TREATY BODY MONITOR

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Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, 70TH SESSION CANADA, 17TH - 18TH REPORTS

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Information submitted to the Committee

On 20 and 21 February 2007 Canada jointly presented its 17th and 18th periodic state reports[1] to the Committee on the Elimination of all forms of Racial Discrimination (the Committee) in Geneva. The reports were submitted as one document on 3 February 2006. The reports contain information on legal, administrative and other measures that the Canadian Government has taken to implement the Convention on the Elimination of all forms of Racial Discrimination (the Convention).

[1] The full text of the state report document, CERD/C/CAN/18, can be found on the OHCHR website which is available at: http://www.ohchr.org/english/bodies/cerd/cerds70.htm.

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Canada does not have any reservations to the Convention.

Fifteen Non-Governmental Organisations (NGOs) presented alternative (shadow) reports to the Committee.[2] These reports mostly focused on indigenous issues, and presented practices where the policies of the federal and provincial governments were not in compliance with the Convention. It was stated that the rights of Aboriginal people are limited, especially with regard to land rights.[3] They also highlighted the difficulty for Aboriginal people to seek redress in Courts as the legal process is expensive and inaccessible, and because they are under-represented in the justice system. Amnesty International pushed for investigation on cases involving discrimination and abuses suffered by indigenous people. The Canadian Feminist Alliance for International Action pointed out that aboriginal women face inequality in a wide range of areas, such as income, health, education and employment. Most of the fifteen reports submitted expressed concern on the fact that Canada had opposed the *Declaration on the Rights of Indigenous People*.

The African Canadian Legal Clinic and Global African Congress also addressed the question of anti-black racism giving rise to marginalisation, and segregation in access to justice, employment and education. On a more general basis, it was said that the measures taken concerning national security lead to racism and discrimination, such as racial profiling, and this practice should cease. Amnesty International highlighted the fact that police officers practiced discrimination and that their accountability was not always ensured. Reference was also made to refugees and migrant workers that also suffer from discrimination in Canada.[4]

NGO briefing

An hour-long NGO briefing was held prior to the convening of the Committee. This session provided NGOs with an opportunity to make comments, present information and give advice to Committee members. Three NGOs[5] took part in the briefing; however each stated they represented other NGOs who could not travel to Geneva. The informal setting allowed Committee members to dialogue with the civil society delegations and pose specific questions to NGO representatives. Information obtained from this exchange later appeared in some of the questions the Committee asked the Canadian delegation.

Themes and issues

Overall the Committee commended the efforts of the Government of Canada, noting the latter's reputation as one of the most tolerant and multicultural nations in the world. However the Committee, as well as the Canadian delegation acknowledged that challenges remained to eliminate all forms of racial discrimination. In particular, the Committee was concerned with issues including Aboriginal land rights, access to education and employment opportunities for 'visible' minorities, and the impact of counter-terrorism policies on the rights of

[2] The 15 NGO reports were submitted by the African Canadian Legal Clinic, Amnesty International, Canadian Feminist Alliance for International Action, Global African Congress, KAIROS: Canadian Ecumenical Justice Initiatives, Lubicon Lake Indian Nation, Ligue des droits et libertes du Quebec, National Anti-Racism Council of Canada, Center for Research on Race Relations (CRARR), Canadian Council on Muslim Women, Indian International Treaty Council, British Colombia First Nations Leadership Council, and a joint statement on behalf of the Ontario Council of Agencies Serving Immigrants, Indigenous Network on Economies mad Trade, Native Women's Association, International Indian Treaty Council (IITC), Metro Toronto Chinese and Southeast Asian Legal Clinic and South Asian Clinic of Ontario. The full-text of these reports are available on the OHCHR website at: http://www.ohchr.org/english/bodies/cerd/cerds70-ngos-canada.htm.

[3] British Colombia First Nations Leadership Council and Indigenous Network on Economies and Trade.

[4] Amnesty International, the Ontario Council of Agencies Serving Immigrants, the Metro Toronto Chinese and South East Asian Legal Clinic and South Asian Legal Clinic of Ontario.

[5] These three NGOs were the African Canadian Legal Service, KAIROS: Canadian Ecumenical Justice Initiative, and the International Indian Treaty Council (IITC).

Arab and Muslim groups. The main issues included: implementation of the Covenant into domestic law, multiculturalism and 'visible' minorities, an Action Plan against racism, National and Provincial Human Rights Institutions, Aboriginal land rights, the United Nations Draft Declaration on the Rights of Indigenous People, violence against Aboriginal women, over- representation of Aboriginal people and 'visible' minorities in the criminal justice system, education, employment, hate-motivated crime and measures to eliminate such activities, language, security and counter terrorism measures, and stateless persons, migrant workers and the trafficking of persons.

Implementation of the Covenant into domestic law

The Committee's Concluding Observations from their last meeting with Canada which was held on 5 and 6 August 2002 at the Committee's 61st session pointed out that the Federal Government of Canada "cannot compel the provincial and territorial governments to align their laws with the requirements of the convention".[6] This issue was not dealt with during this meeting. However the State Report does note that the *Canadian Charter for Human Rights and Freedoms*, which is enshrined in the Canadian Constitution, does apply to all levels of government.[7]

The Committee reiterated a request that it made to Canada during their last meeting in 2002 to recognise the "competence" of the Committee (pursuant to Article 14 of the Covenant). This would allow individuals to present complaints to the Committee that their rights under the Convention have been violated).[8] Canada restated their position that the Government has no plans to ratify Article 14. They argued that alternative regional and international human rights complaint mechanisms such as the 1503 procedure of the Human Rights Council (the Council) and the Inter-American Courts were adequate complaint procedures.

Multiculturalism and 'visible' minorities

Canada's policy of Multiculturalism[9] received significant attention in the Committee's discussions. Committee members noted the lack of cultural diversity in the composition of the Canadian delegation, and expressed hope that in future years the delegation will more accurately represent Canada's multicultural face. A representative from the African Canadian Legal Clinic had earlier made the point in the NGO presentations that multiculturalism is recognition of cultural diversity.

The head of the Canadian delegation, the Assistant-Deputy Minister of Citizenship and Heritage, began her address by describing the "multicultural and pluralistic" face of Canada, and the spirit of equality of opportunity and harmony within Canadian society. The Country Rapporteur on Canada, Mr. Patrick Thornberry, questioned the nature of multiculturalism, asking whether it encompasses a policy of anti-racism. Canada responded by outlining four pillars of their multiculturalism policy; these are anti-racism, civic participation, capacity building, and institutional change.

The Committee questioned the Canadian Government's practice of using of the phrase 'visible' minorities to identify demographically large groups such as Chinese Canadians, South Asian Canadians and African Canadians. According to the State report, these groups account for 13.4 % of the total population.[10] The

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[6] Document A/57/18, paras. 315-343 of the Committee's 'Concluding Observations' from 1 November 2002 can be viewed online through the UNHCR's Treaty Body Database which is available at: http://www.unhchr.ch/tbs/doc.nsf.

[7] Paragraph 62 of the State's 18th and 19th periodic report.

[8] Point no. 1 of Article 14 of the Convention states that "a state party may at any time declare that it recognises the competence of the committee to receive and consider communications from individuals or groups of individuals…claiming to be victims of a violation by that State party of any of the rights set forth in the Convention. No communication shall be received by the Committee s it concerns a State Party which has not made such a declaration. The full-text of the Convention is available on the OHCHR website at: http://www.ohchr.org/english/law/cerd.htm.

[9] Multiculturalism Policy was adopted in 1971 and was the first of its kind in the world. It officially became law in 1988 under the Canadian Multiculturalism Act.

[10] Paragraph 11 of the State's 17th and 18th periodic report.

Committee questioned whether it covered the scope of Article 1 of the Convention.[11] Ms. Patricia Nozipho January-Bardill, the Committee member from South Africa, demonstrated the concern by asking the rhetorical question- in contrast does this mean the dominant ethnic group in Canadian society should therefore be considered 'invisible'?

The delegation explained the genesis of the term. Canada's *Employment Equity Act* legislates affirmative action for 'visible' minorities in the public sector. However the Canadian delegation did suggest that in light of the Committee's concerns, this term would be reviewed. Further, the Canadian delegate indicated that the term 'visible' minorities might soon become irrelevant, as immigration and high fertility rates amongst different ethno-cultural minorities, are leading to a far more diverse society. According to findings of the 2001 census, by 2017 one in five Canadians will be of non-Caucasian and non-Aboriginal background.

There was also discussion surrounding the terminology used to define persons of different ethno-cultural backgrounds. Some Committee members were concerned with the continued use of the term 'black' to describe African Canadians in the state party report. The Brazilian Committee member, Mr. Jose Augosoto Lindgren Alves, also expressed concern with the use of the term 'Caucasian' to describe persons of European origin, arguing that this was not truly representative of the various backgrounds of European people.

Action Plan against Racism

The Committee wanted to hear about the proposed initiatives of Canada's recent *Action Plan* for combating racism, entitled 'A Canada For All: Canada's Action Plan for Racism' which was launched on 21 March 2005. The Committee was informed that the program is a "multi-faceted and horizontal approach" across several government departments and agencies with the aim to eliminate racism. The *Action Plan* commits 56 million Canadian dollars over 5 years to several initiatives including the improvement of data collection for hate-motivated crime, the establishment of a Racism-free Workplace Strategy which involves the appointment of Racism Prevention Officers in all government ministries, and the establishment a Law Enforcement and Aboriginal Diversity Network (LEAD) which will provide training to law enforcement personal on ethno-cultural sensitivity.

The head of the Canadian delegation explained the origins of the *Action Plan*. It is an initiative derived from a series of consultations held with a variety of concerned stakeholders including representatives of different ethno-cultural groups in Canada, after the 2001 Durban World Conference.[12] Further, the *Action Plan* was also in response to recommendations set out in the 2003 state report on Canada made by the UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and all forms of Racial Discrimination, Mr. Doudou Diene.[13]. Diene noted his concern at the lack of a National Strategy to combat racism in Canada. The Committee expressed their satisfaction with Canada's speedy implementation of Mr. Diene's concerns, as well as their response to the outcomes of the Durban World Conference.

[11] Article 1 of the Convention notes discrimination on the basis of "race, colour, descent or national or ethnic origin". As such it makes no reference to 'visible' minorities.

[12]The Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held from 31 August to 7 September 2001. For more information on the outcome of the Conference including the Durban Declaration visit their website which is available at: http://www.un.org/WCAR/.

[13] The report of the Special Rapporteur, document E/CN.4/2004/18/Add.2, from 1 March 2005, is available on the OHCHR website at: http://www.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm.

National and Provincial Human Rights Institutions

The Committee sought information from the Delegation regarding the effectiveness of the complaint procedure of the Canadian Human Rights Commission.[14] Canada gave a comprehensive explanation of the reform process of the complaints mechanism, which has been ongoing since 2002. This process has included the "streamlining" of the investigation system for complaints, which has greatly reduced the length of mediations. The Committee was pleased with this explanation.

However several Committee members were concerned with recent changes to the structure of the Ontario Human Rights Commission (OHRC), the provincial human rights institution for the province of Ontario. On 5 December 2005 Canada outlined an amendment to Ontario's Human Rights Code, which altered the Commission's mandate to include more proactive measures to combat racism such as ethnically sensitive awareness programs for law enforcement officials. The changes also included the creation of a Legal Advice Clinic to assist complaint applicants. A *Report on the Police Complaints System in Ontario* from April 2005 by a former Chief Justice of Ontario's Superior Court recommended further strategies to improving current policing procedures in the province.

Aboriginal land rights[15]

The Canadian delegation referred to the "uncertainty" surrounding the issue of Aboriginal land rights, in their view due to the complexity of a diverse range of stakeholders. Canada assured the Committee that the land rights of Aboriginal Canadians were protected under section 35 of the 1982 Constitution Act,[16] as well as in the Royal Proclamation of 1763 which provides that lands which had not been ceded to Aboriginal people or purchased by the Crown, are reserved for the communal use of Aboriginal people. Further, the Royal Proclamation states that the purchasing of any land by the Crown must be guaranteed by the consent of the community.

The Country Rappporteur on Canada Mr. Thornberry, noted with regret the existing process of claims to Aboriginal title. Since the mid-1970s when an Aboriginal community "litigates existence of title rather than negotiates (with the government), the Canadian courts require evidence of supporting proof of that title before a finding of title will be made". Mr. Thornberry described this measure as "draconian".[17] In the NGO briefing prior to the convening of the Committee session, a representative from the International Indian Treaty Council (IITC) argued that Aboriginal people should not require documentation to prove title, as their very existence as the indigenous peoples of Canada should constitute sufficient proof of their land rights.

The Committee was further displeased with processes related to land rights as outlined in the Concluding Observations of the Committee on Economic, Social and Cultural Rights (CESCR) at the Committee's 36th session in May 2006.[18] The Committee found that since 1998 the requirement for a reference to be made in any land rights treaty to the extinguishment of Aboriginal rights and titles, demonstrated how new models did not differ significantly enough from this so-called "cede, release and surrender" model. According to Canada, under new so-called 'modified rights models' and 'non-assertion models', "aboriginal rights are not released,

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[14] This is Canada's National Human Rights Institution. Paragraph 78 of the State Report states that "from 2001 to 2004, 478 complaints of racial disci4rmination were officially filed with the Canadian Human Rights Commission. The Commission decided not to deal with 28% of those complaints, for a variety of reasons…it deals with remainder (72%)".

[15] According to a 2001, 976,300 people identify themselves as a member of at least one of the three Aboriginal groups in Canada: North American Indian, Metis, or Inuit. Aboriginal people comprise 3.3% of the total Canadian population. This is referenced in paragraphs 20 and 21 of the State Report.

[16] Part II, Section 35, paragraph 1 of Canada's 1982 Constitutional Act states that, "the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed". For the full-text of this Act go to the website of the Federal Justice Department of Canada which is available at: http://laws.justice.gc.ca/en/const/annex_e.html#II.

[17] Paragraph 37 of the Canada's 17th and 18th periodic report.

[18] Paragraph 16 of E/C.12/CAN/CO/5, which is available on the UNHCR's Treaty Body Database at: http://www.unhchr.ch/tbs/doc.nsf.

but modified into the rights articulated and defined in any proposed treaty".[19] The Committee was not completely satisfied with this answer, however time constraints stopped any further examination of the issue.

The UN Draft Declaration on the Rights of Indigenous Peoples

Committee members were very concerned about Canada's position on the UN Draft declaration on the Rights of Indigenous Peoples[20]. On 29 June 2006 during the Human Rights Council's (the Council) 1st session, Canada voted against the adoption of the Declaration. Canada responded to the Committee by outlining their nation's long standing and ongoing commitment to the creation of a UN Declaration in order to address the rights of indigenous peoples. However, the delegation stated that in its present form, Canada could not support the draft Declaration, arguing it was "vague" and "ambiguous" with respect to land rights. The Committee was displeased with this reply, calling on the Canadian government to "soften" their position in order to facilitate the adoption of this important resolution.

Violence against Aboriginal women

The Committee was deeply disturbed regarding reports from "various unnamed NGOs" relating to cases of violence against women, particularly in Aboriginal communities. In response to these concerns Canada referred to the government's 2005 capacity-building partnership with the Native Women's Association of Canada (NWAC), which supported NWAC's *Sisters in Spirit* initiative. This initiative will undertake research into the issue of violence against Aboriginal women, implement a national education strategy, and inform policy and program direction for relevant provincial departments.

Over-representation of Aboriginal people and 'visible' minorities in the criminal justice system

The Committee reiterated the concerns about their 2002 Concluding Observations to Canada regarding the high level of incarceration of specific ethno-cultural groups, particularly persons of African descent.[21] The Committee suggested this evidence indicated institutionalised racism. In response Canada outlined an initiative they have taken under the *Action Plan Against Racism* entitled 'Addressing Race-Based Issues in the Justice System'.[22] This initiative includes conducting research and consultations with various stakeholders with a view to examining alternative correctional measures.

The representative of the African Legal Clinic spoke of the need for disaggregated data on the instances of African Canadian incarceration, compared with other ethno-cultural groups. She explained that present data available from law enforcement agencies is only available with reference to incarceration levels for 'visible' minorities, and is therefore not useful when determining levels of racism experienced by African Canadians. The Country Rapporteur appeared to appreciate this, questioning the Canadian delegation about this issue. In response, Canada stated that many government agencies and departments such as the Canada Border Service Agency (CBSA) deliberately refrain from collecting disaggregated data, due to a policy of "colorblindness".

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[19] Paragraph 16 of the State's 17th and 18th periodic report.

[20] The Council adopted the Draft Declaration on 29 June 2006 with 30 votes in favour, 2 against and 12 abstentions. The draft Declaration was then forwarded to the UN General Assembly (GA). On 27 November 2006, a non-action resolution presented by Namibia on behalf of the African Group was adopted in the Third Committee of the GA. This means that the Declaration cannot be considered until the 61st session of the GA in September 2007. For more information on the discussions of the Human Rights Council during its 1st session on the Draft Declaration, view the Council Monitor pages on the website of the International Service for Human Rights (ISHR) which is available at: http://www.ishr.ch/hrm/HRC/Session1/index.htm.

[21] Paragraph 333 of A/57/18, paras.315-343.

[22] Paragraph 68 of the State's 17th and 18th periodic report.

Education

The Committee expressed concerns with the implementation of the *Ontario Safe Schools Act* of 2001, which, according to the Canadian delegation, grants schools greater authority, to suspend or expel students for safety and security reasons. The report of the African Canadian Legal Clinic indicates that African Canadian children are predominately effected by this harsh policy, which they felt should be reviewed by the Canadian government.

Canada assured the Committee that the measure of a Safe Schools Action Team whose role is to review the legislation, will prevent any unnecessary suspensions or expulsions. However the supposed effectiveness of this measure was not explained.

Employment

The Concluding Observations from Canada's 2002 meeting with the Committee, noted a "high number of incidents of discrimination targeting Aboriginals and people belonging to minorities in the field of employment".[23] The Committee was similarly concerned with the continuation of these phenomena. Canada provided the Committee with statistics indicating an
improvement on the levels of access for Aboriginal, as well as 'visible' minorities to management positions in the private and public sectors between 2001 and 2004.[24] The delegation further outlined the government's effort to monitor the application of the *Employment Equity Act,* which aims in the words of the delegation, to provide "equal access of opportunity" for all Canadians.

The Canadian delegation also raised the issue of the recognition of foreign credentials, explaining that a lack of recognition often led to the unemployment of skilled immigrants. In response, on 25 April 2005 Canada launched the *International Trained Workers Initiative* in order to assist with the integration of trained immigrants into employment. The delegation willingly accepted that more work needed to be done in this area.

Hate-motivated crime and measures to eliminate such activities

In response to questions from the Committee concerning measures to eliminate hate-motivated crimes, Canada referred to a series of amendments made in December 2001 to their Criminal Code. These amendments established racial discrimination as an aggravating circumstance. The Committee's 2002 Concluding Observations "welcomed" this step.[25] Since that time, Canada has taken further steps to eliminate hate crimes. The Committee was informed of three initiatives taken under the previously mentioned *Action Plan Against Racism*. These included signing the First *Additional Protocol to the Convention on Cyber crime Concerning the Criminalisation of Acts of a Racist or Xenophobic Nature Committed through Computer Systems* on 8 July 2995, interventions for victims and perpetrators of hate crimes including consultations and research, and the creation of a 'tip-line' to counter internet-based hate crime. The Committee wanted to know when Canada would ratify the Optional Protocol on the convention on Cyber Crime. Canada stated that this was still under consideration by the government.

The Committee also wanted to know if any specific penal legislation to prohibit the formation of organisations, which incite racial hatred, had been initiated. The delegation explained that under Canadian law membership of such organisations was not illegal unless *mens rea,* or the intent to harm, as well as *actus rea*, an actual criminal act, were established.

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[23] Paragraph 334 of E/C.12/CAN/CO/5.
[24] Paragraphs 45 and 47 of the State's 17th and 18th periodic reports.
[25] Paragraph 324 of A/57/18, paras.315-343.

The issue of 'racial profiling' was briefly discussed, with the Committee expressing concern over allegations that members of the Royal Canadian Mounted Police (RCMC) used this strategy. Canada was quick to assure the Committee that racial profiling had not been adopted as a policy of any government agency. Further Canada briefly highlighted the existence of a 'Bias Free Policy' in the RCMC's guidelines, a measure aimed to curb any instances of racial profiling.

Languages

In the 2001 census[26] Canadians reported they spoke more than 100 languages. Accordingly, the Committee wanted to know if Canada has adopted legislation to include these 100 languages in school curriculum. The delegation stated that there were no restrictions on individuals or communities from speaking languages of their choice in private or public spaces, but that French and English remained the nation's two official languages for use in the governmental, educational and business spheres.

In the 2003 country report of the Special Rapporteur on Racism, Mr. Diene raised concerns over the "perverse effects" of the *Official Languages Act* of Canada, which discriminates against non-European French speakers. Under this Act those persons whose 'mother tongue' is not French, yet were born in francophone countries due to colonialism, do not have access to French-speaking services or francophone schools. Canada did not appropriately respond.

Security and counter terrorism measures

The Committee wanted to know the effects of new counter-terrorism legislation passed on 24 December 2001 in response to the terrorist attacks of September 11th 2001. They were informed that in its initial bill form referred to as C-36, Canada's *Anti-Terrorism Act*, underwent a rigorous process of consultations with various stakeholders, including members of Canada's Arab and Muslim community. These consultations included the organisation of a Cross-Cultural Round Table in February 2005, as well as Parliamentary Committees to review the impact of the legislation. Studies carried out by these groups have concluded that while some members of Canada's Arab and Muslim community feel specifically targeted by the legislation, it has not had a broader deleterious effect. The Committee was informed that only two cases have been brought to trial under this new legislation.

However in a shadow NGO report, the Canadian Council of Muslim Women[27] argued that the *Anti-Terrorism Act* "ignores fundamental protections of the Charter of Rights and Freedoms and the criminal justice system, and abandons basic fairness and the rule of law". Similarly, Mr. Diene in his 2003 report as Special Rapporteur on Racism pointed to "serious challenges" facing sections of Canada's Muslim community in the post-9/11 period.

The Canadian Council of Muslim Women's (CCMW) report expressed concern with the use of so-called Security Certificates. When questioned on the use of Security Certificates by the Committee, Canada explained that they are an exceptional measure issued to persons who are found to be a legitimate threat to national security, allowing the government to either deport or detain such individuals. The report of the CCMW expressed concern that "all four men currently imprisoned under security certificates are Arab Muslims". In the view of CCMW, this policy is tantamount to racial profiling.

[26] Paragraph 23 of the State's 17th and 18th periodic report.

[27] The report of the Canadian Council of Muslim Women was presented to the Committee in response to Canada's 17th and 18th periodic reports. The full-text of their submissions can be accessed on the OHCHR website which is available at: http://www.ohchr.org/english/bodies/cerd/cerds70-ngos-canada.htm.

In a separate issue concerning the rights of members of the Arab and Muslim community, the Country Rapporteur Mr. Thornberry, asked whether there had been any instances of discrimination against women wearing the hijab, or traditional Muslim headdress. The delegation was not aware of any such instances.

Stateless persons, migrant workers and the trafficking of persons

There was limited discussion on the issue of rights for migrant workers, although the topic was one of concern for the Committee as Canada has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families Migrant Workers (ICMW). In response to questioning about this lack of action, Canada argued that the Convention was not an effective instrument for the protection of migrant workers, and was not consistent with domestic Canadian law. They therefore expressed no intention to ratifiy the ICMW. Similarly, Canada has no current desire to ratify ILO Convention No. 169.

The committee further enquired as to why Canada has not ratified the 1954 Convention relating to the Status of Stateless Persons. Canada responded by arguing that the Convention duplicated the 1951 Refugee Convention of which Canada is a signatory. Further the delegation felt that Canada's existing domestic legislation sufficiently protects the rights of stateless persons. Also in response to the committee's questioning, Canada outlined their policy of automatic detention for undocumented asylum seeker arrivals. The delegation stressed that this measure was a "last resort". The Committee was informed that the average length of detention for undocumented arrivals was 18 days. The Committee was also notified that the percentage of people detained every year from the total number of persons who arrive in Canada with a view to seeking asylum is 3%. Further, on the issue of stateless people, the Committee was told that a new system to collect reliable data on asylum seeker arrivals is being created by the federal Citizenship and Heritage Department.

Canada informed the Committee that approximately 600 to 800 people every year are illegally trafficked across Canada, with the primary intention of entering the United States of America (USA).[28] If discovered by authorities, these persons have the right to obtain short-term residential permits, access to health and dental programs, legal aid and trauma counseling.

Other issues and follow-up

In response to questioning from the Committee member from China, Mr. Chengyuan Tang, Canada informed the Committee of steps taken by their government to apologise to Canada's Chinese community for the imposition of a Head Tax on Chinese immigrants in the late 1800s. It is unclear whether this formal apology will include any compensation, as requested by Mr. Tang.

An important issue raised in the 2002 Committee's Concluding Observations, [29] as well as the 2003 country report on Canada by the Special Rapporteur on Racism, was racism in the media. The Special's Rapporteur's report mentions the role of certain media outlets in Canada as a "vehicle for prejudice against some groups".[30] This issue was not discussed.

[28] The Canadian delegation explained that these persons were most likely to originate from Eastern Europe, South-east Asia or Africa.
[29] Paragraph 335 of A/57/18, paras.315-343.
[30] Paragraph 55 of E/CN.4/2004/18/Add.2.

In terms of following-up the recommendations of the Committee, the Canadian delegation explained that after the 'Concluding Observations' were made available, the document would be circulated to all appropriate departments and agencies, as well as be posted on the website of the Canadian Heritage Department. Canada stated their readiness to welcome suggestions and recommendations from the Committee.

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