



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the sixth periodic report of Canada\*

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Given that the Covenant is not directly applicable in the State party, please provide information on measures taken to ensure that the Covenant provisions are given full effect in its domestic legal order. Please explain whether the rights contained in the Covenant have been invoked in national courts, either as grounds for a case or as interpretative guidance for legal norms. Please cite examples, if any, of cases in which the provisions of the Covenant have been invoked before and by the courts.
2. With regard to the implementation of the Committee's Views under the Optional Protocol, please explain whether the Humanitarian and Compassionate applications are automatically re-opened after receipt of the Committee's Views, or if this is a possibility offered to the authors. Please provide information on the weight which is given to the Committee's Views in such procedure.
3. Please provide information on the legislative measures taken to ensure that national security and law enforcement agencies have effective accountability structures. Please also inform the Committee of operational steps taken to comply with the recommendations set forth in the report by the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.

##### Right to an effective remedy (art. 2)

4. Please inform the Committee of any measures taken or envisaged to monitor the human rights conduct of Canadian oil, mining, and gas companies operating abroad. Please also inform what the available legal venues are in the State party for victims of human rights abuses arising from overseas operations of Canadian extractive firms.

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\* Adopted by the Committee at its 112th session (7–31 October 2014).



**Non-discrimination, equality between men and women (arts. 2, 3 and 26)**

5. Please indicate any measures taken to promote effective implementation of legislation and policies on gender equality, and to ensure women's participation in different areas of public affairs as well as in the private sector, in particular equal remuneration for work of equal value and equal opportunities for women and men in access to employment. Please also indicate the number and outcome of cases of discrimination against women and whether compensation has been paid.

**Right to an effective remedy and a fair trial (arts. 2 and 14)**

6. Please describe the specific measures taken to guarantee that the cuts in financial support to legal aid services in a number of jurisdictions of the State party, primarily in British Columbia, do not have disproportional effects on Aboriginal peoples. Please also comment on reports suggesting that Aboriginal peoples' court cases are delayed for years due to technicalities.

**Right to life, prohibition of torture and cruel, inhuman or degrading treatment, family life and an effective remedy (arts. 2, 6 and 7)**

7. With regard to the Committee's previous concluding observations (CCPR/C/CAN/CO/5, para. 15) and in the light of the State party's report (CCPR/C/CAN/6, para. 15), please provide information on measures taken to amend relevant laws, including subsection 115(2) of the Immigration and Refugee Protection Act which provides legislative exceptions to the principle of non-refoulement.

8. Please provide information on the steps taken to modify the 2011 Ministerial Direction to the State party's security and intelligence agencies on information sharing with foreign entities, and comment on reported allegations that these directions permit information sharing, even when doing so may give rise to a substantial risk of mistreatment of an individual.

9. Please update the Committee on measures taken to compensate Canadian citizens, Abdullah Almalki, Ahmed El-Maati and Muayyed Nureddin, who have experienced torture in prisons abroad with the involvement of Canadian officials in their arrest in Syria and in the case of El-Maati also in Egypt.

10. Further to the Committee's previous concluding observations (CCPR/C/CAN/CO/5, para. 20) please provide information on the measures taken to ensure that all allegations of ill-treatment and excessive use of force by the police are impartially investigated by an independent body, including those related to the police use of force during the student protests in Quebec in 2012.

11. Please provide information on the steps taken to amend the Guidelines for the Use of Conducted Energy Weapons to require that conducted energy devices be used only in situations involving an imminent threat of death or serious injury.

**Violence against women, including domestic violence and disappearances of Aboriginal women and girls (arts. 2, 3, 6, 7 and 26)**

12. Please provide detailed information on the measures taken to enact legislation specifically addressing domestic violence and indicate whether domestic violence is

considered a criminal offence. Please report on the steps taken to ensure that victims of domestic violence have access to immediate means of redress and protection, and that perpetrators are prosecuted and appropriately punished.

13. Please provide updated information on the progress made to clarify cases of disappearances of Aboriginal women and girls, including those mentioned in the 2013 British Columbia inquiry report. Please provide disaggregated data on the number of investigations, prosecutions, convictions and sanctions imposed in cases of disappearances and murders of Aboriginal women and girls.

**Right to liberty and security, treatment of persons deprived of their liberty, right to a fair trial and non-refoulement (arts. 2, 6, 7, 9, 14 and 26)**

14. Please provide information on the steps taken to amend Bill C-31 of 2012 that includes mandatory detention of undocumented immigrants who enter Canada irregularly. Please also describe measures taken to ensure that all refugee claimants, including irregular immigrants and those who come from a 'safe country', are treated in a non-discriminatory fashion in relation to their refugee claim, can access the Refugee Appeal Division, and do not risk deportation to places where they may risk being tortured or ill-treated. Please also indicate if the State party intends to withdraw the 2012 cuts to the programme that funds health services for refugee claimants, and respond to allegations that such cuts may undermine their rights to life and freedom from ill-treatment.

15. With regard to the previous concluding observations (CCPR/C/CAN/CO/5, para. 14) on administrative detention of immigrants and refugees without judicial review, and to the State party's report (CCPR/C/CAN/6, paras. 20 to 30), please provide updated information on the active cases of individuals subject to a security certificate under the new statutory regime of the Immigration and Refugee Protection Act, and comment on reports indicating that recourse to security certificates may lead to unlawful deportations. Please provide information on specific steps taken to ensure that *Special Advocates* can seek evidence independently and can properly represent their clients.

16. Please provide information on measures taken to: (a) adopt effective measures to reduce the current overcrowding and properly meet the basic needs of all persons deprived of their liberty; (b) increase the capacity of treatment centres for prisoners with intermediate and acute mental health issues; (c) limit the use of solitary confinement as a measure of last resort, and (d) abolish the use of solitary confinement for persons with serious mental illness.

17. Please provide information on the disproportionate high rates of persons of Aboriginal origins, including women, deprived of their liberty, in federal and provincial prisons across Canada. Please provide information on the effective implementation of alternatives to imprisonment as set forth in subsection 717(1) of the Criminal Code and disaggregated data on Aboriginal convicted offenders who serve their sentences in their communities as set forth in subsection 718.2(e) and section 742.1 of the Criminal Code.

**Freedom of expression and right of peaceful assembly (arts. 19 and 21)**

18. Please provide information on measures taken at the federal level to reduce restrictions on the right to freedom of peaceful assembly and of association at the provincial and territorial level. Please also comment on: (a) reports indicating that freedom of expression is being restricted by punitive measures against civil society organizations and human rights defenders that promote women's equality, the rights of Palestinians, and

environmental protection and corporate social responsibility, and (b) the alleged unlawful restrictions on the right of peaceful assembly, inter alia, over the course of the 2010 G20 protests in Toronto, 2012 Quebec Student protests, and demonstrations by Aboriginal communities..

**Non-discrimination and rights of persons, including children, belonging to ethnic, religious or linguistic minorities (arts. 2, 24, 26 and 27)**

19. Please explain what measures are put in place to tackle the continuous precarious situation of Aboriginal peoples living in the State party, and inform whether the State party intends to adopt a comprehensive federal strategy that covers all issues related to Aboriginal peoples. In replying, please also comment on:

(a) The growing tensions between such groups and the State party's authorities, whereby it is reported that the State party appears to view the overall interests of Canadians as adverse to Aboriginal interests rather than encompassing them;

(b) Deepening disparities between Aboriginal and non-Aboriginal communities in relation to poverty prevalence and access to basic needs, including housing education and health-care services.

20. Please provide updated information on the policies and practices initiated to avoid the extinguishment of inherent Aboriginal rights and titles. Please update the Committee on the results of the talks with the Innu in Quebec and Labrador as well as with the First Nations in Alberta regarding their land claims, and provide information on the backlog of claims before the Specific Claims Tribunal. Please also comment on reports of limited consultations with Aboriginal peoples when their land rights may be affected by government action.

21. Please update the Committee on measures taken to reform the Indian Act with a view to: (a) removing any remaining discriminatory provisions, and (b) affording greater influence in decision-making to Aboriginal peoples, while indicating whether, and if so, how the concerned communities were consulted in reforming the Indian Act. Please also respond to reports suggesting that Aboriginal peoples lack effective participation in the design of legislation that affects them, including the Canadian Environmental Assessment Act, the National Energy Board Act, the Fisheries Act, the Navigable Waters Protection Act, and the Jobs and Growth Act.

22. Please provide information on the impact of the Aboriginal Languages Initiative of 2010 on the decline of Aboriginal languages. In doing so, please comment on information that two thirds of the 90 Aboriginal languages are endangered. Please also indicate the impact the First Nations Education Bill has had on the preservation of Aboriginal languages.

23. Please provide updated information on the 2008 Truth and Reconciliation Commission as well as on documenting the extent and impact of residential school experiences of Aboriginal children. Please report on steps taken to ensure that the Canadian foster care programmes respect the rights of the Aboriginal peoples. In this regard, please respond to allegations that children belonging to the First Nations are more likely to be taken away from their families and placed in the child welfare system, while indicating and explaining any disparities in the provision of welfare services between Aboriginal and non-Aboriginal communities. Please also explain Aboriginal children's overrepresentation in prisons and describe preventive measures taken.

**Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

24. Please provide information on arrangements made to raise the awareness of judges, public servants, police officers and other law enforcement officials, lawyers and academics with regard to the Covenant. Please also provide more information on the involvement of Aboriginal and minority groups, civil society and non-governmental organizations in the preparatory process of the report (CCPR/C/CAN/6, para. 6).

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