ADVANCE UNEDITED VERSION

Common core document forming part of the reports of States parties

Canada*, **

[Date received: 5 June 2026]

* The present document is being issued without formal editing.

** The annex to the present document can be consulted in the files of the Secretariat. It may also be accessed on the Web page

Please recycle

Contents

		Page
I.	Introduction	5
II.	General Information	5
	A. Demographic, economic, social, cultural and political characteristics	5
	B. Constitutional, Political and Legal Structure	23
III.	General Framework for the Protection and Promotion of Human Rights	30
	A. Acceptance of International Human Rights Norms	30
	B. Legal Framework for the Protection of Human Rights	31
	C. General Framework for the Promotion of Human Rights	50
	D. Reporting Process	51
IV.	Non-Discrimination and Equality	52

Executive summary

Canada is a federal state that occupies most of the northern part of North America, sharing land borders with the United States to the south and northwest. Canada is the world's second largest country by total area with an estimated population of 36,991,981 in 2021. Canada has two official languages: English and French. More than 400 mother tongue languages were reported in the 2021 Census. In 2021, over 450 ethnic or cultural origins were reported with 35.5% of the Canadian population reporting more than one ethnic or cultural origin.

Indigenous Peoples, their communities, cultures and languages have existed since time immemorial in the land now known as Canada. Centuries before Europeans began to settle in North America, there were thriving First Nations and Inuit societies with their own languages, cultures and systems of government. The Métis emerged with its own collective identity, language, culture, way of life and self-government in the historic Northwest prior to Canada's westward expansion after 1867. The 2021 Census counted 1,807,250 Indigenous People – First Nations, Inuit and Métis – accounting for 5.0% of the total population of Canada.

In 1867, some of the British North American colonies were united into a self-governing federal dominion named Canada. Additional provinces joined the federation over a number of years. Today, Canada is a federation of ten provinces (Ontario, Québec, New Brunswick, Nova Scotia, Manitoba, British Columbia, Prince Edward Island, Alberta, Saskatchewan, Newfoundland and Labrador) and three territories (Northwest Territories, Yukon, Nunavut).

The Constitution of Canada contains a series of Acts and instruments, including two main laws (the *Constitution Act, 1867* and the *Constitution Act, 1982*) and a set of unwritten principles and conventions. Constitutional amendments enacted in the *Constitution Act, 1982* included protections of individual rights and freedoms in the *Canadian Charter of Rights and Freedoms*. The rights guaranteed by the Charter include fundamental freedoms; democratic rights; mobility rights; life, liberty and security of the person; various rights relating to the legal process; and non-discrimination. The Charter also recognizes English and French as the official languages of Canada and guarantees certain language rights. Section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and treaty rights of the "Aboriginal peoples of Canada", which includes First Nations, Inuit and Métis peoples.

Canada's political system embodies four characteristics: it is a Constitutional monarchy; a federal system; a parliamentary system based on the British model; and a representative democracy. As a federation, Canada has two constitutionally recognized and autonomous orders of government: federal and provincial. There is a federal government for all of Canada, and a provincial government for each province. The legislative, executive and judicial powers are defined in Canada's constitution. Each order of government is independent from the others in its realm of legislative authority with an elected parliament, an executive responsible to that parliament, and an independent judiciary. The three territorial governments exercise powers delegated by the federal Parliament.

Some Indigenous groups also have self-governing authority articulated through modern agreements negotiated with the federal and provincial or territorial governments. These agreements establish Indigenous governments that exercise control and law-making authority over a comprehensive range of areas, including governance, social and economic development, education, health and lands.

International treaties adhered to by Canada, including those pertaining to human rights, are not self-executing, and require legislative implementation to be directly applicable in Canadian law. Therefore, although Canada's international human rights obligations often play a major role in the interpretation and application of the constitution and legislation, the treaties themselves are not subject to direct enforcement in Canadian courts.

The protection of human rights in Canada is founded on a system of representative and responsible government; constitutional guarantees, including those set out in the *Charter*; statute law, including specialised human rights legislation; the common law; and an independent judiciary. Canada also benefits from free media and a vibrant, active and

independent civil society. Non-governmental organizations operate freely in Canada and play an important role in the protection and promotion of human rights.

The legislative, executive and judicial branches share responsibility for the protection of human rights and the implementation of international human rights obligations. Relevant legislation is enacted by Parliament and the provincial and territorial legislatures. Within the executive branches of all orders of government, numerous departments and agencies work to formulate policies and programs and take into account Canada's human rights obligations in their work. The independence of the judiciary and its separation from the legislative and executive branches of government guarantee that judges act independently of government in interpreting and applying the law, including when adjudicating allegations of rights violations and granting remedies as appropriate.

Various modes of redress for human rights violations are available, depending on the nature of the right infringed and the remedy sought. Relevant authorities include the independent courts, statutory bodies created to administer particular legislation (variously known as commissions, boards, committees or tribunals) and ombudspersons. For example, each federal, provincial and territorial government has established a comprehensive anti-discrimination legislative framework, with a human rights commission and/or tribunal.

Prior to Canada becoming a party to an international human rights treaty, all orders of government in Canada review their laws, policies and practices to determine whether they currently meet the treaty obligations, or whether new measures may be required to ensure full and effective implementation of the treaty. This process includes consultation with Indigenous partners and civil society. Where existing legislation and policies fulfill the treaty obligations, no new measures are required. On occasion, legislation may be amended or new laws enacted to ensure compliance with the treaty. After adherence, these issues are taken into account in drafting future legislation, or in other areas of government policy-making and operations.

There is ongoing co-operation between governments in advancing the implementation of human rights. Standing federal-provincial-territorial (FPT) tables exist to co-operate and collaborate in various areas. There are three FPT tables specifically dedicated to consultation and information sharing with respect to the adherence to and domestic implementation of international human rights treaties: the Forum of Ministers on Human Rights, the Senior Officials Committee Responsible for Human Rights, and the Continuing Committee of Officials on Human Rights (CCOHR). The CCOHR also collaborates on Canada's international human rights reporting. FPT governments consult as appropriate with civil society and Indigenous partners in relation to Canada's international human rights reporting, as well as on legislation, policies, and initiatives that relate to the implementation of international human rights treaties.

I. Introduction

1. Canada is pleased to present its Common Core Document, which was prepared based on the harmonised guidelines on reporting issued by the Office of the High Commissioner for Human Rights.

2. The document, including statistical data, is based on the most up-to-date information as of November 2024. Only available data are reported in this document.

3. The Core Document should be read in conjunction with Canada's periodic reports under the seven main United Nations (UN) human rights treaties to which Canada has adhered. Together, these documents outline the legislative, judicial, administrative and other measures that help advance implementation of Canada's international human rights treaty obligations.

II. General Information

4. Canada is a federation of ten provinces (Ontario, Québec, New Brunswick, Nova Scotia, Manitoba, British Columbia, Prince Edward Island, Alberta, Saskatchewan, Newfoundland and Labrador) and three territories (Northwest Territories, Yukon, Nunavut).

5. Canada occupies most of the northern part of North America, sharing land borders with the United States to the south and northwest. Canada is the world's second largest country by total area, extending from the Atlantic Ocean to the Pacific Ocean and northward into the Arctic Ocean.

6. Canada's climate varies from temperate in the south to subarctic and arctic in the north. Most of the population is settled on about 10 percent of the country's territory on a permanent basis. Most of the settled region is a relatively narrow belt stretching along Canada's entire southern edge.

7. Can§adian society is characterized by a deep respect for shared values of freedom, democracy, diversity and inclusion, respect for human rights and the rule of law.

A. Demographic, economic, social, cultural and political characteristics

Demographic characteristics

Population size[1]	*Canada's population was estimated at 36,991,981 in the 2021 Census.*	
Population growth rate[2]	Between 2016 and 2021, Canada's population grew by 5.2%.	
Population density[3]	The population density was approximately 4.2 persons per square kilometre in 2021.	
Language - Official language[4]	Canada has two official languages – English and French. In 2021, English was the first official language spoken of 75.5% of the Canadian population, while French was the first official language spoken of 21.4% of Canadians.	
	Population (first language)	**% of Population**
English	27,643,135	75.5%

[1] Statistics Canada. Census Profile, 2021 Census. Canada. Catalogue no. 98-316-X2021001. September 21, 2022.
[2] Ibid.
[3] Census Profile, 2021 Census, o*p. cit.*
[4] Statistics Canada. Table 98-10-0170-01 Mother tongue by first official language spoken and knowledge of official languages: Canada, provinces and territories, census divisions and census subdivisions.

Population size[1]	*Canada's population was estimated at 36,991,981 in the 2021 Census.*	
Population growth rate[2]	Between 2016 and 2021, Canada's population grew by 5.2%.	
French	7,828,545	21.4%
English and French	476,175	1.3%
Neither English nor French	673,100	1.8%
Language - Mother tongue[5]	More than 400 languages were reported as mother tongue in the 2021 Census, and 4.0% of the population reported having more than one mother tongue. 78.3% of the population reported English or French as their (or one of their multiple) mother tongue(s). At the same time, 24.7% of the population reported having a mother tongue other than (or in addition to) English and French.	
	Population (Mother tongue)	**% of Population**
English only	20,107,200	54.9%
French only	7,189,245	19.6%
Non-official language (single response)	7,848,815	21.4%
Multiple mother tongues	1,475,690	4.0%
Religion[6]	In 2021, Christians accounted for 53.3% of the population, while other religious groups represented 12.1% of the population. 34.6% of Canadians reported no religion and secular perspectives	
	Population[7]	**% of Population**
Christian	19,373,330	53.3%
Catholic	10,880,360	29.9%
United Church	1,214,185	3.3%
Anglican	1,134,310	3.1%
Baptist	436,940	1.2%
Christian Orthodox	623,005	1.7%
Other	5,084,530	14%
Muslim	1,775,715	4.9%
Hindu	828,195	2.3%
Sikh	771,790	2.1%
Buddhist	356,975	1%
Jewish	335,295	0.9%

[5] Ibid.
[6] 2021 Census – Table 98100342
[7] 2021 Census – Table 98100342

Population size[1]	*Canada's population was estimated at 36,991,981 in the 2021 Census.*	
Population growth rate[2]	Between 2016 and 2021, Canada's population grew by 5.2%.	
Traditional (North American Indigenous) spirituality	80,690	0.2%
Other religions and spiritual traditions	229,015	0.6%
No religious affiliation	12,577,475	34.6%
Ethnicity[8]	In 2021, over 450 ethnic or cultural origins were reported and 35.5% of the Canadian population recorded multiple ethnic or cultural origin responses. Canadian was the top origin, with 5.7 million people reporting this ancestry alone or in combination with other origins, representing approximately one third (32.3%) of Canada's population. English (5.3 million), Scottish (4.4 million), French (4 million) and Irish (4.4 million) origins were still among the 20 most common ancestries reported by the Canadian population, either as a single response or in combination with other ancestries (multiple response). Three Asian origins were also among the 20 most commonly reported origins: Chinese (1.7 million people), Indian (approximately 1.4 million) and Filipino (925,485).	
Indigenous identity[9]	The 2021 Census counted 1,807,250 Indigenous people, accounting for 5.0% of the total population of Canada, up from 4.9% in 2016. Indigenous identity refers to whether the person identified with the Indigenous Peoples of Canada. This includes those who identify as First Nations (North American Indian), Métis and/or Inuk (Inuit), and/or those who report being Registered or Treaty Indians (that is, registered under the Indian Act of Canada), and/or those who have membership in a First Nation or Indian band. Aboriginal peoples of Canada (referred to here as Indigenous Peoples) are defined in the *Constitution Act, 1982*, Section 35 (2) as including the Indian, Inuit and Métis peoples of Canada. The term "Indigenous" came into common usage by the Government of Canada in 2015. Section 35 of *Canada's Constitution Act, 1982* recognizes and affirms aboriginal and treaty rights of the "aboriginal peoples of Canada", which include the "Indian (referred to as First Nation), Inuit and Métis peoples of Canada." Canada's Core document will generally use the term "Indigenous," but will use the term "Aboriginal" and "Indian" in accordance with the related constitutionally protected right, legislation or administrative measure.	

[8] 2021 Census – Table 98100338.

[9] Statistics Canada. 2021 Census - The Daily — Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed (statcan.gc.ca) See paragraphs 105 to 112 for more information.

Population size[1]	*Canada's population was estimated at 36,991,981 in the 2021 Census.*
Population growth rate[2]	Between 2016 and 2021, Canada's population grew by 5.2%.
Gender diversity[10]	Canada is the first country to collect and publish data on gender diversity from a national census. In 2021, there were 59,460 people in Canada aged 15 and older living in a private household who were transgender (0.19%) and 41,355 who were non-binary (0.14%). Together, they represented 1 in 300 people, or 0.33% of the population aged 15 and older. Among the 59,460 transgender people, there were more transgender women (31,555) than transgender men (27,905).
Age composition[11]	As of 2021, the average age of the Canadian population was 41.9 years.

	Population	**% of Population**
Under 15 years	6,012,795	16.3%
15 to 24 years	4,215,230	11.4%
25 to 54 years	14,523,615	39.3%
55 to 64 years	5,218,910	14.1%
65 years and over	7,021,430	19.0%

Dependency ratio[12]	In 2022, the dependency ratio in Canada was 52.5 (which represents the percentage of the combined population aged between 0 to 14 years old and the population aged of 65 years and over to the population aged between 16 to 64 years old).
Statistics on births[13]	In 2022, 351,679 children were born in Canada, a decrease of 18,476 babies from 2021.
Statistics on deaths[14]	In 2022, 334,623 persons died in Canada, an increase of 7.3% from 2021, continuing a long-term upward trend resulting from a growing and aging population as well as deaths from COVID-19.
Life expectancy[15]	Life expectancy at birth was 81.3 years in 2022. This is a decrease in comparison to the previous year (81.6 years in 2021). In 2022, life expectancy at birth was 83.6 years for women and 79.1 years for men.

[10] Statistics Canada. 2021 Census - The Daily — Canada is the first country to provide census data on transgender and non-binary people (statcan.gc.ca).

[11] Census Profile, 2021 Census, o*p. cit.*

[12] Statistics Canada. Demographic dependency ratio, July 1, by health region and peer group, 2023 boundaries. Table 17-10-0156-01

[13] Statistics Canada. Live births, by age of mother. Table 13-10-0416-01.

[14] The Daily — Deaths, 2022 (statcan.gc.ca)

[15] Statistics Canada. Table 13-10-0837-01 Life expectancy and other elements of the complete life table, single-year estimates, Canada, all provinces except Prince Edward Island DOI: https://doi.org/10.25318/1310083701-eng

Population size[1]	*Canada's population was estimated at 36,991,981 in the 2021 Census.*
Population growth rate[2]	Between 2016 and 2021, Canada's population grew by 5.2%.
Fertility rate[16]	In 2022, the total fertility rate was 1.33 children per women, down from 1.44 children per woman in 2021.
Average household size[17]	In 2021, the average household size was 2.4 persons.
One-parent-families[18] [19]	One-parent families represented 16.4% of all census families in 2021, among which 77.2% had a parent that was a woman+ and 22.8% had a parent that was a man+.
Rural/urban areas[20]	In 2021, 82.2% of the population lived in an urban area while 17.8% lived in a rural area.

Economic, social and cultural characteristics

Share of (household) consumption expenditures on food, housing, health and education

8. In 2019, of the average household spending on goods and services, the share of household spending for food, shelter (principal accommodation), health and education represented respectively 14.9%, 26.6%, 4.0% and 2.5%.[21]

Proportion of population below the national poverty line

9. With the release of the Government of Canada's first Poverty Reduction Strategy in August 2018, Canada announced its first-ever Official Poverty Line, based on the Market Basket Measure (MBM). This measure is based on the cost of a basket of goods and services that individuals and families require to meet their basic needs and achieve a modest standard of living in communities across the country. More specifically, Canada's Official Poverty Line reflects poverty thresholds for 66 different regions across the country, including 21 specific communities. The cost of the basket of goods and services is adjusted annually to reflect the cost of living for these regions across Canada. In 2022, it is estimated that 9.9% of the population did not have sufficient income to afford these goods and services and, as such, were living in poverty based on Canada's Official Poverty Line.[22] This was the second consecutive annual increase and brought the poverty rate close to the pre-pandemic level of 10.3% in 2019.

10. Canada continues to use a suite of low-income measures to provide information on the low-income population. This suite of measures includes the MBM as well as the Low-

[16] Statistics Canada. Crude birth rate, age-specific and total fertility rates (live births). Table 13-10-0418-01

[17] Census Profile, 2021 Census, o*p. cit.*

[18] Ibid.

[19] Given that the non-binary population is small, data aggregation to a two-category gender variable is sometimes necessary to protect the confidentiality of responses provided. In these cases, individuals in the category "non-binary persons" are distributed into the other two gender categories and are denoted by the "＋" symbol. The category "woman+" includes women, as well as some non-binary persons, while the category "man+" includes men, as well as some non-binary persons.

[20] Statistics Canada. Census Profile, 2021 – Population Centres. Catalogue no. 98-401-X2021009. September 21, 2022. These statistics are based on the population centre concept, which is an area with a population of at least 1,000 and no fewer than 400 persons per square kilometre. The term 'population centre' replaces the term 'urban area'. Population centres are classified into three groups, depending on the size of their population: small population centres, with a population between 1,000 and 29,999; medium population centres, with a population between 30,000 and 99,999; and large urban population centres, with a population of 100,000 or more.

[21] Statistics Canada. Household spending, by household type. Table 11-10-0224-01. Canada-level statistics include the 10 provinces only.

[22] Canadian Income Survey, 2022.

Income Cut-offs (LICOs) and the Low Income Measure (LIM). However, the new Official Poverty Line, based on the MBM, is considered to be the official measurement of poverty in Canada. The LIM continues to be a valuable measure of low-income that tells us how those in low-income are doing relative to other Canadians. Since many countries and international organizations report on low income using an approach identical or similar to that of the LIM, it will continue to be used for international comparisons. LICOs will also continue to be estimated, and data on the incidence of low income based on this measure can be useful for historical comparisons.

Household food insecurity

11. The Canadian Income Survey (CIS) compiles data on household food insecurity, with a focus on whether members of a given household could afford to buy the food they need.

12. In 2022, 16.9% or about 6.4 million people lived in households that experienced moderate or severe food insecurity[23]. Moderate food insecurity was the most prevalent with 10.9% of Canadians living in households experiencing this level of insecurity, while 6.0% experienced severe food insecurity.[24] Overall, males (16.7%) were almost as likely as females (17.1%) to live in households with food insecurity. The prevalence of severe food insecurity ranged from 5.9% to 7.5% for the different age groups under 65 years. For the 65 or older group, the prevalence of severe food insecurity was lower, at 2.4%. The level of moderate food insecurity was highest for those aged under 18 (14.5%) and lowest in the 65 or older group (5.6%).

13. Among family types, people living in one-parent families experienced particularly high levels of food insecurity with about one third (34.0%) experiencing moderate or severe food insecurity.[25] Although 5.8% of people lived in these families, they accounted for 10.9% of all people experiencing moderate or severe food insecurity. People living in two-parent families with children represented the largest group, at 35.2%, and also made up the largest share of those who were in food insecure households, at 36.8%.

14. Indigenous, Black, and other racialized households are more likely to experience food insecurity in Canada. In 2022, 28.6% of Indigenous people aged 15 years or older and living off-reserve experienced food insecurity. The 2022 food insecurity rate for persons designated as visible minorities[26] was estimated at 20.7%, while the rate for persons identifying as Black was 31.9%.[27]

15. Federal, provincial and territorial governments recognize that food security is a critical issue that has a significant impact on the health outcomes of vulnerable populations within Canada. Given the complexity of food security and how it links to a variety of factors, federal, provincial and territorial governments are committed to continue working with their various partners to help address the issue.

16. The federal government funds activities and services through community-based programs including the Canada Prenatal Nutrition Program (including a First Nations and Inuit component); Aboriginal Head Start (including an on-reserve component and an urban and northern component); the Aboriginal Diabetes Initiative; and Nutrition North Canada, which supports food security and food sovereignty in northern isolated communities by improving access and affordability to market, as well as locally hunted and harvested food. Nutrition North Canada's Harvesters Support Grant and Community Food Programs Fund

[23] Statistics Canada. Table 13-10-0835-01 Food insecurity by selected demographic characteristics.

[24] "Moderate" food insecurity is indicated by compromise in the quality or quantity of food within the household due to lack of money for food. "Severe" food insecurity is indicated by missed meals, reduced food intake and, at the most extreme, go day(s) without food.

[25] Statistics Canada. Table 13-10-0834-01 Food insecurity by economic family type.

[26] "Visible minority" refers to whether a person belongs to a visible minority group as defined by the *Employment Equity Act* and, if so, the visible minority group to which the person belongs. The *Employment Equity Act* defines visible minorities as persons, other than Indigenous Peoples, who are non-Caucasian in race or non-white in colour. The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese.

[27] Statistics Canada. Table 13-10-0835-01 Food insecurity by selected demographic characteristics.

mark a fundamental shift by empowering Indigenous and northern communities to advance their own food security priorities.

17. In addition, the federal government is working with provinces, territories, municipalities, Indigenous partners and stakeholders to advance a National School Food policy and explore how more Canadian children can receive nutritious food at school. The federal government also invests in surveillance and monitoring of food security to help inform policy, programming and services.

Gini coefficient (relating to distribution of income or household consumption expenditure)

18. The 2022 after-tax Gini for all persons, where each individual is represented by their adjusted household after-tax income, was 0.300. The 2022 market-income Gini for all persons, where each individual is represented by their adjusted household market income, was 0.432.[28]

Health Data

Prevalence of underweight children[29]	*In 2016-2019, 2.0% of children ages 5 to 18 were underweight.*
Infant mortality rate[30]	In 2022, the infant mortality rate per 1,000 live births was4.7.
Maternal mortality ratio[31]	In 2022, the maternal deaths per 100,000 live births was 8.53.
Induced terminations of pregnancy[32]	In 2020, there were 74,155 induced abortions reported by hospitals and clinics.
Prevalence of major communicable diseases	
Rates of infection of HIV/AIDS[33]	A total of 1,639 new diagnoses of HIV were reported in 2020, with a cumulative total of 89,803 cases since 1985. The national diagnosis rate decreased from 5.5 per 100,000 population in 2019 to 4.3 per 100,000 population in 2020. A total of 88 AIDS cases were reported in 2020, with a cumulative total of 1,960 since 2011. These numbers represent a steady decline in the number of reported AIDS cases per year of diagnosis in Canada since 2011.
Rates of Tuberculosis[34]	The number of active TB disease cases decreased from 1,921 in 2019 to 1,772 in 2020, corresponding to a decrease in incidence rate from

[28] Statistics Canada. Gini coefficients of adjusted market, total and after-tax income. Table: 11-10-0134-01. The Gini coefficient measures the degree of inequality in the income distribution. Gini coefficients are published for market income, total income and after-tax income, and are used to compare the uniformity of income allocation between different income concepts, across different populations or within the same population over time. Values of the Gini coefficient can range from 0 to 1. A value of zero indicates income is equally divided among the population with all units receiving exactly the same amount of income. At the opposite extreme, a Gini coefficient of 1 denotes a perfectly unequal distribution where one unit possesses all of the income in the economy.

[29] Statistic Canada. Children's body mass index – World Health Organization classification system (5 to 18 years old).) Canadian Health Measures Survey, 2016-2019.

[30] Statistics Canada Infant deaths and mortality rates, by sex. Table 13-10-0712-01.

[31] Statistics Canada. Table 13-10-0756-01 Number of maternal deaths and maternal mortality rates for selected causes, Deaths from all obstetric causes [A34, O00-O99.

[32] Canadian Institute for Health Information. Induced abortion reported in 2020 (Excel spreadsheet, see table 1).

[33] Public Health Agency of Canada.

[34] Public Health Agency of Canada.

Prevalence of underweight children[29]	*In 2016-2019, 2.0% of children ages 5 to 18 were underweight.*
Infant mortality rate[30]	In 2022, the infant mortality rate per 1,000 live births was4.7.

5.1 to 4.7 per 100,000 population. Individuals born outside of Canada continued to make up the majority of cases reported (73.5%) and the incidence rate remained highest among this group (14.3 per 100,000 population), followed by Canadian-born Indigenous people (12.7 per 100,000 population). The incidence rate was particularly high within the Inuit population (72.2 per 100,000 population).

Over the past decade, the majority of incident active TB cases occurred in individuals aged 25-44 years, followed by individuals aged 65 years and older, and there was a slight decrease in the number of cases among children. For cases with information on re-treatment status, proportion of re-treatment cases declined from 6.2% to 4.8% of cases over the past decade. In 2020, of the 1,538 TB isolates submitted for susceptibility testing to TB medication, mono, poly and multidrug-resistant forms of TB were detected in 8.3%, 0.5%, and 0.9% of TB isolates. There were no reported cases of extensively-drug resistant TB.

Prevalence of major non-communicable diseases

Chronic Disease	*Approximate Total Cases*	*Rate or Percentage of population*	*Year*
Cancer			
Incidence rate of Cancer (estimated)[35]	229,200	515.2 (per 100,000)	2021
Cancer diagnosis (lifetime)[36], age 12+	2.1 million	7.0%	2019
Circulatory			
Hypertension[37], age 20+	7.7 million	25.6%	2017-2018
Ischemic Heart Disease[33], age 20+	2.6 million	8.5%	2017-2018
Stroke[33], age 20+	878,500	2.9%	2017-2018
Diabetes			
Diabetes[33], age 1+	3.4 million	8.9%	2017-2018
Mental Health[38]			
Mood Disorder, age 12+	3.1 million	11.4%	2022
Musculoskeletal[39]			
Arthritis, age 15+	6.1 million	19.5%	2021
Respiratory[40]			
Asthma, age 1+	4.4 million	11.6%	2017-2018
Chronic Obstructive Pulmonary Disease, age 35+	2.3 million	10.4%	2017-2018

[35] Canadian Cancer Society. Canadian Cancer Statistics publication, 2021.
[36] Public Health Agency of Canada. Canadian Chronic Disease Indicators.
[37] Public Health Agency of Canada. Public Health Infobase. Canadian Chronic Disease Surveillance System.
[38] Statistics Canada. Canadian health characteristics, annual estimates. Table 13-10-0096-01.
[39] Ibid.
[40] Public Health Infobase. Canadian Chronic Disease Surveillance System, o*p. cit.*

Ten Leading Causes of deaths

Leading causes of death (2022)[41]	*Number per year*	*Percentage*
Cancer (malignant neoplasms)	82,412	24.7%
Diseases of the heart	57,357	17.2%
COVID-19	19,716	5.9%
Accidents (unintentional injuries)	18,365	5.5%
Cerebrovascular diseases	13,915	4.2%
Chronic lower respiratory diseases	12,462	3.7%
Diabetes mellitus	7,557	2.3%
Alzheimer's Disease	5,413	1.6%
Influenza and pneumonia	5,985	1.8%
Chronic liver disease and cirrhosis	4,530	1.4%

Prevalence of disability

19. In 2022, 27% of Canadians aged 15 years and older, or 8.0 million people, had one or more disabilities that limited them in their daily activities and a greater proportion of women (30%) had a disability than men (24%). Disability rates increased with age: one in five (20%) youth aged 15 to 24 years had one or more disabilities in 2022, compared to one in four (24%) adults aged 25 to 64 years and two in five (40%) seniors aged 65 years and over.

Prevalence of disability, by gender and age (%)[42]	*All genders*	*Men+*	*Women+*
15 to 24 years	20.1	15.8	24.7
25 to 44 years	20.5	17.0	23.9
45 to 64 years	27.7	25.3	29.9
65 to 74 years	35.0	34.0	35.8
75 years and over	49.2	47.2	50.8

Prevalence of disability, by type[43]	*Population*	*Percentage*
Pain-related	4,927,560	16.7
Flexibility	3,215,710	10.9
Mobility	3,129,770	10.6
Mental health-related	3,079,020	10.4
Dexterity	1,467,210	5.0
Hearing	1,654,570	5.6
Seeing	2,182,160	7.4
Memory	1,449,610	4.9
Learning	1,650,060	5.6
Developmental	456,630	1.5
Unknown	225,490	0.8

[41] Statistics Canada. Leading causes of death, total population, by age group. Table 13-10-0394-01.

[42] Given that the non-binary population is small, data aggregation to a two-category gender variable is sometimes necessary to protect the confidentiality of responses provided. In these cases, individuals in the category "non-binary persons" are distributed into the other two gender categories and are denoted by the "+" symbol. The category "Men+" includes men (and/or boys), as well as some non-binary persons. The category "Women+" includes women (and/or girls), as well as some non-binary persons.

[43] Statistics Canada. Canadian Survey on Disability 2022: Data Tables.

Education

Distribution of the Canadian population aged 25 to 64, by highest level of educational attainment, both sexes (2023)[44]	*Upper secondary*	*Postsecondary non-tertiary education*	*Short-cycle tertiary education*	*Bachelor's level*	*Master's or doctoral level*
	20%	10%	26%	25%	12%

Number of students in regular programs for youth, public elementary and secondary education, by sex (2021-2022)[45]	*Both sexes*	*Males*	*Females*
	4,960,410	2,544,708	2,411,112
Number of full-time and part-time educators in public elementary and secondary schools, by work status (2021-2022)[46]	***All educators***	***Full-time***	***Part-time***
	409,341	332,541	76,800

Note: The total number of students does not add-up because of those for whom the sex is not reported.

Unemployment

Unemployment/participation rates[47] *- General*	*In 2023, the Canadian unemployment rate for those 15 years of age and over was 5.4%, while the participation rate stood at 65.6%.*
Unemployment/participation rates[48] - By sex	In 2023, the unemployment rate for men was 5.6% with a participation rate of 69.7%. The unemployment rate for women was 5.3% with a participation rate of 61.6%.
Unemployment/participation rates[49] - By age	In 2023, the unemployment rate for youth aged 15 to 24 years was 10.8% with a participation rate of 65.0%. The unemployment rate of women aged 15 to 24 years was 10.0% with a participation rate of 65.1% while the unemployment rate of men aged 15 to 24 years was 11.5% with a participation rate of 64.8%. The unemployment rate for Canadians 25 years and older was 4.5% with a participation rate of 65.7%. The unemployment rate of women 25 years and older was 4.5% with a participation rate of 61.1% while the unemployment rate of men 25 years and older was 4.6% with a participation rate of 70.5%.

[44] Statistics Canada. Educational attainment of the population aged 25 to 64, by age group and sex, Organisation for Economic Co-operation and Development (OECD), Canada, provinces and territories. Table 37-10-0130.

[45] Statistics Canada. Number of students in regular programs for youth, public elementary and secondary schools, by grade and sex. Table 37-10-0007-01.

[46] Statistics Canada. Educators in public elementary and secondary schools, by work status, age group and sex. Table 37-10-0153-01.

[47] Statistics Canada. Labour force characteristics by sex and detailed age group, annual. Table 14-10-0327-01.

[48] Ibid.

[49] Ibid.

Labour force participation, by major sectors of economic activity

	Age group: 15 years and older		
Employment, by industry, in thousands (2021)[50]	***Both sexes***	***Male***	***Female***
Total, all industries	20,170.9	10,579.7	9,591.2
Goods-producing sector	4132.1	3,219.6	912.5
Agriculture	256.4	174.8	81.6
Forestry, fishing, mining, quarrying, oil and gas	326.4	269.4	57.0
Utilities	154.9	116.6	38.3
Construction	1,582.5	1,373.6	208.9
Manufacturing	1,811.9	1,285.2	526.7
Services-producing sector	16,038.8	7,360.1	8,678.7
Wholesale and retail trade	2,971.7	1,577.7	1,394.0
Transportation and warehousing	1,024.8	785.3	239.5
Finance, insurance, real estate, rental and leasing	1,387.5	653.0	734.5
Professional, scientific and technical services	1,875.0	1,048.0	827.0
Business, building and other support services	691.6	389.9	301.8
Educational services	1,495.2	482.9	1,012.3
Health care and social assistance	2,666.7	523.1	2,143.7
Information, culture and recreation	847.6	466.5	381.1
Accommodation and food services	1,128.5	498.4	630.1
Other services (except public administration)	767.0	369.7	397.3
Public administration	1,183.1	565.6	617.5
Trade union density[51] (2020)			27.2%

Economic and Financial Data

Per capita income (GDP per capita)[52]	*In 2023 Canada's nominal GDP per capita was $72,635 CAD. This was a slight decline from 2022 when nominal GDP per capita was $72,383 CAD.*
Gross Domestic Product GDP[53]	In 2023 nominal GDP at market prices was $2,892 billion.
Annual GDP growth rate[54]	Canada's nominal GDP at market prices grew by 2.8% in 2023, after rising 11.8% in 2022 and 13.4% in 2021. Canada's real GDP at market prices grew by 1.2% in 2023, after rising 3.8% in 2022 and 5.3% in 2021.

[50] Statistics Canada. Labour Force Survey estimates, by North American Industry Classification System, sex and age group. Table: 14-10-0023-01.
[51] Organisation for Economic Co-operation and Development.
[52] Statistics Canada. Table 36-10-0699-01 Gross domestic product, expenditure-based, Canada, annual (x 1,000,000) and Table 17-10-0009-01 Population estimates, quarterly.
[53] Economic and Financial Data, *op. cit.*
[54] Ibid.

Per capita income (GDP per capita)[52]	*In 2023 Canada's nominal GDP per capita was $72,635 CAD. This was a slight decline from 2022 when nominal GDP per capita was $72,383 CAD.*
Gross Domestic Product GDP[53]	In 2023 nominal GDP at market prices was $2,892 billion.
Gross National Income (GNI)[55]	In 2023, GNI at market prices was $2,852 billion, in 2022 it was $2,777 billion.
Consumer Price Index[56]	From May 2023 to May 2024, consumer prices rose 2.9%
Social expenditures[57]	In 2021-2022, the value of consolidated government expenses in Canada totaled $969.8 billion. Social protection expenses represented 26.4% ($256,480 millions) of the total, public order and safety represented 4.6% ($44,442 millions), health represented 23.6% ($228,975 millions), education represented 12.1% ($117,522 millions), housing and community amenities represented 1.2% ($11,962 millions) and, recreation, culture and religion represented 2.1% ($20,657 millions).
Domestic public debt[58]	For the fiscal year ended March 31, 2022, the federal debt (the difference between total liabilities and total assets for the federal government) was $1,140 billion, or 45.4% of GDP). As reported by the IMF, Canada's total government net debt-to-GDP ratio, which includes the net debt of the federal, provincial/territorial and local governments, as well as the net assets held in the Canada Pension Plan and Québec Pension Plan, stood at 14.3 per cent in 2021. This is the lowest level among G7 countries, which the IMF reported an average net debt of 97.3 per cent of GDP for the same year.
Proportion of international assistance[59]	According to preliminary 2023 data, Canada's Official Development Assistance represented 0.38% of GNI.

Political characteristics

Political parties at the national level

20. The number of registered political parties at the last three federal general elections is as follows: 20 in 2021; 21 in 2019; and 23 in 2015.[60]

[55] Statistics Canada. Gross domestic income, gross national income and net national income, Canada, quarterly (x 1,000,000). Table 36-10-0122-01.

[56] Statistics Canada. Consumer Price Index, monthly, not seasonally adjusted. Table 18-10-0004-02. The data are updated monthly, according to the CPI publication schedule.

[57] Statistics Canada, program on Canadian Classification of Functions of Government (CCOFOG). Figures exclude the acquisitions of non-financial assets and the consumption of fixed capital expenses and as a result, expenditures for each function may be underestimated.

[58] October 2023 Fiscal Reference Tables for first two figures, IMF Fiscal Monitor (April 2024 version, table A8) for last two.

[59] Development Co-operation Profiles – Canada (oecd-ilibrary.org)

[60] Library of Parliament - Political Parties & Leaders.

Distribution of legislative seats in Parliament, by party[61]

Party name	*2021*	*2019*	*2015*
Liberal Party of Canada	159	157	184
Conservative Party of Canada	119	121	99
New Democratic Party	25	24	44
Bloc Québécois	32	32	10
Green Party	2	3	1
Independent	0	1	0
Total	337	338	338

Proportion of population eligible and registered to vote

21. In Canada, every citizen over the age of 18 has the right to vote. They are therefore eligible and can register to vote. In 2021, 97.7% of eligible voters[62] were registered to vote in the National Register of Electors.[63]

Proportion of the population eligible to vote in last three federal elections[64]

Federal election year	*Population (in millions)[65]*	*Number of eligible voters (in millions)*	*Proportion of population eligible to vote (percentage)*	*Ballots cast (in millions)*	*Proportion of eligible voters who cast a ballot (percentage)*
2021	35.1	27.6	78.6%	17.2	60.5%
2019	35.1	27.3	77.7%	18.3	64.8%
2015	33.5	26.8	80.0%	17.7	63.4%

Proportion of the population registered to vote in last three federal elections

Federal election year	*Population (in millions)[62]*	*Eligible voters registered to vote (in millions)*	*Eligible voters registered to vote: proportion of population (percentage)*	*Proportion of registered voters who cast a ballot (voter turnout) (percentage)*
2021	35.1	27.5	78.3%	62.6%
2019	35.1	27.4	78.0%	67.0%
2015	33.5	25.9	77.3%	68.3%

Complaints on the conduct of elections

22. Elections are conducted in Canada by agencies that are non-partisan and independent of government. There are various avenues for voters and candidates to challenge the fairness of elections, including complaints to elections agencies, human rights commissions and tribunals, police authorities, and the courts. "As of December 14, 2021, Elections Canada had received 9,410 complaints. The majority of them were related to accessibility; voter experience, long lines and interactions with poll workers; and voting by special ballot and other ways to vote." [66]

[61] Elections Canada - Official Reports.
[62] Elections Canada uses "eligible elector" or "elector" to identify any Canadian citizen 18 years of age and over, and "voter" to identify a Canadian citizen who has voted.
[63] Elections Canada. Description of the National Register of Electors.
[64] Elections Canada.
[65] Elections Canada. Voter Turnout at Federal Elections and Referendums.
[66] Elections Canada, "Report on the 44th General Election of September 20, 2021".

Women candidates in federal general elections

	2021	*2019*	*2015*
Number of women candidates[67]	762	744	535
(Total candidates)[68]	(2,010)	(2,145)	(1,792)
Percentage of women candidates[69]	37.9%	34.7%	29.9%
Number of women elected[70]	103	98	88
Percentage of women candidates elected	14%	13.2%	16.4%

Women in Parliament

	2021		*2019*		*2015*	
	House of Commons	Senate[71,72]	House of Commons	Senate[73]	House of Commons	Senate[74]
Number of women elected	103	47	98	48	88	31
(Total members)	(337)	(96)	(338)	(104)	(338)	(83)
Percentage	30.5%	48.9%	29%	46.1%	26%	37.4%

Federal, provincial and territorial elections held within the schedule laid out by law

23. Section 4 of the constitutional *Canadian Charter of Rights and Freedoms* (the Charter) provides that no House of Commons and no legislative assembly of a province shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members. Exceptions are allowed in time of real or apprehended war, invasion or insurrection if the continuation of the House or of a legislative assembly, as the case may be, is not opposed by the votes of more than one-third of its members.

24. Since 2007, however, the *Canada Elections Act* provides that a general election for the House of Commons must be held on the third Monday in October in the fourth calendar year following polling day for the previous general election, unless there is an earlier dissolution of Parliament.

25. Each province and territory is responsible for holding elections of members to their respective legislative assembly, which are all subject to the five-year maximum limit imposed by section 4 of the Charter. That said, all provinces and territories have adopted legislation providing a fixed date for elections to be held every four years.

[67] Library of Parliament, Women Candidates in General Elections.
[68] Library of Parliament, Elections & Candidates.
[69] Library of Parliament, Women Candidates in General Elections.
[70] Elections Canada - Official Reports.
[71] Unlike the members of Parliament in the House of Commons, the senators are appointed by the governor general on the advice of the prime minister.
[72] Library of Parliament. PARLINFO Site Map. (As of August 2021)
[73] Library of Parliament. PARLINFO Site Map. (As of September 2019)
[74] Library of Parliament. PARLINFO Site Map. (As of August 2015)

Voter turnout in the federal, provincial and territorial elections

Federal general election (2021) [75, 76]

	Voter turnout based on registered voters		
Canada or Province or Territory	Men	Women	Total
Canada	60.6%	63.8%	62.6%
Newfoundland and Labrador	50.5%	54.2%	52.8%
Prince Edward Island	70.5%	74.9%	71.7%
Nova Scotia	62.2%	66.9%	63.2%
New Brunswick	63.3%	66.9%	64.4%
Québec	61.9%	66.0%	63.5%
Ontario	60.1%	62.6%	62%
Manitoba	59.8%	63.3%	62%
Saskatchewan	62.3%	65.1%	64.2%
Alberta	61.1%	64.8%	64.4%
British Columbia	59.7%	62.7%	61.4%
Yukon	59.5%	65.9%	64.1%
Northwest Territories	41.4%	46.6%	46.7%
Nunavut	27.7%	31.1%	33.8%

Provincial and territorial general elections voter turnout

Province or Territory	*Election Year*	*Voter Turnout*
Newfoundland and Labrador[77]	2021	51.4%
Prince Edward Island[78]	2023	68.5%
Nova Scotia[79]	2024	45.2%
New Brunswick[80]	2024	66.1%
Québec[81]	2022	66.2%
Ontario[82]	2022	43.5%
Manitoba[83]	2023	54.5%
Saskatchewan[84, 85]	2024	56.8%
Alberta[86]	2023	59.5%

75 Elections Canada, 44th General Election, Final Report, Table 3: *Voter Turnout by Province/Territory, Age Group and Gender, 2021 General Election.*

76 Elections Canada, 44th General Election, Final Report, Table 4: Voter turnout by Age and Gender in the 2021 General Election.

77 Elections Newfoundland and Labrador, "2021 Provincial General Election Report" p.13 (Voting Statistics). The Province established an All-Party Committee to Modernize the *Elections Act, 1991* following the 2021 provincial general election. The All-Party Committee is tasked with reviewing the facts of the 2021 provincial general election and providing input in relation to making voting as accessible as possible for all Newfoundlanders and Labradorians. In addition, the provincial Department of Justice and Public Safety is engaged in a legislative review of the *Elections Act, 1991*.

78 Elections Prince Edward Island, "2023 Report of the Chief Electoral Officer of PEI" (Polling Days)

79 Elections Nova Scotia, Provincial General Election 2024-11-26 - Official Results

80 Elections NB.

81 Élections Québec.

82 Elections Ontario.

83 Elections Manitoba, Results of 43rd General Election, 2023.

84 Elections SK. News releases. Final count complete for Saskatchewan's 30th General Election.

85 Note: Saskatchewan's "Voter Turnout" is based on eligible voters.

86 Elections Alberta, Provincial Results, 2023 General Election.

Province or Territory	*Election Year*	*Voter Turnout*
British Columbia[87, 88]	2024	58.3%
Yukon[89, 90]	2021	65.6%
Northwest Territories[91]	2023	52.5%
Nunavut[92]	2021	50.2%

Crime and the administration of justice

Incidence of violent death and life-threatening crimes reported per 100,000 population[93]	The homicide rate in 2022 per 100,000 population was 2.25. The 2022 homicide rate was higher than the average rate for the previous decade (average of 1.74 per 100,000 population from 2012 to 2021). The attempted murder rate in 2022 per 100,000 population was 2.16.
Rate of violent *Criminal Code* violations per 100,000 population[94]	The rate of violent *Criminal Code* violations in 2022 was 1,364.61 per 100,000 population
Number of reported cases of sexually motivated violence[95]	In 2022, there were 35,215 police-reported incidents of sexual assault, level 1 in Canada (90.46 per 100,000 population); 627 police-reported incidents of sexual assault, level 2, weapon or bodily harm in Canada (1.61 per 100,000 population); 123 police-reported incidents of sexual assault, level 3, aggravated in Canada (0.32 per 100,000 population); and 486 police-reported incidents of sexual offences which occurred prior to January 4, 1983 in Canada (1.25 per 100,000 population). The number of sexual assaults is likely underestimated as sexual assault is an underreported crime. For example, in 2019, there were 31,559 police-reported incidents of sexual assault, however, there were approximately 940,000 self-reported sexual assaults that same year[96].
Completed charges[97]	In 2021/2022, there were 840,252 charges completed in adult provincial courts in Canada, a 7% decrease in the number of completed charges from the previous year. There were 4,795 charges completed in superior court in 2021/2022 in provinces/territories where superior court data were available, a 23% decrease from the previous year.

87 Elections BC. News: Final Count Complete, October 28, 2024.
88 Note : British Columbia's "Voter Turnout" is based on registered voters.
89 Elections Yukon, "Report of the Chief Electoral Officer" p.8 (Voter turnout).
90 Note: The Yukon's "Elector Turnout" result is based on registered voters.
91 Elections NWT, "Territorial General Election 2023, Official Results Report" p.7 (Voting).
92 Election NWT, Election Results 2021.
93 Statistics Canada. Table 35-10-0177-01 Incident-based crime statistics, by detailed violations, Canada, provinces, territories, Census Metropolitan Areas and Canadian Forces Military Police
94 Ibid.
95 Ibid.
96 Statistics Canada, General Social Survey on Canadians' Safety (Victimization).
97 Statistics Canada. Integrated Criminal Court Survey. A charge refers to a formal accusation against an accused person or company involving a federal statute offence that has been processed by the courts and received a final decision. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision.

Incidence of violent death and life-threatening crimes reported per 100,000 population[93]	The homicide rate in 2022 per 100,000 population was 2.25. The 2022 homicide rate was higher than the average rate for the previous decade (average of 1.74 per 100,000 population from 2012 to 2021). The attempted murder rate in 2022 per 100,000 population was 2.16.
Rate of violent *Criminal Code* violations per 100,000 population[94]	The rate of violent *Criminal Code* violations in 2022 was 1,364.61 per 100,000 population
	In 2021/2022, youth courts in Canada completed 41,620 charges, which was a 27% decrease in charges from the previous year, and a 74% decrease from a decade prior (2012/2013).
Completed cases[98]	There were 214,022 completed cases in adult criminal provincial court in 2021/2022, which was a 9% decrease from the previous year.
	There were 1,091 completed cases in adult criminal superior court in 2021/2022, which was a 8% decrease from the previous year.
	There were 11,162 completed cases in youth courts, which was a decrease of 25% from the previous year.
Average backlog of cases at different levels of the judicial system[99]	In 2021/2022, the majority of charges completed in adult criminal courts in Canada were heard in provincial courts. The median amount of time it took to complete a charge in provincial court (from first appearance to final decision) was 177 days. The median increased by 62% compared to a decade earlier (2012/2013).
	Superior court charges in 2021/2022 took a median of 343 days to reach a final decision in court, which was 16% longer than in 2020/2021.
	It took a median of 216 days to complete a youth court charge in 2021/2022. This was a 13% increase from the median elapsed time in 2020/2021.
Average time in remand[100]	On a typical day, in 2022/2023, there were 16,193.9 adults held in remand, awaiting trial or sentencing.
	In 2022/2023, 50% of adult offenders released from remand in reporting provinces and territories were held for one week or less and 73% were held for one month or less.[101]
Prison population with breakdown by offence and length of sentence	On an average day in 2022/2023, there were 34,985.7 adults in custody; 22,318.5 in provincial and territorial custody and 12,667.2 in federal custody.

98 Statistics Canada. Integrated Criminal Court Survey.

99 Ibid.

100 Statistics Canada, Correctional services statistics: Interactive dashboard. Table: 35-10-0154 and Table: 35-10-0155. Figures on average counts of adults in custody for 2022/2023 exclude Newfoundland and Labrador.

101 Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Adult Correctional Services Survey and Integrated Correctional Services Survey (custom), and Table: 35-10-0024. Figures on releases from custody for 2022/2023 exclude Prince Edward Island, Nova Scotia, Ontario, Alberta and British Columbia.

Incidence of violent death and life-threatening crimes reported per 100,000 population[93]	The homicide rate in 2022 per 100,000 population was 2.25. The 2022 homicide rate was higher than the average rate for the previous decade (average of 1.74 per 100,000 population from 2012 to 2021). The attempted murder rate in 2022 per 100,000 population was 2.16.
Rate of violent *Criminal Code* violations per 100,000 population[94]	The rate of violent *Criminal Code* violations in 2022 was 1,364.61 per 100,000 population
	In 2022/2023, 32% of adult offenders released from provincial and territorial sentenced custody were there for one week or less, and 56% spent one month or less in custody.[102]
	In 2020-2021, 78% of in-custody federal offenders were serving a sentence for a violent offence. About one-third (32%) were serving a sentence that was less than 4 years in length and another 29% were serving an indeterminate sentence.[103]
Incidence of death in custody[104]	In 2020-2021, there were 69 deaths in federal custody. The majority (54 deaths) were from natural causes.
Police Officers per 100,000 population[105]	There were 71,472 police officers in Canada in 2023 corresponding to a rate of 178.2 per 100,000 population.
Prosecutors[106]	In 2023-2024, there were approximatively 3,800 crown prosecutors in Canada.
Judges[107]	As of July 1 2024, there were approximately 2,415 judges in office in Canada, which includes 1,200 federally-appointed judges.
Share of public expenditure on policy/security and judiciary[108]	In 2020-2021, the value of consolidated government expenses in Canada totaled $1,049.3 billion and public order and safety represented 3.9% ($40,543 millions) of the total.
Of the accused and detained persons who apply for free legal aid, the proportion of those who receive it[109]	In 2019-2020, 253,786 criminal legal aid applications were approved for full legal representation.[110]

[102] Ibid.

[103] Pandemic Era Impacts on the Federal Custody Population Profile: Men. Research in Brief 22-08 & Pandemic Era Impacts on the Federal Custody Population Profile: Women. Research in Brief 22-09. Ottawa: Correctional Service Canada.

[104] Correctional Services Canada.

[105] Statistics Canada. Table 35-10-0076-01. Police personnel and selected crime statistics.

[106] This total does not include provincial or territorial government lawyers working for child protection.

[107] The total does not include justices of the peace or municipal court judges.

[108] Statistics Canada, program on Canadian Classification of Functions of Government (CCOFOG). Figures exclude the acquisitions of non-financial assets and the consumption of fixed capital expenses and as a result, expenditures for this function may be underestimated.

[109] Justice Canada. *Legal Aid in Canada, 2019-2020* report. Legal aid applications approved for full legal representation by staff and private bar lawyers, annual, 2019-2020. Table 6.

[110] Full legal representation (may also be called "certificate") refers to the provision of full legal aid representation by a private bar lawyer, approved by the legal aid plan or by a staff lawyer.

B. Constitutional, Political and Legal Structure

Historical context

26. Indigenous Peoples were the first inhabitants of present-day Canada. Centuries before Europeans began to settle in North America, there were thriving First Nations and Inuit societies with their own languages, cultures and systems of government. The Métis emerged with its own collective identity, language, culture, way of life and self-government in the historic Northwest prior to Canada's westward expansion following Confederation.

27. France established permanent settlements in what is now Canada starting in the early 17th century. By the Treaty of Paris of 1763, France ceded Canada to Great Britain following the Seven Years War. Through the *Royal Proclamation of 1763*, the *Quebec Act of 1774*, and the *Constitutional Act* of 1791, the governance of Canada under the British Crown was established.

28. British colonies in Canada were governed by appointed British officials. Beginning in the 19th century, the British model of parliamentary democracy and responsible government was introduced gradually, with powers being devolved to colonial legislatures.

29. In 1867, with the enactment, by the Parliament of the United Kingdom, of the *British North* America *Act*, the British North American colonies (Nova Scotia, New Brunswick and the Province of Canada, consisting of present-day Ontario and Québec) were federally united into a self-governing Dominion named Canada, with a constitutional division of powers between provincial legislatures and a federal Parliament. Additional provinces joined the federation over a number of years, with the last one being Newfoundland and Labrador in 1949.

30. By the *Statute of Westminster*, *1931*, the British Parliament relinquished the power to pass laws for Canada unless Canada so consented, while maintaining the ability to amend the Constitution of Canada. In 1982, Canada gained the full power to amend its own Constitution and also attained complete legislative independence from Britain. By the *Canada Act, 1982*, no law passed by the United Kingdom Parliament after the coming into force of the *Constitution Act, 1982* would extend to Canada as part of its law.

Constitution

31. The Constitution of Canada contains a series of Acts and instruments, including two main laws (the *Constitution Act, 1867* and the *Constitution Act, 1982*) and a set of unwritten principles and conventions. Constitutional amendments enacted in the *Constitution Act, 1982* included protections of individual rights and freedoms in the *Canadian Charter of Rights and Freedoms*. The Constitution also prescribes which powers – legislative, executive and judicial – may be exercised by which organs of the state and how the legislative powers are distributed between the Parliament of Canada and the provincial legislatures. The Constitution's 30 Acts and orders include, for example, those that created provinces or altered boundaries.

32. The Constitution is silent as to certain essential rules concerning the relationship among the organs of the State. This may be explained by the fact that the Constitution of Canada is based on the same principles as the Constitution of the United Kingdom, where the manner in which political institutions function is governed largely by domestic unwritten rules that are called "Constitutional conventions." The oldest conventions relate to responsible government. These conventions ensure that the legal framework of the Constitution operates in accordance with the prevailing Constitutional values or principles of the period. They relate to ministerial responsibility, the selection of Ministers and Prime Minister, the dissolution of Parliament and the giving of royal assent to legislation adopted by Parliament.

33. Finally, the courts play an important role in interpreting the meaning of the Constitution in the context of changing times and new circumstances.

Division of powers

34. Like all federations, the division of legislative powers is a significant aspect of the constitutional system in Canada. Generally, the Constitution gives the Parliament of Canada jurisdiction over matters that are national in character and gives the provincial legislatures jurisdiction in matters of a local nature. The territorial legislatures are similarly responsible for matters of a local nature. This multi-governance system serves as a vehicle for partnership wherein all governments can work cooperatively to address common challenges in accordance with their respective areas of jurisdiction. Canada's federal system, is a complex yet coordinated whole.

35. The federal Parliament and the provincial and territorial legislative assemblies have the power to raise revenues through taxation, and governments in Canada have the authority to allocate their financial resources as it deems appropriate. The federal government can, for example, make grants to individuals with a view to promoting research and development. It also creates shared-cost programs with interested provinces and territories in areas under their jurisdiction, such as health, education and welfare. Finally, the federal government makes equalization payments to provinces to address fiscal disparities among provinces. Equalization payments are unconditional, meaning that receiving provinces are free to spend the funds according to their own priorities.

36. The federal Parliament has jurisdiction over international and interprovincial trade. It also has exclusive jurisdiction over customs duties, the standardization of products intended for international or interprovincial trade, export quotas and general foreign investment policy.

37. The federal Parliament also has jurisdiction over national defence, relations with other states and the authority to enter into international treaties.

38. Other matters within Parliament's jurisdiction include: navigation and shipping; fisheries; bankruptcy regulations; Indians and lands reserved for Indians, as set out in the *Constitution Act, 1867*; naturalization; citizenship; criminal law; patents and copyrights; the postal service; and employment insurance. Some matters such as interprovincial grain transportation and the uranium mining industry have been declared to be for the general benefit of Canada and are under federal jurisdiction.

39. Any matter that is not within the jurisdiction of the provincial/territorial legislatures is automatically assigned to the federal Parliament. In interpreting federal and provincial powers, the courts have held that certain matters that were not originally provided for in the *Constitution Act, 1867*, such as air transportation, are under the jurisdiction of the federal Parliament by virtue of its general power to make laws for the peace, order and good government of Canada in relation to all matters not assigned exclusively to the legislatures of the provinces. The courts view the general federal power as including a power to legislate in emergencies such as war or a natural disaster.

40. The provincial governments have extensive legislative powers under Canada's Constitution, including authority over property and civil rights (primarily proprietary and contractual rights and civil liability), non-renewable natural resources, forest resources and electrical energy, land use planning and all matters that are local and/or private in nature. The courts have interpreted the provincial powers, especially the "property and civil rights" clause, as covering a very wide field. The Constitution does not mention labour relations specifically, but the courts have placed that subject under provincial jurisdiction, except for certain industries that are under federal jurisdiction for other purposes, such as navigation and shipping industries.

41. Provincial jurisdiction also includes education, health and social services, the establishment, maintenance and administration of hospitals and public prisons and reformatories, municipal institutions, the administration of justice in certain areas, the development and organization of provincial courts of both civil and criminal jurisdiction.

42. The provincial legislatures have the power to levy direct taxes (e.g. income taxes) within the province, to raise revenue for provincial purposes. In addition, provincial governments are given the power to levy direct and indirect taxes in relation to natural resources. They also have the power to issue licences to raise revenue for provincial or municipal purposes.

43. The Constitution assigns concurrent jurisdiction over agriculture and immigration to the provincial legislatures and the federal Parliament. Federal legislation will generally prevail in the event of inconsistencies with provincial legislation. The provinces also share jurisdiction with the federal Parliament in relation to old age pensions.

44. The powers of the provincial legislatures are limited to those given to them by the Constitution. This means that no provincial legislature can take over powers that belong exclusively to the federal Parliament. Similarly, Parliament cannot take over powers that belong exclusively to the provinces. Although Parliament or a provincial legislature cannot abandon its legislative powers in a given field in favour of the other order of government, the federal government or the federal Parliament can delegate powers to a provincial executive, and a provincial government or legislature can likewise delegate powers to the federal executive or the federal government.

Political framework and type of government

45. Canada's political system embodies four characteristics: it is a Constitutional monarchy; a federal system; a parliamentary system based on the British model; and a representative democracy.

46. As a Constitutional monarchy, Canada's head of State is a monarch, the King of Canada, who is also the King of the United Kingdom and fourteen other realms and territories. The Crown is represented in Canada by the Governor General, appointed by His Majesty on the recommendation of the Prime Minister, who exercises powers on his behalf. Acting generally on the advice of the Prime Minister and Cabinet, the Governor General convenes, prorogues and dissolves the federal Parliament, appoints Ministers of the Crown, assents to federal legislation, and performs certain executive, ceremonial and military duties.

47. As a federation, Canada has two constitutionally recognized and autonomous levels of government: federal and provincial. There is a federal government for all of Canada, and a provincial government for each province. The legislative, executive and judicial powers of each level of government are defined in Canada's constitution. Each order of government is independent from the others in its realm of legislative authority. In each, there is a parliament elected by the citizens, an executive responsible to that parliament and an independent judiciary.

48. The three territorial governments exercise powers delegated by the federal Parliament, and municipalities exercise powers delegated by the provincial or territorial legislatures.

49. Furthermore, the federal government recognizes the inherent right to self-government as an existing Aboriginal right under section 35 of the *Constitution Act, 1982*.[111] Self-government can mean, depending on the circumstances, that Indigenous Peoples control their own affairs through Indigenous governments.[112] Frameworks for relationships between Indigenous, federal and, where applicable, provincial and territorial governments, are often articulated through modern treaty or self-government agreements.

50. Canada has a parliamentary system wherein Canadian citizens elect their representatives for both the federal House of Commons and their provincial/territorial legislative assembly. The political party that obtains the most seats is usually called upon to form the government, except in the Northwest Territories and Nunavut which have a consensus government system without political parties. Proposed legislation cannot become law without the approval of the Houses of Parliament or the provincial/territorial legislature

[111] See https://www.rcaanc-cirnac.gc.ca/eng/1100100031843/1539869205136.

[112] Although the *Constitution Act, 1867* recognizes only two autonomous levels of government (the federal government and the provincial governments), the federal government as well as several provinces and territories recognize Indigenous governments as governments that have negotiated, or are in the process of negotiating self-government agreements with many provinces and territories and the federal government. More information on Indigenous self-government in Canada can be found here: https://www.rcaanc-cirnac.gc.ca/eng/1100100032275/1529354547314.

and the assent of the Governor General or the Lieutenant Governor or the Territorial Commissioner, as the case may be.

51. The executive branch is responsible to the citizens' representatives for all of its actions and decisions. The government may be defeated in the House of Commons or the legislative assembly by a vote of non-confidence, and, in that case, the Governor General or the Lieutenant Governor may appoint another leader who can maintain the confidence of the Parliament or the legislature, or else dissolve the House or Assembly by issuing the writs for an election. The democratic character of the political system is also assured by the separation of the judicial and executive branches.

Organization of the legislative, executive and judicial branches

(i) Legislative branch

52. Parliament is the legislative branch of the federal government. It consists of the King (represented by the Governor General), and two legislative chambers, the Senate and the House of Commons. Bills are debated and passed by the Senate and the House of Commons. The Governor General must also give royal assent to a bill in order for it to become a law. By constitutional convention, royal assent is always given to bills passed by the Senate and the House of Commons.

53. The composition of the House of Commons is based on the principle of representation by population: the people of each province and territory elect a number of members of Parliament that is more or less proportional to the population of the province/territory. All members are chosen by being elected in single-member constituencies on the basis of receiving the largest number of votes among candidates for election in the constituency.

54. The total number of members and the distribution of seats among the provinces and territories are revised following every decennial Census.

55. As of July 2024, there were 334 members of the House of Commons[113]. Each member is elected to represent a constituency in the House. Ontario has 120, Québec 77, British Columbia 41, Alberta 34, Saskatchewan 14, Manitoba 13, Nova Scotia 11, New Brunswick 10, Newfoundland and Labrador 7 and Prince Edward Island 4. The Northwest Territories, Nunavut and the Yukon each have one.

56. The Senate is a body whose members are appointed by the Governor General on the advice of the Prime Minister. There can be up to 105 Senators at once. As of July 2024, there were 96 members[114]: 24 representatives come from the Maritime provinces (10 from Nova Scotia, 10 from New Brunswick and 4 from Prince Edward Island), 22 from Québec, 23 from Ontario, 19 from the western provinces (5 from Manitoba, 5 Saskatchewan, 4 from Alberta and 5 from British Columbia), 6 from Newfoundland and Labrador, and one each from the Yukon and the Northwest Territories. Senators may hold office until they reach the age of 75.

57. The Houses of Parliament must sit at least once every 12 months. This is required by section 5 of the *Canadian Charter of Rights and Freedoms*. The term of a Parliament may consist of several sessions. Each session begins with a Speech from the Throne, in which the government outlines its most important policies.

58. A member who intends to present legislation (a bill) for adoption by the House of Commons asks, by motion, that the bill be introduced, receive a first reading and be printed. Normally, the bill passes this stage automatically. At a later sitting, the bill's sponsor moves second reading, which leads to debate on the basic principles of the bill only. If the vote at the end of the debate is favourable, the bill is usually sent to a legislative committee of the House to be studied clause by clause. At that stage, experts and persons or groups with an interest in the bill may be invited to address the committee. Once the committee has completed its work, it reports to the House and submits the bill to it with the amendments passed, if any. At this stage, any member has the right to present further amendments, which

[113] House of Commons, Current Members of Parliament.
[114] Senate of Canada, Current Senators.

are debated and put to a vote. The bill's sponsor then moves third reading and passage of the bill. If the vote is favourable, the bill is sent to the Senate, where it follows the same steps. Once it has been passed by both Houses, the bill is submitted to the Governor General for royal assent. Federal legislation comes into force at the time it receives royal assent, or later, at a date fixed in the statute or delegated by Parliament to be proclaimed in force by the government.

59. In the provinces, legislative power resides in a legislature composed of the Lieutenant Governor and the legislative assembly. There is no upper chamber. The legislative assembly bears a substantial resemblance to the House of Commons and operates in a very similar manner. The members are elected in ridings that are delineated by the legislature more or less in proportion to the population. The candidate who receives the most votes is elected. All bills must go through the various stages of the process for passage by the legislative assembly and must receive royal assent from the Lieutenant Governor before they can become law.

(ii) Executive branch

60. For the federal government, the executive power is exercised by a Governor General and, for the provinces, by a Lieutenant Governor or Territorial Commissioner, acting on the advice of the Prime Minister of Canada or provincial Premiers, respectively. The executive power delegated to the territorial government is exercised by a Territorial Commissioner, acting on the advice of the territorial Premier and Cabinet.

61. By convention, the Governor General appoints as Prime Minister the leader of the party that has secured the support of a majority of the members of the House of Commons. If no party holds a majority of seats, the leader of the party with the largest number of seats in the House will normally be offered the first chance to secure the confidence of the House. The Prime Minister is a member of the House of Commons; otherwise, by convention, he or she must be elected to the House as soon as possible.

62. After being appointed, the Prime Minister normally chooses the other members of the Cabinet from among the members of the House of Commons. Ministers can also be chosen from the Senate. A Minister who is appointed to the Cabinet and who is not a Member of Parliament will seek to become a Member at the earliest opportunity, usually by getting elected to the House of Commons in a by-election. The federal Cabinet is composed of about thirty Ministers. Most Ministers are appointed to a "portfolio", that is, they are responsible for a specific government department such as Finance, Treasury Board, Health, Justice, National Defence, Environment, and so on. Departments may also comprise more than one portfolio, thereby having more than one Minister.

63. The Cabinet is collectively responsible to the House of Commons for its policies. This means that it may continue to govern only so long as it enjoys the confidence of a majority of the members of the House. The consequence of this principle of collective responsibility is Cabinet solidarity: each member of Cabinet must support the decisions made by the Cabinet, even if he or she personally disapproves of them, or must resign. Each Minister with a portfolio is also responsible to the House of Commons for the operations of his or her department.

64. If the government is defeated in the House of Commons on a confidence motion, the Prime Minister, in most cases, will ask the Governor General to dissolve the House of Commons and thus trigger an election. However, if no political party holds an absolute majority of the seats in the House of Commons, the Governor General has the discretionary power to ask the leader of the party that appears to be able to govern with the support of a majority of the members of the House to form a minority government.

65. Executive power in the provinces and territories is exercised by the Lieutenant Governor or Territorial Commissioner and Cabinet Ministers who govern as long as they have the confidence of a majority of the members of the legislative assembly. Within the provincial or territorial Cabinet, the Premier occupies the same predominant position as the federal Prime Minister. Cabinet is accountable for its policies to the legislative assembly, and, if it loses the support of a majority of the members, the Premier will ask the Lieutenant Governor or Territorial Commissioner to dissolve the assembly and call an election.

66. In Canada, following the British tradition, the executive branch is subject to the legislative and judicial branches. According to the principle of the rule of law, any action taken by the government and its administrative organs in relation to the individual must be authorized by law. The rule of law also means that the courts determine the legality of the actions of the administrative arm of the government.

(iii) Judicial branch

67. The basic role of courts in Canada is to resolve disputes fairly and in accordance with the law, whether the matter is between individuals or between individuals and the state. In the process, courts interpret, apply and develop laws. The courts also have an important role in interpreting and applying the Constitution.

68. Canada's court system forms the judicial branch of government.

69. The Supreme Court of Canada, which was established in 1875 by the federal Parliament and now enjoys constitutional status, is the final court of appeal for all other Canadian courts. It has jurisdiction over disputes in all areas of the law, which includes constitutional law, administrative law, criminal law and civil law. As the highest court, its decisions may determine the constitutionality of legislation or government action, including in relation to the *Canadian Charter of Rights and Freedoms*. Its jurisdiction embraces both the civil law of the province of Québec and the common law of other provinces and territories.

70. The federal court system includes the Federal Court, the Federal Court of Appeal and two specialized federally constituted courts, the Tax Court of Canada and the Court Martial Appeal Court of Canada. The federal courts deal with certain matters specified in federal statutes, such as immigration and refugee law, national security, intellectual property, tax and maritime law. They can also deal with matters of national defence, security and international relations. Depending on the court and the issue, the federal courts have the power to hear appeals and/or review decisions, orders and other administrative actions of most federal boards, commissions and tribunals.

71. With one exception, provinces and territories have both superior and lower courts. Nunavut has unified all trial jurisdiction in the Nunavut Court of Justice, which is a superior court. Superior courts have general inherent jurisdiction, which means that they can adjudicate any matter that is not specifically assigned to another court. The superior courts are the courts of first instance for divorce petitions, civil lawsuits involving claims greater than small claims, and criminal prosecutions for indictable offences. Superior courts also have appeal jurisdiction over judgements of lower courts, and the power to judicially review administrative decisions by provincial or territorial government bodies, such as labour boards, human rights tribunals and licensing authorities.

72. The jurisdiction of lower courts is limited to those matters that are permitted by provincial or territorial statute. Both provincial/territorial superior and lower courts have the power to rule on the constitutionality of legislation.

73. Each province and territory has a superior trial court and a court of appeal. These courts are constituted by the provincial or territorial legislature, but their members are appointed and paid by the Government of Canada. Lower provincial and territorial courts, including municipal courts, are also created by the provincial and territorial legislatures but the members are appointed and paid by the provincial and territorial governments.

74. The provincial and territorial courts can determine matters of both federal and provincial/territorial law, other than matters specifically assigned to a federal court, and there is no distinction at the superior court level between constitutional, administrative, criminal and civil jurisdiction. The integration is further reflected in the fact that all cases, whether arising under federal or provincial law, may end up in the same final appeal court, the Supreme Court of Canada.

75. The independence of the judiciary and its separation from the legislative and executive branches of government is a cornerstone of the Canadian judicial system and guarantees that judges act independently of government in interpreting and applying the law. The courts operate independently of the federal and provincial legislative bodies and governments. The *Constitution Act, 1867* adopted the judicial independence features that had been inherited

from the United Kingdom. The Charter has also been interpreted so as to protect judicial independence.

76. Financial security and security of tenure are two crucial aspects of judicial independence. Judges' salaries are established by law and are not subject to arbitrary interference by the executive. According to the Constitution, judges of the superior courts have security of tenure whereby judges hold office during good behaviour until the age of 75 years, and are removable only for cause. Retirement age for provincial and territorial court judges varies across the country. Administrative independence is the third component of judicial independence in Canada. It ensures judicial control over matters that go to the core of the judicial function, such as the assignment of judges and the scheduling of hearings.

77. The Office of the Commissioner for Federal Judicial Affairs Canada (OCFJA) was established to safeguard the independence of the judiciary and provide services to federally appointed judges. In that capacity, the OCFJA provides support to the Supreme Court of Canada appointment process and is responsible for the administration of the federal judicial appointments process on behalf of the Minister of Justice. The OCFJA is expected to carry out these responsibilities in such a way as to ensure that the system treats all candidates for judicial office fairly and equally. The OCFJA's Judicial Appointments secretariat administers 17 Judicial Advisory Committees across Canada, which are responsible for evaluating candidates for federal judicial appointments. There are similar committees established by provinces and territories for provincial/territorial appointments.

78. Each order of government in Canada has a judicial council which has general responsibility for promoting professional standards and conduct. Provincial and territorial judicial councils investigate complaints regarding the conduct of provincially/territorially appointed judges and may recommend that a judge be removed from office, if necessary. In most provinces and territories, provincially/territorially appointed judges can be removed by the relevant Cabinet or legislature following recommendations by the provincial or territorial judicial council. Complaints against federally appointed judges are submitted to and investigated by the Canadian Judicial Council. If a complaint against a federally-appointed judge gives rise to a recommendation for removal by the Council and that recommendation is accepted by the Minister of Justice, the next procedural step is a joint address of the Senate and House of Commons to the Governor General.

79. The Canadian Judicial Council's mandate is to promote efficiency, uniformity, and accountability, and to improve the quality of judicial service in superior courts of Canada. As part of its mandate, the Council reviews complaints or allegations of misconduct against federally appointed judges. It consists of the chief and associate chief justices of all of the federal courts and provincial/territorial superior courts. The Council has developed a set of Ethical Principles for Judges, designed to assist judges in maintaining their independence, integrity and impartiality.

Territorial governments

80. The legislative, executive and judicial powers exercised in Canada's three territories, the Northwest Territories, the Yukon and Nunavut, are contained in the *Northwest Territories Act*, the *Yukon Act* and the *Nunavut Act*, respectively, which are federal statutes. The increasing devolution of powers from the federal government to the territorial governments is incrementally transforming their status within Confederation to one that approaches the status of the provinces.

Indigenous governance

81. In Canada, certain services and administrations for First Nations communities on reserves are the responsibility of Indian bands, which operate in accordance with the *Indian Act* and related legislation. In addition, there are Indigenous groups (First Nations, Inuit and Métis) who have law-making authority developed through a negotiated self-government agreement with the federal government and some provincial or territorial governments. These agreements establish Indigenous governments that are primarily accountable to their citizens, in addition to creating a framework for intergovernmental relations with the federal government and, where applicable, provincial and territorial governments. These

governments can exercise control and have the power to legislate on a wide variety of areas. The federal government and interested Indigenous groups, in collaboration with the applicable province or territory, continue to negotiate self-government arrangements.

Municipalities

82. Canada's approximately 5,000 municipalities (cities, towns, villages and metropolitan regions) are created by provincial or territorial laws and have such powers as the legislatures deem are required for local governance. Mayors and municipal councillors are elected in accordance with provincial or territorial electoral laws. Municipalities are responsible for a variety of local matters and services such as water supply, sewage and garbage disposal, roads, sidewalks, street lighting, building codes, parks and playgrounds.

Non-governmental organizations

83. Canada benefits from a vibrant, active and independent civil society, Non-governmental organizations (NGOs) operate freely in Canada and play an important role in the protection and promotion of human rights. Among other things, they monitor governmental activities, help individuals obtain redress in cases of violations of human rights and carry out educational programs.

84. Governments support and regulate NGOs in a variety of ways. NGOs may receive funding from governments and provide services on their behalf.

85. Some NGOs in Canada operate as charities. The Canada Revenue Agency (CRA), the federal agency that regulates tax laws, registers charities in Canada under the *Income Tax Act*. Registered charities are tax exempt and may issue official donation receipts to reduce their tax liability.

86. To be registered as a charity with the CRA, applicants must reside in Canada, have exclusively charitable purposes, engage in activities that further their purposes, operate without purpose of gain for their members, and only incidentally provide a private benefit to any other individual or group. The CRA also monitors Canada's registered charities to ensure they continue to comply with *Income Tax Act*, which contains provisions and reporting requirements concerning registered charities' business, political, fundraising, and other activities.

87. Under the *Income Tax Act*, non-profit organizations are associations, clubs, or societies that are not charities. They must be organized and operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit. While non-profit organizations are tax exempt, the CRA does not register them and they do not have receipting privileges.

III. General Framework for the Protection and Promotion of Human Rights

A. Acceptance of International Human Rights Norms

88. Canada has adhered to seven UN human rights treaties and six Optional Protocols, as outlined below with reservations and interpretative declarations listed. Details on these treaties, including the full text of reservations and declarations as well as additional information on Canada's acceptance of international human rights norms, are contained in Annex A. At present, all of the reservations are considered necessary to ensure Canada's compliance with the relevant treaty.

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified in 1970.
- International Covenant on Civil and Political Rights (ICCPR), acceded to in 1976.
- Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR), acceded to in 1976.

- International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to in 1976.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified in 1981.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified in 1987.
- Convention on the Rights of the Child (CRC), ratified in 1991. Reservation: Article 12(2) and Article 37(c); Statement of understanding: Article 30.
- Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC), ratified in 2000.
- Optional Protocol on the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), acceded to in 2002.
- Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC), ratified in 2005.
- Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty (OP2-ICCPR), acceded to in 2005.
- Convention on the Rights of Persons with Disabilities (CRPD), ratified in 2010. Reservation: Article 12 (2), (3) and (4); Declarations: Articles 12 and 33(2).
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), acceded to in 2018.

B. Legal Framework for the Protection of Human Rights

89. The protection of human rights in Canada is founded on a system of representative and responsible government, constitutional guarantees, statute law, including specialised human rights legislation, the common law and an independent judiciary.

90. The legislative, executive and judicial branches of government, at all orders of government in Canada, share responsibility for the protection of human rights and implementing international human rights obligations. Relevant legislation is enacted by Parliament and the provincial and territorial legislatures. Numerous departments and agencies work within the executive branches of all orders of government to formulate policies and programs and take into account Canada's human rights obligations in their work.

Responsible government

91. Under Canada's system of responsible government, the government must be responsive to its citizens. Cabinet Ministers are both individually and collectively accountable to Parliament for all of Cabinet's decisions and for carrying out the policies established by it. Individually, Ministers are accountable for the exercise of their powers, including for the running of their departments. The Government derives its authority from the Canadian people. Individuals and civil society may bring to notice areas in which human rights and fundamental freedoms are in need of further protection. The same principle of responsible government also applies in respect of each provincial and territorial government and legislature.

92. Parliamentary Standing Committees review proposed legislation and, where mandated, scrutinise departmental operations and expenditures and the effectiveness of the policies and programs of the department. A number of committees have permanent orders of reference that give rise to subject matter studies. The Standing Committee on Justice and Human Rights has the power to review proposed amendments to federal legislation relating to human rights law, criminal law, family law and the administration of justice. The Committee may also undertake studies on subjects related to its mandate. In the course of a study, the Committee holds public meetings, considers evidence from witnesses, and reviews written submissions and other authoritative documents.

93. The Senate Standing Committee on Human Rights was established in 2001 to examine and monitor issues of human rights, including Canada's domestic and international human rights obligations, and ensure that federal legislation and policies are properly applied and are consistent with the Charter and the *Canadian Human Rights Act*.

94. The Standing Joint Committee for the Scrutiny of Regulations is mandated to examine whether delegated or subordinate legislation is in conformity, among other things, with the Charter and the *Canadian Bill of Rights* for the purpose of alerting the House of Commons and the Senate to matters of legality and procedural aspects of regulations.

Constitutional guarantees and Bill of Rights

Canadian Charter of Rights and Freedoms

95. The Charter guarantees the following rights and freedoms:

- fundamental freedoms of conscience and religion, of thought, belief, opinion and expression (including freedom of the press and other media), of peaceful assembly and of association (section 2);
- democratic rights (right to vote and to qualify for election to the federal House of Commons or provincial legislative assembly; there must be elections to the House of Commons and provincial legislatures at least every five years, with exceptions noted in paragraph 23, herein, and Parliament and the legislatures must sit each year) (sections 3-5);
- mobility rights (right of citizens to enter, remain in and leave Canada (section 6 (1)), and rights of citizens and permanent residents to take up residence and earn a living in any province (section 6 (2) and (3)));
- right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice (section 7);
- various rights relating to the legal process, including the right to be secure against unreasonable search or seizure, rights on arrest or detention or when a person is charged with an offence, the right not to be subjected to cruel and unusual treatment or punishment, the right against self-incrimination and the right to an interpreter in certain circumstances (sections 8-14);
- the right to equality before and under the law, and the right to the equal benefit and protection of the law without discrimination, and in particular without discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability (the courts have interpreted this article to include other analogous grounds) (section 15); and
- recognition of French and English as the two official languages of Canada (sections 16-22); and minority-language educational rights (section 23).

(i) Interpretation

96. The Charter also contains the following interpretive provisions:

- the guarantee of Charter rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada (section 25);
- the guarantee in the Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada (section 26);
- the Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians (section 27);
- Charter rights and freedoms are guaranteed equally to male and female persons (section 28); and

- the Charter does not abrogate or derogate from any rights or privileges guaranteed by or under the Constitution in respect of denominational, separate or dissentient schools (section 29).

97. Furthermore, the Supreme Court of Canada has developed rules of interpretation that have shaped the development of Charter jurisprudence. According to the purposive approach, the courts begin by considering the text of the relevant provision, then consider the purpose of guaranteeing a right or freedom in determining its scope. In addition, using a contextual approach, they consider the particular social, political and legal context in which the Charter question arises in deciding whether and how the Charter applies in the circumstances.

(ii) Scope of application

98. Some rights guaranteed in the Charter (electoral rights in section 3, mobility rights in section 6 (1) and minority-language educational rights in section 23) are guaranteed only to Canadian citizens. Mobility rights in section 6 (2) and (3) are also extended to permanent residents. For the most part, however, rights are guaranteed to "everyone", "every individual" or "anyone".

99. As per section 32 (1), the Charter applies to the federal, provincial and territorial legislatures and governments, in respect of all matters falling within their respective authority. Section 32 has been interpreted by the courts to apply to the full range of governmental activities, including administrative practices of officials and the acts of the executive branch of government, as well as to enactments of Parliament or the legislatures. The Charter also applies to the exercise of delegated legislative authority (for example, by municipalities) and to non-governmental actors where, in view of factors such as the degree of governmental control, they may be regarded as engaged in government action.

(iii) Limitations and derogations

100. Some provisions of the Charter contain their own express or implied limitations. For example, section 8 protects everyone from "unreasonable" search or seizure, and the guarantee of freedom of expression in section 2(b) has been interpreted as not to extend to violent expression. While section 7 recognizes that everyone has the right to life, liberty and security of the person, it also permits limitations on this right if they are in accordance with the principles of fundamental justice.

101. In addition to the express or implied limitations contained in some Charter rights, section 1 of the Charter defines the more general circumstances in which Charter rights and freedoms may be limited. It states that the rights and freedoms guaranteed by the Charter are subject "…only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The Supreme Court of Canada has indicated that, for a limit prescribed by law to meet the requirements of section 1, it must serve an objective of sufficient importance and employ proportionate means to attain it. In particular, the means must be rationally connected with the objective, impair the Charter right or freedom as little as reasonably possible, and have an impact that is proportional to the objective in question. The Supreme Court has also stated that, in the event of a court challenge, the onus is on the government defending a limit on Charter rights to establish its justification under section 1, once an applicant has established that one or more rights or freedoms set out in the Charter have been limited.

102. Section 33 of the Charter permits Parliament or a provincial or territorial legislature to declare that a statute, or a provision of it, shall operate notwithstanding section 2 (fundamental freedoms), sections 7 to 14 (legal rights) or section 15 (equality rights) of the Charter. This provision of the Charter provides that such a declaration automatically ceases to have effect after five years, but the declaration may be re-enacted. Section 33 has no application to the Charter's democratic rights, mobility rights, official-language rights and minority-language educational rights, but otherwise preserves the tradition and essential supremacy of Parliament and the legislatures of provinces or territories.

103. The federal *Emergencies Act*, which enables the Governor in Council to adopt a narrowly-defined set of extraordinary measures in specific kinds of emergency situations, does not authorize derogations from rights set under the Charter. The Preamble to the

Emergencies Act states that, in adopting such measures, the Governor in Council is subject to the Charter and the *Canadian Bill of Rights*, and must have regard to the *International Covenant on Civil and Political Rights*, "particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency". Furthermore, article 4 (b) of the *Emergencies Act* provides that it confers no authority on the Governor in Council to make orders or regulations for the detention, imprisonment or internment of Canadian citizens or permanent residents on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

(iv) Section 4.1 and 4.2 of the Department of Justice Act

104. The Minister of Justice and Attorney General of Canada plays a fundamental role in seeing that the administration of public affairs by the federal government is in accordance with the law. An aspect of the Minister's general duty is the requirement imposed by subsection 4.1(1) of the *Department of Justice Act*, which obliges the Minister of Justice to examine every government bill to ascertain whether any of its provisions are inconsistent with the Charter and to report any such inconsistency to the House of Commons at the first convenient opportunity.

105. Subsection 4.2 (1) of the *Department of Justice Act* requires that the Minister of Justice cause to be tabled, for every government Bill introduced in either House of Parliament on or after December 13, 2019, a statement of the Bill's potential effects on the rights and freedoms guaranteed by the Charter. The purpose of the Charter Statement is to inform members of the Senate and the House of Commons as well as the public of those potential effects. In addition to being tabled in Parliament, the Minister of Justice's Charter Statements are also posted online, so as to best inform parliamentary and public debate on a bill and help increase awareness and understanding of the Charter more generally.

Bills of Rights

106. In 1960, Parliament enacted the *Canadian Bill of Rights*. It applies to legislation and policies within federal jurisdiction, and guarantees rights and freedoms similar to those found in the Charter and the *International Covenant on Civil and Political Rights*. This includes some rights not explicitly found in the Charter, such as property rights and procedural fairness rights. Federal laws that infringe the *Canadian Bill of Rights* are to that extent inoperative, unless the law in question states that it operates notwithstanding the *Canadian Bill of Rights*. There are very few cases of laws having been declared inoperative because of inconsistency with the *Canadian Bill of Rights*, unlike the many successful actions brought on the basis of the Charter since its enactment in 1982.

107. The *Alberta Bill of Rights* was enacted in 1972 to ensure that the rights and freedoms protected within federal jurisdiction in the *Canadian Bill of Rights* receive similar protection in matters within the province of Alberta's jurisdiction. The *Alberta Bill of Rights* guarantees the right of the individual to liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law, equality rights and the fundamental freedoms (religion, speech, assembly and association, and freedom of the press). In 1975, Québec adopted a *Charter of Human Rights and Freedoms*, a quasi-constitutional law to protect fundamental rights and freedoms within its jurisdiction.

Constitutional and legal framework related to Indigenous Peoples

Indigenous Peoples[115]

108. Indigenous Peoples, their communities, cultures and languages have existed since time immemorial in the land now known as Canada. The term "Indigenous Peoples" refers to three groups—First Nations, Métis and Inuit[116] who are recognized in the *Constitution Act,*

[115] Statistics Canada. 2021 Census - The Daily – Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed (statcan.gc.ca)

[116] Section 35 of the *Constitution Act, 1982*.

1982. The 2021 Census counted 1,807,250 Indigenous people, accounting for 5.0% of the total population of Canada, up from 4.9% in 2016.

109. The Indigenous population grew by 9.4% from 2016 to 2021, surpassing the growth of the non-Indigenous population over the same period (+5.3%). However, this growth was not as rapid as in years past. For example, from 2011 to 2016, the Indigenous population grew by 18.9%—more than double the 2021 growth rate.

110. For the first time, the 2021 Census of Population enumerated more than 1 million First Nations people living in Canada (1,048,405). First Nations people includes those who are members of a First Nation or Indian band and those who are not, as well as those with and without Registered or Treaty Indian status under the *Indian Act*. There are more than 600 First Nations or Indian bands in Canada.

111. In 2021, almost three-quarters (71.8%) of First Nations people had Registered or Treaty Indian status under the *Indian Act*, while 28.2% did not. The share of First Nations people with Registered or Treaty Indian status was higher in 2016 (76.2%), reflecting the fact that the First Nations population who did not have Registered or Treaty Indian status grew at a much faster pace in 2021 than the population with Registered or Treaty Indian status (+27.2% versus +4.1%). Among status First Nations people, just over two-fifths (40.6%) lived on reserve in 2021.

112. The census counted 624,220 Métis living in Canada in 2021, up 6.3% from 2016. While the growth of the Métis population outpaced that of the non-Indigenous population over the same period (+5.3%), the difference was not as great as in years past. From 2011 to 2016, the population identifying as Métis grew by almost one-third (+30.0%).

113. The 2021 Census counted 224,655 people reporting membership in a Métis organization or Settlement, with four-fifths (79.8%) reporting being a member of one of the five signatories of the Canada-Métis Nation Accord (2017). Along with Métis organizations, there are eight Metis Settlements of Alberta that were established though the 1938 *Métis Population Betterment Act* of the Alberta Legislature. In 2021, 3,540 people reported being a member of one of the eight Metis Settlements of Alberta.

114. The census counted 70,545 Inuit living in Canada in 2021, up 8.5% from five years earlier. Inuit Nunangat—the homeland of Inuit in Canada—is composed of four regions. The westernmost is the Inuvialuit region, found in the north of Yukon and the Northwest Territories. Next to it is Nunavut, Canada's third territory, which was officially established in 1999. Nunavik—the second most populated region—is located along the western and northern coastline of Quebec. Finally, Nunatsiavut is found along the north coast of Labrador. Over two-thirds (69.0%) of Inuit lived in Inuit Nunangat in 2021, down from 72.8% in 2016, reflecting the faster growth of the Inuit population living outside Inuit Nunangat (+23.6%).

115. Just over four-fifths (80.6%) of Inuit in Canada reported that they were enrolled under or were a beneficiary of an Inuit land claims agreement. The largest group of claimants (33,310 people) was part of the Nunavut Land Claims Agreement, and most (88.4%) of this group lived within the territory of Nunavut. The next largest group (15,505 people) was the James Bay and Northern Quebec Agreement, with 79.5% of this group living in Nunavik.

Constitutional rights

116. Section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and treaty rights of the "Aboriginal peoples of Canada". These constitutionally-protected rights are collective in nature. All levels of government in Canada must respect Aboriginal and treaty rights and can be held accountable by the courts for infringing these rights. Canadian courts have explained that different Indigenous groups may have different rights.

117. In limited circumstances, governments can infringe Aboriginal and treaty rights if it is justified according to a stringent legal test, and upholds the honour of the Crown.

118. The honour of the Crown is a constitutional principle that requires the Crown to hold itself to a high standard in all its dealings with Indigenous Peoples. It gives rise to different duties in different circumstances, including the common law duty to consult. The duty to

consult is triggered when the Crown contemplates conduct that might adversely impact asserted or established Aboriginal or treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*.

Aboriginal rights

119. Constitutionally protected Aboriginal rights generally reflect practices, customs or traditions integral to the distinctive culture of the Indigenous group claiming the right and have a demonstrated connection with the practices, customs and traditions that existed prior to contact with European society. To be an Aboriginal right, the practice, custom or tradition being relied upon must be of central significance to the Indigenous group in question. Aboriginal rights include both land and non-land based rights. Examples include harvesting activities such as hunting, fishing and trapping.

120. Aboriginal title is a subset of Aboriginal rights and is defined as a right to the land itself. The incidents of Aboriginal title include the right to exclusive use and occupation of land subject to Aboriginal title and the right to derive economic benefits from land. Since Aboriginal title is a right to the land itself, it is more than just the right to carry out activities on the land that would amount to Aboriginal rights.

Aboriginal treaty rights

121. A section 35 constitutionally-protected treaty right is the result of negotiation and agreement between the Crown (government) and an Indigenous group. A treaty right may be found in a historic treaty or a modern treaty, which are solemn agreements between the Crown and Indigenous communities.

(i) Historic treaties

122. Between 1700 and 1923, some 70 historic treaties were concluded between the Crown and Indigenous groups. These treaties cover approximately 50 percent of Canada and are situated in nine provinces and three territories. There are two main types of historic treaties: treaties of peace and friendship and land cession treaties. The content of historic treaties varies and may include provisions relating to the creation of Indian reserves, educational assistance, payments of annuities and guarantees of rights to hunt, fish and trap.

(ii) Modern treaties

123. The modern treaty-making period began in the 1970s. Governments in Canada are now implementing 25 modern treaties that cover approximately 40 percent of Canada (in northern Québec, Labrador, British Columbia and the Territories). While the content of modern treaties varies, they usually address matters such as compensation, ownership of lands, fisheries and wildlife harvesting rights, participation in land and resource management, resource revenue sharing as well as measures to promote economic development and preserve Indigenous culture. Modern treaties may include provisions relating to the negotiation of self-government agreements.

Additional elements of the legal framework

124. Relationships built on colonial structures have contributed to the unacceptable socio-economic gap between Indigenous and non-Indigenous Peoples in Canada. While day-to-day realities in Indigenous communities must continue to be addressed directly, there must also be systematic change. The dissolution of Indigenous and Northern Affairs Canada and creation of two new departments (Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada) reflects a new era of co-operation with Indigenous Peoples, based upon respect and the recognition and implementation of rights. This work is part of the unfinished business of Confederation and is critical to the success of Canada as a whole. This ongoing work is informed by the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which came into force in June 2021.

125. In 2016, the Supreme Court of Canada determined that the term “Indians” for purposes of Canada’s law-making powers under section 91(24) includes all Aboriginal peoples in Canada including Métis and non-status Indians.

126. Section 91(24) is the constitutional basis for the *Indian Act*, which remains the principal statute through which federal jurisdiction in relation to reserve lands and status Indians living on the reserve lands is exercised. Indian status is the legal status of an Indigenous person who is registered as an Indian under the *Indian Act*. Under the *Indian Act*, status Indians may be eligible for a range of benefits, rights, programs and services offered by the federal and provincial or territorial governments.

127. Over the past decade, recognizing the colonial and discriminatory history of the *Indian Act* and the need for ongoing reform in this area, the Government of Canada has been working collaboratively with First Nations and Indigenous organizations to bring about much-needed changes.

128. For example, the 2011 repeal of article 67 of the *Canadian Human Rights Act*, which prevented persons, often Indigenous women and persons living or working on Indian reserves, from making complaints of discrimination arising from actions taken or decisions made pursuant to the *Indian Act*. In 2013, the *Family Homes on Reserves and Matrimonial Interests or Rights Act was enacted*, the goal of which is to ensure that people living on reserve lands have similar rights and protections as other Canadians with regard to matrimonial property and interests. In June 2022, aligned with the Safe Drinking Water Class Action Settlement Agreement, Canada formally repealed the *Safe Drinking Water for First Nations Act*. On December 11, 2023, Canada introduced Bill C-61, the proposed *First Nations Clean Water Act*.

129. In 2017, Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec* decision *in Descheneaux c. Canada (Procureur général)* came into force. The legislative amendments eliminated known sex-based inequities in the registration provisions of the *Indian Act*. More amendments came into force in 2019, after the Government of Canada held national consultations with First Nations and Indigenous groups. While known sex-based inequities in registration have been eliminated, the Government of Canada recognizes that there are residual impacts of these historical sex-based laws and that their effects continue to affect registration. The Government of Canada also recognizes that continued engagement is essential to ensuring that the elimination of known sex-based inequities is practically implemented among women and their descendants through access to registration. The Government of Canada continues to collaborate with First Nations and other partners to address the remaining inequities related to registration as well as the broader issues related to the *Indian Act*.

130. Additionally, the Framework Agreement on First Nation Land Management and its ratifying legislation, the *Framework Agreement on First Nation Land Management Act*, provides participating First Nations greater authority, including law-making powers, to govern their reserve lands, natural resources and the environment, outside of the *Indian Act*.

Protection in human rights codes and other legislation

131. Each federal, provincial and territorial government has established a comprehensive anti-discrimination legislative framework, with each having a human rights commission and/or tribunal. Although the functions of these bodies vary, common functions include:

- The determination or conciliation of complaints of discrimination brought under legislation operating in the particular jurisdiction, and
- Developing and conducting human rights education and awareness initiatives.

132. The following chart lists the human rights legislation, tribunals and commissions of the federal, provincial and territorial governments.

Jurisdiction	*Human Rights Codes and Legislation*	*Human Rights Tribunals and Commissions*
Canada	Canadian Human Rights Act	Canadian Human Rights Commissions
		Canadian Human Rights Tribunal
British Columbia	Human Rights Code	B.C. Human Rights Tribunal
		B.C. Office of the Human Rights Commissioner
Alberta	Alberta Human Rights Act	Alberta Human Rights Commission
	Alberta Bill of Rights	
Saskatchewan	The Saskatchewan Human Rights Code	Saskatchewan Human Rights Commission
Manitoba	The Human Rights Code	Manitoba Human Rights Commission
Ontario	Human Rights Code	Ontario Human Rights Commission
		Human Rights Tribunal of Ontario
Québec	Charte des droits et libertésde la personne	Commission des droits de la personne et des droits de la jeunesse
		Human Rights Tribunal
New Brunswick	Human Rights Act	New Brunswick Human Rights Commission
Nova Scotia	Human Rights Act	Nova Scotia Human Rights Commission
Prince Edward Island	Human Rights Act	Prince Edward Island Human Rights Commission
Newfoundland and Labrador	Human Rights Act, 2010	Newfoundland and Labrador Human Rights Commission
Yukon	Human Rights Act	Yukon Human Rights Commission
Northwest Territories	Human Rights Act	Northwest Territories Human Rights Commission
Nunavut	Human Rights Act	Nunavut Human Rights Tribunal

Human rights codes and legislation

133. All governments in Canada – federal, provincial and territorial – have adopted legislation prohibiting discrimination on various grounds in regard to employment matters, the provision of goods, services and facilities customarily available to the public, and housing. This legislation differs in its application from the right to equality in section 15 of the *Canadian Charter of Rights and Freedoms* in that it provides protection against discrimination by individuals in the private sector, as well as by governments.

134. Generally, human rights codes prohibit discrimination on the following grounds: race or colour; religion or creed; age; sex; sexual orientation; gender identity or expression; family or marital status; physical or mental handicap or disability; national or ethnic origin and ancestry or place of origin. Some codes include other prohibited grounds of discrimination such as political belief, association, pardoned conviction, record of criminal conviction, source of income, and others.

135. The Supreme Court of Canada has stated that anti-discrimination legislation is to be interpreted by Canadian courts and tribunals in a manner that will advance its broad purpose of ensuring equality of opportunity for individuals.

136. Thus, the Supreme Court has indicated that human rights codes normally take precedence over other legislation. In other words, discriminatory practices may be subject to challenge under such codes, even if they are apparently authorized by other legislation. Furthermore, the Supreme Court has held that human rights legislation precludes adverse-effect discrimination, as well as direct discrimination. If policies or practices have an adverse impact on groups protected by human rights codes, they may be found to be discriminatory, even if they do not involve intentional discrimination, or expressly draw distinctions on the basis of prohibited grounds. In regard to adverse-effect discrimination, employers, for example, have a duty to make reasonable accommodation for the needs of those protected by the law. The duty of reasonable accommodation requires that employers make a genuine effort, except where it would cause undue hardship, to accommodate the special needs of members of protected groups, even if doing so may cause minor inconvenience to other employees.

137. Human rights codes permit distinctions on the basis of prohibited grounds of discrimination in the employment area, if they are based on bona fide and reasonable occupational qualifications or requirements, and in the provision of services, facilities and accommodation, if the distinctions have a bona fide and reasonable justification. For example, in employment matters, the Supreme Court of Canada has defined the bona fide occupational requirement as one imposed in good faith and related, in an objective sense, to the performance of the work involved.

138. Some provincial and territorial human rights codes also protect a range of freedoms. For example, the *Saskatchewan Human Rights Code* guarantees the freedoms of conscience, expression and association, freedom from arbitrary imprisonment and the right to participate in elections. The *Human Rights Act* of the Yukon Territory guarantees freedoms of religion and conscience, expression, assembly and association, and the right to enjoyment and disposition of property, in accordance with the law. In Quebec, the *Charter of Human Rights and Freedoms* guarantees fundamental freedoms and rights such as freedom of religion, the right to life and the right to respect of one's privacy. It also recognizes the right to equality in the recognition and application of freedoms and political, judicial, economic and social rights. Article 50.1 states that the rights and freedoms set out in the Quebec Charter are guaranteed equally to men and women. Article 9.1 provides in particular that the rights and freedoms of the person are exercised with respect for democratic values, the secularism of the State, the importance given to the protection of French, public order and general well-being of the citizens of Quebec and that, in this regard, the law can determine its scope and regulate its exercise.

Freedom of information and privacy legislation

139. Statutes on freedom of information and privacy exist at both the provincial/territorial and federal level. These help protect individuals' right to privacy (vis-à-vis both public- and private-sector entities) and provides a right of access to information that is in the custody or control of government.

Common law protections

140. Certain common law protections, such as procedural fairness and property rights, have a long history in Canada. Common-law actions such as libel can also be used to obtain redress for violations of one's rights by other individuals or by the government.

The domestic human rights system

Human rights treaties and the domestic legal system

141. Treaties adhered to by Canada, including those pertaining to human rights, are not self-executing and require legislative implementation to be directly applicable in Canadian law. Therefore, although Canada's international human rights obligations often play a major role in the interpretation and application of domestic laws (a subject that will be returned to below), the treaties themselves are not subject to direct enforcement in Canadian courts. Accordingly, those alleging violations of their rights or interests rely on the various domestic remedial avenues available for breaches of relevant domestic law, including domestic human rights laws.

142. Prior to becoming a party to an international human rights treaty, all orders of government in Canada review their laws, policies and practices to determine whether they would meet the treaty obligations, or whether new measures may be required to ensure full and effective implementation of the treaty. Where existing legislation and policies fulfill the obligations under the treaty, no new measures are required. On occasion, legislation may be amended or new laws enacted to ensure compliance with the treaty. After adherence, these issues are taken into account in drafting future legislation where relevant, or in other areas of government policy-making and operations.

Federal-provincial/territorial coordinating mechanisms

143. All governments in Canada share a high level of engagement and similar priorities with respect to the promotion and protection of human rights. Governments work cooperatively within and between orders of government to find locally appropriate solutions to human rights concerns.

144. There are three federal-provincial-territorial (FPT) committees focused on human rights, including the Forum of Ministers on Human Rights (FMHR), the Senior Officials' Committee Responsible for Human Rights (SOCHR) and the Continuing Committee of Officials on Human Rights (CCOHR). These committees, which operate under the principle of consensus, are responsible for coordination and information sharing among governments in Canada with respect to the adherence to and domestic implementation of international human rights treaties.

145. The FMHR, which was established in 2020, meets approximately every two years to share information and discuss matters related to Canada's international human rights obligations.

146. The SOCHR, which was established in 2017, works to enhance high-level FPT collaboration on human rights and meets at a minimum every 4 months.

147. The CCOHR, which was established in 1975, is comprised of representatives from FPT governments and meets monthly.

148. There are also many federal, provincial and territorial (FPT) committees and mechanisms with mandates relating to matters that impact Canada's implementation of its treaty obligations, including health, public safety, social development and persons with disabilities. For example:

- Through the FPT Forum of Ministers responsible for the Status of Women, governments have a platform for sharing knowledge and information and to undertake collaborative initiatives, as agreed upon by consensus, to promote and advance the status of women, which can include gender diversity and gender equality, considering the varying scope of each Minister's mandate.
- The Forum of FPT Ministers Responsible for Social Services (MRSS) encourages collaborative work on intergovernmental social issues to advance social inclusion, individual potential, and economic well-being of Canadians. The Forum works through government-to-government relationships to share knowledge, identify issues for further study and potential collaboration, and provide opportunities for inter-jurisdictional discussion. MRSS is supported by advisory committees and working

groups including: income support; poverty; social innovation; and, persons with disabilities.

- MRSS includes the Persons with Disabilities Advisory Committee (PwDAC), which provides evidence-based policy advice and options to FPT deputy ministers on disability issues and collaborates on research, analysis and development of options for addressing issues impacting the disability community in Canada. The PwDAC includes the Open Forum for Accessibility, which facilitates collaboration for advancing accessibility across jurisdictions.
- The Family Law Committee of FPT officials meets regularly to develop and co-ordinate family law policy and advise deputy ministers.
- A number of FPT committees also meet regularly to discuss criminal justice issues, such as the Coordinating Committee of Senior Officials (Criminal Justice), the Working Group on Aboriginal Justice, the Working Group on Victims of Crime, and the FPT Permanent Working Group on Legal Aid.

Judicial consideration of Canada's international obligations

149. International treaties that are binding on Canada can inform the interpretation and application of domestic law. This doctrine is of particular importance in the context of the *Canadian Charter of Rights and Freedoms*. Human rights treaties are relevant in determining the scope of rights protected by the Charter. The Supreme Court of Canada has recognized a presumption of conformity, whereby relevant Charter provisions are generally presumed to provide protection at least as great as that afforded by similar provisions in the international human rights treaties binding on Canada.

150. Through their relevance to the interpretation of human rights protections in the Charter, these international treaties are considered by the courts when the validity of legislation under the Constitution must be determined.

151. Canadian courts also refer to relevant provisions of treaties to which Canada has adhered to interpret ordinary (non-constitutional) legislation, such as the *Immigration and Refugee Protection Act* or the *Criminal Code*, and administrative action. For example, courts will interpret ordinary legislation as though the legislature intended to comply with Canada's treaty obligations, absent a clear intention to the contrary.

Remedies for violations of human rights

Remedial avenues for human rights violations

152. In Canada, various modes of redress for human rights violations are available, depending on the nature of the right infringed and the form of remedy sought. Relevant authorities include the courts, statutory bodies created to administer particular legislation (variously known as commissions, boards, committees or tribunals) and ombudspersons.

153. The courts in Canada have jurisdiction to determine whether there have been unjustifiable limitations on rights and freedoms guaranteed by the Charter. Alleged violations of the Charter are frequently brought to the attention of the courts in the course of criminal trials, where (if established) they may lead to a range of appropriate remedies, such as the exclusion of any evidence obtained in a manner contrary to the Charter, or a stay of the charges. Individuals may also make a civil claim alleging a Charter violation. Many statutes relevant to the implementation of human rights involve recourse to the courts, e.g. child-protection legislation, and, in Québec, the *Civil Code* and the *Charter of Human Rights and Freedoms*. The courts also decide actions based on the common law and have an inherent jurisdiction over children and other persons unable to protect themselves, known as the *parens patriae* jurisdiction, which is of particular relevance in the context of the *Convention on the Rights of the Child*. The courts also play a role in reviewing decisions of boards and tribunals.

154. The primary means of enforcing human rights codes and legislation (dealing mainly with discrimination) is through the human rights commissions or tribunals established under

them. Human rights commissions have a role to play in identifying human rights issues and concerns. Many of them have been given various degrees of responsibility for overseeing implementation of equality rights, covered in their respective human rights acts. Individuals who allege a violation of their equality rights may file complaints with the appropriate commission. These complaints are investigated, and there may be a conciliation process. If necessary, a board of inquiry or human rights tribunal determines the legal merits of the complaint.

155. Other legislation, particularly in the social and economic areas, may establish statutory bodies to consider complaints relating to its administration. Administrative tribunals and boards deal with disputes over the interpretation and application of laws and regulations, such as entitlement to employment insurance or disability benefits, and refugee claims. Where the administrative boards or tribunals have jurisdiction to decide questions of law, they are presumed to have jurisdiction to decide the constitutional validity of a legislative provision and grant Charter remedies, as well as the power to decide discrimination matters under anti-discrimination legislation. Administrative tribunals are less formal than courts and are not part of the court system. However, they play an essential role in resolving disputes in Canadian society. Decisions of administrative tribunals may be reviewed in court to ensure that tribunals act fairly and according to the law. For example, at the federal level, the Veterans Review and Appeal Board hears complaints from veterans regarding determinations of entitlement to pensions, and, at the provincial level, in Manitoba, the Social Services Appeal Board considers complaints regarding entitlement to social assistance under *The Manitoba Assistance Act.*

156. In most provincial jurisdictions, police commissions or similar bodies have been established to review complaints against the police. Increasingly, these bodies operate independently of the police. The independent Civilian Review and Complaint Commission for the RCMP deals with complaints against the Royal Canadian Mounted Police (Canada's national police force) and the Office of the Correctional Investigator reviews complaints from detainees in federal penitentiaries.

157. Most provinces and territories have created the position of Ombudsperson. Although the duties of an ombudsperson vary from one jurisdiction to the next, generally the ombudsperson has the duty and power to investigate complaints against departments or agencies of the relevant government. The decisions of the ombudsperson are passed on to the government in the form of recommendations and are made public. Independence is an important attribute of this officer, who reports annually to the legislature.

158. The Government of Canada has established positions of a similar nature in certain areas within its jurisdiction. There is a Commissioner to review complaints under each of the following acts: the *Official Languages Act*, *the Privacy Act*, the *Access to Information Act* and the *Public Servants Disclosure Protection Act* and the *Indigenous Languages Act*. There is also a Canadian Ombudsperson for Responsible Enterprise. In Québec, the *Commission d'accès à l'information* has a similar role in applying the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*.

Available remedies

159. The following section outlines the nature of the remedies available, pursuant to the principal sources of legal protection of human rights in Canada: the *Canadian Charter of Rights and Freedoms*, human rights codes, penal and other legislation, the common law and, in Québec, the *Civil Code*.

(i) Canadian Charter of Rights and Freedoms

160. Section 52 of the *Constitution Act, 1982*, provides that the Constitution of Canada is the supreme law of Canada, and that any law inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force and effect. The only exception is if Parliament or the legislature of a province invokes the constitutional provision set out in section 33 of the Charter in accordance with the terms of that provision. Thus, if a challenge based on the Charter is successful, the courts may declare a law or a portion of it to be of no force and effect. The Supreme Court of Canada has stated that in certain circumstances, it

may temporarily suspend a declaration of invalidity to permit the legislature to amend the law, or the court may reformulate the provision, so as to render it consistent with the Charter. Depending on the proper interpretation of their empowering statutes, administrative boards and tribunals may also have jurisdiction under section 52 to declare a law inoperative for purposes of the case at hand.

161. Section 24 of the Charter permits anyone whose Charter rights have been infringed or denied to apply to a court of competent jurisdiction for such remedy as the court considers appropriate and just in the circumstances. This remedial provision has been interpreted liberally to include remedies for future Charter violations, such as injunctions, and further to include the range of remedies available in the court where the action is brought – for example, the granting of an order or declaration, damages (including compensation), costs, the quashing or staying of proceedings or the return of illegally seized goods. With respect to the question of whether administrative boards and tribunals, as well as the courts, have jurisdiction to grant Charter remedies, a Charter remedy will generally be available if the tribunal has jurisdiction over the parties, the subject matter of the dispute and the type of remedy sought.

(ii) Anti-discrimination legislation

162. The process for making a complaint under a human rights code is informal and accessible – a simple form is completed by a complainant who may be assisted by a human rights commission official in initiating the process. With some variations, the general model for processing complaints is as follows: the human rights commission inquires into the complaint and tries to obtain a settlement between the parties; if a settlement cannot be reached, the commission may dismiss the complaint or refer it to a human rights tribunal or board of inquiry, which holds a public hearing. Human rights commissions carry the complaint before a tribunal or board of inquiry at no cost to the complainant. In some provinces, individuals may apply to a human rights tribunal or court directly, without the assistance of a commission.

163. If the tribunal or board of inquiry concludes that a person has engaged in a discriminatory practice, it may make an order, which is enforceable through the court. The person who has engaged in the discriminatory practice may be ordered to cease such practice, to take measures to reverse the effects of discrimination, such as rehiring the victim, to pay compensation and/or to adopt an affirmative action program. Decisions of boards of inquiry or tribunals are subject to judicial review.

(iii) Remedies for victims of crime

164. The *Criminal Code* allows a sentencing court to order, at the request of the prosecutor or on its own motion that the offender pay restitution (i.e., readily ascertainable out of pocket losses) to the victim of the offence in addition to any other sentence imposed. Restitution may also be the outcome of adult alternative measures under the *Criminal Code* and youth extrajudicial sanction under the *Youth Criminal Justice Act*. The provinces and territories also have regimes governing victim compensation and are responsible for the provision of services to victims of crime.

165. The *Canadian Victims Bill of Rights* was enacted in 2015. It establishes statutory rights at the federal level for victims of crime in relation to information, participation, protection and restitution, and provides a complaint process for breaches of these rights. In respect of the right to seek restitution, victims have the right to have the court consider making a restitution order against the offender for their financial losses and to have any unpaid amount enforced through a civil court.

(iv) Other remedies

166. As indicated above, other legislation relevant to the implementation of international human rights instruments, including in the economic and social areas, may contain specific complaint mechanisms. Furthermore, some statutory bodies have been created that provide compensation, for example, for injuries in the workplace. On occasion, Parliament or the provincial and territorial legislatures enact legislation to provide financial or other assistance

to specific individuals or groups who allege that they have been subject to a miscarriage of justice or other violations of human rights.

167. The common law also contains remedies for violations of some human rights – for example, damages (including compensation) may be sought for wrongful dismissal from employment, defamation of character or infringement of property rights. In the case of children and others unable to protect themselves, the *parens patriae* jurisdiction of the courts may be invoked to provide relief on such matters as custody, protection of property, health problems, and protection from harmful associations (in circumstances where there is no legislation in place governing these issues).

168. Non-litigious dispute resolution and restorative justice is rapidly evolving in Canada. Non-litigious dispute resolution involves both lawyers and non-lawyers practicing in a variety of subject areas. Processes such as negotiation, mediation and arbitration may be used either independently of or as complements to litigation. The range of remedies is broad and diversified, including compensation (financial or other), apologies, reinstatement to the workplace and compliance agreements. The use of these methods varies from one province or territory to another, and also within the federal sphere. There is a growing demand in Canada for these alternative approaches to conflict resolution, and governments increasingly rely upon them for the resolution of disputes.

169. Restorative justice is used in a wide range of situations where harm has been committed, including the criminal justice sector, schools, and neighbourhoods. Common restorative justice processes include victim-offender mediation, family group conferences, youth justice conferences and sentencing circles. Within the criminal justice sector, restorative justice can be used at all stages of the criminal justice process. Restorative justice programs that handle adult and youth criminal cases work within the framework of statutes and government policies, and referrals are usually made by the police, Crown prosecutors and judges. These processes often result in restitution, apologies and other forms of reparation to victims and communities. As with non-litigious dispute resolution, the use of restorative justice varies between jurisdictions.

Rehabilitation for victims of violence

170. Federal, provincial, territorial and municipal governments have undertaken wide-ranging initiatives to support victims of violence, particularly women and children. Initiatives include funding for social and other programs that help to support survivors subjected to violence, such as affordable housing and emergency shelters, and implementing criminal justice reform measures to help police, service providers and other professionals better protect and assist victims.

171. Provincial and territorial governments have jurisdiction over the delivery of health, educational and social services, such as shelter operations and victim services, as well as the administration of civil and criminal justice. This includes policing and prosecuting criminal offences (except in the territories) and the administration of the civil and criminal courts. Provincial and territorial health and social services systems provide services and facilities that may be of assistance in restoring the physical and mental well-being of individuals whose human rights have been violated. The federal government works in collaboration with provincial and territorial governments and provides funding to enhance supports for victims of crime.

172. The federal government has been providing funding to support the development and enhancement of Child Advocacy Centres (CACs)[117] since 2010-2011. A CAC is a collaboration with law enforcement, child protection, medical and mental health professionals, and victim advocates in a child-friendly facility to provide an individualized response for children, youth and their families where abuse is suspected. CACs seek to minimize potential trauma to children and their families and support their longer-term well-being. In 2018, the Government of Canada increased funding for CAC projects to enhance

[117] A number of these organizations are known as Child & Youth Advocacy Centres (CYACs).

or develop multi-disciplinary teams to address the needs of child and youth victims in rural, remote and Indigenous communities.

173. Further, at the federal level, *It's Time: Canada's Strategy to Prevent and Address Gender-Based* Violence is a comprehensive, whole-of-government approach that brings together the efforts of many federal departments and agencies to prevent and address gender-based violence. The Strategy includes a range of activities across three pillars: Prevention; Support for survivors and their families; and Promotion of responsive justice systems.

174. In the private sector, in some cases with funding from governments, centres for the recovery and reintegration of victims of torture have been established. At the federal level, assistance is provided to survivors of torture from other countries who have immigrated to Canada.

Legal aid

175. Strong legal aid systems are one of the pillars that supports Canada's justice system. The Government of Canada's Legal Aid Program provides contribution funding for legal aid services to provinces and territories with the objective of promoting fair legal proceedings for eligible persons and to promote public confidence in the justice system. Under Canada's legal system, responsibility for criminal justice is shared between the federal government, under its authority for criminal law-making and criminal procedure, and the provincial and territorial governments, under their authority for the administration of justice (criminal prosecutions in the territories are a federal responsibility). Each province and territory is responsible for the delivery of legal aid services based on their needs, policies and procedures. The Government of Canada provides contribution funding to support the delivery of criminal legal aid services in the provinces, and in the territories for the delivery of criminal and civil legal aid services. Regarding civil legal aid funding, the Canada Social Transfer (CST) is a block transfer payment provided by the Government of Canada to each province and territory for health care, postsecondary education, social assistance and social services. This approach provides provincial and territorial governments with the flexibility to invest their funds according to the needs and priorities of their residents. Civil legal aid is an eligible expenditure under the CST.

176. The Government of Canada also provides financial support in the seven provinces (British Columbia, Alberta, Manitoba, Ontario, Québec, Newfoundland and Labrador, and Nova Scotia) that deliver legal aid services to individuals involved in immigration and refugee related matters.

177. Additionally, the Legal Aid Program provides funding to recipients for:

- the management of state-funded counsel cases on behalf of the federal government, where the Attorney General of Canada is ordered by a court to provide funded defence counsel;
- the provision of free legal information and advice to persons who have experienced workplace sexual harassment, regardless of their economic status;
- training/awareness, and provision of, Impact of Race and Culture Assessments.

Human rights machinery to address situations of specific vulnerable groups

Indigenous Peoples

178. Federal, provincial and territorial governments have appointed Ministers responsible for Indigenous Affairs whose ministries or offices are working on improving outcomes for Indigenous Peoples and promoting reconciliation in Canada. In Quebec, for example, it is a minister responsible for relations with First Nations and Inuit.

179. The Government of Canada has committed to a renewed relationship with Indigenous Peoples based on the recognition of rights, respect, co-operation, and partnership.

180. The Government of Canada has adopted a whole-of-government approach that addresses all Indigenous Peoples. A Cabinet Committee on Reconciliation was formed to examine initiatives designed to advance reconciliation and strengthen the relationship with Indigenous Peoples.

181. *The United Nations Declaration on the Rights of Indigenous Peoples Act*, which became law in June 2021, advances the implementation of the United Nations Declaration as a key step in renewing the Government of Canada's relationship with Indigenous Peoples. The purpose of the *Act* is to affirm the Declaration as an international human rights instrument that can help interpret and apply Canadian law. This *Act* provides a clear vision for the future, ensuring that, moving forward, federal laws reflect the principles and rights set out in the Declaration, while also respecting Aboriginal and Treaty rights recognized and affirmed by the *Constitution Act, 1982*. The *Act*, like other international human rights instruments or federal legislation, cannot amend or supersede the Constitution; however, it can inform how the Constitution and the law are interpreted and developed. The *Act* requires the Government of Canada, in consultation and cooperation with Indigenous Peoples, to: take all measures necessary to ensure federal laws are consistent with the Declaration; prepare and implement an action plan to achieve the Declaration's objectives; and report annually on progress. The 2023-2028 Action Plan was released in June 2023 and outlines a whole-of-government roadmap to advance the work on implementing the UN Declaration.

182. In August 2017, the Government of Canada announced the planned dissolution of the federal Department of Indigenous and Northern Affairs Canada (INAC) and its intention to create two new departments in consultation with Indigenous Peoples and others: Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). The creation of these departments is consistent with recommendations of the Royal Commission on Aboriginal Peoples.[118]

183. The formal dissolution of INAC and the establishment of ISC and CIRNAC in July 2019 marked a significant shift in the Canadian government's approach to Indigenous affairs. This restructuring aims to enhance service delivery and promote Indigenous self-determination. ISC's mandate is to work collaboratively with partners to improve access to high-quality services for First Nations, Inuit and Métis. Its vision is to support and empower Indigenous Peoples to independently deliver or manage services and improves the socio-economic conditions in their communities. CIRNAC's mandate is to work to renew the nation-to-nation, Inuit-Crown, government-to-government relationship between Canada and First Nations, Inuit and Métis; modernize Government of Canada structures to enable Indigenous Peoples to build capacity and support their vision of self-determination; and lead the Government of Canada's work in the Canadian North. Together, Indigenous Services Canada and CIRNAC represent a progressive step towards reconciliation.

184. Finally, in December 2016, the Government of Canada created new structures, including permanent bilateral mechanisms with First Nations, Inuit and Métis Nation leaders to identify joint priorities, co-develop policy and monitor progress.

Women

185. Federal, provincial and territorial governments have appointed Ministers responsible for the Status of Women and some provide funding for arms-length advisory committees on women. Women and Gender Equality Canada (WAGE) is the federal government organization that is mandated to advance equality, including social, economic, and political equality, with respect to sex, sexual orientation, and gender identity or expression. WAGE works to advance gender equality through its policies, programs, and by promoting an intersectional gendered lens.

186. WAGE plays a leadership role as a centre of expertise in the government-wide application of Gender-based Analysis Plus (GBA Plus), an analytical tool used to support the

[118] The Royal Commission on Aboriginal Peoples was a Canadian Royal Commission established in 1991 to investigate and propose solutions to the challenges affecting the relationship between Indigenous Peoples (First Nations, Inuit, Métis), the Canadian government and Canadian society as a whole. The Commission culminated in a final report of 4000 pages, published in 1996.

development of responsive and inclusive policies, programs and other initiatives. GBA Plus is a process for understanding who is impacted by the issue or opportunity being addressed by the initiative and how, identifying how the initiative could be tailored to meet diverse needs of the people most impacted, and anticipating and mitigating any barriers to accessing or benefitting from the initiative. GBA Plus is an intersectional analysis that goes beyond biological (sex) and sociocultural (gender) differences to consider other factors, such as age, disability, education, ethnicity, economic status, geography, language, race, religion, and sexual orientation. GBA Plus and similar approaches have been adopted by the governments of Newfoundland and Labrador, Prince Edward Island, New Brunswick, Manitoba, Ontario, British Columbia and Québec. For example, since 1997, in response to the commitments made at the Fourth United Nations World Conference on Women in Beijing in 1995, the Government of Québec has used Gender Differentiated Analysis for which the combination of different factors is considered.

Children and youth

187. In most provinces and territories, established children's commissioners, advocates or ombudspersons serve as independent oversight mechanisms with the specific mandate to consider matters relevant to children. Each of these institutions is funded by their respective provincial and territorial governments. Each institution monitors laws, policies, programs and services for children within their jurisdiction and advise the relevant government, legislature and other competent body on specific violations of children's rights.

188. The Canadian Council of Child and Youth Advocates is an association of children's advocates from across Canada with mandates to promote and protect the rights of children and youth. Working as independent officers of the legislature in their respective jurisdictions, advocates work through the Council to identity areas of mutual concern and develop ways to address issues at a national level. Among the work of the Council is advocating for the fullest implementation of the UN *Convention on the Rights of the Child*; supporting collective systemic advocacy for children's rights, including advocacy services to children and families moving between provinces/territories; working with governments and others with child and youth-serving roles; promoting the development of effective independent offices for children; and engaging and cooperating with child and youth-serving organizations to contribute to advancing the rights of children.

189. The federal Interdepartmental Working Group on Children's Rights (IWGCR) is comprised of officials from federal departments and agencies that have programs or policies affecting children. The IWGCR provides a forum for dialogue with a view to ensuring a whole of government approach to children's rights and to discuss linkages between priorities and policies affecting children and the Government of Canada's domestic and international human rights obligations. The group discusses recommendations on children's issues from the UN Committee on the Rights of the Child and other treaty bodies with a view to determining appropriate responses. The IWGCR also works to increase awareness and understanding of the obligations under the *Convention on the Rights of the Child* among federal officials.

190. The federal Youth Secretariat supports the work of the Prime Minister's Youth Council, connects youth with engagement opportunities in key policy areas, and provides ongoing strategic leadership, policy advice and coordination for youth commitments across the Government of Canada.

191. Established in 2016, the Prime Minister's Youth Council is a group of young Canadians who provide non-partisan advice to the Prime Minister and the Government of Canada on issues of importance to them and to all Canadians. The Prime Minister's Youth Council is a mechanism to support a dialogue between young people and the Government of Canada. Each cohort is composed of young Canadians from diverse communities from across Canada, who possess a range of knowledge and experience. Through inperson- meetings and teleconferences, Council members engage in discussions with the Prime Minister, Ministers, Members of Parliament, and government officials to offer advice on pressing challenges and issues of importance to youth and all Canadians. Council members also meet with other youth, youth-serving organizations and local representatives and community leaders to discuss key issues relevant to their communities.

192. Canada's Youth Policy was launched in 2019 following a national conversation with over 5,000 youth and stakeholders. The Youth Policy aims to uphold the diverse voices of young people in decision-making and inform federal government priorities and actions pertaining to youth.

193. Canada's Youth Policy commits the Government of Canada to publish a new State of Youth Report every four years. This Report raises awareness on the state of youth in Canada and offers information on Government of Canada initiatives and programming available to young people. The first State of Youth Report was published in August 2021 based on contributions from almost 1,000 young people and youth serving organizations across Canada.

Persons with disabilities

194. All federal, provincial and territorial governments have a body (office, council or other) responsible for persons with disabilities. At the federal level, the Office for Disability Issues (ODI) is the focal point for matters relating to the *Convention on the Rights of Persons with Disabilities* (CRPD). In collaboration with federal departments and key partners, it provides advice and expertise to foster coherent disability-related policies and programs across the Government of Canada. ODI's role also includes promoting and facilitating the engagement of the disability community and raising awareness and capacity of federal public servants to include disability considerations in their work.

195. The Interdepartmental Committee on Disability Issues is chaired by ODI and provides a forum for senior executive officers to share information and best practices on disability-related, policy, programs and initiatives to promote coordination and collaboration across the federal government on disability issues, including the ongoing implementation of the CRPD.[119]

196. In May 2022, the Government of Canada appointed the first ever Chief Accessibility Officer, a special advisor responsible for monitoring and reporting on progress made under the *Accessible Canada Act* (ACA), and the first ever Accessibility Commissioner, responsible for promoting compliance with the ACA and carrying out enforcement activities outside of the transportation and telecommunications/broadcasting sectors.

Ethnic and religious minorities

197. There is a wide range of legislation, policies, programs and services at the federal, provincial and territorial levels that aim to respond to the needs of ethnic minorities, prevent racial discrimination and promote inclusion and diversity.

198. The Multiculturalism and Anti-Racism Program is one means by which the Government of Canada implements the *Canadian Multiculturalism Act*. Because of the Program's role in delivering Canada's Anti-Racism Strategy, its objectives and activities closely mirror and/or overlap with those of the Strategy. The Program leads on these priority areas:

- Community investments through the Multiculturalism and Anti-Racism Program.
- Commemorative events that promote and celebrate diversity and raise awareness on issues relating to multiculturalism, racism, and hate.
- Support to organizations that further the objectives of *the Canadian Multiculturalism Act*.

199. Recognizing the need for national action to be coordinated in addressing racism, the Federal Anti-Racism Secretariat was established in 2019 to lead a comprehensive, whole-of-government from an intersectional equity perspective. The Federal Anti-Racism Secretariat is a centre of expertise that collaborates with federal institutions to address the effects of systemic racism and discrimination, coordinate responsive initiatives, identify gaps, assist in developing new initiatives, and convene rights holders and stakeholders from a diversity of

[119] In 2019, the Canadian Human Rights Commission was given the formal mandate and funding to monitor the Government of Canada's implementation of the CRPD.

sectors and jurisdictions, domestic and international, to collaborate in removing systemic barriers, all while considering the impacts of new and existing policies, services and programs on Indigenous Peoples, Black, racialized and religious minority communities.

200. In 2020, the Governor in Council appointed a Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism, and, in 2023, it appointed a Special Representative on Combatting Islamophobia, to address the unique harms experienced by Jewish and Muslim communities. A transition is taking place towards the dissolution of these appointments and the 2026 creation of an Advisory Council on Rights, Equality and Inclusion, which is intended to build bridges and bring together diverse communities across the country. The new Advisory Council will build on the work of the Special Envoy and the Special Representative. [120]

Immigrants and refugees

201. Provincial and territorial governments offer a variety of supports for newcomers, including immigrants, permanent residents, refugees and refugee claimants. Initiatives support occupation training, language training and assessment, orientation, information and community settlement and integration, and foreign qualification recognition.

202. Immigration, Refugees and Citizenship Canada (IRCC) develops and implements policies, programs and services that facilitates the arrival of people and their integration into Canada; maintains Canada's humanitarian tradition by protecting refugees and people in need of protection; enhances the values and promotes the rights and responsibilities of Canadian citizenship; and fosters increased intercultural understanding and an integrated society with equal opportunity for all, regardless of race, ethnicity and religion. IRCC offers its programs either directly or through contract, grant or contribution agreement or in partnership with other government departments.

Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse people

203. To ensure that the Government of Canada continues to advance the rights of the Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse people (2SLGBTQI+), it established a Secretariat which now lies within the federal department for Women and Gender Equality Canada.

204. The 2SLGBTQI+ Secretariat activities include working with 2SLGBTQI+ stakeholders across the country. These activities help inform the Government of Canada on issues and potential solutions that are important to 2SLGBTQI+ Canadians. The Secretariat also works across the federal public service to embed 2SLGBTQI+ considerations into the everyday work of the Government of Canada. These efforts focus on ensuring that issues related to sexual orientation, gender identity, and gender expression are taken into account in the development of federal policies, programs and laws.

205. All federal, provincial and territorial governments have either enacted or introduced amendments to protect gender identity and (in most jurisdictions) gender expression in their anti-discrimination legislation. Governments are also making changes to how they collect, use and display sex and gender information to reduce the risk of transgender and non-binary persons facing harassment or discrimination. Additionally, the Government of Québec has established an Office for the fight against homophobia to coordinate government action in this area; funded the creation of an international francophone LGBTQI network; and created an Envoy for Human Rights and Freedoms. One of the Envoy's mandate is to contribute to the promotion and protection of the rights of LGBT persons.

[120] In 2026, an Advisory Council on Rights, Equality and Inclusion was announced to build bridges and bring together diverse communities across the country. The Council will build on the work of the Special Envoy and the Special Representative.

C. General Framework for the Promotion of Human Rights

Parliament

206. Parliament plays an important oversight role with respect to human rights. Several parliamentary committees exist that regularly consider domestic and international human rights issues. These committees may call witnesses, including officials and non-governmental organizations, and ministers sometimes appear before them.

Human rights institutions

207. Human rights commissions in Canada develop and conduct information programs to foster public understanding of their respective human rights legislation and of the role and activities of the commissions, and to foster public recognition of the principle of equal opportunity set forth in legislation.

208. Human rights commissions have a role to play in identifying human rights issues and concerns. Many of them have been given various degrees of responsibility for overseeing implementation of human rights, as covered in their respective human rights acts.

209. Canada's national human rights institution, the Canadian Human Rights Commission, provides information and resources on its website, such as webinars, publications, guides and reports, on a wide range of human rights topics, including discrimination, the duty to accommodate, harassment and the evolution of human rights and their protection in Canada.

210. The Canadian Association of Statutory Human Rights Agencies (CASHRA) was established in 1972 as an umbrella organization for the federal, provincial and territorial human rights commissions. CASHRA provides opportunities for members to exchange information about human rights laws in Canada, as well as undertakes public education projects that promote and advocate for human rights in Canada and abroad.

Education and awareness-raising

211. Governments in Canada continue to promote awareness of Canada's international human rights commitments, both within governments and among the general public. The Government of Canada has developed training for federal public servants on international human rights, as well as training tailored to specific departments. These training modules have also been shared with and delivered in provincial and territorial governments. Further, through its recently launched Federal Human Rights Implementation Framework, the Government of Canada aims to foster awareness and understanding of Canada's international human rights obligations among federal public servants with the objective of encouraging federal departments and agencies to apply a human rights-based approach to policy development and decision-making.

212. All governments in Canada carry out public education programs in the area of human rights through the provision of financial support to human rights organizations and other community groups and the publication of human rights material for distribution to the public free of charge.

213. Governments also engage in promotional campaigns, such as awareness events, to promote noteworthy events such as Human Rights Day, National Child Day, International Day for the Elimination of Racial Discrimination and International Women's Day. The Canadian Museum for Human Rights, which opened in September 2014, also plays an important role in raising awareness of human rights in Canada.

214. Human rights education also features in provincial and territorial school curriculums. For example, human rights is part of British Columbia's school curriculum as a stand-alone elective course offered to secondary school students focussing on a wide variety of social justice issues.

Role of civil society

215. Civil society organizations (CSOs) are also involved in the promotion of human rights. By forming a critical link between Canadian citizens and their governments, CSOs are

a vital component of Canada's democracy. CSOs advocate on behalf and represent the diverse interests of Canada's population; enhance governments' awareness and understanding of the needs of Canadians; strengthen the ability of citizens to participate in public life; hold governments accountable to their commitments; help individuals obtain redress in cases of violations of human rights; and carry out educational programs. Similar functions are also fulfilled by a plethora of Indigenous organizations that operate at local, regional and national levels.

216. In addition to the consultations that are undertaken in relation to Canada's international human rights reporting, federal, provincial and territorial governments consult as appropriate with civil society and Indigenous partners on legislation, policies, and initiatives that relate to the implementation of international human rights treaties.

Development cooperation and assistance

217. The promotion and protection of human rights are fundamental elements of Canada's international assistance policy which places gender equality and the empowerment of women and girls at the centre of Canada's international assistance efforts. With a human rights-based and inclusive approach to international assistance, Canada is reinforcing the advancement of human rights as a principal feature of its international assistance programming, policy and advocacy. For example, the Government of Canada supports programming that seeks to empower individuals and groups to know and exercise their rights, on issues such as sexual and reproductive health and rights.

218. The Government of Canada's Peace and Stabilization Operations Program (PSOPs) promotes international peace, security, and stability through concrete actions that support the prevention of violent conflict, mediation and reconciliation efforts, and address conflict-related human rights violations. Human rights assistance programming developed through PSOPs, targets marginalized groups, and supports human rights-focused civil society organizations and human rights defenders.

219. In 2019, Global Affairs Canada's Inclusion, Diversity and Human Rights Fund (IDHR) was established to help bolster Canadian bilateral and multilateral efforts to promote and protect human rights globally. The IDHR Fund supports regional and international initiatives to help counter the erosion of civil society space, threats to human rights defenders, exclusion of marginalized and vulnerable minorities, as well as digital risks to human rights. The IDHR fills an important gap by providing a degree of agility and flexibility to help meet or prevent emerging crises at global scale, regardless of a country's eligibility for development assistance.

D. Reporting Process

Preparation of reports

220. Federal, provincial and territorial governments share responsibility in the implementation of the international human rights treaties to which Canada is a party in accordance with their spheres of jurisdiction established by the constitutional division of powers. Consequently, Canada's reports under UN human rights treaties, as well as for Canada's Universal Periodic Review, are prepared by the federal government in collaboration with the provincial and territorial governments to best reflect the complementary role that each government plays in meeting the country's human rights obligations. Canada's reports therefore include information on measures undertaken by all governments that serve to implement the treaties.

221. This work is coordinated through Canada's National Mechanism for Implementation, Reporting and Follow-up (NMIRF) on human rights. The federal department of Canadian Heritage serves as the Secretariat to the NMIRF and coordinates the preparation of these reports in collaboration with federal lead ministries for each treaty, and provinces and territories. Other elements of the NMIRF include intergovernmental coordination mechanisms such as the FPT Table on Human Rights (as outlined in paragraph 144), internal federal coordination mechanisms (for an example, see paragraph 227), and internal

coordination mechanisms within individual provincial and territorial governments that contribute to the work of the NMIRF.

222. In addition to regular engagement organized through the FPT Table on Human Rights with national organizations, each of the federal, provincial and territorial governments can engage with their relevant interlocutors (e.g., civil society and Indigenous partners) as part of the international human rights reporting process, including prior to and after appearances before UN human rights bodies.

223. The federal government is responsible for filing Canada's reports with the UN. Canadian delegations at appearances before treaty bodies and the Human Rights Council include representatives from the federal government, as well as representatives from provincial and territorial governments.

Follow-up to recommendations of human rights treaty bodies

224. In addition to coordinating the preparation of reports, the Secretariat to the NMIRF ensures that all recommendations made by UN human rights treaty bodies and through the Universal Periodic Review (UPR) are distributed to federal, provincial and territorial governments, and to civil society and Indigenous organizations, following receipt from the UN or other international human rights bodies. It also tracks follow-up to recommendations received through a centralized database.

225. Responsibility for the issues raised in the recommendations received from human rights treaty bodies is shared across federal, provincial and territorial governments. The issues raised in the recommendations can be discussed by federal, provincial and territorial governments at the FPT Table on Human Rights and its three committees (see paragraph 144). It is the responsibility of each order of government to take the action it deems appropriate in follow-up to the recommendations in areas falling under their jurisdiction.

226. In 2020, FPT ministers responsible for human rights committed to improving follow-up to the recommendations Canada received from international human rights bodies and enhancing dialogue with civil society and Indigenous organizations on Canada's human rights reporting and implementation. For this purpose, they endorsed two important documents: The Protocol for Follow-up to Recommendations by International Human Rights Bodies and The Engagement Strategy on Canada's International Human Rights Reporting.[121]

227. The federal government has launched the Federal Human Rights Implementation Framework, which outlines concrete steps for enhancing implementation of Canada's international human rights obligations, including through increased coordination across federal ministries at senior officials' levels with the overall goal of strengthening respect for human rights in Canada. The Framework encourages federal organizations to mainstream international human rights obligations into domestic policy and program development and to consider recommendations from international human rights bodies in decision-making.

228. The FPT Table on Human Rights also undertakes engagement with civil society organizations, academics, national human rights institutions and Indigenous partners to gather their views at various stages of the human rights reporting process, and when Canada receives recommendations from a human rights treaty body or the Universal Periodic Review. The aim of this engagement is to help inform discussions within governments on the key human rights issues raised and takes place at the officials', senior officials' and ministerial levels.

IV. Non-Discrimination and Equality

229. As discussed above, section 15 of the *Canadian Charter of Rights and Freedoms* guarantees the right to equality before and under the law, and the right to the equal benefit and protection of the law without discrimination, and in particular without discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. The courts have chosen to extend this protection to other analogous categories,

[121] These documents were not endorsed by the Government of Alberta.

including sexual orientation, marital status, non-citizenship and Aboriginality-residence. This section has been interpreted as a substantive equality guarantee rather than a formal one, meaning that even laws or actions that appear neutral on their face can engage the protection of section 15, if they have a disproportionate adverse impact on a group characterized by an enumerated or analogous ground.

230. Section 15(2) of the Charter specifies that the equality guarantee does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups. This provision allows governments to enact special measures to help accelerate progress towards equality.

231. As also discussed above, federal, provincial and territorial human rights legislation protects individuals against discrimination in the private sector. These human rights codes generally allow for employers to implement programs designed to improve the situation of specified groups, including through the policies that benefit them.

Measures to prevent and address hate

232. Federal, provincial and territorial governments have enacted legislative protections as well as policies against racism and the promotion of hate. For example, under the *Criminal Code*, it is a crime to advocate or promote genocide, to incite hatred in a public place likely to lead to a breach of the peace, to willfully promote anti-Semitism, and to wilfully promote hatred when directed against "an identifiable group" (which is defined to mean a section of the public distinguished by race, colour, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability). As well, hate motivation in the commission of any offence based on a non-exhaustive list of criteria is an aggravating factor for sentencing purposes. Protection against hate speech is also dealt with in some human rights codes.

233. In addition, the *Criminal Code* authorizes courts to order the deletion of on-line hate propaganda made publicly available through a computer system that is within the court's jurisdiction. A specific offence of public mischief in relation to places primarily used for religious worship, including cemeteries, prohibits such mischief when motivated by hatred based on religion, race, colour, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability. This mischief offence also includes other kinds of properties, such as educational institutions, community centres, or seniors' residence that are primarily used by an "identifiable group."

Measures to reduce economic, social and geographical disparities

Employment equity

234. The federal government's *Employment Equity Act* (EEA) applies to federally regulated private-sector employers with 100 or more employees, including Crown corporations and other federal organizations, as well as portions of the federal public administration, such as the federal public service and the Canada Revenue Agency, and other federal public-sector employers with 100 or more employees, such as the Royal Canadian Mounted Police. The EEA seeks to achieve equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. The Act gives effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences. Employers subject to the EEA must take certain steps to correct the conditions of disadvantage in employment experienced by the four designated groups covered by this Act (women; Indigenous Peoples; persons with disabilities; and members of visible minorities).

235. Changes to the EEA and corresponding *Employment Equity Regulations*, which came into effect in January 2021, will raise awareness of pay gaps that affect women, Indigenous Peoples, persons with disabilities and members of visible minorities by making pay gap information publicly available online for each private-sector employer subject to the EEA.[122]

[122] In June 2022, employers reported pay gaps that affect women, Indigenous Peoples, persons with disabilities and members of visible minorities for the first time.

This initiative will prompt employers to examine their practices and show leadership in reducing pay gaps, helping to shift business culture and expectations towards greater equality.

236. Most provincial and territorial governments have employment equity policies, programs or legislation applicable to the public service. All governments have human rights legislation that prohibits discrimination in employment on the basis of prohibited grounds of discrimination in their jurisdictions as explained in the section on protection in human rights codes and other legislation.

Health care

237. Section 3 of the *Canada Health Act*, Canada's federal legislation for publicly funded health care insurance, sets out the primary objective of Canada's health care policy which is "to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers."

238. The aim of the act is to ensure that all eligible residents of Canada have reasonable access to insured health services, determined by each province and territory, on a prepaid basis, without direct charges at the point of service for such services.

239. Provincial and territorial governments are responsible for the management, organization, and delivery of health care services to their residents. The federal government is responsible for setting and administering national standards for the health care system through the *Canada Health Act* and also provides funding support for provincial and territorial health care services through fiscal transfers, primarily through the Canada Health Transfer. It also supports the delivery for health care services to specific groups such as First Nations people living on-reserve, Inuit, eligible veterans, serving members of the Canadian Armed Forces, inmates in federal penitentiaries, and some groups of refugee claimants. The provincial and territorial publicly funded health care systems coordinate 13 interlocking provincial and territorial health insurance plans that must meet the principles of universality, accessibility, comprehensiveness, portability and public administration established by the act. The health care systems in Canada are predominantly funded with a mix of public and private delivery.

240. As it concerns Indigenous health, Indigenous Services Canada invests more than $5 billion annually in support of a range of programs and services, which includes primary care, public health, infrastructure and supplementary health benefits. In 2023, the Government of Canada established a new Indigenous Health Equity Fund, which provides $2 billion over ten years in support of Indigenous-led approaches to increasing access to quality and culturally safe health care services.

Education

241. Provincial and territorial governments are responsible for education, with the exception of education for students ordinarily residing on First Nations reserves, which falls under federal responsibility. Education is generally governed by legislation and regulations of each province and territory, which establish the respective rights and responsibilities.

242. Public schools are generally administered by regional school boards whose officials are elected in accordance with provincial or territorial legislation. The vast majority of schools in Canada are public and are generally financed through property tax levies. Private schools, which are funded by private citizens but which may receive some public funding, must dispense a curriculum that conforms to provincial or territorial standards.

243. In April 2019, the Government of Canada implemented a co-developed funding and policy approach that transformed elementary and secondary education to better meet the needs of First Nations students ordinarily resident on-reserve. The approach replaced several proposal-based programs with a formula-based funding model, based on provincially-comparable funding and includes additional enhancements such as language and culture programming, full-day kindergarten for children aged four and five, and before and after-school programming.

244. Provinces and territories have primary jurisdiction over the design and delivery of Early Learning and Child Care (ELCC). As such, each province and territory has their own ELCC system governed by legislative and regulatory frameworks.

245. Recognizing that provinces and territories already provide substantial investments in their ELCC systems, the Government of Canada made a transformative investment over five years to build a Canada-wide ELCC System in partnership with provincial, territorial and Indigenous partners. Combined with previous federal investments, this means that as of 2025-2026, the Government of Canada will be providing a minimum of $9.2 billion every year, on an ongoing basis, for early learning and child care and Indigenous early learning and child care.

246. Investments in the Canada-wide ELCC System are allowing governments to work together towards achieving an average parent fee of $10-a-day for regulated child care and creating over 250,000 new spaces across the country by March 2026.

247. A Canada-wide ELCC System advances the goals of the Multilateral Early Learning and Child Care Framework, agreed upon by the Government of Canada and the provincial and territorial governments in 2017.[123] The Framework sets the foundation for the federal, provincial and territorial governments to work together towards a shared long-term vision for families in Canada to have access to high-quality, affordable, flexible and inclusive ELCC services, where all children can experience the enriching environment of quality early learning and child care. The Framework includes recognition that each jurisdiction has the responsibility to develop child care systems that best respond to the needs and priorities of their communities. The Canada-wide early learning and child care system also presents an opportunity to build on the vision and principles of the distinctions-based Indigenous Early Learning and Child Care Framework that was co-developed with Indigenous partners and released in 2018, and reflects the unique cultures, aspirations and needs of First Nations, Inuit and Metis children across Canada.

Housing

248. Canada has an extensive framework of legislation, policy and practices that govern housing-related activities. The federal government sets federal housing policy and delivers housing programs and investments through the Department of Housing, Infrastructure, and Communities (HICC) together with the Canada Mortgage and Housing Corporation (CMHC), a federal crown corporation. HICC has the mandate and role to advance national housing outcomes, reduce and prevent homelessness, and support and promote public infrastructure to foster inclusive, sustainable, and prosperous communities. Under the *National Housing Act*, CMHC has the mandate to promote housing affordability and choice, facilitate access to, and competition and efficiency in the provision of, housing finance, protect the availability of adequate funding for housing at low cost, and generally contribute to the well-being of the housing sector in the national economy.

249. To advance knowledge and insights on how to achieve housing affordability and support a well-functioning housing system, HICC and CMHC also conduct research and analysis of Canada's housing supply, demand and needs, particularly with regard to populations facing housing challenges.

250. Most Canadian households' housing needs are met through the housing market. Those not served by the market are supported by affordable housing initiatives, and by community housing administered by the federal government, through CMHC, and the provinces and territories.

251. In 2017, the federal government launched Canada's first ever National Housing Strategy (NHS), a 10-year plan with the goal to ensure that Canadians have access to housing that meets their needs and that they can afford. The NHS is grounded in a human rights-based approach to housing, considers principles of inclusion, participation, accountability, and non-

[123] Although it subscribes to the general principles of the Multilateral Early Learning and Child Care Framework, the Government of Quebec has not adhered to it, because it intends to retain exclusive responsibility in this area on its territory. Quebec has had its own network of educational childcare services with reduced parental contribution since 1997.

discrimination, and prioritizes the most vulnerable Canadians, including women and children fleeing domestic violence, Indigenous Peoples, seniors, people with disabilities, those dealing with mental health and addiction issues, veterans, racialized communities, and young adults.

252. The NHS features programs that address challenges across the housing continuum. The majority of these programs aim to build new affordable housing and renew the existing affordable housing stock; support affordable homeownership; provide technical assistance, tools and resources to build capacity in the community housing sector; provide funds to support local organizations; and support research, capacity-building, excellence and innovation in housing research.

253. Federal, provincial, and territorial governments are primary partners and have a shared responsibility and complementary roles for housing. Municipal governments also play a role in housing. Under the NHS, provinces and territories deliver and cost-match federal funds through bilateral agreements with CMHC. This funding supports various housing priorities, including the new construction/conversion of residential units, the repair, renovation, adaptation or regeneration of residential projects, and affordability support, northern housing, as well as provincial and territorial housing priorities

254. The *National Housing Strategy Act* received royal assent in 2019, and declares that the housing policy of the Government of Canada is to recognize that the right to adequate housing is a fundamental human right affirmed in international law, and to further the progressive realization of the right to adequate housing as recognized in the *International Covenant on Economic, Social and Cultural Rights*. The legislation requires that the federal government develop and maintain a national housing strategy that considers the key principles of a human rights-based approach to housing. The Act requires that the designated Minister report to Parliament every three years on the national housing strategy, including on its initiatives and the achievement of desired outcomes.

255. Housing in Indigenous communities is a shared responsibility. The Government of Canada provides funding to First Nations for safe and affordable on-reserve housing. It also works with Inuit and Métis partners, along with provincial and territorial governments, to address pressing housing needs and to improve the quality of housing accessible to Indigenous peoples. To improve long-term housing results and socio-economic outcomes, the Government of Canada is working with First Nations, Inuit, and Métis partners to advance co-developed, distinctions-based housing strategies and to implement them with the National Indigenous Organizations leading the way.

Economic and social security

Labour market training and participation in the workforce

256. The federal government supports initiatives in the provinces and territories that promote skills development, labour force participation and labour market efficiency through a variety of agreements, targeted programs and initiatives.

- Each year, the federal government provides funding for individuals and employers to obtain skills training and employment supports through the Labour Market Development Agreements (LMDAs) and the Workforce Development Agreements (WDAs) with provinces and territories. More than a million training and employment supports are offered to individuals and employers under these agreements each year. While the Government of Canada provides funding through these agreements, the LMDAs and WDAs require provinces and territories to consult annually with labour market stakeholders in their jurisdictions in order to inform the programming that best meets the needs of their respective jurisdictions.
- Notably, through the WDAs, provincial and territorial governments are able to provide employment assistance and skills training with the flexibility to respond to the diverse needs of their respective clients. These include individuals (e.g., unemployed, employed, self-employed, underemployed, persons with disabilities, and

members of underrepresented groups) seeking to increase their labour market participation and employment, as well as employers.

257. Further, the Government of Canada's Opportunities Fund for Persons with Disabilities supports persons with disabilities to prepare for, obtain, or maintain employment, or become self-employed. The program also supports person with disabilities who are already employed to advance in their careers. To help persons with disabilities participate fully in the labour market and increase their independence, Opportunities Funds projects offer a wide range of services, including pre-employability training, job placements, hands-on work experience, access to assistive devices, and diverse ancillary supports. The program also supports employers in making their workplaces more inclusive and accessible for persons with disabilities (e.g., human resource supports, coaching for colleagues and managers, mentorship, corporate policy development, and some support for accommodations).

258. The federal government also invests in the Youth Employment and Skills Strategy to help young people aged 15-30, particularly those facing barriers to employment, get the information and wrap-around supports they need to gain the skills, work experience and abilities needed for a successful transition into the labour market.

259. In addition, the federal government invests in the Indigenous Skills and Employment Training Program, a distinctions-based program designed to help First Nations, Inuit, Métis and urban/non-affiliated Indigenous people improve their skills and meet their long-term career goals. It funds a network of more than 110 Indigenous service delivery organizations providing Indigenous people with training and supports to improve their skills and secure employment.

260. The federal government also supports the Skills and Partnership Fund, a project-based fund that encourages partnerships between Indigenous organizations and industry employers to provide skills training for Indigenous people linked to economic opportunities at the local, regional and national level.

261. The federal government's Skills for Success Program helps Canadians to improve their foundational and transferable skills to better prepare for, get and keep a job, and adapt and succeed at work. The new Skills for Success Model, which is the result of a process to renew the Essential Skills Framework established over 25 years ago, includes skills such as reading, numeracy, digital skills, and adaptability. The Program funds projects to design and deliver training that supports all Canadians in the labour market, including under-represented groups such as Indigenous Peoples, persons with disabilities, racialized Canadians, newcomers, and Official Language Minority Communities.

Income security and social benefits

262. Federal, provincial and territorial governments recognize the importance of economic security and well-being for all Canadians, and have taken a number of joint and independent initiatives.

263. Employment Insurance (EI) fosters a skilled, adaptable and inclusive labour force and an efficient labour market by providing temporary income support for workers across Canada during employment transitions. Through regular and fishing benefits, the EI program provides temporary financial assistance to workers who have lost their jobs through no fault of their own while they look for new employment or upgrade their skills. EI benefits are delivered through a multi-channel service delivery model (online, by phone or in person) designed to meet the needs of clients.

264. Work-Sharing is an adjustment program designed to help employers and employees avoid layoffs due to temporary reductions in the normal level of business activity that are beyond the control of the employer. The measure provides income support to employees eligible for Employment Insurance benefits who work a temporarily reduced work week while their employer recovers.

265. Special benefits also provide temporary income support to workers who are absent from work due to specific life circumstances. These benefits include temporary financial assistance to those unable to work due to sickness or injury, maternity and parental benefits, compassionate care benefits to individuals who are off work temporarily to care or support

an ill family member, and benefits paid to parents of critically ill or injured children. Worker's Compensation programs also protect employees from the financial hardships associated with work-related injuries and occupational diseases.

266. The Canada Workers Benefits (CWB) is a refundable tax credit intended to provide tax relief for eligible working low-income individuals and families who are already in the workforce and to encourage other Canadians to enter the workforce. In 2019, the CWB replaced the Working Income Tax Benefit, as an enhanced, more accessible version of the previous tax credit, which provides a disability supplement for eligible workers.

267. In Québec, the Government Action Plan to Foster Economic Inclusion and Social Participation 2017-2023 is aimed at improving living conditions for low-income families and individuals, as well as acknowledging the value of work and fostering the self-sufficiency of individuals.

(i) Families and children

268. Social assistance programs available across provincial and territorial governments provide income assistance to individuals and families to help them meet their basic living costs. For Indigenous persons living on reserve, the Government of Canada provides social assistance benefits.

269. The Employment Insurance Family Supplement provides additional help to low-income families claiming benefits.

270. The Canada Pension Plan (CPP) provides contributors and their families with partial replacement of earnings in the case of retirement, disability or death. The CPP operates throughout Canada, except in Québec, where the Québec Pension Plan (QPP) provides similar benefits. The CPP and QPP work together to ensure that all contributors are protected.

271. The tax-free Canada Child Benefit is an income-tested benefit that provides, for the 2022-2023 benefit year, a maximum annual benefit of $6,997 per child under the age of six and $5,903 per child aged six through seventeen. Low income families earning less than $32,797 in net income receive the maximum benefit. An additional amount for children with disabilities continues to be supplied through the federal Child Disability Benefit.

272. In Québec, the Child Assistance Payment is a refundable tax credit for all eligible families with children under 18 years of age. A Supplement for Handicapped Children is also provided, regardless of household income.

(ii) Older persons

273. In addition to the CPP, the Old Age Security (OAS) program provides benefits to all persons aged 65 and over who meet the residence requirements specified in the legislation. The benefits under the program include the basic OAS pension, which is paid to all seniors who meet the age and residence requirements, the Guaranteed Income Supplement (GIS) for low-income OAS pensioners, and the Allowances for low-income Canadians aged 60 to 64 who are the spouses or common-law partners of GIS recipients or who are survivors. All benefits paid under the OAS program are fully indexed to keep up with the cost of living.

274. Canada is very active in pursuing bilateral social security agreements with other countries in order to protect the income security and pension eligibility of individuals that have lived and/or worked in Canada and another country, and to promote competitiveness of Canadian companies operating abroad. Social security agreements help individuals that have lived or worked in Canada and another country to qualify for benefits based on their affiliation to each country's pension system. By adding together their periods of social security coverage under the public pension programs of Canada and the agreement partner country, individuals may meet the minimum eligibility requirements for Old Age Security and Canada Pension Plan benefits and may also gain eligibility for benefits in the partner country. Social security agreements also permit continuity of social security coverage when a person is sent by their employer to work temporarily in another country, and prevent situations where a person and their employer may have to contribute to the social security program of both countries for the same work.

(iii) Persons with disabilities

275. The Canada Pension Plan Disability pension and Post-Retirement Disability benefit provides eligible contributors with partial income replacement in the event that they are unable to maintain regular employment due to a severe and prolonged disability.

276. The Registered Disability Savings Plan (RDSP) is a long-term savings plan that helps persons with severe and prolonged disabilities and their families save for the future. The Government of Canada will contribute up to $70,000 in matching grants and $20,000 in bonds into an RDSP over the beneficiary's lifetime.

Situations of specific vulnerable groups

Indigenous Peoples

277. Inequities persist in contemporary Canadian society between Indigenous Peoples and the general Canadian population. As a result of colonialism, intergenerational trauma, and systemic racism, Indigenous Peoples in Canada are statistically more likely to be unemployed, incarcerated, live in poverty, face increased health risks (e.g., high blood pressure, diabetes), be the victim of violence and die by suicide. A number of Indigenous communities have inadequate housing and live under long-term drinking water advisories. In partnership with Indigenous Peoples, the Government of Canada is working to improve the quality of life of Indigenous Peoples by closing the socioeconomic gap between Indigenous and non-Indigenous people; supporting self-determination of Indigenous communities; and advancing reconciliation. To these ends, the Government of Canada has taken the following measures:

- Permanent Bilateral Mechanisms: ongoing dialogue and collaboration with representatives of First Nations, Inuit and the Métis Nation to develop policy on shared priorities and monitor progress;
- long-term investments in water, schools, early learning and child care, housing, health facilities and health-related supports and social services for families and children;
- substantial investments made to implement the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ National Action Plan, and the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People, in response to the Final Report of the National Inquiry, resulting in programming for: families and survivors pertaining to health and wellness as well as cultural spaces; and for languages, shelters, housing, education, and data collection;
- fulfilling Joyce's Principle and addressing anti-Indigenous racism in health systems by supporting patient advocates, health system navigators, midwives, and birth support workers, as well as initiatives to increase Indigenous representation in the health profession;
- the Memorandum of Understanding with the Assembly of First Nations, and work with self-governing Indigenous governments, for a new fiscal relationship to create sufficient, predictable and sustained funding for First Nation communities and realize the full potential of self-government agreements;
- the co-development with Indigenous Peoples of *Canada's Collaborative Self-Government Fiscal Policy for Self-Governing Indigenous Governments* (2019) to establish sufficient, predictable and sustained funding so self-governing Indigenous governments have the means and fiscal capacity to govern effectively;
- the loan reform initiative where, starting in 2018, the Government of Canada replaced all loans for comprehensive claims negotiations with contribution funding, and made changes to remove the financial burden Indigenous groups faced to repay federal loans, ultimately helping groups to negotiate and finalize agreements and have the financial means to support the development of their nations based on their own individual priorities;

- the enactment and implementation of the *Indigenous Languages Act* (2019), which supports the efforts of Indigenous Peoples to reclaim, revitalize, maintain and strengthen Indigenous languages in Canada;
- the enactment and implementation of *An Act respecting First Nations, Inuit and Métis children, youth and families* (2020), which affirms the inherent right of self-government, includes exercising jurisdiction over child and family services, for First Nations, Inuit and Métis who hold Aboriginal and treaty rights affirmed by section 35 of the *Constitution Act, 1982*;
- the implementation of the Truth and Reconciliation Commission Calls to Action, to address the shameful legacy of the residential school system and intergenerational trauma; and
- the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, and related Action Plan Measures, in consultation and cooperation with Indigenous Peoples, which will help protect, promote and uphold the human rights of Indigenous Peoples in Canada
- the co-developed *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (2019), which replaces the Comprehensive Land Claims and Inherent Right policies in British Columbia. A central feature of the policy is that negotiations recognize the continuation of rights without modification, surrender or extinguishment when a treaty is reached.

First Nations and Inuit children

278. First Nations and Inuit children in Canada have encountered service delivery problems due to discrimination, resource limitations, geographic location, and gaps in existing government programs. Jordan's Principle is a child-first, substantive equality principle, that ensures that First Nations children receive the health, social and education products, supports and services that they require regardless of where they live in Canada. The Inuit Child First Initiative provides similar supports to Inuit children. The implementation of Jordan's Principle and the Inuit Child First Initiative ensures an approach that is non-discriminatory, centers on the needs and best interests of the child, takes into consideration the distinct circumstances of their community, is simple to access, timely, and minimizes the administrative burden on families.

279. Jordan's Principle enables First Nations and Inuit children across Canada to access products, services and supports they need. Funding can support a wide range of health, social and educational needs, including the unique needs that First Nations Two-Spirit and lesbian, gay, bisexual, transgender, queer, intersex, and additional people children and youth and those with disabilities may have.

Visible minorities[124]

280. Several indicators, such as employment rates and income, suggest poorer outcomes for visible minorities. According to the 2021 Census, visible minorities made up 26.5% of the total population. The unemployment rate of visible minority population aged 25 to 64 years was 10.6% compared with 7.9% for the non-visible minority population, while the average income for working-age (age 25–64) visible minorities in 2020 were $54,400 compared to $66,600 for those who are not visible minorities.[125]

281. Although racialized people are generally more likely than their non-racialized, non-Indigenous counterparts to earn a bachelor's degree or higher, a 2023 Statistics Canada study analyzing early career job quality of racialized Canadian graduates of the 2014 to 2017 cohorts revealed that they are less likely to find jobs that offer comparable pay and benefits

[124] In 2021 Census analytical and communications products, the term "visible minority" has been replaced by the terms "racialized population" or "racialized groups", reflecting the increased use of these terms in the public sphere.

[125] In 2021 Census analytical and communications products, this category is referred to as "the rest of the population." 2021 Census – 98100435

in the years following graduation. Overqualification is one crucial factor to consider when interpreting higher education attainment in relation to the labour market, as it reflects potential mismatches between individuals' educational backgrounds and their current employment situations, often highlighting underlying systemic issues and discriminatory practices. On average, visible minorities are more likely to be overqualified for their jobs (21.0%) compared to non-visible minorities (7.5%). This significant difference can be indicative of systemic barriers and discriminatory hiring practices that make it more challenging for individuals from visible minority groups to obtain jobs that match their qualifications.[126]

282. Data shows that Black Canadians remain one of the groups most affected by systemic racism and unconscious bias. According to the 2021 Census, Black Canadians are far more likely than non-racialized Canadians to be unemployed (13.0%, about 70% higher than that among non-visible minority Canadians at 7.7%), and have a significantly lower median income than non-racialized Canadians across all generations ($35,580 compared to $48,966 in 2016). Stemming from the historic and continued impacts of colonialism and slavery, Black Canadians face unique challenges relative to those of other racialized communities. For example, anti-Black racism in employment perpetuates and exacerbates exclusion from professional networks and lack of access to meaningful employment opportunities, resulting in continued gaps in earning, despite the presence of Black people in Canada from the beginning of its settlement by European powers.[127]

283. According to the Canadian Income Survey (2022), individuals from visible minority groups in Canada experience higher poverty rates compared to those who are not considered visible minorities. In 2022, the poverty rate among racialized individuals was 13%, a 3.5% increase from 2021, compared to 8.7% for non-racialized individuals. Higher poverty rates among specific demographic groups are widely recognized as a sign of systemic discrimination, as they reflect entrenched inequalities in access to education, employment, housing, and healthcare.

284. Governments in Canada have put in place a number of targeted initiatives to help counter the challenges that make visible minorities more vulnerable to low income:

- In 2017, the Government of Ontario implemented a targeted, community-based approach to increase access to culturally focused supports and opportunities for Black children, youth and their families to address disparities, including supporting access to higher education and skills development. The Black Youth Action Plan (BYAP) has since expanded to support culturally focused parenting and mentoring programs, wellness and preventative measures, community outreach, and economic empowerment programs that create career pathways for Black youth and young professionals.
- The Government of Québec has a number of targeted employment programs, including Québec Pluriel, a mentoring program helping young members of cultural communities and visible minority groups find work. The Employment Integration Program for Immigrants and Visible Minorities aims to provide newcomers and visible minorities with first-hand work experience in Québec, thereby facilitating their socio-economic and linguistic integration and their job retention. It also aims to encourage businesses to hire immigrant and visible minority workers.

285. The Government of Canada officially recognized the UN International Decade for People of African Descent on January 30, 2018, and committed to improving the future of Black Canadians. As part of this commitment, the Government of Canada established the Supporting Black Canadian Communities Initiative (SBCCI) to implement targeted measures to build the capacity of Black-led and Black-serving non-profit and community organizations to better service Black Canadian communities and promote inclusiveness.

---

[126] Statistics Canada, Early career job quality of racialized Canadian graduates with a bachelor's degree, 2014 to 2017 cohorts.

[127] Statistics Canada, Canada's Black population: Education, labour and resilience and A labour market snapshot of Black Canadians during the pandemic.

286. In 2022, the Government of Canada established the Black-Led Philanthropic Endowment Fund dedicated to supporting Black-led charities and organizations serving youth and social initiatives. The objectives of the fund will be to create a sustainable source of funding to improve social and economic outcomes in Black communities.

Women

287. Despite concerted efforts and significant progress, women still face economic, political, and social barriers that limit their full participation in Canadian society. Economically, women still face a persistent wage gap. In 2023, women earned only 88 cents for every dollar earned by men. This gap is influenced by various factors, including occupational segregation, where women are overrepresented in lower-paying industries and roles, and the undervaluation of work traditionally performed by women. Additionally, women often face career interruptions due to caregiving responsibilities, which can impact their long-term earnings and career progression. Women spend more time on unpaid work than men do and are more likely to work part time. Discrimination and biases in hiring, promotion, and pay practices also contribute to the wage gap.

288. Women also remain underrepresented in leadership positions, both in the private sector and in politics. Women hold only 30% of elected seats in Canada's federal parliament, 33% of senior management positions in the private sector (2022), and held only 21% of seats on Canadian boards of directors (2023). The gaps are even more pronounced for women with intersecting identities such as Black and Indigenous women. Women are frequently perceived as less capable leaders due to entrenched stereotypes, which can hinder their advancement. Additionally, the absence of supportive networks and role models can make it difficult for women to navigate their career paths.

289. Factors that limit women's economic opportunities and financial stability contribute to high poverty rates among women. In 2021, 10.6% of Canadians lived on low incomes, and the portion of men living on low incomes was 9.7% compared to 11.4% of women. Single parent families headed by women are particularly at risk of poverty and food insecurity. The poverty rate for single mothers with a child aged up to five years old was 31.3% compared to 6% for families with two parents and a child of the same age.

290. Housing and homelessness are critical issues for women, who often face unique challenges in securing stable and safe housing. Women, particularly those who are single mothers, face gender-based violence, or are part of marginalized communities, are at a higher risk of needing core housing and experiencing homelessness. Senior women, Black women, Indigenous Peoples, and 2SLGBTQI+ Canadians are among those particularly affected by unsheltered homelessness. In addition, among those who experienced homelessness in the past, women are more likely than men to report financial difficulties. In 2021, one in 10 households in Canada were in core housing need and women were more likely to be in core housing need than men (8.2% vs. 7.1%). Women renters were also more likely to be in core housing need than men renters (18.3% vs. 16.1%). In addition, women often experience hidden homelessness, relying on family, friends, or other for temporary housing, due to a lack of alternative sustainable options. The need to remain in situations of hidden homelessness places women at risk of exploitation and abuse and contributes to the invisibility of women's homelessness.

291. Gender-based violence is a pervasive, deadly, and deeply rooted human rights violation that continues to disproportionately affect women and girls. This violence can take many forms, including physical, sexual, psychological, emotional, and financial abuse, as well as technology-facilitated violence. From 2011 to 2021, an average of 102 women and girls were victims of gender-related homicide per year in Canada, totaling 1,125 over the period.[128]

292. Federal, provincial and territorial governments have undertaken and continue to undertake measures to protect and promote the rights of women, including vulnerable groups of women.

[128] Statistics Canada, Gender-related homicide of women and girls in Canada, April 5, 2023.

293. For example, in terms of Gender-based violence, in November 2022, federal, provincial and territorial Ministers Responsible for the Status of Women announced the National Action Plan to End Gender-Based Violence.[129] The goals of the National Action Plan are to:

- Engage all people in Canada in changing the social norms, attitudes, and behaviours that contribute to gender-based violence;
- Address the social and economic factors that contribute to gender-based violence;
- Set out a framework for anyone facing gender-based violence to have reliable and timely access to culturally appropriate and accessible protection and services; and,
- Improve the health, social, economic, and justice outcomes of those impacted by gender-based violence.

294. Over the next 10 years, the National Action Plan will enable federal, provincial and territorial governments to build on the work, advice and wisdom of victims, survivors and their families, Indigenous partners, direct service providers, experts, advocates, municipalities, the private sector, and researchers to prevent and address GBV in Canada.

Older persons

295. From 2016 to 2021, the number of persons aged 65 and older rose 18.3% to 7.0 million. The 7 million people aged 65 and older in 2021 represent nearly 1 in 5 Canadians (19.0%), up from 16.9% in 2016. The number of persons aged 85 and older (+11.8%) and centenarians (those aged 100 and older) (+15.9%) have also rapidly grown since 2016. Over the next 30 years, the number of persons aged 85 and older could triple from 861,000 to 2.7 million. According to population projections, in 2051, one-quarter of the population (24.9%) could be aged 65 and older, and this age group could total almost 12 million persons. Canada's ageing population will have impacts on different sectors of society.

296. The Government of Canada is taking steps to address a number of challenges facing an ageing population:

- On income security: While the retirement income system has been updated to meet the changing financial needs of older adults, its continuous review will be required to ensure that it remains affordable and that it continues to meet those evolving needs. Unlike many countries, the Government of Canada took action in the 1990s to ensure the long-term sustainability of their contributory pension plan in the face of an aging population. According to the Chief Actuary of Canada, the Canadian Pension Plan (CPP) is financially sustainable at the current contribution rate for at least the next 75 years. This financial strength allowed for a fully-funded enhancement to the CPP that began in 2019, that will increase the future benefits of today's workers.
- On labour force participation: Through the work of the Federal/Provincial/Territorial Ministers Responsible for Seniors Forum, jurisdictions have identified Canadian and international promising practices that support the extended working life of older workers. This includes examining public policies, which influence older workers' decisions about labour force participation and identifying negative stereotypes about older workers with a view to proposing ways to dispel those stereotypes.
- On long-term care: In Canada, while the federal government provides financial support to the provinces and territories for health care services, the responsibility for matters related to the administration and delivery of long-term care falls within provincial and territorial jurisdiction. The federal provincial and territorial governments are working collaboratively to ensure Canadians have access to the supports they need to age with dignity, including home-based and facility-based long-term care services.

[129] Gender-based violence is a priority issue for the Quebec government, which has invested significant sums to put an end to violence against women. Although it supports the overall objectives of the National Action Plan to End Gender-Based Violence, the Government of Quebec cannot adhere to it because it intends to retain its full responsibility in this area on its territory.

- The Government of Canada is also developing a new Safe Long-Term Care Act to help ensure seniors get the care they deserve, while respecting provincial and territorial jurisdiction. This has included consultations and engagement with provinces and territories, stakeholders and Canadians on safe long-term care legislation that will be designed to reflect jurisdictional responsibilities.

Homeless persons

297. In 2020-2022, over 40,000 people experienced homelessness across 72 communities and regions in Canada. Among the 67 communities and regions that conducted Point in Time counts in both 2018 and 2020-2022, the overall number of people experiencing homelessness increased by 20%. This increase was highest among communities that conducted Point in Time counts in 2022, who reported a 38% increase compared to 2018. Homelessness affects various segments of the population, including individuals and families, women fleeing violence, Indigenous Peoples, youth, seniors, veterans, 2SLGBTQI+ individuals and people with disabilities.

298. Federal, provincial, territorial and municipal governments, along with Indigenous partners, have a role to play in addressing homelessness and support a range of programs and services for individuals experiencing or at risk of homelessness. Collaboration between all parties across these key players is critical to coordinate efforts in preventing and reducing homelessness.

299. Reaching Home: Canada's Homelessness Strategy is a community-based program launched in 2019. Reaching Home is comprised of six funding streams aimed at supporting local efforts to prevent and reduce homelessness across Canada.

300. Reaching Home provides direct support and funding through four core streams:

- Designated Communities: provides funding to 64 urban communities outside the territories.
- Indigenous Homelessness: provides funding to 30 urban communities and 7 regional areas (off-reserve) for the delivery of culturally appropriate services for Indigenous individuals and families who are at-risk of or experiencing homelessness.
- Territorial Homelessness: provides funding in the territories to address the unique homelessness challenges in the north.
- Rural and Remote Homelessness: provides funding in each province for projects outside of designated communities.

301. This support gives communities the flexibility to invest in proven approaches that reduce homelessness at the local level and enhances community capacity to develop long-term sustainable solutions to homelessness.

302. Additionally, the Veteran Homelessness Program was launched in 2023. There are two streams of funding under the Program:

- The Services and Supports Stream provides funding for rent supplements and wrap-around services such as connections to employment services, landlord intervention, and legal support, culturally appropriate supports for Indigenous Veterans, and counselling and treatment for substance use.
- The Capacity Building Stream provides funding for research on Veteran homelessness and supports organizations' capacity building to better serve Veterans experiencing or at risk of homelessness.

Persons with disabilities

303. In 2022, 27% of Canadians aged 15 and over reported having one or more disabilities. Of persons with disabilities, 20.6% have a university degree, compared to the 29.5% of Canadians without disabilities who have the same level of education. On the employment front, 61.8% of 25 to 64-year-olds with disabilities are employed versus 77.8% of those

without disabilities. Persons with disabilities, overall, are earning less than their counterparts without disabilities.[130]

304. Evidence suggests that Indigenous Peoples are more likely to have a disability than other Canadians. For instance, the prevalence of disability among the Indigenous population (excluding First Nations living on-reserve) is 34.9%, which is approximately 8 percentage points greater than the non-Indigenous population (26.6%). In addition, according to the Indigenous Peoples Survey (2022) and the Canadian Survey on Disability (2022), the prevalence of disability is more likely among Indigenous women than non-Indigenous women. In 2022, 40.2% of Indigenous women aged 15 and older (excluding First Nations people living on reserve), had a disability that limited their daily activities compared with 29.4% of non-Indigenous women in Canada.[131] Areas of progress that are expected to impact First Nations persons with disabilities include investments to better support the well-being of children and families on reserve, improve the quality of education for First Nations children, and address housing needs on reserve.

305. In addition to the protection offered by the Canadian Constitution, and by federal, provincial and territorial human rights codes, governments have also implemented other legislation, policies and programs to ensure the full inclusion and equal participation of persons with disabilities in all aspects of society and community life, for example:

- In 2019, the Government of Canada enacted the *Accessible Canada Act* (ACA), which embodies the principle of 'Nothing without Us' and aims to realize a barrier-free Canada by 2040. The Act calls for the proactive identification, removal and prevention of barriers to accessibility in seven different priority areas: transportation, information and communication technologies (ICT), employment, communication other than ICT, procurement, the design and delivery of programs and services and the built environment. The ACA applies to a wide range of federally regulated entities, including federal government departments, Crown corporations, Parliament, the Canadian Armed Forces, the Royal Canadian Mounted Police, First Nations band councils as well as industry sectors such as banking, transportation, and telecommunications.
- Many provinces in Canada also have accessibility legislation that proactively address systemic barriers to accessibility. Presently, six (6) out of ten (10) provincial governments have accessibility legislation. These include:
    - Quebec's Act to Secure Handicapped Persons in the Exercise of their Rights with a View to Achieving Social, School and Workplace Integration (2004)
    - Accessibility for Ontarians with Disabilities Act (2005)
    - Accessibility for Manitobans Act (2013)
    - Nova Scotia Accessibility Act (2017)
    - British Columbia Accessibility Act (2021)
    - Newfoundland and Labrador Accessibility Act (2021)
- The Government of Canada has established the Enabling Accessibility Fund, which supports community-based projects across Canada that improve accessibility, remove barriers, and enable Canadians with disabilities to participate in and contribute to their community and the labour market through capital costs projects that include the construction, renovation or retrofit of community spaces and workplaces and the provision of information and communications technologies for work or community use.
- Released in October 2022, the Government of Canada's first-ever Disability Inclusion Action Plan is a comprehensive blueprint for change to make Canada more inclusive of persons with disabilities. It was developed in close partnership with the disability

[130] Statistics Canada. Canadian Survey on Disability 2022: Data Tables
[131] Statistics Canada. Women with disabilities (89-503-X).

community and has four initial pillars: financial security, employment, accessible and inclusive communities, and a modern approach to disability.

- The Disability component of the Social Development Partnership Program, including the Accessible Canada Funding program, supports initiatives that are designed to improve the participation and social inclusion of persons with disabilities in all aspects of society.

Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse people

306. In addition to experiencing discrimination, harassment and violence, 2SLGBTQI+ persons, particularly youth, also experience higher rates of mental health challenges, including emotional distress, thoughts of suicide, suicide attempts, and problematic substance use and sexual behaviours which puts them at greater risk of contracting HIV. 2SLGBTQI+ persons are more vulnerable compared to heterosexual and cisgender persons to violence across their lifespan and face discrimination in many areas, including health, housing, employment and social services.

307. In August 2022, the Government of Canada launched Canada's first-ever Federal 2SLGBTQI+ Action Plan…Building our future, with pride. The Action Plan seeks to advance rights and equality for 2SLGBTQI+ people in Canada. It also seeks to address and prevent discrimination and stigma based on sexual orientation, sex characteristics, gender identity and expression from emerging or worsening for future 2SLGBTQI+ generations. It will do so by prioritizing community action and by coordinating the Government's work to advance 2SLGBTQI+ issues across federal departments and agencies using a holistic, intersectional and long-term approach that recognizes the interconnectedness of the inequities facing 2SLGBTQI+ communities.

308. Provincial and territorial governments are also taking steps to improve equality for 2SLGBTQI+ communities. For example, the Government of Québec has adopted the 2017-2022 Government Action Plan to Combat Homophobia and Transphobia: For a Québec rich in diversity. It aims to promote respect for the rights of sexual minorities and to raise awareness of their realities. Particular attention is paid to the most vulnerable groups such as youth, seniors, transgender persons and Indigenous persons, as well as to clients in regions and settings with fewer resources.