



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
26 January 2012

Original: English

Committee on the Elimination of Racial Discrimination

Eightieth session

13 February–9 March 2012

Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

List of themes to be taken up in connection with the consideration of the nineteenth and twentieth periodic reports of Canada (CERD/C/CAN/19-20)*

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the nineteenth and twentieth periodic reports of Canada. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues may also be raised in the course of the dialogue.

1. Impediments to equality and challenges encountered by certain groups, including non-citizens and visible minorities, in the exercise of civil, political, economic, social and cultural rights (arts. 2, 3, 4, 5 and 7):

- (a) Disaggregated data on socio-economic conditions of different racial and ethnic groups, and non-citizens in the State party (CERD/C/CAN/CO/18, para. 11);
- (b) Enjoyment of economic, social and cultural rights by non-citizens, racial and ethnic groups in the territory of the State party;
- (c) Impact and results of various measures taken at federal, provincial and territorial levels to facilitate access by non-citizens and racial and ethnic groups to the labour market (CERD/C/CAN/CO/18, para. 24);
- (d) Implementation of the Public Service Modernization Act and the Public Service Employment Act aimed at fostering the recruitment of visible minorities in the public service (CERD/C/CAN/19-20, paras. 69-70);
- (e) Removing barriers for access by racial and ethnic groups of Canada and non-citizens to the labour market: results of the Racism-Free Workplace Strategy

* Late submission.

(CERD/C/CAN/19-20, para. 72) and some provincial and territorial initiatives (paras. 144-145; 196-197; 255-257; 282-283; 314; 333-339);

(f) Recognition of credentials of immigrants as well as their diplomas obtained outside Canada: results of measures taken by the State party, in particular the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications (CERD/C/CAN/19-20, para. 13);

(g) Discrepancies between provinces and territories in entitlements to social services by refugee claimants whose asylum requests have been rejected, as well as undocumented non-citizens and Stateless persons, in particular in the areas of health, social assistance and access to education (CERD/C/CAN/CO/18, para. 23; CERD/C/CAN/19-20, paras. 117-118; 139; 156-158; 190-191; 226-227; 315-318; 352; 384);

(h) Effective guarantees, in practice, against racial profiling of persons belonging to racial and ethnic minorities, as well as non-citizens (CERD/C/CAN/CO, 18, para. 14; CERD/C/CAN/CO/18/Add.1, paras. 2-17; CERD/C/CAN/19-20, para. 92);

(i) Impact of different measures taken at federal, provincial and territorial levels to combat discrimination against non-citizens, racial and ethnic groups, including multiculturalism, diversity and tolerance initiatives;

(j) Allegations of excessive use of force against African Canadians (CERD/C/CAN/CO/18, para. 19). Measures taken to build confidence among African Canadians towards security forces;

(k) Situation of refugees and asylum-seekers;

(l) Mandatory administrative detention of “irregular” migrants.

2. Legislation and availability of remedies in cases of racial discrimination (arts. 2, 4 and 6):

(a) Conformity of section 718.2 of the Criminal Code with article 4 (a) of the Convention regarding the criminalization of racist acts and racist organizations (CERD/C/CAN/CO/18, para. 16);

(b) Cases of racial discrimination, including hate crimes, as well as reparation granted (CERD/C/CAN/19-20, paras. 73-77);

(c) Measures to combat hate speech;

(d) Access to justice, including legal aid by Aboriginal people and other ethnic and racial groups, including non-citizens: impact of measures taken at federal, provincial and territorial levels (CERD/C/CAN/19-20, paras. 63-65; 258-260; 285);

(e) Status of the new mechanism which is supposed to replace the Court Challenges Program (CERD/C/CAN/CO/18, para. 26; CERD/C/CAN/CO/18/Add. 1, para. 139).

3. Situation of Aboriginal people (arts. 2, 5 and 7):

(a) Violence against Aboriginal and immigrant women as well as women from racial and ethnic minority groups: impact, results and evaluation of different measures taken at federal, provincial and territorial levels (CERD/C/CAN/CO/18, para. 20; CERD/C/CAN/19-20, paras. 44-62; 132-133; 141-143; 162-165; 204-219; 231-249; 275-281; 291-294; 306-313; 324-332; 355; 360-361; 374-377). Lack of disaggregated data;

- (b) Discriminatory effects of the Indian Act on the rights of Aboriginal women and children to marry, own property and inherit on reserve lands (CERD/C/CAN/CO/18, para. 15);
- (c) Overrepresentation of Aboriginal people in correctional facilities and their reintegration into the society: results of initiatives undertaken, in particular by British Columbia province (CERD/C/CAN/19-20, paras. 346-350). Lack of data at the federal level;
- (d) Recruitment of Aboriginal people in the public service at the federal level, in particular the implementation of the 2008-2009 Public Service Renewal Plan, and at provincial and territorial levels: results and evaluation (CERD/C/CAN/19-20, paras. 69-71; 178-185; 314; 339; 356; 380-381);
- (e) Enjoyment of economic, social and cultural rights by Aboriginal people: access to public and private labour market, conditions of work, qualification recognition, job security and education (CERD/C/CAN/CO/18, paras. 21 and 24);
- (f) Impact of public-awareness campaigns and initiatives on multiculturalism and diversity on discrimination against Aboriginal people and immigrants at the federal, provincial and territorial levels;
- (g) Land issues, negotiation of treaties and land claims with Aboriginal people, including the Lubicon Lake case (CERD/C/CAN/CO/18, paras. 20-22, 25; CERD/C/CAN/CO/18/Add.1, paras. 19-105).
-