

November 3, 2005

The Right Honourable Paul Martin
Prime Minister
Government of Canada
Parliament Buildings
Ottawa, Ontario
K1A 0A6

Dear Prime Minister,

The United Nations Human Rights Committee has just released its Concluding Observations following its review of Canada's 5th report on its compliance with the *International Covenant on Civil and Political Rights*.

The Human Rights Committee has serious concerns about Canada's human rights performance, including concerns about:

- Canada's continuing failure to respect the right to self-determination of Aboriginal peoples
- policies that amount to extinguishing Aboriginal rights
- Canada's failure to conclude an agreement with the Lubicon Band despite the Committee's previous ruling on the Band's rights
- failure to preserve Aboriginal languages
- the poverty, violence and overt discrimination in the law experienced by Aboriginal women
- Canadians being sent to torture in other countries
- detention under 'security certificates'
- the broad definition of "terrorism" in the *Anti-Terrorism Act*
- non-disclosure of evidence in national security cases
- lack of access to human rights remedies and legal aid
- the discriminatory treatment of women prisoners
- large-scale arrests of demonstrators
- the failure to provide sufficient community-based housing for people with mental disabilities which results in arbitrary and discriminatory detentions, and
- the effects of severe cuts in welfare and social programmes on women and other vulnerable groups.

Because of the wide range and the importance of these identified deficiencies, we believe that the Government of Canada must respond seriously and in a systematic manner to the Committee's recommendations. We have three requests.

First, we request a review by Parliament of the Human Rights Committee's recommendations so that Parliamentarians and the Canadian public can become familiar with the deficiencies identified in Canada's human rights performance and with the Committee's recommendations. We note that such a review was promised by the Honourable Hedy Fry on behalf of Canada when she appeared before the UN Human Rights Committee in 1999, and it was never done.

Secondly, we request immediate implementation of the recommendations of the Committee. If there are recommendations that, in the view, of the Government of Canada, cannot be implemented immediately, we request notification of which ones, the reasons for delay, and the formulation of an action plan with time lines for implementation.

Our third request is also related to implementation. An overarching concern of the Committee is set out in the opening paragraphs of its Concluding Observations. It notes that Canada has not implemented the Committee's previous recommendations and has no established procedures for responding to the deficiencies in its human rights performance when they are identified by the United Nations expert bodies that review Canada. The Committee recommends:

The State party should establish procedures, by which oversight of the implementation of the Covenant is ensured, with a view, in particular, to reporting publicly on any deficiencies. Such procedures should operate in a transparent and accountable manner, and guarantee the full participation of all levels of government and of civil society, including indigenous peoples.

We wish to work with you to put in place a serious, participatory, and transparent oversight process to respond to this central recommendation. Establishing procedures for ensuring full implementation of the human rights set out in the international treaties that Canada has ratified, particularly for identifying and correcting violations, is essential to sustaining real respect for human rights. We would like to work with you to design the form of this oversight mechanism, and the form of participation that will work effectively for non-governmental human rights organizations.

We are aware that the Canadian Feminist Alliance for International Action has been asking for more than two years for a serious and systematic response to the 2003 recommendations of the United Nations Committee on the Elimination of Discrimination Against Women. Now we have Concluding Observations from the Human Rights Committee with some new recommendations and some repeated ones that require implementation. Further delay on addressing Canada's implementation gap with respect to its international human rights obligations is not acceptable. In our view, it is time for the Government of Canada to close the gap and take its obligations under international human rights treaties seriously. We look forward to working with you to do so.

Please reply to Alex Neve at Amnesty International Canada, 312 Laurier Avenue East, Ottawa, Ontario K1N 1H9 Tel: (613) 744-7667 Fax (613) 746-2411 E-mail:

aneve@amnesty.ca and to Shelagh Day at the Canadian Feminist Alliance for International Action, 151 Slater Street, Suite 408 Ottawa, ON. K1P 5H3 Tel: (613) 232-9505 Fax (613) Fax: (613) 822-5089 Email: sheday@interchange.ubc.ca.

Thank you for your attention. We look forward to your response.

Sincerely,

Bruce Porter, Charter Committee on Poverty Issues
Ed Bianchi, KAIROS: Canadian Ecumenical Justice Initiatives
Kim Pate, Canadian Association of Elizabeth Fry Societies
Shelagh Day, Canadian Feminist Alliance for International Action
Alex Neve, Amnesty International Canada
Kathy Laird, Advocacy Clinic for Tenants Ontario
John Fraser, Centre for Equality Rights in Accommodation
Gwen Brodsky, Poverty and Human Rights Centre
Pierre-Louis Fortin-Legris, La Ligue des Droits and Libertes
Margaret Parsons, African-Canadian Legal Clinic
Beverley Jacobs, Native Women's Association of Canada
Willie Littlechild, International Organization for Indigenous Resource Development