

Organization for Defending Victims of Violence (ODVV)

UPR Submission

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Canada



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

www.odvv.org

info@odvv.org

A. About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-political organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.
2. ODVV is also associated to the United Nations Department of Global Communications (DGC), a member of the Conference of Non-Governmental Organizations (CONGO). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.
3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:
 - a. Participation in the Human Rights Council sessions in Geneva;
 - b. Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
 - c. Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
 - d. Publishing Human Rights Council new and developments for Iranian audience.
4. ODVV is submitting the following report on the human rights situation in Canada to contribute to the improvement of human rights in the country.

B. Indigenous People's Rights

5. In the previous cycle of UPR, Canada received the highest number of recommendations (92) on indigenous people, accepting most of them. However, on the ground the indigenous people face many issues. The recommendations called on Canada for: protection of First Nation languages, use of the natural environment and resources in indigenous people's lands following their permission, improvement of their living standards, implementation of effective measures for reduction of high poverty levels and food insecurity, guaranteeing their better access to healthcare, education, adequate housing and other basic rights, strengthening policies, programs and amending laws for official recognition of the rights of indigenous people and indigenous women and girls' rights.
6. The existing human rights concerns of indigenous people such as health, education and income levels, inadequate housing and living conditions, unemployment rate, levels of imprisonment and rates of suicide, shows that the Canadian government needs to pay more attention to the recommendations received and the commitments under international obligations.
7. In the 3rd cycle of UPR, Canada accepted recommendations on efforts to improve the living conditions of the indigenous people¹. But, in cases of income and education, the indigenous people are at much lower levels compared to non-indigenous people. Out of 1.8 million indigenous in Canada in 2021, 18.2 percent lived in a low income family and only 45 percent of schoolchildren living in indigenous reserves can finish their

¹ 142.139, 142.141, 142.145, 142.241, 142.242, 142.143, 142.147, 142.233, 142.234, 142.236, 142.239, 142.245, 142.246, 142.247, 142.248.

education, in comparison with 75 percent of schoolchildren who live at home.²

8. Also, in the previous UPR, Canada accepted to take effective action for the reduction of high levels of poverty and food insecurity among indigenous peoples, and guarantee their better access to medical care, education, adequate housing and other basic needs³. While, the indigenous peoples are still struggling with health, housing and incomes issues. In 2021, approximately one out of six indigenous people (16.4 percent) lived in a house which needed essential repairs,⁴ that threatens the right to adequate housing and can be considered as an indication of existing poverty.
9. Also, in spite of the government accepting recommendations on improving health and treatment conditions for the First Nations, respiratory and infectious diseases have increased in indigenous communities due to population density in houses.
10. The government also accepted recommendations to combat and prevent violence against women, particularly women belonging to indigenous and ethnic minorities,⁵ protecting them and prosecuting related crimes,⁶ while in December 2022, three First Nation women and one unidentified woman were victims of a serial killer.⁷ In addition, a recent report has documented alarming figures for violence against these women, proving that 63 percent of Indigenous women have experienced violence and nearly half — 46 percent — have experienced sexual assault⁸. The country have also received recommendations on boosting efforts for making investigation on missing and murdered First Nation women⁹.

² <https://www.ictinc.ca/blog/8-key-issues-for-indigenous-peoples-in-canada>

³ 142.244, 142.242, 142.143, 142.240,

⁴ <https://www.ictinc.ca/blog/8-key-issues-for-indigenous-peoples-in-canada>

⁵ 142.198, 142.200, 142.201

⁶ Recommendations No. 142.46, 142.76, 142.77, 142.107, 142.120, 142.174, 142.173, 142.175, 142.186, 142.189, 142.196, 142.197, 142.198, 142.200, 142.201, 142.202, 142.203, 142.204, 142.206, 142.207, 142.208, 142.209,

⁷ <https://cbc.ca/news/canada/manitoba/jeremy-skibicki-winnipeg-serial-killings-1.6670849>

⁸ <https://www.cbc.ca/news/canada/manitoba/indigenous-women-violence-government-care-statistics-canada-1.6437701>

⁹ 142.208, 142.211, 142.190.

C. The Right to Health

11. Canada received about 20 recommendations on improvement of the right to health in 2018 and accepted most of them¹⁰, but presently issues such as shortage of health and human resources, medical team, ER section congestions in room and bed shortages in hospitals and high number of child admissions, have put the healthcare systems under pressure. The indigenous peoples are more vulnerable towards diseases and premature deaths compared to non-indigenous people due to lesser access to healthcare. It can be said that there is a clear link between social and health factors. For example, due to inadequate housing conditions and high number of individuals living in one house, respiratory problems and other contractual diseases are seen more among indigenous children than non-indigenous ones, putting pressure on children's hospitals and placing them in critical conditions.

12. Canadians feel hopeless and apprehensive towards hospitals. According to a survey in the first half of 2022, two out of five Canadians did not have access to urgent medical services and Canadians are less confident in their healthcare system than Americans.¹¹ Access to urgent medical care is not guaranteed across the country and this has resulted in lack of access to affordable medicines, mental healthcare and dental services and care for senior citizens, particularly Canadian indigenous peoples that are struggling with high rates of mental health, addiction and suicide. Furthermore, with the rising housing crisis and rise in house prices in the recent years, families spend a portion of their income on housing which causes a reduction in their budget for other livelihood necessities such as food and medical care and ability to save money for the coming years. As a result, their physical health has become more vulnerable and their satisfaction with life has dropped which undermines their mental and psychological health. Taking effective action for the reduction of high rates of poverty and food

¹⁰ 142.244, 142.242, 142.241, 142.240, 142.239, 142.147, 142.170, 142.146, 142.143, 142.141

¹¹ <https://www.ctvnews.ca/health/canadians-no-less-confident-in-their-health-care-system-than-americans-are-survey-1.6058045>

insecurity among indigenous peoples and ensuring their better access to healthcare, education and adequate housing and other basic needs can resolve some of indigenous peoples' challenges in healthcare.

D. Migrants and Minorities

13. In the third round of UPR, Canada received many recommendations on the rights of asylum-seekers and refugees and their prison conditions, most of which were accepted.¹² Some of the recommendations are on the rights of migrant workers (particularly Africans) to basic healthcare, elimination of the existing gap in the promotion and protection of minorities and indigenous peoples rights, improvement of refugees and asylum-seekers rights in accordance with Canada's international human rights commitments, reduction of the overpopulation in detention centres, promotion of fair job conditions and improvement of migrant workers' rights.

14. Nonetheless during the outbreak of COVID-19 pandemic, Canada Border Services Agency, put 40 percent of immigrants in provincial prisons in 2020-21, which is double the number compared to previous years.¹³ This action is contrary to immigration detention agreements and international human rights principles due to the conditions of these detention centres. The authorities are obliged to adopt just and humane treatment of immigration detainees and refrain from mixing them with prisoners who have been imprisoned on criminal charges. Conditions in provincial prisons are exploitative and these centres have been designed with the aim of punishing individuals, and must not be used to detain immigrants.

¹² 142.262, 142.261, 142.260, 142.259, 142.229, 142.227, 142.271, 142.115, 142.68

¹³ <https://www.hrw.org/news/2022/04/04/canada-jailing-immigration-detainees-infringes-rights>

15. It is said that annually Canada imprisons hundreds of migrants and refugees in dozens of provincial prisons across the country, including high security detention centres. Detaining migrants and asylum-seekers in solitary confinement will increase the possibility of them developing mental and psychological problems. In view of the notable extent of the Canada Border Services Agency's power in documented abuse of power in immigration detention centres, this Agency has impunity from any independent civil monitoring. This is while from 2000 to early 2022, at least 16 individuals died while under the Agency's detention, and most of them were detained in provincial prisons.¹⁴

E. Recommendations:

Considering the above-mentioned concerns, we recommend Canada to:

16. Strengthen national programmes for equal access of indigenous peoples to education and healthcare services.
17. Fortify efforts to protect indigenous women against enforced disappearance and murder, reporting the outcomes.
18. Adopt more effective measures to reduce violence against women and girls, especially the indigenous women and girls in line with the UN Declaration on the Rights of Indigenous Peoples.
19. Adopt ILO Convention for indigenous peoples and tribes 1989.
20. Ensure that activities of transnational corporations are coordinated with international human rights principles.

¹⁴ <https://www.hrw.org/news/2022/04/04/canada-jailing-immigration-detainees-infringes-rights>

21. Ensure that people and indigenous peoples in particular, enjoy equal rights to physical and mental health as well as an adequate living standard.
22. Ensure everyone's access to medical and mental healthcare without discrimination.
23. Observe the UN Charter with the aim of providing everyone with equal access to food, healthcare and adequate housing.
24. End the detention of refugee and asylum-seeking children through alternative means which guarantee the interests and well-being of children.
25. Adopt measures to restrict imprisonment and renewal of detention for immigrants.
26. Amend the indefinite detention laws for immigrants.
27. Put an end to the use of solitary confinement for detainees – including migrants¹⁵ -, that continue ¹⁶in violation of Canada's Charter, despite the government's announcement that it abolished solitary confinement.
28. Adopt the Optional Protocol on the Convention against Torture, and other Cruel, Inhuman Behaviours or Treatments.
29. Adopt International Convention on the Protection of the Rights of all Migrant Workers and their Families.

¹⁵ <https://www.amnesty.org/en/latest/press-release/2021/06/canada-abuse-discrimination-immigration-detention/>

¹⁶ <https://www.cbc.ca/news/canada/montreal/federal-inmates-solitary-confinement-enquete-1.6410882>