

CANADA

General Considerations

17. With respect to **progress made**, the Commission takes note of actions such as those promoted by the government to introduce legislation to strengthen measures to control and contain armed violence; the creation of the National Council for the Reconciliation of Canada and the forms of violence perpetrated against indigenous groups; and the empowerment of survivors of human trafficking. On top of this, the IACHR also welcomes criminal code reform measures that prohibit conversion therapies to modify gender orientation and gender identity; as well as actions to financially assist students with disabilities and the appointment of the first indigenous person to the Supreme Court of Canada.

18. In relation to the **challenges**, the IACHR expresses its concern about the potential increase in the number of detentions of foreign persons and new internal displacements related to natural disasters, which between 2020 and the end of 2021 would increase by 230%. The IACHR is also concerned about the situation of gender-based violence, particularly against indigenous women. Finally, it notes with concern the discovery of around 93 unmarked graves on the grounds of a former boarding school in British Columbia, as well as the overrepresentation of indigenous persons in the prison system.

Specific issues

19. On the matter of **citizen security**, the Government of Canada announced the introduction of Bill C-21 to strengthen gun control measures and contain violence. The new measures would include: i) implementing a nationwide ban to firearms; ii) withdrawing firearm licenses from those who engage in acts of violence; iii) combating gun smuggling and trafficking; and, iv) addressing intimate partner violence, gender-based violence, and self-harm with firearms.¹ On the other hand, the IACHR notes the work done with First Nations indigenous leaders to take action against guns and gangs, and the announcement of the creation of the Building Safer Communities Fund (BSCF) with an allocation of \$250 million Canadian dollars.²

20. Likewise, the Commission also received from the Government of Canada its response to a request regarding the public safety emergency measures imposed by the Government in the months of January and February. In its response, the State pointed out that the declaration of emergency under the Emergencies Act was invoked for nine days (February 14 to 23, 2022) to address demonstrations and illegal blockades in Ottawa and elsewhere in Canada. According to the State, the acts of violence against persons and property met the high threshold required by the Emergency Act for the declaration of a public safety emergency, in response to attacks perpetrated against persons and expressions of hatred based on perceived sexual or gender identity and racial discrimination.³ The Commission notes that a committee has been created to investigate the circumstances giving rise to the invocation of such a declaration, and the report is expected to be submitted in February 2023.⁴

21. With respect to **access to justice**, and according to information available to the Commission, the signing of agreements of understanding on judicial governance and judicial education has been recorded, and these recognize that the principle of judicial independence includes the independence of the Judicial Council of Canada for the appointment of the Commissioner for Federal Judicial Affairs. Also, that the recognition of judicial education is an essential element of Canada's justice system for the respect of judicial independence, transparency, and accountability to the public; respectively.⁵

¹ Government of Canada, [Further strengthening our gun control laws](#), May 30, 2022

² Government of Canada, [New funding for Six Nations of the Grand River to support anti-gang programming](#), July 22, 2022

³ Permanent Mission of Canada to the Organization of American States, [Note of response from the Government of Canada dated April 5, 2022 with respect to the request via letter Art. 41](#), April 5, 2022

⁴ Permanent Mission of Canada to the Organization of American States, [Note of response from the Government of Canada dated April 5, 2022 with respect to the request via letter Art. 41](#), April 5, 2022

⁵ Government of Canada, [Strengthening judicial independence and increasing public confidence in the justice system: Chief Justice of Canada and Minister of Justice sign two key Memoranda of Understanding](#), April 28, 2022

22. On the rights of **persons in the context of human mobility**, the most recent information from the Canada Border Services Agency (CBSA) indicates that, as pandemic-related travel restrictions continued to ease, the number of entries of foreign nationals continued to increase. This, according to the CBSA, would lead to a potential increase in the number of detentions. In this regard, figures released by CBSA in April 2022 indicate that the number of detentions of migrants doubled from 565 to 1,211 in the fourth quarter of fiscal year 2021⁶ when compared to the same period during fiscal year 2020-2021. According to available official information, the quarterly figures reflect the number of persons detained at a given time and could include a person detained for two quarters.⁷

23. In addition, the Commission notes that the CBSA would continue to prioritize the use of migrant detention centers for cases of detention and alternatives to detention. Moreover, it would be working to identify release options for detained individuals, where possible. In particular, it notes that release decisions are made on a case-by-case basis, using a dynamic risk assessment process that aligns individual risk indicators with conditions that may mitigate that risk.⁷

24. In relation to **forced internal displacement**, the most recent figures from the Internal Displacement Monitoring Centre (IDMC), released in May 2022, indicate that by the end of 2021 there was a total of 60,000 new displacements related to natural disasters in Canada.⁸ This compares to the 26,000 displacements reported by the end of 2020.⁹

25. With regard to the **rights of children and adolescents**, the IACHR welcomes the implementation of the National Action Plan to End Violence against Indigenous Women and Girls.¹⁰ It also takes note of the legislative proposal for the creation of the National Council for Reconciliation, whose goal is to follow up on the recommendations of the Truth and Reconciliation Commission of Canada, regarding the legacy of the Residential School system for indigenous people; as well as the forms of violence perpetrated against this group in that system, including the graves of children and adolescents found in former school grounds. The IACHR takes note of the continued identification of new anonymous graves found at the sites of the former residential schools, other than those in the Report of the Truth and Reconciliation Commission.¹¹

26. On the matter of **trafficking in persons**, the IACHR appreciates the efforts of the Office of Public Security where, through the “Promote Development Program,” survivors of trafficking in persons are being empowered to regain their independence. According to available information, the Program provides subsidized housing for survivors of labor and sexual exploitation and supports a development center for survivors aged 16 and over to access specialized training and education.¹² In addition, the Commission notes the efforts involving the private sector in partnership with Truckers Against Trafficking (TAT), a non-profit organization that educates drivers to combat human trafficking in their daily work.¹³

27. On the matter of **persons deprived of liberty**, the Commission takes note of the May 27 ruling issued by the Supreme Court that declared unconstitutional Article 745.51 of the Criminal Code retroactively from its enactment in 2011. That statute allowed a court to impose on convicted persons a prison sentence without the possibility of parole for a term of 50 years or up to 150 years in cases of

⁶ According to official information, the fiscal year begins on April 1 and ends on March 31. The quarters are composed as follows: i) first quarter from April 1 to June 30; ii) second quarter from July 1 to September 30; iii) third quarter from October 1 to December 31; and iv) fourth quarter from January 1 to March 31. Canada Border Services Agency, Quarterly detention statistics: Second quarter fiscal year 2021 to 2022, April 28, 2022.

⁷ Canada Border Services Agency, Quarterly detention statistics: Second quarter fiscal year 2021 to 2022, April 28, 2022.

⁸ IDMC, Global Report on Internal Displacement 2022 April 2022, p. 161.

⁹ IDMC, Internal displacement in a changing climate, May 10, 2022, p. 147.

¹⁰ Office of the High Commissioner for Human Rights, [Experts of the Committee on the Rights of the Child Commend Canada on the Truth and Reconciliation Hearing Commission for Indigenous Children, Ask Questions about Children in Court and “Jordan’s Principle”](#), May 18, 2022. See also Missing and Murdered Indigenous Women, Girls, [2022 Progress Report on the Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan](#), May 23, 2022.

¹¹ CBC, [More Deaths At Quebec Residential schools than previously reported, investigation reveals](#) December 8, 2022.

¹² Government of Canada, [On International Women’s Day Government of Canada announces project empowering survivors of human trafficking to regain independence](#), March 8, 2022

¹³ The Seeker, [Heroes of the Highway Fight Human Trafficking](#), April 7, 2022; Penticton Western News, [Eyes on the road: Canadian truckers fight human trafficking along highways](#), April 9, 2022; CBC, [Maritime trucking company partners with U.S. non-profit to combat human trafficking](#), April 20, 2022

multiple counts of first-degree murder. As a result, the law that was in force before 2011, which allows persons sentenced to life imprisonment to be eligible for parole after 25 years, was reinstated.¹⁴

28. With regards to the rights of **LGBTI persons**, the IACHR takes note of the enactment of the Federal Action Plan 2SLGBTQI+, which contains measures to guarantee human rights with an intersectional perspective and prioritizes the participation of communities.¹⁵ It also takes note of the lifting of the ban on blood donations by gay, bisexual, and other men who have sexual relations with men, based on recommendations and scientific evidence.¹⁶ The IACHR also welcomes the enforcement, effective starting on January 7, of the ban on practices that seek to modify gender orientations and identities, also known as "conversion therapies," after parliament approved a reform to the criminal code in 2021.¹⁷

29. In relation to the rights of **persons with disabilities**, the Commission highlights the presentation of the Plan of Action for the Inclusion of Persons with Disabilities, which seeks to reduce economic inequalities; improve access to quality jobs; reduce physical, communication, and attitudinal barriers to improve the community living of persons with disabilities, and modernize the country's institutions on their approach to persons with disabilities.¹⁸ Likewise, the IACHR also took note of the Financial Assistance Program for Students, including students with disabilities, to improve access to education.¹⁹

30. Regarding the situation of the rights of **women**, the Commission welcomes the nomination of who would be the first indigenous woman to sit on the Supreme Court of Canada.²⁰ The IACHR also continues to monitor the implementation of the national plan of action to end gender-based violence.²¹ It also expresses its concern regarding the situation of gender-based violence, particularly against indigenous women. According to public information, from January to November 2022, a total of 158 murders of women were registered.²² In this regard, it takes note of the actions of the civil society and local authorities to incorporate the term femicide into the Criminal Code;²³ in particular, in June 2022, a jury in Ontario issued recommendations to the Federal Government in this regard following its conviction of a man for the murder of three women.²⁴

31. Likewise, the Commission observes that the homicide rate of indigenous women registered in 2021 was almost five times higher than that of non-indigenous women, a rate that has been maintained in 2022.²⁵ Along the same lines, recent information indicates that more than 6 out of 10 indigenous women have reported physical or sexual violence in their lives, a situation that would be more serious in the case of those who identify as lesbian, bisexual, or trans.²⁶

32. On the other hand, the IACHR takes note of reports of sexual violence by military leaders against female members of the Canadian Armed Forces, leading to an external review of the situation in 2022 that culminated in numerous recommendations to various authorities to punish these behaviors

¹⁴ Supreme Court of Canada, Government of Canadá, [Case in Brief R. v. Bissonnette No. 2022 SCC 23](#), May 27, 2022.

¹⁵ Government of Canadá, [Canada's first Federal 2SLGBTQI+ Action Plan... Building our future, with pride](#), August 28, 2022.

¹⁶ Global News Canadá, [Blood donation ban on men who have sex with men can end: Health Canada](#), April 28, 2022.

¹⁷ CTV News, [Conversion therapy is now illegal in Canada](#), January 7, 2022

¹⁸ Government of Canada. [Canada's Disability Inclusion Action Plan](#), August 2, 2022.

¹⁹ Government of Canada. [Government of Canada announces improved financial support for students with disabilities](#), August 2, 2022.

²⁰ CBC News. [Michelle O'Bonsawin becomes 1st Indigenous person nominated to Supreme Court of Canada](#), August 19, 2022.

²¹ **Government of Canadá, National Action Plan to End Gender-Based Violence a significant step towards gender equality, November 9, 2022.**

²² Canadian Femicide Observatory for Justice and Accountability. [2022 Victims](#), consulted in November 2022.

²³ Policy Options. [When will Canada say enough is enough when it comes to femicide](#), March 7, 2022; Toronto Star. ['This is a crisis': Ontario police board wants femicide added to Criminal Code](#), July 2022

²⁴ The Guardian. [Jury calls for sweeping reforms to Canada's approach to femicide](#), July 1, 2022.

²⁵ UN Women and UNODC. [Gender-related killings of women and girls \(femicide/feminicide\). Global estimates of gender-related killings of women and girls in the private sphere in 2021 Improving data to improve responses](#), March 2022, p. 22

²⁶ Human Rights Watch. [World Report 2022 Events of 2021](#), 2022., p. 135; See also: CBC. [Indigenous women more likely to face violence if they were children in care: report](#), May 1, 2022.

and ensure non-recurrence.²⁷ In the same vein, it notes reports of harassment, discrimination, and violence against indigenous women by members of the Royal Canadian Mounted Police.²⁸

33. On the rights of **indigenous peoples**, the Commission continued to monitor the impacts of the legacy of residential schools established for the assimilation of indigenous children. In January 2022, leaders of the Williams Lake First Nation announced the discovery of around 93 unmarked graves on the grounds of a former residential school in British Columbia.²⁹ On the other hand, note is taken of the overrepresentation of indigenous people in the prison system, where they represent 30% of the imprisoned population at the federal level, despite the fact that the indigenous adult population represents only 5% of the national population.³⁰

34. In relation to the rights of **older persons**, public information reports that the National Institute on Ageing of Canada published the study “Coming out and coming in to living with dementia: Enhancing Support for 2SLGBTQI People Living with Dementia and their Primary Unpaid Carers.” The study includes qualitative findings regarding 2SLGBTQI persons living with dementia, their caregivers, and service providers. The IACHR welcomes the publication of this intersectional report and highlights the value of this type of document to improve the steps Canada can take in designing systems of care and permanent care for seniors, as well as providing necessary support to families, partners, or persons in their extended social network who serve as their caregivers.³¹

²⁷ Honourable Louise Arbour, C.C., G.O.Q. [Report of the Independent External Comprehensive Review of the Department of National Defence and the Canadian Armed Forces](#), May 2022; PRIO. [Sexual Violence by Military Leaders: The Canadian Leadership Crisis](#), October 5, 2022.

²⁸ The Canadian Feminist Alliance for International Action (FAFIA), Justice for Girls and Dr. Pamela Palmater. Annex to the Request for a Hearing on the Royal Canadian Mounted Police: Systemic Discrimination and Violence against Indigenous Women, for the 185th Period of Sessions of the IACHR, August 11th 2022; Radio-Canada. [Mujeres indígenas enfrentan discriminación y violencia sistémica por parte de la RPMC](#), May 10, 2022

²⁹ The Globe and Mail, [Williams Lake First Nation identifies 93 potential burial sites at former residential school](#). 25 de enero de 2022; El País, [Halladas decenas de tumbas sin marcar en otro antiguo internado para niños indígenas en Canadá](#), January 26, 2022.

³⁰ Reuters, [Indigenous woman nominated to Canada's Supreme Court in 'historic moment'](#) August 19, 2022.

³¹ National Institute on Ageing, ["Coming put and coming in to living with dementia: Enhancing Support for 2SLGBTQI People Living with Dementia and their Primary Unpaid Carers."](#), May 2022.