



# **Canadian Human Rights Commission**

## **Submission to the Human Rights Committee on the occasion of Canada's 7<sup>th</sup> Periodic Review**

**February 2026**

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## 1. The Canadian Human Rights Commission

The Canadian Human Rights Commission (CHRC) is Canada's national human rights institution. It has been accredited "A-status" by the Global Alliance of National Human Rights Institutions since 1999 and, most recently, in 2023.

Established by Parliament through the Canadian Human Rights Act (CHRA) in 1977<sup>1</sup> the Commission has a broad mandate to promote and protect human rights and freedoms in Canada. Operating at arm's length from the federal government, our mission is to promote an inclusive Canada where every person is free to claim their human rights and create the life that they wish for themselves. Together, we work towards a Canada where everyone can be included, and live a life of dignity, justice and respect – free from discrimination.

We do this in many ways: We advocate for human rights in Canada; we support the Pay Equity Commissioner, the Accessibility Commissioner, and the Federal Housing Advocate in carrying out their responsibilities under the Pay Equity Act, the Accessible Canada Act, and the National Housing Strategy Act, respectively; we monitor and enforce regulated entities' compliance with the requirements under the Employment Equity Act; and we screen and, where possible, help resolve human rights complaints from people in Canada who believe they have experienced discrimination.

In 2019, the CHRC was designated as a body responsible for monitoring the Government of Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in accordance with article 33.2 of the Convention. As this Committee will note, the rights of people with disabilities are woven throughout this submission, recognizing the ways in which people with disabilities may be disproportionately or uniquely impacted by the issues under discussion. We encourage the Committee to carefully consider these experiences, and ensure that the perspectives of people with disabilities are included throughout the Concluding Observations.

As we advance through the Second United Nations Decade for People of African Descent, this submission also highlights ongoing challenges that continue to disproportionately affect people of African descent.

The CHRC is committed to working with the Government of Canada as well as domestic and international partners and stakeholders to ensure continued progress in the protection of human rights, including Canada's implementation of the rights and obligations enshrined in the International Covenant on Civil and Political Rights

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<sup>1</sup> Available on the [Justice Canada website](#). Although Canada's human rights laws are not part of the Constitution, they are considered "quasi-constitutional" in nature, meaning that all other laws must be interpreted in a manner consistent with human rights law.

(ICCPR). In the spirit of constructive engagement, the CHRC submits this report to the Human Rights Committee on the occasion of Canada's 7<sup>th</sup> periodic review.

## 2. Context

This review takes place as Canada faces some of the most significant challenges in generations, including a substantial cost-of-living crisis, which, at its core, is a human rights crisis. As an alarming number of people in Canada face food insecurity, as well as increasing levels of poverty and homelessness, the fundamental human right to an adequate standard of living is at risk. For people in Canada who were already facing long-standing and intersecting barriers to equity, the cost-of-living crisis has compounded those barriers.

The CHRC notes that some legislative progress has been made towards recognizing economic and social rights as human rights. For example, the human right to adequate housing was enshrined in the 2019 National Housing Strategy Act. Yet, there is limited ability to pursue judicial or other recourse for violations of these rights. No ground of discrimination relating to economic or social disadvantage exists in federal human rights legislation.

The CHRC is also acutely aware that those who experience socioeconomic inequality encounter additional barriers in accessing justice for violations of their rights, including those under the ICCPR. These barriers may include a lack of awareness or knowledge about avenues of recourse and supports, lengthy wait times to have issues resolved, financial barriers, communication barriers<sup>2</sup> and other limitations.

Throughout this review, we urge the Committee to emphasize the interdependence and indivisibility of civil and political rights and economic, social and cultural rights. As will be highlighted throughout this submission, the inability to access the right to an adequate standard of living is at the root of the violations of civil and political rights that follow.

In addition, throughout this submission, the CHRC has taken an intersectional approach, which is cognizant of the reality that for each issue raised, the impacts on people may be disproportionate or unique depending upon their lived reality and experiences.

## 3. The Right to Life (Articles 1, 6)

### 3.1 Medical Assistance in Dying

Canada amended its Criminal Code in 2021 to expand access to Medical Assistance in Dying (MAiD) to those with grievous and irremediable medical conditions whose death is not reasonably foreseeable.<sup>3</sup> Previously, access was limited to those whose natural death was reasonably foreseeable. While plans had been underway to further expand

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<sup>2</sup> Communication barriers can include a lack of sign language interpretation or plain language resources.

<sup>3</sup> See: [An Act to amend the Criminal Code \(medical assistance in dying\), S.C. 2021, c. 2.](#)

MAiD to include those whose sole underlying condition is a mental illness, this has been paused until March 2027.

Many advocates and experts in Canada and internationally continue to assert that the expansion of MAiD to those whose death is not reasonably foreseeable constitutes discrimination against people with disabilities, and that the risk of significant human rights harms will increase with any further expansion. A coalition of disability rights organizations has filed a legal challenge urging the court to strike down “Track 2” MAiD as unconstitutional, asserting that MAiD should only be available to people whose natural death is reasonably foreseeable.<sup>4</sup>

The CHRC remains deeply concerned by ongoing reports that people with disabilities are turning to MAiD because they cannot access the basic supports and services essential to living with dignity.<sup>5</sup> Many people with disabilities continue to be forced to live in institutions due to a lack of community-based supports and accessible housing.<sup>6</sup> Many cannot access healthcare, medication, equipment and supports they need due to financial and other barriers. This situation has worsened with the lingering effects of the COVID-19 pandemic and an ongoing cost of living crisis. Faced with systemic inequalities, some people with disabilities are accessing MAiD because they feel they do not have any other options.

The CHRC has heard from advocates that engagement on the issue of MAiD with Indigenous<sup>7</sup> peoples – First Nations, Inuit and Métis – has been insufficient to date. The CHRC has also heard that the views of some experts and those with lived experience who have expressed concern with the expansion of MAiD have been marginalized. Canada must ensure that Indigenous peoples, and those who are most vulnerable are listened to and their experiences are valued.

Accessing MAiD should not be the result of inequality, nor should it be the result of the State’s failure to fulfill its human rights obligations under the CRPD, the International Covenant on Economic, Social and Cultural Rights, the Canadian Charter of Rights and Freedoms, or human rights legislation.

As the Government takes a critical look at the expansion of MAiD, the CHRC urges it to conduct a thorough examination of what has happened since the coming into force of the existing legislation.<sup>8</sup> This must include collecting the evidence and testimony

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<sup>4</sup> Inclusion Canada. (2024). [Disability Rights Coalition Challenges Discriminatory Sections of Canada’s Assisted Dying Law in Court](#).

<sup>5</sup> Coelho, R. (2024). [Canadians with disabilities are dying needlessly](#).

<sup>6</sup> CHRC. (2024). [What we learned: Housing for people with disabilities](#).

<sup>7</sup> The term “Indigenous” or “Indigenous peoples” is used throughout this submission to refer to First Nations, Inuit and Métis peoples in Canada. The CHRC recognizes that rights holders have advocated for a distinctions-based approach to discussions on the rights of Indigenous peoples. First Nations, Inuit and Métis peoples experience distinct realities, have different needs, and should not be considered a monolithic group. The CHRC also recognizes the diversity of individuals and lived experiences within Indigenous communities, whether individuals live in their traditional territories or not. Where distinctions regarding specific groups can be made, this specification will be provided.

<sup>8</sup> See the CHRC’s website: [Ending one’s life must be a true and informed choice](#) (2024).

necessary to fully understand who is accessing MAiD and why. This is a crucial step in identifying and implementing the required safeguards to ensure that people are not making this decision because of unaddressed human rights harms.

In addition, following Canada's most recent review before the Committee on the Rights of Persons with Disabilities, the Committee recommended that Canada establish a federal independent oversight mechanism to monitor, regulate and handle complaints in relation to MAiD.<sup>9</sup> The CHRC agrees that independent oversight would provide help ensure greater transparency and accountability in the administration of MAiD.

The CHRC maintains that in an era where Canada recognizes the right to die with dignity, we must do more to realize the right to live with dignity. No further expansion of MAiD should be pursued until such times as a critical and thorough examination of what has happened since the coming into force of Track 2 MAiD has been conducted, and effective oversight has been established, noting that civil society advocates have proposed a delay in expansion of the regime pending the outcome of ongoing litigation.

**Recommendation #1:** That before taking further action on its expansion, Canada conduct a critical and thorough examination of what has happened since the coming into force of MAiD legislation, including by collecting the evidence and testimony necessary so that there is a clear understanding of who is accessing MAiD and why, and by ensuring that the experiences and concerns of those who are most marginalized are listened to, valued and addressed.

### 3.2 Homelessness and Encampments

The CHRC recognizes that disadvantaged communities and people living in vulnerable circumstances across Canada experience greater barriers in relation to housing. This includes Indigenous people, Black and racialized communities, women, people with disabilities, including those dealing with mental health and addiction issues, women and children experiencing domestic violence, those facing economic hardship, individuals identifying as 2SLGBTQI+,<sup>10</sup> and youth.<sup>11 12</sup>

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<sup>9</sup> See: Committee on the Rights of Persons with Disabilities (March 2025). [Concluding observations on the combined second and third periodic reports of Canada](#).

<sup>10</sup> 2SLGBTQI+ is an acronym for Two-Spirit, lesbian, gay, bisexual, transgender, queer and intersex. The + is inclusive of people who use additional terminologies.

<sup>11</sup> For example, British Columbia's Office of the Human Rights Commissioner noted that disaggregated demographic data about homeless populations in the province exposed the profound consequences of systemic racism, discrimination and colonialism. Their research confirmed that Indigenous populations were significantly overrepresented among the homeless. Members of 2SLGBTQI+ communities were also represented. They noted that over two-thirds of BC's homeless have multiple health conditions, including a third with acquired brain injuries and more than 4 in 10 with physical disabilities, noting that this could be connected to the discrimination that many people with disabilities face when trying to secure accessible housing. See: British Columbia's Office of the Human Rights Commissioner (2024) [Rights in focus: Lived realities in B.C.](#)

<sup>12</sup> While the Canadian Human Rights Commission has limited jurisdiction to accept housing-related complaints, provincial complaints data indicates that complaints related to housing-related discrimination

Adequate housing is a fundamental human right for every person in Canada, and is crucial to upholding the right to life, health and dignity. This right is enshrined in multiple international human rights instruments and is reaffirmed in the National Housing Strategy Act.

The CHRC and the Federal Housing Advocate (FHA)<sup>13</sup> are deeply concerned that governments are not putting in place the urgent measures required to prevent the deaths of people experiencing homelessness. According to the BC Coroner's Service, the annual death toll of people experiencing homelessness has nearly tripled in just a four-year period.<sup>14</sup> Further, some reports indicate that there is a disproportionate impact on women. For instance, in Toronto, the median age of death for women experiencing homelessness was 36 for the first 6 months of 2024.<sup>15</sup>

The homelessness crisis in Canada is also occurring in the context of a national opioid crisis and the heightened risks created by an unsafe drug supply. These risks coupled with unaddressed mental health and addictions needs compound the dangers faced by people experiencing homelessness.

The CHRC and the FHA are of the view that these tragedies can be prevented and are concerned that many governments and jurisdictions across the country are continuing to take an enforcement approach to homeless encampments and are reducing harm-reduction services, putting people at greater risk. There is also concern that the practice of street sweeps – including the removal of personal items – may compound risks for unhoused people. According to a 2025 study conducted in Vancouver, the confiscation of belongings worsens homelessness and the drug crisis by removing survival items, breaking up communities, and pushing people into riskier situations.<sup>16</sup>

As noted in this Committee's General Comment 36, "The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity." The Committee identified homelessness as one of the conditions that can threaten a person's life and prevent them from living in dignity. In her

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are on the rise. For instance, in 2022-2023 in New Brunswick, housing-related complaints escalated from four percent to 13% of total complaints received, which the New Brunswick Human Rights Commission noted was a "worrisome indicator of the state of housing rights" in the province. See: [Landlords must respect the human rights of all persons: commission chair](#).

<sup>13</sup> Appointed in 2022, Marie Josée Houle is Canada's first Federal Housing Advocate. The National Housing Strategy Act mandates the Advocate to monitor the national housing strategy, engage with rights holders and civil society, receive submissions from individuals and organizations, and produce reports with recommendations on systemic housing issues to the federal minister responsible for housing. The Advocate does not have enforcement powers and is not an individual recourse mechanism. The Office of the Federal Housing Advocate (OFHA) is located in the Canadian Human Rights Commission.

<sup>14</sup> CBC News. (2025). [Over 450 homeless people died in B.C. in 2023, according to coroner](#).

<sup>15</sup> For men experiencing homelessness the median age was 50. See: CP24. (2025). [Median age of death for unhoused women in Toronto drops to 36](#).

<sup>16</sup> Vancouver Sun. (2025). [Swept aside: Study links Vancouver's 'street sweeps' of homeless to greater risk of overdose, violence](#).



recent report,<sup>17</sup> the FHA called on the federal government to lead a National Encampments Response Plan that would act urgently to save lives while working to progressively realize the right to adequate housing.

While the CHRC and the FHA welcome the government's announcement of funding<sup>18</sup> in response to homeless encampments, it is unclear how it will be used to meet the immediate need to protect the lives of people who are unsheltered.

The CHRC and FHA continue to urge governments at all levels for a coordinated and swift response to ensure the right to safe, dignified and secure housing for people facing homelessness across Canada. This includes ensuring fulfillment of the obligations as outlined in the National Protocol for Homeless Encampments in Canada,<sup>19</sup> issued by the former UN Special Rapporteur on the Right to Adequate Housing.

**Recommendation #2:** That Canada implement the FHA's recommendations to address homeless encampments. All levels of government must take immediate action to protect the right to life and dignity of all people living in encampments, reduce the risks that they face, and help them to stabilize their situation, including:

- a. Immediately end forced evictions of encampments, particularly on public lands, as a violation of human rights protected by section 7 of the Canadian Charter of Rights and Freedoms as well as the right to life and the right to adequate housing under international law.
- b. Ensure that laws, regulations and bylaws do not further destabilize encampments and expose residents to greater risk of harm and violence.
- c. Fulfill their human rights responsibilities to ensure that everyone living in encampments has access without discrimination to the necessities of life and the services needed to protect their physical and mental health, including access to water, food, sanitation, and heating and cooling, accessibility supports, healthcare and harm reduction services.
- d. Recognize the acute overrepresentation of Indigenous individuals amongst the population experiencing homelessness and take steps to uphold their rights, particularly the right to life.
- e. Ensure drop-in shelters are accessible 24/7 throughout the year to provide people with a dignified place to rest, take refuge from the elements and access services.

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<sup>17</sup> The Office of the Federal Housing Advocate. (2024). [Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments – Final report](#).

<sup>18</sup> See the Government of Canada's [Budget 2024](#) at page 81.

<sup>19</sup> UN Special Rapporteur on the Right to Housing. (2020). [A national protocol for homeless encampments in Canada: A human rights approach](#).



### 3.3 Climate Justice

The CHRC remains concerned that across Canada, people are becoming increasingly vulnerable to the health, economic and social effects of the climate crisis. Many young people cite climate change as the defining issue of their generation, with a large majority of children and youth in Canada both environmentally aware and concerned.

Following the 2021 United Nations resolution that formally recognized the human right to a safe, clean, healthy and sustainable environment for the first time, the Government of Canada enshrined the right to a healthy environment into law through the Strengthening Environmental Protection for a Healthier Canada Act. However, this right only applies to the Canadian Environmental Protection Act<sup>20</sup> and does not create a substantive right to a healthy environment nor does it prescribe a standard of environmental protection. While acknowledging that this legislative gap remains, the CHRC is encouraged by efforts underway to advance environmental justice as part of the National Strategy Respecting Environmental Racism and Environmental Justice Act.<sup>21</sup>

The CHRC emphasizes that environmental concerns can have additional and compounding negative effects on marginalized communities due to socioeconomic disadvantage and environmental racism. As people with disabilities face barriers to human rights including financial security, transportation, healthcare, and humanitarian assistance, their vulnerability to the effects of climate change is compounded.<sup>22</sup> For example, during an extreme heat wave in British Columbia in summer 2021, older people and people with disabilities were overwhelmingly overrepresented among heat-related deaths.<sup>23</sup> Other populations are also adversely impacted by extreme weather events, including people with insecure or no housing, women experiencing gender-based violence and socioeconomic disadvantage, and migrant workers.<sup>24</sup>

Indigenous, Black and other racialized communities often experience environmental racism, whereby polluting industries and environmentally hazardous activities, such as landfills, trash incinerators, coal plants and toxic waste dumps are disproportionately

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<sup>20</sup> Government of Canada. (2023). [Strengthening Environmental Protection for a Healthier Canada Act](#).

<sup>21</sup> As of 2025, [engagement activities](#) are underway by Environment and Climate Change Canada to aid in the development of a national strategy to promote efforts across Canada to advance environmental justice and to assess, prevent and address environmental racism.

<sup>22</sup> Center for International Environmental Law (CIEL), Council of Canadians with Disabilities (CCD), & Inclusiva. (2019). [The Rights of Persons with Disabilities in the Context of the UN Framework Convention on Climate Change](#).

<sup>23</sup> Human Rights Watch. (2021). [Canada: Disastrous Impact of Extreme Heat](#).

<sup>24</sup> British Columbia's Office of the Human Rights Commissioner. (2024). [Rights in focus: Lived realities in B.C.](#) The Federal Housing Advocate has also heard about the increased risk to people experiencing homelessness caused by extreme weather, such as the heatwaves experienced in Southern Ontario in summer 2025. While most municipalities are getting better at planning and taking steps to mitigate the risks from cold weather in the winter, not enough is being done to understand and mitigate the health impacts of heat on people experiencing homelessness.

located near their communities.<sup>25</sup> Continuous exposure to industry-generated pollutants can lead to negative health impacts and, in some instances, life-threatening illnesses.<sup>26</sup>

For example, several polluting industries located in or proximal to Mi'kmaq and African Nova Scotian communities, have exposed residents to numerous health risks including an increased risk of consuming unsafe drinking water contaminated from industrial discharge and runoff of toxic wastes. This contributes to poorer health outcomes, as communities experiencing environmental racism are disproportionately impacted by higher rates of cancer, among other chronic illnesses and deaths.<sup>27</sup> Even decades after contamination, mercury poisoning is still affecting the Grassy Narrows First Nation.<sup>28</sup>

The CHRC shares the concerns expressed by advocates that existing mitigation, preparedness and response policies and practices with respect to the ongoing climate crisis are not inclusive of the needs of marginalized communities. This is why the CHRC continues to recommend that climate and environmental action and emergency initiatives, policies and programs meaningfully include disproportionately impacted populations at all stages of planning, implementation, and evaluation.

**Recommendation #3:** That Canada ensure that climate and environmental action and emergency initiatives, policies and programs meaningfully include disproportionately impacted populations at all stages of planning, implementation, and evaluation.

#### **4. The Rights of Indigenous Peoples (Articles 1, 2, 24, 26)**

The CHRC views the situation of Indigenous peoples as one of the most pressing human rights issues facing Canada today. Indigenous peoples in Canada continue to be significantly disadvantaged in terms of education, employment and access to basic needs such as water, food security and housing. These disadvantages are compounded for Indigenous peoples with disabilities. In addition, Indigenous peoples continue to face systemic anti-Indigenous racism and the ongoing effects of colonialization. Indigenous women and girls continue to experience systemic discrimination, bear a

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<sup>25</sup> Waldron, I. (2016). [Experiences of Environmental Health Inequities in African Nova Scotian Communities](#).

<sup>26</sup> National Collaborating Centre for Determinants of Health. (2017). [Learning from Practice: Advocacy for health equity - Environmental racism](#).

<sup>27</sup> supra note 25. For example, see Lincolntonville, a small African Nova Scotian rural community, with first and second-generation landfills. This community represents one of the more serious cases of environmental racism in Nova Scotia. Also, as part of the Commission's Fast Talk on Environmental Racism in Canada (April 2024), experts shared accounts of their fight for clean water in a historically Black community that relies on dug wells and whose water supply is contaminated as a result of environmental racism. Safe drinking water pipelines connecting to nearby communities bypass the Black community completely. Experts reported that communities are left without infrastructure for clean water, sewer systems, sustainable housing, and accessible roads to get in and out of their community, which compounds the disparities experienced from environmental racism. Moreover, several participants shared stories of high rates of chronic illness, such as cancer and respiratory illnesses, in impacted communities. See the CHRC's website: [Fast Talk on environmental racism in Canada](#).

<sup>28</sup> CBC News. (2022). [New study adds to body of proof connecting mercury poisoning to health issues in Grassy Narrows](#).

disproportionate burden of violence and are murdered or go missing at a disproportionately high rate. Survivors of violence and exploitation may also face unique compounded barriers to justice depending upon their lived experience and the combination of factors of oppression that they may face. The root causes of this racism, discrimination and violence are varied, complex, and intersectional.

Canada also has a long and dark history of institutionalized child neglect, abuse and discrimination, including systematically separating Indigenous children from their families, culture and identity. The legacy of the residential school system<sup>29</sup> and the ongoing and traumatic discovery of unmarked graves looms large over many aspects of Indigenous lives and continues to have a detrimental effect on the well-being of Indigenous communities in Canada.

For generations, Indigenous peoples in Canada have pushed for the recognition of their inherent right to self-determination and the full realization of their human rights. The CHRC acknowledges that the collective and individual rights of Indigenous peoples of all ages, genders and abilities will only be adequately protected or properly fulfilled when they are able to make their own decisions – through their own institutions and according to their own values and traditions. It is imperative that all laws, policies and decisions that impact the lives of Indigenous peoples are grounded in Indigenous rights, and developed with meaningful participation and engagement with Indigenous communities.

The United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan (the Action Plan)<sup>30</sup> sets out 181 specific measures that Canada will take with Indigenous peoples to implement the rights and principles affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) and advance reconciliation in a meaningful, tangible way. This includes measures intended to uphold and advance the human rights of Indigenous peoples, address injustices, prejudice, violence, systemic racism and discrimination, and advance self-determination and self-government.<sup>31</sup>

All of the issues raised above are the subject of measures included in the Action Plan and are among the Calls to Action of the Truth and Reconciliation Commission and the Calls for Justice of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

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<sup>29</sup> For over 150 years, residential schools operated in Canada. More than 150,000 children attended these schools. Many never returned. Often underfunded and overcrowded, these schools were used as a tool of assimilation by the Canadian state and churches. Thousands of students suffered physical and sexual abuse. All suffered from loneliness and a longing to be home with their families. The damages inflicted by these schools continue to this day. See: the National Centre for Truth and Reconciliation's [website](#) for more information.

<sup>30</sup> See: [The United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan](#). (2023).

<sup>31</sup> It also includes measures to advance the honourable implementation of treaties, agreements and other constructive arrangements, ensure meaningful participation by Indigenous peoples in decision-making over lands, territories, resources and inclusive economic development, and to revitalize Indigenous languages, cultures and legal systems.

However, Indigenous people have expressed concern that progress on these measures and Calls have been slow, and that federal officials have an inconsistent approach to consulting and cooperating with Indigenous peoples, which is a key principle in support of the UN Declaration and is a requirement of section 5 of the United Nations Declaration on the Rights of Indigenous Peoples Act. The CHRC notes that this will become even more important to monitor as Canada enters its new era of a commitment to Nation-building projects, many or all of which will have impacts on the rights of Indigenous peoples. For example, the enactment of the One Canadian Economy Act,<sup>32</sup> which seeks to fast-track projects deemed in the national interest, has raised many concerns among Indigenous organizations, particularly around inadequate consultation and inconsistencies with obligations under the United Nations Declaration on the Rights of Indigenous Peoples Act.<sup>33</sup>

The CHRC notes that the Indian Act – a colonial piece of legislation that governs many aspects of the lives of First Nations peoples in Canada – continues to be a source of criticism from advocates who describe it as inconsistent with the goals of reconciliation. While the Indian Act has been amended over time, these changes have been largely piecemeal and reactive, addressing isolated harms without dismantling the underlying colonial framework. As a result, concerns regarding Indigenous self-determination and systemic inequities remain unresolved. The CHRC believes that more substantial reform is necessary to eliminate discrimination in the Indian Act.

Indigenous peoples have called for the establishment of Indigenous-specific human rights mechanisms to address the unique and compounded barriers they face in accessing justice. In 2023, Canada appointed a Ministerial Special Representative who provided comprehensive recommendations on the creation of an Indigenous and Human Rights Ombudsperson to the Government in a May 2024 report.<sup>34</sup> In a similar vein, a December 2024 report from the Standing Senate Committee on Indigenous Peoples highlighted the many barriers experienced by Indigenous peoples within the current human rights system, and recommended the establishment of a new Indigenous human rights ombudsperson and tribunal to improve and increase access to justice for

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<sup>32</sup> See: Government of Canada (2025). [One Canadian Economy Act](#).

<sup>33</sup> These concerns include impacts on the environment, diminished decision-making and planning, disregard for the legal standard of free, prior and informed consent, and disruption to daily and traditional ways of living. See: Assembly of First Nations. (2025). [Statement from National Chief Regarding Building Canada Act: Enormous Responsibility Rests on MPs and Senators to Uphold the Honour of the Crown](#); and Chiefs of Ontario. (2025). [Chiefs of Ontario issue urgent warning on Bill C-5, the One Canadian Economy Act, and will rally on Parliament Hill](#).

<sup>34</sup> This action was taken in response to Call for Justice 1.7 in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. See the final report of the Ministerial Special Representative here: [Call for Justice 1.7 Final Report](#).

Indigenous peoples.<sup>35</sup> The CHRC fully supports the creation of specific human rights mechanisms for Indigenous peoples in Canada.<sup>36</sup>

**Recommendation #4:** That Canada fully implement the measures of the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan, the Calls to Action of the Truth and Reconciliation Commission, and the Calls for Justice of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. This includes taking a consistent approach to meaningful participation and engagement with Indigenous peoples.

**Recommendation #5:** That Canada enact the legislative reforms necessary to eliminate discrimination in the Indian Act without delay.

**Recommendation #6:** That Canada support the creation of human rights mechanisms for Indigenous peoples to advance decolonization and self-determination, and help address barriers to access to justice faced by Indigenous peoples within the current human rights system.

#### 4.1 Equitable and Adequate Services

Although some progress has been and continues to be made, many First Nations communities across the country continue to live without equitable and adequate housing, safe drinking water, and other essential services.

The CHRC has received a number of complaints relating to the availability of federal funding and supports for a broad range of public services delivered to First Nations peoples ordinarily resident on reserve. For example, complaints have been filed regarding the adequacy of federal funding and supports for police services, education, health, and home and community care, among others.<sup>37</sup>

One such case has generated a series of groundbreaking decisions from January 2016 to the present. In its initial rulings, the Canadian Human Rights Tribunal (the Tribunal) found the federal program and funding for child and family services on reserve and in the Yukon to be discriminatory. It also found the government liable for failing to properly implement Jordan's Principle – a child-first principle that promotes substantive equality by ensuring First Nations children get the services they need, considering their

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<sup>35</sup> Standing Senate Committee on Indigenous Peoples. (December 2024). [Respected and protected: Towards the establishment of an Indigenous human rights framework.](#)

<sup>36</sup> Canadian Human Rights Commission. (June 2024). [Independent Indigenous human rights system is overdue.](#)

<sup>37</sup> In one case, the Tribunal found the implementation of the First Nations Policing Program by Public Safety Canada was discriminatory towards a First Nation's members, because the Program's structure and funding did not allow the Nation to provide police services to the same level as those provided to non-Indigenous communities in the same province. This decision was recently upheld by the Federal Court of Appeal: Dominique (on behalf of the members of the Pekuakamiulnuatsh First Nation) v. Public Safety Canada, [2022 CHRT 4](#), upheld [2025 FCA 24](#).

geographic, historical and cultural circumstances.<sup>38</sup> The initial ruling finding discrimination led to a final ruling on remedies relating to individual financial compensation.<sup>39</sup> A final ruling on systemic reform of the First Nations Child and Family Services Program is outstanding.<sup>40</sup>

**Recommendation #7:** That Canada ensure that services for Indigenous people are equitable, adequate and culturally appropriate. Canada should ensure that First Nations, Inuit and Métis people have access to services that are relevant to and appropriate for them, based on their distinct culture and identity, and are empowered to stay in their communities while receiving care.

## 4.2 Forced or Coerced Sterilization

The October 2024 Concluding Observations of the Committee on the Elimination of Discrimination against Women noted with concern the persistence of the practice of forced sterilizations of Indigenous women. This is an issue that the CHRC has raised with several other human rights Committees and wishes to bring to the attention of the present Committee as well.

Historically, sterilization policies in Canada existed under the guise of public health, where sterilization was a condition of release from mental health institutions. These policies disproportionately affected Indigenous women.<sup>41</sup> Other groups disproportionately affected include Black and racialized women, people with disabilities, intersex children and institutionalized people.<sup>42</sup>

The CHRC remains concerned by reports that the practice of forced or coerced sterilization continues to this day. Survivors of coerced sterilization suffer from associated ailments and may avoid preventive healthcare services due to profound mistrust of the healthcare system and its authorities.<sup>43</sup>

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<sup>38</sup> First Nations Child & Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada), [2025 CHRT 6](#).

<sup>39</sup> First Nations Child and Family Caring Society of Canada and Assembly of First Nations et al. v. Attorney General of Canada: [2016 CHRT 2](#) (re liability); [2023 CHRT 44](#) (re compensation).

<sup>40</sup> Relying on the Tribunal's reasoning in the First Nations Child & Family Caring Society of Canada case, a group of educators has filed a complaint alleging their First Nations' schools are underfunded compared to neighbouring non-Indigenous provincial school divisions, leading to poorer outcomes for their students. In another case, a coalition of individuals with disabilities in Manitoba and their families have brought a complaint alleging First Nation adults with disabilities are not adequately supported to live healthy, meaningful, self-determined lives.

<sup>41</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#).

<sup>42</sup> Standing Senate Committee on Human Rights. (2022). [The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada – Part II](#).

<sup>43</sup> See note 42; and Boyer, Y., Bartlett, J. Saskatoon Regional Health Authority. (2017). [External Review: Tubal Ligation in the Saskatoon Health Region: The Lived Experience of Aboriginal Women](#).



A 2022 report from the Standing Senate Committee on Human Rights recommended that Canada adopt laws and policies to prevent forced or coerced sterilization, including by taking steps to address racism, ableism and other forms of discrimination in healthcare settings, and by providing support to people seeking recourse and care.<sup>44</sup>

**Recommendation #8:** That Canada implement the recommendations that are within its authority of the Standing Senate Committee on Human Rights to end forced or coerced sterilization and ensure redress, support and justice for survivors.

## **5. People Deprived of Their Liberty (Articles 2, 7, 9, 10, 14, 26)**

### **5.1 Federal Justice System**

In Canada's federal justice system, substantive progress towards addressing the realities of systemic and institutionalized racism and discrimination remains largely elusive. A number of issues require immediate attention, including over-incarceration, conditions of confinement, and the continued use of segregation practices that are tantamount to solitary confinement

#### Racial profiling, over-policing, and other antecedents to incarceration and overrepresentation

A web of complex and intersecting factors lies at the root of the “pipeline to prison” and the over-incarceration of certain groups. These factors include historical disadvantage; systemic and institutional racism; colonization and the legacy of the residential school system; discrimination and violence; racial bias and stereotyping that perpetuate everyday racial injustices; socioeconomic disparity, including rising levels of homelessness and encampments, inadequate housing, and a lack of educational and employment opportunities; a lack of appropriate and culturally-relevant health and community services and supports; and over-policing of certain groups including Indigenous, Black and other racialized individuals, people with mental health disabilities, and those experiencing homelessness.

Across Canada, concerns continue to be raised that racial profiling and oversurveillance by law enforcement, security agencies, and other authority figures is a daily reality, reducing public trust, and having harmful impacts on Indigenous, Black and other racialized communities.<sup>45</sup> This includes reports that these communities are over-policed through traditional means and through the use of new technologies such as facial recognition technology.<sup>46</sup>

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<sup>44</sup> supra note 42.

<sup>45</sup> In *Attorney General of Quebec v. Luamba*, the Quebec Court of Appeal recently upheld a lower court decision that random roadside checks violate sections 9 and 15 of the Charter and that the discriminatory effects suffered by Black drivers cannot be justified. The matter has been appealed to the Supreme Court of Canada.

<sup>46</sup> Standing Committee on Access to Information, Privacy and Ethics. (2022). [Facial Recognition Technology and the Growing Power of Artificial Intelligence](#); Canadian Human Rights Commission.



The CHRC remains deeply concerned over an increasing number of reports of injurious and deadly interactions between police and Indigenous, Black and other racialized individuals, many of whom have mental health disabilities. Police are often first responders in situations involving people with mental health disabilities and have considerable discretion around how to respond, which can lead to the criminalization of people with mental health disabilities and those in vulnerable circumstances.

Other human rights commissions in Canada have also raised these concerns through various inquiries, reports and recommendations related to racial profiling and harmful policing practices.<sup>47</sup> For example, a December 2023 report from the Ontario Human Rights Commission (OHRC) on racial profiling and racial discrimination of Black persons by the Toronto Police Service<sup>48</sup> found that Black people are more likely to be proactively arrested, charged and subjected to uses of force in a wide range of police interactions. The data obtained by the OHRC further confirmed that Black communities are subjected to a disproportionate burden of law enforcement in a way that is consistent with systemic racism and anti-Black racial bias.<sup>49</sup>

A recent spike in the number of deaths of First Nations people during interactions with non-Indigenous police services<sup>50</sup> has prompted the Assembly of First Nations to call for a National Inquiry into systemic racism in policing.<sup>51</sup> These deaths resulted from violent interactions between Indigenous individuals and police, and are indicative of the negative outcomes that may result from distrust of police, inadequate police training and a culture of systemic anti-Indigenous racism in front-line policing.

A community-based project tracking police use of force, police-involved deaths and deaths in custody in Canada revealed that the rate of police-involved deaths where force was used is increasing disproportionately in relation to population growth, with Black and Indigenous individuals over-represented in the total numbers.<sup>52</sup>

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(2022). [Submission to the House of Commons Committee on Access to Information, Privacy and Ethics: Facial Recognition Technology Use in Policing](#).

<sup>47</sup> Commission des droits de la personne et des droits de la jeunesse Quebec. (2020). [Review of implementation of the Recommendations issued in the Report of the Consultation on Racial Profiling and its Consequences](#); Nova Scotia Human Rights Commission. (2019). [Street Checks Report](#); Ontario Human Rights Commission. (2017). [Report: Under Suspicion - Research and consultation report on racial profiling in Ontario](#).

<sup>48</sup> Ontario Human Rights Commission. (2023). [From Impact to Action: Final report into anti-Black racism by the Toronto Police Service](#).

<sup>49</sup> In January 2026, the Supreme Court of Canada is set to hear a case which challenges the constitutionality of random traffic stops by police, particularly concerning racial profiling ([Attorney General of Quebec v. Joseph-Christopher Luamba, et al.](#)).

<sup>50</sup> Assembly of First Nations. (2024). [Call for a National Inquiry into Systemic Racism in Policing and First Nations Peoples Deaths](#). Note: Between August and November 2024, 10 First Nations people have died during interactions with police.

<sup>51</sup> Assembly of First Nations. (2024). [Assembly of First Nations \(AFN\) Calls for a National Inquiry into Systemic Racism in Policing](#).

<sup>52</sup> Tracking (In)Justice. (2023). [Police-involved Deaths are on the Rise, as are Racial Disparities in Canada](#).

The demographics of most police forces across Canada are also not reflective of the communities they serve.<sup>53</sup> This lack of diversity – including the representation of Indigenous, Black and other racialized people – is mirrored elsewhere in the legal process including among judges,<sup>54</sup> lawyers<sup>55</sup> and juries.<sup>56</sup> A lack of familiarity and consideration of the unique circumstances and social histories of these groups by individuals within the legal profession can reinforce racial bias in the criminal justice system.

The CHRC is also concerned about accessibility barriers in the criminal justice system that impact people with disabilities and can contribute to the overincarceration of some groups. Many individuals with mental health disabilities proceed through regular and complex court processes without necessary supports, often exacerbating the challenges they face and further enmeshing them in a criminal justice system that is not designed to meet their needs.<sup>57</sup> As a further example, the recent suspension of the Captioning and Court Reporting Program, the only training program of its kind in Canada, has raised concerns. This suspension has the potential to create a shortage in the legal system for captioning services, which would have a direct and detrimental impact on those who are hard of hearing and all those who rely on this service to communicate in a judicial proceeding.<sup>58</sup> The future of this program is uncertain, and if it were to be terminated outright, the effects would be even more dire on impacted communities.

The CHRC welcomes the Government of Canada's recently announced justice strategies<sup>59</sup> to address the overrepresentation of Black and Indigenous people in the criminal justice system. However, it notes the concerns expressed by experts and

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<sup>53</sup> Statistics Canada. (2023). [Police resources in Canada, 2023](#).

<sup>54</sup> Beg, S. and Sossin, L. (2017). [Diversity, Transparency & Inclusion in Canada's Judiciary](#).

<sup>55</sup> Justice Canada. (2023). [Experiences of Indigenous Families in the Family Justice System: A literature review and perspectives from legal and frontline family justice professionals](#).

See also: Canadian Centre for Diversity and Inclusion. (2018). [Power, privilege and inequities in the legal profession: unpacking hegemonic masculinity in the culture of private practice law](#).

<sup>56</sup> Canadian Institute for the Administration of Justice. (2018). [Systemic Barriers and Biases in the "Conscience of the Community: Report of the Canadian Institute for the Administration of Justice"](#).

<sup>57</sup> John Howard Society. (2021). [Broken Record: The Continued Criminalization of Mental Health Issues](#).

<sup>58</sup> In June 2025, the Canadian Hard of Hearing Association highlighted concerns regarding the possible termination of the Captioning and Court Reporting Program due to financial constraints. This is the only program of its kind in Canada, and its termination would mean losing the only direct pathway for training Professional Captioners and Court Reporters, directly impacting those who are hard of hearing and increasing barriers to communication access.

<sup>59</sup> The Indigenous Justice Strategy (IJS), released in March 2025, was developed in collaboration with Indigenous governments, organizations and community members. It signals Canada's intention to address systemic discrimination within the criminal justice system and end the ongoing legacy of colonialism. The IJS is guided by self-determination, and takes a distinction-based approach, with specific chapters on the priorities of First Nations, Métis and Inuit peoples. It identifies 26 areas of priority for addressing systemic discrimination and the overrepresentation of Indigenous people in the justice system. In February 2025, the Government released Canada's Black Justice Strategy's Implementation Plan, which establishes a 10-year framework to reduce the overrepresentation of Black people in the criminal justice system. It builds on the 114 recommendations outlined in the 2024 report of the External Steering Group, [A Roadmap for Transformative Change](#), which aimed to address anti-Black racism and systemic discrimination in the criminal justice and other related systems.

advocates in this space. For example, some Indigenous justice experts have expressed disappointment that the Indigenous Justice Strategy lacks concrete next steps. Further, advocates have expressed concerns over the decade-long timelines for implementation and the inadequacy of funding for the Black Justice Strategy's Implementation Plan. The CHRC wishes to emphasize the importance of Canada taking immediate steps to support the implementation of these strategies, in collaboration with affected communities, and in ensuring robust mechanisms are in place to measure progress.

**Recommendation #9:** That Canada take necessary steps to reform the criminal justice system – including in policing practices and court proceedings – to address the disproportionate and negative impacts on certain groups including Indigenous, Black and other racialized individuals, and people with mental health disabilities.

**Recommendation #10:** That Canada take immediate steps to support effective implementation of the Indigenous Justice Strategy and Black Justice Strategy's Implementation Plan, including by introducing a framework that formally embeds the goals, mechanisms and accountability structures envisioned by these strategies into law.

#### Overrepresentation, conditions of confinement and situations of disproportionate or unique impact

The CHRC remains deeply concerned by reports that recent prison population growth has been driven exclusively by a rise in the number of prisoners from marginalized groups, and that conditions of confinement for certain groups, such as Indigenous prisoners, has deteriorated. Of notable concern is the proportion of incarcerated Indigenous women, which has continued to increase, and is nearing half of all federally sentenced women.

The Office of the Correctional Investigator (OCI) has repeatedly highlighted that Indigenous overrepresentation in federal custody continues to worsen. The OCI has noted that “[o]ver the last decade alone, the total Indigenous offender population (incarcerated and community) has increased by 40.8%”<sup>60</sup> despite the overall federal prison population decreasing by 16.5% over the same period. Across federal prisons designated for men and women, Indigenous people make up 32% of the total population despite making up just 5% of the country's overall population.<sup>61</sup>

Black individuals are also overrepresented in federal prisons, accounting for 8.1% of the federally incarcerated population,<sup>62</sup> while making up only 4.3% of the general

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<sup>60</sup> Office of the Correctional Investigator of Canada. (2023). [Ten Years since Spirit Matters: A Roadmap for the Reform of Indigenous Corrections in Canada](#).

<sup>61</sup> Ibid.

<sup>62</sup> Public Safety Canada (2024). [2022 Corrections and Conditional Release Statistical Overview](#).

population.<sup>63</sup> In contrast, the proportion of white prisoners continues to steadily decrease.<sup>64</sup>

Beyond overrepresentation, these populations also experience discrimination in relation to their conditions of confinement, including with respect to security classification and treatment. For instance, Indigenous and Black prisoners are more likely to be over-classified as maximum security and to be involved in incidents of use of force.<sup>65</sup> Culturally relevant programming and services are both limited for Indigenous and Black prisoners, and not reflective of their lived experiences and rehabilitative needs. Without access to these programs and services, Indigenous and Black prisoners are less likely to be granted conditional release, and in some cases, are ill-prepared to reintegrate in their communities, placing them at a higher risk of reoffending and further contributing to their overrepresentation in prisons.<sup>66 67</sup>

Mental health disabilities are more prevalent in Canadian prisons than in the general population, and those with mental health disabilities are among the most vulnerable populations within prisons. It has been repeatedly noted that prisons lack the appropriate capacity, resources and infrastructure to manage serious mental health conditions.<sup>68</sup> As a result, many prisoners are incarcerated in settings that are ill-equipped to respond appropriately to their symptoms and behaviours, which can often exacerbate their mental health disabilities. Prisoners with other disabilities, as well as aging and older prisoners, are also vulnerable to victimization, and often reside in facilities that are inaccessible and ill-equipped to manage their healthcare needs. This

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<sup>63</sup> Statistics Canada. (2024). [The Diversity of the Black Populations in Canada, 2021: A Sociodemographic Portrait](#).

<sup>64</sup> Public Safety Canada. (2024). [2022 Corrections and Conditional Release Statistical Overview \(CCRSO\)](#).

<sup>65</sup> Office of the Correctional Investigator of Canada. (2021). [Office of the Correctional Investigator Annual Report 2020-2021](#).

<sup>66</sup> Standing Senate Committee on Human Rights. (2021). [Human Rights of Federally Sentenced Persons](#); Standing Senate Committee on Human Rights. (2019). [Interim Report – Study on the Human Rights of Federally-Sentenced Persons: The Most Basic Human Right is to be Treated as a Human Being](#).

<sup>67</sup> The CHRC has received complaints filed by or on behalf of Indigenous persons relating to adverse differential treatment in the federal corrections system. For example, the CHRC is currently fully participating in the hearing of a complaint of a federally-sentenced person against the Correctional Service of Canada (CSC) regarding the use of risk assessment tools, including psychological risk assessment tools, and their use with Indigenous persons in prison. The Complainant alleges that these tools, which are used to provide recommendation on release and security classification, are not culturally appropriate for use with Indigenous persons. The CHRC participated at the hearing, advocating for systemic reform of the approach to risk assessments with Indigenous persons. In another case, a complaint was filed on behalf of prisoners with mental health disabilities in the federal corrections system, alleging that CSC discriminates against prisoners in the areas of security classification, access to treatment, use of administrative segregation and use of force, based on disability, race, national or ethnic origin and religion.

<sup>68</sup> For example, see the most recent publications from the Office of the Correctional Investigator, which outline findings from their investigations. See: [Backgrounder – 2024-2025 Annual Report of the Office of the Correctional Investigator](#).

has serious impacts on their health, safety, dignity and human rights.<sup>69 70</sup> In their most recent report, the Office of the Correctional investigator issued a number of recommendations calling for the reform of mental health services in the correctional system. One such call was to redefine the mandate of the Regional Treatment Centres (RTCs) operated by Correctional Service Canada so that those with serious mental health disabilities be transferred to community-based hospitals to receive the specialized care that they need, and redirect significant investments in RTCs to provincial psychiatric hospitals.<sup>71</sup>

The issue of sexual coercion and violence in Canada's prisons is also a serious concern, particularly as it relates to women and to trans, nonbinary and gender diverse prisoners. This includes allegations of coercion, violence, bullying and harassment by other prisoners and by staff. Prisoners may not report incidents of sexual coercion and violence due to a fear of reprisal. More effective systems for reporting and enhanced accountability measures are needed to ensure that prisons are not environments for perpetuating the violence and abuse that were a part of many prisoners' lives prior to incarceration.

**Recommendation #11:** That Canada ensure that its policies and practices fully respect the rights and meet the unique needs of prisoners in vulnerable circumstances in relation to their conditions of confinement and their reintegration, including access to timely, adequate and culturally appropriate supports and services which can be, when appropriate, in community settings.

### Structured Intervention Units (SIU)

The CHRC remains deeply concerned by reports that prisoners being held in "Structured Intervention Units" (SIUs) continue to experience conditions of de facto solitary confinement as defined by international law. The SIU regime gives wide discretion to the CSC to decide whether, when and for how long a prisoner should be confined in isolated and restrictive conditions. This regime, however, has been the subject of sustained criticism. Of particular concern is the high prevalence of mental health disabilities among those admitted to and held in SIUs and the length of their stays compared to those of others.<sup>72</sup>

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<sup>69</sup> Canadian Human Rights Commission & Office of the Correctional Investigator. (2019). [Aging and Dying in Prison: An Investigation into the Experiences of Older Individuals in Federal Custody](#).

<sup>70</sup> In a case before the Tribunal, a Deaf Métis man, has alleged that Correctional Service Canada (CSC) failed to accommodate his disability by denying him Sign language interpretation, including in situations that impacted his health, safety, and liberty. He also alleged that CSC failed to provide adequate assistive technology that would enable him to communicate effectively with others. He claims that he experienced profound isolation and that CSC's failure to accommodate him impacted his ability to, among other things, practise his Indigenous culture, communicate with legal counsel, receive medical services, participate in correctional life, and succeed in the community.

<sup>71</sup> The Office of the Correctional Investigator. (2025). [Office of the Correctional Investigator Annual Report 2024-25](#).

<sup>72</sup> Public Safety Canada. (2024). [Structured Intervention Unit Implementation Advisory Panel 2023 to 2024 Annual Report](#).



The CHRC maintains that as long as the SIU system exists in its current form,<sup>73</sup> a sustained and dedicated system of independent external oversight is critical to ensuring that the human rights of people held in SIUs are protected.<sup>74</sup> While a separate SIU Implementation Advisory Panel was put in place to review and evaluate the system in its first years of operation and arrived at concerning conclusions, the Panel's mandate expired in December 2024 and will not be renewed.<sup>75</sup> The CHRC notes that there is currently a bill before the Senate that proposes changes to Canada's SIU regime, including with respect to oversight, remedies and alternatives to isolation.<sup>76</sup>

**Recommendation #12:** That Canada take steps to ensure that the current SIU regime does not continue to create conditions of de facto solitary confinement for prisoners.

**Recommendation #13:** That Canada establish an effective independent oversight body to monitor the operation of the SIU regime.

## 5.2 Institutionalization

Many people with disabilities are forced to live in institutions due to ongoing accessibility failures, including a lack of community-based supports and accessible housing options. For example, young people with disabilities in Canada continue to live in long-term care facilities intended for seniors due to a lack of adequate supports to live in the community. In addition to being deprived of their autonomy and their right to live independently in their communities, people who are institutionalized are at greater risk of experiencing violence and being exposed to health risks, such as COVID-19.<sup>77</sup>

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<sup>73</sup> In a [recent annual report](#), the OCI committed to conducting a five-year review of SIUs. The CHRC is hopeful that this will result in meaningful and tangible recommendations on how Canada can address the serious human rights issues that persist under this system.

<sup>74</sup> While the amended legislation does provide for some external review through Independent External Decision Makers, their involvement in a case is only triggered after a person has been confined in a SIU for 90 consecutive days. See Public Safety Canada's website: [Independent External Decision-Makers](#).

<sup>75</sup> *supra* note 72. The panel provided the following examples of failures of the SIU system: the implementation of SIUs has not eliminated conditions of solitary confinement in Canada's federal prisons; the number of long stays in SIUs mimics that of the previous system of Administrative Segregation that it was intended to replace; Indigenous and Black individuals are over-represented in the placement of prisoners into SIUs; prisoners with mental health needs are also more likely to be placed in SIUs; despite being guaranteed in law by mid-2023, Parliament has yet to begin its mandated comprehensive review of the provisions enacted in the Bill that resulted in the creation of the SIU system.

<sup>76</sup> See: [Bill S-205 An Act to amend the Corrections and Conditional Release Act \(Tona's Law\)](#). (As of December 2, 2025, Bill S-205 has passed second reading and is before the Standing Senate Committee on Legal and Constitutional Affairs).

<sup>77</sup> For example, the effects of the first and second waves of COVID-19 before priority access to vaccines was implemented in long-term care and retirement facilities were described by the Canadian Institute of Health Information as "devastating". See the Canadian Institute for Health Information: [COVID-19's impact on long-term care](#). For first-hand accounts of survivors of institutions, see: Linton, M. [Invisible Institutions Podcast](#) (2022); Inclusion Canada et al, [Truths of Institutionalization: Past and Present](#) (2021); Survivors of the Huronia Regional Centre, [Remember Every Name](#); L'Arche Toronto, [Listen to My Story](#) (2018); [National Task Force on Deinstitutionalization](#); and [Eugenics Archives](#).

Canada's deinstitutionalization efforts have been slow and uneven across the country. For example, in response to a human rights complaint filed in 2014, a court found in 2021 that the province of Nova Scotia had systemically discriminated against people with disabilities by unnecessarily institutionalizing them, subjecting them to indefinite wait times to receive services, and forcibly removing them to remote areas.<sup>78</sup> The systemic remedy in this case included a 5-year plan for the government to deinstitutionalize people with disabilities. However, an independent monitoring report published in 2024 found that the province's progress in implementing this plan has been slow and uneven to date.<sup>79</sup>

Canada lacks comprehensive and reliable data on institutionalization. People living in institutions are excluded from most national surveys and, as a result, it is currently difficult to ascertain how many people with disabilities are living in: large institutions; hospitals; prisons and correctional facilities; immigration detention centres and shelters for refugees; child welfare systems; and homeless and emergency shelters.<sup>80</sup> According to the 2021 Census, 61 710 people lived in group homes for people with disabilities and addictions, and 7590 people under age 55 lived in long-term care facilities.<sup>81</sup> The CHRC continues to advocate for improved data collection, including disaggregated data, and transparency on people who are institutionalized.

Many people with disabilities are also involuntarily detained in mental health facilities under mental health and guardianship laws. The CHRC is concerned about reports that some provinces are planning to expand involuntary detention and treatment of people with mental health and substance use issues.<sup>82</sup> The CHRC also remains concerned over the lack of independent monitoring and oversight of mental health facilities in Canada. For instance, a recent report following the BC Human Rights Commissioner's Inquiry into detentions under the Adult Guardianship Act, found a lack of transparency and oversight, and a disproportionate impact of detention practices on seniors, people who are unhoused and people with disabilities, including people with mental health and substance use issues, with effects that amount to systemic discrimination.<sup>83</sup>

The CHRC maintains that institutionalization cannot be a substitute for the State's failure to provide adequate services to allow people to live independently in their communities.

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<sup>78</sup> See: [Disability Rights Coalition v. Nova Scotia \(Attorney General\), 2021 NSCA 70](#) (CanLII).

<sup>79</sup> See this report from the Nova Scotia Human Rights Commission: [Monitoring Report 2023-24: Getting on Track](#).

<sup>80</sup> The CHRC tried to obtain data on people living in institutions for its Monitoring Framework on the Right to Adequate Housing for People with Disabilities, but this data is not currently collected through national surveys. See the CHRC's website for more information about the CHRC's Monitoring Framework: [Monitoring the right to housing for people with disabilities](#).

<sup>81</sup> These numbers are head counts of residents in these institutions on the day of the Census.

<sup>82</sup> For example, see: CBC News. (September 15, 2024). [B.C. to expand involuntary care for those with addiction issues](#).

<sup>83</sup> BC's Office of the Human Rights Commissioner. (2025). ["We're still here": Report of the Inquiry into detentions under the Adult Guardianship Act](#).



**Recommendation #14:** That Canada provide adequate community-based supports to ensure that appropriate alternatives to institutionalization are available for people with disabilities so that they can live with dignity and independence in their communities.

### 5.3 Ratifying the Optional Protocol to the Convention against Torture

To align Canada with international standards on independent oversight of places of deprivation of liberty, the CHRC continues to call on Canada to ratify the Optional Protocol to the Convention against Torture (OPCAT). The OPCAT could offer a framework for more consistent and proactive human rights protections for people who are detained across all jurisdictions.<sup>84</sup> Despite Canada's commitment to prioritize the ratification of OPCAT during its most recent Universal Periodic Review, the status of this commitment remains unclear.

**Recommendation #15:** That Canada sign, ratify and implement the OPCAT without delay, including by designating an appropriate National Preventive Mechanism to ensure ongoing and enhanced independent oversight, monitoring and reporting in all places of detention.

## 6. Access to Election Processes (Articles 2, 25, 26)

The CHRC remains concerned about persistent barriers that exist in the electoral process. Aspects of the election process in Canada – from the distribution of pre-election materials to participation in debates, to the accessibility of voting centres and the ways in which ballots are cast – have been criticized by people with disabilities and their representative organizations as being inaccessible and exclusionary.<sup>85</sup> Despite modifications to some buildings and polling stations, staff training around accessibility, and a range of information, education and accessibility services being made available to assist people with disabilities in the election process, systemic barriers to full and equal participation in the democratic process remain. For example, alternative methods of casting one's vote – such as by telephone, online or by using technology – which would help facilitate private and independent voting for electors with disabilities, have not yet been largely implemented at the federal level. The CHRC recognizes that more progress is needed to provide barrier-free services, as required under the Accessible Canada Act and the CRPD, and ensure that all people with disabilities have an equal opportunity to participate in the electoral process.

The CHRC has heard concerns about barriers experienced by voters with various disabilities, including those who are blind or have low vision and those with Multiple Chemical Sensitivity (MCS). For instance, at a polling station, voters who are blind or have low vision must show their ballots to a sighted person to ensure that it is marked

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<sup>84</sup> For a more fulsome understanding of the CHRC's call to ratify the OPCAT, see our [joint open letter with the Office of the Correctional Investigator](#), (November 1, 2023).

<sup>85</sup> See what people with disabilities told the CHRC during our 2020 engagement process: [What we did and what we learned: Monitoring Disability Rights](#) (2022).

as intended. For mail-in ballots, there are no accessible tools that would help a blind voter to mark their ballot.<sup>86</sup> For some voters with MCS, the presence of certain environmental factors such as fragrances has forced them to leave the polling station without voting.<sup>87</sup> Progress remains to ensure that voters with disabilities can exercise their right to vote independently and barrier-free.

**Recommendation #16:** That Canada ensure that people with disabilities can fully participate in the democratic process by removing barriers to participation experienced by people with various disabilities. These efforts should ensure coordination between the various jurisdictions in Canada in relation to this issue.

## 7. Pay Equity (Articles 3, 26)

The gender wage gap remains a persistent problem in Canada. In 2024, for every \$1.00 a man earned, a woman earned 87 cents.<sup>88</sup> The gender pay gap is even more pronounced for Indigenous<sup>89</sup> and racialized women in Canada,<sup>90</sup> for women with disabilities<sup>91</sup> and 2SLGBTQI+ people,<sup>92</sup> and was exacerbated due to the COVID-19<sup>93</sup> crisis.

On August 31, 2021, Canada brought into force the Pay Equity Act (PEA). The PEA is proactive and requires federally regulated employers with an average of 10 or more employees to conduct a structured pay equity analysis to ensure equal pay for work of

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<sup>86</sup> Canadian National Institute for the Blind. (2021). [Voting inaccessible for electors with sight loss, as Canadians head to polls.](#)

<sup>87</sup> Environmental Health Association of Québec. (2021). [Open Letter to all of the Federal Political Parties in Canada.](#)

<sup>88</sup> Statistics Canada. (2025). [Employee wages by occupation, annual.](#)

<sup>89</sup> 2024 Labour Force Survey data notes that: The average hourly wage rate of Indigenous women living off reserve was \$29.53, while for Indigenous men it was \$33.53. That is a gender wage gap of 0.88, meaning that Indigenous women living off reserve make \$0.88 cents for every dollar earned by an Indigenous man living off reserve. Indigenous women living off reserve make \$0.79 cents for every dollar earned by a non-Indigenous man.

<sup>90</sup> Canadian Women's Foundation. (2019). [The Facts about the Gender Wage Gap in Canada.](#); Canadian Centre for Policy Alternatives. (2011). [Canada's Colour Coded Labour Market: The Gap for Racialized Workers](#); Statistics Canada. (2023). [Intersectional Perspective on the Canadian Gender Wage Gap.](#); Compared to Canadian-born men, gender wage gaps are largest for immigrant women landing as adults (20.9%) and Indigenous women (20.1%), and smallest for immigrant women landing as children (10.5%) and Canadian-born women (9.2%) in 2022.

<sup>91</sup> Statistics Canada. (2024). [Average and median market, total and after-tax income of individuals by selected demographic characteristics](#); Statistics Canada. (2023). [Earnings Pay Gap among Persons with and without Disabilities, 2019](#); Statistics Canada. (2024). [A demographic, employment and income profile of persons with disabilities aged 15 years and over in Canada, 2022.](#)

<sup>92</sup> See for example: BC Ministry of Labour and BC Ministry of Finance. (2022). [Developing Pay Transparency Legislation](#); Ontario Pay Equity Office. [The Gender Wage Gap: It's More Than You Think.](#)

<sup>93</sup> See for example: Canadian Labour Congress. (2020). [Lessons of the pandemic must lead to change for frontline workers](#); Shirma L. and Smith J. (2021). [Women in a COVID-19 recession: Employment, job loss and wage inequality in Canada, Gender and COVID-19 Evidence Download](#); PolicyWise for Children & Families. (2022). [Discussion Paper: Reversing the Gendered Impact of COVID-19 on Labour Force Participation in Alberta.](#)

equal value. As it now exists, the analysis accounts for a comparison of job classes that are identified as either male or female predominant. This approach is not wholly inclusive of people who identify outside of the male/female binary and fails to adequately capture their experiences.

While Canada has made some progress through the enactment of the PEA, the current approach to pay equity is not able to:

- Provide comprehensive data on the impact of pay equity legislation on diverse groups, such as Indigenous and racialized women in Canada, women with disabilities,<sup>94</sup> and 2SLGBTQI+ people, nor insights into the intersectional complexities<sup>95</sup> of the wage gap.
- Reflect variations in policies and legislation<sup>96</sup> across jurisdictions, where pay equity applies to the private and public sectors at the federal level and in the provinces of Ontario and Quebec.

**Recommendation #17:** That Canada continue its ongoing efforts with Statistics Canada in collecting and publishing more data on pay disparities disaggregated by sex/gender, disability, race and other intersecting factors. For example, that the federal government carry out the additional research necessary to broaden the understanding of the reasons for systemic patterns of wage discrimination against racialized people, Indigenous people and people with disabilities, with a view to expanding the federal Pay Equity Act beyond sex and gender.

**Recommendation #18:** That Canada improve national data collection on the gender wage gap to permit the analysis of the differences between federally, provincially and territorially regulated workplaces.

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<sup>94</sup> Statistics Canada. (2024). [Average and median market, total and after-tax income of individuals by selected demographic characteristics](#); Statistics Canada. (2023). [Earnings Pay Gap among Persons with and without Disabilities, 2019](#); Statistics Canada. (2024). [A demographic, employment and income profile of persons with disabilities aged 15 years and over in Canada, 2022](#).

<sup>95</sup> See for example: Gender and the Economy. (2019). [The gender wage gap](#); Statistics Canada. (2019). [Earnings inequality and the gender pay gap in Canada: The role of women's under-representation among top earners](#); Canadian Studies in Population. (2022). [When pay equity policy is not enough: Persistence of the gender wage gap among health, education, and STEM professionals in Canada, 2006- 2016](#).

<sup>96</sup> For example, non-legislative and legislative measures that address: pay equity, pay transparency, employment equity, labour standards, affordable childcare, affordable post-secondary education and specialized certification programs, and gendered stereotypes.

## 8. Online Hate (Articles 19, 20)

The CHRC remains deeply concerned about the rise in hate, particularly the rapid proliferation of online hate, driven in part by the spread of racist discourse, the speed of digital communication, and the circulation of misinformation and disinformation.

In Canada, there has been a rise in hate incidents both online and within communities, with significant increases in reported hate crimes targeting religious groups—particularly Jewish and Muslim populations—as well as Black, Indigenous, Arab, and Asian communities. Police-reported hate crimes based on sexual orientation and gender identity have also increased.<sup>97</sup>

The CHRC was encouraged by the federal government's 2024 Action Plan on Combatting Hate, which aligns existing and new initiatives across departments to address various forms of hate. The CHRC also notes the introduction of Bill C-9, the Combatting Hate Act, in September 2025, which aims to combat hate crimes through targeted amendments to the Criminal Code.<sup>98</sup> The CHRC remains of the view that a comprehensive approach is needed to deal with this issue, which could include measures to regulate social media operators, requirements for companies to remove harmful content, civil remedies that victims can access, and coordinated public awareness and education.

The CHRC is of the view that this is a fundamental human rights issue and that Canada must act in accordance with its obligation to address the proliferation of online hate.

**Recommendation #19:** That Canada take further action to combat hate online, by implementing a comprehensive and proactive approach to dealing with the issue.

## 9. Discrimination Based on Gender Identity and Expression (Articles 2, 7, 26)

The CHRC remains deeply concerned about discrimination, harassment and violence faced by trans, non-binary and gender diverse persons, especially those who face intersectional barriers to their full equality in Canada. Recent legal and policy changes in Canada have forgotten or ignored the rights, health and safety of trans and gender diverse people, and in particular youth. The increasing normalization of views in public discourse can sow the seeds of intolerance and put fundamental human rights at risk.

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<sup>97</sup> Statistics Canada. (2025). [Police-reported Hate Crime in Canada, 2023](#).

<sup>98</sup> See: [Bill C-9: An Act to amend the Criminal Code \(hate propaganda, hate crime and access to religious or cultural places\)](#). The legislation would amend the Criminal Code to, among other things, make it an offence to intimidate and obstruct people from accessing places of worship, schools, community centres and other places primarily used by an identifiable group; make hate motivated crime a specific offence; and make it a crime to wilfully promote hatred against an identifiable group by displaying certain terrorism or hate symbols in public.

Gender affirming healthcare is recognized as medically necessary by leading medical organizations in Canada and worldwide. The CHRC notes with concern that there is unequal access to care and treatments across Canada.<sup>99</sup> Where these necessary services cannot be obtained, this negatively impacts the physical and mental health for many individuals including trans women and non-binary persons.

The CHRC remains alarmed about reports that intersex, trans, and gender diverse persons subjected to cruel and harmful non-consensual medical interventions, such as coerced examinations, unnecessary surgeries or conversion therapies. It notes that unnecessary and non-consensual intersex surgeries on children have been rightly characterized as a form of cruel, inhuman or degrading treatment or punishment by Canadian and international rights advocates, as well as by UN experts.<sup>100</sup> A legal challenge to the Canadian Charter of Rights and Freedoms has been filed to remove an exemption in the Criminal Code of Canada<sup>101</sup> that currently allows unnecessary and non-consensual cosmetic surgeries on intersex children.<sup>102</sup>

The CHRC notes that several rights holders and advocacy groups such as Egale<sup>103</sup> and the Canadian Bar Association<sup>104</sup> have called for the Government of Canada to initiate consultations and act swiftly to enact reforms to the Criminal Code to ban non-consensual, deferrable and medically unnecessary surgeries on intersex children. In its inaugural 2SLGBTQI+ Action Plan, the Government of Canada indicated that it would launch public consultations on several criminal law reform issues including the criminalization of purely cosmetic surgeries on intersex children.<sup>105</sup> As of the drafting of this submission, consultations have not yet been launched.

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<sup>99</sup> For example, because many feminizing procedures are treated as cosmetic or excluded from provincial health insurance plans, people seeking those procedures face additional financial and access barriers — even when those same procedures are recognized by clinical standards of care (e.g., WPATH) as part of gender-affirming health care. For more information see: Rainbow Canada. (2023). [Equitable access to gender-affirming care for trans and gender diverse individuals: A policy brief on gender-affirming care in Canada](#).

<sup>100</sup> Egale Canada. (2018). [Egale submission to the UN Committee Against Torture](#); Wilfrid Laurier University. (2025). [Professor Morgan Holmes is pushing for change for intersex people, through research and activism](#); Human Rights Watch. (2017). [Human Rights Watch. “I want to be like nature made me”: Medically unnecessary surgeries on intersex children in the US](#); Office of the High Commissioner for Human Rights. (2025). [DHC Al-Nashif urges an end to discrimination and abuse against intersex people](#).

<sup>101</sup> For clarity, section 268(1) of the Criminal Code of Canada outlines crimes of aggravated assault. Section 268(3) of the code states as follows: “For greater certainty, in this section, “wounds” or “maims” includes to excise, infibulate or mutilate, in whole or in part, the labia majora, labia minora or clitoris of a person except where: A surgical procedure is performed, by a person duly qualified by provincial law to practise medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function.”

<sup>102</sup> Egale Canada. (2021). [Egale Canada files an application at the Ontario Superior Court of Justice in groundbreaking Intersex Human Rights case](#).

<sup>103</sup> Egale Canada. (2018). [Egale Canada urges the Federal Government to meet domestic and International Human Rights requirements of Intersex People on International Intersex Awareness Day](#).

<sup>104</sup> Canadian Bar Association. (2023). [Consultation needed on attempts to “fix” intersex children’s genitalia](#).

<sup>105</sup> Government of Canada. (2022). [Federal 2SLGBTQI+ Action Plan 2022](#).

**Recommendation #20:** That Canada recognize variations of sex characteristics and gender diversity, and ensure that intersex, non-binary, trans and gender diverse people have access to appropriate care and supports that uphold their health, safety, dignity and human rights.

## 10. Religious Intolerance (Articles 2, 18, 25, 26)

The ability of an individual to freely practice their religion is a fundamental human right. However, in Canada, religious intolerance continues to materialize in many ways, from microaggressions and a lack of accommodation of religious practices, to vandalism of religious buildings and police-reported hate crimes, which continue to increase. The psychological, economic, and societal impacts that these intolerant behaviours and attitudes have on people can be very detrimental and long-lasting.<sup>106</sup>

In Quebec, the Act respecting the laicity of the State (Bill 21), was adopted by the Quebec National Assembly in 2019 and was upheld by the Quebec Court of Appeal in 2024.<sup>107</sup> The law bans provincial public sector workers in positions of authority – such as teachers, police officers, and judges – from wearing religious symbols while at work, such as a hijab, turban or kippah.

The CHRC shares widespread concerns<sup>108</sup> regarding the disproportionate adverse impacts on racialized Muslim women<sup>109</sup> who wear the hijab,<sup>110</sup> and effectively amounts to government-imposed workplace discrimination during a period of rising religious intolerance across Canada.<sup>111</sup>

This decision has been appealed to the Supreme Court of Canada, where the CHRC will intervene to argue that Bill 21 infringes on Muslim women's equality rights, conflicts

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<sup>106</sup> See the CHRC's [Discussion Paper on Religious Intolerance](#) (2023).

<sup>107</sup> Since the legislation has been upheld by the Quebec Court of Appeal, parties have sought leave to file an appeal to the Supreme Court of Canada. A decision on leave to appeal has yet to be granted.

<sup>108</sup> The CHRC intervened in the case at all levels of court.

<sup>109</sup> Reports show that it is primarily Muslim women whose employment is affected by the enforcement of Bill 21. Civil society groups have expressed concerns that the unique position of Muslim women in hijab and their experiences at the intersection of race, religion and gender, contributes to a lack of power and privilege and other unique challenges. See: CBC News. (November 8, 2022). [Muslim women most affected by Quebec's secularism law, Court of Appeal hears](#). See also: The Globe and Mail. (2022). [Muslim women wearing hijab at work face heightened scrutiny, professional consequences](#).

<sup>110</sup> While it is not only racialized women who wear the hijab, the hijab is a physical identifier of a religion that has been widely racialized throughout the West. This places women and girls in hijab firmly at the intersection of cultural, structural and institutional oppression that is gendered Islamophobia and anti-Muslim racism. White and "white-passing" hijabi women and girls have expressed how they feel that their whiteness is malleable and precarious, and dependent on the racialization of their religious expression. See: Yaqeen Institute. (2021). [Hijab, Gendered Islamophobia, and the Lived Experiences of Muslim Women](#). See also: Karaman, N. & Christian, M. Sociology of Race and Ethnicity, 6(4). (2020). ["My Hijab Is Like My Skin Color": Muslim Women Students, Racialization, and Intersectionality](#).

<sup>111</sup> Canadian Human Rights Commission. (June 2019). [Banning religious symbols puts everyone's rights at risk](#).



with Canada's international human rights obligations, and perpetuates systemic discrimination.

**Recommendation #21:** That Canada take steps to combat religious intolerance and the various ways it continues to materialize, including by engaging with communities who are directly impacted to ensure that legislative enactments do not promote intolerance or have adverse impacts.

## 11. Immigration Detention (Articles 2, 9, 12, 26)

The CHRC remains deeply concerned by Canada's immigration detention regime, including the conditions of confinement for migrant detainees.

Every year, thousands of migrants who are not serving a criminal sentence are detained at the direction of the Canada Border Services Agency (CBSA).<sup>112</sup> This detention may occur because of past criminality, perceived flight risk, unconfirmed identity, or a determination of posing a danger to the public. A significant portion of migrants have traditionally been held in institutions intended for criminal populations rather than immigration holding centres, sometimes for significant periods of time and with limited services available. The CHRC notes that while the use of provincial jails for immigration detention ended in September 2025, significant concerns remain including the practice of migrant detention in federal correctional facilities.

A 2021 Human Rights Watch report documented that "racialized people, and in particular Black men, are confined in more restrictive conditions and for longer periods [...] than other detainees."<sup>113</sup> They also lack access to effective recourse mechanisms to address mistreatment by law enforcement officials in their detention facilities.

There are also serious concerns about the rights of people with disabilities in migrant detention. A 2024 Human Rights Watch report highlighted concerns regarding designated representatives appointed by the Immigration and Refugee Board, who not only provide support to people in detention who have a diagnosed or suspected mental health condition, but are also legally empowered to make decisions on their behalf. Due to a lack of proper assessment in appointing designated representatives, substitute decision-makers may replace, rather than support, the voices of detained people with disabilities, depriving them of meaningful participation and decision-making in legal proceedings that concern them. Human Rights Watch recommended that the role of designated representatives be transformed into a mechanism exclusively for supported decision-making.<sup>114</sup>

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<sup>112</sup> In 2024, Human Rights Watch reported that the CBSA incarcerated thousands of people on immigration grounds in dozens of provincial jails over the past five years. Human Rights Watch. (2024). [Canada: All 10 Provinces To End Immigration Detention in Jails](#).

<sup>113</sup> Human Rights Watch. (2021). ["I Didn't Feel Like a Human in There" - Immigration Detention in Canada and its Impact on Mental Health](#).

<sup>114</sup> Human Rights Watch. (2024). ["It Felt Like Everything In Life Stopped" – Legal Capacity Rights Violations Against People with Disabilities in Canada's Immigration Detention System](#).



The CHRC continues to share the concerns of civil society and echoes the recommendations that have been made to Canada – including during its Universal Periodic Review – to dramatically revise its migration detention regime to better align with its international human rights obligations, including by:

- ensuring that detention is used only as a last resort, and that alternatives to detention are explored in all cases;
- ending the practice of indefinite migration detention and ensuring that individuals detained for immigration purposes have access to habeas corpus procedures to avoid the risk of arbitrary detention;
- ensuring that detainees are not held in maximum security correctional facilities, and that they are not subject to solitary confinement;
- establishing a regime to ensure independent oversight and monitoring of immigration detention; and
- respecting the legal capacity of people in detention by facilitating supported decision-making and prioritizing access to supports and accommodation.

The CHRC notes that while the federal government has undertaken extensive consultations on CBSA's National Immigration Detention Framework, concerns with respect to Canada's migration detention regime remain. Although the government has passed legislation that will introduce an oversight body for the CBSA, the Public Complaints and Review Commission (PCRC),<sup>115</sup> there is currently no set date for the establishment of this body.

**Recommendation #22:** That Canada take steps to revise the immigration detention regime, including by: ensuring that detention is used only as a last resort and that alternatives to detention are explored in all cases; ending the practice of indefinite immigration detention; ensuring that detainees are not held in maximum security correctional facilities or subject to de facto solitary confinement; and facilitating supported decision-making for people with disabilities in detention.

**Recommendation #23:** That Canada ensure that its immigration detention regime is subject to appropriate independent oversight.

Beyond oversight and monitoring, a significant gap exists in the human rights protections afforded to migrants detained in Canada.

While all individuals present in Canada are able to access the protections of the Charter, many migrant detainees are unable to assert and claim their rights due to a lack of awareness of their rights, and a lack of necessary resources, including legal assistance, to advocate for those rights through the courts.

Human rights legislation can provide a more accessible avenue for individuals to challenge discriminatory conduct outside of the courts. However, to file a complaint under the CHRA about a situation or practice occurring in Canada, an individual must

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<sup>115</sup> Bill C-20. (2024). [An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments.](#)

be either “lawfully present” in Canada or, if temporarily absent, entitled to return to Canada.<sup>116</sup> By virtue of their immigration status, detainees do not have access to human rights protections under the CHRA. The CHRC believes that human rights protections should be available to all individuals present in Canada – lawfully or not – and has highlighted the need for Parliament to repeal these provisions of the CHRA.

**Recommendation #24:** That Canada ensure that migrant detainees are able to access human rights protections on an equal basis with all others present in Canada, including access to the CHRA.

There are also serious concerns about the introduction of Bill C-2, the Strong Borders Act,<sup>117</sup> and its impact on the human rights of migrants, immigrants and asylum seekers and refugees. Over 300 civil society organizations have expressed their concerns about the Bill’s erosion of due process and access to justice, particularly for the most vulnerable. Advocates argue that Bill C-2 disproportionately harms vulnerable groups such as victims of gender-based violence, 2SLGBTQI+ individuals and racialized communities, and violates Canada’s international human rights and privacy obligations.

In response to this opposition, the Government has introduced Bill C-12, the Strengthening Canada’s Immigration System and Borders Act,<sup>118</sup> transferring key provisions affecting migrants, immigrants, refugees and asylum seekers to this new legislation. Civil society maintains that both bills fast-track restrictive measures that undermine migrant and refugee rights while preserving discriminatory provisions, and continue to call for the full withdrawal of both bills.

**Recommendation #25:** That Canada engage with experts to ensure that all legislation dealing with border security safeguard the fundamental human rights of migrants and refugees.

## 12. Technology and Privacy (Article 14, 15, 17, 19 and 20)

The expanding use of Artificial Intelligence (AI) and digital systems by both public and private sector continues to shape people’s lives – including their ability to fully enjoy their human rights. These technologies are transformational, and they can create opportunities for greater inclusion.

Leading AI experts, rights holders, and human rights defenders have spoken out about the risks and harms to people posed by rapidly-evolving developments in AI and other digital technologies, including the amplification and creation of new barriers when AI systems are not accessible by design. The CHRC shares these concerns: without a

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<sup>116</sup> [Canadian Human Rights Act \(CHRA\) Section 40\(5\)](#).

<sup>117</sup> Bill C-2. (2025). [An Act respecting certain measures relating to the security of the border between Canada and the United States and respecting other related security measures Act](#).

<sup>118</sup> Bill C-12. (2025). [An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures](#).

robust governance framework in place, these technologies have the potential to erode privacy and negatively affect human rights.

Biases are embedded in AI systems in ways that reflect the biases in society. When AI tools are deployed in institutions in which bias and inequity already exist, discriminatory outcomes can be amplified – in both pace and scale. Reports on the use of AI systems in areas such as immigration,<sup>119</sup> housing,<sup>120</sup> policing,<sup>121</sup> criminal justice,<sup>122</sup> child welfare and social assistance,<sup>123</sup> have already shown the potential of AI systems to embed, automate, amplify, or accelerate discriminatory impacts.

While the CHRC is encouraged by Canada's recent signing<sup>124</sup> of the first international treaty on AI and Human Rights,<sup>125</sup> the CHRC remains concerned about the absence of a specific legal and policy framework in Canada for AI oversight, accountability, access to justice and remedy.

The CHRC notes that a number of tools currently guide the public sector and Government,<sup>126</sup> and that AI usage is proceeding rapidly in the federal sphere.<sup>127</sup> In the absence of specific legislation,<sup>128</sup> and with the current patchwork of policies, it is even more critical for those who develop and administer AI systems to integrate human rights impact assessments into their work.<sup>129</sup>

**Recommendation #26:** That Canada develop a comprehensive governance framework to guide the development and deployment of AI and other digital technologies, using a human rights-based approach.

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<sup>119</sup> University of Toronto. (2018). [Bots at the gate: A human rights analysis of automated decision making in Canada's immigration and refugee system](#).

<sup>120</sup> Centre for International Governance Innovation. (2025). [The Role of Data and AI in Canada's Housing Crisis: A Critical Overview](#).

<sup>121</sup> Canadian Human Rights Commission. (2022). [Facial recognition technology use in policing](#); University of Toronto. (2020). [To surveil and predict: A human rights analysis of algorithmic policing in Canada](#); see also: [Transparency and accountability archives](#).

<sup>122</sup> Law Commission of Ontario. [AI in Criminal Justice](#).

<sup>123</sup> Ontario Human Rights Commission. (2024). [Bill 194, Strengthening Cyber Security and Building Trust in the Public Sector Act, 2024](#).

<sup>124</sup> Global Affairs Canada. (2025). [Canada signs the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#).

<sup>125</sup> Council of Europe. (2024). [Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#).

<sup>126</sup> See for example: the [Responsible use of artificial intelligence in government](#), the [Directive on Automated Decision-Making](#), and the related [Algorithmic Impact Assessment tool](#), which were recently updated to improve human rights analysis.

<sup>127</sup> Government of Canada. (2025). [AI Strategy for the Federal Public Service 2025-2027: Overview](#).

<sup>128</sup> Algorithmic Media Observatory. (2024). [Northern Lights and Silicon Dreams: AI Governance in Canada \(2011-2022\)](#).

<sup>129</sup> One example of this would be the following assessment tool, which the CHRC contributed to: Ontario Human Rights Commission. (2024). [Human Rights AI Impact Assessment](#).

### 13. Canada's Implementation of International Human Rights Obligations

The CHRC remains concerned about Canada's lack of progress in implementing the recommendations that have come from the international human rights system, including those made by this Committee. The CHRC believes that tackling the structural inadequacies and practical ineffectiveness of the current system for implementation of Canada's international human rights obligations would play a significant role in addressing this issue.

While the CHRC welcomes its designation as the body responsible for monitoring the Government of Canada's implementation of the Convention on the Rights of Persons with Disabilities, the CHRC remains concerned that the current system continues to perpetuate a patchwork approach to progress without a foundational structure of monitoring and implementation of interdependent, interrelated, and indivisible human rights. The CHRC believes strongly that, to effectively implement the recommendations made to Canada during this and other reviews, it is imperative that substantial, meaningful and coordinated progress be made in ensuring a robust implementation and monitoring framework.

In November 2024, the CHRC appeared before the Subcommittee on International Human Rights as a part of their study on the implementation of Canada's Universal Periodic Review. During this appearance, the CHRC expressed its support for a joint recommendation – made by civil society and human rights advocates – for Canada to take the lead in working with provincial and territorial governments to develop and adopt a new national framework for international human rights implementation. The CHRC supports the position taken by civil society partners that such a framework should include:

- clear public commitments to international human rights implementation from all federal, provincial and territorial governments;
- adoption of federal, provincial and territorial laws enshrining the obligations, mechanisms, and public reporting requirements related to implementation;
- improved consultation and engagement processes with Indigenous Peoples' organizations, civil society, and human rights commissions;
- an enhanced role for Parliament and legislatures; and
- increased resourcing, including to support civil society.

**Recommendation #27:** That Canada work with provincial and territorial governments to develop and adopt a national framework for international human rights implementation.

The CHRC also wishes to note the existing gaps within international and domestic human rights systems on the rights of older people. As highlighted by the Office of the High Commissioner for Human Rights, the international legal framework on the human rights of older people remains fragmented and incomplete, with evident gaps in protections. The CHRC notes that in May 2024, the UN Open Ended Working Group on Ageing provided recommendations to address this gap, including by recommending an

international legally binding instrument to ensure the recognition of the rights of older people,<sup>130</sup> and that in April 2025, the Human Rights Council adopted a resolution to establish an open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons.<sup>131</sup> The CHRC amplifies the calls of rights holders and advocates to include explicit recognition of older people in international human rights law to strengthen and better protect their human rights.

**Recommendation #28:** That Canada engage in opportunities that promote, protect and ensure the rights of older people, including by supporting the explicit recognition of older people in international human rights law.

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<sup>130</sup> United Nations General Assembly. Open-Ended Working Group on Ageing. (May 2024). [Report of the Open-Ended Working Group on Ageing on its fourteenth session](#).

<sup>131</sup> United Nations General Assembly. Human Rights Council. (April 2025). [Open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons](#).