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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Canada

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.

1. Canada welcomes the 332 recommendations received during its fourth Universal Periodic Review (UPR). After careful examination by federal, provincial and territorial (FPT) governments, and further to consultations with civil society, Indigenous organizations and national human rights institutions, Canada is pleased to provide the responses below.

2. Canada accepts 222 recommendations¹ and notes 78. Canada considers that 32 recommendations either have distinct parts that require different responses or include elements that Canada is not able to accept².

3. List of recommendations reviewed by Canada with accompanying positions:

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale</i> ³
1	Accepted in part (AIP) ⁴	Canada is prioritizing becoming party to other human rights instruments.
2, 3, 4, 5, 6, 7, 12, 13, 14, 19, 20, 22, 23	Noted	Canada will continue to take steps to consider becoming a party to these instruments.
8, 9, 10, 11, 15, 16, 17, 21	Accepted	
18	AIP ⁵	
24, 25, 26, 27, 28	Noted	The aims of the Convention are addressed in other existing legal instruments, including in the <i>Canadian Charter of Rights and Freedoms</i> (Charter).
29, 30, 31, 32, 33	Noted	Elements of these conventions are covered by Canadian law ⁶ .
34, 35	Noted	Canada collaborates with Indigenous partners to ensure that First Nations, Inuit and Métis students can access high quality education ⁷ .
36, 37, 38, 39, 42, 43	Noted ⁸	
40	Accepted	
41	Noted	Decision pending on accession.
44	Noted	Canada contributes to nuclear disarmament efforts through other international initiatives.
45	Accepted	
46	Accepted	
47	Accepted	
48	Accepted	
49	Accepted	
50, 51, 54, 58	Noted ⁹	In the context of the Israel-Hamas conflict, Canada continues to call on all parties to protect civilians and respect international humanitarian law.
52, 53, 55	AIP	Canada has expressed support for a humanitarian ceasefire to allow the flow of fuel, water, and other much-needed humanitarian aid into Gaza ¹⁰ .
56, 57	Noted ¹¹	Canada has one of the most rigorous export control systems in the world, harmonized with those of our allies and partners under the major export control regimes.

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale</i> ³
59, 60, 61	Noted ¹²	Canada recognizes the Palestinian right to self-determination and supports the creation of a sovereign, independent, viable, democratic and territorially contiguous Palestinian state, as part of a comprehensive, just and lasting peace.
62	Noted	Measures are in place to protect humanitarian activities and the charitable sector from abuse of terrorist financing.
63	Noted	Canada maintains a rigorous due diligence process to evaluate possible cases of human rights violations, corruption, or other circumstances that warrant the use of sanctions.
64	Accepted	Monitoring of children's rights is done through various initiatives, in line with the CRC ¹³ , recognizing that further action is required to improve respect for the rights of all children.
65	Noted	Canada will continue to explore new opportunities to enhance implementation of children's rights, including in relation to monitoring mechanisms.
66, 67	Accepted	
68, 69	Accepted	Three national mechanisms ¹⁴ for implementation, reporting and follow up on Canada's IHRL obligations aim to continuously strengthen collaboration between FPT governments.
70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 96, 139	Accepted	Canada is working towards the launch of a new Anti-Racism Strategy and an Action Plan on Combatting Hate.
90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114	Accepted	Canada's legal framework prohibits discrimination and targets various forms of hate propaganda and hate crimes. Canada is considering new measures to combat serious forms of harmful content online and strengthen protections against hate speech.
115	Accepted	
116	Accepted	
117, 118, 119, 120	Accepted	The RCMP ¹⁵ has established an Anti-Racism Unit to advance a Race-Based Data Collection initiative, and the development of an Anti-Racism strategy to address systemic racism in the RCMP.
121, 122, 123, 124	Accepted	Canada ended the use of administrative segregation in federal institutions in 2019 and continues to evaluate how best to improve conditions of detention and rights of detainees.
125	Accepted	All individuals are detained according to international best practices as well as the Charter.
126, 127	Noted	Canada is a strong advocate for IHL compliance and works to improve the legal and physical protection

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale</i> ³
		of civilians, and reduce impunity for violations and abuses against them.
128	AIP ¹⁶	Canada adopted a Policy Framework in 2021 on the provision of extraordinary assistance, including repatriating an individual to Canada, to Canadian citizens, or presumed Canadians, detained in northeastern Syria.
129, 130	Accepted	The federal government is developing Black and Indigenous Justice Strategies to address systemic discrimination and overrepresentation of Indigenous and black individuals in the criminal justice system. Some PTs are also undertaking similar efforts.
131, 132, 133	Accepted	
134	Noted	Canadian Armed Forces members are bound by the criminal law of Canada wherever they serve worldwide, including liability for any war crimes or other serious violations of IHL committed.
135	AIP	The Charter allows rights and freedoms to be restricted within reasonable limits. Human rights legislation also recognizes that the duty to accommodate may be subject to limits. Thus, the wearing of religious symbols could, in certain circumstances, be subject to limits.
136	Noted	Quebec does not specifically prohibit women from wearing religious symbols. The measure contained in the <i>Loi sur la laïcité de l'État</i> concerns certain public servants in positions of authority when they exercise their functions in order to implement the principles of secularism.
137	Accepted	
138	AIP	Robust laws address incitement to violence and similar offences. Freedom of expression is constitutionally protected, subject only to reasonable limits. Canada notes the recommendation to the extent that it calls for further legislative or constitutional amendments.
140	Accepted	
141	Accepted	
142, 143, 145	Noted	Prioritizing the family over the individual, particularly children, risks a child not being encouraged to become their own person, with their own thoughts, interests and views.
144	AIP	Canada respects parents' responsibilities to raise and educate their children in a manner consistent with the best interests of the child in accordance with international law.

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale³</i>
146, 152, 153	Noted	Canada has legislative protections for victims/survivors of human trafficking. There are no current plans to amend legislation.
147, 148, 149, 150, 151, 154, 155, 156, 157	Accepted	
158, 159	Accepted	
160, 161, 162, 163	Accepted	
164	Accepted	
165	Accepted	Canada understands that “effectively exercised” means people in Canada enjoy ESC rights through various measures and have access to adequate remedies.
166, 167, 168, 169, 173	Accepted	
170	AIP ¹⁷	Canada continues to further its housing policy including through the progressive realization of the right to adequate housing as recognized in the ICESCR.
171, 174	AIP ¹⁸	
172	AIP ¹⁹	
175, 176, 177, 178, 283	Accepted	Canada is working with First Nations to ensure all communities have reliable access to clean water.
179, 181, 182, 183, 184	Accepted	
180	AIP ²⁰	Undocumented migrants in Canada do not qualify for the Interim Federal Health Program (IFHP) or provincial/territorial health insurance. Discretionary IFHP coverage can be provided in exceptional circumstances for individuals in refugee-like situations provided that these individuals are also facing compelling personal and urgent medical circumstances. In addition, individuals who make a claim for refugee protection are eligible for the IFHP until they become a Permanent Resident or are removed.
185	Noted	Efforts are already underway through renewed and new health funding to provinces and territories, including for reproductive health services.
186, 187, 191	Accepted	
188, 189, 190	Noted	There are no plans to repeal existing laws.
192	Accepted	
193, 194, 195, 196, 197	Accepted	
198, 200, 201, 202, 203, 204	Accepted	
199	Noted	Many provinces and territories have 12 years of mandatory education. Some Canadian provinces

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale</i> ³
		mandate education for 10 years. No legislative changes are foreseen.
205, 206, 207	Accepted	
208, 221	Noted	Canada has ratified several international treaties and follows various guidelines that promote responsible business conduct, including the UN Guiding Principles, to which it is expected Canadian companies adopt.
209	Accepted	
210, 211, 212, 213, 214, 215, 216	Accepted	
217	AIP	Canada's approach is not explicitly to phase out fossil fuel use, but rather to transition the fossil fuel sector in line with our legislated net zero target and the 1.5° goal of the Paris Agreement.
218	Accepted	
219	Accepted	
220	Noted	Canada has no intention of sponsoring a company directly engaging in seabed mining in the Pacific.
222, 223	Noted	The GC ²¹ has two non-judicial dispute-resolution mechanisms reflecting the objectives of the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for MNEs for RBC.
224, 225	Accepted	
226, 227	Noted	The CORE is an important part of Canada's approach to promoting responsible business conduct by Canadian businesses active abroad. The Government of Canada is continually assessing new information and developments relevant to advancing Canada's strategy for Responsible Business Conduct abroad.
228	Accepted	
229	Accepted	
230, 231, 232, 233	Accepted	
234	Accepted	
235	Noted	Canada's National Action Plan to End GBV, which builds on the CEDAW ²² , provides a framework for preventing GBV. There are currently no plans to develop a new federal law.
236	AIP	While progress is ongoing, there are limitations to Canada's ability to "harmonize" legislation given the shared responsibility between FPT governments.
237	AIP	Progress is being made to implement the National Action Plan to End Gender-Based Violence.

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale³</i>
238, 239, 240, 241, 242, 243, 244, 245	Accepted	
246, 247, 248, 250, 255	Accepted	Canada is committed to improving relationships with Indigenous Peoples, supporting survivors and families, and ensuring that investigations are robust, professional and result in justice for the victims and their families.
249	Accepted	
251, 252, 253, 254	Accepted	
256	Accepted	
257, 259, 260	AIP	Where initiatives are ongoing, there are no plans to develop a national strategy in this area.
258	Noted ²³	
261	AIP	There are ongoing initiatives that consider the question of the use of minor corrective force on children, but no current plans to repeal section 43 of the <i>Criminal Code</i> .
262	AIP ²⁴	See rationale under 180.
263	Accepted	
264, 265, 266, 267	Accepted	
268	Accepted	
269	Accepted	
270	Accepted	
271	Accepted	
272	AIP	Canada has conducted a comprehensive review of legislation for CRPD ²⁵ compliance and implementation.
273	Accepted	
274, 275, 276, 277	Accepted	The federal government will develop a robust Employment Strategy for Canadians with Disabilities that will support an inclusive recovery and address persistent and long-standing labour market barriers.
278	Accepted	
279	Accepted	
280	Noted	In certain circumstances, involuntary measures may be authorized, subject to appropriate safeguards and consistent with Canada's reservation under article 12 of the CRPD in relation to supported and substitute decision-making arrangements.
281	Accepted	
282, 285, 286	Accepted	

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale</i> ³
284	Accepted	Canada continues to work with Indigenous partners to address pressing housing needs and to improve the quality of housing.
287	AIP ²⁶	The term “integrate” is not part of Canada’s approach to reconciliation with Indigenous Peoples. Assimilation policies and practices have led to the denial of Indigenous rights in the past.
288, 289	Accepted	
290, 291	Accepted ²⁷	
292	AIP ²⁸	Canada continues to collaborate with Indigenous partners to address anti-Indigenous racism.
293	AIP ²⁹	
294, 295, 296, 297	Accepted ³⁰	
298, 299	Accepted ³¹	
300, 301	AIP	Canada protects the right to peaceful demonstrations as guaranteed under the Charter. In some circumstances police services have an obligation to uphold court orders and must, on a case-by-case basis, balance the rights of all involved.
302	Accepted	
303, 305, 307, 308	Accepted ³²	
304	AIP ³³	Canada commits to accelerating work toward the Calls to Justice ³⁴ .
306	AIP	Canada will continue to measure progress related to missing and murdered Indigenous women and girls and will consider the Special Rapporteur’s recommendations in implementing relevant action plans and pathways.
309, 310	Accepted	Canada continues to collaborate with the National Centre for Truth and Reconciliation (NCTR) to update and maintain the National Residential School Student Death Register, and support the NCTR in developing and maintaining a registry of residential school cemeteries.
311	Accepted	
312	AIP ³⁵	Canada’s constitutional and legal framework enshrines the right to equality and non-discrimination, including for people of African descent. The federal government has committed to including Black people as a designated group under the <i>Employment Equity Act</i> .
313	Noted	Canada has established mechanisms to advise the government on how it can remove barriers to the

<i>Recommendations</i>	<i>Canadian Position</i>	<i>Rationale³</i>
		full participation of Black communities in all aspects of social and economic life.
314, 315	Accepted	
316	Noted	
317	Accepted	
318	Accepted	
319	Accepted	
320	AIP	Canada's Temporary Foreign Worker Program has worked to help strengthen protections and supports for temporary foreign workers. However, the TFW Program's authorities place conditions and requirements only on employers who receive positive Labour Market Impact Assessments.
321	Accepted	
322, 323, 324, 325, 326	Noted	Canada has in place a robust statutory scheme for regular, meaningful detention reviews by an independent decision-maker, coupled with the availability of judicial review of detention decisions and the constitutional safeguards contained in the Charter.
327	Accepted	
328, 329, 330, 331	Accepted	
332	Noted	Canada complies with its obligation to prevent and reduce future cases of statelessness and has measures in place to respond to statelessness.

Notes

- ¹ For recommendations accepted by Canada where no rationale is provided, it should be understood that efforts are underway by some, but not necessarily all, FPT governments to implement these recommendations.
- ² As Canada is a federation, each order of government has jurisdiction for deciding upon and implementing laws, policies, strategies and programs in its respective areas of responsibility. Thus, while certain recommendations dealing with the development of “national strategies” and the harmonization of legislation are accepted, it is understood that it will be up to the responsible order of government to determine if and how to develop, implement and evaluate such strategies or legislation.
- ³ Rationale is provided on behalf of Canada, unless otherwise indicated.
- ⁴ Canada is prioritizing becoming party to three treaties: the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women “Belém do Pará Convention”*, the *Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)*, and the *Convention for the Protection of All Persons from Enforced Disappearance (CED)*.
- ⁵ Canada notes the underlined part of the recommendation. Expedite deliberations and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ⁶ See also rationale for recommendation 1.
- ⁷ See also rationale for recommendation 1. Canada also collaborates with Indigenous partners to ensure that First Nations, Inuit and Métis students have access to high quality education.
- ⁸ See also rationale for recommendation 1.
- ⁹ Canada constructively and directly engages the Israeli government and Palestinian Authority on the status of human rights in Israel, the West Bank and Gaza. Canada’s longstanding position is that both Israel and the Palestinian Authority must fully respect international human rights and humanitarian law which is key to ensuring the protection of civilians, and can contribute to the creation of a climate conducive to achieving a just, lasting and comprehensive peace settlement.
- ¹⁰ Canada supports urgent international efforts towards a sustainable ceasefire. This cannot be one-sided. Hamas must release all hostages, stop using Palestinian civilians as human shields, and lay down its arms.
- ¹¹ Under Canada’s *Export and Import Permits Act (EIPA)*, an export permit will not be issued where there is a substantial risk that the items could be used to commit or to facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children.
- ¹² The Government of Canada expects Canadian companies active abroad to respect human rights and all applicable laws. See also rationale for recommendations 56 and 57.
- ¹³ *Convention on the Rights of the Child*.
- ¹⁴ Ministerial, senior officials’ and expert levels.
- ¹⁵ Royal Canadian Mounted Police.
- ¹⁶ Canada notes the underlined part of the recommendation: Repatriate all its nationals from the camps and the related facilities in the northeast of the Syrian Arab Republic, in line with international law, and prevent new waves of terrorists.
- ¹⁷ Canada has made a commitment to end chronic homelessness – National Housing Strategy (NHS) target is for 50% reduction in chronic homelessness by 2027-28.
- ¹⁸ The *National Housing Strategy Act (NHSA)* requires the Government of Canada to maintain a national housing strategy that takes into account key principles of a human rights-based approach to housing, including the establishment of national goals relating to housing and homelessness and focuses on improving housing outcomes for persons in greatest need, including Indigenous People, LGBTQIA+, Women and children, and people experiencing homelessness. The Government of Canada will pursue efforts to further its housing policy as outlined in the NHSA, including the progressive realization of the right to adequate housing as recognized in the ICESCR, as it relates to populations with unique housing needs.
- ¹⁹ The Government of Canada has increased funding through the NHS since its launch to support housing needs.
- ²⁰ Canada notes the underlined part of the recommendation. Ensure improved access to health services for all, especially persons in vulnerable situations and those with no immigration status.
- ²¹ Government of Canada.
- ²² *Convention on the Elimination of all Forms of Discrimination Against Women*.
- ²³ See also rationale for recommendation 65.
- ²⁴ Canada notes the underlined part of the recommendation. Ensure that all children living in Canada have equal rights and equal access to public health services, regardless of their immigration status.
- ²⁵ *Convention on the Rights of Persons with Disabilities*.
- ²⁶ Canada notes the underlined part of the recommendation. Develop government mechanisms to protect and integrate Indigenous communities in Canada.

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- ²⁷ The *United Nations Declaration on the Rights of Indigenous Peoples Act* provides a framework for the implementation of the *UN Declaration* at the federal level. Some provincial and territorial governments have also taken steps towards the implementation of the *UN Declaration*. British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act* into law in November 2019. The Northwest Territories passed *The United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* into law in October 2023. In Canada, each order of government maintains relations with Indigenous Peoples in its territory in order to develop common understandings of the principles referred to in recommendations 290-291 and 295-299. Each order of government remains responsible for deciding upon and implementing measures within its respective areas of jurisdiction, including as it pertains to the *UN Declaration*.
- ²⁸ Canada notes the underlined part of the recommendation. Ensure equal opportunities for Indigenous Peoples in hand with the Indigenous Human Rights Strategy.
- ²⁹ The Government of Canada signs consultation protocols with Indigenous partners to create a process to follow when consulting on potential adverse impacts to Aboriginal or treaty rights. Consultation protocols facilitate engagement, promote relationship building, and clarify roles and responsibilities between governments and Indigenous communities. Copies of consultation protocols are publicly available.
- ³⁰ See also rationale for recommendations 290 and 291.
- ³¹ See also rationale for recommendations 290 and 291.
- ³² Provinces and territories will determine how to implement the Calls to Action, including through discussions with Indigenous partners.
- ³³ Canada notes the underlined part of the recommendation. Implement all recommendations of the Truth and Reconciliation Commission, as well as the National Inquiry into Missing and Murdered Indigenous Women and Girls.
- ³⁴ This work is directly tied to initiatives in the *Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People*.
- ³⁵ Canada notes the underlined part of the recommendation. Recognize people of African descent as a distinct group in the Canadian Constitution and other legal and regulatory frameworks to enhance equal opportunities and ensure their inclusion in all decision-making processes that affect their lives.
-