International Commission of Jurists Canada
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SUBMISSION TO THE UN COMMITTEE ON HUMAN RIGHTS

for the review of Canada in March 2026 (during CCPR session 145)

for its compliance with the International Covenant on Civil and Political Rights

About the International Commission of Jurists – Canada

The International Commission of Jurists – Canada (ICJ Canada) was established in 1958 as a national section of the International Commission of Jurists with the objective to promote human rights and freedoms, the rule of law, and the independence of the judiciary. ICJ Canada is an independent, non-governmental, non-partisan organization, and a registered Canadian charity.

ICJ Canada provides legal expertise and undertakes actions at both the international and national levels to ensure that developments in international law adhere to human rights principles, and to ensure that international standards are implemented at the national level. We work to foster a culture of respect for human rights among members of the legal profession, and in Canadian society more broadly.

The Submission

Since Canada's last reporting to the UN Committee on Civil and Political Rights under the International Covenant on Civil and Political Rights (ICCPR), several important human rights deteriorations have occurred in Canada, with direct and serious implications for the rule of law and the human rights regime, including civil and political rights.

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With relevance to section A (*General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant*) and section B, subsection *Constitutional and legal framework within which the Covenant is implemented (art. 2)* from the approved List of Issues prior to submission of the seventh periodic report of Canada

The Canadian Charter of Rights and Freedoms "Notwithstanding" Clause

The Canadian Charter of Rights and Freedoms[1] – which is part of the Canadian Constitution and the main Canadian law on human rights at the federal level– includes a provision (Section 33), which **lately** became the main source of human rights concerns. Section 33 of the Charter reads as follows:

> ***Exception where express declaration***
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> ***33 (1)*** *Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.*
>
> ***Operation of exception***
>
> ***(2)*** *An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.*
>
> ***Five year limitation***
>
> ***(3)*** *A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.*
>
> ***Re-enactment***
>
> ***(4)*** *Parliament or the legislature of a province may re-enact a declaration made under subsection (1).*
>
> ***Five year limitation***
>
> ***(5)*** *Subsection (3) applies in respect of a re-enactment made under subsection (4).*

To summarize, Section 33 of the Canadian Charter of Rights and Freedoms allows the Canadian federal Parliament and the provincial legislatures to effectively override (to derogate from) human

[1] https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html

rights enshrined in Sections 2 and 7-15 of the Charter. The rights and freedoms subject to such overriding are:

Fundamental freedoms

2 *Everyone has the following fundamental freedoms:*

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

Life, liberty and security of person

7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Search or seizure

8 *Everyone has the right to be secure against unreasonable search or seizure.*

Detention or imprisonment

9 *Everyone has the right not to be arbitrarily detained or imprisoned.*

Arrest or detention

10 *Everyone has the right on arrest or detention*

(a) to be informed promptly of the reasons therefor;

(b) to retain and instruct counsel without delay and to be informed of that right; and

(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Proceedings in criminal and penal matters

11 *Any person charged with an offence has the right*

(a) to be informed without unreasonable delay of the specific offence;

(b) to be tried within a reasonable time;

(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

(e) not to be denied reasonable bail without just cause;

(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;

(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or punishment

12 *Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.*

Self-crimination

13 *A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.*

Interpreter

14 *A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.*

Equality before and under law and equal protection and benefit of law

> ***15 (1)*** *Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*
>
> ***Affirmative action programs***
>
> ***(2)*** *Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*

The prevailing interpretation of this Charter provision in effect limits judicial review of the "notwithstanding" clause invocations to only ***procedural*** aspects. The Canadian Ministry of Justice explains this as follows:

> Once invoked, the notwithstanding clause prevents a court from declaring that legislation covered by a section 33 declaration is of no force or effect, despite any inconsistency in the legislation with the rights or freedoms under the listed Charter sections. A section 33 declaration is only valid for 5 years. After this time period, it ceases to have any effect unless it is re-enacted.
>
> Section 33 lays down a requirement of form only. In invoking section 33, the legislature does not need to identify the provisions of the Act in question which might otherwise infringe specified guaranteed rights and/or freedoms, nor does the legislature need to provide a substantive justification for using the override (*Ford v. Quebec (Attorney General)*, [1988] 2 S.C.R. 712, at paragraph 33).
>
> A declaration under section 33 is valid if it generally names all of sections 2 and 7 to 15, without specifying the possible provisions to which the override may apply. Omnibus legislation will not affect the validity of the declaration (*Ford*, supra).
>
> Where the legislative intent is to override only part of the provision or provisions contained in a section, subsection or paragraph of the Charter, there must be a sufficient reference in words to the part to be overridden (*Ford*, supra).
>
> The general rule of interpretation against retroactive and retrospective operation applies to section 33 of the Charter: section 33 has been interpreted by the Supreme Court as permitting prospective derogation only. If enacting legislation purports to give retrospective

effect to an override of the Charter, the legislation is, to that extent, of no force or effect. (*Ford*, supra; *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927).[2]

This "procedural" judicial review approach is clearly contrary to the human rights requirements of a ***substantive*** judicial review of potential human rights violations.

The Canadian Charter Section 33 "notwithstanding" clause was used rarely during the previous decades. Surprisingly, given the "exceptional" nature of the clause, over the past several years it has been used or threatened to be used routinely by provincial governments in Quebec, Ontario, Saskatchewan, and Alberta. This marks a turn towards an effective dismantling of the human rights regime in Canada.

In recent years, provincial governments in Canada have used or attempted to use the clause to:

- enforce discriminatory provisions increasing barriers to education for English speaking minority and Indigenous peoples in Quebec;
- prevent education workers from striking;
- ban teachers, provincial government employees and childcare givers from wearing religious symbols, even when services are provided within minority communities;
- prevent trans youth from using their chosen names and pronouns in schools; and
- limit third party political spending ahead of elections.

Below is a more detailed list of the recent "notwithstanding" clause uses in Canada:[3]

In 2019, the Government of Quebec used the "notwithstanding" clause pre-emptively to pass Bill 21, a law that prohibited certain public sector workers – such as teachers, lawyers, and police officers – from wearing religious symbols in their workplaces. This law applies inclusively to symbols which might appear on jewelry, such as the crucifix and the Star of David, as well as to garments essential to religious observance, such as hijabs, turbans, and yarmulkes.

In 2021, the Government of Quebec used the clause pre-emptively once again to pass Bill 96, a law that included amendments to Quebec's Charter of the French Language, e.g. providing for the expansion of the investigative powers of Quebec's language office.

[2] https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art33.html
[3] https://www.constitutionalstudies.ca/2019/07/notwithstanding-clause-2/ & https://ccla.org/major-cases-and-reports/notwithstanding-clause/

Also in 2021, the Government of Ontario used the "notwithstanding" clause to revive a law that was previously struck down by the Ontario Superior Court on free expression grounds (the limitation was struck down as an unjustifiable infringement on freedom of expression). The law placed a $600,000 limit on expenditures for third party political advertising that applied for a full-year before the beginning of an official election campaign. Thus, the Government of Ontario used the Charter override to maintain the restriction on the freedom of expression.

The province of Ontario used the Charter override again in 2022 to prohibit education workers from striking, even though courts have determined that freedom of association includes the right to strike and the right to collective bargaining. Following a wave of public discontent, the Ontario government repealed this controversial bill.

The province of Saskatchewan added the clause to protect strike-ending legislation in 1986. The government used the clause because they thought the law forcing strikers back to work would violate freedom of association. However, the clause was removed when the Supreme Court said that the law would not affect Charter rights.

In 2023 Saskatchewan used the "notwithstanding" clause override to ban transgender students from using their chosen names and pronouns in schools without formal parental permission. This may lead to an irreparable harm for vulnerable students – young people who may not be in a position to get support from their families.

The content and practice of the Canadian Charter Section 33 "notwithstanding" clause present a direct and explicit violation of the foundational principle of the human rights system – inalienability of human rights. The multiple uses of the "notwithstanding" clause to shield the adopted legislation from substantive judicial review also amount to a denial of an effective remedy for the violation of human rights. Altogether, the Canadian Charter Section 33 "notwithstanding" clause, through its legal content and its practice, presents a fundamental and grave threat to the human rights regime in Canada, which must be addressed with urgency and determination.

Government of Quebec's Bill 1 - *The 2025 Quebec Constitution Act*

On October 9, 2025, the Government of Quebec introduced Bill 1, *the Quebec Constitution Act, 2025* ("Bill 1"), into the legislature (i.e. National Assembly) of Quebec. This Bill establishes the "Constitution of Quebec" as the supreme law of the "Quebec nation." It includes numerous provisions that infringe upon universal rights and standards guaranteed by, among others, the *Universal Declaration of Human Rights (UDHR)*, the *International Covenant on Civil and Political Rights (ICCPR)*, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, the *Convention on the Rights of the Child*, the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, and the *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.* Both Canada and Quebec are bound by these instruments.

Canada is a federation of 10 provinces and 3 territories. The province of Quebec is home to a wide variety of cultural, linguistic, religious, and ethnic minorities, as well as 11 Indigenous Nations, including 10 First Nations and the Inuit. In addition, Quebec is located on the traditional territory of the Innu First Nation (Nitassinan), which includes the community of Ekuanitshit. An integral part of this territory is the Magpie River, which itself has rights having been recognized as enjoying legal personality. Quebec is also located on the traditional territory of the Atikamekw community of Manawan, the Atikamekw Nitaskinan.

Canada and its provinces, including Quebec, are recognized as reference jurisdictions on the international stage, known for their respect for the rule of law. This is incompatible with the "hierarchy of rights" underlying Bill 1, which determines which rights are inferior to others and **must always yield to the collective rights of what are referred to as "Quebecers."** If the history of the 20th century has taught us anything, it is that this slippery slope can lead to highly dangerous situations. **Bill 1 is sets a dangerous precedent and must be resolutely denounced.**

One of our deepest concerns is **the provisions concerning the collective rights of the "Quebec nation,"** and how they abrogate the rights of individuals and peoples living in Quebec. Human rights are inherent and inalienable. They were established precisely to protect vulnerable individuals and groups (most often minorities or colonized Indigenous nations) from the coercive actions of dominant groups. While it is true that nations and national groups are entitled to certain rights under international law, **those "collective rights" cannot override fundamental individual rights or supersede the collective rights of minorities living in the province or**

First Nations who have rights that pre-exist those of Quebec. Placing collective rights – even those of a majority of the population – above the rights of individuals, minorities, and Indigenous peoples amounts to denying the foundations of universal human rights and Article 1 of the Universal Declaration of Human Rights. Any provision giving the dominant/majority group the right to override the rights of individuals, minorities, and Indigenous peoples is contrary to the very idea of human dignity and human rights.

Bill 1 severely violates the "right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law" (section 8 of the UDHR; section 2 of the ICCPR) as well as the principle of the inalienability of human rights (section 1 of the UDHR). Two sections of Bill 1 are particularly problematic:

(i) Section 9, Part II, provides that "[t]he Parliament of Quebec may, if it considers it advisable, include a parliamentary sovereignty provision [derogation clause], on its own initiative or in response to a judicial decision, in any Act it enacts, without any requirement to contextualize or justify the provision. No application for judicial review, based on a right or freedom referred to in such a parliamentary sovereignty provision, may be brought in order to have the Act or provision referred to in the parliamentary sovereignty provision declared inoperative."

(ii) According to Section 5, Part II, "[t]he Parliament of Québec may declare in an Act that the Act or a provision of the Act protects the Québec nation as well as the constitutional autonomy and fundamental characteristics of Québec. No body may, by means of [public funds], contest [the constitutionality] of a provision regarding which a declaration is made under the first paragraph or otherwise contribute to such a contestation." The provision even threatens "[t]he members or directors of a body having approved the allocation of a sum contrary to this section are held solidarily liable for the restitution" of the sums.

The process by which this draft constitution is being imposed violates the standards for the adoption of a legitimate constitution, in particular those established by the United Nations High Commissioner for Human Rights. This Bill was drafted behind closed doors without any prior public consultation. However, a constitution-making process "promises valid results if it is based on broad participation by all segments of society. […] It is important that their views [be] taken into account in clearly defined procedures..." (*Human Rights and Constitution-Making*, OHCHR, 2018, p. 3).

The blatant disregard for these international rights and standards requires the intervention of the United Nations Human Rights Committee to recognize the human rights violations and call on the authorities to withdraw Bill 1.

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With relevance to section B, subsections *Non-discrimination (arts. 2, 3, 6, 9, 25 and 26)* and *Rights of minorities and indigenous peoples (arts. 2 and 25–27)* from the approved List of Issues prior to submission of the seventh periodic report of Canada

(1) Minority rights (general) – Bill 1 (on Quebec Constitution) before the Quebec National Assembly proclaims that all persons living in Quebec are Quebecers and form only "one nation" (paragraph I, section 3). The identity of the Quebec nation and all Quebecers is said to be rooted in only one "common language of the nation (French)" and a single culture (Part I, section 5). An approach known as "national integration" is also expressly established to *integrate* minorities into the Quebec nation (Part I, section 30; see paragraph 3 below).

The Bill denies Quebec residents (whether or not they have Canadian citizenship) the right to self-identify as anything other than "Quebecers." The Bill establishes a direct link between "being Quebecer" with French as the "common" and "unifying" language of identity for the group. These provisions violate the minority rights principles of free choice of linguistic, cultural and national identity, as well as the free and voluntary self-identification with a national, ethnic or linguistic group. According to the 2021 Canadian census, among Quebec residents: 29% identify as "Canadian," 21% as "French," 11% as "Quebecer," 7% as "French Canadians," nearly 5% as "Irish," nearly 4% as "Italian," and circa 1.7% as "First Nations."[4] Thus, Bill 1 aims to override the free and voluntary self-identification of the population in Quebec, where only 11% identified as "Quebecer."

(2) Cultural rights of minorities (languages) – The integration policy and the imposition of a single language and culture, as described in paragraph 1, infringe on the right of persons belonging to ethnic, religious, or linguistic minorities "in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language"

[4] https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/sip/details/page.cfm?Lang=E&PoiId=2&TId=12&FocusId=1&AgeId=1&Dguid=2021A000224#sipTable

(Article 27 of the ICCPR and Article 30 of the *Convention on the Rights of the Child*). Linguistic minorities in Quebec must be guaranteed the right to use languages other than French as their common language.

While public authorities are entitled to establish and promote a national language, they may not impose a national language as the sole identity language on minority groups (Article 27 of the ICCPR, Article 15 of the ICESCR and Article 27 of the UDHR).

According to the 2021 Canadian census, 8.5 million individuals, or 23.2% of the population, had a mother tongue other than English or French.[5] In Quebec, approximately 1.17 million people reported that their mother tongue was a language other than English or French (as a single answer), i.e. over 14% of Quebec's total population (in Montreal, this proportion reaches nearly 24%).[6]

(3) Cultural rights of minorities (policy of "national integration") The Bill provides that the "integration model of [Quebec] is that for integration into the Quebec nation, designated as 'national integration'" (Part I, section 30), with the "Quebec nation" defined as having one single dominant language and one single dominant culture. Thus, this "national integration" aims to enforce the French language as the language of identity and the Quebec dominant culture as the culture of identity on all those undergoing "integration." This model, in essence, promotes assimilation, i.e. the induced adoption of a dominant language and culture. Involuntary assimilation in all its forms – "hard" and "soft" – is prohibited by universal human rights standards and general international law.

Paragraph 6.2 of the ICCPR *General Comment No. 23: Article 27 (Rights of minorities)* explains that "positive measures by States may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with other members of the group," meaning that all public authorities must protect the identity of linguistic and cultural minorities, and not try to "melt" or dissolve them into the majority linguistic and cultural identity (see, to the same effect, paragraph 9 of the ICCPR General Comment No. 23: Article 27).

The integration model imposed by Bill 1 is assimilationist, as it aims to impose a set of "distinct social values" on all Quebecers. It is deeply troubling to determine, through legislation, the values

[5] https://www150.statcan.gc.ca/n1/daily-quotidien/250122/dq250122b-eng.htm
[6] https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810036401

to which people must adhere. This constitutes a serious infringement on the right to equality and the freedoms of conscience and expression.

(4) Right to equality and gender discrimination – Section 28 of Bill 1 (Part I) states that "the State protects the equality of women and men." By failing to recognize gender diversity and excluding *de facto* non-binary, trans, and two-spirits individuals from the scope of this section, it violates article 2 of the ICCPR, article 2 of the ICESCR and article 2 of the UDHR.

(5) General derogation from minority rights – Section 9 (Part II) of Bill 1 provides that "the Parliament of Quebec may, if it considers advisable, include a parliamentary sovereignty provision (...) in any Act it enacts, without any requirement to contextualize or justify the provision." This provision thus allows for overriding without any justification minority rights to assert the primacy of the collective rights of the "Quebec nation," translated from the political majority choice. This reading of collective rights is in flagrant breach of the universally recognized human and minority rights enshrined in international instruments, as ratified by Canada and endorsed by Quebec.

Bill 1 corresponds to what was raised in 2007 by Doudou Diène, then *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*: "The legal instrumentalization of the rejection of diversity manifests itself, among other things, through a hierarchical and political interpretation of human rights and fundamental freedoms. Racist and xenophobic platforms are thus revealingly structured around the rhetoric of 'defending national identity and national values'."

(6) Indigenous peoples' rights (general) – Bill 1 directly and seriously violates the UNDRIP, transposed into Canadian domestic law by the *United Nations Declaration on the Rights of Indigenous Peoples Act*, 2021 (the "Canadian Act") and Article 1 common to the ICCPR and ICESCR. The UNDRIP has been universally applicable since 2010 and applies to Quebec, a province of Canada. Canada officially adopted the UNDRIP and enacted the Canadian Act, 2021, which "(a) affirm[s] the Declaration as a universal international human rights instrument applicable in Canadian law; and (b) provide[s] a framework for the Government of Canada's implementation of the Declaration" (section 4). However, Bill 1 denies any legal responsibility of Quebec with respect to Canada's international commitments (section 25, Part II), which is a flagrant violation of international law.

Bill 1 denies that the 10 First Nations, including the Ekuanitshit community of the Innu Nation and the Manawan community of the Atikamekw Nation, and the Inuit (11 Indigenous nations) affected are even "peoples." Instead, the Bill defines them as mere "descendants of the

first inhabitants" of Quebec (preamble) and *integrates* them into the "Quebec nation". It flagrantly violates section 7 of the UNDRIP, which states that "Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples". Section 3 (Part I) of the bill integrates the entire "people of Quebec"—described as "composed of all Quebecers"—into the Quebec "nation", explicitly violating the right of Indigenous peoples to self-determination.

The UNDRIP explicitly protects the rights of Indigenous peoples and individuals "not to be subjected to forced assimilation or destruction of their culture" (section 8) and "to belong to an Indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned" (section 9). The fact that Bill 1 automatically enrolls all residents of Quebec as "Quebecers" forming a single nation with a single language is a flagrant violation of these provisions. Bill 1 is even very explicit about its intention of "integration", stating that it aims to implement a policy of "integration into the Quebec nation, referred to as the 'national integration' approach" (Part I, section 30).

(7) Cultural and linguistic rights – Bill 1 provides that for all persons in Quebec, there would be only one official and *integration* language, French, and that the only recognized heritage is that of Quebec identity. This imposition of a form of Quebec "cultural sovereignty" clearly violates the right to cultural identity and the right to participate in cultural life guaranteed by the ICCPR and the ICESCR. In addition, 11 distinct Indigenous languages are spoken in Quebec. Indigenous languages and cultures—linked to ancestral territories and the pre-existing sovereignty of Indigenous Nations—take various forms and must be respected in their plurality. In particular, the Innu language (innu aimun) spoken by the community of Ekuanitshit and the Atikamekw language (nehiromowin) spoken by the community of Manawan are very much alive—albeit in a fragile situation—and cannot be subject to "integration" into the French language and Quebec culture.

Indeed, Bill 1 provides, among other things, that: (i) "French is the only common language of the nation. It is one of the foundations of the distinct identity and culture of the nation" (Part I, section 5); (ii) "The nation has the right to live and develop in French" (Part I, section 7); (iii) "The nation has its own institutions, particularly in the political, cultural, economic, educational, and social spheres" (Part I, section 5); (iv) "The only official language of Quebec is French" (Article 21); (v) "The State protects and ensures the cultural sovereignty of Quebec. It has the right and the capacity to act to preserve and promote the French language and Quebec culture, including in the digital environment" (Article 25); (vi) "1° the following fundamental characteristics of Quebec: the French language, the civil law tradition, the secular nature of the State, and the model of integration into the Quebec nation ;

2° the collective rights of the Quebec nation; 3° the common heritage of the Quebec nation, including Quebec culture; 4° the integrity of Québec's territory and the full application of Quebec's laws; 5° Quebec's autonomy and constitutional powers; 6° Quebec's historical claims; 7° French within the Canadian federal union" (Part II, section 14).

These provisions constitute violations of international law protecting the rights of Indigenous peoples to freely enjoy their own culture, to use their own language in their own way and according to their own systems (sections 11, 12, 13, 14, 15, 16, and 31 of the UNDRIP). They also violate section 27 of the ICCPR (applicable to Indigenous peoples since General Comment No. 23 of the CCPR, para. 7), section 15 of the ICESCR (applicable to Indigenous peoples with General Comment No. 21 of the CESCR, para. 7) and section 27 of the UDHR. During his visit to Canada in 2023, the Special Rapporteur on the rights of Indigenous peoples drew attention to the potentially discriminatory effects of certain provisions of Quebec legislation on indigenous students who are not fluent in French (*Visit to Canada - Report of the Special Rapporteur on the rights of Indigenous Peoples*, Doc off UN A/HRC/54/31/Add.2 (2023) par 84).

(8) Rights related to territories – The Bill emphasizes the "indivisibility" (Part I, section 23) and "integrity" of the "territory of Quebec" (Part I, section 9; Part II, section 14(4) and Chapter 4 "The Territorial Integrity of the Territory of Quebec") as well as the "sovereignty" of the Quebec nation (Part I, sections 25, 35, 40; Part II, sections 1, 9, 10). Furthermore, it defines the "territory of Quebec" as the "common heritage" of the Quebec nation *alone* and provides that waters are a resource included in this Quebec heritage (Part I, sections 4 and 20).

This imposition of Quebec's "sovereignty" blatantly denies all the guarantees of the UNDRIP relating to territorial rights and the rights to self-determination and self-government. Indigenous peoples have the right to their lands, territories, and resources that they traditionally occupy (section 26 of the UNDRIP). Their territories cannot be grouped into *a single* "Quebec" territory. Furthermore, the Ekuanitshit community of the Innu Nation has pre-existing rights to Nutshimit (including the Magpie River, which has legal personality), and the Manawan community of the Atikamekw Nation also has such rights to Atikamekw Nitaskinan, its traditional territory. Bill 1 seriously violates sections 26, 27, 28, 29, 30, and 32 of the UNDRIP.

In addition, Bill 1 gives the Quebec government veto power over the expansion of reserve lands dedicated exclusively to the use of First Nations under the *Indian Act*, a law that falls under federal (Canadian) jurisdiction rather than provincial (Quebec) jurisdiction. In fact, sections 18, 19, and 20 (Chapter II) of Bill 1 ensure that the Quebec government could block the expansion of any

reserve land in Quebec granted by the Canadian government for the purpose of reconciliation, for example, and declare "the act concluded [null and void]" (section 20).

First Nations may even be barred from any fundamental legal recourse to challenge the constitutionality of laws that the Quebec government, through its parliamentary majority, has declared to protect "the Quebec nation" (Part II, section 5; see paragraph 11 below). This prohibition may apply to any "organization" that has received "public funds" from Quebec, including band councils and other Indigenous organizations.

(9) Participation of Indigenous peoples in decision-making – Bill 1 *imposes* a new constitution on Indigenous peoples without any *prior* consultation, in flagrant violation of Sections 18, 19, 32, and 38 of the UNDRIP. In accordance with these rights and their right to participate in cultural life (Section 15 of the ICESCR), Indigenous peoples must be consulted and involved in any measure that may affect their territory, and their right to free, prior, and informed consent must be respected. This right applies all the more to the drafting of a Constitution, which has a serious impact on their rights—especially since most of these territories are "unceded territories", meaning they have never been legally ceded by treaty to Canada or the Province of Quebec by Indigenous peoples (including the Innu Nation/Ekuanitshit community and the Atikamekw Nation/Manawan community).

We reiterate that the blatant disregard for these international rights and standards requires the intervention of the United Nations Human Rights Committee to recognize the human rights violations and call on the authorities to withdraw Bill 1.