



THE UNIVERSITY OF BRITISH COLUMBIA  
School of Public Policy and Global Affairs



# STRENGTHENING CANADA'S IMPLEMENTATION, REPORTING, AND FOLLOW-UP FOR INTERNATIONAL HUMAN RIGHTS COMMITMENTS

GLOBAL POLICY PROJECT

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## Land Acknowledgement

We acknowledge that our research project on human rights in Canada has taken place on the **unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh Nations** at the University of British Columbia, in Vancouver. Our fieldwork was conducted in Ottawa on the **unceded Anishinaabe Algonquin territory**, where Indigenous governance, law, and stewardship long predate the formation of the Canadian state.

As we study systems of human rights governance, accountability, and protections, we recognize that colonialism has systematically denied Indigenous nations the very human rights our research seeks to uphold. These lands hold histories of dispossession, resilience, and ongoing struggles for justice, and we acknowledge our responsibility to engage in this work with respect, humility, and a commitment to truth and reconciliation.



Source: UBC Image Library

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# EXECUTIVE SUMMARY

Canada positions itself as a global leader in human rights, actively engaging with United Nations mechanisms and advocating for international accountability. However, its domestic implementation of human rights obligations remains inconsistent and fragmented. Despite receiving repeated recommendations from UN treaty bodies and the Universal Periodic Review, Canada still lacks a permanent national mechanism to implement, track, and follow up on these commitments. Unlike other countries that have adopted **National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs)**, Canada relies on ad hoc intergovernmental bodies without formal mandates or dedicated resources. A 2016 report by UN Secretary-General found that only **13 per cent of states parties to the human rights treaties had fully met their reporting obligations** (United Nations Secretariat, 2016), highlighting a widespread global challenge in treaty compliance.

The systemic vulnerabilities, including **fragmented coordination, insufficient transparency, inconsistent political will, and inadequate resourcing**, hinder Canada's ability to effectively meet its international obligations. Addressing these gaps is critical not only for maintaining Canada's global credibility but also for ensuring stronger human rights protections at home. This report, produced for Maytree, analyzes Canada's current domestic mechanisms, assesses coordination among federal, provincial, and territorial governments, reviews international best practices, and identifies lessons for Canada. It also provides recommendations for reforming Canada's approach to human rights implementation.

Based on analysis of research and interviews with over 20 stakeholders, including federal and provincial government officials, academic experts, and civil society representatives, the project's key findings are as follows:

- **A lack of clear ownership and institutional fragmentation undermines accountability.**
- **Federalism complicates consistent human rights implementation.**
- **Transparency in the framework remains limited, restricting public oversight.**
- **Stakeholder engagement is often tokenistic, lacking meaningful collaboration with civil society organizations.**
- **Systemic barriers, rooted in insufficient political will, under-resourcing, and weak incentives, lead to implementation shortfalls.**

Drawing on international best practices, the following key lessons can guide Canada in improving its human rights implementation framework:

- The importance of creating a unified, legally mandated NMIRF to replace Canada’s fragmented approach, ensuring stronger coordination, accountability, and enforcement of human rights commitments.
- The need to establish formal mechanisms within the NMIRF to integrate federal, provincial, and territorial governments, moving beyond voluntary cooperation to guarantee consistent human rights implementation.
- The value of developing a publicly accessible tracking system and institutionalized dialogue mechanisms to ensure meaningful civil society involvement throughout the human rights implementation process.

To address the challenges in Canada’s human rights implementation, the report offers several key recommendations that the government can consider to reform its policies, structures, and process for human rights implementation:

### Structure and Engagement

- Establish a unified, legally mandated NMIRF that includes federal, provincial, and territorial governments to ensure coordinated human rights implementation.
- Enhance transparency in government processes by making relevant information public.
- Create continuous feedback loops and regular engagement throughout the reporting, implementation, and follow-up process.

### Human Rights Tracking

- Develop indicators and collect data to track progress on international human rights commitments and recommendations.
- Integrate international human rights data with Sustainable Development Goals to create a comprehensive tracking system.
- Ensure access and participation for all relevant stakeholders, enabling transparency and collaboration in tracking progress.

By implementing a **unified, legally mandated NMIRF, improving transparency, and ensuring meaningful civil society engagement**, Canada can build a more accountable and effective system for protecting human rights.

# ABOUT THIS REPORT

## Project Overview

The *Global Policy Project* is a capstone initiative required for graduation in the Master of Public Policy and Global Affairs program at the University of British Columbia. This report is produced for Maytree and focuses on analyzing and strengthening Canada's domestic mechanisms for implementing international human rights commitments. The project is supervised by Professor Matias Margulis from the UBC School of Public Policy and Global Affairs.

## Project Scope

This project focuses on analyzing Canada's domestic mechanisms for implementing international human rights commitments, with an emphasis on strengthening coordination and resilience to better implement UN recommendations. The project has two main components: (1) to assess the coordination of Canada's federal, provincial, and territorial governments with its National Mechanism for Implementation, Reporting, and Follow-up (NMIRF), and (2) to review international best practices for NMIRFs and identify lessons applicable to the Canadian context.

A key focus is tracking the capacity of federal, provincial, and territorial (FPT) governments to implement UN Treaty Body and Universal Periodic Review (UPR) recommendations, as Civil Society Organizations (CSOs), National Indigenous Organizations, and Human Rights Commissions play a critical role in holding governments accountable. The deliverable will be a policy report, with recommendations potentially evolving into actionable calls to action, aligned with Maytree's goals.

# About the Client



Established in 1982, Maytree is a Toronto-based human rights organization committed to advancing systemic solutions to poverty and strengthening civic communities. Maytree believes the most enduring way to keep people out of poverty is to reimagine and rebuild public systems to respect, protect, and fulfill the economic and social rights of every person in Canada. Maytree takes a human rights-based approach to fighting poverty that puts people first by supporting effective organizations with money and other tools, conducting research and analysis, and offering programs to support the community sector.

# About the Authors

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# LIST OF ABBREVIATIONS

<b>CCOHR</b>	Continuing Committee of Officials on Human Rights
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CHRC</b>	Canadian Human Rights Commission
<b>CSO</b>	Civil Society Organization
<b>FMHR</b>	Forum of Ministers Responsible for Human Rights
<b>FPT</b>	Federal-Provincial-Territorial
<b>HRC</b>	Human Rights Council
<b>IHR</b>	International Human Rights
<b>NHRI</b>	National Human Rights Institution
<b>NMIRF</b>	National Mechanism for Implementation, Reporting, and Follow-up
<b>NRTD</b>	National Recommendations Tracking Database
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>PCH</b>	Canadian Heritage (Patrimoine Canadien)
<b>SDG</b>	Sustainable Development Goals
<b>SOCHR</b>	Senior Officials Committee Responsible for Human Rights
<b>UN</b>	United Nations
<b>UPR</b>	Universal Periodic Review

# INTRODUCTION

Canada actively promotes human rights abroad, engaging extensively with United Nations (UN) human rights mechanisms and championing international accountability. However, domestically, Canada struggles to effectively implement the same human rights obligations it advocates for internationally (Neve, 2023a). Despite regularly receiving detailed recommendations from UN treaty bodies and the UPR, Canada's internal mechanisms for tracking, coordinating, and following up on these recommendations remain fragmented, informal, and opaque (White, 2024). Consequently, Canada's approach produces inconsistent results, weakening human rights protections and accountability across jurisdictions.

Globally, states facing similar implementation gaps have established **National Mechanisms for Implementation, Reporting, and Follow-up (NMIRFs)**. These permanent governmental structures coordinate domestic responses to human rights recommendations, ensure accountability, and transparently monitor progress (OHCHR, 2016). While federal countries similar to Canada have sought to improve their human rights implementation through such structured approaches, Canada still relies primarily on ad hoc intergovernmental bodies which lack formal mandates, dedicated resources, and clear accountability mechanisms (White, 2024).

**This report analyzes international best practices in NMIRF design and operation, providing practical recommendations for reforming Canada's domestic human rights implementation system.**

# Problem Statement

Despite Canada's stated commitment to human rights, its domestic framework for implementing and following up on international recommendations suffers from systemic weaknesses. These include fragmented coordination across FPT jurisdictions; insufficient transparency and accountability; inconsistent political will; and inadequate resourcing. While the complexities of federalism and legal dualism present genuine challenges, they do not fully account for the lack of a robust, coherent national system capable of ensuring Canada consistently meets its international human rights obligations. This implementation gap undermines Canada's international reputation and, more importantly, hinders the full enjoyment of human rights for people within Canada.

## Research Questions

This report, prepared for Maytree, addresses this implementation gap by investigating the following key questions:

1

**What institutional gaps and challenges currently hinder Canada's effective implementation and follow-up of international human rights recommendations?**

2

**What are the leading global best practices in National Mechanisms for Implementation, Reporting, and Follow-up that Canada can adopt or adapt, particularly considering its federal and decentralized governance system?**

3

**How can Canada structure its own mechanism (or reform existing ones) to improve accountability, transparency, stakeholder engagement, and the consistent implementation of international human rights obligations?**

# Methodology

This study employs qualitative research to examine Canada's domestic human rights mechanisms. It assesses both formal and informal processes, focusing on institutional structures, policies, and the interactions between government and key actors.

The research analyzes academic and grey literature, along with official documents from Canadian government agencies, UN agencies, and CSOs. This includes federal and provincial mandates, departmental plans, reports submitted to international human rights bodies, and materials related to NMIRF frameworks. Comparative insights from international best practices were also reviewed to identify international best practices.

To complement the literature and document analysis, expert interviews were conducted with stakeholders from government, civil society, academia, and international organizations. Ten government representatives from federal and provincial institutions provided insights into policy implementation, systemic challenges, and intergovernmental coordination. Additionally, one Ontario senator contributed a legislative perspective. Eight civil society representatives, spanning local, national, and international organizations, highlighted challenges related to funding, engagement with government bodies, and gaps in international reporting and implementation. Two academic experts offered analytical perspectives on human rights frameworks, while one human rights advisor from the Commonwealth Secretariat provided comparative insights on international NMIRF capacity-building efforts.

By integrating document analysis with expert perspectives, this study provides a comprehensive evaluation of Canada's mechanisms to report and implement international human rights obligations, identifying strengths, challenges, and areas for improvement.

We were unable to interview many of the National Indigenous Organizations, provincial officials, provincial human rights commissions, and parliamentary officials within the research timeline. Nevertheless, the study incorporates publicly available documents and reports alongside insights from other key stakeholders to ensure a balanced analysis.

# BACKGROUND

Effective domestic implementation of international human rights obligations remains a critical governance challenge globally. As states face increasing volumes of recommendations from UN human rights mechanisms, many have responded by establishing permanent institutions—NMIRFs—to coordinate, track, and transparently report on human rights commitments. Canada, however, continues to rely primarily on informal and fragmented approaches, although recent initiatives like the Protocol for Follow-up, the Federal Human Rights Implementation Framework, and the establishment of intergovernmental committees represent steps towards improved coordination, these have yet to yield fully effective results. To identify clear pathways toward reform, this section outlines key concepts related to human rights implementation, describes the core institutional features of effective NMIRFs, and critically examines Canada’s current institutional arrangements and their limitations, including the shortcomings of recent reforms.

## International Human Rights Framework

The modern international human rights framework, built upon the foundation laid by the UN Charter (1945) and the Universal Declaration of Human Rights (1948), establishes standards and mechanisms for state accountability (United Nations, n.d.). While the Universal Declaration of Human Rights serves as a foundational document, legally binding obligations primarily stem from international human rights treaties ratified by member states like Canada. Monitoring compliance with these treaties relies significantly on **UN Treaty Bodies**—expert committees established under conventions such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to name a few.

These bodies review periodic state reports, engage in dialogue with state representatives, and issue **Concluding Observations** which include recommendations for improving domestic implementation (OHCHR, 2012). Although these observations are not directly enforceable, their authoritative interpretations are intended to guide national policy and promote public debate on human rights performance.



Complementing the treaty-based monitoring, the UN Human Rights Council established the **Universal Periodic Review (UPR)** in 2006. The UPR provides a unique mechanism where the human rights records of all UN member states are reviewed by their peers every four to five years, regardless of specific treaty ratification (OHCHR, 2008). Canada has participated in multiple UPR cycles since its inception, receiving comprehensive sets of recommendations covering a wide range of human rights issues. Additionally, the UN system utilizes Special Procedures – independent experts or working groups mandated by the Human Rights Council to investigate and report on specific thematic or country situations, contributing further analysis and recommendations. The Office of the High Commissioner for Human Rights (OHCHR) provides crucial support for the functioning of these diverse monitoring mechanisms.

## The Implementation Gap

A state's active participation in international reviews and formal acceptance of recommendations represent only preliminary compliance steps. The critical challenge lies in effectively translating these international commitments into domestic action—an intricate, contested process involving embedding global human rights norms into concrete domestic laws, policies, and societal practices (Harrison & Sekalala, 2015). A persistent failure to bridge this "implementation gap" (or "compliance gap") carries significant consequences that extend beyond procedural compliance (Dai, 2013).

Domestically, the implementation gap signifies that internationally recognized rights remain aspirational rather than enforceable, potentially perpetuating systemic discrimination and leaving rights-holders without adequate protection or remedy (Neve, 2023a; White, 2024). As argued in the Canadian context, this gap arises from multiple factors, including the complexities of federalism often leading to ambiguity and "buck-passing," diffuse political responsibility where accountability rests "effectively nowhere," resistance to fully recognizing economic, social, and cultural rights, and inadequate engagement with Indigenous peoples and civil society (Neve, 2023a).

*"The implementation gap—the persistent failure to translate international human rights commitments into concrete domestic actions—remains a fundamental challenge, undermining both domestic protection of rights and international credibility."*

HARRISON & SEKALALA, 2015

Explanations for this gap extend beyond simple political reluctance; theories of international norm diffusion highlight that moving from state commitment (e.g., treaty ratification or “norm cascade”) to genuine internalization and consistent practice is a complex process influenced by domestic institutional structures, state capacity, political ideologies, and the active role of domestic actors in “localizing” or “domesticating” international norms (Parks & Morgera, 2015; Zartner, 2010). Several factors complicate states’ efforts to effectively translate international human rights recommendations into domestic action:

- First, **institutional fragmentation** and unclear divisions of responsibility within government structures often lead to ambiguity about which agencies are accountable for specific recommendations, creating inter-agency conflicts and policy inertia (Payandeh, 2015).
- Second, **resource limitations** and capacity constraints can significantly hinder states from pursuing comprehensive human rights reforms, particularly for economic, social, and cultural rights, which typically demand sustained financial investment and systemic change.
- Third, **domestic political dynamics** and competing policy priorities frequently generate resistance to certain recommendations, especially when these recommendations challenge established interests, cultural norms, or powerful societal groups (Fraser, 2020).
- Finally, the **lack of structured accountability** and monitoring mechanisms exacerbates these challenges, making it difficult to track progress systematically, thus leaving recommendations vulnerable to neglect and reducing state accountability between international review cycles (De Vos, 2013).

Addressing these institutional, resource-related, and political barriers through coordinated, transparent, and accountable domestic mechanisms has therefore emerged as a global policy priority.

Studies examining the domestic impact of UN monitoring, like research on the Netherlands, New Zealand, and Finland, highlight that treaty body recommendations face challenges in directly compelling policy change. However, they can serve as crucial “practical props” for domestic leaders and advocacy groups seeking reform, provided these groups are actively engaged and aware of the international processes (Krommendijk, 2015). Where domestic engagement is weak or political leadership is lacking—as critics argue is often the case in Canada (Neve, 2023a)—the implementation gap persists.

Given these complexities and inherent limitations in international human rights mechanisms—which primarily rely on dialogue, persuasion, and the engagement of domestic intermediaries such as civil society to encourage compliance—persistent implementation gaps undermine the credibility of the international human rights system. They diminish states’ legitimacy internationally and reduce their ability to credibly advocate for human rights globally.

In response, there is increasing global recognition of the necessity for structured, permanent domestic mechanisms like NMIRFs, which are designed to systematically ensure transparent and accountable implementation of international human rights commitments. The following sections critically explore these institutional structures, examining global best practices and their potential applicability to address Canada’s current institutional gaps and challenges.

## Understanding NMIRFs

The increasing international focus on bridging the human rights implementation gap has led to the development and promotion of NMIRFs. These mechanisms signify a crucial evolution from earlier, often ad hoc or purely report-focused governmental approaches, towards establishing permanent, coordinated governmental bodies explicitly tasked with managing the state's engagement with its international human rights obligations more holistically and effectively across the entire implementation cycle (Limon, 2022).

The OHCHR formally defines an NMIRF as:

*"A national public mechanism or structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms [...] and to coordinate and track national follow-up and implementation of the treaty obligations and the recommendations emanating from these mechanisms."*

The core rationale is that establishing a single, standing governmental entity responsible for handling recommendations from all key UN mechanisms enhances efficiency, promotes policy coherence, and fosters greater accountability compared to fragmented systems (“Marrakech Guidance Framework,” 2024).

The trajectory towards formalizing NMIRFs gained significant momentum following key UN reports and resolutions in the early 2010s. The 2012 report from the UN High Commissioner for Human Rights on treaty body strengthening explicitly recommended such national mechanisms. This was reinforced by UN General Assembly Resolution 68/268 (2014), which stressed the need for improved national-level coordination. Influential forums like the Glion Human Rights Dialogues (particularly Glion II in 2015 and Glion III in 2016) provided platforms for states to discuss challenges and share emerging practices, initially referring to these structures as Standing National Reporting and Coordination Mechanisms.

However, subsequent Human Rights Council resolutions broadened the conceptualization, notably in 2017, HRC Resolution 36/29, **linking NMIRFs to SDG implementation**, and in 2019, HRC Resolution 42/30, formally introducing implementation as a core pillar (OHCHR, n.d.a.). State-led initiatives, such as the Group of Friends on NMIRFs, played a key role in promoting their qualitative development. This evolution has been further shaped by the sharing of good practices through regional consultations, leading to frameworks like the **Pacific Principles of Practice** (2019), and broader compilations like the **Marrakech Guidance Framework** (2024). The recent establishment of the International Network of NMIRFs (formalized by the Asunción Declaration in 2024) further signals a global commitment to institutionalizing cooperation and knowledge exchange around these mechanisms (Limon, 2020).

While international guidance emphasizes that NMIRFs should be tailored to specific national contexts, legal systems, and resource availability, analyses by OHCHR and other international human rights advocacy groups have identified several core functions and characteristics commonly associated with effective NMIRFs (see Figure 1).

1. **Institutional Coordination:** Serving as a central hub to coordinate human rights-related activities across different government ministries, departments, and potentially levels of government. This involves establishing clear lines of communication, fostering regular inter-ministerial dialogue, ensuring policy coherence, assigning responsibilities for specific recommendations, and promoting national ownership beyond just the foreign ministry or reporting entity.

2. **Systematic Reporting and International Engagement:** Managing the state's reporting obligations to various international and regional human rights mechanisms (Treaty Bodies, UPR, Special Procedures) in a streamlined and coordinated manner. This ensures timely submissions, consistent messaging, and effective state participation in international review dialogues.

3. **Coordinated Implementation and Follow-up Monitoring:** Systematically receiving, analyzing, and disseminating international recommendations to all relevant domestic actors. A crucial element is actively tracking and monitoring the status of implementation for each recommendation, often involving the development of national action plans or strategies with clear timelines and indicators.

4. **Facilitation of Stakeholder Engagement and Consultation:** Establishing formal, regular, and genuinely meaningful processes for consultation and collaboration with key non-governmental stakeholders. This explicitly includes Parliament, the judiciary, National Human Rights Institutions (NHRIs), diverse CSOs, academia, and rights-holders/affected communities, ensuring their input informs implementation and enhances accountability.



Figure 1

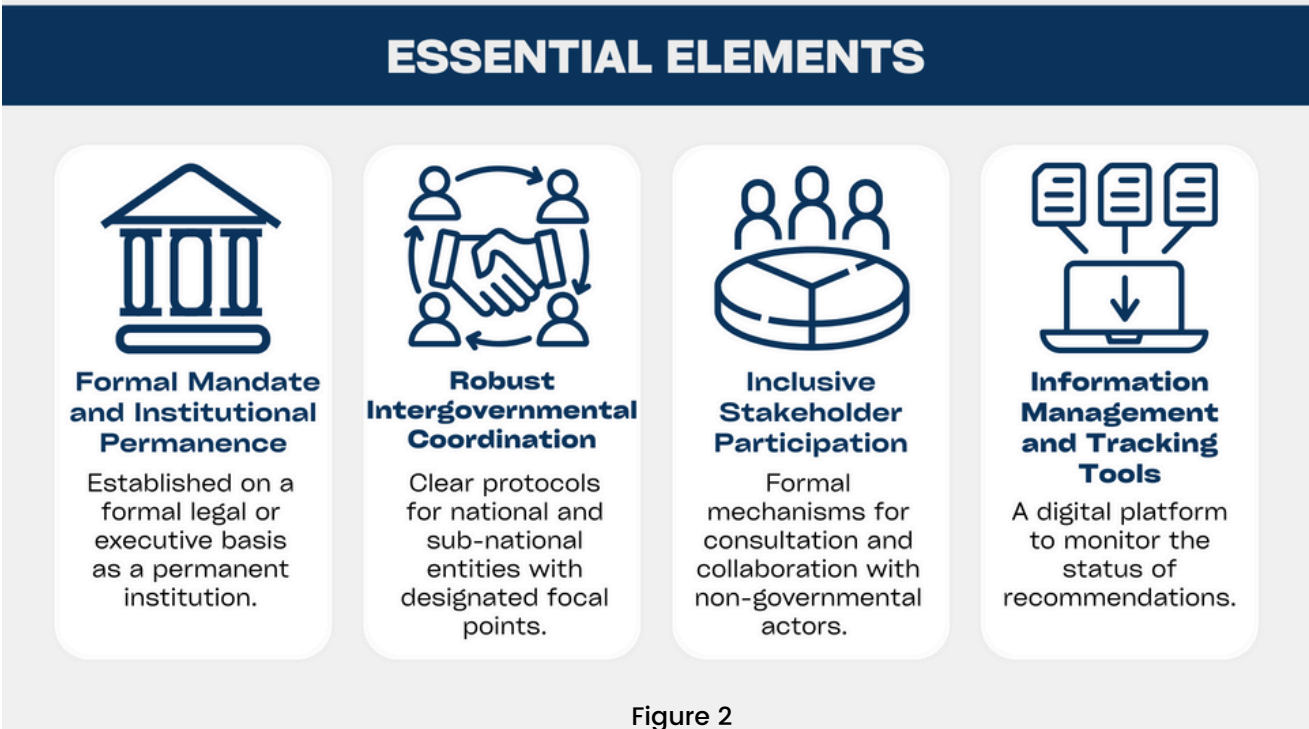


5. **Information Management and Public Transparency:** Utilizing robust systems, often IT-based databases or publicly accessible tracking tools (like the OHCHR-supported National Recommendations Tracking Database - NRTD), to manage the large volume of recommendations and systematically monitor follow-up. A key function is making relevant information publicly available – including commitments, recommendations received, action plans, progress reports, and NMIRF activities – to foster transparency and public debate (“Marrakech Guidance Framework,” 2024; Limon, 2020).
6. **Capacity Building and Human Rights Mainstreaming:** Contributing to building and retaining human rights expertise within the civil service through training and knowledge sharing. Promoting the integration (mainstreaming) of human rights considerations and impact assessments across all relevant areas of government policy development and practice.

By institutionalizing these core functions, NMIRFs provide a structured approach intended to overcome the common challenges of fragmentation, weak coordination, lack of transparency, and insufficient follow-through that contribute to the human rights implementation gap globally. They offer a potential framework for transforming international commitments into demonstrable domestic progress.

# Institutional Design of NMIRFs

While the core functions outlined above describe what NMIRFs aim to achieve, international best practices also highlight how they should be structured and equipped to effectively carry out this mandate. Successfully bridging the implementation gap requires careful attention to institutional design, ensuring the NMIRF possesses the necessary organizational structure, authority, and tools. Based on international guidelines and comparative state experience, several design elements are considered essential for effectiveness (see Figure 2).



- **Formal Mandate and Institutional Permanence:** A cornerstone of effective NMIRFs is their establishment on a formal legal or high-level executive basis, rather than relying on informal arrangements. This formalization grants the NMIRF the necessary legitimacy, visibility, and legal authority to coordinate action across government departments and ensure cooperation (“Marrakech Guidance Framework,” 2024). The mandate should clearly define the NMIRF’s objectives, scope (ideally covering all major international recommendation sources), leadership structure, and powers. Equally vital is establishing the NMIRF as a standing (permanent) institution. This reflects the ongoing nature of human rights implementation cycles and allows for the crucial retention of institutional memory and development of specialized expertise within its staff or secretariat, contrasting with the limitations of temporary, ad hoc committees (Limon, 2022).
- **Robust Intergovernmental Coordination (Especially in Federal States):** For countries with federal or decentralized systems like Canada, NMIRF design must explicitly address intergovernmental coordination. Since implementation responsibilities often span multiple jurisdictions, clear protocols are needed for engaging sub-national authorities (provincial, territorial, local). This involves structured mechanisms for information sharing, joint planning where feasible (e.g., through National Action Plans linked to recommendations), and consistently monitoring implementation across diverse jurisdictions, moving beyond purely voluntary cooperation (Kaufman, 2012; Neve, 2023a). Specific design features might include designated human rights focal points within key ministries and sub-national governments linked to the NMIRF, or regular, mandated intergovernmental forums operating under the NMIRF’s purview.
- **Structured and Inclusive Stakeholder Involvement:** Meaningful participation by non-governmental actors is consistently emphasized as critical for both the legitimacy and practical effectiveness of NMIRFs (OHCHR, 2016; Universal Rights Group, 2016). Effective designs incorporate formalized, predictable, and transparent mechanisms for consultation and collaboration. This extends beyond CSOs to include Parliament (vital for legislative changes and oversight), the judiciary, the NHRI, academia, and directly affected communities or rights-holders. Such mechanisms should allow stakeholders opportunities to provide input into state reports, review and comment on implementation action plans, share expertise, participate in monitoring activities, and engage in ongoing dialogue, ensuring their involvement is substantive and influential.
- **Dedicated Information Management and Tracking Tools:** The effective use of digital platforms and information management systems is increasingly recognized as essential, particularly for managing the high volume of recommendations and enhancing transparency. Dedicated databases (whether custom-built or adapted from models like the OHCHR’s NRTD allow NMIRFs to systematically record, categorize (e.g., by theme, responsible body, SDG link), assign, and monitor the status of potentially hundreds of recommendations from various sources (Zipoli, 2024). Making implementation plans and progress data publicly accessible through these platforms is a key design element for fostering accountability and allowing independent monitoring.

These core design elements – a formal and permanent structure with a clear mandate, tailored coordination mechanisms (especially intergovernmental), inclusive stakeholder participation processes, and robust information management tools – constitute the essential building blocks for an NMIRF capable of systematically driving and overseeing domestic human rights implementation.

## Canada's Institutional Framework

While international best practices emphasize formalized NMIRFs characterized by clear mandates, robust coordination, and transparency (as discussed previously), Canada's current institutional framework presents a stark contrast. Reflecting the complexities of its federal system and dualist legal tradition, Canada relies on a fragmented patchwork of intergovernmental committees and departmental responsibilities that lack centralized authority and operate primarily through voluntary cooperation and facilitation rather than binding mandates or enforcement. This subsection outlines this existing institutional architecture and critically assesses its significant gaps and documented shortcomings when compared to effective NMIRF design principles.

## Institutional and Legal Framework

In Canada, responsibilities for human rights implementation are shared across multiple government departments, levels of government, and independent bodies—but without a centralized, binding structure to ensure coherent implementation. The result is a system often marked by facilitation rather than enforcement, consultation without accountability, and political will that fluctuates with administrative cycles.

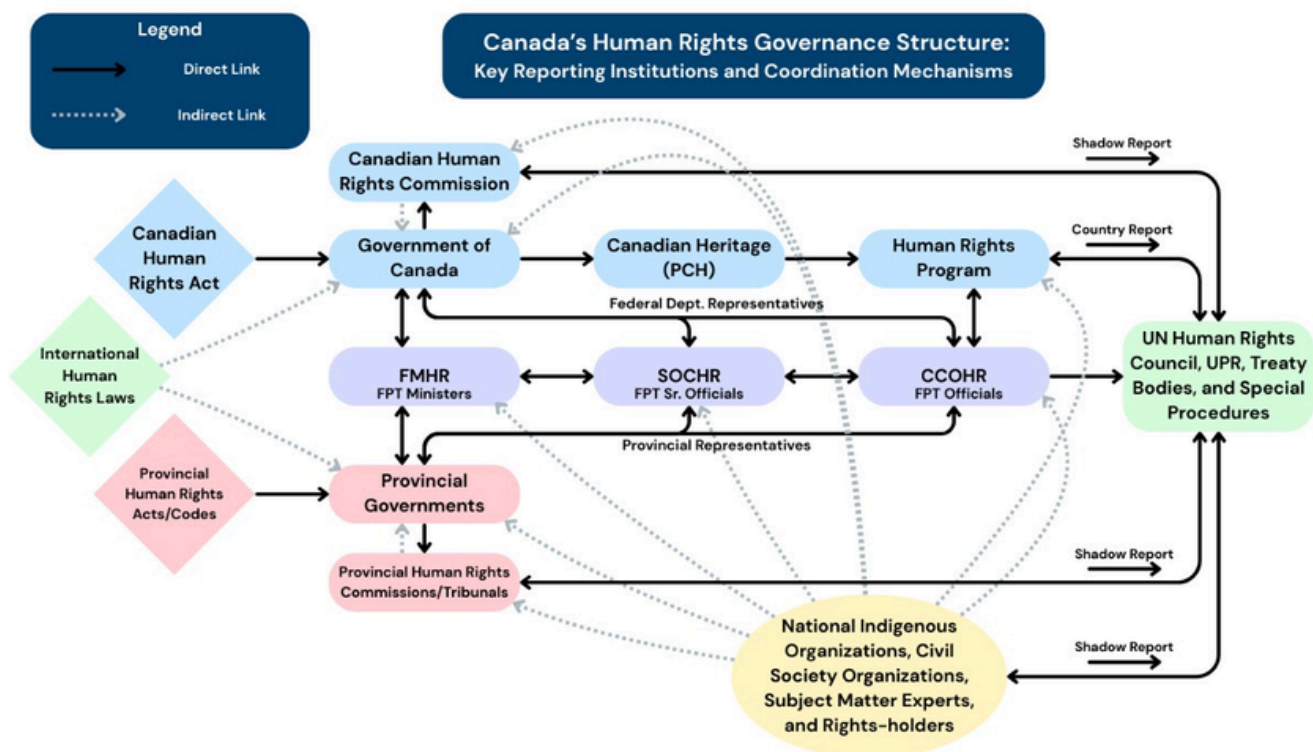


Figure 3

The previous flowchart (Figure 3) visually maps this fragmented ecosystem. It shows how federal departments, intergovernmental committees, parliamentary bodies, and human rights commissions intersect, but often operate in parallel rather than through a unified mechanism. The analysis that follows unpacks the functional roles and structural limitations of these key actors.

## Core Federal Departments

Three federal departments lead Canada's engagement with international human rights bodies:

- **Canadian Heritage (PCH)** acts as the federal coordinating body for human rights reporting. It co-chairs the Continuing Committee of Officials on Human Rights (CCOHR) and manages consultation with provinces, territories, civil society, and Indigenous organizations (Canadian Heritage, 2023). However, its role is purely facilitative and lacks enforcement authority.
- The **Department of Justice** provides legal interpretation and advice on consistency with international obligations. It also supports the preparation of reports and engagement with treaty bodies but does not oversee implementation.
- **Global Affairs Canada** represents Canada in international forums, manages diplomatic engagement with UN bodies, and participates in treaty negotiations. Its role is externally focused and only marginally involved in domestic implementation.

Together, these actors handle treaty engagement and reporting, but no single body holds comprehensive authority to oversee implementation across all jurisdictions.

## Domestic Human Rights Law in Canada

Canada's human rights protections rest on a layered legal framework combining constitutional rights, federal and provincial statutes, and human rights codes. While this architecture offers important safeguards, it also exposes critical gaps in integrating international obligations into domestic law.

The **Charter of Rights and Freedoms (1982)** forms the constitutional foundation, protecting civil and political rights across all levels of government. However, it omits many economic, social, and cultural rights central to international treaties, such as housing and healthcare (Neve, 2023a). Section 33—the “**notwithstanding clause**”—allows legislatures to override certain rights, underscoring the limits of judicial enforcement.

The **Canadian Human Rights Act (1977)** prohibits discrimination within federal jurisdiction. While vital, its scope excludes areas under provincial authority, where many treaty obligations are most relevant (Cole, 2015; CHRC, 2021). Each **province and territory** has its own human rights code, reflecting federalism but resulting in uneven protections. These laws vary in scope and enforcement, with no binding national standards to ensure uniform implementation of international commitments (Poirier & Sheppard, 2024).

Finally, Canada's **dualist legal system** requires treaties to be incorporated through legislation to have domestic force—further fragmenting implementation (Agnello & Mégret, 2024; Jones, 2011).

## Intergovernmental Coordination Mechanisms

Canada's federal structure requires complex coordination between federal and provincial/territorial governments. However, the mechanisms in place are largely informal and non-binding:

- **Continuing Committee of Officials on Human Rights (CCOHR):** Canada's principal intergovernmental forum for human rights, composed of officials from federal, provincial, and territorial governments. It coordinates reporting and information sharing (Canadian Heritage, 2020a), but operates without a legislative mandate or public-facing accountability mechanisms.
- **Senior Officials Committee on Human Rights (SOCHR):** Provides policy oversight and advises on human rights priorities. It has limited visibility and no formal role in implementation.
- **Forum of Ministers on Human Rights (FMHR):** Re-established in 2020 after a long hiatus, this forum provides ministerial-level dialogue on human rights. Its agenda-setting power is a positive development, but without legal authority or binding commitments, its long-term influence remains uncertain (Neve, 2023b).

Despite their breadth, these mechanisms depend heavily on voluntary participation and goodwill rather than enforceable obligations, undermining consistency across provinces and limiting implementation follow-up.

## Parliamentary Oversight and Human Rights Commissions

Parliamentary bodies such as the **House of Commons Standing Committee on Foreign Affairs and International Development** and the **Senate Standing Committee on Human Rights** offer some oversight through inquiries and reports. However, there is no statutory mechanism requiring governments to respond to these recommendations.

The **Canadian Human Rights Commission (CHRC)**, as the country's NHRI, plays an advisory role. It monitors compliance, prepares parallel reports to UN bodies, and engages in policy advocacy. Still, the CHRC lacks enforcement powers, and its jurisdiction is limited to federal matters (Cole, 2015). At the sub-national level, provincial and territorial human rights commissions handle complaints and conduct education, but their linkage to federal treaty monitoring processes is weak or non-existent (CASHRA, n.d.).

## Civil Society and Indigenous Organisations

Canada's CSOs and Indigenous groups are essential actors in the human rights ecosystem, but their engagement is often ad hoc and constrained by limited transparency:



- CSOs play a central role in **producing shadow reports**, documenting gaps, and advocating for the implementation of treaty recommendations (UPR NGO Coalition, 2012). They also help “domesticate” international norms by translating them into advocacy and public discourse.
- However, participation remains **consultative, not co-decisional**. The CCOHR Engagement Strategy on International Human Rights Reporting (Canadian Heritage, 2020a) was intended to improve this relationship, but CSOs have repeatedly raised concerns about tokenistic consultation and lack of follow-up.
- **Indigenous organizations** often report being excluded from meaningful involvement, despite being among the rights-holders most affected by international treaty obligations. Engagement varies significantly by province and issue area (Amnesty International, 2020).

Without institutionalized roles for civil society and Indigenous peoples in follow-up and monitoring, Canada’s system continues to reflect procedural inclusion but limited substantive impact.

## Recent Developments and Pilots

Incremental reforms have emerged in response to sustained pressure from UN bodies and domestic advocates:

- The **Protocol for Follow-up to UN Recommendations** (2018) provides a soft-law framework for coordinated response across jurisdictions. It is a step forward but lacks binding obligations, timelines, or transparency tools (Canadian Heritage, 2020b).
- Canada is piloting the OHCHR’s **National Recommendations Tracking Database** (NRTD)—a digital platform that could modernize tracking and improve data visibility. However, it is still in early stages, and implementation details remain unclear.
- The **Forum of Ministers on Human Rights**, while nascent, has revived high-level political dialogue. Still, it has no legal mandate or funding guarantee.

Collectively, these initiatives demonstrate a growing recognition of systemic gaps, but without legislative backing or institutional permanence they remain vulnerable to political turnover and unable to overcome bureaucratic inertia.

# Why Canada's Framework Falls Short

While Canada possesses numerous bodies involved in human rights, its existing framework, when analyzed against international best practices and subjected to scrutiny by domestic and international actors, reveals critical structural and operational deficiencies. These interconnected gaps prevent the systematic and effective implementation of Canada's international human rights obligations, creating the persistent implementation deficit highlighted earlier.

## 1. Lack of Formal Mandate and Permanence

A fundamental weakness lies in the absence of a single, legally empowered entity responsible for driving implementation across the country. Unlike the permanent, formally mandated NMIRFs increasingly adopted globally (“Marrakech Guidance Framework,” 2024), Canada's system relies on committees (CCOHR, SOCHR, FMHR) operating without specific legislative authority for implementation (Neve, 2023a). PCH's designated coordinating role is primarily facilitative, lacking the power to enforce action or ensure compliance from other federal departments or, crucially, provincial/territorial governments (Neve, 2023a; White, 2024). This institutional design, lacking a central, authoritative driver, inherently limits the potential for proactive, consistent follow-up on international recommendations.

## 2. Fragmented Structure and Weak FPT Coordination

The dispersal of responsibilities across multiple federal departments and the reliance on voluntary FPT cooperation through advisory bodies like CCOHR exacerbate the challenges posed by Canadian federalism. While federalism requires coordination, the current mechanisms lack the structure and authority to ensure it effectively happens, leading to what Neve (2023a) describes as ambiguity, buck-passing, and finger-pointing between jurisdictions. The non-binding nature of FPT committees means that national implementation often hinges on the varying political will and capacity of individual provinces and territories, resulting in the frequently criticized “patchwork” application of international standards across Canada (Poirier & Sheppard, 2024). The failure to achieve FPT consensus necessary for ratifying critical instruments like the Optional Protocol to the Convention Against Torture further illustrates the inadequacy of current coordination mechanisms compared to other federal states (Neve, 2023a).

### **3. Deficient Transparency and Accountability**

Canada's system operates with a significant lack of transparency, severely hindering accountability. Key intergovernmental coordinating bodies, particularly CCOHR, function largely outside public view, without published agendas, minutes, or progress reports on recommendation follow-up (Cole, 2015; Neve, 2023a). Compounding this is the absence of a centralized, publicly accessible database tracking the status of recommendations from UN bodies – a tool considered essential in NMIRF best practices for enabling monitoring by Parliament, CSOs, and the public (White, 2024). The internal Follow-up Protocol (2018) provides procedural guidance but lacks public reporting requirements or enforcement mechanisms, rendering accountability difficult (White, 2024). This overall opacity has drawn direct criticism from UN bodies like the Committee against Torture, which urged Canada as early as 2012 to adopt a more transparent and publicly accessible approach to overseeing implementation.

### **4. Limited and Inconsistent Stakeholder Engagement**

Meaningful engagement with civil society and Indigenous organizations is crucial for effective implementation, yet Canada's practices remain underdeveloped. Despite developing the Engagement Strategy, CSOs consistently critique the process as being tokenistic, like a checkbox exercise. The consultation process is primarily focused on reporting cycles and lacks clear mechanisms for influencing implementation planning or monitoring follow-up (White, 2024). Limited access to decision-making forums and inadequate feedback loops persist. Concerns also exist regarding the distinct engagement needs of Indigenous peoples and rights holders not being adequately met within current structures (Neve, 2023a). This failure to institutionalize robust, ongoing participation prevents the system from fully benefiting from the expertise, lived experience, and monitoring capacity of non-governmental actors who are often closest to the issues on the ground.

### **5. Resource Constraints and Political Prioritization**

Finally, the effectiveness of existing mechanisms is constrained by inadequate resources and inconsistent political prioritization. Reports indicate chronic underfunding for key bodies like the Canadian Human Rights Commission, limiting its ability to fulfill its monitoring and advisory mandate effectively (Cole, 2015; White, 2024). Similarly, the federal units responsible for coordination and engagement within PCH reportedly operate with limited capacity (White, 2024). This lack of dedicated resources is often seen as symptomatic of a broader lack of sustained political will to treat domestic human rights implementation as a core governance priority, evidenced by historical gaps in high-level FPT engagement and the absence of implementation issues from prominent political agendas (Amnesty International, 2020). Furthermore, funding mechanisms for CSOs working in the human rights realm remain constrained, limiting their ability to effectively work and contribute to the UPR and Treaty Body reporting processes (White, 2024).

These interconnected institutional gaps—documented by UN bodies, Parliamentary committees (Standing Senate Committee on Human Rights, 2001), academic analyses, and civil society reports—collectively demonstrate that Canada's current framework is structurally ill-equipped to ensure the consistent and effective implementation of its international human rights obligations, necessitating significant reform. The following table summarizes these identified gaps, contrasting Canada's current framework with key elements of effective NMIRF design.

Feature	NMIRF Best Practice	Canada's Status
Mandate & Authority	Legal basis; Permanent structure; Empowered coordinating body	Informal committees; Advisory roles only; Lacks legal authority
FPT Coordination	Robust intergovernmental mechanisms; Clear protocols across levels	Voluntary cooperation; Fragmented implementation; Inconsistent efforts
Transparency	Publicly accessible tracking database; Open reporting mechanisms	Opaque committee processes; No public database; Internal-only protocols
Accountability	Clear oversight structures; Enforceable mandates and timelines	Diffuse responsibility; Non-binding procedures; Limited follow-up
Stakeholder Engagement	Formalized, regular, and influential engagement with CSOs, NHRIs, etc.	Often ad hoc or consultative; Limited influence of civil society
Resources & Capacity	Dedicated funding; Sustained high-level leadership	Under-resourced institutions; Inconsistent or absent political leadership

# FINDINGS: BARRIERS TO IMPLEMENTATION IN CANADA

While Canada maintains numerous international human rights commitments, our research reveals significant gaps between promise and practice. This section presents the key findings from our analysis, diagnosing the primary challenges that hinder effective implementation, reporting, and follow-up within Canada's current framework. Based on document reviews and stakeholder interviews, the following discussion outlines critical deficiencies related to coordination, federalism, transparency, engagement, and underlying systemic weaknesses.

## No Clear Ownership

*Lack of centralized leadership undermines effective human rights implementation in Canada.*

Canada's current human rights implementation framework is characterized by institutional fragmentation and a lack of clearly defined accountability. Despite being a party to seven of the nine core United Nations human rights treaties, Canada does not have a centralized, legally mandated body responsible for the systematic implementation and follow-up of its international obligations. Instead, responsibilities are distributed across multiple departments and jurisdictions, creating a patchwork system with limited coherence and no formal mechanism to ensure coordination or enforce compliance.

At the federal level, PCH leads coordination efforts related to human rights reporting and stakeholder engagement. Officials within the department describe this role as comprising the core elements of Canada's national mechanism. One representative stated:

*"All of this work at PCH really is Canada's national mechanism for implementation, reporting and follow-ups. The NMIRF is at the core of what we do here at Canadian Heritage and in the Human Rights Program."*

However, this coordination function is administrative in nature. PCH's role is not underpinned by legislation, nor does it carry enforcement authority over other federal departments or provincial and territorial governments. Its effectiveness depends largely on voluntary cooperation and buy-in across jurisdictions.

This diffuse structure results in the absence of a single actor with a clear implementation mandate. This leads us to one of the key findings from our research, that both *no one* and *everyone* has a mandate/responsibility for the implementation of international human rights in Canada. This has led to a situation where no one is accountable for the implementation of human rights, and responsibility gets passed from department to department leading to little progress on implementation and little overall accountability.

This ambiguity inhibits accountability, allowing responsibility for follow-up to be passed between actors without resolution. Progress on implementing recommendations from UN treaty bodies and the UPR is often stalled or superficial, with limited mechanisms to track implementation or measure outcomes.

The fragmentation extends beyond Canadian Heritage. The CHRC, while serving as the NHRI, focuses primarily on discrimination complaints under domestic law and does not oversee or coordinate the implementation of international treaty obligations. Mechanisms established under specific treaties—such as the monitoring structure for the Convention on the Rights of Persons with Disabilities—exist in isolation and do not extend to Canada's full suite of treaty commitments. The result is a segmented and inconsistent approach to compliance.

Compounding these institutional gaps is the lack of dedicated political leadership. There is currently no federal minister assigned specific responsibility for domestic human rights implementation. Oversight remains distributed between Canadian Heritage, Justice Canada, and Global Affairs Canada, without a central authority to align priorities or advance a unified implementation strategy. As one expert noted:

*"We don't have a dedicated human rights minister. Perhaps there would be advantages to having a minister who, even if not solely having responsibility for human rights, had it as specified part of their mandate, such as a minister of justice and human rights."*



In the absence of a formally constituted NMIRF, Canada's approach to implementation continues to rely on informal processes, administrative coordination, and non-binding protocols. While these efforts signal institutional engagement, they fall short of the legal authority, structural permanence, and accountability necessary to meet the growing demands of the international human rights system.

## Shared Powers, Divided Responsibility

*Canada's federal structure is frequently cited as a reason for implementation gaps—but in practice, it largely serves more as a political shield.*

Canada's federal structure, while foundational to its constitutional democracy, often functions as a barrier to the cohesive implementation of international human rights obligations. The division of legislative powers between federal, provincial, and territorial governments means that key policy areas—such as health, education, housing, and social services—fall under sub-national jurisdiction. This has created a complex dynamic in which the federal government is able to ratify seven out of nine core UN human rights treaties with provincial support, but fails to unite all provincial and territorial governments to implement these human rights at the national scale.

While the federal government leads international engagement and is accountable before UN bodies, it lacks the constitutional authority to uniformly enforce human rights obligations across the country. Provinces and territories independently decide if they want to initiate the implementation of international treaties. As a result, Canada's compliance with human rights treaty obligations is shaped by the piecemeal and ad hoc nature of collaboration with sub-national governments.

*"There is an excuse that because we are a federal government, we cannot have a national policy... That is used as an excuse to justify gaps in rights. Being a federal structure doesn't mean that in one province people have some rights and in other provinces they don't."*

International bodies have repeatedly emphasized that federalism cannot be invoked to justify a state's failure to fulfill its treaty commitments. Yet in practice, this division of powers is frequently used rhetorically to deflect responsibility. As one government official candidly acknowledged:

*“Jurisdictional issues are often used as excuses not to act. When there is political will, jurisdictional issues need not amount to the kinds of insurmountable impediments they are often characterized as posing.”*

This structural disconnect is further entrenched by Canada’s dualist legal system, in which international treaties do not automatically become part of domestic law. Instead, treaties must be explicitly incorporated through legislation at the appropriate jurisdictional level to have legal force in Canadian courts. As a result, even when the federal government ratifies a treaty and Canada, including her provinces, becomes bound by it internationally, the implementation of its obligations in domestic laws often depends on provincial jurisdictions, leading to an uneven application across Canada. The Labour Conventions case (1937) established that the federal government cannot legislate in provincial domains solely to fulfill a treaty obligation, reinforcing the autonomy of provinces in deciding how—or whether—to implement international human rights standards.

*“Human rights treaties have specific provisions saying that a country’s federal structure is no defense to a failure to comply... It is Canada’s responsibility to figure out how to make our constitutional arrangements work. That’s why meaningful structures are so necessary.”*

The implications of this decentralized model are significant. Some provinces have adopted progressive human rights policies, such as British Columbia’s UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples) legislation, while others have declined to engage with federal initiatives altogether. For example, Alberta has previously opted out of federal human rights engagement strategies, asserting that it is not bound by international treaties it did not directly ratify, even though all provinces, including Alberta, give their consent before Canada accedes to an international human rights treaty.

This uneven implementation has produced a patchwork of human rights protections across Canada. Provincial and territorial strategies on issues like anti-racism, disability rights, and gender equality vary widely in scope, resourcing, and alignment with international norms.

Moreover, the absence of federal legislative mechanisms to compel compliance or incentivize uniform implementation further weakens accountability. Although Canada has established forums for intergovernmental coordination—such as the CCOHR—these remain advisory and non-binding, dependent on political will rather than legal obligation.

The result is a system in which federalism becomes a shield—not only for governments seeking to avoid international scrutiny but also for perpetuating jurisdictional ambiguity that undermines the realization of human rights across the federation.

# Behind Closed Doors

*Canada's human rights implementation suffers from limited transparency, restricting public oversight and weakening democratic accountability.*

Despite rhetorical commitments to openness, transparency in Canada's human rights implementation framework remains severely constrained. Stakeholder interviews and documentary analysis reveal a pattern of restricted access to information, closed-door decision-making, and a lack of publicly available data, undermining the government's accountability to Parliament, civil society, and rights-holders.

Government processes related to human rights reporting and follow-up are largely opaque. Core intergovernmental mechanisms, such as CCOHR and SOCHR, operate without public minutes, published outcomes, or open attendance. Civil society representatives reported exclusion from these discussions, with one stating:

*"There are committees and forums that are supposed to centre human rights discussions, but we're not in any of them. You can't get minutes, you can't know who's in them, and you can't attend. So where is the genuine engagement?"*

This culture of inaccessibility extends to public reporting. Many civil society actors noted that while the government provides financial figures for human rights programs in reports, there is little detail about the effectiveness or outcomes of such spending. As one participant put it:

*"They put in reports that say, 'We spent 20 million on this and 35 million on that.' Well, good, fine, great. But we have no idea what the outcomes were."*

A broader issue raised during interviews is that bureaucratic processes appear designed to manage risk rather than enable transparency. Officials reportedly require multiple layers of approval before sharing any information externally. This often results in vague, heavily vetted messaging that stifles meaningful dialogue and restricts civil society's ability to scrutinize implementation efforts. According to one participant (who was remarking on work in Canada about 20 years ago):

*“I was struck by the fact that I was encountering greater levels of secrecy in my efforts to get information about Canada’s international human rights implementation than I was in the work I was doing on national security cases.”*

Efforts to introduce digital tools like NRTD have the potential to improve transparency. However, civil society groups expressed concern that these platforms may remain internal-facing or overly controlled, further entrenching the current deficits. As one expert noted:

*“The government is piloting a database to track recommendations, but civil society has no access to it yet. If they make it public, it would save us all a ton of work. But transparency without participation is not real transparency.”*

Finally, structural barriers to data access further compound the problem. Interviewees pointed out that accessing relevant human rights data often requires payment, creating financial barriers for civil society groups engaged in independent monitoring. This runs counter to principles of open government and erodes trust in state-led reporting processes.

In sum, Canada’s current human rights architecture does not meet international expectations for transparent governance. Without publicly available data, open forums for stakeholder participation, and outcome-oriented reporting, meaningful accountability remains elusive.

## Engagement as a Checkbox

*Canada’s consultation practices around human rights implementation are widely perceived by civil society as tokenistic, fragmented, and disconnected from actual policy influence.*

Despite government claims of stakeholder engagement, interviews with civil society representatives and human rights advocates consistently highlight a breakdown in meaningful participation. The current engagement model—led primarily by Canadian Heritage—has evolved into a procedural formality rather than a channel for co-creation, shared ownership, or sustained dialogue.

Stakeholders report that government engagement is often confined to the early stages of reporting, with little to no follow-up on implementation. As one participant explained, civil society is typically consulted in large, generic sessions before UN submissions, but “then it’s radio silence.” The result is a model that is broad in scope but shallow in substance.

*“We [CSOs] are engaged in human rights implementation every single day, and to continually invite us to meetings that are poorly organized, not focused, and not designed to bring about anything productive is—frankly—insulting.”*

This frustration stems in part from the structure of engagement sessions. Rather than organizing thematic or treaty-specific consultations, the government often convenes large gatherings of diverse organizations and asks general questions. One interviewee shared that government officials routinely ask hundreds of stakeholders, each focused on different treaties and issues, “What should we focus on?”—a question ill-suited to eliciting meaningful input or direction.

Civil society participants were particularly critical of the lack of feedback loops. Engagement is seen as a “one-way street,” where input is gathered but rarely acknowledged or reflected in outcomes. As another stakeholder observed:

*“Engagement without dialogue is not engagement—it’s a checkbox.”*

Even when formal engagement platforms exist, such as the CCOHR or SOCHR, they do not function as collaborative spaces. We participated as observers in a February 2025 CCOHR virtual meeting that highlighted the power imbalance: Government officials occupied most of the screen, while civil society speakers were rotated in as guests. Questions were taken through a moderated chat and follow-up was promised—but interaction was carefully controlled, with no sense of co-decision-making.

The CCOHR outreach strategy is very limited in capacity and approach. Canadian Heritage manages an “email list” used to invite CSOs to consultations. However, smaller or grassroots organizations outside of the CCOHR network are often not aware of the engagement and communication processes. The list is seen as over-representing well-resourced and experienced organizations, limiting the diversity of voices in the engagement. One interviewee put it bluntly:

*“If you’re not on the email list, you’re not in the conversation.”*

While recent efforts to consult Indigenous organizations separately are a positive development, some interviewees cautioned that this may inadvertently sideline cross-sectoral coalitions that bring Indigenous and non-Indigenous advocates together around shared treaty priorities, such as CEDAW.

Across interviews, there was a clear call for more structured, issue-specific engagement platforms with ongoing participation—especially in the implementation phase. Stakeholders stressed the need for standing advisory forums, transparent tracking of how input is used, and a shift away from symbolic consultation toward shared ownership of Canada’s international human rights obligations.

Without reforming its engagement model to centre relevance, continuity, and influence, Canada's commitments to inclusive governance and participatory accountability risk ringing hollow.

## Political Will and Capacity Challenges

*Canada's institutional shortcomings are compounded by deeper systemic barriers—lack of political priority, constrained capacity, limited public sector knowledge, and the absence of incentives to act.*

Canada's persistent challenges with implementing international human rights obligations are not only institutional—they are systemic. Beneath fragmented coordination and weak accountability lie more entrenched issues: insufficient political will, chronic under-resourcing, poor human rights literacy within government, and an overall lack of incentives to treat implementation as a serious policy imperative. These deeper structural deficits form the backdrop against which Canada's patchy and often symbolic approach to human rights compliance must be understood.

Although Canada positions itself as a global advocate for human rights, this identity is not consistently reflected in domestic governance. The PCH does not list human rights as one of its core departmental responsibilities. Instead, the Human Rights Program is embedded within the broader category of "Diversity and Inclusion," and the primary performance metric is the percentage of Canadians who feel that "human rights are a shared value."

There is no departmental results indicator that directly evaluates implementation efforts. As one civil society actor observed:

*"Human rights protections need to be embedded in our political and social culture. Right now, they're treated as optional."*

The limited visibility of human rights in key strategic documents, such as ministerial mandate letters and departmental plans, reinforces the sense that international obligations are not a policy priority. While some specific anti-discrimination or inclusion measures are occasionally mentioned, comprehensive follow-up to treaty body recommendations and the Universal Periodic Review is almost entirely absent from high-level political planning. Even promising developments, such as Canada's Engagement Strategy or the piloting of NRTD, often operate in bureaucratic silos without robust leadership or resourcing.



Across our interviews, federal and provincial officials echoed concerns about capacity. Many noted that there is no dedicated team or funding stream to handle treaty implementation and international human rights responsibilities are often assigned to staff as a secondary task.

*“The capacity issue is real, many of us have other files and this [international implementation] isn’t funded.”*

The CHRC, which previously conducted monitoring for the Convention on the Rights of Persons with Disabilities, has had to scale back its work due to lapses in funding. Provincial commissions vary widely in staffing and mandate, with some staff handling UN reporting off the side of their desks. Civil society organizations—especially smaller or community-led ones—struggle to engage meaningfully due to a lack of resources, time, or access. This has resulted in a two-tiered system where only the largest, best-funded CSOs can consistently participate in consultations and treaty body submissions.

A related problem is the complete absence of formal incentives to prioritize implementation. There are no clear mechanisms to reward departments or officials for progress in following through on UN recommendations, nor is there any penalty for inaction. One interviewee summed up this problem bluntly:

*“Right now, there’s no reward for doing this well. Only risk if you mess it up.”*

In practice, this leads to a “tick-the-box” approach to reporting—submitting state reports on time is seen as success, regardless of whether recommendations are implemented or rights protections improved.

Most strikingly, many government officials involved in the implementation process appeared to lack even a basic understanding of international human rights obligations. Several civil society participants described meetings where public servants had never heard of the UPR or could not identify key treaties.

*“There are officials in human rights meetings who don’t even know what the treaties are or that Canada has signed them. They think civil society is making these demands up.”*

This absence of foundational human rights literacy was widely recognized as a barrier to effective implementation. Another participant recounted hearing federal staffers whisper, “*What is UPR?*” at a government-hosted coordination meeting. The knowledge gap is not confined to junior staff. Civil society actors described a general lack of understanding across government about how treaty obligations should inform policymaking or program evaluation.

*“Human rights are not just ideals—they are legally binding commitments, but without basic [human rights] education, officials don’t see them that way.”*

Ultimately, these systemic undercurrents shape—and constrain—Canada’s ability to fulfill its human rights obligations. Without political leadership, sufficient capacity, embedded education, or meaningful incentives, implementation will remain discretionary rather than institutionalized. Even well-intentioned mechanisms, like the NRTD or the Engagement Strategy, risk becoming symbolic if not supported by real political commitment. Unless human rights are seen not just as moral commitments, but as legal duties embedded into public governance, the gap between Canada’s promises and its practices will persist.

These structural and procedural challenges underscore the need for a permanent, legally mandated NMIRF that can drive cross-jurisdictional accountability and institutionalize inclusive human rights governance in Canada.

# WHAT WORKS: NMIRF INNOVATIONS AND INSIGHTS FOR CANADA

Effective domestic implementation of international human rights obligations remains a critical governance challenge globally. As states face increasing volumes of recommendations from UN human rights mechanisms, many, including federal states, have responded by establishing permanent institutions—NMIRFs—to coordinate, track, and transparently report on human rights commitments. While Canada has taken some recent steps towards improved coordination, its overall approach remains largely fragmented and lacks the effectiveness seen elsewhere. Examining international models offers valuable insights into potential pathways for reform. This section explores international best practices, focusing on digital tools and structural designs relevant to addressing Canada's identified implementation challenges.

## Digital Infrastructure: From Data Management to Transparency

One hallmark of advanced NMIRFs is the use of online platforms and centralized databases to monitor human rights recommendations. These tools provide visibility across government, enhance coordination, and improve implementation—directly addressing the transparency deficits arising from opaque processes and restricted data access identified in Canada. A growing trend is integrating these systems with national development plans and Sustainable Development Goals (SDGs), ensuring that human rights are not siloed but mainstreamed into broader public policy. This contrasts with Canada's current approach where human rights appear to be hived off from other international and domestic policy objectives.

While a variety of digital tools exist worldwide to aid human rights monitoring, as illustrated in Figure 3, this analysis will concentrate on three key examples: Paraguay's comprehensive SIMORE Plus system, noted for its integration and participatory features relevant to Canada's challenges; Mexico's SERIDH system, noted for its public accessibility; and the OHCHR's NRTD, which Canada is currently piloting.



Figure 4: Examples of Digital Platforms Used for Tracking Human Rights Recommendations Globally

## Paraguay – SIMORE Plus

SIMORE Plus exemplifies an integrated ecosystem for intergovernmental and civil society coordination. Established as Paraguay's NMIRF in 2015, it involves a network of focal points across numerous state institutions (~130 focal points, ~65 institutions) (UNSSOC, 2025). It supports dynamic tracking, maps obligations to SDGs, and crucially allows CSOs to submit comments on follow-up actions (Danish Institute for Human Rights, 2021). Its effectiveness lies in institutionalizing transparency and creating feedback loops.

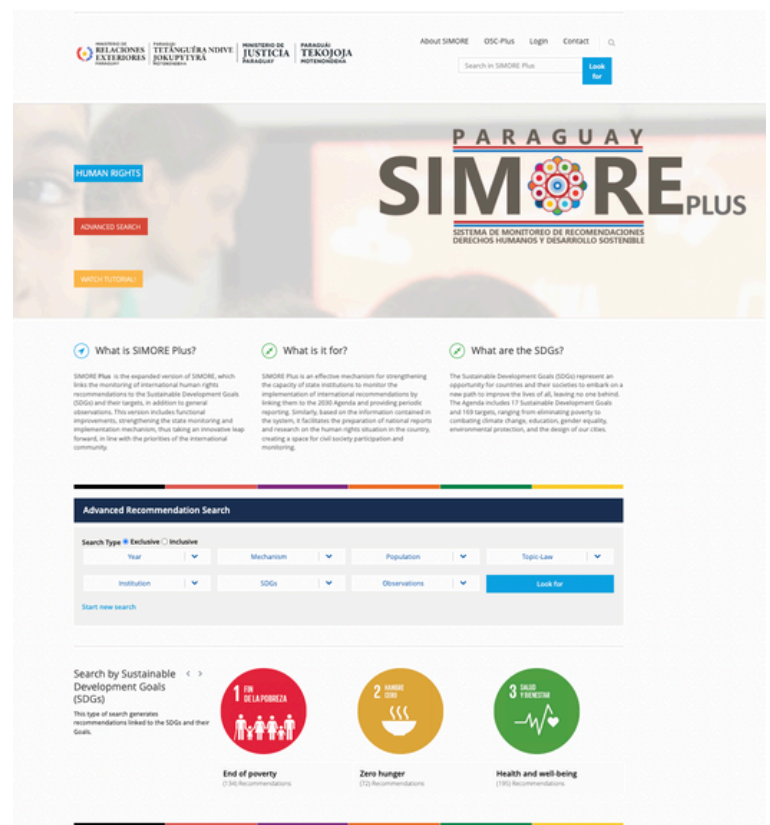


Figure 5: A screenshot from the SIMORE Plus tracking database (Source: Ministry of Foreign Affairs, Paraguay)

This model of embedded, interactive CSO input stands in stark contrast to the superficial, “checkbox” engagement practices critiqued by stakeholders in Canada. For Canada, SIMORE’s model illustrates how digital tools can reinforce horizontal accountability and meaningful stakeholder participation. Paraguay also shares this model via South-South cooperation.

## Mexico – SERIDH

Launched in 2020, Mexico's Sistema de Seguimiento de Recomendaciones Internacionales de Derechos Humanos (SERIDH) platform systematizes over 3,400 recommendations received by the country since 1994. Developed by the Foreign Ministry, it links recommendations to national plans and SDGs and tracks follow-up actions by various ministries. It is fully public, allowing monitoring by the public, academia, and civil society. Such public accessibility directly addresses the transparency issues identified in Canada, where key processes and data remain publicly inaccessible. Positioned within the state’s central planning apparatus, SERIDH demonstrates how these tools can strengthen institutions and foster rights-based governance.

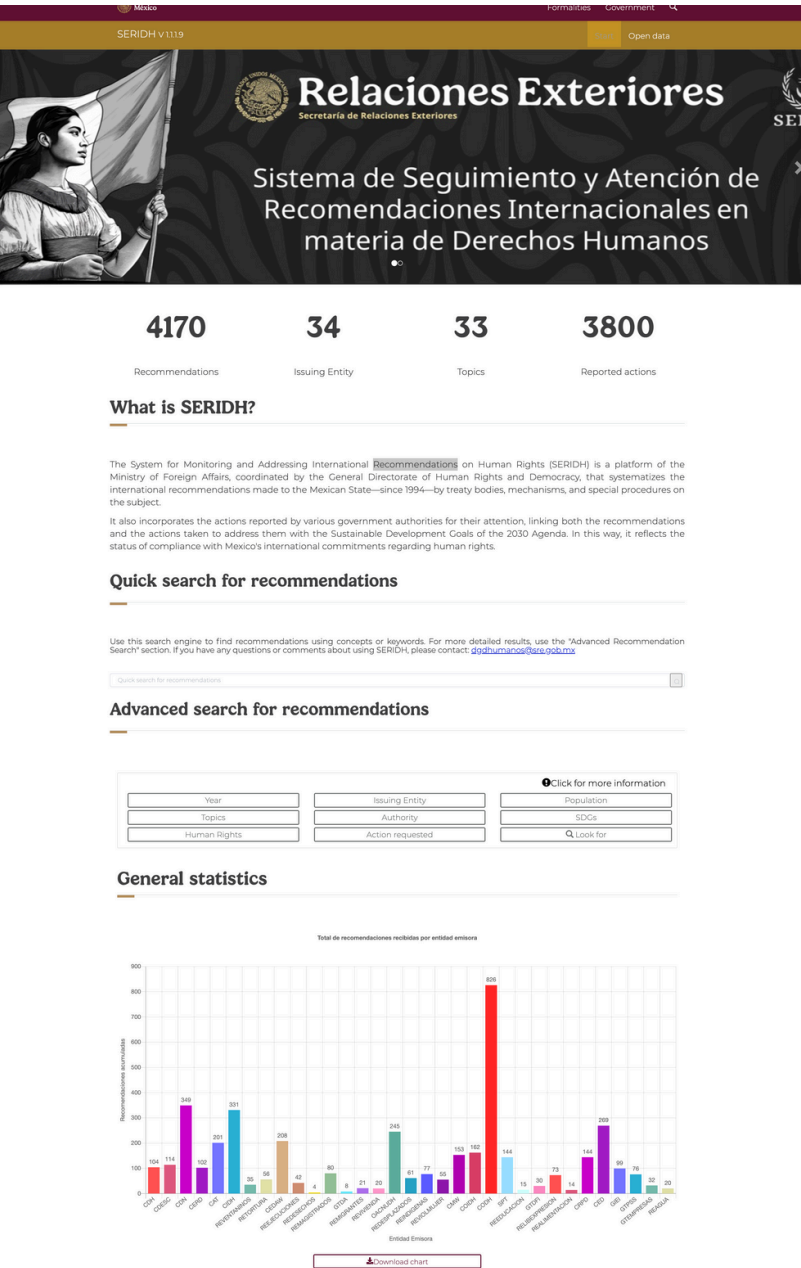


Figure 6: A screenshot from the public interface of SERIDH (Source: Government of Mexico)

# OHCHR – National Recommendations Tracking Database (NRTD)

The NRTD is a digital platform developed by the OHCHR to support states in managing and coordinating the implementation of international human rights recommendations. Designed with the needs of NMIRFs in mind, it enables governments to systematically track recommendations from UN treaty bodies, the UPR, and Special Procedures, while also aligning these with national development priorities and SDGs (OHCHR, n.d.b.).

Unlike bespoke platforms such as SIMORE, the NRTD offers a low-cost, modular, and scalable solution, especially suited for states with limited technical capacity. The NRTD offers a user-friendly interface through which states can:

- **Record and categorize recommendations across human rights mechanisms;**
- **Assign responsibility to specific ministries or agencies;**
- **Monitor implementation progress, including through status updates and documentation uploads;**
- **Cluster and cross-reference recommendations thematically or by SDG targets;**
- **Generate reporting outputs for internal coordination or external reporting to UN bodies.**

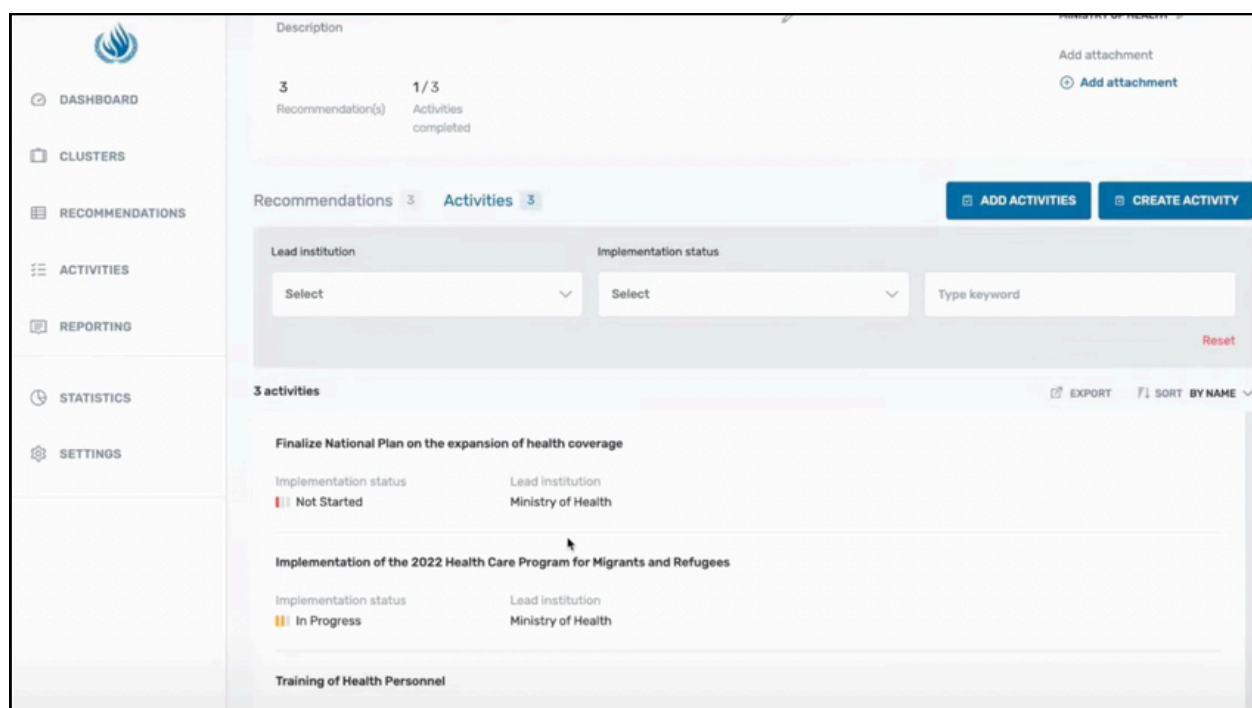


Figure 7: A preview of the NRTD Dashboard (Source: OHCHR)



The system can be deployed either as a closed internal tool or configured for public access—allowing civil society, national human rights institutions, and even the general public to track implementation progress and hold institutions accountable.

It is being adopted or piloted by countries across Africa, the Pacific Islands, and Latin America, often with technical support from OHCHR regional offices. Because it is open-source and UN-supported, the NRTD is also interoperable with OHCHR systems, making it easier to synchronize reporting efforts with international review schedules (Zipoli, 2024).

### The Canadian Context

While Canada has not officially launched its version of the NRTD, federal officials have indicated in interviews and in discussions at the CCOHR that the government is currently piloting the system. At this stage, no formal public documentation or implementation timeline exists. However, the decision to explore the NRTD reflects recognition within the federal government of the need for a centralized, modern, and transparent system to manage the thousands of recommendations Canada has received across treaty bodies and UPR cycles.

The success of any NRTD deployment in Canada will depend on:

1. Clear political direction and intergovernmental commitment, especially from provinces and territories;
2. Sustained human resources to maintain and update the system;
3. Public accountability mechanisms, such as civil society access, that go beyond technical compliance.

**Challenges:** Despite their promise, these tracking tools require sustained human and financial investment. Several states have reported difficulties maintaining up-to-date data, particularly where staffing is limited. Furthermore, high-quality, disaggregated data—especially from marginalized communities—remains a challenge. Nonetheless, countries that invest in such platforms consistently demonstrate improved implementation and transparency.

# Structural Models: Political Architecture for Human Rights Implementation

While digital infrastructure improves efficiency, successful NMIRFs are built on institutional frameworks that provide them with authority, permanence, and policy coherence. The most effective models combine strong legal mandates, multi-level coordination mechanisms, and links to national development priorities.

## Morocco – Political Will as Institutional Design

Morocco's NMIRF, housed in the Interministerial Delegation for Human Rights (IDHR), offers a case of deliberate institutional centralization. Far from being a passive reporting body, the IDHR functions as a hub for clustering, coordinating, and translating international obligations into legislative and policy reforms. Its success stems from three design features:

- 1. A legal foundation established by royal decree;**
- 2. Direct reporting to the Head of Government;**
- 3. A mandate that spans implementation, not just reporting.**

Morocco's decision to assign human rights coordination to a standalone interministerial body is both symbolic and practical. It avoids the problem of dispersed responsibilities and ensures that human rights implementation is not subordinated to sectoral policy agendas. The IDHR is staffed by 70–80 personnel and is explicitly tasked with monitoring the national implementation of international human rights obligations, tracking progress, and engaging with civil society and international actors (Zipoli, 2021).

This commitment has also taken diplomatic form. Morocco co-hosted the International Seminar on NMIRFs and co-authored both the Marrakech Declaration (2022) and Asunción Declaration (2024), which led to the creation of the International Network of NMIRFs—an initiative aimed at promoting peer learning and institutional coherence globally (Burke, 2024; “Marrakech Guidance Framework,” 2024).

The success of Morocco's NMIRF is visible in concrete reforms. Notably, in 2024, Morocco proposed over 100 amendments to its Family Code (Moudawana), aimed at enhancing women's rights in divorce, child custody, and legal guardianship. These proposals are a direct response to recommendations issued by UN human rights mechanisms and civil society organizations (Lagoutte, 2022).

This case reveals that political will is most effective when converted into institutional architecture. For Canada, where human rights coordination is fragmented across ministries and jurisdictions, Morocco's experience points to the need for a standing, executive-level mechanism with a clear mandate and resourced secretariat.

## Brazil, Italy, Tunisia, and Serbia – Institutionalizing Multi-Stakeholder Engagement

Several countries demonstrate that multi-stakeholder mechanisms—those that integrate parliaments, municipalities, courts, and civil society—are more durable, legitimate, and aligned with domestic realities.

- In **Brazil**, the creation of a Parliamentary Observatory on the UPR ensures that implementation is subject to legislative oversight (Brazil Chamber of Deputies, 2022).
- **Italy** brings local governments into its human rights framework through the National Association of Municipalities, institutionalizing vertical coordination (Ministry of Foreign Affairs of Italy, 2022).
- **Tunisia** and the **Maldives** include judiciary officials, ensuring that legal reforms align with rights-based norms (Danish Institute of Human Rights, 2021).
- In **Serbia**, a Memorandum of Cooperation between the NMIRF and CSOs ensures structured, ongoing civil society engagement. This is supported by a Platform of 18 CSOs, backed by the Organization for Security and Co-operation in Europe and UN Human Rights Team, enabling coordinated and consistent input across the reporting cycle (Danish Institute of Human Rights, 2021).

These models, which embed participation structurally, offer clear alternatives to the tokenistic engagement practices prevalent in Canada.

## Enhancing Transparency and Accountability

Transparency is not merely a function of digital platforms—it emerges from how governments institutionalize relationships with civil society, NHRIs, and parliaments. The most effective NMIRFs embed transparency and accountability mechanisms directly into their structure.

- **Civil Society as Co-Implementers: Uruguay's** thematic roundtables with CSOs, **Serbia's** MoU and CSO platform, and **Paraguay's** SIMORE Plus allowing direct CSO comments demonstrate models where civil society are treated as co-owners of the implementation process. Elevating CSOs addresses the critique of Canada's superficial engagement model.
- **NHRIs and Parliaments as Institutional Anchors: Italy**, while lacking a NHRI, collaborates closely with parliamentary commissions, holds public hearings, and submits progress reports. For Canada, creating and tasking standing parliamentary committees with annual reviews could strengthen domestic accountability, addressing gaps related to both fragmented oversight and lack of transparency.



Figure 8

# RECOMMENDATIONS:

## Structure and Engagement

1

### **Establish a unified NMIRF with a legal mandate which includes provinces**

Canada lacks a dedicated, unified, and legally mandated NMIRF, resulting in fragmented and inconsistent human rights implementation. To address this gap, Canada should establish a permanent NMIRF through robust legislative action or a high-level executive directive, granting it a clear legal mandate and authority to coordinate, monitor, and drive the implementation of international human rights commitments across all relevant federal departments. Structurally, this NMIRF could be established as a central coordinating body with clear authority, perhaps reporting directly to the Privy Council Office or a lead Minister to ensure political backing. Critically, the NMIRF must be designed with formal mechanisms for FPT coordination. To ensure long-term legitimacy and continuity, provincial and territorial governments should formally recognize and endorse the NMIRF — whether through legislation or executive agreements. The NMIRF should adopt a multi-government implementation framework with agreement and buy-in from all jurisdictions which would have authority over all levels of government for implementation across Canada. This would help anchor Provincial and Territorial participation across political cycles and signal a shared commitment to coordinated implementation. Creating such a cohesive, legally empowered, and participatory NMIRF is the foundational step towards building an effective and accountable framework for human rights implementation in Canada.

2

### **Improve transparency of government human rights processes and data**

The findings highlight limited transparency in human rights decision-making, including restricted access to ministerial meetings, lack of published reports, and bureaucratic barriers. To address this, the government should publicize agendas and outcomes, create a centralized human rights transparency portal for reports and updates (this could come through the NRTD), and require regular progress updates on implementing UN recommendations. Additionally, to address the issue of CSOs facing difficulty accessing government data, we recommend that all human rights-related data be publicly available or fully accessible to CSOs through the NRTD when it is launched.

### 3

## Create feedback loops and continuous engagement throughout the IHR reporting, implementation, and follow-up process

Our findings reveal that much of the government's engagement process is front-loaded, with emphasis on engaging stakeholders leading up to the report submission process. However, it was found that once reports are submitted, most forms of engagement disappear, and there is very little engagement focusing on progress or implementation of recommendations that come out of either the UPR or Treaty Bodies processes. The government should formalize engagement spaces and processes throughout the entirety of the Treaty Bodies and UPR reporting cycles. This can come in the form of advisory groups, annual review meetings or some other form. What's important is that these engagement spaces are institutionalized, consistent, and meaningful in nature. This specifically means engaging with on-the-ground stakeholders, CSOs, Indigenous governments and organizations, and municipalities, regarding tracking progress and implementation of recommendations from the IHR process. Formalizing this type of continuous engagement throughout the entirety of the UPR and Treaty Body reporting cycles, not just for the reporting itself, creates continuous feedback loops that will enable Canada to have a picture of incremental progress over time to understand where the country stands on the implementation of IHR recommendations.

### 4

## Thematic/topic-based engagement

As mentioned in our data analysis section, many of the engagement vehicles, particularly large engagement conferences, tend to combine many different IHR topics at the same time. This has led to much of the existing engagement being too broad to be meaningful. Engagement tables should be created based on themes/topics, to bring in a focused discussion with relevant stakeholders on the topic. This will save time for CSO representatives, as they will be enabled to always engage on the topics that are relevant for their work, compared to the current mechanisms where different CSOs must compete for time and relevancy against each other for their topics at broad human rights engagement meetings. Creating engagement based on themes/topics will also make the engagement far more organized and focused, enabling for more productive, meaningful engagement and conversations with actual results. The more focused nature of these meetings will also enable an emphasis on next steps and what needs to be done for progress or implementation on issues and recommendations.



# National Recommendations

## Tracking Database

We, along with the majority of government and CSO representatives we spoke to, are very excited about Canada piloting the UN's NRTD. Unfortunately, information regarding Canada's pilot and its implementation is rather opaque, leading to CSOs not being sure what the database will include, or if they will have access to it. The following recommendations are made so that Canada, its governments and human rights stakeholders, can get the most out of the NRTD.

5

### **The need for robust data and indicators**

For the NRTD to be an effective tool for the progressive realization of human rights in Canada, indicators and data relating to progress on IHR commitments and recommendations are required. The NRTD provides Canada with an opportunity to have a centralized and transparent location where stakeholders can go to view and input data on anything related to human rights in the country. This will require some sort of responsibility for data. This can come in the form of a new government body that is responsible for tracking data, adding it to the mandate of a current institution involved with IHR (perhaps PCH with more resources), or contracting a body such as Statistics Canada, making them an important stakeholder for the NRTD. Regardless of the form and responsibility this comes through, in order for the NRTD to be effective, tracking data and progress is a must.

6

### **Harmonize IHR and SDG data within the NRTD**

Canada currently has a working example of using indicators and data tracking to measure progress for an international goal: the SDGs. Given the obvious links between the outcomes of IHR and the SDGs, we recommend tying these together in the NRTD and using the current SDG tracking framework as a baseline that can be expanded to track progress for IHR obligations and recommendations. Baseline performance and progress indicators must be developed for human rights.

7

### **Enable access and participation for all relevant stakeholders**

Canada's NRTD should include access, inputs, and outputs for all human rights-related stakeholders in the country. It should involve participation from CSOs and government institutions working on IHR, enabling a centralized database where all stakeholders can input and view data on progress. The thematic clustering of recommendations facilitated by the NRTD will enable the identification of responsibility for the tracking and implementation of IHR recommendations.

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