

The Honourable Steven Guilbeault
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The Honourable David Lametti
Minister of Justice and
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The Honourable François-Philippe Champagne
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The Honourable Mark Furey
Minister of Justice and
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November 5, 2020

Dear Ministers Guilbeault, Lametti, Champagne and Furey,

On behalf of 400,000 supporters of Amnesty International across Canada we are writing to you in your capacities as co-chairs of the upcoming Meeting of Federal-Provincial/Territorial Ministers Responsible for Human Rights, to be held on November 9 and 10, 2020. We look forward to taking part as panelists in the session with civil society representatives on November 10. We are writing at this time to highlight key concerns and recommendations which we ask you to share with all ministers in advance of the meeting.

This meeting is consequential for several reasons. First, this is a time of considerable human rights challenge in Canada, which is reflected not only in the themes you have chosen for your deliberations – serious concerns associated with the COVID-19 pandemic and the realities of entrenched systemic racism – but also the mounting climate crisis and continuing failures to advance true reconciliation with Indigenous peoples.

Second, this is a time of considerable global concern and opportunity with respect to human rights, including the rise of toxic political agendas of hate and division fueled by growing numbers of leaders around the world, but also incredible popular movements that are igniting change and transformation in many countries.

Third, this meeting offers a crucial opening for you and your counterparts from all provinces and territories to demonstrate true resolve and commitment to advance a strong framework that concretely puts regard for human rights at the very heart of Canada.

As you will be aware there had not been an FPT ministerial human rights meeting in Canada for 29 years, until one was convened by your predecessors, Ministers Joly, Wilson-Raybould and Freeland in December 2017. Very importantly that meeting focused on the crucial need for federal, provincial and territorial governments to work together in a consistent, transparent, accountable, coordinated and effective manner so as to ensure full compliance with our international human rights obligations.

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In advance of the meeting we issued a briefing paper, [*From Promise to Reality: Amnesty International's Recommendations for the 2017 Federal, Provincial, Territorial Human Rights Meeting*](#) and endorsed a set of guiding principles, [*Moving Forward: A vision for strengthened international human rights implementation in Canada*](#), which were developed by the 26 civil society groups and Indigenous peoples' organizations that participated in the meeting. All of those recommendations remain urgent and relevant and we urge you to review them again.

Ministers made [commitments](#) at the 2017 meeting that provide an important first step towards addressing longstanding deficiencies in Canada's approach to implementing the country's international human rights obligations. Ministers expressed "support for future FPT Human Rights Ministerial meetings" and promised to "enhance FPT collaboration through a senior level mechanism." Ministers also agreed to "modernize the mandate of the intergovernmental Continuing Committee of Officials on Human Rights" including by "developing a protocol for following up on the recommendations that Canada receives from international human rights bodies and a stakeholder engagement strategy."

Groups that had taken part in the meeting welcomed those commitments and wrote to federal, provincial and territorial governments with an offer to work together in advancing those commitments. Unfortunately progress since has been minimal. While a committee of senior officials has been established, little is known publicly as to its mandate, agenda, composition or priorities. No protocol for following up on international recommendations or a stakeholder engagement strategy has been finalized. This is not an impressive record, nearly three years later.

Progress with respect to other commitments from the 2017 meeting has also been disappointing. Canada has now acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities, which was certainly a very welcome development. However, the country appears to be no closer to joining the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, or the *International Convention for the Protection of All Persons from Enforced Disappearance*. That it takes so many years and there is such little clarity or information available with respect to the prospects of Canada signing on to human rights treaties meant to prevent torture and enforced disappearances speaks volumes as to how ineffective the intergovernmental mechanisms for international human rights coordination are in Canada.

Also of concern is the stalled progress in meeting the recommendation from the Truth and Reconciliation Commission, highlighted in the communique from the 2017 FPT meeting, for FPT governments to fully adopt and implement the UN Declaration on the Rights of Indigenous Peoples as the framework for reconciliation with Indigenous peoples. Federal legislation to implement the Declaration is anticipated before the end of the year and the Declaration has been implemented in British Columbia and the Northwest Territories, but there is still far to go in securing more extensive provincial and territorial implementation.

Similarly, governments have fallen far short of their "reaffirmed ... commitment to the progressive realization of economic, social and cultural rights". That has been glaringly evident in the failure to adopt strong human rights frameworks to guide government responses to the COVID-19 pandemic, which has imperilled the protection of a wide range of economic, social and cultural rights.

Finally, Ministers, in April of this year 302 organizations and experts from across the country came together in a [Call for human rights oversight of government responses to the COVID-19 pandemic](#) that highlights that this is “a vital time to ensure robust human rights oversight” so as to “encourage strong human rights measures are adopted by governments, and to guard against intentional or unintended human rights violations.” Unfortunately, that has not yet been the case.

We therefore urge you to work with all ministers to secure the following commitments at next week’s meeting:

- Renew commitments from the December 2017 ministerial meeting, including working collaboratively with civil society and Indigenous peoples’ organizations to develop and implement a stakeholder engagement strategy.
- Institute human rights oversight of COVID-19 pandemic responses in line with the April 2020 proposal from civil society groups, Indigenous peoples’ organizations, and human rights experts.
- Provide public reports at six-month intervals with respect to progress towards implementation of commitments from both the December 2017 and November 2020 ministerial meetings.
- Commit to a further FPT ministerial human rights meeting before the end of 2022.

Thank you for your consideration of our recommendations. We look forward to engaging further with you and other Ministers about these recommendations during and following next week’s meeting.

Sincerely,



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