

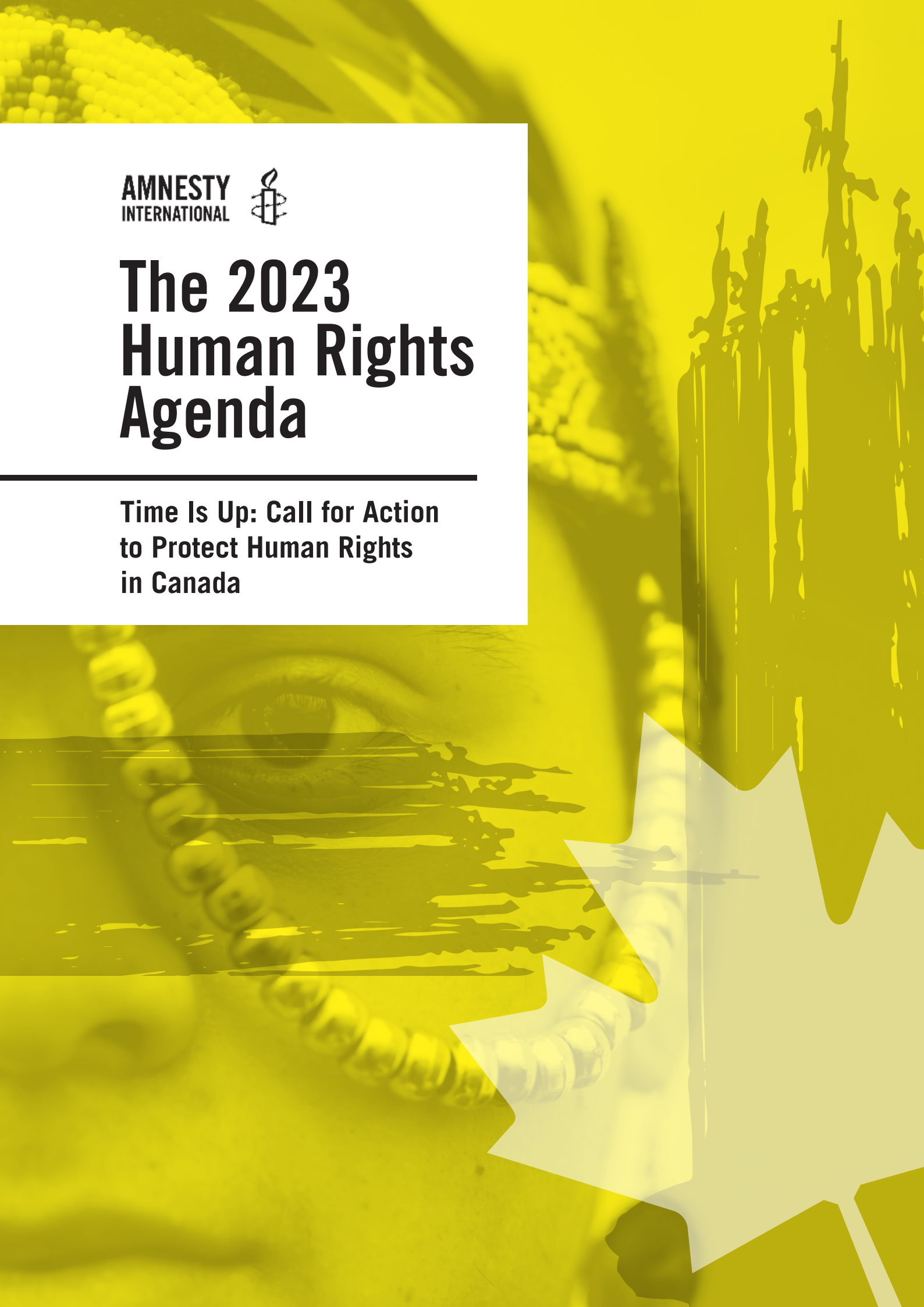
**AMNESTY  
INTERNATIONAL**



# The 2023 Human Rights Agenda

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**Time Is Up: Call for Action  
to Protect Human Rights  
in Canada**





# The 2023 Human Rights Agenda

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to Protect Human Rights  
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# FOREWORD

2023 was a year of extremes. As global temperatures reached the highest record in history, Canadians across the country woke up to dystopian scenes of raging wildfires and the smokey, indisputable smell of climate change. Unprecedented fires and floods disrupted nearly a quarter million of Canadians, leaving a devastating impact on Indigenous communities, their livelihoods and their ancestral connection to land, water, and ecosystems.

The recent wildfires are the most extensive and extreme in recent history and a blazing reminder that our planet's well-being is directly linked to our own. There is nowhere to escape and as the youth wisely state: there is no Planet B. Without urgent measures and the foresight to prioritize our environment over corporate interests, the rights of present and future generations are at severe risk.

Our 2023 *Human Rights Agenda* for Canada looks back at Canada's human rights record over the past year, against the backdrop of a global recession on human rights. 2023 was the year civilians paid the brunt of heightened armed conflicts and the erosion of human rights protection in political discourse and decision-making. Amnesty International's Global Annual Report, which will be released in the spring of 2024, will reflect this at length.

In Canada, some progress was made on our 2022 recommendations, but it remains insufficient and too slow to match the glaring human rights needs across the country and the realities of a world plunged into polycrisis.

**This edition highlights multiple pressing challenges in eight critical areas: Indigenous Peoples' Rights; Gender Rights; Racism and Discrimination; Refugee and Migrant Rights; Human Rights Defenders; Climate Crisis and Corporate Accountability; Canada's Foreign Policy; and International Human Rights Obligations.**

These themes are far from exhaustive, but their persistence, despite frequent public commitments, is of deep concern.

Poor advancement on Indigenous rights is particularly alarming. The Yellowhead Institute, Canada's only Indigenous-led policy think tank, reported zero progress in 2023 on the Truth and Reconciliation Commission's Calls to Action. Progress has been so disappointing that the institute estimates completion will take 56 years and thus announced an end to its reporting. Amnesty International's own research documented profound double standards in the treatment of Indigenous Peoples exercising their right to free, prior, and informed consent.

For reconciliation to take root, Canada must move beyond rhetoric to meaningful change. Mere expressions of regret are no longer enough. Without concrete measures — including recommendations outlined in this *Agenda* — dire social, economic, and health disparities will persist and continue to endanger the lives and basic rights of Indigenous people and the population of Canada more broadly.

While Canada has made commendable progress in advancing gender equality, much work remains. Gender-based and anti-trans violence continues to plague rights-holders

across the country, while Indigenous women and girls continue to be disproportionately trafficked, assaulted, killed, or disappeared.

In December 2023, Canada announced its support for creating new categories for Black and 2SLGBTQI+ workers under the federal *Employment Equity Act*, following calls from anti-Black racism advocates and a report from the Employment Equity Act Review Task Force. However, **reports of discrimination in public institutions and law enforcement agencies and the criminal justice system continue to reveal the depth of systemic racism in Canada.**

Canada's human rights challenges are numerous, multifaceted, and daunting. They require an all-hands-on-deck, coordinated approach, which is perhaps the greatest and most enduring challenge.

In November 2023, the Universal Periodic Review also underscored Canada's repeated failure, over multiple governments, to track progress on its human rights obligations. Canada experienced greater international scrutiny, with country visits from three United Nations Special Rapporteurs, the UN High Commissioner for Human Rights, and the Inter-American Human Rights Commission. Their recommendations often echoed those Amnesty International issued last year.

What will it take for these recommendations to finally be implemented? Will 2024 be the year Canada strengthens its monitoring mechanism to uphold human rights at home?

As we inch closer to elections at home, the protection of human rights must remain a nonpartisan responsibility and at the heart of public policy. Both globally and locally, political extremes are subverting the essence and relevance of human rights. Canada must tread carefully in this context and counter this trend decisively.

**Access to refugee protection, housing, water or quality health care, the freedom to express oneself, not to be discriminated against — and the obligation to not discriminate in return — are neither “woke” nor obsolete ideals; they are universal, interdependent, inalienable rights and responsibilities.**

In a speech on the future of Canada's foreign policy, Foreign Affairs Minister Mélanie Joly rightly observed: “the tectonic plates of the world order are shifting beneath our feet.” They are indeed.

**A shared set of rules, applicable to all equally, is the steadiest safeguard in a world in flux.**

The 75th anniversary of the *Universal Declaration of Human Rights*, initially drafted by a Canadian and founding member of Amnesty International Canada, is a momentous opportunity to reaffirm human rights in Canada in a crisis-ridden world.

**Not only are human rights the right or legal thing to do. They are the smart thing to do.**

We hope the recommendations in this edition inspire decision-makers and rights holders alike and ignite a desperately needed turning point for human rights in 2024.

**Ketty Nivyabandi**  
**Secretary General**

Amnesty International Canadian Section  
(English Speaking)

# EXECUTIVE SUMMARY

The *Human Rights Agenda* (HRA) provides an intersectional and human rights-based analysis of Canada's compliance with international human rights commitments in 2023. This report identifies priority reform and action areas for decision-makers aligned with the strategic priorities of Amnesty International Canadian Section (English Speaking).

Amnesty International calls on Canada to protect and recognize the inherent rights of Indigenous Peoples in Canada in line with international human rights standards, including the right to free, prior and informed consent, and self-governance. Indigenous people are still suffering from systemic discrimination, criminalization, and harassment, overincarceration and under-investigated deaths. Wet'suwet'en land defenders have been arrested and harassed on their territory. Indigenous women, girls and 2SLGBTQQIA+ people continued to be killed at a rate six times higher than non-Indigenous women and gender-diverse people and faced increased violence and harassment near resource-extraction areas. Only two of the 231 Calls for Justice from the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls have been implemented. Canada must recognize and implement the duty to acquire free, informed and prior consent of Indigenous Peoples for activities that impact their lands and activities.

Systemic and institutional changes are needed to end the criminalization and surveillance of land defenders including removing security forces and militarized RCMP units from Indigenous lands and ending the practice of protecting private company interests at the expense of Indigenous rights. Canada must 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.

**Canada must protect the rights of 2SLGBTQQIA+ people** who have been increasingly at risk with alarming incidents of hate this year including protests at events and the removal of pride flags from homes and schools. 2SLGBTQQIA+ people, particularly women and gender-diverse people who are Indigenous, Black, or racialized, have faced a disproportionate number of online threats, violence, and abuse, including doxing and swatting. The provinces of Saskatchewan and New Brunswick both passed legislation preventing youth to use names and pronouns that align with their gender identity without parental consent. Canada must ensure anti-2SLGBTQQIA+ hate is meaningfully addressed in the National Action Plan on Combatting Hate through

meaningful engagement with 2SLGBTQQIA+ communities, organizations and human rights defenders in the development and implementation strategy. Amnesty calls on Canada to appoint a Special Representative to address and prevent anti-2SLGBTQQIA+ hate in Canada and urgently create legislative mechanisms to address online harms and protect 2SLGBTQQIA+ people.

Systemic and structural discrimination persists in Canada and is embedded throughout Canada's institutions, including courts, the police, the criminal legal system, immigration, government and employment organizations. Systemic discrimination was found at the Canadian Human Rights Commission and the Black Class Action lawsuit against the federal public service for systemic discrimination against Black employees is ongoing. Indigenous, Black, and racialized communities continue to be racially profiled, targeted and surveilled by police and overrepresented in the federal correctional system. In addition, they also, along with 2SLGBTQQIA+ people, report disturbingly high levels of abuse and discrimination during incarceration. Amnesty calls on Canada to appoint an arms-length Black Equity Commissioner as an independent officer of Parliament to provide independent oversight on systemic anti-Black discrimination.

**Canada must work with Black and racialized employees across the federal public service to implement a plan to address systemic racism with timelines and accountability measures.**

In addition, Canada must take urgent systemic action to eliminate racism and discrimination against Black, Indigenous and racialized communities by law enforcement and legal systems. Racial profiling practices must end.

Canada must also implement a national strategy to address the overrepresentation of Black and Indigenous communities in the correctional system and provide culturally affirming services and supports to incarcerated Black and Indigenous people.

The criminalization of sex work between consenting adults must end to prevent further discrimination against those engaged in sex work. Canada must protect the rights of sex workers by removing the current legislation and creating laws that instead ensure the safety of sex workers.

“  
Racial  
profiling  
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”



The rights of refugees and migrants in Canada are at risk. Migrants and asylum seekers in Canada face difficulties accessing medical care, depending on their migration status, and can be held indefinitely in detention based solely on administrative (non-criminal) grounds. While incarcerated, they have faced discrimination and mistreatment, which in some cases has resulted in death. Canada's Safe Third Country Agreement with the United States prevents many from seeking refugee protection in Canada, placing them at risk of eventual deportation to their home country, where they may face harm.

**Canada must amend its Temporary Foreign Worker Program to ensure that workers are no longer at risk of exploitation and abuse.**

Amnesty calls on Canada to abolish all forms of immigration detention and immediately end the use of provincial jails for immigration detention across Canada.

**Canada must also amend the Interim Federal Health Benefit Program to ensure that migrants with irregular status can access essential health care.**

Amnesty calls on Canada to uphold its human rights obligations by withdrawing from the Safe Third Country Agreement and allow people to make claims for refugee protection in a safe, humane, and orderly manner. In addition, Canada must create an effective independent oversight body for the Canada Border Services Agency that is fully independent and sufficiently resourced to conduct investigations and hearings to ensure that human rights are respected.

Human rights defenders (HRDs) and women HRDs, in particular, are often in most need of urgent safety outside their home country, often for temporary periods of time. To ensure that Canada can be a safe haven for HRDs, it should create an emergency visa program for HRDs who need to access protection in Canada urgently and provide funding to support HRDs who have been referred for resettlement in Canada but face difficulties while awaiting processing in a host country.



**“For Reconciliation to take root, Canada must move beyond rhetoric to MEANINGFUL CHANGE.”**

Canada must amend the inadmissibility provisions of the *Immigration and Refugee Protection Act* to ensure that human rights defenders are not excluded from refugee protection. Amnesty also calls on Canada to create an independent reporting and oversight mechanism to enable transparency regarding how the *Voices at Risk* guidelines are implemented, and accountability regarding Canada's obligations to protect human rights defenders.

Canada was deeply impacted by global warming with record temperatures and forest fires causing health problems across the country and hundreds of thousands being uprooted from their homes. Despite feeling the impacts of global warming, Canada remains a heavy polluter particularly in the oil and gas sector. Canada will miss its emissions reduction targets, with the oil and gas sector continuing to be the highest emitter, and Canada is set to increase oil production to record levels. Amnesty International calls on Canada to comply with its obligations to uphold international human rights standards, including the *UN Declaration on the Rights of Indigenous Peoples* in relation to the environment. It is imperative that Canada mitigate climate change and rapidly and equitably phase out fossil fuel use and production and all fossil fuel subsidies, working with provinces to find solutions that meet local needs.

**Canada must adopt renewable technologies in an equitable way without compromising the rights of people and the biodiversity of our planet.**

**Canadian corporations have been linked to the human rights violations abroad particularly in the Democratic Republic of Congo.**

Amnesty International calls on Canada to abide by the *UN Guiding Principles on Business and Human Rights*. Canada must introduce mandatory human rights and environmental due diligence legislation to prevent further abuse of human rights by Canadian corporations. The Canadian Ombudsman for Responsible Enterprise must be empowered with independent

investigative powers, including the power to compel documents and testimonies to ensure Canadian companies comply with human rights law. Canada must remove legislative limitations placed upon the right to healthy environments in Bill S-5 and ensure that Bill C-226 becomes law at the earliest opportunity to address environmental racism and promote environmental justice.

In foreign policy, Canada has failed to act on repeated calls for a transparent, independent human rights impact assessment to ensure Indigenous Peoples from other countries are represented and consulted in negotiated trade agreements. Canada continues to issue export permits for weapons and military technology to countries where governments are unlawfully using force against civilians. Canada must ensure that all existing and future investment agreements are compatible with their international human rights obligations. In addition, Canada must immediately stop the approval of and cancel existing export permits of weapons and military technology to Israel and Peru until Canada can guarantee that they will not be used to commit or facilitate violations of international human rights or humanitarian law.

Canada must also perform its international human rights treaty obligations in good faith, including by implementing Treaty Bodies' Views. Amnesty calls on Canada to create and empower a national mechanism for monitoring the implementation of all international human rights conventions to which Canada is party and provide annual, public progress reports.

# ABBREVIATIONS

<b>AICSES</b>	Amnesty International Canadian Section (English Speaking)	<b>CORE</b>	Canadian Ombudsperson for Responsible Enterprise
<b>AFN</b>	Assembly of First Nations	<b>CRC</b>	Convention on the Rights of the Child
<b>CAD</b>	Canadian Dollars	<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CBSA</b>	Canada Border Services Agency	<b>ECOSOC UN</b>	Committee on Economic, Social and Cultural Rights
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>EDC</b>	Export Development Canada
<b>CHRC</b>	Canadian Human Rights Commission	<b>FPIC</b>	Free, Prior and Informed Consent
<b>CHRT</b>	Canadian Human Rights Tribunal	<b>HRA</b>	Human Rights Agenda
<b>CASWLR</b>	Canadian Alliance for Sex Work Law Reform	<b>HRD</b>	Human Rights Defenders
<b>CGL</b>	Coastal GasLink	<b>IACHR</b>	Inter-American Commission on Human Rights
<b>CIRG</b>	Community-Industry Response Group	<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>CNCA</b>	Canadian Network on Corporate Accountability	<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>COP</b>	Conference of the Parties (to the United Nations Framework Convention on Climate Change)		

<b>ICERD</b>	International Convention on the Elimination of all forms of Racial Discrimination	<b>UN</b>	United Nations
<b>IRPA</b>	Immigration and Refugee Protection Act	<b>UNCERD</b>	United Nations Committee on the Elimination of Racial Discrimination
<b>LGTBI+</b>	Lesbian, Gay, Transgender, Bisexual, Intersex, +	<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous Peoples
<b>MP</b>	Members of Parliament	<b>UNCAT</b>	United Nations Committee Against Torture
<b>MMIWG</b>	Missing and Murdered Indigenous Women and Girls	<b>UNCSW</b>	United Nations Commission on the Status of Women
<b>MMIWG2S</b>	Missing and Murdered Indigenous Women, Girls, and Two-Spirit People	<b>WAGE</b>	Women and Gender Equality Canada
<b>NAP</b>	National Action Plan	<b>2SLGBTQ QIA+</b>	Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual + (referring to the use of terminologies by other sexual- and gender-diverse communities while recognizing the limitations of any acronym).
<b>NDP</b>	New Democratic Party		
<b>OAS</b>	Organization of American States		
<b>OCI</b>	Office of the Correctional Investigator		
<b>OHCHR</b>	United Nations Office of the High Commissioner for Human Rights		
<b>PCEPA</b>	Protection of Communities and Exploited Persons Act		
<b>RCMP</b>	Royal Canadian Mounted Police		
<b>STCA</b>	Safe Third Country Agreement		
<b>US</b>	United States of America		

# LIMITATIONS

# LIMITATIONS

Although this report provides an analysis of domestic human rights in Canada, considered in relation to Canada's international human rights commitments, the human rights issues discussed in this report are not exhaustive. The contents are closely aligned with AICSES's 2022-2030 strategic framework, and various human rights issues fall outside of that scope. Canadians are facing crucial human rights issues every day that impact their lives, including the right to affordable housing and clean water.

The *Human Rights Agenda* is a result of the research and listening AICSES conducted throughout 2023 in solidarity with rights-holders to amplify the voices of those impacted by Canada's actions or inaction and recommend solutions. An intersectional lens has informed our analysis of human rights priorities, but editorial constraints have limited a nuanced analysis of all intersections and the barriers these have created for the realization of human rights for all in Canada.

The needs and priorities of rights-holders with whom Amnesty International Canada has allied and collaborated on human rights campaigns and litigation cases over the last year have been identified, recognizing that more must be done to foreground the voices of rights-holders, their bravery and everyday struggles for freedom and equality.

We have had to carefully consider the diversity of views among Indigenous communities in particular, our own positionality and legitimacy in identifying and analyzing certain human rights issues. We recognize that as an organization Amnesty International Canada must do more to support and co-create human rights campaigns with—and under the leadership of—Indigenous Peoples and other human rights defenders and have prioritized this in our new Strategic Framework.

“**Canadians are facing crucial human rights issues every day that impact their lives.**”





**More must be done to  
foreground the voices of  
rights-holders, their bravery  
and everyday struggles for  
freedom and equality.**

01

# INDIGENOUS PEOPLES' RIGHTS







# VIOLATION OF THE RIGHT TO FREE, PRIOR AND INFORMED CONSENT



In 2023, Canada remained in breach of international human rights standards in its treatment of the rights of Indigenous Peoples. In 2016, Canada endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP)<sup>1</sup>. UNDRIP requires states to obtain the free, prior and informed consent (FPIC) of Indigenous Peoples before authorizing activities that would affect their lands or activities, including resource-extraction or energy projects.

Under UNDRIP, signatory states must take steps to ensure that domestic laws are consistent with the *Declaration*. Canada has enacted domestic legislation, the *United Nations Declaration on the Rights of Indigenous Peoples Act*<sup>2</sup>, and the government released the UN Declaration Act Action Plan in June. Canada did not include FPIC, leaving a gap for government accountability in obtaining consent. Canadian courts have recognized a constitutional obligation for the Government of Canada to consult with Indigenous Peoples where projects may affect their land or uses of the land.

However, this does not ensure the same protections as consent.<sup>3</sup> The Action Plan also does not contain any enforcement mechanisms to ensure Canada complies with its obligations.

In his July 2023 country report, the United Nations Special Rapporteur on the Rights of Indigenous Peoples noted Canada's continued breach of international human rights law and recommended that Canada completely legislate FPIC into law.<sup>4</sup>

1 UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), 2 October 2007.

2 UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), 2 October 2007.

3 Government of Canada, *Canada's response to concerns raised by the Committee on the Elimination of Racial Discrimination under its Early Warning and Urgent Action Procedure: Site C dam* at para 13.

4 José Francisco Calí Tzay, *Report of the Special Rapporteur on the rights of Indigenous Peoples*, 24 July 2023, para 95(c) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/139/12/PDF/G2313912.pdf?OpenElement>

# WET'SUWET'EN LAND DEFENDERS



New Amnesty International research revealed that Canada did not adequately discharge its duty to consult with the Wet'suwet'en Nation in accordance with international human rights standards with regards to the Coastal GasLink (CGL) pipeline project. As a result of the lack of consent, Wet'suwet'en land defenders and their supporters are being targeted by CGL and the Royal Canadian Mounted Police (RCMP) on their territory in the interest of the pipeline project. Wet'suwet'en land defenders are surveilled, harassed and intimidated solely for living on or visiting their territory. Amnesty International observed these tactics during visits to Wet'suwet'en territory in May and June. Members of Amnesty International's research team were also followed, photographed and filmed by the RCMP and Forsythe Security on multiple occasions.

Constant surveillance and intimidation by the RCMP and Forsythe Security has severe impacts on the Wet'suwet'en land defenders' ability to be and feel safe on their territory. The actions of the RCMP and Forsythe Security also affect Wet'suwet'en land defenders' rights to hunt, trap, fish, gather and conduct ceremonies on their territory.

**Despite continued calls by UN bodies to respect Indigenous rights, Canada continues the criminalization of land and water defenders from the Wet'suwet'en Nation.**

The RCMP has conducted four large-scale police operations against Wet'suwet'en land defenders.

The latest raid was in March, when more than a dozen RCMP officers raided the Gidimt'en Checkpoint, arresting five land defenders based on a claim of a “missing chainsaw.” The five land defenders have been charged with criminal contempt and the land defenders who were arrested in 2021 have begun trials in May and October or will go on trial in January 2024 for allegedly violating the terms of injunctions placed on Wet'suwet'en territory for the operation of the pipeline. The trial of Wet'suwet'en Hereditary Chief Dtsa'hyl, who has been charged with criminal contempt for allegedly blocking the construction of the CGL pipeline in violation of the injunction, started on May 15. If found guilty, they could be sentenced to prison.<sup>5</sup> In November, two individuals charged for violating the injunction pleaded guilty, while land defender Sabina Dennis was acquitted of a charge of criminal contempt. After his 10-day visit to Canada in March, the UN Special Rapporteur on the Rights of Indigenous Peoples highlighted that the use of injunctions and exclusion zones around worksites have created a favourable atmosphere for the criminalization of Indigenous land defenders who are protesting pipeline projects.

<sup>5</sup> Amnesty International, *Removed from our land for defending it: criminalization, intimidation, and harassment of Wet'suwet'en land defenders*, December 2023, <https://amnesty.ca/wp-content/uploads/2023/12/wetsuweten-report.pdf>

# VIOLENCE AGAINST INDIGENOUS WOMEN, GIRLS AND 2SLGBTQQIA+ PEOPLE

Violence against Indigenous women, Two-Spirit and gender-diverse people has reached alarming levels, inducing calls to declare a national emergency under the federal *Emergencies Act*.<sup>6</sup> In July, the UN Special Rapporteur on the Rights of Indigenous Peoples expressed deep concern over countless reports of missing and murdered Indigenous women, girls and 2SLGBTQQIA+ people. The Special Rapporteur released a statement stating that adequate financial support was imperative to carry out effective investigations and to return home the remains of missing and murdered Indigenous women, girls and children lost to the residential school system and the ongoing crisis of colonial gendered violence.<sup>7</sup> The Special Rapporteur also noted the urgent calls for government and community-based support toward recovering the remains of Mercedes Myran and Morgan Harris, two Long Plain First Nation women who were allegedly murdered<sup>8</sup>, from the Prairie Green Landfill in Winnipeg, Manitoba.

A federally funded, Indigenous-led feasibility study confirmed that the potential health and safety concerns could be mitigated. Experts also noted previous successful landfill searches in Canada.<sup>9</sup>

On September 18, the families of Harris and Myran and advocates urged the governments of Canada and Manitoba to search the landfill for the women's remains.<sup>10</sup> In a disappointing response to nationwide rallies, then Manitoba Premier Heather Stefanson restated her refusal to search the landfills, citing 'safety risks' as a key concern.<sup>11</sup> Amnesty International joined Indigenous leaders, organizations, advocates, and the affected families in condemning the Manitoba government's response and reiterated that searching the landfill for the remains of Myran, Harris and others is a necessary step toward true reconciliation.<sup>12</sup>

6 The Native Women's Association of Canada (NWAC), Canada's MMIWG2S Action Plan: Annual Score Card: An Annual Report Outlining the Federal Government's Progress on Implementing the Commitments Made in Their MMIWG2S National Action Plan, 2023, [https://nwac.ca/assets-documents/FEDERAL\\_ANNUAL\\_SCORE\\_CARD\\_ACTIONPLAN\\_2022-23\\_2023-06-01-030405\\_kxwx.pdf](https://nwac.ca/assets-documents/FEDERAL_ANNUAL_SCORE_CARD_ACTIONPLAN_2022-23_2023-06-01-030405_kxwx.pdf), p.5

7 UN Special Rapporteur on the Rights of Indigenous Peoples, Report, 24 July 2023, G2313912.pdf (un.org), UN Doc. A/HRC/54/31/Add.2, para.

8 UN Special Rapporteur on the Rights of Indigenous Peoples, End of Mission Statement, March 2023, pg. 6

9 Winnipeg Sun, "Landfill search has worked before, but found 'needle in haystack'", July 13 2023, <https://pressprogress.ca/heather-stefanson-launches-ads-declaring-she-will-never-search-landfill-for-remains-of-murdered-women/>

10 Amnesty International Canada, "Take Action on September 18: International Day of Action to #Searchthelandfills", September 12 2023, <https://www.amnesty.ca/blog/take-action-on-september-18-international-day-of-action-to-searchthelandfills/>

11 Press Progress, "Heather Stefanson Launches Ads Declaring She Will Never Search Landfill for Remains of Murdered Women", <https://pressprogress.ca/heather-stefanson-launches-ads-declaring-she-will-never-search-landfill-for-remains-of-murdered-women/>.

12 CBC News, "Manitoba Premier Wab Kinew Apologizes to Families of Slain Women for PC Landfill Election Ads", October 26 2023, <https://www.cbc.ca/news/canada/manitoba/winnipeg-landfill-search-kinew-meeting-families-1.7009490>

A black and white photograph of a woman with her eyes closed, wearing a yellow blindfold. She has red and black face paint on her face, including a large red 'W' shape and a black and red pattern on her chin. Her hand is visible, resting on a surface. The background is dark and out of focus.

“ Violence against Indigenous women, Two-Spirit and gender-diverse people has reached alarming levels, inducing calls to declare a **NATIONAL EMERGENCY.** ”

# VIOLENCE AGAINST INDIGENOUS WOMEN, GIRLS AND 2SLGBTQQIA+ PEOPLE


In October, newly elected Manitoba Premier Wab Kinew formally apologized to the families of Harris and Myran and affirmed the Manitoba government's commitment to search for the women's remains.<sup>13</sup>

In December, Amnesty International Canada and community-based organizations expressed deep concern about the RCMP's recent application to discard an estimated 14,000 exhibits collected from the Pickton farm and other related properties and associates.<sup>14</sup> The Pickton case highlights the ongoing racism and discriminatory practices of the police toward Indigenous women, girls and 2SLGBTQQIA+ people.

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13 CBC News, "Manitoba Premier Wab Kinew Apologizes to Families of Slain Women for PC Landfill Election Ads", October 26 2023, <https://www.cbc.ca/news/canada/manitoba/winnipeg-landfill-search-kinew-meeting-families-1.7009490>

14 CBC News, December 11 2023, "Victims' families, women's advocates demand RCMP halt plan to dispose of Robert Pickton evidence", Victims' families, women's advocates demand RCMP halt plan to dispose of Robert Pickton evidence | CBC News



**Indigenous women, girls and  
2SLGBTQQIA+ people continue  
to be killed at a rate  
SIX TIMES HIGHER than  
non-Indigenous women and  
gender-diverse people.**

# THREATS FACED

## BY INDIGENOUS WOMEN AND 2SLGBTQQIA+ DEFENDERS



In addition to criminalization and mass surveillance, Indigenous women, Two-Spirit and gender-diverse defenders experience sexual and gender-based violence by state actors. The RCMP, provincial and municipal police and private security services hired by resource-extraction companies harass, assault and intimidate women, girls, Two-Spirit and gender-diverse people.

The Special Rapporteur on the Rights of Indigenous Peoples and the Special Rapporteur on Contemporary Forms of Slavery (Including its Causes and Consequences) both expressed specific concern over the high rates of sexual assault, exploitation and sex trafficking experienced by Indigenous women, girls and 2SLGBTQQIA+ people and defenders near temporary resource-extraction labour camps — known colloquially as “man camps”<sup>15</sup> — associated with the Coastal GasLink and Trans Mountain pipeline projects.

Despite international, national and community pressure, the federal and provincial governments failed to take concrete measures to prevent the alarming degrees of violence experienced by Indigenous women and 2SLGBTQQIA+ people and defenders.

**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, while an implementation timeline has yet to be released.**

While a progress report was released in 2022, it lacks clear implementation timelines. Meanwhile, Indigenous women, girls and 2SLGBTQQIA+ people continue to be killed at a rate six times higher than non-Indigenous women and gender-diverse people.

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<sup>15</sup> UN Special Rapporteur on Contemporary Forms of Slavery Including its Causes and Consequence, End of Mission Statement, 6 September 2023, [eom-statement-canada-sr-slavery-2023-09-06.pdf](https://www.ohchr.org/en/documents/other-documents/eom-statement-canada-sr-slavery-2023-09-06.pdf) (ohchr.org); UN Special Rapporteur on the Rights of Indigenous Peoples, Report, 24 July 2023, para. 38.

# CHILD WELFARE DISCRIMINATION



In July, the Canadian Human Rights Tribunal approved a \$23.3-billion settlement agreement to compensate more than 300,000 First Nations people and families who experienced discrimination through Canada's underfunding of certain child welfare and family services programs. The settlement was reached after First Nations tirelessly demanded justice for the government's failure to properly fund child welfare services on reserve and in the Yukon Territory and to implement Jordan's Principle, which is meant to ensure that First Nations children can access the supports they need, when they need them. In October, the Federal Court approved the compensation agreement. A distribution protocol setting out the application process for claimants and a timeline for compensation has yet to be finalized.



# RECOMMENDATIONS

1

In collaboration with Indigenous Peoples, ensure effective incorporation of the right to consultation and free, prior and informed consent, aligning with international human rights standards.

2

Implement systemic and institutional changes to end the criminalization and surveillance of Indigenous land and water defenders and the militarization of Indigenous Peoples' lands and territories.

3

Withdraw the RCMP and associated police forces from the Wet'suwet'en and Secwépemc nations' unceded traditional territories.

4

Develop and implement a national strategy to identify, address and prevent environmental racism as well as advance environmental justice.

5

Strengthen financial support, advocacy and implement distinctions-based and culturally affirming measures to ensure the safety and full protection of Indigenous women and 2SLGBTQQIA+ land and water defenders.

6

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 2SLGBTQQIA+ people;
- Develop national databases and alert systems to track disappearances, including, but not limited to, a 'Red Dress Alert' as recommended by Winnipeg Centre MP Leah Gazan;<sup>16</sup> and
- Allocate funds and resources toward the excavation of landfills, residential schools, and other sites for the remains of murdered Indigenous women, children and 2SLGBTQQIA+ people as requested by impacted families and advocates.

<sup>16</sup> Ontario Federation of Labour, Support the Creation of a Red Dress Alert, 2023 <https://ofl.ca/action/red-dress-alert/>

**7**

Work with Indigenous survivors and impacted families to create robust and well-funded Indigenous civilian oversight mechanisms in all jurisdictions, that would observe and oversee investigations pertaining to police violence and misconduct.

**8**

The RCMP must preserve all evidence related to the Pickton case and thoroughly investigate all cases.

**9**

Prioritize allocation of resources to ensure the integrity of the evidence is preserved and rigorous investigation is carried out of the unsolved cases related to Pickton.

**10**

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.

**11**

Meaningfully engage with Indigenous Peoples to develop distinctions-based, trauma-informed and culturally responsive recommendations toward the creation of a permanent Ombudsperson Office and Human Rights Tribunal. The recommendations must underscore the Ombudsperson’s statutory powers to compel testimony and documentation and include binding mechanisms for remedy and redress.<sup>17</sup>

**12**

Implement systemic changes to end discrimination against Indigenous children, youth and families in the social welfare and child protection system.

**13**

Uphold international legal obligations by considering the best interests of Indigenous children in all actions, including by preserving their family environment and protecting their cultural identity through the provision of appropriate child welfare services.

<sup>17</sup> UN Special Rapporteur on the Rights of Indigenous Peoples, Report, 24 July 2023, (previously cited) para.15.

02 \_\_\_\_\_

**GENDER**

**RIGHTS**





# ANTI- 2SLGBTQQIA+ HATE



Violence against women, girls and 2SLGBTQQIA+ people is pervasive in Canada. Increasingly alarming incidents of hate occurred this year, ranging from the vandalism of Pride flags outside homes and schools to anti-2SLGBTQQIA+ protests at drag story time events for children and families.<sup>18</sup>

In September, large-scale anti-2SLGBTQQIA+ protests took place across Canada, aimed at eliminating inclusive sexual-orientation and gender-identity curriculum and policies from schools.<sup>19</sup>

“Violence against women, girls and 2SLGBTQQIA+ people is pervasive in Canada.”

18 ANTI-HATE.CA, “Students join anti-trans protest outside city school”, April 13 2023, [https://www.antihate.ca/students\\_join\\_anti\\_trans\\_protest\\_city\\_school](https://www.antihate.ca/students_join_anti_trans_protest_city_school)

19 Atlanta News, “Pride flag allegedly set on fire at Halifax-area school”, April 23 2023, <https://atlantic.ctvnews.ca/pride-flag-allegedly-set-on-fire-at-halifax-area-high-school-1.6367739#:~:text=%E2%80%9CThe%20allegation%20was%20that%20a,High%20School%20in%20Upper%20Tantallon;>

ANTI-HATE.CA, “Students join anti-trans protest outside school, April 13 2023”, [https://www.antihate.ca/students\\_join\\_anti\\_trans\\_protest\\_city\\_school](https://www.antihate.ca/students_join_anti_trans_protest_city_school); ANTI-HATE.CA, “Important context about the 1 Million March 4 children”, September 15 2023, [https://www.antihate.ca/1\\_million\\_march\\_4\\_children](https://www.antihate.ca/1_million_march_4_children).

# LEGISLATION TARGETING 2SLGBTQQIA+ CHILDREN AND YOUTH



The provinces of Saskatchewan and New Brunswick have passed parental-consent legislation for children under 16 in public schools. In August, the New Brunswick government revised Policy 713 to state that teachers and staff in public schools will not use the names and pronouns of transgender and non-binary students that align with their gender identities, unless they have parental consent.<sup>20</sup> In October, the Government of Saskatchewan passed Bill 137 containing similar parental-consent provisions and included the notwithstanding clause in the *Canadian Charter of Rights and Freedoms* to protect the policy from being struck down in court.<sup>21</sup>

The new Saskatchewan law has no exceptions for school use of students' preferred names and pronouns. The New Brunswick education policy creates exceptions for using students' preferred names when helping them plan to speak

to their parents to obtain consent or when speaking to professionals at school for support.<sup>22</sup> The New Brunswick policy has been criticized by the provincial Child and Youth Advocate for its violation of children's rights to equality and privacy.<sup>23</sup>

These laws recognize that emotional and physical harm may ensue for children, but only encourage creating a plan of action with school staff to address these concerns with parents. These laws do not remove harm. They exacerbate harm by requiring parental consent regardless of repercussions to children and young people.

Amnesty International and gender-justice organizations strongly condemn these policy measures.

20 See Bill No 137, An Act to amend The Education Act, 1995 respecting parental rights, 3d sess, 29th Leg, Saskatchewan, 2023 [Saskatchewan Bill 137]. See also Government of Saskatchewan, "Parents' Bill of Rights' Passed And Enshrined in Legislation" (October 20, 2023), news release, online: Government of Saskatchewan <https://www.saskatchewan.ca/government/news-and-media/2023/october/20/parents-bill-of-rights-passed-and-enshrined-in-legislation>.

21 See Saskatchewan Bill 137, *supra* note 1 at s 197.4(3), 197.4(4). See also Canadian Charter of Rights and Freedoms, s 33, part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982, c 11 a.

22 See Government of New Brunswick, "Policy 713 Sexual Orientation and Gender Identity" (2020) online (pdf): New Brunswick <<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/policies-politiques/e/713-2023-07-01.pdf>> at 6.3.3 [Policy 713].

23 See Kelly Lamrock, "Findings and Recommendations: Results of the Advocates' Investigation into the Decision of the Department of Education and Early Childhood Development to Place Policy 713 Under Review" (May 16 2023) online (pdf): Kelly Lamrock <<https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/646393b3a39d3e26e3d9f8a0/1684247476892/Policy+713+-+Findings+and+Recommendations.pdf>>.

# ONLINE HARMS



Newer forms of gender-based violence, including online threats and harassment, have emerged. Online abuse specifically targets women in public-facing professions such as politics, activism and journalism. From sexist, racist, misogynistic, homophobic and transphobic attacks to threats of rape and death, these impacts range from problematic to abusive, exposing the disturbing trend of threatening rhetoric based on the intersections of gender, race, class and religious affiliation.

**Indigenous, Black, and racialized women and gender-diverse people experience disproportionately high rates of online harassment.<sup>24</sup>**

In February, the office of Mary Simon, Canada's first Indigenous governor general, was forced to shut down comments on her social media accounts after receiving racist, misogynistic and otherwise abusive posts.<sup>25</sup>

<sup>26</sup>

<sup>24</sup> TVO, "It's political violence: What women and racialized candidates face on the campaign trail", 25 May 2022, [tvo.org/article/its-political-violence-what-women-and-racialized-candidates-face-on-the-campaign-trail](https://tvo.org/article/its-political-violence-what-women-and-racialized-candidates-face-on-the-campaign-trail)

<sup>25</sup> For prior incidents of discrimination and anti-Black racism, please see: Toronto.com, Joanna Lavoie, "Toronto NDP MPP's constituency office vandalized with feces, eggs", 24 January 2022, [toronto.com/news/crime/toronto-ndp-mpps-constituency-office-vandalized-with-feces-eggs/article\\_838a5e4f-bc1b-5634-a210-207b0fe4ec2d.html](https://toronto.com/news/crime/toronto-ndp-mpps-constituency-office-vandalized-with-feces-eggs/article_838a5e4f-bc1b-5634-a210-207b0fe4ec2d.html)

<sup>26</sup> Nunatsiq News, "Mary Simon's office closes social media commenting over 'abusive, misogynistic and racist' posts", 14 February, 2023, <https://nunatsiq.com/stories/article/mary-simons-office-closes-social-media-commenting-over-abusive-misogynistic-and-racist-posts/>

In March, well-known trans activist Fae Johnstone was the target of mass online hate and harassment.<sup>27</sup> Trans and gender-diverse people have also become the targets of unique forms of cyberbullying such as doxing<sup>28</sup> and swatting.

Under the *UN's Guiding Principles on Business and Human Rights*, social media enterprises have a key responsibility to respect all human rights, including the right to freedom of expression and non-discrimination and taking action to prevent and end the abuse of these rights.<sup>29</sup> Social media giants like X (formerly Twitter) continue to demonstrate a lack of accountability and commitment toward safeguarding the human rights of Indigenous, Black, racialized and 2SLGBTQIA+ communities in online spaces.<sup>30</sup>

<sup>27</sup> nistic-and-racist-posts/

<sup>27</sup> The Abbotsford News, "Fears for LGBTQ Mental Health, as Flood of Online Hate Spills into Real World", June 22 2023, <https://www.abbynews.com/trending-now/fears-for-lgbtq-mental-health-as-flood-of-online-hate-spills-into-real-world-1837998>

<sup>28</sup> Global News, Ahmar Khan, "Trans woman, Twitch streamer Keffals doxxed, arrested at gunpoint by London, Ont. Police", 9 August 2022, <http://globalnews.ca/news/9048763/trans-woman-twitch-streamer-keffals-london-police/>

<sup>29</sup> United Nations Office of the Human Rights Commissioner, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, 2011, 30 Amnesty International, *Toxic Twitter- A Toxic Place for Women*, (Index: ACT 30/8070/2018), 2018, <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/>

During the 2021 federal election, the incumbent Liberals promised to enact legislation to address online safety.<sup>31</sup> Since then, the Trudeau government has yet to pass this legislation. Government consultations with experts and rights-holders have drawn attention to the urgent need for legislation that would hold social media enterprises and platforms accountable for their services, promote *Charter* rights and protect and support survivors and intersectionally marginalized groups.<sup>32</sup>

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31 Liberal Party of Canada, “Forward for Everyone”, <https://liberal.ca/forward-for-everyone/>, page 24.

32 Michael Geist, “The Canadian Heritage Credibility Gap on Online Harms, Part One: Public Report Did Not Disclose 90% Opposition to Its 2021 Proposal.” April 11, 2023, <https://www.michaelgeist.ca/2023/04/the-canadian-heritage-credibility-gap-on-online-harms-part-one-public-report-did-not-disclose-90-opposition-to-its-2021-proposal/>



## RECOMMENDATIONS

**“Trans and gender-diverse people have become the targets of unique forms of cyberbullying such as doxing.”**

14

Urgent attention must be given to the systemic nature of political and social gender-based violence targeted toward women and 2SLGBTQQIA+ communities.

15

The governments of Saskatchewan and New Brunswick must reverse anti-2SLGBTQQIA+ legislation and policy changes. Canada must take a clear stand against the rising anti-2SLGBTQQIA+ hate rhetoric and strengthen its commitment and associated measures to protect the human rights of women, girls and 2SLGBTQQIA+ communities holistically.

16

Ensure anti-2SLGBTQQIA+ hate is meaningfully addressed in the National Action Plan on Combatting Hate through meaningful engagement with 2SLGBTQQIA+ communities, organizations and human rights defenders in the development and implementation strategy.

17

Appoint a Canadian Special Envoy on International LGBTI+ Rights to promote LGBTI+ equity and human rights globally.

*(Note: The acronym LGBTI+ is used when referring to individuals outside of Canada while 2SLGBTQQIA+ is used when referring to individuals within Canada.)*

18

Allocate dedicated funding for disaggregated inter-sectional gender and race-based data collection and analysis on human rights abuses experienced by 2SLGBTQQIA+ communities in Canada.

19

Appoint a Special Representative to address and prevent anti-2SLGBTQQIA+ hate in Canada.

20

Allocate sustainable funding for women and 2SLGBTQQIA+ community-led organizations to support the successful implementation of the National Action Plan on Combatting Hate and the Federal 2SLGBTQI+ Action Plan.

21

Implement the recommendations made by MP Randall Garrison in the *White Paper on the Status of Trans and Gender Diverse People*.

22

Canada must ensure any legislation aimed at promoting digital safety upholds the principles guaranteed by the *Charter of Rights and Freedoms*.

**03** \_\_\_\_\_

**SYSTEMIC**

**AND STRUCTURAL**

**RACISM AND**

**DISCRIMINATION**



# ANTI-BLACK RACISM IN THE FEDERAL PUBLIC SERVICE

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## Anti-Black racism persists in the federal public service.

In March, the Treasury Board of Canada declared the Canadian Human Rights Commission (CHRC) to be in breach of the “No Discrimination” clause of their collective agreement after Black and racialized workers filed a grievance regarding systemic anti-Black racism, sexism, and systemic discrimination.<sup>33</sup> The CHRC’s own data also demonstrates that it previously dismissed race-based complaints at a greater rate than other complaints.<sup>34</sup> The CHRC has published Anti-Racism Action Plan Progress Reports that highlight their efforts to address these issues.

A proposed class action lawsuit launched on behalf of current, former, and past-prospective Black federal public service employees — alleging they were excluded from hiring and promotion opportunities because of systemic discrimination — is ongoing. Commonly referred to as the “Black Class Action,” the group seeks compensation for discrimination, the implementation of a plan for the hiring and promotion of Black employees, and the

implementation of a mental health fund to support people dealing with the devastating effects of discrimination.<sup>35</sup> Several unions have called on the Government of Canada to settle the lawsuit.

In March, the federal government announced a \$45.9-million action plan for Black employees in the public service, including a mental health fund and funding for dedicated career-development programs for Black employees.<sup>36</sup> In December, the government announced its intention to recognize Black people as a designated group under the *Employment Equity Act*, which would require employers to identify and eliminate employment barriers for Black people and ensure that Black people are adequately represented in the workforce.

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33 Treasury Board of Canada Secretariat, Letter to David McNairn, President of Association of Justice Counsel, 6 March 2023, on file with Amnesty International Canada (English-speaking).

34 CBC, “Human rights commission acknowledges it has been dismissing racism complaints at a higher rate”, 22 March 2023, <https://www.cbc.ca/news/politics/canadian-human-rights-commission-racism-1.6785734>

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35 Federal Court, Nicholas Marcus Thompson and others v Her Majesty the Queen, Court File T-148-20, Further Fresh As Amended Statement of Claim, 28 March 2022

36 CBC, “Budget 2023 pledges mental health fund for Black public servants”, 28 March 2023, <https://www.cbc.ca/news/canada/ottawa/federal-budget-2023-black-public-servants-mental-health-1.6793839>



**BLACK  
WORKERS  
MATTER**

# CRIMINAL LEGAL SYSTEM

Reports from last year indicate that **Indigenous, Black, and racialized communities continue to be overrepresented in the federal correctional system.**

Indigenous people represent five percent of Canada's population and 32 percent of all people in prisons.<sup>37</sup> Over the past few decades, the number of Indigenous people incarcerated has steadily risen while the overall number of people imprisoned in Canada has decreased. Indigenous women are the fastest-growing demographic in Canada's carceral system;<sup>38</sup> more than 50 percent of federally sentenced women are Indigenous.<sup>39</sup> Black and Indigenous women continue to be overrepresented in maximum security and Structured Intervention Units (SIU). Reports indicate that up to 100 percent of SIUs in women's institutions are occupied by Indigenous prisoners.<sup>40</sup>

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37 West Coast Prison Justice Society, April 2023, "Decarceration through Self-Determination: Ending the Mass Incarceration of Indigenous People in Canada" <https://prisonjustice.org/wp-content/uploads/2023/04/Decarceration-through-Self-determination-w.pdf>

38 Public Safety Canada, Government of Canada takes steps to address overrepresentation of Indigenous, Black and racialized people in the criminal justice system, 21 March 2023, <https://www.canada.ca/en/public-safety-canada/news/2023/03/government-of-canada-takes-steps-to-address-overrepresentation-of-indigenous-black-and-racialized-people-in-the-criminal-justice-system.html>

39 West Coast Prison Justice Society, April 2023, "Decarceration through Self-Determination: Ending the Mass Incarceration of Indigenous People in Canada" <https://prisonjustice.org/wp-content/uploads/2023/04/Decarceration-through-Self-determination-w.pdf>

40 Canadian Association of Elizabeth Fry Societies, The Failure of Creating Choices, 3 May 2022, <https://caefs.ca/wp-content/uploads/2022/05/2022-05-03-RP-The-Failure-of-Creating-Choices-1.pdf>

Black women have also reported egregious incidents of anti-Black racism, gendered discrimination, physical abuse, and further criminalization by correctional officers and staff.<sup>41</sup>

Trans and gender-diverse people experience specific forms of hate and abuse. Violence manifests through misgendering and deadnaming, police brutality during strip searches and being forced into binary clothing, or being held in gender-inappropriate correctional facilities.<sup>42</sup> In March, Two-Spirit individual Nick Dinardo, of Piapot First Nation, challenged Correctional Service Canada for the continued systemic and institutionalized violence and anti-Indigenous racism they faced while incarcerated. Dinardo experienced physical abuse, was kept in isolation for 23 hours a day and was forced to remain in men's prisons despite applying for relocation to a women's institution.<sup>43</sup>

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41 Office of the Correctional Investigator, A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries, <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022#s11>

42 Yvonne Boyer, Ayoola S. Odeyemi, Erin Fletcher and Jade Fletcher, "Vulnerable Targets: Trans Prisoner Safety, The Law and Sexual Violence in the Prison System", 2019, Canadian Journal of Women and Law, Volume 31, Issue 2, pp. 386- 412

43 Sask Dispatch, "Nick Dinardo challenges their rights being violated by Correctional Service Canada", 7 March 2023, <https://sask-dispatch.com/articles/view/nick-dinardo-challenges-their-rights-being-violated-by-correctional-service-canada>



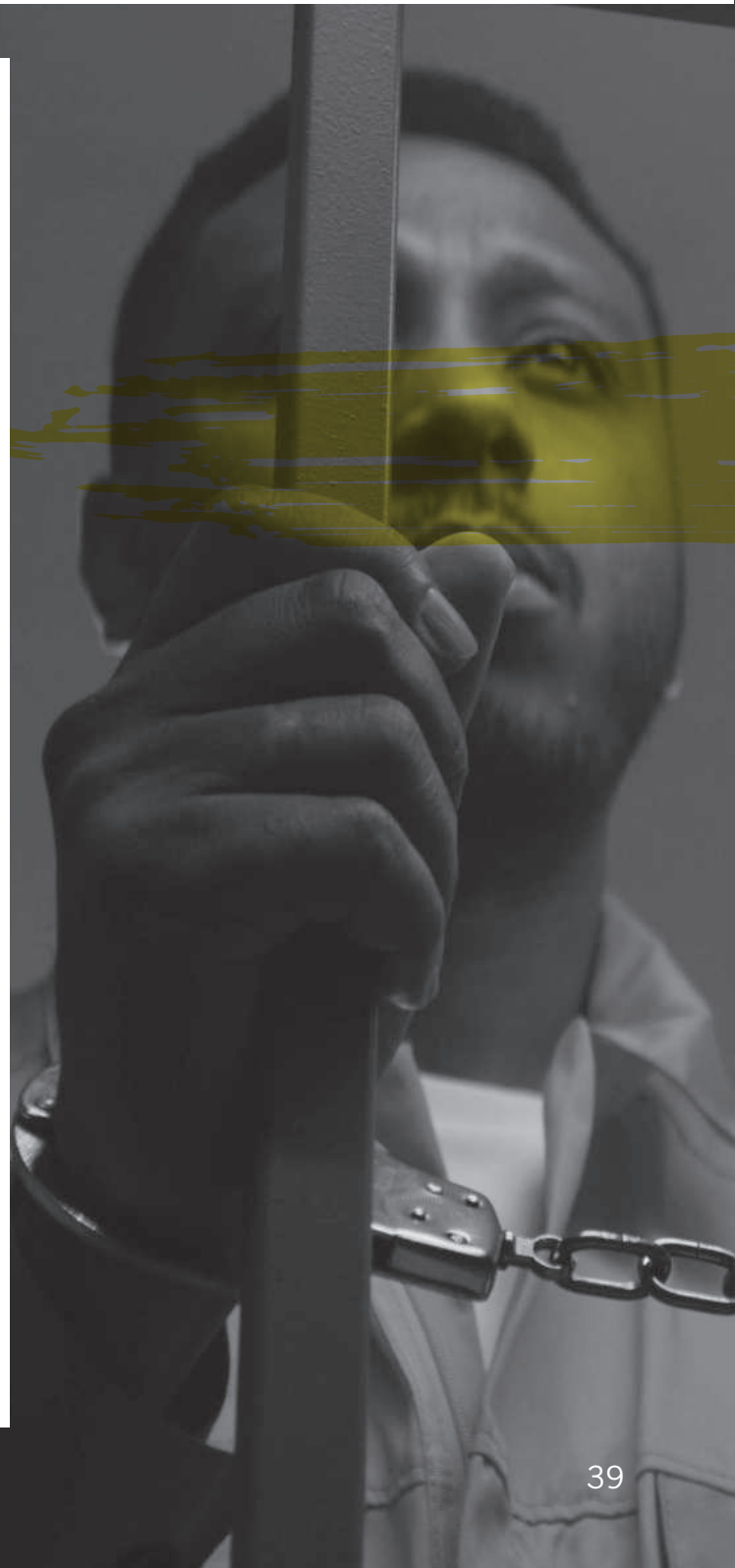
In 2018 Canada officially recognized the International Decade for People of African Descent by the United Nations (2015-2024). With this proclamation, the federal government committed to urgently remedying the overrepresentation of Black people in the correctional system.<sup>44</sup> A Justice department-led Indigenous Justice Strategy (2021)<sup>45</sup> and a Correctional Service Canada-led Anti-Racism Framework (2018) were introduced to eliminate systemic racism and discrimination in the correctional services system.<sup>46</sup> Yet systemic racism and discrimination persist in the justice system while culturally affirming services and resources continue to be inaccessible, impacting the dignity and human rights of incarcerated Indigenous, Black and racialized communities.<sup>47</sup>

44 Prime Minister's Office, "Prime Minister announces that the Government of Canada will officially recognize the International Decade for People of African Descent", 30 January 2018, <https://www.pm.gc.ca/en/news/news-releases/2018/01/30/prime-minister-announces-government-canada-will-officially-recognize>

45 Government of Canada, "Indigenous Justice Strategy", <https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijs-sja/index.html>

46 Correctional Services Canada, "Anti-Racism Framework and Actions", <https://www.canada.ca/content/dam/csc-scc/images/campaigns/anti-racism-diversity-equity-inclusion1/csc-ar-framework-actions.pdf>

47 <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022#s11>





# DISCRIMINATION AGAINST SEX WORKERS



The criminalization of sex work — defined as the exchange of sexual services between consenting adults, with the terms agreed between the buyer and seller — leads to violations of sex workers' human rights.

In September, the Special Rapporteur on Contemporary Forms of Slavery (Including its Causes and Consequences) expressed concern about the *Protection of Communities and Exploited Persons Act* (PCEPA), which criminalizes the purchase of sexual services and associated activities.<sup>48</sup> The Special Rapporteur noted the *Act* made sex workers more vulnerable to abuse and exploitation by making it more difficult to check the identity of clients. In addition, reporting violence could lead to exposing their clients or co-workers and could lead to the deportation of migrant sex workers without permanent residency.<sup>49</sup>

The Rapporteur also found that sex workers face discrimination on the basis of being engaged in an illegal activity, including when attempting to access housing, financial services and social services like health care.<sup>50</sup>

In September, the Ontario Superior Court dismissed a constitutional challenge to PCEPA brought by the Canadian Alliance for Sex Work Law Reform, five sex workers and the former owner of an escort agency.<sup>51</sup> In October, a notice of appeal was filed.

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48 UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, End of Mission Statement, 6 September 2023, <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf>. See *Protection of Communities and Exploited Persons Act*, SC 2014 c 25, sections 15-20, which amended the *Criminal Code*, RSC 1985, c C-46, sections 213, 274, 278.2(1), 279.01(1), 279.02, 279.03, 286.

49 UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, End of Mission Statement, 6 September 2023, <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf>

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50 UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, End of Mission Statement, 6 September 2023, <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf>

51 Ontario Superior Court of Justice, *Canadian Alliance for Sex Work Law Reform v Attorney General*, 2023 ONSC 5197

# EMPLOYMENT EQUITY



In December, federal Labour Minister Seamus O'Regan announced the government's commitment to make changes to the *Employment Equity Act*, including the recognition of Black people and 2SLGBTQI+ people as designated groups under the *Act*. The announcement followed the release of the final report by a Task Force led by Professor Adelle Blackett.<sup>52</sup> The report is a positive step for intersectionally marginalized communities who have endured discrimination and advocated for change in the federal public service and employment sector for decades.

**Recognizing Black and 2SLGBTQI+ people as distinct groups facing systemic workplace discrimination is a pivotal first step toward acknowledging the historical harms, inequities and unique challenges experienced by these communities.**

The government also announced its intention to align the *Employment Equity Act's* definition of "persons with disabilities" with the definition in the *Accessible Canada Act*, which recognizes a social model of disabilities and focuses on barrier removal.

The government must legislate the new measures without further delay and work with affected communities to fully implement the Task Force's recommendations and to harmonize the *Act* with Canada's international human rights obligations and labour standards commitments.

<sup>52</sup> Government of Canada, "A Transformative Framework to Achieve and Sustain Employment Equity", Professor Adelle Blackett, 11 December 2023, <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/employment-equity/reports/act-review-task-force.html>

# RECOMMENDATIONS

23

Work with Black and racialized employees across the federal public service, including the CHRC, to develop, publish, and implement a plan to address systemic racism that includes a yearly timeline, indicators and accountability measures.

24

Appoint a Black Equity Commissioner as an independent officer of Parliament.

25

Ensure redress — including compensation — for employees subjected to anti-Black racism within the federal public service and for people whose race-based complaints were inappropriately rejected by the CHRC.

26

Work with affected groups to implement the Employment Equity Review Task Force's recommendations and to harmonize the *Employment Equity Act* with Canada's international human rights obligations and labour standards commitments. Disaggregated and intersectional data collection that is grounded in community-based approaches is imperative to meaningfully implement the Employment Equity Review Task Force's recommendations.

27

Ensure that the family law and criminal justice systems respect and promote the rights, dignity, safety, and wellness of Indigenous, Black and racialized women, 2SLGBTQQIA+ people, youth and children.

28

Take urgent systemic action by operationalizing existing governmental strategies to eliminate racism and discrimination against Black, Indigenous and racialized communities by law enforcement and legal systems.

**29**

Employ whole-of-government approaches to end the over-representation of Black, Indigenous, and racialized women, girls, Two-Spirit and gender-diverse people in prison and detention.

**30**

Develop and implement a national strategy to address the overrepresentation of Black people in the correctional system and provide culturally affirming services and supports to incarcerated Black people, as recommended by the UN Working Group of Experts on People of African Descent.<sup>53</sup>

**31**

Invest in Black-led and Indigenous-led services and supports that would prevent Black and Indigenous people from interacting with the criminal legal system.

<sup>53</sup> Office of the Correctional Investigator, "Office of the Correctional Investigator Annual Report 2021- 2022", June 30, 2022 <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022#s11>

**32**

Work with Indigenous governments and organizations to move resources away from Correctional Service Canada and toward Indigenous and community-led initiatives that address harm, safety and rehabilitation for Indigenous individuals and families. The goal of this recommendation is to reduce the number of Indigenous people in prison and support Indigenous-led resources and services that are alternatives to incarceration (including but not limited to Indigenous healing lodges).<sup>54</sup>

**33**

End racial profiling practices by law enforcement and correctional system staff.

**34**

Report publicly on the frequency, duration and outcomes of all dry cell placements.

<sup>54</sup> Prisoners' Legal Services, April 2023, *Decarceration Through Self-Determination: Ending the mass incarceration of Indigenous People in Canada*, p. 14

**35**

Provide permanent and stable funding for community-centred alternatives to criminalization and incarceration and services and resources that are grounded in transformative justice, human rights-based, culturally affirming, anti-racist, anti-oppressive, Indigenous-led and gender-responsive approaches.

**36**

Repeal the sections of PCEPA that criminalize sex work and refrain from introducing new laws that criminalize the consensual exchange of sexual services between adults for remuneration.

**37**

Ensure that anti-trafficking efforts do not conflate sex trafficking and sex work and do not negatively impact sex workers who are not trafficked or exploited.

**38**

Implement an intersectional, trauma-informed and rights-based approach to address discrimination and violence faced by sex workers.

**SYSTEMIC  
DISCRIMINATION**

**VIOLENCE**

**SEXISM**

**ABUSE**

**POLICE  
BRUTALITY**

**HATE**

**ANTI-BLACK  
RACISM**

**04** \_\_\_\_\_

**DIGNITY,  
FREEDOM  
AND JUSTICE**

**FOR REFUGEES  
AND MIGRANTS**





# ACCESS TO HEALTH CARE FOR PEOPLE WITH IRREGULAR MIGRATION STATUS



**Canada is violating international human rights law by not providing persons with irregular migrant status access to essential health care, which may lead to loss of life.**

Canada's Interim Federal Health Program provides limited and temporary health benefits coverage to refugee claimants and other individuals without provincial or territorial health insurance. However the program excludes people with irregular migration status. Nell Toussaint, an individual with irregular migration status, was denied health care coverage and brought a complaint to the UN Human Rights Committee. The Human Rights Committee found that Canada violated her rights to life and equality by refusing to provide essential health care services because of her status. The Committee called on Canada to make full reparations and prevent future violations, including by reviewing legislation to ensure migrants with irregular status have access to essential health care. Canada has repeatedly refused to implement the Committee's findings.<sup>55</sup>

Ms. Toussaint launched a legal challenge before the Ontario Superior Court of the government's continued denial of essential public health care to migrants with irregular status.<sup>56</sup> Ms. Toussaint suffered serious and lasting health consequences linked to her lack of access to adequate care. In January, Ms. Toussaint sadly passed away after suffering heart failure. The legal challenge is still ongoing.



<sup>55</sup> See, for example, Response of the Government of Canada to the Views of the Human Rights Committee Concerning Communication No 2348/2014 Submitted by Ms. Nell Toussaint, 29 January 2019, available at <https://www.socialrights.ca/2019/CanadaToussaintResponseonImpl.pdf>; Reply of the Government of Canada to the Human Rights Committee's Request for Further Information on Follow-Up to the Committee's Views in Communication No 2348/2014 Submitted by Ms. Nell Toussaint, 6 April 2022, on file with Amnesty International Canada (English-speaking).

<sup>56</sup> Ontario Court of Appeal, *Toussaint v Canada (Attorney General)*, 2023 ONCA 117, Court of Appeal judgment, 23 February 2023.

# IMMIGRATION DETENTION



The Canada Border Services Agency (CBSA) continues to detain refugee claimants and migrants for an indefinite period based solely on administrative (non-criminal) grounds, most commonly because they believe that person may not appear for examination, a hearing, or removal.<sup>57</sup>

## **Immigration detention has devastating and long-lasting impacts and can be deadly.**

In February, an inquest was held into the death of Abdurahman Hassan. Mr. Hassan came to Canada as a refugee, had mental health disabilities, and died after being incarcerated in immigration detention for three years, where he was repeatedly subjected to solitary confinement.<sup>58</sup> The inquest jury made 53 recommendations to prevent similar deaths in the future; the first was that the federal government stop using provincial jails for immigration detention in Ontario.<sup>59</sup> The coroner's inquest highlighted examples of serious human rights violations in immigration detention. These violations were also the subject of a report by Amnesty International and Human

Rights Watch.<sup>60</sup> For example, people with mental health conditions are subjected to disproportionately coercive treatment, including being incarcerated in provincial jails and solitary confinement. In addition, Black and other racialized people appear to be incarcerated for longer periods and are often detained in provincial jails rather than immigration holding centres.<sup>61</sup>

**While the federal government has failed to take concrete measures to end the use of provincial jails for immigration detention, in 2023, Ontario, Quebec, Saskatchewan, New Brunswick and Prince Edward Island committed to ending their immigration detention agreements or arrangements with the CBSA, joining British Columbia, Alberta, Manitoba and Nova Scotia, which made similar announcements in 2022.**<sup>62</sup>

By October 2024, people will no longer be incarcerated in these provinces' jails based solely on immigration grounds.<sup>63</sup>

57 Government of Canada, Canada Border Services Agency, "Quarterly detention and alternatives to detention statistics: Fourth quarter, fiscal year 2022 to 2023", <https://www.cbsa-asfc.gc.ca/securite-securite/detent/qstat-2022-2023-eng.html>

58 Human Rights Watch, "Inquest Highlights Abuses in Canada's Immigration Detention", 6 March 2023, <https://www.hrw.org/news/2023/03/06/inquest-highlights-abuses-canadas-immigration-detention>

59 Government of Ontario, "2023 coroner's inquests' verdicts and recommendations", <https://www.ontario.ca/page/2023-coroners-inquests-verdicts-and-recommendations#section-1>, accessed on 20 September 2023.

60 Amnesty International and Human Rights Watch, "I Didn't Feel Like a Human in There": Immigration Detention in Canada and its Impact on Mental Health, (Index: AMR 20/4195/2021), 17 June 2021, <https://amnesty.org/en/documents/amr20/4195/2021/en> 61 60

62 Amnesty International, "Ontario win a 'tipping point' in movement against immigration detention", 16 June 2023, <https://www.amnesty.ca/human-rights-news/ontario-immigration-detention-tipping-point>; Amnesty International, "Quebec, New Brunswick to end immigration detention in provincial jails", 13 June 2023, <https://www.amnesty.ca/human-rights-news/quebec-new-brunswick-ending-immigration-detention-contracts>

63 CBC, "Nova Scotia 1st province to stop imprisoning migrants", 31 August 2023, <https://www.cbc.ca/news/canada/ottawa/nova-scotia-1st-province-to-stop-imprisoning-migrants-1.6951800>

# CBSA OVERSIGHT

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Despite its sweeping powers, the CBSA remains the only major law-enforcement agency without independent civilian oversight. Amnesty welcomes the introduction of Bill C-20, *An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments*, which would provide long overdue oversight over border services agents. However, the proposed legislation suffers from serious shortcomings that must be addressed to ensure effectiveness. Amnesty and other civil society organizations decried the federal government's lack of consultation or engagement with key civil society stakeholders and have reiterated the importance of addressing the Bill's shortcomings.<sup>64</sup> In June, Amnesty International submitted a brief on Bill C-20 to Parliament's Standing Committee on Public Safety and National Security, stating its recommendations.<sup>65</sup>

While important changes were made when the Bill was considered by the Standing Committee, such as allowing third parties like public-interest organizations to

file complaints, additional changes are needed to ensure Bill C-20's effectiveness. These include ensuring access and removing barriers for complainants and their advocates, including for systemic complaints; preventing the CBSA from investigating itself in certain circumstances; ensuring recourse and redress; and removing restrictions on judicial review.

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<sup>64</sup> Amnesty International, "Open letter: Civil society groups decry inadequate consultation on Bill C-20", 21 June 2023, <https://www.amnesty.ca/human-rights-news/open-letter-bill-c-20>

<sup>65</sup> Amnesty International, Submission to the Standing Committee on Public Safety and National Security: Review of Bill C-20, 2 June 2023, <https://www.ourcommons.ca/Content/Committee/441/SECU/Brief/BR12490949/br-external/AmnestyInternational-e.pdf>

# SAFE THIRD COUNTRY AGREEMENT



Under the Safe Third Country Agreement, most people who arrive at the United States (US)-Canada land and water border seeking refugee protection in Canada are denied entry and turned back to the US.<sup>66</sup>

**People returned to the US are often detained in conditions that violate international standards and some, particularly those fleeing gender-based persecution, are unfairly denied refugee protection in the US and are at risk of being sent back to dangerous situations in their countries of origin.**<sup>67</sup>

The Safe Third Country Agreement previously only applied at official ports of entry, leading many to cross into Canada by unofficial routes, including via Roxham Road on the land border from New York state to Quebec, just to seek protection. In March, the Agreement was expanded to apply in between border crossing points if the person makes a claim within 14 days of arrival<sup>68</sup> forcing

people to take more irregular, dangerous, and underground border crossings just to seek protection.

In its June 2023 decision on a challenge of the Safe Third Country Agreement, the Supreme Court of Canada acknowledged the risks that people seeking refugee protection face when returned to the US.

However, the Supreme Court of Canada found the Agreement did not violate their *Charter* right to life, liberty and security of the person on the basis that an individual who would be at risk could access “safety valves” in Canada to stop their return to the US.<sup>69</sup> The “safety valves” referred to include, for example, a temporary resident permit. While these “safety valves” exist in the *Immigration and Refugee Protection Act*, they are not available in practice to people arriving at the border to seek protection, who are often returned to the US within hours. The Supreme Court did not rule on whether the Safe Third Country Agreement violates the equality rights of people wanting to seek refugee protection in Canada, and instead remitted the decision to the Federal Court.<sup>70</sup>

66 Government of Canada, “Canada-US Safe Third Country Agreement”, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>, accessed on 20 September 2023.

67 Canadian Council for Refugees v Canada (Citizenship and Immigration), 2023 SCC 17, Factum of the Appellants, 14 March 2022, [https://www.scc-csc.ca/WebDocuments-DocumentsWeb/39749/FMO10\\_Appellant\\_Canadian-Council-for-Refugees-et-al..PDF](https://www.scc-csc.ca/WebDocuments-DocumentsWeb/39749/FMO10_Appellant_Canadian-Council-for-Refugees-et-al..PDF), para. 14.

68 Government of Canada, “Canada-US Safe Third Country Agreement”, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>, accessed on 20 September 2023.

69 Canadian Council for Refugees v Canada (Citizenship and Immigration), 2023 SCC 17, judgment, 16 June 2023, <https://www.canlii.org/en/ca/scc/doc/2023/2023scc17/2023scc17.html>, para. 163.

70 Canadian Council for Refugees v Canada (Citizenship and Immigration), 2023 SCC 17, judgment, 16 June 2023, <https://www.canlii.org/en/ca/scc/doc/2023/2023scc17/2023scc17.html>, para. 182.

# EXPLOITATIVE VISAS

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In September, the Special Rapporteur on Contemporary Forms of Slavery (Including its Causes and Consequences) expressed concern that the agricultural and low-wage streams of Canada's Temporary Foreign Worker Program constitute a breeding ground for contemporary forms of slavery.<sup>71</sup> He noted that workers in these programmes receive closed work permits that are tied to a single employer, making employees vulnerable to exploitation and abuse. He also found that migrant workers are subjected to appalling working and living conditions but are often unable to signal abuses, as they may face homelessness and deportation if they lose their employment. Finally, the Special Rapporteur noted that while temporary foreign workers make vital contributions to Canada, paths for long-term or permanent residency are extremely limited or non-existent. This limitation was regarded as discriminatory by the Special Rapporteur, particularly because most temporary foreign workers are racialized.

The Special Rapporteur called on Canada to address the discrimination, exploitation and abuse faced by migrant workers, including recommendations respecting access to health care, pathways to residency, and restrictions on workers' ability to freely choose their employer.

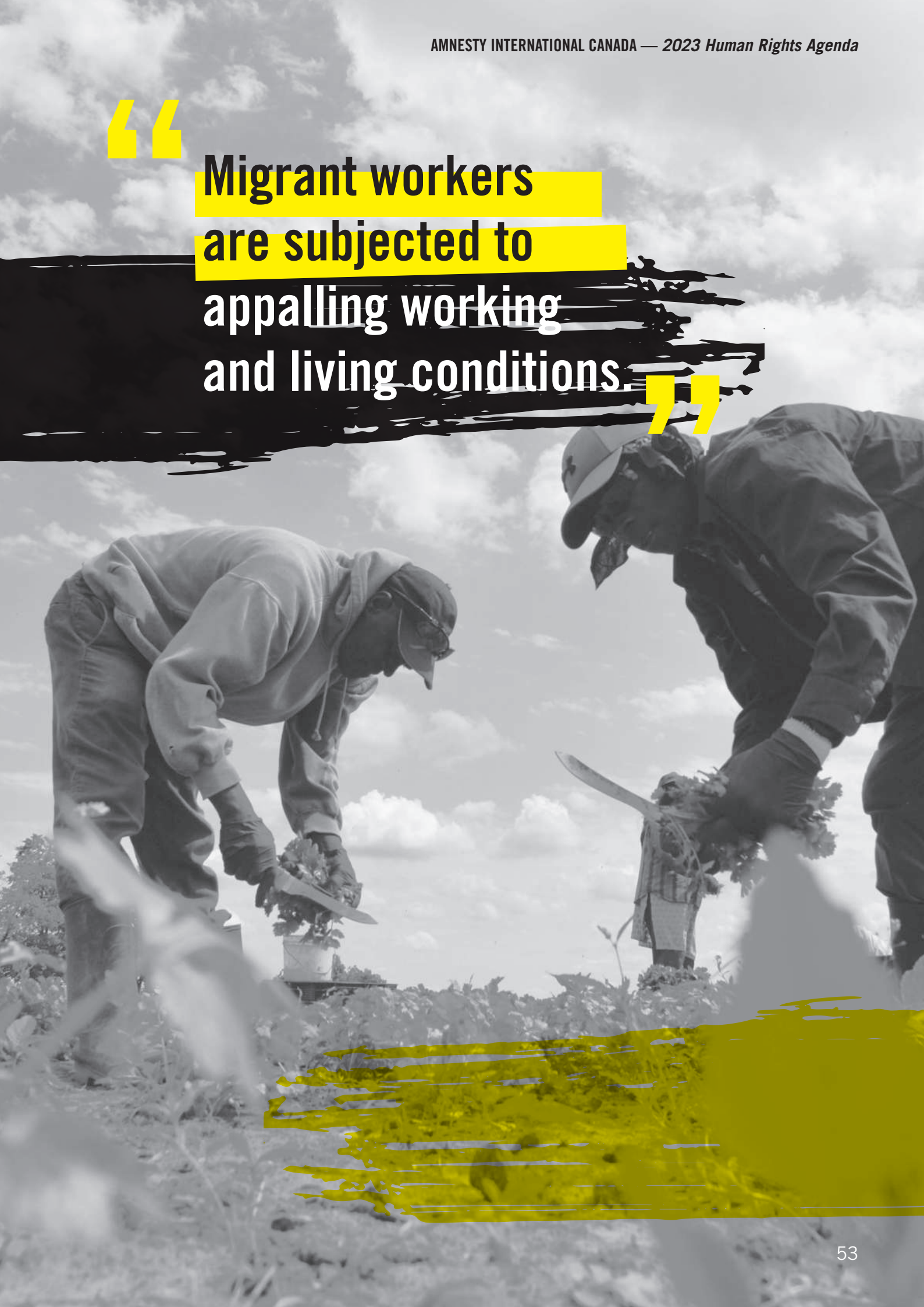
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71 UN Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences, End of Mission Statement, 6 September 2023, available at <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf>

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**Migrant workers  
are subjected to  
appalling working  
and living conditions.**

”



# RECOMMENDATIONS

**39**

Amend the Interim Federal Health Program to ensure that migrants with irregular status can access essential health care.

**40**

Implement the remedies called for by the Human Rights Committee in Communication No 2348/2014, including compensation.

**41**

Immediately and permanently end the use of provincial jails for immigration detention across Canada.

**42**

Uphold Canada's human rights obligations by withdrawing from the Safe Third Country Agreement and allow people to make claims for refugee protection in a safe, humane, and orderly manner.

**43**

Abolish all forms of immigration detention. Invest in community-based alternatives to detention that provide compassionate and tailored supports.

- In the interim, introduce a legislative limit on the length of immigration detention and address human rights abuses, including discrimination, within the immigration detention system.

**44**

Ensure that individuals arriving at the border to make a refugee claim are not directly or indirectly returned to a country where they are at risk of irreparable harm, including persecution, torture, ill-treatment or other serious human rights violations.

**45**

Ensure the rights of migrant workers are upheld by addressing the recommendations made by the Special Rapporteur on Contemporary Forms of Slavery.

46

**Create an effective independent oversight body for the CBSA by implementing the proposed amendments to Bill C-20 found in Amnesty's submission to the Standing Committee on Public Safety and National Security dated June 2, 2023, including:**

- Remove provisions that allow people in immigration detention to be placed in provincial jails, outside the reach of the oversight body;
- Allow impacted individuals and interested third parties to make systemic complaints;
- Remove unnecessary limitations on—and barriers to—making complaints and conducting reviews and investigations;
- Empower the Commission to have redress and recourse powers; and
- Ensure the Commission is fully independent of the CBSA and sufficiently resourced to conduct investigations and hearings.<sup>72</sup>

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<sup>72</sup> Amnesty International, Submission to the Standing Committee on Public Safety and National Security: Review of Bill C-20, 2 June 2023, <https://www.ourcommons.ca/Content/Committee/441/SECU/Brief/BR12490949/br-external/AmnestyInternational-e.pdf>



**05** \_\_\_\_\_

# **HUMAN RIGHTS DEFENDERS**





# INADMISSIBILITY PROVISIONS OF THE IMMIGRATION AND REFUGEE PROTECTION ACT

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The *Immigration and Refugee Protection Act* (IRPA) sets out the process for seeking refugee protection in Canada and regulates immigration into Canada, who may be admissible into Canada and who may not and under what status.

**The inadmissibility provisions of the IRPA can lead to inappropriate targeting of human rights defenders and may put Canada in breach of its obligations under the *UN Convention Relating to the Status of Refugees (UN Refugee Convention)*.**

A finding of inadmissibility carries extremely serious consequences, including becoming ineligible to be referred to the Refugee Protection Division to have a claim for refugee protection assessed.

For example, under section 34(1)(f) of the IRPA, a person is inadmissible on security grounds if they are a member of an organization where there are reasonable grounds to believe the organization engages in or instigates the subversion by force of any government, which would include individuals opposing an authoritarian regime in their home country. This section was used in 2023 to target a human rights defender who was part of an organization that was recognized internationally as representing the opposition to a government that engaged in crimes against humanity.<sup>73</sup>

Under the *UN Refugee Convention*, a person can only be excluded from refugee protection if they have committed a serious crime or if they have been found “guilty of acts contrary to the purposes and principles of the United Nations.” Mere membership in an organization and activism should not exclude human rights defenders from refugee protection under international law.

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73 The Group of Friends of the Syrian People, Chairman's conclusions from the Fourth Ministerial Meeting, 12 December 2012, available at <https://reliefweb.int/report/syrian-arab-republic/chairman%E2%80%99s-conclusions-fourth-ministerial-meeting-group-friends-syrian>

# VOICES AT RISK



Human rights defenders defending the rights to land, Indigenous territory, water, and a healthy environment face widespread violent repression for protesting and challenging resource-extraction projects, including Canadian-financed projects, and Canadian companies.<sup>74</sup>

**Indigenous communities continue to face a disproportionate level of lethal attacks and women continue to face gender-based violence, rooted in discriminatory gender norms.**<sup>75</sup>

Canada has clear obligations under international law to protect human rights defenders.<sup>76</sup> Canada's non-binding *Voices*

*at Risk: Guidelines on Supporting Human Rights Defenders*<sup>77</sup> has spurred embassy staff in some countries to undertake helpful engagement and make visible their support for defenders at risk. However, Amnesty International is concerned by complaints that defenders challenging the impacts of Canadian mining investment have not received the urgently needed support they requested of Canada.<sup>78</sup>

In addition to consistent implementation of the *Voices at Risk* guidelines, there remains a pressing need for an agile mechanism to respond quickly to emergency situations and enable threatened HRDs to seek safety and support in Canada on a temporary basis, so they can return to their country to continue their important work when the risk has diminished. This need is not met by the current Government-Assisted Refugee Program.

74 Amnesty International Canada, *Earth Day is Every Day: Stories from the Frontlines of Life-Protecting Struggles to Defend Lands and Water*, 30 April 2023, <https://www.youtube.com/watch?v=qIO-YnXQcEJw>; Amnesty International Canada, *They Will Not Stop Us: Panel Discussion with Women Water Defenders From Across the Americas*, 25 April 2022, <https://www.youtube.com/watch?v=2y-n9d5NRVGGQ>; Georgina Alonso and Kathy Price, *Above Ground and Amnesty International Canada, "After dam disaster in Colombia, Canada's EDC talks remedy but fails to provide it"*, 15 June 2022; Shin Imai, Leah Gardner, Sarah Weinberger, *The "Canada Brand": Violence and Canadian Mining Companies in Latin America* (Osgoode Legal Studies Research Paper No. 17/2017), 5 December 2017.

75 Global Witness, *Standing Firm: The Land and Environmental Defenders on the Frontlines of the Climate Crisis*, September 2023, <https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm/>

76 UN General Assembly (GA), *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 9 December 1998, General Assembly resolution 53/144; UN Human Rights Committee (HRC), *General Comment No. 36, Article 6: Right to Life*, 3 September 2019, UN Doc CCPR/C/GC/36.

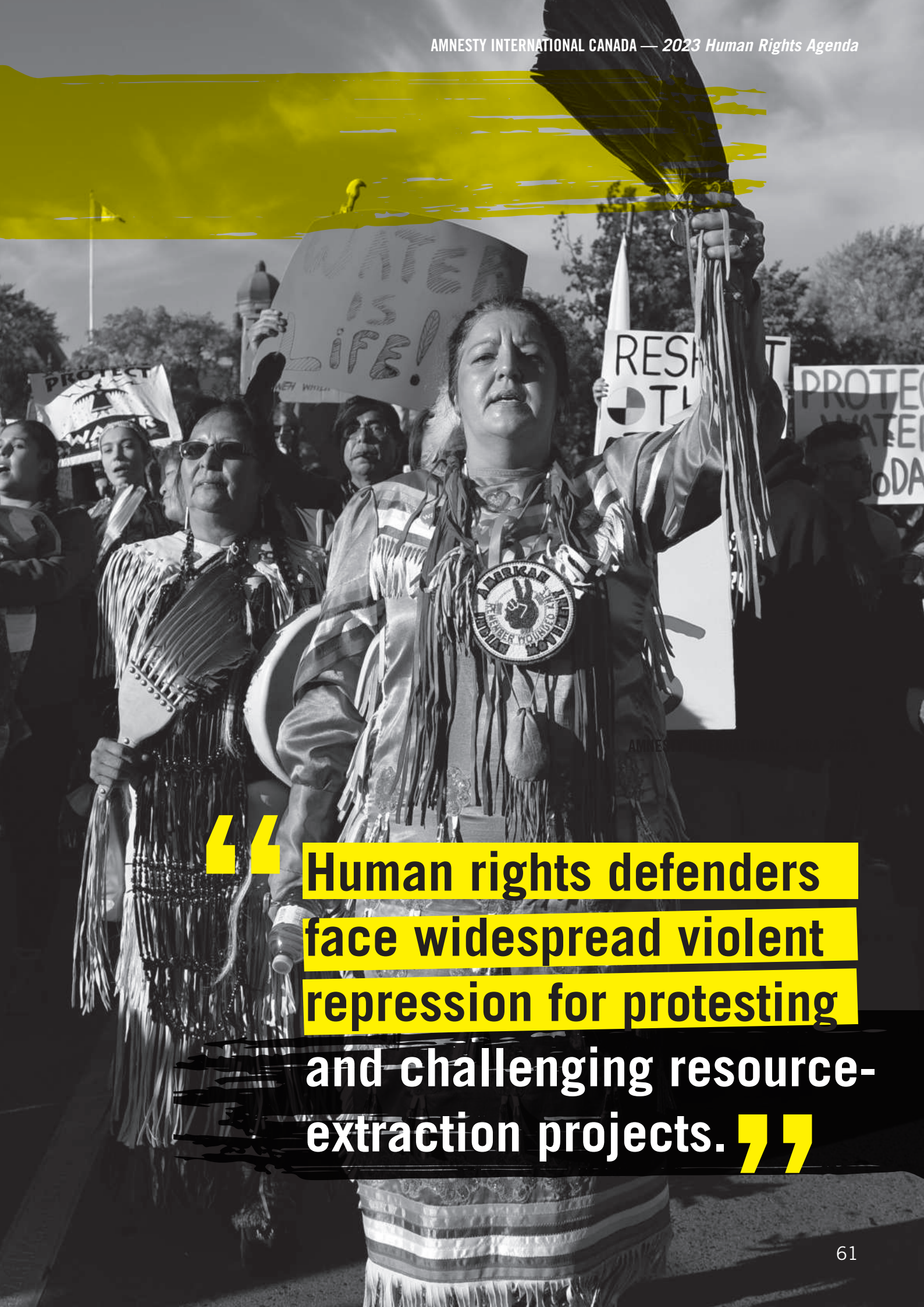
77 Government of Canada, *"Voices at Risk: Canada's Guidelines on Supporting Human Rights Defenders"*, 3 March 2023, [https://www.international.gc.ca/world-monde/issues\\_developpement-enjeux\\_developpement/human\\_rights-droits\\_homme/rights\\_defenders\\_guide\\_defenseurs\\_droits.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement/human_rights-droits_homme/rights_defenders_guide_defenseurs_droits.aspx?lang=eng).

78 Justice and Corporate Accountability Project, *"Canada's Systemic Failure to Fulfill its International Obligations to Human and Environmental Rights Defenders Abroad"*: Submission to the UPR Working Group of the United Nations Human Rights Council In anticipation of the 2023 Universal Periodic Review (UPR) of Canada, 4 April 2023, [https://miningwatch.ca/sites/default/files/jcap\\_submission\\_to\\_unpr\\_2023.pdf](https://miningwatch.ca/sites/default/files/jcap_submission_to_unpr_2023.pdf)

# HUMAN RIGHTS DEFENDERS' RESETTLEMENT STREAM

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Canada has a dedicated resettlement stream for human rights defenders (HRDs) who face risks for their human rights activities, cannot return to their home country due to a well-founded fear of persecution, and do not have access to a durable solution in a host country or other countries. In July, Canada announced that it had doubled the number of resettlement spaces to 500, enabling more HRDs and their family members to access safety in Canada. Amnesty International welcomes the expansion of the program as well as improvements which have made faster processing possible. However, processing currently takes about a year, during which HRDs face difficulties related to their immigration status, housing, employment and access to health and wellness services in their host country. Such difficulties are not felt equally, as people face intersecting forms of marginalization on the basis of gender identity and sexual orientation, disability, race, Indigeneity, age, income levels and family status.



“

**Human rights defenders face widespread violent repression for protesting and challenging resource-extraction projects.**”

# RECOMMENDATIONS

47

Amend IRPA to ensure that peaceful human rights defenders are not excluded from refugee protection, including by amending section 34(1)(f).

48

Increase alternative and community-based pathways to resettlement for women and LGBTI+ human rights defenders, refugees, and asylum seekers in accordance with the principle of responsibility sharing.

49

Establish and enhance flexible alternative pathways for women and LGBTI+ refugees, asylum seekers and human rights defenders that need urgent temporary refuge in Canada but may not qualify for traditional resettlement pathways.

50

Prioritize the development and implementation of intersectional, culturally affirming and gender-responsive support mechanisms that advance the needs, safety and holistic wellness of Indigenous, Black, and racialized human rights defenders and their families.

51

With meaningful input from civil society, including human rights defenders, women, Indigenous peoples, racialized and other affected communities, create:

- An independent reporting and oversight mechanism to enable transparency regarding how the *Voices at Risk* guidelines are implemented, and accountability regarding Canada's obligations to protect human rights defenders; and
- An agile, culturally affirming, intersectional and gender-sensitive emergency response program.

52

Continue to expand the number of resettlement spaces and shorten processing times for HRDs and their family members to resettle in Canada.

**53**

Create an emergency visa program for HRDs who need to access protection in Canada urgently.

**54**

Provide funding to support HRDs who have been referred for resettlement in Canada but face difficulties while awaiting processing in a host country.



**06** \_\_\_\_\_

**CLIMATE JUSTICE**

**AND CORPORATE**

**ACCOUNTABILITY**



# CLIMATE JUSTICE



In 2023, Canada was deeply impacted by global warming. The month of July was the hottest month on record, prompting the UN Secretary General to label 2023 as “the era of global boiling.”<sup>79</sup> The extreme heat and dry conditions contributed to Canada’s worst wildfire season on record.<sup>80</sup> By November 2, there were 6,623 wildfires, burning a total area of 18,401,197 hectares across Canada.<sup>81</sup> Smoke from wildfires has a more damaging impact on certain demographics, including children, pregnant individuals, older adults and people with heart or lung conditions, as they are particularly susceptible to the fine particulate matter produced by the fires.<sup>82</sup> These wildfires exceeded the coping capacities of Canada’s adaptation strategies, resulting in hundreds of thousands being uprooted from their homes.

The unprecedented wildfires caused significant damage in Nova Scotia, British Columbia, Quebec, Ontario and Alberta and led to a complete evacuation of Yellowknife, the capital of the Northwest Territories.<sup>83</sup>

**The impact of the climate crisis is even more severe for Indigenous Peoples, as it affects their ancestral lands without which their livelihood and unique cultural identity would be in peril.**<sup>84</sup>

The fires have had a devastating impact on Indigenous Peoples, many of whom were displaced, such as the Fort Chipewyan community in Alberta and the Uashat mak Mani-Utenam community in Quebec.<sup>85</sup>

79 UN News, “Hottest July ever signals ‘era of global boiling has arrived’ says UN chief” 27 July 2023, <https://news.un.org/en/story/2023/07/1139162>

80 Amnesty International Canada, “Health risks from Canadian wildfires an indictment of climate change failures,” 7 June 2023, <https://amnesty.ca/human-rights-news/health-risks-canadian-wildfires-climate-change/>

81 Natural Resource Canada “National Wildland Fire Situation Report” 13 September 2023, <https://cwfis.cfs.nrcan.gc.ca/report> (accessed at 22 September 2023)

82 Amnesty International Canada, “Health risks from Canadian wildfires an indictment of climate change failures,” 7 June 2023, <https://amnesty.ca/human-rights-news/health-risks-canadian-wildfires-climate-change/>

83 City of Yellowknife, “Evacuate Today” 18 August 2023, <https://www.yellowknife.ca/en/news/evacuate-today.aspx>

84 UN “Climate change”, <https://www.un.org/development/desa/indigenouspeoples/climate-change.html>

85 Amnesty International, Any tidal wave could drown us – Stories from the climate crisis, 3 November 2022, [https://www.amnesty.org/en/documents/IOR40/6145/2022/en/?utm\\_source=annual\\_report&utm\\_medium=epub&utm\\_campaign=2021](https://www.amnesty.org/en/documents/IOR40/6145/2022/en/?utm_source=annual_report&utm_medium=epub&utm_campaign=2021)

# FOSSIL FUEL SUBSIDIES

Despite feeling the impacts of global warming, Canada remains a heavy polluter particularly in the oil and gas sector. The fossil fuel sector is the most significant contributor to the emissions responsible for global warming.

**On a per capita basis, Canada provides more public finance to the fossil fuel industry than nearly every other G20 country.<sup>86</sup>**

Since 2019, Canada provided more than CAD \$50 billion in support of the fossil fuel industry through Export Development Canada.<sup>87</sup> In 2023, Canada became the first G20 country to introduce guidelines to phase out “inefficient fossil fuel subsidies.”<sup>88</sup> Under the guidelines, all subsidies to the fossil fuel industry are deemed inefficient unless they meet a set of criteria, which include increasing participation of Indigenous communities in the fossil fuel sector, meeting the needs of remote communities, and initiatives that support clean or renewable energy, among others.

However, the timeline provided to phase out inefficient fuel subsidies is too slow and fails to address public financing of fossil fuels, the industry’s main source of funding.<sup>89</sup>

**According to the Office of the Auditor General<sup>90</sup>, Canada will miss its emissions-reduction targets of 40-45 percent by 2030 and net zero by 2050, with the oil and gas sector continuing to be the highest emitter.**

On December 7, Canada introduced a landmark regulatory policy framework to place a cap on emissions produced by the oil and gas industry. However, it will not address or reduce oil and gas production.<sup>91</sup> The International Energy Agency has forecasted that Canada will increase oil production to record levels through 2028.<sup>92</sup>

86 Oil Change International, Canada’s new fossil fuel subsidy framework contradicts own international policy, 24 July 2023, <https://priceofoil.org/2023/07/24/canadas-new-fossil-fuel-subsidy-framework-contradicts-own-international-policy/>

87 Oil Change International, Canada’s new fossil fuel subsidy framework contradicts own international policy, 24 July 2023, <https://priceofoil.org/2023/07/24/canadas-new-fossil-fuel-subsidy-framework-contradicts-own-international-policy/>

88 Government of Canada, “Inefficient Fossil Fuel Subsidies Government of Canada – Guidelines”, 24 July 2023, <https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/inefficient-fossil-fuel-subsidies/guidelines.html>

89 Amnesty International, 138,000 letters sent urging Canadian government to end fossil fuel subsidies, 26 July 2023, <https://amnesty.ca/human-rights-news/ottawa-rally-fossil-fuel-subsidies/>

90 Office of Auditor General, “2023 Reports : the Commissioner of the Environment and Sustainable Development to the Parliament of Canada”, 7 November 2023, [https://www.oag-bvg.gc.ca/internet/English/parl\\_cesd\\_202311\\_06\\_e\\_44369.html](https://www.oag-bvg.gc.ca/internet/English/parl_cesd_202311_06_e_44369.html)

91 Government of Canada, “Oil and gas emissions cap”, 7 December 2023, <https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/oil-gas-emissions-cap.html>

92 International Energy Agency, Oil 2023: Analysis and forecast to 2028, 23 June 2023, <https://www.iea.org/reports/oil-2023> Pp. 46

Next year alone, Canada's oil and gas firms are expected to drill eight percent more wells.<sup>93</sup> Given Canada's ongoing expansion of fossil fuel projects, including projects like the Trans Mountain and Coastal Gaslink pipelines, the approach to capping emissions from fossil fuels appears impractical. The incongruent goals of increasing fossil fuel production and capping emissions leave the solution reliant on unproven technologies like carbon capture and storage.

At the 28th Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change in December, parties achieved a significant milestone by acknowledging the need to shift away from fossil fuels.<sup>94</sup> While this recognition is noteworthy, the resulting agreement contains loopholes that may be exploited by fossil fuel producers, including a reliance on unproven technologies such as carbon capture and storage, an emphasis on transitional fuels, as well as weak language on ending fossil fuel subsidies.<sup>95</sup> Furthermore, the financial commitments from developed countries to support Indigenous Peoples, frontline communities, and other marginalized groups remain inadequate.<sup>96</sup> Canada, along with other industrialized nations, agreed to the establishment of a loss and damage fund at the 27th COP in 2022. However, funding for the program has not been adequate to mitigate the risks to vulnerable communities.

In July, the Minister of Environment and Climate Change announced a \$450-million contribution to the Green Climate Fund.<sup>97</sup> With so many nations struggling with natural disasters, Canada's current commitment does little to mitigate the impacts of a warming world, particularly as the country continues to contribute harmful emissions.<sup>98</sup>



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93 The Guardian, "Canada oil and gas firms to drill 8% more wells next year as emissions target slips", 24 November 2023, <https://www.theguardian.com/world/2023/nov/24/canada-oil-gas-more-wells-trans-mountain>

94 Amnesty International, "What happened at COP28? Essential need-to-knows", 14 December 2023, <https://amnesty.ca/human-rights-news/what-happened-at-cop28-essential-need-to-knows/>

95 Amnesty International, "COP28 agreement to move away from fossil fuels sets precedent but falls short of safeguarding human rights", 18 December 2023, <https://amnesty.ca/human-rights-news/cop28-agreement-to-move-away-from-fossil-fuels-sets-precedent-but-falls-short-of-safeguarding-human-rights/>

96 Amnesty International, "COP28 agreement to move away from fossil fuels sets precedent but falls short of safeguarding human rights", 18 December 2023, <https://amnesty.ca/human-rights-news/cop28-agreement-to-move-away-from-fossil-fuels-sets-precedent-but-falls-short-of-safeguarding-human-rights/>

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97 Environment and Climate Change Canada, "Canada announces \$450 million for the Green Climate Fund, the world's largest dedicated climate change fund", 12 July 2023, <https://www.canada.ca/en/environment-climate-change/news/2023/07/canada-announces-450-million-for-the-green-climate-fund-the-worlds-largest-dedicated-climate-change-fund.html>

98 Reuters, "Rich nations to meet overdue \$100 billion climate pledge this year", 2 May 2023, <https://www.reuters.com/world/europe/uaes-jaber-urges-donors-deliver-100-bln-pledge-developing-countries-2023-05-02/>

# ENERGY TRANSITION



Canada has demonstrated a commitment to a clean-energy transition. The 2023 federal budget underscored the imperative of propelling Canada toward achieving a net-zero emissions economy by 2050 by powering homes, vehicles, and industries with cost-effective clean-energy solutions.<sup>99</sup> Canada's budget aims to bolster its competitiveness with the emerging clean-energy markets in the US and reaffirm its commitment to advancing the clean-energy sector.<sup>100</sup> However, the budget did not effectively address the needs of Indigenous Peoples, disadvantaged communities, or Canada's commitment to supporting vulnerable communities worldwide dealing with the repercussions of the climate crisis.<sup>101</sup>

The federal government's commitment to a clean-energy transition is also threatened by the Province of Alberta's decision on August 3 to impose an immediate moratorium on the approval of all clean-energy generation projects. The moratorium will remain in effect until February 29, 2024.<sup>102</sup>

99 Government of Canada, "A Made-in-Canada Plan: Affordable Energy, Good Jobs, and a Growing Clean Economy" 28 March 2023, <https://www.canada.ca/en/department-finance/news/2023/03/a-made-in-canada-plan-affordable-energy-good-jobs-and-a-growing-clean-economy.html>

100 The Globe and Mail, "Federal budget 2023: Ottawa gives \$20.9-billion over five years in tax credits to stay competitive with U.S. on clean economy spending", 28 March 2023, <https://www.theglobeandmail.com/canada/article-federal-budget-2023-climate-clean-energy/>

101 Environmental Defense, "Reaction to Canada's 2023 Budget from Environmental Defence Experts", 28 March 2023, <https://environmentaldefence.ca/2023/03/28/reaction-to-canadas-2023-budget-from-environmental-defence-experts/>

102 Alberta Government News, "Creating Certainty for Renewable Projects", 03 August 2023, <https://www.alberta.ca/release.cfm?xID=887605547987E-EABF-5E23-DF2C9F72DB845E6>

# ENVIRONMENTAL LEGISLATION

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In June, the Minister of Energy and Natural Resources tabled the *Canadian Sustainable Jobs Act* (Bill C-50). The legislation is aimed at transitioning Canada to green energy in a responsible way and advancing Canada towards a net-zero economy through the creation of sustainable jobs.<sup>103</sup> However, the bill is full of loopholes that create human rights risks in the extractive industries.

**As shown in the Amnesty International report *Powering Change or Business as Usual: Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of the Congo*, the increased demand for the materials used in sustainable energy has resulted in the displacement of thousands of people around the cobalt and copper mines.<sup>104</sup>**

The report demonstrates the need to ensure the pursuit of clean energy does not compromise the rights of people and the environment. The report links several mining corporations, including a Canadian company, Ivanhoe Mines, to human rights violations against hundreds of people affected by the expansion of copper

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103 Government of Canada, “Backgrounder: Canadian Sustainable Jobs Act” 15 June 2023, <https://www.canada.ca/en/natural-resources-canada/news/2023/06/backgrounder-canadian-sustainable-jobs-act.html>

104 Amnesty International and IBDGH, *Powering Change or Business as Usual: Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of the Congo* (Index: AFR 62/7009/2023), 11 September 2023, <https://www.amnesty.org/en/documents/AFR62/7009/2023/en/>

mines used in the production of lithium batteries.<sup>105</sup>

On April 25, Amnesty International, along with several civil society, religious, labour unions and environmental organizations under the coordination of the Canadian Network on Corporate Accountability (CNCA), submitted more than 43,000 signatures to Members of Parliament (MPs) of different political parties urging them to introduce mandatory human rights and environmental due diligence legislation.<sup>106</sup> The MP engagement was preceded by a rally in Montreal commemorating the 10-year anniversary of the Rana Plaza disaster in Bangladesh.<sup>107</sup> Canada voted for Bill S-211, a bill aimed at tackling forced and child labour in the supply chain. It has been characterized by several civil society organizations as a “report-only bill” that will make forced and child labour in the supply chain worse by providing the appearance of real action without any

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105 Amnesty International and IBDGH, *Powering Change or Business as Usual: Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of the Congo* (Index: AFR 62/7009/2023), 11 September 2023, <https://www.amnesty.org/en/documents/AFR62/7009/2023/en/>

106 CNCA, “MPs accept 43,000 signature petition for mandatory human rights and environmental due diligence legislation in Canada”, 26 April 2023, <https://cnca-rcrce.ca/2023/04/26/mps-accept-43000-signatures-for-mandatory-human-rights-and-environmental-due-diligence-legislation-in-canada/>

107 Amnesty International, “Ten years since Rana Plaza and still no laws to prevent a similar tragedy”, 22 March 2023, <https://www.amnesty.ca/human-rights-news/rana-plaza-disaster-no-laws/>



real impact.<sup>108</sup> According to civil society organizations, mandatory human rights and environmental due diligence legislation would require companies to prevent human rights abuses and environmental harm throughout their operation and value chain and could better address modern day slavery and child labour.<sup>109</sup>

On June 13, Bill S-5, which updates the *Canadian Environmental Protection Act*, received Royal Assent. The bill introduces the right to a healthy environment in federal law, mandates the consideration of cumulative toxic effects on vulnerable populations and prioritizes substance assessments for toxicity. However, civil society organizations, including Amnesty International, note that the bill imposes limitations on the right to a healthy environment — for example, by privileging economic-development priorities that could adversely impact some communities, particularly marginalized communities.<sup>110</sup>

Bill C-226, aimed at developing a national strategy to address environmental racism and promote environmental justice, was passed by the House of Commons on March 29. Indigenous and environmental groups highlighted that the bill, if passed into law, would provide the federal government an oversight role concerning specific environmental risks facing Indigenous Peoples, including oil sands tailing pond leaks.

**A submission by the Coalition of Environmental Rights, which includes Amnesty International, about the bill emphasized that Indigenous, Black, and other marginalized communities are disproportionately impacted by pollution.<sup>111</sup>**

At the time of writing this report, Bill C-226 was under review in the Senate.

108 CNCA, “Canada’s new law on forced and child labour in supply chains won’t work”, 3 May 2023, <https://cnca-rcrce.ca/2023/05/03/canadas-new-law-on-forced-and-child-labour-in-supply-chains-wont-work/>

109 CNCA, “MPs accept 43,000 signature petition for mandatory human rights and environmental due diligence legislation in Canada”, 26 April 2023, <https://cnca-rcrce.ca/2023/04/26/mps-accept-43000-signatures-for-mandatory-human-rights-and-environmental-due-diligence-legislation-in-canada/>

110 Coalition for Environmental Rights, “Parliament recognizes the rights to healthy environment-but there’s a catch” 30 May 2023, <https://www.environmentalrights.ca/media>

111 Coalition for Environmental Rights, “Submission to the House of Commons standing committee on Environment and sustainable development”, 1 November 2022, <https://www.ourcommons.ca/Content/Committee/441/ENVI/Brief/BR12052227/br-external/CoalitionForEnvironmentalRights-e.pdf>



# ENVIRONMENTAL COURT DECISIONS

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In October, the Supreme Court found the federal environmental assessment scheme under the *Impact Assessment Act* largely unconstitutional, producing a mixed result for climate justice. The Supreme Court found that the *Act* and its regulation exceeded parliamentary authority because the designated activities requiring a federal environmental assessment were outside the scope of federal jurisdiction.<sup>112</sup> The court did, however, declare a federal environmental assessment and impact scheme valid, provided there is a potential for a project to impact federal jurisdiction. The majority decision broadens the federal authority to initiate and carry out impact assessments by permitting officials to consider a range of pertinent information, including climate effects, sustainability, impacts on Indigenous Peoples and their rights, and gender-based impacts.<sup>113</sup>

On December 13, the Federal Court of Appeal issued rulings on both *La Rose v Canada* and *Misdzi Yikh v Canada*, recognizing the significance of climate change litigation in Canada. In the *La Rose v Canada* case, 15 youth filed a lawsuit against Canada for its failure to

address climate change. In the *Misdzi Yikh v Canada* case, Wet'suwet'en Hereditary Chiefs have been granted permission to proceed with their legal claim, asserting that Canada's actions contribute to climate change and its inaction poses a threat to their identity, culture, food security, and their relationship to their land and the life on it.<sup>114</sup>

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112 Supreme Court of Canada, "Case in Brief: Reference re Impact Assessment Act", <https://www.scc-csc.ca/case-dossier/cb/2023/40195-eng.aspx>

113 West Coast Environmental Law, "Two wins, a loss, and a question mark: What the Impact Assessment Act reference case means for the environment", 18 October 2023, <https://www.wcel.org/blog/two-wins-loss-and-question-mark-what-impact-assessment-act-reference-case-means-environment>

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114 RAVEN, "Rights, Charter, Action! Wet'suwet'en to Canada: see you in court" 13 December 2023, <https://raventrust.com/rights-charter-action-wetsuweten-will-see-you-in-court-canada/>

# CORPORATE ACCOUNTABILITY

**Canadian corporations abroad have been linked to allegations of widespread human rights abuses, including forced labour, displacement, sexual assault, environmental damages, and killings.<sup>115</sup>**

Canada is the home for almost half of the world's publicly listed mining companies, placing a great responsibility for the Canadian government to introduce binding mechanisms to hold these companies accountable.<sup>116</sup> In July, the UN Special Rapporteur on the Rights of Indigenous Peoples, in his final report on his country visit to Canada, identified several shortcomings of the Canadian Ombudsperson for Responsible Enterprise (CORE).

The weaknesses identified include CORE's placement within Global Affairs Canada and its accountability to the Ministry of International Trade. In addition, all CORE reports are reviewed by the Ministry.<sup>117</sup> Another area of concern relates to the lack of protective mechanisms for individuals

filing complaints, a lack of gender-based analysis, and cultural sensitivity.<sup>118</sup>

Perhaps the most critical shortcoming is the fact that CORE lacks the authority to compel companies to provide both witnesses and documents.<sup>119</sup>

In July, the CORE announced the launch of separate investigations into two Canadian corporations linked to alleged human rights violations against Uyghur people in China.<sup>120</sup> In the following months, it announced several other ongoing investigations.<sup>121</sup> Amnesty International is concerned over the impact of the investigations since CORE cannot compel documents or witnesses. In seven out of the eight preliminary reports that the CORE has released so far, the companies have either given incomplete answers, not responded, or stopped engaging in the process altogether.<sup>122</sup>

115 CNCA, "Press release: Five years after announcement of independent corporate human rights watchdog, Government continues to turn back on people harmed by Canadian businesses", 18 January 2023, <https://cnca-rcrce.ca/2023/01/18/press-release-five-years-after-announcement-of-independent-corporate-human-rights-watchdog-government-continues-to-turn-back-on-people-harmed-by-canadian-businesses/>

116 UN Special Rapporteur on the rights of Indigenous Peoples, Canada Visit Report, 24 July 2023, UN Doc. A/HRC/54/31/Add.2, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/139/12/PDF/G2313912.pdf?OpenElement>

117 See UNSR report, Para 70

118 See UNSR report, Para 70

119 See UNSR report, Para 70

120 The CORE, "The CORE launches investigations into two Canadian companies: Allegations of Uyghur forced labour in the garment supply chains of Nike Canada Corp. and mining operations of Dynasty Gold Corp. in China" 11 July 2023, [https://core.ombuds.canada.ca/core\\_ombuds-ocre\\_ombuds/news-nouvelles/press-release-communique-2023-07-11.aspx?lang=eng](https://core.ombuds.canada.ca/core_ombuds-ocre_ombuds/news-nouvelles/press-release-communique-2023-07-11.aspx?lang=eng)

121 CNCA, "CORE 'investigations' into allegations of Canadian company links to Uyghur forced labour will likely yield few results" 24 August 2023, <https://cnca-rcrce.ca/2023/08/24/core-investigations-will-likely-lead-to-few-results/>

122 The Globe and Mail, "Canada's watchdog for corporate abuses abroad struggling to get companies to co-operate", 17 October 2023, <https://www.theglobeandmail.com/canada/article-canada-watchdog-for-corporate-abuses-abroad-struggling-to-get/>

# RECOMMENDATIONS

55

Canada must comply with its obligations to uphold international human rights standards, including the *UN Declaration on the Rights of Indigenous Peoples* and the *UN Guiding Principles on Business and Human Rights*.

56

Canada must reduce the impact of climate change-induced disasters by implementing its human rights obligation to mitigate climate change.

57

Ensure all evacuations due to climate crises, such as wildfires, abide by human rights principles and respect cultural practices.

58

Canada must close the loopholes in the new framework aimed at phasing out inefficient fossil fuel subsidies.

59

Provide effective remedies and support to those affected by climate crisis-induced disasters.

60

Canada must commit to rapidly and equitably phase out all fossil fuel use and production and all fossil fuel subsidies.

61

Canada must phase out financial subsidies provided to fossil fuel industries through Crown corporations.

62

Adopt renewable technologies in an equitable way without compromising the rights of people and the biodiversity of our planet.

63

Work with provinces to find climate solutions that fit local needs and priorities.

**64**

Ensure current fossil fuel sector workers are trained and able to work in new emerging fields of energy.

**65**

Introduce mandatory human rights and environmental due diligence legislation to prevent further abuse of human rights by Canadian corporations.

**66**

The CORE must be empowered with independent investigative powers, including the power to compel documents and testimonies.

**67**

Remove limitations placed upon the right to healthy environments in Bill S-5 and ensure that Bill C-226 becomes law at the earliest opportunity.

**68**

Increase funding to Indigenous led green-energy projects and allow the participation of Indigenous Peoples in the formulation of energy-transition policies.

07

# HUMAN RIGHTS IN FOREIGN POLICY



# HUMAN RIGHTS IMPACT ASSESSMENT OF TRADE AND INVESTMENT AGREEMENTS

**Canada has failed to act on repeated calls for a transparent, independent human rights impact assessment, in line with UN guidelines, before, during and after negotiation and implementation of trade and investment agreements.**<sup>123</sup>

In November 2022, Canada launched talks with Ecuador toward a free trade agreement between the two countries.<sup>124</sup> In early 2023, the Government of Canada invited input from Canadian stakeholders regarding the potential free trade agreement with Ecuador.<sup>125</sup> Indigenous and environmental organizations in Ecuador, including Amazonian Women Defenders of the Forest (Mujeres Amazónicas Defensoras de la Selva), were not invited to participate in Canada's consultation and as of December 31 had not been informed or consulted by the Government of Ecuador.

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123 Amnesty International Canada, "Citing grave concerns, Amnesty International Canada withdraws from reporting process on human rights and free trade between Canada and Colombia", 23 March 2018.

124 Government of Canada, "Minister Ng launches exploratory talks toward free trade agreement between Canada and Ecuador", 24 November 2022, <https://www.canada.ca/en/global-affairs/news/2022/11/minister-ng-launches-exploratory-talks-toward-free-trade-agreement-between-canada-and-ecuador.html>

125 Government of Canada, "Join the discussion: consulting Canadians on possible free trade agreement negotiations with Ecuador", last modified 21 February 2023, <https://www.international.gc.ca/trade-commerce/consultations/ecuador-equateur/fta-ale.aspx?lang=eng>

**Indigenous and environmental organizations have expressed concern that a free trade agreement between Canada and Ecuador could exacerbate a dire human rights situation in Ecuador.**

Canadian companies are accused of violating Indigenous Peoples' rights and territory in Ecuador and the organizations fear a free trade agreement would only give further legal protections for the companies.<sup>126</sup> The Government of Ecuador does not have a good record of protecting Indigenous rights. Ecuadoran authorities and companies operating in Ecuador failed to obtain free, prior and informed consent for activities affecting Indigenous territories, environment, health, water and food sources, including for large-scale projects, such as oil and mining.<sup>127</sup>

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126 Amnesty International Canada, "Submission to Public Consultations on a Potential Free Trade Agreement between Canada and Ecuador", 21 February 2023, <https://amnesty.ca/human-rights-news/amnesty-international-canadas-submission-to-public-consultations-on-a-potential-free-trade-agreement-between-canada-and-ecuador/>

127 Amnesty International, Ecuador: The Amazon at Risk, Submission to the 41st Session of the UPR Working Group, November 2022 (Index: AMR 28/5384/2022), March 2022, <https://www.amnesty.org/en/wp-content/uploads/2022/04/AMR2853842022EN-GLISH.pdf>



# Indigenous land rights are **HUMAN RIGHTS**

**FREE, PRIOR  
AND INFORMED  
CONSENT**

**PEOPLE  
NOT  
PROFITS**





STOP  
ARMING

REPRESSIONS!

# ARMS TRADE

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Canada is inconsistently applying its legal obligations under the Arms Trade Treaty. Canada acceded to the Arms Trade Treaty in 2019, an international treaty that prohibits the export of arms where there is an overriding risk that the export could result in negative consequences listed in the treaty. Canada then implemented Bill C-47, which explicitly references “serious acts of either gender-based violence or violence against women and children” as a negative consequence. Canada has not systematically implemented post-shipment controls in its national control system for the sale of arms and has been applying its obligations inconsistently by failing to suspend new and cancel existing arms exports to Israel and Peru despite overriding risks that exports could be used to commit or facilitate a serious violation of international human rights law.

Since December 2022, state security forces in Peru have used lethal force in response to protests that were overwhelmingly peaceful in nature, opening fire with assault rifles and live ammunition in a manner prohibited under international human rights law.<sup>128</sup> Amnesty International has

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128 UN Special Rapporteur on extrajudicial executions, 2006, UN Doc: A/61/311 (2006); UN Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 1 April 2014, UN Doc: A/HRC/26/36; UN Human Rights Committee, General Comment 37 on the right of peaceful assembly, 27 July 2020, Doc: CCPR/C/GC37.

also documented indiscriminate, unlawful use of tear gas and highly harmful metal pellets (lead shot), in contravention of international standards.<sup>129</sup> At least 49 people have been killed, including via extrajudicial executions and the massacre of 18 protesters and bystanders in Juliaca on January 9, 2023.<sup>130</sup> In addition, more than a thousand people have been injured during the repression. Amnesty International’s research has found systemic racism on the part of the authorities. Police only used live ammunition on protests in historically marginalized regions where the majority of the population are rural farmers (campesinos) and Indigenous peoples. Peaceful protesters, bystanders, people providing first aid and journalists documenting the repression were targeted.<sup>131</sup>

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129 Office of the UN High Commissioner for Human Rights (OHCHR), United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, 1 June 2020; Amnesty International, Kinetic Impact Projectiles in Law Enforcement; UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles), adopted on 7 September 1990.

130 OAS, Inter-American Commission on Human Rights, “IACHR Releases Report on the Situation of Human Rights in Peru,” May 3, 2023, [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2023/083.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/083.asp)

131 Amnesty International, Lethal racism: Extrajudicial executions and unlawful use of force by Peru’s security forces (Index: AMR 46/6761/2023), 25 May 2023, <https://www.amnesty.org/en/documents/amr46/6761/2023/en/>

**The gravity of these findings, together with Canada’s obligations under the Arms Trade Treaty,<sup>132</sup> compel a suspension of weapons exports and any direct or indirect supply, sale or transfer of equipment to Peru that could be used to commit human rights violations against civilians.**

On February 21 and May 27, respectively, Arms Trade Treaty parties Spain and Brazil announced they would suspend arms exports to Peru.



Between 2014 and 2022, Canada exported \$82 million in military goods and technology to Peru—including guns or gun parts, light armoured vehicles, riot control agents and related equipment.<sup>133</sup> According to redacted export permits obtained through Access to Information, military goods valued at about a million dollars were approved for export from February to October, amid a mounting toll of grave violations by state security forces against civilians.<sup>134</sup> In March, Canadian Trade Minister Mary Ng met with Peru Prime Minister Alberto Otárola at a mining convention in Toronto and reaffirmed “the positive and longstanding commercial ties between our countries.”<sup>135</sup>

A press release by Global Affairs Canada<sup>136</sup> and a tweet referencing the meeting<sup>137</sup> make no mention of the continuing human rights crisis.

In a meeting with Global Affairs Canada in May, Amnesty International was told that suspending arms export permits to Peru was not feasible or necessary. Yet in 2020, Canada suspended export permits to Türkiye to protect civilians.<sup>138</sup>

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133 Global Affairs Canada, Annual reports to Parliament on the administration of the Export and Import Controls Permits Act (EIPA), <https://www.international.gc.ca/controls-controles/report-rapports/index.aspx?lang=eng>, (accessed on 28 September 2023)

134 Global Affairs Canada, Reply to your request under the Access to Information Act which was received on May 9, 2023 (Index A-2023-00548 / PB3), 30 August 2023, on file with Amnesty International Canada.

135 Mary Ng, Minister of Export Promotion, International Trade and Economic Development, Twitter post, 6 March 2023, [https://twitter.com/mary\\_ng/status/1632855636370137088](https://twitter.com/mary_ng/status/1632855636370137088): “Today at #PDAC, I met with Peruvian Prime Minister Alberto Otárola and his delegation. Canada and Peru share a strong trading and investment relationship, and it was great to reaffirm the positive and longstanding commercial ties between our countries.”

136 Global Affairs Canada, News Release: “Minister Ng attends Prospectors & Developers Association of Canada Annual Convention”, 7 March 2023, <https://www.canada.ca/en/global-affairs/news/2023/03/minister-ng-attends-prospectors--developers-association-of-canada-annual-convention.html>.

137 Canada Trade, Twitter post, 6 March 2023, <https://twitter.com/CanadaTrade/status/1632861604369793024>: “At #PDAC, Minister Ng met with Peru’s Prime Minister. Together, they underscored their long-standing positive trade relationship, and the important role Canadian #mining companies are playing in #ResponsibleBusiness conduct.”

138 Francois-Philippe Champagne, Minister of Innovation, Science and Industry, Twitter post, 5 October 2020, <https://shorturl.at/bmAY2>: “In line with Canada’s robust export control regime and the ongoing investigation, I have suspended the relevant export permits to #Turkey. Canada calls for measures to be taken immediately to stop the violence and protect civilians.”

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132 Government of Canada, “Deposition of Canada’s instrument of accession to the Arms Trade Treaty”, 11 January 2023, <https://www.canada.ca/en/global-affairs/news/2019/06/deposition-of-canadas-instrument-of-accession-to-the-arms-trade-treaty.html>

Export permits to Belarus were also suspended in 2020 amid state-sponsored violence against public protest in that country.<sup>139</sup>

In recent years, arms sales to Israel have significantly increased with 315 export permits granted in 2022 along with military exports of \$21,329,783.<sup>140</sup> These figures do not include Canadian parts exported to the US, which in turn are integrated into US military equipment such as F-35 aircraft supplied to the Israeli Defense Force (IDF).<sup>141</sup> While data for all of 2023 was not available at the time of writing, between October 7 and December 6, \$28.5 million of new military exports were approved.<sup>142</sup>

**During IDF operations in the occupied Gaza Strip in October-December 2023, which have continued into 2024, Amnesty International documented repeated violations of international humanitarian law and potential war crimes.<sup>143</sup> Despite such concerns, Canadian officials did not conduct any additional reviews of Canadian military exports to Israel.<sup>144</sup> There should be no double standards when it comes to compliance with Canada's human rights obligations.**

139 Government of Canada, "Notice to Exporters and Brokers – Export and Brokering of items listed on the Export Control List and the Brokering Control List to Belarus", 9 November 2020, <https://www.international.gc.ca/trade-commerce/controls-controles/notices-avis/1033.aspx?lang=eng>

140 Global Affairs Canada, 2022 Exports of Military Goods, <https://www.international.gc.ca/transparency-transparence/controls-controles/military-goods-2022-marchandises-militaires.aspx?lang=eng>

141 Project Ploughshares, Fanning the Flames: The grave risk of Canada's arms exports to Israel, page 7, December 14, 2023, <https://www.ploughshares.ca/reports/fanning-the-flames-the-grave-risk-of-canadas-arms-exports-to-israel>

142 The Maple, Trudeau Government Authorized \$28.5 Million Of New Military Exports To Israel Since October, February 10, 2024, <https://www.readthemaple.com/trudeau-government-authorized-28-million-of-new-military-exports-to-israel-since-october/>

143 Amnesty International, Israel/OPT: 'Nowhere safe in Gaza': Unlawful Israeli strikes illustrate callous disregard for Palestinian lives, November 20, 2023, <https://amnesty.ca/human-rights-news/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives/>

144 Evidence of meeting #77 for Foreign Affairs and International Development in the 44th Parliament, 1st Session, October 23, 2023, <https://openparliament.ca/committees/foreign-affairs/44-1/77/ann-flanagan-whalen-49/>



# RECOMMENDATIONS

69

**Guarantee that no free trade agreement with Ecuador will advance without broad, transparent, meaningful consultation with affected Indigenous Peoples and their organizations in Ecuador, and their free, prior and informed consent.**

70

**Implement the recommendations of the UN Working Group on Business and Human Rights calling on states to:**

- Ensure that all existing and future investment agreements are compatible with their international human rights obligations;
- Remove investor-state dispute settlement provisions from investment agreements; and
- Ensure human rights impact assessments of investment agreements, in line with UN guidelines, and paying particular attention to the impact on Indigenous Peoples, racialized people, women and girls, and other marginalized groups.

71

**Suspend all arms export and brokering authorizations to Peru and any direct or indirect transfer of equipment that could be used against civilians in Peru until Canada can guarantee that they will not be used to commit or facilitate violations of international human rights law.**

72

**Suspend all arms export and brokering authorizations to Israel and any direct or indirect transfer of equipment that could be used against civilians in Israel and the Occupied Palestinian Territories until Canada can guarantee that they will not be used to commit or facilitate violations of international human rights or humanitarian law.**

73

**Support a comprehensive arms embargo on all parties to the conflict in Israel and the Occupied Palestinian Territories.**

74

**Systematically integrate post-shipment controls into Canada's national control system, including on-site verification, and ensure that all Canadian arms export permits include a post-shipment control clause.**



**PROTECT CIVILIANS.**

**DEMAND A CEASEFIRE**

**BY ALL PARTIES.**

**08**

**INTERNATIONAL**

**HUMAN RIGHTS**

**OBLIGATIONS**

**IN CANADA**







# FAILURE TO IMPLEMENT TREATY OBLIGATIONS

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*Pacta sunt servanda*—the obligation to perform treaty obligations in good faith—has been recognized as a peremptory norm of customary international law and applies to the whole process of interpreting a treaty. Contrary to this duty, Canada failed to act on UN treaty bodies’ recommendations and has actively undermined the legal and practical effects of treaty bodies’ complaint procedures.

For example, and as noted earlier, Canada refused to implement the UN Human Rights Committee’s findings in the case brought by Ms. Toussaint on access to essential health care by people with irregular migration status. It further attempted to stop a claim on Canada’s failure to implement the Committee’s Views from proceeding in a Canadian court.<sup>145</sup>

In March, Amnesty International and the International Network for Economic, Social and Cultural Rights made submissions to the UN Human Rights Committee noting that Canada breached its duties to perform

treaty obligations in good faith and to ensure non-repetition of rights violations.<sup>146</sup> The submission noted that Canada undermines the legal and practical effects of treaty bodies’ communications procedures by repeatedly ignoring Committee Views on the discrimination and ill treatment of non-citizens.<sup>147</sup>

In May, Amnesty International wrote to the Special Rapporteur on the Rights of Indigenous Peoples and others about Canada’s refusal to implement the Views of the Committee on the Elimination of Discrimination Against Women regarding sex-based discrimination under the *Indian Act*.<sup>148</sup> Amnesty International noted that Canada cannot simply disregard or redefine its binding treaty obligations and that such actions impede access to justice and the right to an effective remedy.

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145 Ontario Superior Court of Justice, *Toussaint v Canada* (Attorney General), 2022 ONSC 4747, Superior Court judgment, 17 August 2022.

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146 Joint third-party submission to the follow-up procedure of the Human Rights Committee’s Views in Communication No 2348/2014 Submitted by Amnesty International Canada and ESCR-Net, on file with Amnesty International Canada (English-speaking).

147 See, for example, Human Rights Committee, Views: *Warsame v. Canada*, adopted on 21 July 2011, UN Doc. 1959/2010, CCPR/C/102/D/1959/2010 and Human Rights Committee, Views: *Dauphin v Canada*, adopted on 28 July 2009, UN Doc. 1959/2010, CCPR/C/102/D/1959/2010.

148 Submission to the Special Rapporteur on the Rights of Indigenous Peoples by Amnesty International, 5 May 2023, on file with Amnesty International Canada (English-speaking).

# FAILURE TO RESPOND TO THE WET'SUWET'EN NATION'S CLAIMS BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

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The Wet'suwet'en Nation and Amnesty International brought forth the issue of the criminalization of Wet'suwet'en land defenders to the Inter-American Commission on Human Rights (IACHR) on July 10. The IACHR is a regional human rights mechanism that operates through the Organization of American States (OAS), of which Canada is a member.<sup>149</sup> The IACHR examines international human rights violations in the American hemisphere.<sup>150</sup>

In July, representatives of the Wet'suwet'en Nation testified before the Inter-American Commission on Human Rights about the unjust criminalization of land defenders opposing the construction of a pipeline on the Nation's unceded ancestral territory, and on Canada and British Columbia's decision to construct the pipeline through their territory without the Nation's free, prior and informed consent. Although the Government of Canada had advance access to the Wet'suwet'en Nation's written submissions, it failed to directly respond to the Nation's specific complaints and instead provided general context on Canada's legal and constitutional framework and claimed it was there to “gain a better understanding

of the petitioners' concerns.” Such actions inhibited the Commission's ability to consider the claim.

149 Organization of American States, Member State: Canada, 2023, [https://www.oas.org/en/member\\_states/member\\_state.asp?sCode=CAN](https://www.oas.org/en/member_states/member_state.asp?sCode=CAN).

150 Organization of American States, Mandate and Functions, 2023, <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/mandate/functions.asp>.

# STOP THE

## RECOMMENDATIONS:

**75**

Perform treaty obligations in good faith, including by implementing Treaty Bodies' views.

**76**

Create and empower a national mechanism for monitoring the implementation of all international human rights conventions to which Canada is party as per OHCHR guidelines,<sup>151</sup> including the recommendations made to Canada in international human rights review mechanisms such as the Universal Periodic Review.

**77**

Annually and publicly report progress on implementation of Universal Periodic Review recommendations.

<sup>151</sup> United Nations Office of the High Commissioner for Human Rights, "National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms", New York and Geneva, 2016, HR\_PUB\_1

# CRIMINALIZATION OF WET'SUWET'EN LAND DEFENDERS



09 \_\_\_\_\_

# SUMMARY OF RECOMMENDATIONS



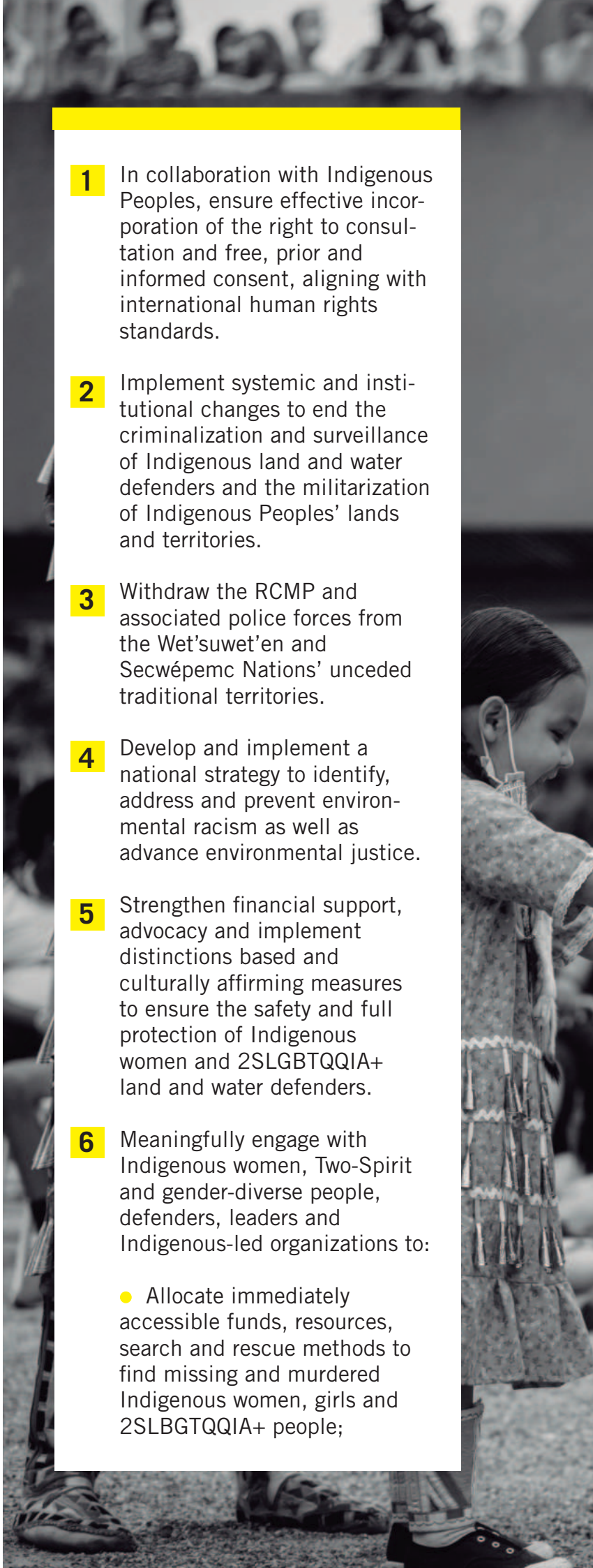


# 01

## INDIGENOUS PEOPLES' RIGHTS



- 1** In collaboration with Indigenous Peoples, ensure effective incorporation of the right to consultation and free, prior and informed consent, aligning with international human rights standards.
- 2** Implement systemic and institutional changes to end the criminalization and surveillance of Indigenous land and water defenders and the militarization of Indigenous Peoples' lands and territories.
- 3** Withdraw the RCMP and associated police forces from the Wet'suwet'en and Secwépemc Nations' unceded traditional territories.
- 4** Develop and implement a national strategy to identify, address and prevent environmental racism as well as advance environmental justice.
- 5** Strengthen financial support, advocacy and implement distinctions based and culturally affirming measures to ensure the safety and full protection of Indigenous women and 2SLGBTQQIA+ land and water defenders.
- 6** 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 2SLGBTQQIA+ people;



- Develop national databases and alert systems to track disappearances, including but not limited to, a ‘Red Dress Alert’ as recommended by Winnipeg Centre MP Leah Gazan,<sup>152</sup> and

- Allocate funds and resources toward the excavation of landfills, residential schools, and other sites for the remains of murdered Indigenous women, children and 2SLGBTQQIA+ people as requested by impacted families and advocates

**7** Work with Indigenous survivors and impacted families to create robust and well-funded Indigenous civilian oversight mechanisms in all jurisdictions, that would observe and oversee investigations pertaining to police violence and misconduct.

**8** Immediately end RCMP’s disposal of evidence related to the Pickton Case.

**9** Prioritize allocation of resources to ensure the integrity of the evidence is preserved and rigorous investigation is carried out of the unsolved cases related to Pickton.

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<sup>152</sup> Ontario Federation of Labour, Support the Creation of a Red Dress Alert, 2023 <https://ofl.ca/action/red-dress-alert/>

**10** 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.

**11** Meaningfully engage with Indigenous Peoples to impart distinctions based, trauma-informed and culturally responsive recommendations toward the creation of a permanent Ombudsperson Office and Human Rights Tribunal. The recommendations must underscore the Ombudsperson’s statutory powers to compel witnesses, testimonies, documentation and binding mechanisms for remedy and redress.<sup>153</sup>

**12** Implement systemic changes to ensure that discrimination against First Nations children, youth and their families in social welfare and child protection services does not continue.

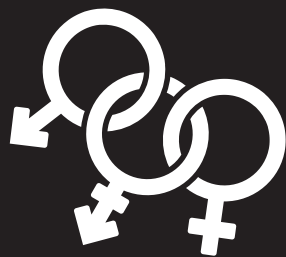
**13** Uphold international legal obligations by considering the best interests of First Nations children in all actions, including by preserving their family environment and protecting their cultural identity through the provision of appropriate child welfare services.

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<sup>153</sup> UN Special Rapporteur on the Rights of Indigenous Peoples, Report, 24 July 2023, (previously cited) para.15.



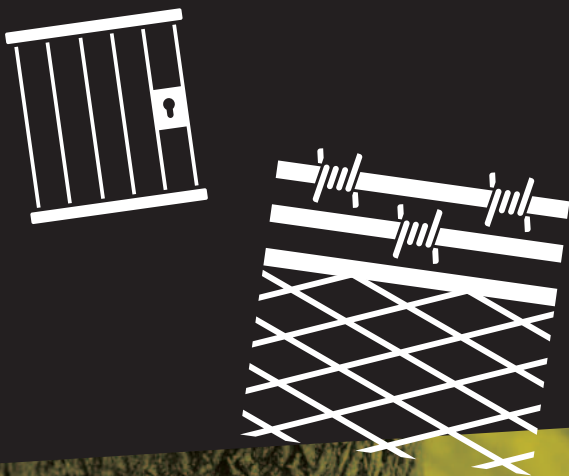
# 02 GENDER RIGHTS



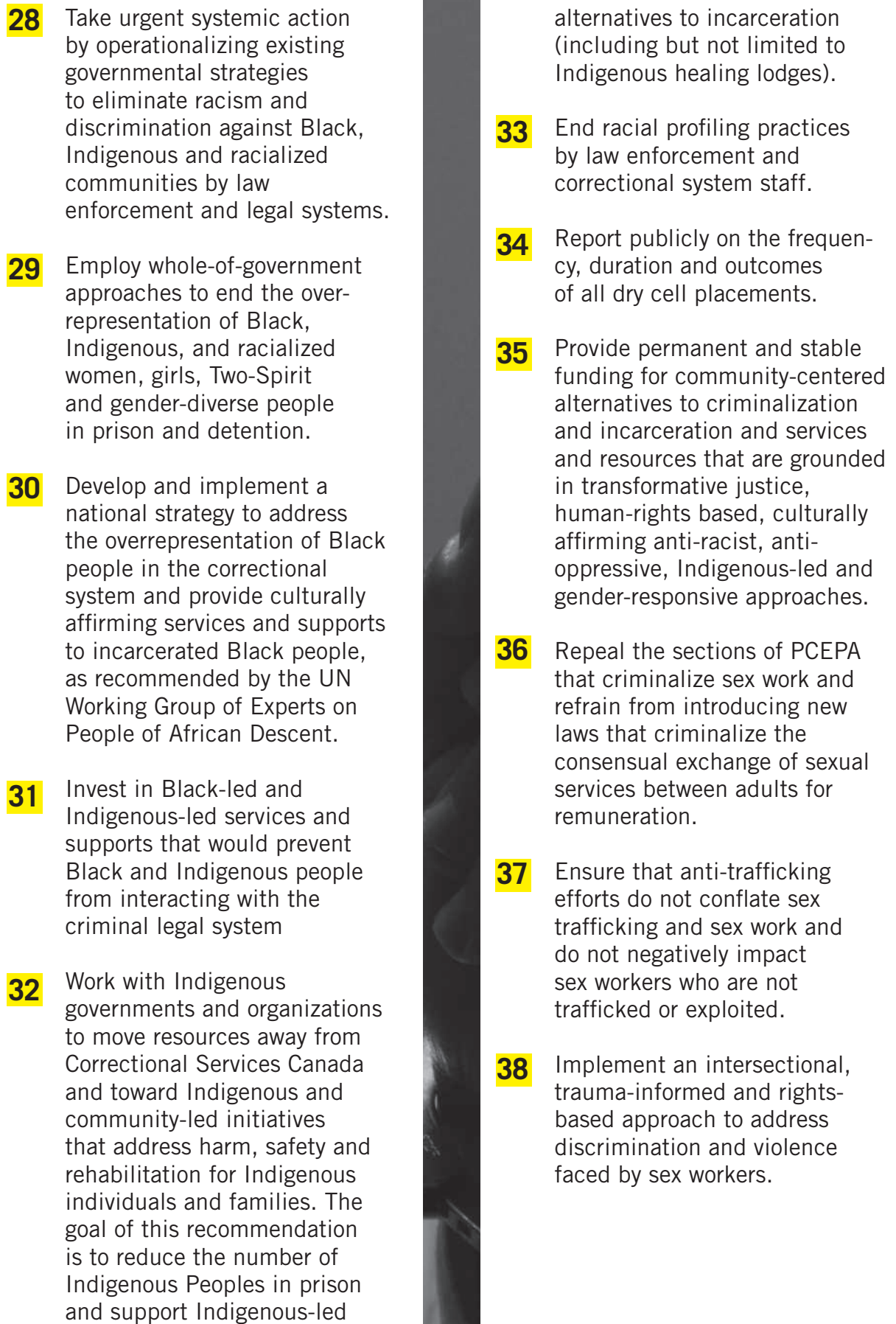
- 
- 14** Urgent attention must be given to the systemic nature of political and social gender-based violence targeted toward women and 2SLGBTQQIA+ communities.
- 15** Take a clear stand against the rising anti-2SLGBTQQIA+ hate rhetoric and strengthen Canada's commitment and associated measures to protect the human rights of women, girls and 2SLGBTQQIA+ communities holistically.
- 16** Ensure anti-2SLGBTQQIA+ hate is meaningfully addressed in the National Action Plan on Combatting Hate through meaningful engagement with 2SLGBTQQIA+ communities, organizations and human rights defenders in the development and implementation strategy.
- 17** Appoint a Canadian Special Envoy on International LGBTI+ Rights to promote LGBTI+ equity and human rights globally.
- 18** Allocate dedicated funding for disaggregated intersectional gender and race-based data collection and analysis on human rights abuses experienced by 2SLGBTQQIA+ communities in Canada.
- 19** Appoint a Special Representative to address and prevent anti-2SLGBTQQIA+ hate in Canada.
- 20** Allocate sustainable funding for women and 2SLGBTQQIA+ community-led organizations to support the successful implementation of the National Action Plan on Combatting Hate and the Federal 2SLGBTQI+ Action Plan
- 21** Implement the recommendations made by MP Randal Garrison in the White Paper on the Status of Trans and Gender-Diverse People.
- 22** Urgently enact legislation that addresses online harms and safety through meaningful consultation with impacted groups and intersectionally marginalized communities.

# 03

## SYSTEMIC AND STRUCTURAL RACISM AND DISCRIMINATION



- 23** Work with Black and racialized employees across the federal public service, including the CHRC, to develop, publish, and implement a plan to address systemic racism that includes a yearly timeline, indicators and accountability measures.
- 24** Appoint an arms-length Black Equity Commissioner as an independent officer of Parliament.
- 25** Ensure redress – including compensation – for employees subject to anti-Black racism within the federal public service and for people whose race-based complaints were inappropriately rejected by the CHRC.
- 26** Work with impacted groups to implement the Employment Equity Review Task Force's recommendations to harmonize the *Employment Equity Act* with Canada's international human rights obligations and labour standards commitments. Disaggregated and intersectional data collection that is grounded in community-based approaches is imperative to meaningfully implement the Employment Equity Review Task Force's recommendations.
- 27** Ensure that the family law and criminal justice systems respect and promote the rights, dignity, safety, and wellness of Indigenous, Black and Racialized women, 2SLGBTQQIA+ people, youth and children.

- 
- 28** Take urgent systemic action by operationalizing existing governmental strategies to eliminate racism and discrimination against Black, Indigenous and racialized communities by law enforcement and legal systems.
- 29** Employ whole-of-government approaches to end the overrepresentation of Black, Indigenous, and racialized women, girls, Two-Spirit and gender-diverse people in prison and detention.
- 30** Develop and implement a national strategy to address the overrepresentation of Black people in the correctional system and provide culturally affirming services and supports to incarcerated Black people, as recommended by the UN Working Group of Experts on People of African Descent.
- 31** Invest in Black-led and Indigenous-led services and supports that would prevent Black and Indigenous people from interacting with the criminal legal system
- 32** Work with Indigenous governments and organizations to move resources away from Correctional Services Canada and toward Indigenous and community-led initiatives that address harm, safety and rehabilitation for Indigenous individuals and families. The goal of this recommendation is to reduce the number of Indigenous Peoples in prison and support Indigenous-led alternatives to incarceration (including but not limited to Indigenous healing lodges).
- 33** End racial profiling practices by law enforcement and correctional system staff.
- 34** Report publicly on the frequency, duration and outcomes of all dry cell placements.
- 35** Provide permanent and stable funding for community-centered alternatives to criminalization and incarceration and services and resources that are grounded in transformative justice, human-rights based, culturally affirming anti-racist, anti-oppressive, Indigenous-led and gender-responsive approaches.
- 36** Repeal the sections of PCEPA that criminalize sex work and refrain from introducing new laws that criminalize the consensual exchange of sexual services between adults for remuneration.
- 37** Ensure that anti-trafficking efforts do not conflate sex trafficking and sex work and do not negatively impact sex workers who are not trafficked or exploited.
- 38** Implement an intersectional, trauma-informed and rights-based approach to address discrimination and violence faced by sex workers.

# 04

## DIGNITY, FREEDOM AND JUSTICE FOR REFUGEES & MIGRANTS



**39** Amend the Interim Federal Health Benefit Program to ensure that migrants with irregular status can access essential health care.

**40** Implement the remedies called for by the Human Rights Committee in Communication No 2348/2014, including compensation.

**41** Immediately and permanently end the use of provincial jails for immigration detention across Canada.

**42** Uphold Canada's human rights obligations by withdrawing from the Safe Third Country Agreement and allow people to make claims for refugee protection in a safe, humane, and orderly manner.

**43** Abolish all forms of immigration detention. Invest in community-based alternatives to detention that provide compassionate and tailored supports.

- In the interim, introduce a legislative limit on the length of immigration detention and address human rights abuses, including discrimination, within the immigration detention system.

**44** Ensure that individuals arriving at the border to make a refugee claim are not directly or indirectly returned to a country where they are at risk of irreparable harm, including persecution, torture, ill-treatment or other serious human rights violations.

**45** Ensure the rights of migrant workers are upheld by addressing the recommendations made by the Special Rapporteur on Contemporary Forms of Slavery.

**46** Create an effective independent oversight body for CBSA by implementing the proposed amendments to Bill C-20 found in Amnesty's submission to the Standing Committee on Public Safety and National Security dated June 2, 2023, including:

- Remove provisions that allow people in immigration detention to be placed in provincial jails, outside the reach of the oversight body;
- Allow participation by third parties and systemic complaints;
- Remove unnecessary limitations on — and barriers to — making complaints and conducting reviews and investigations;
- Empower the Commission to have redress and recourse powers; and
- Ensure the Commission is fully independent of CBSA and sufficiently resourced to conduct investigations and hearings.<sup>67</sup>


# 05

## HUMAN RIGHTS DEFENDERS



**#FREE  
RIGHTS  
DEFENDERS**





**47** Amend IRPA to ensure that peaceful human rights defenders are not excluded from refugee protection, including by amending section 34(1)(f).

**48** Increase alternative and community-based pathways to resettlement for women and LGBTI+ human rights defenders, refugees, and asylum seekers in accordance with the principle of responsibility sharing.

**49** Establish and enhance flexible alternative pathways for women and LGBTI+ refugees, asylum seekers and human rights defenders that need urgent temporary refuge in Canada but may not qualify for traditional resettlement pathways.

**50** Prioritize the development and implementation of intersectional, culturally affirming and gender-responsive support mechanisms that advance the needs, safety and holistic wellness of Indigenous, Black, and racialized human rights defenders and their families.

**51** With meaningful input from civil society, including human rights defenders, women, Indigenous peoples, racialized and other affected communities, create:

- An independent reporting and oversight mechanism to enable transparency regarding how the *Voices at Risk* guidelines are implemented, and accountability regarding Canada's obligations to protect human rights defenders; and
- An agile, culturally affirming, intersectional and gender-sensitive emergency response program.

**52** Continue to expand the number of resettlement spaces and shorten processing times for HRDs and their family members to resettle in Canada.

**53** Create an emergency visa program for HRDs who need to access protection in Canada urgently.

**54** Provide funding to support HRDs who have been referred for resettlement in Canada but face difficulties while awaiting processing in a host country.



# 06

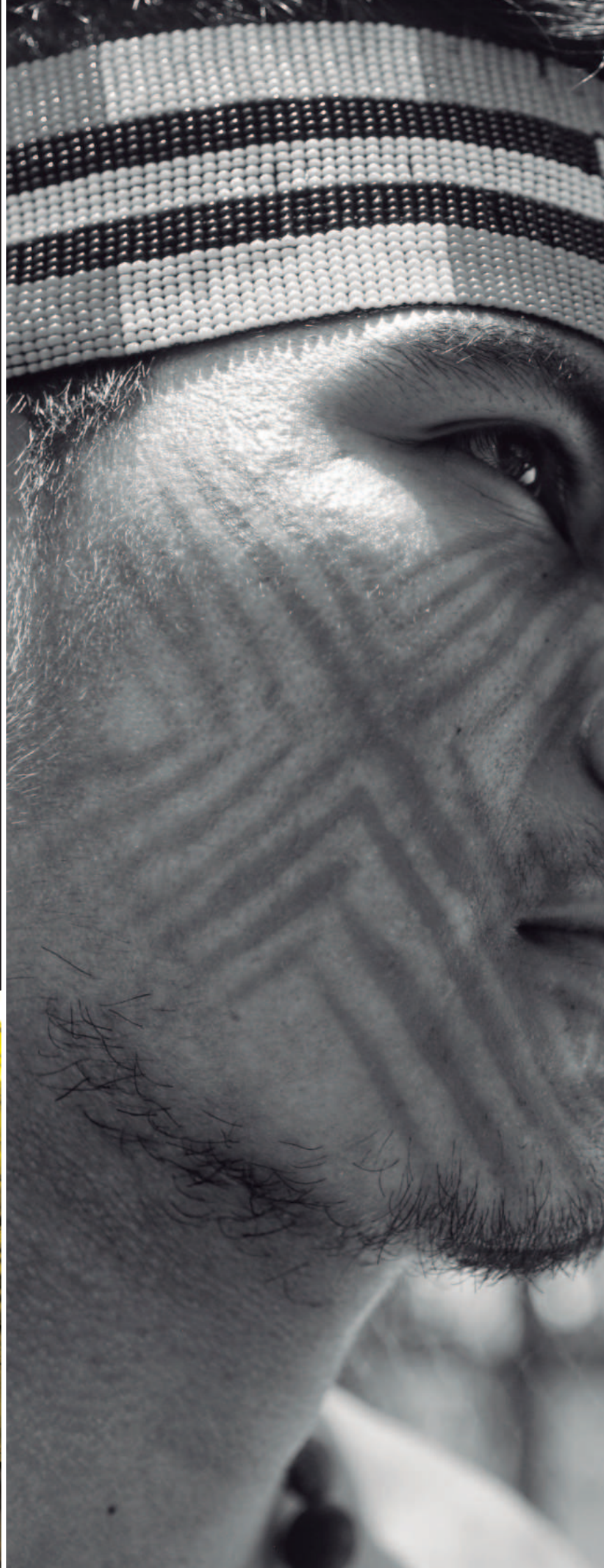
## CLIMATE JUSTICE & CORPORATE ACCOUNTABILITY



- 
- 55** Canada must comply with its obligations to uphold international human rights standards, including the UN Declaration on the Rights of Indigenous Peoples and the UN Guiding Principles on Business and Human Rights.
- 56** Canada must reduce the impact of climate change-induced disasters by implementing its human rights obligation to mitigate climate change.
- 57** Ensure all evacuations due to climate crises, such as wildfires, abide by human rights principles and respect cultural practices.
- 58** Canada must close the loopholes on the new framework aimed at phasing out inefficient fossil fuel subsidies.
- 59** Provide effective remedies and support to those affected by climate crisis induced disasters.
- 60** Canada must commit to rapidly and equitably phase out all fossil fuel use and production and all fossil fuel subsidies.
- 61** Canada must phase out financial subsidies provided to fossil fuel industries through crown corporations.
- 62** Adopt renewable technologies in an equitable way without compromising the rights of people and the biodiversity of our planet.
- 63** Work with provinces to find climate solutions that fit local needs and priorities.
- 64** Ensure current fossil fuel sector workers are trained and able to work in new emerging fields of energy.
- 65** Introduce a mandatory human rights and environmental due diligence legislation to prevent further abuse of human rights by Canadian corporations.
- 66** The CORE must be empowered with independent investigative powers, including the power to compel documents and testimonies.
- 67** Remove limitations placed upon the right to healthy environments in Bill S-5 and ensure that Bill C-226 becomes law at the earliest opportunity.
- 68** Increase funding to Indigenous led green-energy projects and allow the participation of Indigenous Peoples in the formulation of energy transition policies.

# 07

## HUMAN RIGHTS IN FOREIGN POLICY



**69** Guarantee that no free trade agreement with Ecuador will advance without broad, transparent, meaningful consultation with affected Indigenous peoples and their organizations in Ecuador, and their free, prior and informed consent.

**70** Implement the recommendations of the UN Working Group on human rights and transnational corporations and other business enterprises which call on States to:

- Ensure that all existing and future investment agreements are compatible with their international human rights obligations;
- Remove investor-State dispute settlement provisions in investment agreements; and
- Ensure human rights impact assessments of investment agreements, in line with UN guidelines, and paying particular attention to the impact on Indigenous peoples, racialized people, women and girls, and other marginalized persons.

**71** Suspend all arms export and brokering authorizations to Peru and any direct or indirect transfer of equipment that could be used against civilians in Peru until Canada can guarantee that they will not be used to commit or facilitate a violation of international human rights law.

**72** Suspend all arms export and brokering authorizations to Israel and any direct or indirect transfer of equipment that could be used against civilians in Israel and the Occupied Palestinian Territories until Canada can guarantee that they will not be used to commit or facilitate violations of international human rights or humanitarian law.


**73** Support a comprehensive arms embargo on all parties to the conflict in Israel and the Occupied Palestinian Territories.

**74** Systematically integrate post-shipment controls into Canada's national control system, including on-site verification, and ensure that all Canadian arms export permits include a post-shipment control clause.

# 08

## INTERNATIONAL HUMAN RIGHTS OBLIGATIONS IN CANADA



- 
- 75** Perform treaty obligations in good faith, including by implementing Treaty Bodies' Views.
- 76** Create and empower a national mechanism for monitoring the implementation of all international human rights conventions to which Canada is party as per OHCHR guidelines<sup>154</sup> including the recommendations made to Canada in international human rights review mechanisms such as the Universal Periodic Review.
- 77** Annually and publicly report progress on implementation of Universal Periodic Review recommendations.

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154 United Nations Office of the High Commissioner for Human Rights, "National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms", New York and Geneva, 2016, HR\_PUB\_16\_1\_NMRF\_Practical-Guide.pdf (ohchr.org).

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