



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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REFERENCE: CAT/Follow-up

12 August 2020

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the seventh periodic report of Canada, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 65<sup>th</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/CAN/CO/7, para. 54) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 29, 39, 47 (c) and 51 (a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 21 February 2020 providing your Government's response on the above-mentioned paragraphs (CAT/C/FCO/CAN/7) and to make the following comments:

Diplomatic assurances (para. 29 of the Committee's concluding observations)

The Committee takes note of the State party's assertion that its use of diplomatic assurances is fully consistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the principles of international law. However, it regrets that the follow-up replies do not indicate whether the State party has taken any measures to ensure that their use does not undermine the principle of non-refoulement as set out in article 3 of the Convention (1/C).

.../...

H. E. Ms. Leslie Norton  
Ambassador Extraordinary and Plenipotentiary  
Permanent Mission of Canada  
to the United Nations Office at Geneva  
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Adequate redress for the torture and ill-treatment of Canadians detained abroad (para. 39 of the Committee's concluding observations)

Regarding the cases of Messrs. Ahmad Abou-Elmaati, Abdullah Almalki, Muayyed Nurreddin, Omar Khadr and Abousfian Abdelrazik, the Committee regrets that no action has been taken in respect of the specific concerns raised in its concluding observations (2/C).

Security certificates (para. 47 (c) of the Committee's concluding observations)

While taking note of the information provided by the State party with regard to the cases of Messrs. Harkat, Jaballah and Mahjoub, the Committee reiterates its recommendation to the State party that all measures aimed at restricting or limiting guarantees of a fair trial on security grounds should be fully compliant with the Convention. Specifically, the Committee recommended that the State party should ensure that intelligence and other sensitive material is subject to possible disclosure if a court determines that it contains evidence of human rights violations, such as torture or cruel, inhuman or degrading treatment; and, to ensure that the application of security procedures does not result in indefinite detention or deportations in violation of the principle of non-refoulement (2/C).

Involuntary sterilization of indigenous women (para. 51 (a) of the Committee's concluding observations)

The Committee takes note of the measures adopted by the State party to eliminate discriminatory practices in health care and to strengthen informed consent practices. Nevertheless, according to the information before the Committee, the State party has failed to launch an investigation into the forced and coerced sterilization of Indigenous women in Canada, and has not met with survivors to discuss options for redress and justice (see 'Submission to the United Nations Committee against Torture, Follow-up, Amnesty International, pp. 8–10) (2/C).

Implementation plans (para. 54 of the Committee's concluding observations)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Canada is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the seventh periodic report of Canada or other future periodic reports.



The Committee looks forward to a continued constructive dialogue with the authorities of Canada on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to be 'LGP'.

p.p.

Bakhtiyar Tuzmukhamedov  
Rapporteur a.i. for follow-up to concluding observations  
Committee against Torture