



Artwork by Kamala Karunakaran

# SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE ON CANADA'S IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

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**JOHN HUMPHREY CENTRE  
for PEACE and HUMAN RIGHTS**

**Submission to the United Nations Human Rights Committee  
on Canada's Implementation of the International Covenant on Civil and Political Rights**

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# Executive Summary

This shadow report is submitted by the John Humphrey Centre for Peace and Human Rights (JHC) in advance of the Human Rights Committee's review of Canada under the International Covenant on Civil and Political Rights (ICCPR or "the Covenant"). It draws on extensive [community-based research](#) conducted between 2020 and 2025, including surveys, interviews, community forums, and participatory policy processes that explore the multiple intersections and realities of youth, survivors of gender-based violence, Indigenous and racialized communities, migrants, people with disabilities, and individuals experiencing chronic poverty.

Across all research projects, JHC found persistent and interrelated failures in Canada's implementation of the ICCPR. These failures are systemic rather than incidental, disproportionately affect marginalized communities, and reflect enduring gaps in prevention, accountability, participation, coordination, and access to effective remedies across federal, provincial, and territorial jurisdictions.

## Key Priority Concerns

### **1. Failure to ensure access to effective remedies**

*(Articles 2(3), 14, 26)*

Canada has failed to ensure that individuals whose Covenant rights are violated have access to timely, accessible, and effective remedies. Federal and provincial human rights institutions are characterized by excessive delays, procedural barriers, opaque decision-making, and structural limitations on their mandates, including limited capacity to provide meaningful reparation or to address systemic discrimination.

These procedural and institutional limitations disproportionately affect racialized communities, Indigenous peoples, survivors of violence, youth, people with disabilities, migrants, and those experiencing poverty. In practice, complainants face restrictive admissibility thresholds, short limitation periods, limited investigative powers, and remedial frameworks that prioritize individual resolution while constraining the ability of institutions to issue systemic findings or orders.

The absence of accessible, trauma-informed, and healing-centred processes, combined with chronic under-resourcing, undermines both individual remediation and broader institutional learning. As a result, Canada's human rights institutions are insufficiently equipped to identify patterns of violation or to drive structural federal and provincial reforms necessary to prevent recurrence, contrary to Article 2(3) of the Covenant.

### **2. Persistent systemic and intersectional discrimination**

*(Articles 2, 3, 26)*

Discrimination in Canada is structural and intersectional, affecting the enjoyment of multiple Covenant rights. JHC's research shows consistent patterns of racism in policing, unequal protection from violence, exclusion from justice mechanisms, and discriminatory impacts in digital and public spaces.

Canada has failed to move beyond formal equality toward substantive equality, resulting in persistent disparities based on race, Indigeneity, gender identity and expression, disability, socio-economic status, age, criminal record, and migration status.

### **3. Failure to meet due diligence obligations to prevent violence**

*(Articles 2, 6, 7, 9)*

Canada relies on reactive, crisis-driven responses to violence rather than prevention-centred, rights-based approaches. This failure is evident across gender-based violence, policing, prisons, mental health crises, and technology-facilitated harms.

The State has not taken adequate preventive measures in contexts where risks are foreseeable, nor ensured effective investigation and accountability where harm occurs. These failures disproportionately affect Indigenous peoples, racialized communities, women, gender-diverse people, youth, and those experiencing economic precarity.

### **4. Policing, use of force, and lack of accountability**

*(Articles 6, 7, 9, 14, 26)*

JHC's research highlights systemic deficiencies in policing response and accountability, including racially biased use of force, escalation of mental health crises, lack of effective and independent oversight, and persistent barriers to justice for families and communities affected by police violence. These failures disproportionately affect individuals and communities living at the intersections of poverty, racialization, disability, and social exclusion.

While accountability mechanisms formally exist, community members consistently reported that investigative and disciplinary processes rarely result in meaningful consequences for misconduct. Oversight processes are frequently perceived as slow, opaque, and limited in scope, reinforcing the view that accountability measures are largely symbolic rather than corrective.

Canada has not established consistent national standards to ensure that policing complies with the Covenant, nor ensured investigations into deaths and serious injuries involving law enforcement that are independent, transparent, prompt, and capable of leading to accountability. As a result, existing processes fail to meet the requirements of Articles 2(3), 6, and 7, and contribute to the erosion of public trust and the persistence of recurring violations.

### **5. Gender-based violence and state accountability failures**

*(Articles 2, 3, 6, 7, 9, 17, 26)*

Gender-based violence in Canada remains widespread and inadequately addressed. State responses are fragmented, under-resourced, and insufficiently preventive, particularly for Indigenous women, Black and racialized women, youth, trans and gender-diverse people, migrants, people with disabilities, and those living in poverty.

Barriers to protection, justice, and remedies persist, and technology-facilitated gender-based violence remains largely unregulated. These failures constitute breaches of Canada's due diligence obligations under the ICCPR.

## **6. Failure to protect youth and children in digital environments**

*(Articles 2, 17, 19, 24, 26)*

Digital spaces have become primary sites of civil and political rights violations for youth, including harassment, hate speech, exploitation, privacy violations, and technology-facilitated violence.

Marginalized youth are disproportionately affected, often experiencing mental health challenges, social exclusion, and reduced access to safe online spaces.

Canada lacks a coherent, rights-based regulatory framework to protect children and young people in digital environments, with weak enforcement and monitoring mechanisms, and has failed to ensure effective remedies or meaningful youth participation in digital policymaking, contrary to its international human rights obligations.

## **7. Exclusion from participation in public affairs and civic space**

*(Articles 2, 19, 25, 26)*

Affected communities, including youth, survivors of violence, Indigenous and racialized communities, and people experiencing poverty, are systematically excluded from meaningful participation in public decision-making. Consultation processes are often symbolic, inaccessible, or disconnected from accountability.

This exclusion contributes directly to the persistence of rights violations and undermines democratic legitimacy and trust in public institutions.

## **Priority Recommendations**

The Human Rights Committee should recommend that Canada:

1. Ensure effective access to remedies by reforming and adequately resourcing federal and provincial human rights institutions and the procedural mechanisms they administer, including their mandates, investigative powers, and remedial authority, to ensure timely, transparent, healing-centred processes capable of addressing systemic discrimination.
2. Adopt a substantive equality framework across all laws, policies, and institutions, with explicit attention to intersectional discrimination.
3. Implement a comprehensive due diligence framework to prevent, investigate, respond to, and remedy violence, including gender-based and technology-facilitated violence, in line with the ICCPR.
4. Strengthen policing accountability, including through the establishment of national standards on use of force, independent and adequately resourced oversight, and transparent investigations capable of leading to accountability.

5. Adopt a prevention-centred national framework on gender-based violence, with stable and long-term funding, survivor-centred supports, and clear accountability mechanisms.
6. Protect children and youth in digital environments through rights-based regulation, independent oversight, and accessible, age-appropriate remedies.
7. Ensure meaningful participation in public affairs, particularly for marginalized communities and youth, and protect civic space and freedom of expression from undue restriction or retaliation.
8. Address structural drivers of rights violations, including poverty, housing insecurity, and economic precarity, as integral components of the protection of civil and political rights.
9. Improve federal–provincial coordination to ensure consistent and effective implementation of ICCPR obligations across all jurisdictions.
10. Ensure accountability and follow-up, including through disaggregated data collection, public reporting, and sustained engagement with civil society on implementation of the Committee’s recommendations.

This submission demonstrates that Canada’s challenges under the ICCPR are interconnected and systemic. Addressing these challenges is not a matter of assigning blame, but of recognizing that effective implementation requires coordinated and sustained action. Without meaningful reform to accountability, participation, coordination, and prevention frameworks, violations of Covenant rights will persist. The Committee’s recommendations present a critical opportunity to strengthen implementation through collaboration among governments, civil society, and relevant public and private actors, ensuring that civil and political rights are realized in practice for all people in Canada.

# Access to Effective Remedy and Institutional Accountability

ICCPR Articles 2(3), 14, 26

## 1. ICCPR obligations

Article 2(3) of the ICCPR requires States Parties to ensure that any person whose Covenant rights are violated has access to an effective remedy, that such remedies are determined by competent authorities, and that they are enforced when granted. The Human Rights Committee has repeatedly emphasized that remedies must be accessible, timely, independent, adequately resourced, and capable of providing redress, particularly for individuals and communities facing systemic discrimination.

Canada's obligations under Article 2(3) apply across federal, provincial, and territorial jurisdictions and extend to violations committed by both state and non-state actors where the state has failed to exercise due diligence.

## 2. Systemic barriers to access to remedy in Canada

JHC's research demonstrates that, across multiple sectors and populations, access to remedy in Canada is fragmented, procedurally burdensome, and substantively ineffective, particularly for individuals who experience intersecting forms of discrimination.

Across federal and provincial human rights mechanisms, community-based justice pathways, and institutional complaint processes, individuals face:

- **Complex, adversarial, and legalistic procedures** that are inaccessible to unrepresented complainants;
- **Excessive delays**, often spanning multiple years, before complaints are resolved;
- **Short limitation periods** that fail to account for trauma, fear of retaliation, or barriers to disclosure;
- **Inadequate transparency and accountability** regarding decision-making and outcomes; and
- **Insufficient remedies**, including lack of systemic orders, weak enforcement, and limited follow-up.

These barriers are not isolated failures but constitute a pattern of systemic denial of effective remedy, particularly affecting racialized communities, Indigenous peoples, women and gender-diverse people, youth, people with disabilities, migrants, and individuals experiencing poverty.

## 3. Federal human rights mechanisms: accessibility and effectiveness gaps

Research examining experiences with the Canadian Human Rights Commission (CHRC) and the Canadian Human Rights Tribunal (CHRT) reveals persistent structural and legislative barriers that undermine their effectiveness as remedial mechanisms under the ICCPR.

Key findings include:

- High dismissal rates at the Commission stage, often without substantive investigation, disproportionately affecting complaints involving systemic discrimination;
- Opaque screening and decision-making processes, leaving complainants without meaningful explanations or avenues for review;
- Extended processing timelines, frequently exceeding several years, which deter complainants and exacerbate harm;
- Limited trauma-informed or healing-centred practices, particularly in cases involving gender-based violence, racism, or harassment; and
- Inadequate support for self-represented complainants, despite the complexity of proceedings.

In addition, participants identified legislative and procedural constraints that further restrict access to remedies, including short filing deadlines, overly limits on the length and form of complaints, caps on monetary remedies that are overdue for review, and the absence of effective enforcement mechanisms for successful decisions. These constraints significantly limit the capacity of the federal human rights system to provide meaningful reparation or to address systemic patterns of discrimination.

These barriers disproportionately affect Indigenous peoples, racialized communities, persons with disabilities, 2STQLGB+ individuals, low-income complainants, and people who are incarcerated, for whom procedural complexity, strict timelines, and weak enforcement present insurmountable obstacles. Community participants consistently described the federal system as procedurally exhausting and emotionally harmful, resulting in many individuals abandoning complaints altogether.

Taken together, these systemic deficiencies undermine Canada's obligations under Article 2(3) of the ICCPR, which requires that remedies be not only available in law, but effective in practice, including through enforcement and the prevention of recurring violations.

#### **4. Provincial human rights systems and jurisdictional fragmentation**

JHC's research on provincial human rights bodies, particularly in Alberta, highlights similar and compounding challenges .

Participants identified:

- **Inconsistent standards and protections across provinces**, leading to unequal access to remedies depending on location;
- **Under-resourcing of provincial commissions**, resulting in prolonged delays and limited investigative capacity;
- **Lack of institutional independence and public confidence**, particularly where commissions are perceived as insufficiently insulated from political influence; and
- **Limited capacity to address systemic and intersectional discrimination**, with remedies often confined to individual outcomes that fail to produce structural change or meaningful accountability.

In Alberta specifically, legislative and administrative barriers further weaken the effectiveness of the provincial human rights mechanism. These include restrictive filing deadlines, narrow protected

grounds, caps on monetary awards that do not reflect the harm experienced or current financial realities, the absence of advance cost awards, and weak enforcement mechanisms for remedies reached at conciliation, mediation, or Tribunal stages. Administrative practices—such as inaccessible complaint formats, limited trauma-informed supports, inadequate communication, and insufficient public education—compound these barriers and contribute to high rates of disengagement by complainants. As a result, even where discrimination is recognized, remedies often amount to superficial or symbolic measures, reinforcing perceptions of impunity and eroding trust in the system.

Jurisdictional fragmentation further complicates access to remedy, particularly where harms span federal and provincial responsibility (e.g., policing, housing, digital harms, immigration status, or access to services). In the absence of coordinated mechanisms, complainants are often shuffled between systems or denied jurisdiction altogether. Canada has not established effective coordination mechanisms to ensure that jurisdictional complexity does not result in denial of remedies, contrary to its obligation to provide accessible, effective, and timely redress in practice.

## **5. Barriers to remedy in cases of gender-based violence**

JHC's research on barriers to access for those who have experienced gender-based violence demonstrates that survivors face heightened and distinct obstacles to accessing remedies, particularly where violence is compounded by racism, poverty, disability, gender identity, or other intersecting forms of discrimination.

Survivors consistently reported that:

- Reporting processes are retraumatizing and unsafe, discouraging disclosure;
- Legal and administrative timelines are incompatible with trauma recovery;
- Remedies focus narrowly on individual incidents rather than systemic prevention and accountability; and
- Service, justice, and support systems operate in silos, requiring survivors to navigate multiple institutions without coordination or sustained support.

These failures amount to a lack of due diligence in preventing, investigating, and remedying gender-based violence, engaging Canada's obligations under Articles 2, 3, 6, 7, and 26 of the Covenant, read in conjunction with Article 2(3).

Participants also emphasized that these fragmented and ineffective structures are not cost-effective. The cumulative impact of repeated reporting, prolonged legal and administrative processes, emergency interventions, and unmet prevention needs places significant strain on justice, health, social service, and community systems. In contrast, survivors identified that coordinated, trauma-informed, and prevention-centred approaches would reduce long-term costs while improving safety, access to justice, and accountability.

As Canada faces increasing economic pressures, the continued reliance on systems that fail to prevent harm or deliver effective remedies risks entrenching both rights violations and avoidable public expenditure. A rights-based, preventive approach to gender-based violence is therefore not only a legal obligation under the ICCPR, but also a more effective and sustainable use of public resources.

## **6. Youth, digital harms, and inaccessible remedies**

Youth-focused research highlights that existing remedial frameworks are particularly ill-suited to addressing harms experienced by young people, including technology-facilitated violence, harassment, exploitation, and discrimination in digital spaces.

Youth reported that:

- Platform reporting mechanisms are ineffective, automated, and retraumatizing;
- Legal remedies are inaccessible due to age, cost, complexity, and lack of support;
- Short limitation periods and evidentiary requirements do not reflect digital realities or trauma impacts; and
- There is no clear, independent oversight body capable of providing effective remedies for digital harms.

As a result, many youth experience ongoing violations of privacy, dignity, and equality without access to effective redress, contrary to Articles 2(3), 17, 19, 24, and 26 of the Covenant.

## **7. Policing, accountability, and lack of effective redress**

Community research on policing and public safety further demonstrates a systemic accountability gap in access to remedies for rights violations involving law enforcement.

Participants described:

- Lack of trust in internal police complaint mechanisms, which are widely perceived as biased, opaque, and primarily designed to protect officers rather than provide redress to complainants;
- Barriers to civilian oversight that is independent, timely, and adequately empowered to compel evidence, impose disciplinary consequences, or mandate systemic reforms;
- Limited transparency in investigations, prolonged delays and outcomes that are not publicly explained or subject to meaningful review; and
- Absence of meaningful remedies for families and communities affected by police violence or misconduct.

Even in cases involving serious injury or death, accountability processes often result in no findings of misconduct or minimal disciplinary measures, reinforcing perceptions of impunity for law enforcement. Participants emphasized the absence of meaningful remedies for individuals, families, and communities affected by police violence or misconduct. Remedies, where available, are often symbolic or procedural in nature and fail to provide acknowledgment of harm or structural change. These deficiencies undermine Articles 2(3), 6, 7, 9, and 14, particularly where violations disproportionately impact Indigenous, Black, racialized, and unhoused communities, who experience heightened surveillance, use of force, and criminalization, and who are least likely to obtain effective redress.

## **8. Impact of economic precarity on access to remedy**

JHC's research also highlights how economic precarity - including poverty, food insecurity, housing instability, and precarious or irregular immigration status act as structural and systemic barriers to accessing remedies.

Individuals experiencing economic precarity are significantly less able to:

- Access and sustain legal representation;
- Navigate complex complaint systems which are procedurally dense and technical without support;
- Sustain long-term engagement with remedial processes; and
- Absorb the financial, physical, mental and emotional costs of pursuing justice, including lost income and wages, pecuniary damages and the psychological toll of prolonged uncertainty.

The cumulative effect is a two-tiered system of justice in which those most exposed to rights violations are least able to obtain timely, meaningful, and effective remedies. This structural exclusion undermines the effectiveness requirement under Article 2(3), particularly when remedies are formally available but practically inaccessible to individuals living in conditions of economic insecurity.

## **9. Conclusions**

Taken together, this evidence demonstrates that Canada has failed to ensure effective, accessible, and enforceable remedies for violations of Covenant rights, particularly for individuals experiencing intersecting forms of discrimination. The persistence of these barriers indicates a structural failure to implement Article 2(3) in practice.

## **10. Suggested recommendations to the Committee**

The Human Rights Committee should recommend that Canada:

1. Reform federal and provincial human rights mechanisms to ensure **timely, transparent, healing-centered, trauma-informed**, and accessible complaint processes, including extended limitation periods.
2. Ensure adequate and stable resourcing of human rights commissions and tribunals to address systemic discrimination.
3. Establish independent oversight and accountability mechanisms with authority to issue binding remedies, including in cases involving policing and digital harms.
4. Adopt healing and survivor-centered and trauma-informed approaches across all remedial systems, particularly in cases of gender-based violence.
5. Ensure meaningful access to remedies for youth, including age-appropriate processes and independent oversight of digital platforms.
6. Address jurisdictional fragmentation by establishing coordinated federal–provincial mechanisms to ensure access to remedies regardless of location or mandate.
7. Remove economic barriers to justice, including by expanding access to legal assistance and community-based advocacy supports.

# Non-Discrimination and Substantive Equality

**ICCPR Articles 2(1), 3, 26 (read in conjunction with Articles 6, 7, 9, 14, 17, 19, and 24)**

## 1. ICCPR obligations

Articles 2(1), 3, and 26 of the ICCPR require States Parties to respect and ensure Covenant rights without discrimination and to guarantee equal and effective protection of the law. The Human Rights Committee has consistently affirmed that these obligations extend beyond formal equality and require substantive equality, including proactive measures to address systemic, intersectional, and indirect discrimination.

Discrimination under the Covenant includes distinctions, exclusions, or restrictions that have the purpose or effect of impairing the equal enjoyment of rights. States are obligated to address patterns of discrimination that arise from laws, policies, institutional practices, and failures of protection, including where harm is perpetrated by non-state actors and exacerbated by state inaction.

## 2. Persistent patterns of systemic and intersectional discrimination in Canada

JHC's research across multiple thematic areas demonstrates that discrimination in Canada is structural, cumulative, and intersectional, rather than isolated or incidental. Rights violations documented in areas such as gender-based violence, policing, digital harms, access to justice, food insecurity, and civic participation disproportionately affect:

- Indigenous peoples;
- Black and racialized communities;
- Women, girls, and gender-diverse people;
- 2STQLGBIA+ individuals;
- Youth;
- People with disabilities;
- Migrants and people with precarious immigration status; and
- Individuals and families experiencing poverty and housing insecurity.

These forms of discrimination are mutually reinforcing, increasing exposure to violence, surveillance, criminalization, exclusion from services, and barriers to remedy. Canada's failure to address these intersecting patterns engages Articles 2(1), 3, and 26 across the Covenant as a whole.

## 3. Discrimination in access to safety and freedom from violence

### a. Gender-based and identity-based violence

JHC's gender-based violence research documents that violence is not experienced evenly, but is patterned along lines of gender, race, disability, Indigeneity, sexuality, and socio-economic status .

Participants reported that:

- Indigenous, Black, migrant, trans, and disabled individuals face heightened risk of violence and reduced access to protection;
- State responses frequently rely on reactive, emergency-based models rather than prevention;
- Survivors from marginalized communities are less likely to be believed, supported, or protected; and
- Existing systems reproduce harm through racism, sexism, ableism, and transphobia, which intersect with poverty and economic precarity to compound exclusion and vulnerability.

These failures constitute discriminatory denial of protection under Articles 2, 3, 6, and 7, particularly where the state has knowledge of heightened risk and fails to exercise due diligence.

## 4. Racialized and discriminatory policing practices

Community-based research on public safety and policing highlights persistent racialized disparities in policing outcomes, accountability, and access to justice. These disparities reflect entrenched institutional practices and structural inequalities within policing systems.

Participants described:

- Disproportionate over-policing and surveillance of racialized, Indigenous, and low-income communities;
- Differential and targeted treatment during stops, investigations, and use-of-force encounters;
- Barriers to accountability when harm occurs, including opaque investigative processes, minimal remedies, and limited civilian oversight; and
- Erosion of trust in law enforcement and oversight bodies, specifically amongst communities repeatedly and historically impacted by law enforcement interactions.

These experiences implicate Articles 2, 9, 14, and 26, and demonstrate that discrimination in policing is not limited to individual misconduct but reflects institutional practices and accountability gaps. It arises from institutional cultures, discretionary practices, and accountability frameworks that fail to prevent, detect, or remedy discriminatory harm. The absence of effective, independent, and accessible remedies further entrenches these violations and undermines the state's obligation to ensure equal protection of the law.

## 5. Discrimination in access to justice and remedies

As detailed in the preceding section, access to effective remedies in Canada is unequally distributed, with marginalized groups - particularly Indigenous, Black, and racialized communities, persons with disabilities, and 2STQLGBTIA+ individuals—facing disproportionate barriers at every stage of the process.

JHC's research on federal and provincial human rights mechanisms shows that complaints involving systemic racism, disability, gender identity, or intersecting grounds are:

- More likely to be dismissed at early stages;
- Less likely to result in systemic or meaningful remedies that address the root cause of discrimination; and

- More burdensome for complainants to pursue remedy without representation .

The cumulative effect is a discriminatory denial of equal protection under Article 26 and ineffective implementation of Article 2(3). Remedies that are formally available are frequently inaccessible, delayed, or symbolic, undermining the state's obligation to provide effective, timely, and equitable redress.

## **6. Youth, digital environments, and discriminatory harm**

Youth-focused research demonstrates that digital spaces have become central sites of civil and political rights violations, particularly for racialized, queer, disabled, and gender-diverse youth.

Youth reported:

- Widespread exposure to hate speech, harassment, cyberbullying, and technology-facilitated violence;
- Algorithmic amplification of discriminatory content;
- Disproportionate targeting including scrutiny, policing or exclusion of marginalized identities in gaming and social media environments; and
- Lack of accessible and timely remedies or independent oversight for harms within online spaces.

Canada has failed to establish a coherent, rights-based framework to protect children and youth online, and to regulate digital environments in a manner that ensures equal protection. These failures engage Articles 2, 17, 19, 24, and 26 of the Covenant, and demonstrate that formal protections alone are insufficient without current, enforceable, accessible, and youth-centered mechanisms of redress, particularly given the foreseeable and well-documented risks to marginalized youth.

## **7. Socio-economic discrimination and heightened exposure to rights violations**

JHC's research demonstrates that poverty, food insecurity, and housing instability are not merely economic concerns but drivers of civil and political rights violations.

Individuals experiencing economic precarity face:

- Increased exposure to policing and surveillance;
- Reduced access to safety, healthcare, and justice;
- Greater vulnerability to exploitation and violence; and
- Structural exclusion from participation and remedy.

These risks are amplified by structural policies that criminalize poverty, rely on enforcement over social support, and systematically exclude marginalized groups from meaningful participation in justice and governance processes. While socio-economic status is not explicitly listed in Article 26, the Committee has recognized that discrimination may arise on "other status" grounds. Additional international human rights instruments, such as Article 2(1) of the ICESCR and CESCR General Comment 20, also recognize that socio-economic discrimination undermines access to fundamental rights. UN Special Rapporteurs have repeatedly highlighted that poverty constitutes a human rights issue, and states have an obligation to address its discriminatory impacts. Canada's failure to address the discriminatory effects of poverty

across its legal and policy frameworks undermines substantive equality under the Covenant. This failure perpetuates systemic inequality and obstructs meaningful access to rights and remedies, contravening the Covenant's guarantee of both non-discrimination and substantive equality.

## **8. Exclusion from participation and decision-making**

Across JHC's research streams, affected communities consistently reported systemic exclusion from policy and decision-making processes, including those directly affecting their rights.

Youth, Indigenous peoples, racialized communities, survivors of violence, and people experiencing poverty reported that:

- Policies are developed without meaningful consultation;
- Participation is often symbolic or retrospective; and
- Lived experience is discounted as evidence.

This exclusion compounds discrimination and engages Articles 2, 25, and 26, particularly where lack of participation results in policies that perpetuate harm.

## **9. Conclusions**

The evidence demonstrates that discrimination in Canada is structural, intersectional, and entrenched, affecting the enjoyment of multiple Covenant rights. Canada has failed to meet its obligations to ensure substantive equality and equal protection of the law, particularly for individuals and communities experiencing intersecting forms of marginalization.

## **10. Suggested recommendations to the Committee**

The Human Rights Committee should recommend that Canada:

1. Adopt a substantive equality framework across federal and provincial laws, policies, and institutions, consistent with Articles 2, 3, and 26 of the ICCPR.
2. Ensure that prevention, protection, and remedy mechanisms explicitly address intersectional discrimination, including racism, sexism, ableism, transphobia, and discrimination based on socio-economic status.
3. Strengthen oversight and accountability mechanisms to address racism in policing and discriminatory law enforcement practices.
4. Ensure equal access to justice by reforming human rights mechanisms to address systemic and intersectional discrimination, including through disaggregated data collection.
5. Regulate digital environments to prevent and remedy discriminatory harms, particularly those affecting marginalized youth.
6. Address the discriminatory impacts of poverty, food insecurity, and housing instability on the enjoyment of civil and political rights.
7. Ensure meaningful participation of affected communities in the design, implementation, and evaluation of laws and policies affecting their rights.

# Violence, Safety, and State Due Diligence

## ICCP Articles 2, 3, 6, 7, 9, and 26

### 1. ICCPR obligations and due diligence

Under Articles 2, 6, 7, and 9 of the ICCPR, States Parties have a positive obligation to exercise due diligence to prevent, protect against, investigate, enforce, and remedy violence and threats to life, liberty, and security of the person. This obligation applies regardless of whether harm is perpetrated by state or non-state actors, where the state knew or ought to have known of the risk.

The Human Rights Committee has emphasized that failure to take reasonable preventive measures, particularly in contexts of systemic or foreseeable risk, constitutes a violation of the Covenant. Where violence disproportionately affects specific groups, failures of due diligence also engage Articles 3 and 26.

### 2. A reactive, emergency-driven approach to violence in Canada

Across JHC's research, violence is consistently addressed in Canada through reactive, crisis-based responses, rather than prevention-focused, rights-based strategies.

Participants across gender-based violence, policing, youth safety, and community forums reported that:

- State interventions occur after harm has escalated, rather than at earlier warning stages;
- Prevention efforts are under-resourced and fragmented;
- Responsibility is shifted onto individuals and communities to manage risk; and
- Structural drivers of violence — racism, gender inequality, poverty, colonialism, and digital platform design — remain unaddressed.

This emergency-response model fails to meet the due diligence standard required under Articles 2 and 6–9.

### 3. Gender-based violence and failure of preventive protection

JHC's gender-based violence research demonstrates that Canada's response framework prioritizes crisis intervention while neglecting systemic prevention and accountability, particularly for those facing intersecting forms of discrimination.

Key findings include:

- Persistent under-investment in prevention, education, and early intervention;
- Inadequate coordination between justice, health, housing, and social services;
- Survivors being required to navigate multiple institutions without support; and
- Disproportionate harms for Indigenous women, Black women, trans and gender-diverse people, migrants, people with disabilities, and those living in poverty.

Participants emphasized that state systems frequently recognize risk only after severe harm has occurred, contrary to due diligence obligations to act where risk is known or foreseeable.

#### **4. Policing, use of force, and lack of accountability**

Community-based research on public safety highlights serious deficiencies in Canada's policing framework that undermine the right to life, security, and freedom from ill-treatment.

Participants described:

- Escalatory policing practices in mental-health and community-based situations;
- Disproportionate use of force against racialized and Indigenous individuals;
- Inadequate independent investigation of police-involved deaths and serious harm; and
- A lack of meaningful consequences or systemic reform following incidents.

These patterns demonstrate a failure to prevent foreseeable harm and to ensure effective investigation and accountability, engaging Articles 6, 7, 9, and 14 in conjunction with Article 2 of the ICCPR.

#### **5. Violence and harm in digital environments**

Youth-focused research documents that digital spaces have become sites of pervasive violence and rights violations, including harassment, hate speech, exploitation, and technology-facilitated gender-based violence.

Key concerns include:

- Platform designs and algorithms that amplify harmful content;
- Inadequate safeguards for children and youth;
- Lack of effective oversight or enforcement mechanisms; and
- Absence of accessible remedies for victims.

Canada's failure to regulate digital environments in line with known risks constitutes a breach of its duty to protect individuals from foreseeable harm, engaging Articles 2, 7, 17, and 24.

#### **6. Economic precarity as a multiplier of violence and insecurity**

JHC's research demonstrates that poverty, food insecurity, housing instability, and precarious immigration status significantly increase exposure to violence and state intervention, while simultaneously limiting access to protection and remedy.

Participants reported that economic precarity:

- Increases vulnerability to exploitation and abuse;
- Heightens interactions with law enforcement and surveillance;
- Restricts the ability to seek help or leave unsafe situations; and
- Forces individuals to choose between safety and basic survival.

Economic precarity often intersects with gender, race, disability, and other vulnerabilities, amplifying vulnerable individuals' exposure to systemic discrimination and harm. Structural barriers, such as inaccessible social supports, limited legal aid, and inadequate housing services, further exacerbate these risks. When the state fails to address or mitigate these conditions, it perpetuates inequality and undermines the fundamental rights to security, protection, and equal treatment under the law.

International human rights standards, including Articles 2, 3, and 26 of the ICCPR, require states to address conditions that systematically disadvantage marginalized populations and increase their exposure to rights violations.

The failure to address these conditions as part of violence-prevention strategies undermines Canada's due diligence obligations and contributes to discriminatory outcomes.

## **7. Fragmentation and lack of coordinated state response**

Across all research streams, participants identified systemic fragmentation as a central barrier to safety:

- Federal, provincial, and municipal responsibilities are poorly coordinated;
- Justice, health, housing, education, and social services operate in silos; and
- No single authority is responsible for ensuring prevention, protection, and accountability across systems.

This fragmentation results in predictable protection gaps and undermines the effectiveness of state responses to violence, contrary to Article 2 obligations. A key issue is the lack of coordinated provincial or territorial legislation that domestically enacts Canada's human rights obligations, which is frequently used as an excuse by provincial and territorial governments for failing to uphold rights.

## **8. Conclusions**

Taken together, the evidence demonstrates that Canada has failed to meet its due diligence obligations under the ICCPR to prevent, protect against, investigate, and remedy violence. The persistence of foreseeable harm across gender-based violence, policing, digital environments, and socio-economic contexts reflects systemic deficiencies rather than isolated failures.

These failures disproportionately affect marginalized communities, compounding discrimination and undermining the equal enjoyment of Covenant rights.

## **9. Suggested recommendations to the Committee**

The Human Rights Committee should recommend that Canada:

1. Adopt a comprehensive due-diligence framework for violence prevention consistent with Articles 2, 6, 7, and 9 of the ICCPR.
2. Shift from reactive, emergency-based responses to prevention-centred, rights-based strategies, including education, early intervention, and community-led approaches.

3. Strengthen independent oversight and accountability mechanisms for policing and use of force, including transparent investigations and enforceable outcomes.
4. Ensure effective regulation and oversight of digital platforms to prevent technology-facilitated violence, particularly against women, youth, and marginalized communities.
5. Integrate economic security, housing, and food access into violence-prevention strategies as core components of safety.
6. Improve federal–provincial coordination to eliminate protection gaps and ensure consistent standards across jurisdictions.
7. Ensure that all violence-prevention and response mechanisms are trauma-informed, healing-centred, culturally appropriate, and accessible to those most at risk.

# Policing, Use of Force, and Accountability

**ICCPR Articles 2, 6, 7, 9, 14, and 26**

## 1. ICCPR obligations

The ICCPR requires States Parties to ensure that policing and law enforcement practices comply with the rights to life (art. 6), freedom from torture and ill-treatment (art. 7), liberty and security of the person (art. 9), and fair process (art. 14), without discrimination (art. 26).

The Human Rights Committee has consistently held that States must:

- Prevent foreseeable harm arising from policing operations;
- Ensure that use of force is lawful, necessary, proportionate, and accountable;
- Conduct prompt, independent, impartial, and effective investigations into deaths and serious injuries involving law enforcement; and
- Provide effective remedies where violations occur.

Failures in these areas engage Article 2(3) obligations regardless of whether misconduct is framed as individual wrongdoing or systemic failure.

## 2. Systemic failures in policing accountability in Canada

JHC's community-based research demonstrates that policing-related harms in Canada are not isolated incidents but reflect systemic accountability failures, particularly affecting Indigenous peoples, Black communities, racialized groups, people with disabilities, people experiencing mental health crises, and individuals living in poverty.

Across regions and communities, participants consistently reported:

- Lack of confidence in police complaint mechanisms;
- Perceptions that investigations prioritize institutional protection over accountability;
- Limited transparency regarding outcomes and disciplinary measures; and
- Minimal opportunities for affected communities to participate meaningfully in oversight processes.

These patterns undermine the effectiveness of remedies and erode public trust, contrary to Articles 2(3), 6, 7, and 14.

## 3. Racialized policing and discriminatory impacts

Research from JHC's Safer for All Community Forum and related policing dialogues documents widespread experiences of racialized and discriminatory policing practices.

Participants described:

- Disproportionate police presence and surveillance in racialized and low-income neighbourhoods;
- Differential treatment during stops, searches, and questioning;
- Escalation of routine encounters into forceful or coercive interventions; and
- Racialized assumptions influencing credibility, threat perception, and use of force.

These practices constitute discriminatory interference with liberty and security of the person and engage Articles 2, 9, and 26, particularly where patterns persist without corrective action.

#### **4. Use of force, mental health, and foreseeable harm**

Participants emphasized that police are routinely deployed in situations involving mental health crises, substance use, and social distress, despite the absence of appropriate training, resources, or alternatives.

Key concerns included:

- Escalation of mental health crises due to enforcement-focused responses;
- Use of force where de-escalation or community-based intervention was available;
- Inadequate coordination with health and social services; and
- Lack of accountability following serious injury or death.

Where harm occurs in foreseeable contexts and alternatives exist, failures to prevent escalation violate due diligence obligations under Articles 6 and 7.

#### **5. Independent investigations and oversight gaps**

JHC's research highlights significant deficiencies in the independence, transparency, and effectiveness of police oversight bodies across jurisdictions.

Community members reported:

- Perceptions that oversight agencies lack real independence from police institutions;
- Delays in investigations that compound trauma for families and communities;
- Limited public disclosure of findings and rationale; and
- Absence of binding authority to mandate systemic reform.

These deficiencies undermine the requirement for effective investigation under Articles 2(3), 6, and 7, particularly in cases involving death or serious bodily harm.

#### **6. Barriers to remedy for families and communities**

Families affected by police violence face substantial obstacles in accessing justice, including:

- Lack of timely information following incidents;
- Financial and emotional burdens associated with prolonged proceedings;
- Limited access to legal representation; and
- Remedies that fail to address systemic causes or provide meaningful accountability.

These barriers are compounded for racialized and Indigenous families, reinforcing discriminatory outcomes contrary to Article 26.

## **7. Criminalization, poverty, and over-policing**

JHC's research also demonstrates how poverty, housing insecurity, and lack of access to social supports increase exposure to policing and criminalization.

Participants described:

- Enforcement responses to homelessness, poverty, and public health issues;
- Increased police contact for survival-related activities;
- Use of fines, arrests, and surveillance rather than social supports; and
- Cycles of criminalization that deepen insecurity and marginalization.

These practices engage Articles 9 and 26 and underscore the need to address socio-economic drivers as part of policing reform.

## **8. Federal responsibility and jurisdictional fragmentation**

While policing in Canada is largely organized at the provincial and municipal levels, Canada retains responsibility under the ICCPR to ensure that all law enforcement practices comply with Covenant standards.

Participants highlighted:

- Inconsistent oversight standards across jurisdictions;
- Lack of federal leadership in setting minimum accountability requirements; and
- Absence of national mechanisms to track patterns of harm, use of force, or discriminatory outcomes.

Jurisdictional fragmentation cannot absolve Canada of responsibility under Articles 2 and 26.

## **9. Conclusions**

The evidence demonstrates that Canada has failed to ensure that policing practices comply with the ICCPR's requirements regarding life, security, non-discrimination, and accountability. Persistent racialized disparities, use-of-force failures, and ineffective oversight mechanisms reflect systemic deficiencies rather than isolated misconduct.

These failures undermine public trust, deny effective remedies, and disproportionately harm marginalized communities.

## **10. Suggested recommendations to the Committee**

The Human Rights Committee should recommend that Canada:

1. Establish **clear national standards** governing use of force, de-escalation, and accountability, consistent with the ICCPR.
2. Ensure **independent, adequately resourced, and transparent oversight bodies** with authority to investigate, compel evidence, and mandate reforms.
3. Require **prompt, public reporting** on police-involved deaths, serious injuries, and use-of-force incidents, disaggregated by race, gender, disability, and age.
4. Reduce reliance on policing in mental health and social crises by investing in **community-based, non-police responses**.
5. Address **racialized and discriminatory policing practices** through mandatory data collection, monitoring, and corrective action.
6. Remove enforcement-based responses to poverty, homelessness, and social vulnerability, replacing them with rights-based supports.
7. Ensure **effective remedies** for families and communities affected by police violence, including systemic measures to prevent recurrence.

# Gender-Based Violence and State Accountability

**ICCPR Articles 2, 3, 6, 7, 9, 17, and 26**

## **1. ICCPR obligations**

Gender-based violence (GBV) constitutes a form of discrimination and, in serious cases, a violation of the rights to life, freedom from torture or cruel, inhuman or degrading treatment, liberty and security of the person, privacy, and equality before the law. Under Articles 2, 3, and 26 of the ICCPR, States Parties have an obligation to ensure substantive equality and to exercise due diligence to prevent, investigate, enforce, and remedy gender-based violence, whether perpetrated by state or non-state actors.

The Human Rights Committee has affirmed that failures to act where violence is foreseeable, systemic, or tolerated engage state responsibility, particularly where violence disproportionately affects women, girls, and gender-diverse people.

## **2. Gender-based violence as a systemic and intersectional human rights issue**

JHC's GBV research demonstrates that gender-based violence in Canada is systemic rather than episodic, rooted in intersecting structures of inequality, colonialism, racism, ableism, poverty, and gender norms. The research emphasizes that violence is not experienced uniformly and that risk and harm are shaped by intersecting identities and social conditions .

Participants consistently reported heightened vulnerability and reduced access to protection and remedy for:

- Indigenous women, girls, and Two-Spirit people;
- Black and racialized women and gender-diverse people;
- Trans, non-binary, and gender-nonconforming individuals;
- Migrants and people with precarious immigration status;
- People with disabilities; and
- Individuals experiencing poverty, housing insecurity, or rural isolation.

These patterns engage Articles 3 and 26 and demonstrate Canada's failure to ensure equal protection of Covenant rights.

## **3. Failure of prevention: a crisis-driven response model**

A central finding across JHC's GBV community based research is that Canada relies on a reactive, emergency-based response model rather than a prevention-centred, rights-based framework .

Participants identified:

- Chronic underinvestment in prevention, education, and early intervention;
- Fragmented services that intervene only after harm has escalated;
- Limited community-led and culturally appropriate prevention strategies; and

- Lack of long-term, stable funding for GBV prevention initiatives.

This approach fails to meet due-diligence obligations under Articles 2 and 6–7, which require states to act where risks are known or foreseeable, not solely after serious harm occurs.

## 4. Barriers to safety and protection

JHC's research highlights persistent barriers that prevent survivors from accessing timely and effective protection, including:

- Inaccessible or unsafe reporting pathways;
- Fear of retaliation, child apprehension, or immigration consequences;
- Inadequate access to safe and affordable housing;
- Insufficient rural, northern, and culturally specific services; and
- Over-reliance on law enforcement responses that may exacerbate harm.

Survivors emphasized that protection systems frequently reproduce risk, particularly for Indigenous, racialized, trans, and survivors with disabilities. These failures engage Articles 2, 7, and 9 and compound discriminatory outcomes under Article 26.

## 5. Policing and criminal justice responses to GBV

While criminal law plays a role in accountability, participants consistently reported that criminal justice responses are often ill-suited to survivor needs and may deter disclosure.

Key concerns included:

- Lack of trauma-informed policing practices;
- Disbelief, minimization, or misclassification of violence;
- Criminalization of survivors, particularly those experiencing poverty or substance use; and
- Limited coordination between police, courts, and social supports.

Where policing responses escalate risk or fail to protect, these practices engage Articles 7 and 9 and undermine due-diligence obligations.

## 6. Access to justice and remedies for survivors

Survivors of GBV face systemic barriers to justice across civil, criminal, and human rights systems.

JHC's GBV research documents that:

- Legal processes are lengthy, adversarial, and retraumatizing;
- Limitation periods and evidentiary standards are incompatible with trauma;
- Remedies focus on individual incidents rather than systemic accountability; and
- Survivors lack access to sustained legal, financial, and advocacy supports.

These barriers undermine Article 2(3) obligations and disproportionately affect survivors experiencing intersecting discrimination.

## 7. Privacy, digital violence, and emerging forms of harm

Participants identified technology-facilitated gender-based violence — including harassment, surveillance, image-based abuse, and online exploitation — as a rapidly growing and insufficiently addressed form of harm.

JHC's research highlights:

- Lack of effective regulation of digital platforms;
- Inadequate remedies for online abuse;
- Privacy violations that disproportionately affect women and gender-diverse people; and
- Heightened risks for youth and marginalized communities.

Canada's failure to address these foreseeable harms engages Articles 2, 7, 17, and 26.

## 8. Structural conditions that entrench GBV

Across all GBV pillars, participants emphasized that violence cannot be separated from structural conditions, including:

- Poverty and economic insecurity;
- Housing shortages;
- Inadequate access to healthcare and mental health supports;
- Colonial child welfare practices; and
- Systemic racism and discrimination.

Failure to address these conditions as part of GBV prevention and response strategies undermines the effectiveness of state action and perpetuates rights violations.

## 9. Conclusions

The evidence demonstrates that Canada has failed to meet its obligations under the ICCPR to prevent, protect against, investigate, and remedy gender-based violence. These failures are systemic, intersecting, and foreseeable, and they disproportionately affect marginalized communities.

Canada's continued reliance on reactive and fragmented responses, rather than comprehensive prevention and accountability frameworks, constitutes a breach of Articles 2, 3, 6, 7, 9, 17, and 26 of the Covenant.

## 10. Suggested recommendations to the Committee

The Human Rights Committee should recommend that Canada:

1. Adopt a **comprehensive, prevention-centred, and rights-based national framework** to address gender-based violence, consistent with the ICCPR.
2. Ensure **adequate, stable, and long-term funding** for GBV prevention, survivor supports, and community-led initiatives.

3. Remove systemic barriers to protection by ensuring access to **safe housing, income security, and culturally appropriate services**.
4. Ensure that policing and justice responses to GBV are **trauma-informed, non-discriminatory, and survivor-centred**.
5. Reform legal and administrative processes to ensure **accessible, timely, and effective remedies** for survivors.
6. Regulate digital environments to prevent and remedy **technology-facilitated gender-based violence**.
7. Ensure meaningful participation of survivors and affected communities in the design and evaluation of GBV laws and policies.

# Youth, Digital Harms, and Protection of Children and Young People

ICCPR Articles 2, 17, 19, 24, and 26

## 1. ICCPR obligations

Article 24 of the ICCPR requires States Parties to provide children and young people with special measures of protection, without discrimination, as required by their status as minors. These protections must be read in conjunction with Articles 2 and 26 (non-discrimination), Article 17 (privacy), and Article 19 (freedom of expression).

The Human Rights Committee has emphasized that States must adapt their legal and regulatory frameworks to evolving contexts, including digital environments, and must take proactive measures where risks to children and youth are foreseeable, systemic, and well-documented.

## 2. Digital environments as primary sites of rights violations for youth

JHC's youth-focused research demonstrates that digital spaces are no longer peripheral to young people's lives but constitute core public and social environments where civil and political rights are exercised — and violated.

Youth participants consistently described online spaces as sites of:

- Harassment, hate speech, and identity-based abuse;
- Technology-facilitated gender-based violence;
- Sexual exploitation and coercion;
- Surveillance and privacy violations; and
- Misinformation and algorithmic manipulation.

These harms are not incidental but are structurally enabled by platform design, lack of regulation, and absence of effective oversight.

## 3. Disproportionate and discriminatory impacts on marginalized youth

The research highlights that digital harms disproportionately affect:

- Racialized and Indigenous youth;
- 2STQLGBIA+ youth;
- Young women and gender-diverse people;
- Youth with disabilities; and
- Youth experiencing poverty or social exclusion .

Participants reported that online abuse frequently mirrors and intensifies offline discrimination, compounding harm and undermining equal enjoyment of rights under Articles 2 and 26.

Marginalized youth also reported reduced access to protection and remedy, reinforcing discriminatory outcomes.

#### **4. Failure to protect privacy and personal security**

Youth expressed serious concerns regarding:

- Non-consensual data collection and surveillance;
- Image-based abuse and lack of effective takedown mechanisms;
- Inadequate safeguards against doxxing, stalking, and digital impersonation; and
- Age-verification and biometric tools that may themselves create privacy risks.

These failures engage Article 17 of the Covenant and demonstrate Canada's lack of a coherent rights-based framework to protect youth privacy in digital environments.

#### **5. Inadequate remedies and lack of oversight**

Across all youth research, participants emphasized that existing remedial pathways are inaccessible, ineffective, or retraumatizing.

Key concerns include:

- Platform reporting systems that are automated, opaque, and ineffective;
- Absence of independent oversight of digital platforms;
- Legal remedies that are inaccessible due to age, cost, or complexity; and
- Lack of trauma-informed and youth-appropriate processes.

As a result, many youth experience ongoing rights violations without access to effective redress, contrary to Articles 2(3) and 24.

#### **6. Freedom of expression and chilling effects**

Youth consistently cautioned against approaches that frame digital safety through censorship or surveillance, emphasizing instead the need for rights-based regulation that protects expression while preventing harm.

Participants reported that:

- Online abuse and harassment silence marginalized voices;
- Fear of retaliation or exposure limits participation in public discourse; and
- Youth are often excluded from policy debates about online expression and safety.

These dynamics undermine Article 19 and compound discriminatory exclusion under Article 26.

#### **7. Education, prevention, and digital literacy gaps**

Youth identified significant gaps in:

- Digital literacy education;
- Trauma-informed education on consent, boundaries, and online safety;
- Support for navigating misinformation and disinformation; and
- Recognition of digital harms as real and serious forms of violence.

Participants emphasized that education is a primary prevention tool and that failure to invest in youth-centred education undermines long-term protection obligations.

## 8. Exclusion of youth from decision-making on digital policy

Across the research, youth consistently reported that they are:

- Consulted late, if at all, in policy development;
- Asked to validate pre-determined frameworks rather than shape them; and
- Burdened with proposing solutions to adult-designed systems .

This exclusion compounds harm and undermines Article 25 read in conjunction with Articles 2 and 24.

## 9. Conclusions

The evidence demonstrates that Canada has failed to meet its obligations to protect children and young people from foreseeable harms in digital environments. The absence of effective regulation, prevention, and remedies has resulted in widespread violations of privacy, security, equality, and freedom of expression.

Ensure effective federal–provincial coordination and oversight so that jurisdictional complexity does not result in denial of Covenant rights.

These failures disproportionately affect marginalized youth and undermine the special protections required under Article 24 of the Covenant.

## 10. Suggested recommendations to the Committee

The Human Rights Committee should recommend that Canada:

1. Adopt a **rights-based regulatory framework** for digital environments that prioritizes the protection of children and youth.
2. Ensure **effective, independent oversight** of digital platforms, including accessible complaint and remedy mechanisms.
3. Protect youth privacy by regulating data collection, surveillance, and image-based abuse in line with Article 17.
4. Address **technology-facilitated violence**, including gender-based and identity-based abuse, through prevention and accountability measures.
5. Invest in **youth-centred digital literacy and prevention education** as a core component of rights protection.
6. Ensure that youth have **meaningful participation** in the design, implementation, and evaluation of digital policies that affect their rights.

# Participation in Public Affairs, Civic Space, and Democratic Inclusion

**ICCPR Articles 2, 19, 25, and 26**

## **1. ICCPR obligations**

Article 25 of the ICCPR guarantees every citizen the right and opportunity, without discrimination and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives. This right must be read in conjunction with Articles 2 and 26 (non-discrimination and equal protection of the law) and Article 19 (freedom of expression).

The Human Rights Committee has emphasized that meaningful participation requires more than formal access to electoral processes. States must ensure inclusive, accessible, and effective participation, particularly for groups that have been historically excluded or disproportionately affected by state policies.

## **2. Systemic exclusion from decision-making in Canada**

Across all JHC research streams, affected communities consistently reported systematic exclusion from policy design, implementation, and evaluation, particularly in areas directly affecting their rights.

Participants described:

- Consultation processes that are late-stage, symbolic, or inaccessible;
- Decision-making that privileges institutional and professional expertise over lived experience;
- Barriers to participation based on poverty, disability, language, geography, and digital access; and
- Fatigue and disengagement resulting from repeated consultations without accountability or change.

This pattern undermines Article 25 and contributes to the persistence of rights violations documented throughout this submission.

## **3. Participation failures as a driver of rights violations**

JHC's research demonstrates that exclusion from participation is not merely a democratic deficit, but a causal driver of civil and political rights violations. Where communities most affected by rights violations are excluded from the design, implementation, and evaluation of laws and policies, those policies consistently fail to prevent harm or ensure accountability.

In practice, the absence of meaningful participation results in:

- **Policing and public safety policies** that perpetuate racialized harm and fail to reflect community-defined safety needs;
- **Gender-based violence responses** that remain reactive, fragmented, and disconnected from survivors' lived realities;
- **Digital harms** that go unregulated or are addressed through punitive or surveillance-based models rather than rights-based prevention; and
- **Remedial mechanisms** that remain inaccessible, ineffective, or poorly aligned with the experiences of those most affected.

These outcomes are not incidental. They reflect the predictable consequences of policymaking processes that exclude affected communities and discount lived experience as evidence. The absence of meaningful participation therefore directly contributes to the violations outlined under Articles 2, 6, 7, 9, 17, and 26 of the Covenant.

#### **4. Youth exclusion from public affairs**

Youth across JHC's research consistently reported that they are:

- Framed as stakeholders rather than rights-holders;
- Consulted selectively or after key decisions are made; and
- Expected to adapt to adult-designed systems without real influence.

Youth emphasized that exclusion from decision-making on issues such as digital safety, education, policing, and public health undermines both the effectiveness and legitimacy of policies .

These practices engage Article 25 read together with Article 24, which requires special measures of protection for children and young people.

#### **5. Civic space, expression, and fear of retaliation**

Participants across multiple research projects described chilling effects on participation and expression, particularly for marginalized communities.

Concerns included:

- Fear of retaliation or surveillance when engaging in advocacy;
- Over-policing of protest and public space;
- Harassment and abuse in digital civic spaces; and
- Lack of institutional protection for those who speak out against rights violations.

These conditions undermine Articles 19 and 25 and disproportionately silence racialized, Indigenous, gender-diverse, disabled, and low-income communities.

#### **6. Structural barriers to participation**

JHC's research highlights multiple structural barriers that restrict participation, including:

- Economic insecurity that limits time, mobility, and access;

- Lack of compensation or support for community participation;
- Inaccessible formats for people with disabilities;
- Language and cultural barriers for newcomers and migrants; and
- Centralization of decision-making away from affected communities.

These barriers produce discriminatory outcomes and undermine equal participation under Articles 2 and 26.

## 7. Participation, accountability, and trust

Participants repeatedly emphasized that meaningful participation is inseparable from accountability and trust. Where participation does not lead to visible change, transparency, or explanation, it becomes extractive and erodes confidence in democratic institutions.

This erosion of trust:

- Discourages future participation;
- Weakens oversight of public institutions; and
- Entrenches cycles of harm and exclusion.

The failure to link participation with accountability undermines the effectiveness of Article 25 in practice.

## 8. Conclusions

The evidence demonstrates that Canada has failed to ensure meaningful, inclusive, and non-discriminatory participation in public affairs, particularly for communities most affected by civil and political rights violations. This exclusion is both a cause and a consequence of the systemic failures documented throughout this submission.

Without structural reform to participation and civic space, Canada's efforts to address violence, discrimination, digital harms, and access to justice will remain fragmented and ineffective.

## 9. Suggested recommendations to the Committee

The Human Rights Committee should recommend that Canada:

1. Ensure **meaningful, inclusive, and accessible participation** of affected communities in public decision-making processes, consistent with Article 25.
2. Institutionalize participation mechanisms that are **early-stage, well-resourced, and accountable**, rather than ad hoc or symbolic.
3. Recognize **lived experience as evidence** in policymaking, particularly in areas involving systemic discrimination and violence.
4. Ensure **safe civic space** for participation and expression, including protections against retaliation, surveillance, and over-policing.
5. Remove structural barriers to participation by addressing economic, accessibility, language, and geographic constraints.

6. Ensure **meaningful participation of youth** in decisions affecting their rights, including digital policy, education, public safety, and social services.
7. Link participation to **transparent decision-making and follow-up**, including public reporting on how community input is used.

# Consolidated Alignment with the Human Rights Committee's List of Issues

## 1. Access to Effective Remedy and Accountability

- **ICCPR Articles:** 2(3), 14, 26
- **Issue:** Lack of accessible, timely, and effective remedies for violations of Covenant rights; excessive delays, procedural barriers, and limited capacity to address systemic discrimination.
- **JHC Evidence:**
  - Community-based research on federal and provincial human rights mechanisms documents high dismissal rates, opaque decision-making, prolonged timelines, and barriers for marginalized complainants.
  - Survivors, youth, racialized communities, and people experiencing poverty frequently abandon complaints due to retraumatization and lack of support.
- **Priority Recommendation:**

Reform federal and provincial human rights mechanisms to ensure timely, transparent, trauma-informed, healing-centred and accessible remedies, including extended limitation periods and capacity to address systemic discrimination.

## 2. Systemic and Intersectional Discrimination

- **ICCPR Articles:** 2(1), 3, 26
- **Issue:** Persistent structural discrimination affecting Indigenous peoples, Black and racialized communities, women and gender-diverse people, youth, people with disabilities, migrants, and people experiencing poverty.
- **JHC Evidence:**
  - Intersectional harms documented across GBV, policing, youth, digital harms, and access-to-justice research.
  - Discriminatory impacts are cumulative and reinforced across institutions rather than isolated.
- **Priority Recommendation:**

Adopt a **substantive equality framework** across all laws, policies, and institutions, explicitly addressing **intersectional discrimination** and ensuring equal protection in practice.

## 3. Failure of Due Diligence to Prevent Violence

- **ICCPR Articles:** 2, 6, 7, 9
- **Issue:** Canada relies on reactive, crisis-driven responses to violence rather than prevention-centred, rights-based approaches, despite foreseeable and systemic risks.
- **JHC Evidence:**
  - Gender-based violence, policing, mental health crises, and digital harms research demonstrates underinvestment in prevention and early intervention.
  - Structural drivers of violence (racism, gender inequality, poverty, platform design) remain unaddressed.

- **Priority Recommendation:**

Implement a comprehensive due-diligence framework to prevent, protect against, investigate, enforce, and remedy violence in line with the ICCPR.

## 4. Policing, Use of Force, and Oversight

- **ICCPR Articles:** 2, 6, 7, 9, 14, 26

**Issue:** Racism in policing, disproportionate use of force, escalation of mental health crises, and ineffective accountability mechanisms.

- **JHC Evidence:**

- Community forums and policing research document lack of trust in complaint systems, weak oversight, and limited transparency.
- Disproportionate harms to Indigenous, Black, racialized, disabled, and low-income communities.

- **Priority Recommendation:**

Establish national standards on policing and use of force, ensure independent and empowered oversight bodies, and require transparent reporting and effective remedies.

## 5. Gender-Based Violence and State Accountability

- **ICCPR Articles:** 2, 3, 6, 7, 9, 17, 26

**Issue:** Gender-based violence remains widespread and inadequately addressed, with fragmented systems and insufficient prevention, protection, and accountability.

- **JHC Evidence:**

- Five-pillar GBV research documents systemic barriers for survivors, especially Indigenous women, racialized women, trans and gender-diverse people, migrants, people with disabilities, and those experiencing poverty.
- Technology-facilitated GBV remains largely unregulated.

- **Priority Recommendation:**

Adopt a prevention-centred, rights-based national framework on gender-based violence, with stable funding, survivor-centred remedies, and accountability across systems.

## 6. Youth, Digital Harms, and Protection of Children

- **ICCPR Articles:** 2, 17, 19, 24, 26

**Issue:** Digital environments are primary sites of rights violations for youth, including harassment, hate speech, exploitation, privacy violations, and technology-facilitated violence.

- **JHC Evidence:**

- Youth-led research documents systemic online harms, ineffective platform reporting, lack of oversight, and exclusion of youth from policymaking.
- Marginalized youth are disproportionately affected.

- **Priority Recommendation:**

Establish a rights-based regulatory framework for digital environments, with independent oversight, effective remedies, and special protections for children and youth.

## 7. Participation in Public Affairs and Civic Space

- **ICCPR Articles:** 2, 19, 25, 26
- **Issue:** Systemic exclusion of affected communities from meaningful participation in public decision-making; consultation without accountability.
- **JHC Evidence:**
  - Youth, survivors, racialized communities, and people experiencing poverty report exclusion from policy design and fear of retaliation when engaging in civic space.
  - Lack of participation contributes directly to ineffective and harmful policies.
- **Priority Recommendation:**  
Ensure meaningful, inclusive, and accountable participation in public affairs, including early-stage engagement, protection of civic space, and recognition of lived experience as evidence.

## 8. Structural Drivers of Rights Violations

- **ICCPR Articles:** 2, 6, 7, 9, 26
- **Issue:** Poverty, food insecurity, housing instability, and economic precarity increase exposure to violence, surveillance, and barriers to justice.
- **JHC Evidence:**
  - Food justice and community safety research demonstrates how economic precarity acts as a multiplier of civil and political rights violations.
- **Priority Recommendation:**  
Address structural socio-economic drivers as integral to the protection of civil and political rights and to preventing recurring violations.

# Closing Note to the Committee: Implementation, Coordination, and Follow-Up

This consolidated alignment demonstrates that the issues raised in this submission are interconnected, systemic, and mutually reinforcing. Failures relating to access to remedies, discrimination, violence prevention, policing accountability, protection of youth, and participation in public affairs cannot be effectively addressed in isolation.

A recurring barrier identified across all areas of JHC's research is the fragmentation of responsibility across federal, provincial, and territorial jurisdictions, combined with the absence of consistent national standards, coordination mechanisms, and accountability for implementation. Jurisdictional complexity has too often resulted in gaps in protection, inconsistent remedies, and denial of effective enjoyment of Covenant rights.

To ensure meaningful implementation of the ICCPR, the Human Rights Committee's recommendations should be accompanied by clear expectations that Canada:

- Ensure effective federal–provincial coordination so that all levels of government comply with Covenant obligations;
- Establish transparent accountability and follow-up mechanisms, including disaggregated data collection and public reporting on progress;
- Engage in ongoing, meaningful dialogue with civil society and affected communities on implementation of the Committee's recommendations; and
- Demonstrate how participation, prevention, and remedies are integrated across systems, rather than addressed through fragmented or reactive measures.

Without sustained coordination, accountability, and follow-up, the violations documented in this submission will persist. The Committee's concluding observations present a critical opportunity for Canada to move beyond formal compliance toward effective, consistent, and rights-based implementation of the ICCPR in practice.