

With respect to NGO participation in the process of reporting and monitoring the *domestic* implementation of Canada's international human rights obligations, however, no institutional mechanism exists. Generally speaking, NGO participation in Canada is limited to consultations prior to the drafting of government reports, and, much later in that particular process, to the submission of parallel reports to the competent UN organ.

It is important to point out that civil society participation need not be limited to the process of submitting periodic counter-reports to the UN. While the examination of a report at the UN provides a unique opportunity to review the progress made since the previous report, civil society participation should be an ongoing process, allowing for monitoring and assessing Canada's performance on a permanent basis, even when no report to the UN is due.

This paper discusses ways of enhancing the participation of "civil society" in the reporting and monitoring of Canada's implementation of its international human rights obligations. Part I sets out the legal framework for civil society participation. Part II describes current Canadian practice. Part III addresses the issue of reform. It argues that effective civil society participation requires a balancing of two potentially conflicting requirements, *i.e.*, the need for adequate resources to ensure credible reporting and monitoring, and the necessity of preserving NGO autonomy in the process of reporting. It also explores possible institutional channels for civil society participation.

The use here of the concept of civil society implies no endorsement of the appropriateness of that concept in the context of monitoring and reporting on the implementation of international human rights. A concept encompassing such a wide variety of actors may not adequately reflect the specific status of NGOs in international and domestic law.⁹ The concept of civil society may not be totally appropriate, either, in

⁹ NGOs with consultative status have special recognition under Article 71 of the UN Charter. The indiscriminate use of the concept of "civil society" has been criticised as a negation of that status (see: CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE RELATIONSHIP WITH THE UNITED NATIONS, *Comments on the Report of the Secretary-General*, <http://www.hri.ca/ngoaccess/congo>). In Canada several human rights commissions have a legal duty to co-operate with NGOs and to receive NGO-initiated complaints.