



International Covenant on Civil and Political Rights

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Human Rights Committee

Seventh periodic report submitted by Canada under article 40 of the Covenant, due in 2022*, **, ***

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- * The present document is being issued without formal editing.
- ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CCPR/C/CAN/QPR/7).
- *** The annexes to the present document may be accessed from the web page of the Committee.



Introduction

1. Canada is pleased to submit to the Human Rights Committee its Seventh Report¹ on the *International Covenant on Civil and Political Rights* (ICCPR). This report focuses on key measures adopted in Canada to enhance implementation of the ICCPR since Canada's last appearance before the Committee in July 2015 through to October 2023 and responds to a list of issues provided by the Committee.²

2. The report addresses the Committee's questions while respecting the word limit and refers the Committee to additional information recently provided by Canada to this and other human rights treaty bodies as well as in Canada's Common Core Document. Supplemental data and statistics falling under questions 5(a), 6, 8(b) and 17(c) have been consolidated in Annex A. Responses to the questions regarding the COVID-19 pandemic – 7(c), 8(c), 9, 15(c), 18(c), 19(c), and aspects of questions 4, 6, 20 and 25 – have been consolidated in Annex B.

3. This report is on implementation by all orders of government. Any reference to the "Government of Canada" (GC) is a reference to the Canadian federal government, while a reference to "Canada" is generally a reference to the federal, provincial, and territorial (FPT) governments. Any reference to a province or territory (for example, Quebec or the Yukon) is generally a reference to its government.

Replies to the list of issues prior to reporting (CCPR/C/CAN/QPR/7)

Reply to paragraph 1

Legal and institutional developments

4. Canada has a strong framework of laws and policies to implement the ICCPR, including the constitutional guarantees set out in the *Canadian Charter of Rights and Freedoms* (Charter), as well as many other legal and operational measures taken by all orders of government.

5. There have been a number of positive legal and institutional developments in the reporting period to advance ICCPR implementation, including the following examples, some of which will be discussed in more detail throughout the report:

2016

- Manitoba's *The Intimate Image Protection Act* was proclaimed, providing additional supports and resources to individuals whose intimate images were shared without their consent;
- Manitoba's *The Domestic Violence and Stalking Act* was amended to improve access to justice, and in 2021 was amended again to ensure gender-neutral language;
- Newfoundland and Labrador's *Change of Name Act* was amended to lower the age requirement for applying for a change of name from the age of majority to 16 years of age.

2017

- "Gender identity" and "gender expression" were added to the list of protected grounds under the *Canadian Human Rights Act* and the sections of the *Criminal Code* that prohibit hate propaganda;
- New Brunswick added "family status" and "gender identity or expression" to the prohibited grounds of discrimination in the *Human Rights Act*;

¹ Submitted by the Department of Canadian Heritage on behalf of Canada, finalized in January 2025.

² CCPR/C/CAN/QPR/7 (dated August 3, 2021).

- Manitoba's *The Victims' Bill of Rights* was amended to align with the *Criminal Code*, removing the age limitations of witnesses eligible to request, or have the Prosecutor request, the use of a testimonial aid;
- Newfoundland and Labrador enacted legislation to establish the civilian-led Serious Incident Response Team, which is responsible for investigating all matters that involve a death, a serious injury, a sexual offence, domestic violence and other matters of significant public interest that arise from actions of a police officer in the province;
- Quebec proclaimed into law the *Act to amend the Youth Protection Act and other legislative provisions*, which relaxes rules regarding the sharing of personal information about children among various professionals working with youth. This law specifies that the interests of the child must always prevail over all other considerations.

2018

- The *Alberta Human Rights Act* was amended to prohibit age discrimination in the protected areas of tenancy, goods, services, accommodation or facilities and to protect "ameliorative policies, programs and activities";
- Nova Scotia passed the *Sexual Orientation and Gender Identity Protection Act* to prohibit the use of a discriminatory and harmful therapy that attempts to change the sexual orientation or gender identity of young people who identify as 2SLGBTIQ+.

2019

- The National Inquiry into Missing and Murdered Indigenous Women and Girls released its final report. The Action Plan to implement that report's Calls for Justice was launched in 2021;
- The federal *Accessible Canada Act* was enacted;
- British Columbia passed the *Poverty Reduction Strategy Act* and implemented "TogetherB.C.", the province's first poverty reduction strategy;
- British Columbia enacted the *Declaration on the Rights of Indigenous Peoples Act*, which established the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) as the provincial framework for reconciliation with Indigenous Peoples;
- The *Indigenous Languages Act* came into force;
- *The Residential Tenancies Act* of Manitoba was amended to expand early lease terminations to enable those experiencing sexual violence (in addition to domestic violence and stalking);
- The National Security and Intelligence Review Agency (NSIRA) was created;
- Legislative amendments ended the use of administrative segregation in federal correctional facilities.

2020

- In Quebec, the Act to protect persons from conversion therapy provided to change their sexual orientation, gender identity or gender expression was assented to.

2021

- Newfoundland and Labrador amended its *Vital Statistics Act* in 2016, 2017, and 2021, regarding change of sex designation on birth registrations. These amendments allow "X" as a gender marker on birth certificates, drivers' licences and Medical Care Plan cards;
- The *Accessibility Act* became law in Newfoundland and Labrador;
- New Brunswick improved the democratic process for about 30% of residents by passing local governance reform legislation that allows all residents to elect representatives at the local level;

- The federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (UN Declaration Act) became law;
- The federal *Pay Equity Act* came into force.

2022

- British Columbia enacted the *Anti-Racism Data Act*, which is intended to help identify gaps in programs and services to better meet the needs of Indigenous, black, and racialized British Columbians;
- Nova Scotia proclaimed The Mi'kmaq Language Act, which recognizes Mi'kmaw as Nova Scotia's first language and commits the province to establish a Mi'kmaw Language Committee to develop a Mi'kmaw Language Revitalization Strategy that supports all communities;
- The *Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status* was assented to in Quebec. This Law expands access to information about the origins of adopted people. It also allows non-binary people to write out their gender identity in full on civil status documents, such as birth certificates.

2023

- *The Intimate Image Protection Act* of Manitoba was amended to include new conditions creating a reverse-onus on the defendant in a civil suit to demonstrate that they had consent to distribute the image(s) of the person depicted in it;
- British Columbia enacted amendments to the *School Act* to give Indigenous Peoples more input into the education of Indigenous children and youth;
- The Canada Disability Benefit Act was enacted, providing the framework for a new Canada Disability Benefit to reduce poverty and support the financial security of working-age people with disabilities.

Follow up on Committee views

6. Question 1 referred to an individual communication to the Committee under the first Optional Protocol. Canada refers the Committee to its replies in that matter (6 April 2022 and 29 January 2019).

7. Canada acceded to the individual complaints process in 1976, at the same time as it acceded to the ICCPR. Since then, Canada has been strongly committed to engaging in good faith with this important procedure. Although the Committee's views are not legally binding in international or domestic law, Canada always gives them careful consideration. Established procedures are in place to ensure that all relevant information and considerations are before senior government officials before a decision is made on how to respond to the Committee's views in a particular matter.

8. Canada has accepted the Committee's views in the majority of communications. On occasion, Canada has not agreed with the Committee's views. Canada engages fully with the Committee's follow-up procedure for individual communications, explaining to the Committee why it does or does not agree, and providing appropriate and timely updates on the follow-up measures that have been taken. Canada posts links to treaty body views on a publicly available website.

Invocation of the Emergencies Act

9. On February 14, 2022, a public order emergency was declared by the federal government pursuant to the *Emergencies Act*, in response to continuing blockades by both persons and motor vehicles that were occurring at various locations throughout Canada, the adverse effects on the Canadian economy, and the potential for an increase in the level of unrest and violence. Certain temporary measures were taken until February 23, 2022. As noted in the preamble to the Act, the Charter continues to apply after such a declaration. All measures taken during the emergency period were pursuant to law, and subject to judicial review for their constitutionality. They were also consistent with Canada's obligations under

the ICCPR, and therefore did not amount to an Article 4 derogation. As required by the Act, a public inquiry was conducted into the emergency, and its comprehensive final report is available online.³ In January 2024, the Federal Court of Canada found that the declaration of emergency was unreasonable. The GC has appealed this decision to the Federal Court of Appeal.

Consultations

10. In 2016, during the FPT Continuing Committee of Officials on Human Rights (CCOHR) annual meeting, federal, provincial and territorial representatives discussed the Concluding Observations of the Human Rights Committee stemming from its 2015 review of Canada. The CCOHR also met with civil society organizations and Indigenous representatives to discuss, among other subjects, the recommendations received from the Human Rights Committee related to immigration detention, asylum-seekers and non-refoulement.

Reply to paragraph 2

11. In a 2020 decision, the Supreme Court of Canada held that three individuals from Eritrea could proceed with a civil action in Canada against a Canadian mining company.⁴ They alleged violations in Eritrea of the customary prohibitions of forced labour, slavery, cruel, inhuman or degrading treatment, and crimes against humanity. The Court declined a preliminary motion to strike the claim. Later that year the company reached a settlement with the plaintiffs, the terms of which are confidential.

12. Canada's Responsible Business Conduct Strategy, launched in 2022, strengthens Canada's balanced approach to responsible business conduct, which includes preventative measures, legislation in select areas, and access to non-judicial dispute-resolution mechanisms. The GC has two non-judicial dispute-resolution mechanisms: Canada's National Contact Point for Responsible Business Conduct and the Canadian Ombudsperson for Responsible Enterprise (CORE). Canada's approach to dispute resolution is founded on mechanisms that reflect the objectives of the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, and provides for accessible, low-cost, and constructive dispute resolution. Canada's dispute resolution mechanisms complement Canada's judicial system by providing alternative pathways for complainants to seek redress and resolve issues.

13. In 2018, the GC announced the creation of the CORE after consultations with civil society organizations and industry. The CORE is an arms-length non-judicial dispute resolution mechanism and has a mandate to review alleged human rights abuses arising from the operations of Canadian companies active abroad in the garment, mining or oil and gas sectors. In addition to its promotional and advisory role, the CORE has a complaint mechanism, through which impacted individuals, workers, communities and those that represent them can raise possible human rights abuses arising from the overseas operations of Canadian companies in the three sectors of focus. If the complaint cannot be solved consensually (for example, through early resolution or mediation), the CORE can conduct joint or independent fact-finding. As part of the review, the CORE can make recommendations to Canadian companies on how to remedy harms, how to prevent them from taking place in future and can also recommend changes to company policies and operations. If a company has not acted in good faith during the course of or follow-up to the CORE's review process, the CORE can make recommendations to the Minister of Export Promotion, International Trade and Economic Development on trade measures that could be taken against the company.

14. The first Canadian Ombudsperson for Responsible Enterprises was appointed in April 2019. In February 2023, the CORE published a study on respect for child rights and the risk of child labour in the global operations and supply chains of Canadian garment companies.

³ See: <https://publicorderemergencycommission.ca/>.

⁴ *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5.

As of September 2023, the CORE had received a total of 32 complaints, of which 20 were active at the time. Of those 20 cases, the CORE published eight initial assessment reports and launched an independent fact-finding in seven instances. One case was in the follow-up stage.

Reply to paragraph 3

15. The UN Declaration Act (formerly Bill C-15) became law in June 2021. It requires the GC, in consultation and cooperation with Indigenous Peoples, to: take all measures necessary to ensure federal laws are consistent with the UN Declaration; prepare and implement an Action Plan to achieve the Declaration's objectives; and report annually on progress.

16. The GC worked in consultation and cooperation with First Nations, Inuit and Métis to develop an Action Plan to achieve the objectives of the UN Declaration, and to identify measures needed to ensure federal laws are consistent with the UN Declaration. On June 21, 2023, the GC released the United Nations Declaration Act Action Plan. It sets out commitments to actions and measures that Canada will take with Indigenous Peoples to implement the rights and principles affirmed in the UN Declaration and advance reconciliation in a meaningful, tangible way. The Action Plan includes 181 specific measures to uphold and advance the human rights of Indigenous Peoples, address injustices, prejudice, violence, systemic racism and discrimination, and monitor implementation.

Responses to Calls to Action

17. The 2015 Truth and Reconciliation Commission (TRC) made 94 Calls to Action (CTAs). 76 CTAs are under federal jurisdiction or are shared FPT responsibility, 85% of which have been completed or are underway. CTAs under sole or shared federal responsibility that are fully implemented include:

- Enacting Indigenous child-welfare legislation;
- Eliminating discrepancies in federal funding for on-reserve vs off-reserve education;
- Acknowledging Indigenous languages rights;
- Enacting an *Indigenous Languages Act*;
- Appointing an Indigenous Languages Commissioner;
- Developing written policy regarding the independence of the Royal Canadian Mounted Police (RCMP);
- Launching the National Inquiry into Missing and Murdered Indigenous Women and Girls;
- Enacting the UN Declaration Act;
- Funding Indigenous schools to utilize Indigenous knowledge and teaching methods in classrooms;
- Funding the Canadian Museums Association;
- Funding for Canada 150 projects on reconciliation;
- Funding to the Canadian Association of Archivists to undertake review of archival policies and best practices;
- Funding for the National Centre for Truth and Reconciliation;
- Enacting legislation to establish the National Day of Truth and Reconciliation;
- Funding for Canada Council for the Arts projects on reconciliation;
- Increasing funding for the Canadian Broadcasting Corporation/Radio Canada;
- Providing public education that tells the national story of Indigenous athletes in history; and,
- Enacting *An Act to amend the Oath to Citizenship*.

18. Provinces and territories have also initiated or completed work to fulfill CTAs.

19. Examples of measures by New Brunswick include:

- Engaging with First Nations to commission a public residential schools monument;
- Establishing Truth and Reconciliation Day as a provincial holiday for government;
- Establishing agreements with all First Nations for curriculum development on the history of residential schools, and developing learning modules for students from K-12;
- Providing videos to First Nations families in Indigenous languages that document Education Support Services;
- Providing Indigenous Cultural Awareness Training to public servants;
- Establishing memoranda of understanding with First Nations on economic development;
- Provincial libraries deliver specialized Indigenous language and Indigenous culture programs;
- An Indigenous data standard has been established with an Indigenous health data governance structure for improved population health monitoring;
- Waiving administrative costs for name changes for residential school survivors and their families reclaiming their birth names; and
- Working with sporting organizations to recognize Indigenous athletes and support traditional Indigenous sport.

20. The Quebec government, in partnership with the Indigenous parties involved, has implemented several of the TRC recommendations, including modification of the secondary-school curriculum and the sensitization of public service employees to Indigenous realities. In addition, the Government Action Plan for the Social and Cultural Development of the First Nations and Inuit 2017–2022, and the Government Action Plan for the Social and Cultural Wellness of the First Nations and Inuit 2022–2027 are intended to be a response to the TRC CTAs addressed to the provinces.

21. The Government of Alberta announced that it will work with First Nations and Métis communities to establish a permanent memorial on the Alberta Legislature grounds for the victims of the residential school system. Alberta has also responded with two cultural-awareness courses under its Indigenous Learning Initiative targeted to support Alberta Public Service employees to better understand, engage and work with Alberta's First Nations, Métis, and Inuit people.

22. In British Columbia, a key child and family development goal that is being advanced, including through extensive work with Indigenous partners, is recognizing the right of Indigenous families and communities to retain shared responsibility for the upbringing and well-being of their children, consistent with the *Convention on the Rights of the Child*, the UN Declaration, and the TRC's CTAs.

Investigations

23. Canada is unable to provide information or statistics on any ongoing criminal investigations. Police services have a significant degree of operational independence from government in conducting criminal investigations, and any interference in such investigations would be inappropriate, including disclosing the existence of any particular investigation.

24. The Provincial Archives of Alberta has been reviewing its Missionary Oblates of Mary Immaculate records related to residential schools administered by the Oblates. The archives have been tracing and documenting names of the children who went through the system to learn what may have happened to them during these years.

Compensation and psycho-social support

25. In 2006, the GC, several church entities, and various Indigenous organizations agreed upon the terms of a settlement to resolve class actions then taking place in relation to Canada's Indian Residential Schools (IRS). Implementation of the settlement began in September of 2007 and had several components, including a Common Experience Payment (CEP) provided to former residents of IRS, an adjudicative claims assessment known as the Independent Assessment Process (IAP) to compensate individuals with proven claims of sexual or serious physical abuse arising from the operation of an IRS, and the TRC. The GC received over 105,000 applications for the CEP, and paid out \$1.6 billion in compensation. Over 38,000 IAP applications were filed, and the GC paid out \$3.18 billion in compensation.

26. In 2021, Ontario established the Support for Indian Residential Schools Burials Funding program, which includes mental and addictions funding to support Survivors, their families and communities. This funding is provided to Indigenous partners engaged in ongoing burial investigations and support work. In 2023, Ontario expanded the funding through the Indian Residential School Community Engagement Fund, which enables funding to a broader reach of communities and organizations.

Unmarked burials

27. In response to the findings of potential unmarked burials associated with IRS (reported in the media commencing in May 2021), the GC appointed Kimberly Murray as the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites Associated with IRS in June 2022. The mandate of the Special Interlocutor resulted from engagement with national Indigenous organizations, directly impacted communities, and Indigenous experts. The Special Interlocutor is tasked with working collaboratively with Indigenous governments, organizations, communities, survivors, families and others, to identify needed measures and recommend a new federal framework to ensure the respectful and culturally appropriate treatment of unmarked graves and burial sites of children associated with former IRS. The Special Interlocutor released her Interim Report concurrently to the federal Minister of Justice and to First Nations, Métis and Inuit communities, Survivors and families in June 2023.⁵ Final recommendations were provided at the end of her mandate in June 2024.

28. Ontario has established the Support for Indian Residential Schools Burials Funding program and a Residential Schools Unit within its Ministry of Indigenous Affairs. These actions will support Indigenous-led initiatives to identify, investigate, protect, maintain and commemorate Indian Residential School burials across the province.

29. In response to the discovery of residential school unmarked burial sites across the country, Alberta launched a one-time Residential School Community Research Grant to support Indigenous-led research initiatives.

Reply to paragraph 4

30. The following are examples of key measures taken in Canada to combat discrimination within the reporting period:

- In 2017, the GC added “gender identity” and “gender expression” to the list of protected grounds under federal equality legislation, the *Canadian Human Rights Act*. In addition, these grounds were added to sections of the *Criminal Code* that prohibit hate propaganda and provide for increased sentences for offences motivated by bias, prejudice, or hate based on personal characteristics;
- In 2019, the GC launched Building a Foundation for Change: Canada's Anti-Racism Strategy 2019–2022. Through the Strategy, the GC took steps to acknowledge and combat racism and discrimination. The Strategy complemented existing government efforts and programs aimed at eliminating inequities by focusing on three guiding principles: Demonstrating Federal Leadership, Empowering Communities, and

⁵ See: https://osi-bis.ca/wp-content/uploads/2023/06/OSI_InterimReport_June-2023_WEB.pdf.

Building Awareness & Changing Attitudes. The GC renewed the Anti-Racism strategy (2024) and launched the first federal action plan to combat hate (2024);

- In 2019, the GC enacted the *Accessible Canada Act*, which provides for proactive identification, removal and prevention of barriers to accessibility across seven priority areas ranging from employment to transportation. The Act applies to approximately 6500 regulated entities, including federal government departments and agencies, federal Parliament, the Canadian Armed Forces, Crown corporations, and federally regulated businesses in key sectors such as banking, transportation and telecommunications;
- The Groupe “d’action contre le racisme” (action group against racism) established by the Quebec government in 2019 submitted its report “Le racisme au Québec : Tolérance zéro” (Racism in Quebec: Zero tolerance). To follow up on the report, the Quebec government implemented several measures including the naming of a minister responsible for the fight against racism; the deployment of a racism awareness-building campaign; the creation of joint intervention teams comprised of police officers and community workers; the creation of on-line training, in particular on gender; and the increase of resources for Indigenous community groups working on access to justice;
- In 2020, the Prime Minister named the Honourable Irwin Cotler as Canada’s Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism. At the end of his mandate, in 2023, Deborah Lyons was appointed as the new Special Envoy to lead efforts to combat antisemitism at home and abroad;
- In 2022, the GC released the first federal 2SLGBTQI+ Action Plan to advance rights and equality for Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and sexually and gender diverse people in Canada. It seeks to address and prevent discrimination and stigma based on sexual orientation, sex characteristics, and gender identity or expression. The Action Plan prioritizes community action and coordinates the GC’s work through a holistic, intersectional, and long-term approach;
- In 2022, British Columbians became able to change gender designations on their B.C. birth certificates, B.C. Services Cards, and B.C. ID card without the confirmation of a physician or psychologist. British Columbia further reduced barriers by removing the request for a Statutory Declaration when changing gender designations;
- In 2022, the GC launched the Disability Inclusion Action Plan, a blueprint for increasing disability inclusion progress in Canada. Key actions for implementation include a new Canada Disability Benefit, an employment strategy for persons with disabilities, and the timely implementation of the *Accessible Canada Act* which aims to make Canada barrier-free by January 1, 2040;
- In 2023, the Prime Minister appointed Canada’s first Special Representative on Combatting Islamophobia, Amira Elghawaby, who serves as a champion, advisor, expert and representative to the GC to enhance efforts to combat Islamophobia and promote awareness of the diverse and intersectional identities of Muslims in Canada.

Reply to paragraph 5

Reports of the lethal use of force and deaths in custody

31. Data and information on lethal use of force and deaths in custody can be found in Annex A.

Bias-free policing

32. The RCMP has training to support bias-free policing, including mandatory courses on cultural awareness and anti-racism. This training helps increase the knowledge of RCMP officers on the history of race-related issues and how they are entrenched in Canadian society; the differences between harmful racial profiling and proper behavioural criminal profiling; and, how to apply unbiased perspectives in federal policing. The RCMP also has a Bias-Free Policing policy that defines racial profiling and specifically prohibits the practice. The RCMP’s Street Checks policy stipulates that street checks must comply with bias-free

policing directives and sets out additional requirements to ensure street checks are conducted only under appropriate circumstances, such as face-to-face interactions with persons known to be or reasonably believed to be involved in criminal activity.

33. To prevent racial profiling, Quebec drafted a police practice on police checks in summer 2020. This practice prohibits police checks based on race, colour, ethnic or national origin, religion or social condition. Work is underway to provide police officers with instruction videos on racial and social profiling. Quebec also announced the implementation of joint intervention teams comprised of police officers and community workers in the Sûreté du Québec (the provincial police force) to work with Indigenous and non-Indigenous people with various issues (e.g. alcohol and drug use, social disruption, excessive criminalization and homelessness). Additionally, measures to support police forces in the development and testing of innovative intervention models to provide best practices for policing in Quebec were established.

34. In British Columbia, provincial policing standards on the promotion of unbiased policing were introduced in July 2021 and took effect in 2023 to allow police agencies time to establish the required policies, procedures, and auditing processes. In addition, provincial policing standards governing police stops were established in January 2020 and require all police agencies' policies and procedures to provide direction to police officers aimed at safeguarding rights, including but not limited to: (i) that the decision to stop a person must not be based on identity factors; and (ii) that a person must not be stopped based solely on sharing an identity factor, such as race, with a person being sought by police.

Measures to address overrepresentation in criminal justice

35. In 2022, the GC amended the *Criminal Code* and the *Controlled Drugs and Substances Act* to repeal some of the mandatory minimum penalties and limitations on the availability of community-based sentences that disproportionately impacted Indigenous, Black or other racialized persons. The amendments provide courts with judicial discretion to give full consideration to the circumstances of Indigenous, Black or racialized offenders in determining fit sentences. Finally, police and prosecutors are now required to consider alternatives to criminal charges for the simple possession of drugs. While racialized and non-racialized individuals use substances at similar rates, there are differences in drug possession arrests between racial groups.

36. These reforms complement 2019 reforms to the bail system. Former Bill C-75 introduced a “principle of restraint” at bail, encouraging release at the earliest reasonable opportunity and on the least onerous conditions. The principle of restraint is a guiding principle and does not dictate a specific outcome – detention continues to be justified if necessary to prevent flight risk, for public safety, or to maintain confidence in the administration of justice. The Bill also added a principle requiring judges and police officers to consider the circumstances of Indigenous accused and those from vulnerable populations, in order to address the disproportionate impacts that the bail system has had on these populations.

37. The Community Reintegration Fund (CRF) at the Correctional Service of Canada (CSC) was expanded in 2017 to increase funding and create the Indigenous Offender Reintegration Contribution Program. The CRF supports Indigenous communities' capacity to rehabilitate and reintegrate Indigenous offenders with culturally responsive interventions and services. This initiative aims to help reverse the over-representation of Indigenous Peoples in Canada's federal correctional institutions.

38. In 2020, CSC developed an Anti-Racism Framework to remove systemic barriers and promote an anti-racist, diverse, equitable and inclusive organization. This framework represents CSC's key corporate initiatives focusing on employees, offenders and stakeholders. One initiative under the offender pillar is the Ethnocultural Action Framework (EAF), which aims to respond to the needs of ethnocultural offenders. The EAF introduces the Ethnocultural Site Coordinator role, held by a CSC employee at every correctional institution and ensures that Offender Ethnocultural Representatives are present at each site. The EAF also identifies actions pertaining to professional development resources for employees, as

well as resources for offenders and their families. CSC is also developing a Black Offender Strategy to address gaps in the system.

39. The GC is developing an Indigenous Justice Strategy, in consultation and cooperation with First Nations, Inuit and Métis and in collaboration with provinces and territories, to address systemic discrimination and the overrepresentation of Indigenous People in the justice system. The GC is also working with Black communities, provinces and territories to develop Canada's Black Justice Strategy to address anti-Black racism and systemic discrimination that has led to the overrepresentation of Black people in the criminal justice system, including as victims of crime.

40. Information on the use of alternatives to detention (ATDs) can be found under question 15.

Reply to paragraph 6

Hate crimes

41. Data and information on police-reported hate crimes can be found in Annex A.

Legislative and other measures

42. There are four hate propaganda offences in the *Criminal Code*: advocating genocide; public incitement of hatred; wilful promotion of hatred; and wilful promotion of antisemitism. This last offence came into force in June 2022, and targets hate on the basis of denying, condoning or downplaying the Holocaust. In 2017, “gender identity or expression” was added to the definition of “identifiable group” under the *Criminal Code*, extending hate propaganda offences to circumstances where individuals are targeted on these bases.

43. British Columbia has a dedicated provincial-level Integrated Hate Crime Team that provides consultative expertise and guidance to police in the province investigating hate crimes and to the Crown Counsel and the B.C. Prosecution Service in bringing related charges forward and prosecuting them.

44. Police services in Ontario have access to grant programs to address local and provincial community safety issues, including helping to increase their capacity to investigate and enforce hate crimes. Ontario's Hate Crime Working Group, comprised of Crown Attorneys with expertise in hate crimes, provides investigative advice to police and ensures a consistent approach to hate-related prosecutions across the province.

45. Quebec has implemented an Action Plan to fight radicalization through prevention, detection and promoting coexistence (title: *La radicalisation au Québec : agir, prévenir, détecter et vivre ensemble*). Several measures included in the Plan have become common practices in Quebec.

46. The GC's Security Infrastructure Program helps protect communities at risk of hate-motivated crime by providing eligible organizations with funding to enhance their security infrastructure. In 2023, the program was expanded to include shelters providing support for victims of GBV, including hate crimes motivated by sex, sexual orientation, or gender identity or expression. In addition, a new Severe Hate-Motivated Incident Support stream was established to prioritize funding for organizations that are victims of significant and direct hate-motivated crimes against their facility.

Reply to paragraph 7

Gender wage gap

47. The *Pay Equity Act* came into force in 2021, establishing a proactive pay equity regime for approximately 1.32 million workers in federally regulated workplaces with 10 or more employees. Under the Act, employers are required to establish, periodically review, and update their pay equity plans to analyze any differences in compensation between positions mostly held by women and those held by men that are found to be of equal value. Where the

plan identifies differences in compensation, employers are required to eliminate it by increasing the compensation of those positions mostly held by women.

48. Additionally, changes to the *Employment Equity Act* and corresponding Regulations, in effect since 2021, require federally regulated private-sector workplaces with 100 or more employees to report on pay gaps affecting women, Indigenous Peoples, persons with disabilities, and members of visible minorities. These changes will prompt employers to examine their human resources and compensation practices, encourage leadership in reducing pay gaps, and help shift business culture and expectations towards greater equality.

49. In May 2023, British Columbia enacted the *Pay Transparency Act* to close the gender pay gap. The Act places new requirements on employers to address systemic discrimination in the workplace and employers above a certain size will be required to complete and post pay transparency reports each year.

50. The purpose of Quebec's *Pay Equity Act* is to recognize the true value of typically female occupations. In effect for more than 25 years, it was modified in 2019 primarily to improve the pay equity audit process.

Women in leadership

51. FPT governments are committed to ensuring greater representation of women in governance and private sector leadership positions, as demonstrated by the following examples:

- Over 2,700 organizations have participated in the GC's 50-30 challenge, which encourages participating organizations to increase representation of diverse groups and asks them to aspire to gender parity on Canadian boards and/or in senior management;
- Recent amendments to the *Canada Business Corporations Act* require corporations to disclose diversity information, allowing the GC to track progress on representation;
- To encourage New Brunswick's political parties to recruit more women candidates, as of 2017, the funding parties receive based on election results is 1.5 times higher for the votes cast for women;
- The priority theme for Prince Edward Island's Inter-ministerial Women's Secretariat Grant in 2019, 2020 and 2021 was Women and Girls in Leadership.

Reply to paragraph 8

National action plan on GBV

52. Building on existing FPT approaches and strategies, in November 2022, Canada launched the National Action Plan to End GBV,⁶ a 10-year strategic framework to create a Canada free from GBV. The Action Plan aims to prevent and address all forms of GBV, including physical, economic, sexual, and emotional (psychological) abuse within and across all Canadian jurisdictions. The Plan was informed by engagement with, and recommendations from, Indigenous partners, victims and survivors, front-line service providers, GBV experts, academics, and civil society.

Complaints, investigations, prosecutions and convictions

53. In 2018, women were more likely than men to report having experienced sexual assault (3% compared to 1%, respectively), unwanted sexual behaviours while in public (32% compared to 13%), unwanted sexual behaviours online (18% compared to 14%), and unwanted sexual behaviours in the workplace (29% compared to 17%).⁷

⁶ See: <https://www.canada.ca/en/women-gender-equality/gender-based-violence/intergovernmental-collaboration/national-action-plan-end-gender-based-violence.html>.

⁷ Statistics Canada, "Gender-based violence and unwanted sexual behaviour in Canada, 2018: Initial findings from the Survey of Safety in Public and Private Spaces", 2019.

54. The GC collects data on *Criminal Code* offences through police services and courts across Canada, which provides a partial picture on GBV in the criminal justice system. Data on GBV can be found in Annex A. The GC is working with Indigenous and racialized peoples, community-based organizations and police services to develop a plan for disaggregated data collection.⁸

Victim support

55. In 2022–2023, there were 67,430 admissions to 562 residential facilities across Canada that were primarily mandated to serve victims of abuse: 81% were short-term facilities with a general mandate of providing accommodations for less than three months, and 19% were long-term facilities which typically can provide accommodations for three months or more.⁹ All PTs offered both short-term and long-term facilities, with the exception of Nunavut, where there are no long-term facilities. Enhanced funding since April 2020 to organizations supporting those experiencing GBV, including women's shelters and psychosocial supports, is set out in Annex B.

Additional measures

56. To improve the legal system for victims of GBV, the *Criminal Code* was amended to strengthen and clarify sexual assault and intimate partner violence laws. 2018 amendments strengthened sexual assault laws by clarifying issues around consent, victim submissions, and representation and private records. Amendments in 2019 defined intimate partner in the *Criminal Code* and clarified that it includes current or former spouses, common-law partners and dating partners. Courts are now required to consider prior intimate partner violence charges when determining whether to release or detain an accused.

57. In 2023, Canada ratified the ILO's Violence and Harassment Convention, 2019 (No. 190). In 2021, the *Canada Labour Code* and the *Parliamentary Employment and Staff Relations Act* were amended to better protect employees from harassment and violence in federal workplaces, including sexual harassment and sexual violence, discrimination and family violence. Also in 2021, new regulations strengthened the existing framework for addressing violence and harassment in federal workplaces. The GC established its Workplace Harassment and Violence Prevention Fund in 2019.

Reply to paragraph 9

58. Annex B contains information on measures taken by FPT governments to respond to the COVID-19 pandemic.

59. As further explained in the Annex, throughout the pandemic Canada has continued to fulfill its ICCPR obligations, as well as those under other international human rights treaties. As such, in responding to the COVID-19 pandemic Canada has not availed itself of the Article 4 right of derogation. The Charter continued to apply to the laws and policies relating to the pandemic, like all measures taken by FPT governments.

Reply to paragraph 10

60. The *National Security Act*, 2017, enacted in June 2019, extensively updated Canada's national security framework. While this legislation improved the government's ability to protect Canada's national security by providing new authorities, it also greatly enhanced independent review and oversight through the creation of the National Security and Intelligence Review Agency (NSIRA) and the Intelligence Commissioner.

61. The primary federal government intelligence collection organizations are the Canadian Security Intelligence Service (CSIS) and the Communications Security

⁸ Statistics Canada, "Police-Reported Indigenous and Racialized Identity Data Collection through the Uniform Crime Reporting Survey", 2022; "Improving data on 2SLGBTQ+ populations", 2023.

⁹ Statistics Canada, "Canadian residential facilities for victims of abuse, 2022/2023", 2024.

Establishment (CSE). The RCMP also has a range of national security-related mandates and responsibilities. Canada's intelligence and police agencies do not conduct mass surveillance. The interception of private communication is a limited and targeted activity, allowed under specific circumstances defined by law, and subject to rigorous procedural safeguards that include judicial authorization. Intelligence agency activities are overseen through a number of robust methods and mechanisms, including the Federal Court and the Intelligence Commissioner.

62. NSIRA was established to ensure continued independent review of Canada's security and intelligence agencies. NSIRA's reviews consider the lawfulness of national security and intelligence activities conducted by all GC departments and agencies. This is facilitated by access to sensitive information. NSIRA also addresses national security complaints against the RCMP, CSIS, and CSE and provides classified and unclassified reports of its findings and recommendations to the public and relevant ministers.

63. The *Secure Air Travel Act* (SATA) allows the federal Minister of Public Safety and Emergency Preparedness to establish a list of individuals if there are reasonable grounds to suspect they could be a threat to aviation security or intend to travel by air for the purpose of committing an act of terrorism. The Minister may issue a direction to air carriers to deny boarding to a SATA listed person, or conduct additional screening. The Minister must review the SATA List every 90 days to determine whether each person should remain on the List.

64. A listed person who has been denied transportation as a result of a direction made by the Minister may apply for administrative recourse. Upon receiving such an application, the Minister has 120 days to decide whether there are still reasonable grounds to maintain the listing. If the Minister maintains the listing, the applicant can appeal that decision to the Federal Court. These administrative review and appeal processes have been found by the Federal Court to be in compliance with the principles of natural justice and to include a substantial substitute for full disclosure and a fair process.¹⁰

Reply to paragraph 11

Missing and Murdered Indigenous Women and Girls (MMIWG)

65. On June 3, 2021, the GC, alongside Indigenous families, survivors and women's organizations, and provinces and territories, released the 2021 MMIWG and 2SLGBTQQIA+ People National Action Plan¹¹ in response to the 2019 National Inquiry's Final Report.

66. The Federal Pathway¹² outlines the GC's commitments under the National Action Plan to addressing the root causes of violence against Indigenous women, girls and 2SLGBTQQIA+ people, in the four themes identified by the National Inquiry: culture, health and wellness, human safety and security, and justice. In support of its commitments under the Federal Pathway, the GC has made direct investments in the areas of housing and infrastructure, shelters and safe spaces, employment, Indigenous languages, education, and mental wellness supports. To facilitate cross-jurisdictional collaboration, since 2023, the GC has convened two national Roundtables of Indigenous Leaders and Representatives and Federal, Provincial, and Territorial Governments on Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ people.

67. In May 2021, Ontario launched Pathways to Safety: Ontario's Strategy in Response to the Final Report of the National Inquiry into MMIWG in response to the National Inquiry. This five-year government-wide strategy was developed in close partnership with Indigenous communities, organizations, and the Indigenous Women's Advisory Council. It was built upon relationships and collaboration on actions to end violence against Indigenous women while respecting the diversity of the guiding principles of First Nation, Inuit and Métis and centering Indigenous women and 2SLGBTQQIA+ people at the core of the work.

¹⁰ *Brar v. Canada*, 2022 FC 1168 (currently under appeal).

¹¹ See: <https://mmiwg2splus-nationalactionplan.ca/eng/1670511213459/1670511226843>.

¹² See: <https://www.rcaanc-cirnac.gc.ca/eng/1622233286270/1622233321912>.

68. In June 2022, the Government of Alberta responded to the National Inquiry into MMIWG Final Report by releasing a strategic Alberta Roadmap on MMIWG to guide the government's actions and initiatives to prevent violence, increase safety and economic security for Indigenous women, girls and 2SLGBTQQIA+ people.

Culturally sensitive training

69. The RCMP's investigative training curriculum is founded on a victim-centred, trauma-informed approach. Adopted in 2019, the curriculum includes training on recognizing common sexual assault myths, conducting missing person investigations, and conducting sexual assault investigations. The RCMP's Intercultural Learning Strategy advances systemic and cultural change through training on cultural awareness and humility, gender-based violence, racism, First Nations, Métis, and Inuit, and Indigenous reconciliation.

70. To address recommendations from the National Inquiry into MMIWG, the RCMP established a National Office of Investigative Standards and Practices. The office provides national oversight of major case management principles and standards, and offers assistance to RCMP investigative units handling cases, including those in which victims are Indigenous women.

71. In British Columbia, a 2019 review of the recruit training curriculum for municipal police led to the development of 20 recommendations. One of the areas of focus includes addressing the increased risks for Indigenous women by ensuring the curriculum accurately reflects the realities of Indigenous women. Fair and Impartial Policing, Trauma-Informed Practice Curriculum, and Indigenous content and resources have been added to the recruit training.

72. In Quebec, training adapted to the Indigenous reality of conjugal violence, sexual aggression and interfamily violence was developed to improve police training and practices for Indigenous police officers and to fight against violence experienced by Indigenous women and girls.

Complaints, investigations, prosecutions and convictions

73. Indigenous women and girls continue to face high rates of violence. In 2022, the rate of police-reported Indigenous female homicide victims was about seven times higher than that of non-Indigenous females (5.07 and 0.78 homicide victims, respectively, per 100,000 population).¹³ From 2015 to 2022, the number of Indigenous female homicide victims increased from 43 to 53 (representing a 23% increase, as compared to an increase of 7% for non-Indigenous female homicide victims over the same period. However, accounting for population growth, the rate per 100,000 population of homicide victims remained relatively stable in both groups (0.2 increase in the rate of Indigenous female homicide victims compared to no change in rate for non-Indigenous females)).

74. From 2015 to 2022, of the 347 police-reported homicides of Indigenous women, 85% were investigated and solved by police (i.e., an accused person was identified by police), while 15% were unsolved.¹⁴ In comparison, 89% of homicides of non-Indigenous women had been solved between 2015 and 2022, and the rate of solved homicides of non-Indigenous women in this period decreased by 8%.

75. Further disaggregated data on the number of complaints, investigations, prosecutions and convictions for violence against Indigenous women and girls is not available. The GC is working with police services, community-based organizations, and Indigenous and racialized peoples to improve the quality and availability of disaggregated data on the diverse experiences of these groups, as both victims and accused, in the criminal justice system.

¹³ Statistics Canada, "Table 35-10-0156-01 Number, percentage and rate of homicide victims, by gender and Indigenous identity", 2023, online at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015601>.

¹⁴ *Ibid*; see also Statistics Canada, "Table 35-10-0119-01 Number and rate of victims of solved homicides, by gender, Indigenous identity and type of accused-victim relationship", 2023.

Additional measures

76. *Criminal Code* amendments in 2019 strengthened criminal laws in the context of intimate partner violence (IPV) and human trafficking, and ensured that sentencing for IPV offences towards vulnerable persons, particularly Indigenous female victims, is treated more seriously.

77. Family Information Liaison Units provide culturally-grounded victim services for families of MMIWG2S+ to overcome the structural and systemic barriers they experience in accessing information about their loved ones, such as geographic distance, experiences of systemic and individual racism, and the historical nature of events. Families can access accurate information about cause of death, police investigations, and outcomes of criminal proceedings. Canada also supports Indigenous community organizations in organizing cultural ceremonies and other activities to assist families of MMIWG2S+ with the grief and trauma of their loss.

Reply to paragraph 12

78. A 2021 report of the House of Commons Standing Committee on Health recommended that the GC consider the postponement of medically unnecessary surgeries on children until the child can meaningfully participate in the decision, except where there is immediate risk to the child's health and medical treatment cannot be delayed.

79. In its response, the GC noted that subsection 268(3) of the *Criminal Code* addresses female genital mutilation, a serious form of violence against women, not surgeries on intersex children. The provision does not allow for, or otherwise authorize, surgeries on intersex people.

80. The response noted further that parents may consent to medically unnecessary surgeries on their child's behalf, where such procedures are consistent with standard medical practice, and recognized that stakeholders have expressed the view that such surgeries should be criminalized, until the intersex person is mature enough to consent and provide informed consent. The GC committed to consider all impacted parties' concerns and how best to address them.

81. Healthcare providers in Newfoundland and Labrador are expected to adhere to ethical clinical guidelines established by their professional associations and governed by their respective colleges. This includes services for intersex children. If an intersex individual was subject to a medical procedure without their consent, then the usual measures of redress would be available including the Child and Youth Advocate, Human Rights Commission, and the Citizen's Representative.

Reply to paragraph 13

82. Since 2015, FPT governments have put in place many initiatives to prevent and mitigate the effects of climate change and environmental degradation, including on food security for Indigenous communities. For example:

- Since 2016, the GC has supported over 1,300 climate change and food security projects in northern and Indigenous communities. These projects aim to advance climate change adaptation; monitor and assess climate change impacts, including on food security and safety; mitigate and adapt to the health impacts of climate change, including in areas of traditional food security and safety; offset diesel fuel with renewable alternatives; prioritize Indigenous voices in climate policy; and, support traditional hunting, harvesting, and food sharing in isolated, northern communities;
- In 2022, the GC published the 2030 Emissions Reduction Plan to advance climate change mitigation efforts as set out under the *Canadian Net-Zero Emissions Accountability Act*. The Plan reflects input received from over 30,000 Canadians, as well as provinces and territories, Indigenous Peoples, industry, and the independent Net-Zero Advisory Body;

- The GC released Canada's first National Adaptation Strategy in June 2023, following extensive engagement with provincial and territorial governments, municipalities, Indigenous partners, key experts and stakeholders, and the general public. The Strategy is underpinned by a set of guiding principles that ensures Canada reaches its goals and objectives in a fair, inclusive, and equitable way and empowers communities, regions, and Indigenous partners to develop actions tailored to their needs;
- In June 2023, the GC amended the *Canadian Environmental Protection Act*, 1999 (CEPA) – the principal federal legislation for protecting environment and human health from pollution – to recognize, in the preamble, that every individual in Canada has a right to a healthy environment as provided under the Act. The development of a right to a healthy environment implementation framework will provide a new lens for decision-making under CEPA that will help address the increased health risks on disproportionately impacted populations that can result from exposure to substances and the cumulative effects from a combination of substances;
- British Columbia released and is implementing the CleanBC climate action plan and the Climate Preparedness and Adaptation Strategy. The development of both initiatives was informed by extensive consultation with Indigenous Peoples, civil society groups, industry, and the general public;
- Manitoba's Northern Healthy Foods Initiative supports local and regional projects that contribute to the development of culturally relevant, healthy food systems, while improving health and well-being. With a focus on local production of honey, poultry and eggs, vegetables, and small fruit, this initiative is designed to increase food security efforts at the community level, and strengthen community-led development;
- In 2022, Prince Edward Island released its climate adaptation plan, which includes action items to support vulnerable populations, primary industries, and the province's natural habitat. This plan was developed and implemented with the participation of civil society groups and the public, including women, persons with disabilities, Indigenous Peoples and rural communities;
- First Nations and Inuit are partners with the Quebec government in the deployment of the 2030 Plan for a Green Economy. This framework policy for electrification and fighting climate change is designed to reinforce First Nation and Inuit leadership with regard to the climate transition by supporting the completion of projects that respond to their needs and priorities. It also helps support traditional hunting, fishing, trapping and gathering practices by supporting the development of knowledge on keystone and emerging species for Indigenous food security;
- Ontario provides funding to the Ontario Federation of Indigenous Friendship Centres' Traditional Foods and Harvesting Program, which aims to promote food security and food sovereignty of urban Indigenous Peoples through ongoing development of community knowledge and expertise in sustainable and culture-based production, as well as the conservation of traditional foods amidst the challenges of climate change.

Reply to paragraph 14

83. Canada does not possess, use, control, develop, produce, stockpile, transfer, or host nuclear weapons.

84. Canada aims to ensure that nuclear weapons are never used again. We pursue a practical, step-by-step approach to halt the spread of nuclear weapons, reduce stockpiles, and ultimately eliminate them. Examples include leadership to negotiate a Fissile Material Cut-Off Treaty, advocating entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty, engagement through the UN and NATO, and participation in the: (1) Stockholm Initiative on Nuclear Disarmament; (2) UN Group of Governmental Experts on Nuclear Disarmament Verification; and (3) Non-Proliferation and Disarmament Initiative.

85. The Committee referred to paragraph 66 of General Comment No. 36 (2018). Canada refers to its October 2017 Comments, expressing our concerns with the relevant passages (see in particular paragraphs 7 and 22).

Reply to paragraph 15

Incarceration

86. The total operational capacity of the federal correctional system, as of April 9, 2023, is 15,619 (14,765 men and 854 women). The total inmate count as of this date is 13,054 (12,409 held in men's facilities and 645 held in women's facilities).

87. The *Criminal Code* directs courts to consider sanctions other than imprisonment where appropriate, with particular attention to the circumstances of Indigenous offenders. These measures include suspended sentences and conditional sentences. Conditional sentences encourage the use of principles of restorative justice in sentencing, allowing an offender to serve their term of imprisonment in the community under strict conditions. See the response to question 5 for measures taken to address over-representation in the criminal justice system.

88. In Alberta, the total operational capacity of correctional facilities on May 1, 2022, was 4,518. As of this date, there were 2,986 individuals in custody (312 females and 2,674 males).

89. Alberta has made concerted efforts to divert and provide sentencing alternatives to individuals whose crimes are driven by underlying issues such as addictions, mental health issues and systemic racism. Alberta has created seven new Drug Treatment Courts, two new Indigenous Courts, and one Mental Health Court. These programs provide diversionary paths or offer tailored programs to address underlying causes of crime and avoid imprisonment. Alberta is developing a Restorative Justice program that will provide additional avenues for diversion from the criminal justice system and opportunities for victim-offender and community reconciliation, while offering programming to address the causal factors of crime.

90. As of May 1, 2022, Manitoba Corrections total capacity was 1924 and the total population was 1622. The capacity for males was 1640 and the actual population was 1423 inmates. The capacity for females was 284 and the actual population was 189.

91. In Manitoba, the *Restorative Justice Act* came into force in November 2015. The Act promotes the development and use of restorative justice programs. Manitoba Prosecution Services (MPS) has a Procedures Manual and Restorative Justice policy requiring examination of restorative justice as an option for all matters. The number of matters diverted is tracked monthly and youth in custody has been reduced. Crown attorneys are available 24 hours a day to review in custody matters, with a view to avoiding unnecessary pre-trial detention. Manitoba has a Drug Treatment Court, Mental Health Court, and a Fetal Alcohol Spectrum Disorder Court. All of these Courts are specialized and upon completion provide a community-based sentence instead of imprisonment.

92. As of May 1, 2022, total operational correctional capacity was 7,664 (6,490 for males and 694 for females; 480 beds had no gender type); and total inmate count was 7,661 (7,063 males and 598 females) in Ontario.

93. Ontario is implementing Impact of Race and Culture Assessments, supported by funding from the GC, which are pre-sentencing reports that help sentencing judges better understand the effect of poverty, marginalization, racism, and social exclusion on the offender. Ontario also provided funding support to Restorative Justice programs that increase access to pre-charge and post-charge diversion programs and other Restorative Justice options for Indigenous People involved with the criminal justice system. These programs are informed by Indigenous Worldviews, Indigenous Laws, and Indigenous dispute resolution processes and are focused on healing and restoration.

Structured Intervention Units

94. In 2019, legislative amendments ended the use of administrative segregation in federal correctional facilities. That legislation created Structured Intervention Units (SIU), a correctional model that provides targeted interventions, programs, and health care. SIUs are for inmates who cannot be managed safely within a mainstream inmate population. An inmate could be temporarily transferred to an SIU if: they are a threat to any person or the security of the institution, their safety is in jeopardy, or their confinement in a mainstream

inmate population interferes with an investigation related to a criminal or serious disciplinary offence. A transfer to an SIU is only authorized if there are no reasonable alternatives, and the law requires periodic reviews to ensure that the legal justification for the transfer to an SIU still applies. SIUs are a temporary measure to provide inmates with the necessary interventions and programs to allow safe return to the mainstream inmate population. In 2022–2023, the median time that inmates were held in SIUs was 14 days. The legislation requires daily opportunities to interact with others and to spend time out of their cell, including continued access to correctional programming, interventions, and services to address their specific risks or behaviours. Any exceptions to those entitlements are narrowly defined and must be recorded.

95. SIUs are subject to external oversight. Independent External Decision Makers (IEDMs) are responsible for reviewing an inmate's conditions of confinement and duration of stay in the SIU under defined circumstances in the Corrections and Conditional Release Act. As of March 31, 2023, the IEDMs have found Correctional Services Canada (CSC) to be taking all reasonable steps to provide inmates with opportunities for time out of cell and interaction with others in 80% of their reviews. Within 24 hours of transfer to an SIU, an inmate is referred to health services for a health assessment, including mental health. The law requires that inmates in SIUs receive daily visits from a registered health care professional, and that staff notify health services if they believe that the confinement is having detrimental impacts on the inmate's health. These safeguards ensure that registered health care professionals can quickly identify any emergence of health symptoms, including mental health concerns, and provide required clinical monitoring and care.

Health care

96. In federal correctional facilities, CSC prioritizes the provision of professional, clinically independent, culturally responsive, integrated and coordinated person-centred health care. This is underscored by CSC's legislative mandate to provide essential health care and reasonable access to non-essential health care to federally incarcerated individuals, in keeping with professionally accepted standards. CSC's health services are accredited by Accreditation Canada, which is the same organization that accredits hospitals and other service providers in communities across Canada.

97. CSC's health services are provided by a range of registered health care professionals, including physicians, nurses, pharmacists, psychiatrists, psychologists, occupational therapists, social workers, dentists, and other relevant specialists. Their practice adheres to the same professional standards as any provider across the country. Federal funding has been allocated to enhance mental health support in the federal correctional system. Investments in mental health include enhanced assessment and early diagnosis of individuals, enhanced primary and acute mental health care, support for patient advocacy services and 24/7 health care at designated institutions.

98. In British Columbia's correctional centres, the emphasis is on rapid identification of seriously ill individuals, prevention of self-harm and suicide, treatment during incarceration, and effective release planning. Every individual who enters a provincial correctional centre is assessed by a nurse and screened by a mental health screener within 24 hours of intake. Individuals in custody are then assigned to living units, taking into consideration the results of the assessment, and referred to mental health professionals, such as a psychiatrist or psychologist, as required. Corrections staff work closely with the Provincial Health Services Authority, the provincial agency responsible for delivering healthcare in provincial correctional centres, to ensure the complex health and mental health needs of individuals in custody are being met.

99. New Brunswick continues to improve general conditions for inmates through a wide array of measures with a focus on health care and mental health. For example, Indigenous hand drums and smudge kits are available, inmates can access social workers with mental health and addictions expertise, religious dietary laws are respected, and outdoor garden programs are available in spring/summer. Inmates in correctional facilities may access standardized screening through the New Brunswick Cancer Network.

100. In Prince Edward Island's correctional facilities, many health care measures are in place to improve the general conditions for inmates, including the presence of nursing staff, the availability of on-call physicians, monthly psychiatric appointments via videoconference, and access to physiotherapy services for inmates with chronic pain.

Reply to paragraph 16

101. Canada's ability to provide consular services throughout Syria is very limited. Nevertheless, consular officials monitor the situation in north-eastern Syria (NES) and engage with Syrian Kurdish authorities and international organizations working on the ground to provide consular assistance, including: verifying the whereabouts and well-being of Canadians; requesting available medical care; and advocating for the well-being of all Canadians detained in NES. Canada has conveyed the expectation that Canadians be treated humanely and in a manner consistent with the applicable principles of international humanitarian and human rights law.

102. Amidst reports of deteriorating conditions in the camps, Canada is particularly concerned about the health and wellbeing of Canadian children. Since October 2020, Canada has repatriated eight Canadian women and 16 Canadian children from NES over the course of four operations. Due to privacy concerns, the GC cannot publicly comment on its provision of consular services to specific individuals.

103. A person born outside Canada to a Canadian citizen parent is generally a Canadian citizen by descent if at least one parent (legal parent at birth or biological parent) was born in Canada or became a naturalized Canadian citizen before the person was born.

Reply to paragraph 17

National Strategy to Combat Human Trafficking

104. In 2019, the GC launched the National Strategy to Combat Human Trafficking. The Strategy aims to strengthen Canada's response to human trafficking and support broader commitments, including preventing and addressing GBV and ensuring the safety and security of Indigenous Peoples. Actions undertaken under the Strategy include: increased funding for community-based projects to combat human trafficking and empower victims and survivors; a national human trafficking hotline and a public awareness campaign; ongoing support to international partners to counter human trafficking through humanitarian, international development and security assistance; efforts to ensure that government procurement supply chains are free from labour exploitation; and project PROTECT, a partnership with the private sector that targets sexual exploitation through the money laundering aspect of human trafficking.

105. An online training course is available for law enforcement officers, justice personnel, and prosecutors on the crime of human trafficking, pertinent legislation, and general victim assistance guidelines. In-depth training is provided at the Canadian Police College to police investigators and prosecutors on human trafficking and victim protection. The training focuses on understanding the objectives and scope of the offences, the importance of fostering relationships of trust between law enforcement and victims, and strategies to address the challenges in investigating and prosecuting these cases. The training also addresses specific legislative relief mechanisms to support victims of trafficking and regularize their status. In addition to training courses, new products have been adopted for law enforcement, including an Interview Guide for human trafficking victims, a police officer's Handbook, and a nationally approved presentation for general policing and traffic services on human trafficking. The Handbook for criminal justice practitioners on human trafficking covers subjects such as indicators of sexual exploitation and forced labour, the impact of trafficking on victims, and working with traumatized victims.

106. Border services officers receive training on human trafficking issues during their induction. In addition, an online course is offered to all border services employees who may come in contact with victims or perpetrators of human trafficking.

107. Provinces and territories have established their own local strategies and action plans to address human trafficking in their jurisdictions. For example, in 2020, Ontario announced a strategy to combat human trafficking and child sexual exploitation, which includes input from Indigenous communities and organizations. In 2019, Alberta launched a Nine-Point Action Plan to Combat Human Trafficking.

Protection and rehabilitation

108. Beginning in 2020, the GC has been providing funding for 63 organizations to prevent human trafficking and support at-risk populations, victims, and survivors. This includes, for example, providing transition and second stage housing, mental health services, employment services and supports, training, and tools to gain financial independence, as well as providing education and awareness to at-risk youth.

109. The national human trafficking hotline, launched in May 2019, is a confidential, multilingual service, operating 24/7 to connect victims and survivors with social services, law enforcement, and emergency services, and to receive tips from the public. The Hotline has identified 1,500 human trafficking cases, between 251 and 460 cases per year, and has supported 2,170 victims and survivors of human trafficking.

110. Since 2019, through the Victims Fund, the GC provides funding to eligible organizations for human trafficking-related projects and activities aimed at: developing training for criminal justice professionals to better detect, investigate and prosecute human trafficking cases; developing action and service plans for victims of human trafficking and victim-serving agencies; and supporting victims through trauma-informed practices.

111. The protection of victims of human trafficking is a shared responsibility among all orders of government. Provinces and territories provide services such as health and social services, emergency housing, and legal aid to victims and survivors.

112. In Alberta, victims of human trafficking can receive supports, including emergency accommodation, safety planning and referral to specialized support agencies. Victims of human trafficking who have been sexually exploited can receive specialized supports and services from Sexual Assault Centres.

113. Ontario has several programs that assist victims of crime (including victims of human trafficking), their immediate families and witnesses, providing support in the form of crisis intervention, financial assistance, free legal support, and assistance in navigating the criminal court process.

114. New Brunswick's 2017 Guide on Human Trafficking provides information on how to recognize, support, protect and assist a person who may be trafficked, as well as information on provincial services, including transition houses, crisis lines, sexual assault counselling, and emergency shelters.

115. In 2020, there were a total of 153 emergency shelters identified across Canada, with 6,559 beds available. This number is cumulative of both male and female emergency shelters and beds.

Complaints, investigations, prosecutions and convictions

116. Between 2015 and 2022, 3,589 human trafficking incidents were reported to police. There were 3,071 charges laid, of which 147 resulted in guilty findings. Further details can be found in Annex A.

Reply to paragraph 18

Immigration detention

117. The GC's immigration detention program is based on the principle that detention is used only as a measure of last resort, in limited circumstances, and after all alternatives to detention (ATD) are considered and determined to be unsuitable or unavailable. Detention policies and standards are subject to ongoing review.

118. For every arrest and detention, policy requires management oversight on the need for continued detention, and whether there are options for managing an individual's risk in the community. The law requires that each person's detention is reviewed regularly (at 48 hours, 7 days, and every 30 days thereafter) by the Immigration and Refugee Board, a quasi-judicial and independent tribunal, to determine the appropriateness of continued detention or any ATD. Prior to detention reviews, the GC ensures that individuals are informed about their case and are able to access resources including legal counsel.

119. The GC expanded its available release options in a national ATD program launched in 2018. In addition to the previously available deposits and guarantees, the ATD program now includes an expanded Community Case Management and Supervision program, and a national electronic monitoring program. The GC continues to increase capacity within this program. The increased release options have decreased the national daily average of individuals in detention from 342 in fiscal year 2018–2019, to 248 in 2022–2023. The total annual detention days for all individuals across all detention centres have also decreased from 131,709 in 2018–2019 to 88,378 in 2022–2023.

Children in detention

120. A Ministerial Direction was issued in November 2017, to keep minors out of detention and to keep families together as much as possible. The Direction clarifies that the best interests of the child (BIOC) must be given primary consideration. Also in 2017, the National Directive for the Detention or Housing of Minors was issued, providing comprehensive guidance on the treatment of minors in Canada's immigration detention system, in recognition of their vulnerability and the detrimental effects of detention and family separation on minors.

121. In June 2019, amendments enshrined the principles of BIOC in the Immigration and Refugee Protection Regulations, providing a mandatory set of considerations for officers when making a detention decision that affects a child.

122. These measures have limited the use of detention to those difficult cases where there are serious concerns about an unaccompanied minor, or the parents or legal guardian of an accompanied minor, and no suitable alternative to detention exists. When parents are detained, officers work with the parents and child welfare authorities to assess BIOC. The most recent statistics are available online.¹⁵

Conditions

123. The GC has taken several measures to better ensure the dignified and compassionate treatment of all persons detained pursuant to immigration legislation. Since 2015, the GC has replaced the immigration holding centres (IHCs) in British Columbia and Quebec, and retrofitted the existing IHC in Toronto. These improvements have allowed the GC to reduce the use of provincial facilities, and to provide additional medical and mental health care for detainees.

124. In 2021, the GC developed enhanced national immigration detention standards to improve conditions for those in its care. The standards established expected practices and provide for national consistency in the administration of the detention program, particularly in areas related to safety, security and detainee care. The standards also seek to improve the well-being of detainees by minimizing the institutional look of facilities, making available translation and legal support services, introducing non-governmental organization space on-site, facilitating greater mobility of detainees within the facility without escort where feasible, providing better access to families and friends, and providing additional recreational space indoors and outdoors.

125. The Canadian Red Cross (CRC) performs regular, independent monitoring of detention conditions and the treatment of detainees. The CRC visits immigration detention facilities across Canada and interviews detainees. The CRC issues annual reports, which can

¹⁵ See: www.cbsa-asfc.gc.ca/security-securite/detent/menu-eng.html#s8.

be found on the Canada Border Services Agency (CBSA) website.¹⁶ The CRC and CBSA have an ongoing dialogue on how to improve IHC conditions.

126. All immigration detainees receive a document that provides information about their detention, their rights and obligations, and the detention review process. It is available in 16 different languages.¹⁷ A detention information package, with practical information on the operation of the facility and other matters is also available in 16 languages.

Reply to paragraph 19

Canada-U.S. Safe Third Country Agreement (STCA)

127. The STCA, in effect since 2004, helps both Canada and the U.S. manage asylum claims made by foreign nationals crossing the land border. It requires that asylum claimants seek protection in the first of the two countries in which they arrive, unless they qualify for an exception or exemption. Canadian and U.S. citizens who are habitual residents of either country and “stateless persons” are exempt from the STCA. Exceptions to the STCA consider the importance of family unity, the best interests of children and the public interest.

128. While initially only applied to refugee claimants seeking entry to Canada at ports of entry, as of March 25, 2023, the STCA applies to refugee claimants who cross anywhere along the U.S.-Canada land border, including internal waterways.

129. In June 2023, the Supreme Court of Canada held that the designation of the U.S. as a safe third country is consistent with the Charter right to life, liberty and security of the person. The Court held that the domestic laws include several safety valves to ensure that those returned to the U.S. do not face a real and not speculative risk of refoulement. A challenge based on Charter equality rights was sent back to the Federal Court for determination.

130. Under domestic law, Canada is required to continually monitor developments in the U.S. asylum policy and practices, to ensure that conditions which led to its designation as a safe third country continue to be met.

Legislative amendment

131. Section 101(1)(c.1) of the *Immigration and Refugee Protection Act* was enacted in 2019. This provision affects the consideration of a refugee claim to be referred to the Refugee Protection Division (RPD), if the claimant previously made a refugee claim in another country with which Canada has a relevant information-sharing agreement. These claimants are not eligible to have their claims referred to the RPD, but are eligible for Pre-Removal Risk Assessment (PRRA) prior to their removal to ensure they are not being removed to persecution, a danger of torture, a risk to their life, or a risk of cruel and unusual treatment or punishment in their home country. The risk assessment for such individuals looks at the same refugee protection grounds as the RPD process, includes a mandatory hearing, and meets Canada’s international legal obligations for non-refoulement. These individuals, if found at risk and not inadmissible for serious reasons, will receive protected person status in Canada. Those found inadmissible to Canada on serious grounds would be eligible for a “restricted” PRRA, which can result in a reviewable stay of removal, not in protected person status.

132. The objective of this provision is to discourage misuse of the asylum system by individuals making multiple claims in different countries to increase their chance of receiving a positive decision. It is a border and asylum program integrity measure. Canada has information sharing agreements with countries that have mature immigration and asylum systems and a high degree of privacy and data protection, including safeguards for claimants and refugee data protection. Currently, those countries are Australia, New Zealand, the United Kingdom, and the United States.

¹⁶ See: www.cbsa-asfc.gc.ca/security-securite/detent/idmp-pscd-19-20-eng.html.

¹⁷ See: www.cbsa-asfc.gc.ca/publications/pub/bsf5012-eng.html.

Stateless persons

133. Canada is party to the 1961 *Convention on the Reduction of Statelessness* but has currently no plans to accede to the 1954 *Convention on the Status of Stateless Persons*. Canada continues to rely on existing measures within Canada's legal framework to provide durable solutions to stateless persons and has no current plans to create a specific status determination procedure for stateless persons.

134. Under Canada's *Immigration and Refugee Protection Act* and *Citizenship Act*, there are several measures that are sufficient to provide stateless individuals with a durable solution: access to Canada's Resettlement Program, the in-Canada asylum system and PRRA¹⁸, and the Humanitarian and Compassionate grounds process.¹⁹ Canada also has provisions for grants of citizenship for those who do not automatically acquire citizenship, but who are stateless. Canada is a strong supporter of UNHCR's #IBelong Campaign.²⁰

135. Regulatory amendments in 2023 enacted a definition of "stateless person" with respect to the application of the exemptions to the STCA to mean "a person who is not considered a national by any state under the operation of its law". This definition is a legal codification of the definition previously found in policy and operational documents. It provides clarity and consistency for the purpose of considering exemptions from the STCA for stateless individuals.

Reply to paragraph 20

Legal framework on privacy

136. Canadian law protects privacy interests in several ways. At the constitutional level, section 8 of the Charter protects personal, territorial and informational privacy through the right to be secure against unreasonable search or seizure by the government. Any law that authorizes searches or other intrusions on privacy is subject to scrutiny for consistency with this constitutional right. If police or other officials violate section 8, remedies can include the exclusion of evidence from court proceedings where appropriate. Furthermore, the *Criminal Code* includes a number of criminal offences that protect privacy interests, such as the offence of voyeurism.

137. The federal *Privacy Act* governs the collection, use, disclosure, retention and protection of personal information held by the federal government and public-sector institutions. The *Personal Information Protection and Electronic Documents Act* generally applies to private-sector organizations across Canada that collect, use or disclose personal information in the course of a commercial activity. Provinces in Canada can also enact their own personal information protection statutes, and many have.

138. Newfoundland and Labrador enacted the *Protection of Intimate Images Act* in 2018, which deals with providing civil remedies to victims, and deterring, preventing, and responding to the harms associated with revenge pornography and the non-consensual distribution of intimate images. Particularly, the new Act allows victims to sue a person in civil court to hold that person accountable for distributing intimate images without their consent.

¹⁸ See: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/removal-risk-assessment/applications-intake.html.

¹⁹ See: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/humanitarian-compassionate-consideration.html and <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/humanitarian-compassionate-consideration/processing/stateless.html>.

²⁰ See: www.unhcr.org/ibelong/global-action-plan-2014-2024/.

Encrypted information

139. Robust and widely used encryption is important in safeguarding privacy, human rights, cybersecurity, critical infrastructure, and the digital economy. It does not seek to undermine the security of communications services or to restrict the spread of in-demand encryption technologies, nor is it asking service providers to voluntarily weaken their encryption schemes. Canada also acknowledges that user-controlled encryption technologies pose investigative challenges for law enforcement and national security agencies conducting investigations and accessing communications under judicial warrants. In Canada, law enforcement and national security investigators request access to encrypted communications only under a judicial warrant. Given challenges in decrypting encrypted communications obtained under warrant, it is important that governments and service providers work together to address these challenges while ensuring that cybersecurity and constitutional rights are protected.

Reply to paragraph 21

140. Please refer to Canada's June 30, 2020 response to the Human Rights Council's joint communication of special procedures regarding Bill 21.²¹

141. According to the Government of Quebec:

- The *Act respecting the laicity of the State*, arising from the adoption in 2019 of Bill 21 holds that the Quebec State is secular and State institutions must respect in fact and in appearance, the following principles: separation of the State and religions; the religious neutrality of the State; equality of all citizens; freedom of conscience and freedom of religion;
- The Law provides a policy-framework for the wearing of religious signs by certain State employees in positions of authority in order to respect the State's religious neutrality in fact and in appearance. The Law recognizes acquired rights of State employees who, prior to adoption of the Law, were already in their position. This framework reinforces freedom of conscience and religion of people interacting with the State;
- The Law takes into account the particular characteristics of the Quebec nation, including its civil law tradition, its social values and its specific history that have led it to develop a particular attachment to State laicity;
- Regarding receiving public services, an individual must have their face uncovered only when that is required to verify their identity or for security reasons;
- Some sections of the Law are being contested in Quebec courts for various reasons. A Quebec Superior Court decision upheld the great majority of the Law's provisions.
- In February 2024, the Quebec Court of Appeal confirmed the validity and operability of the Act, with the exception of the provision requiring members of the National Assembly to exercise their functions with their faces uncovered. Some parties have, however, filed an application for leave to appeal to the Supreme Court of Canada.

Reply to paragraph 22

142. Canada benefits from free media and a vibrant, active and independent civil society. Section 2(b) of the Charter guarantees "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication". This constitutional right is subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Any law that unjustifiably limits section 2(b) is, to the extent of the inconsistency, of no force and effect. As with all *Charter* rights, courts have a wide discretion to grant "appropriate and just remedies" to those whose section 2(b) rights have been violated.

²¹ See: <https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=35380>.

Policing

143. British Columbia supports the right to peaceful protest within the confines of the law. While the police will respect lawful protests, they will also consider all the tools and options available to them to protect people, preserve public safety, and investigate unlawful conduct. When a court grants an injunction order, it gives police the discretion as to the timing and manner of the enforcement of that order, including detention and arrest of individuals who they have reasonable and probable grounds to believe are contravening it. A court that grants an injunction retains jurisdiction to supervise compliance with all its terms, including progress in police enforcement.

144. In all contexts, including when policing protests and other public gatherings, the RCMP will ensure that the legal rights and protections of media personnel are fully respected, subject to reasonable limitations for public safety and police officer safety. Considering unique variables presented by each enforcement operation, the RCMP must balance rights and freedoms with the need to maintain public safety, peace and good order.

145. In any particular situation, the RCMP will keep journalists updated on safety issues and make every reasonable effort to allow media personnel to be as close as safely possible to an enforcement area, while ensuring no interference with police operations. Depending on where enforcement operations are occurring, the RCMP may establish a temporary access control checkpoint under common law to provide police a safe space to conduct enforcement operations. The checkpoint allows journalists to observe and report on the enforcement as it occurs. The restrictions are minimal and only involve ensuring that journalists can have a safe vantage point from which to report.

Defamatory libel

146. Sections 300–301 of the *Criminal Code* establish the offence of publishing a defamatory libel, knowing it to be false. In 1998, the Supreme Court of Canada upheld this offence as a justifiable limit on the Charter right to freedom of expression. However, the Court issued a constitutional remedy to narrow the definition of “publishing”, so that it does not occur if the libel was sent only to the victim of the defamation. Publication to a third party is required. Legislative amendments in 2018 incorporated the Supreme Court’s guidance in the *Criminal Code*.

Whistleblower protection

147. The *Public Servants Disclosure Protection Act* provides federal public servants with a secure and confidential process for disclosing serious wrongdoing in the federal public sector and protection from acts of reprisal. Beginning in 2017, the GC has implemented several changes, including: developing additional guidance on its administration; increasing awareness activities on the disclosure regime and public servants’ rights, including additional training for public servants; and engaging a government-wide community of practice to share strategies and best practices. A task force to explore revisions to the Act will report in 2024.

148. In 2018, British Columbia passed whistle-blower legislation. Consistent with international best practices, it initially applied only to public service employees and is being rolled out in the broader public sector using a phased implementation approach. Effective April 2022, it was implemented in the tribunals sector as well as within certain agencies, boards, and commissions, and rollout will continue into other public sector organizations over the next two years.

149. In 2017, Prince Edward Island enacted legislation to provide whistleblower protection within the civil service. In 2020, the province enacted a law to provide whistleblower protection for all employees whose employment is regulated under the *Employment Standards Act*, including employees whose terms and conditions of work are governed by a collective agreement.

150. In Quebec, an *Act to facilitate the disclosure of wrongdoings relating to public bodies* was assented to in 2016. The purpose of this Law is to facilitate disclosure, in the public interest, of wrongdoings committed or about to be committed in relation to public bodies and establish a general protection regime against reprisals.

Reply to paragraph 23

Jordan's Principle

151. The request-driven approach of Jordan's Principle supports families in accessing products and services for First Nations children and youth to help with a wide range of health, social and educational needs, including the unique needs of First Nations 2SLGBTQQIA+ children and youth and those with disabilities.

152. Jordan's Principle is a legal obligation for Canada responding to the unmet needs of First Nations children. It is a child-first initiative based on the principle of substantive equality and intended to prevent First Nations children from being denied essential public services or experiencing delays in receiving them.

153. In 2016, the Canadian Human Rights Tribunal (CHRT) ruled that the First Nations Child and Family Services (FNCFS) Program was discriminatorily underfunded and ordered the GC to reform it. The CHRT also ordered the GC to cease applying a narrow definition of Jordan's Principle and to immediately implement its full meaning and scope.

154. The approach to Jordan's Principle has evolved in response to successive CHRT orders. In 2017, all First Nations children, both on- and off-reserve, became eligible for Jordan's Principle. In 2020, the CHRT further expanded eligibility to include children who are not eligible for status under the *Indian Act* but who have a parent or guardian who has status or is eligible for status, as well as children who are recognized by their First Nation for the purposes of Jordan's Principle. The CHRT has retained oversight to ensure the GC complies, and it has the authority to issue new orders.

155. Since 2016, the GC has invested nearly \$8.1 billion to meet the health, social, and education needs of First Nations children through Jordan's Principle. From July 1, 2016, to September 30, 2024, 7,833,799 products, services, and supports were approved for First Nations children through Jordan's Principle. There is no pre-defined list of health, social and educational products and services that are covered, because the GC is required to consider the unique circumstances of each child. Local service coordinators have been hired in communities across Canada, who can assist families with questions or in submitting requests.

Comprehensive reform of the First Nations Child and Family Services Program and Final Settlement Agreement on compensation

156. The FNCFS Program provides resources and funding to support the holistic and culturally-appropriate delivery of prevention and protection services to meet the needs of children, youth and families ordinarily resident on reserve or in the Yukon. The GC has accepted the CHRT rulings and is working to fully implement the orders related to the FNCFS Program. On April 1, 2022, the GC began providing enhanced funding for post-majority support services, for First Nations representative services and for prevention in all provinces and the Yukon.

157. In October 2021, negotiations began between the GC and the Parties to the CHRT complaint, to resolve all litigation related to the FNCFS Program and Jordan's Principle.

158. In April 2023, a revised Final Settlement Agreement of more than \$23 billion was reached, to compensate those harmed by discriminatory underfunding of the FNCFS Program and those impacted by the federal government's narrow definition of Jordan's Principle. The First Nations-led and designed agreement was collaboratively reached by all parties. It is designed to fully meet the CHRT's compensation orders, and covers the settlement of parallel First Nations' class actions. More information is available online.²²

159. In July 2023, the CHRT confirmed that the settlement fully meets its compensation orders. The Federal Court approved the settlement in October 2023. The GC remains committed to the reform of the FNCFS Program.

²² See: www.canada.ca/en/indigenous-services-canada/news/2023/04/revised-settlement-agreement-of-23b-reached-to-compensate-first-nations-children-and-families.html.

Provincial and territorial measures

160. Provincial and territorial governments have also taken measures to guarantee equal access to services for Indigenous children. For example:

- Alberta's Broadband Strategy, which sets a path to achieving 100 per cent high-speed connectivity by the end of fiscal year 2026–2027, will allow students in rural, remote, and Indigenous communities access to quality post-secondary education without needing to relocate. As part of the Strategy, more than 120,000 students will have improved access to remote education;
- In 2021, Newfoundland and Labrador discontinued the child protection practice of sending birth alerts to hospitals. This practice is known to disproportionately impact Indigenous and marginalized expectant parents and contribute to individuals being less likely to seek support in advance of the birth for fear their baby may be removed;
- Indigenous partners and Ontario produced a strategic framework, the Ontario Indigenous Children and Youth Strategy, a whole-of-government approach supporting all programs, policies and services impacting First Nations, Inuit and Métis children, youth and families.

Corporal punishment of children

161. For Canada's response, please refer to paragraphs 68–69 of Canada's 5th and 6th periodic reports under the Convention on the Rights of the Child (March 2020).²³

Reply to paragraph 24

Participation of Indigenous Peoples in decision-making

162. The GC's implementation of the UN Declaration, including free, prior, and informed consent (FPIC), will be based on the meaningful participation of Indigenous partners. The GC is committed to ensuring Indigenous rights and interests are fully considered in decision-making. The 2011 Guidelines for Officials to Fulfill the Duty to Consult are undergoing revisions to ensure alignment with the UN Declaration, including guidance on FPIC in the context of the duty to consult. Distinction-based engagement and input from diverse Indigenous rights holders and organizations will guide this process.

163. The GC has shifted its approach to treaty negotiations towards a focus on co-developed paths forward and flexible solutions. This ensures that Indigenous groups have a seat at the table where decisions and policies are being made that impact their rights and interests. Since 2015, the GC has been working in partnership with Indigenous groups across the country to co-develop treaties, self-government agreements and other constructive arrangements to explore ways to advance the implementation of Indigenous rights and interests. These discussions touch on important themes such as ownership and management of lands and resources, and self-government jurisdiction. To date there are 186 active discussion tables with Indigenous groups across Canada.

164. The GC's Northern Participant Funding Program supports Indigenous Peoples and other northerners to meaningfully participate in impact assessment processes, and to a limited degree certain regulatory processes, of major development projects in Canada's northern territories. The program's focus on meaningful participation of Indigenous Peoples in environmental governance related to development projects on or near their land helps to ensure potentially affected Indigenous Peoples have the financial resources to enhance their voices and views during impact assessment and regulatory processes. Non-project specific funding is also available to proactively develop impact assessment capacity at the community or regional level. The GC has taken steps to support Indigenous women and other underrepresented intersectional groups in building their capacity to meaningfully participate in these processes.

²³ See CRC/C/CAN/5-6. See also para. 29 of Canada's reply to a list of issues from that Committee (April 2022), CRC/C/CAN/RQ/5-6.

165. In December 2022, the Framework Agreement on First Nation Land Management Act was adopted, recognizing the 1996 Framework Agreement on First Nation Land Management (Agreement) as central to the First Nation Land Management regime. Co-developed with First Nations, this legislation provides the Framework Agreement with the force of law. Through the Agreement, First Nations develop land codes to govern and manage their reserve lands, environment, and resources according to their specific community needs and transition away from the lands-related provisions of the Indian Act. To date, there are 209 First Nation signatories to the Agreement with 113 First Nations fully operating in accordance with their community-approved land laws, including four First Nations that have transitioned to comprehensive self-governance arrangements with the GC.

166. Alberta's management and development of provincial Crown lands and natural resources is subject to its legal and constitutional duty to consult First Nations and, where appropriate, accommodate their interests when Crown decisions may adversely impact their continued exercise of constitutionally protected treaty rights and traditional uses. Traditional First Nation uses of land include burial grounds, gathering sites, and historical or ceremonial locations and do not refer to proprietary interests in the land. Alberta also consults with Métis Settlements on potential adverse impacts of Crown decisions on Métis Settlement members' harvesting and traditional use activities.

167. Newfoundland and Labrador reviews all Crown land applications, mineral exploration referrals, quarry permits, environmental assessment registrations, and post-environmental assessment permit applications to ensure that appropriate Indigenous consultations are conducted. Advice is provided on government resource management policies, working to ensure Aboriginal rights are considered.

168. The Government of Quebec takes seriously its constitutional obligation to consult and accommodate Indigenous communities, if applicable, when planned measures are likely to result in harm to the rights of these communities, in particular projects to develop land or natural resources.

169. Moreover, the Government of Quebec is open to signing agreements with Indigenous communities in order to reinforce political relationships, find mutually acceptable solutions to resolve specific problems raised by Indigenous communities, harmonize various uses, promote healthy cohabitation, and support them in their economic, social and community development. Several negotiation tables are in place with Indigenous communities and Nations.

Site C project

170. British Columbia strives to secure FPIC when it proposes to take actions which may impact Indigenous rights, including their lands, territories and resources. British Columbia began consultation with Indigenous groups on the Site C Project in 2007, with the courts confirming on seven occasions that consultation was adequately discharged. Six successful impact benefit and tripartite land agreements have been developed between the provincial government and many of the Treaty 8 First Nations in BC. The most recent was signed with the West Moberly First Nations in which the Nation will receive (among other benefits) financial benefits, contracting opportunities, and the transfer of provincial Crown lands. As a result, the litigation against Site C has been settled and there are no outstanding claims in court by Indigenous Nations challenging the Site C project. Several Treaty 8 Nations are actively involved in construction and Dam development services as part of joint venture or direct contracting arrangements with BC Hydro.

Reply to paragraph 25

Indian Act

171. In January 2011 the Gender Equity in Indian Registration Act came into force, ensuring that eligible grandchildren of women who had lost status upon marriage to non-Indian men became entitled to registration. As a result, more than 37,000 newly entitled individuals were registered from 2011–2017 through the implementation of Bill C-3.

172. On August 15, 2019, all provisions of An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général), were brought into force. As a result of these amendments, all descendants of Indigenous women who lost status upon marriage are entitled to registration on an equal basis with the descendants of Indigenous men in the same circumstances going back to 1869.

173. On December 14, 2022, Bill C-38, An Act to amend the Indian Act (new entitlement provisions), was introduced in Parliament with proposed amendments to four issues with clear consultation-derived solutions. The GC will co-develop and launch collaborative consultations under the Collaborative Process on the Second-Generation Cut-Off and Section 10 Voting Thresholds.

174. The GC recognizes that the Indian Act is a colonial-era law designed to exert control over the affairs of First Nations, and as such, the Act will never be fully aligned with the UN Declaration. For Canada's laws to fulfill the UN Declaration, the Indian Act must be repealed.

175. Bill C-38 and the upcoming consultations are considered necessary incremental steps to increase the Indian Act's alignment with the UN Declaration Act and prepare for its eventual repeal in due course.

Addressing systemic inequalities

176. The following are examples of work being done in Canada to address systemic inequalities in the provision of basic needs and essential support services to Indigenous Peoples:

- Between 2016 and 2018, the GC worked closely with First Nations partners to fundamentally transform First Nations elementary and secondary education on reserve. On April 1, 2019, the new co-developed funding and policy approach was implemented to better meet the needs of students ordinarily resident on reserve. This approach replaced several outdated proposal-based programs with improved access to core funding through interim regional funding formulas that use provincial comparability as a base, and ensure stable, flexible, predictable, and sustainable funding. This approach also includes additional national common investments, such as language and culture programming, full-day kindergarten for children aged four and five, and before- and after-school programming;
- In 2016, the GC committed to co-develop distinctions-based Indigenous housing strategies for First Nations, Inuit, and Métis, which were endorsed by Indigenous partners in 2019. These strategies align with and advance the principles of the UN Declaration, and ensure meaningful consultation and cooperation with Indigenous Peoples in developing programs and services that affect them. The GC continues to work with the Assembly of First Nations to support the implementation of the First Nations National Housing and Related Infrastructure Strategy. It is also supporting First Nations and First Nations-led institutions to build and maintain housing and infrastructure through targeted funding and advancement of service delivery transfer initiatives;
- In the area of child and family services, new legislation came into force on January 1, 2020, that supports Indigenous groups, communities or Peoples to develop their own laws and exercise jurisdiction over child and family services. The legislation also establishes national principles including the best interests of the child, cultural continuity and substantive equality, as well as minimum standards that apply to all jurisdictions and are designed to benefit all Indigenous children;
- New Brunswick partners with Indigenous communities to ensure that public health services are delivered in a culturally safe, trauma-informed manner. Examples of initiatives include improving cancer support and outcomes for Indigenous Peoples, and reaching under-screened populations, including Indigenous communities, through community engagement. Further, New Brunswick's Addiction and Mental Health Mobile Crisis Teams provide a coordinated response to those experiencing a mental health crisis;

- In Quebec, in order to support the introduction of cultural safety for First Nations and Inuit in the health and social services network, five determinative actions have been announced:
- Designing and deploying ongoing training adapted to local realities;
- Deploying liaison agents in the health and social services network;
- Deploying service guides;
- Supporting best practices related to cultural safety;
- Reinforcing information, assistance and support for Indigenous clients as part of the complaint examination process provided for in the *Act respecting health services and social services*.

Preserving Indigenous languages

177. The GC worked with First Nations, Inuit and Métis to develop the *Indigenous Languages Act*, which received Royal Assent in June 2019. The GC introduced new funding totalling \$840.1 million from 2019–2020 to 2025–26 and \$117.7 million in ongoing to support community-based efforts of Indigenous Peoples to reclaim, revitalize, maintain and strengthen Indigenous languages. In 2023–24, the GC implemented jointly developed distinction-based funding models for Indigenous languages that moves away from a departmental-led call-for-applications approach that supports short-term projects to new models that provide greater Indigenous control over Indigenous languages funding, long-term funding and better responsiveness to First Nations, Inuit and Métis priorities.
