



Canadian
human rights
commission

Commission
canadienne des
droits de la personne

Human Rights

Human Rights in Canada

Canadian Human Rights Commission

UPR Info Pre-session

August 2023

Situation in Canada

Issue 1: People Deprived of their Liberty

- The situation of **people deprived of their liberty** across all jurisdictions is a **pressing concern** in Canada.
- This issue **extends far beyond prisons** and includes:
 - people with disabilities institutionalized in facilities inappropriate for their needs;
 - people in long term care facilities;
 - migrant detainees held in facilities intended for those convicted of crimes; and
 - children – in particular Indigenous and Black children – who are over-represented in the child welfare system.

Situation in Canada

Issue 1: People Deprived of their Liberty

- There are **gaps and inconsistencies in oversight** in various places of detention across Canada.
- Having transparent and independent oversight and accountability mechanisms in all places of detention is key and **strengthens human rights protections** for those in the most vulnerable circumstances.
- During Canada's last cycle of the UPR, **27 different States** recommended to Canada that it ratify the **Optional Protocol to the Convention against Torture (OPCAT)**. Canada's commitment to ratify OPCAT remains unclear.

Recommendations

Issue 1: Ratification of the Optional Protocol to the Convention against Torture

- In order to strengthen human rights protections for people deprived of their liberty across Canada, we recommend that Canada:
 - **Ratify the OPCAT without delay.**
 - Designate an appropriate and sufficiently resourced **National Preventive Mechanism** to ensure ongoing and enhanced independent oversight, monitoring and reporting in all places of detention.

Situation in Canada

Issue 2: Social and Economic Equality for People with Disabilities

- In Canada, a **disproportionate number** of people with disabilities continue to **live in poverty**.
- **Almost half** of all discrimination complaints accepted at the Canadian Human Rights Commission are related to **disability**.
- While **some progress** has been made towards realizing these rights and recognizing their existence in legislation, these rights have yet to be made justiciable.
- During Canada's last cycle of the UPR, **Canada accepted the recommendation to ensure the justiciability of economic, social and cultural rights**.

Recommendations

Issue 2: Effective Protection of Economic and Social Rights

- In order to address this gap in human rights protection, we recommend that Canada:
 - Ensure **equitable and adequate access to services** for people with disabilities.
 - Ensure that **economic, social and cultural rights can be effectively exercised** by all people in Canada, including people with disabilities.

Thank you