



# GETTING BACK ON THE 'RIGHTS' TRACK

A Human Rights Agenda for Canada

March 2011

**AMNESTY INTERNATIONAL**



**Cover photos** (clockwise from top left):

Yemeni women protest in Sanaa on March 8, 2011. © AHMAD GHARABLI/AFP/Getty Images.

A Lubicon Cree trapper's cabin, Canada, 29 June 2008. The cabin is no longer used since the construction of an oil well next to it. © Amnesty International.

AI Canada demonstration calling for Omar Khadr to be brought back to Canada, in Toronto, 5 October 2008. © Amnesty International.

Sisters in Spirit vigil on Parliament Hill to honour missing and murdered Indigenous women and girls. October 4, 2010. © Amnesty International.

Launch of Amnesty International's campaign to stop maternal mortality in Sierra Leone, 23 September 2009. © Amnesty International.

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## **I. INTRODUCTION**

As Canadians return to the polls, the country faces numerous crucial human rights challenges. The concerns are both national and global. In this Human Rights Agenda for Canada, Amnesty International is pressing federal parties to commit to take action to address these concerns.

***Canada has traditionally been admired for its commitment to human rights. Canada's determination to better protect human rights within Canada and contributions to upholding human rights around the world have both equally won the country praise.***

But that assessment no longer holds true. Globally, Canada's standing as a reliable human rights champion has dropped precipitously. On the home front, concerns about human rights shortcomings mount. Canadians deserve leadership from their government when it comes to human rights. Without a doubt the world needs leadership from Canada when it comes to human rights. This election offers a critical opportunity to all political parties to make concrete commitments to action that will restore Canada's domestic and international commitment and leadership when it comes to human rights.

**The world has watched as recent Canadian action has undermined universal human rights principles.**

- Several years of strident opposition to the groundbreaking UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in September 2007 but only accepted – with considerable reluctance – by the Canadian government in November 2010.
- Unflinching refusal to raise concerns about the Israeli government's human rights record, leading to an erosion of Canada's principled and non-partisan reputation in the Middle East.
- Devastating funding cuts to organizations that advocate for stronger protection of women's human rights.
- Defiant failure to defend the rights of Omar Khadr, a Canadian citizen detained by the US military when he was a 15-year old child soldier in Afghanistan and imprisoned at Guantánamo Bay for over eight years.
- Unwillingness to support global efforts to better protect life-sustaining economic, social and cultural rights, including a refusal to recognize the existence of a right to water.

- Steadfast determination to avoid accountability for Canada's practice of transferring battlefield detainees in Afghanistan into the custody of Afghan officials despite a serious risk of torture.
- Decisions to cut back Canada's level of engagement in Africa, such that Canada is no longer a key player in addressing pressing concerns about conflict and poverty throughout the continent.

In many troubling ways, Canada has turned its back on universal human rights principles, some of which – such as protections for child soldiers – Canada played a lead role in establishing. On the homefront, Canada's human rights movement feels under siege. Internationally-respected organizations like KAIROS and the Canadian Council for International Cooperation have been targeted through punitive government funding cuts. The work of a globally renowned parliament agency, Rights & Democracy, has been set back dramatically through an internal crisis sparked by government-appointed Board members determined to curtail support for efforts to promote the rights of Palestinians. Never before have Canadian organizations worried so much that there might be consequences if they disagree publicly with the government on a human rights concern.

There was hope that this would turn around in 2010. Canada hosted the G8 and G20 Summits in June and was a candidate in UN Security Council elections in October.

Both offered opportunities for Canada to demonstrate renewed human rights leadership; opportunities that were ultimately lost.

- At the G8 Summit, the government launched a welcome initiative to tackle a serious global human rights concern – maternal, newborn and child health. However, the success of the initiative was impaired by debate about the government's positions on support for family planning and access to abortion services; and uncertainty about whether other governments were providing new and additional money for the initiative.
- The G20 Summit was overshadowed by the unprecedented mass arrest of over 1,000 individuals, most of whom were involved in peaceful protest.
- Suffering a stinging rebuke, Canada was forced to withdraw its Security Council candidacy in early stages of voting, when it became clear that Canada was going to lose decisively.

**It is time for leadership. Important human rights challenges and opportunities lie before the international community.**

- The UN has just marked the tenth anniversary of the Millennium Development Goals (MDGs), adopted by world leaders in 2000 as a fortified effort to tackle global poverty. The anniversary offered a sobering assessment of the fact that progress towards realizing the MDGs is far behind schedule. The way ahead must lie in firmly grounding the MDGs in a human rights framework.
- This year will mark the tenth anniversary of the September 11<sup>th</sup> terrorist attacks that unleashed a debilitating onslaught on such key human rights principles as the absolute ban on torture in the context of the US-led 'war on terror'. It is time for a concerted global effort to reaffirm that scrupulous regard for human rights must be at the core of efforts to bolster national security.
- Recovery from the financial and economic crises that rocked the world in 2008 has been slow and tentative. The impact has been felt by the wealthy, as stock values nosedived; and by people living in poverty, as food prices soared. The time is right to bring human rights principles into the centre of business, trade, investment and economic policies and decisions.
- And of course, 2011 has begun with an unprecedented wave of popular protests across North Africa and the Middle East which have toppled autocratic governments in Tunisia and Egypt and been met with harsh crackdowns in Libya, Yemen and other countries. Protesters are demanding sweeping democratic reforms and an end to deeply entrenched patterns of human rights abuse throughout the region. The international community, including Canada, has seemed uncertain about how to support these historic developments. Uncertainty must give way to a determined commitment to support what has the mark of a human rights revolution.

**This Human Rights Agenda for Canada proposes a way forward for restored and renewed Canadian human rights leadership at home and abroad. Amnesty International is calling on all federal political parties to make concrete commitments to advance the recommendations laid out here.**

## **II. GLOBAL LEADERSHIP BEGINS AT HOME**

The case for leadership starts within Canada. Consistent, principled action to better protect human rights domestically will show other countries that Canada is ready and willing to lead on the world stage.

### **A. Business, trade and human rights**

The potential human rights impact of the operations of Canadian companies, increasingly present in or near zones of conflict or serious human rights violations around the world, cannot be understated. This reality is particularly striking with Canadian mining, oil and gas companies, whose operations span the globe and have considerable clout and influence. The government leaves it to Canadian companies to voluntarily set their own standards and monitor their own performance when it comes to human rights. But voluntary isn't good enough. A private members bill, Bill C-300, which proposed a framework for human rights accountability in the extractive sector, was not supported by the government and was narrowly defeated at third reading in the House of Commons in October 2010.

Similarly government trade policy – particularly trade deals with other countries – can be of tremendous detriment or significant benefit when it comes to human rights. To ensure maximum benefit and minimum harm it is essential that trade deals be firmly grounded in human rights. A call for an independent human rights impact assessment of the recent free trade deal concluded between Canada and Colombia was rejected by majority vote in the House of Commons in June 2010. But a less stringent process of reporting on the deal's human rights impacts was instituted, which is potentially a positive first step. Numerous other trade deals have been recently finalized or are under consideration but human rights have been left off the table. There is no overarching policy within government regarding the need for meaningful human rights impact assessments of trade deals.

#### **Federal political parties need to commit to:**

- Adopting a legislated framework for strengthened human rights accountability of the overseas operations of Canadian extractive companies.
- Adopting a policy requiring all bilateral and multilateral trade deals to be subject to independent human rights impact assessment before and after they enter into force.

## **B. Indigenous rights**

By any measure, the failure to protect and uphold the rights of Indigenous people across Canada remains the country's most serious and longstanding human rights failing. That has been consistently recognized by numerous UN level human rights bodies and experts when they have reviewed Canada's human rights record. Canada's willingness to comply with international recommendations with respect to Indigenous rights is once again in the spotlight with the need to implement the outcome of the UN Human Rights Council's 2009 Universal Periodic Review (UPR) of Canada's record, carried out by other governments. The government has recently taken up one of the UPR recommendations by announcing its support for the UN Declaration on the Rights of Indigenous Peoples but has not yet released any plan for implementing the Declaration in Canada.

One serious area of concern is the persistent gap in the standard of living between Indigenous and non-Indigenous peoples in Canada. A recent federal government analysis found a significant gap between Indigenous and non-Indigenous communities in four indicators of "community well-being": educational attainment, labour force participation, income and housing. The report noted that between 2001 and 2006 little or no progress had been made toward narrowing this gap and that, in fact, a third of First Nations and Inuit communities experienced a decline in the selected indicators. While the federal government points to the money spent on services to Indigenous communities, in many key areas, including Aboriginal child welfare and education, federal funding is not only insufficient to meet the needs of Indigenous communities, it is also significantly less than provincial counterparts spend on services to primarily non-Indigenous communities.

Behind the widespread human rights violations experienced by Indigenous peoples across Canada lies a consistent and longstanding failure on the part of federal and provincial governments to recognize their land rights. Failure to protect the land rights of Indigenous peoples leads to other human rights problems, including with respect to culture, spiritual practices, housing and healthcare. The continuing violation of the land rights of the Lubicon Cree in northern Alberta is a stark illustration of this problem. The Lubicon have never ceded control of their lands. Nevertheless the government of Alberta continues to license widespread oil and gas developments from which the Lubicon, who live in extreme poverty, have received no significant benefit. The arbitrary and unprincipled violation of Lubicon land rights, first condemned by the UN Human Rights Committee in 1990, stands as a compelling symbol of Canada's failure to live up to its human rights obligations toward Indigenous peoples.

### **Federal political parties need to commit to:**

- Work with Indigenous peoples organizations' to develop an implementation plan for the UN Declaration on the Rights of Indigenous Peoples.

- Making a concerted effort to close the unacceptable gap in the standard of living for Indigenous peoples in Canada, including by eliminating disparities in access to vital government services such as child welfare, water, education and housing.
- Giving priority attention to reaching a fair agreement that respects and upholds the land rights of the Lubicon Cree.

### **C. The rights of refugees and migrants**

There have been serious human rights concerns with respect to the government's response to the arrival of two boatloads of Sri Lankan migrants off the coast of British Columbia - the Ocean Lady in October 2009 and the Sun Sea in August 2010. Government ministers made inflammatory remarks about those on board, before the boats had even arrived in Canada – particularly with respect to the Sun Sea. They were described as illegal migrants, queue jumpers, human traffickers and security threats; and were accused of links to terrorism. Rarely was there any acknowledgement they might be refugee claimants. Notably all 76 individuals who arrived on the Ocean Lady were found to be eligible to make refugee claims and have done so.

The government has adopted a harsh position with respect to the detention of those who arrived on the Sun Sea, many of whom remain detained while their refugee claims are being processed. A number of children are among those who have been detained for over six months. Recently there have been a number of troubling cases in which the government has refused to release individuals even after Federal Court judges have ordered them to be released. One judge has described the government's tactics as "nothing short of an abuse of process."

Following the arrival of the Sun Sea the government introduced Bill C-49, the *Preventing Human Smugglers from Abusing Canada's Immigration System Act*. The Bill would violate a number of fundamental human rights principles, including those guarding against arbitrary arrest and detention. Individuals arriving in circumstances similar to the Sun Sea would find themselves subject to mandatory detention for a minimum period of one year, without access to a detention review. All opposition parties have indicated that they are opposed to Bill C-49, but it remains before the House of Commons.

#### **Federal political parties need to commit to:**

- Not reintroducing Bill C-49 after the election.
- Ensuring that any efforts to tackle human smuggling or human trafficking conform to Canada's obligations under international human rights and refugee law.

## **D. Protecting the rights of Canadians abroad**

Over the past decade a growing number of Canadian citizens and permanent residents have experienced serious human rights violations in other countries, while imprisoned by governments or held by armed groups. Some of those cases - such as Maher Arar and Omar Khadr – have gained a high public profile. Others have received very little political or media attention. As we release this report Amnesty International is concerned about the plight of Canadian citizens and permanent residents imprisoned in China, Saudi Arabia, Ethiopia, Guantánamo Bay, Iran, Egypt and on death row in the state of Montana. The Canadian government has, in some cases, refused to intervene or done so minimally; while in others Canada's intervention has simply been rebuffed by the foreign government.

In other cases, the actions of Canadian officials have contributed to human rights violations abroad. Two judicial inquiries documented that in the cases of Maher Arar, Abdullah Almalki, Muayyed Nureddin and Ahmad Abou Elmaati in Syria and Egypt. The Supreme Court of Canada has twice ruled that Canadian officials have violated the rights of Omar Khadr, held in Guantánamo Bay. Information that has come out through Federal Court rulings has also pointed to that concern in the case of Abousfian Abdelrazik in the Sudan. While Mr. Arar did receive an apology and compensation from the Canadian government the other men are all facing protracted and contentious court battles to obtain a remedy for the violations they experienced. At the same time, Canadians are not able to sue foreign governments in Canadian courts for the abuses they have experienced because such lawsuits are barred under Canada's State Immunity Act. As well, numerous important policy recommendations from the Arar Inquiry have yet to be implemented.

### **Federal political parties need to commit to:**

- Providing fair compensation to individuals who have experienced human rights violations in other countries in part as a result of the actions of Canadian officials.
- Enshrining a clear right to consular assistance in Canadian law.
- Reforming Canada's State Immunity Act to allow lawsuits against foreign governments and government officials in cases involving serious human rights violations.
- Releasing a plan for full implementation of recommendations from the Arar Inquiry.

## **E. Women's human rights**

Across Canada, Indigenous women and girls continue to experience alarmingly high levels of violence and discrimination. It is, by any measure, one of Canada's most pressing human rights problems. Indigenous women and girls face a much greater risk of dying from violence than other women and girls in Canada. The reasons for the violence are clearly grounded in racism, sexism and poverty. Over the past six years there have been various initiatives launched or funded by the federal government and some provincial governments in response to the violence. However, despite repeated demands from Indigenous women's organizations there is no comprehensive national action plan to address the violence.

More widely, many organizations working to promote women's human rights in Canada have experienced a devastating series of government funding cuts over the past five years. Many have been forced to cut back or curtail projects, forego important work, or even close their offices. The cuts have come in the wake of changes in the funding guidelines of Status of Women Canada. Work that involves research or advocacy with respect to women's equality is no longer eligible for financial support.

### **Federal political parties need to commit to:**

- Establishing a comprehensive national action plan to address violence and discrimination against Indigenous women in Canada.
- Revising funding guidelines to include financial support for activity that includes research and advocacy with respect to women's human rights.

## **F. Dissent and advocacy**

The deep funding cuts that women's organizations have experienced are part of a wider and very troubling pattern in Canada. Over the past several years, independent voices that may disagree with the government on particular issues, or criticize government decisions and policies, have been undermined and sidelined in a seeming effort to silence their critique or their advocacy. That has included actual or threatened funding cuts to groups working on such issues as the rights of Palestinians, refugee protection, or international development policy. It has also included attacks on the independence of a growing list of government watchdog agencies or on the integrity of civil servants, many of whom have roles that involve monitoring important human rights matters.

The pattern has become so pervasive that a coalition of civil society organizations from sectors and movements that have rarely worked together in the past has been formed – Voices. The coalition includes organizations from all parts of the country and is dedicated to restoring respect and support for democratic space and human rights advocacy in Canada.

### **Federal political parties need to commit to:**

- Launching a credible, independent and public process that will examine and make recommendations regarding the state of democracy and human rights in Canada.

### **III. GLOBAL LEADERSHIP: CONSISTENT AND PRINCIPLED**

In a world that continues to face immense human rights challenges, leadership is so sorely needed but is often in desperately short supply. Canada can and must return to the global human rights stage with restored leadership – leadership that is consistent and principled.

#### **A. The right to maternal health**

Worldwide it is estimated that one woman dies a preventable death related to pregnancy or childbirth every 90 seconds. In some countries the statistics are staggering such as in Sierra Leone where women face a one in eight risk of maternal death. This tragedy is most acute in countries in the Global South that face high levels of poverty, but it is also of concern in countries in the Global North. An Amnesty International report has documented that in the United States African-American women face a risk of maternal death that is four times higher than that faced by white women. Recognizing the severity of this human rights crisis governments did, in 2000, commit themselves to a Millennium Development Goal (MDG 5) of cutting the rate of maternal mortality around the world by 75% by the year 2015. MDG 5, however, is widely seen to be the MDG that has made the least progress over the past decade.

In 2010, the Canadian government launched a major initiative in the area of maternal, newborn and child health tied to hosting the G8 Summit. The Muskoka Initiative could make a significant contribution to boosting progress towards achieving MDG 5 and bringing down maternal mortality rates around the world. However, the initiative is not firmly grounded in a sexual and reproductive rights framework, which Amnesty International has highlighted to be central to making real and sustainable progress in addressing maternal mortality. Recognizing the importance of the Muskoka Initiative, Prime Minister Harper has been named Co-Chair of the United Nations Commission on Information and Accountability for Women's and Children's Health, which will monitor achievement of the UN Secretary General's Global Strategy for Women's and Children's Health.

#### **Federal political parties need to commit to:**

- Ensuring that the Muskoka Initiative on Maternal, Newborn and Child Health and Canada's contribution to UN level efforts to address maternal mortality is grounded in internationally-recognized sexual and reproductive rights.

## **B. All rights matter: protecting economic, social and cultural rights**

When governments adopted the Universal Declaration of Human Rights in 1948 they did not separate rights into different categories or rank some rights as more important than others. But since that time many governments, including Canada, have drawn troubling distinctions among human rights. They have asserted that civil and political rights such as the protection against torture or fair trial guarantees are genuine human rights susceptible to enforcement by courts whereas economic, social and cultural rights dealing with food, housing, health-care and education are something less than that, more along the lines of policy considerations than enforceable rights. In recent years, Canada's refusal to recognize and respect economic, social and cultural rights has appeared to deepen.

On December 10, 2008 – a day marking the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights – the UN adopted an important new human rights treaty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. This Optional Protocol makes it possible for individuals to make international level complaints about violations of economic, social and cultural rights, something that has long existed for civil and political rights. It is a crucial step forward in strengthening protection of economic, social and cultural rights. Canada has, to date, refused to consider ratifying this important new human rights instrument.

More recently, the government has refused to support a private members bill, Bill C-304, which would require Canada to adopt a national housing strategy that is consistent with our international human rights obligations. As well, Canada has reconfirmed its longstanding refusal to recognize that a right to water exists within international law. In July 2010 the UN General Assembly overwhelmingly adopted a groundbreaking resolution recognizing the rights to water and sanitation. Canada was one of 41 nations, however, to abstain from the vote. UN human rights experts have concluded that the right to water is implicitly part of the International Covenant on Economic, Social and Cultural Rights. This is of critical importance in a world where millions of people die every year due to a lack of safe water.

### **Federal political parties need to commit to:**

- Ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Adopting Bill C-304 or equivalent legislation to develop a national housing strategy that meets Canada's international human rights obligations in the next session of Parliament.
- Recognizing the existence of rights to water and sanitation in international law.

### **C. Standing up for rights in the Middle East**

On the international human rights stage there is likely nothing that is more volatile and politicized than debates about the human rights situation in Israel, the Occupied Territories and the areas governed by the Palestinian Authority. Considered globally, UN human rights bodies have given disproportionate amounts of time to that region and have generally done so in a one-sided manner, concluding that the blame for human rights violations rests solely with the Israeli government. Traditionally Canada approached those debates in a careful and principled manner and garnered a reputation as nonpartisan.

That reputation has, however, been completely eroded in recent years as Canada has now adopted a policy of consistently voting against resolutions at both the UN Human Rights Council and the UN General Assembly that criticize Israel's human rights record. That has been the case even in the midst of UN criticism of the widespread human rights violations that occurred during the Israeli military campaigns in south Lebanon in 2006 and Gaza in 2009.

Most recently, this change in policy was widely seen to explain the Canadian government's failure to lend strong support to the wave of peaceful protests in Egypt during January and February 2011 that led to the resignation of Egyptian President Hosni Mubarak. The protesters were calling for democratic reforms and an end to long-entrenched human rights violations in Egypt, something that should have readily attracted strong Canadian support. Canada does, for instance, regularly call for such reforms in Iran and leads an annual resolution at the UN General Assembly criticizing Iran's human rights record. Canada's hesitation and reluctance with respect to Egypt almost certainly reflected the Israeli government's preference that President Mubarak remain in power and minimize the chances that a new Egyptian government might abrogate the peace treaty between Israel and Egypt.

#### **Federal political parties need to commit to:**

- Developing Middle Eastern foreign policy positions that are grounded in equal recognition of the universal human rights of all peoples living in the region.

### **D. The death penalty: Canada must continue to lead**

There has not been an execution in Canada for almost fifty years and the death penalty was abolished in Canada for most crimes in 1976 and for a handful of remaining military crimes in 1998. At the same time, Canada became known of a strong proponent internationally of the campaign to end the death penalty worldwide, including by demonstrating leadership through co-sponsorship of a series of death penalty abolition resolutions at the UN Commission on Human Rights.

However, in 2007, 2008 and 2010 Canada refused to co-sponsor groundbreaking resolutions at the UN General Assembly calling for a global moratorium on executions. Canada did vote in favour of the resolutions but was alone among countries that have firmly abolished the death penalty in refusing to show leadership through co-sponsorship.

**Federal political parties need to commit to:**

- Guaranteeing they would both vote in favour of and co-sponsor any future UN level resolutions calling for a global moratorium on executions.

**E. Living up to international obligations**

One visible sign of human rights leadership lies in a country's level of engagement with international human rights standards and institutions, particularly within the UN human rights system. Canada's record of signing on to international human right treaties has slowed considerably in recent years. Canada has ratified only four UN human rights treaties over the last decade. There are six important UN conventions and optional protocols – dealing with prevention of torture, enforcing economic, social and cultural rights, preventing enforced disappearances, enforcing the rights of persons with disabilities, protecting the rights of migrant workers and defending the rights of stateless persons – that have not yet been ratified by Canada. For more than five years Canada has been making UN and national level commitments to work towards ratification of one of those instruments, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading or Treatment or Punishment, but there is not yet any timetable for doing so.

Additionally, Canada has long faced challenges in ensuring domestic implementation of its international human rights obligations. There is no transparent, accountable and coordinated means for ensuring proper implementation of the outcomes of reviews of Canada's record by various UN human rights bodies and experts. Implementation has been hampered by secrecy, lack of political will and inadequate coordination among federal, provincial and territorial governments. There is a long list of important but unimplemented recommendations made to Canada by committees that supervise UN human rights treaties and Special Rapporteurs and Working Groups empowered to investigate human rights concerns by the UN Human Rights Council. Most recently this has become a concern with the outcome of a new UN review process, the Human Rights Council's Universal Periodic Review (UPR). The UPR, unlike other reviews, is carried out by other governments, and applies to all states that are members of the United Nations. Canada was reviewed under the UPR in February 2009 and will likely be reviewed again in 2013. There is not yet any action plan for implementation of the results of the 2009 review.

### **Federal political parties need to commit to:**

- Clear timelines for ratifying key international human rights treaties not yet ratified by Canada.
- Adopting a comprehensive strategy for improving Canada's approach to domestic implementation of international human rights obligations, including possibilities for an inter-ministerial human rights meeting and designating clear federal level ministerial responsibility for human rights.

### **F. Keeping it global and universal**

The fundamental principle at the heart of the international human rights system is the universal nature of human rights. Universality means human rights extend equally to all countries and to all peoples. Clearly, however, human rights are enjoyed unequally across the globe. The rights of some peoples in some countries are protected much more robustly than others; while the rights of many peoples in many countries are violated more frequently and severely than others. These domestic inconsistencies are mirrored in foreign policy. Governments do not treat all other countries equally when it comes to raising human rights concerns and pressing for human rights change. Some countries may find themselves criticized harshly, others chided quietly, while human rights violations in some countries are virtually ignored. The level of attention is often dictated by trade interests, security considerations or other political factors more than the nature and severity of the human rights violations.

This uneven approach has long characterized the approach to human rights in Canadian foreign policy, including recently. The Canadian government has, for example, been outspoken about grave human rights violations in Iran, bringing a resolution before the UN General Assembly every fall. However, the government has failed publicly to press the government of Colombia regarding its worrying human rights record. Canada has taken strong positions with respect to human rights violations in Myanmar, Cote d'Ivoire and Cuba. However, serious violations committed by the Israeli government have on occasion been described as "a measured response" and Canada's voice was noticeably moderate when hundreds of thousands of Sri Lankan Tamils faced grave peril in early 2009. Canada has criticized arbitrary and unlawful detention in countries such as Belarus, but has declined to do similarly when it comes to Guantánamo Bay. The government has condemned torture in Syria but then turned around and transferred prisoners apprehended in Afghanistan to a serious risk of being tortured in Afghan jails.

The fluctuations and unevenness are well illustrated by considering just one country. Over the past twenty years Canadian governments have taken widely varying positions with respect to human rights in China, ranging from frequent public criticism of violations to an adamant refusal to raise concerns publicly. More recently Canada's approach to China has been erratic, speaking out about some cases and situations, while remaining silent about others. Given the complexity of Canada's relationship with China and China's considerable clout, a comprehensive strategy for advancing human rights concerns in the Canada/China relationship is needed. No such strategy exists.

**Federal political parties need to commit to:**

- Demonstrating what steps they will take to ensure that human rights concerns are taken up in a meaningful manner across the full range of Canada's bilateral and multilateral dealings.

#### **IV. CONCLUSION**

Canada, as a nation, and countless individual Canadians have demonstrated a deep commitment to universal human rights principles and a determination to strengthen international and national human rights laws and institutions. But most of the celebrated examples of that leadership, such as the central role Canada played in the 1998 conference that led to establishment of the International Criminal Court, grow increasingly distant.

The upcoming federal election comes at a time of numerous and serious human rights challenges on the world stage; but also amidst promising signs of unprecedented human rights change, particularly in North Africa and the Middle East. The election comes at a troubling time with respect to Canada's global standing and domestic record with respect to human rights. But it also offers tremendous opportunities to strengthen human rights protection at home and restore Canada's international reputation as a human rights leader.

**It is time for Canada to get back on the rights track.**

**Towards that end, Amnesty International calls on all federal political leaders to commit to the recommendations in this Human Rights Agenda.**

## **V. SUMMARY OF RECOMMENDATIONS**

### **Business, trade and human rights**

- Adopting a legislated framework for strengthened human rights accountability of the overseas operations of Canadian extractive companies.
- Adopting a policy requiring all bilateral and multilateral trade deals to be subject to independent human rights impact assessment before and after they enter into force.

### **The rights of Indigenous peoples**

- Work with Indigenous peoples' organizations to develop an implementation plan for the UN Declaration on the Rights of Indigenous Peoples.
- Making a concerted effort to close the unacceptable gap in the standard of living for Indigenous peoples in Canada, including by eliminating disparities in access to vital government services such as child welfare, water, education and housing.
- Giving priority attention to reaching a fair agreement that respects and upholds the land rights of the Lubicon Cree.

### **Refugees and migrants**

- Not reintroducing Bill C-49 after the election.
- Ensuring that any efforts to tackle human smuggling or human trafficking conform to Canada's obligations under international human rights and refugee law.

### **Canadians at risk abroad**

- Providing fair compensation to individuals who have experienced human rights violations in other countries in part as a result of the actions of Canadian officials.
- Enshrining a clear right to consular assistance in Canadian law.
- Reforming Canada's State Immunity Act to allow lawsuits against foreign governments and government officials in cases involving serious human rights violations.
- Releasing a plan for full implementation of recommendations from the Arar Inquiry.

### **Protecting women's human rights**

- Establishing a comprehensive national action plan to address violence and discrimination against Indigenous women in Canada.
- Revising funding guidelines to include financial support for activity that includes research and advocacy with respect to women's human rights.

### **Advocacy and dissent**

- Launching a credible, independent and public process that will examine and make recommendations regarding the state of democracy and human rights in Canada.

### **The right to maternal health**

- Ensuring that the Muskoka Initiative on Maternal, Newborn and Child Health and Canada's contribution to UN level efforts to address maternal mortality is grounded in internationally-recognized sexual and reproductive rights.

### **Economic, social and cultural rights**

- Ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Adopting Bill C-304 or equivalent legislation to ensure the development of a national housing strategy that meets Canada's international human rights obligations in the next session of Parliament.
- Publicly recognizing the existence of rights to water and sanitation in international law.

### **Putting human rights first in the Middle East**

- Developing Middle Eastern foreign policy positions that are grounded in equal recognition of the universal human rights of all peoples living in the region.

### **Against the death penalty**

- Guaranteeing they would both vote in favour of and co-sponsor any future UN level resolutions calling for a global moratorium on executions.

### **Engagement with the international human rights system**

- Clear timelines for ratifying key international human rights treaties not yet ratified by Canada.
- Adopting a comprehensive strategy for improving Canada's approach to domestic implementation of international human rights obligation, including possibilities for an inter-ministerial human rights meeting and designating clear federal level ministerial responsibility for human rights.

### **Human rights and foreign policy**

- Demonstrating what steps they will take to ensure that human rights concerns are taken up in a meaningful manner across the full range of Canada's bilateral and multilateral dealings.

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