



President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500  
United States of America

President Enrique Peña Nieto  
Casa Miguel Alemán  
Col. San Miguel Chapultepec  
C.P. 11850, México DF  
México

The Right Honourable Justin Trudeau  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2  
Canada

June 10, 2016

Dear President Obama, President Peña Nieto, and Prime Minister Trudeau,

### **Human Rights Recommendations for 2016 North American Leaders' Summit**

We are writing this Open Letter to you on behalf of more than 2 million members and supporters of Amnesty International in Canada, the United States, and Mexico in advance of the North American Leaders Summit to be held in Canada on June 29<sup>th</sup>. The summit is an important opportunity to demonstrate that regard for human rights will be at the heart of the North American relationship. We look to you for that leadership—leadership that can have an impact beyond North America.

Amnesty International has made recommendations in advance of past Summits. We have urged that the commitments that have been agreed and the programs that have been launched through the North American Free Trade Agreement and the Security and Prosperity Partnership must be matched by strong measures to uphold human rights within our countries and across our borders. That concern is all the greater at this time, given the financial crisis that threatens to undermine the work of the Inter-American Commission on Human Rights, which plays a crucial role in safeguarding human rights throughout the Americas, including in our three countries.

- We call on you to intervene urgently and immediately to ensure that the substantial funding crisis facing the Inter-American Commission on Human Rights is addressed.

As you ready to meet, there is urgent need for concerted action to address issues of vital importance in our three countries, including migrants and refugees; human rights impacts of free trade and investment agreements; the rights of Indigenous peoples; violence and discrimination against women and girls; counter-terrorism and other public security laws and practices; the human rights impact of climate change; and the protection of human rights defenders.

North Americans expect and deserve better. Human rights protection must not only be on your agenda but should, in fact, drive your agenda. The North American relationship must be one that is characterized by a firm commitment to human rights, both in how each of your governments governs its own affairs, but also in the initiatives that you pursue in common. Amnesty International urges you to make progress towards that vision of and for North America by making the following commitments at the upcoming Summit.

#### **HUMAN RIGHTS IN THE AMERICAS**

- **Intervene urgently and immediately to ensure that the substantial funding crisis facing the Inter-American Commission on Human Rights is addressed.**

#### **THE RIGHTS OF MIGRANTS AND REFUGEES**

- **Develop a joint plan of action to protect the rights of migrants throughout North America.**
- **End the practice of placing children in immigration detention.**
- **Make generous and concrete commitments to more equitably share the global responsibility for protecting refugees in the lead up to the September 2016 UN and US Presidential meetings.**

#### **TRADE AND INVESTMENT**

- **Initiate comprehensive, independent, impartial, and transparent human rights impact assessments of both NAFTA and the TPP and address any detrimental impacts.**
- **Adopt strong laws and policies, in keeping with the UN Guiding Principles on Business and Human Rights and other international human rights standards, to ensure companies operating or headquartered within your countries that have caused or contributed to human rights abuses are held accountable and those whose human rights have been harmed have access to remedy.**

#### **THE RIGHTS OF INDIGENOUS PEOPLES**

- **Ensure that the rights of Indigenous peoples are fully recognized and protected including by implementing the UN Declaration on the Rights of Indigenous Peoples and incorporating the principle of free, prior, and informed consent into national laws, policies, and practices.**

#### **VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND GIRLS**

- **Develop national action plans to end violence against women which recognize and take action against the multiple and intersecting forms of discrimination faced by women and girls throughout North America, including Indigenous women and girls.**

#### **SECURITY AND HUMAN RIGHTS**

- **Commit individually and collectively to put human rights first in all national security and public security laws, policies, and practices, including by upholding the unconditional ban on torture and ensuring all use of lethal force complies with international law.**

## **CLIMATE CHANGE, THE ENVIRONMENT AND HUMAN RIGHTS**

- **Take actions to address climate change which reduce greenhouse gas emissions to the greatest extent possible and comply with international human rights norms, with particular attention to marginalized sectors of society that feel the greatest impact of climate change and face major barriers in adapting to the consequences.**

## **PROTECTING HUMAN RIGHTS DEFENDERS**

- **Ensure that human rights defenders are able safely to carry out their human rights activities by publicly reiterating the important role they play and supporting national, regional and international mechanisms to improve their protection.**

Our analysis of these human rights concerns and the basis for our recommendations follows.

## **THE RIGHTS OF MIGRANTS AND REFUGEES**

The dangerous situation of refugees fleeing persecution and of migrants who are often forced by violence and economic desperation to journey across borders continues to be one of our continent's most serious human rights concerns. Large numbers of migrants and refugees from Mexico and from elsewhere in the Americas, particularly Central America, continue to make perilous journeys through Mexico in an attempt to cross over into the United States and, in some cases, continue to Canada.

Many of the men, women and children on the move meet the definition of "refugee" as defined in the 1951 Convention Relating to the Status of Refugees and as well as the 1967 Protocol Relating to the Status of Refugees. All three countries are signatories to the Refugee Convention and Protocol and as such are required to ensure that mechanisms are put in place to identify and protect refugees, as well as to respect the universally recognized principle of non-refoulement.

Accounts of killings, rape and other human rights abuses committed against migrants, including children, by criminal gangs have surged. According to Mexican immigration authorities, kidnappings of migrants increased tenfold from 2013 to 2014. Migrant women and children in Mexico are particularly vulnerable to sexual violence and human trafficking. Mass graves have been discovered where the remains of some migrants have been identified.<sup>1</sup> There is disturbing evidence that local security forces often play a role in abductions, abuse and killings. Amnesty International has documented extensive failures to investigate these and other crimes.

Human rights concerns facing migrants are not limited to the very dangerous journey through Mexico. More than 350,000 men, women and children are detained by US immigration authorities annually in the United States. International human rights standards require that detention in immigration cases

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<sup>1</sup> For instance, the bodies of 72 migrant women, men and children from Central and South America were discovered in a mass grave on a ranch in San Fernando, Tamaulipas in August 2010. See Amnesty International, "Mexico becoming a 'no-go zone' for migrants as gruesome massacre remains unresolved five years on" (21 August 2015), online: <https://www.amnesty.org/en/latest/news/2015/08/mexico-becoming-a-no-go-zone-for-migrants-as-gruesome-massacre-remains-unresolved-five-years-on/>.

should only be used in exceptional circumstances and that it must be justified in each case and be subject to judicial review. However, immigrants can be detained for months or years in the USA without any form of meaningful individualized judicial review of their detention. Amnesty International has documented pervasive problems regarding the conditions under which immigrants are held. These conditions violate both US and international standards on the treatment of detainees.<sup>2</sup>

### ***Children and immigration detention in North America***

One deeply troubling human rights concern that arises in all three of our countries is an abject failure to ensure that the rights of refugee and migrant children are fully protected by immigration and policing authorities. Amnesty International is particularly concerned that Canadian, US, and Mexican law and policy allow children to be taken into immigration detention and that large numbers of children throughout North America are in practice regularly imprisoned in jails, detention centres, and other facilities due to their immigration status.

International law requires that the best interests of the child be paramount in all decisions affecting them. As such, any detention of a child for immigration purposes should be an extraordinary and exceptional measure taken as an absolute last resort when no alternatives are possible. That is clearly not the practice in any of our three countries.

In 2014 there was an upsurge in the number of Central American migrant and refugee children travelling through Mexico towards the US border. The situation received considerable public and media attention, leading to significant political pressure on the US and Mexican governments. The US government has provided substantial funding, support and equipment to Mexican authorities leading to increased interdiction of Central American migrant and refugee children at Mexico's southern border with Guatemala and Belize. Once apprehended by Mexican immigration officials, children are typically placed in detention prior to eventual deportation. In 2014 over 23,000 children were reportedly held in immigration detention in Mexico.<sup>3</sup> The UNHCR has reported that as many as one-half of Central American migrant children in Mexico are in need of international protection.<sup>4</sup> However, the number of applications for asylum in the Mexico has remained relatively low, even in the face of the massive increase in apprehension and deportation of migrant children.<sup>5</sup>

More than 39,000 unaccompanied children and 39,000 families were apprehended crossing the southern border of the USA in 2015, many fleeing violence and insecurity in Central America. Families

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<sup>2</sup> Amnesty International, *United States of America: Jailed without Justice* (2009), online: <http://www.amnestyusa.org/pdfs/JailedWithoutJustice.pdf>.

<sup>3</sup> Pablo Ceriani Cernadas, Centro de Derechos Humanos Fray Matías de Córdova, Southern Mexico, "Introduction" in Karen Musalo & Pablo Ceriani Cernada (eds), *Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges* (University of Hastings Center for Gender & Refugee Studies, February 2015), online: [http://cgrs.uchastings.edu/sites/default/files/Childhood\\_Migration\\_HumanRights\\_FullBook\\_English.pdf](http://cgrs.uchastings.edu/sites/default/files/Childhood_Migration_HumanRights_FullBook_English.pdf) at p. 43 (Cernadas relies on official statistics from the National Institute of Migration, Mexico).

<sup>4</sup> United Nations High Commissioner for Refugees, *Children on the Run: Unaccompanied children leaving Central America and Mexico and the need for international protection* (2014), online: <http://www.unhcr.org/56fc26d27.html>.

<sup>5</sup> Human Rights Institute, Georgetown Law, *The Cost of Stemming the Tide: How immigration enforcement practices in Southern Mexico limit migrant children's access to international protection* (2015), online: [https://www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/fact-finding/upload/HRI-Fact-Finding-Report-Stemming-the-Tide-Web-PDF\\_English.pdf](https://www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/fact-finding/upload/HRI-Fact-Finding-Report-Stemming-the-Tide-Web-PDF_English.pdf).

were detained for months while pursuing claims to remain in the United States, many held in facilities that did not provide proper access to medical care, sanitary food and water and access to legal counsel. At any given time as many as many as 3,000 mothers and children are held in detention facilities for months on end while they wait for their asylum hearings. In a recent case, a Guatemalan mother and her infant child were held in an immigration family detention center for over nine months while seeking asylum, which she was eventually granted. Despite this extensive use of detention, tens of thousands of Central American mothers and children continue to arrive seeking lifesaving protection from organized violence, with reported apprehension numbers for 2016 already nearing the totals that were documented in all of 2015.

Canadian law allows for children to be held in immigration detention as a measure of last resort. There is no requirement that it be limited to exceptional or extraordinary circumstances. Over the past ten years estimates of the number of children in immigration detention in Canada has ranged between 195 and 800. In 2015 there was considerable concern about the case of Alpha Anawa, a two year old Cameroonian boy who was born in 2013 while his mother, who had been apprehended by Canadian immigration officials when she was three months pregnant, was held in immigration detention. Alpha had spent the first two years of his life behind bars. In January 2016, a 16 year old Syrian refugee claimant was held in solitary confinement in a Canadian detention centre for three weeks.<sup>6</sup> The Minister of Public Safety has indicated that he is exploring alternatives to holding minors in immigration detention.

While the scale and circumstances may differ among our three countries, the practice of holding children in immigration detention is a pressing human rights concern that crosses all North American borders. We urge you to individually and collectively commit to ending the immigration detention of children by putting in place alternatives to detention for children apprehended by immigration authorities. In addition, we urge you to embrace the responsibility of your three governments to provide international protection to children fleeing violence.

### ***The wider global refugee crisis***

We urge you as well to take a wider global view in your actions to protect the rights of refugees and migrants. Over the last three years, the world has witnessed a growing refugee crisis. In 2013, for the first time since World War II, the number of those forcibly displaced from their homes, both internally and across international borders, exceeded 50 million. According to the UN, 86% of the world's 20 million refugees are hosted in developing countries. Wealthier states and the international community as a whole have shirked their responsibilities. Humanitarian appeals have remained woefully underfunded. More than one million refugees urgently need resettlement, and yet states only offer around 100,000 resettlement places annually: a mere one- tenth of what is critically needed.

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<sup>6</sup> Amnesty International, "Canada: Refugee children should not be detained" (16 February, 2016), online: <http://www.amnesty.ca/blog/canada-refugee-children-should-not-be-detained>.

Amnesty International believes that the refugee crisis will not be solved unless the international community truly recognises that the crisis is a shared and global problem and deals with it as such. A new, global approach to sharing responsibility for refugees is urgently needed, one that is predicated on sustained and committed international cooperation and an equitable sharing of responsibilities. This will be a central issue at the UN General Assembly's High Level Meeting on Refugees and Migrants as well as the Summit you will be hosting, President Obama, both scheduled for September of this year.

Amnesty International recommends that the United States, Mexico, and Canada:

- Develop a joint plan of action to protect the rights of migrants throughout North America.
- End the practice of taking children into immigration detention.
- Make generous and concrete commitments to more equitably share the global responsibility for protecting refugees in the lead up to the upcoming UN and US Presidential meetings.

## TRADE AND INVESTMENT

Amnesty International is concerned that trade and investment arrangements between our three countries do not include safeguards against human rights violations. Amnesty International does not take a position for or against particular trade or economic partnership agreements and is not opposed to regional economic and political integration or to trade liberalization. However, states should ensure their policies and commitments in relation to international trade and investment are in line with their international human rights obligations. To this end, they should examine the extent to which trade and investment agreements might limit their ability to fulfill their international human rights obligations, including their ability to protect human rights in the context of a particular investment project.

To achieve this, states should undertake a comprehensive, independent, impartial and transparent assessment as to how key provisions relate to and/or impact on human rights prior to concluding any new trade or investment agreements and monitor them at regular intervals once brought into force. Preventive or mitigating measures should be taken if actual or potential negative impacts on human rights are identified through these assessments. Detrimental impacts on human rights must, of course, be addressed, and effective remedies ensured.

The UN Guiding Principles on Business and Human Rights, endorsed by all members of the UN Human Rights Council in 2011, recognize the state duty to protect against human rights abuse by business enterprises and indicate that this requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.<sup>7</sup> Thus, states have an obligation to ensure that human rights are not abused in the context of trade and investment.

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<sup>7</sup> Report of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UNHRC, 17th Sess., 21 March 2011, UN Doc A/HRC/17/31.

The economic relationship between Mexico, the United States, and Canada has become increasingly close since the North American Free Trade Agreement (NAFTA) was finalized in 1994. Like most international trade agreements, NAFTA does not include human rights provisions. More recently, the United States, Canada, and Mexico all became signatories to the TransPacific Partnership (TPP) agreement in February 2016, one of the largest trade and investment agreements in history. Our countries now face a two-year period of time in which to consider whether or not to pursue ratification.

Amnesty International is seriously concerned by significant human rights shortcomings associated with the TPP, particularly the failure to enshrine human rights provisions in the text of the agreement, a lack of corporate accountability standards, no commitment to conducting human rights impact assessments, and the absence of human rights exceptions or safeguards associated with state liability. We are concerned because we know that a deal such as the TPP has the potential to have significant consequences for a range of human rights concerns, including gender equality, Indigenous peoples, refugees and migrants, healthcare, labour standards, privacy, and freedom of expression. Our concerns have been echoed by UN human rights experts<sup>8</sup> and civil society groups.<sup>9</sup>

Against the backdrop of expanding and deepening trading relationships, it is also of notable concern that none of your three governments have adopted adequate laws and policies to ensure that companies, who stand to benefit tremendously from trade and investment deals, are held accountable for the human rights impact of their overseas operations. Be it bilateral dealings, NAFTA, or the TPP, Amnesty International urges that you make a firm commitment to ensuring that the protection of human rights will be at the core of business in North America.

Amnesty International recommends that the United States, Mexico, and Canada:

- Initiate comprehensive, independent, impartial, and transparent human rights impact assessments of both NAFTA and the TPP and address any detrimental impacts.
- Adopt strong laws and policies, in keeping with the UN Guiding Principles on Business and Human Rights and other international human rights standards, to ensure companies operating or headquartered within your countries that have caused or contributed to human rights abuses are held accountable and those whose human rights have been harmed have access to remedy.

## THE RIGHTS OF INDIGENOUS PEOPLES

Despite domestic and international human rights protections, Indigenous peoples continue to face systemic forms of human rights abuse and remain among the most marginalized groups in our three

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<sup>8</sup>Office of the High Commissioner for Human Rights, “UN experts voice concern over adverse impact of free trade and investment agreements on human rights” (2 June 2015), online: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16031&LangID=E>.

<sup>9</sup>Council of Canadians, “TPP in Depth”, online: <http://canadians.org/tpp-info>; Labor Advisory Committee on Trade Negotiations and Trade Policy, *Report on the Impacts of the Trans-Pacific Partnership* (2015), online: <http://www.aflcio.org/Issues/Trade/Trans-Pacific-Partnership-Free-Trade-Agreement-TPP/Report-on-the-Impacts-of-the-Trans-Pacific-Partnership>; México Mejor Sin TPP, “Solicita versiones finales e información detallada al Gobierno Federal sobre la firma del Acuerdo de Asociación Transpacífica (TPP)” (5 April 2016), online: <http://www.sinmaiznohaypais.org/node/26>.

countries. For instance, Indigenous peoples in Canada have the highest unemployment rate, largest gap in income earnings, lowest life expectancy, and form the highest percentage of people who are incarcerated in the country. Canada's Truth and Reconciliation Commission, established in response to legal action brought by survivors of the Indian Residential Schools programme, categorized the forced assimilation and associated abuse at the heart of this programme as part of a systematic programme of "cultural genocide" that has created a legacy of extreme marginalization and dispossession. Indigenous peoples continue to endure the effects of systemic human rights abuse today, particularly health and environmental harms, including unsafe drinking water conditions.

Indigenous peoples in the United States face similar systemic injustices. In 2012, the United Nations Special Rapporteur on the right of Indigenous peoples, James Anaya, presented a report on the situation of Indigenous peoples in the United States.<sup>10</sup> The Special Rapporteur concluded that many of the challenges faced by Indigenous communities throughout the United States are related to "widespread historical wrongs" that continue to manifest today.<sup>11</sup> While the Rapporteur noted significant federal legislative initiatives today, more is needed to improve the effectiveness of such governmental programs.

Indigenous peoples and communities in Mexico also face grave human rights violations and continue to suffer from limited access to basic services. Indigenous peoples have been seriously affected by worsening levels of violence and abuses that include forced disappearances, killings, and displacement.<sup>12</sup> Economic projects, namely in the extractive sector, affect Indigenous lands on which the physical and cultural survival of Indigenous peoples depends.<sup>13</sup> Indigenous peoples' rights to freedom of assembly and freedom of expression have continuously been violated as they experience increased threats, attacks, and unjust detention of community leaders for protesting business concessions on their lands that have been allowed to go ahead without due process of free, prior, and informed consent.<sup>14</sup>

Amnesty International recommends that the United States, Mexico, and Canada:

- Ensure that the rights of Indigenous peoples are fully recognized and protected in the Americas including by implementing the UN Declaration on the Rights of Indigenous Peoples and incorporating the principle of free, prior, and informed consent into national laws, policies, and practices.

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<sup>10</sup> James Anaya, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, on the situation of indigenous peoples in the United States of America*, UNHRC, 21st Sess, UN Doc. A/HRC/21/47 Add 1 (2012) online: <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx>.

<sup>11</sup> *Ibid* at para 85.

<sup>12</sup> Inter-American Commission on Human Rights, *The Situation of Human Rights in Mexico* (2015) online: <http://www.oas.org/en/iachr/reports/pdfs/Mexico2016-en.pdf>.

<sup>13</sup> Amnesty International, *Annual Report: Mexico 2015/2016* (2016) online: <https://www.amnesty.org/en/countries/americas/mexico/report-mexico/>.

<sup>14</sup> *Ibid*.

## VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND GIRLS

A deeply disturbing pattern in all three of our countries is the prevalence of violence and discrimination against women and girls, including the alarmingly heightened levels of such violence and discrimination experienced by Indigenous women and girls.

In Mexico, violence against women and girls, including femicides, disappearances, and sexual violence, remains endemic. The vast majority of cases are not investigated with due diligence so as to bring the perpetrators to justice, leaving women and girls in constant danger. Amnesty International and other civil society organizations have expressed concern about failures on the part of authorities to respond to alerts regarding emergency situations and to implement protection measures in a timely manner to prevent gender violence and femicide.<sup>15</sup>

According to U.S. Department of Justice statistics, over one in three Indigenous women in the U.S. will be raped during her lifetime. Indigenous women and girls in the U.S. are 2.5 times more likely to be raped or sexually assaulted than other women in the country.<sup>16</sup> Jurisdictional complexities between federal and tribal authorities create barriers to survivors accessing justice.<sup>17</sup>

Indigenous women and girls in Canada also face a significantly heightened risk of being subject to violence, including murder, as compared to other women and girls in the country. This risk is rooted in the social and economic marginalization that Indigenous women and girls experience in Canadian society. The Canadian government has taken long overdue steps to address this human rights crisis by announcing plans to establish a public inquiry to examine the violence.

Amnesty International recommends that the United States, Mexico, and Canada:

- Make a collective commitment to develop national action plans to end violence against women which recognize and take action against the multiple and intersecting forms of discrimination faced by women and girls throughout North America, including Indigenous women and girls.

## SECURITY AND HUMAN RIGHTS

Amnesty International has repeatedly noted the importance of ensuring that all security laws and practices adopted by states are grounded in absolute respect for international human rights law, and in the contexts in which it applies, international humanitarian law. We are deeply concerned that counterterrorism laws and practices, particularly in the United States and Canada, as well as approaches

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<sup>15</sup> Amnesty International Mexico, "Organismos de la Sociedad Civil Exigen Al Estado Frenar la Violencia Femicida" (29 April 2015), online: <http://amnistia.org.mx/nuevo/2015/04/29/organismos-de-la-sociedad-civil-exigen-al-estado-frenar-la-violencia-femicida/?o=n>.

<sup>16</sup> Cindy Ko and Adotei Akwei, "It's time to ensure support for Indigenous women after sexual violence in the US", Amnesty International, Human Rights Now Blog (12 November 2014), online: <http://blog.amnestyusa.org/us/ensure-support-for-indigenous-women-after-sexual-violence-in-the-us/>.

<sup>17</sup> Amnesty International USA, *Maze of Injustice: The failure to protect Indigenous women from violence in the USA* (2007) online: <http://www.amnestyusa.org/pdfs/mazeofinjustice.pdf>.

to public security, particularly in Mexico and the United States, fail to adhere to international human rights standards and place human rights at serious risk.

Along with numerous other organizations, academics and UN experts, Amnesty International has highlighted a range of serious human rights concerns associated with Canada's recent Anti-Terrorism Act, 2015 ("Bill C-51"), enacted in June, 2015.<sup>18</sup> The Canadian government has indicated it will reform some of Bill C-51's provisions, but it is not clear which provisions will be amended and when the reform will occur. Amnesty International has long been concerned with the lack of integrated mechanisms for robust oversight and effective review of the departments and agencies engaged in national security activities.<sup>19</sup> There are indications that the Canadian government is preparing to institute parliamentary oversight of national security agencies but no signs yet of a plan to establish comprehensive, independent and expert institutional review of those agencies.

Extreme secrecy and a lack of accountability characterize US counterterrorism practices, including drone and other air strikes. The US government has admitted the deaths of U.S. citizens and a European national, but has never acknowledged by name a single non-Western civilian victim of drone strikes. This double standard on transparency cannot stand. Amnesty International is also concerned that in the United States, public and media figures are openly advocating a return to torture in the name of national security. As well, while President Obama's repeated promises to close the Guantánamo Bay detention camp have been welcome, it remains open. Until that happens, the 80 men who remain at Guantánamo face the prospect of indefinite imprisonment, most without ever having been charged with a crime.

In the United States several nationwide protests following police killings have demanded accountability. All cases of police use of lethal force must be subject to an independent, impartial and transparent investigation and if the evidence indicates that the killing was unlawful, the police officer responsible should be criminally prosecuted. Accountability for police use of lethal force is severely lacking in the United States. The officer's own police agency usually conducts the investigation before handing the case over to the local prosecutor. The fact that investigations are handled internally and that prosecutors have to maintain good working relationships with the police as well as fulfill their duty to investigate and prosecute police use of lethal force, has led to calls for independent investigations and prosecutors.

Since 2006, the decision to increase the deployment of Mexico's Armed Forces in law enforcement duties to combat organized crime and drug cartels has exacerbated rather than solve an acute security crisis. More than 100,000 people have been killed, while 27,000 people are reported missing, and thousands more have been forced to leave their homes to escape violence. Amnesty International and

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<sup>18</sup> *Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts, SC 2011, c 20.*

<sup>19</sup> Amnesty International Canada, "Insecurity and Human Rights: Canada's proposed national security laws fall short of international human rights requirements" (9 March 2015) online: <https://www.amnesty.ca/news/news-releases/insecurity-and-human-rights-canada-s-proposed-national-security-laws-fall-short>.

numerous other national and international human rights organizations have documented a marked increase in reports of grave human rights abuses committed by police and security forces, including enforced disappearances and widespread use of torture. Impunity for all of these crimes remains the norm.<sup>20</sup> Federal and state institutions are failing to fulfil their human rights obligations, thus sending the message that these abuses are acceptable.

Amnesty International recommends that the United States, Mexico, and Canada:

- Put human rights first in all national security and public security laws, policies, and practices, including by upholding the unconditional ban on torture and ensuring all use of lethal force complies with international law.

## CLIMATE CHANGE, THE ENVIRONMENT AND HUMAN RIGHTS

It is our understanding that your meeting will include discussion on a unified North American climate change plan. Climate change is increasingly recognized as one of the gravest threats to human rights across the globe. As a result, each of your governments' responses to climate change has considerable consequences for the enjoyment of human rights, including the rights to life, health, water, food, housing, an adequate standard of living, and the rights of Indigenous peoples.

Amnesty International recommends that the United States, Mexico, and Canada:

- Take actions to address climate change which reduce greenhouse gas emissions to the greatest extent possible and comply with international human rights norms, with particular attention to marginalized sectors of society that feel the greatest impact of climate change and face major barriers in adapting to the consequences.

## PROTECTING HUMAN RIGHTS DEFENDERS

In recent years there has been an alarming trend towards violence, restrictions, threats and imprisonment of human rights defenders around the world. Governments are increasingly utilizing overly broad laws and policies to restrict the activities of defenders, target them for arrest, restrict their ability to raise funds and discredit them individually. All over the world human rights defenders face growing levels of abuse and attacks, including being killed because of their human rights work. Amnesty International has documented extensive human rights violations against human rights defenders throughout the Americas, including grave concerns about the safety of defenders in Mexico.<sup>21</sup>

In addition to violating international and regional human rights standards, these actions also have the effect of denying the citizens of the countries concerned access to support and technical expertise to

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<sup>20</sup> Amnesty International, *Paper Promises, Daily Impunity: Mexico's Torture Epidemic Continues* (2015) online: <http://www.amnesty.ca/sites/amnesty/files/Mexico%20Torture%20Briefing%20ENG.pdf>.

<sup>21</sup> Amnesty International, "Americas: Violence on the rise against those defending human rights" (9 December 2014), online: <https://www.amnesty.org/en/latest/news/2014/12/americas-violence-rise-against-those-defending-human-rights/>.

seek redress and justice for human rights violations they may have suffered at the hands of their governments.

Amnesty International recommends that the United States, Mexico, and Canada:

- Ensure that human rights defenders are able safely to carry out their human rights activities by publicly reiterating the important role they play and supporting national, regional and international mechanisms to improve their protection.

## CONCLUSION

President Obama, President Peña Nieto, and Prime Minister Trudeau, it has been over two years since North American leaders last met. The human rights challenges within our three countries as well as the challenges we face as a continent continue to be of pressing concern and require leadership and concerted joint action from you. Past Summits have failed to recognize and address the fact that decisions made for the continent in such areas as trade and security have a significant impact on human rights protection. While the Summits have been convened regularly for over a decade, a shared vision and plan of action for stronger human rights protection in North America has yet to emerge.

We look to you to make the upcoming Summit a turning point for human rights in North America by taking up the recommendations we have presented to you in this Open Letter.

Sincerely,



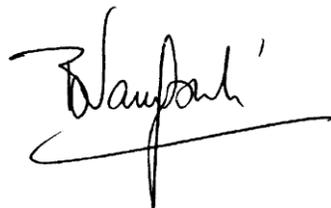
Margaret Huang  
Interim Executive Director  
Amnesty International USA



Alex Neve  
Secretary General  
Amnesty International Canada (English branch)



Perseo Quiroz  
Director Ejecutivo  
Amnistía Internacional México



Béatrice Vaigrante  
Directrice Générale  
Amnistie internationale Canada francophone