NATIONAL FAMILY AND SURVIVORS CIRCLE INC.

Nothing About Us, Without Us

Submission to the 7th Periodic Review of Canada to the United Nations Human Rights Committee

145th Session (02 March 2026 to 19 March 2026)

February 2026

Submitted by:
Hilda Anderson-Pyrz, President
National Family and Survivors Circle Inc
Email: hilda@familysurvivorcircle.ca

SUBMISSION TO UN HUMAN RIGHTS COMMITTEE
145th Session (02 Mar 2026 - 19 Mar 2026)

SEVENTH PERIODIC REPORT OF CANADA

About the National Family and Survivors Circle Inc. (NFSC)

The National Family and Survivors Circle (Canada) is a nationally recognized, Indigenous-led organization that works with impacted family members and survivors of gender-and race-based violence to promote and uphold our human rights. The NFSC was originally created with the support of the federal government to ensure that families and survivors would have a voice in developing Canada's 2021 National Action Plan[1] and Federal Pathway for Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People[2]. The NFSC has since been incorporated as a wholly independent organization which continues to advocate for full implementation of the comprehensive plan of action set out in the 231 Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.[3]

1. Continued grave violation of the rights of Indigenous women, girls, and gender diverse people: The urgent need for effective, culturally-appropriate, national accountability mechanisms

Despite numerous explicit commitments by the federal government, progress toward full implementation of the 231 Calls for Justice has been unacceptably slow and uneven. In 2023, Canada's national public broadcaster carried out a detailed review of implementation of the Calls for Justice and concluded only two had been fully implemented. Furthermore, while "promises may have been made or money may have been committed", no actual action has been taken and "no change has been effected" on more than half of the remaining Calls for Justice. This was despite "at least 45 federal, provincial and territorial government committees" having been struck "to review the research, rethink the recommendations and refine the implementation plans."[4]

---

[1] National Action Plan Working Group and National Family and Survivors Circle, *Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan: Ending Violence against Indigenous Women, Girls, and 2SLGBTQQIA+ People*. 3 June 2021.

[2] Government of Canada, *Federal Pathway for Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*. June 3, 2021.

[3] National Inquiry into Missing and Murdered Indigenous Women and Girls, "Calls for Justice," *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. 2 June 2019. https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf

[4] Donna Carreiro, "Mother. Sister. Daughter." Canadian Broadcasting Corporation. 5 June 2023.

The Inquiry itself was adamant that implementation of its Calls for Justice is a "legal imperative" that the government cannot ignore. The Calls for Justice arise from international and domestic human and Indigenous rights laws, including the Charter¸ the Constitution, and the Honour of the Crown. As such, Canada has a legal obligation to fully implement these Calls for Justice and to ensure Indigenous women, girls, and 2SLGBTQQIA people live in dignity.

The urgency of implementation is further underlined by the Inquiry's finding that the scale of violence, the role of the state in creating conditions leading to this violence, and the failure of the state to effective action to stop the violence, can rightly be characterized as a form of genocide.[5] The Inquiry stated, "The steps to end and redress this genocide must be no less monumental than the combination of systems and actions that has worked to maintain colonial violence for generations."[6]

Given this context, it is especially concerning that little meaningful action has been taken toward implementation of one of the keystones of an effective national action plan: Call for Action 1.7. This Call urges the federal government to establish accountability mechanisms accessible to Indigenous women, girls, and gender diverse people, including a permanent, national Ombudsperson and Tribunal with specific authority and expertise in respect to the human rights of Indigenous Peoples.[7]

As the NFSC has repeatedly stated,[8] the transformative change required to protect the lives of women, girls, and gender diverse people will only take place if there are effective mechanisms to the hold the federal government accountable and ensure programs and services are meeting the real needs of our communities.

We note that a Ministerial Special Representative, appointed by the federal government "to provide advice and recommendations on the implementation of Call for Justice 1.7", had called for a national ombudsperson's office to be established and fully functional by December 31,

[5] National Inquiry into Missing and Murdered Indigenous Women and Girls, "Supplementary report – Genocide," *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. 2 June 2019.

[6] National Inquiry into Missing and Murdered Indigenous Women and Girls, "Calls for Justice," *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. 2 June 2019.

[7] At the conclusion of its October 2024 review of Canadas, the UN Committee on the Elimination of Discrimination Against Women called for Canada to "speed up the implementation" Call for Justice 1.7 and four other key Calls for Justice of the National Inquiry. Committee on the Elimination of Discrimination Against Women, *Concluding observations on the 10th period report of Canada*, 30 October 2024. CEDAW/C/CAN/CO/10.

[8] See, for example, "Message from the National Family and Survivors Circle", in National Action Plan Working Group and National Family and Survivors Circle, *Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People National Action Plan: Ending Violence against Indigenous Women, Girls, and 2SLGBTQQIA+ People*. 3 June 2021.

2025.[9] Not only has the federal government failed to meet this deadline, Canada has not undertaken any of the steps required to create such an office, as set out in the detailed timeline and process prepared by the Special Representative.

In the 2015 report of its own inquiry into missing and murdered Indigenous women and girls, the Committee on the Elimination of Discrimination against Women concluded that Canada was responsible for a "grave violation" of its human rights responsibilities because of the "protracted failure" to provide the protections and supports necessary to address pervasive and extreme violence against Indigenous women and girls.[10] CEDAW did not dispute the fact that federal, provincial, and territorial governments have numerous programs and supports in place, as enumerated in Canada's Treaty body reports. Critically, however, CEDAW concluded that on their own, these "piecemeal" and "fragmentary" responses were "insufficient and inadequate" to address the "magnitude and severity" of the threats to the lives and safety of Indigenous women, girls, and gender diverse people.

Tragically, this fundamental reality remains unchanged, despite the National Inquiry that was conducted and the promises that were made to implement the Inquiry's Calls for Justice.

Other submissions to the Committee have also highlighted Canada's persistent failure to make significant progress to implement the Calls for Justice.[11] This unacceptable situation is accurately summed up by the Special Representative who wrote in her final report that during the National Inquiry, and in the engagements that have followed,

> "Family members who have lost loved ones and Indigenous advocates expressed very clearly that they believe there has been **little action compounded by a lack of accountability.** They have shared that striking committees does not constitute action. Continuous consultation does not constitute action. Words filled with good intentions do not constitute action [emphasis in the original]."[12]

Accordingly, we urge the Committee to include in its Concluding Observations an explicit and urgent recommendation that Canada work in collaboration with Indigenous women, girls, and

---

[9] Ministerial Special Representative Jennifer Moore Rattray, *Call for Justice 1.7: Final Report Prepared for The Honourable Gary Anandasangaree Minister of Crown-Indigenous Relations and Northern Affairs Canada*, May 2024.

[10] Committee on the Elimination of Discrimination against Women, *Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, 30 March 2015, CEDAW/C/OP.8/CAN/1.

[11] For example, the NFSC strongly endorses the analysis and recommendations in the submission to this Committee by Giganawenimaanaanig (We All Take Care of Them).

[12] Ministerial Special Representative Jennifer Moore Rattray, *Call for Justice 1.7: Final Report Prepared for The Honourable Gary Anandasangaree Minister of Crown-Indigenous Relations and Northern Affairs Canada*, May 2024.

gender diverse people to prioritize and accelerate meaningful actions to fully implement the Calls for Justice, including immediate steps to implement Call for Justice 1.7.

2. Disaggregated data collection on violence against women, girls, and gender diverse people

In response to questions from this Committee, Canada has provided statistics demonstrating the vastly disproportionate rates and severity of violence faced by Indigenous women, girls, and gender diverse people. Canada has also acknowledged some of the gaps in this data, referring to efforts now being undertaken to support more consistent and accurate gathering and release of disaggregated data.

This is a critical point. Prior to 2014, Canada's national police service did not collect or report specific data on the rates of violence experienced by Indigenous women, girls, and gender diverse people.[13] Inadequate data was a contributing factor in Canada's persistent failure to recognize and respond appropriately to this violence. More than a decade later, there are still no national protocols to ensure that Indigenous identity is accurately recorded or disaggregated for First Nations, Inuit, and Métis women, girls, and gender diverse persons.

In 2025, a working group on data appointed as part of the federal implementation of the Calls for Justice found that the legacy of "harmful data practices…continue to result in the systemic marginalization of First Nation, Inuit, Métis people and Indigenous urban and 2SLGBTQI+ people."[14]

Canada's initial efforts to co-develop a National Data Strategy in collaboration with Indigenous Peoples are welcome and necessary. It would be highly appropriate for this Committee's review of Canada to both commend the initiative and recommend that Canada continue to prioritize the co-development of a national data strategy.

3. Upholding the UN Declaration on the Rights of Indigenous Peoples

The Calls for Justice of the National Inquiry calls on the federal government to implement the UN Declaration on the Rights of Indigenous Peoples. National implementation legislation adopted by Parliament in June 2021 – the UN Declaration on the Rights of Indigenous Peoples Act – acknowledges that implementing the Declaration is a necessary part of Canada's commitment to end violence against Indigenous women, girls, and gender diverse people.

[13] Royal Canadian Mounted Police, *Missing and Murdered Aboriginal Women: A National Operational Overview*, 2014.

[14] Crown-Indigenous Relations and Northern Affairs Canada, *2024-2025 Federal Pathway Annual Progress Report – Highlight Report: Data,* June 2025. https://www.rcaanc-cirnac.gc.ca/eng/1746650069874/1746650100102

The implementation act requires that **"**the Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration." In its National Action Plan for implementation of the Declaration – also required by the Act – the federal government commits to adopting mandatory tools or processes to review new legislation for consistency with the Declaration.

However, new laws with potential for significant impact on the rights of Indigenous Peoples continue to be adopted without free, prior, and informed consent as required by Article 19 of the Declaration; without meaningful collaboration in the development of the legislation; without adequate consultation about the potential consequences; and without careful review for consistency with the Declaration.

For example, Bill C-5, intended to promote large-scale economic development projects and streamline the approvals process, was tabled in Parliament without even a minimal consultation process and went from First Reading to Royal Assent in only 20 days.[15] The language of the Bill is inconsistent with the Declaration and Canada's UN Declaration Act, referring only to consultation, and not to free, prior and informed consent or the compound term "consultation and cooperation" found throughout the UN Declaration and Canada's UN Declaration Act.

Canada's most recent report on implementation of its National Action Plan, tabled in Parliament in June 2025, identifies a number of laws developed in consultation and collaboration with Indigenous Peoples, but provides no clarity on Canada's intent to make such collaboration mandatory for all laws impacting the rights of Indigenous Peoples. While the report reiterates the commitment to institute a mandatory process to review new laws, it does not indicate when such a systematic review process will be initiated.

The NFSC calls for Canada to uphold Article 19 of the UN Declaration; to work in consultation and cooperation with Indigenous Peoples to establish transparent and effective processes to review all laws, policies, and regulations for consistency with the Declaration; and to provide clarity on the timetable for implementing these reforms required by the UN Declaration Act.

5. Accelerating resource development and threats to the rights of Indigenous women, girls, and gender diverse people

Federal impact assessment legislation requires that prior to granting approval for projects within its jurisdiction, the federal government must ensure that a range of social, environmental, and legal factors have been considered, including impacts on Indigenous Peoples and their rights and "the intersection of sex and gender with other identity factors."

[15] Parliament of Canada, *An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act*, June 6, 2025, Royal Assent June 26, 2025.

The Act opens the door for such assessments to be conducted by or in collaboration with Indigenous Peoples.[16]

While the Impact Assessment Act can and should be strengthened, it provides an important opportunity to examine and address whether any particular proposal is likely to benefit Indigenous Peoples or contribute to further erosion of our rights and well-being. A thorough and transparent review process is also essential to ensuring that Indigenous Peoples' participation in any project is truly free, prior and informed. The attention to gendered impacts is especially important given concerns highlighted in the National Inquiry into Missing and Murdered Indigenous Women and Girls that large scale development projects can contribute to increased violence, as the large numbers of outside workers brought into small and remote communities overwhelm local social service and policing capacity.

In fact, the Inquiry's Calls for Justice 13.1 through 13.5 called for

- "the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development" to be considered "at all stages of project planning, assessment, implementation, management, and monitoring…."

- "all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects…."

- "all parties involved in the negotiations of impact-benefit agreements related to resource-extraction and development projects to include provisions that address the impacts of projects on the safety and security of Indigenous women, girls, and 2SLGBTQQIA people…."

- "the federal, provincial, and territorial governments to fund further inquiries and studies in order to better understand the relationship between resource extraction and other development projects and violence against Indigenous women, girls, and 2SLGBTQQIA people…."

- "all governments and service providers to anticipate and recognize increased demand on social infrastructure because of development projects and resource extraction, and for mitigation measures to be identified as part of the planning and approval process.… This

[16] Parliament of Canada, Impact Assessment Act (S.C. 2019, c. 28, s. 1), Royal Assent June 21, 2019.

includes but is not limited to ensuring that policing, social services, and health services are adequately staffed and resourced."

The 2025 Building Canada Act, part of Bill C-5 referred to above, allows senior elected officials to designate certain economic development projects as being in the "national interest" and therefore subject to an "accelerated" regulatory process. Although additional steps may be required to authorize activities associated with any particular project, the Act states that designating a project as being in the national interest is, in effect, a decision "in favour of permitting the project to be carried out in whole or in part." The Act states that projects already designated for review under the Impact Assessment Act will still be reviewed. However, there are significant concerns that the Act may be used to exempt new projects from such examination.

The Building Canada Act does states that before designating that a project is in the national interest, Canada must consult with "Indigenous peoples whose rights recognized and affirmed by section 35 of the *Constitution Act, 1982* may be adversely affected." However, as noted above, a commitment to merely consult falls short of Canada's commitment to uphold the UN Declaration which requires a more substantial commitment to consultation and cooperation in all instances and, where there is potential for significant harm, measures to ensure that projects proceed only with free, prior, and informed consent of the Indigenous Peoples concerned.

The NFSC calls on the Government of Canada to ensure that all projects with a potential to impact the rights of Indigenous Peoples are subject to a thorough, transparent review process that includes due diligence in respect to potential gendered impacts. Where there is potential for further harm to the well-being of Indigenous Peoples, including the safety of Indigenous women, girls, and gender diverse people, no projects should ever be approved over the opposition of Indigenous Peoples.

5. Shielding discriminatory laws from legal challenge

The NFSC is concerned over the increasing frequency of governments in Canada invoking, or threatening to invoke, Section 33 of the Canadian Charter of Rights and Freedoms, known as the "notwithstanding clause." This clause acts to shield legislation from legal challenge for violating a wide range of rights protected by the Charter and international human rights law, including the right to equality and protection against discrimination; freedom of peaceful assembly, expression, religion, thought and belief; and protection against arbitrary imprisonment and cruel and unusual punishment.

It is important to note that separate provisions in the Charter permit "reasonable limitations" on protected rights but allow the courts to determine whether the state has established sufficient and appropriate justification. Use of the notwithstanding clause, or a threat to use

the clause, signals the intent of the state not only to knowingly pass laws that violate protected human rights, but also to deprive the victims of these violations the opportunity to challenge the laws in court.

Since the Committee's last review of Canada, provincial governments have invoked or threatened to invoke the notwithstanding clause 13 times. Five of those instances took place in 2025.

The NFSC is particularly concerned about the use of the notwithstanding clause to shield laws that potentially endanger the lives of Indigenous women, girls, and gender diverse people. For example, the Province of Alberta has threatened to invoke Section 33 if needed to prevent challenges to the ban on gender affirming healthcare set out in 2025 legislation (*Protecting Alberta's Children Statutes Amendment Act, 2025*). The Province of Saskatchewan has threatened to invoke Section 33 to shield 2023 legislation requiring schools to notify parents if a child requests to be referred to by a different name or pronoun (Parents' Bill of Rights, 2023).

The use of Section 33 to shield discriminatory laws from legal challenge is a clear violation of Canada's international human rights obligations and should be strongly condemned.