

International Affairs Committee

To the Venerable, the 142nd General Assembly:

The Treatment of Minority and Indigenous Peoples

This year, the International Affairs Committee report considers the circumstances of minorities and Indigenous peoples who experience discrimination. Sometimes differences between groups of people become the basis of marginalization, disenfranchisement or conflict. And yet God blessed a minority group to be a light to all nations and instructed them to care for vulnerable people.

The Bible says: “When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt: I am the Lord your God.” This advice is from Leviticus 19, more famously known for its law to “love your neighbour as yourself”. Words have power. How we define ‘alien’, ‘citizen’, ‘Indigenous’, ‘minority’ and ‘majority’, ‘ethnicity’ and ‘nationality’ are scrutinized. Often the way we make decisions about how to treat people hinges on these definitions. Are you a terrorist or refugee? Are you Indigenous? Are you a citizen? Human relationships are often marked by xenophobia, bigotry, marginalization and hatred. But God’s message of care leads us to offer sanctuary and to be concerned with healing broken relationships and upholding the dignity of all people.

Jesus was well acquainted with the holiness codes of the Levitical priests, and he often advised his followers to live beyond the ‘letter of the law’. He taught us to go the extra mile, to turn the other cheek. Jesus reminded his disciples that we are commanded to love our neighbour, and even our enemies. He went further, explaining that love is not an emotion but an active way of life. When Jesus was admonished by a Syrophenician woman to extend God’s grace to her and heal her daughter, he complied, and by doing so, taught us to love and serve the outsider as we would our own brother or sister, for we are all God’s children. Above all, Christians are called to invite our neighbours into loving relationships. To love means to reach out and befriend the other. Commanded to love, we are called to respond whenever our neighbour is vulnerable.

Koreans in Japan

There is a significant Korean minority in Japan. Japan occupied and annexed Korea in 1910, incorporating the country and its people into an expanding Japanese Empire. Hundreds of thousands of Koreans immigrated to Japan to provide cheap labour in Japanese industries. During World War II hundreds of thousands more Koreans were conscripted and forcibly taken to work in Japanese factories, mines and agriculture to support the Japanese war effort. By the war’s end more than two million Koreans resided in Japan.

When the war ended, many returned to Korea. Koreans who repatriated could only take the possessions they could carry and a small amount of currency. Those who had acquired property or savings were motivated to stay in Japan to safeguard these painfully acquired assets. Approximately 600,000 stayed, though it became evident they were not welcome.

During the colonial period, Koreans were made citizens of the Japanese Empire. Universal male suffrage was established in Japan in 1925 and included Korean men in Japan. In 1947, one day before Japan's new postwar constitution came into effect, an imperial decree stripped citizenship of Koreans remaining in Japan and requiring them to register as aliens, essentially rendering them stateless.

Article 12 of the 1947 constitution prohibits any "discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin". Stripping Korean residents of their citizenship and forcing them to register as aliens deliberately put them outside the protections afforded to Japanese citizens. This was done by linking human rights to citizenship and placing Koreans in Japan in the new status of resident foreigners, with no protection against discrimination in employment, housing, and educational opportunities and with no rights to social benefits such as welfare, medical insurance and pensions, benefits they contributed to through their taxes.

Throughout the postwar period, most Koreans in Japan have lived as invisible outsiders. To mitigate the worst forms of discrimination many hid their Korean identities. They continued to use in public the Japanese names they were required to take in the colonial period. The vast majority of the 600,000 Koreans in Japan today are second, third, fourth and fifth generation Koreans, born and educated in Japan, usually speaking little or no Korean, and, culturally speaking, much more Japanese than Korean.

Approximately 80% of Koreans in Japan whose roots go back to the colonial period intermarry with Japanese people. Since the 1990s more than 10,000 per year have acquired Japanese citizenship. More would probably do so if the process was less difficult. The main problem is that there is no distinction in Japan between citizenship as nationality and citizenship as ethnicity. Canadians have many different ethnicities, but share a common Canadian nationality. In Japan, there is no conception of nationality that does not require Japanese ethnicity. Japanese citizenship is granted only to those with a high degree of cultural assimilation. While many Koreans in Japan are highly assimilated into Japanese society, some are not willing to totally deny their Korean heritage.

Significant progress in ameliorating the situation of Korean residents in Japan has been made in the postwar period. The signing of the Japan-Republic of Korea Treaty in 1965 meant an end to statelessness for the vast majority of Koreans in Japan who were prepared to accept the offer of South Korean citizenship, without being required to return to South Korea. However, the minority of Koreans in Japan who continue to identify with North Korea remain stateless to this day.

Japan signed the Universal Declaration on Human Rights in 1979 and the Convention Relating to the Status of Refugees in 1982. These actions led to a new status of “special permanent residence” for those Koreans (and their descendents) who came to Japan in the colonial period. As a result, Koreans in Japan became eligible for social benefits such as government medical insurance and national pensions, which they contributed to through taxes.

There is a significant minority of extreme, ultra-nationalist elements in Japanese society who dream of reviving the pre-1945 Japanese Imperial system. They portray foreign residents (particularly Koreans in Japan) as potentially subversive and, in the case of Koreans with ties to North Korea, as potential terrorists in order to agitate public opinion against those viewed as non-Japanese.

Prime Minister Shinzō Abe’s government has ties to ultra-nationalist groups. This has emboldened them to harassment and intimidation through mass demonstrations in Korean areas of Japanese cities, using hate speech as a means of stoking xenophobia in the wider Japanese society. This has led to violence against Koreans, especially Korean schoolgirls, whose Korean school uniforms have been slashed with knives wielded by ultra-nationalist extremists.

The Presbyterian Church in Canada has had a relationship with Koreans in Japan since 1927 when the Rev. Luther Young began a mission that led to the 1934 establishment of the Chosen Korean Church, the predecessor of the Korean Christian Church in Japan (KCCJ). The Presbyterian Church in Canada continues its partnership with KCCJ. The KCCJ advocates and works for justice and human rights for Koreans and other foreigners living in Japan. The best known example is KCCJ’s campaign against compulsory fingerprinting of all Korean residents of Japan, in which Presbyterian missionaries, the Rev. Jack and Mrs. Clarabeth McIntosh, played a prominent role.

The KCCJ organized an international conference on Minority Issues and Human Rights in Japan, in Tokyo in November 2015. The conference addressed xenophobia and hate speech and called on the Government of Japan to enact legislation against hate speech similar to Canadian legislation. The Presbyterian Church in Canada through International Ministries was a financial contributor and sent a Canadian Presbyterian delegation including the Rev. Dr. Glynis Williams, Associate Secretary of International Ministries, the Rev. Dr. Ronald Wallace, Glynis’ immediate predecessor and former missionary to Japan, and three young Presbyterians: Ms. Jackie Bannerman, Ms. Mary Kyei and Ms. Yeram Ryu. The Presbyterian Church in Canada is proud to stand with the KCCJ in this struggle against xenophobia and hate speech.

Recommendation No. 1 (adopted, p. 23)

That the Moderator write to the Rev. Byungho Kim, the General Secretary of the Korean Christian Church in Japan expressing the church’s concern at the increasing xenophobia, hate speech and harassment directed at minorities in Japan and expressing our support to KCCJ’s efforts to combat xenophobia and hate speech.

Recommendation No. 2 (adopted, p. 23)

That the Moderator write to the Prime Minister of Japan and the Japanese Ambassador to Canada expressing the church's concern at the increasing xenophobia, hate speech and harassment directed at minorities in Japan, and requesting the Government of Japan to reconsider its opposition to legislation that would criminalize both hate speech and hate crimes.

Recommendation No. 3 (adopted, p. 23)

That the Moderator write to Canada's Minister of Foreign Affairs expressing the church's concern at the increasing xenophobia, hate speech and harassment directed at minorities in Japan and expressing the church's hope that the Government of Canada will address these matters with Japanese officials.

Haitians in the Dominican Republic (D.R.)

The racial tensions in the Dominican Republic can be traced back to the nineteenth century, and particularly to Haiti's occupation of its territory between 1822 and 1845. Recent government measures have included the rounding-up and summary expulsion of undocumented Haitians and even Dominican citizens of Haitian descent, following a pattern of racism, arbitrariness and disregard for human rights by the Dominican Republic authorities.

The plight of Dominicans of Haitian descent gained international attention with the September 2013 ruling by the Dominican Constitutional Tribunal in a case brought against the Dominican Republic government by Juliana Deguis Pierre. Ms. Pierre was born in the Dominican Republic to Haitian parents who immigrated to work as cane cutters (without work visas) in a Dominican sugar-cane plantation. Her parents registered her at birth. Ms. Pierre was told by Dominican authorities that her birth certificate was invalid when, as an adult, she tried to register for an ID card, a requisite for both legal work status and for the registration of her own child, also born in the Dominican Republic.

The current constitution guarantees citizenship to anyone born and registered in the country. The only exception are children of parents who are "in transit," a provision that had always been narrowly understood to cover diplomatic personnel or tourists visiting the country. In its ruling, the Constitutional Tribunal reinterpreted and extended this exception to cover undocumented immigrants. As a consequence, the ruling by the Constitutional Tribunal revoked Ms. Pierre's citizenship, alleging her parents were "in transit" in the Dominican Republic. This decision was retroactively extended to include all children born in the D.R. to parents who were or are undocumented from 1929 or later. The retroactive element of the decision is disturbing. It broadens a previously narrow interpretation of the law and extends its reach to the children of Haitians and undocumented immigrants, stripping them of nationality, and condemning them to statelessness, potentially impacting 250,000 people.

The vulnerability of Dominican children born to Haitian parents without documentation does not occur anywhere else in the Americas. This decision follows a long history of prejudice against and systematic persecution of individuals of Haitian ancestry by the Government of the Dominican Republic.

The systematic nature of these abuses was confirmed by the Inter-American Commission on Human Rights (IACHR) in a 2012 report. The IACHR concluded that the Dominican Republic violated the right to humane treatment, the right to personal liberty, the right to property, freedom of movement and residence, the right to judicial protection under Dominican laws and the American Convention on Human Rights, to which the Dominican Republic is a signatory (Inter-American Commission on Human Rights, March 2012). Dominican authorities are preventing Dominicans of Haitian descent from receiving proper identification documents. The Inter-American Commission on Human Rights (July 18, 2012) reports accounts of Dominican officials illegally destroying birth certificates and ID cards, denying those under detention the opportunity to prove their Dominican citizenship. Ms. Pierre's situation is not an exception but rather one more instance of discrimination against Haitians and Dominicans of Haitian descent.

The decision by the Constitutional Tribunal impacts hundreds of thousands of individuals. In response to questions from international media and human rights organizations such as Amnesty International, the Dominican government has claimed that it is trying to curb illegal immigration from Haiti. Under the terms of a 2014 law, those affected by the 2013 decision who have birth certificates, such as Ms. Pierre, can apply to receive their ID cards and passports. This represents approximately 24,000 people. Those born in the Dominican Republic before 2007 and who do not have a birth certificate must apply for regularization. Regularization has slowed to a trickle. The government poorly explained the process to the public. Even those with birth certificates had difficulty obtaining IDs. There are 150 documented cases in which Dominicans with certificates had their IDs denied by Dominican authorities. Only 8,755 (of 186,000) Dominicans of Haitian descent who lacked birth certificates managed to enroll in the regularization program by its deadline. The government refused to extend the deadline.

Article 15 of the Universal Declaration of Human Rights guarantees the right to nationality, and that no person shall be arbitrarily deprived of his or her nationality.

Recommendation No. 4 (adopted, p. 23)

That the Moderator write to the Ambassador of the Dominican Republic expressing the church's concern about the treatment and the deportation of Haitians living in the Dominican Republic, and request the Government of the Dominican Republic discontinue revoking citizenship as a result of the 2013 decision of the Dominican Constitutional Tribunal which stripped Juliana Deguis Pierre of her citizenship.

Recommendation No. 5 (adopted, p. 23)

That the Moderator write to Canada's Minister of Foreign Affairs expressing the church's concern about the treatment and deportation of Haitians living in the Dominican Republic and particularly those impacted by the 2013 decision of the Dominican Constitutional Tribunal which stripped Juliana Deguis Pierre of her citizenship, and request that Canadian government officials raise these concerns with Dominican Republic government officials.

Roma in Hungary and the Ukraine

The "Roma" are a traditionally itinerant ethnic group originally from Northern India and the lands to its northwest who left that region between 500 and 1000 CE. "Roma" can refer to a number of different groups of people who identify themselves (or are identified by others) as Roma, Sinti, Kale, Romanichels, Boyash, Ashkali, Egyptians, Yenish, Travellers, Dom and Lom. They have been pejoratively called "gypsies". The Roma are the largest ethnic minority in the European Union. Most Roma live in Central and Eastern Europe.

Discrimination against the Roma is not a new phenomenon, but recent high-profile cases have drawn attention to the plight of this ethnic minority in countries such as Hungary, Romania and Slovakia. In Hungary, Roma populations have been openly discriminated against by state authorities and have been the target of extreme-right parties and neo-nazi groups. In Germany, Italy and France there is increased opposition from right-wing groups against the immigration of Roma from the eastern periphery of the European Union. In many cases, these Roma are citizens of European Union countries that are also members of the Schengen area which was created in 1995, abolishing passport and border control between countries inside its common border. Roma cannot be legally barred from entering other nations even though they lack proper documentation to work legally in their host countries.

Roma communities everywhere tend to suffer from similar problems: low living standards, poor housing, lack of, or poor access to, public services such as education and healthcare, and high levels of unemployment. Discrimination, forced evictions and segregation are normative in many European countries and 71% of Roma in Eastern Europe live in poverty. A study by the European Public Health Alliance reports an alarming discrepancy (up to 20 years) in life expectancy between Roma and non-Roma. The Office for Democratic Institutions and Human Rights reports that the main challenges facing the Roma in Ukraine include the lack of personal documents,

difficulties accessing quality education and employment, inadequate housing conditions and misconduct by the police toward Roma. The same report states that an unknown number of Roma are among the 260,000 displaced from Crimea and eastern Ukraine because of conflict in that region. The report states that displaced Roma are particularly vulnerable owing to their overall marginalization and negative public attitudes toward them. Roma who lack civil registration or residence documents, have been unable to register as internally displaced people for humanitarian assistance (Office for Democratic Institutions and Human Rights). In Hungary, Amnesty International names specific challenges of addressing hate crimes (including the failure of police to investigate racially motivated attacks against Roma people). Forcible evictions of more than 100 Roma families have been recorded in one municipality which resulted in Hungary's highest court ruling that the municipality had violated the country's equal treatment legislation (Amnesty International "Hungary").

The European Union has encouraged member states to create and implement integration strategies for the Roma living in their countries and has made funding available for integration initiatives. There is no consistent implementation of these initiatives.

The Presbyterian Church in Canada, through International Ministries, supports the work of missionary staff David and Anna Pandy-Szekeres who work with the Reformed Church of Sub-Carpathian Ukraine (RCCU) and the Reformed Church in Hungary. One part of the Pandy-Szekeres' ministry includes assisting Roma children who struggle in school. The program provides focused educational assistance to Roma children outside of their home school with the goal of re-entering their home school with greater confidence for academic success.

Recommendation No. 6 (adopted, p. 23)

That the Moderator write to Bishop Rev. Sandor Zán Fabian of the Reformed Church of sub-Carpathian Ukraine and the Bishop István Szabó of the Reformed Church in Hungary expressing the church's concern at the ongoing discrimination against the Roma and encouraging the Reformed Church of Sub-Carpathian Ukraine and the Reformed Church in Hungary in their mission and ministry with the Roma.

Indigenous People in Guatemala

There are some 390 million Indigenous people in Africa, the Americas, Asia, Europe, Australia and the Pacific region. They experience systematic discrimination in many countries. Indigenous people share experiences of disproportionate levels of poverty, poor health, discrimination and exclusion from political and economic decision-making. In many areas around the world there are large gaps between human rights commitments and the lived realities of Indigenous people.

Half of Guatemala's 13 million people are Mayan (the largest Indigenous group in Guatemala). Some 40% of the population is of mixed Indigenous and European ancestry. Life expectancy for Mayans is 13 years less than non-Indigenous Guatemalans. 73% of

the Indigenous population is poor and 26% is extremely poor: 35% of non-Indigenous people are poor. Mayans are subject to systemic racism.

The United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) is the most comprehensive human rights instrument concerning Indigenous peoples. Implementation is imperative to protecting rights and improving the wellbeing of Indigenous people. The Declaration guarantees the rights of Indigenous people to practice their cultures and customs, religion, languages and the right to a nationality. The Declaration articulates rights to self-determination, the lands, territories and resources which they have traditionally owned or occupied. Both Canada and Guatemala support for the Declaration.

In addition, Guatemala has also endorsed and ratified the UN International Labour Organization Convention No. 169, known as the Indigenous and Tribal Peoples Convention, yet little progress has been made to include Indigenous people in decision-making or consultation on public policies concerning their land rights or social policies. A 2015 report from the International Work Group for Indigenous Affairs states that ten proposals have been submitted to the Guatemalan Congress in recent years proposing changes to allow greater inclusion of Indigenous peoples in decision making on policies that concern them; no new laws have been passed, however. The government created an Indigenous Peoples and Intercultural Office in March 2014 but this office has not published any reports about the results and impact of its work.

The legal system often does not protect Indigenous peoples' rights. The construction of the Chioxy hydroelectric plant resulted in the 1982 massacre of 440 indigenous people and displacement of many more. The Declaration specifies that Indigenous peoples are entitled to redress and compensation. A reparation plan was concluded in 2010, and in November 2014, the government reached an agreement with the Indigenous communities affected to begin annual payments for reparations in individual compensation, social infrastructure, and economic development projects for these communities. Despite the legal agreement for compensation, construction of new homes and an official apology from the President of Guatemala, as stated by the court, there has been no implementation of conditions of the agreement.

On September 22–23, 2014, the United Nations celebrated the first World Congress on Indigenous Peoples. UN member states reaffirmed the Declaration and outlined several goals consistent with the Declaration to improve the wellbeing of Indigenous peoples including the protection of Indigenous women, development of culturally appropriate education for Indigenous youth and the development of policies by the State to protect Indigenous lands and resources from toxic industries. Implementation is slow. The struggle between the Indigenous population and different levels of government regarding the right to be consulted without fear of repercussions manifests itself daily in Guatemala. Where there is unwillingness to implement these recommendations, civil society groups and international bodies must continue to encourage governments to take meaningful steps to implement policies and programs that advance the principles of the Declaration.

PWS&D is working to improve the livelihoods of Indigenous women and men through partnerships with Maya-Mam Association of Research and Development (AAMID) and the Fraternidad of Maya Presbyterials.

Recommendation No. 7 (adopted, p. 23)

That the Moderator write to the Maya-Mam Association of Research and Development and the Fraternidad of Maya Presbyterials to inquire if the Government of Guatemala's support for the United Nations Declaration on the Rights of Indigenous Peoples has resulted in improvements in the lives of Indigenous people and greater respect for their human rights.

Recommendation No. 8 (adopted, p. 23)

That the Moderator write to Canada's Minister of Foreign Affairs urging that Canada encourage the Government of Guatemala to implement the United Nations Declaration on the Rights of Indigenous Peoples.

Sexual Minorities

The Presbyterian Church in Canada is in the midst of discussing whether or not to consider for certification gay and lesbian candidates for ministry and the celebration for marriage of gay and lesbian couples. While there are strong differences of views on these issues, there is agreement in the church that LGBT (Lesbian, Gay, Bi-sexual, Transgender) people should not be bullied, fear persecution, suffer violence or be the targets of legal sanctions because of their sexual orientation or identity.

The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in 1948, was the first global expression of rights to which all human beings are inherently entitled. The Declaration is considered the common standard for all peoples and nations. The thirty articles of the UN Declaration have been elaborated on in subsequent international treaties, regional human rights legislation and national constitutions. Article 3 of the UDHR states that "everyone has the right to life, liberty and the security of person." Article 5 states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

A report by the United Nations High Commissioner for Human Rights in June 2015 on discrimination and violence directed against LGBT people states that: "Since 2011, hundreds of people have been killed and thousands more injured in brutal violent attacks. Other documented violations include torture, denial of rights to assembly and expression and discrimination in education, employment, health care and housing (UN Human Rights Council).

In 76 countries, laws still criminalize consensual same-sex relations between adults, exposing individuals to the risk of arbitrary arrest, prosecution, imprisonment and even the death penalty in at least five countries. Laws criminalizing cross-dressing are used to arrest and punish transgender people. Other laws are used to harass, detain, discriminate

or place restrictions on the freedom of expression, association and peaceful assembly of lesbian, gay, bisexual and transgender people. These discriminatory laws contribute to perpetuating stigma and discrimination as well as hate crimes, police abuse, torture and ill-treatment, family and community violence, and have a negative impact on public health by impeding access to health and HIV services.

Some states require transgender people to submit to sterilization as a condition of obtaining legal recognition of their gender without which many are forced to live on the margins of society excluded from regular employment, education, health care and denied other basic rights (Ghoshal and Knight).

The failure to uphold the human rights of LGBT people and protect them against discriminatory laws and practices or against violence, constitute serious violations of international human rights law and have a far-reaching impact on individuals and society. It contributes to increased vulnerability to ill health, including HIV infection and social and economic exclusion. It can also have a negative impact on economic growth in a society (Reid).

Legislation alone does not prevent hate crimes against LGBT people from happening. Laws need to be enforced. In states where legislation is intended to protect the rights of LGBT people, it is often not fully implemented. In many countries, homophobia and transphobia are entrenched in police forces and there are frequently flaws in the investigation and the prosecution of LGBT hate crimes.

Non-state actors (organizations that are not governments and individuals) commit violence against sexual minorities. Men accused of homosexuality in some countries may be stoned to death or executed (Human Rights Watch).

Some governments are changing their laws and policies so that the human rights of LGBT people enjoy the same basic rights as other citizens. For example, LGBT groups in Kenya and Tunisia have been granted permission to register and openly operate LGBT organizations. Malawi upheld a moratorium in 2015 on arrests for consensual same-sex conduct pending a court review in which activists challenged discriminatory laws.

Canada and LGBT Refugee Claimants

The Supreme Court of Canada ruled that sexual orientation is a ‘social group’ within the context of determining convention refugee status ([Canada v. Ward](#), [1993] 2 S.C.R. 689). This means that someone with a well-founded fear of persecution based on their sexual orientation can seek asylum in Canada. The court defined a “particular social group” as: 1) groups defined by an innate, unchangeable characteristic; 2) groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association; and 3) groups associated by a former voluntary status, unalterable due to its historical permanence (Egale – Canada Human Rights Trust).

Internationally, sexual orientation and gender identity are protected under “particular social group”. The United Nations High Commissioner for Refugees recognizes sexual orientation and gender identity as a ground for persecution as members of a “particular social group”. People fleeing persecution for reasons of their sexual orientation and gender identity can qualify as refugees under Article 1A (2) of the 1951 Convention Relating to the Status of Refugees.

The Presbyterian Church in Canada is opposed to homophobia. Church statements have affirmed that scripture treats homosexual practice as a departure from God’s created order, but that homosexual orientation is not a sin. The 1994 General Assembly affirmed that homosexual acts between consenting adults are a private matter and should not be criminalized.

One of the foreign policy priorities of the former Conservative Government was for Canada to provide leadership on human rights, including religious freedom, protecting the rights of sexual minorities and pursuing a robust agenda for advancing democracy and the rule of law.

Recommendation No. 9 (adopted, p. 23)

The Moderator write to the Minister of Foreign Affairs encouraging the Government of Canada, to continue calling for an end to violence against LGBT people and for the respect of human rights of all people regardless of sexual orientation and/or gender identity in relevant international fora.

Conclusion

Much is revealed about the values and qualities upheld by countries and its peoples, by the treatment of vulnerable people. Scripture reveals specific responsibilities of Israel toward the treatment of aliens and strangers. Jesus’ ethic of love and care for neighbours is subordinate only to loving God. The situation of Indigenous and minority groups that are effected by racism, discrimination, hatred and persecution are painful examples of where humankind fails to love and treat each other with dignity. The suffering love of Jesus Christ reminds us that as God’s grace is miraculously given to us, so we too must strive to reflect God’s love in our treatment of all people.

Arms Trade Treaty

The Arms Trade Treaty (ATT) is intended to reduce as much as possible arms transfers to regimes that violate human rights, to terrorists and to organized crime. As of January 11, 2016, 130 UN member states have signed the ATT and 79 have ratified it. The Treaty entered into force on December 24, 2014. Canada is the only member of NATO that has not signed the Arms Trade Treaty. The Government of Canada has made a commitment to accede to the ATT.

The Canadian Commercial Corporation (a Crown corporation) helped broker a \$15 billion contract for the sale of light armoured vehicles to Saudi Arabia by the London

Ontario-based General Dynamics Land Systems Canada. The sale was announced in 2014. There is evidence that Canadian-built vehicles were used by Saudi Arabian troops in support of Bahraini forces to suppress peaceful public demonstrations against the Bahraini government (Mason, 2015). In May 2015, The Globe and Mail reported, “asked if it believes the Saudis used made-in-Canada [Light Armed Vehicles] when they went into Bahrain, the Canadian government doesn’t deny this happened.”

Given the Government of Saudi Arabia’s appalling human rights record, the 2015 General Assembly approved a recommendation that the Moderator write to the Ministers of Foreign Affairs, International Trade and Defence requesting assurances that Saudi Arabia would not use Canadian-made vehicles against civilians engaged in peaceful activities (A&P 2015, p. 306). The letter was re-sent when the new Canadian government took office in November 2015. Foreign Affairs Minister Stéphane Dion responded: “Canada remains concerned about the human rights situation in Saudi Arabia. Canadian officials at the Embassy of Canada to Saudi Arabia engage regularly with Saudi officials...to maintain an open, respectful and constructive dialogue on human rights.” The Minister cited particular instances in which Canada spoke out against human rights violations. Regarding the sale of Light Armored Vehicles (LAVs) to Saudi Arabia, the Minister said “Canada has sold LAVs to Saudi Arabia since the 1990s and has no evidence that these LAVs have ever been used against the Saudi population.”

On March 1, 2016 Amnesty International and Project Ploughshares co-authored an open letter to Minister Dion calling for a halt to the deal between Canada and Saudi Arabia citing concerns that that LAVs transferred from Canada to Saudi Arabia in previous years could be used to support ground attacks in conflicts in Yemen which have resulted in thousands of civilian casualties. The last report on human rights in Saudi Arabia by the Government of Canada was done in 2011 and was not made public. The most recent human rights report will be completed in 2016.

Recommendation No. 10 (adopted, p. 23)

That the Moderator write to the Minister of Foreign Affairs requesting information on how the Government of Canada will ensure that military equipment sold to Saudi Arabia will not be used against civilians engaged in peaceful protest activities in Saudi Arabia or in other countries.

Recommendation No. 11 (adopted, p. 23)

That the Moderator write to the Minister of Foreign Affairs requesting that the most recent report on human rights in Saudi Arabia be made available to the public.

The second Conference of States Parties to the ATT will be held in the summer of 2016 in Geneva. If Canada takes the necessary steps for treaty accession, it will be able to attend the conference as a state party. If Canada has not acceded to the treaty, it could still attend as an observer.

Sustainable Development Goals

Last year, the committee presented a brief report on the Millennium Development Goals (MDGs) that had been approved by the United Nations General Assembly in 2000 to guide the international development agenda for the next 15 years. The MDG's encouraged both donor and recipient nations to rationalize development programs under eight key themes. As noted, Canada has become a leader in promoting Maternal and Child Health which has had significant and measurable impacts. There have also been advances in literacy and poverty reduction. However, there was criticism that, in general, the MDGs lacked measurable indicators, were not 'rights-based' and had an inadequate (too narrow) focus on women and girls.

In 2013 the UN initiated a process to review the effectiveness of the MDGs and prepare for the post-2015 period. The process would generate new goals based on broad consultation with community groups. This 'Global Conversation' covered 83 countries. Input was received from 800,000 people. The consultation document is called "Transforming our World: the 2030 Agenda for Sustainable Development", better known as the Sustainable Development Goals 2015–2030. There are 17 goals with 169 targets. These ambitious targets aim to end poverty; hunger; promote health and education for all; focus on human rights; good governance; environmental concerns, including climate change, clean water and sustainable agriculture. The Canadian Council for International Cooperation has written a helpful commentary called "Transforming our World: Canadian perspectives on the Sustainable Development Goals. (SDGs)" The SDG theme is 'Leave No One Behind' and applies not only to 'developing countries' but all signatories of the 'Transforming Document,' including Canada.

There are critics who feel the SGDs are too broad and unattainable. Concerns are also being raised about resources, human and financial, to reach the goals. Many of these criticisms are fair but none of the goals is beyond reach if there is a consensus to move forward together as a global community.

Challenges for Canada

Canada has been reducing its Overseas Development Assistance (ODA) for the past two decades. Today our ODA has fallen to 0.24% of our GNI, one of the lowest in the developed world. The Organisation for Economic Co-operation and Development's Development Assistance Committee has recommended that donor countries set a target of 0.7% of the donor countries' gross national income for overseas development assistance.

When the Minister of International Development, the Hon. Marie-Claude Bibeau, received her mandate letter from Prime Minister Trudeau, it included a commitment to create a new policy and funding framework to guide Canada's aid decisions, and to support the implementation of the SDGs.

Recommendation No. 12 (adopted, p. 23)

That the Moderator write to the Minister of International Development asking what the Government of Canada's plans are to increase ODA in the next three years.

Recommendation No. 13 (adopted, p. 23)

That the Moderator write to the Minister of International Development encouraging the Government of Canada to ensure that Canada's ODA policies are consistent with the values and goals of the SDGs.

Recommendation No. 14 (adopted, p. 23)

That congregations be encouraged to review the Sustainable Development Goals (2015–2030) as a means of evaluating the conduct of Canadian development priorities.

Sustainable Development Goals information is online at sustainabledevelopment.un.org/sdgs.

GOLDCORP DIALOGUE UPDATE

Shareholder dialogue is one of the few means available to persuade a corporation to respect human rights and limit environmental degradation in the absence of Canadian legislation that would hold Canadian mining companies accountable in law for their activities overseas. SHARE (Shareholder Association for Research and Education) offers shareholder services to investors wishing to encourage greater corporate social responsibility by corporations they hold shares in. SHARE provides services and expertise that The Presbyterian Church in Canada does not have in-house. The Presbyterian Church in Canada holds 22,500 (pension fund) and 29,000 (consolidated fund) shares in Goldcorp. SHARE organizes a dialogue between Goldcorp and several of its investors.

A majority of people in the municipalities surrounding the Marlin mine in Guatemala are Indigenous. Approximately 90% live below the poverty line. Its revenue between 2006 and 2013 was \$3 billion CAD (McGill Research Group). A 2011 report by researchers at Tufts University states that 90 percent of the economic benefits (which stay in Guatemala) of the mine flow to the Guatemalan government and workers from outside the communities closest to the mine, with local communities receiving around \$5 million USD, about one half of one percent of mine earnings (Zarsky and Stanley).

At the request of shareholders, Goldcorp hired an independent assessor to do a human rights assessment on the Marlin mine. The assessment, with recommendations, was published in 2010. Goldcorp prepared a response to the assessment in 2011 and an updated response in 2012. They have responded to some of the recommendations. Updates are imperative to track the implementation and effectiveness of policies to address documented and alleged human rights abuses and environmental protections. Goldcorp reports that an update is currently underway and will be completed later in 2016. The issues raised in the report comprise part of the content of the dialogue.

In 2011, the Asociación Maya-Mam de Investigación y Desarrollo (AMMID), a PWS&D partner, shared with the International Affairs Committee problems reported by seven communities directly affected by Goldcorp's Marlin mine in Guatemala. The dialogue

The Presbyterian Church in Canada participates in encourages Goldcorp to implement human rights and environmental policies and due diligence procedures for company operations.

The 2015 General Assembly passed a recommendation that The Presbyterian Church in Canada ask all mining companies in which it has investments about adhering to Free, Prior and Informed Consent Principles (FPIC) for consultation with Indigenous peoples. FPIC is a right enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. In the next year, the dialogue with Goldcorp will focus on ensuring that sufficient safety, land and water reclamation policies are in place as the Marlin mine closes, encouraging the company to commit to FPIC, and ongoing public reporting of the corporation's activities with regard to human rights and environmental safeguards.

One of the ongoing controversies with regard to the Marlin mine was the disruption of access to potable water to 17 communities around the Marlin mine. These communities brought a case outlining their concerns before the Inter-American Commission on Human Rights (IAHRC) which garnered a great deal of media coverage. Goldcorp is working with the Guatemalan government to address these concerns in two communities, with plans to build wells and infrastructure in a further seven communities. The company reports that these will be completed in 2016.

Post-closure monitoring did not include long term maintenance costs (e.g. maintenance of tailings ponds). The mine is currently being closed at an estimated cost of \$13 million. Land reclamation activities are scheduled for completion in 2017. Goldcorp's human rights assessment will be an important tool for reporting on how the closure plans have addressed the recommendations from the 2010 assessment.

Recommendation No. 15 (adopted, p. 23)

That the Moderator write to AMMID, PWS&D's partner, asking for its reflections on the impact the Marlin mine has had on communities in which AMMID has programs; and whether AMMID has ongoing concerns regarding the mine after it is closed.

With the mine's closure, The Presbyterian Church in Canada will assess its participation in the dialogue.

Bibliography

References for Koreans in Japan

Lie, John, *Zainichi (Koreans in Japan): Diasporic Nationalism and Postcolonial Identity*, University of California Press, Berkeley and Los Angeles, 2008.

Mitchell, Richard Hanks, *The Korean Minority in Japan*, University of California Press, Berkeley and Los Angeles, 1967.

Ryang, Sonia and John Lie, *Diaspora Without Homeland: Being Korean in Japan*, University of California Press, Berkeley and Los Angeles, 2009.

References for Haitians in Dominican Republic

Ahmed, Azam and Sandra E. Garcia. "Dominican Plan to Expel Haitians Tests Close Ties." *The New York Times*, July 4, 2015.
nytimes.com/2015/07/05/world/americas/dominican-plan-to-expel-haitians-tests-close-ties.html.

Chery, Dieu Nalio. "Thousands of Haitians Flee the Dominican Republic." *The Star*, August 12, 2015. thestar.com/news/world/2015/08/12/thousands-of-haitians-flee-dominican-republic.html.

Dandicat, Edwidge. "Fear of Deportation in The Dominican Republic". *The New Yorker*, June 17, 2015. newyorker.com/news/news-desk/fear-of-deportation-in-the-dominican-republic.

Dominican Republic Constitutional Tribunal. Santo Domingo. Sentencia TC/0168/13. September 23, 2013.
tribunalconstitucional.gob.do/sites/default/files/documentos/Sentencia%20TC%200168-13%20-%20C.pdf.

"Dominican Republic Human Rights." Amnesty International USA. (2015).
amnestyusa.org/our-work/countries/americas/dominican-republic.

Inter-American Commission on Human Rights. Washington. Report No. 64/12, Case 12,271. Benito Tide Méndez et. al vs. The Dominican Republic. March 29, 2012.

Washington. Benito Tide Méndez et. al vs. The Dominican Republic. July 12, 2012.

"IACHR Takes Case Involving Dominican Republic to the IA Court HR." Inter-American Commission on Human Rights. July 18, 2012.
oas.org/en/iachr/media_center/PReleases/2012/091.asp.

IACHR Expresses Deep Concern over Ruling by the Constitutional Court of the Dominican Republic. Inter-American Commission on Human Rights. October 8, 2013.
oas.org/en/iachr/media_center/PReleases/2013/073.asp.

IACHR Expresses Its Deep Concern over The Acts of Violence in the Dominican Republic. Inter-American Commission on Human Rights. April 29, 2015.
oas.org/en/iachr/media_center/PReleases/2015/042.asp.

Nolan, Rachel. "Displaced in the D.R.: A Country Strips 210,000 of Citizenship." *Harper's Magazine*, May 2015.

References for Roma in Hungary and Ukraine

Amnesty International, Amnesty International Report 2015/16 – Hungary, 24 February 2016, available at refworld.org/docid/56d05b4d6b.html [accessed 3 March 2016].

Office for Democratic Institutions and Human Rights, “Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis” Warsaw, August 2014, available at osce.org/odihr/124494?download=true [accessed 21 March 2016].

Reference for Indigenous Peoples in Guatemala

Office of the High Commission for Human Rights (United Nations) ohchr.org/EN.

International Work Group for Indigenous Affairs, The Indigenous World, “Guatemala,” Copenhagen 2015. iwgia.org.

Human Rights Watch. World Report 2015, “Guatemala,” 2015. hrw.org/world-report/2015/country-chapters/guatemala.

State of the World’s Indigenous People 2015 [undesapspd.org/IndigenousPeoples/Library Documents/StateoftheWorldsIndigenousPeoples.aspx](http://undesapspd.org/IndigenousPeoples/Library/Documents/StateoftheWorldsIndigenousPeoples.aspx).

Reference in Sexual Minorities

Where is it illegal to be gay? BBC News, February 10, 2014 bbc.com/news/world-25927595.

Ghoshal, Neela and Kyle Knight. “Rights in Transition – Making Legal Recognition for Transgender People a Global Priority,” Human Rights Watch, 2016, hrw.org/world-report/2016/rights-in-transition.

Equality to brutality: Global trends in LGBT rights, Graeme Reid, January 7, 2016, Human Rights Watch, published in World Economic Forum: weforum.org/agenda/2016/01/equality-to-brutality-global-trends-in-lgbt-rights.

UN Human Rights Council Report, Discrimination and violence against individuals based on their sexual orientation and gender identity, June 2015 .ohchr.org/EN/Issues/Discrimination/Pages/LGBT.

Egale – Canada Human Rights Trust. “FAQ: LGBT issues in Canada’s Immigration and Refugee System”, egale.ca/faq-immigration, accessed March 16, 2016.

References for Goldcorp Dialogue Update

*International Affairs Committee report to 2016 General Assembly,
The Presbyterian Church in Canada (Acts and Proceedings 2016, pp. 306-318*

On Common Grounds Consultants, “Human Rights Assessment of Goldcorp’s Marlin Mine” 2010.

Goldcorp. “Goldcorp’s Second Update to the Marlin Mine Human rights Assessment Report” April 29, 2011.

Zarsky, Lyuba and Leonardo Stanley, “Searching for Gold in the Highlands of Guatemala: Economic Benefits and Environmental Risks of the Marlin Mine – Report Fact Sheet,” Global Development and Environmental Institute, Tufts University, 2015.

McGill Research Group Investigating Canadian Mining in Latin America, “Marlin Mine, Guatemala.” micla.ca/conflicts/marlin-mine-2.

Wendy Adams
Convener

Stephen Allen
Secretary