



Organization: Lawyers' Rights Watch Canada
Item 6: Universal Periodic Review of Canada: Outcome
Date: 21 March 2024
Speaker: Rebekah Smith

Oral Statement to the 55th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status, endorsed by Peacemakers Trust, NGO without consultative status

Canada: Accede to and implement the International Convention for the Protection of All Persons from Enforced Disappearance

Mr. President,

Lawyers' Rights Watch Canada, with endorsement by Peacemakers Trust, regret that Canada does not support recommendations to accede to the Convention for the Protection of all Persons from Enforced Disappearance, but we welcome its stated intention to prioritize accession to this treaty.¹

Enforced disappearances, whether prolonged or short-term, are grave violations of peremptory norms of customary law affecting people in over 85 countries, including numerous human rights lawyers and defenders.² Enforced disappearance places victims outside all protection of the law, depriving them of all other rights including rights to legal representation, access to courts, and potentially even the right to life.³

The Secretary General and the General Assembly continually call on all States for progress toward universal ratification.⁴ Canada has urged other countries to join the Convention or adopt legislation to criminalize enforced disappearances⁵ but has not yet done so itself.

Over decades, Canada has allowed impunity of Canadian officials in incidents of enforced disappearance.⁶ Canada has apologized and compensated some victims of overseas enforced disappearances, but no Canadian official has been held accountable for enforced disappearances abroad or at home.

UN treaty bodies have expressed concern about Canada's longstanding delays in remedying disappearances of Indigenous women, children, and men in Canada.⁷ These failures have led to suggestions of Canada's acquiescence in prolonged or short-term enforced disappearances."⁸

We urge that Canada:

- Expedite accession to the Convention on Enforced Disappearance;
- Ensure that enforced disappearance is made a stand-alone criminal offence in compliance with the Convention; and
- Ensure effective investigation and accountability for all potentially unlawful deaths or disappearances, in accordance with the Minnesota Protocol.

Thank you.

¹ Human Rights Council, Universal periodic review, Report of the Working Group on the Universal Periodic Review: Canada, Addendum, A/HRC/55/12/Add.115 March 2024, note 4, <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session44/ca/a-hrc-55-12-add-1-av-canada-e.docx>

² The Global Problem of Enforced Disappearances: “Outside All Protection of the Law,” Written statement submitted by Lawyers' Rights Watch Canada, a non-governmental organization in special consultative status A/HRC/54/NGO/83, 23 January 2024, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/54/NGO/83&Lang=E>. See the annex noting enforced disappearance in 17 countries, <https://www.lrwc.org/enforced-disappearances-outside-all-protection-of-the-law-hrc54/>.

³ *Ibid.*

⁴ e.g. A/RES/76/158, 7 January 2022, <https://undocs.org/en/A/RES/76/158>.

⁵ UPR info, <https://upr-info-database.uwazi.io/en/entity/ysd79oxso2g?searchTerm=enforced%20disappearance>; <https://upr-info-database.uwazi.io/en/entity/qxbgodczf9k?searchTerm=enforced%20disappearance>

⁶ Government of Canada, O’Connor Inquiry, 2006, https://publications.gc.ca/collections/collection_2015/bcp-pco/CP32-88-1-1-2006-eng.pdf; Government of Canada, Iacobucci Inquiry, 2010, http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/internal_inquiry/2010-03-09/www.iacobucciinquiry.ca/pdfs/documents/final-report-copy-en.pdf.

⁷ UN Committee Against Torture, CAT/C/CAN/CO/6, <https://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT-C-CAN-6.pdf>; UN Human Rights Committee, CCPR/C/CAN/CO/6, <https://undocs.org/CCPR/C/CAN/CO/6>; CAT/C/CAN/CO/7, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FCAN%2FCO%2F7&Lang=en

⁸ National Inquiry on Missing and Murdered Women and Girls, The Final Report of the National Inquiry Into Missing and Murdered Indigenous Women And Girls: Reclaiming Power And Place, Volume 1a, available at: https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a.pdf; Brenda L. Gunn, Engaging a Human Rights Based Approach To The Murdered And Missing Indigenous Women And Girls Inquiry, (2017) 2:2 Lakehead Law Journal, <https://www.canlii.org/w/canlii/2017CanLIIDocs3497.pdf>; Peacemakers Trust, Individual submission to the United Nations Universal Periodic Review of Canada: Indigenous Peoples and enforced disappearances in Canada, 44th session of the Working Group on the UPR, November 2023, Human Rights Council, Submitted 4 April 2023, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=11705&file=EnglishTranslation>