



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the seventh periodic report of Canada\*

1. The Committee considered the seventh periodic report of Canada<sup>1</sup> at its 4264th and 4265th meetings,<sup>2</sup> held on 3 and 4 March 2026. At its 4282nd meeting, held on 16 March, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State Party for having accepted the simplified reporting procedure and for submitting its seventh periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State Party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State Party for the oral responses provided by the delegation.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State Party:

(a) The adoption of the Indigenous Justice Strategy and the implementation plan for Canada's Black Justice Strategy, in 2025;

(b) The establishment (2020–2026) and appointment of a Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism and the establishment (2023–2026) and appointment of a Special Representative on Combatting Islamophobia;

(c) The amendments to the Criminal Code to criminalize conversion therapies, in 2022;

(d) The adoption of the country's first federal action plan aimed at advancing rights and equality for two-spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender-diverse (2SLGBTQI+) persons in Canada, in 2022;

(e) The adoption of the National Action Plan to End Gender-Based Violence, in 2022;

(f) The adoption of the Integrated Government Strategy (2022–2027) to Counteract Sexual Violence and Domestic Violence, and to Rebuild Trust, in the Province of Québec;

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\* Adopted by the Committee at its 145th session (2–19 March 2026).

<sup>1</sup> [CCPR/C/CAN/7](#).

<sup>2</sup> See [CCPR/C/SR.4264](#) and [CCPR/C/SR.4265](#).

<sup>3</sup> [CCPR/C/CAN/QPR/7](#).



- (g) The appointment of an Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, in 2022;
- (h) The adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act, in 2021, and the publication of the corresponding action plan, in 2023;
- (i) The entry into force of the Pay Equity Act, in 2021;
- (j) The adoption of the Act to Protect Persons from Conversion Therapy Provided to Change their Sexual Orientation, Gender Identity or Gender Expression, in 2020, in the Province of Québec, and the Sexual Orientation and Gender Identity Protection Act, in 2020, in Yukon Territory;
- (k) The adoption of the 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence against Indigenous Women, Girls, and 2SLGBTQQIA+ People;
- (l) The adoption of the Act respecting First Nations, Inuit and Métis children, youth and families, in 2019;
- (m) The adoption of the federal strategy entitled: “It’s Time: Canada’s Strategy to Prevent and Address Gender-Based Violence”, in 2017;
- (n) The amendments made to the Canadian Human Rights Act and the Criminal Code to include “gender identity or expression” as protected characteristics, in 2017.
4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State Party:
- (a) Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 3 December 2018;
- (b) Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization, on 30 January 2023.

## C. Principal matters of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

5. The Committee is concerned about the State Party’s lack of a structured system for the implementation of its international human rights obligations, including those arising under the provisions of the Covenant and the first Optional Protocol thereto, across its federal, provincial and territorial jurisdictions. The Committee remains concerned about the State Party’s reluctance to give full effect to all of the Committee’s Views, including the lack of full implementation of *Toussaint v. Canada*<sup>4</sup> (art. 2).

**6. The State Party should take all steps necessary to implement all concluding observations and Views adopted by the Committee, through appropriate and effective mechanisms at the federal, provincial and territorial levels, and guarantee the right of victims to an effective remedy, including through national courts, in accordance with article 2 (2) and (3) of the Covenant. It should also consider adopting legislation recognizing the right of authors of communications to whom the Committee has granted any measure of reparation to demand before the national courts the implementation of such measures. Additionally, it should strengthen efforts to raise awareness of the Covenant and the national applicability thereof among judges, prosecutors and lawyers, with a view to ensuring that the provisions are taken into account by national courts. The State Party should also consider, in coordination with provincial and territorial authorities, establishing a national mechanism to monitor the implementation of the recommendations and Views of the Committee.**

7. The Committee is concerned about the repeated and, in some instances, pre-emptive invocation of the “notwithstanding clause” under section 33 of the Canadian Charter of Rights and Freedoms at the provincial legislative level, derogating from fundamental rights

<sup>4</sup> CCPR/C/123/D/2348/2014.

enshrined in the Charter and shielding legislation from substantive judicial review. While noting that the proposed Québec Constitution Act, 2025 (Bill 1) is currently under consideration by the National Assembly of Québec and has not entered into force, the Committee is concerned about certain provisions that may allow Québec, under certain circumstances, not to consider itself bound by certain international commitments entered into at the federal level; that limit access to an effective remedy; that restrict the use of public funds by publicly funded bodies to contest or support challenges to legislation declared by the National Assembly to protect the Québec nation and its constitutional autonomy and fundamental characteristics; and that risk undermining the rights of linguistic and cultural minorities (art. 2).

**8. The State Party should ensure that the application of the “notwithstanding clause” remains exceptional, limited in scope and duration and fully compatible with the provisions of the Covenant; and that the application is subject to independent judicial review. The State Party should ensure that the proposed Québec Constitution Act, 2025 (Bill 1) fully complies with the provisions of the Covenant and that the consideration of the Bill is conducted in an inclusive and transparent manner, ensuring broad and meaningful public participation, including that of civil society organizations, in all stages of the process.**

#### **Business and human rights**

9. The Committee welcomes the appointment of the first Canadian Ombudsperson for Responsible Enterprise, in 2019, and the launch of the responsible business conduct strategy, in 2022. However, it regrets that the Ombudsperson continues to lack the authority to compel witness testimony and the production of documentary evidence. The Committee is also concerned that the position of Ombudsperson has remained vacant since May 2025, which has hindered the processing of cases received by the office. The Committee remains concerned about continued allegations of human rights abuses and environmental degradation by companies domiciled in the territory of the State Party and/or subject to its jurisdiction, in particular mining corporations, in the context of their operations, including those abroad, and about the lack of access for victims, particularly those outside the State Party, to effective remedies (art. 2).

**10. The State Party should:**

**(a) Strengthen existing mechanisms to ensure that all business enterprises subject to its jurisdiction respect human rights standards, including when operating abroad;**

**(b) Ensure effective access to judicial and non-judicial remedies for victims of human rights abuses resulting from the activities of business enterprises subject to its jurisdiction, including those operating abroad;**

**(c) Consider adopting binding legislation requiring business enterprises to conduct human rights due diligence;**

**(d) Urgently appoint a new Canadian Ombudsperson for Responsible Enterprise, ensure the independence of the office and provide it with adequate human and financial resources so it can carry out the mandate effectively;**

**(e) Ensure that the Ombudsperson is granted strengthened investigative powers, including the authority to compel witnesses and the production of documentary evidence.**

#### **Fight against impunity and past human rights violations**

11. The Committee welcomes the measures adopted to advance the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act and the corresponding action plan, the calls to action issued in 2015 by the Truth and Reconciliation Commission of Canada and the calls for justice contained in the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, issued in 2019. However, it is concerned by reports that Indigenous Peoples have not been meaningfully involved in these implementation processes. It is further concerned about the limited substantive progress

achieved to date and notes the need for additional human and financial resources to ensure effective and sustained implementation. While the Committee acknowledges the efforts made by the State Party to combat the denialism of residential schools, it expresses concern about the potential loss of historical information contained in the records of the Independent Assessment Process and the alternative dispute resolution mechanism, which are scheduled for destruction in September 2027 pursuant to a court order affirmed by the Supreme Court of Canada unless individual survivors request their preservation. While the Committee acknowledges the State Party's efforts to provide reparation for victims, it is concerned about the lack of reparation to victims not included in the initial settlements and regrets the inability of the State Party to provide information on ongoing criminal investigations into allegations of abuse, ill-treatment and deaths of children in residential schools (arts. 2, 6, 7, 14 and 27).

**12. In line with recommendations of the Committee on the Rights of Persons with Disabilities, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child,<sup>5</sup> the State Party should increase its efforts to fully implement the measures set out in the United Nations Declaration on the Rights of Indigenous Peoples Act and the corresponding action plan, the calls to action of the Truth and Reconciliation Commission and the calls for justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls, while ensuring the full and meaningful participation of Indigenous Peoples in, and sufficient human and financial resources for, their effective implementation. The State Party should also consider establishing an independent mechanism to monitor and enforce the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act and the corresponding action plan. It should further:**

**(a) Take all measures necessary to prevent the loss of historical information contained in the records of the Independent Assessment Process and the alternative dispute resolution mechanism, scheduled for destruction in 2027 pursuant to a court order affirmed by the Supreme Court of Canada, including by ensuring broad, accessible and timely communication to all survivors about their rights and exploring legal and policy avenues to preserve records of national historical significance while safeguarding survivors' right to confidentiality;**

**(b) Ensure the collection of and make publicly available statistical data on ongoing investigations, prosecutions and convictions, as well as on reparations provided, concerning allegations of abuse, ill-treatment and deaths of children in residential schools;**

**(c) Implement the recommendations contained in the final report of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, in particular those related to the repatriation of human remains, the prohibition of destruction of records, the creation of a national Indigenous-led commission and fighting denialism;**

**(d) Ensure full reparation, including compensation for all survivors, including those excluded from the initial settlements, and support for Indigenous-led initiatives to address intergenerational harm and trauma.**

#### **Non-discrimination**

13. The Committee welcomes the efforts of the State Party to combat racism and discrimination. However, it remains concerned about reports indicating the persistence of intersecting forms of racism and discrimination affecting various groups. In particular, it expresses concern about: (a) harassment, violence and social exclusion on the basis of gender identity and sexual orientation, including against 2SLGBTQI+ persons; (b) ongoing discrimination against Indigenous Peoples, who continue to face systemic barriers to the full enjoyment of their rights, including unequal access to essential services; (c) persistent structural racism against people of African descent; (d) discrimination and social exclusion

<sup>5</sup> See [CRPD/C/CAN/CO/2-3](#), [CEDAW/C/CAN/CO/10](#) and [CRC/C/CAN/CO/5-6](#).

experienced by migrant workers; and (e) discrimination and barriers faced by persons with disabilities in accessing services and fully participating in society (arts. 2, 26 and 27).

14. **The State Party should:**

(a) **Redouble its efforts to prevent, combat and eradicate all forms of racism and discrimination, particularly systemic discrimination against Indigenous Peoples and people of African descent;**

(b) **Ensure that all acts of racism and discrimination are promptly, impartially and effectively investigated, that those responsible are held accountable and that victims have access to adequate remedies;**

(c) **Strengthen training programmes for civil servants, law enforcement officials, the judiciary and public prosecutors, and enhance public awareness-raising initiatives on human rights aimed at promoting respect for diversity and mutual understanding;**

(d) **Continue combating stereotypes and negative attitudes towards persons on the basis of their real or perceived sexual orientation or gender identity, including through public information campaigns and education programmes in schools.**

15. While taking note of the measures adopted by the State Party, including the Indigenous Justice Strategy, Canada's Black Justice Strategy and the amendments to the Criminal Code and the Controlled Drugs and Substances Act, the Committee remains concerned about overrepresentation, particularly of Indigenous people and people of African descent, within the criminal justice system. In this regard, the Committee notes with concern the disproportionately high rate of incarceration of Indigenous people, particularly Indigenous women, the obstacles they face in accessing justice and obtaining effective remedies; and the persistence of racial profiling practices by law enforcement officials. The Committee is also concerned by the reports of deaths in custody, particularly affecting individuals from racial minorities (arts. 2, 3, 6, 9, 14, 26 and 27).

16. **In the light of the Committee's previous recommendations,<sup>6</sup> and in line with the recommendations made by the Committee on the Elimination of Racial Discrimination,<sup>7</sup> the State Party should redouble its efforts to prevent and address the excessive incarceration of Indigenous people and people of African descent. It should, wherever possible, make greater use of alternatives to detention, including restorative justice programmes. The State Party should also investigate and prosecute all allegations of racial profiling and provide effective remedies to the victims, and step up efforts to train law enforcement officers to ensure that they do not engage, even unintentionally, in practices amounting to ethnic or racial profiling.**

17. The Committee takes note of the measures adopted by the State Party to combat hate crimes, including Canada's Action Plan on Combatting Hate (2024) and the introduction, in 2025, of the proposed combating hate act (Bill C-9). Nevertheless, the Committee remains concerned about the reported rise in hate crimes, both offline and online, particularly those motivated by race, ethnicity, religion, sexual orientation and gender identity. The Committee expresses concern about the increase of racist, discriminatory, homophobic, transphobic and extremist discourse. The Committee is also concerned about the narrow definition of hate crimes and by the fact that neither hate crimes targeting racial or ethnic minorities, nor discrimination based on sex characteristics, are explicitly prohibited under federal law. The Committee is concerned by reports about significant underreporting of hate crimes, owing in part to the reluctance of victims to disclose their ethnicity, religion, gender identity or sexual orientation. The Committee notes the State Party's commitment to improving the collection of data on hate crimes (arts. 2, 19, 20, 26 and 27).

18. **The State Party should, also in line with recommendations made by the Committee on the Elimination of Discrimination against Women,<sup>8</sup> bring its legislation**

<sup>6</sup> See [CCPR/C/CAN/CO/6](#).

<sup>7</sup> See [CERD/C/CAN/CO/21-23](#).

<sup>8</sup> See [CEDAW/C/CAN/CO/10](#).

**on hate crimes into full conformity with international human rights standards, including by broadening the legal definition of hate crimes. It should also:**

(a) **Take effective measures to prevent and publicly condemn hate speech, ensure that all offline and online hate crimes are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to adequate remedies;**

(b) **Encourage and facilitate the reporting of hate crimes and ensure that victims have access to appropriate support services, including legal assistance and psychological support;**

(c) **Improve the collection of comprehensive and disaggregated data on both online and offline hate crimes.**

### **Gender equality**

19. While appreciating the measures adopted by the State Party to promote gender equality, such as the Pay Equity Act, which came into force in 2021, the Committee remains concerned about the persistence of gender inequalities across the State Party, including a significant gender pay gap that remains particularly high among low-income Indigenous and marginalized women. The Committee regrets that certain provinces lack dedicated equal-pay legislation. The Committee also regrets that despite efforts by the State Party, there is continued underrepresentation of women, particularly Indigenous and minority women, in leadership roles within public administration, corporate governance and political life. The Committee is also concerned that Indigenous women's organizations are not meaningfully included in the nation-to-nation approach (arts. 3 and 26).

**20. In line with recommendations of the Committee on the Elimination of Discrimination against Women,<sup>9</sup> the State Party should intensify its efforts to ensure the effective equality of men and women in all spheres. In particular, it should take measures to increase the participation of women, especially Indigenous and minority women, in political and public life and in leadership positions in both the public and private sectors. The State Party should ensure that Indigenous women's organizations are meaningfully included in the nation-to-nation approach and fully integrated in consultation and decision-making processes. It should also strengthen efforts to address the wage gap between women and men and ensure the effective implementation of the principle of equal pay for work of equal value, including through the adoption of appropriate legislative measures across all provinces and territories.**

### **Violence against women and domestic violence**

21. The Committee takes note of the measures adopted by the State Party to prevent and address gender-based violence, including the federal strategy entitled "It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence" (2017), the National Action Plan to End Gender-Based Violence (2022), and similar initiatives at the provincial and territorial levels, such as in the Province of New Brunswick. Nevertheless, the Committee remains concerned about the high prevalence of domestic and gender-based violence in the State Party, which disproportionately affects women and girls from Indigenous Peoples or from racial or ethnic minorities and 2SLGBTQI+ persons. It is also concerned by reports of insufficient protection and support services, particularly in remote areas, including limited availability of shelters and legal aid services, as well as by the obstacles victims face in reporting violence and accessing justice, such as the lack of trauma-informed policing practices, lengthy and adversarial legal processes and inadequate coordination among police, courts and social services. The Committee notes reports raising concerns about the lack of transparency, oversight and clarity of implementation processes related to the National Action Plan to End Gender-Based Violence (arts. 2, 3, 6, 7 and 26).

**22. The State Party should continue and strengthen its efforts to prevent, combat and eradicate all forms of violence against women and girls and ensure comprehensive**

<sup>9</sup> Ibid.

protection and support for all victims of gender-based violence. In particular, the Committee calls on the State Party:

(a) To ensure that all cases of violence against women, including domestic violence, are impartially, thoroughly and promptly investigated, and that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence;

(b) To ensure that all victims have adequate access to effective remedies and to protection and assistance services, including shelters and medical, psychosocial and legal support, across the entire territory of the State Party;

(c) To ensure the effective implementation of the National Action Plan to End Gender-Based Violence, including by establishing an independent oversight and accountability mechanism to assess the effectiveness of measures and investments made under the Plan;

(d) To strengthen existing mechanisms to encourage and facilitate the reporting of cases of violence against women, including by ensuring that all women have access to information about their rights and available remedies;

(e) To increase targeted and compulsory training for public officials, including judges, lawyers, prosecutors, law enforcement officials and healthcare and social service providers, on recognizing and handling cases of violence against women;

(f) To strengthen public awareness-raising campaigns aimed at addressing social and cultural norms and stereotypes that perpetuate or condone gender-based violence.

#### Counter-terrorism measures

23. The Committee takes note of the information provided by the State Party indicating that it does not conduct mass surveillance, and notes the establishment of the National Security and Intelligence Review Agency and the Office of the Intelligence Commissioner. However, it remains concerned about reports indicating that surveillance activities have been significantly expanded for broadly defined “national security” purposes, including against racial or ethnic minorities and advocates for environmental rights, land rights or the rights of Palestinians. The Committee is also concerned about the proposed strong borders act (Bill C-2), which, according to reports, would further expand the surveillance powers of authorities, including through the removal of certain privacy protections. It is further concerned about the proposed combating hate act (Bill C-9), which criminalizes the public display of certain symbols, raising concerns about the potential instrumentalization of a vague definition of what constitutes a terrorist symbol and possible misuse of the act to silence dissenting activism. Regarding the Secure Air Travel Act and the 2019 amendments to the Secure Air Travel Regulations, the Committee is concerned by reports of insufficient procedural safeguards for individuals placed on no-fly lists and deficiencies of review mechanisms (arts. 12, 14, 17 and 20).

24. Taking into account the Committee’s previous recommendations,<sup>10</sup> the State Party should ensure that its legislation and its national and border security, counter-terrorism and surveillance activities fully comply with the provisions of the Covenant. In addition, the State Party should refrain from adopting broad or vague definitions of “national security” or “counter-terrorism” as grounds for restricting rights. The State Party should also ensure the existence of adequate legal safeguards, meaningful transparency standards and effective and accessible remedy mechanisms.

#### Murdered and missing Indigenous women and girls

25. The Committee welcomes the release of the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the adoption of the Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan, as

<sup>10</sup> CCPR/C/CAN/CO/6, para. 10.

well as initiatives such as the Red Dress Alert in Manitoba. However, the Committee is concerned about the sustained rates of violence, including lethal violence, against Indigenous women; the lack of sufficient preventive measures to identify the roots of such structural violence, including patriarchal and racial stereotypes, and to protect Indigenous women and girls from such violence; and the lack of concrete measures to ensure effective implementation of the recommendations contained in the final report (arts. 6, 7, 14, 26 and 27).

**26. The State Party should, also in line with recommendations of the Committee on the Elimination of Discrimination against Women,<sup>11</sup> fully implement the calls for justice contained in the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls while ensuring the full and meaningful participation of Indigenous Peoples, particularly Indigenous women and girls, and increase the human and financial resources to ensure their effective implementation. The State Party should also:**

(a) **Ensure that all cases of violence against Indigenous women and girls are thoroughly and promptly investigated, and that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence; and consider reopening unsolved cases of missing and murdered Indigenous women and girls;**

(b) **Ensure that all victims have adequate access to effective remedies and to culturally appropriate means of protection and assistance, as well as guarantees of non-repetition;**

(c) **Address the root causes of all forms of violence against Indigenous women and girls and increase the provision of culturally sensitive training to public officials, including judges, lawyers, prosecutors, law enforcement officials, and healthcare and social service providers.**

#### **Arms transfer**

27. The Committee is concerned that, despite the provisions of the Export and Import Permits Act, the State Party's accession to the Arms Trade Treaty, in 2019, and the country's existing arms-export control regime, arms originating from business enterprises domiciled in the territory of the State Party or under its jurisdiction have reportedly reached conflict zones where they may have been used to commit or facilitate serious violations of international human rights law and international humanitarian law (arts. 2 and 6).

**28. In line with the Committee's general comment No. 36 (2018) on the right to life, the State Party should strengthen its efforts to prevent, address and mitigate the adverse human rights impacts of arms transfers and exports, including by reviewing and, where necessary, revising its legislation and administrative framework and reinforcing human rights due diligence procedures. In this regard, the State Party should:**

(a) **Ensure that arms-export controls and licensing decisions comply with the Covenant and other international instruments, for both direct and indirect arms exports, particularly where transfers may foreseeably contribute to violations of international human rights law and international humanitarian law;**

(b) **Ensure that all allegations of unlawful arms transfers are promptly, thoroughly and impartially investigated, and that perpetrators are prosecuted and, if convicted, punished.**

#### **Children with variations of sex characteristics (intersex)**

29. The Committee is concerned that the Criminal Code does not explicitly prohibit physicians from performing genital surgeries on intersex children for the purpose of achieving a "normal" sexual appearance or function without the informed consent of the child. The Committee notes that the State Party has not yet launched the public consultation

<sup>11</sup> See CEDAW/C/CAN/CO/10.

envisioned in the Federal 2SLGBTQI+ Action Plan (2022) regarding criminal law reforms aimed at prohibiting “purely cosmetic surgeries on intersex children’s genitalia until they are mature enough to provide consent” (arts. 7, 9, 17, 24 and 26).

**30. The State Party should, in line with recommendations of the Committee on the Rights of the Child,<sup>12</sup> amend its legislation, including the Criminal Code, to ensure that intersex children are not subjected to medically unnecessary surgeries without their full, free and informed consent. The State Party should guarantee access to remedies and effective reparation for victims, including mental-health and social services, as well as legal assistance. It should also:**

**(a) Strengthen awareness-raising and education programmes on the harmful consequences of such practices and on the rights of intersex children and adolescents, with a particular focus on health professionals;**

**(b) Take the measures necessary to conduct a public consultation on the prohibition of medically unnecessary surgeries on intersex children until they are mature enough to provide informed consent.**

### **Climate change**

31. The Committee takes note of the initiatives adopted by the State Party to prevent and mitigate the effects of climate change and environmental degradation. However, the Committee is concerned about the State Party’s position according to which the right to life does not, or would not, create positive obligations. It is also concerned about the adverse impact of climate change and environmental degradation on the right to life, particularly for Indigenous Peoples and other individuals in situations of vulnerability. The Committee is also concerned about reports indicating that the State Party is expanding its fossil fuel production and increasing investments in fossil fuel projects (art. 6).

**32. In accordance with article 6 of the Covenant and in the light of the Committee’s general comment No. 36 (2018), the State Party should strengthen its climate mitigation and adaptation policies to ensure the protection of the right to life, particularly for Indigenous Peoples and persons in vulnerable situations. It should also:**

**(a) Ensure sustainable use of natural resources, develop and implement substantive environmental standards, conduct environmental assessments and adopt a precautionary approach to protecting persons, especially Indigenous persons and persons in the most vulnerable situations;**

**(b) Ensure that all projects with an impact on climate change and environmental degradation are developed with the meaningful participation of all affected populations and in particular with the free, prior and informed consent of affected Indigenous Peoples;**

**(c) Redouble efforts to develop and expand sustainable and renewable alternatives to fossil fuels, while stepping up measures to reduce reliance on fossil fuels.**

### **Liberty and security of person, and drug use**

33. The Committee is concerned about legislative frameworks in certain provinces that allow for the deprivation of liberty of persons merely on the basis of substance use, which may result in the detention and treatment of individuals without their free and informed consent. It is concerned about reports that in Manitoba provisions of The Protective Detention and Care of Intoxicated Persons Act permit the involuntary detention of intoxicated persons for protection and care for up to 72 hours; that in Alberta the Compassionate Intervention Act allows for the involuntary apprehension, assessment and treatment of persons whose substance use is considered likely to cause serious harm to themselves or others; and that in Ontario the government has made it illegal to consume illicit drugs in public spaces, with potential penalties including imprisonment. The Committee is concerned about the very high

<sup>12</sup> See [CRC/C/CAN/CO/5-6](#).

number of deaths related to drug toxicity, which particularly affects persons experiencing homelessness and poverty and disproportionately affects Indigenous persons (arts. 6 and 9).

34. **The State Party should review its legal and policy frameworks concerning drug use and dependency with a view to ensuring that responses to drug situations are based primarily on public health, harm reduction and human rights considerations, rather than punitive approaches, in line with the International Guidelines on Human Rights and Drug Policy. It should also ensure that persons who use drugs are not detained solely on the basis of drug use, that treatment is voluntary and that informed consent is a precondition for any medical treatment or intervention.**

#### **Treatment of persons deprived of their liberty**

35. The Committee is concerned by reports that refer to a high rate of suicide and the prevalence of sexual violence in places of detention, the excessive use of solitary confinement, the use of restraints on detainees, and inadequate access to healthcare services, including mental healthcare, in detention facilities (art. 10).

36. **The State Party should take effective measures to ensure that conditions of detention are fully compliant with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other relevant international standards. In particular, it should:**

(a) **Strengthen its efforts to prevent suicide and self-harm in custody and ensure that all deaths in custody are promptly, effectively and independently investigated in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and also strengthen the efforts to prevent, combat and eradicate all forms of sexual violence;**

(b) **Ensure that all persons in all places of detention have access to adequate healthcare, including mental healthcare;**

(c) **Consider establishing an independent oversight mechanism for the administration of penitentiary and protective detention facilities, and ensure that the mandate of the mechanism includes regular inspections and public reporting;**

(d) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establishing a national preventive mechanism to monitor conditions in all places of detention.**

#### **Repatriation of persons from conflict zones**

37. The Committee notes the efforts made by the State Party since 2020 to repatriate eight Canadian women and 22 children from the north-east of the Syrian Arab Republic. However, the Committee is concerned about reports indicating that at least nine men and five Canadian children, together with two mothers who are not Canadian nationals, continue to be held in very difficult conditions in the north-east of the Syrian Arab Republic. The Committee regrets that the children can be repatriated only without their mothers (arts. 6, 7 and 24).

38. **The State Party should intensify its efforts to repatriate all its nationals currently held in armed conflict zones, in particular in the Syrian Arab Republic, together with the mothers of the Canadian children, through a clear and fair procedure that upholds the principle of the best interests of the child and ensures adequate access to rehabilitation services and care upon repatriation.**

#### **Trafficking in persons**

39. The Committee expresses concern about the very low number of convictions for trafficking in persons, despite the large number of incidents reported to the police, the number of cases brought forward and the number of charges laid by the authorities between 2015 and 2022. It regrets the absence of information from the State Party regarding reparations granted to victims. The Committee notes with concern the lack of clarity surrounding the renewal of the National Strategy to Combat Human Trafficking. The Committee is also concerned that

the Temporary Foreign Worker Program, through the use of employer-tied permits, may expose migrant workers, many of whom belong to vulnerable groups, to labour exploitation, abuse and discrimination, while creating significant barriers to reporting violations, due to fear of deportation. The Committee is also concerned by reports indicating that Indigenous and marginalized persons face heightened risks of trafficking and sexual exploitation (arts. 2, 7, 8 and 26).

**40. The State Party should strengthen its efforts to effectively prevent, combat and punish trafficking in persons, as well as sexual and labour exploitation. In particular, it should:**

**(a) Ensure that all cases of trafficking in persons and of exploitation are promptly, thoroughly, effectively and impartially investigated, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence, and that victims receive full reparation, including restitution and compensation;**

**(b) Continue providing specialized and culturally appropriate training programmes for police officers, immigration officials, border guards, prosecutors, judges, lawyers and other relevant stakeholders to improve their capacity to identify, investigate and prosecute such cases and to address the needs of victims effectively, including through identification and referral mechanisms;**

**(c) Expedite the renewal of the National Strategy to Combat Human Trafficking through a transparent and inclusive consultation process involving victims, vulnerable groups and front-line service providers, and ensure that adequate funding is allocated for the effective implementation of the Strategy;**

**(d) Strengthen labour inspections and prevent the exploitation of migrant workers under the Temporary Foreign Worker Program, including through the review of employer-tied work permits, and ensure accessible and safe procedures by which workers can report abuse without fear of deportation or reprisals.**

#### **Treatment of aliens, including migrants, refugees and asylum-seekers**

41. The Committee remains concerned that the State Party maintains no statutory time limit on immigration detention, resulting in situations where individuals may be deprived of their liberty for prolonged and potentially indefinite periods. While the Committee notes the termination of agreements enabling the use of provincial jails for immigration detention, it is concerned by reports about carceral-type conditions in immigration holding centres and “immigration stations” within federal correctional facilities. The Committee is concerned that children, and persons in situations of particular vulnerability, including persons with mental-health conditions, continue to be detained or housed in immigration detention settings. The Committee is also concerned by information indicating that the enhanced independent oversight body – the Public Complaints and Review Commission – mandated to supervise the activities of the Canada Border Services Agency is not yet fully operational, despite the Agency’s extensive powers regarding the arrest, detention and removal of foreign nationals (arts. 7, 9, 10, 12, 13 and 24).

**42. Taking into account the Committee’s previous concluding observations<sup>13</sup> and in line with recommendations by the Committee on the Rights of the Child,<sup>14</sup> the State Party should:**

**(a) Establish a statutory time limit on the duration of immigration detention and ensure that detention is used only as a measure of last resort and for the shortest possible period of time, increase the use of alternatives to detention that are respectful of human rights, ensure access to effective remedies, and guarantee that children are not deprived of their liberty merely for immigration-related purposes;**

<sup>13</sup> See [CCPR/C/CAN/CO/6](#).

<sup>14</sup> See [CRC/C/CAN/CO/5-6](#).

(b) **Ensure that the immigration detention regime is subject to appropriate independent oversight and that effective remedies are available, and ensure that the living conditions and treatment of migrants in detention comply with international standards;**

(c) **Accelerate the establishment and operationalization of the Public Complaints and Review Commission.**

43. The Committee is concerned by reports indicating that the Strengthening Canada's Immigration System and Borders Act (Bill C-12), currently pending final approval, may weaken refugee protection in the State Party. In particular, the Bill reportedly introduces new ineligibility provisions under which certain asylum claims are no longer referred to the Immigration and Refugee Board of Canada, thereby restricting access to an effective refugee-status determination procedure. The Committee notes that individuals rendered ineligible under these provisions are instead directed to the pre-removal risk assessment, which is an administrative process that reportedly lacks adequate procedural safeguards. The Committee notes the designation of the United States of America as a safe country under the Immigration and Refugee Protection Act and the Canada-United States Safe Third Country Agreement and expresses concern about the potential consequences this may have for asylum-seekers transiting through the United States, including the risk of "chain refoulement" (arts. 6, 7 and 13).

44. **The State Party should ensure that all persons seeking international protection have unfettered access to the national territory and to fair and efficient procedures, with all necessary procedural safeguards, for the individualized determination of refugee status or other forms of international protection, in full compliance with the principle of non-refoulement. It should also ensure that its legislation, including Bill C-12, is fully compliant with those requirements and guarantees access to effective remedies. The State Party should review the designation of the United States as a safe third country to ensure that the State Party fully complies with the principle of non-refoulement and guarantees effective access to fair and efficient asylum procedures and remedies.**

#### **Right to privacy**

45. The Committee is concerned that certain provisions of the proposed cybersecurity act (Bill C-8), which would amend the Telecommunications Act, may adversely affect the right to privacy. In particular, the Committee is concerned about reports indicating that the Bill would authorize the Government to require companies to intercept sensitive telecommunications data without prior judicial authorization, and without significant restrictions on how the personal information obtained may be used. The Committee is also concerned that the Government could compel companies to break critical technical safeguards, such as encryption (art. 17).

46. **The State Party should ensure that legislation regarding cybersecurity, surveillance or other forms of interference with privacy fully complies with article 17 of the Covenant and with the principles of legality, proportionality, necessity and transparency. It should also ensure that such legislation includes effective safeguards, including judicial review, independent oversight and adequate remedies.**

#### **Freedom of conscience and religious belief**

47. The Committee is concerned by reports that the Act respecting the Laicity of the State (Bill 21), adopted by the Province of Québec in 2019, perpetuates discrimination by disproportionately targeting religious minorities, particularly Muslim women who wear the hijab, by prohibiting public employees in positions of authority from wearing visible religious symbols while performing their duties, resulting in barriers to employment and career advancement. The Committee is also concerned by Bill 94, introduced in Québec in 2025 on strengthening secularism in the education system and amending various legislative provisions, and by the tabling of Bill 9, on strengthening secularism in Québec, which would expand secularism measures in ways that reportedly intensify the discriminatory effects associated with Bill 21 (arts. 2, 18, 19 and 26).

48. **In accordance with article 18 of the Covenant and in the light of the Committee's general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, the State Party should guarantee the effective exercise of freedom of religion or belief and freedom to manifest a religion or belief, either individually or in community with others, and in public or private, without being unduly penalized. It should adopt all measures necessary to ensure that all relevant bills, laws and practices, including the Act respecting the Laicity of the State (Bill 21), Bill 9 and Bill 94 in Québec, are revised, with a view to removing any restriction that exceeds the narrow limitations permitted under article 18 of the Covenant.**

#### **Freedom of expression and peaceful assembly**

49. The Committee is concerned by the criminalization of defamation under sections 300 and 301 of the Criminal Code, which provide for penalties of up to five years' imprisonment for the publication of defamatory libel. The Committee is concerned by reports of restrictions on peaceful assemblies, including the removal of demonstrators from protest encampments on university campuses, which may have a chilling effect on the exercise of the right of peaceful assembly and the right to academic freedom. Despite the safeguards adopted by the State Party, the Committee is also concerned about elements of the proposed combatting hate act (Bill C-9), which would create new Criminal Code offences related to intimidation and obstruction of access to places of worship, schools, community centres and other locations primarily used by an identifiable group (arts. 19 and 21).

50. **The State Party should:**

(a) **Take all measures necessary to guarantee that everyone can exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, as well as academic freedom, and ensure that any restriction complies with the strict requirements of article 19 (3);**

(b) **Consider decriminalizing defamation and restrict the application of criminal law to the most serious defamation cases, bearing in mind that imprisonment is never an appropriate penalty for defamation;**

(c) **In the light of article 21 of the Covenant and the Committee's general comment No. 37 (2020) on the right of peaceful assembly, facilitate exercise of the right of peaceful assembly and ensure that any restriction complies with the strict requirements of article 21 and the principles of legality, proportionality and necessity.**

#### **Rights of the child**

51. The Committee takes note of the significant financial and operational commitments undertaken by the State Party in implementing Jordan's Principle. However, it regrets that gaps persist in ensuring children's equal and timely access to essential services, including backlogs and uneven regional implementation. The Committee is also concerned about obstacles to universal and immediate birth registration, particularly for Indigenous children and those living in remote areas. It expresses concern at the absence of an explicit prohibition of corporal punishment in all settings, including the home (arts. 23, 24, 26 and 27).

52. **The State Party should:**

(a) **Ensure that all essential services for Indigenous people are delivered on an equitable, adequate and culturally appropriate and timely basis and increase its efforts to achieve the full and uniform implementation of Jordan's Principle across all regions;**

(b) **Continue efforts to remove practical obstacles to birth registration, including in remote areas and for Indigenous children;**

(c) **Enact legislation explicitly prohibiting corporal punishment of children in all settings and strengthen efforts to promote non-violent forms of discipline.**

### **Rights of Indigenous Peoples**

53. The Committee welcomes the adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act, the corresponding action plan and the National Council for Reconciliation Act, and notes the measures taken towards their implementation. However, it is concerned by the absence of an effective mechanism to monitor and enforce the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act and the corresponding action plan. The Committee is concerned by reports indicating inadequate or lack of consultations with Indigenous Peoples to obtain their free, prior and informed consent regarding economic development projects that affect their territories, as well as regarding the drafting and adoption of federal and provincial legislation affecting their rights, including the One Canadian Economy Act (Bill C-5). The Committee is also concerned about reports indicating that the proposed Québec Constitution Act (Bill 1), introduced in 2025, fails to recognize the rights of Indigenous Peoples to self-determination and to their lands, territories and natural resources. The Committee is also concerned at the restricted application of the Framework Agreement on First Nation Land Management Act prevents Indigenous Peoples whose territories extend beyond reserve lands from exercising ownership, use or control over their territories. The Committee is concerned that Indigenous Peoples continue to face significant barriers in accessing essential public services in their own languages, including in public education, healthcare and the justice system (arts. 1 and 27).

54. **The State Party should redouble its efforts to promote, protect and recognize the rights of Indigenous Peoples, particularly with regard to their lands, territories, resources, culture, languages and ways of life. It should also:**

(a) **Guarantee the effectiveness and systematic application of participation and consultation processes necessary to obtain the free, prior and informed consent of Indigenous Peoples, including in relation to legislative measures and economic development projects that may affect them;**

(b) **Fully implement the United Nations Declaration on the Rights of Indigenous Peoples Act and the corresponding action plan, including by ensuring sufficient human and financial resources for their effective implementation, and establish an independent monitoring and enforcement mechanism with the full and meaningful participation of Indigenous Peoples;**

(c) **Review legislation and development projects adopted without the free, prior and informed consent of Indigenous Peoples, including the One Canadian Economy Act, and ensure compatibility with their rights;**

(d) **Ensure access to justice and effective remedies for Indigenous Peoples affected by infrastructure or natural resource projects approved without their free, prior and informed consent;**

(e) **Guarantee recognition and protection, in law and in practice, of the rights of Indigenous Peoples to own, use and develop their lands, territories and resources, including those extending beyond reserve boundaries;**

(f) **Ensure the availability and accessibility of essential public services in Indigenous languages, including by increasing support for Indigenous-language education, guaranteeing culturally and linguistically appropriate healthcare and ensuring interpretation and translation services throughout the justice system;**

(g) **Ensure that the proposed Québec Constitution Act fully complies with the Covenant and with the United Nations Declaration on the Rights of Indigenous Peoples.**

55. The Committee takes note of the State Party's efforts to address gender-based discrimination under the Indian Act, including amendments aimed at removing the "cut-off rule". However, the Committee remains concerned that discriminatory effects persist against Indigenous women, particularly regarding the second generation cut-off rule, which continues to prevent the transmission of Indian status to the third generation, thereby denying affected individuals the entitlements and benefits linked to such status. The Committee is

also concerned about significant delays in processing registration applications under the Indian Act due to a substantial backlog (arts. 3 and 27).

**56. The State Party should increase its efforts to eliminate the remaining discriminatory effects of the Indian Act on Indigenous women and their descendants, including by adopting proposed amendments concerning the second-generation cut-off rule and ensuring equal enjoyment of associated rights and entitlements. It should also ensure the timely processing of registration applications, including by allocating adequate resources to eliminate the existing backlog.**

#### **D. Dissemination and follow-up**

**57. The State Party should widely disseminate the Covenant, the two Optional Protocols thereto, its seventh periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including Indigenous Peoples.**

**58. In accordance with rule 71 (5) of the Committee's rules of procedure, the State Party is requested to provide, by 19 March 2029, information on the implementation of the recommendations made by the Committee in paragraphs 36 (treatment of persons deprived of their liberty), 42 (treatment of aliens, including migrants, refugees and asylum-seekers) and 54 (rights of Indigenous Peoples) above.**

**59. In line with the Committee's predictable review cycle, the State Party will receive in 2032 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its eighth periodic report. The Committee requests the State Party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State Party will take place in Geneva in 2034.**

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