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Excellency,

I wish to inform you that the Committee on the Elimination of All Forms of Racial Discrimination, in the course of its 76<sup>th</sup> session, considered the follow-up report submitted by the Government of Canada, pursuant to Rule 65(1) of the Rules of Procedure of the Committee.

In spite of the delay, the Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 14, 21, 22 and 26 of the Concluding Observations (CERD/C/CAN/CO/18, May, 2007), adopted following the consideration of the State party's 17<sup>th</sup> and 18<sup>th</sup> periodic reports. The Committee thus appreciates the opportunity provided to continue the dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee would like to remind the State party of its recommendation to submit its 19<sup>th</sup> to 20<sup>th</sup> periodic reports in a single document by 15 November 2009 and requests that comments and responses on action taken by the State party on issues above be included therein.

**Paragraph 14 of the Concluding Observations.** The Committee takes note of the steps taken in sensitization campaigns and congratulates the State party in this regard. Drawing the State party's attention to the Committee's general statement against terrorism (8 March 2002) underlining the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin", the Committee encourages the State party to continue monitoring the Anti-Terrorism Act.

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**Paragraph 21 of Concluding Observations.** The Committee welcomes information on the extensive measures carried out by the State party for the progressive realization of the rights of Aboriginal peoples. It commends the State party for addressing recommendations proposed in the final report of the Royal Commission on Aboriginal Peoples' and urges it to continue its implementation efforts. The Committee requests clarification from the State party on the conditions in which "the Government of Canada may take up or permit provinces, municipal or local authorities, or corporations to take up lands in a reserve for public purposes without consent of the band" (CERD/C/CAN/CO/18/Add.1, para. 40). With regard to Aboriginal title, the Committee also requests further clarification regarding courts' decisions that "an Aboriginal group could not use the land in a way that was irreconcilable with the nature of the group's attachment to the lands" (CERD/C/CAN/CO/18/Add.1, para.46).

**Paragraph 22 of Concluding Observations** The Committee thanks the State party for the information provided and commends its efforts to make claims of Aboriginal Title more efficient and effective.

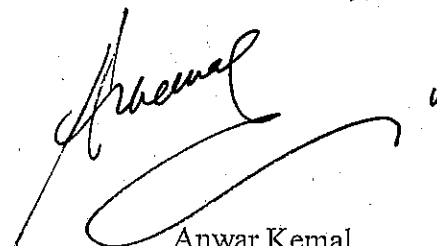
With regard to the Twassawwen Nation, the Committee reiterates its concern expressed in its communications of March 2009 that the Tsawwassen Final Agreement may have been subject to processes that did not meet standards for fair elections, in particular in light of allegations of financial inducements and other non-transparent processes used to influence election outcomes. The Committee recommends that increased efforts be taken to ensure fair and transparent voting procedures and monitoring of a future vote on an agreement. Regarding the Lheidli T'enneh Indian Band and the Xaxli First Nation, the Committee recommends that the State party take the necessary measures to ensure that loan funding is not used as a means to pressure the First Nations into acceding to terms of the negotiation. With regard to the Secwepemc Nation and the construction of the Sun Peaks Ski Resort, the Committee reiterates its concern over reports of incarceration of Aboriginal activists and request more information on this issue.

The Committee recommends to the State party that independent mediators be used between Aboriginal bands and the government of British Columbia with regard to land claims.

**Paragraph 26 of Concluding Observations.** The Committee thanks the State party for the information provided and commends it on the establishment of a new programme to support official language minority communities to assert their linguistic rights and urges the State party to continue in these efforts.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Canada, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal  
Chairperson of the Committee on the  
Elimination of Racial Discrimination