

UNITED NATIONS HUMAN RIGHTS COUNCIL

**16th Session of the Working Group on the Universal Periodic Review**  
22 April to 3 May 2013

**COMPARISON OF ICJ SECOND CYCLE RECOMMENDATIONS FOR THE UPR OF CANADA  
WITH CORRESPONDING FIRST CYCLE RECOMMENDATIONS AND COMMITMENTS**

<b>Concerning Canadian mining companies and human rights</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
i) Adopt a legislative framework enabling legal accountability of Canadian companies in Canada for human rights and environmental abuses perpetrated or contributed to abroad;	No corresponding recommendations	No corresponding voluntary commitments
ii) Adopt effective monitoring mechanisms to monitor Canadian companies or multinational enterprises operating abroad through subsidiaries or joint ventures in order to ensure respect for human rights, and the provision of effective remedies for those whose rights are impaired;	No corresponding recommendations	No corresponding voluntary commitments
iii) Undertake prompt, effective and independent investigations into allegations of human rights abuses by Anvil Mining Congo, a subsidiary of the Australian/Canadian mining company Anvil Mining, and Barrick Gold, a Canadian company;	No corresponding recommendations	No corresponding voluntary commitments
<b>Concerning Canadian asbestos exports and human rights</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
iv) Adopt a legislative framework and policy to ensure a substantial decrease in use of asbestos and in particular in the export of asbestos to developing countries;	No corresponding recommendations	No corresponding voluntary commitments

<p>v) Establish an effective monitoring mechanisms to monitor the use of Canadian-sourced asbestos abroad and the safety conditions of workplaces in which Canadian-sourced asbestos is being used;</p>	<p>No corresponding recommendations</p>	<p>No corresponding voluntary commitments§</p>
<p><b>Concerning international human rights instruments and mechanisms</b></p>		
<p><i>Second cycle ICJ recommendations</i></p>	<p><i>Corresponding 1<sup>st</sup> cycle recommendations</i></p>	<p><i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i></p>
<p>vi) Become party to: the OP to the ICESCR, the OPCAT, the Third OP to the CRC, the ICRMW and the CPED;</p>	<p>Partially taken up: 86(1) and 29, 64. (Mexico, Egypt). Ratify the OP to the ICESCR – <i>Not accepted</i> 86(2) and 76, 71, 22, 43, 40, 31, 49. (Denmark, France, Chile, Azerbaijan, Brazil, Liechtenstein, Czech Republic). Ratify/ consider ratifying/ accede to the OPCAT – <i>Accepted</i> 86(5) and 43, 27, 22, 64, 74, 29. (Azerbaijan, Algeria, Chile, Egypt, Syrian Arabic Republic, Mexico). Sign and ratify the ICRMW – <i>Not accepted</i> Related recommendations: 86(57) and 46. (Philippines). Hold open consultations with civil society on the ICRMW- <i>Accepted in part (see UN Doc A/HRC/11/17/Add.1 para 43)</i></p>	<p>Related commitments: On 86(2): UN Doc 11/17/Add.1, 7. Canada is conducting the required analysis of its domestic legislation and policies in considering the possible signature/ratification of the CRPD and the OP-CAT. On 86(57): UN Doc 11/17/Add.1, 43. Canada’s existing laws, programs and policies implement many aspects of these recommendations and are regularly reviewed to ensure that the rights of immigrants, migrant workers and refugees are protected. Family reunification is an integral part of Canada’s refugee protection and immigration programs. It is not viewed as a ‘right’, although Canada recognizes a State obligation with respect to children. Regular meetings are held, including with civil society organizations, to discuss programs and services related to migration.</p>
<p>vii) Provide without delay its sixth periodic report to the Human Rights Committee, its sixth periodic report to the Committee on Economic, Social and Cultural Rights, and its seventh periodic report to the Committee against Torture;</p>	<p>Related recommendations: 86(10) and 40, 30, 29. Recognise the justiciability of social, economic and cultural rights, in accordance with the OP to the ICESCR (Brazil); ensure legal enforcement of ESC rights in domestic courts (Pakistan); grant same importance and treat equally civil, political, ESCR rights, in its legislation at all levels (Mexico) – <i>Not accepted</i></p>	<p>Related statements: UN Doc 11/17/Add.1, 17. Some ESC rights are addressed by legislation in Canada. Various administrative and judicial bodies provide domestic remedies for violations of certain ESC rights and strong equality rights protection ensure their nondiscriminatory application. UN Doc 11/17/Add.1, 14. Recognises opportunities for improving established</p>

	<p>86(15) and 43, 50. Effectively implement UN treaty bodies' recommendations (Azerbaijan)... the commitments made when ratifying ICESCR... through the implementation of the recommendations which have come out of their respective Committees (Bolivia) – <i>Accepted in part</i> ("recognising there may be opportunities for improving...follow-up to treaty body and UPR recommendations" See UN Doc 11/17/Add.1 para 14.)</p>	<p>processes, including with respect to follow-up to treaty body and UPR recommendations. Canada commits to considering options for enhancing existing mechanisms and procedures related to the implementation of international human rights obligations.</p>
<p>viii) Accept the requests of the Special Rapporteur on the human rights of migrants, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the sale of children, child prostitution and child pornography to undertake official missions in Canada at the earliest possible opportunity, and extend to them all reasonable cooperation and assistance to facilitate a timely and effective country mission;</p>	<p>Partially taken up:</p> <p>86(16) and 47. (Turkey). Closely monitor the situation of other disadvantaged groups such as women migrant workers... - <i>Accepted</i></p> <p>86(18) and 30. (Pakistan). Accept the pending visit request from the SR on the human rights of migrants – <i>Accepted (standing invitation granted, see UN Doc A/HRC/11/17/Add.1 para 4)</i></p> <p>Related recommendations:</p> <p>86(20) and 72. (Vietnam) Continue policies aimed at reducing inequalities between....recent immigrants – <i>Accepted</i></p> <p>86(40) and 46. (Philippines). Strengthen enforcement legislation and programmes regarding prohibition of commercial sexual exploitation of children - <i>Accepted</i></p> <p>86(45) and 23. (Cuba). Integrate ESC rights into poverty reduction strategies to benefit...migrants – <i>Accepted in part, in relation to 'vulnerable people' (see UN Doc A/HRC/11/17/Add.1 para 26)</i></p> <p>86(51) and 63. (Saudi Arabia). Implement all international instruments related to... migrants - <i>Accepted</i></p> <p>86(57) and 46. (Philippines) Hold open consultations with civil society to enhance protection of migrants – <i>This part accepted</i></p>	<p>Related voluntary commitments:</p> <p>UN Doc 11/17/Add.1, 31. Canada will continue to work to improve the situation of vulnerable groups, which are defined by socio-economic measurements as having a lower standard of living than most Canadians. These groups are a focus when designing public policies and programs. Current measures to reduce unemployment target Aboriginal people, persons receiving employment assistance payments, persons with disabilities, older workers, recent immigrants, and some segments of youth.</p> <p>On 86(16): UN Doc 11/17/Add.1, 29. Measures to promote equality for disadvantaged groups include antidiscrimination provisions in federal and provincial/territorial legislation, and policies and programs with Aboriginal governments and organizations and the private sector. Governments ensure equal pay for equal work through a combination of pay equity legislation, labour standards, human rights legislation and policies.</p> <p>On 86(45): UN Doc 11/17/Add.1, 26. Canada accepts in part recommendation 45 and commits to giving appropriate attention to vulnerable groups in policy development. The Government of Canada also commits to giving greater prominence to the Market Basket Measure as</p>