

# CANADA

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE  
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Amnesty International submits this document ahead of the Human Rights Committee's review of Canada's seventh periodic report under the International Covenant on Civil and Political Rights. More than four decades after ratifying the Covenant, Canada continues to fail to live up to its human rights obligations on a range of issues. This submission is not an exhaustive list of Amnesty International's concerns.

# 1. INTRODUCTION

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## 2. REFUGEE RIGHTS & THE RIGHT TO ASYLUM (ARTICLES 7, 9 AND 13)

### 2.1 BILL C-12

In October 2025, the federal government introduced Bill C-12 proposing sweeping changes to immigration and asylum laws.<sup>1</sup> These changes would strip away procedural and substantive protections and could lead Canada to breach its international human rights obligations.<sup>2</sup> Bill C-12 would entrench a two-tier system of refugee protection in which some claimants have access to independent, specialized decision-makers, oral hearings, appeals, and protection from deportation during an appeal through the Immigration and Refugee Board (IRB), while others are diverted into an internal government process without those safeguards called the Pre-Removal Risk Assessment (PRRA). Individuals would be sent to PRRA based on how or when they first entered Canada, factors that have nothing to do with whether individuals have a well-founded fear of persecution and they need international protection. PRRAs are not an adequate alternative to having a refugee claim assessed by the IRB. The decision-makers are not specialized or independent, there is no right to an oral hearing, and there is no possibility of appeal.<sup>3</sup> The only appeal mechanism would be an application of judicial review of the decision to the Federal Court, which requires the permission of the court to proceed and does not stop deportation while the application is pending.

If passed, Bill C-12 would block people who have lived in Canada for more than a year from making a refugee claim. It would also enable the government to conduct blanket cancellations of some immigration documents without due process, opening the door to arbitrary and politically driven decision making that could destabilize lives, separate families, and uproot people for whom Canada is home.

### 2.2 SAFE THIRD COUNTRY AGREEMENT

The *Agreement between the Government of Canada and the Government of the United States of America For Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries* (Safe Third Country Agreement, STCA) is a bilateral treaty that came into effect in 2004.<sup>4</sup> Subject to narrow exceptions, individuals seeking asylum after entering Canada from the US are deemed ineligible to have their claims referred to the IRB and are returned to the US. Under the STCA, people entering Canada via the United States to make a refugee claim are usually turned back at the border and handed over to the United States, where they often face arbitrary detention, lack of access to legal counsel, and risk deportation to countries where they face a real risk of persecution or

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<sup>1</sup> *Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures*, [https://publications.gc.ca/collections/collection\\_2025/parl/XB451-12-1.pdf](https://publications.gc.ca/collections/collection_2025/parl/XB451-12-1.pdf).

<sup>2</sup> Amnesty International, "Submission on Bill C-12 to the Standing Committee on Public Safety and National Security", <https://www.ourcommons.ca/Content/Committee/451/SECU/Brief/BR13755021/br-external/AmnestyInternationalCanada-e.pdf>.

<sup>3</sup> Bill C-12, ss 87.301-87.305.

<sup>4</sup> Government of Canada, "Canada-US Safe Third Country Agreement", <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>.

other human rights violations, including torture.<sup>5</sup> The circumstances that refugees face after being turned away by Canada have only grown more dire with US mass detention and deportation practices and the dismantling of the United States' asylum system.<sup>6</sup>

The Supreme Court of Canada's 2023 decision on the STCA stated Canada must ensure that legal mechanisms (called "safety valves") are available to prevent deportation to the United States and allow people to seek protection in Canada if deportation to the US would violate their fundamental rights.<sup>7</sup> Despite the ruling, Canada has failed to implement an adequate process to avoid unlawful deportations to the United States.

## 2.3 SPECIAL VISA PROGRAM FOR PEOPLE SEEKING SAFETY FROM GAZA

On 9 January 2024, Canada launched the Temporary Public Policy to Facilitate Temporary Resident Visas (TRV) for Certain Extended Family affected by the Crisis in Gaza. Initially set at 1000, the cap was raised to 5000 on 22 April 2024.<sup>8</sup> The program closed on 6 March 2025, after receiving the maximum number of applications. Applicants have encountered significant processing delays and reported struggling with extraordinary and unprecedented administrative and biometrics requirements and security clearance barriers, all complicated by the rapid destruction of the infrastructure within Gaza.<sup>9</sup> Fewer than 1000 applicants have arrived in Canada.<sup>10</sup> Those settling in Quebec were denied healthcare coverage by the province and only received short-term federal health coverage.<sup>11</sup>

## 2.4 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Withdraw Bill C-12.
- Immediately withdraw from the Safe Third Country Agreement.
- Ensure access to refugee protection without discrimination.
- Expedite TRV application processing and waive biometrics requirements.
- Ensure immediate evacuation from Gaza of all TRV program applicants.
- Provide comprehensive settlement support without discrimination. Harmonize resettlement services and healthcare access with provincial and territorial partners, ensuring that when healthcare barriers arise at the provincial level, Interim Federal Health will be extended until such obstacles are overcome.

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<sup>5</sup> *Canadian Council for Refugees v Canada (Citizenship and Immigration)*, 2023 SCC 17, Factum of the Appellants, 14 March 2022, <https://www.scc-csc.ca/cases-dossiers/search-recherche/39749/>, para. 14.

<sup>6</sup> Amnesty International, *Torture and enforced disappearances in the Sunshine State: Human Rights Violations at "Alligator Alcatraz" and Krome in Florida* (AMR 51/0511/2025), 4 December 2025, <https://www.amnesty.org/en/documents/AMR51/0511/2025/en/>.

<sup>7</sup> *Canadian Council for Refugees v. Canada* (previously cited).

<sup>8</sup> Government of Canada, "Crisis in Gaza: Special measures for extended family", <https://www.canada.ca/en/immigration-refugees-citizenship/services/israel-west-bank-gaza-2023/gaza-tr-measures.html>.

<sup>9</sup> Canadian Muslim Public Affairs Council, *Gaza TRV Reunification Advocacy Toolkit*, 2025, [https://canadianmuslimpac.ca/ova\\_doc/gaza-trv-reunification-advocacy-toolkit-ongoing-advocacy-2/](https://canadianmuslimpac.ca/ova_doc/gaza-trv-reunification-advocacy-toolkit-ongoing-advocacy-2/).

<sup>10</sup> CBC News, "Manitobans waiting nearly 2 years to be reunited with family in Gaza say Canada must clear visa backlog", 20 October 2025, <https://www.cbc.ca/news/canada/manitoba/manitoba-gaza-visa-delays-9.6944396>.

<sup>11</sup> CBC News, "These Gazan families came to Quebec for safety. Now, they face life without health coverage", 10 June 2025, <https://www.cbc.ca/news/canada/montreal/gazan-families-health-care-quebec-1.7554838>.

## 3. IMMIGRATION DETENTION AND OVERSIGHT (ARTICLES 2, 7, 9 AND 12)

### 3.1 LENGTH AND CONDITIONS OF DETENTION

Canada is among the few countries in the Global North without a legal limit on the length of immigration detention, meaning that under Canadian law, immigration detainees are at risk of being detained indefinitely. Between 2016-2021, Canada held more than 300 immigration detainees for longer than a year.<sup>12</sup>

All provinces in Canada have now ended immigration detention in provincial jails.<sup>13</sup> However, Canada expanded immigration detention to federal jails, despite calls from the United Nations Working Group on Arbitrary Detention in August 2025 to put an end to the practice of using criminal justice facilities for immigration detention. The Working Group also expressed concern about prison-like conditions in Immigration Holding Centres.<sup>14</sup> Despite being held exclusively on administrative immigration grounds, people in immigration detention experience restrictive confinement conditions and abuse and are indefinitely detained. Racialized people and people with disabilities are subjected to disproportionately coercive treatment and harsher conditions.<sup>15</sup>

### 3.2 CANADA BORDER SERVICES AGENCY OVERSIGHT

The Canada Border Services Agency (CBSA) is responsible for border security in Canada and has sweeping powers to arrest, detain, and deport people. CBSA lacks an independent oversight mechanism to investigate and provide an effective remedy for human rights violations committed by its officers. In 2024, the federal government passed Bill C-20 to establish the new Public Complaints and Review Commission as an independent oversight body for the CBSA, however, the commission has yet to be operational.<sup>16</sup> Amnesty International has found that, in the absence of independent oversight, the CBSA's unchecked exercise of its broad mandate and enforcement powers had repeatedly resulted in human rights violations.<sup>17</sup> While CBSA frequently interacts with people who experience marginalization based on the intersections of their immigration status, gender, race, and psychosocial disabilities, it remains the only major law enforcement agency in Canada without independent civilian oversight.

### 3.3 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Immediately end the practice of immigration detention. Until this happens, ensure, at a minimum, that there is a statutory limit on the length of detention, and that children, families with children, pregnant people, people with disabilities, survivors of torture, and people with illnesses are never detained.
- Fully establish the Public Complaints and Review Commission so it can act as an independent review mechanism for the CBSA.

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<sup>12</sup> Amnesty International & Human Rights Watch, *"I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health*, 2021, <https://amnesty.ca/wp-content/uploads/2024/05/immigration-detention-report.pdf>.

<sup>13</sup> Amnesty International Canada, "Human rights win: Immigration detention ends in provincial jails across Canada", 19 September 2025, [https://amnesty.ca/human-rights-news/immigration-detention-ends-in-provincial-jails-canada/?gad\\_source=1&gad\\_campaignid=247278925&gclid=Cj0KCQiAyvHLBhDIARIsAHxI6xodfyBadnNgdUzYPE23ng1yTAALrCEpz uEF14Vii2pTvlGp80TdUaAomOEALw\\_wcB](https://amnesty.ca/human-rights-news/immigration-detention-ends-in-provincial-jails-canada/?gad_source=1&gad_campaignid=247278925&gclid=Cj0KCQiAyvHLBhDIARIsAHxI6xodfyBadnNgdUzYPE23ng1yTAALrCEpz uEF14Vii2pTvlGp80TdUaAomOEALw_wcB).

<sup>14</sup> UNWGAD, "Country Visit: Canada" A/HRC/60/26/Add.1, 4 August 2025, <https://docs.un.org/en/A/HRC/60/26/Add.1>.

<sup>15</sup> Amnesty International & Human Rights Watch, *"I Didn't Feel Like a Human in There"* (previously cited).

<sup>16</sup> Government of Canada, *Public Complaints and Review Commission Act, 2024*, <https://laws-lois.justice.gc.ca/eng/acts/P-27.5/>.

<sup>17</sup> Amnesty International & Human Rights Watch, *"I Didn't Feel Like a Human in There"* (previously cited).

## 4. MIGRANT WORKERS (ARTICLES 2, 8 AND 26)

The Temporary Foreign Workers Program (TFWP), a temporary migration scheme that allows employers to hire migrant workers, primarily in low-pay occupations, inherently increases racialized workers' risk of labour exploitation and discrimination, in breach of Canada's international obligations.<sup>18</sup> Migrant workers under the TFWP are granted temporary visas that tie them to a single employer, who controls both their migration status and labour conditions. Migrant workers under the TFWP suffer a litany of human rights abuses at the hands of employers, including wage theft, excessive working hours, psychological, physical and sexual abuse, racism and discrimination at work, control and surveillance, inadequate accommodation, lack of adequate medical care, as well as unsafe working conditions.<sup>19</sup> The abuses are not isolated incidents but a systemic and foreseeable outcome of tied visas, which makes workers disposable, granting the employer power over them. Many workers face termination of their contract and swift repatriation when they fall sick, suffer injuries or develop occupational illnesses. Further, these visas hamper migrant workers' access to adequate remedies, as workers face reprisals, including unfair dismissal, if they report abuses. Tied visas target racialized people from the Global South, as they are mostly granted to Black, Latin American, Indigenous and other racialized people.<sup>20</sup> The higher risk of labour exploitation therefore disproportionately affects racialized migrant workers. Moreover, many racialized migrant workers in so-called "low-skilled" jobs face a prolonged risk of labour exploitation, as they continue travelling and working with tied visas in Canada for years, with little prospects to access a more secure status, in the form of open visas and permanent residence.

### 4.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- End closed work permits to ensure that migrant workers can live and work with dignity and without risk of human rights abuses in their employment.
- Remove all eligibility criteria for permanent residence that result in discrimination of "low-skilled" migrant workers due to their class, gender, nationality or race.

## 5. GENDER-BASED RIGHTS (ARTICLES 2, 3 AND 26)

### 5.1 VIOLENCE AGAINST INDIGENOUS WOMEN, GIRLS AND TWO-SPIRIT PERSONS

Indigenous women, girls, and two-spirit persons are more likely to experience violence than non-Indigenous women and girls in Canada.<sup>21</sup> The ongoing crisis of missing and murdered Indigenous women, girls, and Two-Spirit people (MMIWG2S+) reflects Canada's failure to address structural and gendered violence rooted in settler-colonialism. In 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls published its final report with 231 Calls for Justice.<sup>22</sup> In response, Canada created the National Action Plan in 2021 to address the Inquiry's recommendations. An annual progress report for the implementation of the National Action Plan was

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<sup>18</sup> Amnesty International, "Canada has destroyed me": Labour exploitation of migrant workers in Canada (AMR 20/8807/2025), 30 January 2025, <https://www.amnesty.org/en/documents/amr20/8807/2025/en/>.

<sup>19</sup> Amnesty International, *Canada has destroyed me* (previously cited).

<sup>20</sup> Amnesty International, *Canada has destroyed me* (previously cited).

<sup>21</sup> Government of Canada, "Understanding Indigenous Women and Girls' Experiences with Victimization and Violence", 25 November 2025, <https://www.justice.gc.ca/socjs-esjp/en/women-femmes/wgv-ffv>.

<sup>22</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, 2019, <https://www.mmiwg-ffada.ca/final-report/>.

released in 2022, but no further progress reports have been published since.<sup>23</sup> After four years, Canada's implementation of the National Action Plan remains slow and insufficient.<sup>24</sup> In Manitoba, Giganawenimaanaanig, the MMIWG2S+ implementation committee responsible for developing a province-wide red dress alert pilot project, has completed a community engagement phase, with implementation planned for early 2026 and a target launch of the alert system by June.<sup>25</sup> However, further funding and support is needed for a nationwide system. The federal government received detailed recommendations in June 2024 on how to establish an Indigenous and Human Rights Ombudsperson, but no action has been taken.<sup>26</sup>

## 5.2 GENDER-BASED DISCRIMINATION IN THE *INDIAN ACT*

Since 1876, the *Indian Act* has imposed systemic, gendered, and colonial discrimination on First Nations. To this day, the *Indian Act*, has privileged male 'Indians' and the patrilineal line of descent.<sup>27</sup> The discrimination has excluded women and their descendants from status and community, fractured families, and limited access to culture, governance and essential services, infringing the right of Indigenous Peoples to self-determination.

Since 1985, amendments have chipped away at gender-based discrimination but have never fully eliminated it. The remaining major discrimination is the "second-generation cut-off" which prevents status from being passed on after two generations of marriage to people without status. This perpetuates gender-based discrimination, and threatens to legally eliminate Indian status over time – putting the future of First Nations peoples at stake.<sup>28</sup>

The Senate recently amended Bill S-2, *An Act to amend the Indian Act*, to eliminate the second-generation cut-off, but it still requires House of Commons approval.<sup>29</sup>

## 5.3 GENDER, INDIGENOUS PEOPLES' RIGHTS AND EXTRACTIVE PROJECTS

Amnesty International has documented the negative impacts of resource development on gender justice and Indigenous Peoples' rights, including increased risks of violence for Indigenous women, girls and two-spirit persons, compounded by dangerous patterns of behaviour amongst transient workers; decreased access to already strained social services; and the negative impacts of loss of land on culturally based healing and wellness.<sup>30</sup> For example, throughout the construction of the Coastal GasLink (CGL) pipeline, multiple instances of threats and acts of gender-based discrimination and

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<sup>23</sup> Government of Canada, "2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQIA+ People", 3 July 2021, <https://mmiwg2splus-nationalactionplan.ca/eng/1670511213459/1670511226843>.

<sup>24</sup> Native Women's Association of Canada, "Annual Scorecard: The Federal Government's MMIWG2S+ National Action Plan," 3 June 2025, [https://nwac-afac.ca/assets-documents/en\\_MMIWG2S\\_scorecards\\_MMIWG2S\\_V4.pdf](https://nwac-afac.ca/assets-documents/en_MMIWG2S_scorecards_MMIWG2S_V4.pdf).

<sup>25</sup> Giganawenimaanaanig, "Final Report: Manitoba-Wide Red Dress Alert System Pilot Project", November 2025, [https://www.giganawe.ca/\\_files/ugd/67fd56\\_82c4e3bf9fc44ee4a2e613a3ea606bd9.pdf](https://www.giganawe.ca/_files/ugd/67fd56_82c4e3bf9fc44ee4a2e613a3ea606bd9.pdf). The Red Dress Alert System is designed to ensure an efficient and effective response any time an Indigenous woman, girl or Two-Spirit person goes missing.

<sup>26</sup> NWAC, "Annual Scorecard" (previously cited).

<sup>27</sup> Assembly of First Nations, "Second Generation Cut Off Rule", January 2020, <https://www.afn.ca/wp-content/uploads/2020/01/06-19-02-06-AFN-Fact-Sheet-Second-Generation-cut-off-final-revised.pdf>.

<sup>28</sup> B.C. Assembly of First Nations, "Indian Act Second-Generation Cut-off and Section 10 Voting Thresholds", January 2025, [https://www.bcafn.ca/sites/default/files/2025-02/BCFN%20Perspectives%20on%20Indian%20Act%20January%202025.docx\\_0.pdf](https://www.bcafn.ca/sites/default/files/2025-02/BCFN%20Perspectives%20on%20Indian%20Act%20January%202025.docx_0.pdf).

<sup>29</sup> B.C. Assembly of First Nations, "Senate and House Must Uphold Vote to Repeal 2nd Generation Cut-Off from the Indian Act", 1 December 2025, <https://www.bcafn.ca/news/senate-and-house-must-uphold-vote-repeal-2nd-generation-cut-indian-act>.

<sup>30</sup> Amnesty International, *Out of Sight, Out of Mind: Gender, Indigenous Rights, and Energy Development in Northeast British Columbia, Canada* (AMR 20/4872/2016), 3 November 2016, <https://www.amnesty.org/en/documents/amr20/4872/2016/en/>; Amnesty International, "Removed from our land for defending it": *Criminalization, Intimidation and Harassment of Wet'suwet'en Land Defenders* (AMR 20/7132/2025), 11 December 2023, <https://www.amnesty.org/en/documents/amr20/7132/2023/en/>; Amnesty International, *Extraction Extinction: Why the lifecycle of fossil fuels threatens life, nature and human rights* (POL 30/0438/2025), 12 November 2025, <https://www.amnesty.org/en/documents/POL30/0438/2025/en/>.

violence were committed against women Wet'suwet'en land defenders by members of the Royal Canadian Mounted Police, CGL employees and private security agents.<sup>31</sup>

## 5.4 ONLINE HARMS AND TECH-FACILITATED GENDER-BASED VIOLENCE (TFGBV)

The *Online Harms Act* did not pass into law following the dissolution of Parliament in January 2025. Among other drawbacks, the Act criminalized harmful conduct but relied heavily on law enforcement without providing alternative and more holistic remedies. The federal government has since stated that it will take a “fresh look” at the proposed legislation.<sup>32</sup> Meanwhile, TfGBV against Black, Indigenous, and other racialized women and 2SLGBTQIA+ people continues to rise, without any legislation or policy to address TfGBV, leaving those affected with little recourse through existing systems.<sup>33</sup>

## 5.5 ANTI-2SLGBTQIA+ HATE

Violence against 2SLGBTQIA+ people, particularly trans youth, has continued across Canada, including the vandalism of Pride flags and the defacement of rainbow crosswalks.<sup>34</sup> Trans youth face persistent and systemic discrimination. In Alberta, restrictions have targeted participation in sports, the use of chosen names and pronouns, and access to gender-affirming healthcare, although a temporary injunction currently protects access to care.<sup>35</sup> Alberta also introduced Bill 9, which would invoke the notwithstanding clause (which prevents courts from striking down laws that violate the Canadian Charter of Rights and Freedoms' provisions) to prevent courts from striking down anti-trans laws.<sup>36</sup> In Saskatchewan, laws limiting students' ability to use their chosen names and pronouns at school remain in force.<sup>37</sup> In Ontario, protests opposing gender-affirming care emerged, alongside counter-protests in defence of trans rights.<sup>38</sup>

## 5.6 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Ensure timely progress on the Red Dress Alert system across Canada to improve the safety of Indigenous women, girls and Two-Spirit people.
- In line with CEDAW's 2024 Concluding Observations,<sup>39</sup> Canada must act immediately to eliminate all gender and race-based discrimination in the *Indian Act*, and provide reparations and supports for those denied their rights.

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<sup>31</sup> Amnesty International, “*Removed from our land for defending it*” (previously cited), pp. 47-49.

<sup>32</sup> CBC News, “Liberals taking 'fresh' look at online harms bill, says Justice Minister Sean Fraser”, 29 June 2025, <https://www.cbc.ca/news/politics/liberals-taking-fresh-look-at-online-harms-bill-says-justice-minister-sean-fraser-1.7573791>.

<sup>33</sup> Amnesty International Canada, “Canada must end Technology-Facilitated Gender-Based Violence”, 5 July 2024, <https://amnesty.ca/activism-guide/canada-must-end-technology-facilitated-gender-based-violence/>.

<sup>34</sup> CBC News, “Destruction of Pride crosswalk leads to outrage and support in rural Manitoba”, 3 November 2025, <https://www.cbc.ca/news/canada/manitoba/pride-crosswalk-destroyed-souris-9.6965526>.

<sup>35</sup> Amnesty International Canada, “Amnesty International Canada condemns ‘appalling’ anti-trans policy changes in Alberta”, 2 February 2024, [https://amnesty.ca/human-rights-news/appalling-anti-trans-policy-changes-in-alberta/?gad\\_source=1&gad\\_campaignid=247278925&gclid=Cj0KCQiAyyvHLBhDIARIsAHxI6xojfJDnFpcCXKJbuPLCQI\\_KEkcWtUOSMTVLpdRcLegspTe17RqJlp4aApjkEALw\\_wcB](https://amnesty.ca/human-rights-news/appalling-anti-trans-policy-changes-in-alberta/?gad_source=1&gad_campaignid=247278925&gclid=Cj0KCQiAyyvHLBhDIARIsAHxI6xojfJDnFpcCXKJbuPLCQI_KEkcWtUOSMTVLpdRcLegspTe17RqJlp4aApjkEALw_wcB).

<sup>36</sup> Amnesty International Canada, “Amnesty International Canada condemns ‘appalling’ anti-trans policy changes in Alberta”, 2 February 2024, <https://amnesty.ca/human-rights-news/appalling-anti-trans-policy-changes-in-alberta/>.

<sup>37</sup> CBC News, “Sask. students and teachers continue to grapple with pronoun consent law as school year wraps”, 23 June 2025, <https://www.cbc.ca/news/canada/saskatchewan/students-teachers-pronoun-consent-law-school-year-end-1.7565883>.

<sup>38</sup> CBC News, “Protests clash at Queen's Park over gender-affirming care for children”, 27 September 2025, <https://www.cbc.ca/news/canada/toronto/protests-gender-affirming-care-youth-ontario-1.7645638>.

<sup>39</sup> CEDAW, Concluding Observations on the 10th Periodic Report of Canada, CEDAW/C/CAN/CO/10, 30 October 2024, <https://docs.un.org/en/CEDAW/C/CAN/CO/10>.

- Enact and implement comprehensive legislative and policy measures to recognise, prevent, document, investigate and address all forms of TfGBV and provide holistic redress and support for survivors, in consultation with civil society organizations and marginalized groups.
- All provinces must repeal anti-trans laws, including Alberta and Saskatchewan, to ensure access to gender-affirming care, and legislate protections against all forms of gender-based discrimination, including those based on gender identity and/or sexual orientation.

## 6. HARM REDUCTION (ARTICLES 2 AND 6)

Canada is in the midst of a devastating opioid overdose crisis, driven by a poisoned and unregulated drug supply that continues to claim lives at an alarming pace. Yet, instead of expanding lifesaving supports as recommended by numerous UN bodies as a core component of the right to health,<sup>40</sup> there has been an increasing pattern of attacks on supervised consumption services and harm reduction more broadly, alongside growing repression against people who use drugs.<sup>41</sup>

In Ontario, Bill 6, *the Safer Municipalities Act*, criminalizes people living outdoors and people who use drugs by imposing a \$10,000 fine and/or jail time for using drugs in a public space.<sup>42</sup> The bill expands police powers allowing the police to make arrests, detain or remove individuals without a warrant based on “reasonable grounds” that an individual is consuming drugs in a public place.

Forced removal from public space disrupts community ties, cuts off access to harm reduction support, and increases the risk of overdose. Bill 6 worsens this by relying on punishment rather than addressing the root causes of the toxic drug crisis, including an unsafe drug supply, inadequate housing, and chronic underinvestment in community-led care.<sup>43</sup>

Although Bill 6 theoretically exempts supervised consumption sites, Bill 223 mandated the closure of ten such services in 2024, making the exemption largely inaccessible.<sup>44</sup> These developments are not isolated to Ontario, with provinces like Quebec, Saskatchewan and Alberta limiting access to safe consumption sites.<sup>45</sup> These laws and policies collectively increase social isolation, elevate overdose risk, and entrench cycles of criminalization. Indigenous People, particularly women, are disproportionately affected. They are overrepresented among unhoused populations and in the carceral system, experience higher rates of police violence, and face intersecting vulnerabilities of poverty, inadequate housing, gendered violence, and systemic discrimination, all of which increase their risk of criminalization under these laws.<sup>46</sup>

### 6.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- End the criminalization of people who use drugs and protect and expand harm reduction and supervised consumption services.

<sup>40</sup> Amnesty International, “Harm reduction and the right to health: Submission to the UN Special Rapporteur on the right to the highest standard of physical and mental health” (IOR 40/7415/2023), 15 November 2023, <https://www.amnesty.org/en/wp-content/uploads/2024/01/IO4074152023ENGLISH.pdf>.

<sup>41</sup> HIV Legal Network, “State of HIV 2025 – Rights, Progress, and Unfinished Work,” 1 December 2025, <https://www.hivlegalnetwork.ca/site/state-of-hiv-2025/?lang=en>, pp. 36-37

<sup>42</sup> *Safer Municipalities Act*, 2025, S.O. 2025, c. 5 - Bill 6.

<sup>43</sup> Amnesty International Canada, “Colonial Policing in a Drug Crisis: How Bill 6 and Bill 223 Endanger Lives,” 17 December 2025, <https://amnesty.ca/features/colonial-policing-drug-crisis-bill-6-bill-223-endanger-lives/>.

<sup>44</sup> Brianna Olson Pitawanakwat and Kelsi-Leigh Balaban, “Safety for Whom? Ontario’s War on Safe Consumption Sites is No Act of Care,” 18 December 2024, [Safety for Whom? Ontario’s War on Safe Consumption Sites is No Act of Care - Yellowhead Institute](https://www.yellowheadinstitute.ca/safety-for-whom-ontarios-war-on-safe-consumption-sites-is-no-act-of-care/).

<sup>45</sup> HIV Legal Network, “State of HIV 2025 – Rights, Progress, and Unfinished Work,” 1 December 2025, <https://www.hivlegalnetwork.ca/site/state-of-hiv-2025/?lang=en>, p. 36-37

<sup>46</sup> UNWGAD, “Country Visit: Canada” (previously cited).

- In Ontario, repeal Bill 6 and Bill 223 and invest in evidence informed and community-led harm reduction efforts.

## **7. EQUALITY AND NON-DISCRIMINATION (ARTICLES 1, 2, 3, 4, 18, 26 AND 27)**

### **7.1 BILL 1 IN QUEBEC**

The Quebec government submitted Bill 1 to enact the “Constitution of Quebec” as the supreme law of the Nation of Quebec.<sup>47</sup> If adopted in its current form, Bill 1, which is a regressive, anti-rights bill, will violate several human rights, including the rights of linguistic and cultural minorities and Indigenous Peoples. Moreover, this “constitutional” bill lacks legitimacy due to the complete absence of public consultation.<sup>48</sup>

Bill 1 establishes a hierarchy between individual rights, and between collective and individual rights. It establishes that the exercise of the right to equality between women and men “takes precedence” over the exercise of freedom of religion. The Bill includes several limitations on the right of every person to an effective remedy before the courts, likely to disproportionately impact certain communities and minorities. It includes a parliamentary sovereignty clause that would apply a priori and would not require justification. Organizations receiving public funds would be prevented from challenging laws. Bill 1 restricts the rights of Indigenous Peoples making no reference to the right to self-determination or FPIC. The Bill further states that the Quebec Government would “not be bound by any international commitment” made by the federal government, raising concerns regarding the implementation of human rights obligations.

### **7.2 DISCRIMINATION AND ACCESS TO ADEQUATE HOUSING IN MANAWAN**

Systemic discrimination and racism against Indigenous Peoples contribute to the housing crisis on reserves.<sup>49</sup> In Manawan, an Atikamekw community in Quebec, chronic overcrowding, unsanitary conditions, and violence against women, girls and elders are exacerbated by government inaction, persistent indifference and insufficient investment in housing and infrastructure. This has resulted in violations of the right to self-determination, privacy, life, adequate housing, education and health of members of the community. Moreover, colonial policies still in place severely limit the Atikamekw Council of Manawan’s ability to address these issues, as it has no control over the economic development of its traditional territory, Nitaskinan.<sup>50</sup>

### **7.3 SECULARISM LAWS’ IMPACTS ON HUMAN RIGHTS IN QUEBEC**

Quebec’s Law 21, enacted in 2019, prohibits certain public servants in positions of authority, including teachers, police officers and judges, from wearing religious symbols such as the hijab, turban, kippah or crucifix while at work.<sup>51</sup> The legislation has undergone multiple constitutional challenges, some of which are currently pending before the Supreme Court of Canada.<sup>52</sup> Despite these ongoing legal challenges, in 2025, the Government of Quebec passed Law 94, which expands the ban on religious symbols to include all staff in public schools, restricts accommodations on

<sup>47</sup> Assemblée Nationale du Québec, Projet de loi n° 1, Loi constitutionnelle de 2025 sur le Québec, 2025, <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/CQ/25-001f.pdf>.

<sup>48</sup> Amnistie internationale Canada francophone, Mémoire Bill 1, 24 November 2025, <https://amnistie.ca/sites/default/files/2025-11/Me%CC%81moire%20Amnistie%20internationale%20-%20Projet%20de%20loi%20no%201.pdf> (only available in French).

<sup>49</sup> Forthcoming Amnesty International research, 2026.

<sup>50</sup> Forthcoming Amnesty International research, 2026.

<sup>51</sup> LégisQuébec, Loi sur la laïcité de l’État, 2019, <https://www.legisquebec.gouv.qc.ca/fr/document/lc/L-0.3>.

<sup>52</sup> CCLA, “Bill 21 - Our fight to protect religious freedom and equality”, <https://ccla.org/major-cases-and-reports/bill-21/>.

religious grounds, and establishes French as the only language of communication for staff.<sup>53</sup> It also introduced Bill 9 which would expand Law 21 by further prohibiting the wearing of religious symbols for staff in state-run or subsidized daycare services, or for workers providing settlement and integration services or French language instruction to immigrants, closing places of worship in CEGEPs and universities, regulating religious dietary offerings in public institutions, and imposing strict constraints on private religious schools for state funding, as well as restricting religious practises in public spaces.<sup>54</sup> The Quebec government pre-emptively invoked both provincial and federal notwithstanding clauses to override constitutional concerns.

Law 21 has disproportionately impacted Muslim women, Sikhs, Jews and other racialized communities, including a decline in public safety, reduced participation in social and political activities, and restrictions on freedom of expression.<sup>55</sup>

## 7.4 ENVIRONMENTAL RACISM AND SYSTEMIC DISCRIMINATION

Historic African Nova Scotian communities continue to suffer the toxic legacy of environmental racism, as seen at the Shelburne dump site. Community members have reported a history of health issues and a lack of clean water due to their proximity to the former dump site.<sup>56</sup> Despite provincial inquiries, reparations and clean water remain elusive. In November 2025, a draft report by a provincially legislated panel on environmental racism investigated the impact of the dump site on the community along with other examples of toxicity and displacement in Nova Scotia. The report, which has not yet been made public, contains 14 recommended actions including a formal apology from the Nova Scotia government to the affected racialized communities, the exploration of reparations to address harms and investment into preventing environmental racism in the future. The report emphasizes empowering Mi'kmaw and African Nova Scotian communities to work with government and hold it accountable rather than being merely consulted.<sup>57</sup>

## 7.5 RECOMMENDATIONS

Amnesty International recommends that Canada:

- In Quebec immediately withdraw Bill 1 and Bill 94.
- Change the housing-financing model for Indigenous communities, in collaboration with Indigenous Peoples, to enable the construction of new housing that addresses the existing backlog, real construction costs and population growth.
- Immediately ensure Shelburne residents receive reparations for the toxicity of the Shelburne dumpsite including immediate access to clean water for all residents.

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<sup>53</sup> Assemblée Nationale du Québec, Projet de loi n° 94, Loi visant notamment à renforcer la laïcité dans le réseau de l'éducation et modifiant diverses dispositions législatives, 2025, [https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers\\_client/lois\\_et\\_reglements/LoisAnnuelles/fr/2025/2025C29F.PDF](https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers_client/lois_et_reglements/LoisAnnuelles/fr/2025/2025C29F.PDF).

<sup>54</sup> Assemblée Nationale du Québec, Projet de loi n° 9, Loi sur le renforcement de la laïcité au Québec, 2025, <https://www.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-9-43-2.html>.

<sup>55</sup> Amnistie internationale Canada francophone, "Amnistie internationale se réjouit que la Cour suprême ait accueilli favorablement la demande d'entendre la contestation de la Loi sur la laïcité de l'État (Loi 21)", 24 January 2025, <https://amnistie.ca/sinformer/2025/canada/amnistie-internationale-se-rejouit-que-la-cour-supreme-ait-accueilli>.

<sup>56</sup> Amnesty International Canada, "Standing in Solidarity: Listening to African Nova Scotian Communities Across Nova Scotia", November 2025, <https://amnesty.ca/features/amnesty-international-visit-african-nova-scotian-communities/>.

<sup>57</sup> CBC News, "Report calls on N.S. to apologize to Mi'kmaw, Black communities for environmental racism", 26 November 2025, <https://www.cbc.ca/news/canada/nova-scotia/report-calls-on-n-s-to-apologize-to-mikmaw-black-communities-for-environmental-racism-9.6992958>.

## 8. SYSTEMIC RACISM IN CANADA'S CARCERAL SYSTEM (ARTICLES 2 AND 9)

### 8.1 OVERREPRESENTATION OF BLACK AND INDIGENOUS PEOPLE

Indigenous and Black people are vastly overrepresented in the criminal justice system due to systemic racism, colonial legacies, and socio-economic marginalization which has resulted in disproportionate arrests, convictions, harsher sentences, and use of force during contact with law enforcement officers. Black Canadians are disproportionately represented in the justice system, making up 9% of the federal prison population in 2022–2023 despite being only 4% of the national population.<sup>58</sup> Reports from 2023 indicate that “Indigenous Peoples comprise approximately 5 per cent of the adult population of Canada and represent 32 per cent of detainees in federal custody and 50 per cent of all incarcerated women”.<sup>59</sup> Indigenous people accused, compared to White accused were also more likely to be found guilty, less likely to be acquitted, received more serious sentences and less likely to receive probation.<sup>60</sup> Indigenous people in detention are also disproportionately classified as higher security risks in prisons.<sup>61</sup>

In February 2025, Canada's Minister of Justice released “Towards an Implementation Plan for Canada's Black Justice Strategy”. The plan acknowledges the enduring impact of colonialism and slavery, systemic racism, and anti-Black hate, factors driving inequities and the overrepresentation of Black people in the justice system as both accused and victims. The strategy outlines a 10-year, phased plan aimed at eliminating the overrepresentation of Black people in the justice system.<sup>62</sup> In March 2025, Canada created an Indigenous Justice Strategy, developed in consultation with First Nations, Inuit and Metis communities to address the underlying systemic racism leading to the overincarceration of Indigenous People in Canada. The strategy includes collaborative approaches to implementation and accountability and pathways for the revitalization of First Nations laws and legal systems and legal reforms.<sup>63</sup>

### 8.2 RECENT LAW REFORM INCREASES RISK TO BLACK AND INDIGENOUS COMMUNITIES

In 2025, the Canadian government introduced Bills C-9 and C-14, which run counter to its commitments under the Black and Indigenous Justice Strategies, putting racialized communities at greater risk.<sup>64</sup>

Bill C-9 defines “hatred” and introduces four new Criminal Code offences related to hate. The bill also removes key oversight by repealing the requirement to obtain the Attorney General's consent to prosecute hate propaganda charges.<sup>65</sup> Hate-based violence is a concern; however, the bill's measures are targeting only a narrow definition of hate crimes and fail to address hate crimes against racialized individuals. The bill's vague definitions of symbols of hate may in fact, when paired with existing

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<sup>58</sup> Government of Canada, “Overrepresentation of Black People in the Canadian Criminal Justice System: Causes and Effects”, November 2025, <https://www.justice.gc.ca/eng/rp-pr/jr/obpccjsce-spnsjpcce/index.html>.

<sup>59</sup> UNWGAD, “Country Visit: Canada” (previously cited).

<sup>60</sup> Government of Canada, “The Overrepresentation of Indigenous People in the Criminal Justice System”, November 2024, [https://canada.justice.gc.ca/eng/rp-pr/jr/jf-pf/2024/pdf/rsd\\_if2024\\_indigenous-overrepresentation\\_eng.pdf](https://canada.justice.gc.ca/eng/rp-pr/jr/jf-pf/2024/pdf/rsd_if2024_indigenous-overrepresentation_eng.pdf).

<sup>61</sup> UNWGAD, “Country Visit: Canada” (previously cited).

<sup>62</sup> Government of Canada, “Release of Canada's Black Justice Strategy's Implementation Plan: an important step toward transformational change in the criminal justice system in Canada”, 25 February 2025, <https://www.canada.ca/en/department-justice/news/2025/02/release-of-canadas-black-justice-strategys-implementation-plan-an-important-step-toward-transformational-change-in-the-criminal-justice-system-in-c.html>.

<sup>63</sup> Government of Canada, “Indigenous Justice Strategy”, March 2025, .

<sup>64</sup> Government of Canada, “Bill C-9: An Act to amend the Criminal Code (hate propaganda, hate crime and access to religious or cultural places)”, October 2025, [https://www.justice.gc.ca/eng/csj-sjc/pl/charter-charte/c9\\_2.html](https://www.justice.gc.ca/eng/csj-sjc/pl/charter-charte/c9_2.html); [https://www.justice.gc.ca/eng/csj-sjc/pl/charter-charte/c9\\_2.html](https://www.justice.gc.ca/eng/csj-sjc/pl/charter-charte/c9_2.html); Government of Canada, “Bail and Sentencing Reform Act: Proposed legislation to make bail laws stricter and toughen sentencing laws”, October 2025, <https://www.justice.gc.ca/eng/csj-sjc/pl/c14/index.html>.

<sup>65</sup> Government of Canada, “Bill C-9” (previously cited).

systemic racism and an increase of police discretion for what constitutes a symbol of hate, risks an increase in arrests of Indigenous, Black, and other racialized individuals.<sup>66</sup>

Bill C-14 brings stricter bail laws targeting violent and repeat offenders and organized crime, and tougher sentencing for serious and violent crimes.<sup>67</sup> Black people in Canada have lower rates of reoffending and returns to custody than any other group; 85.8% are not re-admitted to federal custody within five years of completing their sentence. Yet, they are disproportionately assessed as high risk, low motivation, and having low reintegration potential. This systemic bias is why Bill C-14 will disproportionately harm Black, Indigenous peoples and other racialized individuals.<sup>68</sup>

### 8.3 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Fully implement the Black and Indigenous Justice Strategy, including the development of an implementation plan for the Indigenous Justice Strategy and withdraw Bills C-9 and C-14.
- Allocate substantial resources to support community-led initiatives including investment in social supports and strengthen supervision measures for high-risk individuals.

## 9. CANADIANS DETAINED IN SYRIA (ARTICLES 7, 9, 10 AND 24)

Following the March 2019 defeat of the Islamic State (IS) armed group in Syria, some 50 Canadian citizens with alleged links to IS, more than half of which were children, were detained in north-east Syria.<sup>69</sup> Thirty-two Canadian women and children have been repatriated to Canada since 2020.<sup>70</sup> One Canadian woman, denied return to Canada but whose six children were repatriated in May 2024, managed to escape to Turkey only to die in detention after being cleared by a Turkish court of membership in a terrorist group.<sup>71</sup> At least nine Canadian men and five Canadian children remain in detention in north-east Syria, along with two mothers of those children who are not Canadian citizens.<sup>72</sup> They face unsanitary, inhumane and life-threatening conditions, with inadequate access to food, water and healthcare.<sup>73</sup> Canada has asserted that the remaining Canadian children can only receive repatriation services if they are separated from their non-Canadian mothers.<sup>74</sup>

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<sup>66</sup> International Civil Liberties Monitoring Group, “Coalition Calls on Government to Withdraw Rights-Violating Hate Crime Bill C-9”, December 2025, <https://iclmg.ca/stop-c-9-press-conference/>.

<sup>67</sup> Government of Canada, “Bail and Sentencing Reform Act” (previously cited).

<sup>68</sup> Government of Canada, “Release of Canada’s Black Justice Strategy’s Implementation Plan” (previously cited).

<sup>69</sup> Global Justice Journal, Human Rights and Citizenship Abandoned in NE Syria: A special issue of the Global Justice Journal, <https://globaljustice.queenslaw.ca/news/human-rights-and-citizenship-abandoned-in-ne-syria-a-special-issue-of-the-global-justice-journal>.

<sup>70</sup> The Breach, “The feds refused to repatriate a Canadian citizen detained in Syrian prison. Then she died.” 8 November 2024, <https://breachmedia.ca/the-feds-refused-to-repatriate-a-canadian-citizen-detained-in-syrian-prison-then-she-died/>.

<sup>71</sup> The Breach, “The feds refused to repatriate a Canadian citizen detained in Syrian prison” (previously cited).

<sup>72</sup> Matthew Behrens, “Canadians are dying: Free Jack Letts & 15 Canadian Kids, Women & Men in Syria”, <https://www.change.org/p/canadians-are-dying-free-jack-letts-15-canadian-kids-women-men-in-syria>.

<sup>73</sup> Amnesty International, Syria: Aftermath, torture and death in detention in north-east Syria (MDE 24/7752/2024), 17 April 2024, <https://www.amnesty.org/en/documents/mde24/7752/2024/en/>.

<sup>74</sup> The Canadian Press, “Canadian men, children held in Syria pursue human rights complaints against Ottawa”, 5 June 2025, <https://www.ctvnews.ca/canada/article/canadian-men-children-held-in-syria-pursue-human-rights-complaints-against-ottawa/>.

## 9.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Facilitate the voluntary repatriation of children and their carers, consistent with the requirement of non-refoulement, and in accordance with the best interests of the child. Ensure adequate referrals and reintegration support upon return.
- Cooperate with any human rights compliant process to “screen” individuals detained in the detention camps or facilities to enable the release of those who are not credibly accused of acts that would amount to crimes under international law or serious crimes under domestic law that are consistent with international human rights law.
- Ensure that nationals released following such a screening process are able to return to their home country, including by providing consular access and civil documentation.

## 10. UNLAWFUL USE OF FORCE (ARTICLES 6 & 24)

In September 2025, police in Longueuil, Quebec shot and killed Nooran Rezayi, an unarmed 15-year-old boy. Police were responding to a 911 call about a group of young people who were said to have weapons, an allegation confirmed to be false by police minutes after the shooting. Video released by the family’s lawyer appears to indicate that the teenager was shot within ten seconds of the police car arriving to the scene. The Bureau des enquêtes indépendantes (BEI), the body responsible for investigating police infractions, has alleged several breaches of the Longueuil police force’s legal and regulatory obligations. The BEI, in turn, has been accused of repeatedly tolerating police forces’ non-respect of their obligations. The BEI has also faced criticism because many of its investigators are former police officers (prompting scepticism as to the body’s independence), and because no charges have ever been laid in relation to police killings.

### 10.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Ensure an impartial investigation into the death of Nooran Rezayi.

## 11. CLIMATE CRISIS AND INDIGENOUS PEOPLES’ RIGHTS (ARTICLES 2 AND 6)

As climate disasters increase, Canada has increased its investment in fossil fuel projects.<sup>75</sup> Despite Canada’s 2009 commitment to eliminate fossil fuel subsidies and becoming the first G20 country to introduce guidelines to phase out “inefficient fossil fuel subsidies” in 2023, Canada continues to substantially financially support and subsidize the fossil fuels industry. Canada is the highest provider of fossil fuel subsidies per capita in the G20 and second highest overall.<sup>76</sup> Canada’s subsidies to fossil fuel projects reached \$30 billion by the end of 2024.<sup>77</sup> Canada’s expenditures in the energy sector

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<sup>75</sup> BCER, “Liquefied natural gas (LNG)”, <https://www.bc-er.ca/what-we-regulate/lng/>; Amnesty International, *Extraction Extinction* (previously cited), p. 87.

<sup>76</sup> Environmental Defence, “Our New Analysis Reveals Fossil Fuel Costs to the Public and Government”, 3 April 2025, <https://environmentaldefence.ca/2025/04/03/new-analysis-from-environmental-defence-reveals-fossil-fuel-costs-to-public-and-government/>.

<sup>77</sup> Environment and Climate Change Canada, “Social cost of greenhouse gas emissions”, 2023, <https://www.canada.ca/en/environment-climate-change/services/climate-change/science-research-data/social-cos-t-ghg.html>.

totalled \$89 billion in 2024, \$43 billion of which was allocated to oil and gas extraction.<sup>78</sup> Canada is currently home to seven liquified natural gas export projects.<sup>79</sup>

In February 2025, Canada submitted a new nationally determined contribution (NDC) to the UNFCCC Secretariat.<sup>80</sup> While the country's efforts to comply with the requirements of the Paris Agreement were celebrated by civil society, many organizations found that Canada's new mitigation goals fell short of its heightened responsibility to urgently and equitably phase out fossil fuels as a high-income, historically high GHG emitter.<sup>81</sup> To date, Canada has committed to achieving net zero by 2050, despite calls for an earlier decarbonization. The country's latest NDC sets a moderate target of GHG emissions reduction of 45% to 50% by 2035, falling short of the objective of 80% below 2005 levels put forth by climate justice organizations.<sup>82</sup> Further, while Canada's NDC responds to the outcomes of the Paris Agreement's first global stocktake, it lacks targets for all sectors of the Canadian economy.<sup>83</sup>

In 2025, both the federal and several provincial governments adopted legislation which seriously undermine Canada's climate commitments, as well as the rights of Indigenous Peoples. On 26 June 2025, the Canadian government passed the Building Canada Act (Bill C-5) which encourages the fast-tracking of infrastructure projects without safeguarding Indigenous Peoples' right to free, prior and informed consent (FPIC) over development proposals that affect their territories.<sup>84</sup> The legislation gives Cabinet the power to designate projects such as ports, pipelines and dams as being in the "national interest," allowing them to speed through or bypass environmental and consultation regulatory processes.<sup>85</sup> Indigenous leaders have condemned the legislation, stating that the government failed to adequately consult Indigenous Peoples in order to obtain their FPIC on its development.<sup>86</sup> The Building Canada Act reflects a broader trend seen in a series of provincial bills across Canada that invoke economic urgency to justify curtailing environmental protections, Indigenous Peoples' FPIC rights, and human rights protections.<sup>87</sup>

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<sup>78</sup> Environmental Defence, "Fossil Fuel Funding in 2024", April 2025, [https://environmentaldefence.ca/wp-content/uploads/2025/04/Canadas-Fossil-Fuel-Funding-in-2024\\_EDC\\_April-2025-1.pdf](https://environmentaldefence.ca/wp-content/uploads/2025/04/Canadas-Fossil-Fuel-Funding-in-2024_EDC_April-2025-1.pdf), p. 5.

<sup>79</sup> Natural Resources Canada, "Canadian liquified natural gas projects", 7 January 2025, <https://natural-resources.canada.ca/energy-sources/fossil-fuels/canadian-liquified-natural-gas-projects>.

<sup>80</sup> UNFCCC, Canada's 2035 Nationally Determined Contribution, February 2025, [https://unfccc.int/sites/default/files/2025-02/Canada%27s%202035%20Nationally%20Determined%20Contribution\\_ENc.pdf](https://unfccc.int/sites/default/files/2025-02/Canada%27s%202035%20Nationally%20Determined%20Contribution_ENc.pdf).

<sup>81</sup> Climate Action Network, "Canada honours its international commitments by submitting 2035 NDC – but fails to chart an ambitious path for the transformation to a green economy", 13 February 2025, <https://climateactionnetwork.ca/canada-honours-its-international-commitments-by-submitting-2035-ndc-but-fails-to-chart-an-ambitious-path-for-the-transformation-to-a-green-economy/>.

<sup>82</sup> UNFCCC, Canada's 2035 Nationally Determined Contribution (previously cited), p. 1; Climate Action Network, Paving the way for an equitable future: Recommendations for Canada's next NDC, October 2024, [https://climateactionnetwork.ca/wp-content/uploads/Paving-the-way-for-an-equitable-future\\_Recommendations-for-Canadas-next-NDC.pdf](https://climateactionnetwork.ca/wp-content/uploads/Paving-the-way-for-an-equitable-future_Recommendations-for-Canadas-next-NDC.pdf), p. 3.

<sup>83</sup> Climate Action Network, "Canada honours its international commitments by submitting 2035 NDC" (previously cited).

<sup>84</sup> Parliament of Canada, *Bill C-5, An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*, 26 June 2025, <https://www.parl.ca/documentviewer/en/45-1/bill/C-5/royal-assent>.

<sup>85</sup> Parliament of Canada, *Bill C-5* (previously cited).

<sup>86</sup> Amnesty International Canada, "Amnesty International Canada concerned that passage of Bill C-5 sidelines Indigenous rights", 4 July 2025, [https://amnesty.ca/human-rights-news/bill-c-5-sidelines-indigenous-rights/?gad\\_source=1&gad\\_campaignid=247278925&gclid=CjwKCAjwkvEBhApEiwAKUz6-zIVmyrsaFnx\\_XtWWH\\_K9jfumfZHwtNvR3FUaFDvcFZlsxQc7asROxoCl7oQAvD\\_BwE](https://amnesty.ca/human-rights-news/bill-c-5-sidelines-indigenous-rights/?gad_source=1&gad_campaignid=247278925&gclid=CjwKCAjwkvEBhApEiwAKUz6-zIVmyrsaFnx_XtWWH_K9jfumfZHwtNvR3FUaFDvcFZlsxQc7asROxoCl7oQAvD_BwE).

<sup>87</sup> Legislative Assembly of Ontario, *Bill 5, Protect Ontario by Unleashing our Economy Act, 2025*, 5 June 2025, [https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2025/2025-06/b005ra\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2025/2025-06/b005ra_e.pdf); Legislative Assembly of British Columbia, *Bill 14, Renewable Energy Projects (Streamlined Permitting) Act*, [SBC 2025] Chapter 12, 29 May 2025, [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/25012/search/CIVIX\\_DOCUMENT\\_ROOT\\_STEM:\(RENEWABLE%20ENERGY%20PROJECTS\)?3#hit1](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/25012/search/CIVIX_DOCUMENT_ROOT_STEM:(RENEWABLE%20ENERGY%20PROJECTS)?3#hit1); Legislative Assembly of British Columbia, *Bill 15, Infrastructure Projects Act*, [SBC 2025] Chapter 13, 29 May 2025, [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/25013/search/CIVIX\\_DOCUMENT\\_ROOT\\_STEM:\(INFRASTRUCTURE%20PROJECTS%20ACT\)?1#hit1](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/25013/search/CIVIX_DOCUMENT_ROOT_STEM:(INFRASTRUCTURE%20PROJECTS%20ACT)?1#hit1); Assemblée Nationale du Québec, *Bill 5, An Act to accelerate the granting of the authorizations required to carry out priority national-scale projects*, 2025, <https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-5-43-2.html>.

## 11.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Immediately repeal or substantially amend Bill C-5, Ontario Bill 5, Quebec Bill 5 and B.C. Bill 15 to embed FPIC as a binding legal precondition for all designated projects.
- Restore independent environmental assessments, mandate transparent criteria for project designation, and guarantee Indigenous-led review mechanisms with judicial oversight.

## 12. FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION (ARTICLES 19, 21 AND 22)

### 12.1 PRO-PALESTINE ENCAMPMENTS AT UNIVERSITIES

Throughout 2024 a number of encampments were set up at universities across Canada demanding protection for Palestinian human rights and university divestment from companies linked to Israel's genocide in Gaza.<sup>88</sup> In some instances, university administrators sought legal recourse from the courts to clear the encampments and police forces intervened to forcibly remove peaceful protestors.<sup>89</sup> For example, an encampment was set up at the University of Toronto in May 2024 which demanded that the university divest from companies who benefit from or contribute to the genocide and cut ties with Israeli academic institutions operating on settlements in the Occupied Palestinian Territories, among other measures. The University of Toronto administration sought an injunction from the Ontario Superior Court of Justice to clear the encampment which was granted in July 2024. The ruling is a setback on the right of peaceful assembly, fails to protect at-risk encampment members and will have a chilling effect on future peaceful demonstrations.<sup>90</sup>

### 12.2 BUBBLE BYLAWS

Since 2024, different pieces of legislation at both the federal (including Bill C-9) and municipal levels have proposed new hate crime offences and protest exclusion zones around sites such as medical facilities, places of worship, schools, and cultural and sport facilities.<sup>91</sup> These federal bills and municipal bylaws in cities across Canada risk criminalizing freedom of expression and peaceful assembly with excessive penalties, imposed stigmatizing labels, and reduced police oversight. Civil society organizations have expressed concern that these initiatives primarily target pro-Palestinian protesters and increase the surveillance against racialized communities. The measures fail to meet the required democratic balance and risk human rights violations.

### 12.3 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Repeal Bill C-9 and ensure any future legislation on hate crimes involves consultation from racialized communities to prevent further risk of harm and increased criminalization.

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<sup>88</sup> IJV, "IJV Canada Salutes the Victories of Student-led Encampments Across Canada", 4 June 2024, <https://www.ijvcanada.org/ijv-canada-salutes-the-victories-of-student-led-encampments-across-canada/>.

<sup>89</sup> IJV, "IJV Canada Salutes the Victories of Student-led Encampments Across Canada" (previously cited).

<sup>90</sup> Amnesty International Canada, "U of T encampment ruling fails to uphold the right of peaceful assembly", 2 July 2024, <https://amnesty.ca/human-rights-news/u-of-t-encampment-ruling-fails-to-uphold-the-right-of-peaceful-assembly/>.

<sup>91</sup> CCLA, "Anti-protest bylaws - Our fight against state censorship", <https://ccla.org/major-cases-and-reports/anti-protest-bylaws/>; Social Planning Toronto, "The bubble zone bylaw has been passed: what to know", 26 May 2025, [https://www.socialplanningtoronto.org/the\\_bubble\\_zone\\_bylaw\\_has\\_been\\_passed\\_what\\_to\\_know](https://www.socialplanningtoronto.org/the_bubble_zone_bylaw_has_been_passed_what_to_know).

- Work with provinces and municipalities to ensure by-laws are in line with rights of freedom of expression and freedom of assembly and if not then immediately repeal bylaws that violate human rights.

## 13. TRADE UNIONS (ARTICLE 22)

According to the Barreau du Québec, the provincial professional association of lawyers, Bill 3 – *An Act to improve transparency, governance and the democratic process of various workplace associations* – undermines freedom of association and creates significant obstacles that threaten the ability of trade unions to function effectively in the province.<sup>92</sup> Bill 3 introduces optional dues requiring union members to vote on each issue the union wishes to engage in beyond collective agreement negotiations, such as challenging a law. This measure limits unions’ ability to act effectively for the common good in a context broader than the right to work. Bill 3 also limits participation in social movements beyond “the promotion or defence of rights conferred by law or a collective agreement”.<sup>93</sup>

### 13.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- In Quebec, withdraw or amend Bill 3.

## 14. CORPORATE ACCOUNTABILITY, TRADE AND HUMAN RIGHTS (ARTICLES 2 AND 3)

### 14.1 CANADIAN OMBUDSPERSON FOR RESPONSIBLE ENTERPRISE (CORE)

Human rights abuses at Canadian companies operating abroad, particularly extractive industries, are widespread and well documented, yet those who have been harmed often lack access to remedy.<sup>94</sup> UN treaty bodies and the Inter-American Commission of Human Rights have documented human rights violations involving Canadian extractive companies overseas and have called on Canada to create effective mechanisms for investigating and/or preventing abuses. In 2018, the government committed to the creation of the Canadian Ombudsperson for Responsible Enterprise (CORE) a non-judicial grievance mechanism created to investigate allegations of abuse by Canadian companies abroad.<sup>95</sup> In March 2021, the CORE office opened for complaints, without the power to compel documents or witnesses, crucial steps to conduct effective investigations. In April 2021, the federal budget increased CORE’s budget, but did not increase its investigatory powers. The federal government undertook a review of the CORE but has yet to make the findings public and the future of the position is unknown. Since May 2025, the CORE position has been vacant.<sup>96</sup> There are no indications on the future of the CORE, the federal budget 2025 does not give any indications and

<sup>92</sup> Barreau du Québec, *Mémoire – Projet de loi no 3 — Loi visant à améliorer la transparence, la gouvernance et le processus démocratique de diverses associations en milieu de travail*, November 2025, <https://www.barreau.qc.ca/media/4ktne4/memoire-pl3.pdf> (only available in French).

<sup>93</sup> Assemblée Nationale du Québec, *Projet de loi n° 3, Loi visant à améliorer la transparence, la gouvernance et le processus démocratique de diverses associations en milieu de travail*, 2025, <https://www.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-3-43-2.html> (Only available in French).

<sup>94</sup> CNCA, “Press Release: Canadian companies linked to allegations of human rights abuse abroad including killings, torture and forced labour – new reports, testimony”, 14 February 2023, <https://cnca-rcrce.ca/2023/02/14/press-release-canadian-companies-linked-to-allegations-of-human-rights-abuse-abroad-including-killings-torture-and-forced-labour-new-reports-testimony/>.

<sup>95</sup> Government of Canada, Canadian Ombudsperson for Responsible Enterprise, 14 April 2025, [https://core-ombuds.canada.ca/core\\_ombuds-ocre\\_ombuds/index.aspx?lang=eng](https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/index.aspx?lang=eng).

<sup>96</sup> Canadian Network for Corporate Accountability, “Campaign: Empower the C.O.R.E., Latest News, Statements”, 22 October 2025, <https://cnca-rcrce.ca/2025/10/22/why-is-core-vacant/>.

there are no government statements on the topic. There are at least 34 human rights complaints outstanding.<sup>97</sup>

## 14.2 LA CAISSE – INVESTMENT IN BUSINESSES THAT CONTRIBUTE TO GENOCIDE, OCCUPATION AND APARTHEID IN PALESTINE

La Caisse (formerly Caisse de dépôt et placement – CDPQ) is an investment fund that manages several pension plans and insurance programs in Quebec. It is the second largest pension fund in Canada. La Caisse has invested in several companies that have and continue to supply weapons and other military and security goods and services to Israel. According to Amnesty International's research, no company should be supplying arms or military or security goods and services to the Israeli armed and security forces, as there is a significant risk that such equipment could be used to commit or facilitate serious violations of international law, including genocide, war crimes and crimes against humanity, including apartheid.<sup>98</sup>

La Caisse invested \$103.2 million in The Boeing Company (Boeing) in 2024. Amnesty International has documented bombs and guidance kits manufactured by Boeing being used in unlawful air strikes in the occupied Gaza Strip. In particular, Amnesty International has documented the use of Boeing-manufactured Joint Direct Attack Munitions (JDAMs) and GBU-39 Small Diameter Bombs (SDBs) by the Israeli military in a series of deadly air strikes that killed scores of Palestinian civilians across the Gaza Strip, including many in children.<sup>99</sup> La Caisse also invested \$159.8 million in Lockheed Martin in 2024, and nearly tripled its investments in Lockheed Martin from 2023 to 2024.<sup>100</sup> Lockheed Martin provides F-16s and services related to them, as well as the growing fleet of F-35 fighter jets, which form the backbone of the Israeli Air Force, widely used in the bombing of the occupied Gaza Strip.<sup>101</sup>

## 14.3 THE WET'SUWET'EN NATION AND THE COASTAL GASLINK PIPELINE (CGL)

Indigenous land defenders opposing fossil fuel and other extractive projects in Canada have been subjected to intimidation, harassment, unlawful surveillance and arbitrary detentions. From January 2019 to March 2023, the Royal Canadian Mounted Police (RCMP) undertook four large-scale police operations against Wet'suwet'en Indigenous land defenders and their supporters who were taking peaceful actions to defend Wet'suwet'en territory against the construction of the CGL pipeline.<sup>102</sup> During these raids, the RCMP were equipped with semi-automatic weapons, helicopters and dog units. Over 75 land defenders were arbitrarily arrested and detained. In 2022, the British Columbia Prosecution Service decided to prosecute 20 land defenders with criminal contempt in response to the actions they had taken to protect Wet'suwet'en territory against pipeline construction. In February 2025, a British Columbia court found that the RCMP had violated the human rights of three Indigenous land defenders during their arrests in 2021. However, in October, the same land defenders were sentenced to community service for opposing the CGL pipeline on Wet'suwet'en territory.<sup>103</sup>

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<sup>97</sup> Globe and Mail, "Future of Canadian corporate watchdog uncertain as top position remains vacant" 2 July 2025, <https://www.theglobeandmail.com/canada/article-future-of-canadian-corporate-watchdog-uncertain-as-top-position/>.

<sup>98</sup> Amnesty International, *Pull the plug on the political economy enabling Israel's crimes: What states and companies must do to stop fueling Israel's genocide, apartheid and unlawful occupation* (POL 40/0298/2025), 18 September 2025, <https://www.amnesty.org/en/documents/pol40/0289/2025/en/>.

<sup>99</sup> Amnesty International, *Pull the plug on the political economy enabling Israel's crimes* (previously cited), pp. 5-6.

<sup>100</sup> UN HRC, From an economy of occupation to an economy of genocide, report of the Special Rapporteur Francesca Albanese, 2 July 2025, <https://docs.un.org/en/A/HRC/59/23>, p. 24.

<sup>101</sup> Amnesty International, *Pull the plug on the political economy enabling Israel's crimes* (previously cited), p. 6.

<sup>102</sup> Amnesty International, "Removed from our land for defending it" (previously cited).

<sup>103</sup> Amnesty International, "Canada: Sentencing of land defenders sends 'chilling message' about Indigenous rights", 18 October 2025, <https://www.amnesty.org/en/latest/news/2025/10/canada-sentencing-of-land-defenders-sends-chilling-message-about-indigenous-rights/>.

## 14.4 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Legislate mandatory human rights and environmental due diligence to prevent further abuse of human rights by Canadian corporations and provide for future accountability efforts if abuses do take place.
- Fully fund and fill the position of the CORE. Empower the CORE with independent investigative powers, including the power to compel documents and testimonies.
- Create the necessary regulatory measures to ensure that La Caisse conducts robust human rights due diligence to ensure that no companies invested in by the pension fund cause or contribute to violations of international law; in cases where La Caisse does invest in such companies and it is unable to exercise leverage to prevent their unlawful activity, La Caisse must responsibly divest its funds from those companies.
- End the criminalization of land defenders and the prioritization of corporate profit over Indigenous rights.
- Uphold Indigenous People's right to FPIC by incorporating FPIC fully into Canadian law through strengthened federal legislation to guarantee meaningful and genuine FPIC in any national or provincial projects affecting Indigenous lands, or rights.
- Provide adequate resources for Indigenous Peoples to engage meaningfully in consultation processes, environmental assessments, and project reviews, recognizing that genuine partnership requires levelling power imbalances and supporting Indigenous governance capacity.

## 15. ARMS TRANSFERS (ARTICLE 6)

### 15.1 ARMS TRANSFERS TO ISRAEL

Canada continues to transfer arms to Israel despite the ongoing genocide in Gaza. A UN Independent International Commission of Inquiry concluded in September 2025 that Israel committed in Gaza acts prohibited under the Genocide Convention, particularly killing, causing serious bodily or mental harm, imposing conditions deliberately calculated to bring about the physical destruction of Palestinians, and restricting births, with genocidal intent.<sup>104</sup> Israeli authorities persist in imposing conditions deliberately calculated to bring about the physical destruction of Palestinians, including severe restrictions on life-sustaining resources and essential infrastructure repairs.<sup>105</sup> While eventually backing the call for a ceasefire and repeatedly calling for the protection of civilians and respect for international humanitarian law, the Canadian government has not recognized the ongoing genocide in Gaza or indicated any intention of joining the case brought by South Africa against Israel before the International Court of Justice (ICJ).<sup>106</sup>

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<sup>104</sup> UN HRC, "Independent International Commission of Inquiry on the Occupied Palestinian Territory, Israel has committed genocide in the Gaza Strip, UN Commission finds", 16 September 2025, <https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds>.

<sup>105</sup> Amnesty International, "Israel's genocide against Palestinians in Gaza continues unabated despite ceasefire", 27 November 2025, <https://www.amnesty.org/en/latest/news/2025/11/israels-genocide-against-palestinians-in-gaza-continues-unabated-despite-ceasefire/>.

<sup>106</sup> Government of Canada, "Joint statement on behalf of 26 partners on the Occupied Palestinian Territories", 21 July 2025, <https://www.canada.ca/en/global-affairs/news/2025/07/joint-statement-on-behalf-of-26-partners-on-the-occupied-palestinian-territories.html>; CBC News, "Canada needs all evidence assessed before recognizing genocide in Gaza, says incoming UN ambassador", 19 September 2025, <https://www.cbc.ca/news/politics/canada-gaza-genocide-david-lametti-un-ambassador-1.7638638>; Government of Canada, "Statement by Minister Joly on the International Court of Justice's decision on South Africa's request for provisional measures in its case against Israel", 26 January 2024, <https://www.canada.ca/en/global-affairs/news/2024/01/statement-by-minister-joly-on-the-international-court-of-justices-decision-on-south-africas-request-for-provisional-measures-in-its-case-against-is.html>.

Up to 2023, Canada had steadily increased its arms transfers to Israel.<sup>107</sup> Authorization of new export permits for transfers of military goods to Israel was paused in January 2024, although no official “notice to exporters” was issued. Some 30 export permits were also suspended, however, at least 180 export permits remain active.<sup>108</sup> In 2024, the most recent year of reporting, this allowed Canada to export \$18.9 million worth of military goods to Israel.<sup>109</sup> Additional exports of military goods to Israel via the United States, including parts and components for F-35 combat aircraft, continue without regulation, and without human rights risk assessments required by Article 7 of the Arms Trade Treaty.

Under the Genocide Convention, all states have an obligation to prevent genocide, including by stopping arms companies from continuing to supply the Israeli military. In line with the ICJ’s Advisory Opinion of 19 July 2024, states must not render aid or assistance in maintaining the unlawful situation created by Israel’s continued occupation of the Palestinian territory, including its illegal settlements and system of apartheid over Palestinians.<sup>110</sup>

## 15.2 ARMS SALES FLOWING TO SUDAN THROUGH THE UAE

For over two and a half years, Sudan has been torn apart by a non-international armed conflict between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). Tens of thousands of people have been killed and over 12 million people have been displaced, making this the largest humanitarian and human rights crisis in the world.<sup>111</sup> The conflict is being fuelled by an almost unimpeded supply of weapons into Sudan by states and corporate actors around the world.<sup>112</sup> Despite Canada’s embargo on arms transfers to Sudan, military equipment connected to Canada has been found in the conflict zone.<sup>113</sup> In November 2025, a CBC investigation found that RSF forces were in possession of an unknown number of rifles produced by the Canadian company Sterling Cross.<sup>114</sup>

Canada sold over \$7 million of military goods to the UAE in 2024, the most recent year of reporting.<sup>115</sup> Amnesty International research indicates the UAE continues to provide support to the RSF, following similar findings by the United Nations’ Panel of Experts on Sudan.<sup>116</sup> Amnesty International has previously published evidence of UN arms embargo violations by the UAE.<sup>117</sup>

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<sup>107</sup> Project Ploughshares, “Canada’s weapons exports in 2023”, 23 September 2024, <https://ploughshares.ca/canadas-weapons-exports-in-2023/>.

<sup>108</sup> CBC News, “The government’s stance on military exports to Israel is anything but clear-cut”, 23 October 2024, <https://www.cbc.ca/news/politics/joly-suspensions-analysis-1.7320990>.

<sup>109</sup> Global Affairs Canada, “2024 Annual Report on Strategic Goods and Technologies Pursuant to Section 27 of the Export and Import Permits Act”, <https://www.international.gc.ca/transparency-transparence/assets/pdfs/controls-controles/reports-rapports/military-goods-2024-marchandises-militaires-en.pdf>.

<sup>110</sup> ICJ, “Advisory Opinion: Legal Consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”, 19 July 2024, <https://www.icj-cij.org/index.php/node/204160>.

<sup>111</sup> UN News, “Sudan: A staggering 30 million are in need, as war grinds on,” 28 August 2025, <https://news.un.org/en/story/2025/08/1165739>.

<sup>112</sup> Amnesty International, “New weapons fueling the Sudan conflict”, July 2024, <https://www.amnesty.org/en/latest/research/2024/07/new-weapons-fuelling-the-sudan-conflict/>.

<sup>113</sup> Government of Canada, “Canada Sanctions on Sudan”, 24 March 2025, [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/sudan-soudan.aspx?lang=eng#a1](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/sudan-soudan.aspx?lang=eng#a1); CBC News, “Sudanese fighters accused of massacres use Canadian-made rifles”, 7 November 2025, <https://www.cbc.ca/news/world/sudan-rsf-massacres-canadian-rifles-sterling-cross-9.6969856>.

<sup>114</sup> CBC News, “Sudanese fighters accused of massacres use Canadian-made rifles” (previously cited).

<sup>115</sup> Global Affairs Canada, “2024 Annual Report on Strategic Goods and Technologies” (previously cited).

<sup>116</sup> Amnesty International, “Sudan: Advanced Chinese weaponry provided by UAE identified in breach of arms embargo – new investigation”, 8 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/sudan-advanced-chinese-weaponry-provided-by-uae-identified-in-breach-of-arms-embargo-new-investigation/>; United Nations Special Rapporteur, “Final report of the Panel of Experts on the Sudan”, 15 January 2024, S/2024/65, <https://docs.un.org/en/S/2024/65>.

<sup>117</sup> Amnesty International, “Libya: Civilians caught in the crossfire as militias battle for Tripoli”, 22 October 2019, <https://www.amnesty.org/en/latest/press-release/2019/10/libya-civilians-caught-in-the-crossfire-as-militias-battle-for-tripoli/>.

## 15.3 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Recognize that Israel continues to commit genocide against Palestinians in the occupied Gaza Strip.
- End any trade or transfers that contribute to or are linked to the commission of genocide, apartheid or the unlawful occupation.
- Ban, with immediate effect, the direct and indirect supply, sale or transfer to Israel of all arms, military materiel and security equipment, including related technologies, parts and components, technical assistance, training, financial or other assistance, and prohibiting the transit and transshipment through their jurisdictions (ports, airports, airspace or territory) of these goods bound for Israel.
- Ban all trade and investments in illegal Israeli settlements and adopting legislation and timebound plans for its implementation, starting with the urgent adoption of advisories for private actors, including investors, to protect them from the risks of contributing, even indirectly, to the sustainability of illegal settlements in the Occupied Palestinian Territory.
- Call on the UN Security Council to expand the International Criminal Court's investigation and the existing UN arms embargo, both currently limited to Darfur, to the whole of Sudan.
- Stop transferring arms to the UAE until such time that the UAE can guarantee that none will be re-exported to Sudan or to other embargoed destinations, and that all the UAE's past breaches of the UN Security Council arms embargoes are thoroughly investigated and perpetrators brought to justice.
- Promptly and thoroughly investigate how Sterling Cross rifles came to be in the possession of the Rapid Support Forces, make the findings of these investigations public, and take appropriate steps to hold anyone accountable for violations of Canadian sanctions and/or export controls.

## 16. FAILURE TO IMPLEMENT TREATY OBLIGATIONS IN GOOD FAITH (ARTICLE 2 AND OPTIONAL PROTOCOL)

Contrary to Canada's duties to perform treaty obligations in good faith, Canada fails to act on UN treaty bodies' recommendations and has actively undermined the legal and practical effects of treaty bodies' complaint procedures.<sup>118</sup>

For example, Canada continues to refuse to implement this Committee's findings in Communication No. 2348/2014, brought by Ms. Nell Toussaint, in which this Committee found that Canada had violated the right to life by denying people with irregular immigration status access to essential healthcare.<sup>119</sup> In 2019, Canada stated that it "is unable to agree with the views of the Committee in respect of the facts and law in the communication and as such will not be taking any further measures to give effect to those views."<sup>120</sup> Canada's refusal to give effect to this Committee's views has resulted not just in a violation of the right to an effective remedy for Ms. Toussaint, but also by breaching the duty of non-repetition, potential violations of the right to life for others with irregular immigration status in Canada in need of essential healthcare. In 2022, Canada unsuccessfully sought

<sup>118</sup> Amnesty International Canada, "The 2023 Human Rights Agenda", April 2024, <https://amnesty.ca/wp-content/uploads/2024/04/aices-2023-hra-web.pdf>.

<sup>119</sup> UN HRC, Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No 2348/2014, Nell Toussaint v Canada, 30 August 2018, CCPR/C/123/D/2348/2014, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=3IU59r1AqCXz4hUiOiQgm6SXfeWCxiLToITZt1bxv2VgGzOnvUcoXRKMhh8K24q1uKVopFxoK6KfeRn%2fn%2bFW1PH336LSIN4wgFlb5jORfY4%3d>.

<sup>120</sup> Government of Canada, Response of The Government of Canada to the Views of the Human Rights Committee Concerning Communication No. 2348/2014 Submitted by Ms. Nell Toussaint, 1 February 2019, <https://www.socialrights.ca/2019/ToussaintReply2d.pdf>, para. 4.

to dismiss a domestic legal challenge brought by Ms. Toussaint of Canada's failure to implement the Committee's views, stating that "the views of the UN's Human Rights Committee are non-binding and are not enforceable in this Court".<sup>121</sup>

Canada's discrimination against and ill-treatment of non-citizens despite contrary Committee Views has been an area of repeated concern. For instance, in multiple cases, the Committee concluded that deportation would lead to violations of the ICCPR, yet Canada rejected the Committee's views and deported the individuals who brought the Communications.<sup>122</sup> In 2025, this Committee granted interim measures in communication No. 4809/2025, requesting that Canada not deport Mr. Mahir Yahya Sharif, a Convention Refugee, to Somalia while his communication is under consideration by the Committee. Despite the Interim Measures Request, the Minister of Public Safety approved proceeding with Mr. Sharif's removal to Somalia. His removal has been stayed by the Ontario Court of Appeal, pending judicial review of the decision to deport Mr. Sharif despite the Interim Measures Request.<sup>123</sup>

Canada's position that States have the prerogative to categorically reject and refuse to implement the Committee's Views and Interim Measures Requests enables the continuation of, and failure to remedy, human rights violations. It also clearly undermines the authority of the UN treaty bodies given to them through legally binding treaties, the jurisprudence the treaty bodies and the system as a whole.<sup>124</sup>

## 16.1 RECOMMENDATIONS

Amnesty International recommends that Canada:

- Comply with treaty obligations in good faith, including by implementing Treaty Bodies' views and respecting Interim Measures Requests.
- Ensure that people with irregular immigration status can access essential healthcare.

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<sup>121</sup> 3 Ontario Superior Court of Justice, *Toussaint v. Canada (Attorney General)*, 2022 ONSC 4747, 17 August 2022, <https://canlii.ca/t/jrhjf>, para 190

<sup>122</sup> See for example, Human Rights Committee, *Warsame v. Canada*, Communication No. 1959/2010, CCPR/C/102/D/1959/2010 (2011), Human Rights Committee, *Dauphin v. Canada*, Communication No. 1792/2008, CCPR/C/96/D/1792/2008 (2009).

<sup>123</sup> *Sharif v Canada (Public Safety and Emergency Preparedness)*, 2025 ONCA 711.

<sup>124</sup> Amnesty International Canada and International Network for Economic, Social and Cultural Rights, Join third-party submission to the follow-up procedure of the Human Rights Committee's Views, 2023, <https://www.socialrights.ca/2023/AI-ESCR-Net%20Follow-Up%20Subm.pdf>.

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