

UPR4: Your voice counts!

REPORT ON THE PRIORITIES AND SUGGESTIONS EXPRESSED BY CIVIL SOCIETY DURING THE ENGAGEMENT ACTIVITIES CARRIED OUT BY EQUITAS (NOV 27 TO DEC 13, 2023), IN COLLABORATION WITH THE HUMAN RIGHTS PROGRAM IN THE DEPARTMENT OF CANADIAN HERITAGE, AS PART OF CANADA'S 4TH UNIVERSAL PERIODIC REVIEW

Presented to the Senior Federal-Provincial-Territorial Officials Committee Responsible for Human Rights (SOCHR)

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Table of contents

PART 1: INTRODUCTION	4
Introducing Equitas	4
Equitas' role in the process	4
Objectives and methodology of the engagement process	5
Scope and limits of consultation	6
PART 2: CONSULTATION RESULTS	8
1) International human rights instruments	8
2) Rights of Indigenous peoples	11
3) Education and employment	14
4) Poverty, housing and food security	14
5) Women and girls	16
6) Violence against women and children	16
7) Children and youth	18
8) Persons with disabilities	19
9) Migrants and refugees	19
10) Diversity, equity, inclusion (Anti-racism)	21
11) Older persons	23
12) 2SLGBTQIA+	23
13) Public safety and law enforcement	24
14) Business and human rights	26
15) Climate action	28
16) Other	29
PART 3: CONCLUSION AND NEXT STEPS	34
Conclusion	34
Suggested next steps	35
APPENDICES	37
Appendix 1: Organizations involved in the consultation (and who agreed to be included in the report)	38
Appendix 2: Breakdown of people consulted, by province and territory and by engagement method	40
Appendix 3: Table of main themes of recommendations from Canada's UPR4	42

** Corresponding separate document: Annex 1: Additional contributions received following distribution of the report

PART 1: INTRODUCTION

Introducing Equitas

Equitas is a Canadian non-profit organization with offices in Montreal and Vancouver. We work to advance equality, social justice, and respect for human dignity through transformative human rights education programs in Canada and around the world. Equitas is Canada's most recognized and active human rights education organization. We empower people to tackle inequality and discrimination, and work towards building more inclusive and rights-respecting communities.

Working with diverse groups in Canada and abroad for over 50 years, Equitas' participatory education programs have been used to raise awareness, change attitudes, and support groups in developing strategies to promote equality and counter discrimination. To do this, we draw on three main areas of intervention:

EDUCATE: We give people the opportunity to acquire knowledge and skills and develop attitudes conducive to inclusion and promotion of human rights.

EMPOWER: We encourage people to demand their rights, hold decision-makers to account and take action to ensure that human rights are respected, protected, and fulfilled.

CHANGE: We empower people to develop collaborative solutions to build a more equitable world for everyone.

Our educational approach enables partners to:

- Gain a comprehensive understanding of the complex system of human rights in Canada and internationally;
- Recognize the interconnection between human rights and the communities in which they work and live, enabling them to use these rights to drive sustainable systemic change;
- Apply a human rights-based approach to the development and implementation of programs, practices and policies; and
- Engage in constructive dialogue and participatory engagement processes that address complex issues and offer the opportunity to be heard in a meaningful way and discuss steps forward.

Equitas' approach to human rights education integrates intersectional, anti-racist, decolonial, gender-transformative and trauma-sensitive approaches.

Equitas' role in the process

The objective of the collaboration between the Human Rights Program of the Department of Canadian Heritage and Equitas is to create opportunities for pan-Canadian engagement for civil society organizations (CSOs) so that they can contribute meaningfully to Canada's fourth Universal Periodic Review (UPR). This engagement process will take place after Canada has

received the recommendations of the Human Rights Council and before it submits the official response. This engagement process will help the responsible governmental bodies in Canada to prioritize the recommendations, and to engage in preliminary discussions on the approaches to be taken to implement the recommendations.

Equitas' role in this process includes:

- Work with Canadian Heritage to refine the process, objectives and results.
- Develop tools and opportunities for CSOs to familiarize themselves with the UPR, demystify the process and understand how it relates to their realities, as well as how they can meaningfully contribute to the process.
- Design a participatory engagement process that enables participants to provide meaningful feedback to help prioritize recommendations.
- Facilitate engagement opportunities and ensure that these opportunities are available in both of Canada's official languages, and that these processes are trauma-informed and accessible.
- Provide a final report at the end of the engagement process and support presentation to the Federal, Provincial and Territorial Senior Officials Committee Responsible for Human Rights (SOCHR).
- Other technical and facilitation requirements, including but not limited to coordinating engagement opportunities and providing online engagement platforms.

Objectives and methodology of the engagement process

In November and December 2023, Equitas collaborated with Canadian Heritage's Human Rights Program to actively engage civil society organizations across Canada in Canada's 4th Universal Periodic Review (UPR4). The engagement activities offered were designed to enable members of civil society:

- to better understand the Universal Periodic Review;
- make suggestions, to the federal, provincial and territorial governments, for Canada's response to the recommendations received and their implementation; and
- engage in the implementation of the UPR4 recommendations, by identifying priority and possible actions to undertake, as members of civil society, to contribute to progress toward the recommendations.

As part of this engagement process, three activities were offered:

1. A 90-minute capacity-building webinar, offered in French, English and sign language, designed to improve civil society organizations' understanding of the UPR process. Around 70 people participated in this live webinar, which took place on November 23. The recordings, available on the Equitas website, were also viewed offline by several

people in November and December 2023. As of December 21, 2023, Equitas' UPR webpage in English has been visited 286 times by 131 users, and its UPR webpage in French has been visited 100 times by 46 users.

2. Five engagement sessions with civil society organizations, including two in person (1 session in French in Montreal; 1 session in English in Ottawa) and three virtual (1 in French; 2 in English). These sessions, held between November 28 and December 6, 2023, enabled some 54 people from 52 organizations to express their views on the recommendations received by Canada.
3. An asynchronous consultation form, available in French and English, enabled members of civil society who had not participated in the engagement sessions (or who had attended a session but wished to add information), to express their views on the recommendations in writing, between November 29 and December 13. In all, 87 contributions were received via the form, two via our epu-upr@equitas.org e-mail address and one via the fpightsengagementdroitsfpt@pch.gc.ca e-mail address.

Civil society organizations had the option of participating in these engagement activities anonymously. A list of the organizations involved in the consultation (activities 2 and 3 only), whose participants agreed to have their organization's name included in the report, can be found in [Appendix 1](#).

Scope and limits of consultation

In total, the engagement sessions and asynchronous form enabled approximately 141 members of civil society to express their views on the recommendations received by Canada:

- 73 people from 60 organizations based in 9 provinces, plus 2 Canadian organizations not affiliated with a province or territory.
- 68 people not affiliated with any organization, based in 5 provinces.

The list of organizations involved in the consultation (activities 2 and 3 only), and whose respondents agreed to have their organization's name included in the report, can be found in [Appendix 1](#). The breakdown of respondents, by province or territory, can also be found in [Appendix 2](#).

The participation of civil society organizations was limited by certain factors:

- Late and limited dissemination of activities: The activities were announced on November 10, 2023, leaving little time for organizations to plan their participation in the capacity building and consultation activities scheduled between November 23 and December 13, 2023. The activities were publicized via e-mail, from a mailing list provided by Canadian Heritage and including approximately 725 organizations. In addition, the activities were distributed via e-mail to over a hundred Equitas partner organizations, and also on the

Equitas website, starting in late November. So, while many organizations were informed of this consultation, many others were not reached.

- Limited duration of consultation: The UPR4 recommendations were shared with civil society on November 24, 2023. Considering that the consultation activities took place from November 28 to December 13, organizations had little time to read the recommendations and prepare to express themselves meaningfully on them, which hindered the engagement of some organizations.
- Questioning of the process by civil society: Some organizations questioned the engagement process, notably concerning the lack of communication and transparency regarding the objectives of the consultation and the roles and responsibilities of the parties involved, and the relevance of the main activities being carried out by a civil society organization and not by the government itself. Although several organizations recognized Equitas' expertise in carrying out these activities, and a few welcomed the consultation process, some organizations read this as a disengagement on the part of the State, and expressed doubts about its willingness to engage genuinely with civil society around the UPR, hence the hesitancy of some organizations to speak out on the proposed activities. The vast majority of the organizations consulted believe that, when it comes to human rights, the State should collaborate on an ongoing basis with civil society, particularly in the implementation and follow-up of recommendations, and not just during the UPR review phase, which takes place every 4.5 years, and that this collaboration should be part of a dynamic of dialogue, joint reflection and co-construction of solutions, and not just consultation.

PART 2: CONSULTATION RESULTS

This section presents a synthesis of the priorities and suggestions expressed by civil society regarding recommendations to be accepted and implemented by federal, provincial and territorial (FPT) governments, in collaboration with civil society.

The information has been grouped according to the categories of Canada's *National Report*¹, submitted to the Human Rights Council in September 2023. For easier reading, within each category, similar contributions have been grouped together. For the purposes of this report, the recommendations have been ranked in order of priority, as expressed by those involved in the engagement activities. That is to say, for each theme of the national report, the recommendations that were most frequently identified as priorities by the organizations and individuals involved have been placed before those that were less frequently mentioned. In addition, where possible, points of view are presented as expressed by those consulted, in the form of quotations. Please note, the translation to English of interventions in French is not an official translation.

The priorities and suggestions presented in this section reflect our understanding of what was expressed by civil society in the engagement sessions and consultation form. Equitas recognizes that this synthesis does not perfectly reflect all the richness and nuances of the points of view expressed. We believe that it would have been desirable to validate, with the people concerned, that the overall sense of what was said has been respected, but unfortunately, this could not be done within the framework of this report.

1) International human rights instruments

Civil society believes that FPT governments should avoid prioritizing certain recommendations and/or rights at the expense of others, and adopt a genuine human rights-based approach (HRBA) that recognizes the universality, indivisibility and interdependence of human rights.

"All of these rights need to be prioritized, not one need to be front of the line. Structural organized overarching approached has been asked for decades. It's time to get it done."

Civil society believes that this holistic, intersectional approach to human rights should guide all government decisions and programs.

Civil society believes that there are serious gaps, in terms of follow-up and accountability on the part of FPT governments, regarding the implementation of UPR recommendations and other international mechanisms. There seems to be a consensus among the organizations that national

¹ The National Report is available on the United Nations (UN) Human Rights Council page: <https://www.ohchr.org/en/hr-bodies/upr/ca-index>

implementation and monitoring mechanisms need to be strengthened. Moreover, the organizations believe that civil society should be actively involved in implementation and monitoring mechanisms on an ongoing basis.

« Les mécanismes internationaux ne sont pas à leur pleine efficacité, car le suivi ne se fait pas en continue. C'est là où il y a un manque au Canada, au niveau des mécanismes nationaux de suivi. Il faut des moyens de collaboration continue entre la société civile et les gouvernements ».

Translation: "International mechanisms are not fully effective, because monitoring is not continuous. That's where we're lacking in Canada, in terms of national monitoring mechanisms. We need ways for civil society and governments to work together on an ongoing basis."

In this respect, the organizations consulted call on governments to accept and implement the following recommendations as quickly as possible:

- 68: Strengthen its national mechanism for comprehensive reporting and follow up in relation to recommendations received from international human rights mechanisms and treaty obligations;
- 69: Establish a National Mechanism for Implementation, Reporting and Follow-up and consider the possibility of receiving cooperation;
- 45: Collaborate actively with civil society in the follow-up to Universal Periodic Review; and
- 46: Make official information about the implementation of UPR recommendations, accessible to the public and communicate such information to the Parliament.

Civil society has strongly emphasized the importance of ratifying all international instruments that have not yet been ratified.

"Canada should sign all the UN conventions, treaties and agreements as yet unsigned. This provides a basis for domestic legislation and programs, and a benchmark for civil society to encourage, pressure and monitor Canada's actions."

"Canada must accept all recommendations that address Canada's failure to ratify or support international human rights instruments, gaps in the national human rights framework, intersecting forms of systemic racism, discrimination and violence, inadequate legal enforcement of economic, social and cultural rights, and insufficient human rights protection in trade and the overseas extractive sector by Canadian companies. If implemented, there would be a marked improvement in the human rights situation of communities and rightsholders."

To this end, the organizations call on FPT governments to accept and implement the following recommendations:

- 36: Ratify the Optional Protocol to the *International Covenant on Economic, Social and Cultural Rights*
- 10 to 23: Ratify the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*
- 2 to 9; 11; 29: Ratify the *Convention against Enforced Disappearances*
- 29 to 31: Ratify the *Convention on Indigenous and Tribal Peoples*
- 24 to 28: Ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*
- 38 to 39: Ratify the *American Convention on Human Rights*
- 40 to 41: Ratify the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*
- 32 to 33: Ratify the *Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure*
- 37: Consider acceding to the *1954 Convention Relating to the Status of Stateless Persons*

Generally, there seems to be a consensus among the organizations consulted that FPT governments should become more actively involved in human rights and work more synergistically, both between levels of government and between different ministries, and with civil society and other actors, notably the United Nations (UN).

"We share the overarching concern that for a long time the approaches and processes in Canada for ensuring proper implementation and compliance with human rights obligations have been ineffective. Mechanisms have been inaccessible, tremendously opaque, in some instances, virtually non-existent. This has been the situation for over 20 years and has been picked up on repeatedly in previous UPRs and by all treaty bodies, special rapporteurs, civil society organizations and Indigenous peoples. This is also reflected in the 45 recommendations that invoke treaty ratification issues. It is impossible for civil society to figure out where those treaties lie, making it difficult for civil society organisations and Indigenous groups to meaningfully engage. This has to be the moment that Canada finally rises to this challenge. Measures like adopting a new committee or consider some ratifications do not address the deep systemic problems. We urge that whole bundle of recommendations relating to human rights instruments be implement, i.e. 1-44 (treaty ratification); 45-47 (UPR); 64-69 (implementation mechanisms). We want to see Canada commit to initiating meaningful collaborative process with civil society and indigenous groups in the lead up to the 2025 forum of ministers in human rights."

"FPT governments must make human rights a higher profile. Refer to them regularly in public interventions, in legislation, in programs. Remove notwithstanding (nonobstant) clauses from legislation or at least establish stringent criteria for their use. Set specific indicators and targets for the evaluation of legislation and program impacts."

"In developing a stronger accountability framework for human rights in Canada, we support the recommendation (69) to receive cooperation in the development of a National Mechanism for Implementation, Reporting and Follow-up. We strongly suggest Canada seek technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish a new institutional and legal framework for human rights monitoring, implementation and accountability in collaboration with civil society and rights holders."

Furthermore, since monitoring of the implementation of Canada's obligations and commitments seems particularly problematic, some organizations are proposing that Canada conduct an audit to analyze the overall human rights situation in Canada.

"If the government is serious about its dedication to human rights in Canada (and its candidacy for a seat on the UN Human Rights Council), it should take this important step [Initiate a robust comprehensive national audit of Canada's efforts to domestically implement its international human rights commitments] to comprehensively develop, implement and assess particularized, time-delimited plans to implement those rights. While inviting national reviews of Canada by some of the 45 UN Human Rights Special Rapporteurs and other Special Procedures of the UN Human Rights Council (or acceding to their requests) would facilitate this process, it seems better for the federal government to proactively launch a good-faith comprehensive review of the Canadian situation with the ongoing robust engagement of Canadian civil society organizations, experts and human rights defenders."

2) Rights of Indigenous peoples

Many of those consulted mentioned that the rights of Indigenous peoples are a priority.

"Human rights violations against Indigenous peoples, including the disregard for their free, prior, and informed consent on resource extraction projects, continue to be rampant in Canada. Progress on the Truth and Reconciliation Commission's Calls to Action has not been sufficient-advancing progress must be one of the most pressing human rights objectives for Canada."

« Le pays est engagé dans un processus de réconciliation qui est une priorité nationale, mais qui connaît des retards. Nous ne devrions pas retarder davantage.

Le Canada devrait agir proactivement sur les 82 recommandations qui concernent les droits Autochtones. »

Translation: "The country is engaged in a reconciliation process which is a national priority, but which is experiencing delays. We should not delay any longer. Canada should act proactively on the 82 recommendations that address Indigenous rights."

Those consulted pointed out that the rights of Indigenous peoples are the theme most frequently addressed in all the recommendations, and that all these recommendations should be accepted and implemented by governments. Particular attention should be paid to recommendations concerning the full participation of indigenous peoples, the implementation of the Truth and Reconciliation Commission's calls to action, the ratification and/or implementation of international instruments, and the realization of Indigenous economic, social and cultural rights:

- 294 to 299: Guarantee the right of Indigenous peoples to consultation, free, prior and informed consent and full participation in decision-making processes;
- 297; 303 to 305; 307 to 308; 310: Implement the *Truth and Reconciliation Commission's* calls to action;
- 29 to 31: Ratify the *Indigenous and Tribal Peoples Convention*;
- 290 to 291; 294; 306: Implement the principles of the *UN Declaration on the Rights of Indigenous Peoples (UNDRIP)*; and
- 181 to 184; 191; 197 to 198: Realizing economic, social and cultural rights.

Several organizations would like to remind FPT governments that a human rights-based approach means involving Indigenous peoples in all decisions that affect them, and that rights cannot be considered in isolation from one another, particularly in government programs to combat poverty, provide housing, access drinking water and so on.

"The December 12 announcement of Bill C-61, the proposed First Nations Clean Water Act, is a long overdue and welcome step towards ensuring clean water for First Nations. We note that it requires decisions to be guided by the principle of free, prior and informed consent and includes a commitment for Canada to support the creation of a First Nations Water Commission that would support First Nations in exercising greater control over drinking water and wastewater services on First Nation lands. We hope this sets a precedent for wider commitment to legislate the UNDRIP's requirement to obtain free, prior, and informed consent on all matters affecting Indigenous Peoples."

Several people also mentioned the importance of taking concrete action to put an end to the criminalization of Indigenous rights defenders, to fight discrimination, particularly in access to

services, and to remedy the over-representation of Indigenous populations in the criminal justice system.

- 300 to 301: Put an end to the militarization of Indigenous lands and the criminalization of Indigenous defenders to protect their homelands.
- 89; 129; 264 to 268; 305: Combat discrimination and racism against Indigenous people, particularly in access to services and respect for cultural, social and economic rights.
- 118; 124; 129 to 131: Combat racial profiling and the over-representation of Indigenous persons in the justice system.

Many organizations believe that FPT governments must recognize that the over-representation of Indigenous populations in the justice system is a consequence of colonialism and systemic discrimination, and act proactively to remedy it.

"The overrepresentation of Indigenous women in the prison system is part of the ongoing violence against Indigenous women and colonial policies rooted in racial discrimination, which must be put to an end."

"The federal government should increase investment in Indigenous justice systems and provide ongoing funding to the Indigenous Community Corrections Initiative. Additionally, more efforts need to be made within the policing system to attempt to repair decades of harm caused by the police and RCMP to Indigenous communities."

The organizations also mention the urgent need to combat gender-based violence, including forced sterilizations, and to implement the recommendations of *the National Survey on Missing and Murdered Indigenous Women and Girls* (MMIWG).

- 250: Adopt measures for prevention, investigation, punishment and reparation in cases of gender violence with special emphasis on cases of missing or murdered Indigenous women and girls.
- 242: Ensure effective and comprehensive implementation of the National Action Plan to End Gender-Based Violence, taking into account especially Indigenous women and girls, and enact necessary accountability mechanisms for gender-based violence.
- 251 to 254: Investigate and combat forced or coerced sterilizations of Indigenous women and girls.

"Nearly four years after the release of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and two years following the release of the National Action Plan, only two of the 231 Calls for Justice have been implemented. Canada should create a time-bound Indigenous-led National Action Plan implementation strategy that sets clear and measurable targets toward the

implementation of all 231 Calls for Justice in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. In this context, governments at all levels must meaningfully engage with Indigenous women, Two Spirit and gender diverse people, defenders, leaders and Indigenous-led organizations to allocate immediately accessible funds, resources, search, and rescue methods to find missing and murdered Indigenous women, girls and 2SLGBTQIA+ people. This could include, for example, a 'Red Dress Alert.'"

Finally, those consulted recognize that FPT governments are not solely responsible for advancing the rights of Indigenous peoples, and that civil society organizations also have a role to play, notably by becoming more educated about the impacts of colonialism and assuming their role as allies.

"Civil society organizations could familiarize themselves with the Truth and Reconciliation Commission's Calls to Action and ensure they take action in all areas that concern their work. Civil society organizations could likewise ensure, where necessary, Indigenous people's right to free, prior, and informed consent."

3) Education and employment

When it comes to education and employment, the people consulted mainly mentioned the inequality of opportunities and access to services encountered by certain groups of people, including Indigenous people, people living with disabilities, Afro-descendants, racialized people, 2SLGBTQIA+, etc.

4) Poverty, housing and food security

The right to housing came up a lot in this consultation. Several organizations recommended using a human rights-based approach to address the current housing crisis in Canada, especially since this crisis disproportionately affects the most vulnerable groups, including Indigenous people. Those consulted mentioned the importance of working with municipal governments, and the need to accept and implement the following recommendations:

- 166 to 169; 181: Promote access to housing and combat homelessness;
- 170 to 174: Implement the *National Housing Strategy Act*.

Several organizations congratulate the Canadian government on its current position, which recognizes the right to housing as a fundamental human right as of 2019, but call for the implementation of the *National Housing Strategy Act* and, globally, to go further in the realization of economic, social and cultural rights (ESC).

"Recommendations 169 to 174 and 181 should be prioritized. These recommendations do not require Canada to change its position on their right to housing, but require Canada to properly implement and comply with the National

Housing Strategy Act which is already enacted. They can all be implemented by the same actions. In addition, regarding recommendation 181, Canada has already announced an Indigenous Housing Strategy this year. The federal government can implement clear goals and timelines for eliminating homelessness by 2030, and creating accountability and monitoring mechanisms and tools to evaluate progress in meeting goals and timelines, (while ensuring that the most disadvantaged groups are prioritized). Federal, provincial and territorial governments can collect disaggregated data to ensure that these goals and timelines address the needs of priority groups."

"The national poverty strategy and the National housing strategy make mention of poverty and homeless as human rights violation. Canada is taking a hesitant step forward and now need to apply this to all ESC rights and make it more meaningful."

Civil society points to significant gaps in the realization of economic, social and cultural rights in Canada, and stresses the importance of ratifying the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* and accepting recommendations that promote the advancement of these rights, including the following:

- 71; 72; 165; 180: Respect for and advancement of economic, social and cultural rights;
- 158: Continue to strengthen its social safety networks to ensure that social and health initiatives are in line with the needs of isolated and vulnerable communities;
- 159: Implement a comprehensive Social Protection System that articulates existing plans, programs, and strategies with a systemic approach; and
- 179: Ensure healthcare, including psychological care, for persons suffering from drug addiction and homelessness.

Some organizations mentioned that the Canadian public and governments must be made aware that poverty, homelessness and food insecurity are human rights violations, and that these issues must be addressed accordingly. In addition, many pointed to the expertise of civil society organizations and community groups in the realization of economic, social and cultural rights in Canada, and the importance of FPT governments working in collaboration with them on these issues.

"Regarding poverty, we should ensure that current social protection system is working properly. Funding need to be increased to civil society organisations. CSO need to be partnered with to providing info and advice and to be considered meaningful partners at the table."

"Feminist and disability organizations [have been ready for some time now to work with FPT governments] around the universal child care and the \$10 cost benefit for

families. These two types of organizations are equipped with the knowledge to advise and support to make the program much more accessible."

5) Women and girls

Women's and girls' rights were addressed in all engagement sessions and through many asynchronous consultation questionnaires. The main elements that emerged were:

- the need to include and take into account the specific needs of the most vulnerable women and girls, including Indigenous women, women with disabilities, Afro-descendants, migrants, refugees, racialized women, 2SLGBTQIA+, sex workers, victims of sexual, domestic and other forms of violence, homeless women, incarcerated women, etc.;
- the importance of Canada adopting a truly intersectional approach to women's rights;
- the importance of promoting sexual and reproductive rights and universal access to abortion, including for homeless, migrant or particularly marginalized women;
- the need to promote the empowerment and participation of women and girls;
- the importance of improving access to justice for marginalized women;
- the importance of education to ensure that women know their rights; and
- the leadership role that Canada should play internationally on women's and girls' rights, particularly in getting other states to adopt and implement the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, and the need to increase development aid funding for women.

In this regard, the following recommendations were identified as important to accept and implement:

- 184 to 187; 191; 192: Guarantee access to sexual and reproductive health services, including equal access to abortion and sex education;
- 141: Continue efforts to promote political participation of young people, with a particular focus on empowerment of young women; and
- 230: Further persist in its efforts to address issues such as gender-based violence and continue to promote its leading role in representation of women in decision-making positions.

6) Violence against women and children

The organizations strongly support the 25 or so recommendations received by Canada concerning the fight against gender- and sex-based violence, and the calls for better implementation of the National Action Plan to End Gender-Based Violence. Many organizations maintain that gender- and sex-based violence is endemic in Canada, and that there is an urgent

need for FPT governments to take sustainable action, ensuring an intersectional, rights-based approach and working in collaboration with civil society.

"The federal government should provide and legislate sustained, adequate funding for the implementation of the National Action Plan to End Gender-Based Violence. The federal government should also introduce monitoring and reporting accountability mechanisms, with an oversight role to be played by civil society experts, to ensure that provinces and territories are implementing the NAP bilateral agreements as intended. The provincial and territorial governments should, in turn, implement the agreements effectively and efficiently, ensuring that adequate funding goes to gender-based violence programs rooted in community-based approaches that are sensitive to cultural needs. The federal government, provincial, and territorial governments should declare gender-based violence an epidemic and dedicate significant resources to addressing it as such. This could include establishing an independent gender-based violence commissioner, as recommended in the final report of the Nova Scotia Mass Casualty Commission."

« Afin de lutter efficacement contre la discrimination et la violence faites aux femmes, le Canada devrait élargir son approche intersectionnelle dans la mise en œuvre des Droits humains. Cela permettrait d'atteindre l'égalité réelle entre les genres, d'adopter une approche plus inclusive dans la mise en œuvre des politiques, et de déployer les ressources de façon plus adéquate. »

Translation: "In order to effectively combat discrimination and violence against women, Canada should broaden its intersectional approach to the implementation of human rights. This would make it possible to achieve real gender equality, adopt a more inclusive approach to policy implementation, and deploy resources more adequately."

"Civil society organizations could closely monitor and scrutinize the provincial and territorial governments' implementation of the National Action Plan to End Gender-Based Violence, and identify where resources could be better directed. Shelter providers, women's organizations, and those with lived experiences of gender-based violence could play a leading role in consulting on how to best support survivors and address the root causes of gender-based violence."

On this subject, a very large number of organizations mention that it is a priority to accept and implement the following recommendations:

- 237 to 245: Implement the *National Action Plan to End Gender-Based Violence*;
- 98; 228 to 236: Preventing and combating gender-based violence;

- 149; 155 to 157: Combat human trafficking, with particular emphasis on trafficking in women and Indigenous women;
- 246 to 250: Take the necessary measures to prevent, investigate, punish and redress violence against Indigenous women;
- 40 to 41: Ratify the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*; and
- 42 to 43: Ratify the *Council of Europe Convention on preventing and combating violence against women and domestic violence*.

7) Children and youth

As part of this consultation, the theme of children and youth was mainly addressed from the angle of the inequalities faced by certain groups of children and young people, notably Indigenous people, Afro-descendants, migrants, refugees, racialized people, people living with a disability, etc.

The recommendations identified as priorities are those concerning the ratification of the *Optional Protocol to the Convention on the Rights of the Child*, the establishment of an independent commissioner for children's rights, the implementation of a National Strategy for the Prevention of Violence (and the fight against violence in general), an end to the detention of refugee and asylum-seeking children, the fight against discrimination and racism, and the realization of economic, social and cultural rights:

- 32 to 33: Ratification of the *Optional Protocol to the Convention on the Rights of the Child*;
- 258: Establish an independent children's rights commissioner at the federal level and ensure mechanisms monitoring children's rights in line with the Paris Principles;
- 256; 259; 260; 261: Implementation of a national strategy to prevent violence against children and combat violence in general;
- 325 to 326: Put an end to the policy of detaining asylum-seeking, refugee and irregular migrant children;
- 267: Continue working towards ensuring non-discriminatory First Nations child and family services as well as other public services such as education, health, culture and language;
- 268: 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 children; and
- 173: Strengthen measures to reduce homelessness, in particular among children who are vulnerable to housing insecurity, in alignment with the *National Housing Strategy Act*.

8) Persons with disabilities

Regarding people with disabilities, contributions mainly concerned the right to live in dignity, the right to inclusion and equal opportunities in education and employment. In this respect, the following recommendations were identified as priorities:

- 165: Ensure that economic, social and cultural rights can be effectively exercised by all people in Canada, including by people with disabilities;
- 161: Ensure that adequate measures are put in place to reduce poverty and inequalities facing people with disabilities and Indigenous Peoples; and
- 278: Continue to take steps to ensure that persons with disabilities are lifted out of poverty, including by ensuring that the 2023 *Canada Disability Benefit Act* takes into account the higher disability related living expenses of persons with disabilities.

In addition, at least one organization expressed concerns about medical assistance in dying and the rights of people living with disabilities.

"Recommendation 190 as well as 189 are vital recommendations to Canadians both those with disabilities and those who will acquire disabilities in the future. New data confirms that 1/3rd of women in Canada live with a disability and are accessing Medical assistance in dying (MAID) at disturbing rates. [...] Those accessing MAID under track two are doing so out of poverty, lack of housing just to name two identifiable examples."

In this regard, the following recommendations should be taken into consideration:

- 190: Reconsider its stance on euthanasia and assisted suicide by repealing laws permitting such practices, in recognition of the absence of a "right to die" under international law and to uphold the fundamental right to life
- 189: Refrain from further extending access to medical assistance in dying specially to children and persons with mental disability.

9) Migrants and refugees

As part of this consultation, several organizations expressed their deep concern about the rights of migrants and refugees in Canada.

"Over 5,000 foreign nationals and permanent residents were detained by Canada Border Services Agency (CBSA) in 2022-2023. Some were held in correctional facilities, facing restrictive conditions like being handcuffed and placed in solitary confinement, without facing any criminal charge. This denies individuals their right to liberty and dignity, with serious consequences for their mental health and wellbeing. Alternatives to immigration detention must be prioritized, in line with the Global Compact for Migration."

Recommendations concerning the ratification of international instruments and the revision of the definition of statelessness to bring it into line with international law were identified as priorities:

- 24 to 28: Ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*;
- 37: Consider acceding to the *Convention Relating to the Status of Stateless Persons*; and
- 332: Amend the *Citizenship Act* to include a definition of stateless person in accordance with international law.

Several people justify the importance of prioritizing these recommendations by pointing to the existence of major gaps in current legislation, which undermine the rights of migrants, refugees and non-status people.

"First, Canada has previously stated that the implementation of the 1951 Convention Relating to the Status of Refugees and the 1961 Reduction of Statelessness Convention adequately protects non-refugee stateless persons. However, this was challenged directly by a 2015 UNHCR report that investigated the compatibility of Canada's legal framework with the 1954 Statelessness Convention, and the Working Group on the 30th Session of the Universal Periodic Review in 2018. The 2015 UNHCR Report found that there are gaps in Canadian legislation as it pertains to statelessness in several domains: the definition of stateless person, social housing, public education, healthcare and social assistance, social security, identity papers, travel documents, expulsion, and naturalization. Without ratification of the 1954 Statelessness Convention, all of these spillover areas cannot be addressed. Second, Canada's Immigration and Refugee Protection Act (IRPA) defines a foreign national as "a person who is not a Canadian citizen or a permanent resident, and includes a stateless person." However, neither the IRPA nor Canada's Citizenship Act and its Regulations define statelessness or stateless person. The inclusion of stateless persons in the general category of 'foreign national' problematically categorises groups of persons who do not have any nationality with those who have the nationality of a foreign country."

Several organizations mention the urgent need to accept and implement recommendations calling for an end to the detention of refugee and asylum-seeking children, and the regulation of mandatory detention.

- 325 to 326: Put an end to the policy of detaining asylum-seeking children, refugees and migrants in irregular situations;

- 321 to 324: Adopt legislative measures to regulate and specify the duration and conditions of mandatory detention of irregular migrants.

Several people also mention the importance of recommendations relating to the promotion of rights and protection against abuse for migrants, refugees and non-status people, the improvement of detention conditions and the strengthening of access to services:

- 327 to 331: Protection against abuse and exploitation
- 318 to 320: Protection of labor rights and access to justice
- 180 to 181: Ensuring better access to healthcare services

In this respect, some organizations have concrete proposals for FPT governments and/or civil society organizations:

"The remaining contracts between Canada Border Services Agency and provincial governments allowing immigrants to be detained in provincial correctional facilities should be terminated. All levels of government should collaborate to develop, fund, and utilize alternative options of monitoring immigrants that treat them with dignity and respect. The federal government should pass and implement Bill C-20, the Public Complaints and Review Commission Act."

"Civil society organisations often consider statelessness in light of the substantial connections it has with various populations who experience or who have experienced statelessness, and various aspects of life, such as healthcare, employment, and civic participation. For example, individuals impacted by statelessness generally do not have a legal identity or citizenship, and live without basic human rights, including access to health care, education, and the right to work legally. Organisations working in these fields, and specifically with migrants and undocumented individuals, should consider the role that lack of nationality may play in their clients' lives, and the protection gaps in Canada's law and policy. [...] Because resolving statelessness ultimately has a positive impact on an individual's and community's socio-economic and political conditions, civil society organisations, [...] should encourage Canada to accede to the 1954 Convention Relating to the Status of Stateless Persons, and amend the IRPA and the Citizenship Act to include a definition of a de jure stateless person."

10) Diversity, equity, inclusion (Anti-racism)

Issues of diversity, equity and inclusion were addressed extensively in this consultation. Several people congratulated the government on having carried out a UPR4 consultation specifically addressing Indigenous communities, and at least one organization recommended that a consultation specifically addressing Afro-descendants should also be carried out. For several

organizations, discussing diversity, equity and inclusion as part of the UPR is not enough, and it is important to address issues of discrimination, racism, anti-Semitism and Islamophobia directly, since human rights violations in Canada disproportionately affect certain groups of people:

« Les personnes afrodescendantes vivant au Canada sont confrontées à une surreprésentation dans les prisons fédérales et les services de protection de la jeunesse, ainsi qu'à des stérilisations forcées et à diverses formes de discrimination, notamment dans la fonction publique, l'immigration et dans le domaine sportif. L'absence de données désagrégées par les gouvernements provinciaux, en particulier ceux qui nient l'existence du racisme systémique, rend difficile l'analyse précise des défis spécifiques à ces communautés et limite les mesures de lutte contre la discrimination génétique. »

Translation: *"The Afro-descendant people living in Canada face overrepresentation in federal prisons and youth protection services, as well as forced sterilizations and various forms of discrimination, notably in the civil service, immigration and the sports field. The lack of disaggregated data by provincial governments, particularly those that deny the existence of systemic racism, makes it difficult to accurately analyze the specific challenges faced by these communities and limits measures to combat genetic discrimination."*

"We make special mention of recommendations which address the right to health as it relates to migration status, housing, and systemic racism. We support these and many other recommendations because access barriers are rooted in and perpetuated by systemic oppression and the denial of other rights."

The main points to emerge from the contributions concern:

- the need to recognize the existence of systemic inequalities in government institutions and programs, including inequalities in access to services such as health, housing, education and employment;
- the lack of disaggregated data to fully understand the impact of discrimination and racism in Canada;
- the importance of adopting an intersectional, human rights-based approach to combating discrimination and racism and promoting equal opportunities;
- the need to encourage the participation of the groups directly concerned, including marginalized groups, in the decision-making processes that affect them;
- the need to combat hate speech and hate crime; and
- the over-representation of certain groups of people in the justice and youth protection systems.

In this respect, the people consulted believe that the following recommendations should be accepted and implemented as a matter of priority:

- 71; 74 to 85; 89; 90: Combating discrimination and racism;
- 86: Evaluate Canada's Anti-Racism Strategy 2019–2022 in consultation with affected groups and take the necessary steps to combat racism and racial discrimination;
- 96; 109: Combating hate crimes and hate speech;
- 87: Continue to strengthen all the mechanisms to ensure that equality for all, and eliminate all forms of discrimination on the ground of race, specially of persons of African descent;
- 130: Strengthen its efforts to address the over representation of persons of African descent, Indigenous Peoples, and minority groups in the prison and welfare systems;
- 268: 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 children; and
- 136: Reconsider the prohibition of women to carry religious symbols while fulfilling their civic duties in Quebec in the context of grave concerns regarding Islamophobia.

Some organizations point out that progress has been made in Canada, notably in recognizing the existence of racism and discrimination, but that it is important for FPT governments to pursue their efforts, in collaboration with civil society and groups of people directly concerned, mainly in terms of implementation and monitoring.

"Canada has an anti-racism strategy, but it needs to be resourced and overarching regarding intersectionality. It needs to have accountability checks to keep an eye on if it's working and if it's accessible."

11) Older persons

This subject came up indirectly in the consultations. The people consulted mentioned that the elderly are a group particularly likely to face violations of their rights, particularly in terms of access to services, housing, food security, etc.

12) 2SLGBTQIA+

As part of this consultation, the rights of 2SLGBTQIA+ people were mainly addressed indirectly, when it came to identifying the groups of people most likely to lack access to housing, adequate health care, to suffer violence, etc.

« Nos actions en matière de violence contre les femmes et les filles doivent adresser la lesbianophobie et la transphobie, c'est-à-dire toutes les réalités et besoins des

femmes de façon holistique. La jurisprudence canadienne s'est prononcée, s'est étendue pour lutter contre les violences contre toutes les femmes. »

Translation: "Our actions on violence against women and girls must address lesbianophobia and transphobia, that is, all women's realities and needs in a holistic way. Canadian jurisprudence has spoken out, has expanded to fight violence against all women."

Homophobic hate speech and homophobia in general were also raised in the engagement sessions, in connection with the importance of accepting the following recommendations:

- 314: Take legislative action and other measures to address hate crime and hate speech against LGBTQI+, both online and offline;
- 315: Develop strategies to address homo, bi and transphobia and the rise of the anti-gender movement in schools; and
- 317: Continue working with partners, at all levels, to address the causes of violence against members of the LGBT+ community, as well as violence linked to religion or belief.

13) Public safety and law enforcement

As part of this consultation, several contributions concerned public safety and law enforcement. Elements identified as priorities by civil society were the fight against racial profiling, the need to remedy the over-representation of certain groups of people in the justice system, and improving detention conditions, particularly with regard to the use of solitary confinement.

"We need clearer laws against racial and religious profiling where they are lacking, these laws should prohibit stops unless a person truly matches the description of a suspect or they have been seen committing a crime (no stop should be allowed because "the person looked suspicious"), laws should discourage that behaviour by mandating accountability, reparation (taken from agencies' pensions, not taxpayers' dollars), more training to combat biases as well as suspensions without pay during investigations of alleged cases of profiling."

"Our organization advocates alongside communities most marginalized by criminal and punitive laws and policies to reform them, including laws that criminalize HIV non-disclosure, people who use drugs, and sex workers - all of which have disproportionate impacts on Indigenous, Black, and migrant people in Canada and contribute to their overrepresentation in prison. [...] While Black and Indigenous people are not more likely to commit drug offences, reports confirm that they are more likely to be subject to surveillance, arrested, and incarcerated for drug offences. Human rights violations against sex workers in Canada have

escalated under 2014 legislation which criminalizes sex workers, those who purchase sex, and third parties in sex work."

In this regard, the organizations call on FPT governments to accept and implement the following recommendations:

- 77; 117 to 120: Combat racial profiling by police and security agencies;
- 130: Strengthen its efforts to address the over representation of persons of African descent, Indigenous Peoples, and minority groups in the prison and welfare systems ;
- 131: Invest in community-based, Indigenous-led policies to disrupt the Indigenous incarceration pipeline and adequately finance Indigenous-operated correctional facilities;
- 123 to 124: Improve prison conditions;
- 132: Adopt legislation to restrict the use of prolonged solitary confinement and adhering to the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (Mandela Rules); and
- 133: Ensure that solitary confinement is in line with the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules) and redouble efforts to address the overrepresentation of persons belonging to Indigenous Peoples and other minority groups in prisons, as well as its underlying causes.

Regarding recommendation 130, one person mentions that the *Canadian Black Justice Strategy* is generally well received, but that the consultation process and associated timelines need to be reviewed. In addition, some organizations mention that punitive laws and approaches, particularly in relation to sex work, possession or sale of drugs, or non-disclosure of HIV status, have a disproportionate impact on certain historically marginalized groups of people, encouraging their over-representation in the justice system and the violation of their rights. For this reason, these organizations call on FPT governments to invest more in prevention programs and to limit or reduce criminalization, by putting in place alternative measures to imprisonment.

Other contributions concerned the fight against hate crimes and hate speech, and the fight against human trafficking.

"We talked about recommendations that are around legislation or policy related to antiracism and antihate. Existing pieces of legislation or policy in the works that can address the recommendations, like the National Action Plan on combatting hate and the renewed antiracism strategy. Online hate legislation would go a long way toward addressing this issue."

« Nous trouvons prioritaire d'ouvrir du soutien et des services aux personnes à risque et aux victimes [de traite des personnes]. Pour la mise en œuvre, le soutien

financier à des coalitions provinciales ou territoriales et des organisations non-gouvernementales est crucial. »

Translation: "We consider it a priority to open up support and services for people at risk and victims [of human trafficking]. For implementation, financial support for provincial or territorial coalitions and non-governmental organizations is crucial."

In this regard, some organizations are asking FPT governments to accept and implement the following recommendations:

- 90: Put an end to structural discrimination and hate crime against racial and religious minorities, such as Muslims, persons of African and Asian descent;
- 93 to 95; 99; 113: Effectively combat hate speech and hate crime;
- 96: Consider developing a national strategy to combat hate crimes, discrimination and hate speech, particularly against Afro-descendants; and
- 147 to 157: Combatting human trafficking.

14) Business and human rights

Many of those consulted mentioned the importance of strengthening the Office of the Canadian Ombudsman for Responsible Enterprise (CORE) and reinforcing the accountability of Canadian companies regarding human rights.

« Sur les droits humains et les entreprises, l'Ombudsman canadien de la responsabilité des entreprises (OCRE) créé en 2019 ne dispose pas de véritables pouvoirs et de l'indépendance nécessaire à l'exercice de ses fonctions. Le projet de loi visant à renforcer l'efficacité de l'OCRE reste bloqué au stade de la première lecture depuis le 29 mars 2022 ; alors que les plaintes des victimes s'accumulent, et que leur espoir de voir leur cause entendue s'étiolé. Sur ce sujet, les différents gouvernements devraient remettre à l'ordre des priorités législatives le projet de loi sur les pouvoirs de l'OCRE, et mettre en place un recours indépendant pour les victimes. Par ailleurs, le Canada devrait envisager d'intégrer les principes directeurs relatifs aux entreprises et aux DH dans sa législation ou au moins d'adopter une loi portant sur la diligence raisonnable. »

Translation: "On human rights and business, the Canadian Ombudsman for Responsible Enterprise (CORE) created in 2019 lacks the real powers and independence necessary to carry out its functions. The bill to strengthen the effectiveness of the CORE has been stalled at first reading since March 29, 2022, at a time when victims' complaints are piling up and their hopes of seeing their

case heard are waning. On this subject, the various governments should put the bill on the CORE's powers back on the legislative agenda, and put in place an independent recourse for victims. In addition, Canada should consider incorporating the Guiding Principles for Business and human rights into its legislation, or at the very least adopt legislation covering due diligence."

In this regard, many organizations believe that the following recommendations should be accepted and implemented:

- 226 to 227: Strengthen the Office of the Canadian Ombudsman for Responsible Enterprise; and
- 218; 221 to 225: Strengthen the accountability of Canadian companies regarding human rights.

Civil society organizations are particularly concerned by the fact that Canadian companies, including mining companies, commit human rights violations with impunity, particularly in environmental matters, whether in Canada or abroad, and recommend strengthening measures to combat impunity and access to recourse mechanisms for victims, all the more given these rights violations disproportionately affect the most vulnerable groups of people.

"Regarding recommendation 218, we need accountability of the oil and gas sector on their impact on Indigenous peoples; the disproportionate impact of climate change on Indigenous communities."

On this subject, one organization mentions the importance of continuing work on three bills that will correct some of the current legislative shortcomings:

- C-226: *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice;*
- C-262: *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples;* and,
- C-263: *An Act to establish the Office of the Commissioner for Responsible Business Conduct Abroad and to make consequential amendments to other Acts.*

In addition, one organization recommends that civil society be consulted on Canada's position regarding the Human Rights Council's proposal for a *Legally Binding Instrument to regulate, within the framework of international human rights law, the activities of transnational corporations and other business enterprises*, since, to date, Canada appears to have taken a position on this draft treaty, without prior consultation.

15) Climate action

Several people mentioned that the right to live in a healthy environment has long been neglected by Canada's FPT governments, and that it is now time to do something about it, especially as the most vulnerable groups are disproportionately affected by climate change.

"The realization of equality and all human rights depends upon a healthy and sustainable environment. Women-particularly Indigenous and racialized women-are disproportionately impacted by climate change. The right to a healthy environment is now recognized in Canadian law as a result of Bill S-5-it must be promoted, respected, and upheld. The FPT governments should take immediate action to reduce greenhouse gas emissions in accordance with Canada's commitments to the Paris Agreement. This includes phasing out the use of fossil fuels. The federal government should also enshrine the right to a healthy and sustainable environment in the Canadian Constitution and take meaningful action to respect this right. The Senate should swiftly pass Bill C-226 and the federal government should set out work on the National Strategy Respecting Environmental Racism as a matter of high priority."

The recommendations identified as priorities to be accepted and implemented are:

- 212: Adopt measures to mitigate the negative environmental impact of fossil fuel operations, with special attention to highly relevant ecosystems in the Amazon and glaciers;
- 213: Implement more effective climate change policies aimed at reducing fossil fuel use and carbon emissions;
- 207: Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks, with the full, effective and meaningful participation of persons in marginalized groups and in vulnerable situations, including women, children, persons with disabilities and Indigenous Peoples; and
- 211: Consider the timely disbursement of the climate finance commitment to ensure climate-resilient development pathway in the vulnerable economies.

Some organizations mention that FPT governments need to get actively involved in education and legislation, to ensure that Canadians understand the impacts of their behavior on climate change and make responsible choices.

"We recommend that Canadian governments] include a process to better articulate the rights to food and health, and the duty to warn consumers about the planet-heating risk of foods from ruminant animals in the Canadian context. [...] Consumer rights are, by definition, human rights in relation to business entities

[...]. Canadians are entitled to non-misleading advertising and labelling by the federal Competition Act, Food and Drugs Act, Consumer Packaging and Labelling Act, provincial consumer protection or business practices legislation (in most provinces), and similarly common law standards. Common law also includes a well-established duty to warn consumers about hazards by robust disclosures in advertising and labelling of consumer products. However, that duty has not yet been tested on a case of failure to warn consumers about climate risks, such as the contribution of meat from ruminant animals to greenhouse gas emissions and, by extension, to a dangerously warming planet. In 2022, the United Nations General Assembly embraced the right to a healthy environment. It is not yet clear if 2023 amendments to the Canadian Environmental Protection Act-subject to a forthcoming implementation framework-will robustly protect Canadians' environmental rights. The threat to the right to a healthy environment posed by greenhouse gas emissions from ruminant animals is real and substantial. [...] Despite these known risks to the environment of food from ruminant animals and no statute or regulation specifically requiring the disclosure of such risk to rights holders (consumers and the public that does not consume them), there may be a legal duty to disclose such risks."

16) Other

As part of this consultation, a very large number of contributions made via the asynchronous consultation questionnaire were identical and concerned Canada's position on Israel-Gaza.

"In the heart of the ongoing humanitarian crisis in Gaza, our priorities revolve around recommendations addressing the immediate need for a ceasefire and unhindered humanitarian aid access. Recommendations 52 and 53 are imperative, calling for an immediate ceasefire and unconditional access of humanitarian aid into Gaza. These measures are urgent given the devastating toll on innocent lives, including over 17,000 reported deaths, including 7,000 children, and more than 46,000 injuries. The figures highlight the severe impact on civilians, emphasizing the critical importance of swift action to prevent further loss of life. [...] Against the backdrop of escalating violence and gross violations of international humanitarian law, the Canadian government, at all levels, must prioritize recommendation 50. This recommendation urges alignment of domestic and foreign policies with relevant international laws addressing crimes against humanity in the Occupied Palestinian Territory. [...] Additionally, drawing attention to recommendation 56, which calls for an end to irresponsible arms trade, and monitoring Canadian corporations to prevent negative impacts on human rights aligns with our commitment to justice and protection of minority

rights. [...] The ongoing violations of international humanitarian law, including attacks on healthcare facilities, underscore the urgency for accountability and immediate and permanent ceasefire measures. This aligns with Canada's duty to uphold international humanitarian law and address the critical humanitarian needs on the ground. "

Although at least one person is firmly opposed to them, the vast majority of those consulted believe that recommendations 49 to 61 are urgent priorities, particularly the following:

- 52 to 53: Demand an immediate ceasefire, unconditional access to fuel and unconditional access for humanitarian aid to Gaza;
- 51: Put an end to all forms of support to the Occupying Power in violating human rights and humanitarian law in the Occupied Palestinian Territory (OPT) and the Gaza strip;
- 59 to 60: Strengthen policies in support of the inalienable rights of the Palestinian people, and reinforce the monitoring of Canadian companies with regard to the negative effects of their activities on the enjoyment of human rights in situations of occupation;
- 61: Strengthen policies to support the inalienable rights of the Palestinian people and ensure that Canadian companies do not have a negative impact on human rights in situations of occupation, especially with regards to arms exports, to ensure that they do not reach countries that violate international humanitarian and human rights law; and
- 56: Put an end to irresponsible trade of conventional arms to the Israeli colonial power that facilitates commission of war crimes and crimes against humanity and undermines the international peace and security.

Some organizations mention the importance of combating impunity, particularly in the context of massive human rights violations, and call on Canada to ensure respect for the rights of victims of international crimes:

« Concernant l'impunité des violations des droits humains, le Canada dispose de mécanismes pour exercer sa compétence universelle contre des auteurs présumés de ce type de crimes (Loi sur les crimes contre l'humanité et les crimes de guerre de 2000 et le Programme sur les crimes contre l'humanité et les crimes de guerre) (le Programme). Toutefois, malgré les dénonciations relatives à la présence de présumés auteurs de crimes internationaux au Canada, et l'obligation de les traduire en justice ; le gouvernement privilégie leur expulsion du territoire en vertu des lois sur l'immigration, sans garantie de poursuites pénales dans le pays de destination, ce qui viole ses obligations internationales. Les gouvernements doivent doter le Programme d'un budget suffisant pour lui permettre de mener des enquêtes et des poursuites pénales; faire preuve de transparence dans l'exercice

du pouvoir discrétionnaire de ses autorités de poursuite et assurer l'accès à la justice et le droit à réparation des victimes. »

Translation: "Regarding impunity for human rights violations, Canada has mechanisms in place to exercise universal jurisdiction over alleged perpetrators of such crimes (the *Crimes Against Humanity and War Crimes Act* of 2000 and the *Crimes Against Humanity and War Crimes Program*) (the Program). However, despite denunciations of the presence of alleged perpetrators of international crimes in Canada, and the obligation to bring them to justice, the government favors their expulsion from the country under immigration laws, with no guarantee of criminal prosecution in the country of destination, in violation of its international obligations. Governments must provide the Program with a sufficient budget to enable it to carry out investigations and criminal prosecutions; demonstrate transparency in the exercise of the discretionary power of its prosecuting authorities; and ensure access to justice and the right to reparation for victims."

In this respect, the following recommendations have been identified as important:

- 50: Align domestic and foreign policies with relevant international laws in regard to the crimes against humanity that is currently happening in the Occupied Palestinian Territory;
- 134: Adopt a comprehensive and effective approach for investigation and accountability with regard to war crimes committed by its military forces; and
- 219: Maintain its approach to advancing human rights and democratic values as part of Canada's domestic and foreign policy.

In addition, one organization asks that the following recommendation concerning the repatriation of its nationals be taken into consideration:

- 128: 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.

"Canada is complicit in grave human rights violations by not repatriating its citizens who are arbitrarily detained in conditions akin to torture, including according to international law and its own Charter of Rights and Freedoms. Section 6 of the Charter states that all citizens have a right to enter Canada - which Canada is preventing by not giving the permissions necessary for their return, even when a delegation was sent there last summer to bring them home - effectively banishing its citizens indefinitely. Canada should also repatriate the non-Canadian mothers of Canadian children as not to separate parents and children in accordance with international law."

Finally, one organization recommends that Canada note recommendations 62 and 138, rather than accept them.

"Canada should NOT be accepting Recommendation 62: Stop all forms of support for terrorist activities that operate under the pretext of alleged humanitarian work. The association of humanitarian work with terrorism is unsupported and harmful. We congratulate the federal government for finally adopting an exemption to Canada's laws on countering terrorist financing for the provision of humanitarian assistance. This change came thanks to concerted pressure from civil society groups, and gives greater certainty to humanitarian organizations in carrying out their work. Bill C-41, adopted in June, did not unfortunately go far enough. The exemption does not apply to many Canadian international assistance organizations that carry out vital activities, but which are not exclusively humanitarian in nature, including in regards to provision of health services, defence of human rights, efforts towards peace-building and support towards earning a livelihood. These organizations are now required to go through an unclear, burdensome and invasive authorization process that could negatively impact their work, their staff as well as their safety on the ground. [...] We recommend that Canada does NOT accept Recommendation 138: Further strengthen the domestic framework to prevent misuse of freedom of expression for inciting violence and disallow activities of groups which are promoting extremism. In an exercise that is meant to protect human rights, we are concerned by the fact that this recommendation is calling for the curtailing of freedom of expression. Firstly, there is no misuse of free expression to incite violence. Canada has laws that prohibit hate speech, incitement and threats of violence - they are not always enforced when they should be but it's not an issue of misusing free speech. In the current context of protests for Palestinian rights and lives, the wrongful conflation of support for rights and calls for ceasefire with the support for hate, terrorism or incitement to violence IS a huge problem. Canada must denounce this conflation and be more vocal in its support for free expression. Canada must also be cautious in its efforts to protect - for example - against online harms, so as not to further silence voices from oppressed communities. [...] Secondly, we are noticing with concerns - at the UN and internationally - the increase use and calls for the use of counter "extremism" as a way to silence free expression, dissent, human right defenders and political opponents. Putting rights-affirming social programs in place that address the root causes of all types of violence is key - but the use of vague terms like extremism often leads to the repression and criminalization of activities and speech outside the mainstream, status quo or simply critical of governments in power. Legislating against "the

promotion of extremism" is nothing more than thought policing and must absolutely be avoided."

PART 3: CONCLUSION AND NEXT STEPS

Conclusion

The civil society organizations that took part in this consultation have a wide range of expertise and views on the recommendations of the Universal Periodic Review. However, there seems to be a consensus on certain cross-cutting elements, regardless of the theme addressed. With this in mind, FPT governments should consider - in particular - the following elements to inform Canada's response to the recommendations of its UPR4:

Strengthen implementation and monitoring mechanisms

The recommendations most frequently cited as urgent and a priority in this consultation are those concerning the strengthening of national human rights implementation and monitoring mechanisms:

- 68: Strengthen its national mechanism for comprehensive reporting and follow up in relation to recommendations received from international human rights mechanisms and treaty obligations; and
- 69: Establish a National Mechanism for Implementation, Reporting and Follow-up and consider the possibility of receiving cooperation.

In addition, the following two recommendations, also much quoted, concerning collaboration with civil society and transparency should guide these processes:

- 45: Collaborate actively with civil society in the follow-up to Universal Periodic Review; and
- 46: Make official information about the implementation of UPR recommendations, accessible to the public and communicate such information to the Parliament.

Civil society is calling on Canada to review, in collaboration with civil society and Indigenous peoples, the legal and institutional framework for implementing and monitoring human rights in Canada. In particular, several organizations are calling for this new legal framework to include new mechanisms to promote accountability, participation and access to justice and effective remedies for all human rights, including economic, social and cultural rights.

Adopting an intersectional and human rights-based approach

Civil society wishes to reiterate that all human rights are important, and that prioritizing some rights at the expense of others is a generally unconstructive exercise. Similarly, the advancement of the rights of certain groups of people should not be at the expense of those of others. In this sense, beyond the exercise of determining which recommendations should or should not be accepted, civil society invites FPT governments to consider all the UPR4 recommendations and

to ask themselves how they might, in concrete terms, implement all the recommendations that promote the respect, protection and realization of human rights.

Civil society calls on FPT governments to adopt an intersectional human rights-based approach that recognizes the universality, indivisibility and interdependence of rights. Civil society believes that this holistic approach should guide all government decisions. According to this approach, governments are accountable to all rights-holders, and the programs and services offered by governments and their institutions must promote the respect, protection and realization of the full range of rights of all people, including the most vulnerable and marginalized. Furthermore, the actions (and/or inactions) of governments must respect the following principles: participation, direct links with human rights, empowerment, non-discrimination, equality and accountability.

Strengthening collaboration and leveraging expertise

Civil society recognizes the human rights accountability of FPT governments and the leadership role they must assume in the Universal Periodic Review and other human rights accountability mechanisms. However, civil society believes that the respect, protection and realization of human rights in Canada will be more effective with the active collaboration of all actors, national and international. It recommends that the specific expertise of civil society, Indigenous peoples, national human rights institutions and the various United Nations human rights bodies and mechanisms be more fully recognized and put to good use. This collaboration should be part of a dynamic of dialogue, joint reflection and co-construction of solutions, and not just consultation.

For example, several people mentioned that Indigenous and civil society organizations - which often work directly with rights-holders - have concrete ideas for improving certain programs and services, but that this expertise is not fully exploited. Other organizations point out that the tools developed by the UN are not sufficiently used, notably the UNHCR's *Minimum Standards for Camp Site Planning*, which could be given greater consideration in the case of homeless encampments in Canada. In the same vein, civil society calls for greater synergy and collaboration between the various levels of government and ministries, which should work together to develop tools, processes and programs that promote the advancement of human rights.

Suggested next steps

Presentation of civil society priorities and recommendations to the SOCHR

On January 15, 2024, Equitas and Canadian Heritage's Human Rights Program will present this report to the FPT Senior Officials Committee Responsible for Human Rights (SOCHR). The purpose of this meeting is to ensure that the priorities and suggestions expressed by civil society during the consultation conducted by Equitas and Canadian Heritage are used to inform Canada's response to the recommendations received and the implementation of those recommendations that are accepted.

Presentation of Canada's official position at the UN (Addendum 1)

By February 12, 2024, Canada must present its position on all recommendations received under UPR4, through the submission of Addendum 1 to the Office of the High Commissioner for Human Rights. At this stage, each recommendation must be either *accepted* or *noted*. In addition, Canada must clearly present its reasons for noting a recommendation, rather than accepting it.

Consideration and adoption of the outcome of the Universal Periodic Review

In March 2024, at the 55th regular session of the Human Rights Council in Geneva, Canada's UPR4 outcome document will be discussed and adopted. UN Member States and human rights institutions, Indigenous organizations and civil society organizations in consultative status will have the opportunity to express their views on the outcome document. The outcome document will subsequently be published on the website of the Office of the High Commissioner for Human Rights.

Implementation and follow-up of recommendations

Over the following 4-5 years, FPT governments are responsible for implementing and following up, at a minimum, the accepted recommendations, in collaboration with human rights institutions, Indigenous organizations, civil society organizations and other stakeholders.

Mid-term report - to be confirmed

The submission of a mid-term report is an optional process of the Universal Periodic Review, but strongly encouraged by the Human Rights Council. The mid-term report, which presents the state of implementation of recommendations between two reviews, is considered good follow-up practice. Civil society organizations recommend that Canada submit a mid-term report, due in 2026 or 2027.

Canada's 5th Universal Periodic Review

The 5th Universal Periodic Review of Canada is scheduled to take place in 2028.

If you have any questions or comments about this report, please contact us:

Equitas: epu-upr@equitas.org

Canadian Heritage: fptrightsengagementdroitsfpt@pch.gc.ca

APPENDICES

Appendix 1: Organizations involved in the consultation (and who agreed to be included in the report)

1. 613-819 Black Hub
2. Action Canada for Sexual Health and Rights
3. Amnesty International Canadian Section (English-speaking)
4. Amnistie internationale Canada francophone
5. ARCH Disability Law Centre
6. Assemblée communautaire fransaskoise (ACF)
7. Atlantic Equity and Research Alliance
8. Avocats Sans Frontières Canada
9. BC Coalition of Experiential Communities
10. BC Complex Kids Society
11. BGC Canada
12. Bureau de la défenseure fédérale du logement
13. Campaign 2000: End Child and Family Poverty / Family Service Toronto
14. Canada Palestine Cultural Association
15. Canadian Centre for Housing Rights
16. Canadian Centre on Statelessness
17. Canadian Drug Policy Coalition
18. Canadian Federation of University Women - Fédération canadienne des femmes diplômées des universités (CFUW-FCFDU)
19. Canadian Feminist Alliance for International Action (FAFIA)
20. Canadian Labour Congress
21. Canadian Network for Corporate Accountability (CNCA)
22. Canadian Poverty Institute (Ambrose University)
23. Centre for Health Science and Law
24. Centre for Israel and Jewish Affairs
25. Citizens for Public Justice
26. Coalition for the Human Rights of Indigenous Peoples
27. Comité d'action contre la traite humaine interne et internationale (CATHII)
28. Council of Agencies Serving South Asians
29. CUPE 3903
30. DAWN Canada
31. Egale Canada
32. Exeko and Immigrant Workers Center and Article 47
33. HIV Legal Network
34. Food Secure Canada

35. IJHR (International Justice and Human Rights) Clinic, Allard School of Law, UBC
36. Immigrant workers Center
37. Independent Jewish Voices Canada
38. International Civil Liberties Monitoring Group
39. IUPAT 177
40. John Humphrey Centre for Peace and Human Rights
41. Kids Brain Health Network
42. Ligue des droits et libertés
43. Maytree
44. McMaster University
45. My grandmother and the seven generations to come
46. National Right to Housing Network
47. Peacemakers Trust
48. Peel District School Board
49. Smart Youth Network Canada
50. Social Rights Advocacy Centre
51. Society of Queer Momentum
52. South Asian Legal Clinic of Ontario
53. St. Thomas University
54. The Canadian Association of Elizabeth Fry Societies
55. United Church of Canada
56. University of Ottawa
57. VIDES Canada
58. Voices: Manitoba's Youth in Care Network
59. Wisdom2Action Consulting Ltd

Appendix 2: Breakdown of people consulted, by province and territory and by engagement method

Province or territory	Number of people consulted (engagement sessions)
Ontario	25
Quebec	8
Saskatchewan	1
New Brunswick	3
British Columbia	9
Alberta	2
Nova Scotia	2
Manitoba	1
Newfoundland and Labrador	1
Other (national)	2

Province or territory	Number of people consulted (asynchronous form)
Ontario	65
Quebec	7
British Columbia	2
Alberta	12
Nova Scotia	1

Province or territory	Number of people consulted (e-mail submission)
Ontario	3

Appendix 3: Table of main themes of recommendations from Canada's UPR4

Initial analysis (unofficial and <u>incomplete</u>) of the main themes of the UPR4 recommendations	
Main themes	Recommendations
<p>1 International human rights instruments (69)</p> <ul style="list-style-type: none"> a) Convention against Enforced Disappearance (15) b) Optional Protocol, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (25) c) Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (14) d) Indigenous and Tribal Peoples Convention (6) e) Optional Protocol, Convention on the Rights of the Child (4) f) UPR process (2) g) Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (2) h) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (1) 	<p>1 to 47; 63 to 69</p> <ul style="list-style-type: none"> a) 2 to 9; 11; 29 b) 10 to 23 c) 24 to 28 d) 29 to 31 e) 32 to 33 f) 45;46 g) 40; 41 h) 36
<p>2 Rights of Indigenous peoples (82)</p> <p>These include the Indigenous and Tribal Peoples Convention, the Declaration on the Rights of Indigenous Peoples, overrepresentation in the criminal justice system, the fight against discrimination, inequality and poverty, equal access to education and healthcare, etc.</p>	<p>29 to 31; 76; 155; 157; 160; 161; 171; 174 to 178; 181 to 184; 191; 197; 198; 201 to 204; 207; 241; 242; 246 to 255; 264 to 268; 282 à 310</p>
<p>3 Education and employment (21)</p> <p>Concerning non-discrimination, inclusion in education and employment, etc.</p>	<p>34; 35; 88; 192 to 205; 270; 274 to 277; 315</p>

4	Poverty, housing and food security (28) Concerning the right to housing, the fight against poverty, the economic rights of vulnerable groups, etc.	158 to 178; 181; 278; 283 to 286;
5	Women and girls (13) Concerning participation, sexual and reproductive rights, etc.	136, 141; 184 to 187; 191; 207, 228 to 230; 284 to 286
6	Violence against women and children (25) In the fight against violence, several calls for better implementation of the <i>National Action Plan To End Gender-Based Violence</i> , etc.	40 to 43; 98; 149; 155 to 157; 230 to 255
7	Children and youth (38) Concern the protection of vulnerable children, inclusion, equitable access to services, participation, etc.	1; 32 to 33; 64; 65; 72; 89; 141;144; 162; 163; 171; 173; 189; 193 to 196; 205 to 207; 228; 248; 256 to 268; 288; 309; 310; 325; 326
8	Persons with disabilities (17) Concerning the Convention on the Rights of Persons with Disabilities, inclusion in education and employment, access to services, etc.	66; 72; 161; 165; 196; 207; 270 to 281.
9	Migrants and refugees (37) Concerns the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, detention, protection, combating discrimination, access to services, etc.	24 to 28; 37; 71; 76; 85; 111; 125; 166; 180; 181; 262; 318 to 332
10	Diversity, equity, inclusion (48) Concerning the fight against racism and hate speech, etc.	70 to 116; 135; 136; 311 to 313

11	Older persons (2) Concerning respect for rights of older persons in general.	72; 269
12	2SLGBTQIA+ (5) Mainly concerned with combating homophobic and transphobic violence.	171; 314 to 317;
13	Public safety and law enforcement (29) Concerns profiling and over-representation of certain groups in the justice system, combating human trafficking, etc.	77, 114 to 124; 129 to 133; 146 to 157
14	Business and human rights (13) Concerning calls to action and defining the legislative framework and its application, etc.	208; 218; 220 to 227; 281; 298; 301
15	Climate action (16) Concerning calls to action and defining the legislative framework and its application, etc.	164; 205 to 218; 220
	Other: Canada's foreign policy position on Israel-Gaza (15)	49 to 61