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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Canada and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of Canada has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Canada – the Compilation of UN information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 107 delegations, the presentation and responses made by the delegation of Canada and the actions taken by the Government to implement the 109 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I would like to highlight that I am particularly encouraged by Canada's support to the United Nations Declaration on the Rights of Indigenous Peoples and by the numerous voluntary commitments made by Canada during the Working Group on the Universal Periodic review on many of the issues raised, including the pledge to develop a protocol for following up on the recommendations Canada receives from international human rights bodies.

I encourage Canada to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparations of Canada for the fourth cycle of the UPR. The development of the plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR).

I also encourage Canada to make further efforts to strengthen its national mechanism for comprehensive reporting and follow up in relation to recommendations from international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

H.E. Ms. Chrystia Freeland
Minister of Foreign Affairs
Canada



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Canada to submit a mid-term report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Canada to take action in the areas I have identified in this letter and its Annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: Ms. Jody Wilson-Raybould
Minister of Justice and Attorney General of Canada
Canada



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the ILO Domestic Workers Convention, 2011 (No. 189), the Optional Protocol to the Convention against Torture, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Convention relating to the Status of Stateless Persons.

National human rights framework

- Implementation of a nationwide mandatory policy on the collection of data, disaggregated by race, colour, ethnic background, national origin and other identities including Lesbian, Gay, Bisexual, Trans, Queer, Intersex, and Two Spirit (LGBTQI2S).

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Considering effective measures to prevent racial profiling by the police, security agencies and border agents of indigenous peoples, Muslims, African Canadians and other minority groups; and in particular discontinue the arbitrary use of “carding” that can disproportionately affect people of African descent.
- Continuing to combat discrimination and racist hate crime and adopting protection measures for those who are disproportionately targeted such as ethnic and religious minority groups.
- Repealing the remaining discriminatory provisions in the Indian Act.

Development, the environment, and business and human rights

- Taking measures to raise the official development assistance level to meet the internationally recognized target of 0.7 per cent of gross national income.
- Further strengthening legislation and regulations to ensure that environmental impact assessments, in accordance with its international obligations, are regularly carried out in the context of extractive industries.
- Adoption of additional measures to guarantee the accountability of transnational corporations and other business enterprises with regard to allegations of human rights abuses in third countries; and to ensure access to justice for violations of rights of persons by transnational corporations registered in Canada, operating abroad.

Human rights and counter-terrorism

- Ensuring that anti-terrorism legislation provides adequate legal safeguards and guarantees that information-sharing does not result in human rights abuses.

B. Civil and political rights

Right to life, liberty and security of person

- Taking further measure to address incidents of excessive use of force by police, in particular with regard to persons from vulnerable minority groups.
- Considering measures to limit the reported application of administrative or disciplinary segregation (solitary confinement), including of detainees with mental illness and pay particular attention to the overrepresentation of women and indigenous women in solitary confinement.

Administration of justice, including impunity, and the rule of law

- Establishment of follow-up and monitoring mechanisms for all places of detention in full compliance with the requirements set out in the Optional Protocol to the Convention against Torture; and improvement of access to treatment for prisoners with mental health issues.
- Addressing the root causes of the overrepresentation of African Canadians and indigenous peoples at all levels of the justice system; and adopting measures to address the rising incarceration rates of indigenous and African Canadian women.

Fundamental freedoms

- Adoption of measures to prevent excessive use of force by the police and arbitrary detentions during protests, particularly concerning persons from vulnerable minority groups; and provide training to public officials who provide policing services at demonstrations regarding how to respect international standards on freedom of expression.
- Decriminalization of defamation in accordance with international standards; and adoption of measures to ensure that strategic lawsuits cannot be used to deter free speech and discourage public participation.

Prohibition of all forms of slavery

- Addressing the root causes of trafficking and of the exploitation of women and girls in prostitution by adopting and implementing adequately resourced programmes and other measures for women at risk of being trafficked or of entering into prostitution, in particular indigenous women and girls in foster care and in the child welfare system.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Ensuring that the minimum wage in all jurisdictions is adjusted and regularly indexed to the cost of living, so as to allow a decent living for all workers and their families.
- Stepping up efforts to address unemployment faced by disadvantaged and marginalized groups, including African Canadians, indigenous peoples, persons with disabilities and LGBTQ2S persons, and to ensure the adoption of employment equity legislative and policy measures in all jurisdictions; working with different levels of government, unions, employers and civil society to remove employment barriers in current laws, programmes and policies for persons with disabilities.
- Adoption of the legislation in the federal jurisdiction and in all provincial and territorial jurisdictions on the principle of equal pay for work of equal value; and addressing the persistence of gender segregation in the workplace and the wage gap by implementing more

coordinated strategies at all levels of government and creating more opportunities for women to gain access to full-time employment.

Right to social security

- Ensuring equitable social services for indigenous peoples and other minority groups and in particular adequate needs-based funding for that all social programs on-reserve at least on par with provincial funding levels.

Right to an adequate standard of living

- Consideration of the adoption of a social charter for the protection and implementation of economic social and cultural rights and take steps to ensure the justiciability of such rights.
- Continuing to take all measures necessary to combat poverty more effectively while paying particular attention to vulnerable groups and individuals such as indigenous peoples, persons with disabilities, and African Canadians; and implementing effective measures to reduce the high levels of poverty and food insecurity among indigenous peoples.
- Continuing efforts to holistically address homelessness, housing affordability, inadequate housing conditions and insufficient supply of social housing stock particularly focusing on the needs of the most vulnerable communities; and to ensure that the National Housing Strategy commits to end all forms of homelessness by 2030 in keeping with Sustainable Development Goal 11.
- Guarantee of the human right to safe drinking water and sanitation and implementation of strategies to promote access to drinking water and to improve sanitation facilities in remote areas, in particular for indigenous peoples.

Right to health

- Continuing efforts in order to improve health care for persons from vulnerable groups including indigenous persons and persons with disabilities; and to ensure access to health care to all including undocumented migrants who are denied such access.
- Paying particular attention to lack of access to affordable medication, in particular with regard to vulnerable groups such as older persons and persons with disabilities.

Right to education

- Taking further measures to make education equally accessible for indigenous students, and to ensure that education is culturally acceptable to them; and strengthen special measures to increase the level of educational attainment of African Canadian children, in particular by preventing their marginalization and reducing their dropout rates.
- Placing more emphasis on the principles of non-discrimination and inclusion in education, especially for minority groups and persons with disabilities.

D. Rights of specific persons or groups

Women

- Continue working towards enhancing gender equality and women's political and economic empowerment.
- Stepping up efforts to protect victims of violence, including by ensuring the availability of a sufficient number of adequate shelters for victims, as well as adequate social assistance; effectively enforcing criminal legislation at the federal, provincial and territorial levels; and



consider adopting a comprehensive, measurable, well-resourced, time-bound national action plan, in consultation with civil society organizations, especially indigenous women's organizations, to combat gender-based violence against women.

- Continuing efforts to prevent and punish all forms of violence against indigenous women and girls, as well as to provide redress to victims;
- Reinforcement of efforts to investigate cases of missing and murdered aboriginal women; consider amending the terms of reference of the National Inquiry to investigate police violence against indigenous women and girls and adopting a mechanism for the independent review of cases where family members believed that investigations were inadequate; and considering measures to fully implement the recommendations issued by the Committee on the Elimination of Discrimination against Women in its report on its inquiry.

Children

- Taking measures to enact draft legislation to clearly prohibit all corporal punishment of children.
- Adoption of effective measures to address the root causes of overrepresentation of African Canadian and indigenous children in childcare institutions; and systematically collect ethno-racially disaggregated data regarding child welfare apprehensions and placements.
- Considering measures to ensure the full implementation of Jordan's Principle so that that First Nations children receive the same health and social services and supports as other Canadian children; and to ensure the full implementation of all the orders of the Canadian Human Rights Tribunal.

Persons with disabilities

- Taking further measures to address inequality and discrimination faced by persons with disabilities.
- Enacting legislation to implement the Convention on the Rights of Persons with Disabilities into domestic law, including the legal recognition of Canada's two official sign languages; and appoint the independent monitoring mechanism under article 33 of the Convention.

Minorities and indigenous peoples

- Continuing to take steps to address the gaps in the promotion and protection of the rights of minorities and indigenous peoples; considering measures to preserve endangered languages spoken by indigenous peoples; and consider developing an action plan to implement the Truth and Reconciliation Commission's calls to action, in consultation with indigenous peoples.
- Full recognition of the right to the free, prior and informed consent principle in domestic law and apply it consistently through transparent mechanisms in order to ensure the full respect land rights of indigenous peoples; taking further measures to ensure the respect of the rights to land by indigenous peoples and to end the substitution of costly legal challenges as post facto recourse in place of obtaining meaningful free, prior and informed consent of indigenous peoples.



Migrants, refugees and asylum seekers

- Considering extending the protections of federal, provincial and territorial labour legislation to all domestic and migrant agricultural workers and increasing support for collective organizing and bargaining of all workers.
- Reform of the policies and measures to ensure protection of temporary migrant workers, and grant them access to health services and employment and pension benefits; and abolish work permits tied to a specific employer.
- Adoption of the legal measures to ensure immigration detention is a measure of last resort, and set a maximum period for immigration detention and prohibit the holding of children in immigration detention;

Stateless persons

- Implementation of a definition of “stateless person” in relevant legislation and a Statelessness Determination Procedure in accordance with the 1954 Convention relating to the Status of Stateless Persons.