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HUMAN RIGHTS COUNCIL  
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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Canada**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	14 Oct 1970	None	Individual complaints (art. 14): No
ICESCR	19 May 1976	None	-
ICCPR	19 May 1976	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	19 May 1976	None	-
ICCPR-OP 2	25 Nov 2005	None	-
CEDAW	10 Dec 1981	None	-
OP-CEDAW	18 Oct 2002	None	Inquiry procedure (art. 8 and 9): Yes
CAT	24 Jun 1987	None	Inquiry procedure (art. 20): Yes Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes
CRC	13 Dec 1991	Yes (Arts. 21,37,30)	-
OP-CRC-AC	7 Jul 2000	Binding declaration under art. 3: 16 years	-
OP-CRC-SC	14 Sep 2005	None	-
<i>Core treaties to which Canada is not a party: OP-CAT, ICRMW, CPD (signature only, 2007), CPD-OP, CED.</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol <sup>3</sup>		Yes	
Refugees and stateless persons <sup>4</sup>		Yes, except 1954 Convention	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>		Yes	
ILO fundamental conventions <sup>6</sup>		Yes, except No. 29, No. 98 and No. 138	
UNESCO Convention against Discrimination in Education		No	

1. In 2008, Canada was encouraged by the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) to ratify CPD and CED<sup>7</sup>. The Committee against Torture (CAT)<sup>8</sup> recommended ratifying OP-CAT, which the Government, in 2006, pledged to consider signing or ratifying.<sup>9</sup> The Committee on the Elimination of Racial Discrimination (CERD) and CEDAW<sup>10</sup> recommended ratification of ICRMW; CERD recommended making the declaration provided for in ICERD article 14<sup>11</sup>, ratification of the 1954 Convention relating to Status of Stateless Persons<sup>12</sup> and the ILO Indigenous and Tribal Peoples Convention No.169.<sup>13</sup>

### B. Constitutional and legislative framework

2. The Human Rights Committee (HR Committee) regretted Canada's continued failure to address the inadequate remedies for violations of ICCPR articles 2, 3 and 26, recommending amendment to legislation at federal, provincial and territorial levels and legal system enhancement, allowing victims of discrimination full access to competent tribunals and effective remedy.<sup>14</sup>

3. Similarly, the Committee on Economic, Social and Cultural Rights (CESCR)<sup>15</sup> and CEDAW<sup>16</sup> recommended domestic legislation be harmonized with ICESCR and CEDAW.

CERD<sup>17</sup>, CEDAW<sup>18</sup> and CESCR said the Federal Government must ensure that provinces and territories are aware of Canada's obligations, and that rights are enforceable.<sup>19</sup> CESCR reiterated that governments should promote interpretations of laws, and the Canadian Charter of Rights and Freedoms, consistent with the Covenant.<sup>20</sup>

4. CERD noted with satisfaction amendments to the Canadian Human Rights Act (CHRA) and the Criminal Code strengthening Internet hate crime legislation.<sup>21</sup> CERD recommended adoption of mechanisms, in consultation with Aboriginal communities, ensuring adequate application of CHRA to complaints under the Indian Act.<sup>22</sup>

### C. Institutional and human rights infrastructure

5. Established in 1977, the Canadian Human Rights Commission (CHRC) was conferred A status by the International Coordinating Committee of National Institutions in 1999, and again in 2006.<sup>23</sup> CESCR recommended establishment of mechanisms for independent monitoring and adjudication of implementation of ICESCR, with the mandate to follow up on concluding observations.<sup>24</sup>

### D. Policy measures

6. CERD welcomed the "Action Plan Against Racism: A Canada for All"<sup>25</sup> – also noted in a 2006 report of the Security Council Committee concerning counter-terrorism.<sup>26</sup> It welcomed the CHRC "Anti-Hate Team"; and establishment of the Hate Crimes Community Working Group in Ontario.<sup>27</sup>

7. In 2007, an ILO Committee of Experts noted measures to improve the situation of aboriginal children, through addressing gaps in life chances and health status.<sup>28</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>29</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	March 2007	Overdue since March 2008	Combined nineteenth and twentieth report due in 2009
CESCR	2005	May 2006	-	Sixth report due in 2010
HR Committee	2004	Oct 2005	Received in Dec 2006	Sixth report due in 2010
CEDAW	2007	Nov 2008	-	Combined eighth and ninth report due in 2014
CAT	2004	May 2005	Received in June 2006	Sixth periodic report overdue since July 2008
CRC	2001	Oct 2003	-	Combined third and fourth report due in 2009
OP-CRC- AC	2004	June 2006	-	To provide information together with the report to CRC in 2009
OP-CRC- SC	-	-	-	Initial report overdue since 2007

8. HR Committee was concerned about non-implementation of recommendations made in 1999.<sup>30</sup> The Committee<sup>31</sup> and CAT<sup>32</sup> noted with concern Canada's reluctance to consider its obligation to implement their requests for interim measures of protection. HR Committee recommended Canada establish procedures by which oversight of implementation of the Covenant is ensured.<sup>33</sup> CESCR strongly reiterated that Canada should implement recommendations dating back to its second and third periodic reports.<sup>34</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (9-22 October 2007) <sup>35</sup> ; Working Group on Arbitrary Detention (1-15 June 2005) <sup>36</sup> ; Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (21 May to 4 June 2004) <sup>37</sup> ; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (15 to 26 September 2003). <sup>38</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on racism in 2007.
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the human rights of migrants, requested in 2006.
<i>Facilitation/cooperation during missions</i>	The Working Group on Arbitrary Detention and the Special Rapporteurs who visited during the period under review expressed their gratitude to the Government.
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	About four communications were sent within the four-year periodicity. In addition to communications sent for particular groups, 5 individuals, including 1 woman, were covered by these communications. During the period under review, the Government replied to 3 communications, representing replies to 75% of communications sent.
<i>Responses to questionnaires on thematic issues</i> <sup>39</sup>	Canada responded to 7 of the 13 questionnaires sent by special procedures mandate holders <sup>40</sup> during the period under review, within the deadlines. <sup>41</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

9. Canada is a regular donor to OHCHR's work,<sup>42</sup> pledging additional unearmarked contributions in 2006,<sup>43</sup> and contributed to the UN Humanitarian Funds.<sup>44</sup>

10. The High Commissioner visited Canada in 2006,<sup>45</sup> discussing issues such as discrimination and the need to uphold rights in the context of international migration and counterterrorism.<sup>46</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non discrimination

11. CERD recommended that Canada amend or adopt legislation criminalising racist violence, in compliance with ICERD article 4.<sup>47</sup>

12. On discrimination against First Nations women and children, CERD regretted lack of progress. CEDAW<sup>48</sup>, CERD<sup>49</sup>, CESCR<sup>50</sup> and the Special Rapporteur on indigenous people<sup>51</sup>

urged legislative solutions addressing discriminatory effects of the Indian Act on: transmission of Indian status to children; rights to marry, to own property, to inherit (under Matrimonial Real Property<sup>52</sup> regulations); and on economic, social and cultural rights<sup>53</sup> for Aboriginal women and children. CEDAW recommended that Section 67 of CHRA be interpreted to provide full protection and redress for Aboriginal women.<sup>54</sup> It was concerned that Aboriginal and ethnic minority women suffer from multiple discrimination in employment, housing, education and health care, with high rates of poverty, lack of access to clean water and low school completion rates.<sup>55</sup> Canada should take measures, including temporary special measures, to eliminate de jure and de facto discrimination, to sensitize these women about their rights, and ensure they are empowered to participate in governance and legislative processes.<sup>56</sup>

13. Citing the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), an ILO Committee of Experts requested that CHRA prohibit discrimination on grounds of political opinion and social origin.<sup>57</sup>

## **2. Right to life, liberty and security of the person**

14. While CEDAW welcomed initiatives to address violence against women, it remained concerned that domestic violence is a significant problem in Canada.<sup>58</sup> A 2005 WHO report indicated rates of abuse during pregnancy of 4 to 11 percent.<sup>59</sup> CERD<sup>60</sup> and HR Committee<sup>61</sup> were concerned about serious acts of violence against Aboriginal women – disproportionate in the number of victims of violent death, rape and domestic violence. CEDAW urged Canada to examine its failure to investigate cases of missing and murdered Aboriginal women, despite establishment of a working group, and to take steps to remedy systemic deficiencies. Canada should urgently conduct investigations determining whether racialized patterns exist, and take relevant measures.<sup>62</sup>

15. Regretting that domestic violence is not a criminal offence,<sup>63</sup> CEDAW<sup>64</sup> and CESCR recommended it be made one.<sup>65</sup> HR Committee and CEDAW<sup>66</sup> recommended Canada address root causes, ensure effective access to justice,<sup>67</sup> establish immediate means of redress and protection, ensure perpetrators are prosecuted and adequately punished, and enact “primary aggressor” policies. A 2006 UNFPA report noted immigrant and visible minority women (68 percent of them immigrants) reporting abuse were less likely to seek services than the general population.<sup>68</sup> CESCR recommended that Canada ensure low-income women and those trying to leave abusive relationships can access housing and support services consistent with the right to an adequate standard of living.<sup>69</sup> CERD and HR Committee recommended strengthening and expanding existing services and providing culturally-sensitive training for law enforcers,<sup>70</sup> ensuring prompt and adequate response.<sup>71</sup>

16. An ILO Committee of Experts sought information on reports that 90 percent of women indicate having been harassed sexually in the course of employment, and on measures taken.<sup>72</sup> CEDAW<sup>73</sup> and HR Committee were concerned about the situation of women prisoners, particularly women with disabilities, Aboriginal and ethnic minority women. Canada was urged to: end the presence of male guards in female prisons; redesign its classification system for federal women prisoners; ensure girls are held in single-sex youth prisons or detention centres<sup>74</sup>; and establish an external redress and oversight independent mechanism for federal women prisoners<sup>75</sup> based on CHRC recommendations.<sup>76</sup>

17. The Working Group on Arbitrary Detention<sup>77</sup>, the Special Rapporteur on racism<sup>78</sup> and CERD<sup>79</sup> noted that, regrettably, over-incarceration of Aboriginals, Afro-Canadians and ethnic

minorities – particularly women, as highlighted by CEDAW<sup>80</sup> – is more marked than before. The Working Group recommended strengthening policies to address this over-representation, particularly by increasing Aboriginal participation in law enforcement and the justice system, and sensitizing law enforcers.<sup>81</sup> CERD recommended Canada give preference to alternatives to imprisonment; increase efforts to address socio-economic marginalization and discriminatory approaches to law enforcement; and introduce a programme facilitating reintegration of aboriginal offenders into society.<sup>82</sup> Further, UNHCR urged the authorities to follow the principle of non-commingling of immigration hold detainees with the criminal population.<sup>83</sup> While welcoming the initiative: “Addressing Race-Based issues in the Justice system”, CERD<sup>84</sup> and the Special Rapporteur<sup>85</sup> were concerned about disproportionate use of force by police against Afro-Canadians.

18. Concerned at the still substantial number of major violent incidents involving serious bodily harm or hostage-taking in federal corrections facilities,<sup>86</sup> CAT called for progressive reduction in their frequency.<sup>87</sup>

19. The HR Committee recommended the State, at all levels, ensure sufficient community-based supportive housing is provided to prevent detention of people with mental disabilities or illnesses without a legally-based medical reason.<sup>88</sup>

20. Noting continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities for crowd control,<sup>89</sup> CAT recommended a public and independent study and a policy review of crowd control methods, at all levels.<sup>90</sup>

21. CAT noted positive aspects, inter alia: the definition of torture in the Criminal Code; the exclusion of the defences of superior orders or exceptional circumstances, including in armed conflict; and inadmissibility of evidence obtained by torture.<sup>91</sup> It expressed concern, however, at the absence of effective measures to provide civil compensation to victims of torture<sup>92</sup> and recommended Canada review its position under Convention article 14 to ensure its provision.<sup>93</sup>

22. CAT was also concerned at the failure of the Supreme Court of Canada to recognize in domestic law the absolute nature of the protection of Convention article 3, which is not subject to any exception,<sup>94</sup> and recommended Canada undertake unconditionally to respect it and incorporate it fully into domestic law.<sup>95</sup> HR Committee was concerned by Canada’s policy that, in exceptional circumstances, persons can be deported to a country where they would face risk of torture or degrading treatment.<sup>96</sup>

### **3. Administration of justice and the rule of law**

23. A 2007 UNHCR report noted the rising number of detained asylum-seekers.<sup>97</sup> CERD<sup>98</sup> was concerned that under the Immigration and Refugee Protection Act (IRPA), non-citizens and asylum-seekers may be remanded in custody, indefinitely, and, as also noted by the UNHCR report<sup>99</sup>, without warrant, if unable to produce valid identity documents or on suspicion of providing false identity. CERD was concerned that detention on the grounds established in IRPA Section 55 may adversely affect stateless persons and asylum-seekers from countries where conditions make obtaining identity documents difficult.<sup>100</sup> The Working Group on Arbitrary Detention<sup>101</sup> was concerned about wide discretion of immigration officers in detaining aliens and limited review of decisions. CERD recommended Canada ensure detention is imposed only on objective grounds stipulated in law and persons detained enjoy rights under relevant international norms.<sup>102</sup> Concerned about non-eligibility of undocumented migrants and stateless persons for

social security and health care and that, in some provinces, such children are ineligible for schooling, CERD urged Canada to ensure such provisions, and consider amending IRPA, explicitly including statelessness as a factor for humanitarian and compassionate consideration.<sup>103</sup>

24. On access to justice for Aboriginals, Afro-Canadians and ethnic minorities, CERD sought measures to ensure non-discrimination. CERD<sup>104</sup> and CESCR<sup>105</sup> recommended Canada extend the Court Challenges Program to provide financial assistance for test cases of national significance, as a priority. An ILO Committee of Experts requested information on measures to ensure disadvantaged groups can pursue equality claims in court.<sup>106</sup> CESCR noted with concern cuts in financial support, particularly in British Columbia<sup>107</sup>, to civil legal aid services relating to economic, social and cultural rights, recommending Canada ensure such aid is provided to poor people.<sup>108</sup>

#### **4. Freedom of religion or belief, association and peaceful assembly, and right to participate in public and political life**

25. Noting that, since 11 September 2001, Canada's Muslim and Arab communities have continuously felt victimized, the Special Rapporteur on racism said the resurgence of anti-Semitism and Islamophobia requires vigilant attention, and encouraged promotion of dialogue.<sup>109</sup> HR Committee also recommended Canada eliminate discrimination on the basis of religion in school funding in Ontario.<sup>110</sup>

26. HR Committee was concerned about information that police, particularly in Montreal, have resorted to large-scale arrests of demonstrators. It recommended Canada ensure the right to peaceful protest, and only demonstrators committing criminal offences are arrested.<sup>111</sup>

27. CERD encouraged strengthening of programmes to ensure appropriate representation of ethnic – particularly Afro-Canadian and Aboriginal – communities, in public office, federal and provincial.<sup>112</sup> A UN Statistics Division source indicated women held 21.3 percent of seats in the national parliament in 2008.<sup>113</sup> CEDAW urged action, including temporary special measures, to accelerate an increase in women's representation in public life.<sup>114</sup>

#### **5. Right to work and to just and favourable conditions of work**

28. Concerned that minority groups, particularly Afro-Canadians and Aboriginals, face discrimination in recruitment, remuneration, access to benefits, job security, qualification recognition and in the workplace, CERD recommended full implementation of anti-discrimination legislation in the labour market and measures to reduce unemployment.<sup>115</sup> CEDAW echoed this call, including through temporary special measures.<sup>116</sup>

29. CESCR recommended women's right to work and the need for parents to balance work and family life be considered through adequate childcare services.<sup>117</sup> In 2007, an ILO Committee of Experts cited a 2003 study showing women earned 71 percent of what men earned, and the gap had changed little in a decade. The ILO Committee and CESCR<sup>118</sup> urged provincial and territorial legislation ensuring equal remuneration for work of equal value in public and private sectors.<sup>119</sup> A 2007 ILO report indicated female migrants with university degrees from visible minorities suffer multiple discrimination.<sup>120</sup>

30. In 2006, the Special Rapporteur on migrants sent an allegation letter concerning alleged structural flaws in the Seasonal Agricultural Workers Program contributing to exploitative work and inadequate living conditions for many of its 20,000 workers who migrate to Canada every year. It was alleged that lack of an appeals mechanism and monitoring, and the high worker turnover rate, leads to frequent abuse including: working 12-15 hours without overtime or holiday pay; being denied necessary breaks; using dangerous chemicals without proper equipment or training; cramped, substandard housing; acute pay discrimination; and unfair paycheck deductions.<sup>121</sup>

31. CESCR noted with concern that minimum wage is below the Low-Income Cut-Off<sup>122</sup> and urged its increase to levels enabling a decent standard of living for workers and their families.<sup>123</sup> It strongly recommended<sup>124</sup> re-examination of the exclusion from the right to strike of public servants and employees of Crown corporations, public school teachers and college professors.<sup>125</sup>

32. In 2008, an ILO Committee of Experts noted that on 8 June 2007, the Supreme Court of Canada overruled 20 years of previous Supreme Court decisions to hold unanimously that freedom of association encompasses a measure of protection for collective bargaining under the Canadian Charter of Rights.<sup>126</sup>

## **6. Right to social security and to an adequate standard of living**

33. For a highly-developed, wealthy country, Canada's poverty figures are striking, the Special Rapporteur on adequate housing noted.<sup>127</sup> CESCR was concerned that 11.2 percent of the population lived in poverty in 2004, particularly Aboriginals, Afro-Canadians, immigrants, persons with disabilities, youth, low-income women and single mothers, and that significant differences persist between provinces and territories.<sup>128</sup> CESCR recommended integration of economic, social and cultural rights in poverty reduction strategies.<sup>129</sup>

34. CESCR noted with concern that in most provinces and territories, social assistance benefits are lower than a decade ago, often at less than half the Low-Income Cut-Off<sup>130</sup> and urged social assistance levels allowing realization of an adequate standard of living.<sup>131</sup> HR Committee recommended measures ensuring such cuts do not have detrimental effects on the abovementioned vulnerable groups, women and children.<sup>132</sup> CESCR strongly recommended Canada reconsider retrogressive measures adopted in 1995.<sup>133</sup>

35. Concerned that about 7.4 percent of the population suffers from food insecurity,<sup>134</sup> CESCR recommended significant intensification of efforts to address the issue.<sup>135</sup> CESCR regretted Canada does not recognize the right to water as a legal entitlement<sup>136</sup> and strongly recommended it ensure equal and adequate access to water.<sup>137</sup>

36. In his 2007 mission to Canada, the Special Rapporteur on adequate housing raised concerns about the significant number of homeless throughout the country. One-and-half million Canadian households experience housing affordability, suitability or adequacy problems. The Special Rapporteur observed an apparent shortage of social housing stock, noting that cuts in social spending have heavily impacted many lowest-income households.<sup>138</sup> CESCR reiterated that all levels of government address homelessness and inadequate housing as a national emergency.<sup>139</sup>



37. CERD remained concerned at the dramatic inequality in living standards of Aboriginal peoples.<sup>140</sup> The Special Rapporteur on adequate housing witnessed some living without access to potable water and sanitation.<sup>141</sup>

38. Concerned low-income, single-mother-led families and Aboriginal and Afro-Canadian families continue to be forced to relinquish children into foster care because of inadequate housing,<sup>142</sup> CESCR urged Canada to assess the extent of the problem at all levels.<sup>143</sup> It recommended special attention for homeless girls.<sup>144</sup>

39. In 2006, the Office of the Auditor General of Canada shared with the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic wastes<sup>145</sup> two petitions addressed to federal ministers on the environment and sustainable development. The petitioner requested the Government affirm the rights to clean water, clean air and a healthy environment. The Special Rapporteur emphasized the need to avoid projects, such as polluting industries, in communities where they could adversely impact the environment and health. Marginalized communities should be given the opportunities to participate meaningfully in decisions with possible implications for their rights – including cultural rights.<sup>146</sup>

### **7. Right to education and to participate in the cultural life of the community**

40. A 2005 UNESCO report noted excellent performance of immigrant children in education.<sup>147</sup> However CESCR was concerned Afro-Canadians face difficulties accessing education and experience disproportionately high secondary school drop-out rates.<sup>148</sup> A 2006 UNESCO report noted 17 percent of indigenous 15- to 49-year-olds reporting no formal schooling or less than Grade 9 as their highest level of education, in contrast to 6 percent of non-indigenous.<sup>149</sup> It noted over 40 percent of disabled children have only completed primary education.<sup>150</sup>

41. CESCR recommended Canada ensure higher education is equally accessible to all.<sup>151</sup>

### **8. Minorities and indigenous peoples**

42. Acknowledging that “modification” and “non-assertion” approaches have replaced the “cede, release and surrender” approach to Aboriginal land titles, CERD noted the lack of perceptible difference in results between the two. Concerned that claims of Aboriginal land rights are settled primarily through litigation, at disproportionate costs for the communities, CERD asked that new approaches to land claims do not unduly restrict progressive development of Aboriginal rights. Wherever possible, CERD urged Canada to engage, in good faith, in negotiations based on recognition and reconciliation, and that it examine ways to facilitate the establishment of proof of Aboriginal title over land before the courts. Treaties concluded with First Nations should provide for periodic review, including by third parties.<sup>152</sup>

43. Government authorities have assured the Special Rapporteur on indigenous people that the new treaties do not imply extinguishment of Aboriginal rights, but numerous conflicts exist due to failure to recognize indigenous property rights. Settling of comprehensive land claims and self-government agreements are important milestones but do not resolve many grievances and require more political will regarding implementation, responsive institutional mechanisms, effective dispute resolution mechanisms, and stricter monitoring procedures at all levels.<sup>153</sup> Efforts to reduce the socio-economic gap between indigenous and non-indigenous peoples have been thwarted by Government failure to honor the Kelowna Accord.<sup>154</sup>

44. The Special Rapporteur on adequate housing noted the negative impact of oil extraction and other industrial activities, such as in the Lubicon area, which continues to lead to the loss of lands and destruction of livelihoods and traditional practices.<sup>155</sup> HR Committee and CESCR in 2006 recommended Canada resume negotiations with the Lubicon Lake Band, and consult with the Band before granting licences for economic exploitation of the disputed land, ensuring rights under ICCPR<sup>156</sup> and ICESCR<sup>157</sup> are not jeopardized. CERD regretted the State report did not address limitations imposed on the use by Aboriginal peoples of their land. It urged Canada to allocate sufficient resources to remove obstacles preventing enjoyment of economic, social and cultural rights by Aboriginals and requested immediate implementation of the 1996 recommendations of the Royal Commission on Aboriginal Peoples.<sup>158</sup>

45. Noting with concern economic exploitation of natural resources in other countries by Canadian-registered transnational corporations, CERD<sup>159</sup> and the Special Rapporteur on toxic waste encouraged Canada take measures against acts negatively impacting rights of indigenous peoples outside Canada and to explore ways to hold the corporations accountable for such violations abroad.<sup>160</sup>

46. HR Committee recommended Canada increase efforts to protect and promote Aboriginal languages and cultures.<sup>161</sup> CESCR recommended adoption and implementation of concrete plans recommended by the Task Force on Aboriginal Languages and Cultures, and in the area of intellectual property for protection and promotion of ancestral rights and traditional knowledge.<sup>162</sup>

## **9. Migrants, refugees and asylum-seekers**

47. CAT recommended Canada remove the explicit exclusion of categories of persons posing security or criminal risks from the protection against refoulement provided by IRPA,<sup>163</sup> and that it provide for judicial review of the merits of decisions to expel an individual where substantial grounds exist for believing the person faces a risk of torture.<sup>164</sup> CAT recommended also that Canada insist on unrestricted consular access to Canadians detained abroad, with facility for unmonitored meetings and appropriate medical expertise.<sup>165</sup>

48. CESCR urged Canada to adopt effective measures to eliminate exploitation and abuse of migrant domestic workers under the federal Live-in Caregiver Program.<sup>166</sup>

## **10. Human rights and counter-terrorism**

49. Concerned about the wide definition of terrorism under the Anti-Terrorism Act, HR Committee recommended a more precise definition ensuring individuals are not targeted on political, religious or ideological grounds.<sup>167</sup> The Committee recommended reviewing the Canada Evidence Act to guarantee the right to a fair trial and to ensure, in compliance with article 14 of ICCPR, that individuals cannot be condemned on the basis of evidence to which they, or those representing them, do not have full access. Canada should not invoke exceptional circumstances as justification for deviating from fundamental principles of fair trial.<sup>168</sup>

50. CERD, concerned about racial profiling, underlined the obligation to ensure anti-terrorism measures do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin. It recommended sensitisation campaigns to protect persons and groups from stereotypes associating them with terrorism and that Canada consider amending the Anti-Terrorism Act to include an explicit anti-discrimination clause.<sup>169</sup>

51. Further, CAT<sup>170</sup>, CERD<sup>171</sup>, HR Committee<sup>172</sup> and the Working Group<sup>173</sup> on Arbitrary Detention were gravely concerned about the use of immigration processes to remove or expel immigrants and refugees on grounds of national security. They were concerned particularly about the use of security certificates under IRPA, whereby non-national terrorist suspects can be arrested and indefinitely detained without charge or trial, without being adequately informed why and without guarantees of a criminal process. HR Committee was also concerned about mandatory detention of foreign nationals who are not permanent residents. Canada should ensure administrative detention under security certificates is subject to judicial review, that it is never mandatory but decided case-by-case, and legally determine a maximum detention period.<sup>174</sup> The Working Group<sup>175</sup> and CAT<sup>176</sup> recommended detention of terrorism suspects be imposed in the framework of criminal procedure, with the corresponding safeguards enshrined in international law.

52. CAT expressed concern at the alleged roles of the State in the expulsion of Canadian national Maher Arar from the United States to the Syrian Arab Republic, where torture was reported to be practiced.<sup>177</sup> HR Committee, while appreciating Canada's denial, was also concerned by allegations that Canada may have cooperated with agencies known to resort to torture with the aim of extracting information from individuals detained in foreign countries. Canada should ensure public and independent inquiry of all cases of Canadian citizens who are suspected terrorists or suspected of possessing information relating to terrorism, and who have been detained in countries where it is feared they have undergone or may undergo torture or ill-treatment. Such inquiry should determine whether Canadian officials have directly or indirectly facilitated or tolerated their arrest and imprisonment.<sup>178</sup>

53. In *Ahani v. Canada*, HR Committee found Canada had breached its obligations under ICCPR-OP1 by deporting the subject to Iran before the Committee's determination of his allegation of irreparable harm to his Covenant rights. It also found violations of article 9 relating to lawfulness of detention, and article 13 for failing to provide procedural protections, in conjunction with article 7, which relates to torture. Canada responded to the Committee's request for information. The Committee decided the matter need not be considered further under the follow-up procedure, but will be re-examined if the situation changes.<sup>179</sup>

54. Responding to CAT, Canada informed there was no case of extradition or removal involving a risk of torture subject to receipt of diplomatic assurance since September 2001.<sup>180</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

55. In 2007, an ILO Committee of Experts noted amendments to the Criminal Code in 2005, creating three indictable offences, also welcomed by CEDAW,<sup>181</sup> prohibiting trafficking in persons, providing more effective prohibitions against child trafficking.<sup>182</sup> CEDAW welcomed publication in 2006 of new guidelines for immigration officers to ensure victims receive consideration for immigration status.<sup>183</sup> In 2005, an ILO Committee of Experts noted that under the Criminal Code, Canadian citizens or permanent residents who sexually abuse children or use child prostitutes whilst travelling, can be prosecuted for sexual offences.<sup>184</sup>

56. CERD noted with satisfaction establishment of the Canadian Coalition of Municipalities against Racism and Discrimination.<sup>185</sup>

57. A 2006 UNFPA report indicated Canada has developed broad-based immigration policies that tackle cultural and linguistic barriers by promoting social and political integration of immigrants and refugees.<sup>186</sup>

58. In 2007, an ILO Committee of Experts recalled that the Employment Equity Act requires employers to adopt policies and practices ensuring women, visible minorities, persons with disabilities and Aboriginals, have equal access to employment.<sup>187</sup>

#### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

##### **A. Pledges by the State**

59. In 2006, the Government committed to actively pursue: implementation of human rights, including regarding racism, indigenous peoples and protection of children;<sup>188</sup> international cooperation programs on human rights, gender equality, child protection, democracy, good governance, and rule of law.<sup>189</sup> It pledged to re-extend its open invitation to special procedures.<sup>190</sup>

##### **B. Specific recommendations for follow-up**

60. HR Committee requested, by October 2006, information on follow-up to recommendations on: the wide definition of terrorism under the Anti-Terrorism Act; the Canada Evidence Act relating to non-disclosure of information in connection with proceedings; “security certificates” under IRPA; and the situation of women prisoners.<sup>191</sup> In December 2006, Canada provided detailed responses.<sup>192</sup> At its 90th session, the Committee decided no further information was required at the time.

61. CERD requested, by March 2008, information on follow-up to recommendations on: heightened risks of racial profiling and discrimination in application of the Anti-Terrorism Act; dramatic inequality in living standards of Aboriginal peoples; the “cede, release and surrender” approach; and difficulties in access to justice for Aboriginals.<sup>193</sup> The follow-up reply is overdue.

62. CAT requested, by May 2006, information on follow-up to its recommendations on: unrestricted consular access to its nationals detained abroad; extradition or removal subject to receipt of diplomatic assurances; and the frequency of major violent incidents in federal corrections facilities.<sup>194</sup> Canada has provided detailed responses.<sup>195</sup>

63. The Special Rapporteur on adequate housing<sup>196</sup> recommended effective action on critical obstacles to the right to adequate housing and a properly-funded poverty reduction strategy respectful of human rights.

64. Apart from recommendations above on over-incarceration of Aboriginals and use of immigration processes against suspected terrorists,<sup>197</sup> the Working Group on Arbitrary Detention recommended detention of asylum-seekers remain exceptional, that the Government amend immigration laws and/or their application policies leading to unjustified detention of migrants and asylum-seekers, and strengthen control over decision-making by immigration officers.<sup>198</sup>

65. The Special Rapporteur on racism<sup>199</sup> recommended the creation of a national commission to combat discrimination and promote multiculturalism. In view of the considerable gap between political will and achievements in combating racism, the commission should begin with an exhaustive assessment of policies and strategies. Law enforcement agencies should undergo

urgent review, in line with Canada's multiculturalism. The Government should reinforce safeguards ensuring anti-terrorist measures do not aggravate racism.

66. In 2008, CEDAW requested, within one year, written information on implementation of recommendations to raise awareness of the Convention and OP-CEDAW at all levels, and to investigate cases of missing and murdered Aboriginal women.<sup>200</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

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<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> CEDAW/C/CAN/CO/7, para 51.

<sup>8</sup> CAT/C/CR/34/CAN, para 5 (j).

<sup>9</sup> Pledges and commitments undertaken by Canada before the Human Rights Council, as contained in the letter dated 10 April, 2006 sent by the Permanent Mission of Canada to the United Nations addressed to the President of the General Assembly, p. 3, available at <http://www.un.org/ga/60/elect/hrc/canada.pdf> (accessed on 10 September 2008).

<sup>10</sup> CEDAW/C/CAN/CO/7, para 51.

<sup>11</sup> CERD, CERD/C/CAN/CO/18, para. 28.

<sup>12</sup> CERD, CERD/C/CAN/CO/18, para. 23.

<sup>13</sup> CERD, CERD/C/CAN/CO/18, para. 27.

<sup>14</sup> CCPR/C/CAN/CO/5, para 11.

<sup>15</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 39.

<sup>16</sup> CEDAW/C/CAN/CO/7, para 18.

<sup>17</sup> CERD, CERD/C/CAN/CO/18, para. 12.

<sup>18</sup> CEDAW/C/CAN/CO/7, para 16.

<sup>19</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 35.

<sup>20</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 41.

<sup>21</sup> CERD, CERD/C/CAN/CO/18, para. 8.

<sup>22</sup> CERD, CERD/C/CAN/CO/18, para. 25.

<sup>23</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>24</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 35.

<sup>25</sup> CERD, CERD/C/CAN/CO/18, para. 12.

<sup>26</sup> S/2006/185, p. 22-23.

<sup>27</sup> CERD, CERD/C/CAN/CO/18, para. 8.

<sup>28</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092007CAN182, p. 4.

<sup>29</sup> The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

<sup>30</sup> CCPR/C/CAN/CO/5, para 6.

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<sup>31</sup> CCPR/C/CAN/CO/5, para 7.

<sup>32</sup> CAT/C/CR/34/CAN, para 4 (f).

<sup>33</sup> CCPR/C/CAN/CO/5, para 6.

<sup>34</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 34.

<sup>35</sup> A/HRC/7/16/Add.4

<sup>36</sup> E/CN.4/2006/7/Add.2,

<sup>37</sup> E/CN.4/2005/88/Add.3

<sup>38</sup> E/CN.4/2004/18/Add.2

<sup>39</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>40</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situation sent in 2007.

<sup>41</sup> Special Rapporteur on the human rights of migrants, questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006 (A/HRC/4/24, para. 9); Special Rapporteur on trafficking in persons, especially women and children, questionnaire on issues related to forced marriages and trafficking in persons sent in 2006 (A/HRC/4/23, para. 14); Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, questionnaire on the human rights of indigenous people sent in August 2007 (A/HRC/6/15, para. 7); Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62, para. 24) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67, para. 22), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; Special Rapporteur on the sale of children, child prostitution and child pornography, questionnaire on the sale of children's organs sent on July 2006 (A/HRC/4/31, para. 24); Special Rapporteur on the sale of children, child prostitution and child pornography, questionnaire on child pornography on the Internet sent in July 2004 (E/CN.4/2005/78, para. 4); Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, questionnaire on human rights policies and management practices (A/HRC/4/35/Add.3, para. 7).

<sup>42</sup> OHCHR 2007 report on activities and results, page 152.

<sup>43</sup> Pledges and commitments undertaken by Canada before the Human Rights Council, as contained in the letter dated 10 April, 2006 sent by the Permanent Mission of Canada to the United Nations addressed to the President of

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the General Assembly, p. 2, available at <http://www.un.org/ga/60/elect/hrc/canada.pdf> (accessed on 10 September 2008).

<sup>44</sup> OHCHR 2007 report on activities and results, page 160; Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/62/189); Report of the United Nations High Commissioner for Human Rights on the Status of the United Nations Voluntary Fund for Indigenous Populations (A/63/166).

<sup>45</sup> OHCHR 2006 Annual report, page 18.

<sup>46</sup> The High Commissioner's Statement to the 3<sup>rd</sup> Session of the HRC, 29 November 2006.

<sup>47</sup> CERD, CERD/C/CAN/CO/18, para. 16.

<sup>48</sup> CEDAW/C/CAN/CO/7, para 18.

<sup>49</sup> CERD, CERD/C/CAN/CO/18, para. 15.

<sup>50</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 45.

<sup>51</sup> E/CN.4/2005/88/Add.3, paras 90-91, 93

<sup>52</sup> CEDAW/C/CAN/CO/7, para 19.

<sup>53</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 17.

<sup>54</sup> CEDAW/C/CAN/CO/7, para 18.

<sup>55</sup> CEDAW/C/CAN/CO/7, para 43.

<sup>56</sup> CEDAW/C/CAN/CO/7, para 44.

<sup>57</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092007CAN111, para. 2.

<sup>58</sup> CEDAW/C/CAN/CO/7, para 29.

<sup>59</sup> WHO, The World Health Report 2005, Geneva, 2005, p. 47, available at: [http://www.who.int/whr/2005/whr2005\\_en.pdf](http://www.who.int/whr/2005/whr2005_en.pdf) (accessed on 17 September 2008).

<sup>60</sup> CERD, CERD/C/CAN/CO/18, para. 20.

<sup>61</sup> CCPR/C/CAN/CO/5, para 23.

<sup>62</sup> CEDAW/C/CAN/CO/7, paras 31. and 32.

<sup>63</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 25.

<sup>64</sup> CEDAW/C/CAN/CO/7, para 30.

<sup>65</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 58.

<sup>66</sup> CEDAW/C/CAN/CO/7, para 30.

<sup>67</sup> CCPR/C/CAN/CO/5, para 23.

<sup>68</sup> UNFPA, The State of World Population 2006, New York, 2006, p. 40, available at <http://www.unfpa.org/swp/2006/english/introduction.html> (accessed on 18 September 2008).

<sup>69</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 59.

<sup>70</sup> CERD, CERD/C/CAN/CO/18, para. 20.

<sup>71</sup> CCPR/C/CAN/CO/5, para 23.

<sup>72</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2005, Geneva, Doc. No. 092005CAN111, para. 1.

<sup>73</sup> CEDAW/C/CAN/CO/7, para 33.

<sup>74</sup> CEDAW/C/CAN/CO/7, para 34.

<sup>75</sup> CEDAW/C/CAN/CO/7, para 34.

<sup>76</sup> CCPR/C/CAN/CO/5, para 18.



- <sup>77</sup> E/CN.4/2006/7/Add.2, para 51
- <sup>78</sup> E/CN.4/2004/18/Add.2, para 53
- <sup>79</sup> CERD, CERD/C/CAN/CO/18, para. 19.
- <sup>80</sup> CEDAW/C/CAN/CO/7, para 33.
- <sup>81</sup> E/CN.4/2006/7/Add.2, para 92 (a)
- <sup>82</sup> CERD, CERD/C/CAN/CO/18, para. 19.
- <sup>83</sup> UNHCR, Country Operations Plan 2008-2009 Canada, 2007, p. 4, available at <http://www.unhcr.org/refworld/docid/4716249c0.html> (accessed 27 October 2008).
- <sup>84</sup> CERD, CERD/C/CAN/CO/18, para. 19.
- <sup>85</sup> E/CN.4/2004/18/Add.2, para 43
- <sup>86</sup> CAT/C/CR/34/CAN, para 4 (h).
- <sup>87</sup> CAT/C/CR/34/CAN, para 5 (g).
- <sup>88</sup> CCPR/C/CAN/CO/5, para 17.
- <sup>89</sup> CAT/C/CR/34/CAN, para 4 (i).
- <sup>90</sup> CAT/C/CR/34/CAN, para 5 (h).
- <sup>91</sup> CAT/C/CR/34/CAN, para 3 (a).
- <sup>92</sup> CAT/C/CR/34/CAN, para 4 (g).
- <sup>93</sup> CAT/C/CR/34/CAN, para 5 (f).
- <sup>94</sup> CAT/C/CR/34/CAN, para 4 (a).
- <sup>95</sup> CAT/C/CR/34/CAN, para 5 (a)
- <sup>96</sup> CCPR/C/CAN/CO/5, para 15.
- <sup>97</sup> UNHCR, Country Operations Plan 2008-2009 Canada, 2007, p. 4, available at <http://www.unhcr.org/refworld/docid/4716249c0.html> (accessed 27 October 2008). See also <http://www.unhcr.org/protect/PROTECTION/455b2cca4.pdf>.
- <sup>98</sup> CERD, CERD/C/CAN/CO/18, para. 18.
- <sup>99</sup> UNHCR, Country Operations Plan 2008-2009 Canada, 2007, p. 4, available at <http://www.unhcr.org/refworld/docid/4716249c0.html> (accessed 27 October 2008). See also <http://www.unhcr.org/protect/PROTECTION/455b2cca4.pdf>.
- <sup>100</sup> CERD, CERD/C/CAN/CO/18, para. 18.
- <sup>101</sup> E/CN.4/2006/7/Add.2, para 91
- <sup>102</sup> CERD, CERD/C/CAN/CO/18, para. 18.
- <sup>103</sup> CERD, CERD/C/CAN/CO/18, para. 23.
- <sup>104</sup> CERD, CERD/C/CAN/CO/18, para. 26.
- <sup>105</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 42.
- <sup>106</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092007CAN111, para. 5.
- <sup>107</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 14.
- <sup>108</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 43.
- <sup>109</sup> E/CN.4/2004/18/Add.2, para 81 (j)
- <sup>110</sup> CCPR/C/CAN/CO/5, para 21.

- <sup>111</sup> CCPR/C/CAN/CO/5, para 20.
- <sup>112</sup> CERD, CERD/C/CAN/CO/18, para. 24.
- <sup>113</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg> (accessed on 09 Sep. 2008).
- <sup>114</sup> CEDAW/C/CAN/CO/7, para 36.
- <sup>115</sup> CERD, CERD/C/CAN/CO/18, para. 24.
- <sup>116</sup> CEDAW/C/CAN/CO/7, para 38.
- <sup>117</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 46.
- <sup>118</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 50.
- <sup>119</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092007CAN100, paras. 1 and 5.
- <sup>120</sup> ILO, Equality at Work: Tackling the Challenges, International Labour Conference, 96<sup>th</sup> session 2007, Geneva, 2007, pp. 31, 41 and 44, available at: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms\\_082607.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf) (accessed on 18 September 2008).
- <sup>121</sup> A/HRC/4/24/Add.1, paras 26-30
- <sup>122</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 18.
- <sup>123</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 47.
- <sup>124</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 19.
- <sup>125</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 51.
- <sup>126</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 062008CAN087, p. 1.
- <sup>127</sup> A/HRC/7/16/Add.4, paras 8-11, 15
- <sup>128</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 15.
- <sup>129</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 44.
- <sup>130</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 21.
- <sup>131</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 53.
- <sup>132</sup> CCPR/C/CAN/CO/5, para 24.
- <sup>133</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 52.
- <sup>134</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 27.
- <sup>135</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 61.
- <sup>136</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 30.
- <sup>137</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 64.
- <sup>138</sup> A/HRC/7/16/Add.4, paras 8-11, 15
- <sup>139</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 62.
- <sup>140</sup> CERD, CERD/C/CAN/CO/18, para. 21.
- <sup>141</sup> A/HRC/7/16/Add.4, paras 8-11, 15
- <sup>142</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 24.
- <sup>143</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 56.
- <sup>144</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 57.
- <sup>145</sup> A/HRC/7/21/Add.1, para 55

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<sup>146</sup> E/CN.4/2003/56/Add.2, para 123

<sup>147</sup> UNESCO, Education For All Global Monitoring Report 2005, Paris, 2004, p. 49-51, available at: <http://unesdoc.unesco.org/images/0013/001373/137333e.pdf> (accessed on 17 September 2008).

<sup>148</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 32.

<sup>149</sup> UNESCO, Education For All Global Monitoring Report 2006, Paris, 2005, p. 177, available at <http://unesdoc.unesco.org/images/0014/001416/141639e.pdf> (accessed on 17 September 2008).

<sup>150</sup> UNESCO, Education For All Global Monitoring Report 2006, Paris, 2005, p. 179, available at: <http://unesdoc.unesco.org/images/0014/001416/141639e.pdf> (accessed on 17 September 2008)

<sup>151</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 65.

<sup>152</sup> CERD, CERD/C/CAN/CO/18, para. 22.

<sup>153</sup> E/CN.4/2005/88/Add.3, paras 20, 90-91, 93

<sup>154</sup> A/HRC/4/32/Add.4, para 46.

<sup>155</sup> A/HRC/7/16/Add.4, para 15

<sup>156</sup> CCPR/C/CAN/CO/5, para 9.

<sup>157</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 38.

<sup>158</sup> CERD, CERD/C/CAN/CO/18, para. 21.

<sup>159</sup> CERD, CERD/C/CAN/CO/18, para. 17.

<sup>160</sup> E/CN.4/2003/56/Add.2, para. 126

<sup>161</sup> CCPR/C/CAN/CO/5, para 10.

<sup>162</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 67.

<sup>163</sup> CAT/C/CR/34/CAN, para 4 (d).

<sup>164</sup> CAT/C/CR/34/CAN, para 5 (c).

<sup>165</sup> CAT/C/CR/34/CAN, para 5 (d).

<sup>166</sup> CESCR, E/C.12/CAN/CO/4, E/C.12/CAN/CO/5, para 49.

<sup>167</sup> CCPR/C/CAN/CO/5, para 12.

<sup>168</sup> CCPR/C/CAN/CO/5, para 13.

<sup>169</sup> CERD, CERD/C/CAN/CO/18, para. 14.

<sup>170</sup> CAT/C/CR/34/CAN, para 4 (e).

<sup>171</sup> CERD, CERD/C/CAN/CO/18, para. 14.

<sup>172</sup> CCPR/C/CAN/CO/5, para 14.

<sup>173</sup> E/CN.4/2006/7/Add.2, para 91

<sup>174</sup> CCPR/C/CAN/CO/5, para 14.

<sup>175</sup> E/CN.4/2006/7/Add.2, para 92 (c) and (d)

<sup>176</sup> CAT/C/CR/34/CAN, para 4 (e).

<sup>177</sup> CAT/C/CR/34/CAN, para 4 (b).

<sup>178</sup> CCPR/C/CAN/CO/5, para 16.

<sup>179</sup> CCPR/C/80/D/1051/2002, Mansour Ahani, case nr. 1051/2002, views adopted on 29 March 2004.

<sup>180</sup> Canada's Interim report in follow-up to the review of Canada's Fourth and Fifth reports on the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, 01 June 2006, (CAT/C/CAN/CO/5/Add.1).

<sup>181</sup> CEDAW/C/CAN/CO/7, para 5.

<sup>182</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092007CAN182, p. 1.

<sup>183</sup> CEDAW/C/CAN/CO/7, para 5.

<sup>184</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2005, Geneva, Doc. No. 092005CAN182, para. 1.

<sup>185</sup> CERD, CERD/C/CAN/CO/18, para. 5.

<sup>186</sup> UNFPA, The State of World Population 2006, New York, 2006, pp. 38 and 70, available at <http://www.unfpa.org/swp/2006/english/introduction.html> (accessed on 18 September 2008).

<sup>187</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092007CAN111, para. 3.

<sup>188</sup> Pledges and commitments undertaken by Canada before the Human Rights Council, as contained in the letter dated 10 April, 2006 sent by the Permanent Mission of Canada to the United Nations addressed to the President of the General Assembly, p. 3, available at <http://www.un.org/ga/60/elect/hrc/canada.pdf> (accessed on 10 September 2008).

<sup>189</sup> Pledges and commitments undertaken by Canada before the Human Rights Council, as contained in the letter dated 10 April, 2006 sent by the Permanent Mission of Canada to the United Nations addressed to the President of the General Assembly, p. 3, available at <http://www.un.org/ga/60/elect/hrc/canada.pdf> (accessed on 10 September 2008).

<sup>190</sup> Pledges and commitments undertaken by Canada before the Human Rights Council, as contained in the letter dated 10 April, 2006 sent by the Permanent Mission of Canada to the United Nations addressed to the President of the General Assembly, p. 2, available at <http://www.un.org/ga/60/elect/hrc/canada.pdf> (accessed on 10 September 2008).

<sup>191</sup> CCPR/C/CAN/CO/5, para 26.

<sup>192</sup> Interim Report in follow-up to the review of Canada's Fifth Report on the International Covenant on Civil and Political Rights, submitted to the HR Committee on 7 December 2006, OHCHR Registry (YTGR0659).

<sup>193</sup> CERD, CERD/C/CAN/CO/18, para. 32.

<sup>194</sup> CAT/C/CR/34/CAN, para 6.

<sup>195</sup> Canada's Interim report in follow-up to the review of Canada's Fourth and Fifth reports on the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, 01 June 2006, (CAT/C/CAN/CO/5/Add.1).

<sup>196</sup> A/HRC/7/16/Add.4, para 21

<sup>197</sup> E/CN.4/2006/7/Add.2, para 92 (a) and (d)

<sup>198</sup> E/CN.4/2006/7/Add.2, para 92 (c) and (d)

<sup>199</sup> E/CN.4/2004/18/Add.2, para 81, (f) (i) and (j)

<sup>200</sup> CEDAW/C/CAN/CO/7, para 53.

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