

**Organization for Defending Victims of Violence (ODVV)**

**and**

**Pouya Institute for Communications and Social Development  
(PICSD)**

**Joint UPR Submission**

**Canada**

**30<sup>th</sup> session of UPR Working Group (May 2018)**



سازمان دفاع از قربانیان خشونت  
Organization for Defending Victims  
of Violence

[www.odvv.org](http://www.odvv.org)



Pouya Institute for Communications  
and Social Development

**PICSD**

[www.csdins.ir/](http://www.csdins.ir/)

## About ODVV

١. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan 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.
٢. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.
٣. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).
٤. During the last 2 decades, we have done so many activities, mainly informative with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.
٥. Other Activities:
  - Participation in UN Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.
  - Internship for foreign students
  - Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)
  - Daily electronic human rights newsletter in English and Farsi.
٦. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following report on the human rights situation of Canada, with the aim of the improvement of the human rights situation.

## About PICSD

- ∇. The Pouya Institute for Communications and Social Development (PICSD) was established in 2016, following legal procedures and acquiring a permit.
- ∧. The Institute Objectives are as follows:
  - Increase public awareness of citizens of their legal rights including citizen's rights and human rights
  - Help people become responsible citizens
  - Help the literate and learn about their rights and duties in society
  - Hold training workshops on human rights and citizen's rights
  - Conduct pathological and research studies
  - Hold sittings and seminars

## A. Background and framework

### 1. Scope of international obligations

- ∧. In May 2016, the Minister of Indigenous and Northern Affairs announced that Canada fully supports the United Nations Declaration on the Rights of Indigenous Peoples but till the end of year there was no clarification on how to co-operate with the indigenous people to support the declaration. Canada's endorsement of the declaration and its implementation is believed to mostly affect mining companies which have violated the rights of the natives for years.
- ∧ ∙. In the second round of UPR, Canada received 14 recommendations to ratify the Optional Protocol to the Convention against Torture (OPCAT). In May 2016, the country announced that the process of joining the OPCAT is going to start and in February 2017, it was announced that the Optional Protocol will be ratified by the end of 2017.

### 2. Institutional and human rights infrastructure and policy measures

- ∧ ∙. In August 2016, Canada started a national inquiry into violence against Indigenous women and girls. According to the country officials, in the time period between 1980 – 2012 about 4000 indigenous women and girls have disappeared or murdered in the country and the long awaited inquiry is supposed to investigate the cases not properly addressed for years. However the inquiry is criticized for not explicitly include the previous police actions or failures to investigate the cases of aboriginal women and girls.

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∧. <https://www.aadnc-aandc.gc.ca/eng/1309374407406/1309374458958>

∧. <https://www.theguardian.com/world/2016/aug/03/canada-indigenous-women-missing-murdered-inquiry>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

#### **Racism, Xenophobia and Islamophobia**

- <sup>1</sup><sup>2</sup>. It is reported that in 2017, there has been a 253% increase in hate crimes against Muslims.<sup>2</sup> On 30<sup>th</sup>, January 2017, a heinous attack on a Quebec Mosque killed 6 innocent fathers and injured 19 other people.<sup>3</sup> The incident that took place two days after Donald Trump's Muslim ban over the American borders is believed to be rooted in Xenophobic, Islamophobic feelings. Canada's parliament's decision, on March 2017, for passing a non-binding motion<sup>4</sup> condemning Islamophobia and tasking the government to conduct studies on ways of addressing racism and discrimination is noted.
- <sup>1</sup><sup>3</sup>. Not only Muslims are victims of hatred, but all the indigenous people of Canada are regular targets of hate crimes in almost all over the country - 1,362 incidents in 2015- , with Thunder Bay having the highest rate of hate crimes, reported by the police, in 2015.<sup>5</sup>

### **2. Right to life, liberty and security of the person**

- <sup>1</sup><sup>4</sup>. Over the past 4 years, solitary confinement has been used as a usual form of punishment for thousands of detainees. In 2015, 1200 Canadians<sup>6</sup> were put in solitary confinement and in May 2017 the number of people in segregation was 404.<sup>7</sup> Segregation can cause serious health issues while some prisoners remain in solitary confinement for years. Extensive use of the punishment was raised as a source of serious concern after the case of Adam Capay<sup>8</sup> was made public. Capay was held in pre-trial segregation for 4 years.
- <sup>1</sup><sup>5</sup>. Some trade deals are believed to be violating people's right to life. In April 2017, the government decided on the export of Can\$15 billion military equipment<sup>9</sup> to Saudi Arabia despite serious human rights concerns and killings of thousands of civilians in Yemen. This is while in 2015 the country made a commitment to accede to the UN Arms Trade Treaty. On late July 2017, Canada expressed serious concerns on Saudi's decision to use Canadian armoured vehicles against its own civilians.<sup>10</sup>

## **3. Minorities and indigenous peoples**

- <sup>1</sup><sup>6</sup>. Concerns are being expressed over the violation of the rights of the indigenous people as a result of economic development projects such as mining and building dams. The construction of site C dam will send about 5000 hectares<sup>11</sup> of land under water, leading to violation of the rights of the

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<sup>2</sup>. <http://globalnews.ca/news/3523535/hate-crimes-canada-muslim/>

<sup>3</sup>. <https://www.theguardian.com/commentisfree/2017/feb/02/quebec-mosque-attack-canada>

<sup>4</sup>. <http://www.aljazeera.com/news/2017/03/canada-passes-103-motion-islamophobia-170324074557381.html>

<sup>5</sup>. <http://www.cbc.ca/news/canada/thunder-bay/statscan-hate-crimes-2015-1.4158366>

<sup>6</sup>. [https://www.vice.com/en\\_ca/article/7bmj5e/why-canadas-prisons-abuse-solitary-confinement](https://www.vice.com/en_ca/article/7bmj5e/why-canadas-prisons-abuse-solitary-confinement)

<sup>7</sup>. <http://www.cbc.ca/news/politics/solitary-confinement-csc-federal-prisons-1.4141637>

<sup>8</sup>. [www.cbc.ca/news/canada/thunder-bay/adam-capay-trail-delay-1.3960696](http://www.cbc.ca/news/canada/thunder-bay/adam-capay-trail-delay-1.3960696)

<sup>9</sup>. <https://www.theglobeandmail.com/news/politics/the-saudi-arms-deal-what-weve-learned-so-far/article28180299/>

<sup>10</sup>. <https://www.theguardian.com/world/2017/jul/31/saudi-arabia-violence-canada-armored-trucks-justin-trudeau>

<sup>11</sup>. <https://www.theguardian.com/world/2016/aug/09/canada-site-c-hydroelectric-dam-indigenous-rights>

indigenous people who rely on the area. Despite the concerns and the court cases raised against the construction, the government issued permits to proceed the project in July 2017. Also, the construction of Muskrat Falls dam is believed to have negative effects on the rights of indigenous communities living in the area. There has been serious protests against the project including hunger strikes.<sup>17</sup> Therefore, in October, 2017, the government of the Province agreed to measures to reduce the project's risks.

In Ontario, Mercury contamination which has affected Ontario for about five decades continues and the area is omitted from mercury clean-up plans.<sup>18</sup> The dangerous level of mercury affects all aspects of the local communities' life negatively.

17. Also, there are concerns being expressed over the consequences of Canada's development activities overseas, including HudBay Minerals mine in Guatemala<sup>19</sup> and Nevsun Resources in Eritrea.<sup>20</sup> In both cases lawsuits have been filed against the Canadian companies working on the projects over the allegations rape and forced labor respectively.<sup>21</sup>

#### 4. Women's Rights

18. Another shortcoming associated with development projects in Canada is that they create an array of factors contributing to the vulnerability of indigenous women and girls. In Northern communities of the country, presence of a large number of temporary workers, mostly young men, their money and salary income, drug abuse, sex and racism jeopardize the safety of aboriginal women.
19. Also, the National Inquiry into Missing and Murdered Indigenous Women and Girls which was launched to address a long standing challenge in Canada's history and investigate the cases of indigenous women missing for a long period of time has failed to explicitly focus on allegations of violence against aboriginal women committed by the police. In November, in Quebec, charges were laid against the police only in two of 37 cases brought up by aboriginal women and an independent body monitoring the decision raised concerns over systematic racism in this regard.

#### 5. Children's Rights

20. The fact that indigenous children receive less funding than the other children in Canada seems discriminatory. It is hoped that the government efforts to increase the fund will contribute to the overall welfare of aboriginal children and youth leading to the equality of access to resources for all children.

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<sup>17</sup> <http://www.citynews.ca/2016/10/24/protesters-hunger-strike-muskrat-falls-hydro-dam-reach-ottawa/>

<sup>18</sup> <https://www.thestar.com/news/canada/2017/02/13/ontario-completely-committed-to-mercury-cleanup-at-grassy-narrows.html>

<sup>19</sup> <https://business-humanrights.org/en/hudbay-minerals-lawsuits-re-guatemala-0>

<sup>20</sup> <https://www.theguardian.com/global-development/2016/oct/14/canadian-firm-nevsun-resources-new-forced-labour-claims-eritrea-bisha-mine>

<sup>21</sup> <https://business-humanrights.org/en/nevsun-lawsuit-re-bisha-mine-eritrea>

## 7. Recommendations

71. Considering the Canada's Muslim population – 500000 in Quebec city – the increasing rate of Islamophobic attacks - 159 anti-Muslim incidents in 2015; 253% increase of crimes rates in 2017 - and noting the parliament's decision to pass a non-binding motion against Islamophobia, ODVV calls on the government to maintain its commitments to the findings of the studies on ways of addressing Islamophobia, developing more effective measures to address in alarmingly increasing rate of hate crimes against Muslims.
72. Also, the Organization for Defending Victims of Violence (ODVV) which is concerned with the situation of human rights in Canada calls on the government to:
73. Pay serious attention to human rights consequences of military equipment deals, including the widespread and heinous crimes being committed in Yemen using the equipment bought from countries such as Canada.
74. Continue its efforts to implement sustainable solutions for challenges negatively affecting the indigenous people as a result of development projects, especially mining and dam building.
75. Make sure that clean-up projects including water and soil contamination plans are inclusive enough to compensate for the negative consequences of old development projects and guarantee the rights of the indigenous people to have safe access to natural resources.
76. Guarantee the rights of the people negatively affected by Canada's development activities overseas.
77. Continue its efforts to ratify the Optional Protocol to the Convention against Torture (OPCAT), improve the situation of detention facilities and end the use of solitary confinement, especially pretrial solitary confinement as a form of punishment.
78. Continue its efforts to increase the funding for aboriginal children in a way that they will receive financial resources equal to other children of the country.
79. Make clarifications on the methods of co-operating with the indigenous on full implementation of its obligations under the UN Declaration on the Rights of Indigenous Peoples.
80. Considering the long awaited National Inquiry into Missing and Murdered Indigenous Women and Girls, make sure that justice is done to all the complaints raised against the police by aboriginal women and girls.
81. Implement practical and effective measures to end the vulnerability of indigenous women negatively affected by resource development projects.