

INTERNATIONAL HUMAN RIGHTS IMPLEMENTATION ACT

March 26, 2026 Draft for Discussion

Preamble

Whereas Canada has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and marks the fiftieth anniversary of those ratifications;

Whereas those Covenants affirm that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy civil and political rights as well as economic, social and cultural rights;

Whereas human rights are universal, indivisible, interdependent and interrelated and must be implemented as such;

Whereas Canada affirms its obligations under the United Nations Declaration on the Rights of Indigenous Peoples, including the rights to self-determination and free, prior and informed consent;

Whereas Canada is bound to implement its international human rights obligations in good faith in accordance with *pacta sunt servanda* as a universal principle without which the international human rights order cannot endure;

Whereas access to justice and effective remedies are essential components of international human rights implementation;

Whereas cooperative federalism requires coordination among all orders of government;

And whereas Parliament recognizes the need for a comprehensive framework to ensure effective implementation, accountability and remedies for ratified international human rights law;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I — INTERPRETATION AND PURPOSE

Short Title

1. This Act may be cited as the *International Human Rights Implementation Act*

Definitions

2. In this Act:

“IHRI Commissioner” means the International Human Rights Implementation Commissioner appointed under section 10;

“Implementation Office” means the International Human Rights Implementation Office;

“international human rights obligations” includes obligations arising from treaties ratified by Canada and customary international law;

“Minister” means the Minister designated under section 52;

“Tribunal” means the specialized International Human Rights Implementation division of the Canadian Human Rights Tribunal.

3. The purpose of this Act is to establish a comprehensive framework for implementing Canada’s international human rights obligations through coordinated governance, meaningful accountability, engagement with civil society and Indigenous organizations and access to adjudication and effective remedies when necessary.

PART II — GUIDING PRINCIPLES

Guiding Principles

4. This Act shall be interpreted and applied in accordance with the following principles:
 - (a) the equal status and indivisibility of civil, political, economic, social, cultural and

- environmental rights;
- (b) good faith implementation of international obligations;
- (c) the presumption of conformity of domestic law with international human rights obligations;
- (d) access to justice and effective remedies for systemic issues leading to violations of international human rights;
- (e) progressive realization of economic, social and cultural rights within the shortest possible time, to the maximum of available resources and all appropriate means;
- (f) immediate obligations to ensure access to the essentials of a dignified life;
- (g) prioritization of those most disadvantaged;
- (h) meaningful participation of rights-holders in all elements of implementation of IHR;
- (i) the right of Indigenous peoples to self-determination;
- (j) the requirement of free, prior and informed consent in matters affecting Indigenous peoples;
- (k) cooperative federalism and shared responsibility;
- (l) transparency, accountability and public reporting.

PART III — INTERPRETATION AND LITIGATION COMMITMENTS

Government Commitments

5. The Government of Canada shall:
 - (a) ensure that laws, policies and programs are consistent with international human rights obligations;
 - (b) advance interpretations of the Charter and other law and policy consistent with those obligations;
 - (c) promote and facilitate access to courts and tribunals for rights holders, including for consideration of their rights under international human rights;
 - (d) adopt litigation positions consistent with international human rights law.

PART IV — GENERAL IMPLEMENTATION OBLIGATIONS

Obligation to Implement

6. All federal departments and agencies shall act consistently with international human rights obligations.

International Human Rights Statements

7. A Minister introducing legislation shall table an International Human Rights Statement.

PART V — IMPLEMENTATION OFFICE

8. Establishment

There is established an International Human Rights Implementation Office.

Independence

9. The Office shall operate independently.

IHRI Commissioner

10. (1) The Governor in Council shall appoint an IHRI Commissioner.
(2) The Commissioner holds office for a term of seven years.
(3) The Commissioner reports to Parliament.

Mandate

11. The Office shall:
 - (a) monitor implementation;
 - (b) develop implementation plans;
 - (c) receive submissions;
 - (d) refer systemic issues to the Tribunal;
 - (e) oversee follow-up to Views and Recommendations from UN treaty monitoring bodies.

PART VI — IMPLEMENTATION PLANS

Development

12. The Implementation Office, in consultation with rights holders, independent experts and government officials, shall develop cross-departmental plans.

Content

13. Plans shall include:

- (a) a process for meaningful engagement with those affected, with civil society organizations and Indigenous Peoples and human rights experts;
- (b) progressive realization measures for elements that can not be addressed through immediate measures;
- (c) timelines, indicators and monitoring of compliance with these;
- (d) allocation of resources consistent with maximum of available resources and the prioritization of human rights obligations.

PART VII — FOLLOW-UP TO INTERNATIONAL PROCESSES

Obligations

14. The Government shall establish processes to prioritize and implement, with participation of relevant stakeholders, experts and human rights organizations
- (a) treaty body recommendations;
 - (b) Views;
 - (c) UPR commitments.

PART XIII SYSTEMIC CLAIMS AND ADJUDICATION

Petitions on Systemic Issues

38. (1) Any individual or group may submit a petition to the International Human Rights Implementation Office alleging a systemic issue relating to
- (a) failure to comply with Canada's international human rights obligations;
 - (b) failure to implement obligations of immediate effect;

- (c) failure to take reasonable measures toward progressive realization;
- (d) failure to implement Views, Concluding Observations, or recommendations of international human rights bodies in good faith; or
- (e) inconsistency of legislation, policy or programs with implementation plans established under this Act.

(2) A systemic issue includes issues affecting groups or communities or the implementation of rights at a structural or programmatic level and may include absence of participation, accountability or access to effective remedies.

Review and Investigation

39. (1) The Office shall determine whether a petition warrants investigation.

(2) Where an investigation is undertaken, the Office may

- (a) request information from any federal institution;
- (b) consult affected communities and experts; and
- (c) hold meetings or hearings.

(3) After investigation, the Office may issue

- (a) an opinion as to whether the concerns are substantiated; and
- (b) remedial recommendations.

(4) Recommendations may include

- (a) legislative, policy or program changes;
- (b) measures required for compliance with international obligations;
- (c) timelines and reporting requirements.

Ministerial Response

40. (1) A Minister to whom recommendations are directed shall respond in writing within 60 days.

(2) The response shall indicate

- (a) measures to be taken;

- (b) timelines; and
- (c) mechanisms for monitoring implementation.

PART VIII — INTERNATIONAL HUMAN RIGHTS IMPLEMENTATION TRIBUNAL

15. (1) A specialized division of the Canadian Human Rights Tribunal is established for the purposes of this Act, to be known as the International Human Rights Implementation Tribunal.

(2) The International Human Rights Implementation Tribunal shall exercise its jurisdiction as a division of the Canadian Human Rights Tribunal.

(3) The Chairperson of the Tribunal shall designate members of the Tribunal to constitute panels of the International Human Rights Implementation Tribunal in accordance with the Canadian Human Rights Act as amended by this Act.

Composition of Panels

16. (1) A panel of the International Human Rights Implementation Tribunal shall be composed of not fewer than three members.

(2) At least one member of each panel shall be a member in good standing of the bar of a province or the Chambre des notaires du Québec.

(3) Panels shall, to the greatest extent possible, include members with expertise in:

- (a) international human rights law;
- (b) Canadian constitutional and administrative law;
- (c) economic, social and cultural rights and related public policy.

Referral of Matters

17. (1) The International Human Rights Implementation Commissioner may refer systemic issues of non-compliance with international human rights obligations to the Tribunal.

(2) The Tribunal may hear and determine any matter referred under subsection (1), including issues relating to:

- (a) failure to implement international human rights obligations;
- (b) failure to act in accordance with treaty body recommendations or Views;
- (c) systemic deficiencies in laws, policies or programs.

Powers and Procedure

18. (1) The Tribunal shall conduct proceedings in a manner that is:

- (a) accessible;
- (b) expeditious;
- (c) consistent with procedural fairness.

(2) The Tribunal may receive evidence and submissions from:

- (a) governments;
- (b) Indigenous governments and organizations;
- (c) municipalities;
- (d) civil society organizations;
- (e) affected individuals or groups.

Standards for Assessing Compliance

19. In assessing compliance with international human rights obligations, the Tribunal shall consider whether:

- (a) all appropriate legislative, administrative, policy and budgetary measures have been taken;
- (b) the maximum of available resources has been utilized;
- (c) measures are directed toward full realization of rights within the shortest possible time;
- (d) actions are reasonable in light of the State's obligations;
- (e) implementation has been carried out in good faith;

(f) immediate obligations necessary to ensure access to the essentials of a dignified life have been fulfilled.

Remedial Orders

20. (1) The Tribunal may make any order it considers appropriate to ensure effective remedies.

(2) Orders may include:

- (a) declarations of non-compliance;
- (b) directions to adopt or revise policies, programs or plans;
- (c) structural or supervisory orders requiring ongoing reporting;
- (d) timelines for implementation.

(3) In making orders, the Tribunal shall:

- (a) respect the roles of the legislative and executive branches;
- (b) ensure that remedies are effective and responsive to violations;
- (c) promote compliance with international human rights obligations.

(4) Orders of the Tribunal are enforceable in the same manner as orders of the Canadian Human Rights Tribunal.

41. (1) The IHRI Commissioner may request the Chairperson of the Canadian Human Rights Tribunal to establish a panel to hold a hearing into a systemic issue where it considers that

- (a) the issue raises serious or persistent non-compliance; or
- (b) adjudication would assist in resolving the issue.

(2) The request shall include

- (a) a description of the systemic issue;

(b) its implications for implementation;

(c) a summary of evidence

(d) a description of the potential parties to the hearing.

(3) The Office shall work with affected communities in presenting evidence and proposed solutions.

Tribunal Findings and Follow-up

42. (1) The Tribunal shall submit a report of its findings and recommendations to the Minister.

(2) The Minister shall respond within 60 days, specifying

(a) measures to be taken;

(b) timelines; and

(c) reporting obligations.

(3) The Office shall monitor implementation.

(4) Where implementation is inadequate, the Office shall notify the Minister and require a further response within 30 days.

III. AMENDMENTS TO THE CANADIAN HUMAN RIGHTS ACT

This is the critical piece. It is largely adapted from your housing draft but generalized to **international human rights implementation.**

Amendments to the Canadian Human Rights Act

1. Tribunal Jurisdiction (NEW SECTION 59.2)

Add after section 59:

59.2 (1) On receipt of a request from the International Human Rights Implementation Office, the Chairperson shall institute an inquiry into a systemic issue relating to international human rights implementation.

(2) The Chairperson shall assign a panel of three members with expertise in

- (a) human rights law; and
- (b) international human rights or affected communities.

(3) Members may include persons with lived experience of systemic human rights disadvantage.

Panel Mandate

59.2 (4) The panel shall

- (a) determine whether systemic non-compliance exists;
- (b) assess consistency with Canada's international human rights obligations; and
- (c) determine whether remedial action is required.

Procedural Requirements

59.2 (5) The panel shall

- (a) conduct public hearings;
- (b) ensure participation of affected communities;
- (c) provide accessible procedures; and
- (d) permit flexible evidentiary rules consistent with natural justice.

Report and Recommendations

59.2 (6) The panel shall prepare a report that

- (a) sets out findings of fact;
- (b) summarizes submissions;
- (c) identifies systemic issues; and
- (d) sets out remedial recommendations.

Nature of Recommendations

59.2 (7) Recommendations may include

- (a) legislative or policy reform;
- (b) measures required for compliance with international obligations;

- (c) timelines and monitoring requirements; and
- (d) measures for implementation of treaty body Views or recommendations.

Public Accessibility

59.2 (8) Reports shall be public.

Application of Existing Tribunal Provisions

59.2 (9) Sections 50, 52 and 58 apply with necessary modifications.

Composition Amendment

48.1(2.1) In appointing members for panels under section 59.2, consideration shall be given to representation of affected communities and expertise in international human rights.

Jurisdiction

15. The Tribunal shall hear systemic issues of international human rights implementation referred by the Implementation Office.

Standards for Assessing Compliance with Obligations of Implementation of Economic, Social and Cultural Rights

16. In assessing compliance with economic, social and cultural rights, the Tribunal shall apply the following standards:

- (a) whether the State has taken all appropriate means;
- (b) whether it has used the maximum of available resources;
- (c) whether measures are directed toward full realization within the shortest possible time;
- (d) whether actions are reasonable and proportionate in light of the priority to be accorded to human rights obligations;
- (e) whether there has been good faith engagement with international human rights bodies and implementation of treaty obligations;
- (f) whether immediate obligations have been fulfilled.

Remedies

17. The Tribunal may issue enforceable orders, including:

- (a) declarations;
- (b) structural remedies;
- (c) supervisory orders;
- (d) reporting requirements.

PART IX — PARLIAMENTARY ACCOUNTABILITY

Standing Committees on Human Rights

19. Both Houses shall establish dedicated committees to oversee the implementation of international human rights obligations.

Mandate

20. Committees shall:

- (a) receive reports;
- (b) hold hearings;
- (c) review systemic issues.

PART X — LEADERSHIP AND RESOURCES

Ministerial Responsibility

21. A Minister shall be responsible for coordination.

Secretariat

22. A permanent secretariat shall be established.

23. Funding

The Government shall provide sustained funding.

PART XI — PUBLIC ENGAGEMENT

Participation

24. Governments shall ensure participation of:

- (a) civil society;
- (b) Indigenous peoples;
- (c) affected communities.

Transparency

25. A public reporting system shall be maintained.

PART XII — PERSISTENT NON-COMPLIANCE

Declaration

26. The IHRI Commissioner may declare persistent non-compliance.

Parliamentary Review

27. Declarations shall be tabled and reviewed.

Government Response

28. A response must be provided within 60 days.

Escalation

29. Further measures may include Tribunal referral and funding conditions.

PART XIII — GENERAL

Relationship to Federal Provincial Territorial (FPT) Accord

30. This Act shall be implemented in coordination with Annex A.

Schedule A

AMENDMENTS TO THE CANADIAN HUMAN RIGHTS ACT

New subsection (4.2)

48 (4.2) In addition to the considerations set out in subsections (2) to (4.1), appointments to the Tribunal must be made having regard to the need for adequate knowledge and experience in:

- (a) international human rights law;
- (b) Canadian constitutional and administrative law; and
- (c) economic, social and cultural rights and related public policy.

2. New subsection — Designation of IHRI Members

Add subsection (4.3)

48 (4.3) The Governor in Council shall ensure that at least three members of the Tribunal possess the expertise referred to in subsection (4.2) and may be designated to serve on panels of the International Human Rights Implementation Tribunal established under the International Human Rights Implementation Act.

3. New subsection — Factors in Appointment

Add subsection (4.4)

48 (4.4) In appointing members referred to in subsection (4.3), the Governor in Council shall have regard to:

- (a) demonstrated expertise in international human rights law;
- (b) experience in adjudication, policy development, or implementation of human rights obligations;
- (c) knowledge of economic, social and cultural rights;

- (d) experience with systemic or structural remedies;
- (e) understanding of the relationship between domestic and international law;
- (f) familiarity with Indigenous rights and legal systems, including the United Nations Declaration on the Rights of Indigenous Peoples;
- (g) the need for diversity and representation reflective of Canadian society.

ANNEX A

FEDERAL–PROVINCIAL–TERRITORIAL ACCORD ON INTERNATIONAL HUMAN RIGHTS IMPLEMENTATION

1. Purpose

1.1 The purpose of this Accord is to establish a coordinated, transparent and accountable framework for the implementation of Canada’s international human rights obligations across all orders of government.

1.2 This Accord operationalizes the shared responsibility of federal, provincial and territorial governments to ensure that laws, policies, programs and funding arrangements comply with international human rights obligations.

2. Guiding Commitments

2.1 The Parties commit, individually and collectively, to:

- (a) implement international human rights obligations in good faith;
- (b) ensure equal status and indivisibility of civil, political, economic, social, cultural and environmental rights;
- (c) recognize both immediate obligations to ensure economic, social and cultural rights and where obligations require time to implement, ensure the progressive realization within the shortest possible time based on international human rights standards;
- (d) ensure access to justice and effective remedies including for obligations requiring time and resources to implement;
- (e) respect and uphold the rights of Indigenous peoples, including self-determination and free, prior and informed consent;
- (f) ensure meaningful participation of rights-holders, particularly those most affected;

- (g) act in accordance with principles of cooperative federalism;
- (h) ensure transparency, public reporting and accountability.

3. Institutional Framework

3.1 Council of Ministers Responsible for Human Rights

3.1.1 The Parties establish a Council of Ministers Responsible for Human Rights (“the Council”) as the central political body for coordination under this Accord.

3.1.2 The Council shall:

- (a) meet at least once annually;
- (b) adopt a National International Human Rights Implementation Plan each year

3.1.3 The Council shall be supported by a permanent secretariat, funded by the Government of Canada, to ensure continuity, coordination, and transparency.

3.2 Secretariat

3.2.1 A permanent Secretariat shall be established to support implementation of this Accord.

3.2.2 The Secretariat shall:

- (a) coordinate meetings of the Council;
- (b) support intergovernmental collaboration;
- (c) maintain public reporting systems;
- (d) provide analytical and policy support;
- (e) facilitate engagement with Indigenous governments, municipalities and civil society.

4. National Implementation Plan

4.1 The Council shall adopt an annual National International Human Rights Implementation Plan.

4.2 The Plan shall:

- (a) identify priority issues for coordinated action;
- (b) set measurable outcomes and benchmarks;
- (c) establish timelines for implementation;
- (d) assign responsibilities across jurisdictions;
- (e) include strategies for addressing systemic human rights challenges;
- (f) incorporate input from Indigenous governments, municipalities, civil society and affected communities.

4.3 Progress in operationalizing the Plan shall be publicly reported annually.

5. Intergovernmental Coordination and Cooperation

5.1 The Parties commit to cooperate in implementing international human rights obligations across areas of shared jurisdiction.

5.2 Where responsibilities overlap, the Parties shall:

- (a) coordinate policies and programs;
- (b) develop joint strategies;
- (c) avoid gaps and inconsistencies in protection.

5.3 The Parties recognize that consistent national compliance is required, while allowing for regional flexibility in implementation.

6. Integration into Fiscal Arrangements and Funding Agreements

6.1 The Parties commit to integrating international human rights obligations into intergovernmental fiscal arrangements.

6.2 The Government of Canada shall, in consultation with provinces and territories:

- (a) negotiate funding agreements that support compliance with international human rights obligations;
- (b) incorporate human rights considerations into transfers, including social and

infrastructure funding;

(c) ensure that funding arrangements promote reasonably comparable levels of human rights protection across Canada.

6.3 The Parties commit to negotiating intergovernmental agreements and funding agreements with municipalities that:

(a) support implementation of international human rights obligations;

(b) address frontline service delivery responsibilities;

(c) include accountability measures consistent with this Accord.

6.4 Funding mechanisms shall, where possible, be designed to:

(a) incentivize compliance;

(b) support progressive realization of rights;

(c) address disparities affecting disadvantaged groups.

7. Indigenous and Municipal Participation

7.1 The Parties recognize the essential role of Indigenous governments and organizations in implementing international human rights obligations.

7.2 The Parties commit to:

(a) engaging Indigenous governments in decision-making processes;

(b) respecting self-determination and free, prior and informed consent;

(c) supporting Indigenous-led implementation initiatives.

7.3 The Parties recognize the role of municipalities as frontline actors and commit to:

(a) including municipalities in implementation processes;

(b) supporting municipal capacity;

(c) facilitating coordination between municipal and other orders of government.

8. Engagement with Civil Society and Rights-Holders

8.1 The Parties shall establish clear and accessible processes for engagement with civil society and rights-holders.

8.2 Engagement processes shall:

- (a) be ongoing and meaningful;
- (b) ensure inclusion of marginalized groups;
- (c) inform implementation planning and evaluation.

9. Monitoring, Reporting and Transparency

9.1 The Parties commit to transparent monitoring and reporting on implementation.

9.2 This shall include:

- (a) public reporting on progress;
- (b) shared data and indicators;
- (c) publication of implementation plans and outcomes.

9.3 Reports shall be aligned, where possible, with international reporting cycles.

10. Accountability and Follow-Up

10.1 The Parties commit to responding in good faith to:

- (a) treaty body recommendations;
- (b) Views under individual complaint procedures;
- (c) UPR recommendations.

10.2 Responses shall include:

- (a) identification of commitments;
- (b) implementation plans;
- (c) timelines and measurable outcomes.

10.3 The Parties shall cooperate with the Implementation Office established under federal legislation.

11. Relationship with Adjudication

11.1 The Parties acknowledge the role of systemic adjudication under federal legislation.

11.2 The Parties commit to:

- (a) considering findings and orders of the Tribunal;
- (b) taking appropriate steps within their jurisdictions;
- (c) engaging in coordinated responses where issues cross jurisdictions.

12. Dispute Resolution

12.1 Disputes arising under this Accord shall be addressed through cooperative processes.

12.2 The Parties shall seek resolution through:

- (a) negotiation;
- (b) mediation;
- (c) Council-level discussion.

13. Review of the Accord

13.1 The Council shall review this Accord every five years.

13.2 The review shall assess:

- (a) effectiveness of implementation;
- (b) adequacy of institutional arrangements;
- (c) progress toward compliance with international obligations.

14. General

14.1 This Accord reflects a political commitment and does not alter constitutional jurisdiction.

14.2 Nothing in this Accord limits the authority of any Party within its jurisdiction, but all Parties commit to exercising that authority in a manner consistent with international human rights obligations.