

Federal Election 2008:
*Strengthening Our Commitment:
A Human Rights Agenda for Canada*

Amnesty International's
Human Rights Agenda for Canada
September 2008



Amnesty International (Canada)
www.amnesty.ca
1-800-AMNESTY

Amnistie Internationale
(Canada francophone)
www.amnistie.ca
1-800-565-9766

HUMAN RIGHTS AGENDA

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...

- opening words of Universal Declaration of Human Rights

As Canadians prepare to vote on October 14, 2008, many important international and national human rights issues are prominent on the public agenda. Some have been the subject of considerable political debate. Some are longstanding, others more recent. At the heart of the debate are a number of fundamental questions.

- Has there been an erosion in Canada's traditional human rights leadership on the world stage?
- Has Canada's commitment to multilateral bodies like the UN begun to slide?
- How can we better ensure a consistent approach to protecting and promoting human rights?

This report, *Strengthening Our Commitment: A Human Rights Agenda for Canada*, highlights shortcomings and makes recommendations with respect to ten concerns:

- Human rights and national security
- Human rights in Canadian foreign policy
- Canada on the world stage
- The rights of Indigenous peoples
- Women's human rights
- Refugee protection
- The death penalty
- The use of tasers
- Business and human rights
- Addressing poverty

Amnesty International calls on all parties contesting the election to clearly commit to adopting the laws and policies that will address these and other serious human rights concerns.

The election comes only two months before the world marks, on December 10th, a remarkable human rights milestone: the 60th anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights. This anniversary provides an opportunity to take stock of both the great progress made and the terrible failures in protecting human rights over the past six decades. It is also a critical time to look ahead.

Canadians have long taken pride in the fact that a Canadian, John Humphrey, played a central role in drafting what has become the world's most important human rights document. The upcoming 60th anniversary offers an opportunity for Canadians – as a nation and as members of the world community – to renew and strengthen that sense of pride and our commitment to universal human rights protection. In this election, Canada's political leaders have an opportunity to demonstrate their willingness and determination to strengthen that commitment. It is an opportunity that we cannot afford to waste.

1. Upholding Human Rights in the ‘War on Terror’

Terrorist acts clearly are grave human rights abuses. Governments are obliged to protect their populations from terrorist violence by trying to prevent attacks and by bringing those responsible for planning or carrying out such attacks to justice. However, such actions must conform to international human rights standards. Counter-terrorism laws and practices that fuel discrimination, encourage torture or allow unlawful detention and unfair trials ultimately cause both injustice and insecurity. Since the September 11th terrorist attacks in the United States, Amnesty International has repeatedly pointed out instances where the US, Canadian and other governments have committed human rights abuses in the name of combating terrorism.

Canada’s national security laws and practices fall short of international human rights requirements in many ways. Canadian law allows individuals who are believed to be security threats to be deported to countries where they are at risk of torture. The immigration security certificate system allows non-citizens to be detained and deported under legal proceedings that do not meet fair trial requirements. Canada’s Anti-Terrorism Act defines terrorist activities in a manner that encourages racial, religious and political profiling.

As the coming election nears, three issues are in urgent need of political leadership and action – Guantánamo Bay, extraordinary rendition and prisoner transfers in Afghanistan.

a) Guantánamo Bay and the Case of Omar Khadr

A Canadian citizen, Omar Khadr, was seized by US forces after a firefight in Afghanistan in the summer of 2002, when he was only 15 years of age. He was transferred to Guantánamo Bay in October 2002. Six years later, he remains there. He has been subjected to and remains at risk of the many serious human rights violations that have been documented at Guantánamo Bay. These include unfair trials before military commissions, torture and ill-treatment. As well, his rights as a juvenile prisoner or a child soldier have not been upheld. There has been no investigation of these human rights violations. His trial before a military commission was scheduled to begin on October 8, 2008, but has been recently postponed.

Governments around the world have intervened forcefully on behalf of their nationals detained at Guantánamo Bay. US officials have often responded favourably to those interventions and returned those nationals to their home countries. Omar Khadr is now the only western national still held at Guantánamo Bay. As well, he appears to be the only foreign national who has been completely abandoned by his government. The Canadian government maintains that it is premature to intervene. They insist that justice – in the form of a blatantly unfair military commission trial – must be left to run its course at Guantánamo Bay.

HUMAN RIGHTS AGENDA

Opposition parties, a wide range of influential Canadians, human rights and child welfare organizations, legal academics and leading media editorials all agree that action is not premature but in fact, long overdue. If he is returned to Canada, Omar Khadr could face a fair and open trial, if evidence supports the charges. He would also receive help to reintegrate into Canadian society.

The federal government should demand Omar Khadr's repatriation to face justice in Canada. They should also call on the US government to close the detention centre at Guantánamo Bay.

b) Extraordinary Rendition: the Canadian Connection

Extraordinary rendition is the practice of secretly and unlawfully transferring prisoners, usually terrorist suspects, to countries where there is often a very high risk they will be tortured under interrogation. Even after two federal inquiries, there are still concerns that Canadian officials likely supported a Canadian version of this notorious practice in the years immediately following the September 11th attacks. Ahmad Abou Elmaati, Abdullah Almalki, Maher Arar and Muayyed Nureddin are four Canadian citizens who were jailed and tortured in the same detention centre in Syria at various points between November 2001 and January 2004. They were considered persons of interest in Canadian national security investigations. In all four cases, Canadian officials played a role in what happened to them.

Mr. Arar's case was the subject of a two-year public inquiry headed by Ontario Court of Appeal Justice Dennis O'Connor. Justice O'Connor catalogued a long list of wrongdoing and shortcomings by Canadian officials. The other three cases are currently being examined in a separate inquiry, headed by former Supreme Court of Canada Justice Frank Iacobucci. That inquiry has taken place almost entirely behind closed doors and is set to submit its report on October 20, less than a week after the current election.

Their cases are not alone. More recently, the case of Abousfian Abdelrazik has come to light. He is a Canadian citizen who was imprisoned in Sudan on two different occasions for a total of 19 months between 2003 and 2006. Again, it seems clear that Canadian officials have played a role in the events leading to his detention. He is now stranded in Sudan. He has taken refuge at the Canadian Embassy because he fears for his safety, but Canadian officials have refused to help him return to Canada. Mr. Abdelrazik has never been charged with a criminal offence. His name appears on a UN no-fly list.

Benamar Benatta, an Algerian refugee claimant in Canada, was handed over to US officials on September 12, 2001. He was detained in the United States for five years, even though he was cleared of suspicions involving terrorism by the FBI. He was finally released after a US court ruling, which sharply criticized how the case was handled. He has returned to Canada but cannot get answers as to why Canadian officials turned him over to US authorities in the first place.

HUMAN RIGHTS AGENDA

With no other choice, both Mr. Abdelrazik and Mr. Benatta have turned to the courts in an effort to get answers and protect their rights. But it is unrealistic and unfair for individuals in such circumstances to launch lengthy, expensive court cases in order to enforce their rights. It is equally unrealistic to hold a series of public inquiries.

In the second of two reports issued by the Arar Inquiry, in December 2006, Justice O'Connor proposed a comprehensive new model to ensure proper review and oversight of the national security activities of law enforcement and other agencies in Canada. If such review processes had been in place, all of these men would have had somewhere to turn for answers. Almost two years later, no progress has been made to institute Justice O'Connor's proposal.

The federal government should implement promptly all recommendations from the Arar Inquiry. This includes the proposed model for ensuring proper review and oversight of the national security activities of law enforcement and other agencies in Canada.

c) Afghanistan: No Complicity in Torture

In the fierce debate about human rights and national security that has followed the September 11th terrorist attacks, there has been a particular focus on the right to be protected from torture. International human rights treaties universally recognize the protection against torture as absolute. Such violations can never be justified. In recent years however, governments have used national security arguments to get around and ignore the absolute ban on torture.

The ban does not apply just to the torturer. It includes those who are complicit in torture as well. This is why there is concern about the way Canadian forces handle prisoners in Afghanistan. Prisoners are turned over to Afghan forces, despite the clear record of widespread torture in Afghan detention facilities. Promises from the Afghan government that they will not torture prisoners and assurances that Canadian officials will be able to monitor them do not adequately address that grave risk.

Amnesty International has urged Canada to work with the Afghan government and NATO allies to come up with a different way to handle battlefield detainees. We joined the BC Civil Liberties Association in asking for a court order halting transfers. The Federal Court dismissed that application, agreeing with the government's position that the Canadian Charter of Rights does not apply to the actions of Canadian soldiers outside Canada. That is being appealed to the Federal Court of Appeal.

The government's position and the Federal Court decision substantially restrict the ability effectively to enforce Canada's international human rights obligations. Soldiers, police or any other official should not have be held to one standard when it comes to complicity in torture inside Canada and no standard on complicity outside Canada. Meanwhile, transferred prisoners in Afghanistan continue to face a serious risk of torture.

HUMAN RIGHTS AGENDA

The federal government should work with the Afghan government and NATO allies to develop a way to handle battlefield detainees that meets international human rights standards. The federal government should also recognize that the Canadian Charter of Rights does apply to the actions of Canadian officials, including the military, operating outside Canada.

2. Dealing with Other Countries: Time to Put Human Rights First

Documents like the UN Charter and the Universal Declaration of Human Rights recognize the central importance of human rights in the world order. The Declaration highlights that human rights are the foundation for “freedom, justice and peace.” But in practice, governments, including Canada, consistently sell human rights short in their dealings with other countries.

Trade and investment, national security, military interests and avoiding embarrassment for allies, are all regularly given priority over human rights. The degree to which human rights issues affect Canada’s dealings with other nations differs dramatically from country to country. Canada is not alone in this inconsistency. Human rights must be a priority no matter what Canada’s relationship with a particular country is. Three examples illustrate what is at stake: relations with China, free trade with Colombia and Canadians detained abroad.

a) **China**

Canada and other nations have struggled to find an effective way to press China to improve its troubling human rights record. With China’s size and influence, it has often seemed immune from the views of other countries. At the same time countries, including Canada, have been eager to build smooth relationships with China in order to gain access to China’s rapidly growing economy. In 1997, Canada and many other countries decided to stop criticizing China’s human rights record at the UN and in other public settings. Instead, they set up a series of behind-closed-doors dialogues, in which governments raised issues in secret, without public attention or pressure.

A decade later, Canada’s approach to dialogue with China has been independently evaluated by a Canadian academic and found to be largely ineffective. Amnesty International welcomes the fact that the current government has shown greater willingness to tackle human rights head-on in its dealings with China. However, there is no comprehensive strategy, which has put a strain on Canada/China relations without yielding any noticeable human rights gains.

The debate on how to promote human rights in China received high-profile global attention in the lead up to the recent Beijing Olympics. However, Amnesty International regrets that the world community failed to take meaningful action on the wave of Olympics-related human rights violations in China. Nor did they hold China to its promise that hosting the Olympics would lead to human rights improvements in the country. Once again, human rights were left behind.

The federal government should adopt a comprehensive strategy to advance human rights in all aspects of Canada’s relationship with China.

b) Colombia

Colombia has been mired in a grave human rights crisis for more than three decades. In the ongoing conflict between the government and armed opposition groups, serious abuses have been committed by state security forces, paramilitaries and members of armed opposition groups. Overwhelmingly civilians have paid the price. More than three million Colombians have been displaced from their homes since 1985. Large numbers of human rights defenders, leaders of Indigenous and Afro-Colombian communities, trade unionists, independent journalists, leaders of women's groups and other community activists continue to be threatened, attacked, killed, "disappeared" or chased from the country. The Colombian government insists it has restored safety in the country. But horrendous human rights violations continue on a daily basis. Those responsible for the vast majority of these crimes are never brought to justice, giving offenders a green light for further violence.

In the midst of this crisis, Canada and Colombia have recently negotiated a free trade agreement. Amnesty International and other groups have repeatedly expressed concern that entering into a free trade deal with Colombia without paying attention to associated human rights concerns, would very likely lead to further human rights violations.

Many human rights violations in Colombia happen during contract negotiations or disputes about mining and other extractive industry projects. A growing number of Canadian companies are involved in this sector. A recent report by the House of Commons Standing Committee on International Trade recommended that there be an "independent, impartial and comprehensive human rights impact assessment" and that "the recommendations of this assessment should be addressed before Canada considers signing, ratifying, and implementing an agreement with Colombia."

The federal government should not finalize any free trade agreement with Colombia until an independent, impartial and comprehensive human rights impact assessment is conducted and any resulting concerns addressed.

c) Canadians Detained Abroad

In recent years, the cases of a number of Canadians imprisoned abroad have attracted considerable public attention: William Sampson in Saudi Arabia; Maher Arar, Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin in Syria; Zahra Kazemi in Iran; Brenda Martin in Mexico; Michael Kapoustin in Bulgaria; and others. In all of these cases, there were concerns about human rights violations. In most of the cases, those concerns were justified as the Canadians experienced serious human rights violations, including torture. Tragically, in Zahra Kazemi's case, the torture led to her death. Canada's response in these cases has varied considerably. Some attracted considerable government support, including at high political levels, others virtually none.

HUMAN RIGHTS AGENDA

The concerns continue. Omar Khadr, held at Guantánamo Bay for close to six years, has been abandoned by the Canadian government. Hussein Celil, a Canadian of Uyghur origin, sentenced to a life prison term in China, received considerable government assistance in the early days of his captivity, but less lately. Bashir Makhtal, now before a military court in Ethiopia, and Mohamed el-Attar, who has said he was tortured in Egypt, have received no meaningful assistance from senior levels of the Canadian government. Mohamed Kohail has been sentenced to death and his minor brother Sultan Kohail sentenced to 200 lashes in Saudi Arabia. While their plight has been raised once by a senior Canadian Minister, little more has happened at senior levels. Canada has turned its back on Ronald Smith on death row in Montana. The inescapable conclusion is that some Canadians' human rights appear to matter more than others, depending on the foreign policy interests involved.

The federal government should develop a system that ensures a consistent, effective and appropriately senior government response to all cases of Canadians detained abroad when they face a credible risk of human rights violations.

3. Canada on the World Stage

Canada as a nation and individual Canadians have a long-established reputation for strong leadership on the world stage when it comes to human rights. The list of accomplishments has grown since 1948, when John Humphrey played a central role in drafting the Universal Declaration of Human Rights. A few examples of Canada's contribution to protecting human rights around the world include:

- UN peacekeeping
- A principled stand against apartheid
- Protecting Indochinese refugees
- The heroic efforts of Roméo Dallaire in Rwanda
- The ban on landmines
- Development of the International Criminal Court
- Louise Arbour's recent inspiring work as UN High Commissioner for Human Rights

Over the past two years, this hard-earned reputation has been undermined by strident positions. Canada's active opposition to the Declaration on the Rights of Indigenous Peoples and lower resolve in the global effort to abolish the death penalty, both discussed later in this report, are only two examples. There are others.

Canada has moved away from its longstanding, carefully balanced approach to highly politicized UN discussions about human rights violations in Israel. More recently, Canada has regularly voted against resolutions criticizing Israel's record. The UN's focus on Israel has often been biased and excessive, but Canada's new rigid and inflexible stance has alienated many other countries and impaired Canada's traditional ability to bridge differences between countries in the new Human Rights Council.

In June 2007, Canada was the only country to oppose a resolution laying out the workplan for the Council, without having any apparent alternative to the proposed resolution. More recently Canada, known for its bedrock support of the International Criminal Court, has urged governments to consider delaying the International Criminal Court's efforts to prosecute a number of people responsible for grave human rights violations in northern Uganda. Canada has argued that pressing ahead with justice now risks setting back peace efforts. This is a notable departure from Canada's previous firm view that justice is essential to durable peace.

At the same time, Canada's long-established reluctance to strengthen international protection of economic, social and cultural rights has deepened. Canada has rejected a recent initiative, an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The protocol would make it possible for people to make international level complaints about violations of economic, social and cultural rights. The Optional Protocol will come before the UN General Assembly for final approval at its autumn 2008 session.

HUMAN RIGHTS AGENDA

Canada's record of signing on to human rights treaties has also slowed a great deal. Canada has not ratified an international human rights treaty since the Second Optional Protocol to the International Covenant on Civil and Political Rights, dealing with abolition of the death penalty, in 2005. There are currently four major UN human rights treaties Canada has not agreed to, dealing with the rights of migrant workers, prevention of torture, enforced disappearances, and the rights of persons with disabilities.

Other governments, UN agencies and human rights organizations have expressed deep concern that Canada's positions on these and other issues reflect a reduced commitment to universal human rights protection.

The federal government should renew its commitment to protect human rights at the international level and actively work to restore its traditional global leadership. They should ratify outstanding UN treaties dealing with the rights of migrant workers, prevention of torture, enforced disappearances, and the rights of persons with disabilities. They should also reassess their position on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the UN General Assembly.

4. International Protection of the Rights of Indigenous Peoples

Around the world, Indigenous people are among the most vulnerable members of society. They experience grave human rights violations on a daily basis. This pressing global human rights tragedy is of very real concern here in Canada. By any measure, upholding the rights of the more than one million Inuit, First Nations and Métis people within Canada is this country's greatest human rights challenge. Shoring up protection of the rights of Indigenous individuals and nations must be a priority for governments across the country and around the world.

That is why the recent adoption of the long overdue United Nations Declaration on the Rights of Indigenous Peoples was such a significant achievement. After being discussed and debated within the United Nations human rights system for more than two decades, the Declaration was adopted by the UN Human Rights Council in June 2006 and then finally by the UN General Assembly in September 2007.

Canada was not always a strong supporter during the development of the Declaration. But it did play a positive leadership role during the final leg of negotiations, leading up to the vote at the Human Rights Council. That changed with the change of government in January 2006. The new government decided not only to withdraw its support, but to actively press other governments to oppose the Declaration as well. Ultimately, that was not successful, as only one other state – Russia – joined Canada in voting against the Declaration at the Human Rights Council. Only three other states – Australia, New Zealand and the United States – joined Canada in opposition at the UN General Assembly.

It is disappointing that Canada did not support this historic step to strengthen the protection of Indigenous peoples' rights around the world. Canada continues to oppose the Declaration, despite the impressive level of acceptance by the world community. The Canadian Human Rights Commission has urged the government and Indigenous leaders "... to work together in finding innovative ways to advance the principles of the Declaration, and to achieve the standards set therein."

Canadian officials consistently argue that because Canada voted against the Declaration, it does not apply to Canada. This position dramatically undermines the integrity of the entire international human rights system. The message is that by voting no, governments do not have to follow UN decisions about human rights or any other matter, even when those decisions have been supported by an overwhelming majority of countries. Canada would not tolerate other states avoiding their human rights responsibilities simply by voting against UN initiatives. Canada is a member of the United Nations and must respect UN decisions.

The federal government should announce that Canada will fully respect the United Nations Declaration on the Rights of Indigenous Peoples.

5. Protecting Indigenous Women from Violence

Violence against women is one of the most widespread human rights tragedies around the world. At home or on the street; at school or at work; in the midst of war or at times of peace; at the hands of police, soldiers, prison guards, husbands, partners, relatives, neighbours or strangers – women and girls on every continent are raped, beaten and tortured, and denied adequate support and protection, because they are women.

In Canada, Indigenous women face alarmingly high levels of violence and discrimination. A 1996 government statistic showed that Indigenous women between the ages of 25 and 44 with status under the Indian Act, are five times more likely than other women in Canada to die from violence.

Racism, discrimination and societal indifference have been widely acknowledged as contributing to this violence, including by the Canadian Association of Chiefs of Police. A number of jurisdictions have taken initiatives to improve police response and increase access to culturally appropriate shelters and other services for women escaping violence. Yet the violence continues. Violence against Indigenous women in Canada is a national human rights tragedy that demands a national response. The federal government has not developed a national strategy that deals with the scope and severity of the threats facing Indigenous women.

The federal government should lead a coordinated effort among all governments in the country to develop a comprehensive national strategy to address violence against Indigenous women in Canada.

6. Safety for Refugees

Refugees can seek protection in Canada in two different ways. They can make an application for protection outside Canada, through a Canadian embassy. The waiting times are often long and most applicants are not accepted. Many people travel directly to Canada and make their claims for protection at the border or from within Canada. If they are found eligible, they are allowed a hearing of their claim before Canada's Immigration and Refugee Board.

For refugee claimants, hearings before the Immigration and Refugee Board are immensely important, with potential life and death outcomes. Making the right decision in these hearings is challenging. Hearings are conducted through interpreters, claimants are often traumatized, there are cultural and gender sensitivities, and claimants may come from parts of the world where it is difficult to get reliable information about what is actually happening on the ground. At the end of the day, a decision-maker must try to predict the future – what would happen to this claimant if he or she returned to their country? Predictions are inevitably imperfect.

Amnesty International has long insisted that given the high stakes and the complexities of the process, refugee claimants must have access to a full, independent appeal of any decision denying them refugee status in Canada. In 2001, a new Immigration and Refugee Protection Act did just that, for a new Refugee Appeal Division at the Immigration and Refugee Board.

However, the three governments that have followed the adoption of this new Act have all refused to set up the Refugee Appeal Division, even though the Act has been passed by Parliament. Moreover, the government immediately implemented provisions in the new Act which reduced the number of decision-makers who hear a refugee claim from two to one. This weakened refugees' procedural protections.

The federal government should implement the provisions in the Immigration and Refugee Protection Act establishing the Refugee Appeal Division without any further delay.

7. Standing Firm against the Death Penalty

Canada has been a leader in the rapidly growing global trend to abolish the death penalty. Canada abolished the death penalty for all ordinary crimes in 1976 and for all crimes in 1998. The last execution in Canada took place in 1962. In 2005, Canada formalized its position on the death penalty when it ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Canada has shown its leadership beyond our own borders. For several decades, Canada has consistently asked for clemency for Canadians sentenced to death abroad. At the UN, Canada regularly co-sponsored resolutions calling for abolition of the death penalty. In 2001, the Supreme Court of Canada ruled that Canada should not return someone to a country where they face the possibility of capital punishment, without first getting reliable assurances that they will not receive a death sentence.

Canada stepped back from this leadership in 2007. In October, Canada announced it would no longer always seek clemency for Canadians sentenced to death in countries that were democratic and where the rule of law was respected. Most immediately, this meant the government would not ask for clemency for Ronald Smith, a Canadian on death row in the US state of Montana.

A few weeks later, Canada chose not to co-sponsor a historic resolution at the UN General Assembly, calling for a global moratorium on executions. Canada did vote in favour of the resolution, but their refusal to co-sponsor it, which Canada had regularly done in the past, sent a clear message that Canada's firm position on this issue had faded. A similar resolution is expected to come before the UN General Assembly in the autumn of 2008.

The federal government should return to past leadership in the effort to abolish the death penalty worldwide. It should restore the policy of seeking clemency for all Canadians sentenced to death abroad and co-sponsoring the anticipated 2008 UN General Assembly resolution calling for a global moratorium on executions.

8. Restricting the Use of Tasers® (conducted energy devices)

Taser guns, a dart-firing electro-shock weapon also used in direct touch or stun mode, are used by most police and some correctional forces in most of Canada. The Royal Newfoundland Constabulary and the Saskatchewan Police Commission (in a decision which applied only to regular municipal police) have not authorized taser use. The use of tasers throughout Canada has grown rapidly since 2000. At the same time, the number of cases of excessive use of force and of deaths following the use of tasers, has grown. At least 21 people have died in Canada after having been subdued with a taser.

Amnesty International has long called for a moratorium on taser use until they have been subjected to an independent, rigorous and comprehensive study. Many studies and reviews have been conducted in Canada and the United States, but have either not been independent or been limited in their scope or working methods.

The Office of the Commissioner of Public Complaints against the RCMP issued a report earlier this year which recommended restricting taser use. A public inquiry is underway in British Columbia following the tragic death in October 2007 of Robert Dziekanski in Vancouver International Airport. Meanwhile, tasers are still used regularly across Canada and the number of deaths and other cases of concern mounts. In July 2008, 17-year-old Michael Langan became the youngest person to die after being shot with a taser gun by Winnipeg police.

The federal government should work with their provincial and territorial counterparts to impose a moratorium on the use of tasers and similar devices in Canada until there has been an independent, rigorous and comprehensive study of their use and effects.

9. Putting Human Rights at the Heart of Business

In recent years, there has been much greater attention – in Canada and around the world – to the role companies play in causing or contributing to human rights violations. Attention has also focused on the ways that they can help strengthen and promote the protection of human rights. With economic globalization, companies have access to new territories and resources. The human rights impact of their corporate activities beyond national borders has expanded. However, while the legal protections for the economic interests of businesses have strengthened in recent years, they have not been matched by an equal strengthening of human rights safeguards.

Many companies have developed human rights policies. Governments have issued statements urging companies to uphold human rights. World bodies such as the World Bank, the Organization for Economic Cooperation and Development, and the office of the UN Secretary General have weighed in with sets of principles. A Special Representative appointed by the UN Human Rights Council has been examining the issue. In Canada, Amnesty International has pressed Export Development Canada to develop a human rights framework to make sure that it does not end up investing in human rights violations when it supports and advises Canadian companies doing business abroad.

The debate comes down to one simple question: Should companies simply be left to voluntarily set their own standards and monitor their own performances, or should governments play a role in making sure that companies do the right thing when it comes to human rights? Amnesty International has long insisted that while voluntary approaches are commendable, they are not enough. Governments need to set human rights standards for business and set up processes to ensure that companies meet those standards. Standards are needed at both the national and international level.

The government-sponsored National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry Operating in Developing Countries focused attention on this issue when they convened across the country throughout 2006. Coming out of that process, in March 2007, an Advisory Group to the Roundtables, made up of representatives from industry, civil society, academia and others, prepared a groundbreaking consensus report. It proposes a national corporate social responsibility framework, including an independent ombudsman office and a three party Compliance Review Committee. Eighteen months later, the government has still not acted on the Advisory Group's recommendations.

The federal government should implement the recommendations for a new national corporate social responsibility framework made by the Advisory Group to the recent National Roundtables process.

10. Addressing Poverty

Canada is a prosperous nation. Canadians enjoy one of the highest standards of living in the world. We regularly rank among the top nations in the UN's Human Development Index, which measures health, education and standard of living. Canada was fourth in the most recent ranking and has, in the past, often been ranked first.

Behind these impressive figures, however, lies a grim reality of poverty that affects many vulnerable groups in Canadian society. They include Indigenous people, women, children, people living with disabilities, immigrants and visible minorities. UN human rights bodies have often expressed concern about the higher levels of poverty within these groups. A number of studies and reports here in Canada have noted it as well. For instance, a 2007 report from the Senate Committee on Human Rights highlighted serious concerns about the number of children living in poverty across Canada. The report notes that 40% of off-reserve Indigenous children in Canada live in poverty.

Poverty impacts many human rights, including the rights to an adequate living, housing, health care, food, and education. It is also clear that poverty is often caused or made worse by discrimination. Meaningful progress in addressing poverty has been hampered because the federal and provincial governments have not cooperated to develop and deliver a national strategy which would cut across and through their many areas of shared jurisdiction.

The federal government should assert leadership and work cooperatively with provincial and territorial governments, as well as Indigenous peoples' organizations, to put in place a nationwide, human rights-based strategy for addressing poverty in Canada.

HUMAN RIGHTS AGENDA

Conclusion

The upcoming election, taking place on the eve of the 60th Anniversary of the Universal Declaration of Human Rights, offers all political parties an important opportunity to clearly indicate what steps they would take to strengthen Canada's commitment – nationally and internationally – to protect human rights. This Human Rights Agenda outlines specific recommendations dealing with a number of pressing concerns and calls on the federal government to:

- Demand that Omar Khadr be repatriated to face justice in Canada.
- Call on the US government to close the detention centre at Guantánamo Bay.
- Implement promptly all recommendations from the Arar Inquiry, including the proposed model for ensuring proper review and oversight of national security activities by law enforcement and other agencies in Canada.
- Work with the Afghan government and NATO allies to develop a way to handle battlefield detainees that meets international human rights standards.
- Recognize that the Canadian Charter of Rights does apply to the actions of Canadian officials, including the military, operating outside Canada.
- Adopt a comprehensive strategy to advance human rights in all aspects of Canada's relationship with China.
- Refuse to finalize any free trade agreement with Colombia until an independent, impartial and comprehensive human rights impact assessment is conducted and any resulting concerns addressed.
- Develop a system that ensures a consistent, effective and appropriately senior government response to all cases of Canadians detained abroad, when they face a credible risk of human rights violations.
- Renew Canada's commitment to protect human rights internationally and actively work to restore its traditional global leadership. This would include ratifying outstanding UN treaties dealing with the rights of migrant workers, prevention of torture, enforced disappearances, and the rights of persons with disabilities. They should also reassess their position on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the UN General Assembly.
- Announce that Canada will fully respect the United Nations Declaration on the Rights of Indigenous Peoples.

HUMAN RIGHTS AGENDA

- Lead and coordinate efforts among all governments in Canada to develop a comprehensive national strategy that addresses violence against Indigenous women.
- Implement the provisions in the Immigration and Refugee Protection Act establishing the Refugee Appeal Division without any further delay.
- Return to past leadership in the effort to abolish the death penalty worldwide by restoring the policy of seeking clemency for all Canadians sentenced to death abroad and co-sponsoring the anticipated 2008 UN General Assembly resolution renewing the call for a global moratorium on executions.
- Work with their federal and territorial counterparts to impose a moratorium on the use of tasers and similar devices in Canada until there has been an independent, rigorous and comprehensive study of their use and effects.
- Implement the recommendations for a new national corporate social responsibility framework made by the Advisory Group to the recent National Roundtables process.
- Assert leadership and work cooperatively with provincial and territorial governments, as well as Indigenous peoples' organizations, to put in place a nationwide, human rights-based strategy for addressing poverty in Canada.