

PARLIAMENT OF CANADA

National Human Rights Implementation and Treaty Compliance Act

(2026)

Date Prepared: March 31, 2026

Analysis Framework: Gemini-NationBuilder

Document Status: Legislative Draft

EXECUTIVE SUMMARY

This legislation addresses the 'Federal-Provincial Compliance Gap' in Canada's implementation of international human rights obligations. Despite being a signatory to numerous international treaties (including the International Covenant on Civil and Political Rights), Canada lacks a formal National Framework for Treaty Implementation. This act establishes a binding mechanism to harmonize domestic law across all jurisdictions with international human rights standards.

1. IDENTIFICATION OF THE NATION

Nation: Canada

Current Status: A federal parliamentary constitutional monarchy.

Existing Frameworks: Constitution Act, 1867; Constitution Act, 1982 (including the Canadian Charter of Rights and Freedoms).

2. IDENTIFICATION OF THE NEED: THE FEDERAL-PROVINCIAL COMPLIANCE GAP

Despite being a signatory to numerous international treaties (like the International Covenant on Civil and Political Rights), Canada lacks a formal National Framework for Treaty Implementation. Because provinces have jurisdiction over many areas touched by international law (health, labor, property), there is often a 'legal vacuum' where international obligations are not explicitly binding at the subnational level. This leads to inconsistent enforcement of rights across the country.

3. THE NATIONAL HUMAN RIGHTS IMPLEMENTATION ACT (NHRIA)

Preamble

WHEREAS Canada is a committed member of the international community and a signatory to the core international human rights instruments; WHEREAS the division of powers under sections 91 and 92 of the Constitution Act, 1867 requires a collaborative mechanism to ensure nationwide compliance with international obligations; NOW, THEREFORE, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 1: Short Title

This Act may be cited as the National Human Rights Implementation and Treaty Compliance Act (2026).

Section 2: Purpose

The purpose of this Act is to provide a transparent, accountable, and legally binding framework for the implementation of international human rights obligations by all orders of government in Canada.

Section 3: The Inter-Jurisdictional Council on Treaties (IJCT)

- There is hereby established an Inter-Jurisdictional Council on Treaties.
- The Council shall consist of the Federal Minister of Justice and the Attorneys General of each Province and Territory.
- Mandate: The Council must meet bi-annually to review Canada's standing with UN treaty bodies and coordinate legislative alignment across all jurisdictions.

Section 4: Mandatory Impact Assessments

All proposed federal and provincial legislation must include a 'Statement of International Compliance,' detailing how the bill aligns with the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Section 5: Domestic Enforcement of Treaty Rights

- Where Canada has ratified an international human rights treaty, the provisions of said treaty shall be considered 'persuasive authority' in all Canadian courts, notwithstanding the absence of specific domestic enabling legislation.
- No government body shall invoke 'internal law' or 'jurisdictional dispute' as a justification for failure to perform a treaty obligation (consistent with Article 27 of the Vienna Convention).

Section 6: National Reporting and Accountability

The Government of Canada shall publish an annual 'National Compliance Report.' This report will highlight 'Compliance Gaps' in specific provinces and provide a timeline for rectification.

LEGAL BACKING & FRAMEWORKS

This document is supported by the following international legal instruments and principles:

- **The Vienna Convention on the Law of Treaties (1969):** Specifically the principle of *pacta sunt servanda* (treaties must be kept).
- **UN Charter, Article 56:** Requiring members to take joint and separate action for the achievement of universal human rights.
- **The Haig Principle:** Addressing the 'Labour Conventions' case (1937) by creating a statutory bridge for provincial compliance where constitutional amendment is too slow.

HISTORICAL CONTEXT & RATIONALE

Canada's constitutional evolution, culminating in the adoption of the Canadian Charter of Rights and Freedoms in 1982, established a robust framework for domestic human rights protection. However, the subsequent expansion of international human rights obligations—through treaties on civil and political rights, indigenous rights, environmental protection, and labor standards—has created a documentation gap at the subnational level. This Act bridges that gap by creating a legally binding mechanism that ensures consistent implementation of international obligations across all provincial and territorial jurisdictions, while respecting the constitutional division of powers.

Document prepared: March 31, 2026

Classification: Governance Framework & Policy Analysis