

CANADÁ: LOS DERECHOS HUMANOS, EN PELIGRO

AMNISTÍA INTERNACIONAL: INFORMACIÓN PARA EL 44 PERIODO DE SESIONES DEL GRUPO DE TRABAJO SOBRE EL EXAMEN PERIÓDICO UNIVERSAL, 10 DE NOVIEMBRE DE 2023

RESUMEN

Este documento se ha preparado para el Examen Periódico Universal (EPU) al que se someterá Canadá el 10 de noviembre de 2023. Amnistía Internacional evalúa en él la aplicación de las recomendaciones formuladas a Canadá en anteriores EPU.

En el documento también se efectúa una valoración del marco de derechos humanos con respecto a los instrumentos internacionales de derechos humanos, especialmente en relación con los derechos de los pueblos indígenas, los derechos de las personas refugiadas y migrantes y los derechos de género.

En lo que respecta a la situación de los derechos humanos sobre el terreno, persisten importantes motivos de preocupación debido a la falta de ratificación o apoyo por Canadá de diversos instrumentos internacionales de derechos humanos, a las deficiencias en el marco nacional de derechos, las formas interrelacionadas de racismo, discriminación y violencia sistémicos, la inadecuada aplicación legal de los derechos económicos, sociales y culturales, y a la protección insuficiente de los derechos humanos en el comercio y en el sector extractivo en el extranjero.

El documento concluye con un conjunto de recomendaciones a Canadá que, de aplicarse, contribuirán a mejorar la situación de los derechos humanos.

SEGUIMIENTO DEL EXAMEN ANTERIOR

1. A pesar del compromiso de Canadá de fortalecer los mecanismos nacionales para supervisar la aplicación de las recomendaciones,¹ no se dispone de información pública sobre dicha aplicación, ni se ha informado de ella al Parlamento o los órganos legislativos. Lamentablemente, Canadá nunca ha presentado un informe de mitad de periodo sobre los avances.
2. De acuerdo con el compromiso asumido,² Canadá se adhirió al protocolo Facultativo de la Convención sobre los Derechos de las Personas con Discapacidad en 2018, y al Tratado sobre el Comercio de Armas (TCA) en 2019.³ Aunque Canadá modificó su Ley de Permisos de Exportación e Importación para permitir la adhesión,⁴ no estableció tres obligaciones clave en virtud del TCA.⁵
3. A pesar de los compromisos expresados⁶ y de la aceptación de recomendaciones relacionadas en todos los exámenes anteriores,⁷ Canadá no ha ratificado el Protocolo Facultativo de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes (OPCAT).
4. De acuerdo con varias recomendaciones aceptadas relativas a fortalecer la legislación para combatir la discriminación de los pueblos indígenas, Canadá promulgó en 2021 la Ley sobre la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (UNDRIPA).⁸
5. De acuerdo con las recomendaciones aceptadas relativas a promover los derechos de las comunidades diversas en cuanto a género,⁹ en enero de 2022 Canadá tipificó como delito las actividades relacionadas con las terapias de conversión.¹⁰ En agosto de 2022, Canadá lanzó su primer Plan de Acción¹¹ Federal 2SLGBTQI+.¹²
6. A pesar de que únicamente tomó nota de siete recomendaciones en este sentido,¹³ el gobierno federal publicó en noviembre de 2022 su Plan de Acción Nacional para Poner Fin a la Violencia de Género, pero no ha definido planes para su implementación ni mecanismos de rendición de cuentas.¹⁴

MARCO NACIONAL DE DERECHOS HUMANOS

7. Canadá no ha ratificado la Convención Internacional sobre la Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares, el Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales (PF-PIDESC) y la Convención Internacional para la Protección de Todas las Personas contra las Desapariciones Forzadas, ni ha aceptado el procedimiento de presentación de comunicaciones individuales del Protocolo Facultativo de la Convención sobre los Derechos del Niño.
8. El hecho de no haber legislado sobre el requisito establecido por la Declaración sobre los Derechos de los Pueblos Indígenas de obtener el consentimiento libre, previo e informado afecta negativamente a las relaciones con los pueblos indígenas en Canadá.¹⁵ Aunque la Ley sobre la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (UNDRIPA) afirma que la Declaración de la ONU es aplicable en la legislación federal de Canadá, la ley no contiene disposición alguna sobre su ejecución. En consulta con los pueblos indígenas, el gobierno debe presentar en el Parlamento, a más tardar en junio de 2023, un plan de acción con medidas para garantizar que la legislación federal cumple la Declaración.¹⁶
9. En Canadá no existe el delito de esterilización forzada o bajo coacción.¹⁷

SITUACIÓN DE LOS DERECHOS HUMANOS SOBRE EL TERRENO

Derechos de los pueblos indígenas

10. El primer ministro Trudeau reconoció el papel desempeñado por la iglesia católica y Canadá en la creación, el mantenimiento y el funcionamiento del sistema de escuelas residenciales.¹⁸ En octubre de 2022, la Cámara de los Comunes reconoció por unanimidad como genocidio el Sistema de Escuelas Residenciales Indígenas.¹⁹ Los pueblos indígenas han pedido rendición de cuentas, transparencia, investigaciones penales independientes²⁰ y reparaciones.²¹
11. Se ha documentado racismo sistémico contra indígenas en el sistema de atención de la salud,²² incluidas la atención de urgencia²³ y de la salud materna.²⁴ Una Comisión de Investigación Pública indagó sobre la discriminación de los pueblos indígenas por proveedores de servicios en Quebec.²⁵
12. Los pueblos indígenas del noroeste de Ontario, incluida la Primera Nación de Grassy Narrows,²⁶ no han recibido indemnizaciones a pesar de haber sufrido durante seis decenios la contaminación de los ríos por mercurio.²⁷ En junio de 2022, el Comité de los Derechos del Niño, de la ONU, manifestó su preocupación por los problemas de salud física y neurológica graves y crónicos que sufren los niños y niñas indígenas debido al envenenamiento por mercurio.²⁸

Derechos de género

13. Las mujeres y niñas indígenas, las personas de dos espíritus y las personas de género diverso siguen padeciendo tasas desproporcionadas de violencia, desapariciones y asesinatos.²⁹ A pesar de la puesta en marcha por Canadá del Plan de Acción Nacional 2021: Poner fin a la Violencia contra Mujeres, Niñas y Personas 2SLGBTQQIA+ Indígenas, la violencia persiste y las investigaciones policiales están empañadas por abusos, negligencia y discriminación.³⁰ El Informe de actualización sobre el Plan de Acción Nacional sobre las Mujeres, las Niñas y las³¹ Personas 2SLGBTQQIA+ Indígenas Desaparecidas y Asesinadas reveló escasos avances.³²
14. La petición de la Investigación Nacional sobre las Mujeres y Niñas Indígenas Desaparecidas y Asesinadas (MMIWG) relativa a rendición de cuentas de las industrias extractivas no se ha implementado adecuadamente.³³ Personas indígenas interpusieron demandas judiciales en las que denunciaban acoso sexual y violencia en campos de trabajo de proyectos de oleoductos.³⁴
15. Las mujeres indígenas siguen siendo objeto de esterilización forzada y bajo coacción.³⁵ Continúan sin aplicarse las recomendaciones de la relatora especial sobre la violencia contra la mujer, sus causas y consecuencias, incluida la anulación por Canadá de las disposiciones discriminatorias de la Ley de Asuntos Indios,³⁶ la investigación de las denuncias de esterilización forzada y bajo coacción, y la garantía de supervisión civil independiente de la respuesta policial a las agresiones sexuales.³⁷
16. Las actividades asociadas al trabajo sexual están penalizadas en Canadá,³⁸ lo que obliga a las trabajadoras y los trabajadores sexuales a actuar de forma encubierta³⁹ y hace que estas personas sufran hostigamiento de la policía, desalojos forzosos, detenciones arbitrarias y enjuiciamientos, especialmente en el caso de las trabajadoras y los trabajadores sexuales trans, indígenas, negros y racializados.⁴⁰

Derechos de las personas refugiadas y migrantes

17. En virtud del Acuerdo de Tercer País Seguro (STCA),⁴¹ muchas personas solicitantes de asilo son devueltas a Estados Unidos, donde son detenidas en condiciones que violan las normas internacionales.⁴² En Estados Unidos se niega injustamente protección a muchas de ellas, incluidas las que huyen de la persecución por motivos de género, y se las envía de vuelta al peligro al que hacen frente en sus respectivos países de origen.⁴³ Miles de personas han cruzado la frontera irregularmente, por ejemplo por el camino Roxham, para solicitar protección como refugiadas en Canadá.⁴⁴ Sin embargo, el 24 de marzo de 2023, el STCA se amplió para su aplicación en toda la frontera y para incluir los pasos

fronterizos irregulares por tierra y por cursos de agua interiores, lo que cerró el camino Roxham y aumentó el riesgo de cruces peligrosos.⁴⁵

18. La Agencia de Servicios Fronterizos de Canadá ha detenido a decenas de miles de personas solicitantes de asilo y migrantes.⁴⁶ A pesar de que su reclusión obedece a motivos administrativos, se las interna en prisiones de máxima seguridad⁴⁷ y en régimen de aislamiento, y pueden estar detenidas indefinidamente debido a la inexistencia de un límite legal de la duración de la detención por motivos de inmigración.⁴⁸ Las ideas suicidas y las violaciones de derechos humanos están bien documentadas.⁴⁹ Desde el año 2000, al menos 17 personas han muerto cuando estaban detenidas por motivos de inmigración, 2 de ellas en 2022.⁵⁰
19. En abril de 2018, una persona solicitante de asilo en Quebec logró impugnar la restricción de acceder a servicios de atención a la infancia subvencionados por la provincia para sus hijos e hijas en virtud del artículo 3 de la Normativa de Contribución Reducida.⁵¹ El gobierno de Quebec recurrió contra esta decisión y ordenó a las guarderías subvencionadas que no aceptaran a los hijos e hijas de solicitantes de asilo en sus instalaciones.⁵²
20. El Comité de Derechos Humanos de la ONU concluyó que Canadá había vulnerado el derecho a la vida de Nell Toussaint tras haberle negado el acceso a los servicios de salud esenciales debido a su condición de inmigrante y pidió a Canadá que proporcionara reparaciones plenas e impidiera las violaciones de derechos humanos en el futuro.⁵³ Canadá se negó a aplicar las conclusiones del Comité,⁵⁴ lo que derivó en una apelación judicial nacional.⁵⁵
21. Las violaciones de derechos humanos en el Programa de Trabajadores Extranjeros Temporales y en el Programa de Trabajadores Agrícolas Temporales están bien documentadas, e incluyen prácticas de contratación ilegal, explotación y trata de seres humanos.⁵⁶ Entre las violaciones de los derechos laborales figuran el robo de salarios, las condiciones de trabajo inseguras y los abusos verbales, psicológicos, físicos y sexuales.⁵⁷ La falta de acceso a vías para la residencia permanente es contraria a los compromisos adquiridos por Canadá en el Pacto Mundial sobre la Migración de la ONU.⁵⁸

Derecho a no sufrir discriminación

22. A pesar de la elaboración de la Estrategia Canadiense de Lucha contra el Racismo 2019-2022,⁵⁹ continúan sin abordarse las recomendaciones formuladas por organismos internacionales de derechos humanos, por las investigaciones⁶⁰ y comisiones⁶¹ canadienses, y por las comunidades afectadas.
23. La Ley de Equidad en el Empleo de Canadá sólo reconoce cuatro grupos designados,⁶² lo que oculta la discriminación específica que sufren las personas empleadas negras⁶³ y las formas de discriminación interrelacionadas por motivos de género, indigeneidad, discapacidad y raza.⁶⁴ Se interpuso una demanda judicial de grupo contra el gobierno, en la que se alegaba racismo sistémico contra las personas negras en la función pública federal,⁶⁵ y una denuncia formal ante un relator especial de la ONU.⁶⁶ El gobierno respondió creando un plan de acción sobre salud mental, pero la consulta significativa a las personas empleadas negras fue limitada.
24. Tras presentarse de quejas relacionadas con el racismo, el sexismo y la discriminación sistémicos contra las personas negras, el gobierno concluyó que la Comisión Canadiense de Derechos Humanos había infringido la cláusula de “no discriminación” de su convenio colectivo. La Comisión reconoció que había desestimado las denuncias de racismo en mayor proporción que otras, lo que suscitó preocupación por la capacidad de la Comisión para llevar a cabo su mandato.⁶⁷
25. Los perfiles raciales y la discriminación sistémica en la actuación policial violan los derechos de las comunidades negras, indígenas y racializadas de Canadá. Las ⁶⁸personas negras⁶⁹ y los miembros de pueblos indígenas⁷⁰ están encarcelados en una proporción excesiva en el sistema penitenciario y obtienen resultados desproporcionadamente peores.⁷¹ En noviembre de 2022, Canadá anunció la publicación en 2024 de una Estrategia de Justicia Indígena con la colaboración de las provincias.⁷² Sin embargo, se siguen negando alternativas al encarcelamiento a muchas personas indígenas, en contra de los llamamientos a la acción de la Comisión de la Verdad y Reconciliación.⁷³

26. A pesar de la escasez de datos desglosados por raza o etnia, el racismo sistémico contra las personas negras e indígenas y otras personas racializadas en Quebec está bien documentado en la actuación policial,⁷⁴ el sistema de justicia penal,⁷⁵ los servicios sociales y de salud⁷⁶ y el empleo.⁷⁷
27. Una ley de Quebec de 2019 (“Proyecto de Ley 21”) prohíbe que algunos empleados públicos, incluido el personal docente, porten símbolos religiosos en ciertos puestos de la función pública.⁷⁸ Esta disposición afecta de forma desproporcionada a las minorías religiosas, en particular a las mujeres musulmanas.⁷⁹ Un tribunal determinó que varias secciones del Proyecto de Ley 21 eran inconstitucionales.⁸⁰ Un recurso del gobierno de Quebec está en espera de resolución.
28. El *software* de reconocimiento facial contribuye a violaciones de derechos en Canadá.⁸¹ En octubre de 2022, un comité parlamentario concluyó que la legislación vigente no regula de forma adecuada las tecnologías de inteligencia artificial y reconocimiento facial.⁸²

Justicia climática y ambiental

29. Los desastres relacionados con el cambio climático afectan de modo desproporcionado a los derechos de los grupos indígenas, negros y otros grupos racializados, así como a las personas con discapacidad, las persona de edad avanzada y las comunidades de bajos ingresos.⁸³
30. Canadá se abstiene sistemáticamente de obtener el consentimiento libre, previo e informado de los pueblos indígenas para proyectos de infraestructura y de extracción de recursos en sus territorios.⁸⁴ En 2018, el Tribunal Federal de Apelación anuló una orden por la que se aprobaba la ampliación del oleoducto Trans Mountain porque Canadá no había consultado debidamente a los pueblos indígenas.⁸⁵ Sin embargo, Canadá aprobó la ampliación de este oleoducto en 2019,⁸⁶ sin el consentimiento libre, previo e informado de la Nación Tsleil-waututh y la Nación Secwépemc.
31. Las personas que defienden las tierras indígenas han sido criminalizadas por defender sus territorios contra la ampliación del oleoducto.⁸⁷ El Comité para la Eliminación de la Discriminación Racial, en sendas cartas de 2019, 2020 y 2022, instó a Canadá a detener la construcción del gasoducto Coastal GasLink hasta que la Nación Wet’suwet’en concediera su consentimiento libre, previo e informado, y a retirar de su territorio las fuerzas de policía y seguridad.⁸⁸ Pese a ello, Canadá persiste en el incumplimiento.
32. Los innu de Pessamit denuncian prácticas forestales y proyectos hidroeléctricos, emprendidos sin su consentimiento libre, previo e informado, que amenazan su forma de vida tradicional y su identidad, incluidos sus derechos culturales indígenas.⁸⁹

Derechos económicos y sociales

33. El Acuerdo para la Resolución de la Acción Judicial de Grupo sobre Agua Potable de 2021 ⁹⁰reconoce el derecho de las Primeras Naciones a un acceso fiable a agua apta para el consumo y concede indemnizaciones a quienes fueron privados de él. En junio de 2022, Canadá derogó la Ley sobre la Salubridad del Agua Potable de las Primeras Naciones⁹¹ y se comprometió a consultar a las Primeras Naciones para desarrollar legislación sustitutoria antes del 23 de abril de 2023.⁹² A pesar del compromiso de Canadá de poner fin a los avisos de largo plazo sobre la calidad del agua potable en marzo de 2021 a más tardar, el 3 de febrero de 2023 seguían activos 32 avisos de este tipo que afectaban a 28 comunidades de Primeras Naciones.⁹³ Muchos pueblos indígenas, como los de Nunavut, padecen reiterados estados de excepción debido a la escasez de agua.⁹⁴
34. Los pueblos indígenas siguen siendo objeto de discriminación en la vivienda y la educación.⁹⁵ La Ley sobre Estrategia Nacional de Vivienda⁹⁶ no cumple los objetivos de construcción de nuevas viviendas y no aborda las necesidades de los pueblos indígenas,⁹⁷ lo que conlleva una limitación en el número de docentes para las comunidades y afecta al éxito académico de los inuit de Nunavik.⁹⁸

Derechos extraterritoriales y rendición de cuentas de las empresas

35. Empresas extractivas canadienses y proyectos con financiación de Canadá que operan en todo el mundo están implicados en daños ambientales y de derechos humanos.⁹⁹ Canadá no dispone de reglas vinculantes, a cuyo establecimiento han instado órganos de derechos humanos de la ONU, para que las empresas rindan cuentas cuando se vulneran derechos.¹⁰⁰ Canadá no ha establecido una Defensoría del Pueblo para el Sector Extractivo de carácter independiente, sino que ha creado un puesto consultivo sin atribuciones para investigar las denuncias de abusos cometidos por empresas canadienses.¹⁰¹
36. Los defensores y defensoras de los derechos humanos corren riesgos si se pronuncian en contra de proyectos y empresas financiados por Canadá que operan en el extranjero.¹⁰² Aunque Canadá ha actualizado sus directrices para que su personal diplomático apoye a los defensores y defensoras de los derechos humanos amenazados,¹⁰³ grupos de la sociedad civil han documentado la aplicación incoherente de las directrices.¹⁰⁴
37. Canadá ha renegociado el Tratado de Libre Comercio de América del Norte, incluidas nuevas disposiciones sobre trabajo, género y derechos de los pueblos indígenas.¹⁰⁵ Canadá solicitó aportaciones de la población canadiense en relación con una propuesta de acuerdo de libre comercio con Ecuador,¹⁰⁶ pero no se informó ni consultó a las organizaciones indígenas de Ecuador sobre las negociaciones.¹⁰⁷ Canadá no somete todos los acuerdos comerciales a evaluaciones independientes del impacto en los derechos humanos.¹⁰⁸

RECOMENDACIONES DE ACTUACIÓN DIRIGIDAS AL ESTADO OBJETO DEL EXAMEN

Amnistía Internacional insta al gobierno de Canadá a:

Marco nacional de derechos humanos

38. Adherirse sin demora al Protocolo Facultativo de la Convención contra la Tortura, a la Convención Internacional sobre la Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares, y al Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales.
39. Modificar la legislación nacional para incorporar plenamente las obligaciones de Canadá en virtud del Tratado sobre el Comercio de Armas.

Derechos de género

40. Garantizar la implementación plena de los llamamientos a las industrias extractivas y de infraestructuras realizados en la Investigación Nacional sobre las Mujeres y Niñas Indígenas Desaparecidas y Asesinadas (MMIWG).
41. Implementar mecanismos de rendición de cuentas para el Plan de Acción Nacional sobre las Mujeres, las Niñas y las Personas 2SLGBTQIA+ Indígenas Desaparecidas y Asesinadas.
42. Eliminar con carácter inmediato todas las disposiciones discriminatorias de la Ley de Asuntos Indios.
43. Incorporar la inclusión de personas trans en todos los programas y políticas, incluidas las estrategias de salud mental y contra la violencia en Internet.
44. Penalizar la esterilización forzada y bajo coacción e incorporar el consentimiento libre, previo e informado para la esterilización.
45. Derogar la legislación que penaliza el intercambio consentido de servicios sexuales entre personas adultas.

Derechos de los pueblos indígenas

46. Definir medidas y mecanismos de aplicación concretos para garantizar que la legislación federal canadiense cumple plenamente la Declaración sobre los Derechos de los Pueblos Indígenas tras la presentación del Plan de Acción de Canadá en el Parlamento en junio de 2023.
47. Implementar los llamamientos a la acción de la Comisión de la Verdad y Reconciliación, especialmente los números 71 a 76, relativos a los niños y niñas desaparecidos y los enterramientos no señalizados en escuelas residenciales.
48. Coordinar con representantes provinciales y territoriales las iniciativas para apoyar la jurisdicción de los pueblos indígenas sobre los servicios infantiles y familiares en los territorios indígenas.
49. Proporcionar a las comunidades indígenas de Ontario afectadas por el envenenamiento por mercurio atención de la salud, recursos efectivos y medidas concretas para salvaguardar los derechos culturales a practicar en condiciones de seguridad la pesca en los ríos contaminados.
50. Colaborar con Quebec para implementar los llamamientos a la acción de la Comisión de Investigación Pública contra la discriminación en los servicios públicos.

Derechos de las personas refugiadas y migrantes

51. Retirarse con carácter inmediato del Acuerdo de Tercer País Seguro.
52. Poner fin de inmediato a la detención por motivos de inmigración en cárceles provinciales e invertir en alternativas basadas en la comunidad.
53. Permitir el acceso de las personas en situación migratoria irregular a los servicios de salud esenciales.
54. Proporcionar permisos de trabajo abiertos a los trabajadores y trabajadoras del Programa de Trabajadores Extranjeros Temporales.
55. Colaborar con Quebec para restablecer el acceso de las personas solicitantes de refugio a los servicios de atención infantil subvencionados por la provincia.

Derecho a no sufrir discriminación

56. Crear conjuntamente un plan con trabajadores y trabajadoras negros para abordar el racismo contra las personas negras en la función pública federal, que incluya indemnizaciones, programas de salud mental, objetivos de contratación y ascensos, y medidas de rendición de cuentas.
57. Informar de los avances en la implementación de la Estrategia contra el Racismo de Canadá 2019-2022, previa consulta con las comunidades negras, indígenas y racializadas.
58. Prohibir el uso, desarrollo, producción y venta de tecnologías de reconocimiento facial con fines de vigilancia masiva por parte de la policía y otros organismos públicos.
59. Prohibir las prácticas de perfiles raciales por parte de los funcionarios encargados de hacer cumplir la ley y llevar a cabo consultas sobre enfoques dirigidos por la comunidad para mantener la seguridad pública.
60. Aplicar las recomendaciones del Investigador Penitenciario sobre racismo sistémico en el sistema de justicia penal.

61. Colaborar con Quebec para aplicar el Principio de Joyce, reconocer públicamente el racismo sistémico contra personas indígenas, negras y racializadas, y anular el Proyecto de Ley 21.

Justicia climática y ambiental

62. Incluir el derecho a consentimiento libre, previo e informado para todos los pueblos indígenas en el próximo Plan de Acción Nacional a fin de armonizar la legislación con la Declaración sobre los Derechos de los Pueblos Indígenas, y paralizar la implementación y aprobación de los proyectos extractivos y de infraestructura en gran escala que no dispongan del consentimiento libre, previo e informado de los pueblos indígenas afectados.
63. Desarrollar conjuntamente un plan de acción para respetar los derechos culturales indígenas de los innu de Pessamit, abordar los efectos del cambio climático y conceder indemnizaciones por la pérdida de territorio y los daños causados por las industrias forestales e hidroeléctricas.
64. Poner fin a toda subvención y financiación de los combustibles fósiles y pasar a energías renovables que cumplan las normas internacionales de derechos humanos para alcanzar cero emisiones de carbono en 2030.
65. Desarrollar e implementar una estrategia nacional para identificar, abordar y prevenir el racismo ambiental.

Derechos sociales y económicos

66. Desarrollar legislación en consulta con los pueblos indígenas para garantizar agua potable segura y fiable e infraestructuras para las aguas residuales en las comunidades indígenas.
67. Abordar la escasez de vivienda en Nunavik, Quebec, en colaboración con las comunidades inuit.
68. Utilizar un enfoque de análisis de género interseccional para la implementación de la Estrategia Nacional de Vivienda de Canadá.
69. Desarrollar un plan de acción junto con el Ministerio de Educación y Enseñanza Superior de Quebec para promover el éxito educativo del alumnado indígena.

Derechos extraterritoriales

70. Exigir a las empresas de extracción de recursos que ejerzan diligencia debida interseccional, sensible al género, de derechos humanos y ambiental tanto en Canadá como en otros países.
71. Hacer cumplir las normas internacionales de derechos humanos para recibir financiación pública y seguros de riesgo.
72. Garantizar el acceso a reparaciones por abusos contra los derechos humanos y ambientales cometidos en otros países.
73. Exigir evaluaciones independientes del impacto en los derechos humanos para todos los acuerdos comerciales multilaterales.
74. Implementar de forma coherente las Directrices de Voces en Riesgo para apoyar a los defensores y defensoras de los derechos humanos amenazados.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

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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
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)			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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			
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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>
<p>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);</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 - law enforcement / police officials 	<p>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.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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 AICES 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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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 So3 SDG 3 - health So4 SDG 4 - education So8 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 So1 SDG 1 - poverty Affected persons: - general - persons living in poverty	Not fully implemented .
Theme: E24 Right to social security			
142.242 Intensify efforts to provide equitable access to health, education, social services, quality water and food security for indigenous people (Trinidad and Tobago); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	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 So2 SDG 2 - hunger and food security So3 SDG 3 - health So4 SDG 4 - education S10 SDG 10 - inequality Affected persons: - Indigenous Peoples	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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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); Source of position: A/HRC/39/11/Add.1 - Para. 20	Supported	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 Affected persons: - children - Indigenous Peoples	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.
142.240 Ensure full equality for Indigenous Peoples in the protection of their international human rights to health, education and welfare (Norway); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	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 Affected persons: - Indigenous Peoples	Not implemented
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); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	E24 Right to social security B31 Equality & non-discrimination G3 Indigenous Peoples S10 SDG 10 - inequality Affected persons: - Indigenous Peoples	Not implemented
142.143 Address disparities in access to health, education and welfare services provided for indigenous people, in particular for children (Hungary); Source of position: A/HRC/39/11/Add.1 - Para. 9	Supported	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 Affected persons: - children - Indigenous Peoples	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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<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 So1 SDG 1 - poverty So2 SDG 2 - hunger and food security So3 SDG 3 - health So4 SDG 4 - education Affected persons: - Indigenous Peoples</p>	Not fully implemented.
<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 Affected persons: - children - Indigenous Peoples</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>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 So3 SDG 3 - health So4 SDG 4 - education S10 SDG 10 - inequality Affected persons: - children - Indigenous Peoples</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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: E26 Human Rights & drinking water and sanitation			
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); Source of position: A/HRC/39/11/Add.1 - Para. 13	Supported	E26 Human Rights & drinking water and sanitation A42 Institutions & policies - General So6 SDG 6 - water and sanitation Affected persons: - general	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 1 st , still 32 long-term drinking water advisories in 28 Indigenous communities.
Theme: E31 Right to work			
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 So8 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 So8 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 So8 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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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 So8 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 So3 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 So5 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			
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 So5 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 So5 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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>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);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 17</p>	Supported	<p>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</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - girls - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	<p>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.</p>
<p>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);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 17</p>	Supported	<p>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</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - girls - Indigenous Peoples 	<p>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.</p>
<p>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);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 17</p>	Supported	<p>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</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous Peoples 	<p>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 2SLGBTQQIA+ National Action Plan (NAP) revealed a lack of progress.</p>
<p>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);</p> <p>Source of position: A/HRC/39/11/Add.1 - Para. 7</p>	Supported	<p>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</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - Indigenous Peoples 	<p>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.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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 2SLGBTQQA+ 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 2SLGBTQQA+ 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 2SLGBTQA+ Action Plan", which lacks substance on the rights of transgender people, online violence, and provision of mental health services.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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.
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.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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			
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); Source of position: A/HRC/39/11/Add.1 - Para. 15	Noted	E1 Economic, social & cultural rights - general measures of implementation E22 Right to food E23 Right to adequate housing E41 Right to health - General So2 SDG 2 - hunger and food security So3 SDG 3 - health Affected persons: - general - persons living in poverty	Not implemented.
Theme: F13 Violence against women			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<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>	<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>
<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>	<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 2SLGBTQIA+ 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 2SLGBTQIA+ 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.</p>
<p>142.194 Convert the federal strategy on gender-based violence into a national action plan (Australia);</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) S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons: - women</p>	<p>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.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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 Consejo de Derechos Humanos, *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, recomendación 142.35 (Paraguay), doc. ONU: A/HRC/39/11, 11 de julio de 2018, y su Adición, doc. ONU: A/HRC/39/11/Add.1, 18 de septiembre de 2018.

² *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, recomendación 142.32 (Australia), doc. ONU: A/HRC/39/11, 11 de julio de 2018, y su Adición, doc. ONU: A/HRC/39/11/Add.1, 18 de septiembre de 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 Departamento de Asuntos Globales de Canadá, *Amendments to Bill C-47*, 4 de mayo de 2018, <https://www.international.gc.ca/controls-controles/amendments-c-47-modifications.aspx?lang=eng>.

⁵ Canadá no cumplió sus obligaciones en virtud del TCA relativas a prohibiciones (artículo 6), evaluación integral de riesgos (artículo 7) y desvío (artículo 11). En consecuencia, Canadá ha autorizado transferencias de armas prohibidas en virtud del tratado a Arabia Saudí, incluidos miles de millones de dólares en vehículos blindados ligeros. Amnistía Internacional y Project Ploughshares, "No Credible Evidence". *Canada's Flawed Analysis of Arms Exports to Saudi Arabia* (Índice AI: AMR 20/440/2021), agosto de 2021, https://www.amnesty.ca/wp-content/uploads/2021/08/NoCredibleEvidence_EN.pdf, pp. 9-10, 14, 27-43; Gobierno de Canadá, *2019 Exports of Military Goods*, 18 de septiembre de 2020, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2019-marchandises-militaires.aspx?lang=eng>; *2020 Exports of Military Goods*, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2020-marchandises-militaires.aspx?lang=eng>, *2021 Exports of Military Goods*, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2021-marchandises-militaires.aspx?lang=eng>.

⁶ Amnistía Internacional, *Amnesty International welcomes Canada's commitment to join torture prevention treaty*, 3 de mayo de 2016, <https://amnesty.ca/news/uncategorized/amnesty-international-welcomes-canadas-commitment-to-join-torture-prevention-treaty/>.

⁷ *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, recomendaciones 142.8 (Italia), 142.10-11 (Túnez, Ghana), doc. ONU: A/HRC/39/11, 11 de julio de 2018, <https://undocs.org/es/A/HRC/39/11>, y su Adición, doc. ONU: A/HRC/39/11/Add.1, 18 de septiembre de 2018, <https://undocs.org/es/A/HRC/39/11/Add.1>. Canadá también aceptó recomendaciones similares en el primer y el segundo exámenes: Consejo de Derechos Humanos, *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, recomendación 86.2 (Azerbaiyán, Brasil, Chile, República Checa, Dinamarca, Liechtenstein, Francia), 5 de octubre de 2009, doc. ONU: A/HRC/11/17, <https://undocs.org/es/A/HRC/11/17>, y su Adición, doc. ONU:

A/HRC/11/17/Add.1, <https://undocs.org/es/A/HRC/11/17/Add.1>, y Consejo de Derechos Humanos, *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, doc. ONU: A/HRC/24/11, 28 de junio de 2013, recomendaciones 128.1 (Burkina Faso) y 128.3 (Australia, Argentina, Bulgaria, Estonia, Alemania, Hungría, Países Bajos, Nueva Zelanda, Reino Unido de Gran Bretaña e Irlanda del Norte, Francia, Portugal, Montenegro, República Checa, Uruguay), <https://undocs.org/es/A/HRC/24/11>, y su Adición, doc. ONU: A/HRC/24/11/Add.1, <https://undocs.org/es/A/HRC/24/11/Add.1>

⁸ Gobierno de Canadá, *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c. 14, 21 de junio de 2021, <https://www.laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>. Columbia Británica es la única provincia que ha adoptado legislación equiparable; véase: Gobierno de Columbia Británica, *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c. 44, 28 de noviembre de 2019, <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>.

⁹ *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, recomendaciones 142.57 (Argentina) y 142.83 (Sudáfrica), doc. ONU: A/HRC/39/11, 11 de julio de 2018, <https://undocs.org/es/A/HRC/39/11>, y su Adición, doc. ONU: A/HRC/39/11/Add.1, 18 de septiembre de 2018, <https://undocs.org/es/A/HRC/39/11/Add.1>.

¹⁰ Estas actividades incluyen promover las terapias de conversión, anunciarlas, obtener beneficios con ellas o aplicarlas a una persona. Parlamento de Canadá, *Bill C-4: An Act to Amend the Criminal Code (conversion therapy)*, 9 de noviembre de 2021, <https://parl.ca/DocumentViewer/en/44-1/bill/C-4/first-reading>.

¹¹ Gobierno de Canadá, *Federal 2SLGBTQI+ Action Plan 2022*, 28 de agosto de 2022, [women-gender-equality.canada.ca/en/free-to-be-me/federal-2slgbtqi-plus-action-plan.html](https://www24.international.gc.ca/women-gender-equality-canada.ca/en/free-to-be-me/federal-2slgbtqi-plus-action-plan.html).

¹² Definidas por el gobierno de Canadá como personas de dos espíritus, lesbianas, gays, bisexuales, transgénero, *queer*, intersexuales y con otras orientaciones sexuales e identidades de género (2SLGBTQI+).

¹³ *Informe del Grupo de Trabajo sobre el Examen Periódico Universal. Canadá*, recomendaciones 142.191-197 (Noruega, Alemania, Albania, Australia, Zambia, Dinamarca, Finlandia), doc. ONU: A/HRC/39/11, 11 de julio de 2018, y su Adición, doc. ONU: A/HRC/39/11/Add.1, 18 de septiembre de 2018.

¹⁴ Gobierno de Canadá, *National Action Plan to End Gender-Based Violence*, 9 de noviembre de 2022, <https://www24.international.gc.ca/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 Por ejemplo, el Comité de la ONU para la Eliminación de la Discriminación Racial, actuando en virtud de su procedimiento de urgencia y alerta temprana, concluyó que Canadá no solicitó el consentimiento libre, previo e informado de las autoridades tradicionales de la Nación Wet'suwet'en en Columbia Británica antes de autorizar la construcción de una conducción de gas natural que atraviesa sus territorios ancestrales; véase: Comité para la Eliminación de la Discriminación Racial (CERD), *Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure: Decision 1 (100)*, 13 de diciembre de 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en; el Comité envió dos cartas de seguimiento a Canadá: CERD, *Letter to the State of Canada*, 24 de noviembre de 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 de abril de 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. Para las cartas del CERD a Canadá en relación con la ausencia de consentimiento libre, previo e informado durante la construcción del Proyecto de Ampliación del Oleoducto Trans Mountain y la represa Site C, véase: CERD, *Letter to State of Canada*, 10 de mayo de 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 de diciembre de 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 de diciembre de 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, *Observaciones finales sobre los informes periódicos 21º a 23º combinados del Canadá*, 13 de septiembre de 2017, doc. ONU: CERD/C/CAN/CO/21-23,

<https://undocs.org/es/CERD/C/CAN/CO/21-23>; CERD, *Observaciones finales sobre los informes periódicos 21º a 23º combinados del Canadá*. Adición, 17 de junio de 2019, doc. ONU: CERD/C/CAN/CO/21-23/Add.1, <https://undocs.org/es/CERD/C/CAN/CO/21-23/Add.1>.

¹⁶ Gobierno de Canadá, *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c. 14, sección 6.5. Un ministro o ministra del gobierno federal canadiense designado/a por el Gobernador en Consejo es responsable de presentar el plan de acción en el Parlamento para la aplicación de la Declaración de la ONU en la legislación federal canadiense.

¹⁷ Sólo algunos elementos de la esterilización forzada o bajo coacción están tipificados como delito; véase: Senado de Canadá, *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada - Part II*, julio de 2022, https://publications.gc.ca/collections/collection_2022/sen/yc32-0/YC32-0-441-4-eng.pdf, pp. 26-27.

¹⁸ Primer Ministro de Canadá, *Statement by the Prime Minister on the apology from His Holiness Pope Francis regarding the residential school system in Canada*, 1 de abril de 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,and%20traditions%20and%20speaking%20their.

¹⁹ Cámara de los Comunes, 27 de octubre de 2022, 44ª Legislatura, 1ª Sesión, Hansard revisado, <https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-119/hansard>.

²⁰ Asamblea de las Naciones Originarias, *AFN Yukon Regional Chief Adamek says independent criminal investigation of residential institutions still needed*, 8 de junio de 2022, afn.ca/afn-yukon-regional-chief-adamek-says-independent-criminal-investigation-of-residential-institutions-still-needed/.

²¹ En enero de 2023, una demanda judicial colectiva de 325 Primeras Naciones representadas por consejos de la comunidad, en la que se pedían indemnizaciones por la pérdida de lenguas y culturas causada por el sistema de escuelas residenciales, se zanjó con un acuerdo de 2.800 millones de dólares. El acuerdo aún no ha sido aprobado por el Tribunal Federal de Canadá. Gobierno de Canadá, *Settlement Agreement reached in Band Class Litigation*, 21 de enero de 2023, <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2023/01/settlement-agreement-reached-in-gottfriedson-band-class-litigation.html>.

²² Consejo de Derechos Humanos, *Visita al Canadá. Informe del Relator Especial sobre el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental*, 19 de junio de 2019, doc. ONU: A/HRC/41/34/Add.2, <https://undocs.org/es/A/HRC/41/34/Add.2>. Nación Métis de Columbia Británica y Turpel Lafond, *In Plain Sight- Addressing Indigenous Specific Racism and Discrimination in B. C. Healthcare*, noviembre de 2022, <https://engage.gov.bc.ca/app/uploads/sites/613/2020/11/In-Plain-Sight-Summary-Report.pdf>.

²³ Amnistía Internacional, *The 2022 Human Rights Agenda: Recentering Human Rights in Canada*, diciembre de 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 de enero de 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); Centro Wabano para la Salud Aborigen, en Asociación con la Coalición Aborigen de Ottawa, *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 En junio de 2022, una mujer indígena cree presentó una demanda judicial contra un hospital de Edmonton y otros acusados en la que sostenía que la discriminación racial contra ella y su hija impidió que recibieran atención médica adecuada y contribuyó a la muerte de la bebé recién nacida; véase: CBC News, "Cree woman alleges racial discrimination in death of newborn daughter at Edmonton hospital", 4 de noviembre de 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 de noviembre de 2022, edmonton.citynews.ca/2022/11/03/hospital-denial-baby-death. El 28 de septiembre de 2020, Joyce Echaquan, mujer indígena atikamekw de Manawan, murió en el hospital de Joliette. El investigador forense concluyó que el racismo sufrido por Joyce en el hospital contribuyó a su muerte. Amnistía Internacional Canadá (de habla francesa), *Décès de Joyce Echaquan, un triste rappel du racisme systématique dont sont victimes les peuples autochtones*, 29 de septiembre de 2020.

²⁵ Comisión de Investigación sobre las Relaciones entre los Pueblos Indígenas y Ciertos Servicios Públicos, *Commission d'enquête sur les relations entre les Autochtones et certains services publics: écoute, réconciliation et progrès. Rapport final*, https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Rapport_final.pdf.

²⁶ Los indígenas asubpeeschoseewagong anishinabek, también conocidos como Primera Nación de Grassy Narrows. Véase Grassy Narrows, <https://freegrassy.net/learn-more/grassy-narrows/>.

²⁷ En la década de 1960, Ontario permitió que una empresa vertiera en el sistema fluvial del territorio ancestral de Grassy Narrows 10 toneladas de mercurio que contaminaron los ríos con metilmercurio; véase: Amnistía Internacional, *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*, octubre de 2017, Índice AI: AMR 20/7362/2017, pp. 8-9. Estudios científicos independientes confirmaron la extensa contaminación por mercurio en los ríos, así como que el metilmercurio es una sustancia sumamente tóxica, especialmente para las mujeres embarazadas y los niños y niñas. Véase: Departamento de Medioambiente y Clima de Canadá, *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 de marzo de 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 (traducción al inglés del artículo original publicada en *Journal of Minamata Studies*, disponible en <https://freegrassy.net/wp-content/uploads/2012/06/Harada-et-al-2011-English.pdf>).

²⁸ Comité de los Derechos del Niño, *Observaciones finales sobre los informes periódicos quinto y sexto combinados del Canadá*, 23 de junio de 2022, doc. ONU: CRC/C/CAN/CO/5-6, <https://undocs.org/es/CRC/C/CAN/CO/5-6>, párrs. 20-21. Anteriormente, el relator especial sobre sustancias tóxicas y derechos humanos había afirmado que "el caso de Grassy Narrows es emblemático de la negación a las comunidades indígenas de verdad, justicia, reparaciones y rendición de cuentas durante decenios" (traducción de Amnistía Internacional). Véase Consejo de Derechos Humanos, *Visita al Canadá. Informe del Relator Especial sobre las implicaciones para los derechos humanos de la gestión y eliminación ecológicamente racionales de las sustancias y los desechos peligrosos*, 27 de noviembre de 2020, A/HRC/45/12/Add.1, <https://undocs.org/es/A/HRC/45/12/Add.1>, párr. 86.

²⁹ Gobierno de Canadá, *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People National Action Plan*, 23 de mayo de 2022, <https://mmiwg2splus.wpeenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>, pp. 81-82.

³⁰ Como pusieron de manifiesto los casos de Tatyanna Harrison, Noelle O'Soup y Chelsea Poorman, cuyas familias llamaron públicamente la atención sobre la ausencia de investigaciones policiales sobre las muertes en 2022. Amnistía Internacional y Families of Sisters in Spirit, *MMIWG2S & police accountability press conference*, 3 de octubre de 2022, <https://www.dropbox.com/scl/fo/bgiyqrfxsr4r83cqh20r5/h?dl=0&rkey=49fty6tepgs2zhflnroomrw6m>.

³¹ Definidas como personas que se identifican como de dos espíritus, lesbianas, gays, bisexuales, transgénero, queer, cuestionándose, intersexuales y asexuales.

³² Gobierno de Canadá, *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan*, 23 de mayo de 2022, <https://mmiwg2splus.wpenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>. Véase también: 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 de junio de 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/>. Véase también Asociación de Mujeres Indígenas de Canadá, *Annual Scorecard: MMIWG2S National Action Plan*, 3 de junio de 2022, https://nwac.ca/assets-knowledge-centre/FEDERAL_ANNUAL_SCORECARD_ACTIONPLAN_2022_2022-06-03-132116_mfnq.pdf.

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

³⁴ The Tyee, "Lawsuits allege sexual harassment, assaults at Northern work camps", 3 de junio de 2022 <https://thetyee.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 de junio de 2022, <https://www.cbc.ca/news/canada/british-columbia/coastal-gaslink-civil-suit-response-1.6503564>.

³⁵ Comité contra la Tortura, *Observaciones finales sobre el séptimo informe periódico del Canadá*, 21 de diciembre de 2018, doc. ONU: CAT/C/CAN/CO/7, <https://undocs.org/es/CAT/C/CAN/CO/7>, párrs. 50-51; Amnistía Internacional, *Canada: Submission to the United Nations Committee Against Torture, Follow-Up, April 2020*, abril de 2020, Índice AI: AMR 20/2099/2020, <https://www.amnesty.org/es/documents/amr20/2099/2020/en/>. Amnistía Internacional, *2022 Human Rights Agenda*, diciembre de 2022, <https://www.amnesty.ca/what-you-can-do/2022-human-rights-agenda-for-canada/>, p. 53; Suzy Basile y Patricia Bouchard, *Free and informed consent and imposed sterilizations among First Nations and Inuit women in Québec. Research Report*, noviembre de 2022, <https://files.csssngl.com/s/CGKiiNtNdTYkGF>. Aunque el número de casos denunciados es muy inferior al real, la esterilización forzada y bajo coacción está arraigada en la asimilación forzada y afecta de forma desproporcionada a las mujeres negras, racializadas e indígenas, las personas con discapacidad, las personas 2SLGBTQIA, los niños y niñas intersexuales y las personas que viven en instituciones de atención de la salud; véase: Senado de Canadá, Informe del Comité Permanente de Derechos Humanos, *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada - Part II*, julio de 2022, https://senecanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf, p. 11; Investigación Nacional sobre Mujeres y Niñas Indígenas Desaparecidas y Asesinadas, *Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG*, vol. 1a, junio de 2019, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf, pp. 230, 266-270.

³⁶ Canadá, Sitio Web de Legislación (Justicia), Ley de Asuntos Indios (Indian Act), RSC, 1985, c. I-5, última modificación 15 de agosto de 2019 <https://laws-lois.justice.gc.ca/eng/acts/I-5/>; Comité para la Eliminación de la Discriminación contra la Mujer, *Dictamen del Comité en virtud del artículo 7, párrafo 3, del Protocolo Facultativo respecto de la comunicación núm. 68/2014*, doc. ONU: CEDAW/C/81/D/68/2014, <https://undocs.org/es/CEDAW/C/81/D/68/2014>.

³⁷ Consejo de Derechos Humanos, *Visita al Canadá. Informe de la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias*, 4 de noviembre de 2019, A/HRC/41/42/Add.1, <https://undocs.org/es/A/HRC/41/42/Add.1>, párrs. 59-61, 95.m.

³⁸ Gobierno de Canadá, Departamento de Justicia, *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. Las actividades siguientes están tipificadas como delito: comprar servicios sexuales, realizar comunicaciones públicas con el propósito de ofrecer servicios sexuales, beneficiarse materialmente de la compra de servicios sexuales, inducir a una persona a ofrecer servicios sexuales, y anunciar la venta de servicios sexuales.

³⁹ Amnistía Internacional, *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 de febrero de 2022, <https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR11643817/br-external/AmnestyInternational-e.pdf>; Amnistía Internacional, *Política de Amnistía Internacional sobre la obligación de los estados de respetar, proteger y realizar los derechos humanos de las trabajadoras y los trabajadores sexuales*, 26 de mayo de 2016, Índice AI: POL 30/4062/2016.

⁴⁰ Amnistía Internacional, *Política de Amnistía Internacional sobre la obligación de los estados de respetar, proteger y realizar los derechos humanos de las trabajadoras y los trabajadores sexuales* (citado supra); Butterfly, *A Pathway to End Violence Against Migrant Sex Workers: Access, Safety, Dignity and Justice*, 2020, https://www.butterfly.org/files/ugd/5bd754_d680b25295cb40bdbcc03f34a88c267.pdf.

⁴¹ Gobierno de Canadá, *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 de diciembre de 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement/final-text.html>. El STCA impide que la mayoría de las personas que llegan a Canadá por puntos de entrada terrestres soliciten protección como refugiadas en este país.

⁴² Estas condiciones incluyen la reclusión en régimen de aislamiento, atención médica inadecuada, temperaturas frías, alimentación y agua inadecuadas, comidas no apropiadas desde el punto de vista religioso, y escaso o ningún tiempo al aire libre. Además, las personas detenidas padecen tasas alarmantes de agresión sexual. Véase: Tribunal Supremo de Canadá, *Canadian Council for Refugees and others v. Minister of Citizenship and Immigration and others*, SCC File No 39749, Factum of the Appellants, 14 de marzo de 2022, scc-csc.ca/WebDocuments-DocumentsWeb/39749/FM010_Appellant_Canadian-Council-for-Refugees-et-al..PDF.

⁴³ El STCA fue impugnado ante el Tribunal Supremo de Canadá por considerarse que viola el derecho a la libertad, a la seguridad de la persona y a la igualdad y el principio de no devolución. La decisión sobre la demanda continúa pendiente: Tribunal Supremo de Canadá, *Canadian Council for Refugees and others v. Minister of Citizenship and Immigration and others*, SCC File No 39749, Factum of the Appellants, 14 de marzo de 2022, párrs. 54, 112. En virtud del derecho internacional, Canadá tiene prohibido expulsar, directa o indirectamente, a personas refugiadas a un territorio donde corran el riesgo de sufrir violaciones graves de derechos humanos. Véase, por ejemplo, Tribunal Supremo de Canadá, *Németh v. Canada (Minister of Justice)*, 25 de noviembre de 2010, 2010 SCC 56, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7899/index.do>, párr. 19; Convención contra la Tortura, artículo 3; Convención sobre el Estatuto de los Refugiados, artículo 33.

⁴⁴ Muchas personas han entrado en Quebec por el camino Roxham. Gobierno de Canadá, *CIMM – Asylum and The Safe Third Country Agreement*, 12 de mayo de 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-may-12-2022/asylum-safe-third-country-agreement-stca.html>. Véase también: *Montreal Gazette*, "Roxham Rd. asylum seekers are being transferred to Ontario, Québec reveals", 14 de febrero de 2023, <https://montrealgazette.com/news/local-news/roxham-rd-asylum-seekers-are-being-transferred-to-ontario-Quebec-reveals>; CTV News, "Safe Third Country Agreement is 'working' despite surge in irregular crossings: minister", 15 de enero de 2023, <https://www.ctvnews.ca/politics/safe-third-country-agreement-is-working-despite-surge-in-irregular-crossings-minister-1.6231216>.

⁴⁵ Véase, por ejemplo, Amnistía Internacional, *Why Roxham Road crossing is really a problem*, 23 de marzo de 2023, <https://amnesty.ca/human-rights-news/why-roxham-road-problem/>. Véase también: Gobierno de Canadá, *Acuerdo entre Canadá y Estados Unidos sobre Terceros Países Seguros*, 24 de marzo de 2023, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>. Habida cuenta de que la frontera terrestre entre Canadá y Estados Unidos no está controlada en su totalidad, las personas pueden enfrentarse a peligros, por ejemplo, cuando intentan entrar por zonas extremadamente remotas durante el invierno, o

cuando dependen de pasadores de fronteras. En 2022, cinco personas murieron cuando intentaban cruzar la frontera de Canadá a Estados Unidos: <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 Múltiples órganos de tratados de la ONU han pedido a Canadá la creación de un mecanismo independiente que sea responsable de supervisar e investigar al Servicio de Fronteras de Canadá. Véase, por ejemplo, Comité de los Derechos del Niño, *Observaciones finales sobre los informes periódicos quinto y sexto combinados del Canadá*, 23 de junio de 2022, doc. ONU: CRC/C/CAN/CO/5-6, párr. 42.e.

Canadá ha introducido un proyecto de ley, actualmente en fase de segunda lectura, para establecer un órgano de revisión independiente del Servicio de Fronteras de Canadá; sin embargo, el órgano de revisión propuesto no podría llevar a cabo una supervisión digna de mención en el caso de las personas detenidas en cárceles provinciales y no abordaría muchos de los daños y violaciones de derechos humanos incorporados al sistema de detención por motivos de inmigración, incluida la práctica de utilizar las cárceles provinciales para este tipo de detención, que constituye una violación de las normas internacionales. Canadá, *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 Cuatro provincias han anunciado que pondrán fin a la detención por motivos de inmigración en sus prisiones provinciales, y algunas han expresado de forma explícita su preocupación por esta práctica. Véanse, por ejemplo: Gobierno de Columbia Británica, *Minister's statement on ending immigration detention arrangement with CBSA*, 21 de julio de 2022, <https://news.gov.bc.ca/releases/2022PSSG0050-001139>; Gobierno de Alberta, *Alberta ends agreement to hold immigration detainees*, 18 de enero de 2023, <https://www.alberta.ca/release.cfm?xID=86398B767B343-B7BD-D4D9-199029E4EB0872D3>; Amnistía Internacional, *Canada: Nova Scotia to end immigration detention in provincial jails*, 21 de septiembre de 2022, <https://www.amnesty.ca/news/unecategorized/nova-scotia-to-end-immigration-detention-in-provincial-jails>; Amnistía Internacional, *Manitoba becomes 4th province to say it will end immigration detention*, 24 de octubre de 2022, <https://www.amnesty.ca/blog/manitoba-becomes-4th-province-to-say-it-will-end-immigration-detention/>.

⁴⁸ El caso más largo de detención por motivos de inmigración se prolongó durante más de 11 años y afectó a un hombre con problemas de salud mental. Amnistía Internacional, *"I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health*, Índice AI: AMR 20/4195/2021, 17 de junio de 2021, <https://www.amnesty.org/es/documents/amr20/4195/2021/en/>, pp. 85-86.

⁴⁹ Por ejemplo, parece que a las personas negras y otras personas racializadas se las detiene durante periodos más prolongados y, en muchos casos, en prisiones provinciales y no en centros de detención para inmigrantes. A las personas con problemas de salud mental se les dispensa un trato desproporcionadamente coercitivo, que incluye la privación de libertad en cárceles provinciales y la reclusión en régimen de aislamiento. Véase Amnistía Internacional, *"I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health*, Índice AI: AMR 20/4195/2021, 17 de junio de 2021, <https://www.amnesty.org/es/documents/amr20/4195/2021/en/>.

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

⁵¹ *L'Égis Québec, Règlement sur la contribution réduite*, actualizado a 1 de agosto de 2022, S-4.1.1, r. 1, <https://www.legisquebec.gouv.qc.ca/fr/document/rc/S-4.1.1.%20r.%201>. En mayo de 2022, el Tribunal Superior de Quebec revocó la disposición favorable a restablecer el acceso; véase: Tribunal Superior de Quebec, *Kanyinda c. Procureur général du Québec*, 25 de mayo de 2022, 2022 QCCS 1887, <https://canlii.ca/t/jpdm0>.

⁵² El gobierno de Quebec emitió una directiva para los centros de guardería subvencionados en la que se indicaba que no debían cumplir el fallo del tribunal, sino continuar excluyendo a las familias de solicitantes de asilo del acceso a sus servicios: Gobierno de Quebec, Ministerio de Familia, 25 de mayo de 2022: Correspondencia por correo electrónico con guarderías (CPE) subvencionadas.

⁵³ Varios órganos de la ONU han pedido a Canadá que vele por que las personas que viven en situación de inmigración irregular puedan acceder a los servicios de salud esenciales. Comité de Derechos Humanos, *Observaciones finales sobre el sexto informe periódico del Canadá*, 13 de agosto de 2015, doc. ONU: CCPR/C/CAN/CO/6, párr. 12; Comité de Derechos Económicos, Sociales y Culturales, *Observaciones finales sobre el sexto informe periódico del Canadá*, 23 de marzo de 2016, doc. ONU: E/C.12/CAN/CO/6, párr. 50; Comité para la Eliminación de la Discriminación Racial, *Observaciones finales sobre los informes periódicos 21º a 23º combinados del Canadá*, doc. ONU: CERD/C/CAN/CO/21-23, 31 de agosto de 2017, párr. 34.f. El Comité concluyó que la negativa de Canadá a proporcionar cobertura a la señora Toussaint en virtud del Programa Federal de Prestaciones Provisionales de Salud debido a su situación de inmigración irregular había violado su derecho a la vida y a la igualdad. Comité de Derechos Humanos, *Dictamen aprobado por el Comité a tenor del artículo 5, párrafo 4, del Protocolo Facultativo, respecto de la comunicación núm. 2348/2014*, 30 de agosto de 2018, doc. ONU: 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 de febrero de 2019, <https://www.socialrights.ca/2019/CanadaToussaintResponseonImpl.pdf>.

⁵⁵ La señora Toussaint impugnó la persistente negación por el gobierno de acceso a los servicios de salud esenciales a las personas migrantes en situación irregular, a pesar del dictamen del Comité de Derechos Humanos. En agosto de 2022, un tribunal canadiense rechazó el intento de Canadá de desestimar la queja, y señaló que el afán de Canadá se basaba en un "argumento para adeptos que apesta[ba] al lesivo estereotipo según el cual las personas inmigrantes llega[n] a Canadá para exprimir el sistema de bienestar". Tribunal Superior de Justicia de Ontario, *Toussaint v. Canada (Attorney General)*, 2022 ONSC 4747, 17 de agosto de 2022, <https://canlii.ca/t/jrhjf>. El recurso continúa en curso. Nell Toussaint falleció en enero de 2023.

⁵⁶ Los permisos de trabajo cerrados están vinculados a un único empleador, y la pérdida del permiso de trabajo (por acción del empleador) supone perder la residencia. Estos trabajadores y trabajadoras temen las represalias de sus empleadores y es menos probable que denuncien las situaciones de abuso. Centro Canadiense para Poner Fin a la Trata de Personas y Centro de Refugiados FCJ, *It Happens Here: Labour Exploitation of Migrant Workers During the Pandemic*, 15 de febrero de 2023, <http://www.canadiancentretoendhumantrafficking.ca/wp-content/uploads/2023/02/CCTEHT-%E2%80%93Labour-Trafficking-Report-ENG-1.pdf>; Beatson, Jesse y Jill Hanley (para CATHII), *L'exploitation des travailleurs étrangers chez nous: Examen de l'exploitation de la main-d'œuvre et du travail forcé au Canada*, agosto de 2015, www.cathii.org/sites/www.cathii.org/files/exploitation_des_travailleurs_etrangers_chez_nous.pdf; Consejo Canadiense para los Refugiados, *Trafficking in Persons for Forced Labour*, octubre de 2020, <https://ccrweb.ca/sites/ccrweb.ca/files/trafficking-in-persons-forced-labour-background-e-web.pdf>; Holman, Stephanie y Godden, Mason, *Literature on Labour Trafficking in Canada*, 19 de septiembre de 2022, https://gflc.ca/wp-content/uploads/2020/10/lit-review_final-draft.pdf.

⁵⁷ Parlamento de Canadá, Cámara de los Comunes, Comité Permanente de Recursos Humanos, Desarrollo Social y de Competencias y de la Condición de las Personas con Discapacidad, Programa de Trabajadores Extranjeros Temporales, Informe del Comité Permanente, 42ª Legislatura, 1ª sesión, septiembre de 2016 (presidente: Bryan May), <http://www.ourcommons.ca/Content/Committee/421/HUMA/Reports/RP8374415/humarpo4-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*, diciembre de 2011, www.cdpcj.gc.ca/storage/app/media/publications/Avis_travailleurs_immigrants.pdf.

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⁵⁸ Asamblea General de las Naciones Unidas, *Pacto Mundial para la Migración Segura, Ordenada y Regular. Resolución aprobada por la Asamblea General el 19 de diciembre de 2018*, 11 de enero de 2019, doc. ONU: A/RES/73/195, 73 período de sesiones, <https://undocs.org/A/RES/73/195>.

⁵⁹ Gobierno de Canadá, Patrimonio Canadiense, *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 Comisión Canadiense de Derechos Humanos, *Submission to the working group of experts on people of African descent*, junio de 2021, policycommons.net/artifacts/2246284/submission-to-the-working-group-of-experts-on-people-of-african-descent/3004981/.

⁶² Los cuatro grupos designados son las mujeres, las minorías visibles, las personas aborígenes y las personas con discapacidad. *Employment Equity Act*, SC 1995, c 44, s 2. La Ley "tiene por objeto lograr la igualdad en el ámbito laboral para que a ninguna persona se le nieguen ventajas u oportunidades en materia de empleo por motivos ajenos a su competencia".

⁶³ Por ejemplo, aunque parece que todas las minorías visibles sufren discriminación en la función pública federal, las personas solicitantes negras presentan la mayor disminución de la representación de todos los subgrupos minoritarios visibles desde la fase de solicitud hasta el nombramiento final. Véase Comisión de la Función Pública de Canadá, *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>. En lo que respecta a los ascensos, las personas empleadas negras están desproporcionadamente infrarrepresentadas en el nivel ejecutivo, pues suponen un 3,8% de los trabajadores y trabajadoras de la función pública pero sólo el 1,9% de quienes ocupan puestos de nivel ejecutivo. Véase: Secretaría del Consejo del Tesoro, *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>. El Grupo de Trabajo de Expertos sobre los Afrodescendientes, de la ONU, también ha señalado la falta de medidas especiales para las personas canadienses negras en la Ley de Equidad en el Empleo. Véase: Asamblea General de la ONU, *Informe del Grupo de Trabajo de Expertos sobre los Afrodescendientes*, 2 de agosto de 2019, doc. ONU: A/HRC/36/60/Add.1, <https://digitallibrary.un.org/record/1304262>, párr. 59.

⁶⁴ El Grupo de Trabajo de la ONU ha señalado que las mujeres negras en Canadá son especialmente vulnerables a la marginación. Véase: Asamblea General de la ONU, *Informe del Grupo de Trabajo de Expertos sobre los Afrodescendientes*, 2 de agosto de 2019, doc. ONU: A/HRC/36/60/Add.1, <https://digitallibrary.un.org/record/1304262>, párr. 67.

⁶⁵ La acción judicial colectiva se interpuso en nombre de trabajadores y trabajadoras en activo de la función pública federal, así como de ex empleados y empleadas y de personas que en el pasado habían sido candidatos o candidatas a alguno de esos empleos. El gobierno ha promovido la desestimación de la demanda. Tribunal Federal, *Nicholas Marcus Thompson et al v. Her Majesty the Queen*, Court File T-1458-20, Fresh as Amended Statement of Claim, 13 de mayo de 2021, <https://www.blackclassaction.ca/statement-of-claim>.

⁶⁶ La denuncia se presentó ante la relatora especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y formas conexas de intolerancia. Véase: Black Class Action, *BCAS submits historic complaint to the United Nations against Canada*, 28 de septiembre de 2022, <https://www.blackclassaction.ca/post/un-complaint>.

⁶⁷ CBC News, David Thurton, "Ottawa says Human Rights Commission discriminated against its Black employees", 16 de marzo de 2023, <https://www.cbc.ca/news/politics/canadian-human-rights-commission-black-racialized-1.6780794>; CBC News, 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 En junio de 2022, el Servicio de Policía de Toronto hizo públicas las conclusiones de los datos basados en la raza recopilados en 2020. Las personas negras e indígenas tenían más probabilidades de ser objeto de uso de la fuerza durante las peticiones de servicio de "persona en crisis". Las personas indígenas eran las más sobrerrepresentadas en los registros corporales sin ropa en relación con la proporción de personas detenidas. Servicio de Policía de Toronto, *Race & Identity Based Data Collection Strategy: Understanding Strip Searches In 2020 Methodological Report*, octubre de 2022, [tps://mediafiler-public/e4/b1/e4b1b125-2a2e-4d69-ad02-77ab3f3d5878/4e217e01-3cd6-4fe8-8898-39cf8693e871.pdf](https://mediafiler-public/e4/b1/e4b1b125-2a2e-4d69-ad02-77ab3f3d5878/4e217e01-3cd6-4fe8-8898-39cf8693e871.pdf), pp. 17-18; Hassaoui, Mariam y Massimiliano Mulone, *Les interpellations policières à la lumière des identités racisées des personnes Interpellées*, 2019, http://classiques.uqac.ca/contemporains/armony_victor/Interpellations_policieres_Mtl/Interpellations_policieres_Mtl.html.

⁶⁹ Las personas negras constituyen el 9,2% de la población reclusa total, a pesar de que representan aproximadamente el 3,5% de la población total de Canadá. La mayoría de las personas negras encarceladas son hombres jóvenes, y la proporción más alta corresponde al grupo de edad entre 18 y 30 años (38%). A pesar de presentar tasas de reincidencia más bajas, las personas negras tenían más probabilidades de ser evaluadas como de mayor riesgo y de cumplir más tiempo de su pena en niveles de seguridad superiores. Las personas negras también tenían más probabilidades de verse implicadas en un incidente de uso de la fuerza, con independencia de otros factores como la edad, el género o la condena. Oficina del Investigador Penitenciario, *Annual Report 2021-2022*, 30 de junio de 2022, oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20212022-eng.aspx.

⁷⁰ Los pueblos indígenas también están excesivamente representados en el sistema penitenciario federal. Las personas indígenas representan el 28% de las personas condenadas por tribunales federales y casi un tercio del total de personas bajo custodia federal, aunque sólo constituyen el 5% de la población adulta de Canadá. Las mujeres indígenas integran una de las poblaciones de personas reclusas que crece con mayor rapidez en las instituciones penitenciarias federales de Canadá. El 28 de agosto de 2022, la proporción de mujeres indígenas encarceladas alcanzó por primera vez el 50% del total de mujeres condenadas por tribunales federales. De las mujeres reclusas en instalaciones de máxima seguridad, casi el 65% eran mujeres indígenas.

⁷¹ Gobierno de Canadá, Oficina del Investigador Penitenciario, *Annual Report 2021-2022*, 30 de junio de 2022, oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20212022-eng.aspx. Según el informe, 29 de las 45 (64,5%) mujeres reclusas en instalaciones de máxima seguridad son indígenas.

⁷² Departamento de Justicia de Canadá, *Engaging with Indigenous partners to address systemic discrimination and overrepresentation in the Canadian justice system*, 1 de noviembre de 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. Véase también: Gobierno de Canadá, *Indigenous Justice Strategy*, 1 de noviembre de 2022, justice.gc.ca/eng/csj-sj/cjlr-dja/ljs-sja/index.html. En enero, Canadá firmó un memorándum de entendimiento con Columbia Británica y el Consejo de Justicia de las Primeras Naciones de Columbia Británica (BCFNJC) con objeto de apoyar la implementación de la Estrategia de Justicia de las Primeras Naciones de Columbia Británica para reducir la representación excesiva en el sistema de justicia penal de la provincia. Canadá también apoyará al Instituto de Justicia Métis de la Federación Métis de Manitoba para abordar la representación excesiva de personas métis de Red River en las cárceles provinciales de Manitoba. Departamento de Justicia de Canadá, *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 de enero de 2022, <https://www.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>; Consejo de Justicia de las Primeras Naciones de Columbia Británica, *The BC first Nations Justice Strategy*, 6 de marzo de 2020, <https://www.bcfncj.com/landing>.

[page/justice-strategy/](#); Departamento de Justicia de Canadá, *Addressing the overrepresentation of Red River Métis people in the justice system in Manitoba*, 11 de octubre de 2022, <https://www.canada.ca/en/department-justice/news/2022/10/addressing-the-overrepresentation-of-red-river-metis-people-in-the-justice-system-in-manitoba.html>.

⁷³ Entre las alternativas al encarcelamiento figuran las condenas condicionales, que son una alternativa importante que permite el cumplimiento de las penas en la comunidad en vez de en la prisión. En 2020, el Tribunal de Apelación de Ontario falló que impedir la aplicación de condenas condicionales para algunos delitos que llevan aparejadas penas de prisión mínimas preceptivas era inconstitucional, ya que surtía el efecto de reforzar, perpetuar o agravar la desventaja de los infractores indígenas. En noviembre de 2022, el Tribunal Supremo de Canadá revocó esta sentencia y falló que no se satisfacía la carga de la prueba exigida para llegar a tal conclusión. En consecuencia, la mujer indígena que recurrió contra la disposición, madre soltera de ascendencia ojibwa y miembro de la Primera Nación Saugeen, y otras personas acusadas de ciertos delitos no pueden beneficiarse de las condenas condicionales. En noviembre de 2022 se aprobó el Proyecto de Ley C-5, que elimina algunas de las condenas mínimas preceptivas de Canadá pero no permite que los jueces impongan condenas condicionales para todos los delitos, lo que es contrario al Llamamiento a la Acción 22 de la Comisión de la Verdad y Reconciliación. Tribunal de Apelación de Ontario, *R. v. King*, 2022 ONCA 665, 26 de septiembre de 2022, <https://canlii.ca/t/js264>; Tribunal de Apelación de Ontario, *R. v. Sharma*, 2020 ONCA 478, 24 de julio de 2020, <https://coadecisions.ontariocourts.ca/coa/coa/en/item/18930/index.do>, párr. 89; Tribunal Supremo de Canadá, *R. v. Sharma*, 2022 SCC 39, 4 de noviembre de 2022, <https://canlii.ca/t/j8tgz>; Parlamento de Canadá, *Bill C-5, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, 17 de noviembre de 2022, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-5/royal-assent>; Departamento de Justicia de Canadá, *Bill C-5: Mandatory Minimum Penalties to be repealed*, 12 de julio de 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 de noviembre de 2022, <https://www.nationalobserver.com/2022/11/22/news/third-canada-mandatory-minimums-repealed-advocates-incarceration-crisis>; Comisión de la Verdad y Reconciliación de Canadá, *Calls to Action*, 2015, http://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf, p. 3.

⁷⁴ Hassaoui, Mariam y Massimiliano Mulone, *Les interpellations policières à la lumière des identités racisées des personnes Interpellées*, 2019, <https://cridaq.uqam.ca/publication/les-interpellations-policieres-a-la-lumiere-des-identites-racisees-des-personnes-interpellees/>.

⁷⁵ Gobierno de Canadá, Oficina del Investigador Penitenciario, *Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge*, 21 de enero de 2020, <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>.

⁷⁶ Basile, Suzy y Patricia Bouchard, *Consentement libre et éclairé et les stérilisations imposées de femmes des Premières Nations et Inuit au Québec*, noviembre de 2022, <https://cssspnql.com/produit/consentement-libre-et-eclairé-et-les-stérilisations-imposees-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*, mayo de 2012, www.cdpedj.ca/storage/app/media/publications/etude_testing_discrimination_emploi.pdf; The Conference Board of Canada, *L'écart salarial selon l'origine ethnique*, abril de 2017, www.conferenceboard.ca/hcp/racial-gap-fr.aspx; Radio Canada, "Les employés du secteur public québécois sont trop blancs", 31 de enero de 2018, <https://ici.radio-canada.ca/nouvelle/1081205/minorites-visibles-Québec-employes-fonction-publique-organismes-diversite>; 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*, actualizado a 15 de octubre de 2022, c. L-0.3, <https://www.legisquebec.gouv.qc.ca/en/document/cs/L-0.3>.

⁷⁹ Amnistía Internacional Canadá (de habla francesa), *Aperçu 2022 des Droits Humains au Canada*, 2022, https://amnistie.ca/sites/default/files/2022-09/AI-Apercu_Droits_Humains_2022-Final.pdf.

⁸⁰ El Tribunal Superior de Quebec declaró inoperativas varias secciones de la Ley por violar la Carta de Derechos y Libertades de Canadá; véase: Tribunal Superior de Quebec, *Hak c. Procureur général du Québec*, 2021 QCCS 1466, <https://canlii.ca/t/jff8f>.

⁸¹ En octubre de 2022, el Servicio de Policía de Edmonton pidió disculpas por la publicación de un retrato robot basado en el fenotipado de ADN de un presunto delincuente negro en un caso de agresión sexual porque las imágenes generadas mediante esta tecnología daban lugar a perfiles raciales. En julio de 2022, el Tribunal Federal aprobó la revisión judicial de un fallo de 2020 que anulaba la condición de refugiadas de dos mujeres somalíes debido a la probabilidad de que hubieran sido identificadas erróneamente mediante *software* de reconocimiento facial. Amnistía Internacional, *The 2022 Human Rights Agenda: Recentering Human Rights in Canada*, diciembre de 2022, <https://www.amnesty.ca/what-you-can-do/2022-human-rights-agenda-for-canada/>; Tribunal Federal de Canadá, *Barre v. Canada (Citizenship and Immigration)*, 2022 FC 1078, 20 de julio de 2022, [2022 FC 1078 \(CanLII\)](https://www.canlii.org/en/1/1/2022/2022FC1078.html) | *Barre v. Canada (Citizenship and Immigration)* | [CanLII](https://www.canlii.org/en/1/1/2022/2022FC1078.html), párrs. 56, 70; Cámara de los Comunes de Canadá, *Report of the Standing Committee on Access to Information, Privacy and Ethics*, octubre de 2022, [ourcommons.ca/DocumentViewer/en/44-1/ETHI/report-6](https://www.ourcommons.ca/DocumentViewer/en/44-1/ETHI/report-6).

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

⁸³ Instituto Climático de Canadá, Ingrid Waldron, *Environmental Racism and Climate Change: Determinants of Health in Mi'kmaq and African Nova Scotian Communities*, 22 de julio de 2021, <https://climateinstitute.ca/publications/environmental-racism-and-climate-change/>; Comisión de Derechos Humanos de Ontario, *OHRC statement on human rights, extreme heat waves and air conditioning*, 19 de agosto de 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;

Servicio Forense de Columbia Británica, *Extreme Heat and Human Mortality: A Review of Heat-Related Deaths in B. C. in Summer 2021*, 7 junio de 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 Amnistía Internacional (de habla francesa), *Urgence climatique en territoire Innu*, Índice AI: AMR 20/6175/2022, p. 13, https://amnistie.ca/sites/default/files/2022-11/AICFR-Rapport_Pessamit.pdf. En febrero de 2023, la Primera Nación Atikamekw de Manawan, la Primera Nación de Grassy Narrows, la Nación Innu de Pessamit, la Nación Tseil-waututh, la Nación Wet'suwet'en y Amnistía Internacional remitieron una carta conjunta al relator especial sobre los derechos de los pueblos indígenas en la que ponían de relieve la criminalización de las personas que defienden las tierras indígenas y el incumplimiento por Canadá de su obligación de obtener el consentimiento libre, previo e informado de los pueblos indígenas, entre otros asuntos. Además, el Comité para la Eliminación de la Discriminación Racial (CERD) emitió una decisión el 13 de diciembre de 2019 en la que pedía a Canadá que interrumpiera la construcción del proyecto de ampliación del oleoducto Trans Mountain, la represa Site C y el gasoducto Coastal GasLink hasta obtener el consentimiento libre, previo e informado de los pueblos indígenas afectados, incluidas la Nación Tseil-waututh, la Nación Wet'suwet'en, la Nación Secwépemc, la Nación West Moberly y la Nación de Prophet River. Véase: Comité para la Eliminación de la Discriminación Racial, *Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedure, Decision 1 (100)*, 100º periodo de sesiones, 25 de noviembre-13 de diciembre de 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en.

⁸⁵ Tribunal Federal de Apelación, *Tseil-waututh Nation v. Canada (Attorney General)*, 30 de agosto de 2018, 2018 FCA 153, https://www.canlii.org/en/ca/fca/doc/2018/2018fca153/2018fca153.html#_Conclusion_on_Canada%E2%80%99s, párr. 756.

⁸⁶ Gobierno de Canadá, Regulador de la Energía de Canadá, *The Government of Canada has approved the Trans Mountain Expansion Project*, 18 de junio de 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>; Gobierno de Canadá, Departamento de Finanzas, *Update on Trans Mountain Expansion Project*, 11 de mayo de 2022, <https://www.canada.ca/en/departement-finance/news/2022/05/update-on-trans-mountain-expansion-project.html>.

⁸⁷ Will George fue condenado a 28 días de prisión por el Tribunal Supremo de Columbia Británica en 2022 por ejercer y defender su obligación sagrada de proteger las tierras y las aguas de la Nación Tsleil-waututh. La sentencia fue recurrida ante el Tribunal de Apelación de Columbia Británica el 24 de enero de 2023 y la decisión al respecto continúa pendiente. Nación Tsleil-Waututh, *Tsleil-Waututh Nation Stands With Nation Member Will George Upon His 28-Day Jail Sentence*, 11 de mayo de 2022, [Tsleil-Waututh Nation Stands with Nation Member Will George Upon His 28-Day Jail Sentence - Sacred Trust \(twnsacredtrust.ca\)](https://www.tsleil-waututh.ca/news/2022/05/tsleil-waututh-nation-stands-with-nation-member-will-george-upon-his-28-day-jail-sentence); Tribunal Supremo de Columbia Británica, *Trans Mountain Pipeline ULC v. Mivasair*, 15 de octubre de 2021, 2021 BCSC 2658, <https://canlii.ca/t/jp4vc>; Tribunal Supremo de Columbia Británica, *Trans Mountain Pipeline ULC v. Mivasair*, 2022 BCSC 791, 10 de mayo de 2022, <https://canlii.ca/t/jp5d4>, párrs. 45, 67.

⁸⁸ El gasoducto Coastal GasLink (CGL) fue aprobado por la Comisión del Petróleo y el Gas de Columbia Británica y tiene el apoyo del gobierno de Canadá y de la provincia de Columbia Británica, aun cuando los jefes hereditarios wet'suwet'en —las autoridades de la nación según el derecho wet'suwet'en y tal como ha afirmado el Tribunal Supremo de Canadá en su sentencia en el caso *Delgamuukw*— se han opuesto a la construcción del gasoducto. Actuando al amparo de una serie de mandamientos judiciales, el gobierno de Canadá y la provincia de Columbia Británica han hostigado, intimidado, trasladado por la fuerza y criminalizado a defensores y defensoras de la tierra, jefes hereditarios y matriarcas wet'suwet'en mediante operaciones policiales militarizadas en su territorio. TC Energy, *Coastal GasLink Pipeline Project Receives All Remaining BC Oil and Gas Commission Construction Permits*, 5 de mayo de 2016; Coastal GasLink, *About Coastal GasLink*; Gobierno de Canadá, *Government of Canada confirms support for largest private investment in Canadian history*, 24 de junio de 2019; Tribunal Supremo de Canadá, *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010, <https://canlii.ca/t/1fqz8>; Amnistía Internacional, *Canada: Indigenous land defenders criminalized, surveilled and harassed as pipeline construction continues on Wet'suwet'en territory*, 6 de enero de 2023; Tribunal Supremo de Columbia Británica, *Coastal GasLink Pipeline Ltd. v. Huson*, 2019 BCSC 2264, <https://canlii.ca/t/149x4>, párr. 35. En tres acciones policiales en gran escala (en enero de 2019, febrero de 2020 y noviembre de 2021), se detuvo y encarceló a un total de 74 personas, entre las que se encontraban observadores y observadoras autorizados y personal de medios de comunicación. En junio de 2022, miembros de la Nación Wet'suwet'en presentaron una demanda civil en Columbia Británica contra la provincia, miembros de la Real Policía Montada de Canadá, la empresa de seguridad privada Forsythe y Coastal GasLink, en la que se pedían indemnizaciones en concepto de daños y perjuicios por intimidación, agresión con lesiones, arresto ilegal, privación de libertad ilegítima y entrada sin autorización. Para las decisiones del CERD y las cartas posteriores, véase: Comité para la Eliminación de la Discriminación Racial, *Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedure, Decision 1 (100)*, 100º periodo de sesiones, 25 de noviembre-13 de diciembre de 2019; Comité para la Eliminación de la Discriminación Racial, *Letter to the State of Canada*, doc. ONU: CERD/EWUAP/102ndsession/2020/MJ/CS/ks, 24 de noviembre de 2020; Comité para la Eliminación de la Discriminación Racial, *Letter to the State of Canada*, doc. ONU: CERD/EWUAP/106th session/2022/MJ/CS/ks, 29 de abril de 2022. En su carta de abril de 2022, el Comité para la Eliminación de la Discriminación Racial lamentaba que Canadá aún no hubiera presentado sus informes periódicos 21 y 23 combinados, que debían haberse presentado en noviembre de 2021, en los que "también debería haber proporcionado información sobre las medidas adoptadas para abordar los motivos de preocupación planteados en la decisión del Comité de 13 de diciembre de 2019 y en su carta de 24 de noviembre de 2020". El CERD pedía a Canadá que diera respuesta a las tres comunicaciones antes del 15 de julio de 2022.

⁸⁹ Amnistía Internacional, *Cualquier marejada podría ahogarnos. Historias de la crisis climática*, Índice AI: IOR 40/6145/2022, 3 de noviembre de 2022, <https://www.amnesty.org/es/documents/ior40/6145/2022/es/>. En febrero de 2023, Amnistía Internacional Canadá y varias comunidades indígenas entregaron un documento conjunto al relator especial de la ONU sobre los derechos de los pueblos indígenas en el que se pedía que Canadá respete los derechos culturales en el contexto de la crisis climática y proporcione reparaciones plenas e indemnizaciones adecuadas por la pérdida de la utilización del territorio de la comunidad innu de Pessamit. Amnistía Internacional, *Canada: Upcoming Visit of the Special Rapporteur on the Rights of Indigenous Peoples*, 1 de febrero de 2023.

⁹⁰ El Acuerdo para la Resolución de la Acción Judicial de Grupo sobre Agua Potable fue aprobado por el Tribunal Federal. Tribunal Federal de Canadá, *Tatakwewayak Cree Nation v. Canada (Attorney General)*, 22 de diciembre de 2021, 2021 FC 1415, <https://decisions.fct-cf.gc.ca/fct-cf/decisions/en/item/518530/index.do>.

⁹¹ Gobierno de Canadá, *Safe Drinking Water for First Nations Act*, 2013, derogada el 23 de junio de 2022, c. 10, s. 178, https://laws-lois.justice.gc.ca/eng/acts/S-1_04/page-1.html.

⁹² Servicios Indígenas de Canadá, *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 Los avisos de corto plazo suelen durar menos de un año, y advierten a la población de un problema de calidad del agua de corta duración en un determinado sistema hídrico. Los avisos de largo plazo sobre la calidad del agua potable son los que están en vigor más de un año. Servicios Indígenas de Canadá, *Ending long-term drinking water advisories*, 12 de octubre de 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 de junio de 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 Estadísticas Canadá, *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 Gobierno de Canadá, *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 Comisión Canadiense de Derechos Humanos, *Canada needs a National Right to Housing Strategy*, 22 de noviembre de 2022, <https://www.housingchrc.ca/en/canada-needs-a-national-right-to-housing-strategy>.

⁹⁸ Defensor del Pueblo de Quebec, *Rapport spécial du Protecteur du citoyen. Pour des services d'éducation de qualité au Nunavik, dans le respect de la culture inuit*, 24 de octubre de 2018, https://protecteurducitoyen.qc.ca/sites/default/files/pdf/rapports_speciaux/education-nunavik-2018.pdf.

⁹⁹ Grupo de Investigación Interdisciplinar sobre los Territorios del Extractivismo (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 y Kathy Price, *Above Ground y Amnistía Internacional, After dam disaster in Colombia, Canada's EDC talks remedy but fails to provide it*, 15 de junio de 2022, <https://www.amnesty.org/es/blog/after-hidroituango-disaster-in-colombia-canadas-edc-talks-remedy-but-fails-to-provide-it/>; Above Ground, Amnistía Internacional, Red Canadiense sobre Rendición de Cuentas de las Empresas, Inter Pares, MiningWatch Canada y Steelworkers Humanity Fund, *Court rules Ottawa can maintain secrecy on aid to Goldcorp in human rights dispute*, 8 de marzo de 2022, <https://www.amnesty.org/en/news/court-rules-ottawa-can-maintain-secrecy-on-aid-to-goldcorp-in-human-rights-dispute/>; Amnistía Internacional, *Ottawa must disclose how it aided Canadian mining company*, 1 de marzo de 2021, <https://www.amnesty.org/es/blog/ottawa-must-disclose-how-it-aided-canadian-mining->

[company/](https://www.amnesty.org/en/documents/cnca-rcrce/2022/03/29/news-release-bills-introduced-to-protect-people-and-the-planet-warrant-all-party-support/); Amnistía Internacional Canadá, *Amnesty International applauds settlement in landmark Nevsun Resources mining case*, 23 de octubre de 2020, <https://www.amnesty.org/en/documents/cnca-rcrce/2022/03/29/news-release-bills-introduced-to-protect-people-and-the-planet-warrant-all-party-support/>.

¹⁰⁰ Red Canadiense sobre Rendición de Cuentas de las Empresas, *Bills introduced to protect people and the planet warrant all-party support*, 29 de marzo de 2022, <https://cnca-rcrce.ca/2022/03/29/news-release-bills-introduced-to-protect-people-and-the-planet-warrant-all-party-support/>. Para recomendaciones de organismos de la ONU, véase: Comité para la Eliminación de la Discriminación Racial, *Observaciones finales sobre los informes periódicos 21º a 23º combinados del Canadá*, doc. ONU: CERD/C/CAN/CO/21-23, 31 de agosto de 2017, párr. 21; Comité para la Eliminación de la Discriminación contra la Mujer, *Observaciones finales sobre los informes periódicos octavo y noveno combinados del Canadá*, 18 de noviembre de 2016, doc. ONU: CEAW/C/CAN/CO/8-9, párrs. 18-19; Comité de Derechos Humanos, *Observaciones finales sobre el sexto informe periódico del Canadá*, 13 de agosto de 2015, doc. ONU: CCRPR/C/CAN/CO/6, párr. 6; Grupo de Trabajo sobre Empresas y Derechos Humanos, *Statement at the end of visit to Canada*, 1 de junio de 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21680&LangID=E>.

¹⁰¹ Red Canadiense sobre Rendición de Cuentas de las Empresas, *Government of Canada Caves to Industry Pressure: Ombudsperson for Responsible Enterprise Remains Powerless to Uphold Human Rights*, 26 de febrero de 2021, <https://cnca-rcrce.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 y Danielle Blanchard, Proyecto Justicia y Responsabilidad Corporativa, *The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining*, 10 de diciembre de 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 y Kathy Price, Above Ground y Amnistía Internacional, *After dam disaster in Colombia, Canada's EDC talks remedy but fails to provide it*, 15 de junio de 2022, <https://amnesty.ca/blog/after-hidroituango-disaster-in-colombia-canadas-edc-talks-remedy-but-fails-to-provide-it/>.

¹⁰³ Departamento de Asuntos Globales de Canadá, *Voces en Riesgo: Directrices Canadienses para el Apoyo a los Defensores de Derechos Humanos*, 3 de marzo de 2023, [Voces en Riesgo: Directrices Canadienses para el Apoyo a los Defensores de Derechos Humanos \(international.gc.ca\)](https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/labour-travail.aspx?lang=eng).

¹⁰⁴ Proyecto Justicia y Responsabilidad Corporativa, *The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining*, 10 de diciembre de 2022, <https://justice-project.org/2022/12/10/the-two-faces-of-canadian-diplomacy-undermining-human-rights-and-environment-defenders-to-support-canadian-mining/>; <https://miningwatch.ca/news/2018/5/17/integrity-commissioner-s-refusal-investigate-canadian-embassy-prompts-application> Mining Watch Canada, *La familia Abarca presenta su notificación a la Corte Federal de Apelación de Canadá, exhortando que se investigue la Embajada Canadiense en México*, 19 de agosto de 2019, <https://miningwatch.ca/es/news/2019/8/19/la-familia-abarca-presenta-su-notificaci-n-la-corte-federal-de-apelaci-n-de-canad>.

¹⁰⁵ El Tratado entre Canadá, Estados Unidos y México (T-MEC), que entró en vigor en Canadá en julio de 2020, incluye un capítulo sobre asuntos laborales con compromisos de proteger los derechos laborales reconocidos internacionalmente. Una excepción general permite a Canadá adoptar o mantener las medidas que considere necesarias para cumplir sus obligaciones legales con los pueblos indígenas. Véase: Gobierno de Canadá, *Labour Chapter Summary*, <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/labour-travail.aspx?lang=eng>; Gobierno de Canadá, *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>; Gobierno de Canadá, *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 Departamento de Asuntos Globales de Canadá, *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 Amnistía Internacional Canadá, *Amnesty International Canada's submission to public consultations on a potential free trade agreement between Canada and Ecuador*, 21 de febrero de 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/>; Grupo de Orientación de Políticas para las Américas (GOPA), *Submission to Global Affairs Canada in response to potential future trade negotiations with Ecuador*, 21 de febrero de 2023, <https://www.apg-gopa.com/statementsletters/submission-tonbspglobal-affairs-canadanbspin-response-to-potential-future-trade-negotiations-with-ecuador>.

¹⁰⁸ Las organizaciones de la sociedad civil de Canadá han criticado de forma generalizada un acuerdo para realizar un informe anual sobre derechos humanos y libre comercio entre Canadá y la República de Colombia, por adoptar un enfoque limitado, centrado únicamente en la identificación de los impactos en los derechos humanos derivados directamente de acciones concretas emprendidas en virtud del Tratado de Libre Comercio entre Canadá y Colombia, como, por ejemplo, una determinada reducción arancelaria. No existe una política que exija una evaluación independiente, utilizando parámetros de referencia de la ONU, de los impactos en los derechos humanos de todos los aspectos del acuerdo comercial, incluidas las inversiones que promueve y protege. Véase: Amnistía Internacional, *Citing grave concerns, Amnesty International Canada withdraws from reporting process on Human Rights and Free Trade between Canada and Colombia*, 23 de marzo de 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://mmiwg25plus.wpenpowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>.