

Submission of the OHRC to the UN Human Rights Committee ahead of its review of Canada's 7th periodic report

Ontario Human Rights Commission
January 2026

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Introduction

The [Ontario Human Rights Commission](#) (OHRC) has prepared a submission to the United Nations (UN) Human Rights Committee (the Committee).

The OHRC provides periodic input to government and to UN human rights treaty bodies in parallel to Canada's reporting obligations under various human rights instruments.

The OHRC last made a [submission](#) to inform a periodic review of Canada's international human rights obligations in 2023, for Canada's review under the fourth cycle of the Universal Periodic Review (UPR).

This submission aims to inform the Committee's review of Canada's 7th periodic report on its implementation of the [International Covenant on Civil and Political Rights](#) (the *Covenant*) and provide an overview of the human rights landscape in Ontario. Canada became a party to the *Covenant* in 1976 and is scheduled for review in March 2026, during the Committee's 145th session.

Country reviews by UN treaty bodies, such as the Committee, are not only informed by periodic reports submitted by State Parties as part of their obligations, but also by submissions from other sources (e.g., community organizations, human rights agencies, etc.). These submissions provide information on a country's human rights situation and help treaty bodies see a more complete picture of where progress has been made and where concerns persist.

Acknowledging the specific mandate of the Committee to monitor the implementation of the *Covenant* (and not the *International Covenant on Economic, Social, and Cultural Rights*; the *ICESCR*), the OHRC is only providing information about projects it has undertaken to combat systemic discrimination that are directly relevant to the *Covenant* and the [list of issues prior to reporting](#) (LOIPR) identified by the Committee.

For greater clarity, the OHRC acknowledges that Article 26 of the *Covenant* aligns with the full breadth of its mandate by guaranteeing protection from discrimination.

Nonetheless, the OHRC is also aware that issues related to areas such as education, employment, the highest attainable standard of health, and housing (except if related to the right to life) pertain specifically to *ICESCR* protections. As such, initiatives in those areas are not included in this submission. Information about all OHRC's activities is available on our [website](#).

The Committee last reviewed Canada in 2015 for its sixth periodic reporting cycle under the *Covenant*. In this submission, the OHRC highlights human rights issues of continuing and emerging concern since this date. This submission also highlights the OHRC's work to protect and promote the right to be free from discrimination under the Ontario [Human Rights Code](#) (the *Code*) with respect to the following areas:

- anti-Indigenous discrimination
- criminal justice

- gender-based violence
- creed
- encampments and shelters.

These thematic areas of focus align with the OHRC's five priorities under its extended Strategic Plan for 2023-25 (namely Indigenous reconciliation, Health and well-being, Criminal justice, Education, and Human rights culture) and with the information requested by the Committee in its LOIPR. Where relevant, for instance in the case of the human rights impacts of artificial intelligence (AI), these areas of focus also provide information on issues that may not have been considered or foreseen by the Committee.

About the OHRC

The OHRC was established in 1961 as an arm's-length agency of the provincial government. The OHRC's mandate includes promoting and advancing human rights under the *Code* through research, policy development, public education, public inquiries, and legal interventions before tribunals and courts. The OHRC is one of three pillars of Ontario's human rights system. The other two are the [Human Rights Tribunal of Ontario](#) (HRTO) and the [Human Rights Legal Support Centre](#) (HRLSC).

About the Code

The *Code* protects everyone's right to equal treatment without discrimination in employment, housing, goods, services and facilities, contracts, and membership in unions, trade or occupational associations based on 17 protected characteristics known as *Code* grounds. The 17 *Code* grounds are:

- Age
- Ancestry
- Colour
- Race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status and same-sex partnerships)

- Gender identity
- Gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.

The *Code* applies to all organizations that are regulated under Ontario's laws, including the provincial government, municipal governments, the broader public sector (such as hospitals and universities) and the private sector. The [Canadian Charter of Rights and Freedoms](#) (the *Charter*), as well as international human rights instruments like the [Covenant](#) and the [UN Declaration on the Rights of Indigenous Peoples](#), help inform how the *Code* ought to be interpreted and applied.

The *Code* has primacy over other Ontario laws. This means that Ontario laws must follow the *Code*, unless specific exemptions are provided. For instance, the Ontario regulation governing eligibility for drivers' licences prohibits issuing a licence to someone with a disability that would significantly interfere with their ability to drive a vehicle safely. This regulation explicitly states that the exclusion applies notwithstanding the *Code*. When there is a conflict between the *Code* and another Ontario law, and an exemption is not specified, the *Code* prevails.

In 2024, the OHRC released its [Human Rights Based Approach framework](#) to guide all duty-holders on how to adopt and apply a human rights-based approach, particularly in the context of policy and program development, and meet their human rights obligations.

Anti-Indigenous discrimination

Reconciliation has been and continues to be a [priority](#) for the OHRC, recognizing the enduring impact of colonialism on Indigenous peoples and the important role that the OHRC must play in addressing critical human rights issues affecting Indigenous peoples. As part of its commitment to truth and reconciliation, the OHRC is working to:

1. Continue to build the OHRC's internal knowledge and understanding of the rich diversity of Indigenous issues, needs, knowledge and laws, and develop the OHRC's organizational capacity to be trusted and knowledgeable collaborators and partners
2. Strengthen the OHRC's dialogue, relationships and engagement with Indigenous communities across Ontario

3. Work together with Indigenous communities to identify and advance human rights priorities and actions.

Addressing the over-representation of Indigenous children in child welfare

Responding to the following sections of the Committee's LOIPR:

- *Fight against impunity and past human rights violations (para. 3(a))*
- *Rights of the child (para. 23)*

Between 2016 and 2018, the OHRC carried out a [public inquiry](#) to examine the involvement of Indigenous and racialized children and youth in Ontario's child welfare system.

The OHRC concluded that Indigenous and Black children and youth are over-represented in admissions into care at many child welfare agencies in Ontario ("children's aid societies"). Based on data available at the time, the OHRC notably found that Indigenous children were over-represented in admissions into care at 93% of agencies examined. The OHRC also found that race-based data collection processes and practices were a patchwork across the child welfare sector and noted that its findings likely underestimated the proportions of Indigenous children admitted into care, in part because the OHRC's sample only included non-Indigenous children aid societies.

As a result of the inquiry findings, the OHRC called on the Government of Ontario to develop a provincial strategy aimed at identifying and addressing how families' social and economic conditions are linked to racial disproportionality and disparity in the system. The OHRC also urged children's aid societies to acknowledge the inquiry's findings and to investigate whether their structures, policies, processes, decision-making practices and organizational cultures adversely affect Indigenous and Black families, and potentially violate the *Code*.

Eight years later, the OHRC's recommendations have only been partly implemented. The OHRC is aware of commitments made to implementing the Truth and Reconciliation Commissions' Calls to Action across the sector as well as progress in terms of legal requirements for non-Indigenous children's aid societies to collect disaggregated race-based data (for instance, through 2019 and 2021 amendments to [Ontario Regulation 267/18](#) under Ontario's [Anti-Racism Act, 2017](#), and through the *2021 Policy directive: CW 003-21: Collection and reporting of identity-based data*). The OHRC is also aware of the Government of Ontario's [Indigenous Children and Youth Strategy](#) and of [efforts by the province](#) to align with the Government of Canada's [An Act respecting First Nations, Inuit and Métis children, youth and families, 2019](#).

At the same time, the OHRC’s calls for disaggregated data to be publicly available, including under the Government of Ontario’s [Open Data directive](#), and for annual reporting on efforts by all children’s aid societies to address systemic racism have not been implemented. Respecting First Nations, Métis, and Inuit data sovereignty, the OHRC continues to be concerned that a lack of open data from both Indigenous and non-Indigenous children’s aid societies represents a significant obstacle to effectively monitoring progress and identifying wise practices.

This is especially concerning considering that the over-representation of Indigenous children in the child welfare system persists. Data from the [2021 cycle of Canada’s national census shows](#) that Indigenous children accounted for 53.8% of children in foster care despite representing only 7.7% of all children under 15 in the general population. In Ontario, data from the [2023 cycle of the Ontario Incidence Study](#) shows that child welfare investigations for children under 15 were approximately five times more likely to involve a First Nations child than a non-Indigenous child (a worsening trend compared to data from the 2018 cycle) and that First Nations children in substantiated maltreatment and confirmed risk investigations were put in out-of-home placements at 17.3 times the rate of non-Indigenous children involved in the same types of investigations.

Information is limited for Inuit and Métis children involved in Ontario’s child welfare system. As an illustration of the breadth of this issue, in its 2024 [Data Discussion Paper: Inuit-specific child welfare data](#), Inuit Tapiriit Kanatami (the national voice of Inuit in Canada) identified the lack of open data in Ontario as part of barriers and limitations to its findings. The OHRC is concerned about this discrepancy and invites the Committee to address it during the dialogue with Canada, in addition to addressing data availability (or the lack thereof) more generally.

In parallel to its inquiry, as part of its 2017 reporting on consultation and research into racial profiling in Ontario, the OHRC highlighted concerns about [racial profiling in the child welfare sector](#), particularly affecting Black and Indigenous families. The OHRC heard that racialized and Indigenous parents are disproportionately subjected to surveillance and scrutiny, that families are more likely to have prolonged child welfare involvement and therefore be more at risk of having their children apprehended, and that these experiences arise in part from incorrect assumptions about risk based on race and related grounds, as well as intersections between these grounds and poverty.

Since the release of the above-noted inquiry report, the OHRC has continued to engage with the Government of Ontario to advocate against discrimination in the child welfare sector and its disproportionate impacts on Indigenous children and families. This includes a [letter](#) to the Ministry of Children, Community and Social Services in 2019 and a [submission](#) to inform the 2023 legislated review of the *Child, Youth and Family Services Act* and protect child and youth rights.

Combatting anti-Indigenous discrimination in healthcare

Responding to the following section of the Committee's LOIPR:

- *Rights of indigenous peoples (para. 25(b))*

Since 2024, the OHRC has been working with Indigenous partners to develop human rights [policy guidance](#) addressing longstanding and widespread anti-Indigenous discrimination in Ontario's healthcare system. The OHRC's policies set standards for how organizations should act to ensure compliance with the *Code* and are frequently cited and applied by the HRTA and other legal decision-makers.

Indigenous organizations and communities have for years documented the many ways Indigenous-specific discrimination manifests in healthcare delivery (see, for example, the Wabano Centre for Aboriginal Health and Ottawa Aboriginal Coalition [Share Your Story Project](#)). The OHRC is developing policy guidance that will set out what healthcare providers should do to meet legal obligations to prevent and address Indigenous-specific discrimination under the *Code*.

The policy will also help Indigenous rights holders understand how they are protected by the *Code* when seeking healthcare services and provide a tool that Indigenous organizations and communities can use to hold healthcare providers accountable. An engagement report presenting what the OHRC has heard through meetings with Indigenous health experts, medical professionals, organizations, and communities across the province to inform this policy is in development.

The OHRC is also taking legal action to combat systemic discrimination against Indigenous people in healthcare. Joey Knapaysweet and Agnes Sutherland died in 2018 after they traveled to Timmins (more than 400 kilometres away) to seek health services that were unavailable in their community. Their deaths highlight the serious and sometimes tragic result of systemic discrimination against Indigenous people in northern Ontario.

The OHRC [filed an application](#) in February 2020 with the HRTA alleging discrimination based on Indigenous ancestry by public service providers in Timmins, Ontario. The OHRC's application seeks public interest remedies to prevent future discrimination. The estates of Joey Knapaysweet and Agnes Sutherland have also filed applications with the HRTA alleging discrimination. In 2025, these applications were dismissed by the HRTA on the basis that an estate does not have legal standing to pursue a complaint under the *Code*. One estate applied for judicial review. The OHRC intervened in this case and argued that estates should have standing to pursue a claim at the HRTA, especially where an individual dies because of a violation of the *Code*.

Combatting anti-Indigenous discrimination in retail settings

Responding to the following section of the Committee's LOIPR:

- *Non-discrimination (para. 4)*

Indigenous people often experience racism and consumer racial profiling in different retail settings (for example, in department stores, supermarkets, pharmacies, convenience stores, malls, shopping centres, independent stores). They often face racial profiling, being labeled as ‘suspicious’ or potential shoplifters based on racist stereotypes, verbal and physical mistreatment, and lower-quality service once identified as Indigenous, particularly when First Nations customers show their Status cards. These experiences may amount to racial discrimination or harassment, or both, and can violate Ontario’s *Human Rights Code* (the *Code*).

In 2025, the OHRC and the Indigenous Human Rights Program (a partnership between Pro Bono Students Canada (PBSC) and the Ontario Federation of Indigenous Friendship Centres (OFIFC)) released a [guide](#) and two [fact sheets](#), to address anti-Indigenous discrimination and harassment in retail. These resources offer comprehensive information about the protections provided by the *Code*, how Indigenous people experience discrimination and harassment in retail settings, and suggested practices to help prevent and address discriminatory actions.

Indigenous perspectives on Ontario’s human rights system

Responding to the following section of the Committee’s LOIPR:

- *Rights of Indigenous peoples (para. 24)*

In 2018, the OHRC hosted a [three-day dialogue](#) that brought together First Nations, Métis and Inuit Elders and traditional knowledge keepers, along with academics, leaders, artists, advocates, lawyers, policy makers and human rights institutions to discuss a vision of human rights that reflects Indigenous perspectives.

The dialogue centered the wisdom of diverse Indigenous people on how to reconcile Ontario’s human rights system with Indigenous frameworks, constitutions, processes and laws, and explored:

- The qualities of meaningful engagement and reconciliation
- Indigenous perspectives on human rights
- The *UN Declaration on the Rights of Indigenous Peoples* and Indigenous peoples’ contribution to the evolution of human rights law
- Key Indigenous human rights concerns

The OHRC heard about reconciliation and decolonization, revitalizing and re-centering Indigenous knowledge, the limitations of a colonial, individual-based human rights system in meaningfully and appropriately addressing Indigenous human rights issues, and what new paths forward may look like. Participants made recommendations to the

OHRC, other human rights institutions, organizations and governments, calling for concrete actions towards reconciliation and a human rights system founded on values of respect, honesty, sharing and strength.

Acknowledging recent reports of unmarked graves

Responding to the following sections of the Committee's LOIPR:

- *Fight against impunity and past human rights violations (para. 3(c))*

On May 27th, 2021, Tk’emlúps te Secwépemc (whose territories are located in the province of British Columbia) was the first among several First Nations to report on recent findings of suspected unmarked graves at the site of former residential schools. Though research about dead and missing Indigenous children who attended residential and day schools did not start in 2021 (the TRC itself was mandated to uncover the harms of that system), the findings at the former Kamloops Residential Schools galvanized new search efforts across the country as well as renewed public awareness about the intergenerational and traumatizing consequences of Canada’s colonial legacy.

These reports are tragic reminders of the painful, ongoing legacy of colonialism, which has left no Indigenous community unscathed from the intergenerational trauma and marginalization that continues to cause harm today. The OHRC acknowledged the reports in both [2021](#) and [2023](#). In these statements, the OHRC notably called on “all Canadians to recognize that Indigenous peoples suffer from historic inhumanities of colonization and continue to experience dispossession and disenfranchisement” and on “governments to immediately order the release of all death records of Indigenous children held by any Canadian authority, church, or any other entity that had care, custody, control, or operated any residential school, to the National Centre for Truth and Reconciliation.”

Criminal justice

The OHRC is committed to advancing human rights and reducing systemic discrimination in the criminal justice system by requiring accountability and institutional change as a strategic focus area. As part of this commitment, the OHRC is working to:

1. Reduce discriminatory practices and racial profiling in policing throughout Ontario
2. Reduce discriminatory practices in corrections, including the use of solitary confinement in provincial institutions
3. Build institutional awareness of and capacity to respond to manifestations of hate through the human rights system

4. Identify, raise awareness of and build institutional capacity to address human rights risks resulting from the rapidly increasing use of AI in the criminal justice system.

Policing

In May 2025, the OHRC [submitted information](#) to the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (Expert Mechanism). In that submission, the OHRC highlighted common trends and concerns it has addressed through its repeated advocacy against systemic racial discrimination in the criminal justice system – particularly in policing.

The OHRC encourages the Committee to carefully review that submission as a starting point to better understand the significant and persistent impact of racial discrimination, particularly anti-Black and anti-Indigenous discrimination, in Ontario's criminal justice system. Below, the OHRC expands on the key projects cited as part of the submission to the Expert Mechanism.

Eliminating racial profiling in law enforcement

Responding to the following section of the Committee's LOIPR:

- *Non-discrimination (para. 5 (b))*

Racial profiling is an insidious and particularly damaging type of racial discrimination. Racial profiling violates people's rights under the *Code*. In its [Policy on eliminating racial profiling in law enforcement](#), the OHRC defines racial profiling as any act or omission related to actual or claimed reasons of safety, security or public protection by an organization or individual in a position of authority, that results in greater scrutiny, lesser scrutiny or other negative treatment based on race and race-related grounds.

People from many different communities experience racial profiling. Black peoples have the highest and most disproportionate occurrence of racial profiling in Ontario, however, often directed at, Indigenous peoples, Muslims, Arabs, and West Asians. It is often influenced by the distinctly negative stereotypes which people who belong to these communities face. As one of the most significant expressions of systemic discrimination in criminal justice, racial profiling is especially dangerous, at times lethal, in policing.

The OHRC has combatted racial profiling in policing for [decades](#). These efforts continue and most recently culminated in a landmark public inquiry into anti-Black discrimination by the Toronto Police Service (TPS) – see [next section](#) for details.

Prior to this inquiry, in 2017, the OHRC led a major consultation on racial profiling which was summarized in [Under suspicion: Research and consultation report on racial profiling in Ontario](#). As part of this consultation, the OHRC heard from almost 1,650 individuals (including affected people from Indigenous, racialized and Muslim

communities, legal and academic researchers, educators, human rights practitioners and police, among others) and organizations.

During the consultation, the OHRC heard concerns about Indigenous and racialized people being subjected to unwarranted surveillance, investigation and other forms of scrutiny, punitive actions, and heavy-handed treatment. The OHRC also heard about the ways in which racial profiling seeps into seemingly neutral processes, such as institutional policies, practices, assessment tools, and decision-making processes.

The findings from this consultation later informed the above-mentioned *Policy on eliminating racial profiling in law enforcement*, released in 2019. This policy provides guidance to law enforcement organizations and the Government of Ontario on preventing, identifying and responding to racial profiling, racial discrimination, harassment, and other violations of the *Code*.

Change in law enforcement must happen at the systemic level. To facilitate this change, the OHRC released its [*Framework for change to address systemic racism in policing*](#) in 2021, calling on the Government of Ontario to establish a legislative and regulatory framework to directly address systemic racial discrimination in policing across the province. The Framework includes ten essential steps for eliminating discriminatory practices from policing across the province. These steps were informed by the lived experiences and testimonies the OHRC heard over years of engagement with Indigenous, Black and other racialized communities about their experiences with policing. It was also informed by consultations between the OHRC and the Ontario Association of Chiefs of Police in its efforts to work collaboratively to make systemic changes within policing.

Public inquiry into the Toronto Police Service (TPS)

Responding to the following section of the Committee's LOIPR:

- *Non-discrimination (paras. 5 (a) and 5 (b))*

In 2023, the OHRC completed a [public inquiry](#) into racial profiling and racial discrimination of Black people by the TPS (the [largest](#) municipal police force in Canada). While this inquiry focused on TPS, the issues and its findings are not unique to that police service and the OHRC invites the Committee to discuss systemic racism among policing bodies throughout Canada in detail.

This inquiry revealed findings of systemic racial discrimination, racial profiling, gross over-representation of Black people in police [use of force incidents](#), and anti-Black racism across interactions with the TPS.

The report includes 107 recommendations for meaningful actions to improve outcomes for Black communities when interacting with the TPS. Among these recommendations, the OHRC notably called on the TPS to:

- Purge the TPS database of photographs, fingerprints or other biometric information from charges that do not result in convictions.
- Require supervisory approval and/or equity audits of charges.
- Revise policies and procedures to clearly set out circumstances where unnecessary force should not be used.
- Expand the collection, analysis and reporting of race-based data on stop, searches, charges, arrests and use of force.
- Provide greater transparency on officer discipline.
- Take proactive investigative steps following tribunal or court decisions that contain findings of racial profiling, racial discrimination, or violations of the *Charter*.
- Integrate scenario-based training on anti-Black racism into other training programs with effective evaluation.
- Develop a distinct policy or procedure on racial profiling.
- Support calls to expand civilian-led mental health crisis response services.

To rebuild trust with Black communities, it is essential that these recommendations are acted upon through specific, systemic, and concrete measures that are independently monitored and enforceable. The OHRC is actively monitoring the progress of the TPS and its Board in implementing the recommendations.

Prior to this final report, the OHRC also published two interim reports [in 2018](#) and [in 2020](#). Respectively, these interim reports addressed findings from independent data analysis related to Special Investigations Unit (SIU) investigations of police use of force resulting in serious injury or death and to widespread racial disparities in TPS's charge, arrest and use of force practices.

Peel Regional Police (PRP) Human Rights Project

Responding to the following section of the Committee's LOIPR:

- *Non-discrimination (para. 5 (b))*

After community members in Peel Region, particularly Black community members, [raised concerns](#) about systemic racism by the Peel Regional Police (PRP), the PRP [acknowledged](#) that systemic racism exists in Peel Region. In 2020, the OHRC and PRP and its Board signed a [Memorandum of Understanding](#) committing the parties to develop and implement legally binding remedies aiming to end systemic racism and discrimination in policing, promote transparency and enhance Black, other racialized and Indigenous communities' trust in policing throughout Peel Region. Through this agreement, the OHRC has provided human rights guidance to the PRP and its Board

on initiatives to identify and eliminate systemic racism in its service delivery and employment practices.

To inform an initial set of jointly developed recommendations, the OHRC and PRP held [community engagement sessions](#) in 2023 to hear from community members on their lived experiences, the concerns and issues they face with policing, and measures to address systemic racism and discrimination in policing in Peel Region. The engagement focused on the [seven principles](#) to eliminate racial profiling outlined in the above-noted OHRC's *Policy on eliminating racial profiling in law enforcement*.

The collaborative development of these recommendations is [ongoing](#) and aims to result in legally binding commitments for the PRP to change the landscape of policing in the community.

Use of force

Responding to the following section of the Committee's LOIPR:

- *Non-discrimination (para. 5 (a))*

In addition to examining use of force by the TPS in the above-noted public inquiry, the OHRC is concerned about police use of force, especially against racialized people and other marginalized or vulnerable people. According to [data](#) from the Ontario Ministry of the Solicitor General, there were 12,921 use of force incidents by police services in Ontario between January 1 and December 31, 2024. Of those 12,921 incidents, 52% (6,776) involved racialized people, of these 45% (3,068) targeted Black people. Though data related to police use of force against people with addictions or mental health disabilities, particularly when police is called to respond to a mental health crisis, is not readily available, the OHRC has [reported](#) on this issue in the past.

The OHRC has regularly made submissions to the Government of Ontario or directly to police services on use of force. The OHRC has notably called for the [implementation of de-escalation principles](#), for higher standards regarding the use of any weapon ([including conducted energy weapons](#), commonly known as Tasers), particularly during police interactions with people with mental health or addictions disabilities, and for greater [accountability](#) throughout the criminal justice system, including through [improved reporting](#) of use of force incidents.

These submissions allowed the OHRC to outline concerns over the persistence of systemic issues in law enforcement, particularly racial profiling and mishandling of people with mental health or addictions disabilities, that culminate in the use of force, *Code* violations, and loss of life.

Corrections

Solitary confinement

Responding to the following section of the Committee's LOIPR:

- *Prohibition of torture and cruel, inhuman or degrading treatment or punishment, and right to liberty and security of person (para. 15 (b))*

For more than a decade, the OHRC has worked to limit the use of segregation (also called solitary confinement) in Ontario's prison system. In 2013, the OHRC reached a legally binding settlement agreement with the Government of Ontario, known as the [*Jahn settlement*](#) (*Jahn*). As part of the *Jahn* settlement, the Government of Ontario expressly acknowledged the harm that segregation causes people with mental illness and committed to prohibiting its use for these individuals, except as a last resort.

Since then, based on serious concerns that Ontario has failed to [comply](#) with the terms of the *Jahn* settlement, the OHRC filed breach of settlement proceedings with the HRTO in [2017](#) and again in [2020](#) (following a [2018 consent order](#) regarding compliance) to hold Ontario accountable. An HRTO hearing on the OHRC's most recent breach of settlement application was held in 2024 and a decision has not yet been released.

The OHRC also intervened before the Court of Appeal for Ontario in [*Francis v Ontario*](#), whose outcome made it clear that using segregation for any prisoner for longer than 15 days – or at all, for any prisoner with serious mental illness – is cruel and unusual treatment, contrary to the *Charter*. Yet [data](#) from the Ontario Ministry of the Solicitor General continues to show that some inmates are held for much longer than this, up to 54 days in the 2023-24 fiscal year.

In addition to legal action, the OHRC has made several submissions and statements calling for an end to segregation throughout the past decade:

- In 2016, the OHRC made a [submission](#), and later a [supplementary submission](#), to the Ministry of Community Safety and Correctional Services calling for an end to segregation, and recommended interim measures, such as external oversight and strict time limits, to reduce the harm of the practice.
- In 2017, this call was repeated in an [article](#) published in the Law Times.
- In 2019, the OHRC sent two letters to the Ministry of Community Safety and Correctional Services reporting the OHRC's [findings](#) from a tour of the Vanier Centre for Women and [calling for an action plan](#) to end segregation in Ontario, notably in light of the Superior Court of Justice's decision in [*R. v Capay*](#) (Adam Capay, a Lac Seul First Nation man, was held in segregation for 1,647 days, or over four years).
- Also in 2019, the OHRC made a [submission](#) to the Ministry of the Solicitor General regarding proposed amendments to the segregation provisions in

Regulation 778 under the *Ministry of Correctional Services Act*. The OHRC expressed its disappointment that the proposed amendments did not substantively address serious issues with Ontario's continued abuse of segregation and renewed its call for an action plan to end the practice.

- In 2021, the OHRC made a related [submission](#) to the Ministry of the Solicitor General supporting proposed amendments to Regulation 778 that would align with the OHRC's previous recommendations and recommending further steps to implement effective prohibitions against the use of segregation.

In 2023, the OHRC also participated in the three-week inquest into [the death of Soleiman Faqiri](#) who died in a segregation cell at an Ontario jail on December 15, 2016. The Coroner's Inquest jury decided Mr. Faqiri's death was a homicide and made 57 recommendations to prevent future deaths. The jury accepted the OHRC's proposed recommendations to strengthen access to mental health care, keep prisoners with mental health issues out of segregation, and increase accountability within the provincial corrections system.

While various policies aligning with *Jahn* have been put in place, the OHRC is concerned that thousands of prisoners with mental health issues continue to spend time in segregation conditions. According to the same data cited above from the Ontario Ministry of the Solicitor General, 10,881 inmates were placed in segregation at least once between April 1, 2023, and March 31, 2024, representing 27.7% of the total population of inmates in Ontario's adult correctional system inmates (39,258). Among these 10,881 inmates, 4,208 (38.7%) had an active mental health alert on file for at least one of their placements in segregation and 3,098 (28%) had a suicide risk alert on file.

Disaggregation by gender reveals an added layer of vulnerability for women: 55% of females in segregation had an active mental health alert on file for at least one of their placements compared to 36% of males in segregation. To put this in context, 42.5% of all females in custody and 27% of all males in custody had an active mental health alert on file at any point between April 1, 2023, and March 31, 2024.

Conditions in prisons

Responding to the following section of the Committee's LOIPR:

- *Prohibition of torture and cruel, inhuman or degrading treatment or punishment, and right to liberty and security of person (para. 15 (c))*

Overcrowding and other issues negatively impacting the conditions inside prisons and other detention centers not only threaten the health and safety of vulnerable and marginalized Ontarians incarcerated in provincial institutions, but also the health and safety of the correctional officers working inside them.

The OHRC has [reported](#) on concerning conditions in correctional institutions. In addition to its advocacy against the use of segregation detailed above, the OHRC has expressed concerns about:

- Overcrowding
- Inadequate physical and mental healthcare and addictions treatment
- Inadequate access to programming or rehabilitation services
- The [disbanding of Community Advisory Boards](#) partly responsible for independent oversight of Ontario's correctional system
- The [harmful effects of strip searches](#), particularly on *Code*-protected groups – such as people with mental health disabilities, women, Indigenous, Black and transgender people.

To address these concerns, the OHRC has [called for urgent investments](#) and concrete actions to support inmates and correctional staff.

The COVID-19 pandemic also raised significant concerns related to the conditions of detention in Ontario's prisons. See details in the COVID-19 [section below](#).

Hate

Responding to the following section of the Committee's LOIPR:

- *Non-discrimination* (para. 6)

In recent years, the rate of hate activities in Ontario against individuals and groups identified by their colour, ethnicity, race, creed, gender, and sexual orientation, among other *Code* grounds, [has nearly tripled](#) (from 5.8 incidents per 100,000 population in 2019 to 15.6 per 100,000 in 2023, according to the [Incident-based Uniform Crime Reporting Survey](#)). The OHRC is concerned about this trend, which can have [deadly consequences](#) and is connected to systemic discrimination. The OHRC has [committed](#) to challenging and addressing hate expression to help ensure that the public institutions, individuals, and groups understand how to use the human rights system in response to hate.

Addressing hate is a collective responsibility. Education is a key component against discrimination and hate and the OHRC has [made clear](#) what obligations education officials hold to combat hate under the *Code*. But education is not enough. The OHRC has called on both the [Government of Ontario](#) and the [federal government](#) to develop a well-resourced, province-wide anti-hate strategy to tackle hate in all its forms and ensure a safe and inclusive society. As part of such a strategy, the human-rights system as well as law enforcement must be well-equipped to identify new ways to address hate.

Artificial intelligence

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (para. 4)*
- *Right to privacy (para. 20)*

Since the Committee released its LOIPR in August 2021, AI systems have been widely adopted across sectors, including as tools directly available to the public via large language models (LLMs) such as ChatGPT. AI technologies such as facial recognition and predictive policing algorithms were already in use prior to 2021 and associated with significant human rights concerns. For instance, in June and November 2021, respectively, the OHRC warned the [Ontario government](#) and the [TPS Board](#) that AI systems can perpetuate historic patterns of discrimination by incorporating the developers' biases into the systems or relying on biased data.

The human rights risks associated with these technologies have significantly increased as their use has become ubiquitous throughout Canadian society and at a global scale. In 2023, the OHRC released a [joint statement](#) with the Information and Privacy Commissioner of Ontario urging the Government of Ontario to develop and implement effective guardrails on the public sector's use of AI technologies. This joint position informed the later development of six joint principles to guide the responsible adoption of AI systems, released on January 21, 2026. To maintain public trust, AI systems should be:

- Valid and reliable
- Safe
- Privacy protective
- Human rights affirming
- Transparent
- Accountable

Following the 2023 joint statement, the OHRC has actively engaged with the provincial and federal government as they sought to take action to both benefit from and protect against AI systems.

In 2024, the OHRC made two submissions to the Government of Ontario calling for transparency, effective safeguards, and accountability when relying on AI systems. One submission addressed [Bill 149](#), which amended employment standards to require employers to disclose the use of AI to screen, assess or select applicants for a publicly advertised job position. The other responded to [Bill 194](#), which proposed guidelines relating to the public sector's use of artificial intelligence. The OHRC also [wrote](#) to the TPS Board regarding the approval of high-risk technologies under the Board's *Policy on the use of artificial intelligence technology*, expressing concern about a lack of transparency on how risk assessment of AI systems in use by TPS will be carried out,

and about what mitigating steps will be taken if a specific tool poses a high risk to human rights.

In 2025, the OHRC [submitted information](#) to the federal government to inform the development of Canada's renewed Artificial Intelligence (AI) Strategy. The OHRC recommended that human rights be at the center of this renewed strategy and that Canada ensure that the opportunities, benefits and protections associated with AI are available without discrimination.

In addition to its ongoing engagement with various stakeholders, the OHRC released its [Human Rights AI Impact Assessment](#) in 2024, in partnership with the Law Society of Ontario and with contributions by the Canadian Commission on Human Rights. A first of its kind, this tool aims to help assess and mitigate human rights impacts of AI systems in a broad range of applications. This resource was created for AI designers, developers, operators, and owners to identify, assess, minimize, or prevent discrimination and uphold human rights obligations throughout the lifecycle of an AI system.

Gender-based violence

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (para. 4)*
- *Violence against women (para. 8)*

The *Code* prohibits discrimination and harassment, including sexual and gender-based harassment. Sexual and gender-based discrimination and harassment can contribute to violence as well as be forms of violence. Inappropriate sexual behaviour often develops over time, and if left unchallenged may progress to more serious forms. Violence is often the culmination of ongoing acts of harassment. This connection is quite clear in the case of sexual harassment and violence against girls, women and gender non-conforming people. In many ways, sexual harassment and sexual violence exist on the same continuum of negative attitudes toward girls, women and gender non-conforming people.

Like other forms of sexual harassment, gender-based harassment (which is behaviour that typically polices and reinforces traditional heterosexual gender norms) may also escalate to violent behaviour.

The *Code* protects everyone from sexual and gender-based harassment and discrimination, though cisgender women and girls as well as trans and gender non-conforming people are [significantly more at risk](#) than cisgender men. Sex, gender identity and gender expression are separate *Code* grounds. However, societal norms and stereotypes have resulted in an inextricable link between sex and perceived gender identity, so both gender and sex may be present in gender-based violence,

discrimination and harassment. The OHRC has explained in a [backgrounder](#) that there is a continuum of identity which encompasses sex and gender and the expression of these aspects of identity.

Though predating 2015, the Committee is encouraged to review the OHRC's [Policy on preventing sexual and gender-based harassment](#) as a foundational policy interpreting how the Code protects against gender-based violence.

Lastly, the OHRC is aware of, and would like to bring to the Committee's attention, new forms of gender-based harassment and violence catalyzed by AI technologies, namely the fabrication of sexual content created with AI image generators (commonly known as "deep-fakes").

Indigenous women, girls, two-spirit and gender non-conforming people

Responding to the following sections of the Committee's LOIPR:

- *Violence against women (para. 8)*
- *Counter-terrorism measures (para. 11 (a))*

Indigenous women, girls, two-spirit and gender non-conforming people are uniquely vulnerable to gender-based discrimination and harassment, resulting in systemic violence most starkly brought to light by the National Inquiry on Murdered and Missing Indigenous Women and Girls (the National Inquiry). The OHRC [committed](#) to take up the National Inquiry's Calls for Justice and, as a result, specifically addressed under-policing in the above-noted *Policy on eliminating racial profiling in law enforcement*. Emphasizing that under-policing is a dimension of the systemic violence that Indigenous women, girls, two-spirit and gender non-conforming people face, the OHRC stated:

Within this environment, law enforcement action and inaction take the form of unresponsiveness to missing person reports, regular patterns of victim-blaming and related practices. The safety of Indigenous women and girls is undermined because of continued impunity for violence committed against them.

As part of its work to combat anti-Indigenous discrimination in healthcare, the OHRC would also like to underline the gendered harms that Indigenous women, girls, two-spirit and gender non-conforming people face when seeking health, particularly as it relates to their sexual and reproductive health. This includes practices such as [forced sterilization](#) and being denied access to Indigenous birthing practices.

Women, girls, and gender non-conforming people with disabilities

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (para. 4)*
- *Violence against women (para. 8)*

In 2016, the OHRC released the current version of its [Policy on ableism and discrimination based on disability](#). As part of this Policy, the OHRC noted that women, girls, and gender non-conforming people with disabilities experience unique forms of discrimination. They may be singled out as targets for sexual harassment and sexual violence due to a perception that they are more vulnerable and unable to protect themselves. They may also experience discrimination related to their right to reproductive freedom and are more likely to be under-employed, unemployed, and live in poverty, which further exposes them to violence.

Poverty and sexual and gender-based harassment

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (para. 4)*
- *Violence against women (para. 8)*

The OHRC has examined the connection between [poverty and systemic discrimination](#) and is aware that women, trans people and gender non-conforming people are disproportionately impacted by poverty. The intersection of poverty and violence creates barriers and adverse impacts to women's equality, health and well-being, including in the Code-protected social area of housing.

Intimate partner violence is a [significant contributing factor](#) in women, trans people and gender non-conforming people experiencing homelessness. Single parent families, mostly led by women, make up the majority of families experiencing homelessness. Women and gender non-conforming people who are unhoused are highly vulnerable to sexual assault, violence, exploitation, and marginalization. Women and gender non-conforming persons experience challenges finding accessible and safe spaces and face heightened risks of gender-based harassment and violence if displaced from chosen communities where they feel safest. The OHRC has urged municipalities to adopt a human-rights based approach when addressing [homelessness](#) and [encampments](#) (see further details in the Encampment and shelters [section below](#)), with specific reference to women, trans and gender non-conforming people who are disproportionately negatively impacted.

Creed

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (paras. 4 & 6)*
- *Freedom of religion and belief (para. 21)*
- *Rights of Indigenous peoples (para. 25)*

Although creed is not defined in the *Code*, the OHRC understands it to closely relate to the notion of a belief system, whether structured as a religion or not, for which definitions evolve with time. The OHRC explored the concept of creed and how the *Code* protects against creed-based discrimination in its [*Policy on preventing discrimination based on creed*](#), released in 2015.

This policy included a dedicated chapter on [*Indigenous spiritual practices*](#) that recognized the diversity of beliefs and spiritual practices among Indigenous people, addressed the major barriers to practicing spiritual traditions, and explored ways to prevent creed-based discrimination against Indigenous people.

The OHRC is also acting against creed-based discrimination by intervening before the Supreme Court of Canada to challenge Quebec's *Act Respecting the Laicity of the State* (previously referred to as Bill 21), which prohibits public-sector employees from wearing religious symbols at work in certain circumstances. This *Act* uses section 33 of the *Charter* to override any rights which are infringed by the law. Section 33 allows governments to pass laws for a limited time notwithstanding any infringement on specified rights in the *Charter* like equality or freedom of religion.

In its intervention, the OHRC has argued that the legislative override in section 33 must be interpreted according to another section of the *Charter*, section 27. This section enshrines the protection of multiculturalism in Canada's constitutional structure. On this basis, the OHRC argues that the legislative override in section 33 should be limited where the law fundamentally undermines the freedom of members of cultural or religious groups to participate in Canadian society.

Lastly, the rise of hate and related sentiments identified [*above*](#) is tied to a number of *Code* grounds, including [*creed*](#). Creed-based hate is especially visible in the pervasive forms of [*Islamophobia*](#) and [*antisemitism*](#) – though all types of faith communities may be [*victims*](#) of hate. The OHRC unequivocally condemns creed-based hate and will continue to denounce the escalating hate that is targeting religious and racialized communities as it has no place in Ontario's society.

Religious accommodation in schools

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (para. 4)*

Under the *Code*, organizations, including education providers, have a duty to maintain environments free from discrimination and harassment based on creed. Education providers are responsible for accommodating creed-related needs to the point of undue hardship.

In 2017, the OHRC released its [*Policy statement on religious accommodation in schools*](#) to support education providers in their responsibility to prevent creed-based

discrimination. In this policy statement, the OHRC makes it clear that the *Code* applies in situations where a person is adversely affected and prevented from observing a creed belief in education as a result of an organizational rule, practice, standard or requirement. In such situations, an education provider has a duty to accommodate the observance short of undue hardship (i.e., excessive costs or significant health and safety risks).

The duty to accommodate creed beliefs extends to situations where prayer observances conflict with regular daily routines or school hours. It also extends to communal forms of creed observances. An inclusive design approach that accommodates the needs of the group is generally preferred to removing barriers after they become apparent, or making “one-off” accommodations.

Caste-based discrimination

Responding to the following sections of the Committee’s LOIPR:

- *Non-discrimination (para. 4)*

Caste-based discrimination is an internationally recognized violation of human rights, addressed by [UN bodies](#) and [National Human Rights Institutions](#) alike. The OHRC released its [Policy position on caste-based discrimination](#) in 2023 to raise awareness of people’s rights and legal obligations to prevent and address caste-based discrimination.

The OHRC has determined that caste-based discrimination is an intersectional system of discrimination that can be covered under the *Code* via any combination of ancestry, creed, colour, race, ethnic origin, place of origin, family status, or possibly other grounds. As such, organizations have a legal obligation under the *Code* to make sure their environments are free from discrimination and harassment, bullying or a poisoned environment based on caste and the related grounds.

The impact of COVID-19 on human rights

Responding to the following sections of the Committee’s LOIPR:

- *Non-discrimination (paras. 4 & 6)*
- *State of emergency (para. 9)*
- *Prohibition of torture and cruel, inhuman or degrading treatment or punishment, and right to liberty and security of persons (para. 15)*
- *Right to privacy (para. 20)*
- *Rights of Indigenous peoples (para. 25)*

The COVID-19 pandemic had far-reaching impacts on people's civil and political rights. The OHRC vocally [advocated](#) for a human rights-based approach to [managing](#) COVID-19 [throughout the pandemic](#).

For example, in 2020 and 2021, the OHRC expressed concern about COVID-19 [transmission in correctional facilities](#), related notably to [overcrowding](#), and the risks it presented for both inmates and correctional workers, as well as the broader community upon inmate release or when workers return home at the end of their shifts. Because people from *Code*-protected groups are over-represented in the prison population, people from these communities bore the brunt of risks within correctional institutions.

In 2021, the OHRC [expressed concern](#) at the expansion of police discretionary power to enforce stay-at-home orders and permit random stops. The OHRC highlighted that these powers risked disproportionately impacting members of marginalized and vulnerable communities.

The OHRC also [addressed](#) challenges to the right to privacy related to temporary measures that required people to be fully vaccinated against COVID-19 and to provide proof of vaccination along with photo ID to access certain public settings and facilities.

Human rights laws such as the *Code* take into consideration the importance of balancing people's right to non-discrimination and civil liberties with public health and safety. This included the need to address evidence-based risks associated with COVID-19. The OHRC's position was that mandating and requiring proof of COVID-19 vaccination to protect people at work or when receiving services was generally permissible under the *Code*, as long as protections were put in place to make sure people who are unable to be vaccinated for *Code*-related reasons were reasonably accommodated. Additionally, the OHRC has determined that people who chose not to be vaccinated based on personal preference did not have the right to creed-based accommodation under the *Code* because personal preferences or singular beliefs do not amount to a creed for the purposes of the *Code*.

The OHRC also released a statement on [growing hate](#) and an increase in racist sentiments, racist behavior, and violence against [East Asians](#), [South Asians](#), and [Indigenous peoples](#) resulting from the COVID-19 pandemic. The COVID-19 pandemic led to widespread distress and legitimate health-related anxieties across communities in Ontario. Nonetheless, reactions based on stereotypes, personal biases, or misinformation should not replace responsible actions based on evidence.

Encampments and shelters

Responding to the following sections of the Committee's LOIPR:

- *Non-discrimination (para. 4)*

- *Right to life (para. 13)*
- *Freedoms of expression and assembly (para. 22)*

As is true for [Canada as a whole](#), Ontario is facing a housing crisis that is leading to profound and devastating impacts and which directly threatens the right to life, liberty and security of the person. *Code-protected groups are especially impacted as they disproportionately experience poverty,* are disproportionately represented in the unhoused population and can experience unique harms from homelessness. This includes people receiving public assistance, Indigenous people, racialized people, 2SLGBTQ+ people, youth, women and children fleeing domestic violence, and people living with disabilities, including mental health disabilities, addictions, and complex trauma.

Informal encampments and unsheltered homelessness are a stark consequence of this crisis. As precarious as encampments are, however, the OHRC has also made clear that overcrowded, inaccessible and unsafe single-night shelters are [not a viable alternative as they often fail to respect people's human rights](#).

The conditions within encampments must be addressed by the Government of Ontario, municipalities, and any relevant private stakeholder to protect rights-holders. These entities must also address the conditions in shelters. Access to basic services necessary to life, liberty, and security of the person— such as clean water, sanitation facilities, electricity, and heat – is required. Shelters must also be “truly accessible” and should not prevent individuals from accessing services because of their age, gender, addictions or mental health disabilities, or previous service restrictions.

Some courts have recognized that, where appropriate and accessible shelter beds are unavailable to meet the diverse needs of unhoused individuals, the state cannot prevent people from taking steps to safeguard their own well-being such as by erecting shelter or encamping. The forcible eviction of people living in encampments through trespass orders, by-law enforcement, and policing is contrary to a human rights-based approach to solving the housing crisis. Marginalized individuals are left more vulnerable. The OHRC regularly engages with [municipalities](#) on this issue as they are often on the front lines of addressing the housing crisis. Municipalities face many challenges in addressing the intersecting needs of people who are unhoused. At the same time, municipalities are responsible for ensuring they do not violate people's human rights under the *Code* or threaten the right to life and security of the person. This includes refraining from forcibly evicting individuals from encampments, [failing to approve](#) new emergency and transitional housing projects, or [imposing unnecessary restrictions](#) or [prohibitions](#) on emergency and transitional housing.

The OHRC has also [engaged](#) with the Government of Ontario on proposed legislation and steps to address this crisis and has made clear that a [human rights-based](#)

approach to housing law, policies, programs, and by-laws is vital to appropriately increase housing supply and provide increased housing options.

The OHRC also intervened before the Ontario Superior Court of Justice in a constitutional challenge to Ontario's *Safe Streets Act*, which prohibits panhandling in certain circumstances. This law has a serious and negative impact on people experiencing homelessness and poverty who often turn to panhandling as the only way to survive. The OHRC argued that sections of this law violate the *Charter* guarantees to freedom of expression (section 2(b)), the right to life, liberty and security of the person (section 7), and to equality (section 15). Although the court did not find that the law infringes the rights contained in section 7 and section 15 of the *Charter*, it found that asking for money is a profound and important form of social interaction. It further found that sections of the law prohibiting panhandling that does not cause a public danger are an unjustifiable limit on the *Charter* right to free expression under section 2(b).

In December 2025, the Court of Appeal for Ontario granted the OHRC leave to intervene in *Heegsma et al v City of Hamilton*. This is an appeal of a decision dismissing a constitutional challenge to a municipality's by-laws which prohibit encampments in municipal parks. The encampment residents alleged that the laws and their enforcement, through evictions from encampments, violated their right to life, liberty and security of the person under s.7 and equality under s.15 of the *Charter*.

With respect to the s.7 analysis, the OHRC will argue that the Court should consider how the Appellants' social circumstances constrain their access to alternative shelter. The Court should also consider the unique challenges faced by people with disabilities in complying with a ban on daytime encampments, as they must dismantle and re-establish their shelter every night. Regarding s.15, the OHRC will assist the Court to analyze how encampment bans adversely affect unhoused persons based on their sex, disability, and/or race (including Indigeneity). In other encampment decisions, lower courts have either failed to consider the s.15 claim or have dismissed it saying that homelessness is not a protected ground under the *Charter*. This case will therefore be a novel opportunity for the Court of Appeal to thoroughly consider this s.15 claim.

Unhoused people in Ontario face an additional layer of vulnerability tied to extreme weather conditions. The OHRC has expressed serious concerns about the significant lack of cold weather services across the province for people experiencing homelessness. It has also spoken out about the dangers of extreme heat waves on people without appropriate and sustainable access to temperature controlled or air-conditioned shelters. These impacts are becoming more common because of climate change. As such, the OHRC invites the Committee to include considerations related to Canada's environment and climate as part of any discussion about housing, poverty, homelessness and the intersection with the right to life.

Additional Considerations to the Committee

In addition to the information provided in this submission, the OHRC is outlining the following consideration to the Committee:

1. Discrimination in Canada, particularly racial discrimination, is systemic in nature, with, often hard-to-measure effects that impact the free and equal enjoyment of civil and political rights by all.
2. Provincial/territorial human rights institutions (including judiciary bodies) play a vital role in the protection and advancement of human rights in Canada. A review of how these institutions have been resourced over the past decade, and how this has affected their effectiveness and rights-holders' access to justice per article 2.3 of the *Covenant*, would be significant in understanding the human rights landscape in Canada.
3. Appropriate representation of the diverse groups most marginalized and most impacted by human rights violations and systemic discrimination in Canada during the constructive dialogue is important and encouraged. This notably includes, but is not limited to: Black, Indigenous, racialized and gender-non-conforming people, people with diverse disabilities, people who have experienced homelessness, people who have experienced incarceration, women, youth, and elders.
4. A clear delineation of the distinct obligations under the *Covenant* that apply to the federal government, provincial/territorial governments, as well as delegated governments such as municipalities would help with the effective implementation and monitoring of the concluding observations.

New issues may emerge between this submission and the scheduled constructive dialogue with Canada that may require further exploration.