



Canada

equitas

# EPU4: Your voice counts!

Report on priorities and suggestions expressed by civil society

SOCHR meeting, January 15, 2024, online



# Overview of presentation

- Introduction
- Objectives
- Methodology
- Main topics covered
  - International human rights instruments
  - Rights of Indigenous peoples
  - Poverty, housing and food security
  - Women and girls (and violence against women)
  - Persons with disabilities
  - Migrants and refugees
  - Diversity, equity, inclusion (anti-racism)
  - Public safety and law enforcement
  - Business and human rights and climate action
- Other topics covered
- Conclusion
- Next steps
- Questions and discussion



# Team introduction

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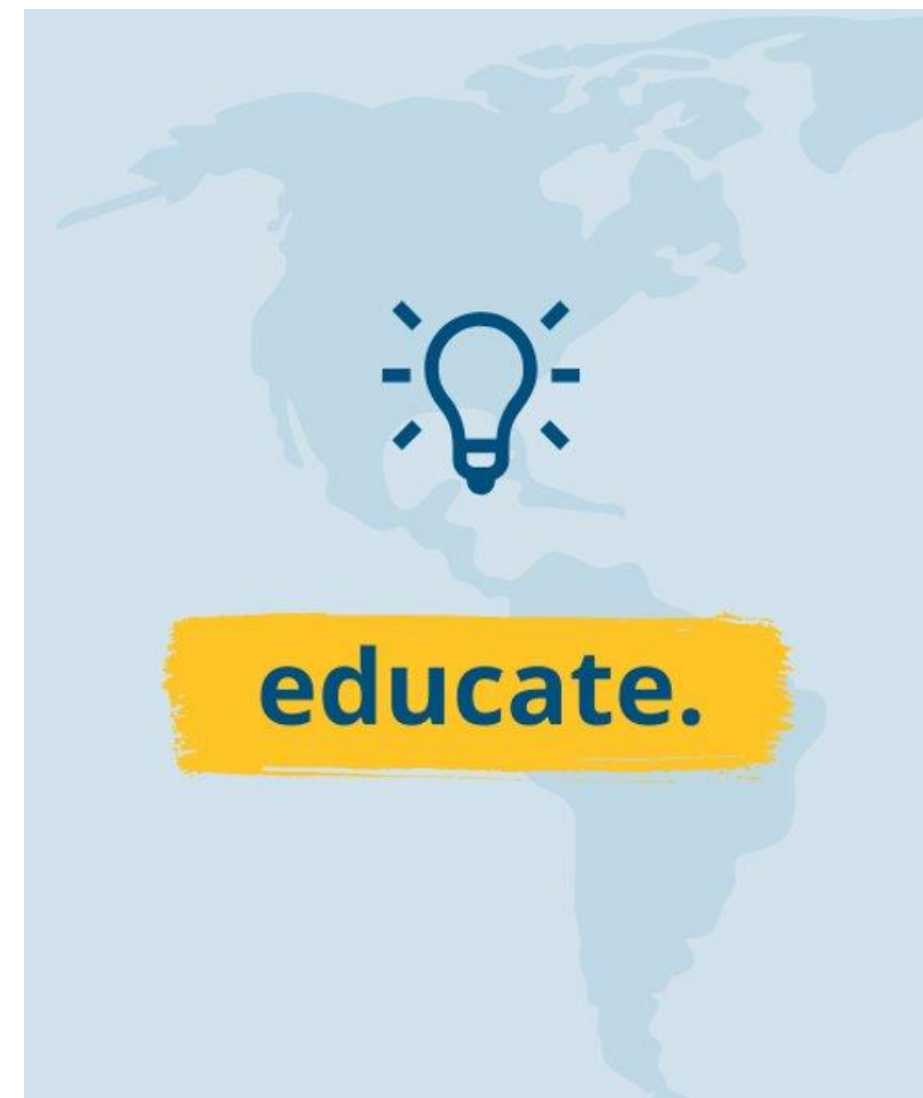
Equitas recognizes that its offices are located on the unceded Indigenous territories of the Kanien'kehá:ka (Mohawk), xwməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish) and səłilwətaʔt (Tseil Waututh) First Nations. We also work on the territories of other First Nations, Métis and Inuit peoples.





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Equitas advances equality, social justice and respect for human dignity through transformative human rights education programs in Canada and around the world.



We offer people opportunities to **strengthen their knowledge and skills**, and **develop attitudes** and behaviors conducive to inclusion and the promotion of human rights.



We encourage people to **claim their rights**, hold decision-makers to account and take action to ensure that human rights are respected, protected and fulfilled.



We strengthen people's leadership to develop collaborative solutions aimed at building a more inclusive and equitable world for everyone.





# Objectives

The engagement activities aimed to enable civil society to :

- better understand the UPR;
- provide FPT governments with suggestions for Canada's response to the UPR4 recommendations and their implementation;
- get involved in implementing the recommendations, by identifying priority and possible actions to take, as members of civil society.

SOCIAL  
CHANGE  
is a  
TEAM  
EFFORT

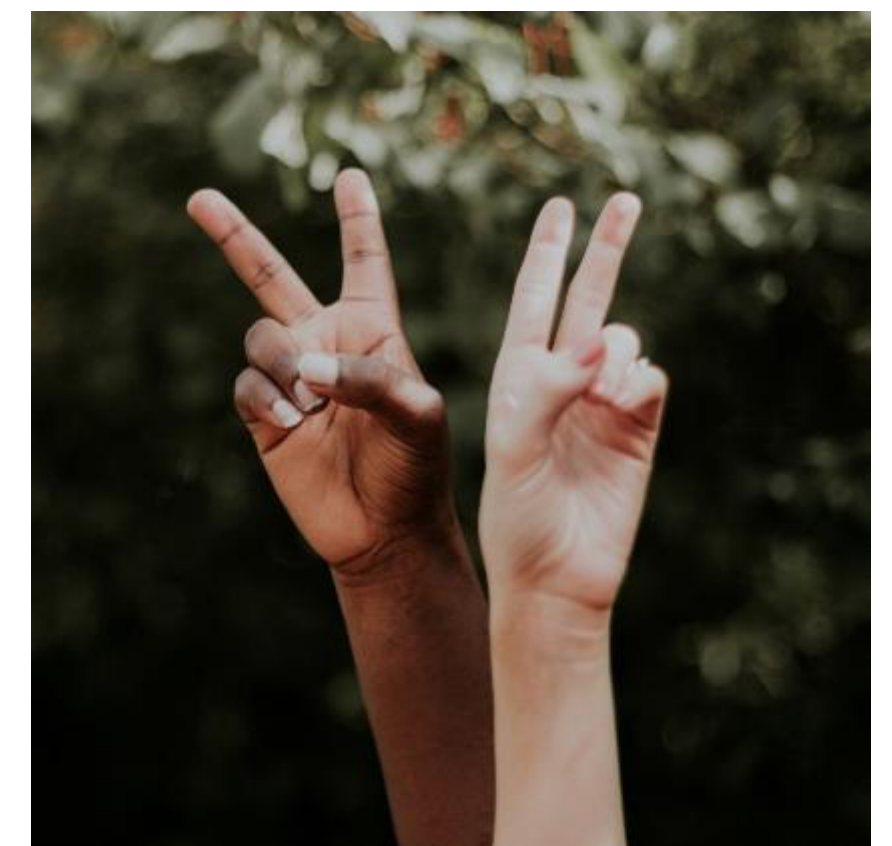
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# Methodology

- A webinar to help CSOs better understand the UPR;
- Five engagement sessions with CSOs to discuss UPR4 recommendations;
- A consultation form to enable members of civil society to express their views on the recommendations.

Between November 28 and December 13, 2023, approximately **141 people** from about **60 organizations based in 9 provinces** expressed their views (54 via the engagement sessions; 87 via the form).



# Main topics covered

Each person was invited to express their opinion on the recommendations of their choice. Not all the recommendations were discussed, but all the themes of the national report were addressed.

Some themes were the subject of more contributions:

- *International human rights instruments*
- *Rights of Indigenous peoples*
- *Poverty, housing and food security*
- *Women and girls (and violence against women)*
- *Persons with disabilities*
- *Migrants and refugees*
- *Diversity, equity, inclusion (anti-racism)*
- *Public safety and law enforcement*
- *Business and human rights and climate action*

# International human rights instruments

In summary, CSOs recommend that FPT governments:

- Recognize the universality, indivisibility and interdependence of human rights and adopt a rights-based approach in their decisions and programs (avoid prioritizing some rights over others);
- Strengthen national implementation and monitoring mechanisms;
- Ratify all instruments not yet ratified;
- Become more actively involved in human rights, and work more closely with other levels of government and ministries, as well as with civil society and other players, notably the UN;
- Conduct an audit to analyze the overall human rights situation in Canada.



# International human rights instruments

The priority recommendations are:

- **68 and 69:** Strengthen national implementation and monitoring mechanisms;
- **1 to 44:** Ratify instruments not yet ratified, including:
  - *Optional Protocol, International Covenant on Economic, Social and Cultural Rights (36);*
  - *Optional Protocol, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 to 23);*
  - *Convention against Enforced Disappearances (2 to 9; 11; 29);*
- **45 and 46:** Collaborate with civil society on the UPR and make official information available to the public and Parliament.

*"All of these rights need to be prioritized, not one need to be front of the line. Structural organized overarching approached has been asked for decades. It's time to get it done."*



# Rights of Indigenous peoples

*"Human rights violations against Indigenous peoples, including the disregard for their free, prior, and informed consent on resource extraction projects, continue to be rampant in Canada. Progress on the Truth and Reconciliation Commission's Calls to Action has not been sufficient-advancing progress must be one of the most pressing human rights objectives for Canada."*



# Rights of Indigenous peoples

In summary, CSOs recommend that FPT governments:

- Strengthen and accelerate efforts to respect the rights of Indigenous peoples, in particular by implementing the *Truth and Reconciliation Commission's* calls to action;
- Guarantee the full participation and free, prior and informed consent of Indigenous peoples at all decision-making levels;
- Recognize and proactively address systemic discrimination against Indigenous peoples;
- Recognize that the over-representation of Indigenous populations in the justice system is a consequence of colonialism and discrimination, and act proactively to remedy it;
- Combating gender-based violence and implementing the recommendations of the *National Inquiry into Missing and Murdered Indigenous Women and Girls*



# Rights of Indigenous peoples

The priority recommendations are:

- **294 to 299:** Guarantee the right of Indigenous peoples to consultation, free, prior and informed consent and full participation;
- **297; 303 to 305; 307 to 308; 310:** Implement the *Truth and Reconciliation Commission's* calls to action;
- **29 to 31:** Ratify the *Indigenous and Tribal Peoples Convention*;
- **290 to 291; 294; 306:** Implement the principles of the *Declaration on the Rights of Indigenous Peoples*;
- **181 to 184; 191; 197 to 198:** Realizing economic, social and cultural rights;
- **300 to 301:** Put an end to the criminalization of Indigenous defenders for protecting their territory;
- **89; 129; 264 to 268; 305:** Combating discrimination and racism against Indigenous peoples;
- **118; 124; 129 to 131:** Combat racial profiling and the over-representation of Indigenous peoples in the justice system;
- **250:** Adopt measures for prevention, investigation, punishment and reparation in cases of gender violence with special emphasis on cases of missing or murdered Indigenous women and girls.



# Poverty, housing, food security

In summary, CSOs recommend that FPT governments:

- Strengthen and accelerate efforts to realize economic, social and cultural rights;
- Recognize that poverty, homelessness and food insecurity are violations of human rights, and use a rights-based approach in decisions and programs addressing them;
- Ratify the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*;
- Implement the *National Housing Strategy Act*.

*"The national poverty strategy and the National housing strategy make mention of poverty and homeless as human rights violation. Canada is taking a hesitant step forward and now need to apply this to all ESC rights and make it more meaningful."*



# Poverty, housing, food security

The priority recommendations are:

- 166 to 169; 181: Promote access to housing and combat homelessness;
- 170 to 174: Implement the *National Housing Strategy Act*;
- 71; 72; 165; 180: Respect and promotion of economic, social and cultural rights.

# Women and girls (and violence against women)

In summary, CSOs recommend that FPT governments:

- Strengthen and accelerate implementation of the *National Action Plan to End Gender-Based Violence*;
- Ensure that government decisions and programs include the most marginalized women and girls and take their specific needs into account;
- Adopt a truly intersectional approach to women's rights;
- Promote sexual and reproductive rights and universal access to abortion, including for particularly marginalized women;
- Promoting the empowerment and participation of women and girls;
- Improve marginalized women's access to justice and knowledge of their rights;
- Reinforce the leadership role that Canada should play internationally in terms of women's and girls' rights.



# Women and girls (and violence against women)

The priority recommendations are:

- **237 to 245:** Implement the *National Action Plan to end gender-based violence*;
- **184 to 187; 191; 192:** Guarantee access to sexual and reproductive health services, including equal access to abortion and sex education;
- **141:** Continue efforts to promote political participation of young people, with a particular focus on empowerment of young women;
- **230:** Further persist in its efforts to address issues such as gender-based violence and continue to promote its leading role in representation of women in decision-making positions.

Quote translated from French: *"In order to effectively combat discrimination and violence against women, Canada should broaden its intersectional approach to the implementation of human rights. This would make it possible to achieve real gender equality, adopt a more inclusive approach to policy implementation, and deploy resources more adequately."*

# Persons with disabilities

In summary, CSOs recommend that FPT governments reinforce:

- the right to live in dignity;
- the right to inclusion and equal opportunities in education and employment;
- One organization expressed concerns about medical assistance in dying and the rights of people living with disabilities.

The priority recommendations are:

- **165:** Ensure that economic, social and cultural rights can be effectively exercised by all people in Canada, including by people with disabilities;
- **161:** Ensure that adequate measures are put in place to reduce poverty and inequalities facing people with disabilities and Indigenous Peoples; and
- **278:** Continue to take steps to ensure that persons with disabilities are lifted out of poverty, including by ensuring that the 2023 Canada Disability Benefit Act takes into account the higher disability related living expenses of persons with disabilities.



# Migrants and refugees

*"Over 5,000 foreign nationals and permanent residents were detained by CBSA in 2022-2023. Some were held in correctional facilities, facing restrictive conditions like being handcuffed and placed in solitary confinement, without facing any criminal charge. This denies individuals their right to liberty and dignity, with serious consequences for their mental health and wellbeing. Alternatives to immigration detention must be prioritized, in line with the Global Compact for Migration. [...] The remaining contracts between Canada Border Services Agency and provincial governments allowing immigrants to be detained in provincial correctional facilities should be terminated. All levels of government should collaborate to develop, fund, and utilize alternative options of monitoring immigrants that treat them with dignity and respect."*

# Migrants and refugees

In summary, CSOs recommend that FPT governments:

- Ratify international instruments protecting the rights of migrants and refugees, and revise the definition of statelessness to bring it into line with international law;
- Review the practices of the Canada Border Services Agency: put an end to the detention of refugee and asylum-seeking children, regulate the detention of migrants and refugees and improve detention conditions, provide alternatives to detention, etc.
- Strengthen the protection of migrant and refugee rights, including labor rights, and take action in cases of abuse;
- Strengthen access to services for migrants and refugees, particularly in the areas of health and justice.



# Migrants and refugees

The priority recommendations are:

- **24 to 28:** Ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*;
- **37:** Consider acceding to the *1954 Convention Relating to the Status of Stateless Persons*;
- **332:** Amend the *Citizenship Act* to include a definition of stateless person in accordance with international law;
- **325 to 326:** Put an end to the policy of detaining asylum-seeking, refugee and irregular migrant children;
- **321 to 324:** Adopt legislative measures to regulate and specify the duration and conditions of mandatory detention of irregular migrants;
- **327 to 331:** Protection against abuse and exploitation;
- **318 to 320:** Protection of labor rights and access to justice;
- **180 to 181:** Guarantee better access to healthcare services.

## Diversity, equity, inclusion (Anti-racism)

Quote translated from French: *"The Afro-descendant people living in Canada face overrepresentation in federal prisons and youth protection services, as well as forced sterilizations and various forms of discrimination, notably in the civil service, immigration and the sportsfield. The lack of disaggregated data by provincial governments, particularly those that deny the existence of systemic racism, makes it difficult to accurately analyze the specific challenges faced by these communities and limits measures to combat genetic discrimination."*



# Diversity, equity, inclusion (Anti-racism)

In summary, CSOs recommend that FPT governments:

- Recognize that human rights violations in Canada disproportionately affect certain groups of people, including people of African descent and Indigenous peoples;
- Recognize the existence of systemic inequalities in government institutions and programs, including inequalities in access to services in health, education, employment, etc;
- Adopt an intersectional, rights-based approach to combat discrimination and racism and promote equal opportunities;
- Encourage the participation of directly affected groups, including marginalized groups, in decision-making that affects them;
- Combating hate speech and hate crime;
- Recognize that the over-representation of certain groups of people in the youth protection and justice system is a consequence of discrimination, and act proactively to remedy it;
- Collect more disaggregated data to understand the impact of discrimination and racism in Canada.

# Diversity, equity, inclusion (Anti-racism)

The priority recommendations are:

- **71; 74 to 85; 89; 90:** Combating discrimination and racism;
- **86:** Evaluate Canada's *Anti-Racism Strategy 2019–2022* in consultation with affected groups and take the necessary steps to combat racism and racial discrimination;
- **96; 109:** Combating hate crimes and hate speech;
- **87:** Continue to strengthen all the mechanisms to ensure that equality for all, and eliminate all forms of discrimination on the ground of race, specially of persons of African descent;
- **130:** Strengthen its efforts to address the over representation of persons of African descent, Indigenous Peoples, and minority groups in the prison and welfare systems;
- **268:** Put an end to structural discrimination against children belonging to Indigenous groups and children of African descent and address disparities in access to services by children;
- **136:** Reconsider the prohibition of women to carry religious symbols while fulfilling their civic duties in Quebec in the context of grave concerns regarding Islamophobia.



# Public safety and law enforcement

In summary, CSOs recommend that FPT governments:

- Combat racial profiling and the over-representation of certain groups of people in the justice system;
- Improving detention conditions, particularly with regard to the use of solitary confinement;
- Recognize that punitive laws and approaches (particularly in relation to sex work, possession or sale of drugs, non-disclosure of HIV status, etc.) have a disproportionate impact on certain historically marginalized groups of people, favoring their over-representation in the justice system;
- Invest more in prevention programs and implement alternatives to imprisonment.

*"We need clearer laws against racial and religious profiling where they are lacking, these laws [...] should discourage that behaviour by mandating accountability, reparation [...], more training to combat biases, etc."*

# Public safety and law enforcement

The priority recommendations are:

- **77; 117 to 120:** Combat racial profiling by police and security agencies;
- **130:** Strengthen its efforts to address the over representation of persons of African descent, Indigenous Peoples, and minority groups in the prison and welfare systems;
- **131:** Invest in community-based, Indigenous-led policies to disrupt the Indigenous incarceration pipeline and adequately finance Indigenous-operated correctional facilities;
- **123 to 124:** Improve prison conditions;
- **132:** Adopt legislation to restrict the use of prolonged solitary confinement and adhering to the *United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)*;
- **133:** Ensure that solitary confinement is in line with the *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* and redouble efforts to address the overrepresentation of persons belonging to Indigenous Peoples and other minority groups in prisons, as well as its underlying causes.

# Business and human rights and climate action

Quote translated from French: *"The Canadian Ombudsman for Responsible Enterprise (CORE) created in 2019 lacks the real powers and independence necessary to carry out its functions [...] The various governments should put the bill on the CORE's powers back on the legislative agenda, and put in place an independent recourse for victims. In addition, Canada should consider incorporating the Guiding Principles for Business and human rights into its legislation, or at the very least adopt legislation covering due diligence.*



# Business and human rights and climate action

In summary, CSOs recommend that FPT governments:

- Recognize that the right to live in a healthy environment is a fundamental right;
- Recognize that, in Canada and elsewhere in the world, the most vulnerable groups are disproportionately affected by climate change and by rights violations committed by Canadian companies;
- Take concrete action to strengthen the accountability of Canadian companies with regard to human rights and to combat impunity, notably by strengthening the *Office of the Canadian Ombudsman for Responsible Enterprise*;
- Take a more active role in the fight against climate change, particularly in terms of legislation and public education.

# Business and human rights and climate action

The priority recommendations are:

- **226 to 227:** Strengthen the *Office of the Canadian Ombudsman for Responsible Enterprise*;
- **218; 221 to 225:** Strengthen the accountability of Canadian companies regarding human rights;
- **212:** Adopt measures to mitigate the negative environmental impact of fossil fuel operations, with special attention to highly relevant ecosystems in the Amazon and glaciers;
- **213:** Implement more effective climate change policies aimed at reducing fossil fuel use and carbon emissions;
- **207:** Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks, with the full, effective and meaningful participation of persons in marginalized groups and in vulnerable situations, including women, children, persons with disabilities and Indigenous Peoples; and
- **211:** Consider the timely disbursement of the climate finance commitment to ensure climate-resilient development pathway in the vulnerable economies.

# Other topics covered

Some of the national report's themes have been addressed more indirectly or transversally, through one or other of the preceding themes. However, these themes remain important for civil society:

- *Education and employment*

Those consulted mentioned above all the inequality of opportunity and access to services experienced by certain groups of people.

- *Children and youth*

This theme was mainly addressed from the angle of the inequalities faced by certain groups of children and youth. In addition to those already mentioned, these recommendations were prioritized: setting up an independent commissioner for children's rights (258) and implementing a national strategy to prevent violence against children and combat violence in general (256; 259; 260; 261).



# Other topics covered

- *Elderly people*

This topic was addressed indirectly, as a group particularly likely to face rights violations, particularly in terms of access to services, housing, food security, etc.

- *2SLGBTQIA+*

This topic was addressed indirectly, as a group of people particularly likely to face violations of their rights, particularly in terms of access to housing, adequate healthcare, etc. Homophobic violence was addressed in a number of sessions, and CSOs asked to accept the recommendations relating to the fight against homophobia (314; 315; 317).

# Other topics covered

- *Canada's position on Israel-Gaza*

A very large number of written contributions (via form) were anonymous and not associated with a CSO. These contributions were identical and called for an immediate ceasefire, unimpeded access to humanitarian aid and respect for international law by accepting recommendations 49 to 61.

*"In the heart of the ongoing humanitarian crisis in Gaza, our priorities revolve around recommendations addressing the immediate need for a ceasefire and unhindered humanitarian aid access. The ongoing violations of international humanitarian law, including attacks on healthcare facilities, underscore the urgency for accountability and immediate and permanent ceasefire measures. This aligns with Canada's duty to uphold international humanitarian law and address the critical humanitarian needs on the ground. "*

# Conclusion

The CSOs that participated in this consultation have a wide range of expertise and viewpoints. However, there seems to be a consensus on certain cross-cutting elements, which FPT governments should take into account to inform Canada's response:

## 1) Strengthen implementation and monitoring mechanisms

Civil society calls on Canada to review, in collaboration with civil society and Indigenous peoples, the legal and institutional framework for implementing and monitoring human rights in Canada (68, 69, 45, 46);



# Conclusion

## 2) Adopt an intersectional and human rights-based approach

Beyond the exercise of determining which recommendations should or should not be accepted, civil society invites FPT governments to consider the full range of UPR4 recommendations and to ask themselves how they might, in concrete terms, implement all those recommendations that promote the respect, protection and realization of human rights.

Civil society calls on FPT governments to adopt an intersectional human rights-based approach that recognizes the universality, indivisibility and interdependence of rights. This holistic approach should guide all government decisions. Under this approach, governments are accountable to all rights-holders, and the programs and services offered by governments and their institutions must promote the respect, protection and realization of all rights.

# Conclusion

## 3) Strengthen collaboration and leverage expertise

Civil society recognizes the human rights accountability of FPT governments and the leadership role they must play in the UPR and other human rights accountability mechanisms.

However, it recommends that the specific expertise of civil society, Indigenous peoples, national human rights institutions and the various United Nations human rights bodies and mechanisms be given greater recognition and utilized.

This collaboration should be part of a dynamic of dialogue, joint reflection and co-construction of solutions, not just consultation.

# Next steps

CSOs recommend that FPT governments **meaningfully** (through dialogue, joint reflection and co-construction of solutions) and **continuously** involve all stakeholders (human rights institutions, Indigenous organizations, CSOs and others) in all stages of the UPR:

- **Review and adoption of the UPR4 outcome document:** In March 2024, in Geneva, the final document will be examined and adopted.
- **Implementation and follow-up of recommendations:** In 2024-2028, FPT governments are responsible for implementing, as a minimum, the accepted recommendations and following up on them, in collaboration with all stakeholders.
- **Mid-term report:** CSOs recommend that Canada, in collaboration with all stakeholders, submit a mid-term report in 2026 or 2027.
- **Canada's 5th UPR:** CSOs recommend that stakeholders be involved early and meaningfully in the information gathering and discussions leading up to the national report.



# Questions and discussion

Thank you for your support and  
attention!