



Canadian
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commission

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Canadian Human Rights Commission

Submission to Environment and Climate Change Canada on
Environmental Justice and Environmental Racism

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Introduction

The Canadian Human Rights Commission (CHRC) is Canada's national human rights institution.

Established by Parliament through the Canadian Human Rights Act (CHRA) in 1977, the Commission has a broad mandate to promote and protect human rights and freedoms in Canada. It operates at arm's length from the federal government with a mission to promote an inclusive Canada where every person is free to claim their human rights and create the life that they wish for themselves. Together, we work towards a Canada where everyone can be included, and live a life of dignity, justice and respect – free from discrimination.

We do this in many ways: we advocate for human rights in Canada; we support the Pay Equity Commissioner, the Accessibility Commissioner, and the Federal Housing Advocate in carrying out their responsibilities under the Pay Equity Act, the Accessible Canada Act, and the National Housing Strategy Act, respectively; we monitor and enforce regulated entities' compliance with the requirements under the Employment Equity Act; and we screen and, where possible, help resolve human rights complaints from people in Canada who believe they have experienced discrimination.

In 2019, the CHRC was also designated as a body responsible for monitoring the Government of Canada's implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), in accordance with article 33.2 of the Convention.

The CHRC is committed to working with the Government of Canada, as well as domestic and international partners and stakeholders, to ensure continued progress in the protection of human rights in Canada. In the spirit of constructive engagement, the CHRC submits this submission to Environment and Climate Change Canada (ECCC) to inform its development of a national strategy to assess, prevent, and address environmental racism and to advance environmental justice, as mandated by the [National Strategy Respecting Environmental Racism and Environmental Justice Act](#).

Advancing environmental equity: Discussion questions

While this submission has been organized using the four Foundations and relevant questions from [ECCC's engagement series](#), the CHRC's responses will focus on Foundations 1 and 2, with considerations for Foundations 3 and 4 integrated throughout.

In this submission, the CHRC has shared insights it has gained from engaging with advocates, academics and individuals with lived experience of environmental racism in Canada.¹ This has informed the CHRC's work and deepened its understanding of the issue, including its intersections with climate action and human rights, and the human right to adequate housing.

Foundation 1: Environmental Justice

- 1. Defining environmental justice in Canada:** In the context of a national strategy to promote efforts across Canada to advance environmental justice, how would you define environmental justice?

CHRC response: Environmental justice means ensuring that all people in Canada are able to enjoy the human right to a healthy environment in an equitable manner. It requires a deep understanding of how climate change impacts the enjoyment of human rights and amplifies disproportionate experiences of discrimination and environmental harm, including environmental racism.

- **Human right to a healthy environment:** In October 2021, the United Nations Human Rights Council adopted a resolution formally recognizing - for the first time - the human right to a safe, clean, healthy, and sustainable environment. This included highlighting that the impacts of environmental degradation on human rights most severely affect those already facing discrimination, including Indigenous peoples, Black and other racialized people, older persons, people with disabilities, women, girls and those identifying as 2SLGBTQIA+. In 2023, Canada recognized the right to a healthy environment in domestic law for the first time in amendments to the Canadian Environmental Protection Act (CEPA). The CHRC stresses that environmental concerns can lead to additional and cumulative negative effects on impacted communities due to socioeconomic inequality and environmental racism, making the right to a healthy environment a pressing human rights issue facing Canada today.
- **Correlation with climate change:** An understanding of environmental justice should also be informed by its correlation with climate change, the effects of which are often felt by communities who are most disadvantaged. The repercussions of worsening climate

¹ [Fast Talk on environmental racism in Canada | Canadian Human Rights Commission \(2023\)](#)

change are going to be disproportionately devastating for communities who are impacted by environmental racism. People with disabilities also face disproportionately severe impacts from climate change due to significant human rights barriers including financial security, transportation, healthcare, and humanitarian assistance.² For example, during an extreme heat wave in British Columbia in summer 2021, older people and people with disabilities were disproportionately overrepresented among heat-related deaths. Environmental justice must include ensuring that mitigation, preparedness, and response policies and practices with respect to the ongoing climate crisis are inclusive of the needs of all people in Canada, including people with disabilities.

- **Overlapping impacts and the need for an intersectional approach:** Defining environmental justice also requires an intersectional approach that fully recognizes that intersecting inequalities of race, gender, disability, and socioeconomic status compound existing environmental risks and systemic barriers. Women and girls, older adults, people with disabilities, Indigenous, Black, and other racialized individuals, as well as those living in inadequate housing, often experience layered and intersecting harms. Women may already face barriers to accessing environmental justice as a result of systemic issues like wage inequality, and for Indigenous, Black and other racialized women, these barriers may be compounded by environmental racism. 2SLGBTQQIA+ trans and Two-Spirit people with disabilities often face unique barriers related to housing, healthcare, other service, and may as a result be disproportionately impacted by environmental or climate-related events. Embedding intersectionality into the definition of environmental justice is essential to ensure national strategies do not treat communities as monolithic but instead recognize those who encounter the greatest barriers within them.
- **Environmental racism:** Please refer to responses to [Foundation 2](#) for information about defining environmental racism. Given the clear linkage between environmental racism and its impact on the fundamental right to an adequate standard of living, a definition of environmental justice should emphasize the need to address disproportionate impacts on certain communities, including, in particular, the impacts of environmental racism. Addressing these intersectional impacts are a key component of environmental justice.

² [Submission to the Committee on Rights of Persons with Disabilities | Canadian Human Rights Commission \(2024\)](#).

2. Vision and guiding principles: What values and priorities do you believe should guide the federal government's efforts to advance environmental justice?

CHRC response: Given the interconnectedness of environmental justice and the enjoyment of human rights, the government's efforts in this space should be grounded in a human rights-based approach, the elements of which include:

- **Legality** – Analyzing and integrating applicable domestic and international legal principles, standards, obligations and protections.
- **Non-discrimination** – Identifying specific risks and impacts to human rights, and examining root causes of these risks. In the context of environmental justice, this includes examining the link between environmental justice and decolonization by systematically reviewing and dismantling the colonial systems and structures that can be at the root of environmental exploitation. A vital component of decolonization, therefore, is the integration of Indigenous knowledge, values, and lived experiences into efforts to mitigate impacts related to environmental justice.
- **Participation** - Meaningfully including rights holders and their advocates, experts and other stakeholders in the decision-making process. In the context of environmental justice, a focus should be on engaging with communities historically impacted by environmental racism. Policymakers must involve affected Indigenous, Black and other racialized communities in decision-making tables, including people with disabilities, women, older adults and 2SLTGQQIA+ members of these communities. Consultations with communities need to be carried out meaningfully. To ensure these processes are effective and respectful, consultations must be community-led, inclusive, accessible to all participants, and designed to reflect the priorities and lived experiences of those directly impacted.
- **Empowerment** - Building a shared public understanding about the potential human rights impacts, and capacity among innovators to mitigate these impacts. In this context, a focus should be on empowering individuals and communities to fully understand, claim, and defend their environmental rights.
- **Accountability** - Ensuring appropriate oversight and access to justice mechanisms are in place. In the context of environmental justice, this includes establishing strong accountability measures, as well as providing clear and enforceable justice pathways to secure redress for environmental harms. This should also include exploring options for proactive compliance regimes to strengthen accountability related to environmental justice. Canada has demonstrated leadership in adopting proactive compliance approaches for addressing human rights matters such as pay equity and accessibility.

These may provide useful examples to inform work related to accountability regarding environmental justice.

3. Government leadership: What should the Government of Canada do to support the advancement of environmental justice?

CHRC response: Government should take action by embedding environmental justice principles in legislation and across policies and programs, providing sustained and community-driven legal and social support for affected individuals and communities, and implementing monitoring and reporting mechanisms to track progress in achieving environmental justice:

- **Government legislation, policies and programs:** Integrate environmental justice perspectives across a wide array of federal government legislation, policies and programs. Accountability measures are important, particularly by ensuring that legislation related to environmental racism includes enforceable consequences for violations. The CHRC has also heard repeatedly from stakeholders the importance of meaningful engagement with communities throughout the law and policy-making processes, as well as in the design and roll-out of programs or services. In the context of advancing environmental justice, it is particularly important to ensure that the perspectives of those communities with lived experience of environmental racism be front-and-centre in this engagement.
- **Convene spaces for environmental justice dialogue:** The Government of Canada can play an important role in convening fully accessible and inclusive opportunities for further dialogue about environmental justice so civil society can continue to come together to share and exchange knowledge. These spaces could also support the commissioning of intergovernmental studies, using an intersectional lens, focused on data collection, analysis, and solution development related to environmental racism, helping to identify systemic patterns of harm and to inform policy and legal responses.
- **Assist impacted individuals and communities to seek justice and redress:** The Government of Canada can designate a government body as a focal point – or otherwise creating a mechanism – for communities to report issues relating to environmental racism. This process includes proactively developing tools to help communities navigate the legal system to redress issues of environmental justice, as well as strengthening access to justice, for example by expanding publicly funded legal aid and independent legal advocacy specific to environmental justice and ensuring that any proposed reporting or complaints mechanisms are designed to be fully accessible.
- **Monitor and report on progress in achieving environmental justice objectives:** By systematically collecting and analyzing disaggregated and race-based data, the Government of Canada can expose and monitor environmental human rights violation

related to environmental racism. This evidence-driven approach ensures transparency, strengthens accountability, and informs national reporting to drive meaningful policy change.

Foundation 2: Assessing, preventing and addressing environmental racism

1. Defining environmental justice in Canada: How would you define environmental racism in the context of a federal national strategy?

CHRC response: We understand environmental racism to be a form of systemic racism that results in the disproportionate proximity and greater exposure of Indigenous, Black and other racialized communities to polluting industries and environmentally hazardous activities. It is rooted in a complex web of factors including colonialism, societal standards, and power.

Environmental racism is a direct by-product of current systems that enable the continuation of colonial practices that negatively affect Indigenous, Black and other racialized communities, and which normalize a lesser standard of living for socioeconomically disadvantaged and racialized communities. Experiences of environmental racism are exacerbated by interconnected issues such as socioeconomic status, education levels, lack of adequate housing, governmental support for community infrastructure, and availability of resources to meet daily needs. These overlapping challenges disproportionately affect human rights outcomes for impacted communities and reinforce systemic barriers.

Impacts on affected communities include:

- **Health outcomes:** Communities impacted by environmental racism continue to experience an increasing number of chronic illnesses and deaths. In addition to the physical impacts, experts also raised serious impacts related to spiritual and mental health. They explained that these impacts are the result of ongoing stress and trauma of fighting against situations of environmental racism and dealing with the lack of support from government to have the situation addressed. Environmental health disparities are also exacerbated by systemic barriers to healthcare access in disadvantaged communities. Women and 2SLGTQQIA+ people in underserved areas, particularly those who are Indigenous, Black, racialized or have disabilities, often lack access to preventive care, leaving them more vulnerable to the health impacts of environmental hazards.
- **Cultural continuity:** Indigenous communities have raised urgent concerns about displacement of communities and the diminishing ability to access spaces to engage in land-based teachings, particularly for children and youth in their community. This can occur because of how the environment has changed as a result of the pollution in their

community or as a result of the seizure and degradation of lands by industrial activities. They have also highlighted that deteriorating housing infrastructure in many communities is contributing to the forced displacement of individuals from communities and traditional lands, threatening cultural continuity and community stability.

- 2. Assessing, Addressing and Preventing Environmental Racism:** In your experience, how can environmental racism be measured, tracked, counted? What is needed to assess environmental racism that might not exist at this time?

CHRC response: To track and measure environmental racism, there is an urgent need for the systematic collection of disaggregated and race-based data, strong research supports, and institutional responsibility for monitoring environmental impacts.

- **Disaggregated and race-based data:** An intersectional lens is critical in the collection of disaggregated and race-based data on the realities of environmental racism in order to fully measure and track the impacts based on intersecting inequalities such as race, gender, disability, and socioeconomic status. Data collection methods should facilitate the collection of data that meaningfully reflects the experiences of Indigenous, Black, and other racialized communities – and the diversity within these communities – in order to meaningfully address environmental racism. For example, storytelling as an important tool for raising awareness about environmental racism in Canada and advocating to change the societal standards that normalize this unacceptable reality. Data also plays an important role in equipping communities with the evidence needed to communicate the issue more efficiently.
- **Intersectional lens and disaggregated data:** Building further on the previous point about collecting race-based data, environmental racism also requires disaggregated data to examine the issue within the wider context of social inequality.
- **Research supports:** Academics and researchers can play a role tracking and measuring the effects of environmental racism. The CHRC has heard from experts that, while there is ongoing research about the issue of environmental racism in Canadian academic institutions, funding to support community collaboration in this research is lacking.
- **Institutional responsibility:** Monitoring impacts related to environmental racism should be the responsibility of a government focal point and should not fall on affected communities. For example, the CHRC engaged with one particular expert on environmental justice who shared that members of their community discovered, through their own independent research, that there was a tailing pond leaking into their communities, wetlands, and ocean. This expert noted that if community members had not

taken the initiative to collect data, the leak would have never been discovered because corporations do not tend to monitor themselves and self report.

- 3. Addressing and Preventing Environmental Racism:** What are the key areas to focus in preventing and addressing environmental racism? Are there roadblocks that are in the way or key challenges to pay attention to?

CHRC response: Power imbalances, the disconnect between decision makers and communities, and the lack of appropriate avenues to access justice continue to obstruct progress towards addressing environmental racism.

- **Power imbalances:** Colonialism is deeply rooted within the systems and structures in Canada creating power imbalances that directly connect to environmental racism. The CHRC has heard from experts about how colonialism perpetuates an erasure of Indigenous knowledge, culture and Indigenous peoples' right to protect the land. Africville, Nova Scotia, is an important reminder of the government's current and continued disregard of the rights of Black communities in Eastern Canada, where municipal dumps border many historically Black communities. Power imbalances between municipal governments and affected communities have dissuaded many community members from speaking up against specific issues related to the environment.
- **Lack of meaningful engagement or awareness of realities:** Decision makers are most often not living in the communities impacted by environmental racism and are not meaningfully consulting with those that are most directly impacted.
- **Lack of appropriate avenues to access justice:** Communities experiencing issues of environmental racism in Canada do not have available to them appropriate venues to access justice, including through robust independent oversight of mining, oil, gas and industrial activities. There is currently no responsible government body where communities facing environmental racism can go to report the situation and seek assistance in addressing the issue and / or seeking actionable remedies. In addition, the CHRC has heard from stakeholders that systemic discrimination continues to permeate legal and judicial systems further disadvantaging Indigenous, Black and other racialized communities in seeking justice. For example, Indigenous ways of life and Indigenous laws are not seen as valid as Canadian law.

Information on Canada's related human rights obligations

The topics of environmental justice and environmental racism are reflected in several international human rights treaties that Canada has ratified. In recent years, the CHRC has raised concerns regarding the matter of environmental racism in its submissions to various UN bodies including:

- 2017 submission to the Committee on the Elimination of Racial Discrimination on the occasion of its consideration of Canada's 21st and 23rd Periodic Reports
- 2022 submission to the Committee on the Rights of the Child on the occasion of its consideration of Canada's 5th and 6th Periodic Reports
- 2023 submission to the UN Special Rapporteur on the human rights to safe drinking water and sanitation prior to his visit to Canada
- 2025 submission to the CRPD on the occasion of Canada's 2nd and 3rd Periodic Review
- Upcoming 2026 submission to the Human Rights Committee on the occasion of Canada's 7th Periodic Review.

In these submissions, the CHRC raised a number of issues, including the following:

- The CHRC views the inequitable access to safe drinking water and sanitation as pressing human rights issues facing Canada today. As of August 21, 2023, 28 drinking water advisories remain in 26 First Nations communities. The ongoing water advisories in several Indigenous communities is a key indicator of both social determinants of health and environmental racism, as drinking water advisories in Canada are concentrated in Indigenous communities.
- Long-term health impacts as a result of environmental racism may also contribute to disabilities. For example, Indigenous, Black and other racialized communities often experience environmental racism, whereby polluting industries and environmentally hazardous activities such as landfills, trash incinerators, coal plants and toxic waste dumps are disproportionately located near their neighbourhoods. The proximity to polluting industries affects their water supply as the chemicals and toxins from hazardous activities contaminate the air, water and land surrounding these communities. Continuous exposure to industry-generated pollutants can lead to negative health impacts and, in some instances, life-threatening illnesses.
- For example, several polluting industries located in or proximal to Mi'kmaq and African Nova Scotian communities, have exposed residents to numerous health risks including an

increased risk of consuming unsafe drinking water contaminated from industrial discharge and runoff of toxic wastes. This contributes to poorer health outcomes, as communities experiencing environmental racism are disproportionately impacted by higher rates of cancer, among other chronic illnesses and deaths. For instance, even decades after contamination, mercury poisoning is still affecting the Grassy Narrows First Nation. The CHRC welcomes recent legislative efforts to direct attention to and address environmental racism and encourages the continuation of this work.

- The CHRC welcomes recent legislative efforts to direct attention to this issue, which propose national strategies to address the harm caused by environmental racism.