

Responses to Recommendations

CANADA

Review in the Working Group: 3 February 2009
 Adoption in the Plenary: 9 June 2009

Canada's responses to recommendations (as of 30.04.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	32 REC accepted; 22 accepted in part (underlined in blue) ¹ ; 14 rejected	No additional information provided	Accepted: 54 Rejected: 14 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/17:

“86. In the course of the discussion, the following recommendations were made to Canada:

R - 1. Ratify the Optional Protocol to ICESCR (Mexico; Egypt);

A - 2. Consider signing and ratifying (Brazil, Chile)/accede to (Liechtenstein; Czech Republic) /ratify (Denmark; France; Chile; Azerbaijan) the OP-CAT and establish an effective National Preventive Mechanism (Denmark; Liechtenstein; France; Czech Republic) as required under the Protocol (Liechtenstein) and further adopt additional measures to ensure its full implementation without any exceptions of the principle of non-refoulement (Czech Republic);

A - 3. Consider ratifying (Jordan)/ratify as soon as possible ICRPD (Chile, China);

R - 4. Ratify (France) as soon as possible (Chile)/consider the possibility of signing and ratifying (Argentina) the CED, as well as accepting the competence of its Committee (Argentina);

¹ Recommendation n°2 is considered by the delegation as fully accepted despite clearly rejecting the last part about non-refoulement in § 42 of their addendum. However, in order to be in line with the information provided by the delegation, we will consider recommendation n° 2 as fully accepted. REC n° 33 to 38, which Canada “accepts the underlying principles”, and REC n° 50, which Canada “accepts [...] in principle”, are considered as accepted in part.

R - 5. Accede to (Algeria)/sign and ratify (Azerbaijan)/ sign ICRMW (Chile, Egypt, Syrian Arab Republic, Mexico);

R - 6. Consider ratifying (Norway, Mexico)/ratify and implement in national norms ILO Convention 169 (Bolivia);

A - 7. Request from OHCHR the necessary support for the process of ratification of a greater number of international human rights instruments (Bolivia);

R - 8. Consider positively ratifying (Mexico)/adhere to the American Convention on Human Rights (Mexico, Brazil);

R - 9. Within the context of paragraph 1 (a) of resolution 9/12 of the Human Rights Council, entitled "Human Rights Goals", withdraw Canadian reservations to the Convention on the Rights of the Child; particularly regarding the duty to detain children separately from adults (Brazil);

R - 10. Recognize the justiciability of social, economic and cultural rights, in accordance with the Optional Protocol to ICESCR (Brazil); ensure legal enforcement of economic, social and cultural rights in domestic courts (Pakistan); grant the same importance to and treat equally civil, political, economic, social and cultural rights, in its legislation at all levels (Mexico);

A - 11. Continue its committed policy, federally, provincially and territorially, to promote and protect all human rights (Morocco);

A - 12. Seek to demonstrate that challenges presented by relationships between its federal, provincial and territorial governments do not present unnecessary obstacles to the fulfillment of treaty obligations (United Kingdom);

R - 13. Streamline its domestic legislation for the smooth and immediate implementation of its international obligations by all levels of government (Pakistan);

A - 14. Create or reinforce a transparent, effective and accountable system that includes all levels of the government and representative of the civil society, including indigenous people, to monitor and publicly and regularly report on the implementation of Canada's human rights obligations (Portugal); establish a mechanism that will meet regularly with the effective participation of civil society organizations and indigenous peoples, and have national reach to implement all Canada's international obligations and facilitate the acceptance of pending commitments, (Mexico); consider measures to make the Continuing Committee of Officials on Human Rights more operational, ensure its better accessibility for the civil society enabling thus a permanent dialogue process on international human rights obligations including those from the Universal Periodic Review (Slovakia);

A - 15. Effectively implement United Nations treaty bodies' recommendations (Azerbaijan) and as appropriate on indigenous people (Jordan); implement in national norms, the commitments made when ratifying the ICESCR and the CERD through the implementation of the recommendations which have come out of their respective Committees (Bolivia); analyze United Nations treaty bodies recommendations in consultation with representatives of the civil society, including indigenous people, and implement them or publicly report on the reasons why it considers no implementation is more appropriate (Portugal); include participation of civil society (in mechanisms and procedures that are in place for national follow up to recommendations of treaty bodies) and publication of the concluding recommendations of treaty bodies (Czech Republic);

A - 16. Closely monitor the situation of other disadvantaged groups such as women migrant workers, women prisoners and victims of trafficking (Turkey);

R - 17. Develop a national strategy to eliminate poverty (Russian Federation);

A - 18. Accept the pending visit request of the Special Rapporteur on the human rights of migrants, which is pending since 2006 (Pakistan);

A - 19. Give the highest priority to addressing the fundamental inequalities between some of its citizens including through its policy agenda focused on five key areas of economic development: education, citizen empowerment and protection of the vulnerable, resolution of land claims and reconciliation, governance and self government (United Kingdom);

A - 20. Continue policies and programmes aimed at reducing inequalities that still exist between the Aboriginal, recent immigrants and other Canadians (Vietnam);

R - 21. Reconsider its withdrawal from the preparatory process of the Durban Review Conference and positively contribute to the global efforts to combat racism, racial discrimination, xenophobia and related intolerance (Egypt); Revise its decision not to participate in the Durban Review Conference on racism due to take place in April this year in Geneva (Russian Federation);

A - 22. Intensify efforts to combat racism, racial discrimination and xenophobia (Azerbaijan)

A - 23. Apply provisions of its hate-speech law in a non-selective manner to cover all acts and incidents that may lead to incitement to racial and religious hatred and violence (Pakistan);

A - 24. Consider taking more resolute action to prevent and punish perpetrators of racially motivated acts of violence against members of the Muslim and Arab communities, the indigenous population, Canadian citizens of foreign origin, foreign workers, refugees and asylum-seekers (Malaysia);

A - 25. Give appropriate attention to end racial discrimination against the Arab and Muslim communities in Canada including racial and religious profiling (Syrian Arab Republic);

A - 26. Review its discriminatory national laws on security and adopt sensitization campaigns to protect against racial profiling and stereotyping on the grounds of nationality, ethnicity, descent and race, with regards to terrorism, as suggested by CERD (Indonesia);

A - 27. Takes further measures to ensure effective implementation of CEDAW at the federal, provincial and territorial levels, giving particular attention to the Aboriginal women and girls (Turkey); continue efforts to tackle discrimination against Aboriginal women in all sectors of society, including employment, housing, education and health care (Finland); take measures to combat socioeconomic discrimination, which is a cause of continuous violence against Aboriginal women, and to inform them better of their rights (Belgium); consider taking additional steps to address discrimination against disabled adult women and Aboriginal women (United Kingdom);

A - 28. Take effective measures to combat and put an end to discrimination against indigenous population and to elaborate and implement a National Action Plan to deal with this phenomenon (Azerbaijan); address root causes of discriminations, ensure effective access to justice, establish immediate means of redress and protection of rights of ethno-minorities, in particular, Aboriginals (Islamic Republic of Iran);

A - 29. Apply the Yogyakarta principles as a guide to assist in further policy development (The Netherlands);

R - 30. Denounce its policy of no longer seeking clemency for Canadians convicted and given the death penalty in countries deemed to have "the rule of law" (Denmark); consider reinstating the policy of seeking clemency for all Canadian citizens sentenced to death in other countries (The Netherlands);

A - 31. Re-consider the approach on the nature of prohibition of torture and to review the non-refoulement principles in its domestic legislation (Brazil);

A - 32. Submit to scrutiny the regulations governing the use of Teaser weapons with a view to adopting legislation that would explicitly place them in the category of "weapons" and prescribe more rigorous procedures for their possession and use (Italy);

A - 33. Consider taking on board CEDAW recommendations (Malaysia) to criminalise domestic violence (Malaysia; Italy; Mexico), ensuring to victims effective access to immediate means of protection and reinforcing prosecution of perpetrators (Italy) and adequately investigate and

sanctioning those responsible for the death and disappearance of indigenous women (Mexico); take measures to help effective access to justice for victims of domestic violence and provide immediate means of redress and protection (Austria);

A - 34. Implement in national legislation the prohibition and criminalization of all types of violence against women and children, specially indigenous women and children, in accordance with the commitments acquired in the corresponding Conventions (Bolivia);

A - 35. Take the necessary measures to end violence against women including domestic violence and against aboriginal women, and implement CEDAW and the Human Rights Committee recommendations in this context (Syrian Arab Republic);

A - 36. Adopt further measures to ensure: accountability of the police for their proper, sensitive and effective conduct in cases of violence against women; and better protection of in particular aboriginal women against all violence, including through addressing their low socio-economic status and discrimination against them; better accessibility of alternative/protected housing for victims of domestic violence (Czech Republic);

A - 37. Systematically investigate and collect data on violence against women and to disseminate this information (Belgium);

A - 38. Institute comprehensive reporting and statistical analysis of the scale and character of violence against indigenous women, so that a national strategy can be initiated, in consultation with indigenous representatives, to respond to the severity of the issues (Norway); study and address the root causes of domestic violence against women, in particular Aboriginal women (Austria);

A - 39. Conduct a review of the effectiveness of its legislation relevant to trafficking in human beings and implement reforms where necessary to strengthen the protection of the rights of victims of trafficking (Slovakia);

A - 40. Strengthen enforcement legislation and programmes regarding prohibition of commercial sexual exploitation of children (Philippines);

R - 41. Ensure that any complaint of violations of international human rights obligations can be examined in Canadian courts and effective adequate remedies will be provided to victims (Portugal);

A - 42. Alter detention and prison facilities as well as standards of treatment for juveniles so that they are gender sensitive and ensure effective protection of detainees' and prisoners' personal safety (Czech Republic);

A - 43. Ensure the full implementation of legislation prohibiting discrimination in employment and all discriminatory practices in the labour market and that further measures be taken to reduce unemployment among minority groups (Egypt);

A - 44. In line with CERD and CEDAW recommendations, to implement fully the antidiscrimination legislation in the labour market including considering the adoption of temporary special measures (Slovakia); take the necessary measures to end discrimination against women in workplaces and implement ILO and CESCRC recommendations to ensure equal remuneration for work of equal value in public and private sectors (Syrian Arab Republic);

A - 45. Integrate economic social and cultural rights in its poverty reduction strategies in a way that can benefit the most vulnerable groups in society, specially the Aborigines, afro-Canadians, migrants, persons with disabilities, youth, women with low incomes, and single mothers and adopt all necessary measures, including the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples, to guarantee Aborigines the full enjoyment of their rights including economic, social and cultural so that their standard of living was similar to that of the rest of the citizens in Canada (Cuba);

A - 46. Establish policies to improve healthcare and general welfare of indigenous children (Indonesia);

A - 47. Consider taking on board the recommendation of the Special Rapporteur on adequate housing, specifically to extend and enhance the national homelessness programme and the Residential Rehabilitation Assistance Programme (Malaysia);

A - 48. Intensify the efforts already undertaken to better ensure the right to adequate housing, especially for vulnerable groups and low income families (Vietnam);

A - 49. Continue to address socio-economic disparities and inequalities that persist across the country (Turkey);

A - 50. Intensify its efforts to ensure that higher education is equally accessible to all, on the basis of capacity (Liechtenstein);

A - 51. Implement all international human rights instruments related to Aboriginals, women, Arabs, Muslims and other religious minorities, migrants and refugees and enhance and protect their rights against violations (Saudi Arabia);

R - 52. Reconsider its stance (Denmark; Norway), endorse (Norway), support and fully implement (Pakistan) the United Nations Declaration on the Rights of Indigenous Peoples (Norway, Denmark, Pakistan); continue consultations on the issue with all stakeholders with a view to being able to support the Declaration in the future (Austria); take the provisions of the Declaration into account in the national legislation, because the Declaration is a United Nations document and represents guidelines for the conduct of States (Bolivia);

A - 53. Strengthen or adopt, as necessary, specific programmes to ensure appropriate representation of minority communities at all levels of government, and adopt broad and effective national measures to end discriminatory approaches to law enforcement and provide victims with effective recourse and remedies (Egypt);

A - 54. Strengthen and enlarge existing programmes and take more and specific measures towards Aboriginals, particularly with regard to the improvement of housing, educational opportunities, especially after elementary school, employment, and that women's and children's rights are better safeguarded, in consultation with civil society (The Netherlands);

A - 55. Ensure that all consultation and consent duties are respected by all responsible government agencies at federal and provincial level as well as to ensure that the relevant recommendations of United Nations treaty bodies are fully taken into account and that the specific claims processes do not restrict the progressive development of Aboriginal rights in the country (Austria);

A - 56. Reinforce efforts to settle territorial claims and improve the mechanism of conflict resolution (Switzerland);

A - 57. Increase efforts to enhance the protection of the human rights of migrants and hold open consultations with civil society on the ICRMW (Philippines);

A - 58. Launch a comprehensive review leading to legal and policy reforms which protect the rights of refugees and migrants, including rights to family reunification and enact legislation creating an offence for racial violence, and design and implement training for judges and prosecutors on the nature of hate crimes on the basis of race (Egypt);

A - 59. Continue efforts to bring its system of security certificates concerning immigration into compliance with international human rights standards (Switzerland);

A - 60. Make its immigration procedures more transparent and objective and take concrete measures to avoid the misuse of procedures to profile on the basis of race, religion and origin (Pakistan);

A - 61. Start awareness campaigns aimed at protecting certain persons and certain groups against stereotyping that associates them with terrorism and to envisage an amendment to the anti-terrorism law to improve a specific clause against discrimination, and to amend relevant legislation or to adopt legislation to criminalise acts of racist violence, consistent with article 4 of ICERD (Algeria);

A - 62. Widely publish the outcome of this universal periodic review and to make regular and inclusive consultation with civil society an integral part of the follow-up to the universal periodic review and also of the preparation of the next national report to the universal periodic review (Czech Republic);

A - 63. Establish an effective and inclusive process to follow-up on the universal periodic review recommendations (Norway); that civil society be actively involved in the further universal periodic review process of Canada (The Netherlands), in a thorough and timely (Denmark), meaningful and participatory (Philippines) manner and, in the implementation of the review (United Kingdom);

A - 64. A similar system (as for treaty bodies) be created for the analysis and implementation of the recommendations resulting from the universal periodic review exercise (Portugal);

R - 65. Associate itself with the consensus on the institution-building package whose objective is to equip the Council with the mechanisms and rules necessary for its operation and implementation of its mandate (Algeria);

A - 66. Respect its human rights obligations and commitment without exception or ulterior consideration and take steps to address double standard and politicization in its human rights policies (Islamic Republic of Iran);

A - 67. See to it that its action within and outside the Council was based on the commitments it has undertaken and on principles of objectivity, impartiality and non-selectivity (Algeria);

A - 68. Implement the voluntary pledges it presented as it applied to the Human Rights Council; namely, the principles of universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization in addressing human rights issues of different communities and peoples domestically and internationally (Syrian Arab Republic).

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