

# 2018

**AMNESTY  
INTERNATIONAL**



**SHORING UP RIGHTS IN A TURBULENT TIME**

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





Alex Neve  
 Secretary General,  
 Amnesty International Canada  
 (English branch)  
 aneve@amnesty.ca  
 1-800-AMNESTY  
 @AlexNeveAmnesty



Geneviève Paul  
 Interim director general,  
 Amnesty International Canada  
 (Francophone branch)  
 gpaul@amnistie.ca  
 1-800-565-9766  
 @GenPaul\_

**COVER PHOTO:**

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

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## AMNESTY INTERNATIONAL'S 2018 HUMAN RIGHTS AGENDA FOR CANADA



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

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## AMNESTY INTERNATIONAL'S 2018 HUMAN RIGHTS AGENDA FOR CANADA



### INTRODUCTION<sup>1</sup>

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

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

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



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

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

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

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

In 2018 Canada's domestic human rights record will be assessed by the UN Human Rights Council through the Universal Periodic Review (UPR), the third such review since this process was adopted by the United Nations General Assembly in 2005.<sup>2</sup> It will be the first UPR examination for the Trudeau government, and offers a valuable opportunity to demonstrate leadership and commitment to upholding Canada's international human rights obligations.

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

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

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

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

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

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

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

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

**Rights of Indigenous peoples**

**Gender equality**

**Protecting refugees and migrants**

**Business, trade and human rights**

**National security**

**Upholding international obligations**

**Promoting human rights globally**

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

### HUMAN RIGHTS GRADING SYSTEM



**GREEN** Recommendation has been met.



**AMBER** Underway, but incomplete.



**ORANGE** In progress, but with uncertainty or concern



**RED** Serious concerns or no progress.

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

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

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

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

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

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



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



## 2017 REPORT CARD SUMMARY

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

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

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

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

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

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

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



## SUMMARY OF 2018 RECOMMENDATIONS

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

### UPHOLD THE RIGHTS OF INDIGENOUS PEOPLES

Suspend all construction on the Site C dam.

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

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

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

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

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

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

## TAKE ACTION ON GENDER EQUALITY IN CANADA AND ABROAD

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

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

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

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

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

## PROTECTING REFUGEES AND MIGRANTS

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

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

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

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

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

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

## HUMAN RIGHTS AND THE ECONOMY

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

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

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

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

## GETTING NATIONAL SECURITY RIGHT

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

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

## INTERNATIONAL OBLIGATIONS: COMMITTING AND IMPLEMENTING

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

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

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

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

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

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

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

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

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

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



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

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

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

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

Until everyone can enjoy all of their rights, we will

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

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

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

Together, we make a difference.

## **Amnesty International Canada (English Branch)**

312 Laurier Avenue East,  
Ottawa, ON K1N 1H9

1-800-AMNESTY (1-800-266-3789)

[www.amnesty.ca](http://www.amnesty.ca)

## **Amnistie internationale Canada francophone**

50 rue Ste-Catherine Ouest, bureau 500,  
Montréal QC H2X 3V4

1-800-565-9766

[www.amnistie.ca](http://www.amnistie.ca)