

# Joint Statement Urging Review of Canada's Position on Positive Obligations Under Article 6 (the Right to Life)

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## Overview

The undersigned organizations submit this joint statement to urge the Human Rights Committee to engage in dialogue with Canada at the upcoming period review to clarify that positive obligations are required under Article 6 of the ICCPR to address systemic issues and general conditions in society that lead to widespread violations of the right to life in Canada.

Further details and specific issues of concern are addressed in our organizations' individual submissions but this joint statement identifies a shared concern cutting across a wide range of issues. We believe it is critical for the Committee to clarify that all orders of government in Canada have obligations to adopt positive measures to protect the right to life and to ensure access to justice and effective remedies for violations resulting from homelessness, substance use, food insecurity, violence against women, and climate

change, to ensure access to essential public services including healthcare, water, and sanitation, a life with dignity for persons with disabilities and the implementation of the *National Inquiry into Missing and Murdered Indigenous Women and Girls’ Calls for Justice* that keep Indigenous women safe.

## The Committee’s Jurisprudence on Positive Measures Required by Article 6

The Committee made it clear in its first General Comment on the right to life in 1982 that the right to life “cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures.”<sup>1</sup> This understanding was further elaborated, after extensive consultation, in General Comment 36, in which the Committee affirmed that the right to life requires “appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity.”<sup>2</sup> General Comment 36 clarified that positive measures are required to address a wide range of systemic issues, including the degradation of the environment, deprivation of Indigenous Peoples’ land, territories, and resources, substance use, hunger and malnutrition and homelessness, and that the right to life may require State parties to ensure access to essential goods and services such as water, health care and social housing programs.<sup>3</sup>

The Committee’s recognition that the right to life requires positive measures has been applied to Canada in previous periodic reviews. The Committee has stated that Article 6 requires positive measures to address homelessness<sup>4</sup>, violence against women<sup>5</sup> and deaths and disappearances among Indigenous women and girls.<sup>6</sup> In *Toussaint v Canada*, the Committee found that Canada’s policy of denying access to essential health care because of irregular immigration status violated the right to life and clarified that Canada must “take all steps necessary to prevent similar violations in the future, including

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<sup>1</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 6: Article 6 (Right to Life)*, 30 April 1982, at para 5.

<sup>2</sup> UN Human Rights Committee (HRC), *General comment no. 36, Article 6 (Right to Life)*, CCPR/C/GC/35, 3 September 2019 at para 26.

<sup>3</sup> Ibid.

<sup>4</sup> UN Human Rights Committee, *Concluding Observations: Canada*, CCPR/C/79/Add.105 (7 April 1999) at para 12.

<sup>5</sup> UN Human Rights Committee, *Concluding Observations on the sixth periodic report of Canada*, CCPR/C/CAN/CO/6 (13 August 2015) at para 13.

<sup>6</sup> UN Human Rights Committee, *Concluding Observations on the sixth periodic report of Canada*, CCPR/C/CAN/CO/6 (13 August 2015) at para 8.

reviewing its national legislation to ensure that irregular migrants have access to essential health care to prevent a reasonably foreseeable risk that can result in loss of life.”<sup>7</sup>

### Canada’s Refusal to Accept that the Right to Life Requires Positive Measures

To date, Canada has refused to agree that the right to life in Article 6 requires positive measures as affirmed by the Committee. In response to General Comment 36, Canada stated its view that “Article 6 does not provide the authority for the Committee to expand the scope of measures required by the Covenant to prevent violations of the right to life.” Canada stated that it “disagrees with the Committee’s assertion that the right to life includes a right to a life with dignity to the extent that this could be read to encompass certain socio-economic entitlements” and argued that there is no legal justification “to overlay State Parties’ right to life obligations onto international environmental obligations.”<sup>8</sup>

In Response to the Committee’s finding that Canada had violated the right to life by denying access to essential health care because of immigration status in the Nell Toussaint case, Canada informed the Committee that it “cannot accept the broad scope that the Committee has given to Article 6 in these views.” Canada stated that “it is unable to agree with the views of the Committee in respect of the facts and law in the communication and as such will not be taking any further measures to give effect to those views.”<sup>9</sup>

### The Denial of Effective Remedies to Violations of the Right to Life under the Canadian Charter

Canada’s continued refusal to adopt this Committee’s interpretation of the right to life under the ICCPR has had disastrous implications for the domestic implementation of the Covenant and for access to effective remedies.

The Supreme Court of Canada has affirmed on multiple occasions that the *Canadian Charter* “should be presumed to provide at least as great a protection as that which is afforded by similar provisions in international documents that Canada has ratified.”<sup>10</sup> The Supreme Court has left open the question of whether the rights to life and security of the person under section 7 of the *Canadian Charter of Rights and Freedoms* impose positive

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<sup>7</sup> *Toussaint v Canada* CCPR/C/123/D/2348/2014 (30 August 2018)

<sup>8</sup> Government of Canada, Response of the Government of Canada to the Views of the Human Rights Committee Concerning Communication No. 2348/2014 submitted by Ms. Nell Toussaint (February 1, 2019).

<sup>9</sup> Government of Canada Permanent Mission of Canada to the United Nations, HRCttee 2348/2014 Ms. Nell Toussaint, Response to the Committee’s Views (1 February, 2019).

<sup>10</sup> *Quebec (Attorney General) v. 9147-0732 Québec inc.*, 2020 SCC 32 at paras 31-32; *Dickson v. Vuntut Gwitchin First Nation*, 2024 SCC 10, at para 317.

obligations to ensure access to the basic requirements of life<sup>11</sup> and this question is central to many cases at lower courts dealing with critical systemic issues including homelessness<sup>12</sup> access to essential publicly funded health care<sup>13</sup>, safe consumption sites,<sup>14</sup> climate change<sup>15</sup> and access to water and sanitation.<sup>16</sup>

In all of these ongoing cases, the federal government and/or provincial governments have consistently argued that the right to life does not impose positive obligations to address systemic issues or even to provide life-saving benefits such as medical care.<sup>17</sup> They routinely argue that because the *Canadian Charter* does not contain “freestanding” socio-economic or environmental rights, the right to life does not apply in these contexts.<sup>18</sup> The

*Principles guiding the Attorney General of Canada in Charter Litigation* make no mention of the presumption of conformity with Canada’s international human rights obligations which is so central to the implementation of the right to effective remedies for Covenant rights.<sup>19</sup>

## The Dire Consequences of Canada’s Failure to Adopt Positive Measures to Protect and Ensure the Right to Life

The dire consequences of Canada’s continued refusal to agree to implement the Committee’s internationally recognized understanding of the right to life and to provide access to effective remedies to systemic violations of the right to life in Canada are evident in the following areas:

**Homelessness:** The number of homeless in Canada has doubled since the Committee identified this as a potential violation of the right to life. A recent study found that 85,000

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<sup>11</sup> *Irwin Toy v. Quebec (Attorney General)* [1989] 1 S.C.R. 927 at pp 1003–1004; *Gosselin v. Québec (Attorney General)*, 2002 SCC 84 at para 82;

<sup>12</sup> *Heegsma v. Hamilton (City)*, 2024 ONSC 7154 (under appeal to the ONCA)

<sup>13</sup> *Toussaint v. Canada (Attorney General)* 2022 ONSC 4747 (Dismissing Motion to Strike and allowing the claim to proceed to trial); *Ontario Health Coalition and Advocacy Centre for the Elderly v. His Majesty the King in Right of Ontario*, 2025 ONSC 415.

<sup>14</sup> *Brown v Alberta*, 2025 ABKB 179 (under appeal to the ABCA)

<sup>15</sup> *La Rose v. Canada*, 2023 FCA 241 (permitting amended claim to proceed); *Mathur v Ontario*, 2023 ONCA 544 (setting aside the motion judge’s dismissal and remitting the Charter claim for trial).

<sup>16</sup> *St. Theresa Point First Nation v. Canada*, 2025 FC 1926

<sup>17</sup> *Ontario Health Coalition and Advocacy Centre for the Elderly v. His Majesty the King in Right of Ontario*, 2025 ONSC 415. In this case the Attorney General for Ontario argued in their factum that “Section 7 does not protect the right to state funding for even life-saving medical treatment.” *Factum of the Respondent*.

<sup>18</sup> In the *Toussaint* case, in which Nell Toussaint asked the court to interpret her right to life under the *Canadian Charter* in light of the Committee’s Views, the court was harshly critical of Canada’s attempt to mischaracterize Ms. Toussaint’s claim to the right to life as an exclusively socio-economic rights claim to “free health care” outside the scope of the *Canadian Charter*. *Toussaint v. Canada (Attorney General)*, at para 134.

<sup>19</sup> *Principles guiding the Attorney General of Canada in Charter Litigation* (September 1, 2021)

individuals in Ontario had experienced homelessness in 2025, an increase of 8% over the previous year and the number of homelessness encampments in Ontario increased from 1400 to 2,000.<sup>20</sup> Over 1600 homeless people have died in British Columbia since the last review of Canada, with 458 deaths in 2024.<sup>21</sup> People experiencing homelessness are dying at significantly younger ages, with a median age of death of 50 for men and 36 for women in Toronto.<sup>22</sup>

**Access to Essential Health Care:** Canada's refusal to implement the Committee's Views in the case of *Toussaint v Canada* has deprived an estimated 500,000 irregular migrants of access to health care when their lives are at risk.<sup>23</sup> Lack of access to mental health services is a major systemic issue across Canada, with suicide being the second leading cause of death among youth and young adults aged 15–24. Up to 90% of youth who die by suicide have untreated mental health and substance use concerns.<sup>24</sup> Over one-quarter of Indigenous people have unmet health care needs and three quarters of those with mental health care needs do not have their needs met.<sup>25</sup> Life expectancy of both Indigenous men and women is more than 8 years less than non-Indigenous.<sup>26</sup>

**Substance Use:** Statistics Canada estimated that there were over 7,650 preventable deaths from drug overdose in 2023.<sup>27</sup> Drug overdoses represented 9.6% of all avoidable deaths in Canada in 2023, up from 8.6% in 2020.<sup>28</sup> In the first half of 2025 there were 2,787 deaths from opioid toxicity, of which 97 % were accidental. Yet many provincial governments have introduced legislation to restrict or eliminate safe consumption sites that prevent toxic drug death by providing safe and hygienic spaces where people can use drugs under the supervision of trained staff or volunteers. These restrictive measures are being challenged as violations of the right to life and other rights under the *Canadian Charter*.<sup>29</sup>

**Missing and Murdered Indigenous Women and Girls:** The National Inquiry into MMIWG found that Indigenous women, girls, Two-Spirit and gender-diverse people are 12 times

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<sup>20</sup> <https://www.amo.on.ca/events-training/blog/new-amo-study-more-85000-ontarians-were-homeless-2025>

<sup>21</sup> BC Coroner, *Deaths of Individuals Experiencing Homelessness in British Columbia, 2016-2023*.

<sup>22</sup> City of Toronto. (2025, February 3). Toronto Public Health releases updated data for deaths of people experiencing homelessness in Toronto.

<https://www.toronto.ca/news/toronto-public-health-releases-updated-data-for-deaths-of-people-experiencing-homelessness-in-toronto/>

<sup>23</sup> Question Period Note: Undocumented Migrants IRCC-2024-QP-00032 (Apr 24, 2024)

<sup>24</sup> Kourgiantakis, Toula, et al. "Suicide among youth and young adults in Canada: bereaved parents' perspectives on the systems of care." *International Journal of Mental Health Systems* 19.1 (2025): 26.

<sup>25</sup> Statistics Canada, *Health care access and experiences among Indigenous people, 2024*

<sup>26</sup> Statistics Canada, *Life expectancy at birth of Indigenous populations in Canada (2025-06-03)*

<sup>27</sup> Statistics Canada *Premature and potentially avoidable mortality in Canada, provinces and territories, 2020 to 2023 (Released 2025-11-28)*.

<sup>28</sup> Ibid.

<sup>29</sup> *The Neighbourhood Group et al. v. HMKRO*, 2025 ONSC 1934; *Brown v Alberta*, 2025 ABKB 179 (under appeal).

more likely to go missing or be murdered in comparison to non-Indigenous women in Canada.<sup>30</sup> This violence has been increasing at an exponential rate since the National Inquiry was launched in 2016.<sup>31</sup> Canada itself, publicly reports that only two Calls for Justice are fully implemented.<sup>32</sup> The vast majority show minimal or no progress.<sup>33</sup>

*Supports for a Life with Dignity of Persons with Disabilities:* Canada's failure to recognize positive obligations to provide necessary supports and benefits to ensure a life with dignity in the community has left increasing numbers of persons with disabilities in desperation, seeking Medical Assistance in Dying (MAiD due to social deprivation, poverty, and lack of essential supports. Disability rights organizations are demanding the end to Track 2 MAiD, and challenging the expansion of MAiD as a violation of the right to life linked to the systemic deprivation of supports and services necessary to live with dignity.”<sup>34</sup>

*Water and Sanitation:* As of early 2026, there are 38 active long-term drinking water advisories on public water systems in 36 First Nations communities, affecting thousands of households and community buildings. The Federal Court has recently found that decades of severe, systemic under-housing and related infrastructure deficiencies in the St. Theresa Point and Sandy Lake First Nations exposed community members to heightened risks of serious harm and premature death and displacing many members of the community, holding that these conditions are capable of engaging—and potentially violating—the right to life protected by s. 7 of the *Canadian Charter*, subject to determination in ongoing proceedings.<sup>35</sup>

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<sup>30</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). (2019). [Reclaiming Power and Place: Final Report of the National Inquiry into MMIWG](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf), Vol 1a,. [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf) .National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). (2019). *Reclaiming Power and Place: Final Report of the National Inquiry into MMIWG*, Vol 1a, [p 55](#).

<sup>31</sup> The homicide rate for Indigenous women in Canada is now 8 times the rate for non p. 55-Indigenous women (6.74 and 0.8 homicide victims, respectively, per 100,000 population), compared to 3 times the rate in 2016 (3.39 and 0.71 respectively) (Statistics Canada. (2025). [Table 35-10-0156-01: Number, percentage and rate of homicide victims, by gender and Indigenous identity](#));

The homicide rate for Indigenous women increased by almost 100% (doubled) from 2016-2024 – almost 10 times the increase in the homicide rate for non-Indigenous women (12%) over the same period (Statistics Canada. (2025). [Table 35-10-0156-01](#))

<sup>32</sup> Crown-Indigenous Relations and Northern Affairs Canada. [Reporting on the Calls for Justice](#). Government of Canada at [footnote #2](#).

<sup>33</sup> Assembly of First Nations, *Breathing Life into the Calls for Justice: Progress Report on the Implementation of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice* Ottawa: AFN, 2024) at 3-5.

<sup>34</sup> Inclusion Canada, [Disability Rights Coalition Challenges Discriminatory Sections of Canada's Assisted Dying Law in Court](#) (September 26, 2024)

<sup>35</sup> *St. Theresa Point First Nation v. Canada*, 2025 FC 1926.

**Food Insecurity:** Estimates based on the 2024 Canadian Income Survey show that about 10 million Canadians (approximately one in four people) lived in food-insecure households in 2024, including about 2.5 million children. 6.7% of households experiencing severe food insecurity.<sup>36</sup> Grossly inadequate social assistance rates across Canada are a major cause of food insecurity. The Statistics Canada survey in 2020 found that 63% of households relying on social assistance were food-insecure.<sup>37</sup> Household food insecurity is associated with premature mortality and is also linked to higher incidence of chronic conditions, poorer disease management, and mental health disorders.<sup>38</sup>

**Climate Change:** Canada is now on track to miss its 2030 commitment and Nationally Determined Contribution under the Paris Agreement.<sup>39</sup> Canada has already experienced documented loss of life and widespread health harms caused by climate-driven extreme weather. Excessive heat during the 2021 heat dome resulted in at least 619 heat-related deaths in British Columbia.<sup>40</sup> Wildfires in 2023 burned 4% of Canada's total forests and it is estimated that the smoke from those fires caused acute deaths in North America and 64,300 chronic deaths in North America and Europe.<sup>41</sup> Climate change is having disproportionate and severe impacts on Indigenous peoples in Canada, including threats to life, health, food security, housing, cultural continuity and community safety, as a result of extreme heat, wildfires, flooding, permafrost thaw and ecosystem disruption.<sup>42</sup>

Endorsed by:

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<sup>36</sup> Proof, [New data on household food insecurity in 2024](#)

<sup>37</sup> Tarasuk V, Li T, Fafard St-Germain AA. (2022) [Household food insecurity in Canada, 2021](#).

<sup>38</sup> Fei Men, Craig Gundersen, Marcelo L. Urquia & Valerie Tarasuk, [Association between household food insecurity and mortality in Canada: a population-based retrospective cohort study](#) 192 CMAJ E53–E60 (2020).

<sup>39</sup> Office of the Parliamentary Budget Officer, [Estimating Canada's 2030 Emissions Gap](#) (26 November 2025)

<sup>40</sup> Government of Canada, [Surviving the Heat: The Impacts of the 2021 Western Heat Dome in Canada](#) (26 June 2022).

<sup>41</sup> Zhang, Q., Wang, Y., Xiao, Q. et al. [Long-range PM<sub>2.5</sub> pollution and health impacts from the 2023 Canadian wildfires](#). *Nature* 645, 672–678 (2025).

<sup>42</sup> Government of Canada, [Government of Canada Releases New Report Showing the Impacts of Climate Change and the Necessity of Indigenous-Led Climate Change Adaptation](#) (7 May 2024).

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