



Amnesty International

CANADA

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The Right Honourable Stephen Harper
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario
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February 23, 2009

Dear Prime Minister Harper,

Early this month Canada's human rights record was assessed under a new review process conducted by the United Nations Human Rights Council. At the June 2009 session of the Human Rights Council, the Canadian government will be asked to indicate which of the recommendations that emerged during that review it is prepared to accept. We are writing to urge that you launch a transparent process of consultation and dialogue in the lead up to the June session of the Council, involving all levels of government, relevant government departments and agencies, parliamentarians, Indigenous peoples and representative organizations and civil society.

We are making this request to you directly Prime Minister because this involves a wide range of federal government departments, as well as all provincial and territorial governments. It surpasses the authority and responsibility of any one Minister. It will only succeed with your personal leadership and direct involvement.

This new process of Universal Periodic Review (UPR) is an important innovation. The UPR was actively promoted by Canada during the recent UN reforms that led to the establishment of the Human Rights Council. Canada and other governments were rightly concerned about the politicization of existing approaches to human rights review within the UN and recognized the need for a process that would ensure the universal review of all countries, on a regular basis. As a champion of this new approach to protecting human rights Canada must demonstrate a commitment to follow-up the recommendations that have emerged from its own review.

In the past, there has been little evidence of any meaningful response from governments in Canada to recommendations made by UN human rights bodies and experts. The bulk of recommendations have not been implemented. Furthermore, there has been virtually no public reporting about implementation, making it difficult for Canadians to follow progress towards complying with UN-level human rights advice. Over the years, numerous UN human rights bodies have frequently expressed concern about this problem with implementation.

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Because Canada is a federal state, implementing recommendations involving the jurisdiction of different levels of government can be complex and politically-contested. The Canadian government frequently points to the Continuing Committee of Federal, Provincial and Territorial Officials Concerned with Human Rights and a committee of federal Deputy Ministers as vehicles for ensuring implementation. However, the meetings of these groups are closed, offer no possibility for civil society participation and do not lead to transparent, accountable decision-making among governments in Canada about pressing human rights concerns.

Canada must find solutions to this challenge and demonstrate that human rights can and will be fully protected in a federal state. Notably, during the recent UPR many governments called on Canada to improve its approach to implementation and ensure meaningful consultations with civil society. A selection of those recommendations is included as an appendix to this letter.

Governments also made numerous recommendations to Canada dealing with a wide array of human rights concerns, such as the rights of Indigenous peoples (including Indigenous women); the rights of persons with disabilities; issues related to poverty and homelessness; the rights of women and children; counter-terrorism practices; the rights of refugees, migrants and racial minorities; and much more. These are the recommendations that must now be considered by Canada leading up to the June session of the Human Rights Council.

The Canadian government, the Canadian Parliament, provincial and territorial governments, government agencies, human rights commissions, Indigenous peoples and civil society all have a role to play in ensuring that the recommendations made during the UPR are given appropriate consideration. We believe that many of the recommendations provide an opportunity for immediate action that would concretely improve the protection of human rights in Canada, and also stand as a test of Canada's good faith participation in the UPR process. Our organizations will be working with others to identify such key recommendations. Indigenous peoples and representative organizations and civil society groups across the country stand ready to work with governments in Canada to ensure that Canada's ongoing engagement with the UPR stands as the very best model of an inclusive, transparent and accountable process. Key initiatives should include:

- convening a meeting of federal, provincial and territorial ministers responsible for human rights, to review the UPR recommendations and adopt a shared implementation plan;
- tasking bodies such as the Continuing Committee and the federal Deputy Ministers Committee to work closely with Indigenous peoples and representative organizations, and civil society groups, to support and facilitate the ministerial meeting and decision-making process;
- ensuring that parliamentary and legislative committees actively review the UPR recommendations in sessions that are open to the public;
- working with Indigenous peoples and representative organizations and civil society to immediately launch an accessible and timely process of dialogue and consultation about the UPR recommendations; and

- seeking the input and advice of human rights commissions across the country.

Prime Minister, we will be sharing this letter widely, as we hope to interest officials at all levels of government in Canada in responding to these human rights challenges. Our organizations worked closely with federal officials in arranging a series of meetings about the UPR between the government and civil society in January. Those meetings unfortunately came far too late in the process to constitute meaningful or timely consultation. We look forward to a much better approach this time.

If linked to a broader vision of implementation, a transparent and inclusive process leading up to the June session of the Human Rights Council would be an important first step toward enabling Canada to implement the recommendations of the Council before its next review in four years. We would welcome meeting with you or other senior officials to discuss the most effective means of moving ahead.

Canada was right to insist that the UN adopt a universal approach to human rights review. Canada must now live up to the ideals it has promoted.

Sincerely,



Alex Neve
Secretary General
Amnesty International Canada

On behalf of:

Leilani Farha
Co-Director, Centre for Equality Rights in Accommodation

Celeste Mackay
Consultant, International Affairs and Human Rights
Native Women's Association of Canada

Bruce Porter
Director, Social Rights Advocacy Centre

Marie White
National Chairperson, Council of Canadians with Disabilities

cc. Michael Ignatieff, Leader of the Opposition and of the Liberal Party of Canada
Gilles Duceppe, Leader of the Bloc Quebecois
Jack Layton, Leader of the New Democratic Party of Canada

Selection of recommendations to Canada during February 2009 Universal Periodic Review, dealing with implementation and civil society consultations

- 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).
- Create or reinforce a transparent, effective and accountable system that includes all levels of government and representatives of civil society, including indigenous peoples, to monitor and publicly report on the implementation of Canada's human rights obligations (Portugal).
- Establish an effective and inclusive process to follow-up on UPR recommendations (Norway).
- Create a mechanism that will meet regularly with the effective participation of civil society organizations and indigenous peoples, and have national reach to implement all of Canada's international obligations and facilitate the acceptance of pending commitments (Mexico).
- Widely publish the outcome of this UPR and make regular and inclusive consultation with civil society an integral part of the follow up to the UPR and also of the preparation of the next national report to the UPR (Czech Republic).
- Engage with civil society in a thorough and timely manner in its follow up to the UPR (Denmark).
- Involve civil society, in a meaningful and participatory manner, in the follow up to the UPR (Philippines).