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Oral Statement
International Lesbian and Gay Association (ILGA)
24th Session of the Human Rights Council
UPR Canada
Thursday 19th September 2013

Delivered by: Stephen Patrick Seaborn

Thank you Mr/Madame President

The following statement is also read on behalf of the Canadian organisation *Egale Canada*.

First, let me say that we applaud the Canadian Government for its participation in the Universal Periodic Review process and recognize Canada's commitment to a "generous system [which] provides asylum to persons in need of international protection".

The Netherlands input to Canada's UPR pointed to the importance of applying the 2006 Yogyakarta Principles in further policy development. *Egale Canada* in its October 2012 submission to this Council, pointed out the shortcomings of Canada's 2012 *Act to Amend the Immigration and Refugee Protection Act* (Bill 31).

However, the provisions of this Act are now putting countless asylum-seekers from close to 80 states at severe risk and in our estimation these provisions are not in line with the Yogyakarta Principles.

Refugees from so-called "safe countries of origin" who claim persecution based on their sexual orientation or gender identity face refugee hearings that are now dangerously fast-tracked, with inadequate time to gather evidence of their "persecution". Moreover, these refugees now have no right to appeal a decision that has rejected their refugee claim.

Furthermore, the refugee reforms have given the Immigration Minister sole responsibility to designate countries as "safe" for the purposes of reviewing these particular refugee claims.

We firmly believe that the power to designate countries as "safe" for refugee claim assessment purposes must be immediately transferred from Canada's Immigration Minister to an independent expert panel.

Belarus has asked Canada to "ensure the protection of refugees, migrants and members of their families in full compliance with international standards". However, to provide genuine support for such refugees Canada must **ensure that LGBTI families are granted equitable access to its refugee system.**

The *Immigration and Refugee Protection Act* must then be amended to **recognize same sex spouses and LGBTI parents** who currently are not recognized by their countries of origin but would, under Canadian law, be recognized.

Should Canada fail to make the changes suggested in this declaration it will, unfortunately, remain in violation of International Human Rights Law as laid out in the Yogyakarta Principles.

Thank you.