

# Submission to the United Nations Human Rights Committee

## Concerning Canada's mechanisms for implementation of international civil and political rights in Canada

Submitted by: Maytree

### Endorsements:

- Action Canada for Sexual Health and Rights
- Canadian Association of Elizabeth Fry Societies
- Charter Committee on Poverty Issues
- Feminist Alliance for International Action
- International Human Rights Law Clinic, University of Manitoba
- John Humphrey Centre for Peace and Human Rights
- National Right to Housing Network
- Ontario Native Women's Association (ONWA)
- Righting Relations
- Social Rights Advocacy Centre
- South Asian Legal Clinic of Ontario

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# Key recommendation

The State party should introduce a National Framework for Human Rights Implementation that:

- Is enshrined in federal and provincial/territorial legislation;
- Establishes a National Mechanism for Implementation, Reporting, and Follow-up (NMIRF), including permanent secretariat support in each jurisdiction;
- Ensures ongoing civil society and Indigenous participation and accountability;
- Adopts the UN National Recommendations Tracking Database and commits to transparent reporting on actions and outcomes; and
- Ensures access to justice and effective remedies for Covenant rights under the Canadian Charter of Rights and Freedoms and other domestic law.

## Introduction

Despite Canada's commitment to the domestic implementation of human rights, there are persistent weaknesses in Canada's mechanisms for human-rights implementation that undermine the protection of civil and political rights.

This is not a new finding. For decades, UN treaty bodies have repeatedly urged Canada to address these structural challenges, with little to show for it. The reality is that for 75 years Canada has lacked the political will to institutionalize human rights implementation. It has neglected to build the necessary legal foundations and government structures to provide accountability to rights holders.

Civil society organizations cannot stand by as another generation of Canadian governments refuses to take their domestic human rights obligations seriously.

Drawing on several recent studies, this submission explains the reasons why Canada's implementation mechanisms are unsuccessful and offers specific recommendations for fundamental reform.<sup>1,2,3,4</sup>

## Structural weaknesses undermining civil and political rights

**Canada's National Mechanism for Implementation, Reporting, and Follow-Up (NMIRF) is informal, fragmented, and under-resourced**

Canada does not have a formally established, legislatively anchored National Mechanism for Implementation, Reporting, and Follow-Up (NMIRF). Instead, coordination among federal, provincial, and territorial governments remains informal, under-resourced, and invisible to the public.

Canada's intergovernmental coordinating bodies for human rights – the Forum of Ministers on Human Rights (FMHR), Senior Officials Committee Responsible for Human Rights (SOCHR), and Continuing Committee of Officials on Human Rights (CCOHR) – operate without statutory authority, sufficient staffing and resources, or transparent reporting obligations.

Within Canada's federal, provincial, and territorial governments, responsibility for human rights is distributed across multiple ministers and departments, with no clear cabinet-level accountability for human rights implementation. Despite provinces and territories having constitutional jurisdiction over many areas that directly impact civil and political rights, in many of these jurisdictions, responsibility for human rights implementation falls to a single official who often lacks the resources to adequately address and support implementation.

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- 1 Neve, A. (2023). *Closing the Implementation Gap: Federalism and Respect for International Human Rights in Canada*. IRPP. <https://centre.irpp.org/wp-content/uploads/sites/3/2023/05/Closing-the-Implementation-Gap-Federalism-and-Respectfor-International-Human-Rights-in-Canada.pdf>
  - 2 Neve, A. (2025). *Universal: Renewing human rights in a fractured world*. House of Anansi Press.
  - 3 White, A. (2024). *In search of political will: Strengthening Canada's mechanisms for the domestic implementation of international human rights commitments*. Maytree. <https://maytree.com/wp-content/uploads/In-search-of-political-will.pdf>
  - 4 Ho, J. et al. (2025). *Strengthening Canada's implementation, reporting, and follow-up for international human rights commitments*. Maytree. [https://maytree.com/wp-content/uploads/strengthening\\_CA\\_implementation\\_reporting\\_follow-up\\_international\\_HR\\_commitments.pdf](https://maytree.com/wp-content/uploads/strengthening_CA_implementation_reporting_follow-up_international_HR_commitments.pdf)

At least one Canadian province – Alberta – refuses to recognize its legal responsibilities under the International Covenant on Civil and Political Rights (ICCPR), claiming falsely that it is “not a party” to international human rights instruments and, therefore, not bound by them.<sup>5</sup> This position has been reinforced through the province’s International Agreements Act (2025), which explicitly limits the domestic relevance of Canada’s international human rights treaty obligations, signalling a deliberate retreat from compliance with international law.

The absence of a robust national mechanism undermines the protection of civil and political rights because governments lack structured processes to operationalize their obligations. By ignoring this problem, governments in Canada contribute to the growing public pessimism that Canadian governments consider human rights as an aspiration, not an obligation.

### **There is no transparency on Canada’s actions in response to UN recommendations and no set of established human rights outcome indicators**

Although Canada regularly participates in international reporting exercises such as this ICCPR review, it is unable to demonstrate progress in implementing the resulting recommendations. In fact, governments in Canada have yet to publish any information on the steps they intend to take to address UN recommendations, the timelines for action, or the resulting outcomes.

Moreover, Canada’s decentralized data landscape means that many areas central to civil and political rights are not uniformly tracked. Without transparent data collection, a strategy for collecting disaggregated demographic data, or a robust outcome indicator framework, monitoring compliance with international human-rights obligations is extremely challenging.

### **Canadian governments are unwilling to engage meaningfully with civil society on their individual and collective human rights records**

Canada’s intergovernmental coordinating bodies for human rights see engagement primarily as a form of information collection and dissemination to and from UN treaty bodies. There is no meaningful, ongoing dialogue on Canada’s human rights record and how Canadian governments intend to fulfill their human rights obligations domestically.

Furthermore, civil society organizations need resources to build their own capacity to engage with governments. Despite years of requesting funds from

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5 Government of Canada. (2022). *Protocol for Follow-up to Recommendations from International Human Rights Bodies*. <https://www.canada.ca/en/canadian-heritage/services/about-human-rights/protocol-follow-up-recommendations.html> (See footnote 1)

governments to enable robust engagement, processes remain inaccessible to people who are experiencing a denial of their human rights and the community-based organizations to which those people belong.

### **Federalism need not be a barrier to implementing human rights**

Federalism is frequently cited by Canadian governments as a structural limitation to implementing international human rights obligations. In fact, federalism is not inherently incompatible with Canada's obligations. Rather, the problem lies in the absence of political leadership, intergovernmental coordination, embedded accountability mechanisms, and civil society access to intergovernmental spaces. This means that the extent to which various human rights are respected, protected, and fulfilled can vary considerably across provinces and territories. Without a national framework defining human rights as a priority area for intergovernmental negotiations, governments in Canada too easily pass the blame elsewhere.

## **Recommendations**

We urge the Human Rights Committee to make the following recommendations to strengthen Canada's mechanisms for the domestic implementation of civil and political rights. All recommendations should go to the Forum of Ministers Responsible on Human Rights for immediate action.

1. Establish a national framework for international human rights implementation that defines how human rights obligations are shared across federal, provincial, territorial, municipal, and Indigenous governments in Canada.
2. Establish permanent, funded secretariats across all levels of government to support the NMIRF and all obligations under the national framework.
3. Pass legislation at the national and sub-national levels to enshrine in law Canada's NMIRF and national framework for international human rights implementation.
4. Publish implementation plans across levels of government in response to recommendations received from UN treaty bodies and report publicly on progress.
5. Adopt the UN's National Recommendations Tracking Database.
6. Adopt a set of national human rights outcome indicators and an accompanying data strategy, including disaggregated demographic information.
7. Invest in capacity building across levels of government, including training public officials on human rights obligations.

8. Establish a national human rights engagement framework, co-developed with civil society, Indigenous organizations, and others.
9. Offer permanent funding to support civil society and Indigenous engagement in human rights implementation across Canada.
10. Ensure access to justice and effective remedies for Covenant rights under the Canadian Charter of Rights and Freedoms and other domestic law.

We also echo the 2023 recommendation of the Special Rapporteur on the Rights of Indigenous Peoples and Call for Justice 1.7 of the National Inquiry into MMIWG to set up an independent Indigenous-led human rights mechanism.

## Conclusion

Without structural reform, strengthened accountability, and transparent implementation mechanisms, Canada will continue to fall short of its potential to be a global leader in the implementation of civil and political rights. By adopting the recommendations outlined in this submission, Canada would move toward genuine compliance with its obligations under the ICCPR.

## Appendix

Across treaty bodies, UPR, and special procedures, Canada has received decades of UN recommendations that have repeatedly and unsuccessfully called for:

1. A true National Mechanism for Implementation, Reporting, and Follow-up.
2. Permanent, statutory inter- and intra-governmental coordination mechanisms.
3. Clear targets, timelines, indicators, and public reporting on progress toward implementation.
4. Domestic legal effect and access to remedies.
5. Independent monitoring bodies with secure funding.
6. Structured and funded processes for engagement with civil society and rights holders.
7. Training, dissemination, and institutional learning within and across governments.

**Table 1: Recent UN recommendations to Canada regarding human rights implementation mechanisms**

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Human Rights Committee (ICCPR)	2006	The State party should establish procedures, by which oversight of the implementation of the Covenant is ensured, with a view, in particular, to reporting publicly on any deficiencies. Such procedures should operate in a transparent and accountable manner, and guarantee the full participation of all levels of government and of civil society, including Indigenous peoples.	CCPR/C/CAN/CO/5
Human Rights Committee (ICCPR)	2006	The State party should ensure that the relevant human rights legislation is amended at federal, provincial and territorial levels and its legal system enhanced, so that all victims of discrimination have full and effective access to a competent tribunal and to an effective remedy.	CCPR/C/CAN/CO/5
Committee on the Rights of the Child (CRC)	2012	The Committee recommends that the State party find the appropriate constitutional path that will allow it to have in the whole territory of the State party, including its provinces and territories, a comprehensive legal framework which fully incorporates the provisions of the Convention and its Optional Protocols and provides clear guidelines for their consistent application.	CRC/C/CAN/CO/3-4

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Committee on the Rights of the Child (CRC)	2012	The Committee strongly recommends that the State party adopt a national strategy that provides a comprehensive implementation framework for the federal, provincial and territorial levels of government spelling out as is appropriate the priorities, targets and respective responsibilities for the overall realization of the Convention and that will enable the provinces and territories to adopt accordingly their own specific plans and strategies. The Committee further recommends that the State party allocate adequate human, technical and financial resources for the implementation, monitoring and evaluation of this comprehensive strategy and related provincial and territorial plans. In this context, the Committee encourages the State party to establish a coordinated monitoring mechanism that would enable the submission and review of progress reports by all provinces and territories. It also recommends that children and civil society be consulted.	CRC/C/CAN/CO/3-4
Committee on the Rights of the Child (CRC)	2012	The Committee strongly reiterates its recommendation that the State party establish a coordinating body for the implementation of the Convention and the national strategy (recommended in paragraph 13 above) with the stature and authority as well as the human, technical and financial resources to effectively coordinate actions for children's rights across sectors and among all provinces and territories. Furthermore, the Committee encourages the State party to consider strengthening the Interdepartmental Working Group on Children's Rights accordingly, thus ensuring coordination, consistency and equitability in overall implementation of the Convention. The Committee also recommends that civil society, including all minority groups, and children be invited to form part of the coordination body.	CRC/C/CAN/CO/3-4



UN Mechanism/ Treaty Body	Year	Recommendation	Source
Committee on the Rights of the Child (CRC)	2012	The Committee urges the State party to develop an integrated strategy for training on children's rights for all professionals, including, government officials, judicial authorities, and professionals who work with children in health and social services. In developing such training programmes, the Committee urges the State party to focus the training on the use of the Convention in legislation and public policy, programme development, advocacy, and decision making processes and accountability.	CRC/C/CAN/CO/3-4
Committee on the Rights of the Child (CRC)	2012	The Committee reiterates its recommendation that the State party set up a national and comprehensive data collection system and to analyse the data collected as a basis for consistently assessing progress achieved in the realization of child rights and to help design policies and programmes to strengthen the implementation of the Convention. Data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis on the situation of all children. More specifically, the Committee recommends that appropriate data on children in special situations of vulnerability be collected and analysed to inform policy decisions and programmes at different levels.	CRC/C/CAN/CO/3-4
Committee on the Rights of the Child (CRC)	2022	While welcoming the incorporation of the Convention into many subnational jurisdictions legislative preambles, the Committee reiterates once again that the State party should develop a comprehensive law on children's rights at the federal level in line with the principles and provisions of the Convention and ensure the equal implementation of its laws throughout the country.	CRC/C/CAN/CO/5-6

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Committee on the Rights of the Child (CRC)	2022	The Committee recalls its previous recommendations and recommends that the State party adopt a national strategy that provides a comprehensive implementation framework for the federal, provincial and territorial levels of government, spelling out as is appropriate the priorities, targets and respective responsibilities for the overall realization of the Convention and that will enable the provinces and territories to adopt accordingly their own specific plans and strategies. The Committee also recommends that the State party allocate adequate human, technical and financial resources for the implementation, monitoring and evaluation of the comprehensive strategy and related provincial and territorial plans.	CRC/C/CAN/CO/5-6
Committee on the Rights of the Child (CRC)	2022	The Committee recommends that the State party establish an appropriate body at a high interministerial level or strengthen the interdepartmental working group on children's rights within the federal government and provide it with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the national, regional and local levels and across sectors. The State party should ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation.	CRC/C/CAN/CO/5-6
Committee on the Rights of the Child (CRC)	2022	Expediently establish an independent mechanism at the federal level for monitoring children's rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) that is able to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner.	CRC/C/CAN/CO/5-6

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Committee on the Rights of the Child (CRC)	2022	The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and the adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.	CRC/C/CAN/CO/5-6
Committee on Economic, Social and Cultural Rights (CESCR)	2006	The Committee reiterates its recommendation that the federal Government take concrete steps to ensure that provinces and territories are made aware of the State party's legal obligations under the Covenant, that the Covenant rights should be enforceable within provinces and territories through legislation or policy measures, and that independent and appropriate monitoring and adjudication mechanisms be established in this regard. In particular, the State party should establish transparent and effective mechanisms, involving all levels of government as well as civil society, including Indigenous peoples, with the specific mandate to follow up on the Committee's concluding observations.	E/C.12/CAN/CO/4 E/C.12/CAN/CO/5

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Committee on Economic, Social and Cultural Rights (CESCR)	2016	The Committee recommends that the State party take the legislative measures necessary to give full effect to the Covenant rights in its legal order and ensure that victims have access to effective remedies. The Committee recommends that the State party implement its commitment to review its litigation strategies in order to foster the justiciability of the economic, social and cultural rights. The State party should engage civil society and organizations of Indigenous peoples in that revision, with a view to broadening the interpretation of the Canadian Charter of Rights and Freedoms, notably sections 7, 12 and 15, to include economic social and cultural rights, and thus ensure the justiciability of Covenant rights. The Committee also recommends that the State party improve human rights training programmes in order to ensure better knowledge, awareness and application of the Covenant, in particular among the judiciary and law enforcement and public officials. The Committee refers to its general comments No. 3 (1990) on the nature of States parties' obligations and No. 9 (1998) on the domestic application of the Covenant.	E/C.12/CAN/CO/6
Committee on Economic, Social and Cultural Rights (CESCR)	2016	The Committee recommends that economic, social and cultural rights be incorporated into intergovernmental agreements and enabling legislation for municipalities, and that transfer of payments take into due account compliance with Covenant rights.	E/C.12/CAN/CO/6

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Committee on Economic, Social and Cultural Rights (CESCR)	2016	The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights, in order to facilitate the assessment of progress achieved by the State party in the compliance of its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).	E/C.12/CAN/CO/6
Universal Periodic Review (UPR) – Third Cycle	2018	Strengthen national mechanisms for monitoring implementation of the international human rights recommendations received by the State (Paraguay)	A/HRC/39/11
Universal Periodic Review (UPR) – Third Cycle	2018	Strengthen the coordination on human rights implementation across levels of government in order to ensure better implementation domestically (Norway)	A/HRC/39/11
Universal Periodic Review (UPR) – Third Cycle	2018	Establish a mechanism to follow up and implement human rights at all levels of government (France)	A/HRC/39/11
Universal Periodic Review (UPR) – Fourth Cycle	2023	Strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from international human rights mechanisms and treaty obligations (Sri Lanka)	A/HRC/55/12
Universal Periodic Review (UPR) – Fourth Cycle	2023	Establish a national mechanism for implementation, reporting and follow-up and consider the possibility of receiving cooperation (Paraguay)	A/HRC/55/12

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Convention on the Rights of Persons with Disabilities (CRPD)	2025	Committee recommends that the State party take all measures necessary to ensure full implementation of the Convention at the federal level and in all provinces and territories, and:  (a) In close consultation with and with the active involvement of persons with disabilities, through their representative organizations, including Indigenous persons with disabilities and Black and other racialized persons with disabilities, establish legally defined mechanisms to ensure compliance with the Convention by all provinces and territories, and condition fiscal transfers from the federal level to provinces and territories on adherence to the Convention.	CRPD/C/ CAN/CO/2-3
Convention on the Rights of Persons with Disabilities (CRPD)	2025	Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, including organizations of children with disabilities:(a) Mainstream the rights of children with disabilities into all its laws, public policies, action plans and strategies, at all levels and branches of government, including in Bill C-35, on early learning and childcare in Canada, and collect disaggregated data and develop indicators to measure how effectively the rights of children with disabilities guaranteed by the Convention are protected.	CRPD/C/ CAN/CO/2-3

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Convention on the Rights of Persons with Disabilities (CRPD)	2025	Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:  (a) Amend the Accessible Canada Act and other domestic laws to explicitly incorporate the duty to accommodate as a legal obligation, with accountability mechanisms for non-compliance, and set a timeline for the issuance of regulations and their implementation, with clear indicators of progress;  (b) Ensure that all provinces and territories enact and implement accessibility legislation in conformity with the Convention;  (c) Ensure that the Accessible Canada Act is applicable to First Nations, Inuit and Métis territories, and provide the support necessary to implement the Act in those territories.	CRPD/C/ CAN/CO/2-3
Convention on the Rights of Persons with Disabilities (CRPD)	2025	The Committee recommends that the State party:  (a) Establish an intergovernmental mechanism to coordinate the effective implementation of the Convention at the federal level and in the provinces and territories, publicly report on progress and ensure that existing mechanisms of intergovernmental cooperation mainstream disability.	CRPD/C/ CAN/CO/2-3
Convention on the Elimination of Discrimination Against Women (CEDAW)	2025	12. Recalling its previous concluding observations (CEDAW/C/CAN/CO/8-9, para. 11, and CEDAW/C/CAN/CO/7, para. 12), the Committee recommends that the State party expedite the finalization of a national mechanism to report, implement and follow-up on international recommendations, taking into account the four key capacities of engagement, coordination, consultation and information management, and that it ensure the meaningful involvement of civil society organizations that promote women's rights and gender equality and the overall participation of women therein.	CEDAW/C/ CAN/10

UN Mechanism/ Treaty Body	Year	Recommendation	Source
Convention on the Elimination of Discrimination Against Women (CEDAW)	2025	Adopt consistent legislation across all levels of government to mandate gender-based and human-rights-based impact assessments for all development projects. It urges the State party to ensure that these assessments are conducted with the meaningful participation of women, including Indigenous women and those from marginalized communities, to identify and address potential adverse impacts.	CEDAW/C/ CAN/10
Convention on the Elimination of all forms of Racial Discrimination (CERD)	2017	The Committee requests detailed information on the work of the intergovernmental committee on supporting domestic implementation of the Convention and its efforts to ensure the equal application of the Convention at the federal, provincial and territorial levels. The Committee recommends that the State party create an accountability mechanism and ensure equal distribution of resources for the implementation of the Convention at the federal, provincial and territorial levels.	CERD/C/ CAN/CO/21- 23