

Joint Submission
Just Peace Advocates
With the Canadian Foreign Policy Institute
for the Fourth Cycle of
the Universal Periodic Review for Canada

As a part of its continuous endeavor to safeguard and advance human rights within its borders and beyond, Canada takes part in the Universal Periodic Review. We make this submission with the hope that Canada will engage to correct these areas in the coming cycle.

Our organizations work with many other organizations in Canada and internationally.

In preparing this report, we have reflected on our research, and resulting education, engagement with others, and actions based on civil society engagement.

This brief provides critical updates regarding human rights concerns and violations by Canada during the fourth cycle of its Universal Periodic Review (UPR), doing so in a manner consistent with the purpose of the UPR – to improve the human rights situations in the subject state and the role of the subject state globally.

Canada as a democratic state has played a detrimental role in various human rights violations globally such as in Venezuela, Syria, Haiti, Cuba, Indian controlled Jammu and Kashmir, and Palestine. Concurrent to the detrimental role played by Canada in various global human rights situations abroad, the subject state has participated in grave human rights violations domestically in Canada. Canada's long-standing disregard for international law and human rights has resulted in a failure to demonstrate respect for international peace and security.

This brief consists of four parts.

First, it outlines Canada's human rights frameworks, specifying the Conventions the subject state has not ratified or signed.

Second, the brief identifies the recommendations made by the third cycle of Canada's UPR that subsequently Canada has failed to implement.

Third, the brief summarizes various human rights violations Canada has participated in that have continued and, in many cases, worsened since the previous cycle, and explains the importance of addressing these human rights violations which Canada has participated in during the fourth cycle of Canada's UPR. The third section is broken into

two sub parts: (a) domestic concerns and (b) global/international issues related to Canadian foreign policy as it impacts human rights.

The final section puts forth recommendations that seek to make use of the fourth cycle of Canada's UPR to improve human rights in the subject state and globally.

Part I. Canada's Human Rights Framework¹

Canada has ratified seven UN human rights treaties and regularly reports on their implementation as a member of the organization. The ratified treaties include:²

International Convention on the Elimination of All Forms of Racial Discrimination (accession by Canada in 1970)

International Covenant on Civil and Political Rights (accession by Canada in 1976)

International Convention on the Elimination of All Forms of Discrimination against Women (ratified by Canada in 1981)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (ratified by Canada in 1987)

Convention on the Rights of the Child (ratified by Canada in 1991)

Convention on the Rights of Persons with Disabilities (ratified by Canada in 2010)

Canada has a constitutionally entrenched *Charter of Rights and Freedoms*³(1982) and there are human rights acts and commissions at both the federal and provincial levels of jurisdictions in Canada.

See more details regarding conventions in Appendix A.

Canada has not signed the following treaties

Of concern are the following Conventions that have not been signed by Canada:

1. *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (Adopted by the General Assembly in 1990)
2. *International Convention for the Protection of all Persons from Enforced Disappearances* (Adopted by the General Assembly in 2010)

¹ All information related to Canada's human rights framework can be accessed on the Government of Canada webpage at <https://www.canada.ca/en/canadian-heritage/services/canada-united-nations-system/treaties.html>

² See <https://www.canada.ca/en/canadian-heritage/services/canada-united-nations-system/treaties.html>

³ To access the Charter please see <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/resources-ressources.html#copy>

3. *Optional Protocol to the Convention on the Rights of the Child on a communications procedure* (Adopted by the General Assembly in 2011)
4. *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Adopted by the General Assembly in 2002)
5. *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (Adopted by the General Assembly in 2008).

It is essential as a first step that these Conventions be ratified by Canada.

Part II. Recommendations Made During the Third Cycle, but Not Implemented by Canada

There are a number of recommendations that were made known to Canada during the third UPR but which Canada has not taken any or adequate steps to resolve. These are ones that our organization is particularly concerned about:

1. Canada has failed to ratify the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and failed to put in place a national preventive mechanism in accordance with this instrument.
2. Canada has not taken actions to ratify the *International Convention for the Protection of all Persons from Enforced Disappearance*.
3. Canada has failed to ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*⁴
4. Canada has failed to halt the practice of solitary confinement of prisoners
5. Canada has failed to change the remaining discriminatory provisions set out in the *Indian Act*. (1985)⁵
6. Instead of ensuring that anti-terrorism legislation provides relevant legal safeguards, Canada has in fact taken away further safeguards. *Bill C-51* received royal assent during the third cycle of Canada's UPR.⁶ This legislation has been critiqued by legal experts in facilitating increased surveillance and provides minimal standards for preventive powers to extend preventive detentions, which violates individuals right to presumed innocence.
7. Canada has failed to take satisfactory action to guarantee equal access to education for Indigenous and racialized children and youth according to reports made by Amnesty International⁷

⁴ For items 1-3 please see the UN's status of ratification interactive dashboard at <https://indicators.ohchr.org/>

⁵ See <https://laws-lois.justice.gc.ca/eng/acts/i-5/>

⁶ See <https://www.parl.ca/LegisInfo/en/bill/41-2/c-51>

⁷ See <https://www.amnesty.ca/wp-content/uploads/2022/12/2022-Human-Rights-Agenda-Amnesty-International-Canada.pdf>

8. Canada continued to go forth with developments in the Ring of Fire without informed consent of many First Nations who will be affected by the mineral extraction and environmental impacts of this project.⁸
9. Canada has not ratified the *Treaty on the Prohibition of Nuclear Weapons* (TPNW).⁹

Part III. Update on Canada's human rights situation since the previous cycle

A. Domestic Human Rights

1. Issues with the Implementation of United Nations Declaration on the Rights of Indigenous Peoples

The colonization and dispossession of Indigenous peoples, lands, territories, and resources have caused historic injustices to Indigenous peoples which has inhibited Indigenous peoples from exercising their right to development in accordance with their own needs and interests. While Canada has implemented the *United Nations Declaration for Rights of Indigenous Peoples (UNDRIP)*, Bill-C15 did not involve significant meaningful consultations with First Nations, and consequently, First Nations in Treaty 7 and 8, and the Confederacy of Treaty 6 First Nations opposed the Bill and proposed amendments.

Article 32 (2) of the *UNDRIP Act* specifies that:

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*¹⁰

Beyond this, Canada has violated the *UN Declaration on the Rights of Indigenous Peoples Act* (2021) by allowing military forces into unceded Wet'suwet'en Nation territory to undertake pipeline construction.

The Wet'suwet'en land defenders have been under surveillance and criminalized at the hands of military personnel. Some land defenders have been charged by the British Columbia provincial government and the Canadian federal government in an effort to

⁸ See <https://miningwatch.ca/news/2022/9/12/facing-down-governments-and-industry-first-nation-makes-promise-there-ll-be-no>

⁹ For items 1 -11 please see the report "UPR of Canada (3rd Cycle – 30th session) Thematic list of recommendations" available at <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/CA/MatriceRecommendationsCanada.docx>

¹⁰ See <https://canada.justice.gc.ca/eng/trans/bm-mb/other-autre/c15/c15.html>

dissuade protesters from peaceful resistance. Hereditary chiefs of all five clans are in opposition to the Coastal GasLink (CGL) pipeline construction and hold title rights to the 22,000 square kilometers of land.

A legal case has been brought about in response to allegations of the Royal Canadian Mounted Police and CGL intimidating members of the Wet'suwet'en community.

Amnesty International has documented the criminalization of Wet'suwet'en Indigenous land defenders, violation of human rights during the construction of the CGL pipeline on their unceded, ancestral and traditional territories saying:

The Wet'suwet'en Hereditary Chiefs – the authorities of the Nation according to Wet'suwet'en Law, as affirmed by the Supreme Court of Canada's 1997 Delgamuukw ruling – oppose the construction of the liquified natural gas pipeline in their unceded territory and have not given their free, prior and informed consent to the project.¹¹

Amnesty International has further indicated that:

Both Canada and British Columbia have passed laws that mandate the government to bring domestic laws in compliance with the UNDRIP. Additional Convention on the Elimination of All Forms of Racial Discrimination must obtain the informed consent of Indigenous Peoples before taking decisions that directly relate to their rights and interests"¹²

José Francisco Calí Tzay, the United Nations Special Rapporteur on the rights of Indigenous Peoples, indicated in his report after his official visit to Canada from March 1 to March 10, 2023 that

During my visit, I was informed that a large number of megaprojects in Indigenous territories proceed without good faith consultation and in the absence of obtaining Indigenous Peoples' free, prior and informed consent as, in the case of Trans Mountain Pipeline. I am also concerned about the ongoing militarization of Indigenous lands and the criminalization of Indigenous human rights defenders resisting the Trans Mountain and Coastal GasLink pipelines in British Columbia. I urge the Government of Canada to end these violations and to adopt adequate measures to guarantee Indigenous Peoples' right to consultation and free, prior

¹¹ As cited here <https://amnesty.ca/human-rights-news/joint-press-release/canada-indigenous-land-defenders-criminalized/>

¹² As cited by <https://amnesty.ca/human-rights-news/joint-press-release/canada-indigenous-land-defenders-criminalized/>

*and informed consent, and their rights to lands, territories and resources.*¹³

2. Missing and Murdered Indigenous Women and Girls

Missing and Murdered Indigenous Women and Girls remains a critical human rights situation in Canada. No More Silence lists missing and murdered women and girls.¹⁴ In 2021, Al Jazeera provided a detailed six-part series of how women and girls go missing on what is called the “highway of tears” in British Columbia.¹⁵

The office of the Independent Police Review Director in a report titled, “Broken Trust: Indigenous People and the Thunder Bay Police Service”¹⁶ document the broken relationship between the Thunder Bay Police Services (TBPS) and the failure of TBPS to investigate Indigenous missing persons and sudden or unexpected deaths, further straining a fraught relationship as a result of colonialism. The report demonstrates that police services were quick to presume that Indigenous sudden deaths were accidental; relied on evidence of drowning, hypothermia and the deceased's level of intoxications to determine accidental death while ignoring evidence in an effort to rule it an accidental death or contribute to such designation. Lastly, the report shows that police officers relied on generalizable ideas of how Indigenous people ‘likely’ came to die and acted on such generalizations without proper investigation. The report calls upon the TBPS to report numerous times to the public, and the OIPRD on the degree to which the recommendations made in this report have been implemented. In the most recent update, January 2023 report the TBPS maintained that various recommendations made by the OIPRD were **not applicable**, including recommendation #34 that indicated: “The Thunder Bay Police Services Board should publicly and formally acknowledge racism exists within TBPS and take a leadership role in repairing the relationship between TBPS and Indigenous communities. This too, is an important step in TBPS advancing reconciliation with Indigenous people”. This is a clear indication that the Ontario Ministry of the Solicitor General that governs TBPS has failed to reflect on police involvement in perpetuating colonial violence.¹⁷

These are just several examples of the ongoing violence and genocide against Indigenous Women and Girls that is not being addressed by the Canadian government.

3. The Preclearance Act, 2016

¹³ See <https://pbicanada.org/2023/03/10/un-special-rapporteur-expresses-concern-about-criminalization-of-indigenous-human-rights-defenders-in-canada/>

¹⁴ <http://itstartswithus-mmiw.com/community-lists/>

¹⁵ <https://www.aljazeera.com/features/longform/2021/11/29/hunted-how-indigenous-women-are-disappearing-in-canada>

¹⁶ See <https://oiprd.on.ca/wp-content/uploads/OIPRD-BrokenTrust-Final-Accessible-E.pdf>

¹⁷ See <https://thunderbaypsb.ca/wp-content/uploads/2023/01/Report-03-23-OIPRD-Systemic-Review-Recommendations-Report-to-Board-Jan-2023.pdf>

Critics warn that this Act grants excessive power to US officers in Canada without accountability, with concerns including strip searches, carrying firearms, and restricting travel without triggering suspicion. The International Civil Liberties Monitoring Group (ICLMG) has also objected to an agreement between the two countries' governments that prevents strengthening protections. Canada should not be allowing human rights and the democratic legislative process to be compromised in this manner.¹⁸

4. Concern in regard to Anti-terrorism legislation

Bill C-51 received royal assent in July 2015.¹⁹ This legislation has been critiqued by legal experts in facilitating increased surveillance and provides minimal standards for preventive powers to extend preventive detentions, which violates individuals' right to presumed innocence. The *Anti-terrorism Act 2015*, increased the Canadian Security Intelligence Service's secret counter-terrorism powers in Canada and abroad, potentially criminalizing lawful activity. The changes to the *Antiterrorism Act of 2001* are both far-reaching and vague, with the potential to criminalize activities that are currently lawful. The International Civil Liberties Monitoring Group (ICLMG) has contended that these provisions violate articles 14, 17, 18, and 19 of the International Covenant on Civil and Political Rights (ICCPR) and exceed the scope of what is allowed under article 4. These changes have raised significant concerns about their impact on dissent in Canada, especially among Indigenous and environmental activists who may be unjustly labeled as terrorists under the Act. The law also undermines the Supreme Court decision in the Adil Charkaoui case and expands the no-fly list, limiting individuals' ability to challenge their listing and using secret evidence. We question the effectiveness of the legislation and argue that it could result in the suppression of dissent without significantly increasing public safety. These human rights violations would appear to be in contravention to Articles 2, 9, 14, and 17 of the ICCPR that Canada has ratified.

5. Lack of Accountability and Oversight in Canada Revenue Agency

A March 1, 2023 report by the National Council of Canadian Muslims and the World Sikh Organization of Canada has revealed that various organizations with charitable status in Canada have connections to the Rashtriya Swayamsevak Sangh (RSS), a group that incites violence against minorities in India.²⁰ The report highlights the Canada Revenue Agency's (CRA) double standards in affording charitable status to these

¹⁸ See <https://iclmg.ca/wp-content/uploads/2017/10/ICLMG-UPR-submission-Canada-in-May-2018.pdf>

¹⁹ See <https://www.parl.ca/LegisInfo/en/bill/41-2/c-51>

²⁰ See <https://www.nccm.ca/rss-in-canada/>

organizations while allegedly auditing Muslim charities at a disproportionate rate.²¹

A number of requests have been submitted to the Canada Revenue Agency asking for investigation into registered Canadian charities donating millions of dollars to Israeli settler and military organizations.²² In recent years registered Canadian charities generated more than \$250 million a year for projects focused on Israel, a number of these providing taxpayer-subsidized donations to the Israeli Defense Forces (IDF) worth millions of dollars.²³ Israel's illegal settlement business violate international law and human rights.²⁴

6. Migrant Workers Rights

Canada has not signed the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Exploitation and abuse of migrant workers have been extensively documented, with little or no recourse available to these workers. In fact, those who make complaints are often penalized by being terminated from their jobs or deported. Currently, monitoring is conducted only on the basis of complaints, and the level of monitoring varies from province to province, as some have taken steps to compensate for the federal government's shortcomings. However, complaints-driven monitoring is ineffective because workers frequently lack the information required to file a complaint and are fearful of the very genuine consequences that come with doing so.

7. Violations and the Canadian Border Services Agency

Despite having sweeping police powers, the Canada Border Services Agency (CBSA) remains the only significant law enforcement agency in Canada without independent civilian oversight, nearly two decades after its establishment. The agency's unchecked use of its extensive mandate and enforcement powers has repeatedly led to human rights violations in the context of immigration detention.²⁵ In this regard, tens of thousands of individuals, including children and refugee claimants, have been detained on immigration-related grounds, often violating their fundamental human rights. Despite

²¹ See <https://www.ctvnews.ca/politics/review-of-how-cra-audits-muslim-charities-inherently-flawed-groups-say-in-open-letter-to-pm-1.6179641> and <https://www.nccm.ca/openletter-cra/> and <https://www.nccm.ca/cra/>

²² See <https://www.justpeaceadvocates.ca/30-group-tell-the-canada-revenue-agency-that-colonialism-is-not-charity/>

²³ See <https://www.justpeaceadvocates.ca/media-release-canada-should-respond-to-israeli-violence-by-applying-its-laws/>

²⁴ See <https://www.ohchr.org/en/press-releases/2022/10/commission-inquiry-finds-israeli-occupation-unlawful-under-international-law>

²⁵ See <https://www.hrw.org/news/2022/04/04/legal-analysis-agreements-allowing-immigration-detention-canadian-provincial-jails>

not being charged with or convicted of any crimes, immigration detainees are subject to Canada's most restrictive confinement conditions, as they are held exclusively under immigration law.

Canada's recent decision to turn back refugees along its entire border through expanding the Safe Third Country Agreement, means refugees crossing in either direction are forced to take more dangerous routes, putting their lives in risk. Deportation without process for any refugee caught within 14 days of arrival means people have to make dangerous choices to not be criminalized, jailed and deported. Canada is denying asylum seekers their rights protected under international law, and the equal rights of migrants to be considered for permanent resident status.²⁶ On March 31, 2023, eight migrants, including two children, drowned to death in the St Lawrence River while trying to enter the US from Canada.²⁷

8. Failure to Participate in Action Related to the Total Elimination of Nuclear Weapons

Despite recent statements by Parliamentary Secretary Rob Oliphant and Global Affairs Canada supporting global nuclear disarmament, the Canadian government has declined to sign the Treaty on the Prohibition of Nuclear Weapons (TPNW). In fact, Canada opposed the UN Conference in 2017 that led to the TPNW and did not attend the negotiating meeting. Additionally, Canada voted against a resolution in favor of the TPNW that was backed by 130 UN member states. The abolition of nuclear weapons is a critical step towards protecting human rights, and the TPNW plays a significant role in achieving this goal.

9. Remotely Piloted Aircraft Systems Surveillance

The Canadian government is moving quickly to award a contract for remotely piloted armed drones which would be used domestically and in foreign operations.

It has not been disclosed what legal restrictions will apply to the drones' activities inside and outside Canada, nor what protections and remedies will be available – even in theory – for the targets. Canada is providing less transparency than the European Union and the United States in regard to the law and policy framework that will be in place. The government's 2016 Letter of Interest (LOI) to potential suppliers did provide a sample series of future anticipated drone use scenarios that are concerning—with what would appear to be state violence including anti-Indigenous dispossession, anti-migrant

²⁶ <https://migrantrights.ca/>

²⁷ <https://www.bbc.com/news/world-us-canada-65131913>

border enforcement, international policing, domestic policing, war.²⁸

Armed drones threaten people's lives around the world. Rather than making the world safer, they are used in extrajudicial executions, surveillance of targeted populations and other violations of human rights, yet Canada is proceeding in this procurement without consultation nor protections and legal frameworks in place.²⁹

10. Allowing Foreign Military Recruitment in Canada

The disregard for even Canada's own domestic legal standards is concerning as federal political actors allow Israeli military personnel to recruit, with support from the Israeli Consulate in Canada. *The Foreign Enlistment Act* states, "Any person who, within Canada, recruits or otherwise induces any person or body of persons to enlist or to accept any commission or engagement in the armed forces of any foreign state or other armed forces operating in that state is guilty of an offence."³⁰ The Israeli military is responsible for widespread, grave human rights violations.³¹ The Attorney General called upon the RCMP to complete an investigation in January 2021, but there is no indication that this has proceeded.

11. Canada Pension Plan Investment Board (CPPIB) Investing against Human Rights

The CPP manages over \$539 billion for more than 21 million Canadians, but the CPPIB, which is accountable to the government and not beneficiaries, invests heavily in fossil fuels, weapons companies, and Israeli war crimes³². As of March 31, 2022, the CPPIB had investments in 11 companies listed in the UN database for violating international law, and invested nearly \$3 billion in WSP, a Canadian company providing project management to the Jerusalem Light Rail, which is facing calls to be investigated and included in the UN database³³. Additionally, the CPPIB is trying to buy stakes in a Brazilian sanitation company that plans to auction off a public water system.³⁴ These investments and others raise concerns about the CPPIB's alignment with human rights and environmental commitments, and whether the national pension fund is being used to support activities that contribute to global conflict and injustice. In addition to the

²⁸ <https://yellowheadinstitute.org/2023/01/24/drone-colony/>

²⁹ <https://www.justpeaceadvocates.ca/out-of-sight-ending-canadas-armed-drone-purchase-2/>

³⁰ See <https://lois-laws.justice.gc.ca/eng/acts/F-28/page-1.html>

³¹ See <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> and https://www.alhaq.org/publications/Al-Haq_Publications

³² See <https://www.justpeaceadvocates.ca/cppib-invests-at-least-7-percent-of-our-public-pension-in-israeli-war-crimes/>

³³ See <https://www.justpeaceadvocates.ca/105-organizations-submit-to-the-un-on-montreal-based-wsps-illegal-settlement-enterprise-to-un-database/>

³⁴ See <https://cupe.ca/canadas-public-pension-plan-must-scrap-water-privatization-deal>

companies identified by the United Nations and WSP, as of March 31, 2022, the CPPIB is invested in 27 companies, (valued at over \$7 billion) identified by AFSC Investigate as complicit with Israeli human rights and international law violations.³⁵

12. Canada's Extradition Law

Canada's current extradition law is concerning on numerous levels. The case of Hassan Diab is a particularly concerning example of the misuses of the extradition act given this system relies on the requesting state to present reliable evidence and is in fact acting in good faith. Also, "While Canada's extradition law privileges the requesting state's interests, it imposes an insurmountable burden on the "person sought." It demands that the individual demonstrate the *manifest unreliability* of the accusations leveled against them — but without being allowed to invoke exculpatory evidence of innocence."³⁶ Lastly, this Act allows the Department of Justice to withdraw "exculpatory evidence". All these concerns point to *Canada's Extradition Act* in assuming the person under extradition guilty. The International Civil Liberties Monitoring Group (ICLMG) refer to a Human Rights Watch "report that found that, 'French counterterrorism laws and procedures undermine the right of those facing charges of terrorism to a fair trial.'"³⁷ When testifying on the extradition law in February of 2023 the ICLMG called for the extradition act to be reformed.

13. Conflating Anti-Semitism and Anti-Zionism

The working definition of the IHRA states "claiming that the existence of a State of Israel is a racist endeavour".³⁸ This statement doesn't distinguish between two types of criticism towards Israel. By conflating prejudices against Jewish people with a critique of the State of Israel, Canada is effectively determining that any action related to protecting Israel's grave human rights injustices against Palestinians is in fact, antisemitic. The conflation of antisemitism for criticism of the State of Israel persists in ways that dehumanize Palestinians, while also risking rendering actual antisemitism as exclusive to Israeli politics. At present, Canada has announced its intention to double its annual contribution to the IHRA and has indicated that organizations must support the

³⁵ See <https://investigate.afsc.org/>

³⁶ See paragraph 8 of <https://www.thestar.com/opinion/contributors/2023/03/07/how-the-hassan-diab-affair-undressed-canadas-extradition-law.html>

³⁷ See <https://iclmg.ca/extradition-reform-just-committee/>

³⁸ IHRA what is antisemitism can be found at <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

IHRA in order to receive government funding.³⁹

B. International Issues Impacted by the Government of Canada Human Rights Stance

Since the third cycle of Canada's UPR, the government of Canada has undermined human rights not just domestically, but internationally through Canada's foreign policy.

1. Unethical Interference

Canada also played a large role in the US-led bid to overthrow Venezuela's UN-recognized government. They interfered in Venezuelan affairs by sponsoring the Lima Group of countries opposed to Nicolás Maduro's government and recognizing a marginal opposition politician as President.⁴⁰

2. Sanctions constitute a war crime

The UN Charter recognizes that economic sanctions are an act of war, and thus, reserves the right to solely establish these economic measures under the United Nations Security Council;

"The term 'unilateral coercive measures' usually refers to economic measures taken by one State to compel a change in the policy of another State. Examples of such measures include trade sanctions in the form of embargoes and the interruption of financial and investment flows between sender and target countries. More recently, so-called 'smart' or 'targeted' sanctions such as asset freezing and travel bans have been employed by individual States in order to influence persons who are perceived to have political influence in another State (Human Rights Council resolution **19/33**)."⁴¹

Unilateral economic sanctions are incompatible with the general principles of international law.

However, Canada has unilateral sanctions on ten countries that the UN does not sanction.⁴²

³⁹ See the Government of Canada webpage related to IHRA <https://www.canada.ca/en/canadian-heritage/services/canada-holocaust/international-remembrance-alliance.html>

⁴⁰ See <https://www.foreignpolicy.ca/publicletter>

⁴¹ See <https://www.ohchr.org/en/unilateral-coercive-measures>

⁴² https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/current-actuelles.aspx?lang=eng

Canada's *Special Economic Measures Act* enables Canada "to take economic measures against certain persons in circumstances where an international organization of states or association of states of which Canada is a member calls on its members to do so, a grave breach of international peace and security has occurred, gross and systematic human rights violations have been committed in a foreign state or acts of significant corruption involving a national of a foreign state have been committed."⁴³

Canada has continued economic sanctions on Syria, denying critical aid after the February 2023 earthquakes in Syria and Turkey left thousands of people dead, injured and without homes and critical infrastructure destroyed. Canada's unilateral coercive economic sanctions are impeding aid reaching many areas in Syria.

It is under the provision of the United Nations to enact sanctions, and UN member states are able to implement sanctions, however, Canada continues to fail to take the direction from the UN Special Rapporteur on unilateral coercive measures and human rights. For example, the UN Special Rapporteur has asked countries to remove sanctions imposed against Venezuela.⁴⁴

Numerous appeals have been made for states to refrain from imposing sanctions unilaterally, as emphasized in General Assembly resolution 39/210. The resolution reaffirmed that developed nations must abstain from utilizing trade restrictions, blockades, embargoes, and other economic sanctions that are incompatible with the Charter's provisions and violate their commitments to developing nations, in both multilateral and bilateral agreements. Such measures are viewed as a form of political and economic coercion that hinders the economic, political, and social progress of developing countries.⁴⁵ In this regard, Canada's sanctions against 10 countries that the UN does not sanction are in violation of the Universal Declaration of Human Rights.

3. Business Relations and Human Rights Violations

Canada has committed to various international treaties and guidelines that promote responsible business conduct, including the United Nations Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, and the International Labour Organization's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

Additionally, Canada has adopted the Sustainable Development Goals and ratified numerous conventions related to human rights, climate change, gender equality, and

⁴³ See <https://laws-lois.justice.gc.ca/eng/acts/s-14.5/page-1.html#h-1367622>

⁴⁴ See <https://www.ohchr.org/en/press-releases/2021/02/un-human-rights-expert-urges-lift-unilateral-sanctions-against-venezuela>

⁴⁵ See <https://undocs.org/A/HRC/39/54/Add.2>

the *UN Declaration on the Rights of Indigenous Peoples*.

To align with these commitments, Canada and other countries are implementing both voluntary and mandatory measures to establish expectations and legal requirements for corporate behavior.⁴⁶ However, in violation of these treaties and agreements, the Government of Canada has been involved in many human rights violations including those noted in this submission.

As an example, Canada's economic and trade relations with Israel's illegal settlement business violates international law and human rights. In fact, the United Nations General Assembly indicates: "The Commission stresses that business enterprises are contributing to the expropriation and exploitation by Israel of Palestinian land and resources and are supporting the transfer of Israeli settlers into the Occupied Palestinian Territory".⁴⁷ However, actions have not been taken to address these concerns when brought to the attention of the Canadian government.

4. Failure to hold India accountable for settler-colonization of occupied Kashmir & Jammu

During the third cycle of the UPR, Canada urged India to take measures to ensure religious freedom and address racism and discrimination against minorities. They also called for freedom of expression and peaceful assembly for all individuals.⁴⁸ However, India has not taken any action on these recommendations, including the settler-colonization of Jammu and Kashmir. In September 2020, a petition signed by 1,687 Canadians urged the Canadian government to condemn India's *Domicile Law*, restore internet access, release political prisoners, comply with international legal obligations, and work towards self-determination for the people of Jammu and Kashmir. Despite these calls, Canada has not held India accountable for its human rights violations.⁴⁹

5. Canada Military Interventions in other Sovereign States

Canada is one of the twelve largest exporters of arms which has fueled conflicts globally, while still undermining efforts to eliminate nuclear weapons internationally.⁵⁰ According to WorldBeyondWar, "Canada ranks 16th highest for military spending

⁴⁶ See <https://www.international.gc.ca/trade-commerce/assets/pdfs/rbc-cre/strategy-2021-strategie-1-eng.pdf>

⁴⁷ See <https://www.ohchr.org/en/press-releases/2022/10/commission-inquiry-finds-israeli-occupation-unlawful-under-international-law>

⁴⁸ See UPR Third Cycle of India Recommendations at https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session27/IN/UPR27_India_ThematicListofRecommendations_E.docx

⁴⁹ See the full petition at <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-2607>

⁵⁰ Please see <https://www.justpeaceadvocates.ca/nounsc4canada/> and <https://worldbeyondwar.org/canada/>

globally with a defense budget in 2022 that is about 7.3% of the overall Federal Budget. NATO's latest defense expenditures report shows Canada is sixth-highest among all NATO allies, at \$35 billion for military spending in 2022 — a 75 per cent increase since 2014.”⁵¹ As Saudi Arabia has waged war in Yemen Canada has exported over \$8 billion worth of arms to Saudi Arabia since 2015. The Canada-Wide Peace and Justice Network has called on the Government of Canada to stop all arms transfers to Saudi Arabia immediately⁵².

6. Canadian Extractive Companies & Mining Abuses

Canada has failed to address the mining abuses, even after the UN Special Rapporteur on human rights and hazardous substances and wastes spoke to the importance of ethical practices.⁵³

Various human rights organizations and previous cycles of Canada's UPR have called upon additional oversight to ensure Canadian mining and extractive companies abroad are meeting universal and domestic human rights standards.

In a decision released on February 28, 2020, the Supreme Court of Canada (SCC) confirmed that violations of customary international law may directly give rise to civil liability under Canadian common law, permitting a group of Eritrean workers to pursue a legal claim in British Columbia against a Canadian mining company operating in Eritrea.^{54 55}

While Canada has a strategy for responsible business conduct abroad, including appointing a Canadian Ombudsperson for Responsible Enterprise (CORE), the ombudsperson has been critiqued by various human rights organizations in failing to have the power to provide accountability oversight in line with United Nations human rights and business frameworks.

The Canadian Network on Corporate Accountability (CNCA) reported that in April 2019, the Government of Canada reneged on its commitment to CORE, hindering investigations into abuse allegations against overseas Canadian companies.

Canadian mining corporations account for over half of global mining companies, making human rights violations a worldwide issue. Canada opposes the *Basel Ban Amendment*

⁵¹ See the military budget has increased 70% in just a few years, and we currently spend 20 times on the military as we do on the environment, federally

⁵² <https://peaceandjusticenetwork.ca/takingactiontostoparmingsaudi/>

⁵³ See <https://www.hrw.org/world-report/2020/country-chapters/canada>

⁵⁴ <https://www.justpeaceadvocates.ca/legal-and-tactical-guide/> chapter 7, page 34

⁵⁵ See <https://www.canlii.org/en/ca/scc/doc/2020/2020scc5/2020scc5.html>

and has been implicated in various human rights abuses, including torture, forced labor, and intimidation, according to the CNCA.⁵⁶

While there are many other items in regard to both domestic and foreign policy that are concerning in regard to Canada's human rights record, we highlight the items above to provide some insight to concerns by many organizations and individuals that we work with.

Part IV. Proposed Recommendations

We urge you to recommend the following to Canada during its fourth cycle of the UPR:

1. Ensure that the rights of Indigenous peoples are fully protected, in particular in the context of the exploitation of natural resources by national and multinational corporations, purported counter-terror operations and purported counterinsurgency operations.
2. Ratify, in the shortest time, the *International Convention for the Protection of All Persons from Enforced Disappearance* and adopt related internal legislation.
3. Ratify, in the shortest time, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and put in place a national preventive mechanism in accordance with this instrument.
4. Ratify, in the shortest time, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.
5. Implement mandatory external monitoring of workplaces that employ temporary migrant workers in low-wage or low-skill positions.
6. Ratify, in the shortest time, *Optional Protocol to the Convention on the Rights of Persons with Disabilities*.
7. Withdraw all militarization personnel from all unceded Wet'suwet'en territory.
8. Appoint an independent body to review and investigate potential misconduct by the Canada Border Service Agency given the CBSA has sweeping police powers—including the powers of arrest, detention, and search and seizure.
9. Audit 'charitable' organizations which are alleged to donate to organizations which support racist endeavors and violate human rights and ensure that Canada's Income tax law supports human rights domestically and internationally. Stop targeted discrimination of muslim charities.
10. Amend the *Indian Act* to remove the second generation cut-off for children with non-status parents and work with First Nations partners to amend all other discriminatory aspects of the Indian Act.⁵⁷

⁵⁶ See <https://cnca-rcrce.ca/issues-analysis/gvmt-policy/>

⁵⁷ Please see "background on Indian Registration" at <https://www.rcaanc-cirnac.gc.ca/eng/1540405608208/1568898474141>

11. Implement a mechanism to facilitate officials to exercise oversight on human rights implications on Canadian extractive companies that operate overseas⁵⁸
12. Establish an ombudsperson's office that is mandated to investigate and report on human rights violations of overseas extractive companies that are Canadian and hold responsible corporations accountable.⁵⁹ Reform the *Extradition Act* (1999)⁶⁰
13. Cancel the contract for armed remote surveillance drones.
14. Provide oversight to Canada's public pension to ensure that it is not supporting human rights violations in Canada and elsewhere.
15. Canada has not ratified the *Treaty on the Prohibition of Nuclear Weapons* (TPNW).⁶¹
16. Canada needs to ensure its own domestic laws are followed in regard to human rights, for example its *Foreign Enlistment Act*.
17. Canada needs to ensure business relations and human rights violations are addressed in a proactive way, including when these are brought to the government's attention.
18. Canada needs to remove unilateral economic sanctions that have not been put in place by the United Nations.

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⁵⁸ Please see <https://www.hrw.org/world-report/2020/country-chapters/canada>

⁵⁹ Please see <https://www.hrw.org/world-report/2020/country-chapters/canada>

⁶⁰ See <https://www.laws-lois.justice.gc.ca/eng/acts/E-23.01/>

⁶¹ For items 1 -11 please see the report "UPR of Canada (3rd Cycle – 30th session)

Thematic list of recommendations available at

<https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/CA/MatriceRecommendationsCanada.docx>

