eliminating disparities in funding for services such as child protection, education and safe water, and ensuring that all First Nations children and adults have access to adequate, culturally appropriate services on a comparable basis to other communities in Canada.**

c) Addressing Poverty: Enforcing the protection of economic, social and cultural rights

Governments in Canada frequently assert that crucial economic, social and cultural rights such as the rights to housing, health-care and social assistance cannot and should not be enforced in court to the same degree as such civil and political rights as fair trial guarantees, freedom of expression and the ban on torture. They point to the fact that those rights are not

specifically enumerated in the *Canadian Charter of Rights and Freedoms* and have strenuously objected to legal claims that such Charter provisions as the section 7 guarantee of life, liberty and security of the person should be interpreted to include protection of these fundamental rights. These arguments disregard the fact that these rights are enshrined in the *International Covenant on Economic, Social and Cultural Rights*, ratified by Canada in 1976.

The federal government maintains this position both nationally and internationally. The UN adopted an *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* in 2008, which allows for individuals to bring UN-level complaints alleging violations of rights protected in the Covenant. The Canadian government has stated that it has no plans to ratify the *Optional Protocol*.⁷⁷ The government also consistently argues that judges should not even hear cases involving economic, social and cultural rights; a position that has unfortunately recently been upheld by the Ontario Court of Appeal in a split decision dealing with housing rights.⁷⁸

The federal government should support the legal enforcement of economic, social and cultural rights by:

- **agreeing that cases involving allegations of violations of economic, social and cultural rights are justiciable and can be the subject of legitimate court cases; and**
- **beginning the process of ratifying the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*.**

IV PROTECTING NATIONAL SECURITY AND DEFENDING CANADA'S BORDERS

Responding to national security threats and defending national sovereignty and borders are important government responsibilities. Over the past several years the government has launched a range of measures which increase national security powers, particularly in the aftermath of the October attacks in St-Jean-sur-Richelieu and Ottawa; and tackle concerns about asserted abuse of the country's refugee determination system, referring often to so-called 'bogus' refugees.⁷⁹

There are concerns, however, that the measures adopted or proposed frequently fail to promote greater respect for important human rights obligations and may, in some instances, lead to serious human rights violations. Enhanced powers for national security and law enforcement agencies have not been matched by long-needed adoption of an integrated oversight system to guard against abuses. A number of punitive and restrictive reforms have put refugee claimants at risk of arbitrary detention, *refoulement* and denial of health care. Canada's approach to upholding national security and guarding our borders cannot put human rights at risk.

a) National security: Inadequate oversight and review

As information came to light about Maher Arar's experience of unlawful imprisonment and torture in Syria in 2002-2003, it became clear that national security review and oversight in Canada was inadequate. In the Commission of Inquiry into Maher Arar's case, therefore, Commissioner Dennis O'Connor was given a specific mandate to "make recommendations for an independent, arm's-length review mechanism with respect to the RCMP's national security activities" as well as to "consider how a review body for the RCMP's national security activities would interact with existing review mechanisms for other federal departments and agencies involved in the field."⁸⁰

Commissioner O'Connor's model for independent, comprehensive and integrated review includes strengthened powers for RCMP review, the establishment of review mechanisms for five government agencies and departments currently not subject to independent review, and a process for ensuring proper coordination and integration among all review bodies. He notes that

[b]ecause of the integrated and co-operative approach that the Canadian government has taken to address threats to national security, review of only one agency, such as the RCMP, will sometimes not be enough. To assess the merits of some complaints, the activities of multiple national security actors will have to be reviewed.⁸¹

Eight years since Commissioner O'Connor released his proposal, his recommendations have not been implemented. In the aftermath of separate attacks in October against a soldier in St-Jean-sur-Richelieu and against a soldier and Parliament in Ottawa in October, the government has introduced legislation proposing increased powers for the Canadian Security Intelligence Service;⁸² and there is strong expectation that further national security reforms are soon to follow. There is no indication that any of the reforms will include the long-awaited overhaul of national security review and oversight. Expanding national security powers without addressing the troubling gap in review and oversight raises the prospect of further human rights violations arising in the context of Canadian national security activities.

The federal government must take steps to minimize the possibility of human rights violations associated with Canadian national security activities by:

- **Implementing promptly the model for comprehensive and integrated review of Canadian departments and agencies involved in national security that was proposed by the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.**

b) Refugee policy: Restrictions, exclusion and punishment

Canada has long been viewed as a country with a strong and proud record of protecting refugees, both through fair refugee determination procedures and generous refugee resettlement programs. In recent years, however, the dominant themes in Canada's approach to refugee protection have been restriction, exclusion and punishment. Law reform now means that refugee claimants arriving from so-called 'safe countries' are treated differently, including being denied access to appeal hearings, and has introduced the prospect of mandatory detention for certain categories of refugee claimants who arrive through 'irregular means'. The list of 'safe countries' includes Mexico, which faces a very serious human rights crisis at this time, with levels of torture in the country having increased by 600% over the past decade.⁸³

Furthermore, the government has sought to change policy with respect to health care provided to refugee claimants, refugees and individuals whose claims were rejected; denying even life-saving health coverage to many individuals. The policy change, expressly intended to deter what the government repeatedly pejoratively refers to as 'bogus' refugees from coming to Canada, was struck down by the Federal Court for violating the prohibition on cruel and unusual treatment or punishment in the *Canadian Charter of Rights and Freedoms*.⁸⁴ The government has appealed. The government has also proposed further law reform that would allow provincial and territorial governments to limit or deny social assistance to refugee claimants.⁸⁵ The proposal is included in the most recent omnibus budget legislation.⁸⁶ These changes violate international human rights and refugee law obligations.

At the same time there has been deep disappointment in Canada's response to the resettlement needs of refugees who have fled what has become the most dire refugee crisis in a generation, the exodus of approximately 3.8 million Syrians who have fled to neighbouring countries.⁸⁷ Syrians in the region – particularly in Turkey, Lebanon and Jordan – face overcrowded, precarious conditions of considerable hardship. Many have been blocked from crossing borders, others have been sent back.

The UNHCR has, therefore, made an urgent plea to the international community to assist with generous resettlement options for vulnerable and at-risk Syrian refugees. Canada's response, in the summer of 2013, has been a level of 200 government-sponsored refugees and a further 1100 through private sponsorship. The numbers are dismally low. The government has resisted calls to raise the level of resettlement and has declined or not been able to provide clear statistics as to how many Syrian refugees have been resettled to Canada through sponsorship.

The government needs to restore human rights protection as the overarching principle guiding Canada's laws, policies and actions with respect to refugees by:

- **Repealing, reversing or withdrawing legal and policy changes with respect to mandatory detention, safe countries of origin, cuts to health care and restrictions on social assistance for refugee claimants and refugees.**
- **Making a commitment to resettle a minimum of 10,000 Syrian refugees to Canada through government sponsorship before the end of 2016.**

V SAVING EVERY WOMAN, EVERY CHILD

Broad descriptions of the government's priorities do not reference the urgent need to address women's inequality, in Canada and abroad, on a consistent basis. Specific issues are taken up individually, but not as part of a coherent equality agenda. The 2013 Speech from the Throne, for instance, highlighted four areas in which the government intended to take action with respect to the human rights of women and girls: missing and murdered Indigenous women, prostitution law, health challenges facing women, infants and children in the world's poorest countries, and early and forced marriage.⁸⁸

Improving maternal and child health has become the signature priority of the government's foreign policy and international development programming. It was the major theme of the G8 Summit hosted in Canada in 2010. The *Saving Every Woman Every Child: Within Arm's Reach Summit* in Toronto in May 2014, brought together government, UN, humanitarian and business leaders from around the world to promote progress in maternal, child and newborn health.⁸⁹ In his 2014 UN speech Prime Minister Harper noted that this is the worldwide struggle "closest to his heart".⁹⁰ It has been matched by a determined effort to stop child early and forced marriage around the world.⁹¹

Efforts to address crucial human rights concerns facing women and girls, such as violence against Indigenous women, maternal health, and early and forced marriage, are important and laudable. There is, however, wider concern that those efforts are frequently undermined by repeated ambivalence and even refusal to ground these programs in full respect for the sexual and reproductive rights of women and girls. Concerns about the government's refusal to take truly meaningful action in response to violence against Indigenous women and girls has already been discussed earlier in this Human Rights Agenda.⁹² Overall, there is serious concern that the government is failing to respond in a concerted fashion to mounting worry that Canada's global standing with respect to women's equality has declined.⁹³

a) Women's equality in Canada: Getting back to number one

The decline in Canada's previous standing as the world leader in women's equality is of serious and growing concern. The Canadian Centre for Policy Alternatives has recently reported that there has been sustained progress with respect to such measures as healthy life expectancies and higher education for women and girls and that there was an increase in the percentage of female members of parliament in the most recent federal election. But the report also notes that the percentage of women living in poverty has increased over the past twenty years and highlights that over one million women in Canada report having experienced either sexual assault or intimate partner violence in the past five years.⁹⁴ The national debate provoked by the separate allegations of sexual harassment or abuse that have been levelled against former CBC radio host Jian Ghomeshi⁹⁵ and two Members of Parliament⁹⁶ has underscored that there is far to go in addressing violence against women in Canada.

The government has taken a number of troubling steps that have substantially undermined the ability and capacity of civil society groups to engage in research and advocacy focused on finding and advancing solutions to the challenges to women's equality. In 2006 Status of Women Canada guidelines were changed to eliminate funding for research and advocacy.⁹⁷ In 2010 the use of the long-form census was discontinued, which has resulted in less reliable gender disaggregated statistics regarding a range of issues directly related to women's equality.⁹⁸

Recognizing that there continue to be serious concerns about women's equality in Canada and taking note of the fact that the only time that there has been a specific leaders debate focused on women's issues in a federal election was in 1984, Amnesty International has joined the call for a debate focused on issues identified by women to be held as part of the 2015 federal election.⁹⁹

All federal political parties should demonstrate their commitment to women's equality by:

- **Agreeing to take part in a leaders debate focused on issues identified by women as part of the 2015 federal election campaign.**

b) Sexual and reproductive rights

For several years there have been sustained calls from women's equality organizations, human rights groups, academics, researchers and health professionals pressing the government to ensure that its priorities with respect to maternal health and early and forced marriage go forward as part of a comprehensive human rights framework that addresses the range of gender inequalities that are at the heart of these and other very pressing challenges faced by women and girls worldwide.¹⁰⁰

Initially, the government precluded support for contraception or access to abortion services as part of its maternal health initiative. The decision to exclude support for contraception was later reversed in the face of widespread concern from women's health experts. The ban on funding for access to abortion services remains in place, and was confirmed at the *Saving Every Woman, Every Child Summit*.¹⁰¹

Amnesty International reports dealing with maternal mortality¹⁰² and sexual violence¹⁰³ against women and girls consistently highlight the need for the response to be guided by a strong human rights framework which includes protection of the full range of sexual and reproductive rights. There have been mounting concerns that the government has failed to champion sexual and reproductive rights in the important resolutions that Canada leads at the UN Human Rights Council dealing with violence against women; including language that has already been agreed and endorsed in other UN settings, notably the UN Commission on the Status of Women.¹⁰⁴

The government must demonstrate a serious commitment to the protection of the human rights of women and girls by:

- **Ensuring that all laws, programs and funding related to the human rights of women and girls, domestically and internationally, are grounded in a strong human rights framework which includes protection of the full range of sexual and reproductive rights.**

vi PROMOTING FREEDOM, DEMOCRACY AND HUMAN RIGHTS

Promoting freedom, democracy and human rights abroad have long been rallying cries in Canadian foreign policy, including recently. Foreign Affairs Minister John Baird recently noted that the founding values of “freedom, democracy, human rights and the rule of law” guide Canada’s actions on the world stage. He has stressed that they are values that “should not be reserved for a select few, but enjoyed by all.”¹⁰⁵ Religious freedom in particular has found its way to the heart of Canadian foreign policy, with establishment of the Office of Religious Freedom in 2013 and frequent condemnations of religiously-motivated human rights violations around the world.¹⁰⁶

Canada has been an outspoken voice internationally for rights and democracy in many countries around the world, including Ukraine,¹⁰⁷ Israel,¹⁰⁸ North Korea,¹⁰⁹ Syria,¹¹⁰ Sri Lanka¹¹¹ and Iran.¹¹² However, concerns deepen about glaring inconsistencies in Canada’s approach to human rights advocacy bilaterally and multilaterally, belying a commitment to universal human rights. As well, the approach Canada takes to its own engagement with the UN human rights system through treaty ratification and human rights reviews undermines the key principle of universality. Canada’s strong voice with respect to fundamental human rights such as freedom of expression on the world stage is also increasingly at odds with a growing clampdown on advocacy and dissent within Canada.

a) Universal human rights: Everyone’s rights matter, equally

Minister Baird notes that while human rights “values are universal in application, they are not universally applied. Many people around the world continue to struggle and face oppression in pursuing their beliefs.”¹¹³ That failure to defend human rights universally is also, unfortunately, evident in Canada’s foreign policy. Most glaringly that is apparent in the deeply-entrenched refusal to speak out about the rights of Palestinians if it involves criticism of the Israeli government.¹¹⁴ It is evident in the failure to insist that serious human rights concerns in important trading partners like China,¹¹⁵ Colombia¹¹⁶ and Mexico¹¹⁷ be addressed. It is also starkly illustrated by disappointingly low levels of engagement with the many human rights and humanitarian challenges and crises in Africa.¹¹⁸ While Canada has a Global Markets Action Plan¹¹⁹ which aims to bring a consistent approach to Canada’s “economic diplomacy” across the world, there is no companion action plan dealing with human rights.

Inconsistency is also often starkly on display in the different responses of the government to cases of Canadian citizens or permanent residents who experience or are at risk of serious human rights violations, including unlawful arrest, arbitrary detention, unfair trials, torture and the death penalty, in other countries. Cases attract higher or lower levels of concern and senior political attention, depending sometimes on the country involved and sometimes on the background of the person involved. At present there are concerns about efforts being taken at political levels of the government on behalf of Huseyin Celil in China,¹²⁰ Bashir Makhtal in Ethiopia,¹²¹ Mohamed Fahmy and Khaled Al-Qazzaz in Egypt,¹²² Saeed Malekpour in Iran,¹²³ Ronald Smith in the United States,¹²⁴ and Omar Khadr, who is now in jail in Canada after a decade of imprisonment at Guantánamo Bay.¹²⁵

The government should demonstrate commitment to the universal nature of international human rights protection by:

- **Consistently addressing key human rights issue in all bilateral relations with other countries.**

- **Developing a consistent policy with regards to protecting Canadians detained abroad.**

b) Universal human rights includes Canada

Canada's commitment to the universal nature of human rights obligations has also been undermined by the manner in which the government has engaged with the UN human rights system with respect to such matters as treaty ratification and human rights reviews.

Human rights treaties adopted by the UN are meant to be universal in scope and application, requiring universal ratification. Canada's record of treaty ratification has declined sharply in recent years. Concerns about failure to ratify the *Optional Protocol to the Convention against Torture*,¹²⁶ the *Arms Trade Treaty*,¹²⁷ and the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*¹²⁸ have been noted earlier. UN human rights treaties dealing with enforced disappearances and migrant workers, and others establishing UN level complaints processes with respect to the rights of persons living with disabilities and children's rights, have also not been ratified. Canada has not ratified any of the human rights treaties that are part of the Organization of American States' Inter-American human rights system.

There are also longstanding deficiencies in how Canada ensures that its international obligations are properly monitored and implemented. There is no politically accountable and publicly transparent means of drawing together federal, provincial and territorial governments to ensure that UN human rights recommendations that fall within their respective areas of jurisdiction are followed up on. There is no department or Minister federally with a clear and strong human rights mandate. In recent years the federal government has criticized several UN experts when they have carried out routine human rights reviews of Canada.¹²⁹ There has not been a meeting of federal, provincial and territorial Ministers responsible for human rights since 1988.

The Canadian government must consistently demonstrate that universal human rights protection extends to Canada's own record by:

- **Convening a meeting of federal, provincial and territorial ministers responsible for human rights to develop and adopt an accountable, transparent and coordinated system for overseeing implementation of Canada's international human rights obligations.**

c) Freedom begins at home

One obvious measure of a country's commitment to freedom and democracy lies in the steps taken domestically to uphold the human rights principles at the heart of freedom and democracy. While Canada often speaks eloquently about protecting human rights in the name of freedom and democracy in other countries, there has been increasing disquiet about various government measures that have undermined advocacy, dissent and freedom of expression in Canada. Organizations known for criticizing government policies have been targeted for funding cuts,¹³⁰ charitable status audits¹³¹ and other punitive measures.¹³²

The clampdown has been particularly evident with respect to civil society and groups working on certain issues, such as environmental protection, the rights of Palestinians, women's equality, pipelines and the oilsands. It has extended to academics, government scientists, diplomats and watchdogs who have spoken out critically about government policies. A national coalition that has been compiling information about groups and individuals that have

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been targeted has just released its 100th case study, making it clear that this has become a sustained and unprecedented human rights problem in Canada.¹³³

The impact has been serious. Some organizations have closed offices or cut human rights programming. Others have had to devote considerable resources to dealing with government audits or smear campaigns. Across civil society there is a wide chill that has led many groups and individuals to think twice before publicly criticizing the government. The Office of the UN High Commissioner for Human Rights calls on states to develop plans of action for implementation of the 1998 UN Declaration on Human Rights Defenders.¹³⁴ There is no such plan of action in Canada. The situation has become of sufficient concern that the UN Human Rights Committee has informed the Canadian government that it is one of the issues that will be covered when Canada's record of compliance with the International Covenant on Civil and Political Rights is reviewed in mid-2015.¹³⁵

The government must ensure that dissent and advocacy in Canada is protected and upheld by:

- **Working with Indigenous peoples organizations and civil society to develop a national plan of action for implementation of the UN Declaration on Human Rights Defenders in Canada.**

CONCLUSION AND RECOMMENDATIONS

Human rights challenges and opportunities arise across the range of themes and issues that will feature in the 2015 federal election. This Human Rights Agenda highlights that taking action to address those issues not only strengthens the human rights at stake, it ultimately helps ensure that economic growth is more sustainable, criminal justice more effective, families and communities more stable, borders more secure, women and girls more empowered, and freedom and democracy more robust. Amnesty International calls on all federal political parties to commit to endorsing the recommendations outlined in this Human Rights Agenda, namely by:

I CREATING JOBS AND GROWING THE ECONOMY

- Recognizing the internationally-established right of free, prior and informed consent (FPIC) and fully incorporating this right in all laws, policies and practices related to extractive industries at home and abroad.
- Establishing an Extractive Sector Ombudsperson and legislating access to Canadian courts for people who have been seriously harmed by the international operations of Canadian companies.
- Committing to subject all free trade agreements to rigorous and independent human rights impact assessments before they are concluded and at regular intervals thereafter; and requiring that concerns arising through such assessments will be addressed.

II LAW AND ORDER

- Amending the *State Immunity Act* to allow civil lawsuits for damages resulting from torture and other human rights violations that are crimes under international law to be brought in Canadian courts against foreign officials.
- Acceding to the *Arms Trade Treaty* before the treaty marks its second anniversary on 2 April 2015.
- Ensuring speedy passage of Bill C-279, in its current form, by the Senate.

III FAMILIES AND COMMUNITIES

- Creating a comprehensive, coordinated, and well-resourced National Action Plan to address violence against women and girls, in collaboration with Indigenous women and girls. The National Action Plan should include a national public inquiry focused on exposing the nature of violence against Indigenous women and girls, and on ensuring government and police accountability for an effective and coordinated response.
- Eliminating disparities in funding for services such as child protection, education and safe water, and ensuring that all First Nations children and adults have access to adequate, culturally appropriate services on a comparable basis to other communities in Canada.
- Agreeing that cases involving allegations of violations of economic, social and cultural rights are justiciable and can be the subject of legitimate court cases; and

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- Beginning the process of ratifying the *Optional Protocol* to the International Covenant on Economic, Social and Cultural Rights.

IV PROTECTING NATIONAL SECURITY AND DEFENDING CANADA'S BORDERS

- Implementing promptly the model for comprehensive and integrated review of Canadian departments and agencies involved in national security that was proposed by the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.
- Repealing, reversing or withdrawing legal and policy changes with respect to mandatory detention, safe countries of origin, cuts to health care and restrictions on social assistance for refugee claimants and refugees.
- Making a commitment to resettle a minimum of 10,000 Syrian refugees to Canada through government sponsorship before the end of 2016.

V SAVING EVERY WOMAN, EVERY CHILD

- Agreeing to take part in a leaders debate focused on issues identified by women as part of the 2015 federal election campaign.
- Ensuring that all laws, programs and funding related to the human rights of women and girls, domestically and internationally, are grounded in a strong human rights framework which includes protection of the full range of sexual and reproductive rights.

VI PROMOTING FREEDOM, DEMOCRACY AND HUMAN RIGHTS

- Consistently addressing key human rights issue in all bilateral relations with other countries.
- Developing a consistent policy with regards to protecting Canadians detained abroad.
- Convening a meeting of federal, provincial and territorial ministers responsible for human rights to develop and adopt an accountable, transparent and coordinated system for overseeing implementation of Canada's international human rights obligations.
- Working with Indigenous peoples organizations and civil society to develop a national plan of action for implementation of the UN Declaration on Human Rights Defenders in Canada.

TAKING A STAND AGAINST TORTURE

- Ratifying the *Optional Protocol to the Convention against Torture* without any further delay.
- Pursuing law reform, adopting policy positions and launching initiatives that fully conform to the unequivocal international ban on torture.

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- ¹ "PM Addresses the United Nations General Assembly in New York City" (25 September 2014) online: <<http://www.pm.gc.ca/eng/news/2014/09/25/pm-addresses-united-nations-general-assembly-new-york-city>>.
- ² "Jobs, Growth and Prosperity: Canada's Economic Action Plan is working for Canadians" online: <<http://actionplan.gc.ca/en/page/jobs-growth-and-prosperity>>.
- ³ Supporting and protecting families, and safeguarding families and communities were priority themes in the government's most recent Speech from the Throne, delivered on 16 October 2013, online: <<http://www.speech.gc.ca/eng/full-speech>> [Speech from the Throne, 2013].
- ⁴ The word bogus, never defined, is used six times in a speech given by Minister of Citizenship and Immigration Chris Alexander on 22 January 2014: See "Speaking notes for Chris Alexander, Canada's Citizenship and Immigration Minister at the News Conference Regarding Canada's Asylum System" online: <<http://news.gc.ca/web/article-en.do?nid=831769>> [Speaking notes for Chris Alexander].
- ⁵ Minister of Public Safety and Emergency Preparedness Stephen Blaney, "The Government of Canada Introduces Protection of Canada from Terrorists Act" (27 October 2014) online: <<http://news.gc.ca/web/article-en.do?nid=897129>> [Canada Introduces Protection of Canada from Terrorists Act].
- ⁶ Prime Minister Stephen Harper, "Saving Every Woman, Every Child Summit" (28-30 May 2014) online: <http://mnch.international.gc.ca/pm_message-message_pm-en.html> [Saving Every Woman, Every Child Summit].
- ⁷ Foreign Affairs, Trade and Development Canada, "Canada and Zambia Lead United Nations Efforts to End Child, Early and Forced Marriage" (21 November 2014) online: <<http://www.international.gc.ca/media/aff/news-communicues/2014/11/21b.aspx?lang=eng>> [Canada Efforts to End Child, Early and Forced Marriage].
- ⁸ Government of Canada, "Responsible Resource Development Creates Jobs for Canadians" Canada's Economic Action Plan (19 February 2013) online: <<http://actionplan.gc.ca/en/blog/responsible-resource-development-creates-jobs>>.
- ⁹ United Nations Human Rights Committee, *Concluding observations of the Human Rights Committee: Canada*, UN Doc CCPR/C/79/Add.105 (7 April 1999) at para 8.
- ¹⁰ There were extensive changes made to a range of laws related to environmental protection, including environmental assessments, in omnibus legislation, Bills C-38 and C-45, adopted in 2012. See: "Environmental groups, First Nations join in opposition to omnibus Bill C-45" online: <www.ecojustice.ca/media-centre/press-releases/environmental-groups-first-nations-join-in-opposition-to-omnibus-bill-c-45#sthash.IW6jfMcv.dpuf>; Heather Scofield, "Omnibus bill only the latest move in profound changes for environment, natives" *Macleans*, (21 October 2012) online: <www.macleans.ca/general/omnibus-bill-only-the-latest-move-in-profound-changes-for-environment-natives/>.
- ¹¹ Laura Payton and Susana Mas, "Northern Gateway pipeline approved with 209 conditions" *CBC News* (17 June 2014) online: <<http://www.cbc.ca/news/politics/northern-gateway-pipeline-approved-with-209-conditions-1.2678285>>.
- ¹² Taseko Mines Ltd. has sought judicial review of the rejection: *CBC News*, *Taseko seeks new review of New Prosperity mine rejection*, (26 March 2014) online: <<http://www.cbc.ca/news/canada/british-columbia/taseko-seeks-new-review-of-new-prosperity-mine-rejection-1.2587442>>.
- ¹³ *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44.
- ¹⁴ *United Nations Declaration on the Rights of Indigenous Peoples*, UNGAOR, 61st Sess, Supp No 49, UN Doc A/RES/61/295 (2 October 2007).
- ¹⁵ Government of Canada, "Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples" (12 November 2010) online: <<http://www.aadnc-aandc.gc.ca/eng/1309374239861/1309374546142>>.
- ¹⁶ Permanent Mission of Canada to the United Nations, "Canada's Statement on the World Conference on Indigenous Peoples Outcome Document" (22 September 2014) online: <http://www.canadainternational.gc.ca/prmny-mponu/canada_un-canada_onu/statements-declarations/other-autres/2014-09-22_WCIPD-PADD.aspx?lang=eng>.
- ¹⁷ National Roundtable on Corporate Social Responsibility (CSR) and the Canadian Extractive Industry in Developing Countries, *Advisory Group Report* (29 March 2007) online: <http://www.miningwatch.ca/sites/www.miningwatch.ca/files/RT_Advisory_Group_Report_0.pdf>.
- ¹⁸ 3rd Sess, 40th Parl, 2010 (Defeated at Report Stage, 27 October 2010). For more information on the Bill, see Amnesty International, "Brief in support of Bill C-300, *An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries*" (Presented to the House of Commons Standing Committee on Foreign Affairs and International Development, 6 November 2009) online: <http://www.amnesty.ca/sites/default/files/ai_brief_on_bill_c-300_200911061.pdf>.
- ¹⁹ See Mining Watch Canada, "The Government's New 'CSR Counsellor' for the Extractive Sector" (5 January 2010) online: <<http://www.miningwatch.ca/government-s-new-csr-counsellor-extractive-sector>>.

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- ²⁰ Government of Canada, *Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector Abroad* (November 2014) online: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/Enhanced_CS_Strategy_ENG.pdf> [*Doing Business the Canadian Way*].
- ²¹ Essentially asserting that any lawsuit should be heard in the country where the mine exists rather than in Canada.
- ²² Arguing that Canadian companies are not responsible for the conduct of foreign subsidiaries, even when the subsidiary is wholly owned by the Canadian company.
- ²³ *Choc v HudBay Minerals Inc*, with respect to operations in Guatemala (most recently, the Ontario Superior Court of Justice concluded that Hudbay owed a duty of care to the Guatemalans affected by its operations, allowing the case to continue on its merits: 2013 ONSC 1414); *Adolfo Agustin Garcia et al v Tahoe Resources Inc* (Supreme Court of British Columbia File No S-144726), with respect to operations in Guatemala; and *Gize Yebeyo Araya et al v Nevsun Resources* (Supreme Court of British Columbia File No S-148932), with respect to operations in Eritrea.
- ²⁴ United Nations Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Canada*, 42nd Sess, UN Doc CERD/C/CAN/CO/18 (25 May 2007) at para 17 [*CERD Concluding Observations, 2007*]. See also United Nations Committee on the Elimination of Racial Discrimination *Concluding observations of the Committee on the Elimination of Racial Discrimination*, 80th Sess, UN Doc. CERD/C/CAN/CO/19-20 (9 March 2012), at para. 14 [*CERD Concluding Observations, 2012*].
- ²⁵ Globe and Mail, "Ottawa vows to protect 'Canada brand' with social responsibility policy" (14 November 2014) online: <<http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/ottawa-vows-to-protect-canada-brand-with-social-responsibility-policy/article21579511/>>.
- ²⁶ *Doing Business the Canadian Way*, *supra* note 20 at 12-13.
- ²⁷ Department of Foreign Affairs, Trade and Development, "Canada's Free Trade Agreements" online: <<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fta-ale.aspx?lang=eng>>.
- ²⁸ Department of Foreign Affairs, Trade and Development, "Global Markets Action Plan: The Blueprint for Creating Jobs and Opportunities for Canadians Through Trade" (27 November 2013) online: <<http://international.gc.ca/global-markets-marches-mondiaux/plan.aspx?lang=eng>> [Global Markets Action Plan].
- ²⁹ *Annual Report Pursuant to the Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia* (15 May 2012) online: <http://www.canadainternational.gc.ca/colombia-colombie/bilateral_relations_bilaterales/rep-hrft-co_2012-dple-rapp.aspx?lang=eng>.
- ³⁰ *Annual Report Pursuant to the Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia: For the period August 15, 2011 to December 31, 2012* online: <http://www.canadainternational.gc.ca/colombia-colombie/bilateral_relations_bilaterales/rep-hrft-co_2013-dple-rapp.aspx?lang=eng>.
- ³¹ *Annual Report Pursuant to the Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia: For the period January 1, 2013 to December 31, 2013* online: <http://www.canadainternational.gc.ca/colombia-colombie/bilateral_relations_bilaterales/AnnualReport_RapportAnnuel-2013.aspx?lang=eng>.
- ³² Amnesty International, "Misleading free trade report ignores emergency facing Indigenous peoples and other grave human rights concerns in Colombia" (20 May 2014) online: <<http://www.amnesty.ca/news/news-releases/misleading-free-trade-report-ignores-emergency-facing-indigenous-peoples-and>>.
- ³³ Minister of Foreign Affairs John Baird, "Baird declares solidarity with prisoners in Iran" (1 September 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/09/01a.aspx?lang=eng>>.
- ³⁴ Minister of Foreign Affairs John Baird, "Baird on sad anniversary of the torture of Daraa's children" (5 March 2013) online: <<http://www.international.gc.ca/media/aff/news-communiques/2013/03/05a.aspx?lang=eng>>.
- ³⁵ Minister of Foreign Affairs John Baird, "Minister Baird welcomes UN resolution on Sri Lanka" (21 March 2013) online: <<http://www.international.gc.ca/media/aff/news-communiques/2013/03/21a.aspx?lang=eng>>.
- ³⁶ Minister of Foreign Affairs John Baird, "Canada outraged by torture of Ukrainian activist" (1 February 2014) <<http://www.international.gc.ca/media/aff/news-communiques/2014/02/01a.aspx?lang=eng>>.
- ³⁷ United Nations Human Rights Council, *Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment*, 66th Sess, UN Doc A/66/268 (5 August 2011) at paras 20-22, 30, 32, 58, 70, 74, 80-81.
- ³⁸ Corrections Canada uses the term 'administrative segregation' instead of solitary confinement: See Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013-2014* (2014) online: <http://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20132014-eng.pdf>.
- ³⁹ United Nations Committee against Torture, *Concluding Observations of the Committee against Torture: Canada*, 48th Sess, UN Doc CAT/C/CAN/CO/6 (25 June 2012) at para 19 [*Committee against Torture Concluding Observations 2012*].

⁴⁰ *Canada (Prime Minister) v Khadr*, 2010 SCC 3 [Khadr]; *Abousfian Abdelrazik v The Minister of Foreign Affairs and the Attorney General of Canada*, 2009 FC 580 [Abdelrazik]; Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, *Report of the Events Relating to Maher Arar* (Ottawa: Public Works and Government Services Canada, 2006); *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin* (Ottawa: Public Works and Government Services Canada, 2008) [Iacobucci Inquiry].

⁴¹ See, e.g. Minister of Public Safety Vic Toews, "Ministerial Direction to the Canadian Security Intelligence Service: Information Sharing With Foreign Entities" (28 July 2011) online: <<http://cips.uottawa.ca/wp-content/uploads/2012/04/PS-ATIP-A-2011-00297-March-2012-InformationSharing.pdf>>.

⁴² *Committee against Torture Concluding Observations 2012*, *supra* note 39 at para 17.

⁴³ *Suresh v Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1.

⁴⁴ Steven Chase and Graeme Smith, "Harper government stonewalled detainee probe, watchdog concludes" *The Globe and Mail* (27 June 2012) online: <<http://www.theglobeandmail.com/news/politics/harper-government-stonewalled-detainee-probe-watchdog-concludes/article4374184/>>.

⁴⁵ United Nations Human Rights Council, *Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 24th Sess, UN Doc A/HRC/24/11/Add.1 (17 September 2013) at para 5 [*Canada's Response to 2013 UPR Recommendations*].

⁴⁶ E.g. the United Kingdom, France, Germany, and New Zealand are among the 76 States Parties to the *Optional Protocol*: See current ratification status online at: <

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en>.

⁴⁷ Speech from the Throne, 2013, *supra* note 3 at 12.

⁴⁸ *Khadr*, *supra* note 40. Notably, the UN Committee against Torture has called on Canada to ensure that Omar Khadr "receives appropriate redress for human rights violations that the Canadian Supreme Court has ruled he experienced.": *Committee against Torture Concluding Observations 2012*, *supra* note 39 at para 16.

⁴⁹ *Iacobucci Inquiry*, *supra* note 40. The UN Committee against Torture has called on Canada "to take immediate steps to ensure that Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin receive redress, including adequate compensation and rehabilitation.": *Committee against Torture Concluding Observations 2012*, *supra* note 39 at para 16.

⁵⁰ *Abdelrazik*, *supra* note 40.

⁵¹ *Benatta v Canada (Attorney General)*, (2009) 184 ACWS (3d) 362 (Available on CanLii).

⁵² *Kazemi Estate v Islamic Republic of Iran*, 2014 SCC 62.

⁵³ *Committee against Torture Concluding Observations 2012*, *supra* note 39 at para 15.

⁵⁴ See text of Treaty online, United Nations Office for Disarmament Affairs: <<https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>>.

⁵⁵ Canadian Press, "Arms Trade Treaty: Canada's John Baird Warned About Signing Landmark UN Arms Deal" (23 January 2014) online: <http://www.huffingtonpost.ca/2013/10/02/arms-trade-treaty-canada_n_4027987.html>.

⁵⁶ United Nations Human Rights Council, *Resolution adopted by the Human Rights Council: 17/19 Human rights, sexual orientation and gender identity*, 70th Sess, UN Doc A/HRC/RES/17/19 (14 July 2011); United Nations Human Rights Council, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 19th Sess, UN Doc A/HRC/19/41 (17 November 2011) at para 1 [A/HRC/19/41].

See also Jaime M Grant, Lisa A Mottet, Justin Tanis, Jack Harrison, Jody L Herman, and Mara Keisling, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011) at 3-6; and Catherine Taylor and Tracey Peter, *Every Class in Every School: Final Report on the First National Climate Survey on Homophobia, Biphobia, and Transphobia in Canadian Schools* (Toronto: Egale Human Rights Trust, 2011) at 15-17 online: <<http://egale.ca/wp-content/uploads/2011/05/EgaleFinalReport-web.pdf>> .

⁵⁷ Transgender youth in Ontario face a risk of suicide and substance abuse approximately 14 times that of their heterosexual peers. Canadian Mental Health Association Ontario, "Lesbian, Gay, Bisexual & Trans People and Mental Health" online: <<http://ontario.cmha.ca/mental-health/lesbian-gay-bisexual-trans-people-and-mental-health/>>.

⁵⁸ 2nd Sess, 41st Parl, 2013 (Second Reading in the Senate) status of Bill online: <<http://www.parl.gc.ca/LEGISInfo/BillDetails.aspx?Language=E&Mode=1&billId=6251806>>.

⁵⁹ Standing Senate Committee on Legal and Constitutional Affairs, Issue 18, Evidence (9 October 2014) (Superintendent Don Sweet, Criminal Investigations Directorate, Ottawa Police Service) online: <<http://www.parl.gc.ca/content/sen/committee/412/LCJC/18EV-51642-E.HTM>>.

⁶⁰ Speech from the Throne, 2013, *supra* note 3.

⁶¹ Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: A National Operational Overview* (2014) online: <<http://www.rcmp-grc.gc.ca/pubs/mmaw-faapd-eng.pdf>>.

⁶² *Ibid* at 12.

⁶³ See the Families of Sisters in Spirit Facebook page:

<<https://www.facebook.com/groups/196720787024755/>>. Families of missing and murdered aboriginal

women came together all across the country on 4 October 2014 to publicly call for a public inquiry into the deaths and disappearances of their loved ones at the annual Sisters in Spirit Vigil: See Native Women's Association of Canada, "October 4th SIS Vigils" online: < <http://www.nwac.ca/october-4th-sis-vigils>>. As another example, in the summer of 2014, Holly Jarrett, a cousin of Loretta Saunders, who went missing and was found murdered in February 2014, spearheaded the "Am I next?" campaign, in which Indigenous women post pictures of themselves holding signs saying "Am I next?" to pressure the Canadian government to take action. See "Am I next? Campaign" *CBC News*, online: < <http://www.cbc.ca/news/aboriginal/am-i-next-campaign-1.2757343>>.

⁶⁴ Bill Curry, "Premiers to press Ottawa on inquiry into missing, murdered aboriginal women" *The Globe and Mail* (25 August 2014) online: < <http://www.theglobeandmail.com/news/politics/premiers-set-to-press-ottawa-on-aboriginal-women-inquiry/article20187173/>>.

⁶⁵ "Tina Fontaine death renews calls for inquiry into missing women: Canadian Human Rights Commission says full public inquiry needed into root causes" *CBC News* (19 August 2014) online: <http://www.cbc.ca/news/canada/manitoba/tina-fontaine-death-renews-calls-for-inquiry-into-missing-women-1.2740749>>.

⁶⁶ Native Women's Association of Canada, "The Obvious Need for a National Public Inquiry!" (19 August 2014) online: < <http://www.nwac.ca/press-release-immediate-release-2014-08-19-en>>.

⁶⁷ Assembly of First Nations, "Assembly of First Nations National Chief Supports Calls for Public Inquiry on Missing and Murdered Indigenous Women – Ending Violence Against Women National Priority" (26 June 2012) online: < <http://www.afn.ca/index.php/en/news-media/latest-news/Assembly-of-First-Nations-National-Chief-Supports-Calls-for-Public-Inq>>.

⁶⁸ United Nations Human Rights Council, *Report of the Working Group of the Universal Periodic Review: Canada*, 24th Sess, UN Doc A/HRC/24/11 (28 June 2013).

⁶⁹ United Nations Commission on Human Rights, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, Addendum: Mission to Canada*, 61st Sess, UN Doc E/CN.4/2005/88/Add.3 (2 December 2004); United Nations Commission on Human Rights, *Report by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Addendum: Mission to Canada*, 60th Sess, UN Doc E/CN.4/2004/18/Add.2 (1 March 2004); United Nations Human Rights Council, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, Addendum: The Situation of indigenous peoples in Canada*, 27th Sess, UN Doc A/HRC/27/52/Add.2 (4 July 2014).

⁷⁰ United Nations Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee – Canada*, 85th Sess, UN Doc CCPR/C/CAN/CO/5, (20 April 2006); *Committee against Torture Concluding Observations 2012*, *supra* note 39; United Nations Committee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women: Canada*, 42nd Sess, UN Doc CEDAW/C/CAN/CO/7 (7 November 2008); *CERD Concluding Observations, 2007*, *supra* note 24); *CERD Concluding Observations, 2012*, *supra* note 24 at para 17; United Nations Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Canada*, 61st Sess, UN Doc CRC/C/CAN/CO/3-4 (5 October 2012) at para. 47.

⁷¹ "Federal opposition calls for a public inquiry on missing Aboriginal women" *Global News* online: < <http://globalnews.ca/video/1676667/federal-opposition-calls-for-a-public-inquiry-on-missing-aboriginal-women/>>.

⁷² For instance, in 2014 Amnesty International marked the tenth anniversary of the release of the report, *Stolen Sisters: A human rights response to violence and discrimination against women and girls in Canada*, with a renewed call for a national action plan and public inquiry: Amnesty International, "Canada: No More Stolen Sisters" online: <<http://www.amnesty.ca/get-involved/take-action-now/canada-no-more-stolen-sisters-0>>.

⁷³ See, e.g. "Tina Fontaine's death underscores need for inquiry into murdered and missing aboriginal women: Editorial" *The Star* (20 August 2014) online: < http://www.thestar.com/opinion/editorials/2014/08/20/tina_fontaines_death_underscores_need_for_inquiry_into_murdered_and_missing_aboriginal_women_editorial.html>; "Editorial: Making Canada safer for aboriginal women" *The Montreal Gazette* (24 August 2014) online: < <http://www.montrealgazette.com/news/Editorial+Making+Canada+safer+aboriginal+women/10147973/story.html>>.

⁷⁴ "Harper rebuffs renewed calls for murdered, missing women inquiry" *CBC News* (22 August 2014) online: <<http://www.cbc.ca/news/canada/manitoba/harper-rebuffs-renewed-calls-for-murdered-missing-women-inquiry-1.2742845>>.

⁷⁵ *Canada (Human Rights Commission) v Canada (Attorney General)*, 2012 FC 445.

⁷⁶ *Canada (Attorney General) v Canadian Human Rights Commission*, 2013 FCA 75.

⁷⁷ *Canada's Response to 2013 UPR Recommendations*, *supra* note 45 at para 6.

⁷⁸ *Tanudjaja v Canada (Attorney General)*, 2014 ONCA 852.

⁷⁹ The word bogus, never defined, is used six times in a speech given by Minister of Citizenship and Immigration Chris Alexander on 22 January 2014: Speaking notes for Chris Alexander, *supra* note 4.

⁸⁰ Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, *A New Review Mechanism for the RCMP's National Security Activities* (Ottawa, Public Works and Government Services Canada, 2006) at 17 and 20.

⁸¹ *Ibid* at 479.

⁸² Canada Introduces Protection of Canada from Terrorists Act, *supra* note 5.

⁸³ Mexico is anything but safe when it comes to human rights protection. In fact, Amnesty International reports demonstrate alarmingly high rates of torture and enforced disappearance in recent years: See Amnesty International, *Out of Control: Torture and Other Ill-Treatment in Mexico* (Index: AMR 41/020/2014), September 2014 online: <

<http://www.amnesty.org/en/library/asset/AMR41/020/2014/en/468aee5a-ecc3-470f-9387-a8a10b5670cc/amr410202014en.pdf>>; Amnesty International, *Known Abusers, But Victims Ignored: Torture and Ill-Treatment in Mexico* (Index: AMR 41/063/2012), October 2012, online: < <http://www.amnesty.org/en/library/asset/AMR41/063/2012/en/74354a01-4946-4301-b922-8d048782bfe/amr410632012en.pdf>>.

⁸⁴ *Canadian Doctors for Refugee Care v Canada (Attorney General)*, 2014 FC 651.

⁸⁵ Bill C-585, *An Act to Amend the Federal-Provincial Fiscal Arrangements Act (Period of Residence)*, 2nd Sess, 41st Parl, 2014.

⁸⁶ Bill C-43, *A Second Act to Implement Certain Provisions of the Budget Tabled in Parliament on February 11, 2014 and other Measures*, 2nd Sess, 41st Parl, 2014.

⁸⁷ Lee Berthiaume, "Minister knew Canada wouldn't meet Syrian refugee commitment" *Ottawa Citizen* (16 November 2014) online: < <http://ottawacitizen.com/news/politics/minister-knew-canada-wouldnt-meet-syrian-refugee-commitment>>.

⁸⁸ Speech from the Throne, 2013, *supra* note 3.

⁸⁹ Saving Every Woman, Every Child Summit, *supra* note 6.

⁹⁰ Susana Mas, "Stephen Harper tells UN maternal and child health close to his heart" *CBC News* (25 September 2014) online: < <http://www.cbc.ca/news/politics/stephen-harper-tells-un-maternal-and-child-health-close-to-his-heart-1.2777818>>.

⁹¹ Canada Efforts to End Child, Early and Forced Marriage, *supra* note 7.

⁹² See pages 14-15.

⁹³ A recent report analyzing Canada's progress with respect to women's rights over the past two decades notes that "[t]wenty years ago Canada ranked first among nations in international measures of gender equality but by 2013 had fallen to twentieth place in the *Global Gender Gap* rankings, and twenty-third place in the UN *Gender Inequality Index*." Canadian Centre for Policy Alternatives, *Progress on Women's Rights: Missing in Action; A Shadow Report on Canada's Implementation of the Beijing Declaration and Platform of Action* (October 2014) at 6 online: < https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2014/11/Progress_Women_Beijing20.pdf> [*Missing in Action*].

⁹⁴ A Canada wide coalition, Voices-Voix, has documented numerous organizations working in the area of women's human rights that have been impacted by funding cuts and other government measures that impair or constrain their work: online: <<http://voices-voix.ca/en/women>>. See also *Missing in Action*, *supra*, note 93 at 5-6.

⁹⁵ Kevin Donovan, "Jian Ghomeshi did not ask for consent, accusers say" *The Star* (28 November 2014) online: < http://www.thestar.com/news/gta/2014/11/28/jian_ghomeshi_did_not_ask_for_consent_accusers_say.html>.

⁹⁶ "Former Parliament Hill staffer alleges 2 MPs sexually harassed him" *CBC News* (5 November 2014) online: < <http://www.cbc.ca/news/politics/former-parliament-hill-staffer-alleges-2-mps-sexually-harassed-him-1.2825380>>.

⁹⁷ Voices-Voix, "Status of Women Canada" (27 September 2012) online: <<http://voices-voix.ca/en/facts/profile/status-women-canada>>.

⁹⁸ *Missing in Action*, *supra* note 93 at 76-83.

⁹⁹ "Up for Debate" online: <www.upfordebate.ca>.

¹⁰⁰ "Kim Mackrael, "Canada keeps its funding promises for world maternal and child health" *The Globe and Mail* (24 May 2014) online: <<http://www.theglobeandmail.com/news/politics/canada-keeps-its-funding-promises-for-world-maternal-and-child-health/article18834698/>>.

¹⁰¹ Action Canada for Population and Development, "Analysis of Canada's Refusal to Fund Abortion Services Abroad" (November 2013) online: <http://www.acpd.ca/wp-content/uploads/2013/10/Policy-Brief_Canadas-refusal-to-fund-abortion-services-abroad_FINAL.pdf>. *Missing in Action*, *supra*, note 93 at 52.

¹⁰² Amnesty International, *Struggle for Maternal Health: Barriers to antenatal care in South Africa* (Index: AFR 53/006/2014), October 2014, online: <<http://www.amnesty.org/en/library/asset/AFR53/006/2014/en/37182be0-efcd-4740-82b9-759a8ff8e3cd/af530062014en.pdf>>.

¹⁰³ Amnesty International, *Algeria: Comprehensive reforms needed to end sexual and gender-based violence against women and girls* (Index: MDE 28/010/2014), November 2014 online:

<<http://www.amnesty.org/en/library/asset/MDE28/010/2014/en/fedc7314-a3a6-4e31-92f3-1b3aef2faf44/mde280102014en.pdf>>.

¹⁰⁴ Amnesty International, "UN Human Rights Council adopts resolution on sexual violence" (14 June 2013) online: <<http://www.amnesty.ca/news/public-statements/un-human-rights-council-adopts-resolution-on-sexual-violence>>.

¹⁰⁵ "Address by Minister Baird at Fourth Annual John Diefenbaker Defender of Human Rights and Freedom Awards Ceremony" (18 November 2014) online: <<http://www.international.gc.ca/media/aff/speeches-discours/2014/11/18c.aspx?lang=eng>> [Address by Minister Baird, 2014].

¹⁰⁶ See for instance, "Baird Condemns Deadly Attack at Mosque in Nigeria" (29 November 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/11/29a.aspx?lang=eng>>; "Baird Denounces Attacks on Mosque and Synagogue" (13 November 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/11/13a.aspx?lang=eng>>; "Canada Denounces Beating and Burning to Death of Christian Couple in Pakistan" (5 November 2014) online: <<http://www.international.gc.ca/media/orf-blr/news-communiques/2014/11/05a.aspx?lang=eng>>.

¹⁰⁷ "Baird Statement on First Anniversary of Maidan Protests in Ukraine" (21 November 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/11/21a.aspx?lang=eng>>.

¹⁰⁸ "Baird Condemns Brazen Attacks in Israel" (10 November 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/11/10c.aspx?lang=eng>>.

¹⁰⁹ "Statement on Situation of Human Rights in North Korea" (17 February 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/02/17a.aspx?lang=eng>>.

¹¹⁰ "Baird Condemns Use of Chemical Weapons in Syria" (11 September 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/09/11a.aspx?lang=eng>>.

¹¹¹ "Canada Concerned About Restrictions on Civil Society and Non-governmental Organizations in Sri Lanka" (17 July 2014) online: <<http://www.international.gc.ca/media/aff/news-communiques/2014/07/17a.aspx?lang=eng>>.

¹¹² Canada has again led the resolution at the UN General Assembly highlighting concerns about and calling for action to address Iran's human rights record. The resolution has been adopted by the General Assembly's Third Committee and will come before the General Assembly sitting in plenary, in mid-December 2014. The resolution only received 78 votes in favour. 35 states opposed the resolution and 69 abstained: United Nations General Assembly, "Intensely Debating Targeted Country Reviews, Third Committee Approves Draft Texts on Iran, Syria, Democratic People's Republic of Korea" (18 November 2014) online: <<http://www.un.org/press/en/2014/gashc4122.doc.htm>>.

¹¹³ Address by Minister Baird, 2014, *supra* note 105.

¹¹⁴ For instance, a government announcement of humanitarian aid to Gaza following the massive Israeli military assault in the territory during July and August, 2014 did not refer in any way to Israeli responsibility for human rights violations or breaches of international humanitarian law: "Canada Providing Humanitarian Assistance to Palestinians" (21 August 2014) online: <<http://www.international.gc.ca/media/dev/news-communiques/2014/08/21d.aspx?lang=eng>>.

¹¹⁵ There were virtually no references to human rights concerns in any of the numerous press releases and announcements issues during Prime Minister Harper's official visit to China in November 2014.

¹¹⁶ For instance, see concerns about the failure to take account of the grave human rights crisis faced by Indigenous peoples in Colombia as part of the mandated human rights reviews of the Canada-Colombia Free Trade Agreement, at page 9.

¹¹⁷ There have been numerous government press releases with respect to Mexican trade matters during the course of 2014. There has been no statement about the most high-profile and deeply worrying human rights crisis that Mexico has faced in years, the disappearance of 43 students in the state of Guerrero in September 2014.

¹¹⁸ Many commentators, for instance, drew attention to the dramatic difference in Canada's response to this year's crisis in the Ukraine and the response to concerns about the massive human rights and humanitarian crisis in the Central African Republic. See, e.g. Lee Berthiaume, "Canada's response in Ukraine and Africa is a lesson in foreign policy priorities" *Postmedia News* (23 April 2014) online: <<http://o.canada.com/news/canadas-response-in-ukraine-and-africa-is-a-lesson-in-foreign-policy-priorities>>.

¹¹⁹ Global Markets Action Plan, *supra* note 28.

¹²⁰ See "Huseyin Celil, Serving Life Sentence in China, 'Forgotten' By Canada, Says His Wife" *Huffington Post* (5 July 2012) online: <http://www.huffingtonpost.ca/2012/07/05/huseyin-celil-china-life-sentence-ughur-minority_n_1650283.html>.

¹²¹ See "Bashir Makhtal's cousin asks Ottawa to push for release from Ethiopia jail" *CBC News* (2 September 2014) online: <<http://www.cbc.ca/news/canada/nova-scotia/bashir-makhtal-s-cousin-asks-ottawa-to-push-for-release-from-ethiopia-jail-1.2753486>>.

¹²² See Mohamed Fahmy, "I've been imprisoned as a pawn in a larger cold war" *The Globe and Mail* (3 December 2014) online: <<http://www.theglobeandmail.com/globe-debate/mohamed-fahmy-ive-been-imprisoned-as-a-pawn-in-a-larger-cold-war/article21920687/>>.

¹²³ See Olivia Ward, "Tweet storm brewing to free Saeed Malekpour in Iran" *The Star* (4 June 2014) online: <http://www.thestar.com/news/world/2014/06/04/tweet_storm_brewing_to_free_saeed_malekpour_in_iran.html>.

¹²⁴ See Bill Graveland, "Montana could save Canadian on death row" *The Star* (22 February 2009) online: <http://www.thestar.com/news/canada/2009/02/22/montana_could_save_canadian_on_death_row.html>.

¹²⁵ See Omar Khadr, "Misguided security laws take a human toll" *Ottawa Citizen* (28 October 2014) online: <<http://ottawacitizen.com/news/national/khadr-misguided-security-laws-take-a-human-toll>>.

¹²⁶ *Canada's Response to 2013 UPR Recommendations*, *supra* note 45.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ Including the Special rapporteur on the rights of indigenous peoples, the Special rapporteur on the right to food, the Committee against Torture, the High Commissioner for Human Rights, and the Committee on the Rights of the Child. Described in more detail in Amnesty International, *Time for Consistent Action: An update to Amnesty International's Human Rights Agenda for Canada*, (December 2013) at 14-15, online: <<http://www.amnesty.ca/sites/default/files/canadahreport18december13.pdf>>.

¹³⁰ Voices-Voix, *Submission to the Universal Periodic Review of Canada*, (7 October 2012) online: <<http://voices-voix.ca/en/document/voices-voix-submission-un-universal-periodic-review>>.

¹³¹ Broadbent Institute, *Stephen Harper's CRA: Selective audits, "political" activity and right-leaning charities*, (October 2014) online:

<https://www.broadbentinstitute.ca/sites/default/files/documents/harpers-cra-final_0.pdf>.

¹³² "It seems in Canada there is a push to brand CSOs that engage in advocacy and human rights work as pursuing a radical, disruptive agenda with the consequence being defunding, loss of legal status and public denigration. Language itself is being redefined: activism is now used by politicians as a pejorative term." CIVICUS World Alliance for Citizen Participation, *State of Civil Society 2013: Creating an enabling environment*, (Johannesburg: Civicus, 2013) at 26, online: <http://socs.civics.org/wp-content/uploads/2013/04/2013StateofCivilSocietyReport_full.pdf>.

¹³³ <http://voices-voix.ca/en/news/voices-voix-releases-case-study-100-canadian-charities-and-canada-revenue-agency>

¹³⁴ "Consider developing, in consultation with civil society, and publishing a plan of action for the implementation of the Declaration." Office of the United Nations High Commissioner for Human Rights, *Fact Sheet No. 29: Human Rights Defenders: Protecting the Right to Defend Human Rights*, (New York: United Nations, 2004) at 30 online: <<http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>>.

¹³⁵ "Please also comment on: (1) reports indicating that freedom of expression is being restricted by punitive measures against civil society organizations and human rights defenders that promote women's equality, the rights of Palestinians, and environmental protection and corporate social responsibility." Human Rights Committee, *List of issues in relation to the sixth periodic report of Canada*, UN Doc CCPR/C/CAN/Q/6 (21 November 2014) at para 18.



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