

Colour of Poverty



Colour of Change



TO THE UN HUMAN RIGHTS COMMITTEE

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS:  
CANADA PERIODIC REVIEW

JOINT SUBMISSION: FEBRUARY 2, 2026

By

COLOUR OF POVERTY - COLOUR OF CHANGE (COP-COC)

BLACK LEGAL ACTION CENTRE (BLAC)

CHINESE CANADIAN NATIONAL COUNCIL FOR SOCIAL JUSTICE (CCNC-SJ)

CHINESE & SOUTHEAST ASIAN LEGAL CLINIC (CSALC)

ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS (OCASI)

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*Racial equity, human dignity, social justice*

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## **Overview of our Coalition**

The **Colour of Poverty – Colour of Change** (“COPC”) was established in 2007 as an Ontario-based community initiative bringing together individuals and organizations to build community capacity to address the racialization of poverty, and the resulting social exclusion and marginalization of Indigenous, Black, and racialized communities. While rooted in Ontario, COPC works with partners across Canada. COPC is guided by a steering committee of organizations that serve racialized communities and advocate on the disproportionate impacts of systemic racism and discrimination, including higher poverty rates; barriers to safety, affordable housing; inequities in employment and labour-market outcomes; poorer outcomes in education and health; overrepresentation in the criminal justice system; immigration-related discrimination; and gaps in access to justice.

Established in 2017, the **Black Legal Action Centre (BLAC)** is an independent not-for-profit community legal clinic that combats individual and systemic anti-Black racism by providing free legal services, conducting research, developing public legal education materials, and engaging in test case litigation and law reform. BLAC is the successor to the African Canadian Legal Clinic which was accredited to the 1981 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

The **Chinese & South East Asian Legal Clinic (CSALC)** – formerly known as the Metro Toronto Chinese & Southeast Asian Legal Clinic (MTCSALC) – is a Canadian NGO mandated to provide free legal services to low income members of Chinese and Southeast Asian communities in Ontario. Apart from providing legal services, CSALC also engages in systemic advocacy to advance the rights of immigrants, racialized communities and other disadvantaged members of society. CSALC has ECOSOC consultative status at the UN.

The **Chinese Canadian National Council for Social Justice (CCNC-SJ)** is a not-for-profit organization that engages, educates, and advocates for social justice and equity for all. Since January 2020 when the first case of COVID 19 was found in Canada, CCNC-SJ has been leading and collaborating with partners across Canada campaigns to raise awareness about rising anti-Asian racism and to advocate for government and community actions to combat systemic anti-Asian racism in Canada.

The **OCASI - Ontario Council of Agencies Serving Immigrants** is a council of autonomous immigrant and refugee-serving organizations in Ontario and the

collective voice of the immigrant and refugee-serving sector in the province. Formed in 1978, OCASI has 240 member organizations across the province of Ontario. OCASI's mission is to achieve equality, access and full participation for immigrants and refugees in every aspect of Canadian life. For more than four decades OCASI has engaged in public education and advocacy to identify and address systemic and structural racism and discrimination.

The **South Asian Legal Clinic of Ontario** (SALCO) is a not-for-profit community legal clinic that advances access to justice for low-income South Asian communities in Ontario through culturally responsive, language-accessible legal services and systemic advocacy. Established in 1999, SALCO provides direct legal representation, advice, and referrals in areas including human rights, income security, housing, employment, family, and immigration. Beyond individual casework, SALCO works to address systemic racism and discrimination through law reform, test-case and strategic litigation partnerships, community development, and public legal education. SALCO holds ECOSOC consultative status with the United Nations.

## **Endorsements**

This submission has been endorsed by the following organizations (in alphabetical order):

- **Canadian Association of Elizabeth Fry Societies (CAEFS)**
- **Feminist Alliance for International Action (Canada) (FAFIA)**
- **John Humphrey Centre for Peace and Human Rights (JHC)**

## **Non-discrimination (Art 2, 3, 6, 9, 25 and 26)**

### **Disaggregated data collection**

1. Canada has a significant and diverse population of racialized people, which is changing due to immigration. It welcomed just over 1.3 million new permanent residents between 2016 and 2021, a record high. Immigration accounts for almost 100% of Canada's labour force growth. Roughly 75% of Canada's population growth comes from immigration, mostly in the economic category. Indigenous and racialized people are the fastest growing population in Canada, including racialized women. In 2016, racialized people accounted for 22.2% of Canada's population with a projected estimate of 38.2-43% by the year 2041<sup>1</sup>. The Indigenous population continues to grow faster than the non-Indigenous population, growing 9.4% between 2016 and 2021<sup>2</sup>. In 2021, among women, more than 1 in 4 (25.8%) women aged 15 and older were part of the racialized population, more than one-quarter (27.1%) were immigrants, and 4.5% were Indigenous<sup>3</sup>.
2. Recent statistics demonstrate the ethno-racial diversity of Canada:
  - In 2020, 92% of Canadians aged 15 and older agreed that ethnic or cultural diversity is a Canadian value.
  - In the 2021 Census, 2.2 million people reported Indigenous ancestry representing almost 6% of the population of Canada.
  - South Asian people represented 7.1%, Chinese people represented 4.7%, and Black people represented 4.3% of the total population of Canada.<sup>4</sup>
3. The year-over-year increase in racialized populations speaks to the necessity to collect disaggregated data in Canada, which has been recognized both by this Committee as well as by Canada in its Universal Period Review. These ethno-racial and intersectional identities create varying experiences of barriers to accessing help, employment/unemployment, wage gaps, violence, education and health outcomes, access to housing, and over-representation in Canada's justice system.
4. Canada has made strides in its collection of disaggregated data. We acknowledge the launch of the Disaggregated Data Action Plan, led by Statistics Canada. However, Canada's approach to the collection of disaggregated data has not

<sup>1</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/220908/dq220908a-eng.htm>

<sup>2</sup> <https://www.statcan.gc.ca/o1/en/plus/3920-canadas-indigenous-population>

<sup>3</sup> <https://www150.statcan.gc.ca/n1/pub/12-581-x/2022001/sec7-eng.htm>

<sup>4</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/221026/dq221026b-eng.htm>

progressed at a rate that acknowledges the growing populations of racialized people in Canada and the growing disparities in all of their life outcomes. While the Plan has an all of government approach, progress is disjointed, and data collection is either inconsistent or non-existent. This type of ethno-racial data is still not collected for eg., in many of the programs delivered by Canada Border Services Agency, which is tasked with immigration enforcement and the removal of people from Canada, many from racialized communities; nor in critical areas such as health and healthcare.

5. The Federal government budget was silent on investments in racial equity and addressing racism<sup>5</sup>. Public discourse in Canada is increasingly polarizing with a rise of racially motivated attacks and anti-immigrant sentiment, as well as worsening inequities in income, labour market access, healthcare and housing. In an environment, where resources would be most needed, the budget was silent on investment in Canada's Anti-Racism Strategy and the federal anti-racism secretariat.
6. **Recommendations: We ask the Committee to recommend that Canada:**
  - **Require the Federal, Provincial, Territorial and Municipal governments collect and track disaggregated data with respect to ethno-racial, immigration status, and faith backgrounds across all Departments;**
  - **Require Ministries, Divisions and relevant institutions to use this data to develop strategies for addressing systemic racism/faithism and human rights violations;**
  - **Ensure that data is collected in a consistent/coherent way that enables analysis of the intersecting effects of ethno-racial and faith backgrounds with gender identity, sexual orientation, socioeconomic status, immigration status, age, and (dis)ability;**
  - **Use disaggregated socio-demographic data to develop strategies to address systemic racism and faithism; and,**
  - **Ensure community governance of such data (e.g., the OCAP framework<sup>6</sup> as developed and applied by Indigenous Peoples in Canada, the EGAP framework as proposed by the Black Health Equity Group in Ontario<sup>7</sup>) by Indigenous and equity seeking (and of course deserving) communities is in place to ensure community ownership, control, access, use, and interpretation to prevent misuse, misinterpretation, and commercialization**

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<sup>5</sup> <https://ocasi.org/budget-falls-short-canada%20%99s-commitment-immigrants-and-refugees>

<sup>6</sup> First Nations Information Governance Centre "The First Nations Principles of OCAP" [https://fnigc.ca/wp-content/uploads/2022/10/OCAP\\_Brochure\\_20220927\\_web.pdf](https://fnigc.ca/wp-content/uploads/2022/10/OCAP_Brochure_20220927_web.pdf)

<sup>7</sup> <https://blackhealthequity.ca/>

of data.

- **Build on the National Anti-Racism Strategy and work with racialized communities to create and implement a comprehensive legislated National Action Plan Against Racism.**

### **Racialized poverty and labour market discrimination**

7. According to Statistics Canada, in 2023, the poverty rate for individuals who are members of racialized groups<sup>8</sup> was 14.0%, up from 2022 (13.0%), but it was relatively unchanged for non-racialized Canadians (8.5%). Research from Statistics Canada shows that, for some racialized groups, differences in poverty rate persisted into the third generation or more<sup>9</sup>.
8. In the provinces, 17.5% of the Indigenous population lived below the poverty line in 2023. Further, this population continued to be nearly twice as likely to be living in poverty compared with the non-Indigenous population (9.9%)<sup>10</sup>.
9. Despite improvements over the course of the Covid-19 pandemic due to increased financial government assistance, the overall poverty rates have returned to pre-pandemic levels as those temporary assistance programs end. Canada's *Poverty Reduction Act, 2019*<sup>11</sup> sets poverty reduction targets at a 20 percent reduction by 2020 and a 50 per cent reduction by 2030, compared to 2015 levels. A return to pre-pandemic levels is a significant loss in progress towards these targets.
10. Research in Canada indicates that race-based discrimination continues. For example, employers discriminate against job applicants even when they have equivalent education and experience, as proven by studies that show far fewer interviews are offered to candidates with Asian-sounding names.<sup>12</sup>

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<sup>8</sup> "Racialized group" refers to whether a person is a visible minority or not, as defined by the Employment Equity Act. This act defines visible minorities as "persons, other than Indigenous peoples, who are non-Caucasian in race or non-white in colour." The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Arab, Latin American, Southeast Asian, West Asian, Korean and Japanese.

<sup>9</sup> Schimmele, Hou and Stick "Poverty among racialized groups across generations", August 23, 2023

<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2023008/article/00002-eng.htm>

<sup>10</sup> Data from the Canadian Income Survey, 2023 (most recent data available)

<https://www150.statcan.gc.ca/n1/daily-quotidien/250501/dq250501b-eng.htm>

<sup>11</sup> Poverty Reduction Act (S.C. 2019, c. 29, s. 315) <https://laws-lois.justice.gc.ca/eng/acts/p-16.81/page-1.html>

<sup>12</sup> Rupa Bannerjee, Jeffrey G Reitz, and Phil Oreopoulos, "Do Large Employers Treat Racial Minorities More Fairly? A New Analysis of Canadian Field Experiment Data" (2017),

<http://www.hireimmigrants.ca/wpcontent/uploads/Final-Report-Which-employers-discriminate-Banerjee-Reitz-Oreopoulos-January-25-2017.pdf>

11. Peoples of colour and immigrants are overrepresented in part-time and precarious employment characterized by lower wages, absence of benefits, and job insecurity.<sup>13</sup> This also puts migrant women with temporary or no immigration status at an increased risk for workplace exploitation. Factors that contribute to making the gaps deeper and wider are systemic racism/faithism in hiring and promotion, de-skilling of immigrants due to non-recognition of international credentials and experience earned abroad; and use of police record checks to discriminate against applicants.

12. As of October 2025, in Ontario<sup>14</sup>, the unemployment rate for similar for men and women, estimated at 7.6%. However, the unemployment rate among population groups designated as “visible minorities” (peoples of colour) was estimated at 9.5% in comparison to a 6.8% rate for non-peoples of colour and those that did not identify as Indigenous. Similarly, the unemployment rate for the Indigenous population was 12.2% compared to 7.9% for the non-Indigenous population. Through the pandemic and beyond, Indigenous people and peoples of colour across all regions in Canada continue to have higher rates of unemployment than “non-visible minority” communities.<sup>15</sup>

13. Despite overall improvements in labour market outcomes for women, there remains a gender gap between men and women. Major gender inequalities persist. Women—especially mothers of young children, caregivers, women with fewer years of formal schooling, and those facing overlapping forms of discrimination—remain concentrated in lower-paid occupations rooted in traditional gender roles such as care work and personal service work<sup>16</sup>.

14. These gender-based wage gaps become compounded when accounting for immigration status, race and faith background. While labour force participation rates and employment rates improve with the length of time spent in Canada, there remains a gap between immigrant and Canadian-born women<sup>17</sup>.

15. This disparity is more apparent when comparing immigrant and women of colour to

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<sup>13</sup> The Poverty and Employment Precarity in Southern Ontario Research Group, “It’s More than Poverty: Employment Precarity and Household Wellbeing” (2013), <https://pepsouwt.files.wordpress.com/2013/02/its-more-than-poverty-feb-2013.pdf>; The Poverty and Employment Precarity in Southern Ontario Research Group, “The Precarity Penalty: The Impact of Employment Precarity on Individuals, Households, and Communities – And What To Do About It” (2015), [https://pepsouwt.files.wordpress.com/2012/12/precarity-penalty-report\\_finalhires\\_trimmed.pdf](https://pepsouwt.files.wordpress.com/2012/12/precarity-penalty-report_finalhires_trimmed.pdf).

<sup>14</sup> <https://www.ontario.ca/page/labour-market-report-october-2025>

<sup>15</sup> <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410037302>

<sup>16</sup> Scott, Katherine, “The widening gap: Gender segregation and job polarization in the post-pandemic labour market” (January 13, 2026)

<sup>17</sup> <https://lmic-cimt.ca/womens-economic-empowerment-and-the-canadian-labour-market/>

Canadian-born white men. In 2019, the wage gap between Canadian-born white men and immigrant women was 47%. The gap increased to 61% for immigrant women of colour<sup>18</sup>. Racialized women in Canada – including Indigenous women, Black women and women of colour - have lower labour force participation rates and lower employment rates, are less likely to work full-time, and experience a larger wage gap compared to Canadian-born men.<sup>19</sup>. A 2022 study from Statistics Canada found that the average pay for peoples of colour could be as much as 30% lower in similar sized workplaces.<sup>20</sup>

**16. Recommendations: We recommend the Committee ask Canada to:**

- **Require provincial and territorial governments to introduce and enforce robust and effective employment equity legislation;**
- **Amend the *Employment Equity Act (EEA)* to reinstate mandatory compliance by Federal Contractors with all requirements under the statute;**
- **Include a recognition of intersectional discrimination/oppression as experienced by members of the designated groups – Indigenous Peoples, peoples of colour, women, persons living with disabilities, 2SLGBTQI+ individuals and those of diverse faith backgrounds, in employment equity legislation. Such recognition is important to advance employment opportunities for those most marginalized.**

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<sup>18</sup> Schirle, Tammy and Sogaolu, Moyosoreoluwa, A Work in Progress: Measuring Wage Gaps for Women and Minorities in the Canadian Labour Market (January 9, 2020). C.D. Howe Institute Commentary 561, January 2020, Available at SSRN: <https://ssrn.com/abstract=3517443>

<sup>19</sup> <https://lmic-cimt.ca/womens-economic-empowerment-and-the-canadian-labour-market/>

<sup>20</sup> <https://www150.statcan.gc.ca/n1/pub/36-28-0001/2022002/article/00005-eng.htm>

## **Violence against women (Articles 2, 3, 6, 7 and 26)**

### **Gender-based violence, opaque implementation and lack of accountability:**

17. Gender-based violence, family violence and intimate partner violence (IPV) continue to be critical areas of concern. Indigenous women face significantly higher rates of intimate partner violence<sup>21</sup> and are killed at nearly 7 times the rate of non-Indigenous women<sup>22</sup>. The National Inquiry into Missing and Murdered Indigenous Women and Girls concluded in 2019 and issued a final report with 231 individual Calls for Justice directed at governments, institutions, social service providers, industries and all Canadians. Very little progress<sup>23</sup> has been made on the implementation and Indigenous women and girls continue to face heightened risk of violence and death. Insufficient investment<sup>24</sup> in indigenous women's organizations hinder action and do not reflect the need to prioritize their safety and the prevention of violence against indigenous women.
18. In 2024, across Canada, overall rates of family violence and intimate partner violence continue their upward trend since 2018, although they stayed relatively unchanged since the previous year<sup>25</sup>. This upward trend is also reflected in SALCO's internal data collection in providing legal services to South Asian survivors of GBV in Ontario, where, from 2019 – 2024 we have seen a 41% increase in client cases related to GBV. The Ontario legislature has recognized intimate partner violence as *endemic* in Ontario<sup>26</sup>.
19. Since Canada's last report to this Committee, the government has created the National Action Plan to End Gender-Based Violence (NAP-GBV). Our coalition welcomes the creation of the National Action Plan. Leading up to its creation, civil society and indigenous organizations came together to create the Roadmap for a National Action Plan<sup>27</sup>, a report outlining 100 recommendations across the four pillars of the NAP that the federal government must implement to achieve a Canada free of gender-based violence.

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<sup>21</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00007-eng.htm>

<sup>22</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00016/tbl/tbl06-eng.htm>

<sup>23</sup> <https://afn.bynder.com/m/2ea645db802ef4/original/Breathing-Life-into-the-Calls-for-Justice-A-CFJ-Progress-Report.pdf>

<sup>24</sup> Ontario Native Women's Association. (2024). Beyond the Inquiry: ONWA'S Journey 5 Years After the National Inquiry Final Report. [https://www.onwa.ca/\\_files/ugd/274c9a\\_466b36b132cd4c5ca9ccdc0e2267742c.pdf](https://www.onwa.ca/_files/ugd/274c9a_466b36b132cd4c5ca9ccdc0e2267742c.pdf)

<sup>25</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/251028/dq251028a-eng.htm>

<sup>26</sup> [https://www.ola.org/sites/default/files/node-files/hansard/document/pdf/2025/2025-11/05-NOV-2025\\_L034A.pdf](https://www.ola.org/sites/default/files/node-files/hansard/document/pdf/2025/2025-11/05-NOV-2025_L034A.pdf)

<sup>27</sup> <https://nationalactionplan.ca/>

20. In addition to the 100 recommendations, the key takeaways of the Roadmap report were that the successful implementation of the NAP requires, among other things, independent oversight and evaluation, an all-of-government approach with cooperation and coordination among governments and the centering of the voices and experiences of the people most affected by gender-based violence - which includes Indigenous women, Black women, women of colour, women with disabilities, non-binary and trans women, 2SLGBTQI+ people, people living in rural and remote areas, and migrant women.

21. When Black women and women of colour report GBV or IPV, their experiences are taken less seriously within the criminal law system and perpetrators receive less harsh punishments<sup>28</sup>.

22. In 2022-2023, the federal government started releasing funds for the implementation of the NAP-GBV through the Department for Women and Gender Equality (WAGE). Through a series of bilateral agreements with the provincial and territorial governments, the federal government sends funds to the PT governments that they dispense to initiatives that are aimed at preventing and addressing GBV.

23. GBV organizations have raised concerns around the lack of transparency and asked for greater accountability<sup>29</sup>. There is no mechanism for civil society to be involved at the PT level to advise on priority-setting for how the funds are allocated. WAGE has not currently made known any mechanism for independent oversight and evaluation of the expected results and the progress made under the NAP-GBV.

24. With the distribution of funds being left to the provincial and territorial governments, there is a lack of consistency across jurisdictions and survivors in different areas of the country have unequal access to resources and supports.

25. This inconsistency is compounded by ineffective, and in some cases, non-existent data collection. Canada does not adequately collect data to understand the differential impacts of violence on racialized women in Canada – Indigenous women, Black women or women of colour, including those with precarious or no immigration status. There is little or no collection of disaggregated data on GBV or IPV in provincial and territorial jurisdictions. There is no data, let alone disaggregated data, on the experiences of migrant women and women with precarious immigration status in the sex trade including arrests, detentions or

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<sup>28</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2381582](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2381582)

<sup>29</sup> Women's Shelters Canada, Reflections on the First Year of the National Action Plan to End Gender-Based Violence, November 9, 2023 <https://endvaw.ca/archives/news/first-year-nap/>

removals. The COP-COC network's grassroots work in these communities reveals that these women are subject to significant rates of violence that is exacerbated by systemic racism and faithism, as well as precarious immigration status and lack of workplace protections.

26. Oversight and accountability are vital to ensure the investments made by the federal government are effective. The need for a robust accountability mechanism has also been recognized by the Mass Casualty Commission Report<sup>30</sup>. Recommendation 17 of the report recommends the federal government establish by statute an independent and impartial GBV commissioner<sup>31</sup> with "adequate, stable funding and effective powers" whose mandate should be developed "in consultation with the Provincial and Territorial governments, women survivors (including from marginalized and precarious communities), and the GBV advocacy and support sector".
27. Women with precarious immigration status fleeing violence are able to apply for temporary resident permits and in some cases, permanent residence<sup>32</sup>. However, these applications are discretionary, eligibility criteria are narrow and there is no guarantee of approval. TRPs are usually granted for a year at a time. Applicants must reapply every year if they need to stay in Canada. Often applicants are navigating criminal and family court processes, and uncertainty around their immigration status adds another layer of precarity.
28. Canada allows people who have been trafficked to apply for a temporary resident permit, however most are often unaware of this option, the application process is difficult, the requirements onerous and very few permits have been issued.
29. An application for a Temporary Resident Permit is not an eligible service for legal aid in Ontario. This means low-income survivors have to rely on assistance from a legal clinic or decide to self-represent.

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<sup>30</sup> Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty [www.masscasualtycommission.ca](http://www.masscasualtycommission.ca)

<sup>31</sup> <https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-List-of-Recommendations.pdf>

<sup>32</sup> Immigration options for victims of family violence, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship/fees-permits-victims.html>

30. Both of these Temporary Resident Programs are public policy immigration programs created by Ministerial Instructions<sup>33<sup>34</sup></sup> under the authority of S. 24(3) of the *Immigration and Refugee Protection Act*. This means that these programs can be ended at any time, at the prerogative of the Minister of Citizenship and Immigration, taking away a crucial pathway to immigration stability for women and gender-diverse people fleeing violence. It is imperative to enshrine these programs in legislation so that survivors have a stable immigration pathway as an option as they rebuild their lives.

31. Racialized women in Canada are also subject to disproportionate rates of digital violence and hate crimes. According to Statistics Canada, 67% of those who report online violence to police are women and girls. The harm caused by digital violence against women is significant since it can be pervasive and can re-victimize survivors every time harmful content is shared. The experiences of Indigenous, Black and racialized women are significantly under-counted in these statistics, due to various factors including fear of police, combined with systemic access barriers.

**32. Recommendations: We ask the Committee recommend that Canada:**

- **Fully implement, without delay, the Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan and the calls for justice that prioritize Indigenous women's safety and healing;**
- **Create a robust and independent oversight and accountability mechanism to ensure that efforts and investments made under the National Action Plan to End Gender-Based Violence are effective;**
- **Evaluate and ensure the equitable distribution of adequate funding and support for Indigenous, Black and racialized survivors of GBV and IPV;**
- **Establish equitable, broad-based and accessible immigration status regularization programs for survivors of GBV, IPV and human trafficking;**
- **Include the protection of racialized women and girls in any online harms legislation that is proposed. Oblige social media platforms to remove content that incites violence or hate against women and girls, including hate that intersects gender identity, faith, and race;**

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<sup>33</sup>Ministerial Instructions (MI82): Ministerial Instructions pursuant to subsection 24(3) of the Immigration and Refugee Protection Act concerning foreign nationals who are victims of family violence

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/other-goals/mi82.html>

<sup>34</sup> Ministerial Instructions 81 (MI81): Ministerial Instructions Regarding the Protection of Foreign National Victims of Human Trafficking in Canada via the Issuance of Temporary Resident Permits

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/other-goals/mi81.html>

- Introduce a broad, equitable and inclusive immigration status regularization program that would allow sex workers with precarious immigration status to gain permanent residence and be protected from exploitation; and
- Make permanent public policies in immigration that provide for immigration protection for women trying to leave situations of violence who have no or precarious immigration status including the Temporary Resident Permit for Victims of Family Violence, the fast-tracked permanent residence on Humanitarian and Compassionate grounds for women facing intimate partner violence, and the Open Work Permit for Vulnerable Workers.

## **Immigration – Treatment of migrants, refugees and asylum seekers (Arts. 7, 9, 12, 13 and 24)**

### **Disproportionate impact of immigration policy changes on racialized communities and those with intersecting vulnerabilities**

33. Immigration, Refugees and Citizenship Canada (IRCC) has temporarily paused intake for several immigration programs. Streams affected include the Home Care Worker Immigration Pilot<sup>35</sup>, the Parents and Grandparents Sponsorship program<sup>36</sup> and the Refugee Sponsorship programs<sup>37</sup> by groups of five and community sponsors. Historically, these are programs are used primarily by racialized communities. These interruptions in intake effectively cut off routes that were specifically designed to convert long-term work, caregiving, or community ties into permanent residence. When new intake is paused but backlogs remain, racialized applicants are more likely to be stuck for years in precarious temporary status or in unsafe conditions abroad while waiting for a decision. In addition, cuts to other immigration programs, like Interim Federal Health, leave them lacking critical supports while they wait.

34. Demand for these programs has far exceeded the number of spots available under the government's immigration levels plan, creating large backlogs and long processing times for applicants. In 2025, IRCC released updated processing times for its programs and wait times went up exponentially. IRCC explains that these updated processing times take into account annual caps or quotas for streams, the number of applications already submitted in a particular stream, and if there are any operational priorities or staff capacity limits that affect how many applications can be processed. New processing times included up to 108 months (nine years) for the caregivers pathway and more than 10 years for the humanitarian and compassionate stream<sup>38</sup>.

35. These pauses and delays particularly impact racialized women, as the primary users of programs that recognize their unpaid or underpaid care work<sup>39</sup> and

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<sup>35</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/pausing-home-care-worker-immigration-pilots-application-intake.html>

<sup>36</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/other-goals/mi89.html>

<sup>37</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/temporary-pause-extended-refugee-sponsorship-applications-groups-five.html>

<sup>38</sup> <https://www.cbc.ca/news/canada/ottawa/50-year-immigration-wait-stuns-lawyers-and-families-but-ircc-says-it-s-no-mistake-9.6939919>

<sup>39</sup> <https://www.cbc.ca/news/canada/ottawa/ircc-migrant-caregivers-pause-applications-9.7031403>

community support, forcing them to stay in precarious situations with fewer rights and protections. Families from racialized communities will be separated longer because pauses on parent, grandparent, or refugee sponsorships delay reunification. Alternate 'safety net' streams for permanent residence such as those on humanitarian and compassionate grounds are plagued with decade long processing times. Parents and grandparents may be able to obtain 'super visas' (visitor visas with longer periods of authorized stay) to stay in Canada, but they are not authorized to work and ineligible for social assistance or public healthcare.

**36. Recommendations: We ask that the Committee recommend that Canada:**

- Establish a permanent, stable pathway for caregivers to be able to obtain permanent residence with predictable annual intakes
- This includes an immediate reversal of the pause of the Home Care Worker Immigration Pilots (HCWIP), which primarily impacts racialized women, and ensure accessible non-exploitative routes to permanency for all care workers, by removing caps/narrow application windows, ending employer-dependent requirements that trap workers in abusive conditions, issuing emergency and bridging open work permits, and adopting family unity safeguards (including suspending child "age-out" limits)
- Adequately staff, fund and resource humanitarian and family reunification immigration programs to reduce processing times
- Evaluate the impacts of immigration policies on racialized communities, and adopt measures to mitigate ethno-racially disparate effects
- Immediately reverse the co-pay system for the Interim Federal Health Program supplemental health products or services that will go into effect as of May 1, 2026. The Interim Federal Health Program (IFHP) gives limited, interim health coverage for resettled refugees, protected persons, refugee claimants, and victims of human trafficking. The new requirement will create a financial barrier for healthcare. Racialized people, particularly women and gender-diverse people are over-represented among those living in poverty and with few resources of their own for healthcare products and services, and are more likely to be disproportionately affected

**Bill C-12 : Strengthening Canada's Immigration System and Borders Act, 2025**

37. Canada has proposed legislation through Bill C-12 that, if passed into law, would significantly impact rights of migrants, refugees and asylum seekers. These changes weaken refugee protections, undermine rights guaranteed by the *Canadian Charter of Rights and Freedoms*, and contravene Canada's international

obligations under the ICCPR and the 1951 Refugee Convention.

38. The *Strengthening Canada's Immigration System and Borders Act* bill makes sweeping changes to Canada's refugee and immigration program, among others. Our submission focuses on the impact of these changes on racialized communities and those escaping gender-based violence.
39. The Bill creates new ineligibility provisions that would prevent asylum claimants from accessing an oral hearing at the Immigration and Refugee Board, as part of their claim's determination process. A 1-year bar (for those who entered Canada after June 24, 2020) and a 14-day bar for those entering Canada from the US between Ports of Entry has been imposed. Any refugee claims made after these time limits are automatically ineligible for adjudication by the Immigration and Refugee Board, an independent administrative tribunal. People who are excluded from making a refugee claim under the above two new ineligibility provisions may be offered a Pre-Removal Risk Assessment (PRRA) when the Canadian Border Services Agency (CBSA) is ready to enforce removal proceedings. A PRRA assesses risk to an individual on removal from Canada. If approved, the application obtains protected person status and may apply for permanent residence. It is an administrative decision made by an IRCC officer and lacks the procedural safeguards of a formal refugee hearing. Unlike the Immigration and Refugee Board (IRB), it provides no right to an oral hearing—as required by the Supreme Court of Canada's decision in *Singh v Canada*<sup>40</sup>—nor a right to appeal. IRCC officers are not independent and do not possess the same resources or expertise to properly evaluate a claim, as compared to adjudicators at the IRB. The only option for legal recourse from a PRRA decision is a judicial review or a stay through the Federal Court of Canada, which is already considerably backlogged.
40. There is the very real risk that people in need of protection will be quickly deported only to face persecution and harm, violating the principle of non-refoulement. The suggested 1-yr (and 14-day) bar does not account for claims based on violence or SOGIESC<sup>41</sup>, where applicants may not be ready to file a claim as soon as they enter Canada. They do not account for situations where country of origin conditions changed after applicants have already lived in Canada or the many legitimate reasons an applicant's need to seek asylum only arose after their arrival (*sur place* claims).

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<sup>40</sup> *Singh v. Minister of Employment and Immigration*, 1985 CanLII 65 (SCC), [1985] 1 SCR 177, <<https://canlii.ca/t/1fv22>>, retrieved on 2026-02-02

<sup>41</sup> SOGEISC refers to individuals with, or who are perceived to have, sexual orientations, gender identities and expressions and sex characteristics (SOGIESC) that do not conform to socially accepted norms in a particular cultural environment.

41. The Bill also gives the government sweeping new powers to cancel, suspend or change a broad range of immigration documents for reasons of “public interest”, including permanent or temporary resident visas, work or study permits, and travel authorizations. The Bill provides for these decisions to be taken by the Governor-in-Council<sup>42</sup>, which means that there is no requirement for parliamentary debate or oversight before these decisions are made. The Bill would also allow the government to suspend new applications in a specific category and suspend and terminate processing of applications already submitted as a matter of public interest. In its current form, the Bill would allow discriminatory actions such as cancelling applications and/or documents for applicants from one country. One journalistic investigation reveal the government’s motivations to target applicants from India and Bangladesh through these legislative changes<sup>43</sup>.

42. IRCC also updated processing times for some permanent residency programs recently, with wait times for some programs reaching up to 50 years. There is growing concern among advocates<sup>44</sup> that the government will use power granted by Bill C-12 to cancel applications in some of these backlogged programs *en masse*. There are no official counts, but estimates suggest that there are more than 500,000 non-status individuals living in Canada. These proposed legislative changes mean that number could increase exponentially with more people living precariously in Canada. Lack of immigration status cuts people off from rights and entitlements, access to employment and services like social assistance and healthcare and increases their vulnerability to exploitation and abuse.

43. The government argues that the changes to the refugee determination system will make the system more efficient and reduce taxpayer burden by deterring claims they assume are non-viable based on prior length of stay in Canada. However, research shows that the proposed changes will be less efficient and increase the load on the already overwhelmed Federal Court system, leading to more litigation. The proposed eligibility bars send applicants through the PRRA process which would be more expensive from a legal aid perspective than the existing process through the Immigration and Refugee Board<sup>45</sup>.

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<sup>42</sup> The Governor General acting on advice of the federal Cabinet.

<sup>43</sup> CBC News, “Ottawa seeking mass visa cancellation powers to deter fraud from India: internal documents”, November 3, 2025 <https://www.cbc.ca/news/politics/mass-cancellation-power-visas-india-bangladesh-9.6956426>

<sup>44</sup> CBC News, “50-year immigration wait stuns lawyers and families, but IRCC says it’s no mistake”, Oct 20, 2025 <https://www.cbc.ca/news/canada/ottawa/50-year-immigration-wait-stuns-lawyers-and-families-but-ircc-says-it-s-no-mistake-9.6939919>

<sup>45</sup> Legal Aid Ontario, Submissions To the Standing Committee On Citizenship And Immigration Regarding Bill C-12 – Strengthening Canada’s Immigration System And Borders Act November 2025 <https://www.ourcommons.ca/Content/Committee/451/CIMM/Brief/BR13730246/br-external/LegalAidOntario-e.pdf>

44. A misguided piece of legislation that is motivated by appeasing the United States, Bill C-12 would not meet any of its stated objectives. Instead, it seems designed to overwhelm the refugee and immigration system and then use unchecked executive powers to clear the board. Civil society advocacy organizations have been sounding the alarm<sup>46</sup> of the impact these changes would have across sectors, however despite widespread opposition the government is intent on rushing this into law.

45. **Recommendations: We recommend that the Committee ask Canada to:**

- **Withdraw Bill C-12 (and its precursor Bill C-2) in its entirety**
- **Consider a plan to regularize status for all non-status individuals in Canada**
- **In the alternative, Amend the Bill to make it *Charter* compliant and compliant with Canada's international obligations, under this Covenant and others, in consultation with the communities affected by these changes;**
- **Amend the Bill to create reasonable exceptions to the proposed grounds of ineligibility**

**Immigration detention, data collection gaps and lack of independent civil oversight at CBSA**

46. Our Coalition advocates to end immigration detention in Canada. Canada continues to detain migrants who have not been charged or convicted of any crime and does not impose a time limit on migration detention. There is no prohibition against detaining children and youth. There is no independent oversight of Canada Border Services Agency. These concerns were echoed recently by members of the UN Working Group on Arbitrary Detention following their country visit to Canada.<sup>47</sup>

47. The Canada Border Services Agency (CBSA) does not publish detention statistics disaggregated based on race, ethnicity, or country of origin (another data gap not presently addressed by the Disaggregated Data Action Plan). Anecdotal evidence suggests that long-term detainees are disproportionately racialized: because racialized undocumented migrants are more likely to be detained rather than receive a notice to appear for a hearing; because of difficulty obtaining identity

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<sup>46</sup> <https://ccrweb.ca/en/release-rights-groups-issue-urgent-warning-ahead-critical-c-12-vote>

<sup>47</sup> UN Working Group on Arbitrary Detention : Preliminary Findings from its visit to Canada (13 to 24 May 2024) <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/statements/20240524-wgad-eom-ca-pf.pdf>

documents from their countries of origin; and because of the lack of legal aid for detention reviews.

48. Despite calls to change, Canada still does not impose a maximum time limit on immigration detention. There is still no bar against detaining children. This raises the spectre of indefinite detention based entirely on immigration grounds (such as likelihood of not appearing for future proceedings), and not for any reasons related to public safety. This means persons facing immigration removal from Canada can often be detained far longer and in worse conditions than many convicted criminals.

49. There continues to be no independent oversight mechanism for CBSA. The Public Complaints and Review Commission Act<sup>48</sup>, an Act that created the first ever arm's length civilian oversight body for CBSA, received royal assent in October 2024<sup>49</sup>. However, the Commission has yet to be established<sup>50</sup>. The need for oversight is especially imperative as the federal legislature moves to pass legislation that would expand the authority of the CBSA.

50. The UN Human Rights Council Working Group on Arbitrary Detention made a country visit to Canada in 2024. Their report, released in August 2025<sup>51</sup>, made several recommendations<sup>52</sup> in the context of migration detention. **We concur with the recommendations of the UN Working Group and ask that this Committee does the same. The recommendations are excerpted below:**

- Ensure that detention during migration is used on an exceptional basis, for the shortest time possible, and only for a legitimate purpose;
- Promptly enact legislation to specify a maximum duration for migration-related detention and release any individual held for migration-related reasons beyond that period;
- Take all measures necessary to put an immediate end to the administrative detention of migrant children;
- Immediately remedy the unsatisfactory prison-like detention conditions in immigration holding centres, in accordance with international norms and standards;
- Put an end to the practice of using criminal justice facilities for migration

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<sup>48</sup> Public Complaints and Review Commission Act (S.C. 2024, c. 25) <https://laws-lois.justice.gc.ca/eng/acts/P-27.5/>

<sup>49</sup> <https://www.parl.ca/legisinfo/en/bill/44-1/c-20>

<sup>50</sup> "CBSA complaints commission still not up and running", Brigitte Bureau, CBC News, Feb 19 2025,

<https://www.cbc.ca/news/canada/ottawa/cbsa-complaints-commission-still-not-up-and-running-1.7461882>

<sup>51</sup> A/HRC/60/26/Add.1: Visit to Canada - Report of the Working Group on Arbitrary Detention, published Aug 04, 2025, <https://www.ohchr.org/en/documents/country-reports/ahrc6026add1-visit-canada-report-working-group-arbitrary-detention>

<sup>52</sup> <https://docs.un.org/en/A/HRC/60/26/ADD.1>

detention;

- Ensure the provision of legal representation and access to legal aid for migrants, and guarantee access to justice and procedural safeguards for migrants with psychosocial disabilities during administrative proceedings;
- Establish an independent oversight body to monitor and review the detention-related practices of the Canada Border Services Agency.

**51. Recommendations: We also recommend the Committee ask Canada to:**

- **Implement the *Public Complaints and Review Commission Act, 2024* without delay**
- **Collect and publish data disaggregated by ethno-racial background, gender and country of origin with respect to all aspects of immigration detention (including data regarding reasons for detention and length of detention).**

**Canada Child Benefit – eligibility tied to immigration status**

52. After a temporary improvement during the course of the Covid-19 pandemic due to increased government assistance, in 2022 people in female-led one-parent families were almost four times more likely (23.8%) to live below the poverty line than people in couple families with children (6.3%).<sup>53</sup> While the Canada Child Benefit (CCB), a program intended to keep children out of poverty, has made a considerable difference in the lives of single mothers and children, the rates of poverty remained higher than the national average for First Nations children living on reserve (37.4 per cent), First Nations children living off-reserve (24 per cent), Inuit children (19.4 per cent), Métis children (15.2 per cent), Black children (18.6 percent) and other racialized children (15.1 per cent) in 2020<sup>54</sup>.

53. Eligibility for the CCB program is based on the immigration status of parents/caregivers, among other criteria, and the program continues to exclude people with precarious or no immigration status, which means children, including Canadian-born children, remain affected. This eligibility criterion disproportionately affects racialized women with irregular immigration status even if they have children who are born in Canada.

54. People who are non-status or on an irregular immigration pathway are particularly vulnerable as they are more likely to be low income, under-employed or living in poverty while having fewer connections and resources in Canada that they can rely

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<sup>53</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/240426/dq240426a-eng.htm>

<sup>54</sup> <https://www.unicef.ca/sites/default/files/2023-12/UNICEFReportCard18CanadianCompanion.pdf>

on. Thus, the CCB would be particularly helpful to racialized women without status and who are struggling to provide for their children while residing in Canada, given that they tend to be more likely to live in poverty and are not eligible to receive any income supports nor access to any social and economic support programs.

55. There may also be a multitude of reasons why women with irregular immigration status remain in Canada including having left situations of violence, migrant workers who have been let go from employment, or those waiting for permanent residence based on a refugee claim or an application on humanitarian and compassionate grounds. Often, women without status, but who have lived in Canada for an extended period, are paying taxes despite the fact that they cannot benefit from the various tax benefits and credits such as the CCB. If the goal of the CCB is to eradicate child poverty in Canada, it should be made available to all families who are residing in Canada regardless of their immigration status. Given the ethno-racial demographics of these cohorts, the current eligibility requirements of the CCB disproportionately discriminates against racialized immigrant women and children.

**56. Recommendations: We recommend the Committee ask Canada to:**

- Amend the Income Tax Act by repealing s.122.6(e) which ties eligibility for the Canada Child Benefit (CCB) to the immigration status of the applicant parent/caregiver. Every parent/caregiver in Canada who is considered a resident for tax purposes should be eligible for the CCB, regardless of immigration status.**

## **Freedom of religion or belief (Articles 2, 18, 25 and 26)**

### **Quebec's Bill 21 – Disproportionate impact on racialized minorities**

57. Quebec's Bill 21, the Act respecting the laicity of the State, prohibits many public employees in positions of authority—such as teachers, police officers, prosecutors and some civil servants—from wearing visible religious symbols while performing their functions, and also imposes face-uncovering requirements for certain public services. These restrictions disproportionately affect members of religious minorities, especially Muslim women who wear the *hijab* or *niqab*, and other believers who wear turbans or kippot, and they have been widely criticized as discriminatory despite being shielded domestically by the use of Canada's "notwithstanding clause."

58. Bill 21 harms immigrant and racialized communities in particular. During the debates for Bill 21, the Quebec National Assembly was advised that the legislation would have discriminatory effects on racialized persons, including but not only Muslim women and Sikh men and women<sup>55</sup>. As expected, these concerns became reality once Bill 21 became law<sup>56</sup>.

59. The Quebec government is relying on s. 33 of the Canadian *Charter of Rights and Freedoms* (the 'notwithstanding clause') to shield Bill 21 from being struck down. However, the law contravenes Articles 18 (right to freedom of thought, conscience and religion), 19 (freedom of expression), 3 (equal rights of men and women) and 26 (equality before the law) of the ICCPR<sup>57</sup>. As a signatory to the Covenant, all levels of government in Canada are bound by the obligations therein. These are legally binding obligations, and it is not for Quebec to 'opt out'.

60. **We recommend that the Committee ask Canada and Quebec to:**

- **Explain how Bill 21, an Act respecting the laicity of the State, complies with the Covenant and other legally binding obligations under international law**
- **Explain what measures they intend to take to protect religious minorities and other impacted communities from hate incidents and negative attitudes**

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<sup>55</sup> CTV News, [Bill 21 hearings: Religious groups denied chance to speak](https://www.ctvnews.ca/montreal/article/bill-21-hearings-religious-groups-denied-chance-to-speak), May 07, 2019 <  
[https://www.ctvnews.ca/montreal/article/bill-21-hearings-religious-groups-denied-chance-to-speak/](https://www.ctvnews.ca/montreal/article/bill-21-hearings-religious-groups-denied-chance-to-speak)>

<sup>56</sup> CBC News, [New research shows Bill 21 having 'devastating' impact on religious minorities in Quebec | CBC News](https://www.cbc.ca/news/canada/montreal/bill-21-impact-religious-minorities-survey-1.6541241), August 04, 2022 <<https://www.cbc.ca/news/canada/montreal/bill-21-impact-religious-minorities-survey-1.6541241>>

<sup>57</sup> The law also lands afoul of obligations under other international instruments Canada is a party to namely the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

**arising as a result of this discriminatory legislation.**

## **Conclusion**

61. Canada's obligations under the ICCPR require more than formal equality. They require concrete, measurable action to prevent discrimination and to ensure effective access to rights and remedies for those most affected by systemic racism and discrimination. As this submission demonstrates, racialized communities, particularly Indigenous, Black, and racialized women, migrants, refugees, and people with precarious status, continue to face compounded harms through data gaps, unequal protection from gender-based violence, exclusionary income supports, discriminatory laws, and immigration measures that deepen precarity and heighten risk.
62. We respectfully urge the Committee to recommend that Canada adopt the measures set out above with clear timelines, adequate resourcing, and independent oversight, particularly in relation to disaggregated data collection, accountability for the National Action Plan to End Gender-Based Violence, equitable and stable pathways to immigration status, meaningful limits and oversight in immigration detention, removal of immigration-status barriers to the Canada Child Benefit, and compliance with Covenant rights in the context of Quebec's Bill 21. These steps are essential to ensure that the Covenant's protections are real in practice for those who experience the sharpest edge of inequality in Canada.