



We thank the Committee for its interest in rights violations associated with Canada's imprisonment of vulnerable migrants. Unfortunately, Canada's responses to the questions raised during the session did not address key issues, especially given that detainees continue to die in custody due to Canada's arbitrary and cruel treatment.

JUNE 2015 DEATH OF MIGRANT WITH SCHIZOPHRENIA HELD IN PROVINCIAL JAIL FOR 3 YEARS

We would like to alert the Committee to the fact that on June 11, after our formal submission was due, an immigration detainee with serious mental health issues (schizophrenia), Abdurahman Ibrahim Hassan, died after being held in a provincial jail for over approximately three years months awaiting deportation to Somalia. At least 11 immigration detainees have died in custody since 2000.

QUESTIONS NOT ADEQUATELY ADRESSED BY CANADA

Alternatives to detention - Canada stated that CBSA policy requires that it must consider all reasonable alternatives to detention, including reporting requirements, deposits, and guarantees, and that vulnerable migrants are only detained as a last resort. Their response omits the following crucial information:

- Over 7000 persons were detained in 2013 (University of Toronto Brief, p. 2)
- On its website, government publicly states that one of the reasons it will transfer detainees from a dedicated immigration holding centre to a provincial jail is the existence of mental health issues (University of Toronto Brief, pp. 27-28)
- There are no *viable* alternatives to detention from persons with mental health issues and serious mental health issues are most often a barrier to community release (University of Toronto brief, pp. 22-23)

Indefinite detention – Canada stated that the average period spent in detention is 23 days.

- Canada did not address the fact that there are no time limits on detention (no “presumptive period”) and this leads to cases of long-term, indefinite detention. In a case that was investigated by the UN Working Group on Arbitrary Detention, Michael Mvogo has been continually held for over seven years (University of Toronto Brief, pp. 3, 24-25)

Oversight – Canada stated that CBSA has internal professional standards and a legislated resource program for travelers and businesses, and that CBSA has an agreement with the Canadian Red Cross Society to monitor detention.

- None of the oversight or accountability mechanisms referred to by Canada relate to immigration detention; there is no oversight body or ombudsperson to which detainees held in provincial jails or immigration holding centres can complain about conditions of detention (University of Toronto Brief, pp. 28-30).
- The Red Cross has never been provided with access to monitor Ontario provincial jails, despite the fact that 60% of detention occurs in that province (4000+ persons) (University of Toronto Brief, p. 30)

KEY RECOMMENDATIONS NECESSARY FOR FUTURE DOMESTIC ADVOCACY

The release of our report, “We Have No Rights: Arbitrary and Cruel Treatment of Migrants with Mental Health Issues in Canada” received coverage in all the major Canadian news outlets and sparked a national conversation. We would be most grateful for strong recommendations to assist us to press Canada to reforms laws and policies to bring them in line with the UNHCR’s Detention Guidelines. We ask the Committee to recommend that Canada:

1. Create an independent body or ombudsperson responsible for overseeing and investigating the CBSA, and to whom immigration detainees can hold the government accountable.
2. Amend existing laws, regulations, and policies to create time limits on detention consistent with the UN High Commissioner for Refugees’ Detention Guidelines.
3. Ensure there are viable alternatives to detention in place for vulnerable migrants, including those with mental health issues and other health issues, asylum-seekers, and torture survivors.