Ref: IOR 40/2011.150

Joao Nataf
Secretary
United Nations Committee against Torture
Human Rights Treaties Division
Office of the High Commissioner for Human Rights
CH-1211 Geneva 10
Switzerland

25 August 2011

Dear Mr Nataf,

**RE: SUBMISSION OF LIST OF ISSUES PRIOR TO THE CONSIDERATION OF CANADA AT THE 48TH SESSION**

I am writing to submit Amnesty International's proposals for the List of Issues ahead of the consideration of Canada's 6th report to the Committee against Torture at the 48th Session in May 2012.

Amnesty International will submit more detailed information prior to the consideration next year, but hope you will distribute this information to the members of the Committee.

This information relating to Canada's implementation of the Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment focuses on the following issues:

- Indigenous Peoples
- Torture and National Security measures
- Refugee and migrant Rights
- Justice and Accountability
- Policing
- Ratification of the Optional Protocol to the Convention against Torture

I hope this information is of use to the Committee as the List of Issues for Canada is being compiled. Do not hesitate to contact us for clarification or for any further information.

I look forward to hearing from you.

Yours sincerely,

Dr.Tawanda Hondora
Senior Legal Advisor
International Law and Policy Programme

# INDIGENOUS PEOPLES

## ARTICLE 16 – ILL-TREATMENT

The Canadian government has recognized that indigenous women and girls in Canada face a significantly heightened risk of being subject to violence, including violence leading to death, as compared to other women and girls in the country. UN treaty bodies, including the Human Rights Committee,[1] Committee on the Elimination of Discrimination against Women[2] and the Committee on the Elimination of Racial Discrimination,[3] Special Procedures mandate holders[4] and the 2009 report of the Working Group on the Universal Periodic Review of Canada[5] have expressed concern about violence and disproportionate levels of incarceration experienced by indigenous women with the Canadian government and have made recommendations for reform.

A first step, called for by Indigenous women's organizations across the country, is for a National Action Plan to be developed which will address the violence as well as the underlying discrimination that contributes to such high levels of violence. The Canadian government has, to date, failed to develop and implement processes and mechanisms to address the high levels of violence against indigenous women and for providing redress not only along individual lines, but also of a structurally transformative nature.

## ARTICLES 12, 13 – PROMPT, IMPARTIAL INVESTIGATIONS

The report of the Ipperwash Inquiry, launched by the government of the province of Ontario to examine the circumstances that led to the 1995 killing by an Ontario Provincial Police (OPP) sharpshooter of Dudley George, an unarmed Indigenous man involved in a land protest, was issued in May 2007.

Many of the recommendations of the Inquiry seek to improve the nature of police responses to protests involving Indigenous peoples and to minimize possibilities for human rights violations, including torture and ill-treatment.

Notwithstanding these recommendations, the response of the Ontario Provincial Police in 2007 and 2008 to land-related protests at Tyendinaga, Ontario once again proceeded in a manner that quickly reached the brink of the possible use of lethal force in the face of what were peaceful protests. No investigation was made into numerous allegations of police misconduct, including allegations of ill-treatment.

The Ipperwash Inquiry report called for an independent review to be carried out of the OPP's then-newly adopted Framework for Police Preparedness for Aboriginal Critical Incidents. That review has not yet been conducted.

# TORTURE AND NATIONAL SECURITY MEASURES

[1] Concluding Observations of the Human Rights Committee, Canada, CCPR/C/CAN/CO/5, April 2006

[2] Concluding observations of the Committee on the Elimination of Discrimination against Women, Canada, CEDAW/C/CAN/CO/7,November 2008

[3] Concluding observations of the Committee on the Elimination of Racial Discrimination, Canada, CERD/C/CAN/CO/1, May 2007

[4] See Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, Addendum , Mission to Canada, E/CN.4/2005/88/Add.3, December 2004, and Report by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Addendum, Mission to Canada, E/CN.4/2004/18/Add.2, March 2004

[5] Report of the Working Group of the Universal Periodic Review, Canada, A/HRC/11/17, October 2009

## ARTICLES 2, 11, 12, 13 – MEASURES TO PREVENT ACTS OF TORTURE, REVIEW AND REFORM OF METHODS AND PRACTICES, PROMPT IMPARTIAL INVESTIGATIONS

The report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar issued its Factual Report in September 2006[6] and its Policy Report in December 2006.[7] The Commission of Inquiry found that Maher Arar had been tortured while held in detention in Syria between October 2002 and October 2003 and that the actions and omission of Canadian officials contributed to the circumstances leading to him being tortured.

Both reports contained comprehensive recommendations as to reforms that should be adopted to avoid similar cases in the future. Maher Arar received an official apology and $10.5 million in compensation from the Canadian government.[8]

However there has not yet been any public reporting as to the status of implementing the numerous recommendations made in the Factual Report. The recommendation from the Policy Report, laying out a new model for ensuring the review of Canadian law enforcement and security agencies involved in national security investigations has not yet been accepted or adopted.

The Canadian government should be asked to provide an implementation plan with a timeline, for all of these recommendations. In addition, where there is sufficient evidence, Canada must bring to justice in fair trials, persons found to have been involved, or otherwise complicit in the acts of torture and/or ill-treatment or other serious human rights violations experienced by Maher Arar.

## ARTICLE 14 – REDRESS

The report of the Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin was issued in October 2008.[9] The report found that all three men had been tortured while held in detention in Syria at various points between November 2001 and January 2005 and that Mr. Abou-Elmaati had also been tortured while held in detention in Egypt. The report identified numerous "deficiencies" in the actions of Canadian officials which contributed to the circumstances resulting in their torture.

The government has refused to accept the findings of the Inquiry, conducted by a former justice of the Supreme Court of Canada, and has provided neither an apology nor compensation to any of the three men.[10] They have

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[6] Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar , "Factual Background". Volume 1 available online at: http://www.sirc-csars.gc.ca/pdfs/cm_arar_bgv1-eng.pdf and Volume 2 available online at: http://www.sirc-csars.gc.ca/pdfs/cm_arar_bgv2-eng.pdf.

[7] Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar , "Report of the Events Relating to Maher Arar: Analysis and Recommendations", Online at: http://www.pch.gc.ca/cs-kc/arar/Arar_e.pdf.

[8] Office of the Prime Minister of Canada, "Prime Minister releases letter of apology to Maher Arar and his family and announces completion of mediation process", 26 January 2007, Online at: http://pm.gc.ca/eng/media.asp?id=1509. See also: CBC News, "RCMP Chief apologizes to Arar for 'terrible injustices'", 28 September 2006, Online at: http://www.cbc.ca/news/canada/story/2006/09/28/zaccardelli-appearance.html. See also: CBC News, "Ottawa reaches $10 Million Settlement with Arar", 25 January 2007, Online at: http://www.cbc.ca/news/canada/story/2007/01/25/arar-harper.html.

[9] Frank Iacobucci, *Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin* or *"Iacobucci Report"*. Published by Government of Canada, October 2008, followed by *"Supplement to Public Report*" in March 2010. *Iacobucci Report* available in hardcopy: http://publications.gc.ca/site/eng/331864/publication.html . Supplement to Public Report available online at: http://dsp-psd.pwgsc.gc.ca/collection_2010/bcp-pco/CP32-90-1-2010-eng.pdf.

[10] All three opposition parties' representatives on the House of Commons' *Standing Committee on Public Safety and National Security* voted in favour of a report calling on the government to issue an apology, and compensation to Messrs. Al-Malki, Abou-Elmaati, and Nureddin. Testimony from the *Hansard* record of the House of Commons on 3 December 2009

instead been forced into protracted litigation in an effort to obtain redress. The Canadian government should be urged to ensure that these three men, all found to be torture survivors, are immediately provided with adequate and appropriate remedies. In addition, where there is sufficient evidence, Canada must bring to justice in fair trials, persons found to have been involved, or otherwise complicit, in the acts of torture and/or ill-treatment or other serious human rights violations experienced by Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin

### ARTICLES 4, 12, 13, 14 – COMPLICITY IN TORTURE, PROMPT, IMPARTIAL INVESTIGATIONS, REDRESS

Canadian citizen Omar Khadr was apprehended by US forces in Afghanistan in July 2002 when he was 15 years old. He has been held in detention at Guantánamo Bay since October 2002. In October 2010 he was sentenced to an eight year prison term pursuant to a plea agreement. He is required to serve one year of that sentence at Guantánamo Bay after which he can apply for a transfer to Canada. Omar Khadr has made credible allegations that he was tortured and/or ill-treated by US officials in both Afghanistan and Guantánamo Bay. Those allegations have never been independently investigated.

The Canadian government has maintained a position of not intervening in Omar Khadr's case throughout his years in detention. Canadian courts have ruled that Canadian officials were complicit in the violation of Omar Khadr's rights by virtue of a number of interrogation sessions he was subjected to by Canadian officials at Guantánamo Bay in circumstances where the ongoing violation of his rights there were allegedly apparent.

The Canadian government should be pressed to urge US officials to launch independent investigations of the allegations of torture made by Omar Khadr and should ensure he is provided with an adequate remedy for the complicity of Canadian officials in the human rights violations he has undergone. In addition, where there is sufficient evidence, Canada must bring to justice in fair trials, persons found to have been involved, or otherwise complicit, in the acts of torture and/or ill-treatment or other serious human rights violations experienced by Omar Khadr.

## REFUGEE AND MIGRANT RIGHTS

### ARTICLE 3 – NON-REFOULEMENT

The Committee against Torture and the Human Rights Committee have all called on the Canadian government to amend Canadian law to implement article 3 of the Convention against Torture, the unconditional ban on removing anyone to a situation where there are substantial grounds to believe they would be tortured.[11]

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shows opposition Members of Parliament Niki Ashton, Don Davies, Mark Holland and Mario Laframboise questioning the government about offering compensation or an apology, with no resulting government commitment to do so.

See Official Report (Hansard) of the House of Commons, Volume 144, Number 123, 2nd Session of the 40th Parliament (3 December 2009), Available online at: http://www.parl.gc.ca/housechamberbusiness/ChamberPublicationIndexSearch.aspx?arpist=s&arpit=almalki&arpidf=2009%2f12%2f3&arpidt=2009%2f12%2f3&arpid=True&arpij=False&arpice=False&arpicl=&ps=Parl40Ses0&arpisb=Publication&arpirpp=100&arpibs=False&Language=E&Mode=1&Parl=41&Ses=1&arpicpd=4292108#Para1747408.

See also: Amnesty International Backgrounder on Abdullah Al-Malki: http://www.amnesty.ca/english/main_article_home/almalkibio.pdf. Amnesty International's compiled chronology of Mr. Almalki's treatment: http://www.amnesty.ca/english/main_article_home/almalkichronology.pdf.

[11] See Conclusions and Recommendations of the Committee against Torture, Canada, CAT/C/CR/34/CAN , July 2005, the Concluding Observations of the Human Rights Committee, Canada, CCPR/C/CAN/CO/5, April 2006, and

In *Suresh v. Canada (Minister of Citizenship and Immigration),* [2002] 1 S.C.R. 3, the Supreme Court of Canada ruled that while under most circumstances, the Canadian Charter of Rights and Freedoms protects individuals in Canada from being

Canadian law, however, still allows for individuals who are found to pose a risk to national security or of serious criminality to be deported, in exceptional circumstances, even if such substantial grounds to believe they would be tortured exist.[12] Such individuals, whether asylum seekers, foreign nationals or even permanent residents, may be deemed "inadmissible" to Canada. This status leads to the initiation of removal proceedings. The Canadian government should be once again pressed to amend Canadian law.

Proposed new legislation, Bill C-4, also called the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, would result in the mandatory detention of any groups of individuals who arrive in Canada through "irregular arrivals". In the proposed legislation, the determination of whether groups of immigrants and/or refugees have arrived irregularly is based entirely upon the discretion of the Minister.[13] The proposed detention is for a minimum of one year without access to a detention review. Though the proposed legislation's stated aim is to target human smuggling operations, there are no exceptions to the detention provision, even for victims of trafficking or survivors of torture. The *Immigration and Refugee Protection Act* allows for the detention of minors as a last resort,[14] but organizations such as the Canadian Council for Refugees have documented that the detention of children is not limited to exceptional circumstances and that their best interests are not always considered.[15] The CCR reports that even infants and toddlers have been detained in Canada, often with inadequate medical support and no education for older child detainees.[16] Children are detained as potential flight risks, when *Canada Border Services Agency* officials are not satisfied as to their identity, and when not actually subject to a detention order but accompanying a parent who is. Bill C-4 would require mandatory detention of children who enter Canada irregularly for one year, in violate Article 37 of the UN Convention on the Rights of the Child.[17] It is also noteworthy that where facilities specifically for the

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deported to a country where they face the risk of torture, such deportations may be allowed if the refugee claimants are a serious security risk to Canadian society.

[12] Under Canada's *Immigration and Refugee Protection Act* IRPA, people who are not Canadian citizens may be subject to removal from Canada for reasons of "serious criminality" which is defined in s.36 of the IRPA. Specifically, s.36(1) states that a permanent resident or a foreign national is inadmissible on grounds of serious criminality if they have been convicted in Canada of a federal crime punishable by at least 10 years in prison, or if they have actually been sentenced in Canada to a federal crime and received a sentence of at least six months. Additionally, a permanent resident or a foreign national may be found inadmissible if they have been convicted of an offence outside Canada that if committed inside Canada would carry a term of imprisonment of 10 years or more.

Without the status of citizen or permanent resident, the threshold for the possible deportation of foreign nationals is lower than that for permanent residents. Thus, in addition to the grounds of serious criminality described above, s.36(2) also stipulates that a foreign national is inadmissible on grounds of criminality for conviction in Canada of any indictable federal offence, or conviction in Canada of any two offences under any Act of Parliament not arising out of a single occurrence. Additionally, foreign nationals convicted outside Canada of equivalent offences are also deemed inadmissible.

[13] See Ministry of Public Safety, "Preventing Human Smugglers from Abusing Canada's Immigration System Act" http://www.publicsafety.gc.ca/hmn-smgglng-eng.aspx and http://www.publicsafety.gc.ca/media/nr/2011/nr20110616-4-eng.aspx. The proposed legislation reads: *"The Minister may, by order, having regard to the public interest, designate the arrival of a group of persons in Canada as an irregular arrival if he or she:*

- *is of the opinion that examinations relating to identity and admissibility of the persons involved in the arrival, and other investigations, cannot be conducted in a timely manner; or*
- *has reasonable grounds to suspect that the arrival involves organized human smuggling activity for profit, or in support of a criminal organization, or terrorist group."*

[14] *Immigration and Refugee Protection Act*, (S.C. 2001, c. 27), Available Online at: http://laws-lois.justice.gc.ca/eng/acts/I-2.5/ . Section 60: "a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child."

[15] Canadian Council for Refugees, "Detention and the Best Interests of the Child", November 2009. Available online at: http://ccrweb.ca/documents/detentionchildrensummary.pdf and http://ccrweb.ca/documents/detentionchildren.pdf.

[16] Canadian Council for Refugees, "Detention and the Best Interests of the Child", November 2009. Available online at: http://ccrweb.ca/documents/detentionchildrensummary.pdf and http://ccrweb.ca/documents/detentionchildren.pdf.

[17] United Nations Convention on the Rights of the Child, 1990, Available online at: http://www2.ohchr.org/english/law/pdf/crc.pdf. Article 37(d) reads, "Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation

purposes of immigration detention do not exist, correctional facilities are also used.[18] Canada should be called on to remove the mandatory detention provisions from the Bill.

# JUSTICE AND ACCOUNTABILITY

## ARTICLE 5 - JURISDICTION

In 2007, details emerged about the Canadian Forces in Afghanistan facilitating the transfer of Afghan prisoners to situations where they faced a high probability of abuse and torture, namely into the custody of the Afghan National Army (ANA) or the Afghan National Directorate of Security (NDS), in violation of Article 12 of the Third Geneva Convention, which gives responsibility for the treatment of prisoners to the Detaining Power (Canada). In April 2007, *The Globe and Mail* published interviews with 30 men who claimed they were whipped with electrical tables, electrocuted, starved, frozen and choked after they were handed over to Afghanistan's National Directorate of Security by Canadian Forces members.[19] The Canadian Parliament's Special Committee on Afghanistan heard testimony that most Afghan prisoners captured and transferred by Canadian forces were likely tortured.[20] As a result, Amnesty International sought an interlocutory injunction to prevent further prisoner transfers by the Canadian Armed Forces to risk of torture,[21] and sought a judicial review of past conduct.[22]

In March 2008 the Federal Court of Canada accepted the Canadian government's position that a lawsuit challenging the Canadian practice of transferring battlefield detainees apprehended by Canadian soldiers in Afghanistan into the custody of Afghan officials could not go ahead because the Canadian Charter of Rights and Freedoms, the legal basis of the case, did not apply to Canadian soldiers when they were operating outside of Canadian territory.[23] The lawsuit was premised on the concern that transferred prisoners faced a serious risk of being tortured in Afghan custody and relied heavily on provisions in the UN Convention against Torture. International treaties ratified by Canada cannot be independently argued in Canadian legal proceedings, other than through domestic legal instruments. Amnesty International encourages the government to take steps to ensure that provisions of the Convention against Torture and other international human rights treaties that do give rise to extraterritorial responsibility can and will be enforceable against Canadian officials.

Under Canadian law it is not possible for Canadian citizens, landed immigrants or any other persons to launch legal proceedings against a foreign government in a Canadian court, seeking redress for torture suffered in that foreign country. Such lawsuits are barred under Canada's State Immunity Act. The Committee against Torture

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of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."

[18] Canada Border Services Agency, "CBSA Detentions and Removals Program - Evaluation Study" November 2010, Available Online at: http://cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html.

[19] Graeme Smith, "From Canadian custody into cruel hands. Savage beatings, electrocution, whipping and extreme cold: Detainees detail a litany of abuses by Afghan authorities" The Globe and Mail, 23 April 2007, Online at: http://v1.theglobeandmail.com/servlet/story/RTGAM.20070423.wdetainee23/BNStory/Afghanistan.

[20] "All Afghan Detainees Likely Tortured: Diplomat", CBC News, 18 November 2009, Online at: http://www.cbc.ca/news/canada/story/2009/11/18/diplomat-afghan-detainees.html.

[21] *Amnesty International Canada v. Canadian Forces*, 2008 FC 162, Online at http://www.canlii.org/en/ca/fct/doc/2008/2008fc162/2008fc162.html.

[22] *Amnesty International Canada v. Canada (Chief of the Defence Staff)*, 2008 FC 336, [2008] 4 FCR 546, online at: http://www.canlii.org/en/ca/fct/doc/2008/2008fc336/2008fc336.html.

[23] *Amnesty International Canada v. Canada (Chief of the Defence Staff)*, 2008 FC 336, [2008] 4 FCR 546, online at: http://www.canlii.org/en/ca/fct/doc/2008/2008fc336/2008fc336.html. Here Federal Court Judge Anne Mactavish ruled that "while detainees held by the Canadian Forces in Afghanistan have the rights accorded to them under the Afghan Constitution and by international law and in particular, by international humanitarian law, they do not have rights under the Canadian Charter of Rights and Freedoms." (Para. 2)

has previously called on Canada to review this position and ensure the provision of compensation through its civil jurisdiction to all victims of torture.[24]

However, the Canadian government has again recently successfully defended the provisions of its State Immunity Act in a case brought in Canada against the Iranian government by the estate of a deceased Canadian citizen, Zahra Kazemi, who died as a result of torture while imprisoned in Iran in 2003. [25]

The Canadian government should be urged to amend the State Immunity Act to allow lawsuits against foreign governments based on human rights violations which involve matters recognized as giving rise to universal jurisdiction under international law.

## ARTICLES 7, 8 – UNIVERSAL JURISDICTION AND EXTRADITION

Canadian policy and practice continues to resort to the immigration remedy of deportation rather than the criminal law options of extradition or domestic jurisdiction in cases where credible accusations have been made against individuals present in Canada that they were responsible for torture or other serious human rights violations. The Committee against Torture has previously expressed concern about this approach. [26]

Canadian law, through provisions in the Criminal Code (1986) and the Crimes against Humanity and War Crimes Act (2000), provides for universal jurisdiction and thus allows domestic prosecution. There has not yet been a universal jurisdiction prosecution for torture launched in the 25 years since Canadian criminal law was amended to allow that possibility. There have been only two criminal prosecutions initiated during the 11 years since the Crimes Against Humanity and War Crimes Act came into force.

The government continues to prefer deportation, as evidenced by a recent initiative to publicize the names and faces of 30 individuals who had been found inadmissible to Canada on grounds they may have been responsible for war crimes or crimes against humanity. The 30 men were all slated for deportation rather than extradition, surrender or prosecution.

In a letter to Amnesty International dated 9 August 2011, the Minister of Citizenship and Immigration stated that the Canadian government "was not obligated to conduct full-blown trials, at the cost of millions of taxpayer dollars, to prosecute every inadmissible individual for crimes committed in distant countries, often decades ago.... Our preeminent goal.... is defending Canada and upholding the integrity of our immigration system by enforcing these deportation orders."[27]

The Canadian government should be urged to adopt a policy, backed up by sufficient resources, which ensures that extradition and criminal prosecutions, when appropriate, will be pursued over deportation when credible allegations have been made that an individual present in Canada may have committed torture.

# POLICING

[24] Conclusions and recommendations of the Committee against Torture, Canada, CAT/C/CR/34/CAN, July 2005

[25] *Kazemi (Estate of) v. Islamic Republic of Iran*, 2011 QCCS 196, online at: http://www.canlii.org/en/qc/qccs/doc/2011/2011qccs196/2011qccs196.html. The Quebec Superior Court held that the estate of Zahra Kazemi was barred from suing Iran because of Canada's *State Immunity Act.* However, the civil action instituted by her son Stephan Hachemi has been allowed to proceed

[26] Conclusions and recommendations of the Committee against Torture, Canada, CAT/C/CR/34/CAN, July 2005

[27] Jason Kenney, Canadian Minister of Citizenship, Immigration and Multiculturalism. "Response to Open Letter from Amnesty International" Online at: http://www.jasonkenney.ca/news/an-open-letter-to-amnesty-international/. 9 August 2011.

## ARTICLES 11, 16 – METHODS AND PRACTICES, ILL-TREATMENT

Amnesty International continues to be concerned by the use of less-than-lethal weapons, particularly Conducted Energy Devices (CEDs) such as TASERS. While some police forces have adopted stricter standards that limit the use of such devices to situations where there is a clear and serious imminent threat to life, most do not.

There are no consistent and coherent standards applicable to all policing forces across the country, as some are subject to federal government jurisdiction and others to provincial and territorial governments. Guidelines developed by the federal government in October 2010 are not binding and do not adopt a threshold of harm standard which would justify the use of a TASER. Federal Guidelines should be amended to require that CED's will only be used in situations involving an "imminent threat of death or serious (potentially life threatening) injury which cannot be contained by less extreme options."[28]

The legal framework for the testing and approval for use of new forms of less than lethal weapons by police agencies in Canada, such as sonic devices, is unclear. Some of these weapons pose a potential risk of resulting in torture or ill-treatment when used. The Canadian government should adopt a clear legislative framework to govern the testing and approval for use of all weapons used by police and other law enforcement agencies, which clearly incorporates international human rights standards including provisions of the UN Convention against Torture.

There continues to be controversy about the policing response to large scale public protests in Toronto when Canada hosted the G8 and G20 Summits in June 2010. More than one thousand people were arrested, the overwhelming number of whom appear to have been involved in legitimate acts of protest.

Detailed and credible allegations have been made by many individuals of abuse and ill-treatment at the hands of police and of inhuman prison conditions in the temporary detention centre that was used to hold those arrested. Police forces and government officials at both the level of the federal government and Ontario provincial government were involved in overseeing the security of the Summit. Both the federal and provincial governments have, to date, rejected calls for a comprehensive public inquiry to examine all aspects of the security operation. The federal government should be urged to take action to ensure that such an inquiry does go ahead.

# RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

The Canadian government has made public commitments to consider signing and ratifying the Optional Protocol to CAT since 2005. Amnesty International is calling on the government to act on that commitment and sign and ratify the OP to CAT without further delays.

Canada pledged to consider signing and ratifying the optional protocol as part of the pledges it made when standing for election to the UN Human Rights Council in 2006.[29] Canada accepted the recommendation to consider the possible signature and ratification of the optional protocol in 2009 during the state's Universal Periodic Review consideration,[30] and said domestic legislation was undergoing the required analysis. Alongside this ratification, the Canadian government should ensure the creation or designation of one or more National Preventive Mechanisms which are strong, effective, and independent and which can freely monitor all

[28] This standard has been enunciated by Amnesty International in various reports and submissions to government, including, "'Less than Lethal?' The use of Stun Weapons in US Law Enforcement", Amnesty International Publications 2008, AMR 51/010/2008, Available online at: http://www.amnesty.ca/amnestynews/upload/AMR510102008.pdf.

[29] Human Rights Council: Canada's Commitments and Pledges,10 April 2006, available online at: http://www.un.org/ga/60/elect/hrc/canada.pdf

[30] Report of the Working Group on the Universal Periodic Review, Canada, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/11/17/Add. June 2009

places of detention and have access to all information pertaining to all prisoners in order to prevent torture and other ill-treatment in custody.