

**2021 HUMAN**

**RIGHTS**

**AGENDA**

**UNMASKING HUMAN**

**RIGHTS ABUSES IN**

**CANADA**



# INTRODUCTION

Amnesty International is concerned about the state of human rights in Canada. We were worried prior to the pandemic but are more so now. Indeed, the past 18 months have demonstrated the fragility of human rights and democracy, not only globally, but in Canada too.

Federal and provincial governments' responses to the public health crisis have had a significant and often devastating impact on human rights in terms of social, economic, and cultural rights. The negative effects of the pandemic have disproportionately affected vulnerable populations and those living in precarious situations such as Indigenous Peoples, Black and racialized communities, women, seniors, sex workers, asylum seekers, and migrant workers.

The extraordinary emergency into which the pandemic has plunged us has revealed the gaping holes and chronic disinvestment in all sectors: employment, education, health and safety, protection against gender-based and racist violence, and the struggle against racism and systemic racism and other forms of discrimination.

It is in the context of this global pandemic that Amnesty International presents its 2021 Human Rights Agenda as a tool to both assess Canada's respect of its human rights obligations over the past year and to propose other recommendations for reform and action, both in the context of the public health crisis and in its aftermath.

This 2021 Human Rights Agenda makes it clear that the pandemic has had a disproportionate impact on rights holders already experiencing systemic discrimination. Health is shaped by social determinants such as poverty, access to care and services, and discrimination-based barriers. In this sense, the pandemic has affected different populations and identity groups differently.

The United Nations (UN) High Commissioner for Human Rights, Michelle Bachelet, emphasized this point by stating<sup>1</sup> that:

**« GIVEN THE EXCEPTIONAL NATURE OF THE CRISIS, IT IS CLEAR STATES NEED ADDITIONAL POWERS TO COPE. HOWEVER, IF THE RULE OF LAW IS NOT UPHELD, THEN THE PUBLIC HEALTH EMERGENCY RISKS BECOMING A HUMAN RIGHTS DISASTER, WITH NEGATIVE EFFECTS THAT WILL LONG OUTLAST THE PANDEMIC ITSELF. »**

After more than a year of restrictions that have undermined and exacerbated the inequalities experienced by persons in precarious situations, it is time for all governments in Canada to take a human-rights centred approach to managing the fallout from the pandemic.

<sup>1</sup>OHCHR, COVID-19: Exceptional measures should not be cover for human rights abuses and violations – Michelle Bachelet, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25828&LangID=E>

It is in this spirit that the two sections of Amnesty International Canada propose recommendations for action in the following areas:

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## DISCLAIMER

The Human Rights Agenda is a tool to evaluate the state of human rights in Canada, particularly in light of the COVID-19 pandemic. Although the pandemic has affected the entire population, Canadians were not equally impacted. Our focus in this document is the impact of the pandemic on those whose human rights are most vulnerable.

# 1 | DISCRIMINATION AND SYSTEMIC RACISM

*Systemic racism impacts the realization of human rights in all sectors outlined in the Amnesty International 2021 Human Rights Agenda.*

Systemic racism<sup>2</sup> encompasses the entire societal structure of institutions, laws, and policies that maintain a system of inequalities that privilege or suppress different groups in society on the basis of their assigned “race”. These disparities grant privileges to white people and undermine the rights of Indigenous, Black, and racialized people.

After the horrific live-recorded murder of George Floyd by police officers in the United States in 2020, Canadians across the country joined anti-racist protests denouncing anti-Black racism and police violence.

In 2020, the Ontario Human Rights Commission interim report on anti-Black racism in policing stated that Black people in Toronto are up to 20 times more likely to be shot dead by police than white people. According to a Vancouver Police Board Study, Indigenous and Black people are significantly over-represented in street checks conducted by the Vancouver Police Department. In 2017, 16% of all street checks were of Indigenous people, despite making up 2% of Vancouver’s population. Black people accounted for 4% of street checks, despite making up 1% of the population.

More recently in Canada, the unmarked graves of Indigenous children found buried at former residential schools, the recorded abuse and subsequent death of an Indigenous woman in a Quebec hospital, and the alleged premeditated killing of a Muslim family in London, Ontario sparked widespread outrage and mobilization across Canada.

There are calls for both federal and provincial governments to urgently address racism and systemic racism with concrete measures. However, across the country, elected politicians, pundits, and law enforcement officials continue to deny the existence of systemic racism and its profound effects on human rights in Canada.

The Canadian government took important steps, such as strengthening its anti-racism strategy<sup>3</sup> and announcing additional funding for anti-racism projects<sup>4</sup> across the country. However, these initiatives still fail to outline concrete timelines, goals, and actions. Several provincial governments have also developed anti-racism strategies, projects and other initiatives, such as the Quebec government’s Action Group Against Racism<sup>5</sup> report. However, this report lacks an overall vision for its

proposed measures and the Quebec government still refuses to acknowledge the existence of systemic racism.

In Quebec, Bill 21<sup>6</sup> restricts the wearing of visible religious symbols in the public service, disproportionately targeting members of minority religious groups, especially women, and limiting their access to employment in certain sectors, including the public service. Yet, the Quebec government reaffirms that inclusion and diversity are fundamentals part of Quebec society. As a first step to realizing this ideal, it is vital that the Quebec government start by recognizing the existence of

systemic racism. This recognition must be accompanied by action plans which address the specific realities of Indigenous, Black and racialized people, and are developed in consultation and cooperation with the concerned communities and groups.

Amnesty recognizes the work of organizations representing Indigenous and Black communities, and other racialized, ethnic, and religious groups that have been on the front lines of addressing systemic racism for many years. Amnesty stands in support of the legitimate demands of these groups in the fight against systemic racism.

TORONTO, ON - JUNE 06: Protesters march during an anti-racism march on June 6, 2020 in Toronto, Canada. This is the 12th day of protests since George Floyd died in Minneapolis police custody on May 25. (Photo by Cole Burston/Getty Images)



## AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF CANADA TO

- **Acknowledge the existence of systemic racism and, in close collaboration with communities of colour, develop a meaningful responsive plan including the collection and publication of disaggregated and anonymized race-, ethnicity-, religious-, and other identities-based data provided with free and informed consent.**
- **Engage in broad consultations about community-led efforts that reimagine and propose new, transformative approaches to uphold public safety, and to set and apportion police budgets.**
- **Ban the practices of carding, street checks, and racial profiling by police.**
- **Ban the use of facial recognition technology by police for mass surveillance.**
- **Comprehensively overhaul police oversight and ensure that it is adequately resourced and mandated, and that representatives of oversight bodies are appointed according to the principle of pluralism to be as inclusive as possible.**
- **Provide sustained resources to community-led organizations and movements directly impacted by and working against racism.**

<sup>2</sup>Racisme et la Discrimination Raciale – Discrimination systémique (fiche), Commission ontarienne des droits de la personne, <http://www.ohrc.on.ca/fr/racisme-et-la-discrimination-raciale-discrimination-systémique-fiche>

<sup>3</sup>Canadian Heritage, Building a More Inclusive Canada: Government of Canada Announces Funding for Anti-Racism Projects Across the Country, October 15, 2020, [www.canada.ca/en/canadian-heritage/news/2020/10/building-a-more-inclusive-canada-government-of-canada-announces-funding-for-anti-racism-projects-across-the-country.html](http://www.canada.ca/en/canadian-heritage/news/2020/10/building-a-more-inclusive-canada-government-of-canada-announces-funding-for-anti-racism-projects-across-the-country.html)

<sup>4</sup>The Groupe d’action contre le racisme, <https://www.quebec.ca/en/government/policies-orientations/translate-to-anglais-groupe-daction-contre-le-racisme/>

<sup>5</sup>An Act respecting the laicity of the State, National Assembly of Quebec, 42nd Legislature, 1st Session, [m.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-21-42-1.html](http://m.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-21-42-1.html)

<sup>6</sup>Loi sur la laïcité de l’État, Assemblée Nationale du Québec, 42ème Législature, 1ère Sess., <http://m.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-21-42-1.html>

## 2 | INDIGENOUS RIGHTS

*The Truth and Reconciliation Commission<sup>7</sup>, the National Inquiry into Missing and Murdered Indigenous Women and Girls<sup>8</sup>, the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec<sup>9</sup>, among other initiatives have helped to uncover the impact and extent of colonization and oppression of First Nations, Métis, and Inuit in Canada. They resulted in hundreds of recommendations towards justice, reparation and reconciliation for the discrimination and violence experienced by Indigenous Peoples in Canada.*

Systemic racism against Indigenous Peoples in Canada manifests in various forms and at varying levels, notably in police violence; over-representation of Indigenous Peoples in the child welfare and criminal justice systems; staggeringly high levels of violence experienced by Indigenous women, girls, and two-spirit people; inadequate and culturally inappropriate provision of social services such as access to clean and safe water, health care and education; granting of resource-extraction licenses without free, prior and informed consent; and dislocation and disconnection from land and culture. This is in addition to the traumatic intergenerational legacy of the residential school system.

Against this backdrop, Indigenous Peoples continue to assert their rights. They have defended their lands to resist unwanted resource development; they have taken the government to court to seek remedy for harms; they have established authority over child welfare in their communities; and they have provided climate leadership by setting up innovative renewable energy projects.

However, Canada has yet to take concrete actions to address intergenerational trauma and ongoing discriminatory practices against Indigenous Peoples.

### COVID-19 PANDEMIC

During the COVID-19 pandemic, Indigenous communities faced unique threats and challenges that put them at higher risk<sup>10</sup> of contracting the virus and being hospitalized. The challenges included lack of health care equipment and services, as well as under-funded and over-crowded housing. Despite these challenges, communities have developed effective solutions based on their needs and available resources, such as check-ins with elders to stave off isolation, sharing traditional medicines and food, and the creation of emergency plans.

In 2020, the Union of BC Indian Chiefs called on the BC government<sup>11</sup> to shut down construction of the Site C hydroelectric dam and Coastal Gaslink pipeline projects because of pandemic-related health and safety concerns.

### UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In June 2021, Bill C-15<sup>12</sup>, legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples, was passed into law. Canada must now collaborate with Indigenous peoples to effectively implement this legislation.

### RESIDENTIAL SCHOOLS

Since May 2021, the remains of more than 1,300 Indigenous children buried at only four of 139 former residential schools have been identified, and more unmarked graves are likely to be located. The Truth and Reconciliation Commission of Canada's final report estimated that approximately 6,000 children died in residential schools, a number estimated to be much higher.

Canada is responsible for creating the residential school system, which aimed eradicate Indigenous cultures, languages, and communities. Canada must, therefore, take full responsibility for urgently and concretely addressing the intergenerational trauma, harms, and discriminatory practices against Indigenous Peoples.

### SYSTEMIC RACISM IN THE HEALTH CARE SYSTEM

Systemic racism is present in health care systems across the country.

In September 2020, Joyce Echaquan, an

Atikamekw woman, live-streamed racist taunts from health care workers before her death at the Joliette Hospital in Quebec on September 28, 2020, prompting calls to address systemic racism in health care. Following her death, the Atikamekw Nation developed Joyce's Principle<sup>13</sup>, which aims to ensure that all Indigenous Peoples have fair, safe and non-discriminatory access, to all health and social services. The Government of Canada has given its support to Joyce's Principle, but the Quebec government still does not recognize or acknowledge systemic racism towards Indigenous Peoples.

Despite the Quebec government's position, the Order of Nurses of Quebec (*Ordre des infirmières et des infirmiers du Québec [OIIQ]*) recognized on July 14, 2021, the existence of systemic racism against First Nations and Inuit Peoples within health and social services networks.

### LAND RIGHTS

In December 2020, the Oka Pine Grove was listed<sup>14</sup> in the Cultural Heritage Register at the *Ministère de la Culture et des Communications du Québec* without the free, prior and informed consent of the Kanien'kehá:ka Nation of Kanehsatà:ke.

In January 2020, the Royal Canadian Mounted Police (RCMP) enforced an injunction obtained by Coastal Gaslink to clear Wet'suwet'en land defenders and their supporters from blockades set up to prevent workers from carrying out work on the pipeline. Hereditary leaders, responsible for the care of the traditional territory, had not consented to the pipeline. The use of tactical police units, snipers, and heavy equipment to clear peaceful and unarmed protestors from the barricades drew international condemnation of Canada.

<sup>7</sup>Truth and Reconciliation Commission of Canada, [nctr.ca/about/history-of-the-trc/trc-website/](https://nctr.ca/about/history-of-the-trc/trc-website/)

<sup>8</sup>National Inquiry into Missing and Murdered Indigenous Women and Girls, Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019, [www.mmiwg-ffada.ca/final-report/](https://www.mmiwg-ffada.ca/final-report/)

<sup>9</sup>Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: listening, reconciliation and progress, Final report, 2019, [www.cerp.gouv.qc.ca/fileadmin/Fichiers\\_clients/Rapport/Final\\_report.pdf](https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Rapport/Final_report.pdf)

<sup>10</sup>Angela Sterritt, 'COVID-19 cases among First Nations in some B.C. regions double rest of population', CBC News, 17 December 2020, [www.cbc.ca/news/canada/british-columbia/covid-19-cases-in-some-first-nations-double-non-first-nations-1.5845679](https://www.cbc.ca/news/canada/british-columbia/covid-19-cases-in-some-first-nations-double-non-first-nations-1.5845679)

<sup>11</sup>Union of BC Indian Chiefs, Open Letter: Call for the Halting of Site C Construction Due to the COVID-19 Outbreak, 2020, [www.ubcic.bc.ca/open\\_letter\\_call\\_for\\_the\\_halting\\_of\\_site\\_c\\_construction\\_due\\_to\\_the\\_covid\\_19\\_outbreak](https://www.ubcic.bc.ca/open_letter_call_for_the_halting_of_site_c_construction_due_to_the_covid_19_outbreak)

<sup>12</sup>Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, 2nd Sess., 23rd Parliament, 2020, assented to 21 June 2021, [www.parl.ca/LegisInfo/BillDetails.aspx?billId=11007812&Language=E](https://www.parl.ca/LegisInfo/BillDetails.aspx?billId=11007812&Language=E)

<sup>13</sup>Union Joyce's Principle, Brief presented by the Council of the Atikamekw of Manawan and the Council de la Nation Atikamekw, Presented to the Government of Canada, and to the Government of Quebec, November 2020, [principedejoyce.com/sn\\_uploads/principe/Joyce\\_s\\_Principe\\_brief\\_\\_\\_Eng.pdf](https://principedejoyce.com/sn_uploads/principe/Joyce_s_Principe_brief___Eng.pdf)

<sup>14</sup>Province de Québec Municipalité d'Oka, Site patrimonial de la Pinède d'Oka, 2020, [www.patrimoine-culturel.gouv.qc.ca/rpcq/detail.do?methode=consulter&id=232095&type=bien](https://www.patrimoine-culturel.gouv.qc.ca/rpcq/detail.do?methode=consulter&id=232095&type=bien)

The UN Committee for the Elimination of Racial Discrimination (CERD) has repeatedly called<sup>15</sup> on Canada to halt the construction of the Coastal Gaslink and Trans Mountain pipelines as well as the Site C dam in British Columbia over failures to obtain free, prior, and informed consent. In addition, the UN body called<sup>16</sup> on Canada to cease the use of lethal force against land defenders. Canada has not responded to the UN Committee's requests and construction on these projects continues.

## TREATY RIGHTS

In October 2020, Mi'kmaw fishers came under violent attack by white fishers for having exercised their longstanding treaty rights<sup>17</sup> to fish lobster. RCMP officers stood by as rocks were thrown at the Mi'kmaw fishers while they were physically restrained and their vehicles and two lobster storage facilities were set on fire. The UN CERD called on Canada<sup>18</sup> to investigate these racist attacks in order to prevent further acts of violence and protect and guarantee the fishing rights of the Mi'kmaw people.

## RESOURCE DEVELOPMENT PROJECTS

In 2018, Secwepemc women land and water defenders set up camp in Blue River, British Columbia, to protest the construction of industrial camps for Trans Mountain Expansion (TMX) pipeline workers. In 2021, they were attacked by several men. The women oppose both the pipeline expansion, which does not have the consent of all Secwepemc communities in the territory, as well as the increased risks of violence<sup>19</sup> such industrial camps pose to Indigenous women, girls and two-spirit people.

The National Inquiry into Missing and Murdered Indigenous Women and Girls highlighted the increased risks of sexual assault, domestic violence, and racism posed by industrial camps related to oil and gas pipelines, hydroelectric dams, and mines, and recommended that governments carry out gender-based analyses as part of impact assessments before approving licenses for such industrial developments. Further, CERD has called<sup>20</sup> for the suspension of the TMX project until Canada has obtained the full consent of Secwepemc people.

<sup>15</sup>United Nations, Committee on the Elimination of Racial Discrimination, Letter to Permanent Representative of Canada to the United Nations Office on the development of the C dam project, the approval of the Trans Mountain Pipeline Expansion project in British Columbia as well as the Coastal GasLink Pipeline, 24 November 2020, UN Doc CERD/EWUAP/102 session/2020/MJ/CS/ks, [tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT\\_CERD\\_ALE\\_CAN\\_9296\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT_CERD_ALE_CAN_9296_E.pdf)

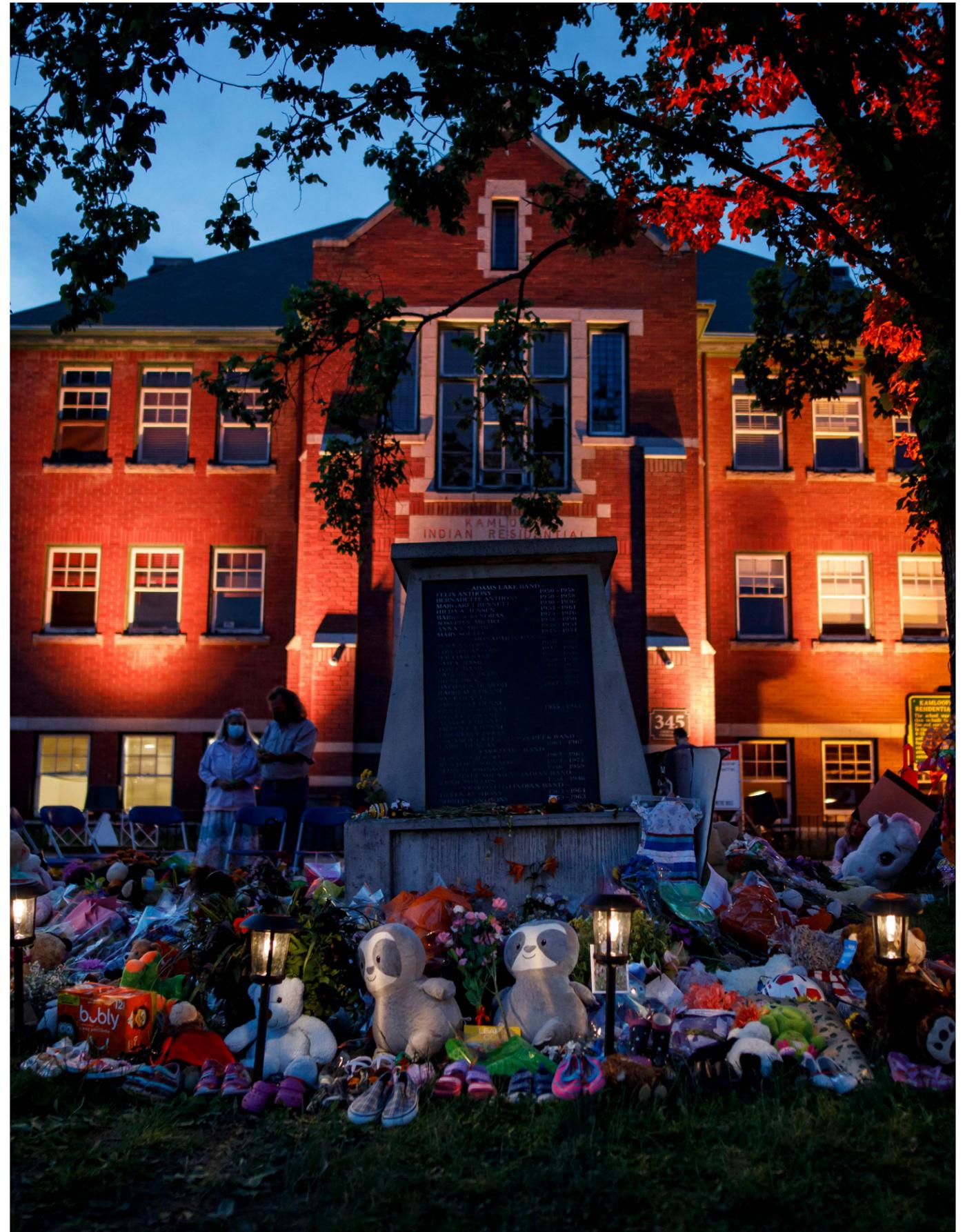
<sup>16</sup>Committee on the Elimination of Racial Discrimination, Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure, Hundredth session, 2801st Meeting, 13 December 2019, [tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT\\_CERD\\_EWU\\_CAN\\_9026\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT_CERD_EWU_CAN_9026_E.pdf)

<sup>17</sup>Amnesty International, "The fishing battle is not about lobster - it's about treaties," 19 October 2020, <https://www.amnesty.ca/blog/the-fishing-battle-is-not-about-lobster-its-about-treaties/>

<sup>18</sup>Committee on the Elimination of Racial Discrimination, Letter to Permanent Representative of Canada to the United Nations Office on the development to respect and protect rights of Mi'kmaw fishers and prevent further violence, 30 April 2021, UN Doc. CERD/EWUAP/103rd Session/2021/MJ/CS/ks, [tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT\\_CERD\\_ALE\\_CAN\\_9398\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CAN/INT_CERD_ALE_CAN_9398_E.pdf)

<sup>19</sup>The Firelight Group with Lake Babine Nation and Nak'azdli Whut'en, Indigenous Communities and Industrial Camps Promoting Healthy Communities in Settings of Industrial Change, 2017, [firelight.ca/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-2017\\_FINAL.pdf](https://firelight.ca/wp-content/uploads/2016/03/Firelight-work-camps-Feb-8-2017_FINAL.pdf)

<sup>20</sup>Supra, note 16.



# FOR A FULL RECONCILIATION

## PLAN NOW

### AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENTS OF CANADA TO

- Implement the 94 Calls to Action from the Truth and Reconciliation Commission of Canada and share a detailed plan and timeline for implementation.
- Implement the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls and share a detailed plan and timeline for implementation.
- Accept international oversight for any investigation into the crimes committed at former residential schools and fully cooperate with investigations carried out by international human rights bodies.
- Where requested by affected communities, appropriately fund independent examinations of burial grounds at former residential and day schools and ensure that Indigenous Peoples

control access to sites according to their own laws and customs.

- Stop litigation of First Nations<sup>21</sup> and comply with the 2020 Canada Human Rights Tribunal ruling on funding of child welfare services.
- Implement the calls to action in the Spirit Bear Plan of the First Nations Child and Family Caring Society of Canada, as well as Jordan's Principle of eligibility.
- Continue to fund Indigenous-led community programming for mental wellness and addictions treatment to support First Nations, Métis and Inuit dealing with the intergenerational trauma and harms caused by historical and ongoing colonial policies and practices. Efforts should also be made to ensure programming is

culturally safe and accessible, and available in Indigenous languages.

- Urge the Catholic Church to make public all its archives related to residential schools, to acknowledge the harms the Church committed through the Doctrine of Discovery as well as its support for the policy of residential schools, and to make reparations to survivors and their descendants.
- Implement UN recommendations to halt resource development projects that do not have the free, prior, and informed consent of affected communities.
- Limit the granting of injunctions to corporations as a measure to temporarily suspend land rights disputes. Instead, we call on Canada to respect the right to self-determination of Indigenous Peoples as defined by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), jurisprudence, and customary international law.

### AMNESTY INTERNATIONAL CALLS ON QUEBEC TO

- Fully implement the 142 Calls for Justice from the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec, recognize the existence of systemic racism in Quebec, and take effective measures to provide a meaningful remedy.

<sup>21</sup>2020 CHRT 36, [https://fncaingsociety.com/sites/default/files/2020\\_chrt\\_36.pdf](https://fncaingsociety.com/sites/default/files/2020_chrt_36.pdf)

# 3 | ASYLUM SEEKERS'

# RIGHTS

Canada has continued to undermine, most recently under the guise of the COVID-19 pandemic, the rights of refugees seeking protection upon arrival in the country.

Despite the recently announced<sup>22</sup> new program to resettle 250 human rights defenders as refugees, territorial protection in Canada has been significantly undermined over the past years. The omnibus Bill C-97 introduced a change<sup>23</sup> in Canadian refugee law that narrowed the scope of refugee protection and discriminates amongst refugee claimants on an arbitrary basis, introducing a two-tier system of protection.

The *Safe Third Country Agreement (STCA)* continues to be challenged in court, and human rights violations in the context of immigration detention centres continue to occur. The Federal Court of Appeal overturned a July 2020 ruling<sup>24</sup> of the Federal Court of Canada, which had found that those returned under the *STCA* faced arbitrary immigration detention at the hands of US authorities in conditions that “shock the conscience.” Amnesty International, the Canadian Council of Refugees, and the Canadian Council of Churches are seeking to have the latest decision overturned by the Supreme Court of Canada.

On March 20, 2020, Canada enacted<sup>25</sup> a ban on persons entering Canada from the US for the purposes of seeking refugee protection. The measure has been renewed multiple times without oversight by the legislature. Not only is this ban contrary to the UN High Commissioner for Refugee’s key legal considerations<sup>26</sup> surrounding refugee protection in the context of COVID-19, the House of Commons Standing Committee on Citizenship and Immigration’s report<sup>27</sup> about the impact of COVID-19 also recommended that Canada “permit refugees and asylum seekers to enter Canada, regardless of their country of origin or nationality, while requiring them to comply with all public health requirements.” At the same time, Canada opened the border to various other individuals travelling from the US, including athletes, others granted “compassionate entry”, and relatives of Canadian permanent residents or citizens. The government has provided no public health justification for the exclusion for asylum seekers.

In June 2021, Amnesty International and Human

Rights Watch published a report<sup>28</sup> on the practice of immigration detention in Canada, documenting the ways in which the system discriminates against racialized communities and people with psychosocial disabilities. Since 2016, over 300 people have been held in immigration detention for longer than one year, and provincial jails across the country are used as detention sites even when immigration detainees are being held on administrative, rather than criminal, grounds. The report further documents abusive treatment of immigration detainees at the hands of the Canadian Border Services Agency, a body that still lacks independent civilian oversight. Although two bills (C-3<sup>29</sup> and C-98<sup>30</sup>) were introduced by the government in previous sessions of Parliament, no oversight legislation is currently before the legislature. During the course of the pandemic, Canada has released a significant number of immigration detainees due to the risks posed by the COVID-19 pandemic, demonstrating that alternatives to detention have been underutilized.

## AMNESTY INTERNATIONAL

### CALLS ON CANADA TO

- Rescind the *Safe Third Country Agreement*.
- Restore refugee protection for those making asylum claims, consistent with Canada’s international legal obligations.
- Gradually abolish the practice of immigration detention in Canada.



<sup>22</sup>Immigration, Refugees and Citizenship Canada, Providing protection to human rights defenders at risk, 2021, [www.canada.ca/en/immigration-refugees-citizenship/news/2021/07/providing-protection-to-human-rights-defenders-at-risk.html](http://www.canada.ca/en/immigration-refugees-citizenship/news/2021/07/providing-protection-to-human-rights-defenders-at-risk.html)

<sup>23</sup>Amnesty International, Submission to the House of Commons Standing Committee on Citizenship and Immigration: Clause 306 of Bill C-97, the Budget Implementation Act, 2019, No. 1, 2019, [www.ourcommons.ca/Content/Committee/421/CIMM/Brief/BR10478967/br-external/AmnestyInternationalCanada-e.pdf](http://www.ourcommons.ca/Content/Committee/421/CIMM/Brief/BR10478967/br-external/AmnestyInternationalCanada-e.pdf)

<sup>24</sup>Canadian Council for Refugees v. Canada (Immigration, Refugees and Citizenship) (FC 770), The Federal Court of Canada (2020), [decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/482757/index.do](http://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/482757/index.do)

<sup>25</sup>Order in Council N°2020-0161 of the Governor in Council of Canada, [orders-in-council.canada.ca/attachment.php?attach=38958&lang=en](http://orders-in-council.canada.ca/attachment.php?attach=38958&lang=en)

<sup>26</sup>United Nations High Commissioner for Refugees, Key Legal Considerations on access to territory for persons in need of international protection in the context of the COVID-19 response, 2020, [www.refworld.org/docid/5e7132834.html](http://www.refworld.org/docid/5e7132834.html)

<sup>27</sup>Standing Committee on Citizenship and Immigration, Immigration in the time of COVID-19: Issues and challenges, 2021, [www.ourcommons.ca/Content/Committee/432/CIMM/Reports/RP11312743/cimmrp05/cimmrp05-e.pdf](http://www.ourcommons.ca/Content/Committee/432/CIMM/Reports/RP11312743/cimmrp05/cimmrp05-e.pdf)

<sup>28</sup>Amnesty International and Human Rights Watch, “I Didn’t Feel Like a Human in There”: Immigration Detention in Canada and its Impact on Mental Health, 2021, <https://www.amnesty.org/en/documents/amr20/4195/2021/en/>

<sup>29</sup>Bill C-3, An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act and to make consequential amendments to other Acts, 1st Sess., 23rd Parliament, 2019 (Introduction and First Reading in the House of Commons 27 January 2020). [www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10613928](http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10613928)

<sup>30</sup>Bill C-98, An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act and to make consequential amendments to other Acts, 1st Sess., 42nd Parliament, 2015 (First Reading in the Senate 20 June 2019). [www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10449322](http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10449322)

# 4 | RIGHTS OF MIGRANTS

# WITH PRECARIOUS OR

# NO STATUS

The precarious legal status of many migrants means that they cannot exercise and enjoy their human rights, in particular their economic, social, and cultural rights. In many cases, these people have a precarious migration status, or no legal status, which makes them vulnerable to the non-respect of their rights.

In December 2020, the federal and Quebec governments launched a special program to regularize the status of and pave the way to permanent residency for refugee claimants who provided health care services during the COVID-19 pandemic. The stated aim of this program is to recognise the contribution of the many essential migrant workers during the pandemic. However, the program only targets asylum seekers who worked in certain health care positions, during specific hours and weeks, and only during the first wave of the pandemic.

The pandemic has highlighted the often-neglected importance of migrants, both as essential workers and as members of society. It has also revealed that these people were very often exploited, and did not always have access to essential services, such as health care. A report<sup>31</sup> by the *Table de concertation des organismes au service des personnes réfugiées et immigrantes* shows that asylum seekers who are entitled to public health care have been denied access to testing clinics, despite the fact that they

are entitled to public health care services and that the organization responsible for Quebec's provincial health care system (*Régie de l'assurance maladie du Québec*) has issued a directive making testing and care for COVID-19 free for all<sup>32</sup>.

Migrants with precarious or no status also face several barriers to employment<sup>33</sup>. Their lack of Canadian work experience, the non-recognition of their qualifications and skills acquired abroad, language barriers, and discrimination mean that they may be forced to accept low-paying jobs with poor working conditions. They are often recruited by temporary employment agencies that target migrants precisely because, due to a lack of options, they are likely to accept these poor conditions. Workers are then often confined to precarious jobs that offer little or no stability or opportunities for career advancement, thus exacerbating inequalities. Indeed, the precariousness of their status and their fear of losing the possibility of remaining in Canada discourage them from challenging violations of their rights at work<sup>34</sup>. Although workers hired by agencies

are, in principle, protected by the *Act Respecting Occupational Health and Safety*<sup>35</sup>, exercising these rights is often difficult. The use of agencies has increased during the pandemic, particularly in the health care sector, including residential and long-term

care centres. Numerous reports and media coverage revealed that employers in many of these facilities were not complying with occupational health and safety guidelines, critical measures during the COVID-19 pandemic.



## FOR HUMANE,

## DIGNIFIED AND EQUAL

## TREATMENT

### AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Recognize the essential nature of the work performed by migrants, and make all migrants eligible for the government's Special Regularization Program, allowing migrants with precarious, temporary or irregular status to submit an application for permanent residence.
- Adopt a strategy to ensure that the human rights of migrants, including their economic, social, and cultural rights, are respected including through the regularization of their status.

<sup>31</sup> Table de concertation des organismes au service des personnes réfugiées et immigrantes (TCRI), «Demandeurs d'asile travaillant dans les services essentiels: près de 400 témoignages», 17 September 2020, [tcri.qc.ca/images/publications/memoires/2020/Rapport\\_de\\_recherche\\_DA\\_travaillant\\_dans\\_les\\_services\\_essentiels\\_TCRI.pdf](http://tcri.qc.ca/images/publications/memoires/2020/Rapport_de_recherche_DA_travaillant_dans_les_services_essentiels_TCRI.pdf)

<sup>32</sup> See [www.ramq.gouv.qc.ca/fr/salle-presse/questions-reponses-nos-services-pandemie](http://www.ramq.gouv.qc.ca/fr/salle-presse/questions-reponses-nos-services-pandemie)

<sup>33</sup> Supra, note 31.

<sup>34</sup> Ibid.

<sup>35</sup> An act respecting occupational health and safety (CQLR, chapter S-2.1), <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-2.1>

# 5 | WOMEN'S RIGHTS

Women, girls, and gender-diverse people in Canada are more likely to experience discrimination and violence than men and boys. In addition, Indigenous, Black, racialized, LGBTI, newcomer, immigrant refugee, older women, people with disabilities, people who use drugs, and sex workers are disproportionately impacted by gender-based discrimination and violence. Levels of gender-based violence, and in particular sexual violence, have remained consistent for years, with only a fraction of incidents being reported to police and few perpetrators being held to account. Gender-based discrimination also means that women bear the bulk of unpaid care work, such as caring for family members, and, on average, are paid less than men.

Since 2015, the federal government has taken focused action to address gender inequalities in Canada. While these actions are welcome, further action—guided by and centred on the needs of those most impacted—is needed to address gender-based inequalities, discrimination, and violence.

## COVID-19 PANDEMIC

The COVID-19 pandemic exacerbated gender inequalities. During the pandemic, women and gender-diverse people experienced increased levels of violence and decreased access to support services<sup>36</sup>.

Women were on the frontlines of the pandemic, working in historically gendered health care, childcare, education, retail, and cleaning jobs. The majority of frontline workers were immigrant, Black, undocumented, and low-income women. Women were responsible for increased care-giving responsibilities and greater housework because of

COVID-19-related closures and restrictions. This<sup>37</sup> led to record levels of women leaving the work force, and women returning to work at lower and slower rates than men.

Equality-seeking organizations have called for a feminist pandemic recovery to ensure that government recovery<sup>38</sup> plans address the gender inequalities that were laid bare during the pandemic. Responding to calls for a feminist pandemic recovery, in March 2021, Canada launched a Task Force on Women in the Economy<sup>39</sup>. The 2021-2022 federal budget included a commitment<sup>40</sup> of over \$27 billion over five years to create a national affordable childcare system for families.

## GENDER-BASED VIOLENCE

In September 2020, the federal government re-committed<sup>41</sup> to developing a National Action Plan to End Gender-based Violence, but gave no details



on the process. In June 2021, Women's Shelters Canada, a group of leaders in the area of gender-based violence, released a report<sup>42</sup> to guide implementation of the National Action Plan, and civil society urged the government to follow through on its promise to act.

## VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS

Indigenous women and girls in Canada—both on reserve or in urban areas, regardless of age or socio-economic status—are at least three times<sup>43</sup> more likely to experience violence and at least six times<sup>44</sup> more likely to be murdered than non-Indigenous women and girls. In June 2021, two years after the National Inquiry into Missing and Murdered Indigenous Women and Girls released its final report, the federal government launched a National Action Plan<sup>45</sup> to implement the National Inquiry's 231 Calls for Justice, accompanied by a budget of over \$5 billion.

The urgent need for the plan was highlighted in a survey<sup>46</sup> showing that early in the COVID-19 pandemic, Indigenous women were more concerned about experiencing violence than contracting COVID-19. The National Action Plan provided a high-level summary of some short-term government commitments, but failed<sup>47</sup> to outline accountability measures or a detailed plan and timeline connected to the Calls for Justice.

<sup>36</sup>Canadian Women's Foundation, Inuit Women of Canada, Women's Shelters Canada, Anita Olsen-Harper, and Jihan Abbas, *Resetting Normal: Systemic Gender-Based Violence and the Pandemic*, 2020, [www3s926r0g42i6kes3bxg4i1-wpengine.netdna-ssl.com/wp-content/uploads/2020/12/20-08-CWF-ResettingNormal-Report3\\_v5.pdf](https://www3s926r0g42i6kes3bxg4i1-wpengine.netdna-ssl.com/wp-content/uploads/2020/12/20-08-CWF-ResettingNormal-Report3_v5.pdf), pp. 22-27

<sup>37</sup>Canadian Women's Foundation, Canadian Centre for Policy Alternatives, Ontario Nonprofit Network, and Fay Faraday, *Resetting Normal: Women, Decent Work and Canada's Fractured Care Economy*, 2020, [www3s926r0g42i6kes3bxg4i1-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/ResettingNormal-Women-Decent-Work-and-Care-EN.pdf](https://www3s926r0g42i6kes3bxg4i1-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/ResettingNormal-Women-Decent-Work-and-Care-EN.pdf)

<sup>38</sup>YWCA, *Gender and the Economy, A Feminist Recovery Plan for Canada*, [www.feministrecovery.ca/](http://www.feministrecovery.ca/)

<sup>39</sup>Department of Finance Canada, *Government announces members of new Task Force on Women in the Economy*, 2021, [www.canada.ca/en/department-finance/news/2021/03/government-announces-members-of-new-task-force-on-women-in-the-economy.html](http://www.canada.ca/en/department-finance/news/2021/03/government-announces-members-of-new-task-force-on-women-in-the-economy.html)

<sup>40</sup>Child Care Now, *Canada's Roadmap to Affordable Child Care for All*, 2021, [timeforchildcare.ca/2021/07/06/canadas-roadmap-to-affordable-child-care-for-all/](https://timeforchildcare.ca/2021/07/06/canadas-roadmap-to-affordable-child-care-for-all/)

<sup>41</sup>Government of Canada, *Speech from the Throne to open the Second Session of the Forty-Third Parliament of Canada, A stronger and more resilient Canada*, 2020, [www.canada.ca/content/dam/pco-bcp/documents/pm/SFT\\_2020\\_EN\\_WEB.pdf](https://www.canada.ca/content/dam/pco-bcp/documents/pm/SFT_2020_EN_WEB.pdf)

<sup>42</sup>Women's Shelters Canada, Amanda Dale, PhD, Krys Maki, PhD, and Rotbah Nitia, *Roadmap for the National Action Plan on Violence Against Women and Gender-Based Violence: A Report to Guide the Implementation of a National Action Plan on Violence Against Women and Gender-Based Violence*, 2021, [nationalactionplan.ca/wp-content/uploads/2021/06/NAP-Final-Report.pdf](https://nationalactionplan.ca/wp-content/uploads/2021/06/NAP-Final-Report.pdf)

<sup>43</sup>Jillian Boyce, "Victimization of Aboriginal People in Canada", Statistics Canada, 2014, [www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14631-eng.htm](http://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14631-eng.htm)

<sup>44</sup>Joel Roy and Sharon Marcellus, "Homicide in Canada, 2018," Statistics Canada, 2018, [www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00016-eng.htm](http://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00016-eng.htm)

<sup>45</sup>Government of Canada, "2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQIA+ People," 2021, [4c3tru4erdnui9g3ggftji1d-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/NAP\\_Report\\_EN.pdf](https://www3s926r0g42i6kes3bxg4i1-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/NAP_Report_EN.pdf)

<sup>46</sup>Native Women's Association of Canada, "The Impacts of COVID-19 on Indigenous Women and Gender Diverse People in Canada," 2020, [www.nwac.ca/resource/the-impacts-of-covid-19-on-indigenous-women-and-gender-diverse-people-in-canada-survey/](https://www.nwac.ca/resource/the-impacts-of-covid-19-on-indigenous-women-and-gender-diverse-people-in-canada-survey/)

<sup>47</sup>Amnesty International, "Moving from rhetoric to action to end violence against First Nations, Métis, and Inuit women, girls and two-spirit people," 9 June 2021, <https://www.amnesty.ca/blog/moving-from-rhetoric-to-action-to-end-violence-against-first-nations-metis-and-inuit-women-girls-and-two-spirit-people/>

## FORCED AND COERCED

## STERILIZATION

Forced sterilization, a form of gender-based violence, occurs when a person is sterilized without their knowledge or consent. Coerced sterilization occurs when a person consents to sterilization because of incorrect information or coercive tactics. Forced and coerced sterilization disproportionately impact Indigenous women in Canada because of systemic racism against Indigenous Peoples in the health care system. Although the number of Indigenous People in Canada who have been sterilized without their consent remains unknown, there is compelling evidence<sup>48</sup> that the practice has not ceased.

In 2018, the UN Committee on Torture (UNCAT) affirmed<sup>49</sup> that forced and coerced sterilization of women in Canada is a form of torture and called on Canada to investigate cases, halt the practice, and ensure justice for survivors. In June 2021, the Standing Senate Committee on Human Rights released its report<sup>50</sup> on the issue, calling for further investigation and government action.

Renewed attention regarding the need to address racism in health care across Canada is welcome and necessary, but is not a substitute for specific actions to halt forced and coerced sterilizations. To date, Canada had failed to implement UNCAT's 2018 recommendations.

## THE RIGHTS OF SEX WORKERS

The criminalization of sex work<sup>51</sup> creates a barrier to the realization of the human rights<sup>52</sup> of sex workers in Canada. Sex workers in Canada are overwhelmingly women and LGBTQ2S individuals and are among the most marginalized and stigmatized groups in society. Sex workers face an increased risk of violence and abuse, and crimes against them, when they are reported, are rarely investigated, and often unpunished.

Most sex workers abruptly lost their income<sup>53</sup> due to COVID-19 lockdown measures across Canada, but unlike workers in other industries, due to the criminalization of sex work, sex workers were largely unable to access emergency income supports<sup>54</sup>.

In March 2021, the Canadian Alliance for Sex Work Law Reform along with several individual applicants filed a notice of application<sup>55</sup> seeking to strike down Canada's laws criminalizing sex work on the grounds that these laws violate sex workers' constitutional rights to security, personal autonomy, life, liberty, free expression, free association, and equality.



## AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Fulfill its promise to develop a well-resourced National Action Plan on gender-based violence.
- Promptly and publicly share implementation plans and accountability mechanisms for the National Action Plan on missing and murdered Indigenous women, girls, and two-spirit people.
- Implement UNCAT's recommendations to address forced and coerced sterilizations.
- Decriminalize sex work.
- Articulate plans to ensure an intersectional feminist economic post-pandemic recovery.

<sup>48</sup> Amnesty International, "Submission to UN Committee Against Torture: 72nd Session, 8 November-3 December 2021, List of Issues Prior to Reporting," AMR 20/4320/2021, June 2021, <https://www.amnesty.org/en/documents/amr20/4320/2021/en/>

<sup>49</sup> Amnesty International, "Sterilizing Indigenous Women without Consent is Torture," says UN Committee, 7 December 2018, <https://www.amnesty.ca/news/sterilizing-indigenous-women-without-consent-is-torture-says-un-committee/>

<sup>50</sup> Senate of Canada, Standing Senate Committee on Human Rights, «Forced and Coerced Sterilization of Persons in Canada», 3 June 2021, [sencanada.ca/en/Committees/report/94746/](https://www.sencanada.ca/en/Committees/report/94746/)

<sup>51</sup> Amnesty International uses the term "sex work" to mean the exchange of sexual services (involving sexual acts) between consenting adults for some form of remuneration, with the terms agreed between the seller and the buyer. Where consent is absent for reasons including threat or use of force, deception, fraud, and abuse of power or involvement of a child, such activity would constitute a human rights abuse, to be treated as a criminal offence. See <https://www.amnesty.org/en/documents/pol30/4063/2016/en/>

<sup>52</sup> Amnesty International, "Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers," (POL 30/4062/2016, p. 2), 26 May 2016, <https://www.amnesty.org/fr/documents/pol30/4062/2016/en/>

<sup>53</sup> Amnesty International, Canada's exclusion of sex workers from COVID-19 emergency income supports is shameful and violates human rights, 25 June 2020, <https://www.amnesty.ca/news/canadas-exclusion-of-sex-workers-from-covid-19-emergency-income-supports-is-shameful-and-violates-human-rights/>

<sup>54</sup> Amnesty International, Canada must protect the rights of sex workers during COVID-19 by ensuring access to emergency income supports, 4 June 2020, <https://www.amnesty.ca/blog/canada-must-protect-the-rights-of-sex-workers-during-covid-19-by-ensuring-access-to-emergency-income-supports/>

<sup>55</sup> Canadian Alliance for Sex Work Law Reform, "Sex worker human rights groups launch constitutional challenge," 30 March 2021, [sexworklawreform.com/sex-worker-human-rights-groups-launch-constitutional-challenge/](https://sexworklawreform.com/sex-worker-human-rights-groups-launch-constitutional-challenge/)

# 6 | LGBTQ2S RIGHTS

While great progress has been made in the past few decades to promote and protect LGBTQ2S rights, from marriage equality to specific rights protections for transgender people, homophobia and transphobia remain firmly entrenched. LGBTQ2S people experience more discrimination and violence than heterosexual and cis-gender people, and transgender and non-binary people face severe discrimination. LGBTQ2S people also face discrimination that leads to barriers to accessing health care services, high rates of homelessness, poverty, and social isolation, and high rates of harassment and violence. Because of their multiple and intersecting identities, Black and racialized trans women are at particular risk of experiencing rights violations. A coordinated government response is needed to end these human rights violations.

## COVID-19 PANDEMIC

The COVID-19 pandemic further exacerbated inequalities<sup>56</sup> experienced by LGBTQ2S people, including barriers to access to health care, homelessness, poverty, social isolation, harassment, and violence. Access to gender-affirming care and sexual and reproductive health services was drastically reduced or redirected due to the COVID-19 response. Some people faced challenges<sup>57</sup> accessing medication. Public health restrictions impeded access to chosen family, support groups and social services, including those providing access to food and medicine, thereby constituting a violation of the right to health.

## CONVERSION THERAPY

In October 2020, Canada tabled proposed legislation to ban conversion therapy<sup>58</sup> (Bill C-6) that seeks to change a person's sexual orientation or

suppress a person's gender identity or expression. The legislation was before the Senate for study when the federal election was called on August 15, 2021.

## INTERSEX RIGHTS

Some people are born with sex characteristics that vary from the established norms for "male" and "female", and many are subjected to attempts to "normalize" their bodies through surgery and/or hormone treatments. Intersex children in Canada often undergo non-emergency, invasive, and irreversible surgeries and hormonal treatments that can cause short- and long-term physical and psychological harm. Canada's *Criminal Code*<sup>59</sup> allows parents and medical practitioners to undertake non-consensual, cosmetic surgeries on intersex children.

In 2018, the LGBTQ2S organization Egale called<sup>60</sup> on Canada to follow international human rights standards on free and informed consent and amend the *Criminal Code* to prohibit non-consensual and

medically unnecessary surgeries on intersex children. At the time of publication of this report, Canada had not implemented Egale's recommendations.

## TRANSPHOBIA

Some "feminist" groups in Canada actively exclude transgender people. To counter the growing anti-trans backlash, in May 2021, over 100 organizations signed a joint letter<sup>61</sup> affirming that their feminism is fully inclusive of transgender people. Discrimination against transgender people in feminist

spaces is indicative of the scope and scale of discrimination and violence experienced by transgender people in society.

## LGBTQ2S NATIONAL ACTION PLAN

In November 2020, Canada launched a process to develop the federal LGBTQ2 Action Plan<sup>62</sup> to better understand the issues and coordinate federal actions to combat homophobia and transphobia. As of July 2021, the civil society consultation process had concluded, but the plan had not yet been released.



<sup>56</sup>Innovative Research Group and Egale, "Impact of COVID-19: Canada's LGBTQI2S Community in Focus," 6 April 2020, [egale.ca/wp-content/uploads/2020/04/Impact-of-COVID-19-Canada%E2%80%99s-LGBTQI2S-Community-in-Focus-2020-04-06.pdf](https://www.egale.ca/wp-content/uploads/2020/04/Impact-of-COVID-19-Canada%E2%80%99s-LGBTQI2S-Community-in-Focus-2020-04-06.pdf)

<sup>57</sup>Innovative Research Group, African-Canadian Civic Engagement Council, and Egale "Second National Report: The Impact of COVID-19 on Canada's LGBTQI2S Community," 27 August 2020, [egale.ca/egale-in-action/covid19-impact2/#FullReport](https://www.egale.ca/egale-in-action/covid19-impact2/#FullReport)

<sup>58</sup>C-6: An Act to Amend the Criminal Code (conversion therapy), Parliament of Canada, 2020 [parl.ca/LegisInfo/BillDetails.aspx?billId=10871883&Language=E](https://www.parl.ca/LegisInfo/BillDetails.aspx?billId=10871883&Language=E)

<sup>59</sup>*Criminal Code*, RSC 1985, c C-46, s 268(3), <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-268.html>

<sup>60</sup>Egale Canada, "Egale Canada urges the Federal Government to meet domestic and International Human Rights requirements of Intersex People on International Intersex Awareness Day," 26 October 2018, [egale.ca/awareness/egale-canada-urges-the-federal-government-to-meet-domestic-and-international-human-rights-requirements-of-intersex-people-on-international-intersex-awareness-day/](https://www.egale.ca/awareness/egale-canada-urges-the-federal-government-to-meet-domestic-and-international-human-rights-requirements-of-intersex-people-on-international-intersex-awareness-day/)

<sup>61</sup>"Our Feminism is Trans Inclusive," joint statement, 4 May 2021, [www.actioncanadashr.org/news/2021-05-04-our-feminism-trans-inclusive](https://www.actioncanadashr.org/news/2021-05-04-our-feminism-trans-inclusive)

<sup>62</sup>Government of Canada, "Be part of the LGBTQ2 Action Plan," 2020, [www.canada.ca/en/canadian-heritage/campaigns/free-to-be-me/lgbtq2-action-plan.html](https://www.canada.ca/en/canadian-heritage/campaigns/free-to-be-me/lgbtq2-action-plan.html)

# RECOGNIZE, PROTECT AND PROMOTE LGBTQ2S RIGHTS



## AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Ensure that post-pandemic recovery plans are fully LGBTQ2S inclusive.
- Actively promote trans-inclusive feminism in all government policies and programs.
- Implement safeguards to protect intersex children from medically unnecessary surgeries and treatments undertaken without their free and full consent.
- Swiftly pass Bill C-6 on prohibiting conversion therapy into law.
- Publicly launch a well-resourced federal LGBTQ2 Action Plan.

# 7 | BUSINESS AND HUMAN RIGHTS

*The pandemic has exposed the prioritization of corporate interests to the detriment of community and worker health and safety.*

Canadian companies have at all times, whether during a pandemic or not, an obligation to protect their workers<sup>63</sup>, and the state must ensure that companies respect these obligations.

Many countries, including Canada, declared construction and resource extraction as “essential” work and allowed operations to continue throughout the pandemic. Canadian resource-extraction companies continued to operate throughout the pandemic with little oversight from the Government of Canada.

Thousands of people have tested positive<sup>64</sup> for the virus at oil, gas, construction, and mining sites around the world. Limited public reporting and minimal oversight by governments means that the true extent of work-site transmission at Canadian extractives projects around the world is unknown. Furthermore, in many countries where Canadian companies operate, access to health care and vaccines is scarce.

Canada continues to provide support to Canadian companies in over one hundred countries

without guarantees of adequate human rights or environmental safeguards or laws, or requiring human rights and environmental due diligence from Canadian companies and their subsidiaries. Canadian civil society groups and their partners are calling on Canada to pass human rights and environmental due diligence legislation<sup>65</sup> to enable companies to be held to account for human rights violations and environmental damages.

Throughout the pandemic, from one end of the country to the other, workers continued to travel to remote work camps for resource extraction and construction projects<sup>66</sup>. Despite the risk of transmission through air travel, governments allowed multiple fly-in, fly-out operations to continue as “essential”.

Civil society groups, the BC Building Trades Council<sup>67</sup> and Indigenous organizations<sup>68</sup> called on federal and provincial governments to scale down work on megaprojects and put the health and safety of workers and communities first. Despite these

calls, work on megaprojects like the Site C dam<sup>69</sup> and the Coastal Gaslink pipeline continued and transmissions at work camps were reported. An outbreak at the Kearl Lake oil sands project was connected to transmission across four provinces, including the deaths of two Elders in a remote Dene community in Saskatchewan. In December, 2020, British Columbia’s Provincial Health Officer, Dr. Bonnie Henry, issued an order<sup>70</sup> under the *Public Health Act* to reduce the number of on-site workers at major energy projects such as Site C, TMX project, and Coastal Gaslink over concerns about increased risks of transmission between workers and surrounding communities.

Indigenous Peoples living near or working at major development projects face greater risks<sup>71</sup> of infection than other populations, owing to chronic underfunding of housing, clean water, infrastructure, and health care services. These projects also disrupt traditional food security and cultural practices

## THE GIG ECONOMY

Workers employed in the “gig economy”, such as delivery drivers and factory workers for online companies such as Amazon, have also reported greater risks to their health and safety during the pandemic.

Amazon is one of the most used delivery services in the world, and its CEO Jeff Bezos is now the world’s wealthiest person. During the pandemic, the company’s profits soared as its 200 million subscribers sheltered in place according to lockdown measures instituted by their governments,

and people relied on the company for the delivery of consumer goods. Amazon also partnered with governments around the world to deliver materials used in pandemic management. The Government of Canada entered into an agreement<sup>72</sup> with Amazon to deliver personal protective equipment (PPE) and other supplies to hospitals and municipalities across the country.

Despite the profits realized during the pandemic, Amazon’s workers have struggled to stay safe. In several countries, deficiencies in testing, distancing, and health and safety protocols were reported in various company locations. Workers at Amazon Canada reported similar health and safety concerns, citing poor physical distancing insufficient PPE, lack of access to washrooms, and lack of information about positive test results. Amazon Canada and its public health officials have refused to publicly release information about positive test results. Many factory workers in Ontario are new immigrants, often racialized, who are under huge economic pressures to continue to work despite their concerns about contracting COVID-19. At the same time, the company has, through questionable tactics, opposed workers’ attempts to unionize including spying on workers<sup>73</sup> leading unionization efforts.

<sup>63</sup> Amnesty International, *As they emerge from lockdown, businesses must protect their workers*, 21 May 2020, <https://www.amnesty.org/en/documents/pol30/2383/2020/en/>

<sup>64</sup> Earthworks et al., *Voices from the Ground, How the Global Mining Industry is Profiting from the COVID-19 Pandemic*, Juin 2020, [https://miningwatch.ca/sites/default/files/covid-19\\_and\\_mining\\_snapshot\\_report\\_-\\_web\\_version.pdf](https://miningwatch.ca/sites/default/files/covid-19_and_mining_snapshot_report_-_web_version.pdf)

<sup>65</sup> See [cnca-rcrce.ca/campaigns/business-human-rights-legislation-hrdd/](https://cnca-rcrce.ca/campaigns/business-human-rights-legislation-hrdd/)

<sup>66</sup> David Suzuki Foundation, “Governments must close resource project work camps near rural, Indigenous communities amid COVID-19,” 29 April 2020, [david Suzuki.org/press/governments-must-close-resource-project-work-camps-near-rural-indigenous-communities-amid-COVID-19/](https://david Suzuki.org/press/governments-must-close-resource-project-work-camps-near-rural-indigenous-communities-amid-COVID-19/)

<sup>67</sup> See [bcbuildingtrades.org/building-trades-council-calls-for-scaling-down-of-remote-camp-megaprojects/](https://bcbuildingtrades.org/building-trades-council-calls-for-scaling-down-of-remote-camp-megaprojects/)

<sup>68</sup> Open Letter: Designation of Oil and Gas Work as “Non-Essential” is Critical for Protecting the Lives and Rights of Vulnerable First Nations Facing COVID-19, December 8, 2020, [https://www.ubcic.bc.ca/open\\_letter\\_designation\\_of\\_oil\\_and\\_gas\\_work\\_as\\_non\\_essential\\_is\\_critical\\_for\\_protecting\\_the\\_lives\\_and\\_rights\\_of\\_vulnerable\\_first\\_nations\\_facing\\_covid\\_19](https://www.ubcic.bc.ca/open_letter_designation_of_oil_and_gas_work_as_non_essential_is_critical_for_protecting_the_lives_and_rights_of_vulnerable_first_nations_facing_covid_19)

<sup>69</sup> Amnesty International, *Canada: The point of no return: The human rights of Indigenous peoples in Canada threatened by the Site C dam*, 8 August 2016, [www.amnesty.org/en/documents/amr20/4281/2016/en/](https://www.amnesty.org/en/documents/amr20/4281/2016/en/)

<sup>70</sup> Government of British Columbia, *Order of the Provincial Health Officer, Industrial Projects Restart*, 29 December 2020, [www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/COVID-19/archived-docs/COVID-19-pho-order-industrial-projects-december-29.pdf](https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/COVID-19/archived-docs/COVID-19-pho-order-industrial-projects-december-29.pdf)

<sup>71</sup> Sarah Cox, “Send everybody home’: potential coronavirus outbreak at Site C dam a threat to Fort St. John, local officials say, *The Narwhal*, 26 March 2020, <https://thenarwhal.ca/send-everybody-home-potential-coronavirus-outbreak-at-site-c-dam-a-threat-to-fort-st-john-local-officials-say/>

<sup>72</sup> Public Services and Procurement Canada, *Government of Canada partners with Amazon to help get personal protective equipment to front-line healthcare workers*, 3 April 2020, [www.canada.ca/en/public-services-procurement/news/2020/04/government-of-canada-partners-with-amazon-to-help-get-personal-protective-equipment-to-frontline-healthcare-workers.html](https://www.canada.ca/en/public-services-procurement/news/2020/04/government-of-canada-partners-with-amazon-to-help-get-personal-protective-equipment-to-frontline-healthcare-workers.html)

<sup>73</sup> Amnesty International, *It is time for Amazon to respect workers’ right to unionize* (Public statement: 13 October 2020), [www.amnesty.org/en/latest/research/2020/10/time-for-amazon-to-respect-workers-right-to-unionize/](https://www.amnesty.org/en/latest/research/2020/10/time-for-amazon-to-respect-workers-right-to-unionize/)



## AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Immediately halt construction on the Site C dam, Coastal Gaslink, and Trans Mountain pipelines and seek the free, prior, and informed consent of Secwepemc and Wet'suwet'en and other Indigenous Peoples affected by these projects.
- Ensure that companies to which it contracts provide necessary services during the COVID-19 pandemic to protect worker health and safety, and to respect labour rights, including the right to unionize.

## AMNESTY INTERNATIONAL CALLS ON COMPANIES TO

- Provide their employees and contractors with appropriate remedy, where it is demonstrated that businesses did not comply with their obligations to ensure safe working conditions, and thus contributed to the exposure of workers to COVID-19. Remedy may include, but is not limited to, financial or non-financial compensation, reinstatement, and the prevention of additional harm.
- Cease harassment of those who raise concerns about health and safety.
- Respect the right of workers to unionize and to cease all surveillance and intimidation of workers.

# 8 | CLIMATE JUSTICE

The climate around the world is deteriorating, and Canada has not been spared. The extraordinary heat wave in Western Canada, followed by flooding and hundreds of forest fires perfectly illustrate the climate emergency.

The 6th Intergovernmental Panel on Climate Change (IPCC) report<sup>74</sup> says time is running out. This report confirms that temperature changes in Canada are significantly higher than the global average and that the consequences will vary by region.

Canada is one of the world's highest greenhouse gas emitters and continues to subsidize the fossil fuel industry, providing an estimated \$1.9 billion in fossil fuel subsidies in 2020 alone<sup>75</sup>.

Canada does not count emissions from the fuel it exports overseas, obscuring its full impact on the climate. Its greenhouse gas emissions reduction targets and climate plans are inconsistent with the goal of limiting temperature increase to no more than 1.5 degrees Celsius above pre-industrial levels, which the IPCC says is needed to avoid the most catastrophic impacts of climate change.

Canada does not have a serious plan to stop fossil fuel exploration and development.

Canada's 2030 reduction targets (the Nationally Determined Contribution [NDC]) are far below what is considered to be Canada's fair share of the global effort<sup>76</sup> to address the climate crisis. Canada could have further supported climate action through climate finance measures, but such initiatives are absent from the NDC.

## DISCRIMINATION AND SOCIAL INEQUALITIES

Climate change disproportionately affects those who experience multiple and intersecting forms of discrimination, including women and girls, Indigenous and racialized communities, people with disabilities, and younger generations. In 2018, the youth-led environmental group EnJeu brought a class action suit<sup>77</sup> against the Canadian government, on behalf of Quebecers under 35, for allegedly violating their rights under the *Canadian Charter of Rights and Freedoms* and the *Quebec Charter of Rights and Freedoms* by failing to meet sufficient greenhouse gas emission targets. In July 2019, a Quebec Superior Court judge ruled that it did not meet the requirements to proceed as a class action suit. EnJeu appealed and presented its argument to the Quebec Court of Appeal in February 2021. The Court has yet to release its decision.

Over the past two years, federal and provincial governments in Canada have ignored concerns raised by Indigenous Peoples about the climate impacts of new and expanded oil pipelines and hydraulic fracking projects and have allowed construction activities to continue. In several cases, this has led to serious conflicts between Canada and

<sup>74</sup>Intergovernmental Panel on Climate Change (IPCC), AR6 climate change 2021: the physical science basis, 7 August 2021, [www.ipcc.ch/report/ar6/wg1/#FullReport](https://www.ipcc.ch/report/ar6/wg1/#FullReport)

<sup>75</sup>Vanessa Corkal, "Fossil fuel subsidies in Canada: COVID-19 edition," International Institute for Sustainable Development, 25 February 2021 <https://www.iisd.org/publications/fossil-fuel-subsidies-canada-covid-19>

<sup>76</sup>Climate Action Network, Canada's new Nationally Determined Contribution does not reflect the country's highest possible ambition, 12 July 2021, <https://climateactionnetwork.ca/2021/07/12/canadas-new-nationally-determined-contribution-does-not-reflect-the-countrys-highest-possible-ambition/>

<sup>77</sup>Amnesty International, Environnement jeunesse (EnJeu) v. Attorney General of Canada (Legal brief: 26 February 2020), [www.amnesty.ca/legal-brief/environnement-jeunesse-enjeu-v-attorney-general-canada](https://www.amnesty.ca/legal-brief/environnement-jeunesse-enjeu-v-attorney-general-canada)

Indigenous Peoples. Indigenous climate activists cite concerns over access to clean water, food security, traditional medicines, and harm to human health, as well as the loss of hunting, fishing, and ceremonial practices that are tied to the land. Some Indigenous climate activists have called for “no-go zones” for large-scale mining, forestry, and other extractives operations as one strategy for protecting critical habitats and waterways.

## JUST ENERGY TRANSITION

Canada has committed to investing millions of dollars in clean technologies, zero-emission vehicles, and the creation of one million jobs in the sector. However, unless adequate human rights safeguards are put in place, the rush to extract energy-transition minerals may further harm communities that already disproportionately bear the brunt of the climate crisis. Canada’s energy transition must not come at the expense of human rights and a healthy environment for communities that mine and process the minerals used in solar panels, electric cars, and wind turbines.

# MAJOR CHANGES MUST TAKE PLACE TO PROTECT HUMANITY AND THE PLANET

## AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Achieve zero emissions by 2030.
- Progressively phase out fossil fuels by 2030.
- End the production and use of fossil fuels and the most polluting forms of production, such as coal, peat, hydraulic fracturing, and oil sands as soon as possible, but no later than 2030, and immediately end subsidies for all fossil fuel projects.
- Immediately develop concrete long-term plans for a just and sustainable transition to renewable

energy that respects human rights and centres Indigenous knowledge.

- Increase funding and support for rights-based climate initiatives, including technology transfer, in less wealthy countries that are unable to take the necessary mitigation and adaptation actions on their own.



# 9 | ARMS SALES

Canada exports weapons to places where they could be used to commit serious human rights violations. Canadian civil society organizations have long protested these weapons sales, but they continue unabated.

Arms exports are a multi billion-dollar industry for Canada. In 2020, Canada exported approximately \$1.97 billion<sup>78</sup> in controlled military goods and technology (exclusive of many US-destined exports), of which \$1.31 billion constituted exports to Saudi Arabia alone.

Canada reports<sup>79</sup> that, “[t]hroughout the pandemic, the processing of export and brokering permit applications has been deemed a priority service.” Indeed, in April 2020, Minister of Foreign Affairs, François-Philippe Champagne, and former Minister of Finance, Bill Morneau, announced that they had renegotiated the \$14-billion export contract with Saudi Arabia. At the same time, they announced<sup>80</sup> that Canada would create an arms-length advisory panel of experts to review best practices on arms exports and spearhead multilateral discussions regarding the establishment of an international inspection regime. However, no further developments on either initiative have been announced.

Also in April 2020, Canada published its “Final Report<sup>81</sup>” on export permits to Saudi Arabia. The government’s review was inconsistent with Canada’s

international legal obligations under the *Arms Trade Treaty* and did not rely on any reports by human

rights organizations to determine whether Canadian weapons are being used to commit human rights violations in Saudi Arabia or as part of the Saudi-led coalition war in Yemen. In September 2020, the UN Group of Eminent Experts on Yemen condemned<sup>82</sup> Canada for exporting weapons to parties involved in the conflict in Yemen, thereby perpetuating the war. Amnesty International and Project Ploughshares published a report<sup>83</sup> in August 2021 documenting the lack of rigour in Canada’s assessment.

In June 2021, the House of Commons Standing Committee on Foreign Affairs and International Development issued a report<sup>84</sup> about Canadian arms export controls. It recommended that the “first and foremost consideration informing... arms export policy, including the assessment of risk, should be Canada’s domestic and international legal obligations.”

In light of the profound human rights crisis in Colombia and repression of ongoing demonstrations

across the country<sup>85</sup>, in June 2021, Amnesty International called<sup>86</sup> on Canada to end the transfer of weapons to that country that could be used against civilians. In the past, military exports from

Canada to Colombia have included helicopters and armoured vehicles. In 2020, the value of Canadian military exports to Colombia was \$460,339.



## AMNESTY INTERNATIONAL CALLS ON CANADA TO

- End the export of military goods where there is a risk that these goods could be used to commit human rights violations.
- Establish, in consultation with civil society organizations, the arms-length advisory panel of experts to identify best practices with respect to weapons exports.

<sup>78</sup>Global Affairs Canada, 2020 exports of military goods, June 2021, [www.international.gc.ca/trade-commerce/assets/pdfs/controls-controles/reports-rapports/military\\_goods-2020-marchandises\\_militaires-en.pdf](http://www.international.gc.ca/trade-commerce/assets/pdfs/controls-controles/reports-rapports/military_goods-2020-marchandises_militaires-en.pdf)

<sup>79</sup>Ibid.

<sup>80</sup>Global Affairs Canada, Canada improves terms of light armored vehicles contract, putting in place a new robust permits review process, 9 April 2020, [www.canada.ca/en/global-affairs/news/2020/04/canada-improves-terms-of-light-armored-vehicles-contract-putting-in-place-a-new-robust-permits-review-process.html](http://www.canada.ca/en/global-affairs/news/2020/04/canada-improves-terms-of-light-armored-vehicles-contract-putting-in-place-a-new-robust-permits-review-process.html)

<sup>81</sup>Government of Canada, Final report: Review of export permits to Saudi Arabia, April 2020, [www.international.gc.ca/trade-commerce/controls-controles/memo/annex-a-ksa.aspx?lang=eng](http://www.international.gc.ca/trade-commerce/controls-controles/memo/annex-a-ksa.aspx?lang=eng)

<sup>82</sup>The Group of Eminent International and Regional Experts on Yemen, UN Human Rights Council, Report of the Group of Eminent International and Regional Experts on Yemen, A/HRC/45/6, 28 September 2020, [www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf)

<sup>83</sup>Amnesty International Canada and Project Ploughshares, «No Credible Evidence»: Canada’s flawed analysis of arms exports to Saudi Arabia, August 2021, <https://www.amnesty.ca/news/canada-saudi-arms-deal-flouts-international-law-amnesty-international-project-ploughshares-report/>

<sup>84</sup>House of Commons Standing Committee on Foreign Affairs and International Development, Assessing risk, preventing diversion and increasing transparency: strengthening Canada’s arms export controls in a volatile world, June 2021, [www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-9](http://www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-9)

<sup>85</sup>Amnesty International, Colombia: Cali: in the epicenter of repression: human rights violations during the 2021 national strike in Cali, Colombia, 30 July 2021 (Index: AMR 23/4405/2021), [www.amnesty.org/en/documents/amr23/4405/2021/en/](http://www.amnesty.org/en/documents/amr23/4405/2021/en/)

<sup>86</sup>Amnesty International, Canada must suspend weapons exports to Colombia, (Press release, 28 June 2021), [www.amnesty.ca/news/canada-must-suspend-weapons-exports-colombia](http://www.amnesty.ca/news/canada-must-suspend-weapons-exports-colombia)

# 10 | LONG-TERM CARE

## HOMES

■ *The long-term care (LTC) home system across the country is desperately in need of reform.*

While concerns had been raised over the years about the LTC model, few reforms<sup>87</sup> had been implemented and in some provinces<sup>88</sup> the oversight mechanisms had even been weakened. While attention focused on preparing the hospital sector in the early stages of the COVID-19 pandemic, LTC homes were quickly overwhelmed by the first wave of cases. Due to underlying health conditions, inevitable close contact between staff and residents, staff working at multiple facilities, and the nature of congregate living settings, residents of LTC homes were disproportionately at risk of infection<sup>89</sup> and serious outcomes of COVID-19 including death. In August 2020, residents of LTC and retirement facilities accounted for over 80%<sup>90</sup> of all reported COVID-19 deaths. As of July 21, 2021, deaths in such facilities accounted for 58%<sup>91</sup> of COVID-19 deaths in Canada since the start of the pandemic, with a total of 15,205 resident deaths and 30 staff deaths.

The extraordinarily high death rates in LTC homes

during the first wave of the pandemic made media headlines and sparked investigations and inquiries. Under-resourced and inadequately overseen, many LTC homes were unable to meet existing obligations to both workers and residents, and were quickly overwhelmed. The pandemic rapidly revealed that the LTC sector lacked<sup>92</sup> the capacity to provide the necessary health care and social services for residents on an ongoing basis, let alone during a public health crisis. More than half of LTC homes reported critical staff shortages in 2020, and approximately one-third experienced critical shortages<sup>93</sup> of PPE. Some LTC homes reported difficulties<sup>94</sup> obtaining guidance and support to respond to the initial stages of the pandemic. Overall, the long-term care sector found itself isolated<sup>95</sup> in the face of an unprecedented and rapidly evolving public health crisis.

Vaccinations and improved infection prevention measures have reduced, but not eliminated,

outbreaks<sup>96</sup> in LTC homes. Numerous task forces, studies, investigations, and private and public inquiries looking at the impact of COVID-19 on LTC homes were conducted in 2020-21 or are currently underway across the country.

In light of the COVID-19 pandemic, it is clear that maintaining a level of care and services that respects the dignity and integrity of people in care is complex and fragile, especially in the context of a major disease outbreak.

## THE LONG-TERM HEALTHCARE SECTOR HAS BEEN ISOLATED WHILE FACING A RAPIDLY EVOLVING AND UNPRECEDENTED PUBLIC HEALTH CRISIS

### AMNESTY INTERNATIONAL CALLS ON CANADA AND THE PROVINCES TO

- Ensure that long-term care clients benefit at all times from humane, continuous, safe, quality care that focuses on their needs and rights.
- Make available adequate and timely resources to all levels of health services to ensure this response.
- Not use the pandemic as a justification for dehumanizing care and services or for failing to protect the most vulnerable in our society.
- Ensure that the national standards for the LTC sector (currently under development by the Standards Council of Canada, Health Standards Organization, and Canadian Standards Association) include effective consultation with stakeholders and integrate the human rights of LTC home residents, their relatives, and workers.

<sup>87</sup>Office of the Chief Science Advisor for Canada, Report of a Special Task Force prepared for the Chief Science Advisor of Canada Summer 2020, [www.ic.gc.ca/eic/site/063.nsf/vwapj/Long-Term-Care-and-Covid19\\_2020.pdf/\\$file/Long-Term-Care-and-Covid19\\_2020.pdf](http://www.ic.gc.ca/eic/site/063.nsf/vwapj/Long-Term-Care-and-Covid19_2020.pdf/$file/Long-Term-Care-and-Covid19_2020.pdf)

<sup>88</sup>Office of the Auditor General of Ontario, COVID-19 Preparedness and Management Special Report on Pandemic Readiness and Response in Long-Term Care, April 2021, [https://www.auditor.on.ca/en/content/specialreports/specialreports/COVID-19\\_ch5readinessresponseLTC\\_en202104.pdf](https://www.auditor.on.ca/en/content/specialreports/specialreports/COVID-19_ch5readinessresponseLTC_en202104.pdf)

<sup>89</sup>Supra, note 86, at page 6.

<sup>90</sup>Janine Clarke, Impacts of the COVID-19 pandemic in nursing and residential care facilities in Canada, 10 June 2021, page 1 citing the Canadian Institute for Health Information 2020, <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2021001/article/00025-eng.htm>

<sup>91</sup>See <https://ltc-covid19-tracker.ca/>

<sup>92</sup>Supra, note 89, at page 16.

<sup>93</sup>Supra, note 90, at page 2.

<sup>94</sup>Supra note 87.

<sup>95</sup>Ibid.

<sup>96</sup>International Long Term Care Policy Network, The rollout of COVID-19 vaccines in Canadian long-term care homes, 30th March update, 1 April 2021, [www.ltccovid.org/2021/04/01/the-rollout-of-COVID-19-vaccines-in-canadian-long-term-care-homes-30th-march-update/](http://www.ltccovid.org/2021/04/01/the-rollout-of-COVID-19-vaccines-in-canadian-long-term-care-homes-30th-march-update/)

# 11 | CANADIANS DETAINED

## ABROAD

Many Canadians are detained abroad for various reasons, often in inhumane conditions that endanger their lives, health and safety, and violate international law.

Although Michael Kovrig and Michael Spavor have returned to Canada after a massive campaign for their release, there has been no progress in the case of Huseyin Celil, a Canadian citizen who has been held in China since 2006. This suggests inconsistency in consular services and some Canadian citizens are being left behind.

Following the defeat of the so-called Islamic State in Baghouz, Syria in March 2019, several Canadians were detained by Kurdish forces. They have been in detention in conditions that UN experts have said<sup>97</sup> may amount to torture and other cruel, inhuman or degrading treatment or punishment. Despite these findings, no concrete steps have been announced by Canada to put an end to the human rights violations being experienced by this group of citizens.

To date, Canada has only repatriated one orphaned girl from Northeast Syria (in October 2020), as well as one four-year-old girl<sup>98</sup> (in March 2021). Requests for further information have not been addressed.

In June 2021, the House of Commons Standing Committee on Foreign Affairs and International

Development issued a report<sup>99</sup> that recommended that Canadian children in Northeast Syria be repatriated. A supplementary opinion<sup>100</sup> recommended that consular services be provided to all Canadians detained there.

Although not formally detained by Saudi authorities, Nathalie Morin is a Canadian citizen who has been stranded in Saudi Arabia since 2005. Amnesty International considers<sup>101</sup> her to be a survivor of gender-based violence. Her mother travelled to Saudi Arabia in 2019, with hopes of finalizing the paperwork to allow Nathalie and her children to return to Canada, but was unfortunately unsuccessful.



### AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Provide robust consular services to Canadians detained abroad, regardless of the reasons for their detention.
- Do everything possible to ensure that the human rights of Canadians detained abroad are respected, and that they are protected from unfair trials, all forms of torture, inhumane or cruel treatment, or any form of punishment, and that they be protected from the death penalty.
- Take every lawful action to end the human rights abuses of Canadians detained in Northeast Syria, while ensuring that such action does not discriminate on the basis of gender, political views or religion, and that it respects the rights of the child and the principle of family unity.
- Provide robust and proactive consular assistance to Canadians detained in Northeast Syria.
- Ensure there is accountability for any international crimes that may have been committed by detainees, including by Canadians, in a manner that is consistent with international law.
- Release its assessment about the alleged torture and mistreatment of Canadians detained in Northeast Syria.
- Provide the necessary consular support and diplomatic engagement to allow Canadians Huseyin Celil and Nathalie Morin and her children to return to Canada.

<sup>97</sup>Office of the High Commissioner for Human Rights, Syria: UN experts urge 57 States to repatriate women and children from squalid camps, 8 February 2021, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26730&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26730&LangID=E)

<sup>98</sup>'Canadian girl, 4, freed from Syrian detention camp', CBC News, 15 March 2021, [www.cbc.ca/news/politics/isis-detention-camp-child-canada-1.5949996](http://www.cbc.ca/news/politics/isis-detention-camp-child-canada-1.5949996)

<sup>99</sup>House of Commons, Report of the Standing Committee on Foreign Affairs and International Development, Part 2 of a study on the aftershocks of the COVID-19 pandemic - Confronting a child rights crisis and restoring hope, 2nd Sess, 43rd Parliament, 2nd Session, June 2021, [www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-7/](http://www.ourcommons.ca/DocumentViewer/en/43-2/FAAE/report-7/)

<sup>100</sup>Ibid., at page 37.

<sup>101</sup>Amnesty International, She couldn't be separated from her children: In conversation with Johanne Durocher, 23 June 2021, <https://www.amnesty.ca/blog/%E2%80%9Cshe-couldn%E2%80%99t-be-separated-her-children%E2%80%9D-conversation-johanne-durocher>

# 12 | HUMAN RIGHTS

## DEFENDERS IN CANADA

Human rights defenders (HRDs) peacefully advocate for human rights. With an increasing number of populist governments around the world, the space for civil society to advocate for rights is rapidly shrinking. Globally, many HRDs are criminalized, stigmatized, harassed, and targeted with violence to silence their voices.

Some have no choice but to flee, and some seek safe haven in Canada. However, services and supports for these activists are lacking in Canada, and in our globalized world, the security threats they face outside Canada often follow them here, where a lack of government knowledge and coordination impedes efforts to both protect and support them<sup>102</sup>.

In March 2020, Sisters Trust Canada published a groundbreaking report<sup>103</sup> on the experience of women human rights defenders living in exile in Canada.

In June 2021, Canada followed through on its commitment<sup>104</sup> to develop a dedicated program to resettle 250 HRDs, including their immediate families, every year.

In spring 2021, civil society and government met for the first time to discuss how to better understand and meet the needs of human rights defenders living in exile in Canada. Greater understanding and action by government, working in close collaboration with HRDs, are critical to ensure the safety and well-being of HRDs living in exile.

### THE SPACE FOR CIVIL SOCIETY TO DEFEND RIGHTS IS SIGNIFICANTLY SHRINKING

<sup>102</sup>Sisters Trust Canada and UQAM's International Clinic for the Defense of Human Rights, "Women Human Rights Defenders in Exile in Canada," March 2020.

<sup>103</sup>Ibid.

<sup>104</sup>Office of the Prime Minister, "Minister of Immigration, Refugees and Citizenship Mandate Letter," 13 December 2019, [pm.gc.ca/en/mandate-letters/2019/12/13/minister-immigration-refugees-and-citizenship-mandate-letter](https://pm.gc.ca/en/mandate-letters/2019/12/13/minister-immigration-refugees-and-citizenship-mandate-letter)



### AMNESTY INTERNATIONAL CALLS ON CANADA TO

- Create a focal position in government dedicated to coordinate government activities to support HRDs living in exile in Canada.
- Put in place clear and transparent mechanisms for HRDs to report threats to their security and access to justice in Canada.
- Put in place, in collaboration with HRDs, specific supports and services to best meet their unique needs when they relocate to Canada.

# MOVING FORWARD

In April 2020, we mobilized 300 Canadian civil society actors to propose 10 human rights principles<sup>105</sup> to guide governments in Canada in their management of public health measures. No province has responded to our call, and the federal government's response was tepid. We call on all levels of governments of Canada to revisit our call.

COVID-19 does not affect everyone equally. Marginalized populations, already at risk, are most harmed. An intersectional analysis that is sensitive to issues of systemic racism shows us that, in addition to seniors, migrant, Black, racialized and Indigenous Peoples are among those most impacted. We have a long way to go towards building a truly anti-racist and inclusive society. This pandemic has highlighted that gender-based and intersectional justice has yet to be achieved, and that even a virus can set back progress. The rise in violence and femicide is overwhelming.

We have outlined 58 concrete recommendations. We ask all key actors responsible for the implementation, protection, and realization of human rights in Canada to respond to these calls.

Amnesty International is equally concerned about Canada's failure to address the unequal global access to COVID-19 vaccines. A just economic recovery from the pandemic can only begin for all once there is universal and equal access to COVID-19 vaccines. Globally, we must remember that, due to lack of resources, most countries will not have access to any vaccines until 2023. And even if they did have these resources, Western countries have monopolized available and future vaccine stocks. Canada alone has purchased enough vaccines for five times its population.

We call on the newly elected federal government, we to take a stand on each of these recommendations and to inform Canadians of their concrete intentions and commitments. Likewise, we ask all opposition parties in the House of Commons to inform Canadians of their positions vis-à-vis these recommendations, and to monitor their implementation by the elected government.

Amnesty reiterates its call for the Canadian government to show exemplary leadership in international solidarity. Canadians will never be safe until the world is fully protected.

Amnesty International is a global movement of more than ten million supporters, members and activists in over 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for all people to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion, and are funded mainly by our membership.

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Until everyone can enjoy all of their rights, we will continue our efforts. We will not stop until everyone can live in dignity; until every person's voice can be heard; until no one is tortured or executed.

Our members are the cornerstone of these efforts. They take up human rights issues through letter-writing, online and off line campaigning, demonstrations, vigils and direct lobbying of those with power and influence.

Locally, nationally and globally, we join together to mobilize public pressure and show international solidarity.

**Together, we make a difference.**

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<sup>105</sup>Amnesty International, Canada: 301 organizations, academics and others urge governments to adopt human rights oversight of COVID-19 responses, 15 April 2020, [www.amnesty.ca/news/canada-301-organizations-academics-and-others-urge-governments-to-adopt-human-rights-oversight-of-covid-19-responses/](http://www.amnesty.ca/news/canada-301-organizations-academics-and-others-urge-governments-to-adopt-human-rights-oversight-of-covid-19-responses/)