



Human Rights Council
Working Group on the Universal Periodic Review
Forty-fourth session
6–17 November 2023

Canada

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Rights of the Child recommended that Canada ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights² and the Convention relating to the Status of Stateless Persons.³

3. The Working Group on the issue of human rights and transnational corporations and other business enterprises recommended that Canada ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization (ILO).⁴ The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended ratifying the Convention against Discrimination in Education.⁵

4. The Special Rapporteur on the rights of persons with disabilities recommended ratifying the American Convention on Human Rights and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.⁶ The Special Rapporteur on violence against women, its causes and consequences, recommended ratifying the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.⁷

5. The Committee on the Rights of the Child urged Canada to consider withdrawing its remaining reservations to articles 21 and 37 (c) of the Convention on the Rights of the Child.⁸



6. Canada made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁹

III. National human rights framework

1. Constitutional and legislative framework

7. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes indicated that, while the international human rights obligations of Canada might be implemented in law and policy, economic, social and cultural rights were not directly actionable in Canadian courts.¹⁰

2. Institutional infrastructure and policy measures

8. The Special Rapporteur on disability recommended that Canada provide the Canadian Human Rights Commission with appropriate financial and human resources to implement its new mandate as the national independent monitoring mechanism in line with article 33 (2) of the Convention on the Rights of Persons with Disabilities and encourage provinces and territories to designate independent monitoring mechanisms in their respective jurisdictions.¹¹

9. The Committee on the Rights of the Child expressed serious concern at the lack of an independent children's rights commissioner at the federal level and urged Canada to expeditiously establish an independent mechanism at the federal level for monitoring children's rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹²

10. The Special Rapporteur on violence against women recommended that Canada strengthen existing coordination mechanisms on human rights or establish a new coordinating mechanism for the coordination and implementation of human rights obligations and recommendations arising from international and regional human rights mechanisms, with the constructive participation of civil society and Indigenous representatives.¹³

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. The Committee on the Rights of the Child recommended that Canada put an end to structural discrimination against children belonging to Indigenous groups and children of African descent and address disparities in access to services by all children, including those in marginalized and disadvantaged situations.¹⁴

12. The Human Rights Committee requested information about the prevalence of hate speech and hate crime, including against religious, racial and sexual minorities, such as Muslims, persons of African and Asian descent and LGBTQI persons, as well as about legislative and other measures taken to address such hate crime and hate speech, including that occurring online.¹⁵

2. Right to life, liberty and security of person, and freedom from torture

13. The Special Rapporteur on the rights of Indigenous Peoples stated that the current human rights situation of Indigenous Peoples in Canada could not be fully understood without considering the legacy of residential schools and the intergenerational trauma that they had created. Over 150,000 First Nations, Métis and Inuit children had been separated from their families and forced to attend the government-funded schools between the 1870s and 1997. Investigations, including into unmarked graves, had revealed numerous accounts

of Indigenous children who entered residential schools, hospitals and mental health facilities and went missing. Children had been subjected to physical and sexual abuse and many survivors lived with post-traumatic stress, substance abuse, depression and other mental health issues.¹⁶

14. The same Special Rapporteur noted concerns that the 2023 Technical Arrangement with the International Commission on Missing Persons had been reportedly concluded by Canada without consulting Indigenous Peoples. He expressed full support for Indigenous Peoples' calls for a survivor-centred, Indigenous-led investigation to mitigate against further harm in accordance with the Truth and Reconciliation Commission Call to Action.¹⁷

15. The same Special Rapporteur stated that he had received disturbing reports about the rise of "denialism" in relation to the discovery of unmarked graves and called upon Canada to counter misinformation about residential schools with education and awareness-raising.¹⁸ The Committee on the Rights of the Child urged Canada to strengthen measures to investigate and provide justice to families of victims of murder and disappearances and survivors of residential schools across Canada.¹⁹

16. The Special Rapporteur on Indigenous Peoples welcomed the positive response of Canada to previous recommendations but stated that, despite the reports of the Royal Commission on Aboriginal Peoples (1996), the Truth and Reconciliation Commission Calls to Action (2015) and the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice (2019), the number of missing and murdered Indigenous women and girls continued to increase and had escalated during the coronavirus disease (COVID-19) pandemic.²⁰

17. The Committee against Torture stated that Canada should ensure that all cases of gender-based violence, in particular against Indigenous women and girls, and especially those involving actions or omissions by State authorities or other entities, were thoroughly investigated, that the alleged perpetrators were prosecuted and, if convicted, punished appropriately, that the victims or their families received redress and that it should establish a mechanism for the independent review of all cases in which there were allegations of inadequate or partial police investigations.²¹

18. The Special Rapporteur on violence against women recommended that Canada adopt measures to improve the socioeconomic conditions of Indigenous women and girls, provide adequate funding to support dedicated Indigenous-based holistic community support services and ensure systemic and comparable national data collection on all manifestations of gender-based violence against women and girls and femicide, as well as specific information on violence against women and the femicide of Indigenous women.²²

19. The Committee against Torture expressed concern about reports of deplorable conditions in some police stations and other detention facilities, as well as insufficient food. It also expressed concern at reported arbitrary practices, in particular extended questioning, sleep deprivation and abusive strip-searches and body cavity searches. Moreover, the Committee observed with concern the almost constant increase in the number of persons being held in pretrial detention. The Committee stated that Canada should continue its efforts to improve conditions of detention and alleviate the overcrowding of penitentiary institutions and other detention facilities, including through the application of non-custodial measures, and urgently adopt practical measures to remedy any deficiencies related to general living conditions in police and other detention facilities.²³

20. The same Committee also expressed concern at the continued use of prolonged and indefinite solitary confinement, in the form of disciplinary and administrative segregation. The Committee stated that Canada should ensure that solitary confinement, in both federal and provincial correctional facilities, was used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority, in accordance with rule 45 (a) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).²⁴

3. Human rights and counter-terrorism

21. The Committee against Torture recommended that all measures to restrict or limit guarantees of a fair trial on security grounds should be fully compliant with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, Canada should ensure that intelligence and other sensitive material was subject to possible disclosure if a court determined that it contained evidence of human rights violations, such as torture or cruel, inhuman or degrading treatment, and ensure that the application of security procedures did not result in indefinite detention or deportations and violations of the principle of non-refoulement.²⁵

22. Since the previous review cycle, several special procedure mandate holders have sent communications regarding information received concerning, among others, the alleged arbitrary detention and inadequate detention conditions of Canadian nationals, including children, in a third country related to their alleged association with Da'esh.²⁶

4. Administration of justice, including impunity, and the rule of law

23. The Special Rapporteur on Indigenous Peoples indicated that entering the child welfare system increased the risk of incarceration, noting the very high rates of incarceration of Indigenous youth. The Special Rapporteur stated that disproportionately high numbers of Indigenous Peoples in jails and prisons had been linked to structural racial discrimination at every level, including policing, the judicial system and corrections. Indigenous women and gender-diverse peoples were the most affected, representing about 50 per cent of females incarcerated in Canada, even though they made up less than 4 per cent of the country's population.²⁷

24. The Committee against Torture stated that Canada should increase its efforts to address the overrepresentation of Indigenous Peoples and other minority groups in prisons and its underlying causes and allocate the resources required for adapting detention facilities and their staffing to prisoners with physical disabilities, in accordance with international standards.²⁸

25. The Committee on the Rights of the Child urged Canada to develop an effective action plan towards eliminating the disparity in the rates of sentencing and incarceration of Indigenous children and adolescents and Canadian children and adolescents of African descent, continue to promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and ensure that the detention of children was used as a measure of last resort and for the shortest possible period of time and reviewed on a regular basis with a view to its withdrawal.²⁹

5. Fundamental freedoms and the right to participate in public and political life

26. UNESCO recommended that Canada decriminalize defamation and incorporate it into the civil code, in line with international standards.³⁰

27. The Special Rapporteur on Indigenous Peoples expressed concern about the ongoing militarization of Indigenous lands and the criminalization of Indigenous human rights defenders resisting the Trans Mountain and Coastal GasLink pipelines in British Columbia. He urged the Government to end those violations.³¹

6. Prohibition of all forms of slavery, including trafficking in persons

28. The Special Rapporteur on violence against women stated that trafficking in persons was a matter of serious concern in Canada and highlighted that there was a lack of comprehensive and systematic data collection on trafficking and trafficking victims, including on trafficked Indigenous women, and exploitation through prostitution and other related purposes. The Special Rapporteur indicated that, according to reports, Indigenous women and girls were overrepresented as victims of trafficking in persons. Lesbian, gay, bisexual, transgender, queer and two-spirit (LGBTQ2) persons were also at risk of being trafficked and faced many vulnerabilities.³²

29. The same Special Rapporteur recommended that Canada amend the Immigration and Refugee Protection Act to guarantee protection to survivors of trafficking and offer adequate

support to trafficked persons, as well as faster access to permanent residence, increase access to information about temporary residence permits to victims of trafficking in persons and streamline applications for permanent residence.³³

7. Right to work and to just and favourable conditions of work

30. The Special Rapporteur on disability noted that persons with disabilities faced higher levels of unemployment and earned less than Canadians without disabilities. She recommended that Canada take additional measures to enable the effective inclusion of persons with disabilities in the workplace, including by ensuring necessary accommodations to guarantee the recruitment, retention and career development of persons with disabilities.³⁴

8. Right to social security

31. The Special Rapporteur on disability recommended that Canada consider the extra cost of living with a disability when calculating the official poverty line and when allocating benefits for persons with disabilities, including income support benefits.³⁵

9. Right to an adequate standard of living

32. The Committee on the Rights of the Child noted with concern that Indigenous communities, Canadians of African descent and children belonging to minority groups continued to face disproportionate levels of poverty and that women and children were particularly vulnerable to housing insecurity for a variety of reasons, including family violence, low wages and underemployment. The Committee recommended that Canada ensure that all children and their families living in poverty received adequate financial support and accessible services without discrimination and that it strengthen measures to end homelessness among children.³⁶

33. The Special Rapporteur on Indigenous Peoples observed that the enduring effects of racial discrimination continued to cause displacement and dispossession of Indigenous Peoples from their lands and created situations of homelessness, unemployment, depression and suicide. Indigenous women, girls, LGBTQ2 people and persons with disabilities were overrepresented in almost all aspects of housing insecurity, homelessness and poverty. Addressing the Indigenous housing situation was paramount to overcoming the cycle of poverty, marginalization and insecurity that Indigenous Persons were experiencing.³⁷

34. The Committee on Economic, Social and Cultural Rights requested information on the steps taken to give effect to the National Housing Strategy Act at the provincial level and for clarification on whether any of the mechanisms provided for in the Act had the power to provide remedies in the case of violation of the right to housing.³⁸

35. The Committee on the Rights of the Child welcomed the steps taken to ensure access to clean and safe drinking water for First Nations communities but expressed regret that there remained many Indigenous children who lacked access to sustainable and safe drinking water. It recommended that Canada, in collaboration with Indigenous communities, develop plans for addressing water and sanitation conditions on reserves that allowed for long-term and sustainable solutions beyond the current strategy that aimed to eliminate all long-term drinking water advisories.³⁹

10. Right to health

36. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health commended the strong focus on public health, universality and equality of the health-care system in Canada. He indicated, however, that Canada still faced structural challenges regarding services that were not covered by the public health insurance, disparities among provinces and territories, poor access to health care by persons in vulnerable situations, including Indigenous Peoples, and lack of parity between physical and mental health.⁴⁰

37. The same Special Rapporteur recommended that Canada incorporate a human rights-based approach to health, continue supporting community- and rights-based civil society projects with funding over a longer time frame, while building human rights capacity among

health personnel, and develop measures to achieve parity between mental and physical health while advancing the realization of the right of everyone to mental health and the realization of all human rights of persons with psychosocial, intellectual and cognitive disabilities.⁴¹

38. The same Special Rapporteur indicated that, despite efforts to improve Indigenous physical and mental health, the situation was still one of the most pressing issues in-country. Indigenous Peoples' health situation was aggravated by the geographical remoteness of many communities, high population growth rates and other issues, including family violence.⁴²

39. The Special Rapporteur on Indigenous Peoples stated that Indigenous Peoples experienced the highest rates of tuberculosis and other communicable diseases, chronic health conditions and mental health issues. Indigenous Peoples also faced unique barriers to accessing health services due to historical mistrust and structural racism.⁴³

40. The Committee on the Rights of the Child recommended that Canada promptly address the disparities in the health status of Indigenous children, children of African descent, children with disabilities, children living in remote or rural areas and children in alternative care.⁴⁴

41. The Special Rapporteur on health noted that, while asylum-seekers for the most part could gain access to health care in Canada, persons with no immigration status could not. As a common rule, provinces and territories required that identification documents be shown in order to gain access to health care.⁴⁵ The Committee on the Rights of the Child noted with concern that, in some provinces, children's eligibility for public health care was linked to the immigration status of their parents. It recommended that Canada ensure that all children who lived in Canada had an equal entitlement and equal access to public health-care services, regardless of their immigration status.⁴⁶

42. The Special Rapporteur on health stated that Canada faced an opioid overdose crisis and recommended that it continue to address the root causes of the opioid crisis and related determinants, including poverty, discrimination, early childhood adversities and access to adequate housing and safe water.⁴⁷

43. The Committee on the Rights of the Child recommended that Canada invest in addressing the underlying causes of poor mental health and the high prevalence of suicidal behaviour among children and that it adopt a specific child-focused section of the federal framework for suicide prevention, including a focus on early detection.⁴⁸

44. In 2021, several special procedure mandate holders sent a communication regarding information received concerning the new policy on medical assistance in dying, enshrined in bill C-7 as adopted by the House of Commons in December 2020, which amended relevant provisions of the Criminal Code by expanding access to medical assistance in dying to persons with disabilities whose natural death was not reasonably foreseeable. The mandate holders noted that there was a real risk that those without adequate support networks, in older age, living in poverty or who might be further marginalized by their status might be more vulnerable to being induced to access medical assistance in dying.⁴⁹

11. Right to education

45. The Committee on the Rights of the Child recommended that Canada take immediate measures to remove the need for user fees at the level of compulsory education, ensure equal access to quality education for all children and ensure that Indigenous children and children of African descent received culturally appropriate education that respected their heritage and language.⁵⁰

46. The Special Rapporteur on disability noted that, while there had been a shift in policy from special to inclusive education, most provinces and territories maintained segregated educational systems.⁵¹

47. The Committee on the Rights of the Child recommended that Canada strengthen measures for ensuring inclusive education across all provinces and territories, including by adapting curricula and training and assigning specialized teachers and professionals in integrated classes.⁵² UNESCO recommended that Canada continue its efforts to improve inclusive education, in particular for Indigenous Peoples.⁵³

12. Cultural rights

48. The Special Rapporteur on Indigenous Peoples noted reports indicating that 75 per cent of Indigenous languages in Canada were in danger of disappearing and called upon the Government to adopt the measures necessary to promote language recovery, conservation and revitalization, including through the implementation of the Truth and Reconciliation Commission's Calls to Action No. 14 and No. 15.⁵⁴

13. Development, the environment, and business and human rights

49. Taking note of target 17.2 of the Sustainable Development Goals, the Committee on the Rights of the Child encouraged Canada to meet the internationally agreed target of allocating 0.7 per cent of its gross national income for official development assistance and to prioritize children's rights in its international cooperation agreements.⁵⁵

50. The same Committee expressed concern about the disproportionately high carbon footprint of Canada, in particular through investments made in fossil fuels, and recommended that Canada reduce greenhouse gas emissions in line with its international commitments.⁵⁶

51. The same Committee expressed serious concern that Indigenous children from the Anishinaabe community of the Grassy Narrows First Nation in north-western Ontario continued to experience chronic and severe physical and mental health problems as result of mercury contamination of the water. It urged Canada to ensure that Indigenous children in north-western Ontario had access to the specialized health care necessary to treat mercury poisoning and to ensure that the federal Government worked with the Province of Ontario to implement existing commitments to complete remediation of the English-Wabigoon River system to address the mercury health crisis.⁵⁷ The Special Rapporteur on Indigenous Peoples expressed similar concerns.⁵⁸

52. The Special Rapporteur on hazardous substances and wastes recommended that Canada amend the federal Impact Assessment Act to require consideration of the impacts of proposed projects and policies on human rights, in particular the rights of vulnerable populations, implement legal requirements for robust mandatory human rights due diligence and provide redress where activities of business enterprises both at home and abroad were associated with impacts of toxic exposure, with a cause of action for victims both in the host country and in Canada.⁵⁹

53. The Working Group on the issue of human rights and transnational corporations and other business enterprises noted that Canada was home to more than half the world's mining companies, which operated in Canada and across the globe, and that the Government had undertaken several initiatives to address business and human rights in the extractive sector.⁶⁰

54. The same Working Group recommended that Canada address barriers for individuals and communities affected by the overseas operations of Canadian businesses to seek effective remedies in Canada in appropriate cases.⁶¹ The Special Rapporteur on Indigenous Peoples called upon Canada to recognize its extraterritorial human rights obligations to ensure that Canadian transnational companies were held accountable for human rights violations committed abroad.⁶²

55. The Special Rapporteur on hazardous substances and wastes welcomed the establishment of the Office of Canadian Ombudsperson for Responsible Enterprise but noted that the Office of the Ombudsperson carried out an advisory, not investigative, role and its position suggested that it did not operate truly independently of the Government. The Special Rapporteur recommended that Canada expand the mandate of the Office to include other economic sectors, providing additional investigative powers and the resources required for it to carry out its mandate.⁶³

B. Rights of specific persons or groups

1. Women

56. The Special Rapporteur on violence against women stated that Canadian federal criminal legislation provided for uniform norms on sexual assault that encompassed rape and

sexual violence. The Special Rapporteur noted the adoption of legislation to criminalize different types of violence and protect victims of violence. However, reports had highlighted the victimization of women who requested State protection from violence, reflected in an increase in the laying of charges against women who denounced alleged perpetrators whom they knew. Service providers had also observed cases in which the requirements of child custody arrangements based on the “best interests of the child” test forced women to have continued contact with abusers.⁶⁴

57. The same Special Rapporteur recommended that Canada consider enacting a federal law on combating and preventing violence against women and domestic violence based on the Convention on the Elimination of All Forms of Discrimination against Women and harmonize legislation on violence against women and domestic violence in all federal, provincial and territorial jurisdictions in line with that Convention.⁶⁵

2. Children

58. The Special Rapporteur on Indigenous Peoples stated that the child welfare system continued the removal of Indigenous children from their families and communities, reproducing the negative impacts of residential schools. Despite comprising 7.7 per cent of the Canadian population, over 53 per cent of children in care were Indigenous, a figure that reached 90 per cent in some provinces. The majority of Indigenous children removed were placed with non-Indigenous families, which often resulted in children losing their language, culture, identity and family ties.⁶⁶

59. The Committee on Economic, Social and Cultural Rights asked Canada to provide information on the measures taken to address the disproportionately high number of Indigenous children and children of African descent in foster care, and on the effectiveness of those measures.⁶⁷

60. The Committee on the Rights of the Child urged Canada to strengthen its preventive measures aimed at avoiding the removal of children from their family environment by providing appropriate assistance and support services to parents and caregivers in the performance of child-rearing responsibilities, ensure full respect for the preservation of identity for all children and take effective measures to ensure that Indigenous children in the child welfare system could preserve their identity.⁶⁸

61. While noting the disproportionate barriers to access to birth registration for children of Indigenous communities, the same Committee urged Canada to ensure the issuance of birth certificates for all children born in its territory, in particular Indigenous children, immediately after the birth.⁶⁹

62. The same Committee expressed serious concern that there was no national comprehensive strategy to prevent violence against all children and urged Canada to develop and implement such a strategy, allocate the necessary resources to the strategy and ensure that there was a monitoring mechanism.⁷⁰

63. The same Committee expressed regret that bill S-206, which was aimed at repealing the defence allowing for “reasonable force” under the Criminal Code, had not been adopted. It recommended that Canada repeal section 43 of the Criminal Code to remove the existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against all age groups of children within the family, in schools and in other institutions where children could be placed.⁷¹

64. The ILO Committee of Experts on the Application of Conventions and Recommendations encouraged the Government to continue its efforts to ensure that children under 18 years of age were only permitted to perform work in agriculture on the condition that their health and safety were protected, and that it continue to strengthen the capacity of the institutions responsible for the monitoring of child labour in agriculture.⁷²

65. The same Committee welcomed the measures taken by the Government and encouraged it to pursue its efforts to protect at-risk Indigenous children from the worst forms of child labour, in particular with respect to increasing their school enrolment rates and reducing their school drop-out rates.⁷³

3. Persons with disabilities

66. The Special Rapporteur on disability stated that Canada fulfilled the conditions to fully implement the Government's obligations under the Convention on the Rights of Persons with Disabilities, but that more must be done to complete the transition from a care and medical approach to a human rights-based approach.⁷⁴

67. The same Special Rapporteur recommended that Canada conduct a comprehensive legislative review to fully harmonize the federal, provincial and territorial normative frameworks with the provisions of the Convention on the Rights of Persons with Disabilities and make available the appropriate financial and human resources to ensure the implementation of the Accessible Canada Act, including in First Nations and Inuit communities.⁷⁵

68. The same Special Rapporteur also recommended that Canada take immediate measures to stop all coercive practices against persons with psychosocial and intellectual disabilities and autistic persons in psychiatric facilities, including forced hospitalization, forced medication and the use of restraints and seclusion.⁷⁶

4. Indigenous Peoples and minorities

69. The Special Rapporteur on Indigenous Peoples commended Canada for several positive measures, including the adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act.⁷⁷ The Special Rapporteur on hazardous substances and wastes recommended that Canada bring federal, provincial and territorial legislation fully into line with the United Nations Declaration on the Rights of Indigenous Peoples.⁷⁸

70. The Special Rapporteur on Indigenous Peoples noted reports that a large number of megaprojects in Indigenous territories proceeded without good faith consultation and in the absence of obtaining Indigenous Peoples' free, prior and informed consent. The Special Rapporteur urged Canada to adopt adequate measures to guarantee Indigenous Peoples' right to consultation and free, prior and informed consent, and their rights to lands, territories and resources.⁷⁹

71. The same Special Rapporteur reiterated his predecessor's recommendation to remove any existing legal barriers to the effective exercise of Indigenous self-government, including those contained in the Indian Act.⁸⁰ The Special Rapporteur on violence against women noted that, notwithstanding constitutional guarantees and the accepted international treaties, the Indian Act still discriminated against First Nations women and their descendants with respect to the entitlement to and transmission of Indian status and recommended that Canada urgently repeal the remaining provisions in the Indian Act and any other national law and practices that discriminated against Indigenous women and girls.⁸¹

72. The Committee against Torture expressed concern at reports of extensive forced or coerced sterilization of Indigenous women and girls dating back to the 1970s and including recent cases in the Province of Saskatchewan between 2008 and 2012. The Committee stated that Canada should ensure that all allegations of forced or coerced sterilization were impartially investigated, that the persons responsible were held accountable and that adequate redress was provided to the victims.⁸² The Special Rapporteur on Indigenous Peoples expressed similar concerns.⁸³

5. Migrants, refugees and asylum-seekers

73. The Special Rapporteur on violence against women indicated that the immigration and labour migration system implemented under the Temporary Foreign Worker Program allowed Canadian employers to hire documented foreign nationals. Foreign nationals who were undocumented, however, faced conditions of labour and economic scarcity and coercion, as well as a lack of access to social services that could lead to the criminalization and marginalization of migrant women and expose them to trafficking and sex work.⁸⁴

74. The Committee against Torture noted with concern that Canada continued to use mandatory detention for non-citizens designated "irregular arrivals", and that the time limit for such detention was not defined by law. Also of concern was the absence of an effective mechanism to review the lawfulness of the detention and the reliance on provincial

correctional centres. It recommended that Canada review its legislation with a view to repealing provisions in the Immigration and Refugee Protection Act requiring the mandatory detention of any non-citizens designated “irregular arrivals”, refrain from detaining irregular migrants and asylum-seekers for prolonged periods and use detention as a measure of last resort only and for as short a period as possible.⁸⁵

75. The Committee on the Rights of the Child recommended that Canada intensify measures to ensure that legislation and procedures used the best interests of the child as a primary consideration in all immigration and asylum decision-making processes and urgently revise its policy of detaining children who were asylum-seeking, refugees and/or migrants in an irregular situation.⁸⁶

76. The Committee against Torture stated that Canada should consider undertaking an assessment of the impact of the Safe Third Country Agreement on potential asylum-seekers arriving from a third country.⁸⁷

6. Stateless persons

77. The Committee on the Rights of the Child recommended that Canada amend the Citizenship Act to include a definition of stateless person in accordance with international law.⁸⁸

Notes

- 1 [A/HRC/39/11](#), [A/HRC/39/11/Add.1](#) and [A/HRC/39/2](#).
- 2 [CRC/C/CAN/CO/5-6](#), paras. 48 and 49. See also [A/HRC/43/41/Add.2](#), para. 92 (a), and [A/HRC/45/12/Add.1](#), para. 111 (n).
- 3 [CRC/C/CAN/CO/5-6](#), para. 23 (b).
- 4 [A/HRC/38/48/Add.1](#), para. 79 (q).
- 5 UNESCO submission for the universal periodic review of Canada, para. 18 (i).
- 6 [A/HRC/43/41/Add.2](#), para. 92 (a).
- 7 [A/HRC/41/42/Add.1](#), para. 95 (a). See also [A/HRC/41/42/Add.3](#).
- 8 [CRC/C/CAN/CO/5-6](#), para. 6.
- 9 OHCHR, “United Nations human rights appeal 2023”, p. 9; OHCHR, *United Nations Human Rights Report 2022*, pp. 94, 97, 98, 115, 120, 424, 436, 470, 476 and 492; OHCHR, *United Nations Human Rights Report 2021*, pp. 110, 113, 114, 126, 136, 479, 492, 522 and 530; OHCHR, *United Nations Human Rights Report 2020*, pp. 104, 107, 108, 119, 130, 135, 141, 172, 189 and 510; OHCHR, *United Nations Human Rights Report 2019*, pp. 86, 90, 92, 99, 109, 120, 124, 154, 170 and 276; and OHCHR, *United Nations Human Rights Report 2018*, pp. 72, 76, 78, 85, 96, 105, 106, 109, 138, 153 and 336.
- 10 [A/HRC/45/12/Add.1](#), para. 14. See also [A/HRC/45/12/Add.3](#).
- 11 [A/HRC/43/41/Add.2](#), para. 92 (g).
- 12 [CRC/C/CAN/CO/5-6](#), paras. 12 and 13 (a).
- 13 [A/HRC/41/42/Add.1](#), para. 96 (g). See also [A/HRC/41/42/Add.3](#).
- 14 [CRC/C/CAN/CO/5-6](#), para. 18.
- 15 [CCPR/C/CAN/QPR/7](#), para. 6.
- 16 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 17 *Ibid.*
- 18 *Ibid.*
- 19 [CRC/C/CAN/CO/5-6](#), para. 21 (a).
- 20 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 21 [CAT/C/CAN/CO/7](#), para. 49 (a) and (b).
- 22 [A/HRC/41/42/Add.1](#), para. 96 (b) and (h). See also [A/HRC/41/42/Add.3](#).
- 23 [CAT/C/CAN/CO/7](#), paras. 12 and 13 (a) and (b).
- 24 *Ibid.*, paras. 14 and 15.
- 25 *Ibid.*, para. 47 (a) and (b).
- 26 See communications CAN 3/2018, CAN 2/2020, CAN 1/2021, CAN 8/2021, CAN 3/2022 and CAN 1/2023. All communications mentioned in the present report, and any government replies thereto, are available from <https://spcommreports.ohchr.org/TmSearch/Results>.
- 27 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.

- 28 CAT/C/CAN/CO/7, para. 13 (d) and (e).
- 29 CRC/C/CAN/CO/5-6, para. 45 (b), (d) and (e).
- 30 UNESCO submission, para. 19.
- 31 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 32 A/HRC/41/42/Add.1, paras. 54 and 55. See also A/HRC/41/42/Add.3.
- 33 A/HRC/41/42/Add.1, para. 96 (p). See also A/HRC/41/42/Add.3.
- 34 A/HRC/43/41/Add.2, paras. 53 and 96.
- 35 Ibid., para. 97 (b).
- 36 CRC/C/CAN/CO/5-6, paras. 38 (a) and (b) and 39 (b) and (c).
- 37 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 38 E/C.12/CAN/QPR/7, para. 21.
- 39 CRC/C/CAN/CO/5-6, paras. 38 and 39 (a).
- 40 A/HRC/41/34/Add.2, paras. 36 and 101.
- 41 Ibid., para. 103 (a), (d) and (e).
- 42 A/HRC/41/34/Add.2, paras. 73 and 74.
- 43 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 44 CRC/C/CAN/CO/5-6, para. 34 (b).
- 45 A/HRC/41/34/Add.2, para. 86.
- 46 CRC/C/CAN/CO/5-6, para. 34 (a).
- 47 A/HRC/41/34/Add.2, paras. 58 and 103 (i).
- 48 CRC/C/CAN/CO/5-6, para. 35 (b) and (c).
- 49 See communication CAN 2/2021.
- 50 CRC/C/CAN/CO/5-6, para. 40 (a) and (b).
- 51 A/HRC/43/41/Add.2, para. 47.
- 52 CRC/C/CAN/CO/5-6, para. 33 (b).
- 53 UNESCO submission, para. 18 (iv).
- 54 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 55 CRC/C/CAN/CO/5-6, para. 15.
- 56 Ibid., para. 37 (a).
- 57 Ibid., paras. 20 (c) and 21 (c) and (d).
- 58 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 59 A/HRC/45/12/Add.1, para. 111 (f) and (t). See also A/HRC/45/12/Add.3.
- 60 A/HRC/38/48/Add.1, paras. 56 and 57.
- 61 Ibid., para. 79 (m).
- 62 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 63 A/HRC/45/12/Add.1, paras. 101 and 111 (u). See also A/HRC/45/12/Add.3; and <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 64 A/HRC/41/42/Add.1, paras. 21–25. See also A/HRC/41/42/Add.3.
- 65 A/HRC/41/42/Add.1, para. 95 (c) and (d). See also A/HRC/41/42/Add.3.
- 66 See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- 67 E/C.12/CAN/QPR/7, para. 19.
- 68 CRC/C/CAN/CO/5-6, paras. 24 (a) and 32 (a).
- 69 Ibid., para. 23 (a).
- 70 Ibid., paras. 26 and 27 (a).
- 71 Ibid., para. 25 (a).
- 72 See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4288422,102582.
- 73 See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4288412,102582:NO.
- 74 A/HRC/43/41/Add.2, para. 87.
- 75 Ibid., paras. 92 (c) and 93 (b).
- 76 Ibid., para. 101 (a).

- ⁷⁷ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- ⁷⁸ [A/HRC/45/12/Add.1](#), para. 111 (c). See also [A/HRC/45/12/Add.3](#).
- ⁷⁹ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- ⁸⁰ *Ibid.*
- ⁸¹ [A/HRC/41/42/Add.1](#), paras. 18 and 96 (a). See also [A/HRC/41/42/Add.3](#).
- ⁸² [CAT/C/CAN/CO/7](#), paras. 50 and 51.
- ⁸³ See <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/eom-statement-canada-sr-indigenous-2023-03-10.pdf>.
- ⁸⁴ [A/HRC/41/42/Add.1](#), para. 56. See also [A/HRC/41/42/Add.3](#).
- ⁸⁵ [CAT/C/CAN/CO/7](#), paras. 34 and 35 (a) and (b).
- ⁸⁶ [CRC/C/CAN/CO/5-6](#), para. 42 (a) and (b).
- ⁸⁷ [CAT/C/CAN/CO/7](#), para. 33.
- ⁸⁸ [CRC/C/CAN/CO/5-6](#), para. 23 (b).
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