

FOLLOW UP TO THE PREVIOUS REVIEW

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

THE NATIONAL HUMAN RIGHTS FRAMEWORK

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

THE HUMAN RIGHTS SITUATION ON THE GROUND

Rights of Indigenous Peoples

10. Prime Minister Trudeau acknowledged the Catholic Church and Canada's role in creating, maintaining, and operating the residential school system.¹⁸ In October 2022, the House of Commons unanimously recognized the Indian Residential School System as genocide.¹⁹ Indigenous Peoples have called for accountability, transparency, independent criminal investigations,²⁰ and reparations.²¹
11. Systemic anti-Indigenous racism in the healthcare system has been documented,²² including in urgent care²³ and maternal health.²⁴ A Public Inquiry Commission investigated discrimination against Indigenous Peoples by service providers in Québec.²⁵
12. Indigenous Peoples in northwest Ontario, including the Grassy Narrows First Nation,²⁶ have not received compensation despite enduring six decades of mercury contamination of rivers.²⁷ In June 2022, the UN Committee on the Rights of the Child expressed concern that Indigenous children experience chronic and severe physical and neurological health issues due to mercury poisoning.²⁸

Gender Rights

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

Refugees' and migrants' rights

17. Under the Safe Third Country Agreement (STCA),⁴¹ many refugee claimants are forcibly returned to the US, where they are detained in conditions that violate international standards.⁴² Many, including those fleeing gender-based persecution, are unfairly denied protection in the US and sent back to face danger in their countries of origin.⁴³ Thousands have crossed irregularly, such as at Roxham Road, to claim refugee protection in Canada.⁴⁴ However, on 24 March 2023, the STCA was expanded to apply across the entire border to include irregular crossing points on land and internal waterways, closing Roxham Road, and heightening the risk of perilous crossings.⁴⁵

18. The Canada Border Services Agency has detained tens of thousands of refugee claimants and migrants.⁴⁶ Despite being held on administrative grounds, they experience maximum security prisons⁴⁷ and solitary confinement and can be detained indefinitely due to a lack of legal limit on the duration of immigration detention.⁴⁸ Suicidal ideation and human rights violations are well documented.⁴⁹ At least 17 people have died in immigration detention since 2000, including two people in 2022.⁵⁰
19. In April 2018, a refugee claimant in Québec successfully challenged a restriction to access provincially subsidized childcare services for their children under Article 3 of the of the *Reduced Contribution Regulation*.⁵¹ The Québec government appealed this decision and directed subsidized daycares not to accept children of refugee claimants in their facilities.⁵²
20. The UN Human Rights Committee found that Canada violated Nell Toussaint's right to life after she was denied essential healthcare based on her immigration status and called on Canada to make full reparations and prevent future violations.⁵³ Canada refused to implement the Committee's findings,⁵⁴ resulting in a domestic legal challenge.⁵⁵
21. Human rights violations in the Temporary Foreign Worker Programme and the Seasonal Agricultural Worker Programme are well documented, including illegal recruitment practices, exploitation, and human trafficking.⁵⁶ Labour rights violations include wage theft, unsafe working conditions, and verbal, psychological, physical and sexual abuse.⁵⁷ Lack of access to pathways for permanent residence runs contrary to Canada's commitments in the UN's Global Compact on Migration agreement.⁵⁸

Right to non-discrimination

22. Notwithstanding the development of Canada's Anti-Racism Strategy 2019-2022,⁵⁹ recommendations from international human rights bodies, Canadian inquiries⁶⁰ and commissions,⁶¹ and affected communities remain unaddressed.
23. Canada's *Employment Equity Act* only recognizes four designated groups,⁶² which obscures the unique discrimination experienced by Black employees⁶³ and intersecting forms of discrimination based on gender, Indigeneity, disability and race.⁶⁴ A class action alleging systemic anti-Black racism in the federal public service was filed against the government,⁶⁵ and a formal complaint was submitted to a UN Special Rapporteur.⁶⁶ In response, the government created a mental health action plan, but meaningful consultation of Black employees was limited.
24. After grievances were filed related to systemic anti-Black racism, sexism, and discrimination, the government found that the Canadian Human Rights Commission (CHRC) breached the "No Discrimination" clause of its collective agreement. The CHRC acknowledged that it had dismissed racism claims at higher rates, raising concerns about the commission's ability to carry out its mandate.⁶⁷
25. Racial profiling and systemic discrimination in policing violates the rights of Black, Indigenous and racialized communities in Canada.⁶⁸ Black⁶⁹ and Indigenous Peoples⁷⁰ are overincarcerated in the correctional system and experience disproportionately poorer outcomes.⁷¹ In November 2022, Canada announced it will release an Indigenous Justice Strategy in 2024 with provincial collaboration.⁷² However, alternatives to incarceration are still denied to many Indigenous People, contrary to the Calls to Action of the Truth and Reconciliation Commission.⁷³
26. Despite a shortage of disaggregated data according to race or ethnicity, systemic racism against Black, Indigenous and other racialized people in Québec is well documented in policing,⁷⁴ the criminal justice

system,⁷⁵ health and social services,⁷⁶ and employment.⁷⁷

27. A 2019 Québec law (“Bill 21”) prohibits some public employees from wearing religious symbols in certain public service positions, including schoolteachers.⁷⁸ This has a disproportionate impact on religious minorities, particularly Muslim women.⁷⁹ A court held several sections of Bill 21 unconstitutional.⁸⁰ An appeal from the Québec government is pending.
28. Facial recognition software contributes to rights violations in Canada.⁸¹ In October 2022, a parliamentary committee found that existing legislation does not adequately regulate artificial intelligence and facial recognition technologies.⁸²

Climate and environmental justice

29. Climate change-related disasters disproportionately impact the rights of Indigenous, Black, and other racialized groups, as well as people with disabilities, older people, and low-income communities.⁸³
30. Canada consistently fails to obtain FPIC of Indigenous Peoples for development projects and resource extraction in their territories.⁸⁴ In 2018, the Federal Court of Appeal quashed an order approving expansion of the Trans Mountain Pipeline because Canada failed to adequately consult Indigenous Peoples.⁸⁵ However, Canada approved the expansion of this pipeline in 2019,⁸⁶ without the FPIC of the Tsleil-Waututh Nation and the Secwépemc Nation.
31. Indigenous land defenders have been criminalized for defending their territories against pipeline expansion.⁸⁷ Letters from the Committee on the Elimination of Racial Discrimination in 2019, 2020, and 2022 urged Canada to halt construction of the Coastal GasLink pipeline until the Wet’suwet’en Nation grant their FPIC, and to withdraw policing and security forces from their territory.⁸⁸ Despite this, Canada remains in non-compliance.
32. The Innu of Pessamit denounce forestry practices and hydroelectric projects, undertaken without their FPIC, that threaten their traditional way of life and identity, including their Indigenous cultural rights.⁸⁹

Economic & social rights

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

Extra-territorial rights & corporate accountability

35. Canadian extractive companies and Canadian-financed projects operating globally are implicated in environmental and human rights harms.⁹⁹ Canada lacks binding rules, urged by UN human rights bodies, to hold companies accountable when rights are breached.¹⁰⁰ Canada failed to establish an independent Extractive Sector Ombudsperson and instead created an advisory post without powers to investigate

allegations of abuses by Canadian companies.¹⁰¹

36. Human rights defenders face risks speaking out against Canadian-financed projects and companies operating abroad.¹⁰² Although Canada updated its guidelines for Canadian diplomats to support threatened human rights defenders,¹⁰³ civil society groups have documented inconsistent implementation of the guidelines.¹⁰⁴

37. Canada renegotiated the North American Free Trade Agreement, including new provisions on labour, gender, and Indigenous rights.¹⁰⁵ Canada invited input from Canadians regarding a proposed free trade agreement with Ecuador,¹⁰⁶ but Indigenous organizations in Ecuador were not informed about negotiations nor consulted.¹⁰⁷ Canada does not subject all trade agreements to independent human rights impact assessments.¹⁰⁸

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Canada to:

The National Human Rights Framework

38. Promptly accede to the Optional Protocol of the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and OP-ICESCR.

39. Amend domestic legislation to fully incorporate Canada's obligations under the Arms Trade Treaty.

Gender Rights

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

41. Implement accountability mechanisms for the MMIWG and 2SLGBTQIA+ National Action Plan.

42. Immediately eliminate all discriminatory provisions of the *Indian Act*.

43. Mainstream trans-inclusion in all policies and programmes, including mental health and anti-online violence strategies.

44. Criminalize forced and coerced sterilization and incorporate free, prior, and informed consent to sterilization.

45. Repeal laws that criminalize the exchange of sexual services between consenting adults.

Rights of Indigenous Peoples

46. Delineate concrete steps and enforcement mechanisms to ensure full Canadian federal law compliance with UNDRIP following tabling of Canada's Action Plan in Parliament in June 2023.

47. Implement the Truth and Reconciliation Commission's Calls to Action, particularly #71-76 pertaining to missing children and unmarked burials at residential schools.

48. Coordinate efforts with provincial and territorial representatives to support Indigenous Peoples' jurisdiction over child and family services in Indigenous territories.
49. Provide Indigenous communities in Ontario impacted by mercury poisoning with health care, effective remedies and concrete measures to safeguard cultural rights to safely practise fishing in contaminated rivers.
50. Work with Québec to implement the Public Inquiry Commission's calls to action against discrimination across public services.

Rights of refugees and migrants

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

Right to non-discrimination

56. Co-create a plan with Black workers to address anti-Black racism in the federal public service, including compensation, mental health programmes, hiring and promotion targets, and accountability measures.
57. Report progress on the implementation of Canada's Anti-Racism Strategy 2019-2022, following consultation with Black, Indigenous, and racialized communities.
58. Ban the use, development, production, and sale of facial technology for mass surveillance purposes by the police and other government agencies.
59. Prohibit racial profiling practices by law enforcement and engage in consultations on community-led approaches to uphold public safety.
60. Implement recommendations of the Correctional Investigator on systemic racism in the criminal justice system.
61. Work with Québec to implement Joyce's Principle, publicly acknowledge systemic racism against Indigenous, Black and racialized Peoples, and repeal Bill 21.

Climate and environmental justice

62. Include the right to free, prior and informed consent for all Indigenous Peoples in the forthcoming national Action Plan to align legislation with UNDRIP and freeze implementation and approval of large-scale development projects that do not have FPIC of affected Indigenous Peoples.

63. Co-develop an action plan to respect the Indigenous cultural rights of the Pessamit, address the impacts of climate change and provide compensation for the loss of territory and damages caused by forestry and hydroelectric industries.
64. End all subsidies and financing of fossil fuels and shift to renewable energy that complies with international human rights standards to reach zero-carbon emissions by 2030.
65. Develop and implement a national strategy to identify, address and prevent environmental racism.

Social and economic rights

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

Extra-territorial rights

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

¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.35 (Paraguay), UN Doc. A/HRC/39/11, 11 July 2018 and its Addendum UN Doc. A/HRC/39/11/Add.1, 18 September 2018.

² Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.32 (Australia), UN Doc. A/HRC/39/11, 11 July 2018, and its Addendum UN Doc. A/HRC/39/11/Add.1, 18 September 2018.

³ Government of Canada, "Overview of the Arms Trade Treaty regulatory implementation package," 26 August 2019, https://www.international.gc.ca/trade-commerce/consultations/export_controls-controle_exportations/overview-apercu.aspx?lang=eng

⁴ Global Affairs Canada, "Amendments to Bill C-47, 4 May 2018," <https://www.international.gc.ca/controls-controles/amendments-c-47-modifications.aspx?lang=eng>.

⁵ Canada failed to enact its obligations related to prohibition under Article 6, comprehensive risk assessment under Article 7, and diversion under Article 11 of the ATT. As a result, Canada has authorized arms transfers prohibited under the treaty to the Kingdom of Saudi Arabia, including billions of dollars in Light Armoured Vehicles. Amnesty International and Project Ploughshares, "No Credible Evidence": Canada's Flawed Analysis of Arms Exports to Saudi Arabia (Index AMR 20/4440/2021), August 2021, https://www.amnesty.ca/wp-content/uploads/2021/08/NoCredibleEvidence_EN.pdf, pp. 9-10, 14, 27-43; Government of Canada, 2019 Exports of Military Goods, 18 September 2020, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2019-marchandises->

[militaries.aspx?lang=eng](https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2020-marchandises-militaries.aspx?lang=eng); 2020 Exports of Military Goods, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2021-marchandises-militaries.aspx?lang=eng>, 2021 Exports of Military Goods, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/military-goods-2021-marchandises-militaries.aspx?lang=eng>.

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

⁷ Report of the Working Group on the Universal Periodic Review: Canada, Recommendations 142.8 (Italy), 142.10-11 (Tunisia, Ghana), UN Doc. A/HRC/39/11, 11 July 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/82/PDF/G1821082.pdf?OpenElement>, and its Addendum, UN Doc. A/HRC/39/11/Add.1, 18 September 2018, https://www.afn.ca/wp-content/uploads/2018/11/Human-Rights-Council-Report-UPR-Sept-2018-Canada_E.pdf. Canada also supported similar recommendations in both the first and second reviews: UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Canada, recommendation 86.2, g (Azerbaijan, Brazil, Chile, Czech Republic, Denmark, Liechtenstein, France) 5 October 2009, UN Doc. A/HRC/11/17, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/152/99/PDF/G0915299.pdf?OpenElement> and its Addendum, UN Doc. A/HRC/11/17/Add.1, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/11/17/Add.1&Lang=E> and UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Canada, UN Doc. A/HRC/24/11, 28 June 2013, recommendations 128.1 (Burkina Faso) and 128.3 (Australia, Argentina, Bulgaria, Estonia, Germany, Hungary, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, France, Portugal, Montenegro, Czech Republic, Uruguay) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/152/42/PDF/G1315242.pdf?OpenElement> and its addendum UN Doc. A/HRC/24/11/Add.1, <https://undocs.org/en/A/HRC/24/11/Add.1>

⁸ Government of Canada, *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c. 14, 21 June 2021, <https://www.laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>. British Columbia is the only province that adopted similar legislation, see: Government of British Columbia, *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c. 44, 28 November 2019, <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>.

⁹ Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.57 (Argentina and 142.83 (South Africa)), UN Doc. A/HRC/39/11, 11 July 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/82/PDF/G1821082.pdf?OpenElement>, and its Addendum, UN Doc. A/HRC/39/11/Add.1, 18 September 2018, https://www.afn.ca/wp-content/uploads/2018/11/Human-Rights-Council-Report-UPR-Sept-2018-Canada_E.pdf.

¹⁰ Such activities include promoting, advertising, benefitting from, or subjecting another person to conversion therapy. Parliament of Canada, *Bill C-4: An Act to Amend the Criminal Code (conversion therapy)*, 9 November 2021, <https://parl.ca/DocumentViewer/en/44-1/bill/C-4/first-reading>.

¹¹ Defined by the Government of Canada as Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Plus (2SLGBTQI+) persons.

¹² Government of Canada, *Federal 2SLGBTQI+ Action Plan 2022*, 28 August 2022, women-gender-equality.canada.ca/en/free-to-be-me/federal-2slgbtqi-plus-action-plan.html.

¹³ Report of the Working Group on the Universal Periodic Review: Canada, Recommendation 142.191-197 (Norway, Germany, Albania, Australia, Zambia, Denmark, Finland), UN Doc. A/HRC/39/11, 11 July 2018 and its Addendum, UN Doc. A/HRC/39/11/Add.1, 18 September 2018.

¹⁴ Government of Canada, *National Action Plan to End Gender-Based Violence*, 9 November 2022, <https://women-gender-equality.canada.ca/en/ministers-responsible-status-women/national-action-plan-end-gender-based-violence/first-national-action-plan-end-gender-based-violence.html>.

¹⁵ For example, the UN Committee on the Elimination of Discrimination, acting under its Early Warning and Urgent Action Procedure, found that Canada failed to seek the free, prior, and informed consent of the traditional authorities of the Wet'suwet'en Nation in British Columbia before Canada authorized construction of a natural gas pipeline that runs through their ancestral territories, see: Committee on the Elimination of Racial Discrimination (CERD), *Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure: Decision 1 (100)*, 13 December 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en; The CERD Committee sent two follow up letters to Canada: CERD, "Letter to the State of Canada", 24 November 2020, CERD/EWUAP/102nd session/2020/MJ/CS/ks,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/CAN/9296&Lang=en; CERD, "Letter to the State of Canada", 29 April 2022, CERD/EWUAP/106th session/2022/MJ/CS/ks,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALE%2FCAN%2F9554&Lang=en. For CERD letters to Canada concerning the lack of free, prior, and informed consent during construction of Trans Mountain Pipeline Expansion Project and the Site C dam, see: CERD, "Letter to State of Canada, 10 May 2019, CERD/EWUAP/ 98th session/Canada (Trans Mountain Pipeline Project)/JP/ks,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALE%2FCAN%2F8927&Lang=en; CERD, "Letter to State of Canada", 14 December 2018, CERD/EWUAP/Canada-Site C dam/2018/JP/ks,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FALE%2FCAN%2F8818&Lang=en; CERD, "Letter to State of Canada", 14 December 2018, CERD/EWUAP/Canada-Trans Mountain Pipeline/2018/JP/ks,

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

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

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCAN%2FCO%2F21-23%2FADD.1&Lang=en

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

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

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

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

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

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

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

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

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

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

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

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

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

²⁹ Government of Canada, *2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan*, 23 May 2022, <https://mmiwg2splus.wpenginepowered.com/wp-content/uploads/2022/06/NAP-progress-report-2022-1.pdf>, p. 81-82.

³⁰ As evidenced in the cases of Tatyanna Harrison, Noelle O'Soup, and Chelsea Poorman, whose families publicly called attention to the police

force's failure to investigate deaths in 2022. Amnesty International and Families of Sisters in Spirit, "MMIWG2S & police accountability press conference", 3 October 2022, <https://www.dropbox.com/scl/fo/bgiyqrfxsr4r83cqh2or5/h?dl=0&rlkey=49fty6tepgs2zhflnro0rmw6m>

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

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

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

³⁴ The Tyee, "Lawsuits allege sexual harassment, assaults at Northern work camps", 3 June 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 June 2022, cbc.ca/news/canada/british-columbia/coastal-gaslink-civil-suit-response-1.6503564.

³⁵ Committee against Torture, *Concluding observations on the seventh periodic report of Canada*, 21 December 2018, CAT/C/CAN/CO/7, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCAN%2FCO%2F7&Lang=en, paras 50-51; Amnesty International, "Canada: Submission to the United Nations Committee Against Torture, Follow-Up, April 2020", April 2020, (AI Index: AMR 20/2099/2020), <https://www.amnesty.org/en/documents/amr20/2099/2020/en/>. Amnesty International, *2022 Human Rights Agenda*, December 2022, *2022-Human-Rights-Agenda-Amnesty-International-Canada.pdf*, p. 53; Suzy Basile and Patricia Bouchard, "Free and informed consent and imposed sterilizations among First Nations and Inuit women in Québec: Research Report", November 2022, <https://files.cssspnql.com/s/CGKiiNtiNdTYkGF>. Although underreported, forced and coerced sterilization are rooted in forced assimilation and disproportionately impact Black, racialized, and Indigenous women, people with disabilities, 2SLGBTQIA people, intersex children, and people living in healthcare institutions, see: Senate of Canada, Report of the Standing Senate Committee on Human Rights, *The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada - Part II*, July 2022,

https://senCanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf, p. 11; National Inquiry into MMIWG, *Reclaiming Power and Place: The Final Report of the National Inquiry into MMIWG*, Vol 1a, June 2019, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf, pp. 230, 266-270.

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

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

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

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

⁴⁰ Amnesty International, *Policy on state obligations to respect, protect and fulfil the human rights of sex workers* (previously cited); Butterfly, A Pathway to End Violence Against Migrant Sex Workers: Access, Safety, Dignity and Justice, 2020, 576a91ec-4a76-459b-8d05-4ebbf42a0a7e.filesusr.com/ugd/5bd754_d680b25295cb40bdbbcc03f34a88c267.pdf.

⁴¹ Government of Canada, *Agreement between the Government of Canada and the Government of the United States of America For cooperation in the examination of refugee status claims from nationals of third countries*, 5 December 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement/final-text.html>. The STCA bars most people arriving at Canada's land ports of entry from seeking refugee protection in Canada.

⁴² Such conditions include solitary confinement, inadequate medical care, cold temperatures, inadequate food and water, religiously inappropriate meals, and little to no time outdoors. Additionally, people in detention experience staggering rates of sexual assault. See: Supreme Court of Canada, *Canadian Council for Refugees and others v. Minister of Citizenship and Immigration and others*, SCC File No 39749, Factum of the Appellants, 14 March 2022, scc-csc.ca/WebDocuments-DocumentsWeb/39749/FM010_Appellant_Canadian-Council-for-Refugees-et-al.PDF.

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

csc.lexum.com/scc-csc/scc-csc/en/item/7899/index.do, para 19; UNCAT, Article 3; Convention Relating to the Status of Refugees, Article 33.

⁴⁴ Many have crossed via Roxham Road into Québec. Government of Canada, CIMM – Asylum and The Safe Third Country Agreement, 12 May 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-may-12-2022/asylum-safe-third-country-agreement-stca.html>. Also see: Canada, Citizenship and Immigration, “Asylum and The Safe Third Country Agreement”, 12 May 2022, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-may-12-2022/asylum-safe-third-country-agreement-stca.html>; Montreal Gazette, “Roxham Rd. asylum seekers are being transferred to Ontario, Québec reveals”, 14 February 2023, <https://montrealgazette.com/news/local-news/roxham-rd-asylum-seekers-are-being-transferred-to-ontario-quebec-reveals>; CTV News, “Safe Third Country Agreement is ‘working’ despite surge in irregular crossings: minister”, 15 January 2023, <https://www.ctvnews.ca/politics/safe-third-country-agreement-is-working-despite-surge-in-irregular-crossings-minister-1.6231216>.

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

⁴⁶ Multiple UN treaty bodies have called on Canada to create an independent mechanism responsible for overseeing and investigating the CBSA. See, for example, UN Committee on the Rights of the Child, Concluding Observations: Canada, 23 June 2022, UN Doc. CRC/C/CAN/CO/5-6, para 42(e).

Canada has introduced a Bill, which is currently at second reading, to establish an independent review body for the CBSA; however, the proposed oversight body would not be able to provide meaningful oversight for people detained in provincial jails and would not address many of the harms and violations that are built into the immigration detention system, including the practice of using provincial jails for immigration detention, which is a violation of international standards. Canada, Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments, <https://www.parl.ca/legisinfo/en/bill/44-1/c-20>.

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

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

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

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

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

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

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

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

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

Ms. Toussaint passed away in January 2023.

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

⁵⁷ Canada, Parliament, House of Commons, Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, Temporary Foreign Worker Program: Report of the Standing Committee, 42nd Parl, 1st Sess, September 2016, (Chair: Bryan May), <http://www.ourcommons.ca/Content/Committee/421/HUMA/Reports/RP8374415/humarp04/humarp04-e.pdf>; <http://irpp.org/wp-content/uploads/assets/research/diversity-immigration-and-integration/new-research-article-3/IRPP-Study-no5.pdf>; United Food and Commercial Workers, "The Status of Migrant Agricultural Workers in Canada, 2022", https://ufcw.ca/templates/ufcwcanada/images/Agriculture_Workers/2022/Migrant-Workers-Report-2022-V6-EN.pdf; Marie Carpentier (CDPDJ), "La discrimination systémique à l'égard des travailleuse et travailleurs migrants", December 2011, www.cdpcj.gc.ca/storage/app/media/publications/Avis_travailleurs_immigrants.pdf.

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

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

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

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

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

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

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

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

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

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

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

⁶⁹ Black persons make up 9.2% of the total incarcerated population, despite representing about 3.5% of the overall Canadian population. Most

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

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

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

⁷² Department of Justice Canada, "Engaging with Indigenous partners to address systemic discrimination and overrepresentation in the Canadian justice system", 1 November 2022, canada.ca/en/department-justice/news/2022/10/engaging-with-indigenous-partners-to-address-systemic-discrimination-and-overrepresentation-in-the-canadian-justice-system.html. See also: Government of Canada, *Indigenous Justice Strategy*, 1 November 2022, justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/index.html. In January, Canada signed a Memorandum of Understanding with British Columbia and the B.C. First Nations Justice Council (BCFNJC) to support the implementation of the B.C. First Nations Justice Strategy to reduce overrepresentation in the province's criminal justice system. Canada will similarly support the Manitoba Métis Federation's Métis Justice Institute to address the overrepresentation of the Red River Métis in Manitoba's provincial jails. Justice Canada, "Canada, British Columbia and the BC First Nations Justice Council to collaborate on revitalizing Indigenous legal traditions and addressing systemic racism in British Columbia", 20 January 2022, canada.ca/en/department-justice/news/2022/01/canada-british-columbia-and-the-bc-first-nations-justice-council-to-collaborate-on-revitalizing-indigenous-legal-traditions-and-addressing-systemic.html; B.C. First Nations Justice Council, "The BC first Nations Justice Strategy", 6 March 2020, bcfnjc.com/landing-page/justice-strategy/; Justice Canada, "Addressing the overrepresentation of Red River Métis people in the justice system in Manitoba", 11 October 2022, canada.ca/en/department-justice/news/2022/10/addressing-the-overrepresentation-of-red-river-metis-people-in-the-justice-system-in-manitoba.html.

⁷³ Alternatives to incarceration include conditional sentences, which are an important alternative that enable sentences to be served in the community rather than in jail. In 2020, the Court of Appeal for Ontario ruled that making conditional sentences unavailable for some criminal offences with mandatory minimum terms of imprisonment is unconstitutional, as it has the effect of reinforcing, perpetuating, or exacerbating the disadvantage of Indigenous offenders. In November 2022, the Supreme Court of Canada overturned this decision, ruling the evidentiary burden required to make such a finding was not met. As a result, the Indigenous woman who challenged the provision, a single mother of Ojibwa ancestry and member of the Saugeen First Nation, as well as others charged with certain criminal offences, cannot receive conditional sentences. In November 2022, Bill C-5 was passed to remove some of Canada's mandatory minimum sentences but does not enable judges to impose conditional sentences for all offences, contrary to the TRC's Call to Action 32. Court of Appeal for Ontario, *R. v. King*, 2022 ONCA 665, 26 September 2022, <https://canlii.ca/t/js264>; Court of Appeal for Ontario, *R. v. Sharma*, 2020 ONCA 478, 24 July 2020, <https://coadecisions.ontariocourts.ca/coa/coa/en/item/18930/index.do>, para. 89; Supreme Court of Canada, *R. v. Sharma*, 2022 SCC 39, 4 November 2022, <https://canlii.ca/t/j8tqz>; Parliament of Canada, *Bill C-5, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act*, 17 November 2022, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-5/royal-assent>; Justice Canada, "Bill C-5: Mandatory Minimum Penalties to be repealed", 12 July 2021, <https://www.canada.ca/en/department-justice/news/2021/12/mandatory-minimum-penalties-to-be-repealed.html>; Canada's National Observer, "One-third of Canada's mandatory minimums have been repealed, but advocates don't believe it will lessen incarceration crisis", 22 November 2022, <https://www.nationalobserver.com/2022/11/22/news/third-canada-mandatory-minimums-repealed-advocates-incarceration-crisis>; Truth and Reconciliation Commission of Canada, *Calls to Action*, 2015, ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf, p. 3.

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

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

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

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

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

⁷⁹ Amnistie internationale Canada francophone, *Aperçu 2022 des Droits Humains au Canada*, 2022,

https://amnistie.ca/sites/default/files/2022-09/AI-Apercu_Droits_Humains_2022-Final.pdf.

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

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

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

⁸³ Canadian Climate Institute, Ingrid Waldron, *Environmental Racism and Climate Change: Determinants of Health in Mi'kmaw and African Nova Scotian Communities*, 22 July 2021; <https://climateinstitute.ca/publications/environmental-racism-and-climate-change/>; Ontario Human Rights Commission, "OHRC statement on human rights, extreme heat waves and air conditioning," 19 August 2022,

[https://www.ohrc.on.ca/en/news_centre/ohrc-statement-human-rights-extreme-heat-waves-and-air-conditioning#:~:text=As%20the%20number%20of%20extreme,air%20conditioners%20and%20cooling%20devices](https://www.ohrc.on.ca/en/news_centre/ohrc-statement-human-rights-extreme-heat-waves-and-air-conditioning#:~:text=As%20the%20number%20of%20extreme,air%20conditioners%20and%20cooling%20devices;); BC Coroners Service, *Extreme Heat and Human Mortality: A Review of Heat-Related Deaths in B.C. in Summer 2021*, 7 June 2022, <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/extreme-heat-death-review-panel-report.pdf>.

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

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/EWU/CAN/9026&Lang=en.

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

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

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

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

Racial Discrimination, [Letter to the State of Canada](#), CERD/EWUAP/106th session/2022/MJ/CS/ks. 29 April 2022. In its April 2022 letter, CERD regretted that Canada had not yet submitted its 21st and 23rd combined periodic report, due in November 2021, in which it “should have also provided information on the measures taken to address the concerns raised in the Committee’s decision of 13 December 2019 and in its letter of 24 November 2020”. CERD requested that Canada provide a response to the three communications by 15 July 2022.

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

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

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

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

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

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

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

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

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

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

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

¹⁰⁰ Canadian Network on Corporate Accountability, “Bills introduced to protect people and the planet warrant all-party support”, 29 March 2022, <https://cnca-rcrce.ca/2022/03/29/news-release-bills-introduced-to-protect-people-and-the-planet-warrant-all-party-support/>. For recommendations from UN bodies, see: Committee on the Elimination of Racial Discrimination, *Concluding observations on the twenty-first to twenty-third periodic reports of Canada*, Advance Unedited Version, UN Doc. CERD/C/CAN/CO/21-23, 31 August 2017, para. 21; UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined eighth and ninth periodic reports of Canada*, 18 November 2016, UN Doc. CEAW/C/CAN/CO/8-9, paras. 18-19; UN Human Rights Committee, *Concluding observations on the sixth periodic report of Canada*, 13 August 2015, UN Doc. CCPR/C/CAN/CO/6, para. 6; UN Working Group on Business and Human Rights, “Statement at the end of visit to Canada”, 1 June 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21680&LangID=E>.

¹⁰¹ Canadian Network on Corporate Accountability, “Government of Canada Caves to Industry Pressure: Ombudsperson for Responsible Enterprise Remains Powerless to Uphold Human Rights”, 26 February 2021, <https://cnca-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, and Danielle Blanchard, Justice & Corporate Accountability Project, “The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining”, 10 December 2022, <https://justice-project.org/2022/12/10/the-two-faces-of-canadian-diplomacy-undermining-human-rights-and-environment-defenders-to-support-canadian-mining/>; Georgina Alonso and Kathy Price, Above Ground and Amnesty International, “After dam disaster in Colombia, Canada’s EDC talks remedy but fails to provide it”, 15 June 2022, <https://amnesty.ca/blog/after-hidroituango-disaster-in-colombia-canadas-edc-talks-remedy-but-fails-to-provide-it/>.

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

¹⁰⁴ Justice and Corporate Accountability Project, “The Two Faces of Canadian Diplomacy: Undermining Human Rights and Environment Defenders to Support Canadian Mining”, 10 December 2022, <https://justice-project.org/2022/12/10/the-two-faces-of-canadian-diplomacy-undermining-human-rights-and-environment-defenders-to-support-canadian-mining/>; Mining Watch Canada, “Abarca Family Files with Federal

Court of Appeal, insisting that Canadian Embassy in Mexico Must Be Investigated", 19 August 2019,

<https://miningwatch.ca/news/2019/8/19/abarca-family-files-federal-court-appeal-insisting-canadian-embassy-mexico-must-be>.

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

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

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

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