

Canada and Human Rights in 2010: Time to Return to Leadership

A Human Rights Agenda for Canada

February 2010

**AMNESTY
INTERNATIONAL**



Table of Contents

1	Introduction
2	Demonstrating Commitment and Restoring our Reputation
2	Middle East Politics: No longer the bridge-builder
4	Indigenous Peoples: Selling human rights short
6	Time to Come Clean on Torture
8	Human Rights and Business: Responsibility and accountability
9	Protecting Refugees: No Longer the Welcoming Haven?
11	Leadership towards Abolition of the Death Penalty: Losing Ground
12	Protecting Economic, Social and Cultural Rights: It is a matter of rights
12	Defending Human Rights: Shrinking Space for Dissent
15	Hosting the G8 and G20: Human Rights Must Come First
15	Maternal Health, Maternal Mortality: A Pressing Human Rights Concern
16	Putting Human Rights at the Heart of the Global Economy
18	Recommendations

Introduction

Much has been said about 2010 being Canada's year to shine on the world stage. In February and March the world's attention has been focused on Canada as Vancouver hosts the Winter Olympics and Paralympics. In June the world's eyes will return to Canada as leaders from the world's most powerful countries and important economies gather for the G8 and G20 Summits. And throughout the year, leading up to a UN vote in October, Canada will attract the gaze of nations around the world as we campaign for a seat on the UN Security Council in 2011 and 2012.

2010 can be a year for Canada to shine on many fronts. 2010 is also, however, a year during which Canada will be scrutinized on many fronts. Unfortunately, Canada's hard-won reputation for leadership on the human rights front will not bear up well under that scrutiny. To rise to leadership in 2010 Canada must demonstrate a renewed commitment to human rights protection at home; and a determination to put human rights at the forefront of our approach to international relations.

2010 is a year of turning points. The transition this year from the G8 to the G20 as a locus of international economic and political power is of considerable significance. It is all the more significant as it comes at a time when nations are still struggling to recover from the dramatic downturn that has shaken all world economies and also at a time when deep levels of extreme poverty are still the reality – and in many instances only continue to worsen – for well over one billion people worldwide. In addition to the G8 and G20 gatherings, world leaders will gather at the UN in September, to take stock of progress on the Millennium Development Goals, the important promises they made in 2000 to make substantial advances by the year 2015 in the global struggle to overcome poverty.

As well, the early signs of transition away from the debilitating years of the US-led 'war on terror' with its onslaught on human rights and undermining of the authority of multilateral bodies like the UN, while still tentative and uncertain, offers considerable promise. Clearly it is vital that in 2010 this transition towards restoring an understanding of the importance of human rights in any nation's approach to security is strengthened and consolidated, and does not face setbacks or reversals.

In this time of global change, there is no better time to ensure that a new vision for the politics, economics, security and humanitarianism of global affairs emerges; a new vision firmly and concretely grounded in respect for universal human rights. That is what the world needs from Canada this year. But it will take real commitment and decisive political leadership to deliver that vision.

Demonstrating Commitment and Restoring our Reputation

Canada has traditionally been viewed by the rest of the world as a reliable human rights champion. While never perfect, Canada's record has been one of a fairly consistent determination to strengthen the protection of human rights – at home and abroad. That record, and that reputation, has slipped precipitously in recent years.

Canada's strong response to the devastating earthquake in Haiti in January visibly demonstrates not only the country's capacity to take meaningful action in response to a humanitarian and human rights catastrophe; but to play a leadership role within the international community. And there are other human rights issues and hotspots which benefit from Canadian support or leadership. For instance, Canada continues to lead a high-profile annual resolution at the UN General Assembly raising concerns about human rights violations in Iran and leads important initiatives at the UN Human Rights Council, such as a regular resolution dealing with violence against women.

Unfortunately, however, there are a growing number of deeply troubling examples of Canadian policies and positions which significantly undermine human rights protection, domestically and at the international level; let alone fail to demonstrate human rights leadership. If Canada is to rise to the opportunities ahead in 2010 this erosion of leadership must be reversed.

Middle East Politics: No longer the bridge-builder

There is likely no global human rights debate that is more heated and politicized than that dealing with Israel, the Palestinian Authority and the Occupied Territories. It is a debate which fast becomes polarized and quickly loses sight of the very real human rights issues at hand. That was long the case at the UN Commission on Human Rights and has continued with the UN Human Rights Council (which replaced the Commission in 2006). Canada has traditionally taken a cautious approach in the midst of that debate - sometimes voting against resolutions, other times voting for resolutions, often abstaining – always with a careful, principled explanation of vote.

More recently, however, Canada has consistently voted against UN resolutions that are critical of Israel's human rights record. Whereas in the past other countries often looked to Canada as the country that might bridge gaps with respect to resolutions dealing with Israel, most now simply assume it is not even worth engaging with Canada as Canada will not budge from a position of uncritical support of Israel. For instance, in January 2009, Canada was the only state among the 47 members of the UN Human Rights Council to vote against a resolution condemning human rights violations that occurred in the context of last year's Israeli military offensive in Gaza. Close allies of Canada, including the United Kingdom and Japan, chose instead to abstain from the vote. In November 2009, at the UN General Assembly, Canada was one of only 18 countries to vote against a resolution endorsing the results of a Human Rights Council mandated investigation of the Gaza conflict, carried out by respected South African jurist Richard Goldstone. The General Assembly resolution had called on both Israeli and Palestinian authorities to conduct independent, credible investigations into allegations of serious violations of international humanitarian law and international human rights law.

A number of other events and controversies have deepened the concern that Canada's political stance on Israel is clouding Canada's human rights reputation. That was certainly the case with Prime Minister Harper's characterization of the Israeli military operation in southern Lebanon in the summer of 2006, which resulted in more than one thousand civilian deaths, as a "measured" response to Hezbollah missile attacks into northern Israel.

There have also been a series of funding cuts to Canadian organizations that work with or provide financial assistance to human rights and other groups in Israel, the Palestinian Authority and the Occupied Territories, notably the inter-church coalition KAIROS and the development organization Alternatives.

Similarly, Rights and Democracy, a well-respected, independent agency established by Parliament over twenty years ago to promote international human rights and democratic development has become embroiled in a heated controversy which appears to have begun at least in part with a contentious debate about grants provided to well-known Palestinian and Israeli human rights groups. The controversy follows a number of government appointments to Rights and Democracy's Board of Directors of individuals whose views align with the government's position of refraining from criticisms of Israel's human rights record.

At the same time the government announced that it is "redirecting" its traditional funding support for the United Nations Relief and Works Agency for Palestinian refugees in the Middle East. For the first time, Canada will not be supporting UNRWA's core funding and as a result will no longer be contributing to UNRWA's important primary education programs for Palestinian refugee children in Gaza and the West Bank.

The combined effect of these recent decisions and UN voting patterns is that Canada is now widely perceived to be partisan when it comes to the issue of human rights in the region. That has impaired Canada's ability to play the role of an honest-broker in these difficult debates. More widely, Canada's reputation as a principled human rights leader has been set back considerably, which is detrimental far beyond matters dealing with Israel.

Indigenous Peoples: Selling human rights short

By any measure the situation of Indigenous peoples represents Canada's longest standing human rights challenge. Yet at both international and national levels, government policies and positions have undermined efforts to strengthen protection of the human rights of Indigenous peoples.

- In 2007 Canada was one of only four countries to vote against a ground-breaking and long-awaited UN Declaration on the Rights of Indigenous Peoples. Of the other three nations who joined Canada in opposition, Australia has since indicated strong support for the Declaration and both New Zealand and the United States are known to be actively reviewing their positions. Canada remains implacably opposed and regularly argues that the Declaration has no applicability to Canada because the government voted "no" in 2007. Canada would never accept that position from other countries who might assert that a UN decision has no application to them simply because they voted against it.
- In 2008, the Canadian Human Rights Tribunal agreed to hear a case challenging the consistent and significant underfunding of agencies that provide protection to First Nations children on reserves. Organizations who work with Indigenous children argue that the underfunding constitutes discrimination under the Canadian Human Rights Act. The government asserts that since the government only provides funding and does not deliver child protection services, it is not covered by the Act. As well, the government argues it is not discrimination as it impacts all First Nations children equally. For generations the rights of Indigenous children in Canada have been callously disregarded. What is needed is government action to ensure their rights are protected, not far-fetched legal arguments as to why the government is not responsible.

- Across the country some of the most blatant instances of human rights violations against Indigenous peoples revolve around a refusal to recognize and protect land and resource rights, essential to the well-being and cultural survival of Indigenous peoples. One distressing example is the situation on the Lubicon Cree in northern Alberta, who never ceded their traditional territory by way of treaty, but have been consistently treated by the federal and Alberta governments as if they have no rights to control or benefit from those lands. Instead, a massive wave of oil and gas production and exploration has gone ahead on their lands and resources, without their consent, without any meaningful benefit to them, and with devastating cost to their health, livelihood, culture and traditions. In 1990 the UN Human Rights Committee ruled that Canada's actions were a violation of human rights protected under international law. Twenty years later the violations continue.
- Indigenous women and girls in Canada have long faced heightened levels of violence and discrimination, targeted both because they are women and because they are Indigenous. Countless numbers of Indigenous women and girls have been murdered or have gone missing across the country at a rate far above the levels faced by other women and girls in the country. The Native Women's Association of Canada and UN human rights bodies have called for a comprehensive and coordinated national plan of action to respond to this alarming human rights tragedy. While some significant measures have been taken at local or provincial levels, the federal government continues to defer creation of the urgently needed national plan of action.

Additionally, Amnesty International is concerned that while the federal government cites its partnership with the Native Women's Association of Canada as the primary means by which it is addressing the threats to Indigenous women, as of February of this year there had still been no announcement of renewal of funding for the organization's Sisters in Spirit campaign.

Time to Come Clean on Torture

Since the September 11th terrorist attacks in the United States, the right to be protected from torture and ill-treatment has been undermined by governments around the world. Many worrying cases have arisen in Canada, highlighting concerns about complicity in torture. International law is very clear. Not only is it prohibited to torture, it is prohibited to be complicit in torture carried out by others.

- Canadian troops have been deployed in Afghanistan since 2002. Until late 2005, prisoners apprehended during military operations were handed over to US forces and since then, to Afghan officials. This remains Canadian policy despite well-documented concerns that transferred prisoners face serious risks of grave human rights violations, including torture. The government has refused to change the policy and has vigorously fought legal proceedings that have sought to end the practice of transferring prisoners. An agreement between the Canadian and Afghan governments allows Canadian officials to visit Afghan prisons and monitor prisoners, but this provides insufficient protection against torture as is well evidenced by the numbers of times Canada has had to temporarily suspend prisoner transfers.

Temporary measures are not good enough. Transfers must cease unless and until there are sufficient reforms to ensure prisoners would no longer face a serious risk of torture. Given the gravity of the concerns about this issue and worrying indications that reports about torture have been disregarded or given little weight by senior government officials, it is time for a public inquiry to get to the heart of this matter.

- A number of Canadian citizens have been subject to torture and ill-treatment in foreign countries in cases involving national security concerns. In many of those cases there are clear indications that the actions of Canadian officials have contributed to the human rights violations these individuals experienced. That has been confirmed by the findings of two judicial inquiries that looked into the cases of Maher Arar, Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin; and Federal Court rulings in the cases of Abousfian Abdelrazik and Omar Khadr.

Omar Khadr has been imprisoned at Guantánamo Bay for more than seven years, having been detained by US forces while he was still a child. In January 2010 the Supreme Court of Canada ruled unanimously that the Canadian government is responsible for violations of his rights under the Charter of Rights. The Court decided that it was not the role of judges to specify how the Canadian government should remedy those violations. The government continues to refuse to ask the US

government for his repatriation and in response to the Court ruling has done no more than to ask that evidence gathered during Canadian interrogations of Mr. Khadr be excluded from legal proceedings. The response does utterly nothing to address a range of serious human rights concerns in his case, including his plight as a child soldier, the torture and ill-treatment he has experienced and the fact that he is scheduled to be tried before an unfair military commission.

Maher Arar has received an apology and compensation, but key recommendations coming out of the inquiry into his case remain unimplemented. Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin, on the other hand, have not received any apology or redress. Instead they face nothing but obstruction and delays and are being forced into protracted and contentious court battles when all they seek is a remedy for grave human rights violations that have already been documented by a judicial inquiry.

- Concerns continue as well with respect to cases of individuals at risk of torture if they are deported from Canada. Ongoing immigration security certificate cases involve individuals at risk of torture if sent back to countries such as Algeria or Egypt. The procedure used is unfair and denies individuals access to most of the evidence against them. After many years of onerous legal proceedings, the Federal Court has recently lifted certificates issued against two men. But despite the system being increasingly discredited as unfair and ineffective, the government is proceeding with three other cases. This unfair system should be abolished. And Canadian law should not allow anyone to be sent back to a country where they face a serious risk of torture.

Human Rights and Business: Responsibility and accountability

Decisions taken and policies set within the world of business have considerable impact – positive and negative – on human rights. There is increasing recognition of how important it is, therefore, to put human rights principles at the heart of such policies and decisions.

Unfortunately, the Canadian government has failed to rise to recent opportunities to demonstrate strong leadership in this area.

- In 2007, following a series of comprehensive roundtables across Canada, an expert group made up of representatives from business, civil society and academia reached unprecedented consensus on recommendations for strengthened Canadian policy with regard to corporate accountability for human rights. Two years later the government rejected many of those recommendations and adopted a new policy that did not include clear human rights standards or an effective procedure for ensuring compliance. A newly created corporate social responsibility counselor lacks the authority effectively to conduct investigations or resolve complaints. An opportunity to show leadership was lost.

Currently, a private members bill, Bill C300, is before the House of Commons which would significantly strengthen Canadian laws and policy with respect to corporate accountability. But the government has opposed Bill C300. Amnesty International and many other organizations have called on the government to support the Bill. It would be particularly timely to do so in advance of the upcoming G8 and G20 meetings, to demonstrate a Canadian commitment to ensuring that regard for human rights becomes more central to regulating the global economy.

- In recent years Canada has energetically pursued negotiations of free trade agreements with many countries. Amnesty International has expressed concern that trade agreements and trade policies can have serious detrimental consequences for the protection of the full range of human rights. We have highlighted the crucial importance, therefore, of Canada commissioning independent human rights impact assessments as a systematic practice, before finalizing trade deals and at regular intervals thereafter. To date, the government has refused to adopt that recommendation.

The issue has become of pressing concern in the context of a free trade agreement that was signed by the governments of Canada and Colombia but for which implementing

legislation has not yet been passed by the House of Commons. Throughout Colombia, people continue to experience widespread, severe human rights violations. Many of those violations are taking place in areas of economic interest in terms of biodiversity, mineral wealth, oil and agricultural potential for African palm plantations. Those who oppose the kind of economic development that will be further promoted via the free trade agreement, including trade unions, Indigenous peoples and campesino organizations, have been threatened and attacked. There is very real concern that a Canada Colombia Free Trade Agreement will exacerbate these human rights violations unless measures are taken to avoid that likelihood. As such, an independent human rights impact assessment is of critical importance. The government's refusal to initiate one runs counter to efforts to ensure that trade strengthens rather than undermines human rights.

Protecting Refugees: No Longer the Welcoming Haven?

Canadians have long prided themselves on the fact that Canada has a well-deserved reputation as a country that has offered safety to refugees and welcomed immigrants from around the world. The high-water mark for Canada's reputation likely came in 1986 when the United Nations High Commissioner for Refugees awarded the Nansen Medal to Canada, as a nation, in recognition of our compassionate refugee policies. It is the only time that the prestigious honour has been bestowed upon a country. Almost twenty-five years later, we find ourselves at a very different crossroads.

- In 2004, a new agreement was finalized with the United States, under the terms of which refugee claimants who travel through the United States en route to making refugee claims in Canada are now generally denied access to the Canadian refugee determination system. They are instead forced to make asylum claims in the United States, where they face a very real risk of serious human rights violations, including arbitrary and harsh detention, and increased likelihood of being deported back to countries where they will face human rights violations. That risk is particularly troubling for women who fear gender-based forms of persecutions, such as domestic violence, honour killings and female genital mutilation.

In 2007 a Federal Court ruling overturned the Canada/US deal, finding that it violated the Canadian Charter of Rights and Freedoms and put refugee claimants at risk of

human rights violations in the United States. In 2008 the Federal Court of Appeal reversed that decision, concluding that the lower court judge should not have assessed whether the government had made the right decision to enter into the agreement with the United States. In 2009 the Supreme Court of Canada declined to hear a further appeal. A 2007 ruling found numerous human rights flaws with the Canada/US agreement. A higher level of court concluded it was not the role of judges to chastise the government for those human rights shortcomings. And that is where it remains – the government has done nothing to respond to the grave concerns identified by the Federal Court in 2007.

- In 2001 the Immigration and Refugee Protection Act was passed by the House of Commons. The Act contained important provisions for the establishment of a new appeal process for refugee claimants whose claims for refugee status are turned down. Every government that has followed has refused to implement those provisions of the Act. The will of Parliament has been ignored; the rights of refugees have been ignored. In 2009 a private members bill calling on the government to institute the new appeal process was almost passed by the House of Commons. It was defeated, narrowly, with all government MPs voting against it.
- Throughout 2009 there were growing indications that the government intends to reform the Canadian refugee determination system. In July 2009 visa requirements were imposed on nationals traveling to Canada from Mexico and the Czech Republic despite the fact that serious human rights violations persist in Mexico and persecution of the Roma minority in the Czech Republic is well-documented. In justifying the visa decisions, the government frequently used inflammatory terms such as “queue jumpers” and “bogus claims” and asserted that they were “swamping” the Canadian system.

Invoking images of refugees flooding into the country with fake refugee claims unfairly collectively targets all refugees and asylum seekers and is often a prelude to governments restricting the rights of refugees. That has been the case. There have been various announcements since suggesting that the government plans to take steps to curtail or streamline access to the Canadian refugee determination system. No new legislation or policies have yet been introduced.

Leadership towards Abolition of the Death Penalty: Losing Ground

The last execution occurred in Canada in 1962 and the death penalty was abolished in Canadian law in 1976. Canada has also, for many years, encouraged other nations to abolish the death penalty. Canada regularly showed leadership by co-sponsoring resolutions at the UN Commission for Human Rights calling for abolition. Canada is a party to the Optional Protocol to the International Covenant on Civil and Political Rights, enshrining our commitment to abolition at the international level. Canadian law also requires that no one facing the possibility of execution in another country can be transferred from Canada to that country, without reliable assurances that the death penalty will not be used. Canada's position and Canada's leadership when it comes to death penalty abolition is well-established.

Then in 2007, the government announced it would no longer seek clemency for Canadians sentenced to death in countries that are considered to follow the rule of law. The government was forced to back down from that position after a Federal Court ruling in the Ronald Smith case in March 2009. However the government's current policy, released in July 2009, makes it clear that clemency requests will be considered on a "case by case" basis, a change from the past practice of seeking clemency in all cases.

At the same time, the government has backed away from multilateral leadership on this issue. In 2007 and 2008 groundbreaking resolutions came before the United Nations General Assembly calling for a worldwide moratorium on the death penalty. These were expected to be contentious votes and it was crucial for abolitionist countries to show leadership by co-sponsoring the resolutions. Canada had regularly co-sponsored similar resolutions brought before the UN Commission for Human Rights. Many countries did demonstrate that leadership by co-sponsoring: 87 in 2007 and 89 in 2009 and the resolutions did pass. To the astonishment of the international community Canada refused to join in co-sponsoring both years. The resolution is scheduled to come before the UN General Assembly again later this year.

Protecting Economic, Social and Cultural Rights: It is a matter of rights

In recent years there has been important progress internationally in shoring up recognition of the fact that economic, social and cultural rights such as those dealing with housing, health care and education, are deserving of the same level of recognition and enforcement as other rights. One of the most significant developments came on December 10, 2008, when a new international human rights treaty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, was adopted. Under the Optional Protocol, individuals will be able to lodge UN level complaints about violations of their economic, social or cultural rights and have those complaints assessed by the expert Committee on Economic, Social and Cultural Rights. That option has long been available for other rights and brings long needed balance to the international human rights system.

But the option will only be there with respect to countries that sign on to and ratify the Optional Protocol. The Canadian government has long maintained that it does not accept that economic, social and cultural rights should be recognized and enforced through courts and complaint processes. The Canadian position is that economic, social and cultural rights are instead primarily about policy choices and budgetary decisions, within the discretion of governments and not susceptible to judicial enforcement. The government has been clear: don't expect Canada to sign on to this important new human rights instrument. In that clarity, however, Canada is turning its back on a critical effort to ensure stronger global protection of rights that are at the very heart of the daily struggles to survive faced by people around the world.

Defending Human Rights: Shrinking Space for Dissent

Perhaps one of the most worrying developments over the past several years is the growing number of instances of organizations or individuals whose mandate or programming assists to better protect human rights in Canada or abroad, who have been removed from their office or have had their funding cut. The increasing number of examples is fast becoming perceived to reflect a systematic assault against institutions, individuals and organizations who have taken a stand on human rights concerns in opposition to government policies or positions.

Among the first organizations to experience this were those involved in advocacy with respect to women's human rights. The combination of funding cuts in 2006 to Status of Women Canada and adoption of a new policy under which groups cannot use money received from Status of Women towards advocacy programs has meant that a number of organizations have had to curtail or significantly redesign important programs meant to build awareness and press for changes to address a variety of concerns related to women's equality, including violence against women and poverty. The impact has been considerable leading, for example, to the closure in September 2007 of the offices of the National Association of Women and the Law, a well-respected organization that has made valuable contributions to strengthening protection of women's human rights in Canada.

There have been other cuts and decisions which reinforce a worrying sense that government support for advocacy for women's equality has diminished a great deal. There has been reduced financial and human resources support for gender equality programming in various government departments, including in the Department of Foreign Affairs and the Canadian International Development Agency, which has implications for Canada's contribution to women's rights and gender equality at the international level. Internal government memos instruct officials to cease using terms such as gender-based violence and gender equality; in favour of talking of "equality of men and women." The change in language is a clear retrenchment from previous government positions which promoted a wide understanding of the various forms of inequality faced by women, as well as discrimination on the basis of sexual orientation and sexual identity.

Also in 2006 the government cut funding for the Court Challenges Program, which has provided support to Canadians bringing forward important court cases under the equality provisions of section 15 of the Canadian Charter of Rights and Freedoms. Funding was partially restored in 2008 to cover cases involving language rights. The cuts have made it much more difficult for groups and individuals to advance legal challenges involving a wide range of pressing discrimination issues.

More recently, organizations which operate programs or provide financial support to groups working to better protect the rights of Palestinians have found their funding cut, as has been the case with KAIROS and Alternatives, or have faced divisive internal struggles initiated by government appointed Board members, as has been the case with Rights and Democracy. There is a widely held perception that this has happened because the work of those organizations did not conform to the government's views on the Israeli/Palestinian conflict and an unwillingness to tolerate criticism of Israel's human rights record.

The concerns extend to heavy-handed government action with regard to government oversight agencies and even government employees who have raised concerns about government failures to uphold human rights. For example, diplomat Richard Colvin provided public testimony about how government officials handled allegations of Afghan prisoners being tortured after being transferred to Afghan custody. His reputation and integrity were publicly attacked by government officials and Ministers.

A number of individuals appointed to independent offices meant to ensure oversight of agencies whose actions have significant human rights impact have been removed from office or not renewed, after opposing government policies and decisions. This has included Linda Keane, dismissed as head of the Canadian Nuclear Safety Commission in January 2008; as well as Peter Tinsley, Chair of the Military Police Complaints Commission and Paul Kennedy, Chair of the Office of Public Complaints against the RCMP, both of whom were not renewed when their terms expired in December 2009. All had spoken out or taken decisions with respect to serious human rights issues in opposition to government positions, including nuclear safety, treatment of prisoners in Afghanistan, and police use of Tasers.

Hosting the G8 and G20: Human Rights Must Come First

If Canada is to rise to the opportunities ahead of us this year, it is vital that these serious shortcomings and areas of concern be addressed. Failure to do so will only diminish the strength and credibility of Canada's voice on the world stage.

At the same time, Amnesty International urges Canada to take advantage of hosting the G8 and G20 Summit to demonstrate a renewed commitment to human rights by putting human rights at the heart of the Summit agendas. Many issues expected to be on the agendas of the two Summits, including global security and climate change; as well as several regional and country situations, such as Haiti, Iran, Yemen and Africa, involve pressing human rights challenges and consequences and should be taken up in keeping with international human rights standards.

Amnesty International has joined with a broad and diverse range of organizations in calling on Canada to ensure that poverty eradication, economic recovery for all and environmental justice are at the centre of the Summit agendas and that governments pursue fair and durable solutions, grounded in the application of human rights standards. These two Summits must set a new global vision that is socially responsible, economically sustainable and environmentally just.

Amnesty International urges Canada in particular to make a determined effort to make human rights central to two issues that will be prominent on the G8 and G20 agendas: child and maternal health, and the state of the global economy.

Maternal Health, Maternal Mortality: A Pressing Human Rights Concern

Amnesty International welcomed the government's announcement that the issue of maternal and child health will be a priority at the G8 Summit. It provides an important opportunity to address grave concerns about tragically high rates of maternal mortality around the world. In recent reports Amnesty International has documented how many women die while giving birth

in such countries as Burkina Faso, Peru and Sierra Leone. For instance, a Sierra Leonean woman faces a one in eight chance of dying from complications of pregnancy and childbirth.

Amnesty International has stressed that the solutions to the tragedy of maternal mortality are not simply matters of health policy and economics. The issue of maternal mortality is all about human rights. In placing this issue on the G8 agenda it is critical that Canada now advance a human rights approach to addressing and reducing maternal mortality around the world. That must include:

- confronting the widespread discrimination, inequality and violence faced by women and girls worldwide;
- taking action to eliminate customary practices such as female genital mutilation and early and forced marriages that are harmful to or reinforce the subordination of women;
- ensuring access to family planning and contraceptive methods and information about sexual and reproductive rights and health;
- removing financial and other barriers to accessing quality maternal health care;
- ensuring the accessibility of sexual and reproductive health services, including emergency obstetric care;
- ensuring the equitable distribution of health facilities, goods and services, and prioritizing access to essential health care for the most marginalized and disadvantaged women and girls; and
- tackling corruption and mismanagement within health care systems through monitoring and accountability mechanisms.

Putting Human Rights at the Heart of the Global Economy

The decision to hold the G8 and G20 Summits back to back provides particular focus to efforts to stabilize and restructure the global economy. National economies continue to struggle in the face of recession, unemployment and setbacks to banking and investment sectors. And

above all else, deep levels of extreme poverty are the daily reality for over one billion people around the world.

2010 marks a year of transition from global economic power and decision-making concentrated among the select number of G8 states to the wider G20 grouping. The transition reflects changes in global economic power and influence in recent years. It is also intended to open up decision-making to a more equitable global balance and distribution. It is a crucial time, therefore, to ensure that respect for human rights becomes central to the approach taken by these twenty stewards of the global economy.

There has been a great deal of talk about regulating the global economic and financial systems to prevent irresponsible behaviour by banks, investors and speculators, but serious discussion of corporate accountability for those failings that have an impact on human rights has not taken place. The lack of adequate regulation and agreed standards for the regulation of the global financial sector contributed to a major international crisis. The resulting damage done to lives, livelihoods, and the environment as a result of irresponsible actions on the part of an un-regulated financial industry has been well documented.

Less-well documented are specific impacts of negligent or irresponsible business practices on human rights, which have certainly deteriorated in the midst of the recent global economic crisis. That has to change. 2010 can and must become a turning point for the place of human rights in global economic decision-making and corporate accountability. It is vitally important that there be effective regulation of business activities so as to prevent negative impacts on human rights. Canadian leadership can and must help make that happen. As Canada prepares to welcome G20 countries to Toronto in June, the government should seek agreement that developing standards for business and human rights is critical to closing the global regulatory and accountability gap.

Recommendations

Seizing Leadership

As host to 19 other countries at two important global summits in June of this year, Canada has unparalleled opportunities to be a human rights leader. Human rights should be at the heart of Canada's approach to both summits, and specifically:

- As G8 Summit host Canada must advance a human rights-based approach to addressing and reducing maternal mortality around the world.
- As G20 Summit host Canada should seek agreement that developing standards for business and human rights is critical to closing the regulatory and accountability gaps within the global and national economies.

Restoring Leadership

Other countries will be more prepared to follow Canada's lead on the human rights front if the government takes steps to restore and strengthen the leadership that has faded with respect to many key issues. Canada should:

- Demonstrate its commitment to the rights of Indigenous peoples by:
 - announcing support for the UN Declaration on the Rights of Indigenous Peoples;
 - remedying discriminatory levels of funding for First Nations child protection agencies;
 - fully recognizing and respecting the land and resource rights of the Lubicon Cree; and
 - developing a comprehensive national action plan to address violence and discrimination against Indigenous women.
- Make it clear that politics do not trump human rights by consistently adopting positions with respect to the violence and human rights abuses in Israel, the Occupied Territories, the Palestinian Authority and the region that clearly recognize the responsibility of

Israeli forces for serious human rights violations and press Israeli authorities to remedy those violations and hold violators to account.

- Take concrete action to end complicity in torture by:
 - ceasing prisoner transfers in Afghanistan;
 - convening a public inquiry to examine Canada's Afghan prisoner policies and practices since 2002;
 - seeking Omar Khadr's repatriation from Guantánamo Bay;
 - providing compensation and an apology to Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin for the human rights violations they have experienced;
 - abolishing the immigration security certificate process; and
 - amending Canadian law to prohibit any deportation when there is a serious risk of torture.
- Shore up the protection of human rights in the economic sphere by:
 - supporting Bill C300; and
 - agreeing to conduct an independent human rights impact assessment of the Canada Colombia Free Trade Agreement.
- Move to better protect the rights of refugees by:
 - addressing the human rights shortcomings of the Canada/US Safe Third Country Agreement;
 - instituting the Refugee Appeal Division of the Immigration and Refugee Board; and
 - ensuring that any changes to Canada's refugee protection system serve to strengthen protection of the rights of refugees.
- Announce a willingness to co-sponsor the resolution calling for a global moratorium on the death penalty which is expected to come before the UN General Assembly later this year.

- Acknowledge that economic, social and cultural rights are deserving of strong, legal protection by ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Appoint an independent, nonpartisan panel of eminent Canadians to examine concerns about the shrinking space for dissent and human rights critique in Canada, with a mandate to make findings and offer recommendations.

Amnistie internationale Canada francophone

www.amnistie.ca

1-800-565-9766

Amnesty International (Canada)

www.amnesty.ca

1-800-AMNESTY