



Honourable Chrystia Freeland, Minister of Foreign Affairs

Provincial and Territorial Ministers Responsible for Human Rights

January 23, 2018

Dear Ministers,

Attached please find our letter to Ministers Wilson-Raybould and Joly in follow up to the historic FPT ministerial human rights meeting held in Gatineau, Quebec December 11-12, 2017; the first such meeting in 29 years.

Our organizations very much appreciated the opportunity to join the meeting on the morning of December 11<sup>th</sup>. We remain acutely aware of the need to continue to advance the vitally important agenda that was set for this meeting, given the troubling gap in international human rights implementation in Canada and the continued failure to adequately protect the rights of Indigenous persons, women, racialized persons, people with disabilities and other marginalized groups who daily experience serious human rights violations across the country.

We look forward to engaging with your officials, in Ottawa and in provincial and territorial capitals over the coming months so as to maintain the important momentum coming out of this meeting, including hearing about your progress with respect to the commitments you have adopted, and discussing and providing input to draft proposals as they develop.

Sincerely,

Alex Neve  
Secretary General  
Amnesty International Canada (English branch)

cc. Honourable Chrystia Freeland, Minister of Foreign Affairs  
Provincial and Territorial Ministers responsible for human rights

On behalf of:

Action Canada for Sexual Health and Rights  
African Canadian Legal Clinic  
Amnesty International Canada (English)  
Amnistie internationale Canada francophone  
British Columbia Aboriginal Network on Disability Society  
Canada without Poverty

Canadian Association for Community Living  
Canadian Association of Black Lawyers  
Canadian Association of Refugee Lawyers  
Canadian Coalition for the Rights of Children  
Canadian Council for Refugees  
Centre for Israel and Jewish Affairs  
Chinese and Southeast Asian Legal Clinic  
Colour of Poverty - Colour of Change  
Congress of Aboriginal Peoples  
Council of Canadians with Disabilities  
DisAbled Women's Network of Canada (DAWN)  
Egale  
Feminist Alliance for International Action  
Les Femmes Michif Otipemisiwak  
National Council of Canadian Muslims  
Ontario Council of Agencies Serving Immigrants  
Pauktuutit Inuit Women of Canada  
Quebec Native Women  
Social Rights Advocacy Centre  
South Asian Legal Clinic of Ontario  
Women's Legal Education and Action Fund

Honourable Jody Wilson-Raybould  
Minister of Justice  
284 Wellington Street  
Ottawa, Ontario  
K1A 0H8

Honourable Melanie Joly  
Minister of Heritage  
15 Eddy Street  
Gatineau, Quebec  
K1A 0M5

January 23, 2018

Dear Ministers Joly and Wilson-Raybould,

I am writing on behalf of the 27 Indigenous peoples' organizations and civil society groups listed at the end of this letter, all of whom participated in the interactive session at the recent FPT ministerial human rights meeting on December 11, 2017. In follow up we are requesting a meeting at an early date between your officials and a representative delegation of our organizations, to consider next steps in maintaining the important momentum that has been set.

We very much commend you for having convened this historic meeting and, in particular, for the crucial focus on Canada's international human rights obligations. We welcome and appreciate the significant opening you provided in your agenda for us to make substantial presentations about pressing concerns and recommendations we have with respect to Canada's approach to implementing international human rights obligations domestically.

We are, of course, now very interested in follow up. We have seen the News Release issued at the close of your meeting. There is much there that is of interest to us and we would appreciate an opportunity to learn more details and to discuss how our groups, and Indigenous peoples' and civil society organizations more broadly, can play a role in the next steps.

We are interested in further discussion about several items listed in the News Release, including Canada's accession to additional UN human rights treaties; Canada and the UN Declaration on the Rights of Indigenous Peoples; and Strengthening Canada's implementation of social and economic rights. Our immediate interest, however, is to learn more about some of the bodies and processes referenced in relation to "strengthening intergovernmental collaboration and public dialogue on human rights."

- *Ministers affirmed support for holding future FPT Human Rights Ministerial meetings.*

This is a tremendously important commitment. There is no indication whether agreement was reached as to when to hold the next such meeting. You will recall that at the meeting we urged that your next meeting should be within one year, so as to build on the momentum of this recent meeting and to mark the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights, and then at regular intervals thereafter. We repeat that recommendation and urge FPT Ministers to make that commitment as soon as possible, so as to give shape to the agenda of work that should be pursued over the coming year.

- *They agreed to enhance FPT collaboration through a senior level mechanism.*

This too is very encouraging and would seem to be in line with the recommendation we made for a deputy minister level working group to be established. We would welcome an opportunity at an early date for further discussions about this “senior level mechanism”, including offering suggestions for its mandate and powers, as well as its relations with Indigenous peoples’ organizations and civil society groups.

- *They agreed to modernize the mandate of the intergovernmental Continuing Committee of Officials on Human Rights.*

Many of our organizations have worked closely with the Continuing Committee over the years. We have appreciated the great efforts and dedication of Committee members. It is clear to us, however, that the Committee’s mandate and powers are wholly inadequate for what it is needed to ensure effective FPT implementation of international human rights obligations in Canada. Any discussion of modernizing the Committee’s mandate, therefore, must be entirely linked to the discussion about establishment of the new senior level mechanism. We would, again, welcome an opportunity to be consulted as this process moves forward.

- *This entails developing a protocol for following up on the recommendations that Canada receives from international human rights bodies and a stakeholder engagement strategy.*

This protocol and strategy will be central to the effectiveness of all of the above – regular Ministerial meetings, a senior level mechanism and a modernized Continuing Committee. In our presentation to Ministers we made a number of key recommendations directly relevant to the intended protocol and strategy, including six principles that should be at the heart of a new human rights-based framework for implementation.<sup>1</sup> We noted the importance of genuine and meaningful roles, not only for Indigenous peoples’ and civil society organizations, but for Parliament, provincial and territorial legislatures, and federal, provincial and territorial human rights institutions. And we made a number of crucial recommendations with regard to accountability and access to justice and effective remedies that similarly we hope to see reflected in the protocol and strategy.<sup>2</sup> We look forward to further information about the process and timeline for developing this protocol and strategy.

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<sup>1</sup> (1) Recognize and respect the rights of Indigenous peoples, guided by the UN Declaration on the Rights of Indigenous Peoples. (2) Adopt an intersectional feminist approach to upholding human rights. (3) Apply a racial equity impact lens and a disability-based inclusion lens to Canada’s international human rights implementation framework. (4) Commit to substantive equality to address systemic discrimination and marginalization. (5) Address intersecting forms of sexism, racism, ableism and other forms of discrimination. (6) Acknowledge that the fulfillment of economic, social and cultural rights is a threshold requirement for the enjoyment of civil and political rights, particularly for those groups that are most disadvantaged, and that all human rights are universal and interdependent.

<sup>2</sup> (1) Recognize that access to justice and effective remedies is critical for all human rights, including economic, social and cultural rights. (2) In addition to ratifying the Optional Protocols to the Convention on the Rights of

Finally, Ministers, we note a number of concrete and immediate opportunities before Canada over the coming year that could be of assistance in the development of these new and modernized mechanisms, committees, protocols and strategies for international human rights implementation. First and most immediately that includes preparations for Canada's third examination under the UN Human Rights Council's Universal Periodic Review process, scheduled for April/May 2018 and, importantly, the follow up to the outcome of that review. We have noted a number of other such opportunities in the Annex to this letter.

We would welcome an opportunity for further dialogue with respect to these suggestions and look forward to further information regarding the questions we have raised. As noted at the outset of this letter, we suggest that a meeting be convened at an early date between your officials and a representative delegation of our organizations to consider next steps.

Sincerely,



Alex Neve  
Secretary General  
Amnesty International Canada (English branch)

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Persons with Disabilities and Convention against Torture, ratify the optional complaints procedures for the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination and the Convention on the Rights of the Child. (3) Collect and publish data disaggregated with respect to sex and gender, Indigenous, racial and ethnic identity, disability and other characteristics relevant to identifying, understanding and addressing patterns of human rights abuse. (4) Establish mechanisms for ongoing inter-governmental coordination at a level of authority that allows for accountable decision-making. (5) Regularly report publicly on implementation, against timelines and benchmarks. (6) Institute an independent oversight body to report on Canada's progress toward meeting its international human rights obligations.

Canadian Coalition for the Rights of Children  
Canadian Council for Refugees  
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Colour of Poverty - Colour of Change  
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Pauktuutit Inuit Women of Canada  
Quebec Native Women  
Social Rights Advocacy Centre  
South Asian Legal Clinic of Ontario  
Women's Legal Education and Action Fund

**ANNEX: Opportunities in 2018 for developing new approaches to international human rights implementation in Canada**

- The third examination of Canada’s human rights record by the UN Human Rights Council’s Universal Periodic Review process, to be held at the 30<sup>th</sup> Session of the UPR, to be held in April/May 2018.
- A report back to the UN Committee on the Rights of Persons with Disabilities by April 2018 with respect to two priority recommendations adopted by the Committee during its first review of Canada in April 2017, dealing with: (1) removal of Canada’s reservation and declaration to the provisions in article 12(4) of the Convention on the Rights of Persons with Disabilities regarding legal capacity; and (2) developing criteria to address the multiple and intersecting forms of discrimination experienced by persons with disabilities.
- Preparation of Canada’s 5th/6th report under the Convention on the Rights of the Child, to be submitted *“by 11 July 2018 and to include in it information on the implementation of the present concluding observations.”*
- A report back to the UN Committee on the Elimination of Discrimination against Women by November 2018 on steps to implement recommendations regarding the development of: (1) a national gender strategy, policy and action plan; and (2) a co-ordinated plan for implementing recommendations regarding the murders and disappearances of Indigenous women and girls.
- An opportunity to develop an innovative approach to taking up the recommendations of the most recent UN review of Canada’s human rights record, carried out by the UN Committee on the Elimination of Racial Discrimination in August 2017, a proposal that was submitted to FPT Ministers in advance of the recent Ministerial meeting on behalf of 17 Indigenous peoples’ and civil society organizations that had participated in the CERD review.<sup>3</sup>
- Building on the promising introduction of a human-rights based approach to the National Housing Strategy – but with added measures to address some identified gaps, such as inclusion of a racial equity analysis – use rights-based approaches to other forthcoming socio-economic strategies and legislation, including the poverty reduction strategy, food security policy, and disability and accessibility legislation, all of which offer important opportunities to ensure implementation of Canada’s international human rights obligations.

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<sup>3</sup> Open Letter to the Participants in the Federal/Provincial/Territorial Ministerial Meeting on Human Rights, December 7, 2017. <http://www.amnesty.ca/news/open-letter-participants-federalprovincialterritorial-ministerial-meeting-human-rights>.

