

CANADA: HUMAN RIGHTS IN PERIL

AMNESTY INTERNATIONAL: SUBMISSION TO THE 44TH SESSION OF THE UPR WORKING GROUP, 10 NOVEMBER 2023

SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Canada on 10 November 2023. In it, Amnesty International evaluates the implementation of recommendations made to Canada in its previous UPR.

It also assesses the national human rights framework with regards to international human rights instruments, particularly in relation to the rights of Indigenous Peoples, refugees' and migrants' rights, and gender rights.

In terms of the human rights situation on the ground, significant concerns persist in Canada's failure to ratify or support various international human rights instruments, gaps in the national human rights framework, intersecting forms of systemic racism, discrimination and violence, inadequate legal enforcement of economic, social and cultural rights, and insufficient human rights protection in trade and the overseas extractive sector.

The submission ends with a set of recommendations to Canada which, if implemented, would contribute to improving the human rights situation.

FOLLOW UP TO THE PREVIOUS REVIEW

1. Despite Canada's commitment to strengthen national mechanisms for monitoring implementation of recommendations,¹ official information regarding its implementation is not publicly available, nor has it been reported to Parliament or legislatures. Regrettably, Canada has never provided a mid-term report on progress.
2. As it committed to do,² Canada acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities in 2018 and to the Arms Trade Treaty (ATT) in 2019.³ While Canada amended its *Export and Import Permits Act* to permit accession,⁴ it failed to enact three key obligations under the ATT.⁵
3. Despite expressed commitments,⁶ and support for related recommendations in all previous reviews,⁷ Canada has not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
4. In line with several supported recommendations to strengthen legislation to combat discrimination against Indigenous Peoples, in 2021, Canada enacted the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA)*.⁸
5. In line with supported recommendations to promote the rights of gender diverse communities,⁹ in January 2022, Canada criminalized activities related to conversion therapy.¹⁰ In August 2022, Canada launched its first *Federal 2SLGBTQI+¹¹ Action Plan*.¹²
6. Despite only having noted seven recommendations to do so,¹³ in November 2022, the federal government released its National Action Plan to End Gender-Based Violence but has not delineated implementation plans and accountability mechanisms.¹⁴

THE NATIONAL HUMAN RIGHTS FRAMEWORK

7. Canada has not ratified the International Convention on the Protection of Rights of All Migrants and Members of their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), the Convention for the Protection of All Persons from Enforced Disappearance, nor has it accepted the individual complaints procedure of the Optional Protocol to the Convention on the Rights of the Child.
8. Canada's failure to legislate the UNDRIP's requirement to obtain free, prior, and informed consent (FPIC) harms relationships with Indigenous Peoples in Canada.¹⁵ Although *UNDRIPA* affirms that UNDRIP has application in Canadian federal law, the legislation contains no enforcement provisions. In consultation with Indigenous Peoples, the government must table an action plan in Parliament by June 2023 with steps to ensure federal law complies with UNDRIP.¹⁶
9. Canada lacks a criminal offence prohibiting forced and coerced sterilization.¹⁷

THE HUMAN RIGHTS SITUATION ON THE GROUND

Rights of Indigenous Peoples

10. Prime Minister Trudeau acknowledged the Catholic Church and Canada's role in creating, maintaining, and operating the residential school system.¹⁸ In October 2022, the House of Commons unanimously recognized the Indian Residential School System as genocide.¹⁹ Indigenous Peoples have called for accountability, transparency, independent criminal investigations,²⁰ and reparations.²¹

11. Systemic anti-Indigenous racism in the healthcare system has been documented,²² including in urgent care²³ and maternal health.²⁴ A Public Inquiry Commission investigated discrimination against Indigenous Peoples by service providers in Québec.²⁵
12. Indigenous Peoples in northwest Ontario, including the Grassy Narrows First Nation,²⁶ have not received compensation despite enduring six decades of mercury contamination of rivers.²⁷ In June 2022, the UN Committee on the Rights of the Child expressed concern that Indigenous children experience chronic and severe physical and neurological health issues due to mercury poisoning.²⁸

Gender Rights

13. Indigenous women, girls, Two Spirit and gender diverse people continue to face disproportionate rates of violence, disappearances, and murders.²⁹ Despite Canada's launch of the 2021 National Action Plan: Ending Violence Against Indigenous Women, Girls and 2SLGBTQQIA+ People, violence persists, and police investigations are marred by abuse, negligence and discrimination.³⁰ The government's *Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+³¹ People National Action Plan* revealed little progress.³²
14. The National Inquiry into Missing and Murdered Indigenous Women's (MMIWG) call to hold extractive industries accountable has not been adequately implemented.³³ Indigenous claimants filed lawsuits alleging sexual harassment and violence at work camps for pipeline projects.³⁴
15. Indigenous women continue to experience forced and coerced sterilization.³⁵ Recommendations of the Special Rapporteur on Violence Against Women, its causes and consequences, remain unimplemented, including for Canada to repeal discriminatory provisions under the *Indian Act*,³⁶ investigate allegations of forced and coerced sterilization, and ensure independent civilian oversight of the police response to sexual assault.³⁷
16. Activities associated with sex work are criminalized in Canada,³⁸ forcing sex workers to operate covertly³⁹ and subjecting them to harassment by police, forced evictions, arbitrary arrests, and prosecutions, especially for trans, Indigenous, Black and racialized sex workers.⁴⁰

Refugees' and migrants' rights

17. Under the Safe Third Country Agreement (STCA),⁴¹ many refugee claimants are forcibly returned to the US, where they are detained in conditions that violate international standards.⁴² Many, including those fleeing gender-based persecution, are unfairly denied protection in the US and sent back to face danger in their countries of origin.⁴³ Thousands have crossed irregularly, such as at Roxham Road, to claim refugee protection in Canada.⁴⁴ However, on 24 March 2023, the STCA was expanded to apply across the entire border to include irregular crossing points on land and internal waterways, closing Roxham Road, and heightening the risk of perilous crossings.⁴⁵
18. The Canada Border Services Agency has detained tens of thousands of refugee claimants and migrants.⁴⁶ Despite being held on administrative grounds, they experience maximum security prisons⁴⁷ and solitary confinement and can be detained indefinitely due to a lack of legal limit on the duration of immigration detention.⁴⁸ Suicidal ideation and human rights violations are well documented.⁴⁹ At least 17 people have died in immigration detention since 2000, including two people in 2022.⁵⁰
19. In April 2018, a refugee claimant in Québec successfully challenged a restriction to access provincially subsidized childcare services for their children under Article 3 of the of the *Reduced Contribution Regulation*.⁵¹ The Québec government appealed this decision and directed subsidized daycares not to accept children of refugee claimants in their facilities.⁵²
20. The UN Human Rights Committee found that Canada violated Nell Toussaint's right to life after she was denied essential healthcare based on her immigration status and called on Canada to make full reparations and prevent

future violations.⁵³ Canada refused to implement the Committee's findings,⁵⁴ resulting in a domestic legal challenge.⁵⁵

21. Human rights violations in the Temporary Foreign Worker Programme and the Seasonal Agricultural Worker Programme are well documented, including illegal recruitment practices, exploitation, and human trafficking.⁵⁶ Labour rights violations include wage theft, unsafe working conditions, and verbal, psychological, physical and sexual abuse.⁵⁷ Lack of access to pathways for permanent residence runs contrary to Canada's commitments in the UN's Global Compact on Migration agreement.⁵⁸

Right to non-discrimination

22. Notwithstanding the development of Canada's Anti-Racism Strategy 2019-2022,⁵⁹ recommendations from international human rights bodies, Canadian inquiries⁶⁰ and commissions,⁶¹ and affected communities remain unaddressed.
23. Canada's *Employment Equity Act* only recognizes four designated groups,⁶² which obscures the unique discrimination experienced by Black employees⁶³ and intersecting forms of discrimination based on gender, Indigeneity, disability and race.⁶⁴ A class action alleging systemic anti-Black racism in the federal public service was filed against the government,⁶⁵ and a formal complaint was submitted to a UN Special Rapporteur.⁶⁶ In response, the government created a mental health action plan, but meaningful consultation of Black employees was limited.
24. After grievances were filed related to systemic anti-Black racism, sexism, and discrimination, the government found that the Canadian Human Rights Commission (CHRC) breached the "No Discrimination" clause of its collective agreement. The CHRC acknowledged that it had dismissed racism claims at higher rates, raising concerns about the commission's ability to carry out its mandate.⁶⁷
25. Racial profiling and systemic discrimination in policing violates the rights of Black, Indigenous and racialized communities in Canada.⁶⁸ Black⁶⁹ and Indigenous Peoples⁷⁰ are overincarcerated in the correctional system and experience disproportionately poorer outcomes.⁷¹ In November 2022, Canada announced it will release an Indigenous Justice Strategy in 2024 with provincial collaboration.⁷² However, alternatives to incarceration are still denied to many Indigenous People, contrary to the Calls to Action of the Truth and Reconciliation Commission.⁷³
26. Despite a shortage of disaggregated data according to race or ethnicity, systemic racism against Black, Indigenous and other racialized people in Québec is well documented in policing,⁷⁴ the criminal justice system,⁷⁵ health and social services,⁷⁶ and employment.⁷⁷
27. A 2019 Québec law ("Bill 21") prohibits some public employees from wearing religious symbols in certain public service positions, including schoolteachers.⁷⁸ This has a disproportionate impact on religious minorities, particularly Muslim women.⁷⁹ A court held several sections of Bill 21 unconstitutional.⁸⁰ An appeal from the Québec government is pending.
28. Facial recognition software contributes to rights violations in Canada.⁸¹ In October 2022, a parliamentary committee found that existing legislation does not adequately regulate artificial intelligence and facial recognition technologies.⁸²

Climate and environmental justice

29. Climate change-related disasters disproportionately impact the rights of Indigenous, Black, and other racialized groups, as well as people with disabilities, older people, and low-income communities.⁸³
30. Canada consistently fails to obtain FPIC of Indigenous Peoples for development projects and resource extraction in their territories.⁸⁴ In 2018, the Federal Court of Appeal quashed an order approving expansion of the Trans Mountain Pipeline because Canada failed to adequately consult Indigenous Peoples.⁸⁵ However, Canada approved the expansion of this pipeline in 2019,⁸⁶ without the FPIC of the Tseil-Waututh Nation and the Secwépemc Nation.

31. Indigenous land defenders have been criminalized for defending their territories against pipeline expansion.⁸⁷ Letters from the Committee on the Elimination of Racial Discrimination in 2019, 2020, and 2022 urged Canada to halt construction of the Coastal GasLink pipeline until the Wet'suwet'en Nation grant their FPIC, and to withdraw policing and security forces from their territory.⁸⁸ Despite this, Canada remains in non-compliance.
32. The Innu of Pessamit denounce forestry practices and hydroelectric projects, undertaken without their FPIC, that threaten their traditional way of life and identity, including their Indigenous cultural rights.⁸⁹

Economic & social rights

33. The 2021 Safe Drinking Water Class Action Settlement Agreement⁹⁰ recognizes First Nations' right to reliable access to safe drinking water and compensates those who were deprived of it. In June 2022, Canada repealed the *Safe Drinking Water for First Nations Act*⁹¹ and committed to consult with First Nations to develop replacement legislation by 23 April 2023.⁹² Despite Canada's commitment to end long-term water advisories by March 2021, 32 remain in place as of 3 February 2023, affecting 28 First Nations communities.⁹³ Many Indigenous Peoples, such as those in Nunavut, experience recurring states of emergency due to water shortages.⁹⁴
34. Indigenous Peoples continue to face discrimination in housing and education.⁹⁵ The *National Housing Strategy Act*⁹⁶ fails to meet new housing targets, does not address the needs of Indigenous People,⁹⁷ limits the number of teachers for communities and affects the academic success of Inuit in Nunavik.⁹⁸

Extra-territorial rights & corporate accountability

35. Canadian extractive companies and Canadian-financed projects operating globally are implicated in environmental and human rights harms.⁹⁹ Canada lacks binding rules, urged by UN human rights bodies, to hold companies accountable when rights are breached.¹⁰⁰ Canada failed to establish an independent Extractive Sector Ombudsperson and instead created an advisory post without powers to investigate allegations of abuses by Canadian companies.¹⁰¹
36. Human rights defenders face risks speaking out against Canadian-financed projects and companies operating abroad.¹⁰² Although Canada updated its guidelines for Canadian diplomats to support threatened human rights defenders,¹⁰³ civil society groups have documented inconsistent implementation of the guidelines.¹⁰⁴
37. Canada renegotiated the North American Free Trade Agreement, including new provisions on labour, gender, and Indigenous rights.¹⁰⁵ Canada invited input from Canadians regarding a proposed free trade agreement with Ecuador,¹⁰⁶ but Indigenous organizations in Ecuador were not informed about negotiations nor consulted.¹⁰⁷ Canada does not subject all trade agreements to independent human rights impact assessments.¹⁰⁸

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Canada to:

The National Human Rights Framework

38. Promptly accede to the Optional Protocol of the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and OP-ICESCR.
39. Amend domestic legislation to fully incorporate Canada's obligations under the Arms Trade Treaty.

Gender Rights

40. Ensure full implementation of the Calls for Extractive and Development Industries by the National Inquiry into Missing and Murdered Indigenous Women (MMIWG).

41. Implement accountability mechanisms for the MMIWG and 2SLGBTQIA+ National Action Plan.
42. Immediately eliminate all discriminatory provisions of the *Indian Act*.
43. Mainstream trans-inclusion in all policies and programmes, including mental health and anti-online violence strategies.
44. Criminalize forced and coerced sterilization and incorporate free, prior, and informed consent to sterilization.
45. Repeal laws that criminalize the exchange of sexual services between consenting adults.

Rights of Indigenous Peoples

46. Delineate concrete steps and enforcement mechanisms to ensure full Canadian federal law compliance with UNDRIP following tabling of Canada's Action Plan in Parliament in June 2023.
47. Implement the Truth and Reconciliation Commission's Calls to Action, particularly #71-76 pertaining to missing children and unmarked burials at residential schools.
48. Coordinate efforts with provincial and territorial representatives to support Indigenous Peoples' jurisdiction over child and family services in Indigenous territories.
49. Provide Indigenous communities in Ontario impacted by mercury poisoning with health care, effective remedies and concrete measures to safeguard cultural rights to safely practise fishing in contaminated rivers.
50. Work with Québec to implement the Public Inquiry Commission's calls to action against discrimination across public services.

Rights of refugees and migrants

51. Immediately withdraw from the Safe Third Country Agreement.
52. Immediately end immigration detention in provincial jails and invest in community-based alternatives.
53. Enable people with irregular migration status to access essential health care.
54. Provide open work permits for workers in Temporary Foreign Worker programmes.
55. Work with Québec to restore access to provincially subsidized childcare services to refugee claimants.

Right to non-discrimination

56. Co-create a plan with Black workers to address anti-Black racism in the federal public service, including compensation, mental health programmes, hiring and promotion targets, and accountability measures.
57. Report progress on the implementation of Canada's Anti-Racism Strategy 2019-2022, following consultation with Black, Indigenous, and racialized communities.
58. Ban the use, development, production, and sale of facial technology for mass surveillance purposes by the police and other government agencies.

59. Prohibit racial profiling practices by law enforcement and engage in consultations on community-led approaches to uphold public safety.
60. Implement recommendations of the Correctional Investigator on systemic racism in the criminal justice system.
61. Work with Québec to implement Joyce's Principle, publicly acknowledge systemic racism against Indigenous, Black and racialized Peoples, and repeal Bill 21.

Climate and environmental justice

62. Include the right to free, prior and informed consent for all Indigenous Peoples in the forthcoming national Action Plan to align legislation with UNDRIP and freeze implementation and approval of large-scale development projects that do not have FPIC of affected Indigenous Peoples.
63. Co-develop an action plan to respect the Indigenous cultural rights of the Pessamit, address the impacts of climate change and provide compensation for the loss of territory and damages caused by forestry and hydroelectric industries.
64. End all subsidies and financing of fossil fuels and shift to renewable energy that complies with international human rights standards to reach zero-carbon emissions by 2030.
65. Develop and implement a national strategy to identify, address and prevent environmental racism.

Social and economic rights

66. Develop legislation in consultation with Indigenous Peoples to ensure safe, reliable drinking water and wastewater infrastructure in Indigenous communities.
67. Address the housing shortage in Nunavik, Québec in collaboration with Inuit communities.
68. Utilize an intersectional Gender-based Analysis Plus approach for the implementation of the National Housing Strategy of Canada.
69. Develop an action plan with Québec's Ministère de l'Éducation et de l'Enseignement Supérieur to promote the educational success of Indigenous students.

Extra-territorial rights

70. Require resource extraction companies to carry out intersectional, gender-responsive, human rights and environmental due diligence both in Canada and abroad.
71. Enforce compliance with international human rights standards to receive public financing and risk insurance.
72. Guarantee access to remedies for human rights and environmental abuses committed abroad.
73. Require independent human rights impact assessments for all multilateral trade agreements.
74. Consistently implement the Voices-At-Risk Guidelines to support threatened human rights defenders.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

Amnesty International Canada, Amnesty International Canada's submission to public consultations on a potential free trade agreement between Canada and Ecuador, 21 February 2023, <https://amnesty.ca/human-rights-news/public-statements/amnesty-international-canadas-submission-to-public-consultations-on-a-potential-free-trade-agreement-between-canada-and-ecuador/>

Amnesty International Canada, *The 2022 Human Rights Agenda*, December 2022, [2022-Human-Rights-Agenda-Amnesty-International-Canada.pdf](https://www.amnesty.org/en/documents/2022-Human-Rights-Agenda-Amnesty-International-Canada.pdf).

Amnesty International Canada, *The 2021 Human Rights Agenda*, December 2021, <https://amnesty.ca/what-you-can-do/2021-human-rights-agenda-for-canada/>

Amnesty International Canada, Miscellaneous, <https://www.amnesty.org/en/latest/research/?qlocation=1741>.

Amnesty International Canada, Submission to the Special Rapporteur on the Rights of Indigenous Peoples, February 2022. Available upon request.

Amnesty International and Human Rights Watch, *Canada: "I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health*, 17 June 2021, (AI Index: AMR 20/4195/2021), <https://www.amnesty.org/en/documents/amr20/4195/2021/en/>.

Amnesty International and Project Ploughshares, *"No Credible Evidence": Canada's Flawed Analysis of Arms Exports to Saudi Arabia* (AI Index: AMR 20/4440/2021), August 2021, https://www.amnesty.ca/wp-content/uploads/2021/08/NoCredibleEvidence_EN.pdf.

Amnistie internationale Canada francophone, *Aperçu 2022 des Droits Humains au Canada*, 2022, https://amnistie.ca/sites/default/files/2022-09/AI-Apercu_Droits_Humains_2022-Final.pdf.

Attorney General of Canada, Factum of the Defendant, Motion to Strike Statement of Claim, *Toussaint v. Canada (Attorney General)*, 10 February 2022, <https://www.socialrights.ca/2022/AG%20Factum%20Motion%20to%20Strike.pdf>.

Committee on the Elimination of Discrimination Against Women, *Views adopted by the Committee under article 7(3) of the Optional Protocol, concerning communication No. 68/2014*, CEDAW/C/81/D/68/2014, <https://digitallibrary.un.org/record/3828191>.

Committee on the Elimination of Racial Discrimination, *Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure: Decision 1 (100)*, 13 December 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en.

Committee on the Elimination of Racial Discrimination, "Letter to the State of Canada", 24 November 2020, CERD/EWUAP/102nd session/2020/MJ/CS/ks, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/CAN/9296&Lang=en

Committee on the Elimination of Racial Discrimination, "Letter to the State of Canada", 29 April 2022, CERD/EWUAP/106th session/2022/MJ/CS/ks, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fALE%2fCAN%2f9554&Lang=en.

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”, 29 January 2019, <https://www.socialrights.ca/2019/ToussaintReply2d.pdf>.

Human Rights Committee, *Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2348/2014*, 30 August 2018, CCPR/C/123/D/2348/2014, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F123%2FD%2F2348%2F2014.

Ontario Superior Court of Justice, *Toussaint v. Canada (Attorney General)*, 2022 ONSC 4747, 17 August 2022, <https://www.canlii.org/en/on/on/onsc/doc/2022/2022onsc4747/2022onsc4747.html>.

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: A12 Acceptance of international norms			
142.32 Expedite accession to the Arms Trade Treaty (Australia); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms B11 International humanitarian law S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partially implemented. Acceded to Arms Trade Treaty, but under implemented domestically.
142.8 Consider signing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms D26 Conditions of detention D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
142.10 Consider acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Tunisia); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms D26 Conditions of detention D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not Implemented
142.11 Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms D26 Conditions of detention D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
142.21 Take steps to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (New Zealand); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms F4 Persons with disabilities S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons with disabilities	Implemented

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.22 Expedite the process to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Greece); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms F4 Persons with disabilities S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons with disabilities	Implemented
142.1 Consider ratifying those international human rights instruments to which it is not yet a party (Burkina Faso); Source of position: A/HRC/39/11/Add.1 - Para. 5	Supported	A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not fully implemented
Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)			
142.35 Strengthen national mechanisms for monitoring implementation of the international human rights recommendations received by the State (Paraguay); Source of position: A/HRC/39/11/Add.1 - Para. 7	Supported	A21 National Mechanisms for Reporting and Follow-up (NMRF) A23 Follow-up to treaty bodies A25 Follow-up to special procedures A27 Follow-up to Universal Periodic Review (UPR) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. Mechanisms are in place but there is a lack of transparency and compliance is a concern. Refer to the strategy: https://www.canada.ca/fr/patrimoine-canadien/services/a-propos-droits-personne/protocole-suivi-recommandations.html
Theme: A43 Human rights policies			
142.36 Strengthen the coordination on human rights implementation across levels of government in order to ensure better implementation domestically (Norway); Source of position: A/HRC/39/11/Add.1 - Para. 7	Supported	A43 Human rights policies A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not fully implemented. Recent examples suggest that the federal government does not always act when provinces put them in violation of their international human rights obligations.
Theme: A44 Structure of the national human rights machinery			
142.37 Establish a mechanism to follow up and implement human rights at all levels of government (France); Source of position: A/HRC/39/11/Add.1 - Para. 7	Supported	A44 Structure of the national human rights machinery A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not fully implemented. Protocol exists but no publicly known actions or information on follow up.
Theme: B31 Equality & non-discrimination			
142.83 Continue strengthening efforts in promoting the rights of lesbian, gay, bisexual, transgender and intersex persons (South Africa); Source of position: A/HRC/39/11/Add.1 - Para. 29	Supported	B31 Equality & non-discrimination Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not fully implemented. Progress in policy development but gaps remain in implementation and policy, especially for transgender persons. In January 2023, the federal government banned and criminalized conversion therapy, marking a triumphant moment for 2SLGBTQI+ rights. In August 2023, Canada launched its first Federal 2SLGBTQI+ Action Plan, following its Budget 2022 announcement of \$100 million in funding for 2SLGBTQI+ communities. However, the policy actions related to these new priority areas are absent of substantive direction, new initiatives, or policy guidance that could better enhance Canada's intersectional response.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.69 Develop and implement strategies, including the introduction of legislation and awareness campaigns, to counter anti-Semitic and anti-Muslim sentiment across Canada (Bahrain); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination A42 Institutions & policies - General A41 Constitutional and legislative framework G1 Members of minorities S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No information on anti-Semitic legislation. Policy developments in Quebec are exacerbating anti-Muslim sentiment.
142.47 Continue to implement policies to reduce inequalities, especially among Indigenous Peoples, racial and religious minorities, and increase access to basic social services for all (Angola); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination A43 Human rights policies G3 Indigenous Peoples G1 Members of minorities E24 Right to social security S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples	Not fully implemented.
142.45 Put an end to the violation of the human rights of ethnic, minority and vulnerable groups, eradicating racist and discriminatory practices by public organizations and entities (Bolivarian Republic of Venezuela); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination B32 Racial discrimination A42 Institutions & policies - General G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups	Not fully implemented. Significant gaps remain, particularly in relation to Indigenous, Black and racialized groups.
142.82 Take the necessary measures and place more emphasis on the principles of non-discrimination and inclusion in education, mainly for minority groups and persons with disabilities (Albania); Source of position: A/HRC/39/11/Add.1 - Para. 12	Supported	B31 Equality & non-discrimination E51 Right to education - General G1 Members of minorities F4 Persons with disabilities S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons with disabilities	Not fully implemented.
142.227 Broaden the legislative framework as well as programmes and policies for improving the promotion and protection of the rights of people of African descent (Plurinational State of Bolivia); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination G1 Members of minorities A41 Constitutional and legislative framework A43 Human rights policies S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
142.73 Address the worrying trend of the growing number of anti-Semitic incidents against members of the Jewish community in Canada (Hungary); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination G1 Members of minorities D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	No information.
142.229 Continue taking steps to address the gaps in the promotion and protection of the rights of minorities and Indigenous Peoples (Bhutan); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination G1 Members of minorities G3 Indigenous Peoples S10 SDG 10 - inequality Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples	Not fully implemented.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.41 Take further legal and administrative measures for the promotion and protection of the human rights of aboriginals and to eliminate discrimination against minorities, so that they enjoy life on an equal basis throughout the country (Democratic People's Republic of Korea); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	B31 Equality & non-discrimination G1 Members of minorities G3 Indigenous Peoples S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples	Not fully implemented.
142.40 Continue with efforts to combat all forms of discrimination and intolerance, especially against minority groups (El Salvador); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
142.71 Pay more attention to the issue of the rise of Islamophobia in certain provinces of Canada (Kazakhstan); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented. More attention through the appointment of the Anti-Islamophobia Representative at the federal level, but Islamophobia is still prevalent in many provinces.
142.76 Adopt and implement policy measures to protect the rights of the peoples of the First Nations and immigrants, especially women (Pakistan); Source of position: A/HRC/39/11/Add.1	Supported	B31 Equality & non-discrimination G3 Indigenous Peoples A43 Human rights policies G4 Migrants F1 Women S05 SDG 5 - gender equality and women's empowerment S10 SDG 10 - inequality Affected persons: - women - migrants - Indigenous Peoples	Not fully implemented.
142.39 Further intensify its efforts for the elimination of structural inequality and intersectional discrimination faced by vulnerable groups (Cyprus); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B31 Equality & non-discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - vulnerable persons/groups	Not fully implemented, particularly for Indigenous, Black and Racialized communities.
Theme: B32 Racial discrimination			
142.50 Eliminate all forms of racial discrimination through legal, administrative and policy measures (Kenya); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented despite new policy measures in place.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.42 Redouble its efforts to raise awareness of xenophobic and race-based discrimination and ill-treatment, with a view to thoroughly ending such practices in society (Democratic People's Republic of Korea); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination A54 Awareness raising and dissemination D25 Prohibition of torture and cruel, inhuman or degrading treatment S10 SDG 10 - inequality Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	Not fully implemented.
142.56 Continue efforts to combat racial discrimination and hate speech against foreigners and minorities (Tunisia); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination B31 Equality & non-discrimination D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - non-citizens	Not fully implemented.
142.48 Continue efforts to combat racism, discrimination and hatred (Libya); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
142.49 Redouble efforts to combat racism and discrimination in all its forms (Nigeria); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
142.51 Continue to support governmental programmes aimed at combating racism and hatred, and fostering positive interaction between different cultural, religious and ethnic groups in Canada (Lebanon); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination G1 Members of minorities A43 Human rights policies S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
142.67 Eliminate all forms of racial discrimination, xenophobia and related intolerance against Muslims and people of African descent (Sudan); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	B32 Racial discrimination G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
Theme: B6 Business & Human Rights			
142.97 Consistency with the United Nations guidelines with regard to the arrival of the victims of Canadian companies operating abroad to justice in Canada (Syrian Arab Republic); Source of position: A/HRC/39/11/Add.1 - Para. 32	Supported	B6 Business & Human Rights A12 Acceptance of international norms B51 Right to an effective remedy Affected persons: - general	Not fully implemented, although there has been access to justice in the courts in isolated cases – e.g., Nevsun

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.95 Exercise due diligence in dealing with business entities that are involved in illegal economic activities and human rights violations in the uncontrolled conflict-affected territories of other United Nations Member States (Azerbaijan); Source of position: A/HRC/39/11/Add.1 - Para. 32	Supported	B6 Business & Human Rights B11 International humanitarian law D51 Administration of justice & fair trial Affected persons: - persons affected by armed conflict	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.92 Ensure that Canada's mining, oil and gas companies are held accountable for the negative human rights impact of their operations abroad (Philippines); Source of position: A/HRC/39/11/Add.1 - Para. 32	Supported	B6 Business & Human Rights B51 Right to an effective remedy D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.93 Adopt additional measures to guarantee the accountability of transnational corporations and other business enterprises with regard to human rights abuses in third countries throughout their chain of production and operation (Brazil); Source of position: A/HRC/39/11/Add.1 - Para. 32	Supported	B6 Business & Human Rights B51 Right to an effective remedy D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.94 Strengthen measures aimed at ensuring access to justice and remedies for violations of rights of persons by transnational corporations registered in Canada operating abroad (Namibia); Source of position: A/HRC/39/11/Add.1 - Para. 32	Supported	B6 Business & Human Rights B51 Right to an effective remedy D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.91 Take further steps to prevent human rights impacts by Canadian companies operating overseas, as well as ensuring access to remedies for people affected, and share Canada's practices as appropriate (Thailand); Source of position: A/HRC/39/11/Add.1 - Para. 32	Supported	B6 Business & Human Rights B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
Theme: B73 Human rights and climate change			
142.87 Engage actively with the international community in efforts to promote and protect human rights in the context of climate change (Viet Nam); Source of position: A/HRC/39/11/Add.1 - Para. 34	Supported	B73 Human rights and climate change A3 Inter-State cooperation & development assistance S13 SDG 13 - climate change Affected persons: - general	Not fully implemented. Canada supported creation of Loss and Damage Fund at COP27 but Canada's funding for international efforts is not commensurate with their current and past contributions to climate change. Canada continues to massively support the fossil fuel industry, its emission reduction targets are far too low compared to its responsibility and capacity and its current policies inadequate to achieve even that limited target
Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.102 End excessive use of force by the police when responding to cases involving vulnerable people of African descent, such as those who are mentally ill (Sudan); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons with disabilities	Not implemented. In June 2023, the Toronto Police Service released the findings of race-based data collected in 2020, which identified systemic discrimination in policing, noting a disproportionate impact on racialized people. Black and Indigenous people were more likely to be subject to use of force during “person in crisis” calls for service and Indigenous People were the most overrepresented in strip searches relative to their proportion in arrests.
142.103 Adopt measures to prevent excessive use of force and the high number of deaths involving the police among vulnerable people of African descent (Czechia); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment D21 Right to life B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not implemented.
142.104 Put an end to the practice of excessive use of force by law enforcement officers, and arbitrary detentions during protests at the federal and provincial levels (Bolivarian Republic of Venezuela); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment D31 Liberty and security - general D33 Arbitrary arrest and detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - persons deprived of their liberty	Not implemented.
Theme: D27 Prohibition of slavery, trafficking			
142.123 Investigate, prosecute and adequately punish all cases of trafficking in persons (Serbia); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D27 Prohibition of slavery, trafficking D51 Administration of justice & fair trial B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - women - children	Not fully implemented. The vulnerability to trafficking of migrant workers is acknowledged in Canada's National Strategy to Combat Human Trafficking 2019-2024, but the root causes of vulnerability to labour trafficking (closed work permit and precarious status) are not identified or addressed. Instead, funding has been allotted to allow organizations to provide support services to migrant workers, an inadequate step.
Theme: D51 Administration of justice & fair trial			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>142.43 Strengthen measures adopted by the Government to combat racism and discrimination against Canadians of African descent and Indigenous Peoples in the criminal justice system (Belarus);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 30</p>	<p>Supported</p>	<p>D51 Administration of justice & fair trial B31 Equality & non-discrimination B32 Racial discrimination G3 Indigenous Peoples S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples 	<p>Not fully implemented. The Annual Report of the Office of the Correctional Investigator (OCI) released in November 2022 found that Black prisoners make up 9.2% of the total incarcerated population, despite representing about 3.5% of the overall Canadian population. Most incarcerated Black persons are young men, with the largest proportion falling between the ages of 18 and 30 years (38%). They continue to experience disproportionately poorer outcomes and systemic barriers, including discrimination and stereotyping. Despite lower rates of reoffending, Black persons were more likely to be assessed as higher risk and serve more of their time at higher security levels, negatively impacting their access to services and programming. Black persons were also more likely to be involved in a use of force incident regardless of other factors such as age, gender, or sentence. Indigenous Peoples are overrepresented in the federal correctional system, with Indigenous women bearing a disproportionate overrepresentation in federal custody. Indigenous people account for 28% of all federally sentenced persons and nearly one third of all individuals in federal custody, despite making up only 5% of the adult population in Canada. Indigenous women are one of the fastest growing populations of incarcerated persons in federal correctional institutions in Canada. On 28 August 2022, the proportion of incarcerated Indigenous women reached 50% of all federally sentenced women for the very first time. Of all women held in maximum security, almost 65% are Indigenous women.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.111 Take effective measures to avoid the continuation of racial profiling by the police, security agencies and border agents of Indigenous Peoples, Muslims, Afro-Canadians and other minority ethnic groups (Ecuador); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B31 Equality & non-discrimination B32 Racial discrimination G3 Indigenous Peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples - law enforcement / police officials	Not fully implemented. In his statement on 21 March 2022 condemning all forms of racial discrimination, hatred and systemic injustice, Prime Minister Justin Trudeau referred to the Federal Anti-Racism Strategy, Federal Anti-Racism Secretariat and action plans to address racial inequities in the criminal justice system, and in relation to social, economic and health well-being. However, countless recommendations from international human rights bodies, Canadian inquiries and commissions and affected communities remained unaddressed, particularly in relation to racial profiling and the criminal justice system.
142.108 Stop racial profiling and other discriminatory practices by the police and security agencies (India); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B31 Equality & non-discrimination B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - law enforcement / police officials	Not implemented.
142.117 Adopt specific measures to address racial profiling in law enforcement to prevent arbitrary arrests, stops, searches and investigations and the over-incarceration of African Canadians (Botswana); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B31 Equality & non-discrimination B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons deprived of their liberty	Not fully implemented.
142.110 Take measures to prohibit targeting, profiling and harassment of Muslims by the police, security agencies and other authorities (Pakistan); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B31 Equality & non-discrimination G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - law enforcement / police officials	Not fully implemented.
142.66 End anti-black and anti-Muslim discrimination and racism and implement an appropriate justice strategy within the criminal justice system in this regard (Islamic Republic of Iran); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B32 Racial discrimination B31 Equality & non-discrimination G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not implemented.
142.62 Take further measures to address hate crimes and racial profiling, in accordance with the rule of law, especially those that are directed towards religious minorities (Indonesia); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B32 Racial discrimination B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented, particularly in relation to racial profiling by law enforcement.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.109 Combat racist hate crimes and racial profiling by the police, security agencies and border agents (South Africa); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B32 Racial discrimination B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - law enforcement / police officials	Not fully implemented , particularly in relation to racial profiling by law enforcement.
142.63 Take appropriate measures to address racism, racial discrimination and racial profiling, especially for people of African descent, and bring the perpetrators to book (Namibia); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial B32 Racial discrimination B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented , particularly in relation to racial profiling by law enforcement.
142.107 Work towards improving access to justice for women, including indigenous and racialized women, and women with disabilities (Qatar); Source of position: A/HRC/39/11/Add.1 - Para. 16	Supported	D51 Administration of justice & fair trial B51 Right to an effective remedy F1 Women G3 Indigenous Peoples G1 Members of minorities Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples - persons with disabilities	Not fully implemented , as evident in AICSES press conference with families of murdered and missing Indigenous women in 2022. Indigenous Peoples call for more police accountability, targeted survivor-centered responses, and prioritization of Indigenous and vulnerable missing person cases.
142.106 Ensure that Canada's Indigenous Peoples are able to access justice on an equal footing with the rest of Canada's population (Philippines); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	D51 Administration of justice & fair trial G3 Indigenous Peoples B31 Equality & non-discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous Peoples	Not fully implemented .
142.114 Tackle the root causes of the overrepresentation of African Canadians and Indigenous Peoples at all levels of the judicial system, from arrest to incarceration (Congo); Source of position: A/HRC/39/11/Add.1 - Para. 30	Supported	D51 Administration of justice & fair trial G3 Indigenous Peoples G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples - persons deprived of their liberty	Not implemented
Theme: E1 Economic, social & cultural rights - general measures of implementation			
142.161 Guarantee universal access to health care, education and a high standard of living without discrimination, including through the collection of disaggregated statistics (Mexico); Source of position: A/HRC/39/11/Add.1 - Para. 13	Supported	E1 Economic, social & cultural rights - general measures of implementation B31 Equality & non-discrimination E21 Right to an adequate standard of living - general E41 Right to health - General E51 Right to education - General A62 Statistics and indicators S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality Affected persons: - general	Not implemented . The Interim Federal Health Programme continues to allow Canada to deny essential healthcare to people with irregular immigration status, contrary to the Human Rights Committee's 2348/2014 Views.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.168 Continue promoting the living conditions of ethnic and racial minorities, especially in the areas of health care and decent housing (Holy See); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	E1 Economic, social & cultural rights - general measures of implementation E21 Right to an adequate standard of living - general E23 Right to adequate housing E41 Right to health - General S03 SDG 3 - health Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
142.152 Ensure that the rights to health, education and employment of Indigenous Peoples, people of African descent as well as migrants, refugees and asylum seekers are respected and guaranteed (Madagascar); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	E1 Economic, social & cultural rights - general measures of implementation E31 Right to work E41 Right to health - General E51 Right to education - General G3 Indigenous Peoples G4 Migrants G5 Refugees & asylum seekers S03 SDG 3 - health S04 SDG 4 - education S08 SDG 8 - economic growth, employment, decent work S10 SDG 10 - inequality Affected persons: - migrants - Indigenous Peoples - refugees & asylum seekers	Not implemented, particularly in relation to the rights to health and education were inequities and barriers remain.
Theme: E23 Right to adequate housing			
142.166 Adopt the National Housing Strategy as soon as possible, taking into account the principles and recommendations included in the most recent report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (Uruguay); Source of position: A/HRC/39/11/Add.1 - Para. 13	Supported	E23 Right to adequate housing A43 Human rights policies A25 Follow-up to special procedures B31 Equality & non-discrimination S11 SDG 11 - cities Affected persons: - general	Implemented. Assented National Housing Strategy Act, S.C. 2019, c. 29, s. 313. Assented to 2019-06-21. Quarterly reports produced. Amnesty International has not assessed whether the act adequately takes into account the principles and recommendations referred to. Gaps remain in number of new units for homeless peoples, for Indigenous Peoples and affordable housing.
142.165 Expedite the adoption of the national strategy to address issues of adequate housing (Republic of Korea); Source of position: A/HRC/39/11/Add.1 - Para. 13	Supported	E23 Right to adequate housing A43 Human rights policies S11 SDG 11 - cities Affected persons: - general	Implemented but gaps remain in number of new units for homeless peoples, for Indigenous Peoples and affordable housing.
142.163 Plan to allocate the necessary resources in order to overcome the housing crisis swiftly (Belarus); Source of position: A/HRC/39/11/Add.1 - Para. 13	Supported	E23 Right to adequate housing A63 Budget and resources (for human rights implementation) Affected persons: - general	Not fully implemented.
142.160 Ensure that adequate measures are put in place to prevent homelessness (South Africa); Source of position: A/HRC/39/11/Add.1 - Para. 13	Supported	E23 Right to adequate housing S01 SDG 1 - poverty Affected persons: - general - persons living in poverty	Not fully implemented.
Theme: E24 Right to social security			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>142.242 Intensify efforts to provide equitable access to health, education, social services, quality water and food security for indigenous people (Trinidad and Tobago);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security B31 Equality & non-discrimination E22 Right to food E26 Human Rights & drinking water and sanitation E41 Right to health - General E51 Right to education - General G3 Indigenous Peoples S02 SDG 2 - hunger and food security S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons: - Indigenous Peoples</p>	<p>Not implemented. There are still some Indigenous communities that have no potable water. The budget for education is still not at the same level of non-Indigenous people. Access to health care is difficult in remote communities and Indigenous Peoples often face discrimination when accessing it.</p>
<p>142.139 Take steps to ensure that all Canadian children have equal access to government services such as health, education and welfare, and address the disparities in access to these services for indigenous children in particular (Ireland);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 20</p>	Supported	<p>E24 Right to social security B31 Equality & non-discrimination E41 Right to health - General E51 Right to education - General G3 Indigenous Peoples F31 Children: definition; general principles; protection S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons: - children - Indigenous Peoples</p>	<p>Not implemented, as evident in inequities in access to health, education and welfare for Indigenous children. On 4 January 2022, the Government of Canada, AFN, First Nations Child and Family Caring Society, Chiefs of Ontario and the Nisnawbe Aski Nation announced an agreement in principle on how to implement a Canadian Human Rights Tribunal (CHRT) order to end discrimination in the provision of child and family services to First Nations children. The AFN and the Government of Canada subsequently reached a \$20 billion-dollar Final Settlement Agreement for compensation to those who experienced discrimination under the First Nations Child and Family Services programmes and the federal government's application of Jordan's Principle. However, the CHRT held that the agreement did not fully satisfy its prior decision concerning the compensation owed to victims and survivors.</p>
<p>142.240 Ensure full equality for Indigenous Peoples in the protection of their international human rights to health, education and welfare (Norway);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security B31 Equality & non-discrimination E41 Right to health - General E51 Right to education - General G3 Indigenous Peoples S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons: - Indigenous Peoples</p>	<p>Not implemented.</p>
<p>142.140 Ensure that Indigenous Peoples have access to the same support, services and ability to exercise their human rights as other Canadian citizens (Sweden);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security B31 Equality & non-discrimination G3 Indigenous Peoples S10 SDG 10 - inequality</p> <p>Affected persons: - Indigenous Peoples</p>	<p>Not implemented.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>142.143 Address disparities in access to health, education and welfare services provided for indigenous people, in particular for children (Hungary);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security G3 Indigenous Peoples B31 Equality & non-discrimination F31 Children: definition; general principles; protection E41 Right to health - General E51 Right to education - General S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons: - children - Indigenous Peoples</p>	<p>Not fully implemented. For instance, the Asubpeeschoseewagong Anishinabek, also known as the Grassy Narrows First Nation, is an Indigenous community in northwest Ontario that have endured over six decades of mercury contamination of their rivers, resulting in mercury poisoning of their people, including children.</p>
<p>142.244 Implement effective measures to reduce the high levels of poverty and food insecurity among Indigenous Peoples and to ensure better access for them to health care, education, adequate housing and other basic necessities (India);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security G3 Indigenous Peoples E21 Right to an adequate standard of living - general E22 Right to food E23 Right to adequate housing E25 Human rights & poverty E41 Right to health - General E51 Right to education - General S01 SDG 1 - poverty S02 SDG 2 - hunger and food security S03 SDG 3 - health S04 SDG 4 - education</p> <p>Affected persons: - Indigenous Peoples</p>	<p>Not fully implemented.</p>
<p>142.142 Cease cases of children being taken away from their parents by child welfare agencies, thus restoring the era of residential schools (1874–1996) (Syrian Arab Republic);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security G3 Indigenous Peoples F31 Children: definition; general principles; protection</p> <p>Affected persons: - children - Indigenous Peoples</p>	<p>Partially implemented. Adoption of An Act respecting First Nations, Inuit and Métis children, youth and families (S.C. 2019, c. 24) Assented to 2019-06-21 but some provinces (e.g., Québec) have not implemented it.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>142.146 Ensure non-discriminatory and culturally appropriate First Nations child and family services as well as other public services such as education, health, culture and language (Slovenia);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 9</p>	Supported	<p>E24 Right to social security G3 Indigenous Peoples F31 Children: definition; general principles; protection B31 Equality & non-discrimination E41 Right to health - General E51 Right to education - General E7 Cultural rights S03 SDG 3 - health S04 SDG 4 - education S10 SDG 10 - inequality</p> <p>Affected persons: - children - Indigenous Peoples</p>	<p>Not fully implemented. Québec has refused to include cultural services for Indigenous children and families. Throughout 2022 Indigenous Peoples across the country signed agreements or otherwise announced intentions to exercise jurisdiction over child and family services as provided for in the 2019 federal Act Respecting First Nations, Inuit and Métis Children, Youth and Families. In October, British Columbia became the first province in Canada to bring its legislation in line with the right of Indigenous Peoples to exercise jurisdiction over child welfare, which was generally welcomed by Indigenous leaders in the province. In Alberta, the members of the Loon River Cree Nation, Peerless Trout First Nation and Lubicon Lake Band voted in favour of a law that would give them jurisdiction over child welfare in their communities, which is now pending a funding arrangement with the provincial and federal governments. In Ontario, the Wabaseemoong community became the first in Ontario to sign a trilateral agreement with the federal and provincial governments to coordinate child and family services under the Wabaseemoong customary childcare law. In New Brunswick, the Tobique (Neqotkuk) First Nation passed child welfare legislation that will allow it to take over responsibility from the province. In Manitoba, however, the Assembly of Manitoba Chiefs expressed concerns about the lack of partnership with the provincial government as it considers making changes to child and family services legislation.</p>
Theme: E26 Human Rights & drinking water and sanitation			
<p>142.167 Comply with its commitment to guarantee the human right to drinking water and sanitation, and implement strategies to promote access to drinking water and to improve sanitation facilities in remote areas (Spain);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 13</p>	Supported	<p>E26 Human Rights & drinking water and sanitation A42 Institutions & policies - General S06 SDG 6 - water and sanitation</p> <p>Affected persons: - general</p>	<p>Not implemented. In November 2019, Tataskweyak Cree Nation, Curve Lake First Nation and Neskantaga First Nation launched a class action lawsuit that led to the Safe Drinking Water Class Action Settlement Agreement in December 2021, which recognizes First Nations' right to reliable access to safe drinking water and compensates those who were deprived of it. The federal government then repealed the Safe Drinking Water for First Nations Act on 23 June 2022 and made a commitment to consult with First Nations and develop and introduce replacement legislation that improves access to safe drinking water for current and future generations by 31 December 2022. As of March 1st, still 32 long-term drinking water advisories in 28 Indigenous communities.</p>
Theme: E31 Right to work			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.132 Take all measures to ensure the adoption of employment equity legislative and policy measures in all jurisdictions to address unemployment faced by disadvantaged and marginalized groups (Islamic Republic of Iran); Source of position: A/HRC/39/11/Add.1 - Para. 12	Supported	E31 Right to work B31 Equality & non-discrimination A41 Constitutional and legislative framework A42 Institutions & policies - General S08 SDG 8 - economic growth, employment, decent work S10 SDG 10 - inequality Affected persons: - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups - persons with disabilities - vulnerable persons/groups	Not implemented. Canada launched a task force to review its <i>Employment Equity Act</i> , which does not adequately address intersecting forms of discrimination or anti-Black racism. The Act has not yet been amended.
142.130 Ensure equality of opportunity for all citizens, so that each eligible person would be able to work in high-level and professional job positions (Islamic Republic of Iran); Source of position: A/HRC/39/11/Add.1 - Para. 12	Supported	E31 Right to work E32 Right to just and favourable conditions of work S08 SDG 8 - economic growth, employment, decent work Affected persons: - general	Not fully implemented. For example, Québec's <i>Respecting the laicity of the state</i> , also known as Bill 21, prohibits some public employees from wearing religious symbols in certain public service positions.
Theme: E32 Right to just and favourable conditions of work			
142.137 Take the necessary steps to combat discriminatory labour market practices against women and migrant workers (Algeria); Source of position: A/HRC/39/11/Add.1 - Para. 12	Supported	E32 Right to just and favourable conditions of work B31 Equality & non-discrimination F1 Women G4 Migrants S08 SDG 8 - economic growth, employment, decent work S10 SDG 10 - inequality Affected persons: - women - migrants	Not implemented. There is no labour mobility for many migrant workers on closed work permits, who face heightened risk of exploitation.
142.135 Promote fairer working conditions for all, including migrant workers (Nepal); Source of position: A/HRC/39/11/Add.1 - Para. 12	Supported	E32 Right to just and favourable conditions of work G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - general - migrants	Not fully implemented, despite a few positive developments such as open work permits for abused workers.
Theme: E41 Right to health – General			
142.170 Develop people- and community-centred mental health services that do not lead to institutionalization, over-medicalization or practices that do not respect the rights, will and preferences of all persons (Portugal); Source of position: A/HRC/39/11/Add.1 - Para. 23	Supported	E41 Right to health – General F4 Persons with disabilities S03 SDG 3 - health Affected persons: - persons with disabilities	Not implemented. Equitable right to health is lacking, particularly for Indigenous Peoples and specifically in relation to maternal health.
Theme: F11 Advancement of women			
142.121 Continue making further efforts to ensure equal participation in political and public affairs (Slovakia); Source of position: A/HRC/39/11/Add.1 - Para. 26	Supported	F11 Advancement of women F14 Participation of women in political and public life S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Not fully implemented. Indigenous, Black and Racialized women are subject to harassment and violence, particularly online violence, in the public domain, including politicians and journalists.
Theme: F12 Discrimination against women			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.176 Take measures to promote greater political participation of women in legislative bodies (Costa Rica); Source of position: A/HRC/39/11/Add.1 - Para. 16	Supported	F12 Discrimination against women F11 Advancement of women F14 Participation of women in political and public life S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Not fully implemented. Indigenous, Black and Racialized women are subject to harassment and violence, particularly online violence, in the public domain.
Theme: F13 Violence against women			
142.184 Step up efforts in order to make more efficient the legal framework to protect women of all age groups against all forms of violence and from sexual abuse (Lebanon); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not fully implemented, although significant policy developments should be noted.
142.190 Strengthen measures to protect victims of violence against women and girls, particularly among minority communities, including through ensuring access to quality multisectoral responses for survivors covering safety, shelter, health, justice and other essential services (Rwanda); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence B51 Right to an effective remedy B53 Support to victims and witnesses E41 Right to health - General G1 Members of minorities S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented as implementation gaps remain. In November 2022, the federal government released its long-awaited National Action Plan to End Gender-Based Violence. The plan outlined a coordinated approach with federal, provincial, and territorial governments centred on five foundational pillars. These pillars include support for victims, survivors, and their families, violence prevention, a responsive justice system, Indigenous-led approaches, social infrastructure, and an enabling environment. Implementation plans, detailed targets, indicators, and reporting mechanisms for the Plan across federal, provincial, and territorial governments have not yet been outlined, which the government has indicated will be forthcoming.
142.199 Ensure effective investigation of cases of violence against women and girls, especially those belonging to Indigenous Peoples, and bring the perpetrators to justice (Russian Federation); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence D51 Administration of justice & fair trial B52 Impunity G3 Indigenous Peoples S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls - Indigenous Peoples	Not implemented. Indigenous women, girls, and Two-Spirit people and gender-diverse people continue to face disproportionate rates of violence across the country, and police investigations are marred by abuse, negligence, and discrimination.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.200 Continue all efforts to combat discrimination against women and to combat violence against women, particularly indigenous women and women of African descent (Tunisia); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence F12 Discrimination against women G1 Members of minorities G3 Indigenous Peoples S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples	Not fully implemented. Indigenous, Black and Racialized women continue to experience disproportionate levels of violence. The government's 2022 Progress Report of the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ National Action Plan (NAP) revealed a lack of progress.
142.211 Arrange a follow-up visit from the Special Rapporteur on the rights of Indigenous Peoples to gauge progress, with a particular focus on missing and murdered indigenous women (United States of America); Source of position: A/HRC/39/11/Add.1 - Para. 7	Supported	F13 Violence against women D28 Gender-based violence G3 Indigenous Peoples A25 Follow-up to special procedures D21 Right to life S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - Indigenous Peoples	Implemented. The Special Rapporteur on the Rights of Indigenous People visited Canada between 1 March and 10 March, 2023, to meet with representatives of Indigenous Nations, government officials, members of the judiciary, and other key stakeholders.
142.208 Reinforce efforts to investigate cases of missing and murdered aboriginal women (Republic of Korea); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence G3 Indigenous Peoples D21 Right to life D51 Administration of justice & fair trial S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - Indigenous Peoples	Not fully implemented, despite the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ National Action Plan.
142.75 Step up efforts to protect indigenous women and girls from all forms of discrimination, violence and abuse (Philippines); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence G3 Indigenous Peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls - Indigenous Peoples	Not fully implemented. Canada's 2022 "Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan" revealed serious gaps to protect Indigenous women and girls from violence. Canada's 2022 "National Action Plan to End Gender-Based Violence" has not delineated implementation plans or targets, revealing little progress.
142.180 Continue to combat violence against women (France); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D28 Gender-based violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not fully implemented. In 2022 Canada launched the "Federal 2SLGBTQI+ Action Plan", which lacks substance on the rights of transgender people, online violence, and provision of mental health services.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.204 Continue to investigate, prosecute and prevent cases of violence against aboriginal women and girls (Estonia); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women D8 Rights related to marriage & family G3 Indigenous Peoples D51 Administration of justice & fair trial S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls - Indigenous Peoples	Not fully implemented. Families of murdered and missing Indigenous women argue that investigations are flawed, and that they do not receive the necessary supports.
142.212 Take the necessary steps to investigate complaints lodged regarding the forced sterilization of women from vulnerable groups and, where appropriate, punish those responsible and assist affected women (Argentina); Source of position: A/HRC/39/11/Add.1 - Para. 17	Supported	F13 Violence against women E41 Right to health - General B52 Impunity B53 Support to victims and witnesses S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - vulnerable persons/groups	Not implemented. Decades of allegations of forced and coerced sterilization of Indigenous women in Canada continue uninvestigated and Canada lacks a specific criminal offence to help bring perpetrators to justice.
Theme: F4 Persons with disabilities			
142.221 Continue to tackle the issues related to persons with disabilities and poverty, as pointed out by relevant treaty bodies (Japan); Source of position: A/HRC/39/11/Add.1 - Para. 23	Supported	F4 Persons with disabilities A23 Follow-up to treaty bodies E25 Human rights & poverty E21 Right to an adequate standard of living - general S01 SDG 1 - poverty Affected persons: - persons with disabilities	Not fully implemented. Canada continues to discriminate against people with disabilities, including through its immigration detention system.
Theme: G3 Indigenous Peoples			
142.236 Take effective legislative and administrative measures to concretely improve the living conditions of indigenous people and ensure all their rights (China); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples A41 Constitutional and legislative framework A42 Institutions & policies - General E21 Right to an adequate standard of living - general Affected persons: - Indigenous Peoples	Not fully implemented. Canada's <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i> (S.C. 2021, c. 14) mandates the federal government to unveil an action plan by June 2023 to implement the UN Declaration on the Rights of Indigenous People. Canada has yet to enforce obtaining the free, prior, and informed consent of Indigenous Peoples as enshrined in the UNDRIP.
142.250 Implement all of the "calls to action" from the Truth and Reconciliation Commission (Australia); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples A42 Institutions & policies - General Affected persons: - Indigenous Peoples	Not fully implemented.
142.251 Take all decisions concerning First Nations peoples in consultation with them (Slovenia); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples A42 Institutions & policies - General A61 Cooperation with civil society Affected persons: - Indigenous Peoples	Not fully implemented.
142.254 Ensure that indigenous communities can express their free and informed consent prior to any measure that may affect their land (Holy See); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples A42 Institutions & policies - General A61 Cooperation with civil society Affected persons: - Indigenous Peoples	Not implemented. Indigenous Nations across Canada argue that hydroelectricity, logging and pipeline construction is being undertaken without their free, prior and informed consent.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.255 Ensure the creation of transparent mechanisms for receiving the free and informed consent of Indigenous Peoples in order to carry out economic activities in their traditional territories of residence (Russian Federation); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples A42 Institutions & policies - General A61 Cooperation with civil society Affected persons: - Indigenous Peoples	Not implemented.
142.80 Abolish all discriminatory implications of the Indian Act to remove remaining historical discrimination against matrilineal descent regarding aboriginal status (Germany); Source of position: A/HRC/39/11/Add.1 - Para. 10	Supported	G3 Indigenous Peoples B31 Equality & non-discrimination F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - general - women - Indigenous Peoples	Not fully implemented.
142.257 Prohibit the environmentally detrimental development of resources on the territories of Indigenous Peoples without the free, prior and informed consent of those communities (Ireland); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples B71 Human rights and the environment A42 Institutions & policies - General A61 Cooperation with civil society S15 SDG 15 - biodiversity, forests, desertification Affected persons: - Indigenous Peoples	Not implemented. For example, Canada and British Columbia authorized construction of a gas pipeline that passes through the ancestral and unceded territory of the Wet'suwet'en Nation without the free, prior, and informed consent of their Hereditary Chiefs, responding to protests with surveillance, criminalization, and harassment towards the Wet'suwet'en Nation and other land defenders.
142.258 Invest in the preservation of endangered languages spoken by people belonging to First Nations (Israel); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	G3 Indigenous Peoples E7 Cultural rights Affected persons: - Indigenous Peoples	Not fully implemented. Indigenous Languages Act, S.C. 2019, c. 23, assented to 21 June 2019, but still awaiting the action plan.
Theme: G4 Migrants			
142.264 Ensure that temporary and migrant agricultural workers are covered under the protection of labour legislation and have access to health and employment benefits (Trinidad and Tobago); Source of position: A/HRC/39/11/Add.1	Supported	G4 Migrants A41 Constitutional and legislative framework E31 Right to work E41 Right to health - General E24 Right to social security S03 SDG 3 - health S10 SDG 10 - inequality Affected persons: - migrants	Not fully implemented. , particularly people with irregular status and those on temporary migrant labour programmes.
142.260 Take legislative and administrative actions to reform current policies to ensure the protection of all migrants (Islamic Republic of Iran); Source of position: A/HRC/39/11/Add.1 - Para. 24	Supported	G4 Migrants A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Not implemented.
142.262 Continue to take steps to improve the conditions of migrant workers, including temporary and seasonal workers, and their welfare (Sri Lanka); Source of position: A/HRC/39/11/Add.1 - Para. 24	Supported	G4 Migrants E24 Right to social security S10 SDG 10 - inequality Affected persons: - migrants	Not fully implemented.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.263 Enable migrant workers, especially those of African descent, to access basic health services (Senegal); Source of position: A/HRC/39/11/Add.1 - Para. 24	Supported	G4 Migrants G1 Members of minorities E41 Right to health - General S03 SDG 3 - health Affected persons: - migrants	Not fully implemented for those without status. Temporary foreign workers are entitled to access but face barriers.
Theme: G5 Refugees & asylum seekers			
142.268 Ensure that all individuals who attempt to enter the country are provided with equal access to asylum proceedings (Mozambique); Source of position: A/HRC/39/11/Add.1 - Para. 24	Supported	G5 Refugees & asylum seekers D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - refugees & asylum seekers	Not fully implemented. Under the <i>Safe Third Country Agreement</i> , most refugee claimants entering Canada from an official land border crossing are denied and forcibly returned to the United States.
Theme: A23 Follow-up to treaty bodies			
142.33 Take all necessary measures to ensure that the recommendations made by the United Nations Committee on the Elimination of Racial Discrimination are fully implemented (Azerbaijan); Source of position: A/HRC/39/11/Add.1 - Para. 8	Noted	A23 Follow-up to treaty bodies B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not implemented
Theme: B31 Equality & non-discrimination			
142.228 Develop and implement, in collaboration with Canada's various government entities and civil society, a national action plan to follow up on the recommendations of the Working Group of Experts on People of African Descent, following its visit to Canada in 2016 (Haiti); Source of position: A/HRC/39/11/Add.1 - Para. 8	Noted	B31 Equality & non-discrimination G1 Members of minorities A46 National Plans of Action on Human Rights (or specific areas) A25 Follow-up to special procedures Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
Theme: B32 Racial discrimination			
142.53 Adopt and implement a national plan to combat racial discrimination (Togo); Source of position: A/HRC/39/11/Add.1 - Para. 27	Noted	B32 Racial discrimination A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not fully implemented.
Theme: B6 Business & Human Rights			
142.100 Start work on the drafting of a national action plan to implement the Guiding Principles on Business and Human Rights, in cooperation with all stakeholders concerned (Belgium); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights A12 Acceptance of international norms A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general	Not implemented Canada has not drafted a national action plan for the implementation of the UN guiding principles on business and human rights. Though in 2021 Canada came up with a strategy for responsible business conduct (2022-2027), it focuses on OECD guideline for multinational corporations.
142.99 Adopt a national action plan to implement the United Nations Guiding Principles on Business and Human Rights (Kenya); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights A12 Acceptance of international norms A46 National Plans of Action on Human Rights (or specific areas) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.90 Strengthen legislation regulating the foreign activities of companies registered or headquartered in Canada (Peru); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights A41 Constitutional and legislative framework Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.101 Adopt legislation governing the conduct of corporations under its jurisdiction in relation to their activities abroad (Kenya); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.96 Consider making the Office of the Extractive Sector Corporate Social Responsibility Counsellor independent and broaden its mandate (Haiti); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.98 Develop a national action plan for business and human rights (Switzerland); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.88 Strengthen its legislation and standards in conformity with international obligations, conducting periodic environmental impact assessments in the context of industrial activity (Panama); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights B71 Human rights and the environment A41 Constitutional and legislative framework D51 Administration of justice & fair trial S15 SDG 15 - biodiversity, forests, desertification Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
142.89 Ensure that mining operations are conducted on the basis of clear and honest assessments of their environmental impact (Holy See); Source of position: A/HRC/39/11/Add.1 - Para. 33	Noted	B6 Business & Human Rights B71 Human rights and the environment S15 SDG 15 - biodiversity, forests, desertification Affected persons: - general	Not implemented. No mandatory due diligence – Creation of CORE but without power to investigate or provide remedy.
Theme: D26 Conditions of detention			
142.105 Halt the practice of solitary confinement of prisoners (Philippines); Source of position: A/HRC/39/11/Add.1 - Para. 31	Noted	D26 Conditions of detention D25 Prohibition of torture and cruel, inhuman or degrading treatment D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented. The government simply uses other terms, such as “administrative segregation” and “structured intervention units”.
Theme: D43 Freedom of opinion and expression			
142.118 Decriminalize defamation and include it in the Civil Code, in accordance with international standards (Estonia); Source of position: A/HRC/39/11/Add.1 - Para. 36	Noted	D43 Freedom of opinion and expression A41 Constitutional and legislative framework Affected persons: - general	Not implemented.
Theme: D51 Administration of justice & fair trial			
Theme: E1 Economic, social & cultural rights - general measures of implementation			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>142.151 Interpret the Charter of Rights and Freedoms confirming the interdependence and indivisibility of all human rights with a view to ensuring access to food, health and adequate housing for all those living in the country (Uruguay);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 15</p>	Noted	<p>E1 Economic, social & cultural rights - general measures of implementation E22 Right to food E23 Right to adequate housing E41 Right to health - General S02 SDG 2 - hunger and food security S03 SDG 3 - health</p> <p>Affected persons: - general - persons living in poverty</p>	Not implemented
Theme: F13 Violence against women			
<p>142.195 Adopt a national action plan, in consultation with civil society organizations, especially indigenous women's organizations, to combat gender-based violence against women (Zambia);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 19</p>	Noted	<p>F13 Violence against women D28 Gender-based violence A46 National Plans of Action on Human Rights (or specific areas) A61 Cooperation with civil society G3 Indigenous Peoples S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - women - Indigenous Peoples</p>	Not fully implemented. In November 2023, the federal government released its long-awaited National Action Plan to End Gender-Based Violence. The plan outlined a coordinated approach with federal, provincial, and territorial governments centered on five foundational pillars. These pillars include support for victims, survivors, and their families, violence prevention, a responsive justice system, Indigenous-led approaches, social infrastructure, and an enabling environment. Implementation plans, detailed targets, indicators, and reporting mechanisms for the Plan across federal, provincial, and territorial governments have not yet been outlined, which the government has indicated will be forthcoming.
<p>142.196 Adopt a national action plan on violence against women and girls, consulting in line with the United Nations Declaration on the Rights of Indigenous Peoples on specific provisions for indigenous women (Denmark);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 19</p>	Noted	<p>F13 Violence against women D28 Gender-based violence A46 National Plans of Action on Human Rights (or specific areas) G3 Indigenous Peoples S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - women - girls - Indigenous Peoples</p>	Not fully implemented. Despite Canada's launch and \$2.2 billion investment in the 2021 National Action Plan: Ending Violence Against Indigenous Women, Girls and 2SLGBTQQIA+ People, violence endures, and cases of Missing and Murdered Indigenous Women, Girls, and Two-Spirit People (MMIWG2S) are still underreported. The government's 2022 Progress Report of the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ National Action Plan (NAP)109 revealed a gross lack of progress toward its commitments. A standing key priority to create an independent national committee tasked with ensuring the coordination, accountability and progress on the NAP has, one year on, not been completed. In addition, the urgent next step to develop and publicly release an implementation plan with short-, medium-, and long-term priorities and timelines toward the full achievement of the NAP, has not yet been undertaken.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.194 Convert the federal strategy on gender-based violence into a national action plan (Australia); Source of position: A/HRC/39/11/Add.1 - Para. 19	Noted	F13 Violence against women D28 Gender-based violence A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not fully implemented. Canada's 2022 "National Action Plan to End Gender-Based Violence" lacks implementation plans, detailed targets, and reporting mechanisms. Serious gaps remain to protect women and girls from violence.
142.209 Extend the mandate of the National Inquiry into Missing and Murdered Indigenous Women and Girls by two years to allow all victims to be heard (Sri Lanka); Source of position: A/HRC/39/11/Add.1 - Para. 19	Noted	F13 Violence against women D28 Gender-based violence G3 Indigenous Peoples D21 Right to life A44 Structure of the national human rights machinery B51 Right to an effective remedy S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls - Indigenous Peoples	Not fully implemented. The National Inquiry into Missing and Murdered Indigenous Women and Girls was extended for six months and ended 30 June 2019.
Theme: G3 Indigenous Peoples			
142.245 Continue to develop and implement a comprehensive national strategy to provide Indigenous Peoples with access to education and health-care services, and improve the living standards and housing conditions of families with children (Belarus); Source of position: A/HRC/39/11/Add.1 - Para. 11	Noted	G3 Indigenous Peoples A42 Institutions & policies - General E21 Right to an adequate standard of living - general E23 Right to adequate housing E41 Right to health - General E51 Right to education - General F31 Children: definition; general principles; protection S03 SDG 3 - health S04 SDG 4 - education Affected persons: - children - Indigenous Peoples	Not fully implemented. An Indigenous Community Development National Strategy was announced in 2021. Socio-economic rights for Indigenous Peoples were included in Canada's 2030 Agenda National Strategy. Progress in implementing both strategies has not been reported.
142.78 Revoke all discriminatory provisions that remain in the Indian Act, with a view to avoiding revocation of indigenous status (Paraguay); Source of position: A/HRC/39/11/Add.1 - Para. 10	Noted	G3 Indigenous Peoples B31 Equality & non-discrimination F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - general - women - Indigenous Peoples	Not implemented. The <i>Indian Act</i> continues to have discriminatory provisions in effect that adversely impact Indigenous People from matrilineal descendants that restricts their ability to freely transmit Indigenous status to their children and future generations, resulting in ongoing impacts of disenfranchisement and forced assimilation.
142.79 Repeal the remaining discriminatory provisions in the Indian Act (Iceland); Source of position: A/HRC/39/11/Add.1 - Para. 10	Noted	G3 Indigenous Peoples B31 Equality & non-discrimination F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - general - women - Indigenous Peoples	Not implemented. Discriminatory provisions under the <i>Indian Act</i> are still in effect and have not been repealed, despite calls to action from a Senate of Canada report in June 2022 recommending revocation of several provisions.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
142.256 Re-establish the right to a healthy environment, prohibiting the destructive exploitation of the environment, particularly in the territories of Indigenous Peoples (Bolivarian Republic of Venezuela); Source of position: A/HRC/39/11/Add.1 - Para. 11	Noted	G3 Indigenous Peoples B71 Human rights and the environment S15 SDG 15 - biodiversity, forests, desertification Affected persons: - Indigenous Peoples	Not implemented. For example, the Asubpeeschoseewagong Anishinabek, also known as the Grassy Narrows First Nation, continue to endure over six decades of methylmercury contamination of rivers in their territory that resulted in mercury poisoning of their community, contrary to the right to a health environment. Ontario continues to authorize mining permits on Grassy Narrows territory that risks clearcut logging and the destructive exploitation of the environment.
Theme: G4 Migrants			
142.266 Give attention to the issue of immigration detention for an indefinite period and seek to amend legislation to set a time limit for detention (Costa Rica); Source of position: A/HRC/39/11/Add.1 - Para. 25	Noted	G4 Migrants A41 Constitutional and legislative framework D33 Arbitrary arrest and detention D31 Liberty and security - general S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants - persons deprived of their liberty	Not implemented. There is still no legal limit on the duration that someone can be held in immigration detention. The longest instance of immigration detention was ~11 years.
142.267 Take steps to limit the use and prorogation of immigration detention (Mexico); Source of position: A/HRC/39/11/Add.1 - Para. 25	Noted	G4 Migrants D33 Arbitrary arrest and detention D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants - persons deprived of their liberty	Not implemented. The number of people that Canada is incarcerating in immigration detention is on the rise. While four provinces have committed to ending immigration detention in their provincial jails, Canada has not announced an end to the practice across the country and continues to detain people in provincial jails and Immigration Holding Centres.
Theme: G5 Refugees & asylum seekers			
142.273 Put an end to the detention of child refugees and asylum seekers, with alternatives to detention that respect the best interest of the child (Bolivarian Republic of Venezuela); Source of position: A/HRC/39/11/Add.1 - Para. 25	Noted	G5 Refugees & asylum seekers F31 Children: definition; general principles; protection D33 Arbitrary arrest and detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - refugees & asylum seekers	Not implemented. Canada's legislation and policies reflect a commitment to restrict the use of immigration detention for children. While there has been a reduction in the number of children in immigration detention, the practice has not ended.
142.274 Put an end to the detention of refugee and asylum-seeking children, through alternatives that fully take into consideration the best interest of the child (Ecuador); Source of position: A/HRC/39/11/Add.1 - Para. 25	Noted	G5 Refugees & asylum seekers F31 Children: definition; general principles; protection D33 Arbitrary arrest and detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - refugees & asylum seekers	Not implemented. Canada's legislation and policies reflect a commitment to restrict the use of immigration detention for children. While there has been a reduction in the number of children in immigration detention, the practice has not ended.
142.272 Eliminate or improve the two exceptions in subsection 115.2 of the Law on Immigration and Protection of Refugees in order to safeguard the principle of non-refoulement, as provided for by international law (Ecuador); Source of position: A/HRC/39/11/Add.1 - Para. 25	Noted	G5 Refugees & asylum seekers G4 Migrants A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - refugees & asylum seekers	Not implemented.

- ¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.35 (Paraguay), UN Doc. A/HRC/39/11, 11 July 2018 and its Addendum UN Doc. A/HRC/39/11/Add.1, 18 September 2018.
- ² Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.32 (Australia), UN Doc. A/HRC/39/11, 11 July 2018, and its Addendum UN Doc. A/HRC/39/11/Add.1, 18 September 2018.
- ³ Government of Canada, “Overview of the Arms Trade Treaty regulatory implementation package,” 26 August 2019, https://www.international.gc.ca/trade-commerce/consultations/export_controls-controle_exportations/overview-apercu.aspx?lang=eng
- ⁴ Global Affairs Canada, “Amendments to Bill C-47, 4 May 2018,” <https://www.international.gc.ca/controls-controles/amendments-c-47-modifications.aspx?lang=eng>.
- ⁵ Canada failed to enact its obligations related to prohibition under Article 6, comprehensive risk assessment under Article 7, and diversion under Article 11 of the ATT. As a result, Canada has authorized arms transfers prohibited under the treaty to the Kingdom of Saudi Arabia, including billions of dollars in Light Armoured Vehicles. Amnesty International and Project Ploughshares, “No Credible Evidence”: Canada’s Flawed Analysis of Arms Exports to Saudi Arabia (Index AMR 20/4440/2021), August 2021, https://www.amnesty.ca/wp-content/uploads/2021/08/NoCredibleEvidence_EN.pdf, pp. 9-10, 14, 27-43; Government of Canada, 2019 Exports of Military Goods, 18 September 2020, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2019-marchandises-militaries.aspx?lang=eng>; 2020 Exports of Military Goods, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2020-marchandises-militaries.aspx?lang=eng>; 2021 Exports of Military Goods, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2021-marchandises-militaries.aspx?lang=eng>.
- ⁶ Amnesty International, “Amnesty International welcomes Canada’s commitment to join torture prevention treaty,” 3 May 2016 <https://amnesty.ca/news/uncategorized/amnesty-international-welcomes-canadas-commitment-to-join-torture-prevention-treaty/>.
- ⁷ Report of the Working Group on the Universal Periodic Review: Canada, Recommendations 142.8 (Italy), 142.10-11 (Tunisia, Ghana), UN Doc. A/HRC/39/11, 11 July 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/82/PDF/G1821082.pdf?OpenElement>, and its Addendum, UN Doc. A/HRC/39/11/Add.1, 18 September 2018, https://www.afn.ca/wp-content/uploads/2018/11/Human-Rights-Council-Report-UPR-Sept-2018-Canada_E.pdf. Canada also supported similar recommendations in both the first and second reviews: UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Canada, recommendation 86.2, g (Azerbaijan, Brazil, Chile, Czech Republic, Denmark, Liechtenstein, France) 5 October 2009, UN Doc. A/HRC/11/17, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/152/99/PDF/G0915299.pdf?OpenElement> and its Addendum, UN Doc. A/HRC/11/17/Add.1, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/11/17/Add.1&Lang=E> and UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Canada, UN Doc. A/HRC/24/11, 28 June 2013, recommendations 128.1 (Burkina Faso) and 128.3 (Australia, Argentina, Bulgaria, Estonia, Germany, Hungary, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, France, Portugal, Montenegro, Czech Republic, Uruguay) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/152/42/PDF/G1315242.pdf?OpenElement> and its addendum UN Doc. A/HRC/24/11/Add.1, <https://undocs.org/en/A/HRC/24/11/Add.1>
- ⁸ Government of Canada, *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c. 14, 21 June 2021, <https://www.laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>. British Columbia is the only province that adopted similar legislation, see: Government of British Columbia, *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c. 44, 28 November 2019, <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>.
- ⁹ Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.57 (Argentina and 142.83 (South Africa)), UN Doc. A/HRC/39/11, 11 July 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/82/PDF/G1821082.pdf?OpenElement>, and its Addendum, UN Doc. A/HRC/39/11/Add.1, 18 September 2018, https://www.afn.ca/wp-content/uploads/2018/11/Human-Rights-Council-Report-UPR-Sept-2018-Canada_E.pdf.
- ¹⁰ Such activities include promoting, advertising, benefitting from, or subjecting another person to conversion therapy. Parliament of Canada, *Bill C-4: An Act to Amend the Criminal Code (conversion therapy)*, 9 November 2021, <https://parl.ca/DocumentViewer/en/44-1/bill/c-4/first-reading>.
- ¹¹ Defined by the Government of Canada as Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Plus (2SLGBTQI+) persons.
- ¹² Government of Canada, *Federal 2SLGBTQI+ Action Plan 2022*, 28 August 2022, women-gender-equality.canada.ca/en/free-to-be-me/federal-2slgbtqi-plus-action-plan.html.
- ¹³ Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.191-197 (Norway, Germany, Albania, Australia, Zambia, Denmark, Finland), UN Doc. A/HRC/39/11, 11 July 2018 and its Addendum, UN Doc. A/HRC/39/11/Add.1, 18 September 2018.
- ¹⁴ Government of Canada, *National Action Plan to End Gender-Based Violence*, 9 November 2022, <https://women-gender-equality.canada.ca/en/ministers-responsible-status-women/national-action-plan-end-gender-based-violence/first-national-action-plan-end-gender-based-violence.html>.
- ¹⁵ For example, the UN Committee on the Elimination of Discrimination, acting under its Early Warning and Urgent Action Procedure, found that Canada failed to seek the free, prior, and informed consent of the traditional authorities of the Wet’suwet’en Nation in British Columbia before Canada authorized construction of a natural gas pipeline that runs through their ancestral territories, see: Committee on the Elimination of Racial Discrimination (CERD), *Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure: Decision 1 (100)*, 13 December 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en; The CERD Committee sent two follow up letters to Canada: CERD, “Letter to the State of Canada”, 24 November 2020, CERD/EWUAP/102nd session/2020/MJ/CS/ks, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/CAN/9296&Lang=en; CERD, “Letter to the State of Canada”, 29 April 2022, CERD/EWUAP/106th session/2022/MJ/CS/ks, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fALE%2fCAN%2f9554&Lang=en. For CERD letters to Canada concerning the lack of free, prior, and informed consent during construction of Trans Mountain Pipeline Expansion Project and the Site C dam, see: CERD, “Letter to State of Canada, 10 May 2019, CERD/EWUAP/ 98th session/Canada (Trans Mountain Pipeline Project)/JP/ks, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALE%2FCAN%2F8927&Lang=en; CERD, “Letter to State of Canada”, 14 December 2018, CERD/EWUAP/Canada-Site C dam/2018/JP/ks, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALE%2FCAN%2F8818&Lang=en; CERD, “Letter to State of Canada”, 14 December 2018, CERD/EWUAP/Canada-Trans Mountain Pipeline/2018/JP/ks,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALE%2FCAN%2F8819&Lang=en; CERD, *Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada*, 13 September 2017, CERD/C/CAN/CO/21-23, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCAN%2FCO%2F21-23&Lang=en; CERD, *Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada*, 17 June 2019, CERD/C/CAN/CO/21-23/Add.1, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCAN%2FCO%2F21-23%2FADD.1&Lang=en.

¹⁶ Government of Canada, *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c. 14, Section 6(5). A Canadian federal minister appointed by the Governor-in-Council is responsible to table the action in Parliament for implementation of UNDRIP in Canadian federal law.

¹⁷ Only some elements of coerced and forced sterilization are criminalized, see: Senate of Canada, *The Scars that We Carry* (previously cited), p. 26-27.

¹⁸ Prime Minister of Canada, "Statement by the Prime Minister on the apology from His Holiness Pope Francis regarding the residential school system in Canada", 1 April 2022, pm.gc.ca/en/news/statements/2022/04/01/statement-prime-minister-apology-his-holiness-pope-francis-regarding#:~:text=%E2%80%9CCanada's%20history%20will%20forever%20be,%20and%20traditions%2C%20and%20speaking%20their.

¹⁹ House of Commons, 27 October 2022, 44th Parliament, 1st Session, Edited Hansard, <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-119/hansard>.

²⁰ Assembly of First Nations, "AFN Yukon Regional Chief Adamek says independent criminal investigation of residential institutions still needed", 8 June 2022, afn.ca/afn-yukon-regional-chief-adamek-says-independent-criminal-investigation-of-residential-institutions-still-needed/.

²¹ In January 2023, a class action lawsuit by 325 First Nations represented by Band Councils seeking compensation for the loss of language and culture caused by the residential school system led to a settlement of \$2.8 billion. The agreement still has to be approved by the Federal Court of Canada. Government of Canada, "Settlement Agreement reached in Band Class Litigation", 21 January 2023, <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2023/01/settlement-agreement-reached-in-gottfriedson-band-class-litigation.html>.

²² Human Rights Council, *Visit to Canada: Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, 19 June 2019, A/HRC/41/34/Add.2, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/176/89/PDF/G1917689.pdf?OpenElement>. Métis Nation British Columbia and Turpel Lafond, *In Plain Sight- Addressing Indigenous Specific Racism and Discrimination in B.C. Healthcare*, November 2022, <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Summary-Report.pdf>.

²³ Amnesty International, "The 2022 Human Rights Agenda: Recentering Human Rights in Canada", December 2022, <https://www.amnesty.ca/what-you-can-do/2022-human-rights-agenda-for-canada/>; CBC News, "Study suggests Alberta First Nations people tend to get lower level of emergency care", 17 January 2022, [cbc.ca/news/canada/edmonton/study-suggests-alberta-first-nations-people-tend-to-get-lower-level-of-emergency-care-1.6317508](https://www.cbc.ca/news/canada/edmonton/study-suggests-alberta-first-nations-people-tend-to-get-lower-level-of-emergency-care-1.6317508); Wabano Centre for Aboriginal Health in Partnership with the Ottawa Aboriginal Coalition, *Share Your Story Indigenous-Specific Racism in Health Care Across the Champlain Region: Full Report*, 2022, <https://wabano.com/wp-content/uploads/2022/05/ShareYourStory-FullReport-EN.pdf>.

²⁴ In June 2022, a Cree woman filed a lawsuit against an Edmonton hospital and other defendants alleging that racial discrimination against her and her daughter resulted in them not receiving adequate medical care and contributed to the death of her newborn baby, see: CBC News, "Cree woman alleges racial discrimination in death of newborn daughter at Edmonton hospital", 4 November 2022, <https://www.cbc.ca/news/canada/edmonton/cree-woman-alleges-racial-discrimination-in-death-of-newborn-daughter-at-edmonton-hospital-1.6640093>; Edmonton City News, "Alberta First Nation calls for investigation after Indigenous baby's hospital death", 3 November 2022, edmonton.citynews.ca/2022/11/03/hospital-denial-baby-death. On 28 September 2020, Joyce Echaquan, an Atikamekw Indigenous woman from Manawan died at Joliette Hospital. The coroner concluded that racism experienced by Joyce at the hospital contributed to her death. Amnistie internationale Canada francophone. *Décès de Joyce Echaquan, un triste rappel du racisme systématique dont sont victimes les peuples autochtones*. 29 September 2020 (in French).

²⁵ *Commission d'enquête sur les relations entre les Autochtones et certains services publics, Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Quebec: listening, reconciliation and progress*, https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf

²⁶ The Asubpeeschoseewagong Anishinabek, also known as the Grassy Narrows First Nation. See, Asubpeeschoseewagong Anishinabek, <https://freegrassy.net/learn-more/grassy-narrows/>.

²⁷ In the 1960s, Ontario permitted a company to dump 10 tonnes of mercury into the river system in Grassy Narrows' ancestral territory that contaminated rivers with methylmercury, see: Amnesty International, *Canada: Human Rights Promises Must Be Backed By Action Amnesty International Submission For The UN Universal Periodic Review 30th Session Of The UPR Working Group, May 2018*, October 2017, (AI Index: AMR 20/7362/2017), pp. 8-9. Independent scientific studies confirmed extensive mercury contamination in the rivers, confirming methylmercury to be a highly toxic substance, particularly for pregnant women and children. See: Environment and Climate Change Canada, *Canadian Mercury Science Assessment Report*, 2016, https://publications.gc.ca/collections/collection_2017/eccc/En84-130-3-2016-eng.pdf; Philibert et al., "Past mercury exposure and current symptoms of nervous system dysfunction in adults of a First Nation community (Canada)", 16 March 2022, *Environmental Health* (2022), 21:34, <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-022-00838-y>; Shigeru Takaoka, et al., "Signs and symptoms of methylmercury contamination in a First Nations community in Northwestern Ontario, Canada," *Science of the Total Environment* 468-469, 2014, <https://pubmed.ncbi.nlm.nih.gov/24091119/>, pp. 950-957; Masazumi Harada et al., "Mercury Poisoning in First Nations Groups in Ontario, Canada: 35 years of Minamata Disease in Canada", 2012. English translation of an article original published in the *Journal of Minamata Studies* available at <http://freegrassy.net/wp-content/uploads/2012/06/Harada-et-al-2011-English.pdf>.

²⁸ UN Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Canada*, 23 June 2022, CRC/C/CAN/CO/5-6, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/388/12/PDF/G2238812.pdf?OpenElement>, paras 20-21. Previously, the UN Special Rapporteur on Toxics and Human Rights stated that "the case of Grassy Narrows is emblematic of Indigenous communities being denied truth, justice, remedies and accountability for decades". See, United Nations General Assembly, *Visit to Canada, Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes*, 27 November 2020, A/HRC/45/12/Add.1, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F45%2F12%2FAdd.1&Language=E&DeviceType=Desktop&LangRequested=False>, para. 86.

²⁹ Government of Canada, *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan*, 23 May 2022, <https://mimiwg2splus.wpenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>, p. 81-82.

³⁰ As evidenced in the cases of Tatyanna Harrison, Noelle O'Soup, and Chelsea Poorman, whose families publicly called attention to the police force's failure to investigate deaths in 2022. Amnesty International and Families of Sisters in Spirit, "MMIWG2S & police accountability press conference", 3 October 2022, <https://www.dropbox.com/scl/fo/bgiyqrfx4r83cq2or5/h?dl=0&rkey=49fty6tepgs2zhflnro0rmw6m>

³¹ Defined as Two-spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex and asexual identifying persons.

³² Government of Canada, *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan*, 23 May 2022, <https://mmiwg2splus.wpenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>. See also: Les Femmes Michif Otipemisiwak, "Les Femmes Michif Otipemisiwak responds to the 2022 progress report on the missing and murdered indigenous women girls and 2SLGBTQIA people national action plan", 3 June 2022, <https://metiswomen.org/news-post/les-femmes-michif-otipemisiwak-responds-to-the-2022-progress-report-on-the-missing-and-murdered-indigenous-women-girls-and-2slgbtqia-people-national-action-plan/>. See also Native Women's Association of Canada, *Annual Scorecard: MMIWG2S National Action Plan*, 3 June 2022, https://nwac.ca/assets-knowledge-centre/FEDERAL_ANNUAL_SCORECARD_ACTIONPLAN_2022_2022-06-03-132116_mfnq.pdf

³³ Government of Canada, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, June 2019, <https://publications.gc.ca/site/eng/9.867037/publication.html>, Vol. 1b, p. 196.

³⁴ The Yee, "Lawsuits allege sexual harassment, assaults at Northern work camps", 3 June 2022 <https://theyee.ca/News/2022/06/03/Lawsuits-Allege-Sexual-Harassment-Assaults-Work-Camps/>; CBC News, "Coastal GasLink, contractor deny liability for alleged sexual assault at pipeline work camp", 29 June 2022,

[cbc.ca/news/canada/british-columbia/coastal-gaslink-civil-suit-response-1.6503564](https://www.cbc.ca/news/canada/british-columbia/coastal-gaslink-civil-suit-response-1.6503564).

³⁵ Committee against Torture, *Concluding observations on the seventh periodic report of Canada*, 21 December 2018, CAT/C/CAN/CO/7, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCAN%2FCO%2F7&Lang=en, paras 50-51; Amnesty International, "Canada: Submission to the United Nations Committee Against Torture, Follow-Up, April 2020", April 2020, (AI Index: AMR 20/2099/2020), <https://www.amnesty.org/en/documents/amr20/2099/2020/en/>. Amnesty International, *2022 Human Rights Agenda*, December 2022, <https://www.amnesty.org/en/documents/amr20/2099/2020/en/>, p. 53; Suzy Basile and Patricia Bouchard, "Free and informed consent and imposed sterilizations among First Nations and Inuit women in Québec: Research Report", November 2022, <https://files.ccsspnq.com/s/CGKiiNtINdTYkGf>. Although underreported, forced and coerced sterilization are rooted in forced assimilation and disproportionately impact Black, racialized, and Indigenous women, people with disabilities, 2SLGBTQIA people, intersex children, and people living in healthcare institutions, see: Senate of Canada, Report of the Standing Senate Committee on Human Rights, *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada - Part II*, July 2022, https://sencanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf, p. 11; National Inquiry into MMIWG, *Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG*, Vol 1a, June 2019, <https://www.mmiwg-fada.ca/wp-content/uploads/2019/06/Final-Report-Vol-1a-1.pdf>, pp. 230, 250-270.

³⁶ Canada, Justice Laws Website, Indian Act, RSC, 1985, c.I-5, last amended 15 August 2019 <https://laws-lois.justice.gc.ca/eng/acts/I-5/>; Committee on the Elimination of Discrimination Against Women, "Views adopted by the Committee under article 7(3) of the Optional Protocol, concerning communication No. 68/2014, CEDAW/C/81/D/68/2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/285/07/PDF/N2228507.pdf?OpenElement>.

³⁷ UN Human Rights Council, *Visit to Canada: Report of the Special Rapporteur on violence against women, its causes and consequences*, 4 November 2019, A/HRC/41/42/Add.1, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/42/Add.1, paras 59-61, 95(m).

³⁸ Government of Canada, Department of Justice, "Fact Sheet – Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act", https://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi/c36fs_fi_eng.pdf. The following are criminalized: purchasing sexual services, engaging in public communications for the purpose of offering sexual services, materially benefiting from the purchase of sexual services, procuring a person to offer sexual services, and advertising the sale of sexual services.

³⁹ Amnesty International, *Submission to the House of Commons Standing Committee on Justice and Human Rights: Review of the Protection of Communities and Exploited Persons Act (PCEPA)*, 25 February 2022, <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11643817/br-external/AmnestyInternational-e.pdf>; Amnesty International, *Policy on state obligations to respect, protect and fulfil the human rights of sex workers*, 26 May 2016, (Index: POL 30/4062/2016).

⁴⁰ Amnesty International, *Policy on state obligations to respect, protect and fulfil the human rights of sex workers* (previously cited); Butterfly, A Pathway to End Violence Against Migrant Sex Workers: Access, Safety, Dignity and Justice, 2020, [576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_d680b25295cb40dbbcc03f34a88c267.pdf](https://www.butterfly.ca/filesusr.com/ugd/5bd754_d680b25295cb40dbbcc03f34a88c267.pdf).

⁴¹ Government of Canada, *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*, 5 December 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement/final-text.html>. The STCA bars most people arriving at Canada's land ports of entry from seeking refugee protection in Canada.

⁴² Such conditions include solitary confinement, inadequate medical care, cold temperatures, inadequate food and water, religiously inappropriate meals, and little to no time outdoors. Additionally, people in detention experience staggering rates of sexual assault. See: Supreme Court of Canada, *Canadian Council for Refugees and others v. Minister of Citizenship and Immigration and others*, SCC File No 39749, Factum of the Appellants, 14 March 2022, [scc-csc.ca/WebDocuments-DocumentsWeb/39749/FMO10-Appellant-Canadian-Council-for-Refugees-et-al.PDF](https://www.scc-csc.ca/WebDocuments-DocumentsWeb/39749/FMO10-Appellant-Canadian-Council-for-Refugees-et-al.PDF).

⁴³ The STCA was challenged before the Supreme Court of Canada on the basis that it violates the rights to liberty, security of the person, and equality, and the principle of non-refoulement. A decision is pending: Supreme Court of Canada, *Canadian Council for Refugees and others v. Minister of Citizenship and Immigration and others*, SCC File No 39749, Factum of the Appellants, 14 March 2022, paras. 54, 112. Under international law, Canada is prohibited from the direct or indirect removal of refugees to a territory where they run a risk of serious human rights violations. See, for example, Supreme Court of Canada, *Németh v. Canada (Minister of Justice)*, 25 November 2010, 2010 SCC 56, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7899/index.do>, para 19; UNCAC, Article 3; Convention Relating to the Status of Refugees, Article 33.

⁴⁴ Many have crossed via Roxham Road into Québec. Government of Canada, CIMM – Asylum and The Safe Third Country Agreement, 12 May 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-may-12-2022/asylum-safe-third-country-agreement-stca.html>. Also see: Canada, Citizenship and Immigration, "Asylum and The Safe Third Country Agreement", 12 May 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-may-12-2022/asylum-safe-third-country-agreement-stca.html>; Montreal Gazette, "Roxham Rd. asylum seekers are being transferred to Ontario, Québec reveals", 14 February 2023, <https://montrealgazette.com/news/local-news/roxham-rd-asylum-seekers-are-being-transferred-to-ontario-Québec-reveals>; CTV News, "Safe Third

Country Agreement is 'working' despite surge in irregular crossings: minister", 15 January 2023, <https://www.ctvnews.ca/politics/safe-third-country-agreement-is-working-despite-surge-in-irregular-crossings-minister-1.6231216>.

⁴⁵ See, for example, Amnesty International, "Why Roxham Road crossing is really a problem" 23 March 2023, <https://amnesty.ca/human-rights-news/why-roxham-road-problem/>. See also: Government of Canada, Canada-US- Safe Third Country Agreement, updated on 24 March 2023, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>. Because the entire land border between Canada and the United States is not monitored, people may face danger, for example, when attempting to cross in extremely remote areas during the winter, or when relying on smugglers. In 2022, five people died attempting to cross the border from Canada to the U.S. <https://ici.radio-canada.ca/nouvelle/1855927/etats-unis-canada-immigration-illegale>. <https://ici.radio-canada.ca/nouvelle/1946465/frontiere-canada-etats-unis-demandeurs-asile-immigration>.

⁴⁶ Multiple UN treaty bodies have called on Canada to create an independent mechanism responsible for overseeing and investigating the CBSA. See, for example, UN Committee on the Rights of the Child, Concluding Observations: Canada, 23 June 2022, UN Doc. CRC/C/CAN/CO/5-6, para 42(e). Canada has introduced a Bill, which is currently at second reading, to establish an independent review body for the CBSA; however, the proposed oversight body would not be able to provide meaningful oversight for people detained in provincial jails and would not address many of the harms and violations that are built into the immigration detention system, including the practice of using provincial jails for immigration detention, which is a violation of international standards. Canada, Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments, <https://www.parl.ca/legisinfo/en/bill/44-1/c-20>.

⁴⁷ Four provinces have announced they will end immigration detention in their provincial prisons, with some explicitly expressing concerns about the practice. See, for example: Government of British Columbia, "Minister's statement on ending immigration detention arrangement with CBSA", 21 July 2022, <https://news.gov.bc.ca/releases/2022PSSG0050-001139>; Government of Alberta, "Alberta ends agreement to hold immigration detainees", 18 January 2023, <https://www.alberta.ca/release.cfm?xID=86398B767B343-B7BD-D4D9-199029E4EB0872D3>; Amnesty International, "Canada: Nova Scotia to end immigration detention in provincial jails", 21 September 2022, <https://www.amnesty.ca/news/uncategorized/nova-scotia-to-end-immigration-detention-in-provincial-jails/>; Amnesty International, "Manitoba becomes 4th province to say it will end immigration detention", 24 October 2022, <https://www.amnesty.ca/blog/manitoba-becomes-4th-province-to-say-it-will-end-immigration-detention/>.

⁴⁸ The longest instance of immigration detention lasted over 11 years and involved a man with a mental health condition. Amnesty International, "I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health, (Index: AMR 20/4195/2021), 17 June 2021, [amnesty.org/en/documents/amr20/4195/2021/en/](https://www.amnesty.org/en/documents/amr20/4195/2021/en/), pp. 85-86.

⁴⁹ For example, Black and other racialized people appear to be detained for longer periods and are often incarcerated in provincial jails rather than immigration holding centres. People with mental health conditions are subjected to disproportionately coercive treatment, including being held in provincial jails and solitary confinement. See Amnesty International, "I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health, (Index: AMR 20/4195/2021), 17 June 2021, <https://www.amnesty.org/en/documents/amr20/4195/2021/en/>.

⁵⁰ Human Rights Watch, "Deaths Underscore Inhumanity of Canada's Immigration Detention", 27 January 2023, <https://www.hrw.org/news/2023/01/27/deaths-underscore-inhumanity-canadas-immigration-detention>.

⁵¹ *LégisQuébec, Reduced Contribution Regulation*, updated to 1 August 2022, S-4.1.1, r. 1, <https://www.legisquebec.gouv.qc.ca/en/document/cr/S-4.1.1.%20r.%201>. In May 2022, the Québec Superior Court struck down the provision in favour of restoring access, see: Superior Court of Québec, *Kanyinda c. Procureur général du Québec*, 25 May 2022, 2022 QCCS 1887, <https://canlii.ca/t/jpdm0>.

⁵² The Québec government issued a directive to subsidized childcare centres indicating that they should not comply with the court's decision, and rather continue to exclude refugee claimant families from accessing their services: Government of Québec, Ministère de la famille, 25 May 2022: Email correspondence to publicly subsidized childcare centres (CPEs).

⁵³ Several UN bodies have called on Canada to provide essential healthcare for people with irregular immigration status. UN Human Rights Committee, *Concluding observations on the sixth periodic report of Canada*, 13 August 2015, UN Doc. CCPR/C/CAN/CO/6, para. 12; UN Committee on Economic, Social and Cultural Rights, *Concluding observations: Canada*, 23 March 2016, UN Doc. E/C.12/CAN/CO/6, para. 50; Committee on the Elimination of Racial Discrimination, *Concluding observations on the twenty-first to twenty-third periodic reports of Canada*, Advance Unedited Version, UN Doc. CERD/C/CAN/CO/21-23, 31 August 2017, para. 34(f). The Committee found that Canada's refusal to provide Ms. Toussaint with coverage under the Interim Federal Health Program because of her irregular immigration status violated her right to life and to equality. UN Human Rights Committee (UNHRC), *Views: Article 5 (4) of the Optional Protocol, Concerning Communication No. 2348/2014*, adopted on 30 August 2018, UN Doc. CCPR/C/123/D/2348/2014.

⁵⁴ Response of the Government of Canada to the Views of the Human Rights Committee Concerning Communication No. 2348/2014 Submitted by Nell Toussaint, 1 February 2019, <https://www.socialrights.ca/2019/CanadaToussaintResponseonImpl.pdf>.

⁵⁵ Ms. Toussaint challenged the government's continued denial of essential health care to migrants with irregular status, despite the Human Rights Committee's Views. In August 2022, a Canadian court denied Canada's attempt to dismiss the claim, noting that Canada's efforts were based on a "dog whistle argument that reeks of the prejudicial stereotype that immigrants come to Canada to milk the welfare system". Ontario Superior Court of Justice, *Toussaint v. Canada (Attorney General)*, 2022 ONSC 4747, 17 August 2022, <https://canlii.ca/t/jrhjif>. The challenge is still ongoing. Ms. Toussaint passed away in January 2023.

⁵⁶ Closed work permits are tied to a single employer, and the loss of the work permit (due to action by the employer) means falling out of status. These workers fear reprisals from their employers and are less likely to seek recourse in situations of abuse. Canadian Centre to End Human Trafficking & FCJ Refugee Centre, "It Happens Here: Labour Exploitation of Migrant Workers During the Pandemic", 15 February 2023, <http://www.canadiancentretoendhumantrafficking.ca/wp-content/uploads/2023/02/CCTEHT-%E2%80%93Labour-Trafficking-Report-ENG-1.pdf>; Beatson, Jesse & Jill Hanley (for CATHII), "L'exploitation des travailleurs étrangers chez nous : Examen de l'exploitation de la main-d'œuvre et du travail forcé au Canada", August 2015, www.cathii.org/sites/www.cathii.org/files/lexploitation_des_travailleurs_etrangers_chez_nous.pdf; Canadian Council for Refugees, "Trafficking in Persons for Forced Labour", October 2020, <https://ccrweb.ca/sites/ccrweb.ca/files/trafficking-in-persons-for-forced-labour-background-e-web.pdf>; Holman, Stephanie and Godden, Mason, "Literature on Labour Trafficking in Canada", 19 September 2022, https://gflc.ca/wp-content/uploads/2020/10/lit-review_final-draft.pdf.

⁵⁷ Canada, Parliament, House of Commons, Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Temporary Foreign Worker Program: Report of the Standing Committee, 42nd Parl, 1st Sess, September 2016, (Chair: Bryan May), <http://www.ourcommons.ca/Content/Committee/421/HUMA/Reports/RP8374415/humarp04/humarp04-e.pdf>; <http://irpp.org/wp-content/uploads/assets/research/diversity-immigration-and-integration/new-research-article-3/IRPP-Study-no5.pdf>; United Food and Commercial

Workers, “The Status of Migrant Agricultural Workers in Canada, 2022”, https://ufcw.ca/templates/ufcwcanada/images/Agriculture_Workers/2022/Migrant-Workers-Report-2022-V6-EN.pdf; Marie Carpentier (CDPDJ), “La discrimination systémique à l’égard des travailleuse et travailleurs migrants”, December 2011, www.cdpedj.gc.ca/storage/app/media/publications/Avis_travailleurs_immigrants.pdf.

⁵⁸ United Nations General Assembly, *Global Compact for Safe, Orderly and Regular Migration*, Resolution adopted by the General Assembly on 19 December 2018, 11 January 2019, A/RES/73/195, 73rd session, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/PDF/N1845199.pdf?OpenElement>.

⁵⁹ Government of Canada, Canadian Heritage, *Building a Foundation for Change: Canada’s Anti-Racism Strategy 2019-2022*, canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/anti-racism-strategy.html.

⁶⁰ Québec, *Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress Final report*, 2019, https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf.

⁶¹ Canadian Human Rights Commission, *Submission to the working group of experts on people of African descent*, June 2021, policycommons.net/artifacts/2246284/submission-to-the-working-group-of-experts-on-people-of-african-descent/3004981/.

⁶² The four designated groups are women, visible minorities, Aboriginal people, and persons with disabilities. *Employment Equity Act*, SC 1995, c 44, s 2. The Act “aims to achieve equality so that no person is denied employment opportunities for reasons unrelated to ability.”

⁶³ For example, while all visible minorities appear to experience discrimination within the federal public service, Black applicants experience the largest drop in representation of all visible minority sub-groups from the applications stage to final appointment. See Public Service Commission of Canada, *Audit of Employment Equity Representation in Recruitment*, <https://www.canada.ca/en/public-service-commission/services/publications/audit-of-employment-equity-representation-in-recruitment.html>. With respect to promotions, Black employees are disproportionately underrepresented at the executive level, reflecting 3.8% of federal public service workers but only 1.9% of those at the executive level. See: Treasury Board Secretariat, *Distribution of public service of Canada employees by designated sub-group and occupational category – Members of Visible Minorities*, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/human-resources-statistics/diversity-inclusion-statistics/distribution-public-service-canada-employees-designated-sub-group-occupational-category-visible-minorities.html>. The United Nations Working Group of Experts on People of African Descent has also noted the lack of special measures for Black Canadians in the *Employment Equity Act*. See: UN General Assembly, *Report of the Working Group of Experts on People of African Descent*, 2 August 2019, A/74/274, <https://digitallibrary.un.org/record/3826997?ln=en>, para. 73 [A/74/274].

⁶⁴ The UN Working Group has noted that Black women in Canada are particularly vulnerable to marginalization. See: UN General Assembly, *Report of the Working Group of Experts on People of African Descent*, 2 August 2019, A/74/274, <https://digitallibrary.un.org/record/3826997?ln=en>, para. 73 [A/74/274].

⁶⁵ The class action was filed on behalf of current, former, and past-prospective federal public service workers. The government has moved to strike the claim. Federal Court, *Nicholas Marcus Thompson et al v. Her Majesty the Queen*, Court File T-1458-20, Fresh as Amended Statement of Claim, 13 May 2021, <https://www.blackclassaction.ca/statement-of-claim>.

⁶⁶ The complaint was submitted to the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance. See: Black Class Action, “BCAS submits historic complaint to the United Nations against Canada”, 28 September 2022, <https://www.blackclassaction.ca/post/un-complaint>.

⁶⁷ David Thurton, “Ottawa says Human Rights Commission discriminated against its Black employees”, 16 March 2023, <https://www.cbc.ca/news/politics/canadian-human-rights-commission-black-racialized-1.6780794>; David Thurton, “Human Rights Commission acknowledges it has been dismissing racism complaints at a higher rate”, <https://www.cbc.ca/news/politics/canadian-human-rights-commission-racism-1.6785734>

⁶⁸ In June 2022, the Toronto Police Service released the findings of race-based data collected in 2020. Black and Indigenous People were more likely to be subject to use of force during “person in crisis” calls for service. Indigenous People were the most overrepresented in strip searches relative to their proportion in arrest. Toronto Police Service, *Race & Identity Based Data Collection Strategy: Understanding Strip Searches In 2020 Methodological Report*, October 2022, tps.ca/media/filer_public/e4/b1/e4b1b125-2a2e-4d69-ad02-77ab3f3d5878/4e217e01-3cd6-4fe8-8898-39cf8693e871.pdf, pp. 17-18; Hassaoui, Mariam et Massimiliano Mulone, “Les interpellations policières à la lumière des identités racisées des personnes Interpellées”, 2019, http://classiques.ugac.ca/contemporains/armony_victor/Interpellations_policieres_Mtl/Interpellations_policieres_Mtl.html.

⁶⁹ Black persons make up 9.2% of the total incarcerated population, despite representing about 3.5% of the overall Canadian population. Most incarcerated Black persons are young men, with the largest proportion falling between the ages of 18 and 30 years (38%). Despite lower rates of reoffending, Black persons were more likely to be assessed as higher risk and serve more of their time at higher security levels. Black persons were also more likely to be involved in a use of force incident regardless of other factors such as age, gender, or sentence. Office of the Correctional Investigator, *Annual Report 2021-2022*, 30 June 2022, oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20212022-eng.aspx.

⁷⁰ Indigenous Peoples are also overrepresented in the federal correctional system. Indigenous People account for 28% of all federally sentenced persons and nearly one third of all individuals in federal custody, despite making up only 5% of the adult population in Canada. Indigenous women are one of the fastest growing populations of incarcerated persons in federal correctional institutions in Canada. On 28 August 2022, the proportion of incarcerated Indigenous women reached 50% of all federally sentenced women for the very first time. Of all women held in maximum security, almost 65% are Indigenous women.

⁷¹ Government of Canada, Office of the Correctional Investigator, *Annual Report 2021-2022*, 30 June 2022, oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20212022-eng.aspx. According to the report, 29 out of 45 (64.5%) women held in maximum security are Indigenous.

⁷² Department of Justice Canada, “Engaging with Indigenous partners to address systemic discrimination and overrepresentation in the Canadian justice system”, 1 November 2022, canada.ca/en/department-justice/news/2022/10/engaging-with-indigenous-partners-to-address-systemic-discrimination-and-overrepresentation-in-the-canadian-justice-system.html. See also: Government of Canada, *Indigenous Justice Strategy*, 1 November 2022, justice.gc.ca/eng/csj-sjc-ijr-dja/ijr-sja/index.html. In January, Canada signed a Memorandum of Understanding with British Columbia and the B.C. First Nations Justice Council (BCFNJC) to support the implementation of the B.C. First Nations Justice Strategy to reduce overrepresentation in the province’s criminal justice system. Canada will similarly support the Manitoba Métis Federation’s Métis Justice Institute to address the overrepresentation of the Red River Métis in Manitoba’s provincial jails. Justice Canada, “Canada, British Columbia and the BC First Nations Justice Council to collaborate on revitalizing Indigenous legal traditions and addressing systemic racism in British Columbia”, 20 January 2022, canada.ca/en/department-justice/news/2022/01/canada-british-columbia-and-the-bc-first-nations-justice-council-to-collaborate-on-revitalizing-indigenous-legal-traditions-and-addressing-systemic.html; B.C. First Nations Justice Council, “The BC first Nations Justice Strategy”, 6 March 2020, bcfnjc.com/landing-page/justice-

[strategy/](#); Justice Canada, “Addressing the overrepresentation of Red River Métis people in the justice system in Manitoba”, 11 October 2022, canada.ca/en/department-justice/news/2022/10/addressing-the-overrepresentation-of-red-river-Métis-people-in-the-justice-system-in-manitoba.html?

⁷³ Alternatives to incarceration include conditional sentences, which are an important alternative that enable sentences to be served in the community rather than in jail. In 2020, the Court of Appeal for Ontario ruled that making conditional sentences unavailable for some criminal offences with mandatory minimum terms of imprisonment is unconstitutional, as it has the effect of reinforcing, perpetuating, or exacerbating the disadvantage of Indigenous offenders. In November 2022, the Supreme Court of Canada overturned this decision, ruling the evidentiary burden required to make such a finding was not met. As a result, the Indigenous woman who challenged the provision, a single mother of Ojibwa ancestry and member of the Saugeen First Nation, as well as others charged with certain criminal offences, cannot receive conditional sentences. In November 2022, Bill C-5 was passed to remove some of Canada’s mandatory minimum sentences but does not enable judges to impose conditional sentences for all offences, contrary to the TRC’s Call to Action 32. Court of Appeal for Ontario, *R. v. King*, 2022 ONCA 665, 26 September 2022, <https://canlii.ca/t/js264>; Court of Appeal for Ontario, *R. v. Sharma*, 2020 ONCA 478, 24 July 2020, <https://coadecisions.ontariocourts.ca/coa/coa/en/item/18930/index.do>, para. 89; Supreme Court of Canada, *R. v. Sharma*, 2022 SCC 39, 4 November 2022, <https://canlii.ca/t/j8tgz>; Parliament of Canada, *Bill C-5, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, 17 November 2022, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-5/royal-assent>; Justice Canada, “Bill C-5: Mandatory Minimum Penalties to be repealed”, 12 July 2021, <https://www.canada.ca/en/department-justice/news/2021/12/mandatory-minimum-penalties-to-be-repealed.html>; Canada’s National Observer, “One-third of Canada’s mandatory minimums have been repealed, but advocates don’t believe it will lessen incarceration crisis”, 22 November 2022, <https://www.nationalobserver.com/2022/11/22/news/third-canada-mandatory-minimums-repealed-advocates-incarceration-crisis>; Truth and Reconciliation Commission of Canada, *Calls to Action*, 2015, http://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf, p. 3.

⁷⁴ Hassaoui, Mariam et Massimiliano Mulone, “Les interpellations policières à la lumière des identités racisées des personnes Interpellées”, 2019, http://classiques.ugac.ca/contemporains/armony_victor/Interpellations_policiers_Mtl/Interpellations_policiers_Mtl.html.

⁷⁵ Government of Canada, Office of the Correctional Investigator, “Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge”, 21 January 2020, <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>.

⁷⁶ Basile, Suzy et Patricia Bouchard, “Consentement libre et éclairé et les stérilisations imposées de femmes des Premières Nations et Inuit au Québec”, 9 November 2022, www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Summary_report.pdf; <https://cssspnql.com/produit/consentement-libre-et-eclairé-et-les-stérilisations-imposées-de-femmes-des-premieres-nations-et-inuit-au-Québec/>.

⁷⁷ Eid, Paul (CDPDJ), “Mesurer la discrimination à l’embauche subie par les minorités racisées : résultats d’un « testing » mené dans le grand Montréal”, May 2012, www.cdpdj.gc.ca/storage/app/media/publications/etude_testing_discrimination_emploi.pdf; The Conference Board of Canada, “L’écart salarial selon l’origine ethnique”, April 2017, www.conferenceboard.ca/hcp/racial-gap-fr.aspx; Radio Canada, “Les employés du secteur public québécois sont trop blancs”, 31 January 2018, <https://ici.radio-canada.ca/nouvelle/1081205/minorites-visibles-Québec-employes-fonction-publique-organismes-diversite>; The Diversity Institute, “Les femmes et les groupes racialisés en postes de haute direction : grande région métropolitaine de Montréal”, 2019, www.torontomu.ca/content/dam/diversity/reports/DiversityLeads_Montreal_FR.pdf.

⁷⁸ LégisQuébec, *Act respecting the laicity of the State*, updated to 15 October 2022, c. L-0.3, <https://www.legisQuebec.gouv.qc.ca/en/document/cs/L-0.3>.

⁷⁹ Amnistie internationale Canada francophone, *Aperçu 2022 des Droits Humains au Canada*, 2022, https://amnistie.ca/sites/default/files/2022-09/Al-Apercu_Droits_Humains_2022-Final.pdf.

⁸⁰ The Superior Court of Québec declared several sections of the Act inoperative for violating the *Canadian Charter of Rights and Freedoms*, see: Superior Court of Québec, *Hak v. Attorney General of Québec*, 2021 QCS 1466, <https://canlii.ca/t/jff8f>.

⁸¹ In October 2022, the Edmonton Police Service apologized for releasing a composite sketch based on DNA phenotyping of a Black suspect in a sexual assault case because images generated through this technology lead to racial profiling. In July 2022, the Federal Court granted a judicial review of a 2020 decision to revoke the refugee status of two Somali women due to the likelihood of misidentification by facial recognition software. Amnesty International, *The 2022 Human Rights Agenda: Recentering Human Rights in Canada*, December 2022, <https://www.amnesty.ca/what-you-can-do/2022-human-rights-agenda-for-canada/>; Federal Court of Canada, *Barre v. Canada (Citizenship and Immigration)*, 2022 FC 1078, 20 July 2022, 2022 FC 1078 (CanLII) | *Barre v. Canada (Citizenship and Immigration)* | CanLII, paras. 56, 70; House of Commons of Canada, *Report of the Standing Committee on Access to Information, Privacy and Ethics*, October 2022, [ourcommons.ca/DocumentViewer/en/44-1/ETHI/report-6](https://www.ourcommons.ca/DocumentViewer/en/44-1/ETHI/report-6).

⁸² House of Commons of Canada, Facial Recognition Technology and the Growing Power of Artificial Intelligence, *Report of the Standing Committee on Access to Information, Privacy and Ethics*, October 2022, <https://www.ourcommons.ca/DocumentViewer/en/44-1/ETHI/report-6/>.

⁸³ Canadian Climate Institute, Ingrid Waldron, *Environmental Racism and Climate Change: Determinants of Health in Mi’kmaq and African Nova Scotian Communities*, 22 July 2021; <https://climateinstitute.ca/publications/environmental-racism-and-climate-change/>; Ontario Human Rights Commission, “OHRC statement on human rights, extreme heat waves and air conditioning,” 19 August 2022, https://www.ohrc.on.ca/en/news_centre/ohrc-statement-human-rights-extreme-heat-waves-and-air-conditioning#:~:text=As%20the%20number%20of%20extreme.air%20conditioners%20and%20cooling%20devices; BC Coroners Service, *Extreme Heat and Human Mortality: A Review of Heat-Related Deaths in B.C. in Summer 2021*, 7 June 2022, <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/extreme-heat-death-review-panel-report.pdf>.

⁸⁴ Amnesty internationale Canada francophone, *Urgence climatique en territoire Innu*, AMR 20/6175/2022, p. 13, https://amnistie.ca/sites/default/files/2022-11/AICFR-Rapport_Pessamit.pdf (Document only available in French). In February 2023, the Atikamekw of Manawan First Nation, Grassy Narrows First Nation, Pessamit Innu Nation, Tsleil-Waututh Nation, Wet’suwet’en Nation and Amnesty International submitted a joint letter to the UN Special Rapporteur on the rights of Indigenous Peoples highlighting the criminalization of Indigenous land defenders and Canada’s failure to fulfil its obligation to obtain the FPIC of Indigenous Peoples, among other issues. Further, the Committee on the Elimination of Racial Discrimination (CERD) issued a decision on 13 December 2019, in which it called on Canada to cease construction of the Trans Mountain Pipeline Expansion project, the Site C dam and the Coastal GasLink pipeline until the FPIC of the affected Indigenous Peoples was granted, including the Tsleil-Waututh Nation, Wet’suwet’en Nation, Secwépemc Nation, West Moberly Nation and Prophet River Nation. See: Committee on the Elimination of Racial Discrimination, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedure, *Decision 1 (100)*, Hundredth Session, 25 November - 13 December 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en.

⁸⁵ Federal Court of Appeal of Canada, *Tsleil-Waututh Nation v. Canada (Attorney General)*, 30 August 2018, 2018 FCA 153, https://www.canlii.org/en/ca/fca/doc/2018/2018fca153/2018fca153.html#_Conclusion_on_Canada%E2%80%99s, para. 756.

⁸⁶ Government of Canada, Canada Energy Regulator, “The Government of Canada has approved the Trans Mountain Expansion Project”, 18 June 2019, <https://www.cer-rec.gc.ca/en/applications-hearings/view-applications-projects/trans-mountain-expansion/the-government-canada-has-approved-trans-mountain-expansion-project.html>; Government of Canada, Department of Finance, “Updated on Trans Mountain Expansion Project”, 11 May 2022, <https://www.canada.ca/en/department-finance/news/2022/05/update-on-trans-mountain-expansion-project.html>.

⁸⁷ Will George received a 28-day jail sentence at the Supreme Court of British Columbia (BCSC) in 2022 for upholding and defending his sacred obligation to protect Tsleil-Waututh lands and waters. The decision was appealed to the B.C. Court of Appeal on 24 January 2023 and a decision remains pending. Tsleil-Waututh Nation, “Tsleil-Waututh Nation Stands With Nation Member Will George Upon His 28-Day Jail Sentence” 11 May 2022, <https://www.tsleil-waututh.ca/news/2022/05/11/tsleil-waututh-nation-stands-with-nation-member-will-george-upon-his-28-day-jail-sentence>; Supreme Court of British Columbia, *Trans Mountain Pipeline ULC v. Mivasair*, 15 October 2021, 2021 BCSC 2658, <https://canlii.ca/t/jp4vc>; Supreme Court of British Columbia, *Trans Mountain Pipeline ULC v. Mivasair*, 2022 BCSC 791, 10 May 2022, <https://canlii.ca/t/jp5d4>, paras 45, 67.

⁸⁸ The Coastal GasLink (CGL) pipeline was approved by the British Columbia Oil and Gas Commission and has the support of the Government of Canada and the province of B.C., even though the Wet’suwet’en Hereditary Chiefs – the authorities of the Nation according to Wet’suwet’en Law and as affirmed by the Supreme Court of Canada’s *Delgamuukw* ruling – have opposed the pipeline’s construction. Operating under a series of injunctions, the Government of Canada and the province of B.C. have harassed, intimidated, forcibly removed and criminalized Wet’suwet’en land defenders, Hereditary Chiefs and matriarchs through militarized police raids on their territory. TC Energy, “Coastal GasLink Pipeline Project Receives All Remaining BC Oil and Gas Commission Construction Permits”, 5 May 2016; Coastal GasLink, “About Coastal GasLink”; Government of Canada, “Government of Canada confirms support for largest private investment in Canadian history”, 24 June 2019; Supreme Court of Canada, *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010, <https://canlii.ca/t/1fqz8>; Amnesty International, “Canada: Indigenous land defenders criminalized, surveilled and harassed as pipeline construction continues on Wet’suwet’en territory”, 6 January 2023; Supreme Court of British Columbia, *Coastal GasLink Pipeline Ltd. v. Huson*, 2019 BCSC 2264, <https://canlii.ca/t/j49x4>, para. 35. In three large-scale police actions in January 2019, February 2020 and November 2021, a total of 74 people were arrested and detained, including legal observers and members of the media. In June 2022, members of the Wet’suwet’en filed a civil lawsuit in B.C. against the Province of B.C., members of the RCMP, the private security firm Forsythe and CGL, seeking damages for intimidation, assault and battery, false arrest, false imprisonment and trespass. For CERD decisions and subsequent letters, see: Committee on the Elimination of Racial Discrimination, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedure, *Decision 1 (100)*, Hundredth Session, 25 November – 13 December 2019; Committee on the Elimination of Racial Discrimination, *Letter to the State of Canada*, CERD/EWUP/102ndsession/2020/MJ/CS/ks. 24 November 2020; Committee on the Elimination of Racial Discrimination, *Letter to the State of Canada*, CERD/EWUP/106th session/2022/MJ/CS/ks. 29 April 2022. In its April 2022 letter, CERD regretted that Canada had not yet submitted its 21st and 23rd combined periodic report, due in November 2021, in which it “should have also provided information on the measures taken to address the concerns raised in the Committee’s decision of 13 December 2019 and in its letter of 24 November 2020”. CERD requested that Canada provide a response to the three communications by 15 July 2022.

⁸⁹ Amnesty International, *Any tidal wave could drown us – Stories from the climate crisis*, IOR 40/6145/2022, 3 November 2022, <https://www.amnesty.org/en/documents/ior40/6145/2022/en/>. In February 2023, Amnesty International Canada and several Indigenous communities delivered a joint submission to the UN Special Rapporteur on the rights of Indigenous Peoples that called on Canada to uphold the rights to cultural rights in the context of the climate crisis and provide full reparations and adequate compensation for the loss of the usage of the territory of the Innu community of Pessamit. Amnesty International, “Canada: Upcoming Visit of the Special Rapporteur on the Rights of Indigenous Peoples”, 1 February 2023.

⁹⁰ The Safe Drinking Water Class Action Settlement Agreement was approved by the Federal Court. Federal Court of Canada, *Tataskweyak Cree Nation v. Canada (Attorney General)*, 22 December 2021, 2021 FC 1415, <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/518530/index.do>.

⁹¹ Government of Canada, *Safe Drinking Water for First Nations Act*, 2013, repealed 23 June 2022, c. 10, s. 178, <https://laws-lois.justice.gc.ca/eng/acts/S-1.04/page-1.html>.

⁹² Indigenous Services Canada, “Developing laws and regulations for First Nations drinking water and wastewater: engagement 2022”, 2022, [sac-isc.gc.ca/eng/1330528512623/1533729830801](https://www.isc.gc.ca/eng/1330528512623/1533729830801).

⁹³ Short-term advisories are typically under 1 year, warning residents of a short-term water quality issue on a certain water system. Long-term drinking water advisories are those that have been in place for more than 1 year. Indigenous Services Canada, “Ending long-term drinking water advisories”, 12 October 2022, [sac-isc.gc.ca/eng/1506514143353/1533317130660](https://www.isc.gc.ca/eng/1506514143353/1533317130660).

⁹⁴ Hon. Dennis Patterson, “Solving Nunavut’s drinking water crisis will take innovative and targeted solutions”, 29 June 2022, [sencanada.ca/en/sencaplus/opinion/solving-nunavuts-drinking-water-crisis-will-take-innovative-and-targeted-solutions-senator-patterson/](https://www.sencanada.ca/en/sencaplus/opinion/solving-nunavuts-drinking-water-crisis-will-take-innovative-and-targeted-solutions-senator-patterson/).

⁹⁵ Statistics Canada, “Housing conditions among First Nations people, Métis and Inuit in Canada from the 2021 Census”, <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/98-200-X/2021007/98-200-x2021007-eng.cfm>.

⁹⁶ Government of Canada, *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313, <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>.

⁹⁷ Canadian Human Rights Commission, “Canada needs a National Right to Housing Strategy”, 22 November 2022, <https://www.housingchr.ca/en/canada-needs-a-national-right-to-housing-strategy>.

⁹⁸ Québec Ombudsman, *Special report by the Québec Ombudsman For quality educational services in Nunavik that respect Inuit culture*, 24 October 2018, https://protecteurducitoyen.qc.ca/sites/default/files/pdf/rapports_speciaux/education-nunavik-summary-2018.pdf.

⁹⁹ Interdisciplinary Research Group on Territories and Extractivism (GRITE), Canadian Extractive Companies Operating Abroad: Addressing Corporate Abuse Through the Right to Free, Prior and Informed Consent of Indigenous Peoples, 2023, <https://www.griteottawa.ca/canadian-extractive-companies-operating-abroad/>; Georgina Alonso and Kathy Price, Above Ground and Amnesty International, “After dam disaster in Colombia, Canada’s EDC talks remedy but fails to provide it”, 15 June 2022, <https://www.amnesty.ca/blog/after-hidroituango-disaster-in-colombia-canadas-edc-talks-remedy-but-fails-to-provide-it/>; Above Ground, Amnesty International, Canadian Network on Corporate Accountability, Inter Pares, MiningWatch Canada and the Steelworkers Humanity Fund, “Court rules Ottawa can maintain secrecy on aid to Goldcorp in human rights dispute”, 8 March 2022, <https://www.amnesty.ca/news/court-rules-ottawa-can-maintain-secrecy-on-aid-to-goldcorp-in-human-rights-dispute/>; Amnesty International, “Ottawa must disclose how it aided Canadian mining company”, 1 March 2021, <https://www.amnesty.ca/blog/ottawa-must-disclose-how-it-aided-canadian-mining-company/>; Amnesty International Canada, “Amnesty International applauds settlement in landmark Nevsun Resources mining case”, 23 October 2020, <https://www.amnesty.ca/news/amnesty-international-applauds-settlement-in-landmark-nevsun-resources-mining-case/>.

¹⁰⁰ Canadian Network on Corporate Accountability, “Bills introduced to protect people and the planet warrant all-party support”, 29 March 2022, <https://cnca-rcrc.ca/2022/03/29/news-release-bills-introduced-to-protect-people-and-the-planet-warrant-all-party-support/>. For recommendations from

UN bodies, see: Committee on the Elimination of Racial Discrimination, *Concluding observations on the twenty-first to twenty-third periodic reports of Canada*, Advance Unedited Version, UN Doc. CERD/C/CAN/CO/21-23, 31 August 2017, para. 21; UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined eighth and ninth periodic reports of Canada*, 18 November 2016, UN Doc.

CEAW/C/CAN/CO/8-9, paras. 18-19; UN Human Rights Committee, *Concluding observations on the sixth periodic report of Canada*, 13 August 2015, UN Doc. CCPR/C/CAN/CO/6, para. 6; UN Working Group on Business and Human Rights, “Statement at the end of visit to Canada”, 1 June 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21680&LangID=E>.

¹⁰¹ Canadian Network on Corporate Accountability, “Government of Canada Caves to Industry Pressure: Ombudsperson for Responsible Enterprise Remains Powerless to Uphold Human Rights”, 26 February 2021, <https://cnca-rcrc.ca/2021/02/26/news-release-government-of-canada-caves-to-industry-pressure-ombudsperson-for-responsible-enterprise-remains-powerless-to-uphold-human-rights/>.

¹⁰² Charis Kamphuis, Charlotte Connolly, Isabel Dávila Pereira, Mariela Gutiérrez, Sarah Ewart, and Danielle Blanchard, Justice & Corporate Accountability Project, “The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining”, 10 December 2022, <https://justice-project.org/2022/12/10/the-two-faces-of-canadian-diplomacy-undermining-human-rights-and-environment-defenders-to-support-canadian-mining/>; Georgina Alonso and Kathy Price, Above Ground and Amnesty International, “After dam disaster in Colombia, Canada’s EDC talks remedy but fails to provide it”, 15 June 2022, <https://amnesty.ca/blog/after-hidroituango-disaster-in-colombia-canadas-edc-talks-remedy-but-fails-to-provide-it/>.

¹⁰³ Global Affairs Canada, *Voices at Risk: Canada’s Guidelines on supporting human rights defenders*, 3 March 2023, [Voices at risk: Canada’s guidelines on supporting human rights defenders \(international.gc.ca\)](https://www.international.gc.ca/voices-at-risk-canada-s-guidelines-on-supporting-human-rights-defenders-international.gc.ca).

¹⁰⁴ Justice and Corporate Accountability Project, “The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining”, 10 December 2022, <https://justice-project.org/2022/12/10/the-two-faces-of-canadian-diplomacy-undermining-human-rights-and-environment-defenders-to-support-canadian-mining/>; Mining Watch Canada, “Abarca Family Files with Federal Court of Appeal, insisting that Canadian Embassy in Mexico Must Be Investigated”, 19 August 2019, <https://miningwatch.ca/news/2019/8/19/abarcas-family-files-federal-court-appeal-insisting-canadian-embassy-mexico-must-be>.

¹⁰⁵ The Canada-United States-Mexico Agreement (CUSMA), which came into force in Canada in July 2020, includes a labour chapter with commitments to protect internationally recognized labour rights. A general exception allows Canada to adopt or maintain measures it deems necessary to fulfill its legal obligations to Indigenous Peoples. See: Government of Canada, Labour Chapter Summary, <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/labour-travail.aspx?lang=eng>; Government of Canada, Trade and Indigenous Peoples Summary, <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/indigenous-autochtones.aspx?lang=eng>; Government of Canada, Trade and Gender Provisions Summary, <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/gender-equality-egalite-sexes.aspx?lang=eng>.

¹⁰⁶ Global Affairs Canada, Join the discussion: consulting Canadians on possible free trade agreement negotiations with Ecuador, <https://www.international.gc.ca/trade-commerce/consultations/ecuador-equateur/fta-ale.aspx?lang=eng>.

¹⁰⁷ Amnesty International Canada, “Amnesty International Canada’s submission to public consultations on a potential free trade agreement between Canada and Ecuador”, 21 February 2023, <https://amnesty.ca/human-rights-news/public-statements/amnesty-international-canadas-submission-to-public-consultations-on-a-potential-free-trade-agreement-between-canada-and-ecuador/>; Americas Policy Group, “Submission to Global Affairs Canada in response to potential future trade negotiations with Ecuador”, 21 February 2023, <https://www.apg-gopa.com/statementsletters/submission-tonbspglobal-affairs-canadanbspin-response-to-potential-future-trade-negotiations-with-ecuador>

¹⁰⁸ An agreement to undertake an annual report on Human Rights and Free Trade between Canada and the Republic of Colombia has been widely critiqued by civil society organizations in Canada for adopting a limited approach focused only on identifying human rights impacts flowing directly from specific actions taken under the Canada-Colombia Free Trade Agreement, such as a particular tariff reduction. There is no policy in place requiring independent assessment, using UN Benchmarks, of the human rights impacts of all aspects of the trade agreement, including the investments it promotes and protects. See: Amnesty International, “Citing grave concerns, Amnesty International Canada withdraws from reporting process on Human Rights and Free Trade between Canada and Colombia”, 23 March 2018, <https://amnesty.ca/news/citing-grave-concerns-amnesty-international-canada-withdraws-from-reporting-process-on-human-rights-and-free-trade-between-canada-and-colombia/>.

¹⁰⁹ Government of Canada, *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan*, 23 May 2022, <https://mimiwg2splus.wpenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>.